

## **CHAPTER 7 - INTERGOVERNMENTAL COOPERATION**

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### **INTRODUCTION**

In general terms, intergovernmental cooperation is any arrangement by which officials of two or more jurisdictions communicate visions and coordinate plans, policies, and programs to address and resolve issues of mutual interest. It can be as simple as sharing information, or it can involve formal intergovernmental agreements and sharing resources such as equipment, buildings, staff, and revenue. It can even involve consolidating services, jurisdictions, or transferring territory.

Many issues cross jurisdictional boundaries, affecting more than one community. For example, air and water pass over the landscape regardless of boundaries. Consequently, certain activities may impact other jurisdictions downwind or downstream. Today, increased communication and personal mobility mean that people, money, and resources also move across jurisdictions, as quickly and freely as air and water. Persons traveling along roadways use a network of transportation routes, moving between jurisdictions without even realizing it. This is why intergovernmental cooperation is a critical component of every community's comprehensive plan, for without it even the best intentions of a plan can be undermined, even unintentionally, by an adjacent community with contradictory policies.

Wisconsin ranks thirteenth nationwide in total number of governmental units and third nationwide in governmental units per capita. Having so many governmental units allows for very local representation and means that Wisconsin residents have numerous opportunities to participate in local decision-making. However, the sheer number of governmental units with overlapping decision-making authority presents challenges. More governmental units can make communication, coordination, and effective action more difficult, creating a greater potential for conflict. More governmental units may also mean unwanted and wasteful duplication in the delivery of community services. Cooperation can help to avoid this.

The Town of Mitchell's relationship with neighboring communities, Sheboygan County, the Bay-Lake Regional Planning Commission, the three school districts, and the state and federal government can impact Town residents in terms of taxation, planning, provision of services, and siting of public facilities. An examination of these relationships and the identification of opportunities to work together, as well as the identification of existing or potential conflicts can help the Town address these situations in a productive manner.

#### 66.1001(2) (g)

*Intergovernmental Cooperation Element.* 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.

## **SUMMARY OF CHAPTER AND RECOMMENDATIONS**

The Town of Mitchell interacts with a number of other governmental entities, most notably the Town of Lyndon, and Sheboygan County. Existing relationships with these entities is generally positive. The Town participates in several public services partnerships already, and has made it a goal to maintain existing partnerships while remaining on the lookout for additional opportunities.

Because the Village of Cascade does not currently exercise extraterritorial powers, the Town is not under extraterritorial platting review or extraterritorial zoning. This is most likely due to the limited development activity in the Town of Mitchell within 1.5 miles of the villages; therefore, there has not been a need for either of these measures.

The Town of Mitchell should continue striving to foster cooperation with other governmental agencies that own property, conduct business, or share boundaries with the Town. The Town of Mitchell will continue to cooperate with other communities for emergency services such as law enforcement, fire protection, and ambulance services, as well waste collection and recycling.

The Town of Mitchell will create a process for the resolution of conflicts which may arise, monitor the plan, and make changes in the future which are in the best interest of the community. As the Town gains more understanding and sophistication in planning, its ability and comfort in using tools (such as zoning, land trust, purchase of development rights, conservation subdivision design, etc.) will be key to making the plan more effective. Learning how to make effective use of planning tools may be a joint goal of communities within the area. Information / education on these tools can be provided by Sheboygan County, the Wisconsin Towns Association, Bay-Lake Regional Planning Commission, UW-Extension and Stewardship programs, as well as other state agencies such as the Wisconsin Department of Natural Resources.

## **EXISTING ACTIVITIES**

### **Adjacent Governmental Units**

The Town of Mitchell borders the Towns of Lyndon, Greenbush, and Scott in Sheboygan County and the Town of Osceola in Fond du Lac County.

### **Relationship**

The Town has a very good working relationship with the Town of Lyndon. The towns have worked together on comprehensive planning, meeting periodically.

The Town's relationship with the Towns of Scott, Greenbush, and Osceola has been limited.

### **Siting Public Facilities**

Due to the rural nature of the Town and the nearby location of various other communities that provide public services, there are currently no non-town public facilities within the Town of Mitchell.

### **Sharing Public Services**

The Town of Mitchell is involved in partnerships to share public services in a number of ways, including: contracting with the Cascade Fire Department and mutual aid agreements with the Beechwood and Greenbush Fire Departments to provide fire protection, cooperating with the Eastern Shores Library System to provide library services, contracting with the Sheboygan County

Highway Department for snowplowing services, and working with the Sheboygan County Planning & Resources Department to administer shoreland/floodplain provisions and private on-site sanitary system regulations.

### **School District**

Though portions of the Town of Mitchell are in the Campbellsport and Kewaskum School Districts, the Town is primarily within the Plymouth School District. The relationship between the Town and the School District is best described as limited. The School District tends to operate rather independently and interaction with the Town is minimal.

### **Siting School Facilities**

The siting of new school facilities is mainly conducted by the School District. The recent trend has been to consolidate the location of facilities, as indicated by the closing of Parnell Elementary School in 2004. It is unlikely that any new school facility will be built in the Town during the planning period.

### **Sharing School Facilities**

The Town has no formal agreement with the School District for shared use of the District's facilities.

### **County**

The Town of Mitchell has cooperated and/or partnered with Sheboygan County in a number of ways in the past and intends to continue to do so in the future. Examples include working with Sheboygan County UW-Extension to prepare the Town's comprehensive plan, and using the Sheboygan County Sheriff's Department for protective services.

The Town is under the County's Sanitary Ordinance, Subdivision Ordinance, and Shoreland-Floodplain Ordinance. The County also helps the Town administer the state's Farmland Preservation Program.

### **Region**

The Town of Mitchell is located in Sheboygan County, which is located in the northeast region of the State of Wisconsin. Sheboygan County is a member of the Bay-Lake Regional Planning Commission (BLRPC), which is the regional entity the Town is involved with. The BLRPC has a number of programs and plans in place covering natural resources, population projections, traffic counts, transportation plans, bike plans, etc., several of which have been used in the preparation of this comprehensive plan.

### **State**

The Town's relationship with the State of Wisconsin is one which deals mainly with issues related to transportation (WisDOT), natural resources (WDNR), and agriculture (DATCP). Relationships in the past with these agencies have been adequate.

## **INVENTORY OF PLANS AND AGREEMENTS**

### **Cooperative Boundary Plan**

Currently, the Town of Mitchell has not entered into a formal boundary agreement with any municipality. State Statutes 66.0307 and 66.0301 allow municipalities to enter into agreements regarding the location of municipal boundaries. The Cooperative Boundary Plan is any combination of cities, villages, and towns that may determine the boundary lines between themselves under a cooperative plan approved by the Wisconsin Department of Administration. The cooperative plan must be made with the general purpose of guiding and accomplishing a coordinated, adjusted, and harmonious development of the territory covered by the plan which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity or general welfare. Cooperative boundary plans cover at least a 10-year period. Additionally, Cooperative boundary agreements are a tool that could also be used for service sharing between local units of government.

### **Annexation**

Annexation is the process for transferring lands from unincorporated areas (towns) to contiguous incorporated areas (cities and villages). In Wisconsin, municipal annexations are typically initiated by landowners, and not by villages or cities. There are two primary methods by which annexation may occur.

#### **1.) Direct annexation by unanimous approval**

This is the most common form of annexation. It involves a single property owner or group of contiguous property owners who decide to have property they own in a town annexed to an adjacent city or village. This process begins with a petition signed by all of the qualified electors residing in the territory to be annexed and the owners of all of the property included within that territory.

#### **2.) Direct petition for annexation by one-half approval**

A one-half approval annexation begins when a landowner or group of landowners publish in a newspaper a class 1 notice of “intention to circulate an annexation petition.” This petition must be signed by a majority of qualified electors in the territory to be annexed and either the owners of one-half of the real property in value or in land area. This type of annexation process makes it possible for a majority of landowners who are not directly adjacent to a city or village to “force” other landowners in between them and the city or village to be a part of the annexation.

There are also other less frequently used methods, including annexation by court-ordered referendum and annexation as a result of a boundary agreement. Annexation by court-ordered referendum allows a city or village to initiate an annexation proceeding for contiguous, unincorporated territory by asking the circuit court to order a referendum. This method is rarely successful, since a majority of the electors and landowners within the territory proposed to be annexed must vote in favor of the annexation.

Since towns are not incorporated, they cannot annex land. The borders of the Town of Mitchell and adjacent towns are fixed and boundary disputes are not prevalent.

### **Extraterritorial Platting Jurisdiction (ETP)**

State Statutes allow an incorporated village or city to extend land division review over surrounding unincorporated areas. This helps cities or villages ensure that development near their boundaries is compatible with existing development and that such development is designed in a way that promotes efficient delivery of public services in the future if the development ever becomes part of the city or village. The extraterritorial area can extend for 1.5 miles for villages and cities under 10,000 people, such as Cascade. This power is most useful in areas where there is a substantial amount of land divisions occurring on the outskirts of a city or village. This has not been the case around Cascade, and consequently the village currently does not exercise extraterritorial plat review in the Town.

### **Extraterritorial Zoning Jurisdiction (ETZ)**

Cities and villages have been given by statute either a 3-mile (if pop. 10,000 or more) or a 1.5-mile extent of zoning control outside their corporate boundaries if the proper cooperative steps with the adjoining town are followed. This allows a city/village to exercise land use control over new development that otherwise might be incompatible with a city/village's future growth. This power is most useful in areas where there is a substantial amount of development or redevelopment occurring on the outskirts of a city or village. This has not been the case around Cascade, and consequently the village currently does not exercise extraterritorial zoning in the Town.

## **INVENTORY OF EXISTING OR POTENTIAL CONFLICTS**

On June 20, 2003 Mitchell participated in an issue identification process held with the adjacent Town of Lyndon and other surrounding municipalities. This meeting identified the major issues regarding joint cooperation, and discussed possible ways to help resolve issues in the future. The following is a list of existing or potential issues, in addition to proposed solutions that may help alleviate conflicts in the future.

### **Existing or Potential Conflicts**

1. Road maintenance on shared roads.
2. Inconsistency with town regulations and controls.
3. Consistency in future use and management of shared corridors/features.
4. Communications with adjacent communities and property owners on land use decisions.
5. Inconsistencies with shared services (e.g. policing).
6. Adequacies of community facilities (e.g. Town Halls).
7. Cost of fire protection and other shared services.
8. Keeping local schools.
9. Work with Sheboygan County on future county road improvements.
10. Improved cooperation with implementation strategies.
11. WDNR ownership of land.
12. Location of future economic development.
13. Shared recreational facilities.

### **Proposed Conflict Resolution Process**

1. Annual joint meetings discuss issues.

2. Continued communications.
3. Capitalize on other opportunities for joint cooperation.
4. Newsletter.
5. Establish process for resolving conflicts.
6. Set-up shared social events.

## **INTERGOVERNMENTAL STRATEGY AND RECOMMENDATIONS**

The Town of Mitchell will seek direction for this element from the vision and goals identified through the public participation process:

### Vision

*“The Town of Mitchell will continue a slow, planned development as a mixed residential/farm community with limited commercial and industrial development. Growth of residential development is expected to be on larger lots, lots not served by municipal sewer or water, and to result in the loss of some farmland. Agricultural uses are expected to move away from the traditional dairy farming towards niche/specialty farming or hobby farms. Commercial development in the Town is expected to be primarily from home based businesses that while generally unobtrusive can come into conflict with their neighbors. The Town of Mitchell is desirous of establishing the minimum amount of regulations that would balance private property rights with the overall community’s health and welfare including a farmer’s right to farm. ”*

### Strategy

The Town of Mitchell will strive to ensure consistency in the comprehensive plan and those of other units of government. The Town will encourage coordination and sharing/joint ownership of community facilities, equipment, and other services whenever possible. The Town will also promote coordination and encourage participation with neighboring communities regarding meetings, workshops, mutual planning activities, etc.

### Recommendations

1. Continue to encourage mutual aid agreements for all public services.
2. Work with neighboring communities and agencies regarding any water issues and any other land use which cut across town boundaries such as the Onion River, Nichols Creek, Watercress Creek, Mink Creek, Chambers Creek, etc.
3. Work cooperatively with other municipalities to address possible boundary issues to minimize conflicts. This includes remaining aware of issues or regulations that would impact development within the town such as utilities, regulations pertaining to large scale farming, conservation by design options, etc.
4. Continue to monitor the high quality of education and encourage the Plymouth, Campbellsport & Kewaskum school districts to work toward continuing this high quality in the future.
5. Encourage the Wisconsin DNR to maintain the land in the Town of Mitchell as part of their park and open space system and continue it for hunting, fishing, hiking, etc.
6. Continue cooperation between the Town and the Wisconsin Department of Corrections regarding the Kettle Moraine Correctional Institution.
7. Continue cooperation between the Town and the Wisconsin Department of Transportation regarding maintenance of state highways.

8. Continue cooperation and communication between Sheboygan County and the Town regarding the operation of gravel pits, road maintenance, snow removal, and Sheriff's Department duties.

### **Goals, Objectives, Policies, Programs**

#### **Goal 1) The Town of Mitchell will continue to foster a friendly, working relationship with the surrounding units of government. Areas for cooperation include emergency services and land use/zoning.**

Approximately 70% of Town respondents to the 2003 Citizen Input Survey agreed that the Town of Mitchell should develop a proactive strategy for cooperating with surrounding towns, villages, and cities regarding land use planning, especially at or near the Town of Mitchell's boundaries.

- a) *Policy/program:* Cooperate with Sheboygan County on its comprehensive planning efforts and Non-Motorized Transportation Pilot Program.
- b) *Policy/program:* Continue to work with the Sheboygan County Highway Department for the maintenance and snow plowing of roadways within the Town.
- c) *Policy/program:* Continue to work with state agencies such as WisDOT and WDNR to promote wise management of State Highways 28 and 67, and proper stewardship of natural resources such as groundwater and environmental corridors.
- d) *Policy/program:* Continue mutual aid agreements, and all other current intergovernmental cooperation activities and policies of benefit to Town of Mitchell residents.
- e) *Policy/program:* Continue to be aware of and act on opportunities for future shared initiatives, services and/or facilities, and also notify other nearby communities of upcoming purchases or initiatives that might be suitable for cost sharing.
- f) *Policy/Program:* Establish ongoing intergovernmental forums to discuss boundary issues, shared service opportunities, and any other items of mutual concern.