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Resolution 2009-1
Town of Lynne

ADOPTION OF COORDINATION

RESOLUTION OF THE TOWN OF LYNNE, ONEIDA COUNTY WISCONSIN, IMPOSING ITS AUTHORITY TO COORDINATE WITH, AND INSIST ON COORDINATION BY, FEDERAL AND STATE, COUNTY, CITY AND VILLAGE AGENCIES (COLLECTIVELY, “STATE,” “STATE AGENCIES” OR “LOCAL GOVERNMENT”) WITH MANAGEMENT, OVERSIGHT OR PLANNING DUTIES REGARDING LAND AND/OR NATURAL RESOURCES WITHIN THE JURISDICTION OF THE TOWN OF LYNNE.

WHEREAS; the Town of Lynne is a unit of local government under Chapter 60 of the Wisconsin Code;

WHEREAS; applicable provisions of the Constitution, statutes and regulations of the State of Wisconsin authorize the Town of Lynne plan for current and future land and resource uses and authorize the Town to exercise the police powers related to the public health and safety which are customarily reserved to local government;

WHEREAS; the governing body of the Town of Lynne has the responsibility to protect the Town’s tax base, protect the public health and safety, to take actions necessary to serve its citizens;

WHEREAS; in order to protect local authority to act in the best interests of the citizens, the Town must be in a position to represent the citizens in a meaningful way with the federal and “State” agencies and units of government which have management, oversight or planning duties regarding land and/or other natural resources within the jurisdiction of The Town of Lynne. “State” units of government include the state, counties, and cities of all classes, villages, and townships;

WHEREAS; the governing body of the Town of Lynne engages in local planning regarding current and future land use, natural resource use, roads and highways, and all elements of local authority recognized by Wisconsin law and the 10th Amendment to the United States Constitution, and;

WHEREAS; proper planning and management of land and/or other natural resources is an ongoing, dynamic, process requiring systematic and continual review and revision, in coordination with units and agencies of federal and state government, to best serve the interests and needs of the citizens of the Town of Lynne in relation to specific needs and circumstances as they may change from time to time, including, but not limited to comprehensive plans adopted by other units of federal and state government;

WHEREAS; applicable provisions of the Constitution, statutes and regulations of the State of Wisconsin mandating that state, county and local units of government assigned duties relating to management, oversight and planning of use of land and natural resources coordinate with the Town’s governing body include, but are not limited to § 1.11., § 1.12, § 1.13, Stats., Land use planning activities; § 16.023(1)(c), Stats., Wisconsin land council; § 16.965, Planning grants to local government units; and § 16.967, Land information program; and § 560.04, Stats.; and statutes relating to community planning;

WHEREAS; the common and ordinarily accepted definition of “coordination” as provided in standard dictionaries and common usage require that the Town of Lynne and those units and agencies of federal and State government required by law to coordinate with the Town be of equal status in the planning process and that plans proposed by such other units and agencies of federal and State government be consistent with those of the Town, and;

55 WHEREAS; the federal statutes and regulations relating to management, oversight and planning of use of land
56 and natural resources include, but are not limited to, the National Environmental Policy Act which requires
57 federal agencies to coordinate plans, functions, programs and resource actions with local government (42 U.S.C.
58 Sections 4331(a) and 4332(2); the Federal Land Policy and Management Act (43 U.S.C. Sections 1701 and
59 1712), which requires that the Secretary of Interior coordinate with local government and seek consistency
60 between federal plans and actions and plans, policies and actions established and taken by local government; the
61 National Forest Management Act (16 U.S.C. Section 1604); the Endangered Species Act (16 U.S.C. Section
62 1533); the Intergovernmental Cooperation Act and Presidential Executive Order No. 12372 require federal
63 agencies to coordinate with local government so that local impacts from federal projects can be identified and
64 mitigated; the Homeland Security Act which requires the Secretary to coordinate with local government; and
65 various other statutes and regulations relating to clean water, clean air, wild and scenic rivers, conservation
66 services, regulatory flexibility and recreation opportunities which require coordination as to lessening adverse
67 impact on local government, and quality of data utilized by the federal agencies and state agencies involved in
68 federal projects, and;

69
70 WHEREAS; the Code of Federal Regulations contains regulations issued by the Council on Environmental
71 Quality, the Secretaries of Interior and Agriculture, the Environmental Protection Agency, requiring
72 coordination with local government as to economic and social impacts of federal plans and actions on local
73 government and defining coordination in a manner which gives local government equal status with federal and
74 state agencies and units of government and;;

75
76 WHEREAS; the individual rights and interests of private citizens guaranteed and protected under the
77 constitutions and laws of the United States and the State of Wisconsin, including but not limited to the United
78 States Civil Rights Act which affords relief for denial of due process of law regarding land use actions, are
79 substantially affected by sound land use planning,

80
81 NOW, THEREFORE, BE IT RESOLVED that the governing body of the Town of Lynne invokes the Town's
82 legal standing and authority to coordinate with, and insist on coordination by units and agencies of federal and
83 state government claiming jurisdiction over lands and/or resources located within the jurisdiction of the Town of
84 Lynne pursuant to the federal and state constitutions, statutes and regulations recited above;

85
86 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to units and agencies of federal and
87 state government claiming jurisdiction over lands and/or resources located within the jurisdiction of the Town
88 of Lynne, to the County of Oneida, and to all federal and state elected representatives;

89
90 BE IT FURTHER RESOLVED that the land use plan adopted pursuant to this Resolution shall be a dynamic,
91 continually evolving plan requiring periodic review, assessment, and amendment in coordination with all
92 agencies and units of federal and State government in relation to which the Town invokes coordination pursuant
93 to this Resolution or subsequent Ordinances adopted pursuant to this Resolution and the federal and state
94 constitutions, statutes and regulations recited herein. The Land Use Plan currently being developed by the Town
95 of Lynne shall be enacted before January 1, 2012 and will contain at least all the elements specified in
96 s. 66.1001(2) of the Wisconsin Statutes.

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99 APPROVED AND ADOPTED THIS 8th day of December, 2009.

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101 Chairperson _____

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105 Supervisor _____

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108 Supervisor _____