The Promise of Wisconsin's 1999 Comprehensive Planning Law: Land-Use Policy Reforms to Support Active Living

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Abstract Weaving together the disciplines of planning and policy change with the emerging research of active living, this article explores the competing interests and underlying political forces behind the design and passage of Wisconsin's Comprehensive Planning Law of 1999. While Wisconsin's law remains a work in progress, it illustrates the contemporary policy battles over land use and smart growth and the resurgence of the property-rights movement. It further highlights the influence of smart-growth coalitions and policy networks on planning reform. The authors suggest that planning practitioners and active-living proponents can adapt and transfer these policy lessons from Wisconsin to address the complex relationships of the built environment, physical activity, and the nation's current obesity problem through state and local planning reforms.

Introduction

Nearly ten years ago, a diverse coalition of civic, nonprofit, business, and government leaders came together to forge a pioneering piece of land-use planning legislation. Wisconsin's Comprehensive Planning Law of 1999, often known as the "Smart Growth Law," ensures that a comprehensive plan will guide just about every city, village, county and many towns by 2010[1] — still an ambitious policy goal for most states. Wisconsin's law

1. Wisconsin's Comprehensive Planning Legislation originated as part of 1999 Wisconsin Act 9. Wisconsin State Statutes, chapter 66, General Municipal Law 66.1001 codified comprehensive planning guidelines; Wisconsin State Statute chapter 16, Department of Administration, subchapter 6, State Planning and Energy 16.965 codified planning grants to local government units; Wisconsin State Statutes, chapter 66, General Municipal Law 66.1027 codifies

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requires that, after 2010, all essential land-use powers and decisions (e.g., zoning and subdivision approvals) must be consistent with locally adopted comprehensive plans. Failure to adopt a plan could mean that local government would lose the autonomy to make their own land-use policies. For those local governments that do plan, the law provides grants to assist the community planning process and requires that communities engage their citizens in formulating these plans. One of law's most innovative features is the traditional neighborhood development (TND) requirement — all cities with a population greater than 12,500 must adopt an ordinance that encourages more compact, pedestrian-friendly, mixed-use development — the ideal built environment to support active living.

Planning

Compared with other state enabling acts, Wisconsin's planning law sets forth a comprehensive framework of carrots and sticks to encourage good planning and hence better land-use policy. As part of the most recent wave of statewide planning reforms,[2] Wisconsin's law infuses contemporary smart-growth principles with a classic planning framework that seeks to balance local government independence, private property rights, and development pressures through locally driven comprehensive land-use plans. The Wisconsin experience highlights the struggles of policy makers to address the contemporary political and policy tensions over smart growth, land-use regulations, and private property.

Policy Change

Wisconsin's planning reform illustrates the process of policy change. How policy change comes about can often be as important as the regulatory

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model ordinances, including one for traditional neighborhood development and another for conservation subdivisions; Wisconsin State Statutes, chapter 1: Sovereignty and Jurisdiction of the State 1.13 codifies state agency involvement in comprehensive planning. For references and further explanation, see the Comprehensive Planning Statutes Updates accessible through Wisconsin's Department of Administration at www.doa.state.wi.us/category.asp?linkcatid=743&linkid=128&locid=9.

2. Based on the state growth-management planning reforms of the 1970s and 1980s, smart growth emerged in the early 1990s as a movement of environmental interest groups and policy makers seeking to guide land development in an environmentally sensitive manner through open-space and farmland conservation, compact housing choices, transit-oriented development, and in-fill development. More than thirty-five national and statewide organizations and professional associations now comprise the national Smart Growth Network.

reform itself. Wisconsin's law grew from a collaborative consensus-building process among diverse stakeholders, such as environmental groups, local governments, home builders, planners, and real-estate agents, often with competing interests (J. Deschane, interview, November 7, 2005), dynamics well captured by the Policy Network Model and Advocacy Coalition Framework (ACF). The policy process also identifies essential ingredients, such as policy entrepreneurs, that spawn innovation (e.g., how did these policy actors identify a problem? and what resources or expertise did they rely upon in crafting and enacting the solution? [Gray and Lowery 2000]) as well as the implementation and evaluation of the program or policy.

Active Living

When the framers of Wisconsin's Comprehensive Planning Law began meeting in the summer of 1998, the health policy links between land use, the lack of daily physical activity, and obesity had yet to emerge on the public policy agenda. Although today's active-living precepts did not shape state land-use policy in Wisconsin, its Smart Growth Law promotes more compact, walkable neighborhood design that can encourage daily physical activity and healthier communities. Learning from the Wisconsin experience, policy makers and practitioners will be better equipped to design and enact their own land-use planning frameworks to promote active-living policies.

Case Study Methodology

With assistance from the Robert Wood Johnson Foundation and guidance from 1000 Friends of Wisconsin, the authors prepared two case studies that document Wisconsin's eight-year effort to adopt and implement its new comprehensive planning system. The authors' primary resources were personal interviews with the stakeholders involved in creating and implementing the law.[3] Narrative policy analysis captures the comments and insights from relevant communities and constituencies about the

3. During the fall of 2005 and spring of 2006, we met several times with the designers of Wisconsin's Comprehensive Planning and Smart Growth Law to uncover the stories behind its adoption and recent attempts by the legislature and property-rights activists to repeal it. During the summer of 2006, we toured ten different Wisconsin communities to understand the challenges of implementing planning reform in rural towns, suburban villages, and small and large cities.

impact of policy reform. Hamin (2003: 371) suggests that researchers look beyond the technical elements and listen closely to the affected groups to understand "a policy's values, metaphors, and connotations as they understand them." From the rich personal narratives we captured in Wisconsin, we extract process and policy lessons that planners, policy makers, and active-living practitioners can apply in their own communities.

We spoke with approximately forty practitioners and policy makers, including framers of the law and planners who were involved with local comprehensive planning processes. We discovered, as Stake (1995: 64) points out, that "the interview is the main road to multiple realities," as we heard stories of resilience and creativity in the ways planners engaged the public, elected officials, and planning commissioners in often intense public debate over comprehensive planning. As part of the case study project, we partnered with 1000 Friends of Wisconsin for "gaining access and engaging assistance" (Bardach 2005: 71).[4]

Forces and Faces behind Wisconsin's Comprehensive Planning Reform

Ten years ago, mounting discontent over Wisconsin's inconsistent and outdated land-use policies came to a head. Citizens were alarmed by the rapid conversion of farmland on the suburban and rural fringe, while builders and real-estate professionals were frustrated by the lack of certainty created by inconsistent rules and procedures administered by a maze of local governments. Many communities throughout the state were experiencing dramatic population growth and land-development pressures, but local governments were ill prepared to manage the impacts of growth (e.g., traffic congestion and lack of affordable housing) given obsolete state land-use policies (Nolon 2005). Everyone agreed there was a problem, but no one could agree on the solution. (See table 1.)

Impasse and the Seeds of Reform

By the early 1990s, sprawl made headlines in many Wisconsin towns (Ivey 1995). The Wisconsin State Interagency Land Use Council's final

4. We gave interviews with staff from 1000 Friends the same weight as those with other participants in the process to minimize the potential for bias. Despite our best efforts, key members of the state legislature refused to speak with us directly, and we could not reach organizers of the groups that opposed the Smart Growth Law in north-central Wisconsin.

Table 1 Wisconsin Time Line: Comprehensive Planning, Smart Growth, and Property Rights

1994 (September)	Republican Governor Tommy Thompson issued Executive Order 236 creating the State Interagency Land Use Council and the Wisconsin Strategic Growth Task Force
1995	"Nolen in the 90s"—The first Nolen to Now Conference, Madison
1996	*Planning Wisconsin: Report of the State Interagency Land Use Council* or the *Red Book*
1996	1000 Friends and the Land Use Institute incorporated
1997	Wisconsin Land Council created by 1997 Wisconsin Act 27
1998 (June)	The Ohm group formed to create language of the comprehensive planning law that would become known as the "Smart Growth Law"
1999 (October)	**Comprehensive Planning Law passed as part of fiscal years 2000–2002 biennial budget**
2000	Governor Thompson leaves for Washington, DC, and Lieutenant Governor Scott McCallum takes over
2001	The second Nolen to Now Conference, Madison
2002	Jim Doyle (D) elected governor
2003	**Republican assembly members attempt to repeal Comprehensive Planning and Smart Growth Law—Representative Sheryl Albers shelves proposal in committee**
2004	Emergence of active living as transdisciplinary field linking planning and design to public health and physical activity (Sallis, Linton, and Kraft 2005)
	Sunset of the Wisconsin Land Council
2005	Survey of rural comprehensive plans by University of Wisconsin, Stevens Point
	Legislature approves bill to repeal Comprehensive Planning and Smart Growth Law
	Governor Doyle vetoes legislative attempt to repeal Comprehensive Planning and Smart Growth Law
2005 (June)	U.S. Supreme Court renders opinion on eminent domain powers of local government in *Kelo vs. New London*
2006	The third Nolen to Now Conference, Madison
	Wisconsin's legislature rejects property-rights compensation bill based on Oregon's Measure 37
	Arizona voters approve property-rights protection act based on Oregon's Measure 37
(November)	Governor Doyle reelected and Democrats take over the state senate while Republicans maintain control of the assembly
2007 (March)	Governor Doyle announces 2007 planning grants of $2 million to twelve applicants that cover 145 counties, cities, villages, and towns with a cumulative population of over 350,000 people.
	Assembly proposes to exempt all municipalities of less than 2,500 from the Comprehensive Planning and Smart Growth Law

report (1996) noted a 30 percent decline in Wisconsin farmland from 1950 to 1990. For many years, environmentalists, such as former Wisconsin senator Gaylord Nelson (the father of Earth Day), were worried about the ecological impacts of new development on the suburban and rural fringe.

In this traditional rural-agricultural state, with only two major metropolitan centers — Madison and Milwaukee — population growth, demographic shifts, and haphazard development lead to the rapid conversion of farmland and open space. Population and growth trends were testing Wisconsin's populist roots as the state became far more urban. State population estimates for 2030 projected the fastest growth for counties near metropolitan areas, such as Dane and Milwaukee in the southeastern part of the state. Conversely, the rural counties in the central and northern part of the state were predicted to grow much more slowly (Egan-Robertson, Harrier, and Kale 2004).[5]

At the same time, builders and real-estate professionals voiced frustrations about the uncertainty created by inconsistent rules and land-use procedures administered by local governments (J. Deschane, interview, November 7, 2005). Different rules in different communities caused significant delays in getting projects built, thereby increasing the developers' land holding costs, pending final development approvals. State law did not require local governments to adopt land-use plans or set standards for how to create them. Land-use planning was a permissive policy at that time. For those cities that did have plans in place, Wisconsin case law did not demand consistency between plans and local zoning and subdivision ordinances, making it difficult for communities to coordinate local land-use policy and make sound land-use decisions. Despite Wisconsin's rich planning legacy,[6] by 1998 fewer than 30 percent of the communities in the state had adopted land-use plans (Ohm and Schmidke 1998). "Wisconsin's local government structure is often at the heart of the lack of consensus over the land use issue" (Ohm 2005). Meanwhile, communities through-

5. Census data from 2000 indicate that the total area of urban land in Wisconsin is less than 3 percent, but roughly 68.3 percent of Wisconsin's population lives in urban areas; the remaining 97 percent of the rural land is home to about 32 percent of the state's population.

6. Wisconsin was one of the first states to adopt local planning-enabling laws that put land-use decision making in the hands of local government. By 1925, cities and villages could create plan commissions to coordinate development within a jurisdiction. Locally chartered regional planning commissions were authorized by state law in 1955, and counties were granted the power to create planning agencies in 1967. During the early years of the environmental movement Wisconsin adopted a progressive Shoreland Protection Program to conserve land and natural resources around the state's lakes (Meck 2005).

out the state found it difficult to respond to the challenges of population growth or economic disinvestment given obsolete state land-use policies.

State Policy Actions—Sowing the Seeds of Planning Reform. Land-use reform began to emerge as a policy priority because of several state task forces and studies by the Wisconsin Department of Natural Resources (1995) and the Wisconsin Department of Transportation (1993). In 1994, then-governor Republican Tommy G. Thompson created the State Interagency Land Use Council and Wisconsin's Strategic Growth Task Force—a gubernatorial effort to address the state's deteriorating land-use planning system (Ohm 2005). The council included state agency officials from the departments of agriculture, trade and consumer protection, development, industry, labor and human relations, natural resources, revenue, and transportation. The powerful Department of Administration (DOA), which oversaw all state agency budgets, would manage the council. Members of the task force included local government officials, planning practitioners, and representatives from the statewide conservation and real-estate development organizations to advise the council. They met for eighteen months to identify problems with Wisconsin's land-use system, devise a series of land-use planning goals, and set forth a vision for planning reform (B. Ohm, interview, November 8, 2005). Policy discussions and relationships forged through the task force and council set the stage for subsequent collaboration on the comprehensive planning law as several participants sought to continue the dialogue on planning reform after the council's formal dissolution (D. Cieslewicz, interview, November 7, 2005).

Planning Wisconsin—The Report of the State Interagency Land Use Council (1996) (often known as the *Red Book*) made a number of specific recommendations to facilitate better land-use planning for each level of government and suggested ways to engage citizens. Most important, it proposed the creation of a new council tasked with articulating "clear land use goals" (Wisconsin State Interagency Land Use Council 1996: 5). Wisconsin Act 27 (1997) officially created the Wisconsin Land Council to ensure state agency cooperation on land use and create a statewide information service; it would also provide technical assistance to local government officials and recommend legislation to further state land-use goals. The chair of the new land council was secretary of the DOA, Mark Bugher—a former real-estate broker and county commissioner from Eau Claire County who was deeply committed to land-use reform (B. Ohm, interview, November 7, 2005).

Building Momentum for Smart Growth. During the early 1990s, local officials and community and business organizations throughout Dane County, especially in Madison, began to look at examples of new urbanism from other states and regions in response to proposals to build traditional neighborhood developments (Ohm 2000).[7] They took a keen interest in the emerging concepts of new urbanism and smart growth, given the region's explosive growth, its fabric of compact, pedestrian-friendly neighborhoods, and rich history of innovative planning (Nolen 1911).

In 1995, Madison and Dane County civic leaders, architects, and activists convened the first regional forum to explore the resurgence of interest in designing more compact, traditional neighborhoods. Keynote speaker architect Andres Duany, a leader of the growing new urbanist movement, inspired local leaders with his vision for building a neotraditional community (Middleton Hills)—similar to his nationally acclaimed Seaside, Florida, development—in the City of Middleton, a suburb of Madison. Ideas from the conference, along with the problems Duany encountered in getting approvals for Middleton Hills, inspired some drafters of the comprehensive planning law to include a TND provision (D. Cieslewicz, interview, November 7, 2005).

The Land-Use Divide. The state Interagency Land Use Council concluded that the land-use system in Wisconsin did not have a common land-use vision, lacked coordination and clear organizational goals, and provided insufficient technical and financial resources for land-use planning. Although the interagency council's final report (*Planning Wisconsin*) offered a number of recommendations for reform, local governments worried about the report's potential impact on local land-use powers. After its own independent review of the report, Wisconsin's Joint Legislative Council concluded there was "virtually no consensus" on land-use in Wisconsin (Ohm 2005: 219). About this same time, the Wisconsin courts issued several controversial decisions that upheld exclusionary local government land-use decisions that rejected affordable housing projects and mixed-use developments as being inconsistent with local plans (Nolon 2005). Frustrated by these court decisions, the Wisconsin Builders Association (WBA) and the Wisconsin Realtors Association (WRA) supported a bill to eliminate local powers to reject subdivisions based on local mas-

7. "New urbanism" is a design philosophy and urban-development trend that reintroduces early-twentieth-century architecture and planning principles that promote walkable, compact neighborhoods, a mix of uses, front porches, public open spaces, and town centers. New-urbanist developers seek to re-create urban neighborhoods as alternatives to suburban sprawl.

ter plans. Local government and environmental interest groups successfully opposed the legislation.

Even with the formation of the Wisconsin Land Council in 1997, there was not sufficient support from the governor's office or the legislature to propose new land-use legislation. The Republican-controlled assembly would pass bills drafted by the WRA that would restrict local planning powers only to have environmentalists and local governments persuade the Democratic state senate to reject them. Everyone agreed there was a problem, but traditional policy avenues did not allow the divergent interests to get past the policy and political divisions (Booher and Innes 2002).

Convergence of Competing Interests and Ideas

Meanwhile a critical element of convergence on planning reform was the 1996 formation of 1000 Friends of Wisconsin, a statewide environmental group, led by its cofounder and first executive director Dave Cieslewicz (now the mayor of Madison). After serving on the state's Strategic Growth Task Force as a representative of the Nature Conservancy, Cieslewicz and a core group of task-force members formed a statewide land-use organization so they could continue the dialogue (Ohm 2005). Based on the model of 1000 Friends groups from other states, 1000 Friends of Wisconsin's first board of directors included conservation legend Bud Jordahl and his former boss, U.S. senator Gaylord Nelson, serving as honorary chair. When Cieslewicz took the helm of 1000 Friends, his top priority was to fix the state's land-use system by working with development groups that typically opposed local government planning (B. Ohm, interview, November 8, 2005; D. Cieslewicz, interview, November 7, 2005).

At this time, the WRA's pro–property-rights policy agenda was not polling well in many parts of the state (B. Ohm, interview, November 7, 2005). Given its legislative failure to restrict local governments' land-use powers, the WRA surveyed its members to gauge attitudes toward smart growth and development conflicts. Real-estate agents throughout the state worried less about smart growth than about single-issue groups (e.g., the classic "not in my back yard" syndrome) that were mounting successful campaigns to stop development projects or types of development such as big-box retail. Wisconsin's land-use planning frameworks made it hard for communities to adopt effective neighborhood and community planning or consider the larger impacts of regional growth (T. Larson, interview, November 7, 2005). Moreover, existing land-use decisions were controlled by a few local officials; thus, the existing planning process did not ensure

consistent land-use decisions or public participation by diverse stakeholders — including the voice of real-estate professionals.

Another critical step toward consensus was the emerging partnership between Cieslewicz at 1000 Friends and Tom Larson, the WRA's director of regulatory and legislative affairs. Both leaders were intrigued about the concepts of new urbanism and smart growth — Cieslewicz was inspired by the presentation at the first Nolen conference, and Larson was influenced by the National Association of Realtors' smart-growth programs and publication *On Common Ground.*

Convener and Collaborative Process. During this time, University of Wisconsin planning professor Brian Ohm had written several research papers evaluating the Wisconsin planning system and suggesting ideas for reform. After reviewing Ohm's research, the WRA and the WBA began to realize that, from a market perspective, good land-use planning could lead to good neighborhoods that would increase the opportunity for their members to build and sell more homes (T. Larson, interview, November 7, 2005; B. Ohm, interview, November 8, 2005). As a general rule, real-estate agents primarily benefit from the resale of homes in established neighborhoods; thus, they have a strong economic interest in neighborhood and community planning that preserves and protects neighborhood assets and character — stable neighborhoods sell homes.

Recognizing the convergence of interests, Larson and Cieslewicz agreed to support a land-use working group to repair the state's planning laws (B. Ohm, interview, November 8, 2005). With the real-estate agents, home builders, and 1000 Friends on board, Cieslewicz, Ohm, and Larson, along with WRA executive director Bill Malkasean and WRA's chief lobbyist, met with DOA secretary Bugher to enlist his support (ibid.). Given his previous experience as a real-estate agent and his work through the Land Use Council, Bugher agreed that, if a group of diverse stakeholders could reach consensus on comprehensive planning reform, he would get Governor Thompson to introduce the reform in the 1999 biennial budget. With support from a reform-minded governor, Bugher put the executive branch of state government and its agencies in a position to accept reform.

Discussions, Debates, and Design of the Planning Reform. Building on the University of Wisconsin's strong tradition of community service, Ohm agreed to design and facilitate this consensus-based process. Starting in late summer of 1998, representatives from the pivotal statewide profes-

sional associations (e.g., WRA, WBA, Wisconsin Alliance of Cities, Wisconsin Towns Association, Wisconsin Road Builders, Wisconsin Counties Association, the Wisconsin chapter of the American Planning Association, and others) along with 1000 Friends and staff from the state Office of Land Information Services met every other week for six months.

COMPREHENSIVE PLANNING DEFINITION. While participants seemed to support planning, Ohm found that people were talking past each other at first (B. Ohm, interview, December 5, 2005). Ohm focused the group on defining comprehensive planning, so that participants could create a common language and enhance understanding of how planning could support their diverse interests. Every word became critical to the effectiveness of the process. Reviewing planning legislation from other states and early drafts of the American Planning Association's preliminary analysis from its *Growing Smart Initiative*, the Ohm Group began to develop a definition of a comprehensive plan. The real-estate agents and home builders were initially worried that the group might follow the strong state-driven growth-management models found in Oregon and Washington (T. Larson, interview, November 7, 2005). "Oregon was an example of what we did not want in Wisconsin" (ibid.). A strong mandate for planning, like that of Oregon or California, would not work within Wisconsin, given its rural interests and maverick sense of independence.

Eventually the developers and environmentalists identified common ground in making the local land-development process more predictable (M. Blaska, interview, March 10, 2006). For developers, a more predictable regulatory system saves time and hence money — they can more accurately gauge what types of projects local councils and planning commissions will approve. For smart-growth environmentalists, consistent land-use rules generally lead to more consistent development patterns that minimize or mitigate environmental impacts and promote a higher quality of life.

THE STICKS: PLANNING CONSISTENCY AND THE 2010 DEADLINE. Most state planning statutes that mandate local government planning also require consistency between the plans and local zoning and subdivision ordinances. Although the group did not have time to reach consensus on planning consistency, it generally supported the idea that local government would have ten years to adopt land-use plans and that, after 2010, all essential land-use decisions must follow comprehensive plans (B. Ohm,

interview, December 5, 2005). This approach would give comprehensive planning a stronger policy and legal foundation, thereby enhancing the overall effectiveness of the local plans.

THE CARROTS: PLANNING GRANTS. Another turning point in the consensus-building process was the state planning grants as an incentive to get local government to buy in. The Ohm Group agreed that the state should support local comprehensive planning; however, the original proposal of $2 million in annual grants would not cover the planning processes of roughly 1,900 units of local government. At the eleventh hour of the negotiations, the Ohm Group proposed using the goals set forth in *Planning Wisconsin* as a way to prioritize planning grants. As the budget bill made its way through the legislative process, several additional goals were added by various interest groups. For example, one important planning goal called for local plans to respect private property rights, a goal that later would serve to create political support by key members of the state assembly (B. Ohm, interview, December 5, 2005).

After intense negotiations over critical terms and phrases, the Ohm Group reached consensus on draft legislation that would define comprehensive planning in Wisconsin law for the first time. The Ohm Group also agreed in principle to certain key reforms to the planning process, such as establishing requirements for citizen participation and setting a ten-year deadline for local governments to adopt plans with the state, providing funds for local planning efforts (Ohm 2000: 202).

Convergence to Promote and Pass the Reform. Champions — charismatic individuals who throw their weight behind an innovation — can overcome indifference or resistance to policy innovation (Rogers 2003). Instead of holding traditional power or political positions, contemporary policy champions may lead outside organizations or have access to key networks. Many of these new champions skillfully negotiate and build coalitions in support of the innovation (ibid.). Leadership by Larson and Cieslewicz was instrumental not only in drafting the law, but also in forging a new coalition among their respective constituencies to accept and promote it. The styles of Cieslewicz and Larson illustrate the influence of the contemporary policy champion, because they formed alliances to balance their respective interests: they aimed to fix the state's broken land-use system so it could limit sprawl, protect natural resources, and preserve existing neighborhoods while providing markets for housing development.

Larson, Ohm, and Cieslewicz delivered on their promise to Bugher — all

of the diverse interest groups were now behind the Ohm Group's proposal to redefine comprehensive planning. The Democratic leadership and Republican administration were ready to move forward. "We needed all of these players on board given the political split in Wisconsin at the time" (T. Larson, interview, November 7, 2005). Now this emerging coalition would have to convince enough Republican assembly members to support the legislation.

Legislative Tactics and Debate. State senator Brian Burke, a Democrat from Milwaukee and chair of the Joint Finance Committee, would take the lead on maneuvering the planning reform through the state senate. As author of several laws on brownfields redevelopment, Senator Burke was deeply committed to protecting the environment and furthering smart-growth concepts (B. Ashenfeldter, interview, November 8, 2005).

In January 1999, the comprehensive plan definition and planning grants were included as part of the governor's biennial budget bill—a common legislative maneuver within Wisconsin. Given the legislature's political divide, the budget process became the only viable vehicle for enacting major reforms. Placing the planning reform in the budget increased its chance of passing, because most legislators typically have several state programs they want to fund, making it difficult to vote against the entire budget. Governor Thompson was a master at shaping policy through the budget, given his extensive knowledge of the state's legislative process (ibid.).

As part of its routine drafting process, the Wisconsin Legislative Reference Bureau rewrote the Ohm Group's consensus definition of comprehensive planning—dramatically changing its meaning. Ohm worked with Senator Burke to reinsert the group's original language. As strong smart-growth advocates, Senator Burke and Cieslewicz took the liberty to enhance the bill with several smart-growth features—the Smart Growth Dividend and a requirement for TND ordinances. The dividend program would give local government additional state funds if its land-use plans promoted moderate-income, smart housing developments. Communities would essentially get one aid credit for every new dwelling rented or sold on less than 0.25 acres and another credit for every dwelling sold at less than 80 percent of the county's median sales price. The policy behind the TND provision was to make it easier for developers to build more compact, mixed-use, new-urbanist neighborhoods by requiring cities to adopt special TND ordinances that would approve projects by right.

While the comprehensive planning provisions and planning grants were

well received by state legislators, the smart-growth components required more extensive negotiations (B. Ohm, interview, November 8, 2005). Ohm was a little reluctant to expand the legislation as he worried that smart-growth concepts might distract from the primary goal of comprehensive planning reform (B. Ashenfeldter, interview, November 8, 2005). Burke was also a political pragmatist—he knew the smart-growth framework would not play well statewide—so he worked with Cieslewicz to narrow its scope (ibid.). Cieslewicz initially wanted all communities throughout the state to adopt TND ordinances. Representative David Ward from rural Jefferson County opposed such a broad state mandate—why should small farming towns worry about compact development? Larson from the WRA felt that design should not be a major objective of the entire law and worried that communities might perceive such design languages as a state mandate (T. Larson, interview, November 7, 2005). The TND provision was then restricted to smaller cities and villages with populations greater than 12,500.

During debates before the Joint Senate/Assembly Finance Committee, Chairman Burke reinserted the original Ohm Group planning definition with the new TND provision and smart-growth dividend program. The early prospects did not look good for voting the bill out of committee, because it was deadlocked along party lines—eight Democrats in favor and likely eight Republicans against. "At the 11th hour it looked as if the comprehensive planning reform was going down" (B. Ashenfeldter, interview, November 7, 2005). When the critical committee vote was taken, assembly member Sheryl Albers cast the lone Republican vote in favor—the planning reforms escaped on a nine to seven vote.

Albers, a representative from rural Reedsburg, Sauk County, was a staunch defender of private property rights. Larson and the WRA explained to her that comprehensive planning would strengthen housing markets, preserve developer and public investments in existing neighborhoods, and protect property values by controlling the uses of land—no one could build a manufacturing plant next to a home (T. Larson, interview, November 7, 2005). According to her legislative staff, Albers supported the law because it expressly mentioned respect for private property rights as one of the fourteen planning grant goals (B. Ohm, interview, November 8, 2005; B. Ashenfeldter, interview, November 8, 2005). Not all of Albers's colleagues felt this planning goal would be enough to protect private property rights. Several members were also frustrated with placing such an important piece of legislation in the budget—the governor was once again bypassing the traditional legislative process. Other

legislators generally opposed any state regulation that might interfere with local affairs, espousing a political philosophy of limited government.

Cieslewicz and Larson skillfully navigated the reforms through their friends in each legislative house. They did the legwork to educate members and staff, while Senator Burke cut the deals with close associates (B. Ashenfeldter, interview, November 8, 2005). For example, Cieslewicz worked behind the scenes with the road-building lobby as they worried that local plans might trump state transportation plans and policies; he made it clear that the law's transportation element required local governments to incorporate state and regional transportation plans.

When it came to the final legislative vote, the Republican-controlled assembly deleted the planning provisions from the proposed budget while the senate kept them intact. Even as one of the most powerful lobbying groups in the state, the WRA had to exercise its political clout to reinstate the planning reform (ibid.). Many rural members of the WRA did not agree with Larson's strong support for the planning law (a handful still voice their frustrations today), but the overall membership, especially in fast-growth communities, saw the long-term benefits of sound planning (T. Larson, interview, November 7, 2005). Larson convinced assembly member Mike Powers, one of the few Republican sponsors of the legislation, to reintroduce the planning reforms in the budget. Powers had great respect for the WRA's economic arguments in favor of planning and its political power. Larson and Powers, with support from the governor's office, pulled together enough votes, and the comprehensive planning act was signed into law on October 27, 1999 (1999 Wis. Act 9).

The Power and Limits of Collaborative Planning

Wisconsin's experience to design and enact its Comprehensive Planning and Smart Growth Law illustrates the benefits of collaborative policy making in the design of holistic approaches to state planning reform (Nolon 2005). While the Ohm Group reached consensus on comprehensive planning legislation, skillful legislative maneuvering (e.g., putting the law into the budget) and classic political negotiations (e.g., the WRA expending political capital to convince Republican lawmakers to support the budget bill) were critical to enacting these planning and smart-growth reforms. Consensus building should make it easier to enact legislation, but the policy actors must still navigate the political and legislative geography to transform consensus ideas into law.

Within the policy field, the emerging ACF aptly describes the dynam-

ics surrounding Wisconsin's planning reform experience. The ACF often involves collaborative, multiparty negotiations among specialized policy actors across levels of government (and different sectors) to address particularly "wicked" problems within policy subsystems (Sabatier and Weible 2007). Policy subsystems are defined by geography and substance (e.g., Wisconsin land-use policy). These specialists (e.g., legislators, state and local agency officials, interest-group leaders, researchers) act together to translate their strong beliefs and technical expertise into policy change (ibid.). The policy actors advocating for Wisconsin land-use reform included diverse interest groups (e.g., real-estate agents, builders, planners, environmentalists, and local governments) with land-use expertise, collaborating with officials in the governor's office and legislative leaders with assistance from a planning professor.

The ACF and the growing literature on policy networks further emphasize the importance of interpersonal relationships and shared beliefs that can explain the motivations underneath the policy negotiations. Many of the principal policy actors, especially Cieslewicz and Larson, had forged close relationships by participating in previous state working groups on land use and smart growth. Moreover, the Ohm Group seemed to share a common belief in searching for creative policy solutions, perhaps harking back to Wisconsin's progressive roots (e.g., the birthplace of the Progressive Movement and its founder, U.S. senator "Fighting Bob" LaFollette) and the widely held precept of the Wisconsin Idea.

Within the ACF, these individuals forge coalitions that can mobilize public opinion, galvanize supporters, and garner financial resources for policy change. Policy entrepreneurs who can skillfully bring about actual changes in policy often lead ACFs (ibid.). Many of the participants viewed Cieslewicz of 1000 Friends as the primary policy entrepreneur, with assistance from Larson and the legislative stewardship of Senator Burke.

Within the planning field, recent research on network power and collaborative processes, such as consensus building, has also identified how diverse groups can share and sustain power in our politically competitive and fragmented world (Booher and Innes 2002). For the past thirty years, the fields of environmental policy and land-use planning have become the primary testing ground for alternative dispute resolution and consensus-building processes. Curiously, the ACF and collaborative planning share common elements and complementary hypotheses, each derived from the alternative dispute resolution movement (Sabatier and Weible 2007).

As a complement to legislative decision making, collaborative processes typically bring together diverse groups with competing interests in

development projects or thorny policy issues for a series of face-to-face discussions (Innes and Booher 1999) that also provide opportunities for policy learning (Sabatier and Weible 2007). The work of the Ohm Group personified a model consensus-building process, as diverse interests came together to forge new alliances behind a common goal to reform the state's land-use system.

A neutral forum, a fair process, and a good facilitator can create trust among the parties — an essential ingredient to any successful consensus-building endeavor (Leach and Sabatier 2005). Good public-policy facilitation can empower the stakeholders to get past positional negotiations and encourage brainstorming about solutions that advance mutual interests. The University of Wisconsin provided that neutral place, and Ohm played a pivotal role by convening the stakeholders and facilitating the discussions. Ohm's knowledge of Wisconsin's planning framework and his extensive research on comprehensive planning models gave the group an independent source to consult. Consensus may take longer to achieve this way, but the resulting alliance can offset political challenges during adoption and continue to support implementation of the reforms for years.

Good consensus-based processes often lead to well-balanced public policies (e.g., plans, programs, regulations, and laws) that can generate and sustain support from a diverse political coalition (Innes and Booher 1999). Collaborative processes also have a greater likelihood of successful implementation, because the participants have joint ownership in crafting the policy solution (Susskind, McKearnan, and Thomas-Larmer 1999). They can further produce intangible outcomes, such as stronger personal and professional relationships and shared intellectual and political capital (Innes and Booher 1999). All of these core benefits of consensus building came into play with the enactment and implementation of Wisconsin's Comprehensive Planning and Smart Growth Law.

Innovative Planning Attributes

Passage of statewide planning reform is a relatively rare policy phenomenon and has occurred in a series of three major policy waves or stages — the Standard Zoning Enabling Act of the 1920s, the environmentalists' Quiet Revolution of the 1970s, and the growth-management wave of the 1980s and 1990s (Meck 2005). The American Planning Association's (2002) ambitious research initiative — *Growing Smart* — identified Wisconsin as one of twelve states that enacted substantial planning reforms during the most recent wave. Wisconsin's pioneering planning legisla-

tion differs from many leading states, such as California or Florida, that impose a statutory mandate on local governments to adopt and update comprehensive plans every few years (Hamin 2003; Pendall 2001). Wisconsin's Comprehensive Planning Law offers an innovative hybrid model that infuses essential smart-growth principles into a traditional comprehensive planning framework, while offering state planning grants to encourage adoption of local plans.

Contemporary Planning Reforms: Definitions of Comprehensive Planning and Public Participation. The legislation provides the state's first definition of a comprehensive plan that includes nine essential elements (Ohm 2000: 203). Good definitions create a solid foundation for planning reform. Wisconsin's law expressly provides that communities devise a public engagement program for adopting comprehensive plans — few state planning laws create such a clear and essential mandate on the planning process. The framers strove to make the process transparent to ensure that comprehensive plans reflected the demands and unique conditions of Wisconsin's diverse communities. Nearly all of the local jurisdictions that received state planning grants have instituted a variety of public-participation activities, such as town hall meetings, Web sites, newsletters, and even charrettes. As a direct result of requiring public involvement in the planning process, citizens throughout the state have a better understanding about the process and importance of planning.

Conditional Mandate and Planning Grants: Legislative Sticks and Carrots. The framers understood that a classic top-down approach that mandates planning on all local governments would not pass the legislature or succeed in small cities and villages or rural towns. Wisconsin's law seeks to balance the competing interests of local-government autonomy and property rights with the need for planning to manage growth.

The planning law masks the planning requirement by imposing a conditional mandate of sorts. The law sets a clear deadline and imposes a direct limit on local government land-use powers — by 2010, the exercise of all essential local government land-use powers (e.g., subdivision regulations, official mapping, zoning ordinance changes) and development decisions must be consistent with locally adopted comprehensive plans. The law does not affirmatively mandate that all local governments adopt plans, but it presents them with a Hobson's choice — they adopt their own plans or essentially forfeit the autonomy of making fundamental zoning and plan-

ning decisions.[8] The 2010 edict offers local governments little choice as they typically covet the ability to make land-use decisions. If a city does opt to plan, then its plan must follow the planning law's definition, establish a process to engage the public, and require the local legislative body to adopt the plan via local ordinance or resolution.

By the late 1990s, policy makers and researchers began to recognize that conditional or incentive-based planning models — which reward effective planning activities with state grants, expedited approval processes, infrastructure funds, or other policy benefits — were more palatable in many states, such as Wisconsin, that confront the challenges of suburban sprawl along with "recessionary rural areas" opposed to planning (Pendall 2001: 154). Wisconsin's legislation was on the cutting edge of this transition by making state planning grants and technical assistance available to diverse urban, suburban, and rural constituencies throughout the state as a condition of comprehensive planning.

Moreover, the legislation identifies fourteen statewide planning goals to guide the state in allocating the planning grants (see table 2). Several of these goals are similar to the essential ten principles of smart growth; these include promoting urban redevelopment, providing a range of transportation choices, protecting natural areas, protecting farmland and productive forests, establishing development patterns that incur lower costs for public services, encouraging cooperation among neighboring governments, building community identity, and providing affordable housing.[9]

Smart-Growth Features. Most state enabling acts establish the basic elements and processes for adopting and revising local comprehensive plans. Wisconsin's legislation builds on this traditional framework by offering several supplemental programs to encourage implementation of smart-growth policies.

TRADITIONAL NEIGHBORHOOD DEVELOPMENT ORDINANCES. One of the law's most unique smart-growth features is the requirement for cities and villages over 12,500 in population to adopt a TND ordinance. Few state planning statutes mention design criteria or development types, let alone

8. At some point the Wisconsin Supreme Court will likely rule on the constitutional validity of the conditional mandate. One possible issue involves whether a county's comprehensive plan that follows the Smart Growth Law would govern land-use decisions made by a rural town or village that chose not to adopt a comprehensive plan.

9. The complete lists of the fourteen local comprehensive planning goals are listed in Secs. 1.13(2), 16.965(4) and 227.113. Stats. and sec. 9101(18zo) (nonstatutory provision, Act 9).

Table 2 Fourteen Comprehensive Planning Goals.

Fourteen Comprehensive Planning Goals (applicable to state agency activities, smart-growth planning grants, and Smart Growth Dividend aid program) [Secs. 1.13 (2), 16.965 (4) & 227.113, Stats. & sec. 9101 (18zo) (nonstatutory provision, Act 9)]

(1) *Promotion of redevelopment* of land with existing infrastructure and public services, and maintenance and rehabilitation of existing residential, commercial, and industrial structures.
(2) *Encouragement of neighborhood designs* that support a range of transportation choices.
(3) *Protection of natural areas*, including wetlands, wildlife habitats, lakes, woodlands, open spaces, and groundwater resources.
(4) *Protection of economically productive areas*, including farmland and forests.
(5) Encouragement of land uses, densities, and regulations that *promote efficient development patterns* and low costs.
(6) *Preservation of cultural, historic, and archaeological sites*.
(7) *Encouragement of cooperation* and coordination among nearby units of government.
(8) *Building community identity* by revitalizing main streets and enforcing design standards.
(9) *Providing an adequate supply of affordable housing* for all income levels within the community.
(10) *Providing infrastructure, services, and developable land* adequate to meet market demand for residential, commercial, and industrial uses.
(11) *Promoting expansion or stabilization of the economic base* and job creation.
(12) *Balancing individual property rights* with community interests and goals.
(13) *Planning and developing land uses that create or preserve unique urban and rural communities*.
(14) *Providing an integrated, efficient, and economical transportation system* that meets the needs of all citizens.

Source: University of Wisconsin Extension Local Government Center (2000)

require local governments to adopt such ordinances. A traditional neighborhood is defined by the law as "a compact, mixed-use neighborhood where residential, commercial, and civic buildings are within close proximity to each other" (Wisconsin Statute 66.1027[1] [c]). By having local ordinances in place that define and specify these characteristics, the law's goal was to streamline local development review and thereby encourage more compact TND projects. The state government also worked with the University of Wisconsin Extension to promulgate model ordinances for TNDs and conservation subdivisions. Planning and design commenta-

tors consider Wisconsin's TND provision one of the most groundbreaking efforts to promote the new urbanism's traditional neighborhood development pattern (Sitkowski and Ohm 2002).

SMART-GROWTH HOUSING REWARDS: THE SMART GROWTH DIVIDEND AID PROGRAM. Perhaps the most innovative incentive of the Wisconsin legislation gave unrestricted local government aid for housing through a performance-based funding system called the Smart Growth Dividend Program. Communities with comprehensive plans would get "credit" for each new housing unit built on lots that were less than one-quarter acre and were rented or sold at no more than 80 percent of the county's median sales price (Wisconsin Act 9, section 18zo). The dividend program was designed to reward communities that showed increases in compact development and in housing affordability.

Implementation of the Smart Growth Law: Adoption of Comprehensive Plans and Legislative Attempts to Repeal

Within days of its adoption, leaders from 1000 Friends, the WRA, and state officials touted the new Comprehensive Planning and Smart Growth Law as establishing a solid statewide policy foundation to encourage local planning. National and state chapters of the American Planning Association hailed the landmark Wisconsin legislation for reflecting key concepts and language from their Growing Smarter project. During these early days, the law soon became known as the Smart Growth Law. Ohm, writing in academic and policy journals, thought Wisconsin's landmark law reflected a new evolution of planning-enabling laws (Ohm 2000).

Although Wisconsin's consensus-based law was so carefully formulated by a broad cross section of interest groups, these planning processes take political will as well as financial and human resources to implement the reform. Planners play pivotal roles in translating the policy goals of Wisconsin's Smart Growth Law within the context of local political dynamics and market conditions. Implementation remains a constant challenge, especially in rural towns and villages that typically oppose the notion of a state comprehensive planning law because it limits local control and protection of private property rights.

Outreach and State Grant Program

The DOA soon mobilized staff to administer the grant program within the Office of Land Information Services. During its first full year of operation, communities were constantly calling DOA staff to find out about the grant program, especially the potential Smart Growth Dividend (bonus grant dollars) that would be given if they adopted plans by 2004 (K. Walbrun, interview, December 16, 2005). The University of Wisconsin Extension, 1000 Friends, and the regional planning commissions offered workshops throughout the state on the new law. With supplemental state funding, Ohm prepared two model ordinances (TND and conservation subdivision) for communities to adapt as part of the law's TND provisions. In 2000, DOA awarded grants to forty-three communities through its transportation planning program. Since 2001, the planning grants have been awarded through a competitive process with far more applicants than state funding. Criteria for the grants include intergovernmental cooperation, smart-growth areas, implementation plans, and the fourteen state planning and smart-growth goals.

Urban and Suburban Communities Embrace Comprehensive Planning and Smart Growth Law

Communities immediately began to engage the public in creating comprehensive plans through town-hall meetings, charrettes, and visioning sessions. Cities and counties experiencing the most intense growth pressures (e.g., Madison, Saint Croix, Green Bay, Dane, and Brown) understood the need and benefits of comprehensive planning. In these communities, the civic discussions over planning looked at strategies to facilitate intergovernmental cooperation, protect and preserve open space and natural resources by channeling new development to existing areas, and encourage in-fill development and mixed-use villages. For example, Green Bay's Smart Growth 2022 Comprehensive Plan took about two years to finish after extensive public involvement, including a thirty-member citizen's advisory committee, a citywide survey, and numerous open houses. Even the Brown County Homebuilders Association and other real-estate groups eventually supported Green Bay's plan despite their dislike for some of the plan's technical requirements, such as the expanded use of sidewalks (Rauen 2003).

Rural Opposition to Smart Growth

Wisconsin, like many states, exhibits a rural-urban divide that espouses a sense of political and personal independence that recoils against government actions, especially if those actions interfere with private property rights. These antigovernment property-rights sentiments directly influence land-use policy statewide and particularly in rural areas (A. Haines, telephone interview, November 7, 2005; J. Gardner and J. Schuler, interview, July 27, 2006).

During the early days of the Comprehensive Planning and Smart Growth Law, a few counties, towns, and villages complained that it was just another state mandate on local affairs (Gould 2002). Some local governments argued that the law did not get proper legislative scrutiny, because it was passed behind the scenes through the state budget process. Others felt it was wrong to require rural counties to do the same planning as urban counties. Given the vast differences in the pace and type of development, regional economies, and land uses, rural leaders questioned why rural counties, such as Rusk, should have to complete a comprehensive plan (Cole 2003).

Many rural Wisconsin residents became suspicious of the term "smart growth" and used the smart-growth label to launch broad political attacks on planning. First, rural policy makers equated smart growth with a state mandate to dictate what type of development they must build. Second, smart-growth concepts, with their emphasis on urban and suburban communities, seemed foreign to rural residents. Third, property-rights advocates felt that smart-growth policies would significantly restrict individual property rights.

Rural local government officials, such as Taylor County board member Mary Bix, opposed the state's planning concept as too costly despite the merits of comprehensive planning. Area residents " 'are very independent' and don't like to be told you cannot do this with your land" (Hicks 2003). When the state could not fund Price County's request for a $174,000 planning grant, the county's Smart Growth Committee voted six to five to dissolve itself (Hueckman 2003).

Nowhere was the opposition to the Comprehensive Planning and Smart Growth Law more vocal than in central Wisconsin, especially in Clark and Portage counties (J. Gardner and J. Schuler, interview, July 27, 2006; and K. Pomeroy, interview, March 29, 2007). Within two years, several of the twenty-seven municipalities withdrew from Portage County's $514,000 state planning grant (2001). Clark County officials decided not

to revise their plans and request any grant assistance from the state. A few radical residents invoked the name and tactics of the Posse Comitatus[10]—a movement linked with white supremacist groups, such as the Aryan Nation—as they asserted wild theories that implicated sustainable development and smart growth with a United Nations plot to take over the United States.[11] Despite the best efforts of the Portage County planning staff, these conspiracy theorists and private-property-rights proponents hijacked the county's comprehensive planning process and built strong political and public opposition to the local plan and the Smart Growth Law (K. Pomeroy, interview, March 29, 2007).

Budget Deficits and Abandonment of the Smart Growth Dividend

Changes in political leadership and a downturn in the economy signaled implementation trouble ahead for the law. Rumblings among rural legislators were beginning to emerge. By the end of the 2002 legislative session, Wisconsin, like many states, began to encounter an economic downturn; such serious budget deficits required interim governor Scott McCallum (Governor Thompson left to serve as secretary of Health and Human Services for President George W. Bush) to cut the planning grants by $350,000 per year for the next two years instead of increasing funding (Editorial Board 2002). While the grant program survived the budget crisis, albeit with less funding, the law's proponents could not salvage the Smart Growth Dividend program as it ran into roadblocks within the DOA. Moreover, the state Office of Land Information Services did not have sufficient time or resources to institute a system to track or project the housing units as part of the dividend's grant calculations (M. Blaska, interview, March 10, 2006).

10. During the 1970s and 1980s, citizens and property owners from Wisconsin's rural north and central regions opposed federal and state authorities under the auspices of the *posse comitatus* (www.posse-comitatus.org). Now affiliated with white-supremacist groups, vestiges of the posse still oppose state environmental and local land-use policies on the suspicion that it will unduly restrict private property rights and local control. The posse ideology is premised on local control. Indeed, the term *posse comitatus* is a Latin phrase that means "power of the county" (Anti-government.com n.d.).

11. Wisconsin property-rights and antigovernment groups that organized against the Smart Growth Law include: Take Back Wisconsin, Citizens of Wisconsin for Liberty and Property, Private Landowners of Wisconsin–PLOW, Taxpayers for Fair Zoning, and Kickapoo21.

Legislative Attempts to Repeal the Smart Growth Law

Distrust of smart growth and displeasure with the state law surfaced in 2003 and erupted in 2005, as predominantly rural Republican legislators sought to repeal the Comprehensive Planning and Smart Growth Law and eliminate the planning grants from the state budget (Mell 2005). Many of these legislators' most vocal constituents included people from the property-rights and radical Posse Comitatus factions.

During the summer of 2003, a small group of assembly members introduced legislation to repeal the law, citing concerns over the cost of planning and the erosion of local control and property rights. Chairwoman Sheryl Albers ended the first repeal attempt by blocking the legislation from entering her Assembly Committee on Property Rights and Land Management (Sink 2003).

In 2005, opponents came much closer to successfully rescinding the law. With an approving nod from then–assembly speaker John Guard, Republican representative Mary Williams from Medford, Taylor County, who sponsored the 2003 repeal bill, led the charge again in 2005 (MacKinnon 2006). Somewhat surprisingly, the legislature's Joint Finance Committee voted ten to six to repeal the Smart Growth Law and eliminate its annual $2 million planning grants from the 2005–2007 budget. Joint Finance Committee cochairman, Republican senator Scott Fitzgerald, complained that smart growth does not allow communities to plan at their own pace but treats them all the same (Walters 2005). In response to the committee's vote, the *Beloit Daily News* observed that planning "may make more sense in densely populated areas such as southern Wisconsin [where Beloit is], than in remote regions of the north," but "environmental stewardship is not a nuisance in Wisconsin. It's a way of life" (*Beloit Daily News* 2005).

Former DOA secretary Mark Bugher weighed in against this legislative assault on the Smart Growth Law. Bugher remarked that "if Republicans were to do a poll and ask people whether it's appropriate to do long-term land-use planning, they'd probably find most people are in favor of it." He stressed that the law was "a classic example of Republicans and Democrats, environmentalists, and business people working together on a problem facing the state" (Callender 2005). Dane County executive Kathleen Falk and Mayor Cieslewicz credited the law for encouraging communities to do land-use planning and for bringing together rural and municipal leaders to resolve conflicts over farmland development. Longtime partners

1000 Friends and the WRA urged lawmakers to keep the law alive: "Good Planning is critical to protecting Wisconsin's quality of life and enhance our local economics" (Sloth 2005).

Despite widespread criticism and the threat of the governor's veto hanging in the balance, the Republican-controlled assembly voted fifty-six to forty in favor of the biennial budget that eliminated the entire $2 million appropriation for the planning grants. The Republican majority in the senate passed the repeal measure without a single change. Democratic governor Jim Doyle restored the grant program by issuing a line-item veto of the proposed legislative budget. Doyle concluded that, so far, the comprehensive planning law has allowed "local citizens to decide for themselves how to grow while preserving Wisconsin's special quality of life" (Wisconsin Democrats 2005).

Wisconsin Postscript: Preliminary Results and Challenges on the Horizon

Evaluation is one of the last stages in Lasswell's classic contextual map of the policy-change process (Brunner 1997). Are these programs effective or workable? How could they improve? Policy makers and staff rarely have sufficient time and resources to thoroughly evaluate existing or previous policies (Gray and Lowery 2000). Ideally such analysis would channel back into the policy-making process and lead to further revisions and refinement. Wisconsin's law still remains a work in progress; it contains bright spots, such as the grant program, a few failures, such as the Smart Growth Dividend, and areas that need more work and in-depth study, such as the TND ordinance requirement and the quality of local plans.

Incentives: Planning Grants and Smart Growth Dividend. The comprehensive planning grant program has become the workhorse of the Comprehensive Planning and Smart Growth Law. From 2000 to 2007, nearly $17 million in planning assistance grants have been awarded to over one thousand communities throughout the state (see table 3). While there has been a constant ebb and flow of DOA staffing and resources, continuation of the grant program provides a strong incentive for communities to complete their plans, especially in light of declining local government resources (K. Walbrun, interview, December 16, 2005).

Perhaps the law's major disappointment was the failure to fund the Smart Growth Dividend. Significant political capital and energy were diverted toward defending against legislative attempts to repeal the law

Table 3 State Grant Awards for Comprehensive Planning

Year	Total Amount of Grant Funds	Number of Recipient Communities
2000	$1,002,838[a]	43
2001	$2,497,175	158
2002	$2,825,000	170
2003	$2,713,800	224
2004	$1,829,000	99
2005	$2,000,000	97
2006	$2,000,000	77
2007	$2,000,000	145
Totals	$16,867,813	1013

[a] Transportation Planning Grants
Source: Wisconsin Department of Administration n.d.

and abolish the grant program, making it difficult for the law's original coalition to marshal sufficient support to resurrect the Smart Growth Dividend.

Traditional Neighborhood Development Ordinances: Ahead of the Mixed-Use Development Market. A 2002 survey by 1000 Friends found that only 43 percent of the fifty-seven communities actually adopted the TND ordinances as required by the law (Behnke 2003).[12] Planners in some cities found the requirement more of an academic exercise, because the Smart Growth Law required only cities and towns with a population greater than 12,500 to adopt a TND ordinance — they did not actually have to map the ordinance. With a new ordinance in place, local planning departments would still need to wait for or go out and recruit developers to submit appropriate projects.

Success of the Smart Growth Law's TND provision has depended on the regional building markets and whether the development community and the local planning staff are comfortable with mixed-use projects. Right now, only a handful of developers has made TND projects their niche market, mainly in the south-central part of the state with the fastest growth (Madison and Dane County) (J. Deschane, interview, November 7, 2005). These TNDs were approved under local planned development processes and not as a result of a TND ordinance. While TND ordinances allow developers to build more housing units along with commercial

12. For access to the 1000 Friends of Wisconsin survey, see 1000 Friends (2002). Our research could not find a more current total of the number of cities with TND ordinances.

spaces, the markets must still support these greater densities. With a modest statewide growth rate of 3 to 5 percent per year, most Wisconsin communities are not yet ready to support compact TND developments with their blend of housing and retail uses. Even in Dane County, where these emerging markets have supported only a handful of TND pilot projects (e.g., Middleton Hills, Sun Prairie), the developers, planners, and local officials have still relied on traditional discretionary development approvals instead of the TND ordinances.

Smart-Growth Principles. Only a few university experts and 1000 Friends have conducted preliminary investigations about the effectiveness of Wisconsin's Comprehensive Planning and Smart Growth Law. A survey and analysis by researchers from the University of Wisconsin at Stevens Point indicated that most of the comprehensive plans from small cities and towns in the state's rural regions did not completely integrate smart-growth concepts (Edwards and Haines 2007). Several interviewees felt that a large number of localities did the bare minimum to comply with the law by adopting boilerplate plans from their neighbors or hiring a consulting firm that relied on fairly traditional comprehensive planning frameworks (K. Pomeroy, interview, November 9, 2005; B. Munson, interview, July 27, 2006). Even the WBA recognizes the importance of carefully evaluating the quality of local plans—are they using reasonable growth projections? are they following market trends (J. Deschane, interview, November 7, 2005)?

No one has carefully examined the local TND ordinances and why developers have not been using them. Another worthy question concerns the eventual political commitment by local policy makers to follow the plans when making land-use policy and approving development projects. Do they consult the plans before approving development projects? What is their track record? At some point, perhaps after the 2010 deadline, Wisconsin policy makers should commission a comprehensive, nonpartisan assessment of the planning law along with the quality of the local plans and TND ordinances.

Political Prospects for the Law's Future. After the legislature's 2005 repeal attempt, *Green Bay Press-Gazette* columnist Pat Durkin offered an optimistic view about the law's political future in rural Wisconsin. Durkin argued that cooperative long-range planning offers the only chance to maintain rural Wisconsin's values, culture, and economic strengths. With the reality of rural life making "everyone and everything" connected,

Durkin (2005) concluded that most rural Wisconsinites "know intelligent, profitable land use requires interaction and planning."

The original coalition (1000 Friends, WRA, WBA, etc.) remains intact, and it seems to have weathered the worst of the political storm. In the November 2006 general election, Wisconsin voters returned a Democratic majority to the state senate, while the Republicans narrowly managed to maintain control over the assembly. Voters approved a second term for Democrat Governor Doyle. Given the state government's new political composition, it would seem that future efforts to repeal the law would be less likely (L. MacKinnon, interview, March 28, 2007). However, as part of the 2007–2009 budget, the assembly proposed to exempt all municipalities of less than 2,500 from the Comprehensive Planning and Smart Growth Law. If enacted, this provision would exempt 1,501 of the 1,923 units of local government from adopting a comprehensive plan (1000 Friends n.d.). Despite columnist Pat Durkin's optimism, the Republican assembly's latest tactic still indicates strong resistance to planning by small towns and villages.

Enhancing the Grant Program and Reviving the Smart Growth Dividend. Given the shift in the state legislature, can the coalition generate enough political and public support to refine and perhaps even enhance the Smart Growth Law? Interviewees raised several ideas for improving the status quo. A few local planners felt that communities would benefit greatly from access to a library of model plans and ordinances developed by their colleagues (J. Gardner and J. Schuler, interview, July 27, 2006; C. Lamine, C. Runge, and A. Schuette, interview, July 26, 2006). While the DOA maintains an inventory of adopted plans, a searchable library of model practices would help communities and practitioners identify innovative techniques from existing comprehensive plans, share examples of good TND development projects, and perhaps offer guidance on the implementation of local plans. Such technical assistance would go a long way to promote planning and create linkages between Wisconsin communities. Perhaps the University of Wisconsin's campuses and extension agents in collaboration with 1000 Friends, the WRA, the Wisconsin chapter of the American Planning Association, and others could evaluate existing plans and maintain a technical assistance clearinghouse in cooperation with the Wisconsin DOA.

Why not secure modest funding to revive the dormant Smart Growth Dividend program or expand the successful grant program? With the 2010 deadline roughly two years away, dozens of local governments still

need additional planning grants to draft and adopt their comprehensive plans. Depending on the size of the city and staffing, it takes communities between eighteen months and three years to meaningfully engage the public and then to design and adopt a comprehensive plan. With the state's fiscal health in better shape today than it was seven years ago, increasing the grant program and finally funding the dividend may not be so outlandish.

Potential Legal Challenges. The Wisconsin courts will likely have the final word on the scope and application of the Smart Growth Law by answering myriad potential legal questions. The primary question is how the state courts will interpret the law's conditional mandate that requires local governments to plan or lose their ability to make land-use decisions.[13] After the 2010 deadline, environmental groups or home builders might file a lawsuit against a local government for approving or denying a zoning change without a comprehensive plan in place or claim the action was inconsistent with the locally adopted plan. Many of the groups that have supported as well as those that have opposed the law will be carefully watching what the courts say.

Replicating and Adapting Planning Reforms to Foster Active-Living Communities

Wisconsin's passage of its pioneering Comprehensive Planning and Smart Growth Law and the subsequent adoption of nearly six hundred comprehensive plans grew from a combination of timing, opportune leadership, a balanced law, the engagement of local planners, and the commitment of engaged citizens. Our next step in this policy journey is exploring what states and localities can do to translate these lessons in collaborative policy making to further active-living principles and policies.

A preliminary step is for active-living proponents to inventory and assess the strengths and weaknesses of existing state and local planning frameworks (Meck 2005). For example, how do their state planning statutes compare with Wisconsin's Comprehensive Planning and Smart Growth Law on the continuum of planning legislation? What do they say

13. At a 2004 symposium on planning reform, Wisconsin's chief justice predicted that state appellate courts would likely hear cases on smart growth even though few cases refer to the term. Chief justice Shirley S. Abrahamson (2005) also stressed the fundamental role of the courts to balance individual property rights with community interests.

or what could they say about active-living principles? Recent planning research and policy articles provide good templates for examining and comparing state smart growth and planning legislation (Zovanyi 2007). Equally important is then building a collaborative coalition of diverse interests to support and sustain legislative reforms. As the Wisconsin experience illustrates, the power of coalitions to facilitate the design and implementation of planning reform will be essential to ensure that state planning laws and local plans more explicitly foster active-living goals and principles.

Planning and Code Reform as an Active-Living Strategy

The inherent long-range view of comprehensive planning provides active living with the ideal vehicle for setting policy goals that promote more physically active communities. Once planners and active-living proponents embed these goals into local plans, zoning codes, and development processes, it will become easier for local policy makers to approve development projects that foster active living.

The Common Heritage of Public Health and Planning. Land-use regulations such as zoning have strong roots in public health (Schilling and Linton 2005). Sloane (2006) emphasizes that planners and public health officers first came together to combat the ills of congested American cities. The public health profession eventually moved away from the sanitary city movement, while the planning profession incorporated health objectives in its efforts to address blight, housing, and urban renewal. Now the public health impacts of sprawl (e.g., obesity and reduced physical activity) offer a new, common enemy for reviving the historic partnership between the fields of planning and public health.

The Active-Living Relationship between the Built Environment and Physical Activity. Most of the current efforts to reform planning policy in order to facilitate active living are based on the assumption that traditional neighborhood development facilitates routine physical activity. Active-living research suggests that certain characteristics of the built environment do influence or perhaps even encourage residents to walk or cycle (Rodriguez, Khattak, and Evenson 2006). Positive relationships have been found between physical activity and mixed land uses, improved street connectivity, and higher employment and population densities at origins and

destinations. But research that compares total physical activity in compact traditional neighborhood development and suburban development shows that people in both places will take advantage of all kinds of opportunities for more active living, if they are provided.

For example, one study found total physical activity 50 percent higher in a compact traditional neighborhood development when compared with different neighborhood types of similar density (Saelens et al. 2003). A more recent study compared physical activity for residents of a new-urbanist neighborhood to that of residents in a group of conventional suburban neighborhoods in the Chapel Hill region of North Carolina (Rodriguez, Khattak, and Evenson 2006). It found little difference in total physical activity among residents of conventional suburban neighborhoods versus new-urbanist developments. Although the Rodriguez study team did not find evidence that new-urbanist developments per se promote higher levels of *total* physical activity, it did conclude that new-urbanist dwellers spent almost twice as much "total time" walking and cycling (moderate or vigorous activities) as residents of conventional suburban neighborhoods. In other words, suburban dwellers were engaging in physical activity as a leisure activity, while new-urban dwellers biked or walked for routine trips.

This research does not support one development pattern or design over another, indicating that active-living proponents can use planning reforms to maximize the active-living potential of all types of communities, regardless of location or development pattern. For more compact communities, the logical focus is to build on the attributes that increase daily physical activity — close destinations, street connectivity, pedestrian facilities, etc. In suburban settings, active-living planning policies can emphasize opportunities for leisure and recreational activities (e.g., access to walking and biking trails). Increasing the opportunities for physical activity in all neighborhood types would not only maximize potential health benefits, but it would also provide residents with greater choice in selecting where they live.

Adapting Wisconsin's Planning Framework for Active Living

The political and policy success of any active-living planning reform will depend on the nature and type of the underlying state planning framework. While it is tempting to ask the federal government for a one-time policy fix, attempts by Congress in the 1970s to enact national land-use

legislation[14] or by federal agencies to regulate local land-use policy have uniformly failed, both substantively and politically, running into fundamental principles of federalism and the fact that local land-use planning and municipal home rule are sovereign powers reserved for the states. Current federal environmental, transportation, and housing programs definitely influence local land-use decisions, but always within the framework of local laws (Alterman 2005). Smart-growth policy research shows that federal investment policies, such as the Federal Highway Act and the home mortgage interest deduction, have fueled the development of sprawl (Frank, Frumkin, and Jackson 2004), but low-density Euclidian zoning has always played an essential role in shaping the results.

Focusing on state planning acts, such as Wisconsin's, that establish a holistic set of comprehensive planning elements will make it easier for active-living proponents to infuse active-living concepts into local plans and zoning laws. Wisconsin's hybrid model also includes various incentives and smart-growth elements that more closely align it with active-living goals. By designing statewide planning laws that require extensive citizen engagement and balance local control with statewide standards, active-living proponents can generate political support from a diverse coalition of constituents and build a strong legal and policy foundation for active living.

Potential Political Pitfalls: Property Rights versus Smart Growth

As active-living proponents seek state and local planning reforms, they must navigate through the contentious political landscape of land-use policy. Conflicts over land use, smart growth, and property rights make it more difficult to build consensus across the geopolitical divide of rural, urban, and suburban interests. While the political climate will vary from state to state, two lessons from Wisconsin can guide future planning reform efforts: (1) reformers should understand the context of the property-

14. After successfully enacting the first series of federal environmental laws in the 1970s, then-senator Henry M. Jackson (D-WA) introduced his National Land Use Planning Act that would have imposed federal land-use planning requirements and standards on states and local governments. Despite the country's general enthusiasm for greater government intervention to control pollution and protect the environment, Congress could not muster enough support for national land-use planning. Most commentators believe Congress never will be able to overcome strong political sentiment in favor of local land-use powers.

rights movement, and (2) they should address the different planning challenges of small cities and towns along with the special concerns of rural constituencies.

"The private property rights movement has been one of the most prominent and consequential land use and 'environmental' movements in the U.S." (Jacobs 2003). Professor Harvey Jacobs warned planners that property rights would not quietly disappear from the policy agenda, and unfortunately, he was right. Within the past five years, the property-rights movement has gained significant political traction in its national media and legal campaign against state and local land-use policies.

The 2005 U.S. Supreme Court decision in *Kelo vs. New London* became the instant symbol of government abuse of property rights and fueled a state policy backlash against local government land-development decisions (Jacobs 2007). The Institute for Justice and other libertarian groups continue to mount legal challenges and wage media campaigns against the use of eminent domain, planning, and zoning powers (Weinstein 2006). In response to the public outcry against perceived abuses of eminent domain, more than twenty-six state legislatures passed legislation to restrict local governments' powers of eminent domain (Harden and Eilperin 2006). Three years ago, Oregon voters approved the nation's most restrictive antiplanning statute (Measure 37), which requires the government to compensate property owners for any reduction in property values caused by environmental or land-use regulations such as zoning. During the November 2006 election, a multimillionaire real-estate investor from Manhattan bankrolled similar initiatives in Idaho, Arizona, California, and Washington (ibid.). Only Arizona voters passed the property-rights amendment that has now had a chilling effect throughout the state. In this political climate, negotiating and then enacting new planning legislation is difficult. No state or community is immune from the effect that these powerful interest groups place on land-use policy. As the Wisconsin saga illustrates, property-rights groups can derail the implementation of local planning initiatives as well as threaten state planning reforms.

Planners and active-living proponents must carefully assess the property-rights climate in communities in which they seek to reform state planning laws and local codes. They should survey recent property-rights legislation, review the policy agendas of regional and national property-rights groups, and speak with state and regional chapters of planners and other local public officials. Being clear about the objectives and benefits of planning reforms and the local source of the demand for these reforms can

be helpful in addressing the concerns of local officials and citizens who might otherwise be swayed by the antigovernment rhetoric of property-rights activists.

A related political challenge is the politicization of smart growth in some corners of the country. The strength and weakness of smart growth is its ability to mean different things to different people in different parts of the country (Downs 2001). Brookings Institution researcher Anthony Downs compared existing programs and policies that used the term smart growth with the ten smart-growth principles as defined by the Smart Growth Network (2004), concluding that smart growth can include a wide variety of legislation and policies despite the efforts of the national smart-growth partner organizations to establish guiding principles.

Smart growth is often perceived as an urban and suburban policy that has little relevance for rural communities. Smart-growth challenges such as traffic congestion and expensive housing are not typically rural problems. At the same time, politicians in rural areas with little or no planning infrastructure can credibly label smart growth as opposing local control and property rights.

A review of thirty local comprehensive plans by Mary Edwards and Anna Haines of the University of Wisconsin at Stevens Point revealed that few were consistent with the ten fundamental principles of smart growth (Edwards and Haines 2007). While these rural and emerging suburban areas did adopt comprehensive plans, the results indicate that smart growth should incorporate a "broader range of tools that can be applied to varying community needs" (ibid.: 62).

Wisconsin's hybrid planning law provided small towns, villages, and rural communities with some flexibility to address the unique challenges of their region. Moreover, 1000 Friends and the University of Wisconsin regional campuses and extension colleges offered guidance and technical support for rural communities primarily on planning approaches and not on smart-growth strategies.

Smart-growth and active-living proponents will need to devise policy and communication strategies that get past the political rhetoric and highlight how comprehensive planning with smart-growth principles can address development problems facing small towns and rural areas, such as the loss of mining and agricultural industries, the conversion of farmland to subdivisions, the preservation of working landscapes, and the provision of services (e.g., road and water infrastructure, schools, etc.) across expansive municipal boundaries. Perhaps the near-term lesson is for planners

and active-living proponents to focus the policy and political message on the widespread benefits of comprehensive planning and less on the smart-growth label.

Pivotal Role of Nonprofits and Networks

Wisconsin's story of planning reform illustrates how a diverse coalition of nonprofit and professional associations came together to form a new, statewide policy network on land-use planning and smart growth. Within the policy literature, policy networks explain policy change by the actions of diverse and interdependent groups of public and private actors working together within a specific policy subsystem or issue (Adam and Kriesi 2007). Such networks often emphasize innovative policy changes through regular communications, frequent exchanges of information, and coordination of mutual interests (ibid.).

In Wisconsin, the diverse policy actors representing environmental groups, local governments, and the real-estate and development industries initially came together under the umbrella of the Ohm Group to fix the state's broken land-use planning system. While many of the individual political supporters (Thompson, Bugher, and Burke) left state office, the original network of supportive organizations (e.g., 1000 Friends, the WRA, the WBA, along with the cities, towns, and county associations) and many key actors (e.g., Cieslewicz and Larson) continue to serve as the stewards of the Comprehensive Planning and Smart Growth Law. Acting as the principal network coordinator, 1000 Friends still enlists support from coalition members on legislative actions concerning land use and smart-growth issues beyond the comprehensive planning law itself (S. Hiniker, interview, October 11, 2006).

As these policy networks become established, they can play a critical role in shaping policy implementation and constructing policy responses to external factors (Adam and Kriesi 2007). For example, the WRA and 1000 Friends held workshops and provided technical guidance to communities and planners with the implementation of the law. Their staffs have also participated in the DOA grant selection process. During attempts to repeal the law, 1000 Friends and the WRA rallied support for the Comprehensive Planning and Smart Growth Law. A core network of statewide nongovernmental organizations performing such functions greatly increased the viability of Wisconsin's planning reform, not only to survive political opposition but also to ensure that most Wisconsin communities would actually adopt comprehensive plans.

Conclusion: Potential Policy Actions and Next Steps

Active-living policy may not yet drive land-use reform initiatives; however, active-living goals can complement planning and code innovations given the symbiosis among the active-living and smart-growth movements. Based on the Wisconsin experience, we offer the following ideas about potential policy actions and further research.

A Coalition for Active Living and Sound Planning

Public health and planning practitioners should form statewide or regional coalitions that illuminate the policy connections between land use and active living. Such alliances should include diverse representation from the building and development industries along with the traditional environmental and community development groups — similar to the coalition that came together to devise and sustain Wisconsin's Comprehensive Planning and Smart Growth Law.

These active-living/smart-growth coalitions could mount regional or statewide communication campaigns that highlight the benefits of good planning in rural as well as suburban and urban communities to offset the negative publicity and influences of property-rights activists. For example, at the 2006 Nolen Conference, the Dane County Better Infill Development Program and 1000 Friends (2006) released a book, *Great Neighborhoods — How to Bring Them Home*, that identifies important design characteristics and model practices of successful neighborhoods. The publication demystifies concepts such as traditional neighborhood development and smart growth. A statewide media campaign on the principles of good neighborhoods and the health benefits of active-living policies could be one approach to this task. For example, California's Local Government Commission, with support from state transportation and public health agencies, the U.S. Environmental Protection Agency, and private foundations, sponsors workshops and educational conferences on active living and the intersection of public health and planning.

Smart-Growth and Active-Living Community Typology

Active living need not take sides in the policy and political debate about the merits of compact, new-urbanist neighborhoods versus traditional

suburban development patterns and design. Each of these neighborhood types has its own active-living potential. Active-living proponents would be wise to devise a menu of active-living planning and code reforms that apply to a wide range of urban, suburban, and rural communities. An active-living community typology would help guide state and local land-use reforms to ensure that they are compatible with these different development patterns.

Active-Living Strategies for Comprehensive Plans

New state planning policy could also encourage communities as part of the comprehensive planning process to devise special active-living land-use strategies that integrate land-use, housing, transportation, and infrastructure elements with active-living goals. Within the past three years, a handful of communities (e.g., in Riverside County, California, and the cities of Richmond, Watsonville, and Chino, along with King County, Washington [outside of Seattle], and metropolitan Minneapolis) are infusing their general land-use plans with active-living provisions and healthy-eating planning strategies (Morris 2007). Organizations such as the national and state chapters of the American Planning Association and the National Association of County and City Health Officials could devise model plans that establish state planning criteria and goals that encourage more biking and walking.

Even in Wisconsin, the planning framework could better support active living with a few simple changes (e.g., the establishment of special active-living criteria for a special round of grants to revise and enhance existing comprehensive plans). Wisconsin could benefit from this active-living focus as its public health statistics indicate a steady increase in all levels of obesity. Hidden within the Wisconsin Department of Health and Family Services is the Partnership of Activity and Nutrition that now educates metropolitan planning organizations on active living and audits a few comprehensive plans for links to physical activity.

Beyond model plans and active-living planning strategies, additional policy research should explore the results of these active-living planning and code reforms. Research should document the number and types of development projects and create an active-living scorecard that ranks performance on a list of critical infrastructure and planning elements. Such research could enhance the policy linkages between current active-living research on physical activity, a more diverse group of development patterns, and planning processes and code reform.

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