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Winn Tomorrow
Winnebago Citizens Planning Our Future

Intergovernmental Agreement

**Plan Adoption/Plan Amendment
Processes**

The Assignment

Formalize and document the adoption process and the amendment process for the Winnebago County Comprehensive Land Use Plan (The County Umbrella Plan) which will be in effect after The County Umbrella Plan is adopted (no later than January 1, 2010).

Note -

This document is a companion to flow charts that map out the processes of Adoption and Amendment for The County Umbrella Plan.

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Index

Item

Page

Proposed County Plan Adoption Steps

I Assumptions

II Plan Adoption Process Addendum

III Plan Adoption Process

- A. Local Gov't with own Land Use Plan / Zoning
- B. Local Gov't without own Plan
- C. Local Gov't that do not accept the County Umbrella Plan
- D. Cities / Village

IV Plan Amendment Process

- A. County Plan
- B. Local Gov't Rejects County Plan
- C. Cities / Village

V Glossary

- D. Plan Update
- E. Plan Revision
- F. Plan Amendment

VI Facilitators Statement

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Assumptions Regarding:

I

Legislative Requirements (Wisconsin State Statutes)

1. The adoption process must take place prior to January 1, 2010.
2. The former practice of Land Use Planning will no longer exist as an item unto itself after January 1, 2010. It will only exist as an element of Comprehensive Planning.
3. All jurisdictions must have an updated future land use map of projections 20 years into the future (in five-year increments) and a current zoning map.
4. After January 1, 2010, a Local Government may not process any decision affecting land use if that Local Government does not have a Comprehensive Plan.
5. State of Wisconsin legislative stipulations will apply when a Local Government does not accept, or rescinds acceptance of the County Umbrella Plan.

Framework of The Plan

1. The amendment process applies to actions taken after The County Umbrella Plan is implemented.
2. This document will undergo a legal review by the County Corporation Counsel and any and all legal advisors to the local units of government.
3. We will separate the process of Comprehensive Planning from the process of Zoning.
4. Once the County incorporates the Local Government Plan into the County Umbrella Plan, the amendment process is also part of the agreement.
5. The County Umbrella Plan adoption process does not force any Local Government to accept the plan.
6. A Local Government that has accepted the County Umbrella Plan may, by resolution of the Local Governments' Boards or Councils, rescind acceptance at anytime of their choosing.

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Operational Understandings

I

1. A bottom-up approach to planning contributes to the ultimate success of The County Umbrella Plan.
2. Therefore, it is important that The County Umbrella Plan be compatible with the Local Government Plans.
3. We will operate under a County Umbrella Plan with broad-agreed-upon policies that contain and support specific land use decisions at the Local Government level.
4. The County Umbrella Plan will outline different standards for different Local Governments as each jurisdiction specifies.
5. It is important that incorporated and unincorporated jurisdictions alike participate in The County Umbrella Plan.

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Plan Adoption Process Addendum II

(Detailed notes to the Adoption Process Flow Chart)

1. The Winnebago County Comprehensive Planning Advisory Committee (The Planning Advisory Group) will develop the recommendations for The County Umbrella Plan in consultation with the consulting firm PDI (Planning Design Institute).
2. The Planning Advisory Group will submit the recommendations of the County Umbrella Plan to the County Planning and Zoning Committee.
3. The Planning Advisory Group and the Planning and Zoning Committee will hold a Joint Public Hearing/Workshop.
4. Representatives from the Planning Advisory Group will present the full comprehensive plan package to all the governing bodies at a single meeting.
5. Following the Planning Advisory Group presentation in step four above, all Local Governments will have 60 days after their next regularly scheduled Board or Council Meeting to respond in writing to the County Planning and Zoning Committee. During this sixty-day period the Local Governments should hold special public hearings.
6. The County Planning and Zoning Committee will consider comments and recommend changes per their judgment. They shall submit changes to the Planning Advisory Group. The Planning Advisory Group shall recommend remedies for any conflicts before the Draft Plan is sent back to the Local Governments.
7. The Draft Plan with recommended changes clearly identified will be sent back to the Local Governments. The Local Governments will have 45 days to submit a yes or no vote in writing to the Planning and Zoning Committee. (Note – This vote is not an adoption vote)
8. If the vote is no, a Local Government has the option of initiating acceptance of the County Umbrella Plan at a later date.
9. The County Planning and Zoning Committee will schedule a public hearing on the recommended County Umbrella Plan after receipt of the Local Governments' decisions.

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10. Following the public hearing, the County Planning and Zoning Committee will recommend approval of the final version of The County Umbrella Plan to the County Board.
11. The County Board will take action to adopt or not adopt The County Umbrella Plan.

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Plan Adoption Process

III

A. Local Government with own Land Use Plan

1. The Local Government Plan(s) and the County Umbrella Plan should complement and support each other. If not, a joint effort will be made between the County and the Local Government in question to resolve the differences with consideration being given to the local plan.
2. Each Local Government's Comprehensive Plan must have an updated future land use map with projections 20 years into the future (in five-year increments) and a current zoning map.
3. Once a Local Government accepts The County Umbrella Plan, amendments to that Local Government's plan must be submitted to the County.
4. The County Plan adoption process does not force any Local Government to accept The County Umbrella Plan.
5. The County Umbrella Plan will provide a framework that allows Local Government's to effectively implement the requirements identified in their own plans.

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B. Local Government without **III** A Comprehensive Plan

1. Per State Statutes a Local Government without a Comprehensive Plan may not make land use decisions after January 1, 2010.
2. The County Umbrella Plan automatically applies for a Local Government without a Comprehensive Plan of its own.
3. Local Government Comprehensive Plans submitted after the County Umbrella Plan is adopted will be incorporated into The County Umbrella Plan upon approval by the Local Government Boards and Councils and County Board.
4. It is assumed that all Local Governments in Winnebago County will develop their own Comprehensive Plans.
5. If a Local Government chooses not to develop a Comprehensive Plan that Local Government may request that the County develop a Comprehensive Plan for the Local Government.

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C. Local Governments that do not Accept **III** The County Umbrella Plan

1. The County Umbrella Plan adoption process does not force any Local Government to accept The County Umbrella Plan.
2. There should be continued efforts to negotiate resolution of differences between the Local Government and the County.
3. If a resolution is not reached, a Local Government has the option of initiating acceptance of the County Umbrella Plan at a later date.
4. If the Local Government does not adopt the County Plan, State Statutes apply.

D. Cities/Village

1. All understandings previously outlined for Local Governments also apply to Cities and Villages.

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Plan Amendment Process

IV

A. County Plan

1. All land use decisions within Winnebago County must be consistent with an applicable Comprehensive Plan on or before January 1, 2010.
2. Land use decisions that are inconsistent with The County Umbrella Plan (which includes the land use map) will require a plan amendment.
3. When a Local Government amends its plan, The County Umbrella Plan amendment process follows.
4. When a Local Government, without its own plan, wishes to make an amendment it does so through the County Planning and Zoning Committee.
5. The County amendment process only applies to those Local Governments that accept The County Umbrella Plan.

D. Local Government Does Not Accept County Plan

1. No amendment discussion necessary

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GLOSSARY

V

The Comprehensive Plan will undergo periodic review. As a result, the plan may be changed in three different ways; via a plan update, plan revision, or plan amendment. These are defined as follows:

1. Plan Update (Required)

Is required by s. 66.1001(2)(i), Wis. Statutes., that reads "A comprehensive plan under this subsection shall be updated no less than once every 10 years". This is a restudy of the existing Comprehensive Plan initiated solely by the governmental entity that adopted the Comprehensive Plan under s. 66.1001, Wisconsin Statutes. As a result of the restudy, the governmental entity may adopt, by ordinance, the updated portions of the comprehensive plan in whole or in part based on the restudy. This method of change is in the form of text and/or map change(s) and would typically be initiated as a result of the following:

- New Legislation is passed, or;
- New information is introduced, such as: Significant changes in demographic composition; new or updated sewer service plans; new or updated plans, including comprehensive plans, from other governmental entities; documented studies (i.e. floodplain restudy, wetland or navigability determination); significant change in funding or scheduling of major highway construction.

2. Plan Revision (Optional)

This is performed on an as needed (periodic) basis by the governmental entity that adopted the Comprehensive Plan under s. 66.1001, Wis. Statutes. The governmental entity may adopt, by ordinance, the necessary revision(s) to the Comprehensive Plan, which are in the form of text and/or map change(s). This method of change is typically initiated as a result of the following:

- To correct error(s) in the plan, or;
- Change in community goals;
- New information is introduced as in item 1, or New Legislation is passed.

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3. Plan Amendment (By Request)

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Is initiated primarily by a property owner or developer for a location specific proposal, which is determined to be in conflict with the existing Comprehensive Plan. These types of plan changes typically result in a request to change the map portion of the Comprehensive Plan only and findings of fact are employed to justify the plan amendment. Formal adoption of the proposed change is done by ordinance. Frequency of changes to the plan via this method can be predetermined by the governmental entity (i.e., monthly, biannually, annually). This method of changing the plan is initiated by the following:

- Specific development proposal that is in conflict with the plan.
- Extraordinary circumstances.
- Clarification of item in the plan.

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V

COMPARISON OF METHODS TO CHANGE COMPREHENSIVE PLAN

Type of Change	Who Initiates Change	Frequency of Change	Characteristics
Plan Update	Governmental Entity	<ul style="list-style-type: none"> - Once every 10 years (minimum) - Least frequent 	<ul style="list-style-type: none"> - Required by Statute. - Restudy of Existing Plan. (Restudy can result from new information *, or from new legislation). - Can be Map and/or Text Change. - Change by ordinance (per statutes).
Plan Revision	Governmental Entity	<ul style="list-style-type: none"> - Periodic, as needed. - More frequent than plan update. 	<ul style="list-style-type: none"> - Optional - Result of new information*, new legislation, or correction of errors. - Can be Map and/or Text Change. - Change by ordinance (per statutes).
Plan Amendment	Usually by Property Owner or Developer	<ul style="list-style-type: none"> - Predetermined by Governmental Entity 	<ul style="list-style-type: none"> - Primarily a result of a Development proposal in conflict with Plan. - Location specific. - Typically Change to Future Map only. - Change based on findings of fact. - Change by ordinance (per statutes).

* New information may include significant changes in demographic composition; change in community goals; new or updated sewer service plans; new or updated plans, including comprehensive plans, from other governmental entities; documented studies (i.e. floodplain restudy, wetland or navigability determination), significant change in funding or scheduling of major highway construction.

Facilitators Statement

The Plan Adoption/Plan Amendment Process Subcommittee to the County Comprehensive Planning Advisory Committee has met for at least two hours each week over the months of October, November, January, February, March, April, May and June, 2002-2003.

The work of this citizens work group offers the hope that the understandings we have arrived at here will address the many doubts, fears, disbeliefs, and conflicts we all experience over many aspects related to Comprehensive Planning.

We have attempted to address the fear of "top-down mandates" by outlining a "bottom-up" County Umbrella Plan approval process.

Property rights, the right to farm, the right to hunt, the right to bear arms, and many more become clarion calls of citizens who feel overwhelmed by the pressing in of the preferences of others as well as government regulations attempting to ameliorate those competing preferences.

While we do not pretend that our understandings as outlined here will automatically resolve each of our planning issues it is our hope that they will provide the seeds of hope and excitement for a Winnebago County future where we and our children can find peace, well-being and financial security.

Bert Stitt, Facilitator
Winn Tomorrow