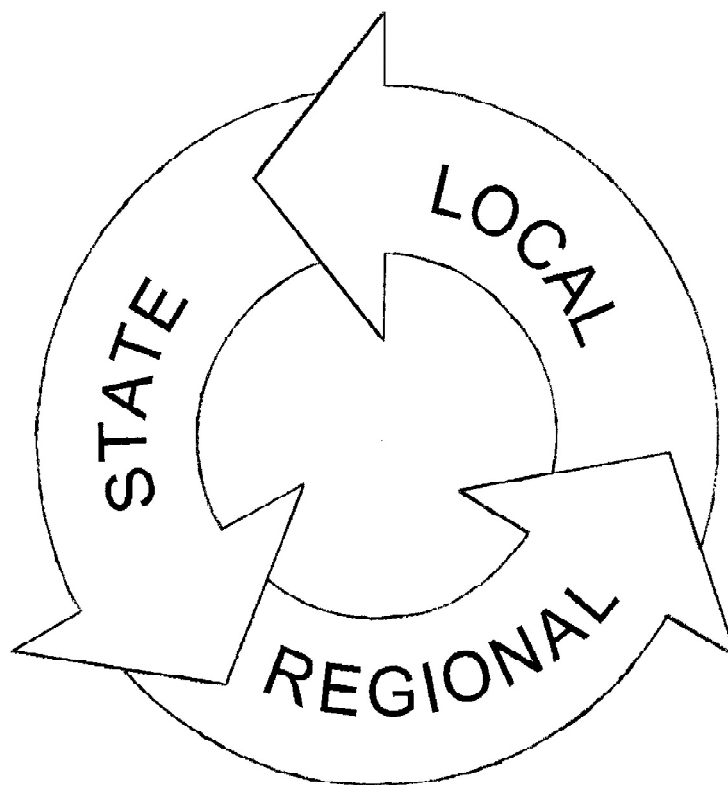


NORTH CENTRAL WISCONSIN REGIONAL PLANNING COMMISSION



INTERGOVERNMENTAL COOPERATIONAL ELEMENT

ELEMENT EIGHT: INTERGOVERNMENTAL COOPERATION

This is the eighth of nine elements that comprise the Regional Comprehensive Plan. This element is based on the statutory requirement for a “compilation of objectives, policies, goals maps and programs for joint planning and decision making with other jurisdictions, including school districts and adjacent communities, for siting and building public facilities and sharing public services.

The element shall analyze the relationship of the NCWRPC to school districts and adjacent local units of government, and to the others region, the state and other governmental units. In addition, this element shall identify existing or potential conflicts between the NCWRPC and other governmental units that are specified in this paragraph and describe processes to resolve such conflicts.

The Comprehensive Planning Legislation also establishes 14 state planning goals. Of these 14 goals, one relates directly to intergovernmental cooperation:

- 1) Encouragement of coordination and cooperation among nearby units of government.

Intergovernmental communication, coordination, and cooperation have been a critical part of this comprehensive planning effort. The effort has included numerous meetings to identify potential conflicts and coordinate recommendations. This Regional Plan document provides overall recommendations local and overlapping jurisdictions to achieve visions for future growth, avoid inefficient or conflicting development

patterns, and promote intergovernmental agreements. All of the recommendations in preceding chapters of this Regional Comprehensive Plan depend on intergovernmental cooperation for their success.

I. BACKGROUND:

A. The 1981 Framework Plan

As reviewed in the Issues & Opportunities Element, the NCWRPC adopted a regional plan entitled A Framework for Regional Development. The plan was prepared under the authority of Wisconsin Statute Section 66.945 (now 66.0309) and was intended to provide long-range policy guidance in north central Wisconsin. The Framework was the policy section of a larger document entitled A Development Guide for North Central Wisconsin. Much of the Framework is still relevant today.

The Framework is intended to be used as a guide for local planning efforts and local decision-making. It also provides the basis upon which NCWRPC reviews and comments upon policies, plans, and projects throughout the Region as part of the State and Federal Clearinghouse process. This is the A-95 or State Clearinghouse Review program.

The Framework contains many statements about the relationships between units of government and how those relationships can inhibit effective planning. “Local governments may lack effective jurisdiction or control over development which may cause them problems.” These problems can be most pronounced in urbanizing areas of unincorporated towns

surrounding cities and villages. The need to provide services to residents on the edge of urban areas can lead to a lack of coordination between entities. "Decisions are fragmented by functional subjects, without regard to interrelationships. There are conflicts between cities and surrounding towns regarding annexation, sewer and water extensions, provision of police, fire, and other services."

Annexation is an issue that causes a great deal of conflict between municipalities. "All cities in the region require annexation before sewer extensions will be made. In general, cities that have been able to annex to absorb area urban growth are fiscally better off and can provide services more efficiently." "Spot" zoning and ad hoc decision-making can be a problem leading to development that is not logical or efficient. The coherent vision that results from careful comprehensive planning is not present in many development decisions by local governments. "No coordinated plans or policies typically exist for the placement of municipal facilities as 'growth shapers' in urbanizing areas. Development decisions are rarely linked over time in the fashion of a deliberate growth phasing process."

Lack of planning can lead to services that are more expensive than they need to be, and that do not provide citizens with the best quality for their tax dollars. "The most cost-effective methods must be determined for government programs and projects. Setting rational priorities for use of limited public funds is important. Equitable distribution of benefits and costs of public facilities and services is an issue." How best to do this is a question that each jurisdiction must answer for itself. "The issue of assessing costs for new development equitably among new residents, the rest of the community, developer, and others is possibly

greatest in urbanizing areas. There is wide variation in the public share of costs for improvements to new subdivisions, for example. Urbanizing towns may emphasize the use of user fees over general fund financing for many urban services in order to keep taxes low."

The Framework addresses a number of other issues, including the prevalence of part-time officials in local governments. The overall message to local governments is that planning should take the long view in approaching development and that coordinating service delivery between jurisdictions is not only more efficient, but more likely to yield development patterns that promote orderly growth. This is best accomplished, especially in urban areas, through inter-governmental agreements. "Cooperative service arrangements should be promoted among local units of government in urban areas to most feasibly handle some basic services." Inter-governmental cooperation is seen a method for improving the planning process for local units throughout the Region.

B. State Level Studies

One of the most essential and basic forms of intergovernmental cooperation in Wisconsin is the shared revenue program. A significant portion of the final report of the Wisconsin Blue-Ribbon Commission on State-Local Partnerships for the 21st Century (Kettl Commission) is devoted to the shared revenue program. Although the reforms proposed in the report have not been enacted, with the continuing pressure on the State budget they can provide valuable insight into how intergovernmental cooperation can provide a basis for cost savings in the future.

The report recounts the origins of the shared revenue program when the State began to pay

local governments for property tax income lost by the removal of utility property from the tax rolls. The program was broadened when the State income tax was enacted in 1911. At that time ninety percent of the money was returned to the jurisdiction where it was collected. In 1972 a formula based on needs measured by revenue, property value and population was introduced. These formulas established equalization of revenues as an important goal of the program.

One of the flaws of the program, as presently constituted, that the report points to is that under the current formula municipalities increase their shared revenue funding by increasing their revenues and spending. "Higher expenditures...produce a higher shared revenue payment. Not only does this create an incentive to increase municipal spending to receive higher state shared revenue. It distorts municipal strategy." The report proposes a way that the system might be improved by removing this perverse incentive to increase spending, and still maintain the commitment to equalization among communities that is such an important part of the program's history. At the same time it would attempt to increase accountability and improve performance as well as promoting economic development by rewarding growth. To do this the report advocates greater collaboration among neighboring jurisdictions.

"Too many communities unnecessarily duplicate public services... (we should) create strong incentives for municipalities to work together to identify those services where significant savings are possible...whoever can do the job best ought to do the job..."

(through) a performance-driven mechanism for purchasing specific services instead of providing unspecified support"

In providing a basic level of service, what the report calls Badger Basics, a number of alternatives are explored, but the common thread is a "focus on funding services instead of spending...eliminate the incentive...to spend more money to receive more state aid." To replace the per capita component of the current program, which in the 2000-2001 fiscal year amounted to \$142 million, the report advocates what it calls area-wide growth sharing. These would be geographic areas with significant economic common interests; "small enough to encourage collaboration among the governments within them...(and) on a large enough scale to encompass substantial economic activity and to prevent large financial disparities among the regions." It goes on to suggest that in constructing these areas they should be based on existing geographic and economic relationships: they should conform to actual functional units. "The boundaries ought to be drawn to capture service-delivery areas and to encourage the interactions with which local governments are used to dealing." The report suggests funding such a program through a .25 percent of sales tax revenues designated to it. In the current climate such a development seems unlikely, but that does not diminish what the report says about how cooperation between jurisdictions can potentially improve services while lowering costs.

In 2002 Governor McCallum appointed the Wisconsin Task Force on State and Local Government (Sheehy Commission) to revisit issues examined by the Kettl Commission, especially the shared revenue program. The

final report of the Commission looks at six issues and makes a number of major recommendations for reform that will make the program more cost effective. Much of this report, as with the Kettl report, is directed at how State law should be reformed. These concerns are well beyond the purview of the Regional Comprehensive Plan, but there is valuable guidance to be gleaned from the work of both the Kettl and Sheehy Commissions that can be applied by local governments to providing services, even in the absence of reforms at the State level.

The first of the major recommendations made by the Sheehy Commission is to authorize regional tax base growth sharing, a concept introduced by the Kettl Commission. Such a policy would “strongly promote these agreements, especially in troubled economic times like these or in troubled regions and counties be they urban or rural.” These areas should be drawn to “reflect that Wisconsin’s economic strength begins in the communities and regions, and that regions compete globally...Growth sharing also can be tied to support for regional services and infrastructure and therefore encourage service sharing.” Major recommendations 4 & 5 deal with protecting service equity, penalizing inefficiency, and providing incentives in the shared revenue program for jurisdictions that enter into shared service agreements. Incentives for this kind of cost savings that are made a part of the shared revenue program would make it much easier for local jurisdictions to enter into this kind of agreement, but it is not necessary to wait for the State before these efficiencies are realized.

Local governments can enter into inter-governmental agreements to provide shared services now. Major recommendation six provides something of a roadmap for how these agreements should be designed.

“Local governments should create functional service delivery lines without regard to their political boundaries...Cost-saving opportunities may exist in providing and paying for services or facilities, including schools, in developing areas within one or adjacent jurisdictions. Laws authorizing fees against property owners and/or developers should be expanded to more easily allow for the recovery of direct costs to affected properties, with emphasis on cost management, inter-jurisdictional cooperation and fairness.”

It is crucial to the success of these agreements that they be based on carefully drawn areas. This is especially true for the proposed tax base growth sharing areas. It is necessary to “create functional service lines that support integrated decisions and systems approaches...jurisdictional lines and service delivery systems that make sense in today’s world.” Greater integration within regions that share common economic interests is the fundamental building-block of the growth sharing concept. But just as important is the idea of performance-based assessment of possible cooperative agreements: “a best practices function...(that) evaluates examples of service delivery based on: customer service, costs, efficiency, effectiveness and other factors such as rural-urban differences.” The quality of service delivery must be the primary criteria for any inter-governmental agreement. Just as jurisdictional boundaries should not pose an obstacle of efficient service delivery intergovernmental agreements are not an end in themselves. The determining factor should be how can the highest quality services be provided at the lowest possible cost.

One way to ensure this happens is by making sure that those who are served by such agreements, and those who pay for them be represented in their implementation. "By local decision, communities should share the costs of museums, recreational facilities, airports, zoos, etc. that are presently paid for by central cities but used by citizens regionally. Communities that share the cost of these facilities should have a voice in their construction and management." Each intergovernmental agreement is different and must take into consideration all the ways in which each community is unique, but these reports do offer insight into how such agreements might be designed. The focus of these reports is, however, reform at the State level that would restructure the shared revenue program to provide incentives for this kind of cooperative agreement.

As mentioned earlier it is not the task of the RCP to focus on what State policy should be, but inter-governmental cooperation and shared service delivery is equally in the interests of local governments and of the state generally. Where structural incentives to foster cooperative agreements would be helpful in facilitating this approach there is ample justification for local governments to enter into such arrangements, even in the absence of incentives. Returning to the work of the Kettl Commission, there is a clear imperative for inter-governmental cooperation as the best way to serve citizens in many cases. "Putting citizens at the center provides a way of focusing everyone on problems we must effectively solve...the strongest existing partnerships in the governmental system took their first steps by concentrating on real problems of real people – and determining how best to solve them." The reason for doing this goes beyond simple questions of lowering the cost of government

it involves ensuring that citizens receive the kind of government service that prepares them for a brighter future. "Growing the 21st century economy, on the other hand, demands unprecedented partnership between the state and its local governments and between local governments in every region."

C. Overlapping Jurisdictions

The Region includes 10 counties, 21 cities, 40 villages, and 198 towns. It also includes all or portions of 63 school districts and 6 technical college districts. The technical college districts offer a particularly clear illustration of how functional boundaries do not always coincide with established units of government. Only four of our ten counties are in a single technical college district. In Juneau County the northeastern corner of the county is in the Mid-State District, and areas along the southern border are in the Madison Area District, while the bulk of the county is in the Western Wisconsin District. In Portage County the bulk of the county is in the Mid-State District, the northeast corner is in the Northcentral District, and isolated pockets along the eastern boundary of the county are in the Fox Valley District. This is even more true of school districts. By looking at Map 8A & B in the Utilities & Community Facilities Element you see that there is little consistency between school district boundaries and county or town boundaries. School district boundaries are set based on the location of school buildings, where the students live and the efficiency of transporting children to any given school.

In planning for intergovernmental cooperation it is important to remember that jurisdictional boundaries can present an obstacle to efficient service delivery. There can also be inconsistency between service delivery districts and other entities. Using the North Central

Wisconsin Region as an example we are in two separate DOT district (Rhineland and Wisconsin Rapids) and two DNR regions (Rhineland and Eau Claire).

Agency boundaries can be different for different functions. A good example is the Rural Development program of USDA. Community development programs in eight of our ten counties are administered from Steven Point, except Juneau and Lincoln Counties which are administered from Black River Falls. For single-family housing programs Forest, Langlade, Oneida, and Vilas Counties call the Rhineland office, Portage and Wood Counties use the Stevens Point office, Lincoln and Marathon Counties use the Medford office, Juneau County calls Black River Falls, and in Adams County these programs are administered by the Portage office. For multi-family housing programs you must deal with the Oshkosh office.

All of these overlapping jurisdictions must be taken into consideration when considering how best to effectuate intergovernmental agreements and how best to deliver services to citizens.

II. ISSUES AND OPPORTUNITIES

Intergovernmental issues, or how one unit of government relates to another, can take various forms. For example intergovernmental issues can arise in the context of one community cooperating with another in the sharing of public services, such as a joint police or fire department. Another intergovernmental issue concerns the applicability of one local community's plans and land use controls to territory in of another community. This may involve the extraterritorial application of a city or village's land use ordinances to town land.

The extraterritorial application of city and village planning authority, zoning authority, and subdivision authority is a major issue.

A related intergovernmental issue involves adjustments to territory through the use of annexation, cooperative boundary agreements, and incorporation. Annexation of town land by cities and villages is often a contentious process. Cooperation with the town on the subject will minimize future extraterritorial conflicts. Annexation and cooperative boundary agreements are discussed below. The process of incorporation, or how unincorporated territory becomes a city or village, is also explored.

Additional intergovernmental issues may also arise for local communities regarding the applicability of local plans and land use controls to land owned by other governments, such as the state or federal government or the sovereign Indian Nations in Wisconsin. The converse of this intergovernmental issue involves the relationship of state and federal laws to local land use ordinances. These issues are also examined below.

A. Potential Conflicts & Cooperation

The comprehensive planning law requires that this Regional Comprehensive Plan identify existing and potential conflicts between the County and other governmental units, and describe processes to resolve such conflicts. This planning process has been designed to avoid and minimize potential conflicts. However, numerous government entities affect planning throughout the Region. As a result, not all conflicts could be resolved as part of the Regional Comprehensive Plan.

The following sections address remaining or potential conflict areas and potential resolution processes.

1. Between the “Regional Comprehensive Plan” and Local Plans

The Regional Comprehensive Plan (RCP), describes a future growth pattern that emphasizes development in the urban areas and preservation in the rural areas. Urban areas are defined as incorporated communities that have existing infrastructure capacity. Rural areas would be the rest of the Region.

The RCP or Framework Plan, and the ideas it represents, provide a general backdrop for the preparation of local plans. The RCP was prepared after numerous public meeting, two major surveys, several open house meetings and website comments. It also respects the plans of those that have already completed or are soon to complete plans.

Like all the actions of the Regional Planning Commission the RCP is strictly advisory to local governments. By providing a backdrop for local planning efforts, the RCP seeks to illuminate issues that face local governments, but that reach beyond their jurisdictional boundaries. The RCP imposes no constraints on how local governments may plan to address the problems that confront them. It offers only a larger view of how those problems fit into what is happening in neighboring jurisdictions. The RCP seeks to foster cooperation between local governments, and to help decision-makers at the local level see how their jurisdictions fit into a Regional framework.

2. Between County and Town, Village and City Plans

The new comprehensive planning law does not change the legal relationship between county plans and town, village or city plans. Local governments continue to have the same powers and authority over land use that they had before the law was passed. The goal of the law is to encourage each jurisdiction to strategically and holistically examine and coordinate all of its policies, programs, departments, initiatives, services, plans, regulations, responsibilities, and other systems. The method is intended to be more transparent and open to the public. Further it is intended to promote a bottom-up rather than a top-down approach. The State does not adopt, certify, or object to local plans. Instead, a plan must be adopted by a community’s governing body in order for it to effect future decisions. The law does not change the requirement that local laws and policies can only be more restrictive than the county.



Neva Townhall, Langlade County

3. Between Towns and Cities/Villages

Some of the greatest challenges for future planning takes place at the edges of cities and villages. There are five major issues that are

described here, annexation, extraterritorial zoning, cooperative agreements, revenue sharing and incorporation.

a. Annexation:

Annexation is the statutory process for transferring lands from unincorporated areas (towns) to incorporated areas (cities and villages). State Statutes outline several annexation processes. These processes usually involve four entities: (1) property owners (both public and private owners); (2) a town and possibly a county, in some circumstances; (3) a city or village; and (4), in counties with a population of 50,000 or more persons (currently 24 out of 72 counties), an advisory public interest review by the Municipal boundary Review Section (MBR) of the Department of Administration, Office of Land Information. When so requested, the MBR will review annexation petitions received from municipalities located within smaller counties. The MBR reviews about 400 annexation petitions a year. Annexations are typically designed and initiated by landowners, and not by villages or cities. Landowners can petition a city or village to have their land annexed. Landowners can shop around for the best deal on public services and regulations, including bringing in unwilling land owners.

Cities and villages can only accept or reject the petition. As a result, cities and villages often have to rely upon incremental annexation to address local needs. This may result in oddly shaped municipal boundaries and can frustrate the best planning efforts by cities, villages, and towns when they are not working cooperatively to address annexation issues. Annexations do not automatically result in a change in school district attendance areas, school district boundaries, and urban service area boundaries.

There are several different methods by which annexation may occur.

Unanimous Approval: The most common form of annexation involves direct annexation by unanimous approval. This type of annexation involves a single property owners or group of property owners who decide to have property they own in a town annexed to a city or village for sewer or other municipal services not available in the town, or for other reasons. This type of annexation begins with a petition signed by all of the electors residing in the territory and the owners of all of the real property included within the territory to be annexed. The petitioners must submit the signed annexation petition to the clerks of each city, village, and town affected by the annexation, as well as the school district. If the annexation is within a county with a population of 50,000 or more, the petitioner must, within five days of sending the petition to the local clerks, send a copy of the petition, a scale map, and legal description of the territory to be annexed to the MBR for an advisory review. The city or village must review the advice of the MBR, if any, before enacting an annexation ordinance. The city council or village board adopts an annexation ordinance by two-thirds vote.

Direct Annexation: The next most common form of annexation, though used far less frequently than the unanimous approval petition, is direct annexation. A direct annexation begins by electors and property owners publishing a class 1 notice, of "intention to circulate an annexation petition" in a newspaper with general circulation in the territory proposed for annexation. The "notice of intent to circulate" petition must be signed by a majority of electors in petition must be signed by a majority of electors in the territory who cast votes for governor in the last

gubernatorial election, and either the owners of one-half the real property in value or land area in the territory must sign the petition. The “notice of intent to circulate petition” must be sent, within five days of publication to: the clerk of each municipality affected, each school district affected, and each owner of land within the territory proposed for annexation. If the municipality is within a county with a population of 50,000 or more persons, the notice, a legal description, and a scale map of the proposed annexation must be mailed, within five days after publication, to the MBR. The annexing city or village must review the MBR’s advice before accepting or rejecting the annexation. If there are electors in the territory who do not wish to be annexed, the electors may challenge the annexation by petitioning for a referendum to be held in the area proposed for annexation. Opposing electors may prevail because of the small percentage of electors required to sign the petition.

Annexation by Referendum: The annexation by referendum method of annexation is rarely used. It is meant to provide an open process for annexation. The method begins with a referendum on the issue of annexation. The petition for a referendum is filed with a village or city. The petition must be signed by at least 20 percent of the electors in the territory who cast votes in the last gubernatorial election. The referendum is voted upon by the electors of the town. The success or failure of the referendum determines whether the annexation process should proceed.

Annexation of Owned Territory: Land owned by a city or village may be annexed to the city or village by an ordinance adopted by the governing body of the city or village. The land does not have to be contiguous to the city or village to be annexed. However, if the land is not contiguous, it may be annexed under this

provision only if the use of the land is not contrary to any town or county zoning ordinance. Also, no privately owned parcels may be subsequently attached to the annexed city-owned parcel.

Annexation by Court-Ordered Referendum: An annexation by court-ordered referendum allows a city or village to initiate an annexation proceeding by asking the circuit court to order a referendum on the question of annexation. This process is seldom used.

Annexations often provide the trigger for lengthy and expensive legal struggles between competing community land use visions, and for tax base and community identity. A more constructive approach may be to explore intergovernmental agreements.

Wisconsin has a number of different statutory methods enabling intergovernmental cooperation. The methods of intergovernmental cooperation available to address annexation-related issues include: general intergovernmental agreements; municipal boundaries fixed by court judgment; boundary change by cooperative plan agreement; and revenue sharing agreements.

b. Extraterritorial Zoning:

Under state law, cities and villages have certain land use authorities within an area called extraterritorial jurisdiction (ETJ). These areas are 1 1/2 to 3 miles depending on the size of the community. Within these areas, overlapping planning, zoning, and land division review jurisdictions often contribute to tension, conflicts, confusion, and unsatisfying results. Successfully resolving the conflicts will depend on dialogue and joint planning between cities/villages and towns.

In order to exercise extraterritorial zoning it is necessary for the city or village to form a committee with the adjacent town, in which both parties have three representatives. A majority of committee members must agree and the governing body of both jurisdictions must adopt whatever agreement is reached in order for extraterritorial zoning to go into effect. Once the process has been initiated it must be completed within two years, which can be extended for one year. Any zoning changes must be approved by a majority of the joint committee and are then adopted by the governing body of the city or village as an ordinance.

Extraterritorial plat review is required within the ETJ of a city or village. This gives cities and villages the right to review and approve any land division within its ETJ. A recent decision the Wisconsin Supreme Court has given new weight to this plat review. The *Wood v. City of Madison*, (2003 WI 24) decision gave municipalities the right to reject a subdivision that required a rezoning, if that rezoning does not meet the goals of the municipality's comprehensive plan. This decision could have a significant effect on the ability of cities and villages to control development within their ETJ in the future.

c. Cooperative Agreements:

There is no one best way to encourage cooperation. One or more of the following methods may be used for cooperation may be better suited to particular types of local government issues than the others.

Cooperative agreements can play an important role in shaping how elected officials view the type, scale, and intensity of land use development and retention/redevelopment opportunities available to their communities,

and how these opportunities might be realized, particularly when the participation, or at least consent, of neighboring towns, cities, and villages may be required.

Cooperative agreements can also encourage communities to embrace a broader vision, compatible with neighboring vision, compatible with neighboring visions, and capable of addressing complex natural resource, economic development, and social equity issues that historically transcend municipal boundaries. Despite the advantages offered by cooperative agreements, some communities are not yet ready to consider complex intergovernmental agreements involving comprehensive land use planning and tax revenue sharing. For these communities, continued incremental intergovernmental struggles through annexation, incorporation, and the courts will inevitably occur, until they and their neighbors can evolve a more compatible understanding of their circumstances.

By enabling intergovernmental agreements, the Legislature has given communities tools which can interrupt the historic conflict often triggered by the annexation/incorporation processes, by providing towns, cities, and villages the authority to define their particular roles and responsibilities so as to lead to long-term stability.

The Wisconsin Statutes authorize communities to use at least three different types of intergovernmental or cooperative agreements.

General Intergovernmental Agreements: General intergovernmental agreements are the most common form of agreement used by communities. These agreements have been used by communities for years, often in the context of sharing public services such as police,

fire, etc. These agreements can be used by the state, cities, villages, towns, counties, regional planning commissions, and certain special districts, including school districts, sanitary districts, farm drainage districts, metropolitan sewerage districts, and sewer utility districts, among others. The agreements can also be used with Indian tribes or bands.

This type of agreement can be used to set temporary municipal boundaries and provide for revenue sharing. In so doing, the statutes do not require planning as a component of the agreement. The normal annexation process, however, will have to be relied on to accomplish boundary changes. The agreement is not subject to approval of state or contiguous local governing bodies.

Boundaries Set by Judicial Decree: These agreements are used to settle annexation disputes by mutual agreement of the parties. This process also does not require planning. The process allows for a referendum election upon request of any electors present. Other than involving the state courts, this agreement is not subject to approval of state or contiguous local governing bodies but may involve subsequent annexation petitions to carry out the agreement.

Boundary Change by Cooperative Plan: Boundary changes by cooperative plan and agreement is a newer cooperative agreement tool developed by the Legislature. It involves a plan and agreement for maintaining or changing municipal boundaries for a period of 10 or more years.

It requires integrated and detailed land use planning as well as review and approval by the state through the Department of Administration. Each city, village, or town that intends to

participate in the preparation of a cooperative plan must adopt a resolution authorizing its participation in the planning process. Notice of the resolution must be given to a number of state agencies, other municipalities, certain special districts such as school districts, the county zoning agency, and the regional planning commission.

The planning required can be complex, time-consuming, and expensive. Nevertheless, the plan and agreement provide long-term certainty for all participating local governments, developers, and landowners. If boundaries are going to change, they will do so only according to the criteria specified in the agreement.

Among other things, the cooperative plan must include a plan for the physical development of the territory covered by the plan; identify existing boundaries that will not change and conditions for any boundary changes; evaluate any significant adverse environmental consequences; and address the need for safe and affordable housing to meet the needs of diverse social and income groups in each community.

Within the geographic area covered by the cooperative agreement, land use plans adopted by towns, cities, and villages have a greater potential implementation mechanisms must be spelled out and shown to be feasible. In addition, if a town is party to a cooperative plan with a city or village, the town can exercise zoning authority under the plan without the approval of the county as is usually required for town zoning.

The participation communities to the plan must hold a public hearing on the plan. If a petition opposing the plan is signed by at least 10 percent of the qualified electors in the

community, the plan may not be adopted unless approved by three-fourths of the members of the community's governing body. An advisory referendum involving the electorate of an entire community may also be held on the plan. The cooperative plan is then forwarded to the Municipal Boundary Review Section of the Department of Administration for review in accordance with the requirements of the Wisconsin Statutes. Once approved by the Department, provisions in the plan to maintain existing boundaries, the schedule for changes to boundaries, and plans for delivery of services are binding on the parties and have the force and effect of a contract. No other procedure to alter municipal boundaries can be used within the territory covered by the plan during the period covered by the plan.

d. Municipal Revenue Sharing:

Cities, villages, and towns also have express authority to enter into cooperative agreements to share all or part of the revenues derived from taxes and special charges within a specified area. At least one of the communities needs to have contiguous boundaries. The revenue sharing agreement may be used in conjunction with other intergovernmental cooperative agreements such as agreements to share services and agreements to change boundaries set by judicial decree or by cooperative plans.

To adopt a revenue sharing agreement, each community must hold a public hearing at least 30 days prior to the adoption. Within 30 days after the public hearing the public may demand an advisory referendum on the plan. A majority of the governing body of each community must then vote in favor of the agreement.

The agreement must last for a period of at least 10 years. The agreement must also specify

the means of determining the amount of revenue to be shared under the agreement. There are various fiscal impact formulas used to calculate the different ways of determining these amounts.

e. Incorporation:

Municipal incorporation—the process of creating new villages and cities from town territory—is regulated by the Wisconsin Statutes. The incorporation process requires filing an incorporation petition with circuit court. The incorporation must meet certain statutory criteria reviewed by the Municipal Boundary Review Section of the Wisconsin Department of Administration. The Department of Administration is the administrative agency charged with facilitating the incorporation process, determining the ability of the territory petitioned for incorporation to meet certain minimum statutory standards, and advising the circuit court to either accept or reject the incorporation petition.

Deciding whether to attempt incorporation is a decision to be collectively undertaken and financed by citizens residing in the territory under consideration. Citizens need to consider not only whether the population and area standards to be initially reviewed by the circuit court can be met, but also whether the territory, level of proposed services and budget, and other relevant issues meet the more difficult statutory standards required to be evaluated by the Department of Administration.

The incorporation process begins with citizens determining the proposed boundaries of the territory to be incorporated and preparing a scale map and legal description of the territory. The citizens also need to determine the resident population of the territory. There are different

provisions depending on the population and size of the territory and the proximity of the territory to cities of 25,000 or more population.

The citizens then need to publish a class 1 notice of intent to circulate a petition for incorporation. A petition is then drawn up and circulated for signatures. The petition must receive either 25 or 50 signatures, depending on the size of the territory. The petition shall designate a representative of the petitioners and an alternate.

After enough signatures are gathered, the petition must be filed with the circuit court along with proof of publication. This filing must occur within six months of the date of publication of notice of intent to circulate.

The circuit court then conducts a hearing on the petition. The court determines whether certain statutory standards are met, and whether any parties are entitled to intervene in the incorporation proceedings. If the court determines the map, legal description, population, and area standards are met, the petition is referred to the Department of Administration for analysis of the proposed incorporation. The Department may hold a public hearing on the petition if one is requested by any party of interest.

The Department of Administration analysis is a critical part of the incorporation process. The Department is required to determine whether the proposed incorporation meets certain standards. These standards include:

Characteristics of the Territory. The territory must meet certain standards of homogeneity and compactness, and must have a “well developed community center” if the incorporation petition is for an isolated city or village.

Territory Beyond the Core. For isolated cities or villages, the territory beyond the most densely populated one-half or one square mile must have an average of more than 30 housing units per quarter section or an assessed value of real estate of which more than 25 percent is attributable to existing or potential mercantile, manufacturing, or public utility uses. For metropolitan cities or villages, the territory must have the potential for residential or other land use development on a “substantial scale within the next 3 years.” These criteria may be waived by the department to the extent that water, terrain, or geography prevents such development.

Additionally, the following statutory criteria must be applied to the area petitioned for incorporation. While they are not absolute requirements as with the two above, they are evaluative measures of the ability of the territory proposed for incorporation to function as a community in either an isolated or metropolitan setting.

Tax Revenue. Petitioners are required to produce a proposed municipal budget following the municipal chart of accounts format, and the Department of Administration will review the budget and the tax base to determine whether or not the area proposed for incorporation could likely raise the revenue necessary to support an independent municipal government.

Level of Services. If a contiguous municipality (which will have previously been determined by the circuit court to be a party in interest) files a certified copy with the court of a resolution to annex the territory proposed for incorporation, then the Department of Administration will compare the level of governmental services “desired or needed by the residents of the territory compared to the level of services offered by the proposed village

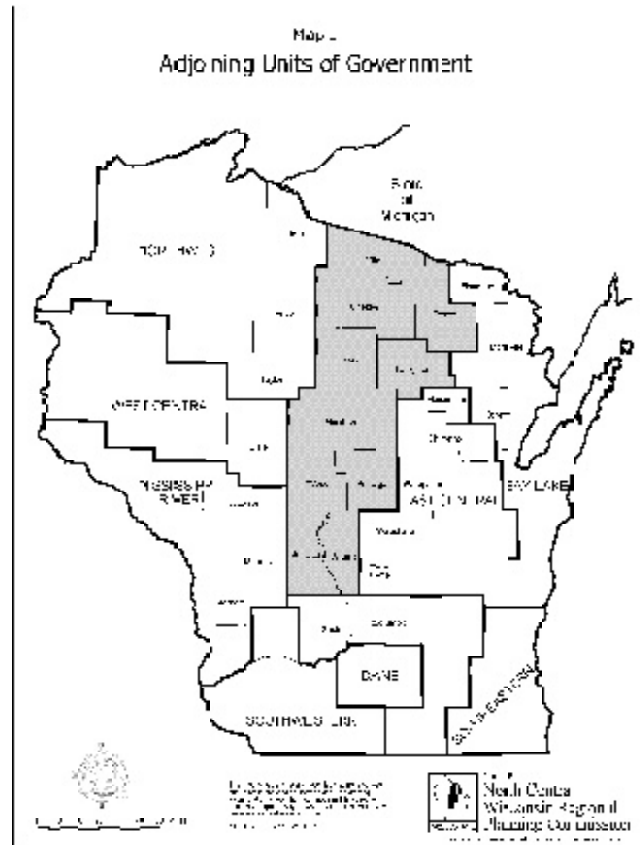
or city and the level available from a contiguous municipality...”

Impact on the Remainder of the Town. The probable effect of the removal of the territory from the town of which it is presently a part, financial and otherwise, will be considered.

Impact on the Metropolitan Community. The probable effect of the creation of another municipality on the future rendering of governmental services within the metropolitan community will be evaluated. The Department of Administration must be able to make an express finding that the proposed government will not “substantially hinder the solution of governmental problems affecting the metropolitan community.” Metropolitan problems, depending upon the location of the proposed incorporation, may involve regional environmental quality, employment, housing, transportation, provision of public sewer and water, and similar issues. Isolated incorporation petitions are not subject to this requirement.

The Department of Administration may prepare a draft environmental assessment and release it for a 30-day public comment period. The Department of Administration will also prepare a determination for the circuit court and submit it to the court within 90 days, or by a subsequent date agreed upon by the parties as specified by the court. (Given the reality of the complexity of urban areas, evolving case law, and standards that have remained unchanged for 40 years, the incorporation review may take a year or more to process.) The determination includes either a recommendation to grant the petition for incorporation, reject the petition for failure to meet one of the required standards for incorporation, or order that petitioners should file an amended petition.

The circuit court then acts on the information provided to it by the Department of Administration. The court either grants the petition for incorporation and orders a referendum election to be held, or dismisses the petition. The determination of the Department of Administration and the order of the court are subject to administrative or judicial appeal.



4. Between the Regional Comprehensive Plan and Plans of Adjoining Regions

As part of the planning process, the NCWRPC contacted representatives from all adjacent and overlapping local, county, and regional governments. The purpose of these contacts was to learn about their land use and related

plans, identify any conflicts, and provide information on the NCWRPC's Regional Plan.

The following is a summary of plan status and potential conflict issues for towns and counties that responded to inquires:

a. Bay Lake Regional Comprehensive Plan

Bay-Lake was funded by OLIS in 2001 to complete a regional comprehensive plan. There appears to be no major conflicts with this plan effort to date.

b. East Central Regional Comprehensive Plan

East Central was funded by DOA in 2002 to complete a regional comprehensive plan. There appears to be no major conflicts with this plan effort to date

c. Northwest Regional Comprehensive Plan

Northwest is not completing a comprehensive plan at this time. They are in the process of assisting Iron and Taylor Counties. There appears to be no major conflicts with these planning efforts to date.

d. West Central Comprehensive Plan

West Central is not in the process of completing a regional comprehensive plan. They are providing local assistance to several communities. There appears to be no major conflicts with existing land uses to date.

e. Mississippi River Regional Planning Commission

Mississippi River is not in the process of completing a regional comprehensive plan.

They are providing local assistance to several communities. There appears to be no major conflicts with existing land uses to date.

f. Sauk County

Sauk County is not in the process of completing a county comprehensive plan. They county has an existing plan that was adopted in 199X. Currently several towns are updating their plans to comply with the new comprehensive plan law. There appears to be no major conflicts with this planning effort to date.

g. Columbia County

Columbia County is not in the process of completing a county comprehensive plan. There appears to be no major conflicts with existing land uses at this time.

5. Between State Plans

There are no known conflicts between the Regional Comprehensive Plan and the various adopted plans and policies of the State. Numerous planning documents were reviewed during the inventory and analysis components of each element. All were considered in the plan preparation process.

The fourteen Planning Goals that were adopted into State law as part of the comprehensive planning revision provide an over-riding structure for planning efforts, not only for local units of government, but also for State agencies in their future plans. Because the RCP was prepared with the benefit of State aid these goals have been embedded in the entire planning process. Each Element of this plan has been prepared with the relevant Planning Goal in mind. As the various State agencies update existing plans and prepare new plans,

the statutory requirement that they conform to the Planning Goals will ensure that consistency will be maintained between this plan and the plans and policies of State government.

III. GOALS, OBJECTIVES AND RECOMMENDATIONS

The primary goal of the Regional Comprehensive Plan goal is to establish a broad framework to promote intergovernmental relationships throughout the Region. Advantages of improved intergovernmental relations include a better understanding of land use decision-making, better coordinated growth management and preservation efforts, more efficient delivery of services, and taking advantage of economies of scale.

GOALS:

Goal 1:

Encouragement of coordination and cooperation among nearby units of government, including Tribes, and special districts.

Goal 2:

Cooperative service arrangements should be made among local units of government to most feasibly handle some basic services.

Goal 3:

Local units of governments should seek stable and adequate revenue sources for government operations and capital expenditures, and prepare "capital improvement programs" that are based upon adopted development plans.

Goal 4:

The most cost-effective methods should be used for carrying out government programs and projects.

Goal 5:

There should be equity in the distribution of costs and benefits of public facilities and services, as determined by local government.

OBJECTIVES:

1. Encourage local units of government, and state and federal agencies to coordinate land use and community development issues of mutual concern.
2. Develop local processes to resolve conflicts between the plans of governments with overlapping jurisdictions.
3. Encourage local units of government to enter into joint planning initiatives, including intergovernmental land use, service, and boundary agreements.
4. Encourage shared public service agreements where such agreements will provide improved services at lower costs.

RECOMMENDATIONS:

1. Encourage communities to share their plans with adjacent communities
2. Explore the feasibility of cooperative service and joint facility arrangements between local units of government.
3. Formulate local government strategies for dealing with planned and potential reductions in State and Federal assistance.
4. Work to resolve actual and potential conflicts between Counties and local plans through open dialog and cooperative initiatives.

5. Work with local units of government and regional planning commissions to identify and resolve potential conflicts between plans.
6. Work with the local planning and zoning officials, UW Extension and citizens on educational forums and ongoing intergovernmental communication designed to inform local officials of opportunities related to land use, growth management and intergovernmental relationships; and allow local officials to share information among themselves.
7. Promote some consistent standards among local governments, to assure that private development is of the same high quality regardless of the jurisdiction in which it is located.
8. Promote cooperative planning among all cities, villages, and their surrounding towns.
9. Work with the Wisconsin Department of Transportation local units of government to ensure that the regional transportation system is coordinated with surrounding systems and that Regional interests are served when major transportation facilities or programs are proposed.
10. Cooperate with other units of government on natural resources, places of recreation, transportation facilities, and other systems that are under shared authority or cross-governmental boundaries.
11. Assist local units of government to prepare and update comprehensive plans to comply with the comprehensive planning law.