



THE LAND USE TRACKER

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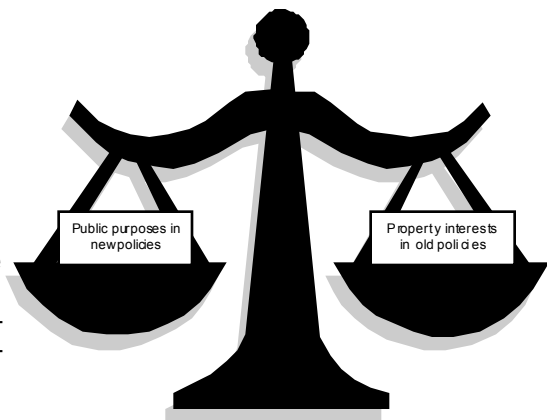
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NONCONFORMITIES PROJECT

Coming soon...

A guide to developing Policies For Nonconforming Uses, Structures And Lots

As communities adopt new land use policies and zoning in response to Wisconsin's comprehensive planning law, they will need to decide how to treat existing development that becomes nonconforming. Nonconformities are uses, structures or lots that were legally established prior to a change in ordinance provisions and which do not comply with current ordinance standards. Some existing development will inevitably not comply with new regulations and become nonconforming. The policies a community develops for nonconformities play a large role in the acceptance of new policies and zoning.



In cooperation with a consulting attorney, the Center for Land Use Education is currently developing a guide intended to assist local planning and zoning staff, legal counsel, land use planning professionals and citizens find an appropriate balance between property rights in existing development and the public purposes of new land use regulations. The guide will be available by the spring of 2002.

(continued on page 9)

**Send us your email address
and we can send you our
next issue!**

landcenter@uwsp.edu

WEBSITE IS WORKING

The Center's website went live in October. The address is:
www.uwex.edu/ces/landcenter/

The website is constantly getting updated with new links, information, events and publications.

The calendar is updated routinely, but only for about 3 months out. Please send us events that are of state-wide or regional interest and we can put them in the calendar.

New CLUE Staff



In our last issue we introduced you to our staff. This issue we are pleased to announce the addition of three new members of CLUE. Joining Michael D. Dresen, Anna Haines, and Lynn Markham are:

Glenn Bowles received his B.S. in Biology (ecological studies) from the University of Miami in Coral Gables in 1971 and his M.S. in Town and Regional Planning from Iowa State University in 1974. Presently he is finishing up research for his doctorate from the University of Michigan School of Natural Resources and Environment. The proposed title for his dissertation is, "Fusion of Geographic Information Systems and Ground-Penetrating Radar Technologies to Detect and Inventory Buried Toxic Waste Sites."

He has worked in the southeast Michigan area for the last fifteen years as a staff planner for the City of Ann Arbor, a private consultant with Ayres, Lewis, Norris and May, Inc. and as the township administrator/planner for Sumpter Township. He resigned from his position as the Community Development Director for the City of Adrian, Michigan to come to Stevens Point.

He is active in the Brownfield Redevelopment programs, Downtown Revitalization programs, the Downriver Community Coastal Consortium, a stakeholder in the Detroit River American Heritage River Initiative, the co-chair of the Downriver Linked Greenways Initiative and is a member of the SEMCOG Environmental Policy Advisory Committee. He also assisted in the creation of the 2001 Detroit River Remedial Action Plan (RAP) Update.

Glenn has been married for over thirty years (Karen Sue) and has three adult daughters (Melanie – a teacher in North Carolina, Gretchen – a doctoral student in South Carolina, and Stacia – in service with the US Coast Guard in Hawaii.) Recently he has become a grandfather for the first time. He has been a football official for 30 years and has officiated three high school finals in the Pontiac.



Jennifer Skoloda received her B.S. and M.S. in Wildlife Ecology from the University of Wisconsin Madison. Her master's research evaluated techniques used to survey Sora and Virginia Rail populations. She worked for the Department of Natural Resources in a variety of positions both before and after completing her master's degree. Most recently she worked for the DNR at the Research Center in Monona. Her duties there included doing work for the Land Legacy Project, which aims to determine what lands should be protected in Wisconsin over the next 50 years. After living in Madison for 11 years she moved to Stevens Point in August to be with her partner (Jeff Langlois). In her spare time she enjoys gardening, competing in mountain bike races and playing hockey.



~~**Robert (Bob) Newby** comes to us from the University of Wisconsin-Marshfield/Wood County, where he was the Financial Aid Administrator and Veterans Coordinator in the Student Services Office for the past seven years. He brings with him, University of Wisconsin experience and a wide-range of administrative and computer skills. He and his wife Catherine, have four children. Bob has a unique collection — buffalo. Prior to the University of Wisconsin, he served in the US Army for 15 years, including the Desert Storm campaign.~~



~~Sadly, **Barbara Borski** has left us. She has moved on to another position in the University. We will miss her energy, humor, and Harley stories.~~

Calendar of Events -- Winter quarter

December

December 11, 2001 – Cooperative Extension's Local Government Center--Current Issues Affecting Local Government Officials ETN Series- "Land Records Modernization." Program # 1639-4. Learn about recent legislative initiatives for modernizing land records, including a requirement that state agencies submit their land data and records to the Department of Administration for local government use in comprehensive planning. Available at any ETN site 10:30 a.m. - 12:20 p.m. Fee: \$10 per session.
Contact: UW Registration (608) 262-0810.

December 20, 2001 - Cooperative Extension's Local Government Center-Local Land Use Planning and Zoning ETN Series - "Downtown Revitalization: Lessons Learned." Program #1641-3. In this decade of Smart Growth, communities across the state are taking stock and re-evaluating investments in their traditional business districts. Much has been learned by communities actively involved in the process of downtown revitalization. This program will bring together community representatives and Extension specialists engaged in downtown revitalization to discuss recent trends, successful strategies and lessons learned. Available at any ETN site 10:30-11:50 a.m. Fee: \$11 for the session or \$60 for all 7 sessions.
Contact: UW Registration (608) 262-0810.

January

January 9, 2002 – Plan Commission/Committee Workshop in Eau Claire. See Dec. 7th description for details.

January 10, 2002 – Plan Commission/Committee Workshop in Hayward. See Dec. 7th description for details.

January 11, 2002 – Plan Commission/Committee Workshop in Rhinelander. See Dec. 7th description for details.

January 18, 2002 – Plan Commission/Committee Workshop in Oconomowoc. See Dec. 7th description for details.

January 31, 2002 - Cooperative Extension's Local Government Center-Local Land Use Planning and Zoning ETN Series - "Recent Relevant Case Law." Program #1641-4. This program will highlight recent Wisconsin cases and attorney general opinions, as well as important federal cases, relating to land use planning and implementation. Available at any ETN site 10:30-11:50 a.m. Fee: \$11 for the session or \$60 for all 7 sessions.
Contact UW Registration (608) 262-0810.

February

February 1, 2002 – Plan Commission/Committee Workshop in Appleton. See Dec. 7th description for details.

February 5, 2002 – Transportation, Smart Growth for Central Cities. Noon to 1:00. UW Milwaukee Room 345 School of Architecture and Urban Planning 2131 E Hartford Ave, Milwaukee WI.
Contact: Nancy Frank, Chair, Dept. of Urban Planning. (414) 229-5372. Frankn@uwm.edu

February 19, 2002 – Utility and commercial facilities, Smart Growth for Central Cities. Noon to 1:00. UW Milwaukee Room 345 School of Architecture and Urban Planning 2131 E Hartford Ave, Milwaukee WI.
Contact: Nancy Frank, Chair, Dept. of Urban Planning. (414) 229-5372. Frankn@uwm.edu

Register for Plan Commission Workshops!

About the Program

This workshop is presented by University of Wisconsin Extension educators and representatives from regional planning commissions, state agencies and local government.

The workshop is designed for county, city, village and town plan commission/committee members. It is intended to provide information about the role of plan commissions/committees and the procedures for starting a plan commission and specific planning topics related to comprehensive planning. Other local officials, staff and interested persons are welcome.

PLAN COMMISSION/COMMITTEE WORKSHOPS WINTER 2001- 02 AGENDA	
8:15 - 9:00 a.m. Registration – Coffee & pastry	
9:00 - 10:15 p.m. — Concurrent Sessions (A) Organizing a plan commission, and the roles and duties of a plan commission (B) Planning process — plan for planning	
10:15 a.m. Break	
10:30 - 11:15 a.m. — Concurrent Sessions (A) How do we hire a planning consultant (and other planning tasks)? (B) How do we deal with nonconforming structures, uses and lots?	
11:15 a.m. - 12:00 noon Special Issues Sessions Stevens Point & Appleton locations: Rural character Eau Claire: (A) Cell towers and (B) Managing rural residential development Hayward & Rhinelander locations: (A) Multiple use trails and (B) Conservation easements	
12:00 - 12:45 p.m. Property rights: Dealing with the issue at the local level	
12:45 - 1:15 p.m. Final questions and wrap up	
OCONOMOWOC AGENDA	
8:15 - 9:00 a.m. Registration – Coffee & pastry	
9:00 - 10:15 p.m. — Concurrent Sessions (A) Organizing a plan commission, and the roles and duties of a plan commission (B) Public participation techniques for every step of the planning process	
10:15 a.m. – Break	
10:30 - 11:15 a.m. — Concurrent Sessions (A) Planning process – plan for planning (B) How do we deal with non-conforming structures, uses and lots?	
11:15 a.m. - 12:00 noon — Concurrent Sessions (A) How do we hire a planning consultant (and other planning tasks)? (B) Cell towers – co-location and other issues	
12:00 - 12:45 p.m. SEWRPC's approach to regional planning	
12:45 - 1:15 p.m. Final questions and wrap up	

PLAN COMMISSION/COMMITTEE WORKSHOPS

Name _____
 Address _____
 City _____ ST ____ Zip _____
 Daytime Phone _____
 Local Gov't Name _____
 Billing Address _____

Check session you wish to attend:

- December 7, 2001 – Stevens Point
- January 9, 2002 – Eau Claire
- January 10, 2002 – Hayward
- January 11, 2002 – Rhinelander
- January 18, 2002 – Oconomowoc
- February 1, 2002 – Appleton

Please register early! Fee: \$25/person/session or \$30 at the door. For more info call 715-346-3783.

Method of payment:

_____ I/we have permission from local government to bill the unit (list the names of all participants below instead of filling in individual forms for each person).

_____ Check enclosed (Payable to *UWEX Center for Land Use Education*).

Mail registration to: Robert Newby
 Center for Land Use Education
 UW-Stevens Point
 1900 Franklin Street
 Stevens Point, WI 54481

Please register early!

Registrations/cancellations must be received five full business days prior to the workshop.

You may register for any of the workshops regardless of your place of residence. Workshops will start with registration at 8:15 a.m. The cost of the workshop is \$25 (\$30 at the door) and includes printed materials and refreshments

Workshop speakers

Center for Land Use Education Specialists:

- | | |
|-------------------------------------|------------------|
| UW-Stevens Point | Glenn Bowles |
| | Michael Dresen |
| | Anna Haines |
| | Lynn Markham |
| UW-Green Bay | Merritt Bussiere |
| UW-River Falls | Alicia Acken |
| UW-Madison & Extension | Susan Thering |
| UW-Extension Sheboygan & Washington | |
| County Growth Management | Kevin Struck |
| Dane County Planning & Zoning | Todd Violante |
| UW-Extension Jefferson County | Steve Grabow |
| SEWRPC | Nancy Anderson |
| UW-Extension Vilas County | Bryan Pierce |
| The Nature Conservancy | Matt Dallman |



Workshop locations

Dec. 7 — Stevens Point
 University Center, UWSP Campus
 1015 Reserve Street

Jan. 9 — Eau Claire
 Holiday Inn Convention Center
 205 S. Barstow Street

Jan. 10 — Hayward
 Country Inn & Suites
 10290 N. Hwy. 27 South

Jan. 11 — Rhinelander
 Holiday Acres Resort
 4060 S. Shore Drive
 Hwy 8 E of Rhinelander at River Bend Dr.

Jan 18 — Oconomowoc
 Olympia Resort & Conference Center
 1350 Royale Mile Road
 Exit 282 (Hwy 67) 1 1/2 mi. north of I-94

Feb. 1 — Appleton
 Holiday Inn Select
 150 Nicolet Road
 Exit 137 (College Ave.) west of Hwy. 41

Maps can be obtained on the internet at mapquest.com

Tips for Successful Grant Writing

The key audience for this article is local government staff in Wisconsin. With that in mind, this article focuses on how to successfully write a grant to access available state agency funds. However, many of the tips can be generalized to the federal government and to private foundations.

Beginning the process

- Grant writing is not difficult, it is not rocket science, but grant writing is a time-consuming process. This process is less stressful, and results in a more competitive grant if you start thinking about, collecting information and talking to other possible grant partners about **one year prior** to submitting the grant application to a state agency.
- A key to successful grant writing is matching the need of your local government to the need of the agency giving out grants. Even if your local government has a great idea, if it does not meet the interests of the state agency and more importantly the specific goals of that particular grant, your idea will not be funded.
- Prior to finding a grant program, you will need to determine your community's needs. Defining needs may occur through a comprehensive planning process or another process that uses public participation, or through staff from county land conservation, planning and zoning, and/or social services departments or through an economic development department or organization that may have already identified various needs. To write an effective grant, you need a clear statement of needs and demonstrate through data, studies and statistics that your community has a particular problem. *Keep opinions out of this statement – only facts are necessary.*
- Grant applications normally indicate a contact person. Call! Tell him/her about your ideas, get his/her reactions and he/she may give you some helpful hints and ideas for your project. Ask the contact person the types of people that will review the proposals and if a review sheet is not attached to the grant application materials, ask if you can have one.

Grants
The Grantwriter's Plea
Grant me the courage
to write and submit a grant,
the serenity to deal with the
denial of the grant,
the wisdom to know whether to
revise and resubmit the grant...
Please Grant me a Grant!!!

--S. Coley & C. Scheinberg

Writing the grant

Below shows two sequences: Box 1 shows a typical outline for a grant proposal and how it would be read by a reviewer and funding agency. Box 2 shows a typical sequence writing or preparing a grant proposal. Notice the differences between the two sequences. Source: Bauer (1998)

- ✓ Write a grant proposal similar to the sequence given in Box 2, then assemble the grant in the order requested similar to Box 1.

Box 1: Typical Grant Proposal Outline

1. Cover letter
2. Title page
3. Summary
4. Introduction
5. Problem/Need
6. Objectives
7. Methods
8. Evaluation
9. Future Funding
10. Dissemination
11. Budget
12. Attachments

Box 2: Sequence for Preparing a Grant Proposal

1. Needs statement
2. Objectives
3. Methods
4. Evaluation
5. Future Funding
6. Dissemination
7. Budget
8. Introduction
9. Title Page
10. Summary
11. Attachments
12. Cover Letter

If you do not want your grant to be thrown away, but read and considered, it is critical to strictly adhere to the directions in the grant application.

- ✓ Do not include more pages than required.
- ✓ Put all materials in the correct order.

Writing Goals and Objectives

Goals are commonly ambitious and idealistic and represent a vision or an ideal state as if a particular problem did not exist. Objectives are clearly written, measurable statements of how you are going to accomplish or attain identified goals. For every goal, there should be at least a few objectives. Objectives should state: what will be changed, how the change will be measured, how much change will occur in the funding period, and how much it will cost to achieve the change (Bauer 1999).

Establishing a review function

Prior to sending your grant proposal and application to the funding agency, ask 3-5 people you trust to give you useful comments and feedback. This group will always find ways to improve your proposal and thus, increase your chances of getting the grant.

- ✓ Give them the score sheet that actual reviewers will use.
- ✓ Ask them to only spend 15-20 minutes on their review or whatever your funding contact has suggested.
- ✓ Review how each person has scored your proposal and discuss with them how you can increase your score.

Remember: The point of writing a grant proposal is to get the grant so you can fund your idea.

Common Problems in Grant Proposals

Grant proposals commonly suffer from a variety of problems. Below is a list of them. When you have completed preparing your proposal, once again review your proposal in light of this list.

- ✓ Problem addressed is insignificant
- ✓ How monies will be used is unclear
- ✓ Inappropriate method of addressing the problem
- ✓ Inadequate documentation of the problem
- ✓ Methods do not suit the scope of the problem
- ✓ No clear plan for evaluating the program
- ✓ Objectives are not clearly measurable
- ✓ Time schedule is unreasonable
- ✓ Problem is more complex than can be addressed
- ✓ Agency has no track record in the problem area
- ✓ Community not involved in the planning process

Source: Coley and Scheinberg 1990.

Grant Administration

Grant administration takes time. Build necessary resources into your application to allow proper administration, oversight and reporting of grant activities.

Finally, be prepared for rejection and know that you can always re-submit your edited proposal to other agencies.

Useful References

Bauer, David C. 1999. The "How to" Grant Manual: Successful Grantseeking Techniques for Obtaining Public and Private Grants. 4th ed. The American Council on Education and The Oryx Press, Phoenix, AZ.

Coley, Soraya M. and Cynthia A. Scheinberg. 1990. Proposal Writing. Sage Human Services Guide, Volume 63. Sage Publications, Newbury Park, CA.

Listing of state community assistance grants (504 pages worth)
<http://www.doa.state.wi.us/dhir/boir/wcca/WCCA.PDF>

Grants Calendar

The following list of grants is applicable for local units of government – towns, villages, cities, counties and generally RPCs. All of these grants must provide some percentage of a cash match. Also the list provides a due date for the grant, when available. You will notice that there are several that were due in October or November. Start preparing now for these grants.

Grant title	State agency	Due date	Funding available	Maximum grant request	Contact information
Comprehensive Planning Grant	Department of Administration, Office of Land Information Services	November 1	\$3 million each year for current state biennial budget		www.dor.state.wi.us/olis/
Community Development Block Grant – Small Cities Housing	DOA, Bureau of Housing		\$9 million available annually		www.dor.state.wi.us/dhr/boh/geninfo/program2.asp
Brownfields Initiative Grant Program	Department of Commerce, Brownfields Initiative	November 21	\$7 million each year for current state biennial budget		www.commerce.state.wi.us/CD/CD-bif-grants.html
Community Based Economic Development Program – planning, development projects and assistance grants	Department of Commerce, Bureau of Community Finance	Usually in October or November	??		www.commerce.state.wi.us/CD/cd-bcf-cbed.html#sub
Coastal Grants	DOA	November 8	\$5.6 million this year	\$50,000 or less for 50% match and over \$50,000, 60% match	www.dor.state.wi.us/dhr/boh/coastal/grants/
River Planning Grants	Department of Natural Resources	May 1	??		www.dnr.state.wi.us/org/water/fhp/rivers/
Recreational Trails Program	Department of Natural Resources	continuous	??		www.dnr.state.wi.us/org/er/cia/h/section/recreails.html
Aids for the Acquisition and Development of Local Parks	Department of Natural Resources	May 1	??		www.dnr.state.wi.us/org/er/cia/bureau/programs.html
Lake Planning Grant	Department of Natural Resources	February 1 and August 1	??		www.dnr.state.wi.us/org/water/fhp/lakes/lkgrants.htm
Lake Protection Grant	Department of Natural Resources	May 1	??		www.dnr.state.wi.us/org/water/fhp/lakes/lkgrants.htm
Local Water Quality Management Planning Aids	Department of Natural Resources	October 31	??		www.dnr.state.wi.us/org/water/wm/wqage.html
Urban Forestry	DNR	July 2 for intent to apply form and November 1			www.dnr.state.wi.us/org/land/forestry/UF/grants/index.htm
Urban Green Space	DNR	May 1	??		Contact regional community services specialist www.dnr.state.wi.us/org/er/cfa/Bureau/staff.html#region
Urban Rivers Grants	DNR	May 1	??		Contact regional community services specialist www.dnr.state.wi.us/org/er/cfa/Bureau/staff.html#region
Transportation grants (numerous)	DOT	Depends on program	??		www.dor.state.wi.us/dtm/bop/pdf/transportation-guide.pdf

Wisconsin Supreme Court Upholds Variance Standard

In a decision issued on June 29, 2001, in *State v. Outagamie County BOA*, a majority of the Wisconsin Supreme Court refused to overturn the variance standard set out in *State v. Kenosha County BOA*. Consequently, "to grant a variance, a County Board of Adjustment must conclude that the property owner has no reasonable use of the property [in the absence of a variance], in light of the purpose of the applicable [floodplain] zoning regulations."

In the *Outagamie County* decision, the property owner was granted a variance based in part on the Court's finding that the floodplain zoning provision which prohibits the granting of a variance from flood protection standards (NR 116.13(2)) is invalid because it conflicts with the Board of Adjustment's statutory authority to grant variances when the standards for variances are met.

A summary of this case was sent in October to all county, city and village zoning administrators and county corporation counsels. The first circuit court case to apply the *Outagamie County* decision was issued just in the last week. In that case, a variance granted by the Oconto County BOA was reversed and the matter remanded for the BOA to apply the no reasonable use standard set out in the *Kenosha County* decision and retained in the *Outagamie County* decision. If you have any questions about the *Outagamie County* decision, please contact JoAnne Kloppenburg of the Department of Justice at (608) 266-9227 or Linda Meyer of the Department of Natural Resources at (608) 266-7588.

Nonconformities Project

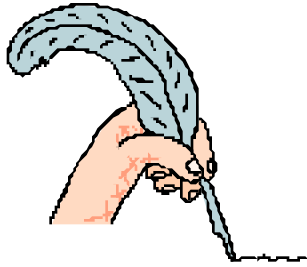
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The guide will address some complex and controversial issues. For example, when zoning regulations change communities are confronted with some difficult questions:

- How can a community have uniformity and avoid conflict between uses in its zoning districts when there are uses, structures and lots that do not conform with the new district regulations?
- How can the nonconformities be limited or phased out in a way that is fair and respects the rights of the property owners?
- Conversely, how can a community justify granting "special treatment" to uses or structures that are no longer allowed? For example, if taverns are no longer allowed in a residential area but one predated the ordinance, that tavern may have a competitive advantage over others that are zoned correctly but farther from the people who want to use them.

Wisconsin, like many other states, specifically provides for the continuation of most existing nonconforming uses in its zoning enabling legislation. Local ordinances may permit continuation, even without state mandates. At the same time, there is great variation in how communities limit or phase out nonconformities. While some other states support aggressive time limits on nonconformities, Wisconsin's approach appears to protect existing nonconformities when they are left relatively unchanged. With this protection come restrictions and limitations. Generally, if a nonconforming use is changed; if it is not used for a year; and/or if it costs more to fix than it is worth, it is no longer protected.

The guide will attempt to provide guidance, options and examples for people developing updated policies for nonconformities by analyzing and synthesizing the state and local laws regarding nonconformities as they have played out in the state court system and as they are administered by local zoning officials and zoning boards. Underlying the discussion is the attempt at balance between property rights and the public purposes of land use regulation. General zoning segregates conflicting uses; floodplain zoning limits development in flood prone areas to minimize loss of life and property; shoreland and shoreland-wetland zoning limit development to protect aquatic habitat, water quality and shoreline aesthetics; and other types of zoning have been developed based on local community needs and values. State and local policy makers and administrative officials constantly explore new strategies to achieve this balance. Upcoming CLUE workshops for planning commissioners and county committees will provide forums for discussion of these new strategies and opportunities to hone them further and distribute them more widely in the state.



SUBMIT ARTICLES!

Please submit an article to our newsletter.
It should be 1000 words or less,
Be informative,
Be of state-wide concern,
And address a land use issue.

The Managing Editor, Anna Haines, will review your submission and get back to you if any changes are necessary.

Center for Land Use Education



University of Wisconsin
- Stevens Point
1900 Franklin Street
Stevens Point, WI 54481

Phone: 715-346-3783
Fax: 715-346-4038
Email: landcenter@uwsp.edu