

Center for Land Use Education

THE LAND USE TRACKER

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RETIREMENTS IN COUNTY ZONING OFFICES SPUR NEW IDEAS FOR FACILITATING WORKFORCE SUCCESSION

By Eric Olson

There's a pending retirement wave facing county zoning offices in Wisconsin, and the causes go beyond the Baby Boom demographics affecting the state's total workforce. As the most experienced zoning administrators hang up their hats, they take with them decades of hard earned knowledge and skills. The local and varied nature of land use administration in the state, - with over 70 different county offices operating largely independently, - complicates the process of succession planning. Simply put, no one is responsible for ensuring that the next generation of zoning officials is large enough and adequately prepared to handle the workload.

Local and state specialists from UW Extension are stepping up to the plate, however, and partnering with the Wisconsin County Code Administrators and others to develop innovative strategies for enhancing knowledge transfer and easing the future workforce succession. This article provides background on the retirement issue and an update on the UWEX lead effort.

The Nature of County Zoning Offices
Zoning officials everywhere find

themselves on the frontline of land use disputes. In Wisconsin counties, zoning administrators are often pulled in many directions - by landowners, their neighbors, town officials, the county zoning committee, and their own sense of what's permissible under the law. With time and experience, a zoning official develops a sense of the local balance between politics and policy, land use rights and community responsibilities.

Unfortunately, there is no way to capture this hard-earned knowledge and easily pass it on to the next staff person in line. In any large organization, a human resource department might be developing workforce succession plans to analyze the potential for turnover and provide sufficient training for those moving up the career ladder. In this way, the turbulence brought on by retirements and other transitions is reduced.

Such a process is uncommon in Wisconsin county zoning offices. Many of them are one or two person shops- often with each worker wearing multiple hats: zoning code administrator, sanitarian, planner, grading inspector, etc. Tight county

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CALENDAR OF EVENTS**BOARD OF ADJUSTMENT INTERMEDIATE/ADVANCED WORKSHOPS**

September 22, 2005 – Eagle River, WI
October 28, 2005 – Hudson, WI
www.uwsp.edu/cnr/landcenter/workshops.html

COMPREHENSIVE PLANNING GRANT INFORMATIONAL WORKSHOP

September 26, 2005, 1:00pm
Rhineland City Library
www.doa.state.wi.us/
Please register by calling 608-261-6605 or by e-mail at peter.herreid@doa.state.wi.us

UPPER MIDWEST REGIONAL PLANNING CONFERENCE

September 28-30, 2005
Arrowwood Resort and Conference Center, Alexandria, MN
www.plannersconference.com

WISCONSIN LEADERSHIP COORDINATOR'S CONFERENCE

October 12-13, 2005
Wintergreen Resort & Conference Center, Wisconsin Dells, WI
www.uwex.edu/ces/wrlp

NATIONAL LAND CONSERVATION CONFERENCE: CONSERVATION IN THE HEARTLAND

Monona Terrace Convention Center, Madison, WI
October 14-17, 2005
www.lta.org/training/rally.htm

WISCONSIN TOWNS ASSOCIATION 58TH ANNUAL CONFERENCE

October 16-19, 2005
Country Springs Hotel, Stevens Point, WI
For more information or to register call 715-526-3157

GREEN MAKEOVER: RETROFITTING SITES IN URBAN AREAS TO ENRICH CITY ENVIRONMENTS

October 19-20, 2005
School of Continuing Education Conference Center, UW-Milwaukee
<http://128.248.232.70/glakes/ce/courseDetail.asp?GID=319>

WISCONSIN COUNTY CODE ADMINISTRATORS FALL CONFERENCE

October 19-21, 2005
Best Western, Waupaca, WI
www.wccadm.com

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budgets typically mean that succession planning is not a high priority in many county zoning offices.

Why Now?

To date, the county zoning workforce has not faced any major turbulence due to turnover or retirements. Instead, many counties have been able to draw from other counties to attract new personnel when needed. Two phenomena are conspiring to make the existing workforce strategy much more challenging in the near future: the aging of the Baby Boomer generation and the rapid increase in county zoning activities in the early 1970s that created an influx of new zoning staff.

The Baby Boom itself is largely responsible for bringing attention to the need for workforce succession planning and knowledge management in the United States. For example, the State Government in Wisconsin faces a situation wherein over one-quarter of its 40,000 strong workforce will be eligible for retirement by 2012 (Wisconsin Department of Employee Relations, 2002). A similar demographic can be found in county zoning offices.

Another challenge is the succession of Wisconsin's "first generation" of zoning staff, initially hired in the late 1960s and early 1970s. The creation of new state environmental laws to protect water and public health during this era created a need for more regulators and inspectors. Wisconsin continued its longstanding partnership between state and local governments by offering counties the opportunity to create and implement shoreland development regulations

in unincorporated areas. Faced with the undesirable alternative of a state-administered zoning program, all of the state's counties came on board with their own zoning program in a period of a few years (Weber and Peroff 1977).

Over thirty years later, it should seem obvious that most of the "first generation" of county zoning officials is nearing retirement, if they haven't left already. In the spring of 2005, CLUE began a project to confirm this situation and shed more light on the status of the county zoning workforce throughout the state. Chris Mrdutt, a land use planning student at UWSP and a code enforcement specialist with Portage County, assisted me in contacting nearly 160 employees in county zoning offices to gather information about their background in the field and their future plans.

Results of Workforce Census

Our results indicate that 25% of the workforce anticipates retiring or leaving the workforce for other reasons within 5 years. As one might expect, those leaving the workforce will take with them a wealth of experience in the field of zoning administration. The average length of service for those planning to retire within 5 years (n=39) is well over 20 years.

The effect of retirement and other workforce exits was also estimated by "aging" the zoning workforce and replacing those who will leave with new workers. Figures 1 and 2 on the next page show the current and future makeup of the workforce in terms of experience levels. Figure 2 reflects the assumption that each person leaving the workforce is replaced by another



Figure 1. Work experience levels among current zoning staff.

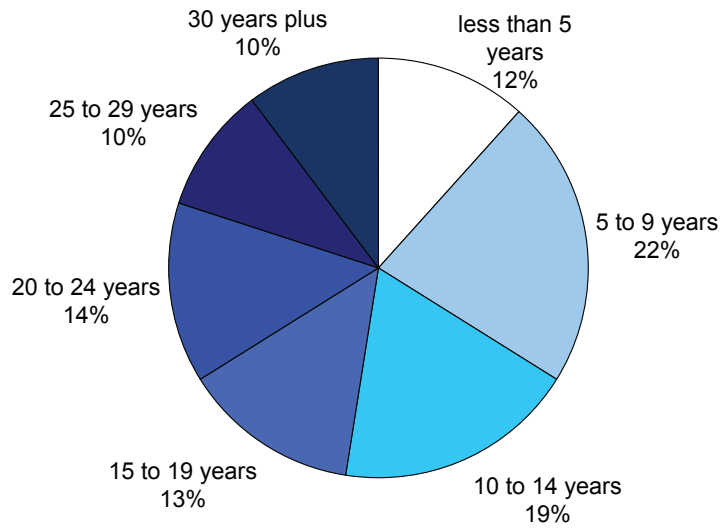
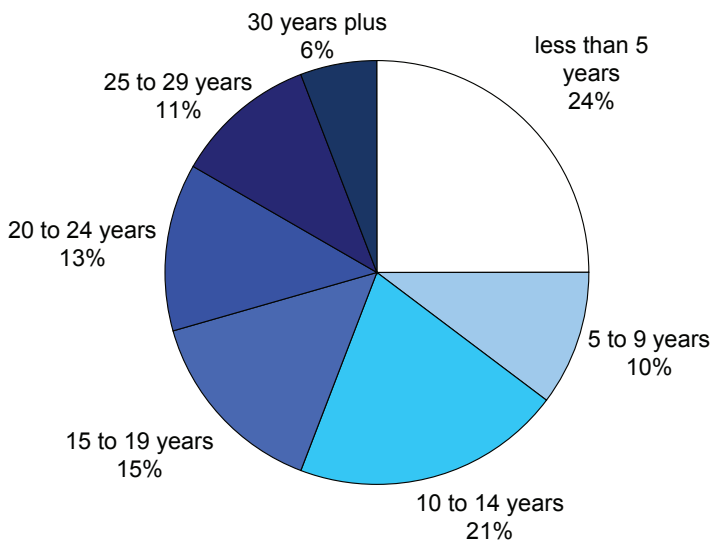


Figure 2. Projected work experience levels in the year 2010.



person. Using this cohort projection method, the portion of the workforce with less than 5 years experience is anticipated to double from 12% in 2005 to 24% in 2010. The combined cohorts with over 25 years experience will decline from 20% to 17%. (If the entire workforce were evenly divided among all seven categories examined, each cohort would be expected to contain 14% of the workforce).

As evidence that the zoning workforce has issues beyond just Baby Boom demographics, the age of workers in zoning offices and the state as a whole were compared. The results are shown in Table 1. Compared to the entire state’s workforce, the zoning administration workforce has almost twice the portion of workers in the age 55-65 category. This can partially be explained by the higher age expected of beginning zoning staff. The small portion of recently hired staff (those with less than five years experience) also contributes to both an older average age and the need for increased entry-level training and retention planning.

Preparing for the Future

The timing of zoning administrator turnover is posed to create additional challenges for Wisconsin’s counties. Revised shoreland zoning regulations embodied in NR 115 will create new and additional responsibilities for local zoning offices, such as tracking impervious surface levels in shoreland zones. Within the next five years, comprehensive plan consistency requirements will likely cause many, if not all counties to revisit their zoning ordinance and perhaps go through the long-avoided process of comprehensive revision.

The underlying forces affecting zoning officials in rural areas, such as development and construction in unincorporated territories, are forecast to increase as well. By one researcher’s estimate, over 100 billion square feet of new residential living space will be constructed in the US in the next 25 years (Nelson, 2004). Working in a zoning office, already a difficult task, is likely to become more challenging in the coming years.



Table 1. Age distribution of Wisconsin’s zoning and total workforce

Age	Wisconsin Zoning Workforce	Total Wisconsin Workforce
34 years and under	23 %	38 %
35 to 54 years	58 %	48 %
55 to 64 years	18 %	10 %
65 years plus	1 %	3 %

(Source: State of Wisconsin Workforce Profile. Wisconsin Department of Workforce Development, November 2004)

To address this issue, UW Extension and the Wisconsin County Code Administrators (WCCA) are jointly developing a training and workforce development program geared to recent entrants in the zoning workforce. In addition, UW Stevens Point is seeking to revamp some of its natural resource management courses to better prepare undergraduates for entry-level positions in land policy administration.

A planning effort began in July at a meeting of Extension faculty, emeritus zoning officials with long histories in the WCCA, current zoning administrators, and representatives from the Wisconsin Builders Association. The Builders representatives were invited because they will end up dealing with the outcomes of turnover in the zoning offices. Their experience “on the other side of the counter” was a useful addition to the day’s discussion, which focused on the skills and knowledge necessary for success in zoning offices. The Extension facilitators grouped the morning’s brainstorm into four sections:

- Base knowledge, including knowledge of actual code contents, the development process (key steps and players), the basis of public policies, and the public benefits of rules and regulations.

- Technical skills, including public speaking skills, writing skills, interpretation and writing of local codes, and map reading.
- Political skills, meaning knowing who the local and statewide players are and their roles, but also being savvy and diplomatic on the job.
- Personal skills, including effective public communications and education strategies as well as the ability to work with people one-on-one and in groups.

The group met again in late August to formulate and refine strategies for ensuring that these skills are transferred to new employees. To meet the need for additional technical skills, faculty at UWSP will be creating two new courses for resource management students that highlight plan implementation, including zoning code enforcement. Three other programs were also discussed, including a leadership-style program for new code enforcement staff, a resource directory, and a mentorship program for new zoning administrators.

To address the need for political and personal skills, UW Extension, WCCA and others are proposing to develop a “leadership-style” program available to workers who are new in the field.



Using successful county and state rural leadership programs as models, such a program would provide a valuable opportunity for skill development and networking among recent entrants into the zoning workforce. The program could entail several meetings throughout a one-year period, each focusing on a different aspect of the political and personal skills needed to succeed in a zoning office. Those who successfully complete the course would receive a certificate demonstrating their involvement in continuing education.

The proposed resource directory would be made available to zoning staff and others. It would be an exhaustive directory of educators and professionals involved in land regulation and development who are available to provide technical and other guidance. It would be indexed according to subject areas of expertise. Zoning staff with specific questions such as the pros and cons of shared private well systems could contact someone directly by phone or email to get answers and ideas. The resource directory would be collaboratively produced and maintained through UW Extension.

The planning group also discussed a mentorship program for new administrators at the August meeting. Through such a program, recently hired or promoted office heads would be matched with their more experienced peers in similar offices. The mentor and protégé would meet occasionally throughout the new administrator's first year to discuss common issues such as staffing, budgeting, reporting, and work planning.

These new programs are still in formative stages and require more detailed planning and budgeting. The ideas developed so far will be presented to current zoning administrators and potential participants at the fall biannual conference of the WCCA, October 20th and 21st in Waupaca. Depending on the response of the WCCA executive board and members, the Extension team and their partners will begin to solidify programs by establishing dates, deadlines, and funding strategies. Look for updates in future issues of the Land Use Tracker. ■

References

- Nelson, Arthur C., 2004, Toward a New Metropolis: The Opportunity to Rebuild America. The Brookings Institution Metropolitan Policy Program discussion paper. www.brook.edu/metro/pubs/20041213_RebuildAmerica.pdf
- Weber, B. A. and K. S. Peroff, 1977, Local government response to state-mandated land use laws. *Journal of the American Institute of Planners* 43(4): 352-360.
- Wisconsin Department of Employee Relations, 2002, Wisconsin State Workforce Fact Book. <http://oser.state.wi.us/docview.asp?docid=1113>
- Wisconsin Department of Workforce Development, 2004, State of Wisconsin Workforce Profile. www.dwd.state.wi.us/oea/cp_pdf/wicpw.pdf



CLUE INITIATES PARCELIZATION STUDY

The Center for Land Use Education (CLUE) at UW Stevens Point was recently awarded a \$380,000 grant from the USDA's National Research Initiative for Rural Development. The grant will allow CLUE to document and analyze the long-term trends in land subdivision in a set of rural Wisconsin communities. CLUE staff will also be working with local planning committees and agencies to jointly develop strategies for managing the unintended negative consequences of land subdivision, or parcelization.

The project, called "Factors influencing land parcelization in amenity rich rural areas and the potential consequences of planning and policy variables", will focus on rural communities where parcelization has the potential to be a major issue. These are most likely communities rich in lakes and forestland, where subdividing land for recreational and retirement use is common.

Eric Olson, Land Use Specialist at

CLUE, points out why parcelization is important: "Rural areas and urban areas have traditionally had a relationship of economic exchange. Cities depend on rural areas for food and other natural resources, and rural areas depend on the market demand that urban areas create. Parcelizing the land for urban recreational and retirement consumption is another issue altogether. Now, rather than consuming the fruits of the land, the land itself is being consumed. This will have major implications for both urban and rural economies in the future."

Eric points out that previous research has already shown the negative consequences of parcelization. As land is split up and sold, efficient farming and forestry practices become more difficult to carry out and new threats are introduced to communities. Landowners are less likely to engage in forestry. Farming operations may conflict with rural

Land Division/Subdivision Resources

Is your community concerned about parcelization? Check out the following land division and subdivision resources:

www.wisconsinplanners.org/law/

- The land division ordinance for the Town of McMillan in Marathon County and an explanation of land division ordinances for towns prepared by Russel Knetzger, AICP. These and other resources can be found at the Wisconsin Chapter of the American Planning Association's legal resources site.

www.wisctowns.com/subdivision_ordinance.html

- A model subdivision ordinance for towns hosted at the Wisconsin Towns Association webpage.

www.sewrpc.org/modelordinances/default.shtm

- Southeastern Wisconsin Regional Planning Commission's model land division ordinance and rural cluster development ordinance.

www.wisc.edu/urpl/people/ohm/projects/consub.pdf

- Professor Brian Ohm's model conservation subdivision ordinance.

www.foth.com/client/nasewaupsee/pdf/clustering.pdf

- A 6 page handout by Foth & VanDyke with diagrams showing examples of conservation subdivisions.

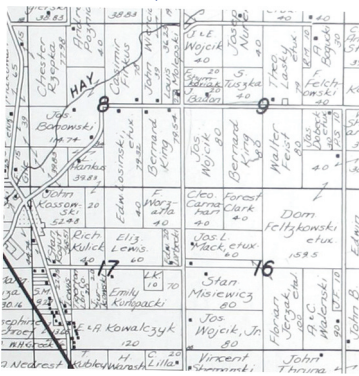


Request for Proposals

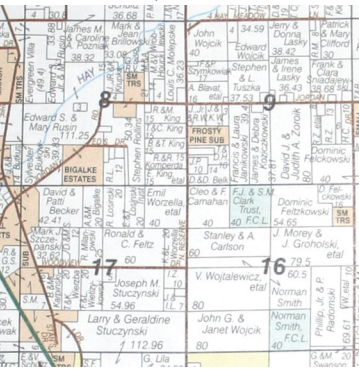
The Center for Land Use Education is seeking rural communities to include in its parcelization project. Two different counties will be selected, one that is representative of the state’s forest and lakes regions and one that is more agricultural in nature. Within each county, we will select three towns experiencing high, medium and low rates of parcelization. For more information visit us on the web at www.uwsp.edu/cnr/landcenter and click on ‘Special Projects’ and ‘Parcelization’. Or contact Eric Olson at 715-346-2278 or Anna Haines at 715-346-2386.

Figure 1: These images show parcelization trends over the last 40 years in the Town of Hull, Portage County.

Town of Hull, 1961



Town of Hull, 2001



residents. More homes are put in the path of potentially threatening forest fires. Rural housing introduces exotic species into otherwise intact ecosystems. Shoreland development degrades lakes and rivers.

“The surprising thing,” Eric notes, “is that we have no accurate sense of whether or not parcelization is increasing, and even if it is increasing, we can’t really say how fast. There is no commonly used statistic to capture the parcelization phenomenon. In part, this is because it operates in numerous dimensions, including space and time. These historically have been difficult to track”.

The study aims to address this challenge by using the latest in computer technology to capture, measure, and project the change in parcels both in space and over time. CLUE faculty and staff will head up an effort to reconstruct historic parcel maps in a geographic information system, or GIS. This will involve working with old paper records of parcel maps.

Doug Miskowiak, a GIS specialist at CLUE, hints at the difficulties involved: “Tracking parcelization over time hasn’t been done much before because the process is very labor intensive. Old maps must be tracked

down and then entered digitally into a GIS. Currently, parcels are recorded and updated digitally, but previous records are often discarded making tracking change over time difficult. A protocol needs to be developed to digitally record when new property lines are introduced. Once all the lines have been assigned a ‘birth date’, we can show parcel patterns and trends at various point in time.” The CLUE researchers hope to measure parcelization over the last 100 years.

Once recorded, the researchers can then begin analyzing the changes in parcels for patterns. For example, it should be clear that land adjacent to lakes attract development. But there are other patterns that will likely emerge by comparing a host of geographical characteristics to the parcel maps. From the analysis, the group hopes to be able to predict where new lot divisions are likely to occur in the future. Will new development occur next to urban amenities like sewer and water or natural amenities such as forests? This is where community involvement becomes important.

The project will conclude by training local county governments to monitor parcelization changes on their own with tools currently available to them. Doug Miskowiak suggests



that counties use the digital parcel database they currently maintain to track changes in parcelization and land use. “Having a method to monitor land use change and parcelization will help local governments track the progress and understand the implications of their comprehensive plans, both positive and negative.”

Anna Haines, CLUE Director, notes communities have tremendous powers when it comes to managing how land is divided. “Often, it’s not a simple question of whether land will divide or not,” notes Anna, “The question is how the land will be divided, and this can have serious consequences for both delivery of government services and management of natural resources. Too many very small lots in very

remote places have both economic and ecological consequences”.

To begin, the CLUE researchers are seeking partner communities that are interested in the project. A call is going out to University of Wisconsin-Extension’s county-based Community and Natural Resource Development educators to find out who is interested in participating. Project communities must have a fairly robust GIS system already in place, as well as some participation in comprehensive planning. Two different counties are being sought, one that is representative of the state’s forest and lake regions and one that is more agricultural in nature. Analysis of parcel maps will begin in the winter, and the entire project will be completed by 2009. ■

STAFF UPDATE

Welcome to new staff member Linda Stoll. Linda joins us from her previous position as executive director of the Fox Wolf Watershed Alliance. In her current position with CLUE, Linda will provide outreach education and develop materials for communities involved in comprehensive planning and plan implementation. Linda will also coordinate efforts to organize an International Conference on Watershed Management and Land Use Planning to be hosted by the Center for Land Use Education and Global Environmental Management Education Center in 2006. ■



NEW PUBLICATIONS

New UWEX publications related to land use and natural resources are now available on the web.

- *Protecting Your Waterfront Investment: 10 Simple Shoreland Stewardship Practices*, *Wisconsin Land Use Megatrends: Forests*, the *Land Use Resource Guide*, and the *Village Plan Commission Ordinances* bulletin are available on the CLUE Publications page:
www.uwsp.edu/cnr/landcenter/pubs.html
- *10 Ways to Protect Your Woodland Property: An Introduction to Wisconsin’s Forest Management Guidelines* is available on the DNR website:
www.dnr.wisconsin.gov/org/land/forestry/Publications/ProtectTrees/toc.htm



LEGAL UPDATE

NEW COURT DECISIONS REGARDING CONDITIONAL USE PERMITS

By Lynn Markham

Conditional use permit (CUP): a use listed in the zoning ordinance for a specific location which is not suited to all locations in a zoning district but may be authorized if adaptable to the limitations of a particular site and adjacent uses. Synonymous with the term 'special exception' under Wisconsin law.

The Wisconsin Supreme Court and Courts of Appeal recently issued three decisions addressing conditional use permits (CUPs). This article describes the key points for local governments from these cases. The full text of the Supreme Court decision is available at www.courts.state.wi.us/opinions/sopinon.htm while the Court of Appeals decisions can be found at www.courts.state.wi.us/opinions/aopinion.htm. See the Spring 2004 Tracker for a primer on CUPs.

As a brief background, review of CUP applications is assigned by ordinance to the planning and zoning committee/commission, the zoning board of adjustment/appeals or the governing body (county, village or town board or city council). Figure 1 illustrates which county government bodies can grant CUPs and where those decisions may be appealed.

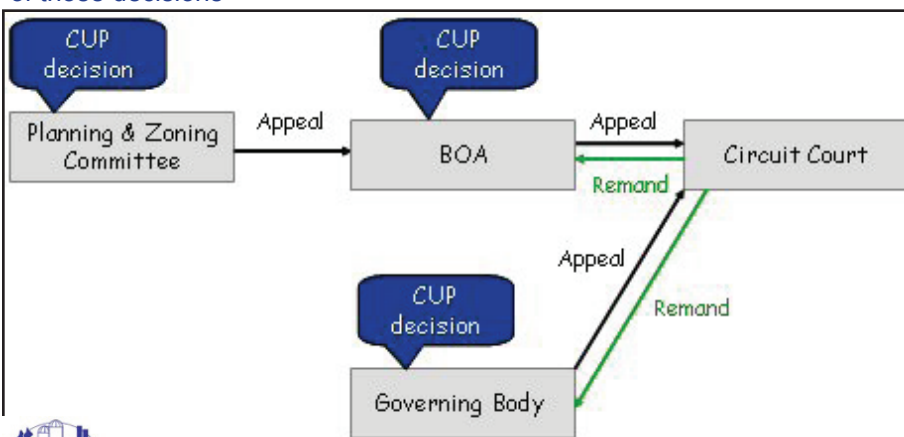
1. What standards do boards of adjustment (BOAs) use when they review conditional use decisions made by the planning/zoning committee?

Answer: When reviewing a conditional use permit decision by the county zoning committee, a county BOA has the authority to conduct a de novo review of the record and substitute its judgment for the county zoning committee's judgment. The BOA may take new evidence. This definition of the BOA's authority is stated in *Osterhues v. Board of Adjustment for Washburn County*, 2005 WI 92 which reverses the 2004 Court of Appeals decision reported in the Spring 2004 Tracker.

Based on all of the evidence, the BOA decides whether to grant the CUP. We recommend the BOA use the following standards when reviewing CUP decisions originally made by the zoning committee:

1. Does the ordinance assign CUP decisions to the zoning committee? Is the conditional use in question listed in the ordinance for this location?
2. Were proper procedures followed?
3. Were the proper standards from the ordinance used?
4. Is there evidence that is new and relevant to ordinance standards?
5. Is there evidence in the record supporting the decision the zoning committee reached? The BOA may take additional evidence.

Figure 1: Understanding who decides conditional use permits and appeals of those decisions



The BOA may reverse, affirm or modify a zoning committee decision, but does not have authority to remand a decision to the zoning committee.

2. Can a town board of adjustment issue a conditional use permit?

Answer: If a town (or county) board provides in its zoning ordinance that its BOA may grant CUPs, then – and not otherwise – does the BOA have the power to do so. This avoids arbitrary or politically driven assignment of CUPs to different decision-making bodies. *Magnolia Township and Western Rock County Citizens Against Factory Farming v. Town of Magnolia*. 2005 WI App 119

3. Can revoking a conditional use permit be considered an unconstitutional taking without just compensation?

Answer: A CUP is a type of zoning designation rather than property so revoking a CUP is not a taking of property. *Rainbow Springs Golf Company, Inc. v. Waukesha County*. 2005 WI App 163. ■



NEW COURT DECISION IMPACTS ZONING BOARDS

By Rebecca Roberts

The Wisconsin Supreme Court recently issued a decision that will impact how zoning boards of adjustment/appeals record their decisions.

To what extent must a zoning board explain its reasoning for approving or denying an application?

Answer: A zoning board may not grant or deny an application by simply restating the statutory or ordinance language that was or was not met.

In order to allow for meaningful certiorari review by a circuit court, the board must explain the “grounds” it relied upon to make its decisions – or the reasons the application does or does not fit the legal criteria. These reasons do not need to be included in the board’s written decision as long as they are recorded in the transcript of the board proceedings. *Lamar Central Outdoor, Inc. v. Board of Zoning Appeals of the City of Milwaukee*. 2005 WI 117. ■

These legal updates were reviewed for form and content by JoAnne Kloppenburg from the Wisconsin Department of Justice. Any errors, mistakes and omissions remain the responsibility of the authors.



Submit Articles!

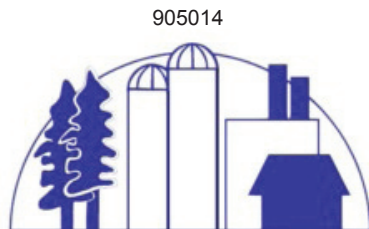
Please submit an article to our newsletter.

It should be:

- 1,000 words or less,
- Informative,
- Of statewide concern,
- And address a land use issue.

The managing editor will review your submission and get back to you if any changes are necessary.

*Managing Editor
Rebecca Roberts*



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INTERNATIONAL ASSOCIATION FOR PUBLIC PARTICIPATION (IAP2) TRAINING WORKSHOPS

Planning for Effective Public Participation – October 24-25, 2005
Communications for Effective Public Participation – October 26, 2005
Techniques for Effective Public Participation – November 8-9, 2005
Madison, WI
www.iap2.org/calendar.cfm

LEAGUE OF WISCONSIN MUNICIPALITIES ANNUAL CONFERENCE

October 26-28, 2005
Regency Suites and KI Center, Green Bay, WI
www.lwm-info.org

THE MANY FACES OF DEMOGRAPHICS WISLINE #1736-3

December 13, 2005, 10:30 a.m. – 12:20 p.m.
www.uwex.edu/lgc/program/pdf/cur2005.pdf

IS YOUR PROPERTY SAFE? THE USES AND ABUSES OF EMINENT DOMAIN

October 13, 2005, 6pm
Oshkosh Public Library, meeting rooms A&B
www.wisconsinplanners.org/events/NE_district_meeting_Oct_2005.htm

For additional dates and information, visit the online calendar of events
www.uwsp.edu/cnr/landcenter/events.html

