

Resolution No. 2016-16-LUPA-3450
WINNEBAGO COUNTY PLANNING AND ZONING COMMITTEE

A RESOLUTION OF THE WINNEBAGO COUNTY PLANNING AND ZONING COMMITTEE RECOMMENDING ADOPTION OF A 10-YEAR UPDATE TO THE WINNEBAGO COUNTY COMPREHENSIVE PLAN

- February 1st, 2016 -

WHEREAS, the County Board of Winnebago County has adopted a comprehensive plan on March 21, 2006 pursuant to ss. 59.69 and 66.1001, Wis. Stats.; and

WHEREAS, s. 66.1001, Wis. Stats., requires an update of an adopted comprehensive plan every 10 years;

WHEREAS, the County Board of Winnebago County desires to have an up-to-date comprehensive plan that fully complies with ss. 59.69 and 66.1001, Wis. Stats.; and

WHEREAS, the process to prepare the 10-year update formally started in 2014 when the County Board of Winnebago County adopted a public participation plan which describes the way in which citizens, local units of government, and others could be involved in the preparation, review, and adoption of the 10-year update; and

WHEREAS, the Winnebago County Planning and Zoning Committee has prepared a 10-year update of the County's 2006 comprehensive plan; and

NOW THEREFORE, the Planning and Zoning Committee, by a majority vote of the entire Committee as recorded in its official minutes of February 1st, 2016, recommends adoption of the document entitled "A Multi-Jurisdictional Comprehensive Plan for Winnebago County:2016-2035," which consists of three documents as follows:

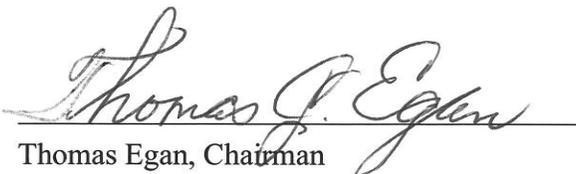
Volume 1: Background Document (attached hereto as Exhibit A)

Volume 2: Policy Document (attached hereto as Exhibit B)

Volume 3: Farmland Preservation Plan (Volume 3 remains unchanged)

Adopted this 1st day of February, 2016

WINNEBAGO COUNTY PLANNING AND ZONING COMMITTEE


Thomas Egan, Chairman

Ordinance No. 2016-_____

**AN ORDINANCE TO ADOPT A 10-YEAR UPDATE OF
WINNEBAGO COUNTY'S COMPREHENSIVE PLAN AND TO AMEND
CHAPTER 22 OF THE WINNEBAGO COUNTY GENERAL CODE**

- DRAFT January 21, 2016 -

WHEREAS, the County Board of Winnebago County has adopted a comprehensive plan on March 21, 2006 pursuant to ss. 59.69 and 66.1001, Wis. Stats.; and

WHEREAS, s. 66.1001, Wis. Stats., requires an update of an adopted comprehensive plan every 10 years;

WHEREAS, the County Board of Winnebago County desires to have an up-to-date comprehensive plan that fully complies with ss. 59.69 and 66.1001, Wis. Stats.; and

WHEREAS, the process to prepare the 10-year update formally started in 2014 when the County Board of Winnebago County adopted a public participation plan which describes the way in which citizens, local units of government, and others could be involved in the preparation, review, and adoption of the 10-year update; and

WHEREAS, the Winnebago County Planning and Zoning Committee has prepared a 10-year update of the County's 2006 comprehensive plan; and

WHEREAS, the Planning and Zoning Committee, by a majority vote of the entire Committee as recorded in its official minutes of February 1st, 2016, has adopted a resolution recommending to the County Board the adoption of the document entitled "A Multi-Jurisdictional Comprehensive Plan for Winnebago County:2016-2035;" and

WHEREAS, the Winnebago County Planning and Zoning Committee has conducted a public hearing on January 27, 2016 in compliance with s. 59.69(3)(d), Wis. Stats., and the County Board of Winnebago County has conducted a public hearing on February 9th, 2016 in compliance with the requirements of s. 66.1001(4)(c) and (d), Wis. Stats.; and

WHEREAS, the County Board of Winnebago County has determined that the provisions included in the adopted a public participation plan have been followed; and

NOW THEREFORE, the County Board of Winnebago County do ordain as follows:

SECTION 1. COMPREHENSIVE PLAN AMENDMENT

The County Board of Winnebago County hereby adopts the comprehensive plan entitled "A Multi-Jurisdictional Comprehensive Plan for Winnebago County: 2016-2035;" which consists of three documents as follows:

Volume 1: Background Document (attached hereto as Exhibit A)

Volume 2: Policy Document (attached hereto as Exhibit B)

Volume 3: Farmland Preservation Plan (Volume 3 remains unchanged)

SECTION 2. DISTRIBUTION OF ORDINANCE

The Planning Director for Winnebago County is directed to send a copy of this ordinance to those entities enumerated in s. 66.1001(4)(b), Wis. Stats.

SECTION 3. REPEAL AND RECREATE CHAPTER 22

The County Board of Winnebago County hereby repeals and recreates Chapter 22 of the Winnebago County General Code to read as follows:

**Chapter 22
Winnebago County Comprehensive Plan**

22.01 Authority: Pursuant to sections 59.69(2) & (3) and s. 66.1001, Wis. Stats, Winnebago County is authorized and mandated to prepare and adopt a comprehensive plan which allows the county to enact or amend in the following ordinances as enumerated in s. 66.1001(3), Wis. Stats., including but not limited to: local subdivision regulation under s. 236.45 or 236.46, Wis. Stats.; County zoning ordinance enacted or amended under s. 59.69, Wis. Stats.; zoning of shorelands or wetlands in shorelands under s. 59.692, Wis. Stats.; and town zoning ordinances that are approved by the County Board and enacted and amended under s. 60.61 or 60.62, Wis. Stats.

22.02 Applicability: Pursuant to s. 59.69(3)(a), Wis. Stats., this ordinance shall be applicable to all lands within Winnebago County which are in unincorporated areas and in those areas within incorporated areas whose governing bodies by resolution agree to having their areas included in the county development plan.

22.03 Official Copy: The County Clerk shall maintain a copy of the adopted comprehensive plan and any amendments made thereto. Such copy shall be made available to the public upon request during normal office hours.

22.04 Interpretation in Relationship to Other Laws: This ordinance shall apply and take precedence in all situations where it is more restrictive than another ordinance. The provisions of this ordinance shall be interpreted as minimum requirements and shall be liberally construed in favor of this ordinance. This ordinance shall not be deemed to limit or repeal any other powers granted to Winnebago County by the Wisconsin Statutes or the Wisconsin Administrative Code. Winnebago County acknowledges those intergovernmental agreements relating to the location of boundaries which exist at the time of the adoption of this Ordinance. Both prior to and subsequent to January 1, 2010, it is the intent of Winnebago County to recognize said agreements to the extent that said Agreements are not contrary to nor in violation of the General Code of Winnebago County, the Wisconsin Administrative Code or Wisconsin or Federal statutes. Nothing contained within this ordinance shall be construed so as to require Winnebago County to enforce any such intergovernmental agreement.

22.05 Severability and Nonliability: If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

22.06 Plan-Ordinance Consistency: All of the following enacted or amended ordinances and related plans and procedures shall be consistent with the adopted comprehensive plan, including the future land uses identified in the plan:

- (1) Pursuant to s. 66.1001(3), Wis. Stats., the Winnebago County Zoning Ordinance (Chapter 23 of the County General Code).
- (2) Pursuant to s. 66.1001(3), Wis. Stats., major land divisions as defined in the Winnebago County Subdivision Ordinance (Chapter 18 of the County General Code);
- (3) Pursuant to s. 66.1001(3), Wis. Stats., all Town zoning ordinances and amendments thereto that are required to be approved by the County Board.
- (4) Pursuant to s. 66.1001(3), Wis. Stats., the Winnebago County Shoreland Ordinance (Chapter 27 of the County General Code)
- (5) Farmland Preservation Plan prepared and adopted in accordance with ch. 91, Wis. Stats.
- (6) Where the adopted comprehensive plan and those adopted ordinances enumerated in this section are in conflict, the remedy shall be as identified in this ordinance, the adopted comprehensive plan for changes to the plan, or those ordinances cited in sections s. 22.06 (1) to (7) above for changes to the affected ordinance(s). This includes the future land use map in the comprehensive plan and the adopted zoning map of the County Zoning Ordinance.
- (7) Lots of record existing at the time of implementation of this ordinance are exempt from any lot size parameters that may be identified in the adopted comprehensive plan, however the proposed use shall be in compliance with the uses shown on the future land use map in the adopted comprehensive plan.

22.07 Amendments, Revisions, and Updates: All amendments, revisions, and updates to the plan or adoption of a new plan shall be in accordance with s. 66.1001(4), Wis. Stats.

22.08 Fees: The Winnebago County Board of Supervisors may establish a fee for submitting a petition to amend the adopted comprehensive plan.

22.09 Inclusion and Adherence to City and Village Plans: Pursuant to s. 59.69(3)(b), Wis. Stats., the county development plan shall include the master plan of any city or village that was adopted under s. 62.23(2) or (3), Wis. Stats., and the official map of such city or village that was adopted under s. 62.23(6), Wis. Stats. in the county, without change to said plan. In addition, pursuant s. 59.69(3)(e), Wis. Stats, master plans for cities and villages adopted under s. 62.23(2), Wis. Stats., and (3) and an official map that is established under s. 62.23(6), Wis. Stats. shall control in the unincorporated territory of the county, whether or not such action occurs before the adoption of a county development plan. The future land use map for the City of Oshkosh shall only apply in the extraterritorial jurisdictional area of the City. As such, when the City of Oshkosh expands the extraterritorial jurisdiction via annexation or boundary agreement, the County's future land use map will change accordingly to reflect the change in extraterritorial jurisdictional area, without need for a formal plan amendment. Property outside of the extraterritorial jurisdiction of the City of Oshkosh shall be regulated by the County's future land use map, until such time as this boundary changes due to an annexation and/or attachment of

town property through a boundary agreement between the City of Oshkosh and respective town. Application for development activity pursuant to s. 22.06 shall require a written statement of plan compliance from the applicable city or village. Only proposed zoning changes and major land divisions shall be required to be in compliance with the plan in these areas.

22.10 Implementation Actions: The adopted comprehensive plan may include recommendations for various implementation activities. Prior to commencing work on any major implementation action, the Winnebago County Planning Director shall confer with the Winnebago County Planning and Zoning Committee to determine if specific authorization is required or recommended. If it is determined authorization is necessary or recommended, such work must be approved by the Planning and Zoning Committee and if required, or if requested by said Committee, by the Winnebago County Board of Supervisors.

22.11 Violations and Penalties:

- (1) It shall be unlawful to construct or use any structure, land, or water in violation of any provisions of this ordinance. In case of any violation, the County Board of Supervisors, the County Zoning Administrator, Town Board, or any property owner aggrieved by such violation may institute appropriate action or proceedings to enjoin a violation of this ordinance.
- (2) If the County Zoning Office shall determine at any time that the ordinance, laws, orders, plans and specifications are not being complied with, said office is authorized to post a stop work order at the site of the work. When such order has been posted, it shall have the effect of causing the original permit or approval(s) to be revoked and in all cases, it shall be unlawful for any further work to proceed until the permit or required approval(s) are issued or reinstated. It shall further be unlawful to remove such stop work order without the direct authorization of the County Zoning Office.
- (3) Penalties: Any person, firm, or corporation, who fails to comply with the provisions of this ordinance as enumerated in s. 22.06 (1) to (7), above, or any order of the County Zoning Administrator issued in compliance with s. 22.06 (1) to (7), or who violates, disobeys, neglects, omits or refuses to comply with or who resists enforcement of s. 22.06 (1) to (7) shall be subject to the penalties as provided in s. 25.04 of the Winnebago County General Code.

SECTION 4. EFFECTIVE DATE OF ORDINANCE

This ordinance shall take effect on March 20, 2016 following passage by a majority vote of the members-elect of the County Board and publication as required by law.

Adopted this day of February 2016

WINNEBAGO COUNTY BOARD OF COUNTY SUPERVISORS

Mark L. Harris, Winnebago County Executive

ATTEST:

Sue Ertmer, County Clerk

Published and posted this day of February 2016

Exhibit A

Volume 1: Background Document

Exhibit B

Volume 2: Policy Document