

## **INTERGOVERNMENTAL COOPERATION**

Section 66.1001 (2)(g) of the Wisconsin Statutes requires the Intergovernmental Cooperation Element to provide a compilation of goals, objectives, policies, maps, and programs that guide joint planning and decision making with other jurisdictions.

Furthermore, Section 16.965 of the Wisconsin Statutes sets forth goals related to the Intergovernmental Cooperation Element that may be addressed as part of the planning process. The goal directly related to this element is stated as the following: “encouragement of coordination and cooperation among nearby units of government.”

The intent of this chapter is to address the issues and requirements set forth by the Wisconsin Statutes.

### **INTERGOVERNMENTAL COOPERATION BETWEEN MUNICIPALITIES**

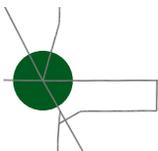
#### ***Cooperative Plans and Boundary Agreements***

Under Section 66.0307 of the Wisconsin Statutes, any combination of cities, villages, and towns may determine the common boundary lines between themselves under a cooperative plan. The cooperative preparation of a plan for the affected area should be created by the concerned local units of government and prescribe in detail the contents of the cooperative plan.

The Southeastern Wisconsin Regional Planning Commission (SEWRPC) provides an explanation of cooperative plans and boundary agreements in the Multi-Jurisdictional Comprehensive Plan for Ozaukee County. In that document, it is stated that the cooperative plan must identify any boundary change and any existing boundary that may not be changed during the planning period; identify any conditions that must be met before a boundary change may occur; include a schedule of the period during which a boundary change may occur; and specify arrangements for the provision of urban services to the territory covered by the plan. A boundary agreement can also be achieved under Section 66.0225 which allows two abutting communities who are parties to a court action to enter into a written stipulation determining a common boundary. In addition, communities can agree upon common boundaries under Section 66.0301, the statute that addresses intergovernmental cooperation.

#### ***Extraterritorial Zoning Authority***

Per Section 62.23(7a) of the Wisconsin Statutes, a city which has created a plan commission and has adopted a zoning ordinance may exercise extraterritorial zoning power. Such cities may have extraterritorial zoning (ETZ) jurisdiction over unincorporated areas within three miles of the corporate limits of a first, second, or third class city or within 1.5 miles of the corporate limits of a fourth class city or a village. ETZ powers may not be exercised within the corporate limits of another city or village. In accordance with Section 66.0105, in situations where ETZ jurisdictions of two or more municipalities overlap, the area must be divided on or along a line which is equidistant from the boundaries of each municipality. Therefore, the unincorporated area is not subject to the ETZ regulations of more than one municipality in any given area.



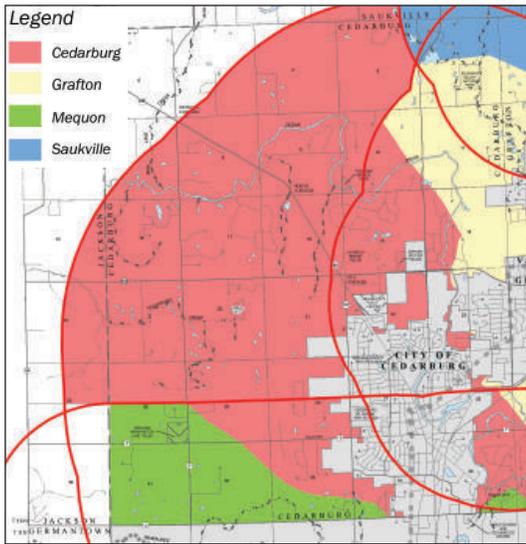


FIGURE 1. Approximate Extraterritorial Platting Authority with Adjustments Made for Overlapping Area.  
Source: SEWRPC; Multi-Jurisdictional Comprehensive Plan for Ozaukee County; 2035

Section 59.69(3)(b) of the Wisconsin Statutes requires that a county development plan (including a comprehensive plan) include, without change, the master (comprehensive) plan of a city or village, and the official map adopted by a city or village. Section 59.69(3)(e) further provides that a master plan or official map adopted under Section 62.23 shall control in unincorporated areas of a county, although it does not state whether city and village plans for extraterritorial areas be included in a county plan.

SEWRPC has recommended that for extraterritorial areas, a county plan shall include the land use plan map and related recommendations from the unit of government that has zoning authority over those lands. Ozaukee County has agreed with this recommendation. At this time, the Town of Cedarburg has zoning authority for all lands within its municipal boundaries. (For zoning authority to belong to a city or village in extraterritorial areas, an extraterritorial zoning ordinance must be adopted under Section 62.23(7)(a) of the Statutes.)

Because the Town has zoning authority over its extraterritorial areas, the Town's land use plan map and related recommendations will be the information included for these lands in the Multi-Jurisdictional Plan for Ozaukee County.

#### Joint Extraterritorial Zoning Committee

In order to create extraterritorial zoning districts and regulations, a municipality must establish a Joint Extraterritorial Zoning Committee (JETZCO) with the affected municipality. The committee is composed of three citizen members of the municipality's plan commission, and three town members from each town affected by the proposed zoning districts and regulations. Once established, the committee formulates tentative zoning recommendations for the ETZ area.

The City of Cedarburg and the Town established a JETZCO in 2006 to discuss information pertaining to the land use plan or zoning regulations for the extraterritorial area along STH 60 from Sheboygan Road to Horns Corners Road. The JETZCO, which is limited to only two years, expired in March 2008.

#### Extraterritorial Platting Authority

Section 236.10 of the Wisconsin Statutes stipulates that a city or village may review, and approve or reject, subdivision plats located within its extraterritorial area if it has adopted a subdivision ordinance or an official map. Section 236.02 defines the extraterritorial plat review jurisdiction as the unincorporated area within three miles of the corporate limits of a city of the first, second, or third class, or within 1.5 miles of the corporate limits of a city of the fourth class or a village.

In accordance with Section 66.0105, in situations where the extraterritorial plat approval jurisdiction (ETP) of two or more cities or villages would otherwise overlap, the extraterritorial plat approval jurisdiction between the municipalities is divided on a line. All points on the line are equidistant from the boundaries of each municipality concerned, so that no more than one city or village exercises extraterritorial plat approval jurisdiction over any unincorporated area (Figure 1). The extraterritorial plat review area changes whenever a city or village annexes land, unless the city or village has established a permanent extraterritorial plat review area through a resolution of

the Common Council / Village Board or through an agreement with a neighboring city or village. A municipality may also waive its right to approve plats within any portion of its extraterritorial plat review area by adopting a resolution that describes or maps the area in which it will review plats, as provided in Section 236.10(5). The resolution must be recorded with the County register of deeds.

The Town of Cedarburg is subject to the ETP jurisdiction of several adjacent communities:

- City of Mequon
- City of Cedarburg
- Village of Grafton
- Village of Saukville

State regulations do not specify the way in which these plats will be considered. Consequently, the administration of extraterritorial plat review will vary from municipality to municipality. The consistency requirement outlined later in this chapter may also apply to plat review.

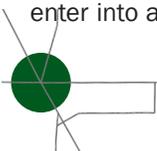
While any portion of a town cannot be subject to more than one municipality's ETZ or ETP jurisdiction, the same portion would be subject to two municipal reviews when it is a mixture of ETZ and ETP. In other words, the ETZ jurisdictions of Municipality A and B cannot overlap. The same is true for the ETP boundaries of both municipalities. However, Municipality A's ETZ boundary can overlap with Municipality B's ETP boundary and vice versa. For a town, this adds to the complexity of ETZ and ETP reviews, as municipal administration may vary significantly.

#### Consolidation

No effort has been established between the Town of Cedarburg and the City of Cedarburg to enter the process of consolidation. The following information provides some general background for consolidation processes in Wisconsin.

Based on Sections 66.0229 and 66.0230 of the Wisconsin Statutes, a town may be consolidated with a contiguous town, village, or city through an ordinance passed by a two-thirds vote of all members of each board and council, ratified by the electors at a referendum held in each municipality. Once the ordinance is passed, the town(s) and city or village must meet a series of conditions to complete the consolidation process, including:

- Both communities must adopt identical resolutions that describe the level of service the residents of the proposed city or village will receive, including but not limited to:
  - Public parks services
  - Public health services
  - Animal control services
  - Library services
  - Fire and emergency rescue services
  - Law enforcement services
- The city or village into which the town wants to consolidate must enter into a separate boundary agreement with every city, village,



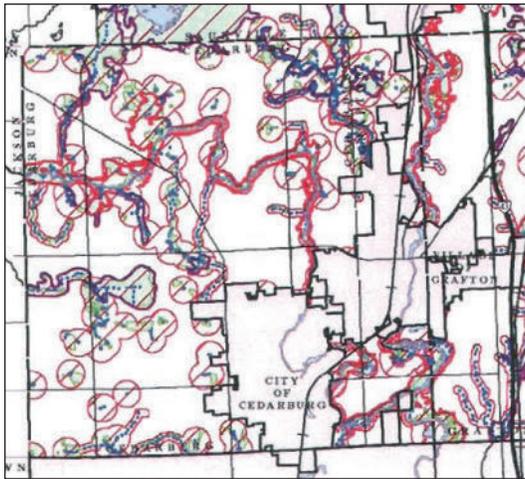


FIGURE 2. Shoreland and Floodplain Zoning in Unincorporated Areas in the Ozaukee County Planning Area: 2005. Source: SEWRPC; Multi-Jurisdictional Comprehensive Plan for Ozaukee County: 2035



- or town that borders the proposed consolidated city or village.
- A comprehensive plan in accordance with s.66.1001, effective the date of consolidation, must also be adopted by the consolidating city, village, or town.
- At least some part of the consolidated city or village receives sewage disposal services.

Land Division Regulations

Section 236.45 of the Wisconsin Statutes authorizes county and local governments to adopt their own land division ordinances. The Town of Cedarburg has such an ordinance in place. A land division ordinance regulates the division of land into smaller parcels, and helps ensure the following:

- New development is appropriately located;
- Lot size minimums specified in zoning ordinances are observed;
- Arterial street rights-of-way are appropriately dedicated or reserved;
- Access to arterial streets and highways is limited in order to preserve the traffic-carrying capacity and safety of such facilities;
- Adequate land for parks, drainageways, and other open spaces is appropriately located and preserved;
- Street, block, and lot layouts are appropriate;
- Adequate public improvements are provided.

Land division ordinances can be enacted by cities, villages, towns and counties. County land division ordinances only apply to unincorporated areas. Within unincorporated areas, it is possible for both counties and towns to have concurrent jurisdiction over land divisions. Counties also have authority under Section 236.10 to review and approve all subdivisions located in unincorporated areas. In addition to these requirements, the Ozaukee County shoreland and floodplain zoning ordinance includes land division regulations for areas located in the shoreland. Portions of the Town of Cedarburg are regulated under this ordinance (Figure 2).

Chapter 236 of the Wisconsin Statutes sets forth general requirements governing the subdivision of land, and grant authority to county and local governments to review subdivision maps (plats) with respect to local plans and ordinances. Under the Chapter, local governments are required to review and take action on plats for subdivisions. Local subdivision ordinances may be broader in scope and require review and approval of land divisions in addition to those meeting the statutory definition of a subdivision.

Communities within Ozaukee County administer their own zoning, which includes land division regulations. The Town of Cedarburg regulates land division in Chapter 184 of the Town Code. The Town should continuously evaluate county and surrounding city and village land division regulations in relation to its own ordinance.

Shared Services

See the Utilities and Community Facilities element for existing Town intergovernmental agreements with the City of Cedarburg regarding fire and rescue and community pool.

## INTERGOVERNMENTAL COOPERATION WITHIN THE REGION

### Ozaukee County

On a county-wide level, there are several issues that may require the various levels of government to work cooperatively in the near future. The Town and surrounding municipalities should work cooperatively with the County to establish guidelines for shared resources and achieve a strong level of collaboration. In addition, the Town may wish to work with the County to ensure that the County addresses areas of concern, e.g. sewer service area boundaries, in a way that is consistent with Town objectives.

The Town may also wish to coordinate with the County regarding the establishment of amendments to the Multi-Jurisdictional Comprehensive Plan. All local units of government can propose an amendment to the Plan. The County anticipates conducting annual updates to keep the Plan current.

### Wisconsin Department of Transportation (WisDOT)

Currently, the following arterials exist within the Town of Cedarburg that are regulated by WisDOT:

- State Trunk Highway 60
- State Trunk Highway 181

The transportation element provides additional information about these arterials. In the future, the Town should collaborate with WisDOT as modifications to these highways are proposed.

### Wisconsin Department of Natural Resources (DNR)

The DNR requires that a governing body adopt a park plan by resolution in order to be eligible to apply for recreational grant funds administered by the DNR. Adoption by the Plan Commission is required only if a community wishes to adopt the park plan as an element of its local master plan.

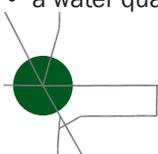
The Town of Cedarburg updated its Comprehensive Park Plan in 2009. The document was adopted by resolution by the Plan Commission, Town Board and Park Committee. The Plan was submitted to the DNR, which should make the Town eligible for grant funds in 2010. The Town should continue to coordinate with the DNR on the recommendations made in the Plan, particularly regarding the enforcement of public access to Cedar Creek.

## PLANS IN THE REGION

### Water Quality Management Plan

In 1979, SEWRPC adopted an areawide water quality management plan for Southeastern Wisconsin as a guide to achieving clean and wholesome surface waters within the seven-county region. The plan has five elements:

- a land use element;
- a point source pollution abatement element;
- a non-point source pollution abatement element;
- a sludge management element;
- a water quality monitoring element.



The point source pollution abatement element is of particular importance to land use planning. That plan element recommends major sewage conveyance and treatment facilities and identifies planned sewer service areas for each of the sewerage systems in the region. Under Wisconsin law, major sewerage system improvements and all sewer service extensions must be in conformance with the plan.

#### Water Quality Management Plan Update

SEWRPC is working with the Milwaukee Metropolitan Sewerage District (MMSD) to update the regional water quality management plan. The area involved includes all of the Kinnickinnic River, Menomonee River, Milwaukee River, Root River, and Oak Creek watersheds; the Milwaukee Harbor estuary; and the adjacent nearshore areas draining to Lake Michigan. All of the Ozaukee County planning area is included in the plan update except the Sauk Creek, Sucker Creek, and Sheboygan River watersheds and two small portions of the Lake Michigan direct drainage area located in the northeast portion of the County.

The interagency effort is using the U.S. Environmental Protection Agency's recommended watershed approach to update the Regional Water Quality Management Plan and to develop the MMSD's 2020 Facilities Plan for the study area, called the Greater Milwaukee Watersheds. When completed, the plan will recommend the control of both point and nonpoint pollution sources, and provide the basis for decisions on community, industrial, and private waste disposal systems.

#### Regional Groundwater Plan

SEWRPC has worked cooperatively with the Wisconsin Geological and Natural History Survey (WGNHS) and the Wisconsin Department of Natural Resources (WDNR) on a regional groundwater plan to develop hydrologic data that can be used to support the preparation of a regional groundwater modeling program. The document will also provide information useful for land use and related planning efforts. The groundwater-related inventories are documented in SEWRPC Technical Report No. 37, Groundwater Resources of Southeastern Wisconsin, June 2002.

#### Regional Water Supply Plan

The regional water supply plan being prepared by SEWRPC, together with the above mentioned groundwater inventories and a ground water simulation model, will form the SEWRPC regional water supply management program. The preparation of these three elements includes interagency partnerships with the U.S. Geological Survey, the WGNHS, the University of Wisconsin-Milwaukee, the WDNR, and many of the area's water supply utilities.

The regional water supply plan will include the following major components:

- Water supply service areas and forecast demand for water use.
- Recommendations for water conservation efforts to reduce water demand.
- Evaluation of alternative sources of supply, recommended sources of supply for each service area, and recommendations

for development of the basic infrastructure required to deliver that supply.

- Identification of groundwater recharge areas to be protected from incompatible development.
- Specification of new institutional structures necessary to carry out plan recommendations.
- Identification of constraints to development levels in subareas of the Region that emanate from water supply sustainability concerns.

#### Multi-Jurisdictional Plan for Ozaukee County: 2035

Ozaukee County was awarded a State comprehensive planning grant in 2004. With the exception of the City of Cedarburg, all cities, towns, and villages in the County, plus the Village of Newburg, are participating in this multi-jurisdictional planning program to develop a comprehensive plan for the County and each of the participating local governments. Work on the plans has begun, and SEWRPC is assisting in the preparation.

#### Additional Plans in the Region

Other plans in the region not mentioned here are addressed in the remaining elements of this Plan.

### **PLANS IN ADJACENT MUNICIPALITIES**

#### City of Cedarburg

The City of Cedarburg has a plan from 1991 entitled "A Development Plan for the City of Cedarburg; 2010." This plan, created by SEWRPC, includes portions of the Town in its planning boundaries. The document will be replaced by a new comprehensive plan currently being compiled by the City.

The City also has a Comprehensive Park and Open Space Plan that was amended in May of 2004. The Plan will be included in the City's "Smart Growth" planning document.

To address sewer service issues, the City and the Village of Grafton have adopted SEWRPC Community Assistance Planning Report No. 91 (2nd Edition) from June 1996. As of 2005, both municipalities and SEWRPC adopted the report, but adoption by the Wisconsin Department of Natural Resources (WDNR) was pending.

#### City of Mequon

As of 2005, the City of Mequon had a comprehensive plan in place that was written in 1983 and amended in 2000.

The City's Comprehensive Park, Recreation, and Open Space Plan was prepared in 2002. The plan is an update of the 1997 plan and identifies progress towards completing priorities identified by the earlier report. The City also has a Transportation Plan from 1996 that includes a section on recommendations for bikeways and bikeway implementation.

The City of Mequon also adopted SEWRPC Community Assistance Planning Report No. 188, written in 1992 and amended in 1995 by the City. As of 2005, the City, SEWRPC, and the WDNR had adopted the document.



#### Village of Grafton

The Village of Grafton's Comprehensive (Master) Plan 2010 was created in 1995. As of 2005, this was the most recent comprehensive plan for the Village. The boundaries in this plan include a portion of the Town of Cedarburg.

The Village has also adopted two plans that address bicycle/pedestrian amenities and parks and open space. The Bicycle and Pedestrian Plan (1996) includes an inventory of existing facilities, describes the planning process used to determine recommendations for facilities, contains an implementation plan, and includes maps depicting current and future bicycle and pedestrian facilities. The Village of Grafton Park and Open Space Plan was adopted in 2002 and focuses on recreational development needs through 2007 and includes a recreational capital improvements program and inventory of existing facilities. The plan also includes recommendations for recreational development needs beyond 2007.

See the above section on the City of Cedarburg for information regarding the adopted sewer service plan for the Village of Grafton.

#### Village of Jackson

As of April 2006, the Village of Jackson had two plans for the community: SEWRPC Community Assistance Planning Report No. 10, Land Use and Arterial Street System Plans for the Village of Jackson (December 1976), and the Village of Jackson and Town of Jackson Revenue Sharing Agreement and Cooperative Boundary Plan (September 1999).

#### Town of Grafton

The Town adopted its Comprehensive Outdoor Recreation Plan in September of 2007, and will be adopting its Comprehensive Plan in 2008. The Town's Comprehensive Plan will be compliant with state statutes.

#### Town of Jackson

To the west of the Town of Cedarburg is the Town of Jackson, which is the only adjacent municipality located within Washington County. The Town of Jackson is currently working on completing a comprehensive plan in compliance with state statutes.

The Town of Cedarburg should evaluate the above mentioned plans when analyzing future development proposals and the location of trails, facilities, and parks within its boundaries to determine how well they connect to adjacent areas. See the Transportation and Utilities and Community Facilities chapters for information on the Town's plans for bicycle/pedestrian amenities and parks and open space.

#### Town of Saukville

The Town of Saukville has a land use plan in place that was completed by SEWRPC in 1998. The plan is entitled "A Land Use Plan for the Town of Saukville: 2010."

#### Town of Trenton

In partnership with ten other municipalities, the Town of Trenton is participating in a multi-jurisdictional planning effort under Washington

County. The County and partnering municipalities are currently in the process of completing this document.

## **INTERGOVERNMENTAL COOPERATION CONFLICTS**

### *Ongoing Planning and Cooperation*

Being that the nature of the planning process is not static, existing plans within the region will be subject to frequent change. These changes may create conflict between the plan of one governing body and the Town's comprehensive plan. The Town should coordinate with adjacent municipalities and other governing bodies to review the comprehensive plan as it relates to the spirit and intention of other plans that affect the Town. These municipalities and governing bodies include, but are not limited to, the following:

- Wisconsin Department of Administration (DOA)
- Wisconsin Department of Natural Resources (DNR)
- Wisconsin Department of Transportation (WisDOT)
- Southeastern Wisconsin Regional Planning Commission (SEWRPC)
- Ozaukee County
- City of Cedarburg
- City of Mequon
- Village of Grafton
- Town of Grafton
- Town of Jackson
- Town of Saukville
- Town of Trenton

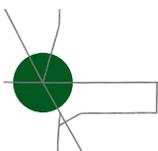
In accordance with Wisconsin Statute 66.1001(2)(i), the comprehensive plan must be updated no less than once every ten years.

As mentioned previously, towns have no provision in the Wisconsin Statutes to agree (by resolution) to have their areas included in the county development plan, nor is there a provision for town endorsement of the county development plan. In addition, no statutory language requires that counties incorporate or include town plans in a county plan. However, Ozaukee County will include the land use plan for the Town of Cedarburg in the Multi-Jurisdictional Plan. To ensure that this recognition continues and adequately reflects the Town, it is crucial for the Town and Ozaukee County to establish methods by which each entity can ensure consistency between their respective plans.

### *Consistency*

In terms of consistency between the Multi-Jurisdictional Plan, comprehensive plans for municipalities adjacent to the Town, and the Town comprehensive plan, it is important to emphasize that the definitions of "consistency" can be viewed in a number of ways.

- Consistency means that there is an absolute match between the County plan and the Town plan.
- Consistency means that the Town plan should match the County plan, both of which depict a future state, if and when the zoning is changed. Put another way, if everything matched exactly, they would not be "plans" but rather maps of "existing conditions". The



purpose of each plan is to guide decisions as they are made.

- Consistency means that as decisions are made they are generally within the intent and guidelines established by each plan, including all the provisions that such plans allow for making reasonable exceptions due to unique circumstances (not unlike conditional uses in zoning).

In addition, the model state enabling legislation prepared by the American Planning Association addresses the concept of consistency as it relates to comprehensive planning and land use decisions. This text can be used to interpret the idea of consistency as it relates to intergovernmental cooperation:

“The local planning agency shall find that proposed land development regulations, a proposed amendment to existing land development regulations, or a proposed land-use action is consistent with the local comprehensive plan when the regulations, amendment, or action:

- (a) furthers, or at least does not interfere with, the goals and policies contained in the local comprehensive plan;
- (b) is compatible with the proposed future land uses and densities and/or intensities contained in the local comprehensive plan; and
- (c) carries out, as applicable, any specific proposals for community facilities, including transportation facilities, other specific public actions, or actions proposed by nonprofit and for-profit organizations that are contained in the local comprehensive plan.

In determining whether the regulations, amendment, or action satisfies the requirements of subparagraph (a) above, the local planning agency may take into account any relevant guidelines contained in the local comprehensive plan.”

As discussed in the land use element, the following policies should be considered for resolving conflict between the Town and both neighboring municipalities and the County:

- Recognize that the Town’s image of its future is legitimate regardless of whether it does not match the image of a neighboring municipality.
- Indicate that there are many ways to meet the criterion for “consistency” if and when such a criterion is actually imposed.
- Suggest other ways of collaborative planning with adjacent communities and the County.

# INTERGOVERNMENTAL COOPERATION

## GOALS, OBJECTIVES, AND POLICIES

### **GOAL #1**

Maintain effective working relations with adjoining municipalities.

### **OBJECTIVE**

Encourage opportunities for cooperation in formulating compatible local policies and programs (e.g. development regulations, boundary agreements, etc.).

### **POLICIES**

Complete the cooperative planning process with the City of Cedarburg.

Consider periodic meetings with adjacent municipalities to review common issues.

Conduct an analysis of areas at risk for annexation in the Town.

Consider additional opportunities or the restructuring of current shared service agreements between the City of Cedarburg and the Town.

### **GOAL #2**

Maintain and improve communication with other governing bodies.

### **OBJECTIVE**

Ensure regular interaction with neighboring communities, school districts, Ozaukee County, WDNR, WisDOT, SEWRPC, and other intergovernmental partners.

### **POLICIES**

Continue attending meetings for the Wisconsin Town Association.

Attend pertinent County and school district meetings, and attend the City of Cedarburg shared services meetings.

Coordinate with Ozaukee County to ensure that amendments to the Town plan are incorporated into the Multi-Jurisdictional Plan.



## **OBJECTIVE**

Devise new ways to coordinate and share community facilities and services with neighboring communities, school districts, and Ozaukee County.

## **POLICIES**

Consider coordinating with neighboring communities and the school districts when contracting private companies and similar services are needed (i.e. resurfacing, etc.). Negotiate for a reduced cost based on the larger project volume.

Consider opportunities to purchase expensive capital equipment jointly with neighboring communities in an effort to save through purchase and maintenance costs.

Encourage the school districts to collaborate in ways that will allow the provision of additional services to Town residents (i.e. youth programs, community use of classrooms by seniors and community classes).