

Intergovernmental Cooperation

For reference while drafting this section – Remove before publication

A compilation of objectives, policies, goals, maps and programs for joint planning and decision making with other jurisdictions, including school districts and adjacent local governmental units, for siting and building public facilities and sharing public services. The element shall analyze the relationship of the local governmental unit to school districts and adjacent local governmental units, and to the region, the state and other governmental units. The element shall incorporate any plans or agreements to which the local governmental unit is a party under §66.0301, §66.0307, §66.0309. The element shall identify existing or potential conflicts between the local governmental unit and other governmental units that are specified in this paragraph and describe processes to resolve such conflicts.

Overview

This chapter is focused on “intergovernmental cooperation”, or any formal or informal arrangement by which officials of two or more jurisdictions communicate visions and coordinate plans, policies, and programs to address and resolve land use, transportation, natural resource, utility or facility services, or other issues of mutual interest. While the Comprehensive Planning Law does require that your community consider intergovernmental relationships and develop ways to resolve conflicts, it does not require that you undertake specific intergovernmental activities. However, in a state with over 2,500 units of government or special purpose districts (technical colleges, sanitary districts, lake districts, drainage districts, etc.), it is becoming increasingly important to coordinate decisions that affect neighboring communities in the comprehensive planning process.

Per the requirements of Wisconsin’s comprehensive planning legislation, this chapter of the *Comprehensive Plan* includes goals, objectives, policies and programs for joint planning and decision-making; incorporates by reference all plans and agreements to which the Town of Nepeuskun is a party under §66.0301, §66.0307, or §66.0309, Wisconsin Statutes; and identifies known existing or potential conflicts between this *Comprehensive Plan* and the plans of adjacent towns, Winnebago and Green Lake counties, the State of Wisconsin, and school districts.

As a part of the this Smart Growth planning process, the Town recognized some plan recommendations, along with the potential effects of town decisions, do not

necessarily recognize municipal boundaries. In fact, Nepeuskun is part of an active and thriving region, with a wide variety of different issues. Town officials understood that the measure of a well-conceived plan will be determined not only by how well it serves Nepeuskun, but also how well it meshes with the plans and policies of neighboring communities, and state and county agencies.

Benefits of Intergovernmental Cooperation

Some of the benefits of good intergovernmental cooperation include (Wisconsin Department of Administration):

Cost Savings. Cooperation can save money by increasing efficiency and avoiding unnecessary duplication.

Address Regional Issues. By communicating their actions, and working with regional and state jurisdictions, local communities are able to address and resolve issues that are regional in nature.

Early identification of issues. Cooperation enables jurisdictions to identify and resolve potential conflicts at an early stage, before political stakes have been raised and before issues have become conflicts or crises.

Reduced litigation. Communities that cooperate are able to resolve issues before they become mired in litigation. Reducing the possibility of costly litigation can save a community money, as well as the disappointment and frustration of unwanted outcomes.

Consistency. Cooperation can lead to consistency of the goals, objectives, plans, policies, and actions of neighboring communities and other jurisdictions.

Predictability. Jurisdictions that cooperate provide greater predictability to residents, developers, businesses, and others. Lack of predictability can result in lost time, money, and opportunity.

Understanding. As jurisdictions communicate and collaborate on issues of mutual interest, they become aware of one another's needs and priorities. They can better anticipate problems and work to avoid them.

Trust. Cooperation can lead to positive experiences and results that build trust between jurisdictions.

History of Success. When jurisdictions cooperate successfully in one area, the success creates positive feelings and an expectation that other intergovernmental issues can be resolved as well.

Service to Citizens. The biggest beneficiaries of intergovernmental cooperation are citizens for whom the government was created in the first place. They may not understand, or even care about the intricacies of a particular intergovernmental issue, but all Wisconsin residents appreciate their benefits, such as cost savings, provision of needed services, a healthy environment, and a strong economy.

Existing Regional Framework

The following is a description of the plans of other state and regional jurisdictions operating within or adjacent to the Town of Nepeuskun. Following the description of each jurisdiction's plan, this section analyzes potential conflicts with the *Town of Nepeuskun Comprehensive Plan*. Where conflicts are apparent, a process to resolve them is also proposed.

State Agency Jurisdictions

WisDOT. The Wisconsin Department of Transportation (WisDOT) is geographically organized into eight district

offices throughout the state. Winnebago County is in the Northeast Region, along with Brown, Calumet, Door, Fond du Lac, Kewaunee, Manitowoc, Marinette, Oconto, Outagamie, and Sheboygan. The regional office is located in Green Bay. Adjacent to Nepeuskun is also Green Lake and Fond du Lac counties to the south and west, which are part of the North Central Region—its office is located in Rhinelander.

As noted in the Transportation Element, WisDOT has recently completed or is nearing completion on a number of statewide transportation planning projects. These documents were reviewed to understand how these efforts would directly or indirectly affect the provision of transportation services in the region and to the Town. In addition, WisDOT programmatic budgets were reviewed to identify what projects, if any, have been programmed that might increase existing transportation capacity, efficiency and/or safety in the area.

WisDNR. The Wisconsin Department of Natural Resources (DNR) is organized into five geographic regions. Winnebago County is located in the North East Region along with 12 other counties, including adjacent Green Lake and Fond du Lac counties.

A significant issue facing Nepeuskun is the potential large scale dairy operations currently being proposed in the Town of Ripon. The operations would effect the groundwater that drains west via Silver Creek to Rush Lake and throughout the rest of the area watershed—disrupting at least a 10-mile radius. The Wisconsin State Department of Natural Resources is producing an Environmental Impact Statement (EIS). It is imperative that Nepeuskun work with adjacent municipalities and the WI-DNR to resolve this issue. Discussions are underway, and resolution of this issue is a priority for the surrounding communities and the WI-DNR.

The DNR has been very successful over the years in working with local governments to establish recreational trails throughout the State. The *State Recreational Trails Network Plan* was reviewed to

identify existing and proposed trails in the region as well.

Regional Planning Commissions

The Town of Nepeuskun—along with all of Winnebago County—is located within the East Central Wisconsin Regional Planning Commission’s (ECWRPC) planning jurisdiction. Typically, an RPC has the function of preparing and adopting a master plan for the physical development of the region.

East Central RPC completed their *Year 2030 Regional Comprehensive Plan* in June 2008. The Plan lists the following goals, recommendations, and policies as they relate to Nepeuskun:

- Achieve consistency amongst all levels (state, regional, county and local) of comprehensive plans within the region.
- Provide an objective role in assisting and facilitating intergovernmental cooperation.
- Preservation of natural resource amenities for protection and tourism opportunities.
- Ensure the housing market meets the needs of urban and rural households of all types, ages, income, cultures, and mobility status.
- Ensure an efficient regional transportation network provides options for the mobility needs of all people, goods, and services.
- Emphasis on cost effective community facilities and emphasizing in service provision is on cooperative planning, fostering collaboration, enhancing partnerships, sharing resources and transcending boundaries, as appropriate.
- Ensuring that development pressures are diverted from farmland and ample, un-fragmented, agricultural districts exist and that farming is practiced on the most productive soils for current and future farm use.
- Promote tax and land use policies that support the enhancement of agricultural activities and the preservation of farms.

Fortunately, no conflicts have been identified between the goals, recommendations, and policies presented by ECWRPC and this plan.

Adjacent/Overlapping Jurisdictions

The following is a description of the plans of other jurisdictions operating adjacent to the Town of Nepeuskun. Again, this section analyzes potential conflicts with the Town of Nepeuskun Comprehensive Plan. Where conflicts are apparent, a process to resolve them is also proposed.

Town of Rushford

The Town of Rushford is located to the north of Nepeuskun. Their comprehensive plan was adopted in August 2003 and has outlined the following goals, recommendations and policies as they relate to the town:

- Conserve and enhance the water and wetland resources.
- Direct development into areas most developable.
- Preserve the open space that defines the town’s rural character.
- Manage development so that it occurs near already developed areas.
- Encourage open space preservation and the efficient use of land through the proper placement of development on the landscape and the use of tools such as clustering and maximum lot sizes.
- Limit clear-cutting of wooded areas where land is developed.

No conflicts or issues have been identified between the Town of Rushford’s comprehensive plan and the town’s.

Town and City of Ripon

The Town of Ripon is located to the south of the town and has a population of 1,400 persons (US Census). The Town is currently in the process of preparing a joint

Comprehensive Plan with the City of Ripon. The city of Ripon is approximately 25 minutes south of Nepeuskun with a population of 7,619 (US Census). The City of Ripon is a major shopping, recreation, educational, and health care center for the residents of Nepeuskun. The Plan is expected to be completed and adopted in March 2009. Nepeuskun needs to maintain a strong relationship with Ripon throughout their intergovernmental process, especially being aware that the communities are in different counties with potentially conflicting policies and goals.

City of Berlin

The City of Berlin, located in the northeast corner of Green Lake County, completed their comprehensive plan in 2003. The Plan had identified long-term goals for land-use and development. The following are the plan's goals, recommendations and policies as they relate to the town:

- Conserve, protect and improve the environmental resources of the City and its surrounding area.
- Ensure that the City maintain a strong, diverse economy. Work with a range of private and public partners to retain existing businesses and attract new employers providing high quality jobs.
- Establish shared interests and goals for land use and development with surrounding towns, and develop shared plans for action. Explore cooperative boundary agreements.
- Direct growth within the city to maintain open space and agricultural lands be protected.

No conflicts or issues have been identified between the City of Berlin's comprehensive plan and this plan.

Winnebago County Comprehensive Plan: 2006

The *Winnebago County Comprehensive Plan: 2006* is organized in two volumes: the Comprehensive Plan excluding transportation and the transportation volume. The process employed a bottom-up approach where the 17 participating communities met in regions

to facilitate intergovernmental cooperation and develop local comprehensive plans.

The Plan lists the following goals, recommendations, and policies as they relate to Nepeuskun:

- Update the County Zoning Ordinance to address relevant issues identified in the plan, and any necessary changes as a result of the adopted plan. Work with local communities to accomplish this.
- If necessary, prepare a formal legal agreement between the local communities and the County on land use decision-making processes.
- Develop a countywide groundwater management plan to include policies and strategies, to address local issues through a separate, focused process.
- Develop policies to protect shallow bedrock, non-metallic mining resources from development (to include identification and mapping).
- Develop policies to separate incompatible uses from landfills and quarries.
- Protect and restore wetlands both in and outside of shoreland areas. Work with local communities to protect wetlands outside of shoreland areas that currently have no state of local protection.
- Protect/preserve farmland resources by working with local communities to accomplish this.
- Manage important resources, i.e. environmental corridors, in a broader perspective based on the natural interaction and dependency between the various types of resources.
- Achieve orderly residential, commercial, and industrial development that supports healthy rural and urban economics.
- Promote orderly, well-planned and clustered development that provides for open/green space and fits well with the landscape and area to be developed.
- Enhance and protect nature based recreational resources through land stewardship and community respect.

- Effective transportation system, including public transit, automobiles, and a pedestrian and bicycle path system connecting the county.
- Balance vital infrastructure and services with reasonable and equitable taxes.
- Preserve the rural and agricultural areas be maintained in large, contiguous tracts.
- Maintain and promote historical preservation of unique community characteristics.
- Ensure the maintenance and enhancement of a quality education system.
- Balance owner's rights with community rights.

No conflicts or issues have been identified between Winnebago's comprehensive plan and the town's plan.

Green Lake County Comprehensive Plan: 2003

Green Lake County, located to the southwest of Nepeuskun, is a large farming community as well. Almost half of the county, or 45 percent, is designated farmland. The county completed their comprehensive plan in 2003 and has identified the following goals, recommendations and policies as they relate to the town:

- Protect surface and groundwater quality and reduce damage from flooding and stormwater runoff.
- Maintain important wildlife, environmentally sensitive and outdoor recreational areas, while directing future commercial growth away from these areas.
- Uniformly enforce lake and river setback requirements.
- Encourage all landowners to maintain and enhance natural buffers along the waterways and wetlands.
- Work with anyone proposing a new development to identify and preserve important natural resource areas.
- Support the existing agricultural operations and encourage the establishment of new family farms.

- Continue to work with the Cities to provide locations for housing that can be serviced by adequate utilities and community facilities.
- Provide opportunities for other types of housing suitable areas of the County that will accommodate housing for the elderly.

Currently, Fond du Lac County is expected to complete their comprehensive plan December 2009. Town officials are encouraged to maintain a working relationship with the County in order to address and/or prevent any conflicts from arising.

Intergovernmental Meetings

Intergovernmental meetings provide an opportunity to outline the broader community vision and plan direction, specific mutual interests, issues and concerns, objectives, and to review mapping products

Intergovernmental Meeting

The Town's consultant, Crispell-Snyder, facilitated an initial meeting between the Plan Commission and surrounding/overlapping communities and agencies to review the Town's Comprehensive Plan to date and outline issues for further discussion.

The intergovernmental meeting was held on March __, 2009 and was attended by __ officials representing a __ different jurisdictions or agencies. The meeting was intended to initiate dialogue between the Town and its neighbors, and to provide an opportunity to "lay cards on the table" at an early stage in the process. Some of the topics discussed include: ...

[INSERT SUMMARY AND DETAILS AFTER MEETING]

Existing Areas of Cooperation

The Town has engaged in a number of areas of intergovernmental cooperation with the surrounding Towns, the Berlin and Ripon School District, and

Winnebago County. The following is a listing of these previous and existing cooperative efforts.

- The town is currently supported by the Berlin and Ripon fire and emergency medical services protection.
- The town currently has an agreement with Winnebago County to govern maintenance responsibilities for all roadways.
- The Winnebago County police department covers the jurisdiction of Nepeuskun.
- The town cooperates with the WI-DNR and the lake organizations to protect the lake and improve water quality.

Future Areas of Potential Cooperation

The following is a listing of areas/opportunities outlined in the Town of Nepeuskun Comprehensive Plan for future intergovernmental cooperation:

Lake/River Water Quality

The Winnebago System Watershed includes the entire county and is part of the larger Fox-Wolf River Basin Watershed, which covers portions of 14 counties. The geography of the watershed necessitates intergovernmental cooperation. Significant water quality improvement is unlikely to occur without the cooperation and active involvement of multiple municipalities within the watershed.

Improving water quality in Rush Lake and the preservation of wetlands is critical for maintaining a high quality of life in Nepeuskun, encouraging healthy wildlife habitats and improving recreational opportunities. The Town recognizes the important role that land use and associated activities play on water quality and has proposed specific activities for reducing sedimentation, nutrient loading, and pollution runoff (see the Natural, Agricultural, and Cultural Chapter of this Plan).

The Town also seeks to work cooperatively with area organizations/associations, adjacent municipalities, the county, and the WI-DNR to address watershed-wide issues. Participants at the intergovernmental meetings discussed WI-DNR central role in coordinating these efforts.

Open Space and Farmland Protection

The Town could engage in a purchase of development rights program with adjacent towns/counties to acquire and thus protect large tracks of farmland across jurisdictional boundaries. Purchase of development rights (PDR) programs are one viable approach that state and local governments are using to preserve farmland and open space.

PDR programs provide a way to financially compensate willing landowners for not developing their land. When buying development rights, the community obtains a legal easement, sometimes referred to as a conservation easement, that (usually) permanently restricts development on the land. The landowner, however, still owns the land and can use or sell it for purposes specified in the easement, such as farming, timber production, or hunting. Since PDR programs are flexible, program administrators can customize purchases of development rights to meet the objectives of both landowners and communities. For example, an easement designed to preserve agricultural resources might allow the landowner to build an additional home or two as long as their placement does not limit the property's long-term agricultural potential.

For communities, PDR programs are a means to manage growth and provide the benefits of open space without the expense of purchasing, maintaining, and policing publicly-owned land. Preserving land can also save communities money in the long run, since development often costs more in public infrastructure and community services than the tax revenue realized by the growth.

Areas of Potential Intergovernmental Conflicts

Overall, the Town feels there are very few, if any, intergovernmental conflicts with surrounding communities. Adjacent municipalities, counties, and regional planning commission's have no immediate land use conflicts with this plan. These units of government all maintain the need to protect open space and farmland throughout the area, as well as encourage development in already developed areas and/or cluster development in the most developable areas.

[Note: Conflicts may be added after Intergovernmental Meeting is conducted]

Process to Resolve Potential Conflicts

This Comprehensive Plan encourages the Town to engage in regular (quarterly) meetings with the other jurisdictions to discuss community service and development issues of mutual concern. This aligns with the recommendations currently incorporated into the long-range plans of the adjacent towns and Winnebago, Green Lake and Fond du Lac counties.

There are two main formats for intergovernmental agreements under Wisconsin Statutes. The first is available under Section 66.0301, which allows any two or more communities to agree to cooperate for the purpose of furnishing services or the joint exercise of any power or duty authorized under State law. While this is the most commonly used approach, a "66.0301" agreement is limited by the restriction that the municipalities must be able to exercise co-equal powers. Another format for an intergovernmental agreement is a "cooperative plan" under Section 66.0307 of the Wisconsin Statutes. This approach is more labor intensive and ultimately requires State approval of the agreement, but does not have some of the limitations of the "66.0301" agreement format.

The following is a summary of issues that an intergovernmental agreement could cover. Often, intergovernmental agreements are executed after a

series of meetings, research, and consideration of options, writing, and legal review.

Municipal Boundary Changes: Intergovernmental agreements between cities and towns frequently suggest limits to long-range municipal annexation, generally in exchange for some compromises from the town. Such compromises may include the town's agreement not to legally contest any annexation petition that is within the agreed annexation area and/or to limit town development in the possible future annexation area. Where there are annexations, responsibilities for road maintenance and upgrades can be confusing or controversial. Provisions for future maintenance, upgrades, or extensions of roads are often covered in intergovernmental agreements.

Future Land Use Recommendations: Frequently, intergovernmental agreements include maps or descriptions that specify future land uses or development densities considered acceptable or unacceptable in areas that concern both communities. For example, the agreement may specify certain areas that both communities agree should remain in open space or at least maintain an open space character as limited development occurs. Some agreements also include provisions that the communities will then amend their comprehensive plans to be consistent with the future land use recommendations negotiated in the agreement, or to not amend their comprehensive plans in a manner that would be inconsistent with the agreement.

Shared Programs or Services: The most common types of intergovernmental agreements focus on shared services or programs between communities. The Town of Nepeuskun currently has such agreements with the surroundings communities with respect to provision of Fire and EMS services and school districting. The management of recreational lands and programs is another service that is occasionally shared across municipal boundaries. The Town could engage in a purchase of development rights program with adjacent

towns/counties to acquire to protect large track of farmland across jurisdictional boundaries.

Agreement Term and Amendments: An intergovernmental agreement should specify the length of time that it is applicable. Twenty years is a typical timeframe (e.g., through 2025), as this corresponds with local comprehensive planning time horizons. Occasionally, agreements have provisions for automatic extensions if neither party decides to withdraw. Most agreements also include provisions for periodic review and possible amendments if both parties agree. This keeps the agreement fresh in people's minds and allows adaptability as conditions change.

Intergovernmental Cooperation 20-Year Vision

The following goals, objectives, and policies are intended to provide a comprehensive approach for achieving intergovernmental cooperation. The order in which these goals, objectives, and policies are listed does not necessarily denote their priority.

goals and objectives. The city's policies are stated in the form of position statements, directives to the city, or as criteria for the review of proposed development.

P3.1

Goals

Goals are broad, advisory statements that express general public priorities about how the City should approach preservation and development issues.

G3.1

Objectives

Objectives suggest future directions in a way that is more specific than goals. The accomplishments of an objective contribute to the fulfillment of a goal.

O3.1

Policies

Policies are rules, courses of action, or programs used to ensure Plan implementation and to accomplish the