

Chapter 7: Intergovernmental Cooperation

Introduction

Sixty-two local governments operate within Dane County's borders, including thirty-four towns, nineteen villages, eight cities and the county itself. Dane County also shares borders with seven other counties and twenty-two additional towns. Thanks to Madison's status as the state capitol, Dane County hosts more than 60 different state agencies, the Wisconsin State Legislature and the Governor's Office. Quasi-governmental public entities, such as the county's 25 school districts, 28 EMS districts, 21 drainage districts, the Madison Metropolitan Planning Organization, the Capital Area Regional Planning Commission, the Madison Area Technical College, and the University of Wisconsin all exercise varying degrees of regulatory authority, taxation ability or independent decision-making within their respective spheres.

Dane County's success at achieving its comprehensive planning goals will depend heavily on its ability to cooperate and coordinate effectively with its neighbors, counterparts and partners. Regional and countywide planning issues such as urbanization, resource protection, economic development, housing prices, traffic or service delivery rarely confine themselves to arbitrary jurisdictional boundaries. As a representative government with a regional focus, Dane County can play a

valuable role in helping to foster cooperation among, and resolving disputes between, local governments. The county also implements a variety of state and federal programs, ranging from shoreland and floodplain management, to state-funded highway improvements, to housing and economic development initiatives funded through the federal Community Development Block Grant (CDBG) program. Finally, tight budgets, declining State of Wisconsin aid to localities, and increasing demand for county government services continue to spur communities, including Dane County, to explore shared service arrangements with other communities.

Purpose

This chapter is intended to describe the county's goals, objectives, policies and programs for joint planning and decision making with other jurisdictions, including:

- Adjacent and constituent local governments;
- School districts;
- Regional entities;
- State agencies, and;
- Other governmental units.

Key Issues

How can Dane County cooperate with other units of government to:

- Creatively share service delivery to meet budget limitations, while still providing high quality services to its residents?
- Promote an equitable distribution of tax base among municipalities?
- Promote predictability and community stability in spite of annexation and municipal boundary changes?
- Reduce dependence on costly, time-consuming litigation to resolve intergovernmental conflict?
- Build consensus to achieve county and regional goals?
- Reduce land use conflicts across borders or inconsistencies between plans?

This chapter also identifies existing or potential conflicts between the county and other governmental units, and recommend strategies for conflict resolution.

Additional information in Volume II will also:

- Incorporate existing plans and agreements under sections 66.0301, 66.0307, and 66.0309 of the Wisconsin Statutes (*See Volume II for a complete list of intergovernmental agreements to which Dane County is a signatory*);
- Analyze the relationship between other units of government and Dane County, and;

Survey Results

The 2005 *Dane County Comprehensive Plan Survey* indicates that Dane County residents feel strongly that the county should do more to work together with other units of government to avoid duplication of services. When asked how important this issue was to them personally, respondents produced an average score of 7.8. However, when asked to rate Dane County's performance in this area to date, respondents gave the county an average score of 5.6.

When asked to select the most important role the county should play in resolving intergovernmental conflict, 32% of survey respondents said "creating a consensus-based process," 20% said "creating committees of local officials," and 20% said "mediating conflict."



Relationship with Other Units of Government

Towns

All towns in Dane County have adopted the county zoning ordinance (Chapter 10, Dane County Code). Under the provisions of s. 59.69, Wisconsin Statutes, the town and county boards of supervisors must work cooperatively to enact zoning map amendments (re-zone petitions) or zoning ordinance text amendments. County land division, shoreland zoning and floodplain ordinances also apply in towns. See Chapter 4: Utilities and Community Facilities for other county services provided by Dane County to unincorporated areas.

Cities and Villages

Under Wisconsin law, incorporated cities and villages exercise a great deal of autonomy and regulatory authority, independent of county authority. In most cases, Dane County plays a funding, advisory or resource-sharing role with cities and villages, but does not typically exercise direct regulatory or administrative control. One notable exception is in the area of water resources. The Wisconsin Legislature has granted the Dane County Lakes and Watershed Commission and the Dane County Board of Supervisors unique authority (Chapter 33, Subchapter V, Wis. Stats.) to enact regulations that apply within towns, villages and cities to protect surface water resources. Dane County is also one of three designated water quality management areas under NR 121, Wisconsin Administrative Code. NR 121 grants authority over municipal sewer system extensions to a regionally representative body. This function is currently performed by the Capital Area Regional Planning Commission, a non-governmental entity with several Dane County Executive appointments. (*See Regional Entities on facing page.*)

Another example of Dane County and city intergovernmental cooperation is the Public Health of Madison and Dane County (PHMDC) agency. By January 1, 2008, the PHMDC will function as a jointly operated, fully integrated agency providing health services to residents throughout Dane County.

Adjoining Counties

Dane County shares borders with Columbia, Sauk, Iowa, Green, Rock, Jefferson and Dodge Counties. Dane County's formal relationships with adjoining county governments have typically focused on specific projects or program areas. Some examples include the following.

- *Capital Consortium:* This ongoing, collaborative effort coordinates direct assistance, training and job opportunity programs (including W2) operated by Dane, Dodge, Marquette, and Sauk Counties. All funds flow through Dane County.
- *Planning for Change in Long Term Care:* Under a planning grant from the Wisconsin Department of Human Services, Dane County, Rock County, the Community Living Alliance and Elder Care of Wisconsin are designing a jointly operated system to provide services to older adults and people with physical disabilities.
- *Dane County and Sauk County Highway 12 Corridor Plan:* Using funds from the Wisconsin Department of Transportation, Dane County and Sauk County cooperated in developing a Purchase of Development Rights program and updated town land use plans to protect natural and agricultural resources in the Highway 12 corridor.

In addition, Dane County staff and elected officials participate in informal networking and information-sharing opportunities with their peers in other counties, such as regional Planning Directors and Rock River Coalition meetings.

Regional Entities

Dane County works closely with a variety of regional organizations serving the Dane County area. In many cases, the Dane County Executive makes appointments to some or all of the seats on the board of each organization. In other cases, the county provides funding, staff resources or other support. Some of the most significant entities with separate statutory or other authority independent of the Dane County Board of Supervisors include the:

- Capital Area Regional Planning Commission;
- Dane County Lakes and Watershed Commission;
- Madison Area Metropolitan Planning Organization;
- Madison Metropolitan Sewerage District;
- Drainage Districts, and;
- Collaboration Council.

School Districts

Dane County government has traditionally had little formal interaction with school districts, except through support services provided by the Dane County Library Service.

State of Wisconsin

Like all counties in Wisconsin, Dane County maintains financial, statutory and administrative relationships with a variety of state agencies. In addition, county and state agency staffs frequently collaborate on policy development, program design or information sharing. Particular agencies critical to achievement of county comprehensive planning goals, along with relevant programs, are listed below.

Department of Agriculture, Trade and Consumer Protection (DATCP)

- Farmland Preservation
- Land and Water Resource Planning

Department of Natural Resources (DNR)

- Shoreland, Wetland and Floodplain Zoning
- Tenney Locks and Dam
- Parks and Open Space Planning
- Waterbody Classification

Department of Transportation (WisDOT)

- County Trunk Highway Improvements
- Corridor Planning

Existing and Potential Conflicts

Annexation and Urban Growth

While the City of Madison continues to grow in both population and geographic area, the most rapid population growth continues to occur in outlying cities and villages. This means that annexation pressure affects nearly all areas of Dane County. Under Wisconsin law, cities and villages can only annex lands by petition and consent of individual landowners. Since annexation depends on the varying desires and economic circumstances of property owners, this process may result in haphazard municipal boundaries and inefficient public service delivery. Town and county governments also have little or no control over annexations. As towns lose existing residents, businesses and undeveloped land, they lose population and tax base. This, in turn, negatively affects town governments' ability to provide services to their residents and lessens their relative political strength. If towns attempt to rebuild their tax base by encouraging low-density development in areas adjacent to city or village boundaries, they may frustrate planned urban growth and complicate urban service delivery.

Typically, incorporated municipalities have responded to town development by blocking land divisions under their extraterritorial plat review jurisdiction (ETJ) under Chapter 236 of the state statutes. For their part, town governments have occasionally attempted to block unwelcome annexations through expensive, and often unsuccessful, lawsuits. In Dane County, annexation issues are mitigated somewhat by the Urban Service Area amendment process, which requires municipal planning and public involvement prior to extension of services to newly annexed lands. Recently, cities, villages and towns have shown a renewed interest in intergovernmental agreements that establish long-term municipal boundaries, to avoid such conflicts in the future.

Regulatory Coordination

In general, county land use ordinances apply in all unincorporated areas of the county, while city or village ordinances apply in incorporated areas. However, there are several exceptions, each of which can create confusion and conflict due to differing ordinance standards, interpretation, permitting procedures and administration.. Examples are listed below.

- ***Extraterritorial Zoning (ETZ):*** A few cities and villages (*See Volume II for a complete list*) have established extraterritorial zoning jurisdictions in unincorporated lands under s. 62.23(7a), Wis. Stats. Unincorporated lands in ETZs are not subject to the county general zoning ordinance (Chapter 10, Dane County Code), but remain under the authority of county shoreland, wetland, erosion control, stormwater management, floodplain and land division regulations. Extraterritorial zones may lapse and revert to county zoning authority if the city or village and the affected town fail to form a cooperative planning body, adopt a permanent ordinance or adopt a land use plan for the area.
- ***Land Division:*** Although the Dane County Land Division Ordinance (Chapter 75, Dane County Code) applies to all unincorporated areas, fifteen towns have also adopted their own land division ordinances under independent authority under Chapter 236, Wis. Stats. In such towns, property owners seeking to divide land must comply with both county and town standards and procedures. In addition, all cities and villages in Wisconsin exercise extraterritorial plat review jurisdiction (ETJ) within specified distances of incorporated municipal boundaries.
- ***Shoreland and Wetland Zoning:*** Section 59.692(7), Wis. Stats., requires that cities and villages adopt ordinance standards that are at least as restrictive as the county's for all lands annexed after May 7, 1982. County shoreland and wetland standards for annexed areas may not be consistent with municipal standards that apply to older sections of the city or village.

- ***Stormwater and Erosion Control:*** Under Chapter 30, Wis. Stats., and Chapter 14, Dane County Code, all cities and villages in Dane County must adopt erosion control and stormwater management standards that meet minimum standards set by the Dane County Lakes and Watershed Commission. The Lakes and Watershed Commission periodically reviews municipal ordinances and administration for consistency with county standards.

Open Space and Agricultural Preservation

Adopted county, town, city and village goals and objectives related to farmland preservation, open space protection or community separation occasionally conflict with either planned or unplanned urban, suburban or rural growth. Maps depicting such areas of potential conflict are included in Volume II. To date, methods for resolving such conflicts have included:

- working to revise Urban Service Area approval standards to take agricultural preservation issues into account, and;
- intergovernmental participation in the *Dane County Parks and Open Space Plan*, particularly the county Conservation Grant program.

See also *Chapter 5: Agricultural, Natural and Cultural Resources*, and *Chapter 8: Land Use* for specific recommendations to resolve such conflicts in the future.

Goals, Objectives, Policies and Programs

Overall Intergovernmental Cooperation

Goals

1. *Facilitate and encourage cooperation and communication between all levels of government.*

Supporting Objectives

- A. Encourage cities, villages, and towns to enter into joint planning initiatives, including intergovernmental land use, service, and boundary agreements.

- B. Encourage cities, villages, and towns to enter into joint planning initiatives when it comes to locating shared public facilities and sharing public services.
- C. Encourage agreements among Dane County municipalities.
 - (1) Dane County should encourage more communities to engage in and complete shared public service agreements and intergovernmental agreements to improve service and lower costs.
- D. Provide a forum for communication among Dane County municipalities.

2. *Ensure town, city and village governments have a continued role in county decision-making in areas covered by the Dane County Comprehensive Plan.*
3. *Establish a process for mutually beneficial inter-governmental relations with other governmental jurisdictions, both within and outside the county, to promote cooperation and communication.*

Supporting Objectives

- A. Work with local governments, state agencies, other planning agencies, and school districts on land use and community development issues of mutual concern. (e.g. Location of public facilities.)
- B. Develop and support processes to resolve conflicts between the plans of governments with overlapping jurisdictions.
- C. Dane County should actively seek opportunities for shared public service agreements and intergovernmental agreements that improve services and lower costs.
- D. Use a consistent and inclusive process to ensure all affected parties (by region and function) are included. For example transportation issues should include the general public, land owners, all communities, Dane County highways department, Madison Area Metropolitan Planning Organization, and the Wisconsin Department of Transportation.

- E. Continue community support services that had been formerly provided by the Dane County Regional Planning Commission (Regional Trends Report, Demographic analysis, Planning Support, Water Quality Analysis, and Hydrologic Modeling).
- F. Assist local municipalities with resources to complete the intergovernmental cooperation element of their respective comprehensive plans.
- G. Provide resources to assist communities in completing the conflict resolution process of this chapter.

Policies and Programs

1. Continue and enhance ongoing county-sponsored incentive and grant programs that promote intergovernmental cooperation, such as:
 - A. The Dane County Conservation Grant Program, as described in the *Dane County Parks and Open Space Plan*.
 - B. The BUILD program
 - C. The Dane County Community Development Block Grant (CDBG) program.
2. Continue and increase participation in the development and amendment of town, city and village comprehensive plans, and school district, state, regional and federal planning activities.
 - A. Review local government plans for consistency with the *Dane County Comprehensive Plan*, and provide comment and analysis to local governments.
 - B. Actively participate in forums, workshops, meetings and other public participation activities sponsored by other units of local, state and federal government.
3. Establish an ongoing, multi-jurisdictional discussion forum to address growth issues inside and out of Dane County.
 - A. Sponsor forums for the housing industry, planning staff, plan commissions, elected officials, stakeholders, and the county land conservation community to foster positive alliances.
4. Continue to strive for balance and broad representation from all levels of government, citizens, stakeholders and interest groups in the composition of county committees, commissions and work groups.
5. Develop programs and opportunities to promote regional economic development cooperation within and outside Dane County's borders.
 - A. Explore and identify advantages and opportunities for working with other counties to promote economic development.
 - B. Work with the regional partners, for example the Collaboration Council Initiative, organizations and surrounding counties to promote:
 - (1) multi-county economic development cooperation;
 - (2) combined economic development efforts, and;
 - (3) discussions to address growth issues beyond Dane County's borders.
 - C. Dane County should partner with local communities to facilitate a full spectrum of commercial redevelopment activities.
 - D. Work with local economic development organizations to help develop strategies to retain, expand and attract businesses.
 - E. Explore and identify opportunities for Dane County and the City of Madison to work together to promote economic development

and job creation.

- F. Encourage inter-governmental development and revenue sharing.
- G. Identify strategies for soliciting and prioritizing local community and neighborhood economic development needs.
- H. Dane County should work together with the City of Madison to retain and attract business in the central business district, and identify and promote policies to support this goal.
- I. Work with surrounding communities to explore, identify and promote possible revenue sharing opportunities and potential projects that would for the purpose of mutual economic benefit, reduce competition among communities, and promote regional collaboration.
- J. Educate communities and promote the use of Tax-Increment Financing (TIF) and multi-jurisdictional Tax Increment Financing (TIF) by providing information, guidelines, and model examples.

Conflict Resolution Process

Goal

1. *Establish a consistent process for Dane County and other units of government to resolve intergovernmental conflict.*

Policies and Programs

1. Dane County should follow, and make sure communities and other units of government have access to, a complete range of options to resolve intergovernmental conflicts. Where necessary, Dane County should provide resources to assist communities in resolving conflict. Options should include:
 - A. Informal networking and discussion among public employees, commission members and elected officials of various units of government;
 - B. Participation in municipal, county and state hearings, meetings and other ongoing public participation activities;

- C. Representation and full, open debate on the County Board of Supervisors, county committees, commissions and task forces;
 - D. Unassisted and assisted negotiation, mediation and facilitation services;
 - E. Permanent regional entities that are representative of multiple communities;
 - F. Cooperative planning, cost-sharing and formal intergovernmental agreements, and;
 - G. Litigation, as a last resort, only after other means of resolving conflicts have been exhausted.
2. Explore opportunities and develop capacity for facilitation, mediation or arbitration services to help resolve intergovernmental conflicts or to assist communities in negotiations. Consider circumstances where Dane County can play an intermediary role, and where third-party assistance may be necessary.

Intergovernmental Agreements and Cooperative Planning

Goal

1. *Where appropriate, Dane County government should develop and enter into, formal intergovernmental agreements with other communities to reduce costs, provide for more efficient delivery of service, protect regional resources, or to further the goals of the Dane County Comprehensive Plan.*

Policies and Programs

1. Incorporate all existing intergovernmental agreements, to which Dane County is currently a signatory, into the *Dane County Comprehensive Plan*. (See *Volume II* for a complete list.)
2. Establish a process to automatically amend the comprehensive plan to include new intergovernmental agreements once they are signed by Dane County.
3. Encourage and support cooperative development agreements between Dane County communities that further the goals and objectives of the *Dane County Comprehensive Plan*.

4. Continue to actively sponsor, and participate in, project-specific multi-jurisdictional planning efforts, like the North Mendota Parkway and Open Space Corridor project, or the Highway 12 Expansion project, that have the potential to affect resources, infrastructure or services at the county or regional level.

Other Units of Government

Neighboring County Governments

Policies and Programs

1. Continue to explore new opportunities to work cooperatively with the governments of Columbia, Sauk, Iowa, Green, Rock, Jefferson and Dodge Counties, in order to further the goals of the *Dane County Comprehensive Plan*.
2. The County will work with towns and other local units to evaluate the impact of Dane County's development policies on adjacent counties, in order to encourage adjacent communities to adopt appropriate growth management programs.

Regional Entities

Policies and Programs

1. Continue to work with state and local governments to support and maintain the Capitol Area Regional Planning Commission as a regional entity, representative of the Dane County area, with the capacity to accomplish the following tasks.
 - A. Conduct regional water quality planning services, including the approval of public sewer and water extensions, under NR 121, Wisconsin Administrative Code, and to maintain and update the *Dane County Water Quality Plan*. In developing the Dane County Water Quality Plan, the CARPC will do the following.
 - (1) Comply with all requirements of NR 121, Wisconsin Administrative Code.
 - (2) Give priority to areas of the highest environmental sensitivity and growth pressure, including:

- a. all communities within the Central Urban Service Area;
- b. all communities within the Northern Urban Service Area;
- c. all urban service areas with a year 2000 Census population of 3,000 or more, and;
- d. the Black Earth Urban Service Area.

- (3) Consider other factors including the impacts on natural and built systems, the efficient use of land including urban densities, and the ability to efficiently provide services to support the development and farmland preservation planning.

- B. Provide information, mapping and protection for environmental and open space corridors, and coordinate water quality monitoring, and hydrological modelling;
- C. Provide demographic research, maintain the annual *Regional Trends Report*, serve as the regional census depository, and provide technical planning and research services to Dane County communities, and;
- D. Provide a regional forum for networking, discussion and communication between communities in the Dane County area.

2. Continue to support and work cooperatively to further the goals of the *Dane County Comprehensive Plan* with other regional entities, including:
 - A. Dane County Lakes and Watershed Commission (*See Chapter 5: Agricultural, Natural and Cultural Resources*);
 - B. Madison Metropolitan Sewerage District (*See Chapter 4: Utilities and Community Facilities*);
 - C. Madison Area Metropolitan Planning Organization (*See Chapter 3: Transportation*);
 - D. Drainage Districts (*See Chapter 5: Agricultural, Natural and Cultural Resources*), AND;
 - E. Collaboration Council (*See Chapter 6: Economic Development*).

School Districts

Policies and Programs

1. Work to expand the county's relationship with school districts, particularly with respect to residential development planning and opportunities for shared services, amenities or facilities. (*See also Chapter 4: Utilities and Community Facilities.*)

State Government

Policies and Programs

1. Continue to use the county legislative agenda process and the county legislative lobbyist to advocate to the Wisconsin Legislature about issues of concern to Dane County, and to review and comment on pending legislation that has the potential to affect the county.
2. Continue to work with State of Wisconsin agencies to meet statutory obligations, share resources and find collaborative ways to further county and state planning goals.

Town Governments

Policies and Programs

1. Town governments in Dane County may submit their comprehensive or land use plans for adoption by the Dane County Board of Supervisors as amendments to the *Dane County Comprehensive Plan*. A complete list of town plans currently adopted as components of the *Dane County Comprehensive Plan* is included in Volume II.
 - A. As provided in s. 10.255(1)(d), Dane County Code, the county Zoning and Land Regulation Committee will use town plans adopted by the county board as criteria for county zoning decisions.
 - B. For towns that do not have a land use or comprehensive plan adopted by the county board, the Zoning and Land Regulation Committee and the Dane County Board of Supervisors will use the General Regional

Planning Framework policies described in Chapter 8: Land Use, other policies of the *Dane County Comprehensive Plan* (including component plans, such as the *Dane County Farmland Preservation Plan*), and any other relevant county adopted plan as criteria for county zoning decisions.

- C. The Department of Planning and Development will develop, maintain and distribute technical and content guidelines for town plans to facilitate county board adoption.
- D. Towns submitting a land use or comprehensive plan to the county board for adoption should follow, at a minimum, the following procedure.
 - (1) Towns may, at their discretion, submit their entire comprehensive plan, or just the Land Use element, for county board adoption. Towns that have adopted the county exclusive agricultural zoning ordinance should also include a separate "Farmland Preservation" chapter in their submittal, for adoption as part of the *Dane County Farmland Preservation Plan*.
 - (2) Towns will submit one or more preliminary versions of the plan to the Department of Planning and Development for staff review.
 - (3) Planning and Development staff will respond to the town with any comments, concerns or suggestions within 30 days.
 - (4) Towns may request a preliminary joint meeting with the county Zoning and Land Regulation Committee and the Environment, Agriculture and Natural Resources Committee for the purpose of discussing the general parameters, content or interpretation of the plan, or to discuss issues that cannot be resolved by staff.
 - (5) When a plan is near completion, towns may request a second meeting with the Zoning and Land Regulation and Environment, Agriculture and Natural Resources Committees to resolve any remaining potential issues.

(6) When a town is ready to seek county board adoption as part of the *Dane County Comprehensive Plan*, the town should send the following materials to the Department of Planning and Development:

- a. Sufficient copies of the proposed county comprehensive plan amendment to meet the requirements of s. 66.1001(4)(b), Wis. Stats. for Dane County. (At least fifteen color paper copies should be provided, the remainder may be on CD-ROM or DVD-ROM);
- b. A copy of an adopted town board resolution requesting county board adoption into the *Dane County Comprehensive Plan*.

(7) Planning and Development staff will coordinate county compliance with state requirements for amendment of the *Dane County Comprehensive Plan* [s. 66.1001(4), Wis. Stats.], and if necessary, the *Dane County Farmland Preservation Plan* [Chapter 91, Wis. Stats.] including the following.

- a. Preparing an appropriate resolution and ordinance amendment for County Board approval of the town comprehensive plan.
- b. Providing copies of the proposed amendment to comply with s. 66.1001(4)(b), Wis. Stats.
- c. Completion of Class I notice requirements, and any other public notices required under s. 66.1001 or, if necessary, Ch. 91, Wis. Stats.
- d. Scheduling, within 90 days of the town's completion of a, b and c, above, a public hearing on the amendment before the county Zoning and Land Regulation Committee. The county Environment, Agriculture and Natural Resources (EANR) Committee will be notified of the public hearing. A quorum of the EANR Committee may be present but no action will be taken by the EANR Committee at the public hearing.
- e. After Zoning and Land Regulation Com-

mittee action, provide the EANR committee with a copy of the plan and staff report.

(8) The Zoning and Land Regulation Committee will take action on the amendment within 30 days of the county public hearing. In the event the ZLR cannot complete its review within the time allotted, it will report the plan to the county board without recommendation.

(9) The Environment, Agriculture and Natural Resources Committee will take action on the amendment within 60 days of the county public hearing, or report the plan to the county board without recommendation.

(10) The town board may request extensions to the above timeframes by written request to the Zoning and Land Regulation Committee.

2. Expand direct assistance to town government for planning in rural areas (*See Chapter 8: Land Use*) to promote development that meets the Community Design Principles of the *Dane County Comprehensive Plan*.

Village and City Governments

Policies and Programs

1. Make sure the Department of Planning and Development maintains the ability to provide technical assistance and support to cities and villages to facilitate sensible and efficient growth that meets the Community Design Principles of this plan and direct county resources to that end. (*See Chapter 8: Land Use.*)

Non-Governmental Organizations

Policies and Programs

1. Continue to cooperate and collaborate with nonprofit organizations and other nongovernmental agencies to further the goals and objectives of the *Dane County Comprehensive Plan*.