

# 11.0 INTERGOVERNMENTAL COOPERATION



## Introduction

Intergovernmental cooperation involves working with neighboring communities and agencies to understand how their future planning activities will impact the Town of Oconto Falls. At a minimum, this involves sharing information about the Town’s plan with neighboring communities and agencies and vice versa. However, the Town believes intergovernmental cooperation should not end with the sharing of plans. Instead, this process should be the beginning for joint planning and decision-making, conflict resolution, and other strategies to promote regional coordination.

The Comprehensive Planning Law requires that the Town of Oconto Falls coordinate with:

- Towns of Gillett, Spruce, Morgan and Stiles
- Oconto County
- Oconto Falls and Gillett School Districts
- City of Oconto Falls
- Wisconsin Department of Transportation
- Wisconsin Department of Natural Resources
- Bay Lake Regional Plan Commission

**To learn more about the intergovernmental activities, also see these chapters...**

- √ Information related **county zoning** is provided in the Existing Land Use Chapter.
- √ Information about **overlay zones** is provided in the Future Land Use Chapter.
- √ Information about the **school districts, county sheriff’s department, fire protection**, and more is provided in the Utilities and Community facilities Element Chapter.

## Intergovernmental Cooperation Vision

**The Town of Oconto Falls works cooperatively, through shared service agreements, with the City of Oconto Falls and Oconto County to provide Town residents with cost-efficient services including police, fire/rescue and quality roads. The Town continues to pursue opportunities to provide coordinated, cost-effective services with neighboring communities and the County. The Town, City and County work cooperatively on issues such as zoning, annexation and development. The Gillett and Oconto Falls School Districts coordinate with the Town on issues of mutual importance.**

## Existing Intergovernmental Activities and Partners

Many intergovernmental programs already in effect impact the Town of Oconto Falls. This section highlights programs that are currently in place.

### ADJACENT/NEARBY GOVERNMENTAL UNITS

- City of Oconto Falls
- Town of Gillett
- Town of Morgan
- Town of Spruce
- Town of Stiles

The Town of Oconto Falls nearly surrounds the City of Oconto Falls. As such, the Town has the most direct interaction with the City. The City and Town of Oconto Falls coordinate with one another to provide fire protection and emergency medical service through the Oconto Falls Fire Department and the Oconto Falls Area Ambulance Service.

From time to time the City of Oconto Falls annexes property from the Town of Oconto Falls to accommodate development requests that require municipal water and sewer. This situation sometimes strains the relationship between the Town and City. However, the Town supports higher density development in the City because:

- It helps to direct development away from the Town, which ultimately helps the Town to protect its natural resources, farming traditions and rural residential areas by directing development elsewhere.
- It supports the economic vitality of the City which in turn benefits Town residents who work, shop, or use facilities in the City (schools, library, parks, etc.).

The Town of Oconto Falls relationship with its neighboring Towns can be characterized as one of mutual respect and compatibility from a land use and political standpoint. Towns around the Town of Oconto Falls share a common rural character, a strong farming tradition and abundant natural areas. Towns cannot annex land from one another. Therefore, the borders between the Town of Oconto Falls and the adjacent Towns are fixed and boundary disputes are non-existent. Each Town is responsible for its own public services (i.e. road maintenance and construction, garbage collection, etc.). However, as mutually beneficial opportunities for shared services arise, the Town of Oconto Falls will consider these options.

### SCHOOL DISTRICTS

The Town's relationship with the Oconto Falls and Gillett School Districts can be characterized as limited, but cooperative. There are no school buildings in the Town. The Town is also not responsible for a significant portion of the overall enrollment in either district. Moreover, neither district has plans to construct facilities in the Town of Oconto Falls.

The Town of Oconto Falls appreciates the quality service provided by the school districts.

## **OCONTO COUNTY**

The Town of Oconto Falls is located in Oconto County. Oconto County provides many programs, services, and facilities (e.g., parks) that are available to Town residents. Oconto County programs that most directly impact Town include:

- Highway maintenance and improvement programs;
- Zoning, on-site sanitary system permitting, and land division ordinance regulation and enforcement;
- Library funding support (to help cover the costs of county residents who use the library);
- Educational and assistance programs provided by the UW-Extension; and
- Social services.

The relationship between the Town of Oconto Falls and Oconto County can be characterized as slightly strained, due to the fact that communication is not always clear and effective. Because of confusion about who is accountable for which decisions, there is a perception that the Town has sometimes been bypassed in decision making. However, the Town is optimistic about devising plans that will allow the County to be more responsive to the needs of the Town. Improved communication will lead to better oversight of planning and zoning issues in the future. Communication will also be especially important as it relates to:

- Zoning and land division ordinance enforcement
- Storm water management (impervious surfaces, etc.)
- The Oconto County Comprehensive Plan
- Public safety

## **BAY LAKE REGIONAL PLAN COMMISSION**

The Town of Oconto Falls, is part of the Bay-Lake Regional Planning Commission (BLRPC). Historically, the Town of Oconto Falls has little interaction with the BLRPC. During the development of this plan, the BLRPC provided mapping information and completed reviews of several draft chapters. The BLRPC was also provided with the opportunity to review and comment on the recommended plan.

## **STATE AGENCIES**

- Wisconsin Department of Natural Resources (WDNR)
- Wisconsin Department of Transportation (WisDOT)
- Department of Agriculture, Trade and Consumer Protection (DATCP)

WDNR and WisDOT are the primary state agencies with whom the Town of Oconto Falls must coordinate to achieve the goals and objectives of this plan.

WDNR takes a lead role in wildlife protection and the sustainable management of woodlands, stormwater regulations, wetlands and other natural wildlife habitat areas.

WisDOT is a key player in the planning and development of highways and pedestrian/cycling facilities in the Town and region. The Town of Oconto Falls has a cooperative relationship with WisDOT and seeks to provide input into transportation decisions that may impact the Town.

The mission of the DATCP is to serve the citizens of Wisconsin by assuring:

- The safety and quality of food
- Fair business practices for the buyer and seller
- Efficient use of agricultural resources in a quality environment
- Consumer protection
- Healthy animals and plants
- The vitality of Wisconsin agriculture and commerce

Given the importance of farming in the Town of Oconto Falls, DATCP plays an important role in the Town. DATCP policies, programs and directives impact local farm operations. Accordingly, the Town will seek to provide feedback to DATCP, as necessary, to express the impacts of DATCP policies, programs and directives on the Town of Oconto Falls.

## Intergovernmental Planning Process

To facilitate a planning environment open to intergovernmental cooperation, the Town of Oconto Falls sent adjacent municipalities, the WDNR, WDOT, the school districts and Oconto County a letter at the on-set of the planning program. The purpose of this letter was to:

- Notify all involved of the Town's planning effort at an early point in the program so intergovernmental cooperation opportunities could be an integral part of the plan.
- Learn about existing plans developed by these agencies and communities that may impact the Town of Oconto Falls.

On an element-by-element basis, the Town (through its consultant) also contacted Oconto County officials, local school district representatives, neighboring communities, and state agencies to complete inventories of available services, facilities and programs. For example, during the development of the *Transportation Element*, WisDOT was contacted to obtain information available related to transportation facilities and programs in the Town of Oconto Falls. Likewise, WisDOT was provided a preliminary copy of the *Transportation Element* to review and comment upon. This same courtesy was extended to the WDNR during development of the *Agricultural, Natural and Cultural Resources Element*. Similarly, the

The activities of the WDNR are discussed further in the *Agricultural, Natural and Cultural Resources Element* of this plan. Additional information is also available on-line at: [www.dnr.state.wi.us](http://www.dnr.state.wi.us).

For additional information about WisDOT activities in the Town of Oconto Falls, refer to the *Transportation Element* of this plan. Additional information is also available on-line at: [www.dot.state.wi.us](http://www.dot.state.wi.us)

school district was an important resource during development of the *Utilities and Community Facilities Element*.

The Town has also attended neighboring township meetings.

On December 14, 2004 the Town hosted an intergovernmental meeting. Prior to this event, representatives from neighboring communities, Oconto County, the DOT, DNR, and local school districts were mailed invitations to attend. During the meeting, a summary of the town's planning program was presented and the Draft *Future Land Use Map* was discussed. All participants had the opportunity to comment on this chapter and the *Future Land Use Map*.

More than 30 days prior to the public hearing, all intergovernmental agencies/communities were provided a copy of this plan and asked to provide comments. Comments received were addressed at the Public Hearing and in the Final Adopted Plan.

## **Intergovernmental Cooperation Programs**

The Town of Oconto Falls does not have a formal cooperative agreement or boundary agreement (see box on next page) with any of its adjoining municipalities. All intergovernmental coordination activities have been voluntary arrangements between the Town and its neighbors for practical purposes (i.e. recycling/fire protection).

As growth and change continues in the area, land use will remain a controversial topic. The Town of Oconto Falls has the opportunity, under State Statutes 66.023 and 66.30, to pursue a boundary agreement with the City of Oconto Falls. If a boundary agreement were completed, the City and Town could work together to make rational decisions about where growth will occur, including the setting or changing of boundaries, and how public services (including sewer) could be provided.

## **Existing and Proposed Plans**

### **ADJACENT/NEARBY GOVERNMENTAL UNITS**

The adjacent communities of Green Valley, Morgan and Gillett have adopted Smart Growth Comprehensive Plans. The Town of Oconto Falls welcomes the opportunity to participate in the planning efforts of its neighboring communities.

### **SCHOOL DISTRICTS**

The school districts have a long history of planning for improvements and expansion in response to area growth rates. District officials do not anticipate, given growth projections, that a school facility will be constructed in the Town of Oconto Falls. Additional information about school district facilities is provided in the Utilities and Community Facilities Chapter.

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## What is a Boundary Agreement?

### What is it?

Such an agreement is a formal contract between municipalities and/or towns to set ultimate boundaries and other provisions related to shared municipal services. It is different from traditional intergovernmental cooperation agreements using s. 66.0301, Stats., and municipal boundaries fixed by judgment - stipulations and orders, s.66.0225, Stats. This relatively new tool (1992) is a legal, binding plan and agreement for maintaining or changing the natural and developed uses of a combination of town, village and city territory for a period of 10 or more years. About 9 cooperative boundary agreements under the new statute have been approved in Wisconsin thus far.

### How long can an Agreement last?

An Agreement under 66.0307 can last up to 20 years. In some cases, parties to an Agreement have included language stipulating that the Agreement will last forever. The important point is that new town, city or village administrations cannot unilaterally dissolve or amend an Agreement without the consent of all the government units involved.

### How is the state involved?

Besides providing technical support, and mediation services in special cases, the Department of Administration reviews and approves the Agreement before it can take effect.

### How are annexations affected after an Agreement is approved?

Once an Agreement is approved, annexations initiated by individual property owners are no longer possible. Annexations (then more properly called attachments) occur only as specified in the Agreement.

### Are residents "forced" into attaching to a city or village if the approved Agreement specifies so?

Basically yes. Keep in mind, however, that no Agreement can be approved without town and city/village approval and the required public hearings. In many cases, attachments are phased in over a period of several years to give residents ample lead time. Frequently, properties with failing septic systems or wells are earmarked for the initial phases.

### Can utilities, road maintenance, easements, and revenue sharing be parts of an Agreement?

Absolutely.

### Does the state "Smart Growth" law require cooperative boundary agreements?

No. It merely requires intergovernmental cooperation to be addressed in a comprehensive plan. There are no specifics about how such cooperation takes place.

### What type of content does an Agreement contain?

Current land use; agreement duration; proposed boundary changes; conditions that may trigger future boundary changes; a physical plan for the agreed upon area, including public improvements; proof of consistency with existing plans and ordinances; environmental, economic, and social impact analysis; plan for providing public services to area; summary of public comments.

### What are the advantages to working out an Agreement?

- Avoid lengthy, bitter, costly, time-consuming lawsuits. Towns can tie up cities and villages for a long time in boundary disputes.
- Avoid potential loss of discretionary state aids.
- Cooperation and shared services can save taxpayers money.
- Developers and businesses have a stable, peaceful political climate.
- Stable borders and specific timetables allow for easier planning.
- Cities and villages can grow without opposition.
- Residents know what the future will hold.
- Allows communities to decide boundary issues and related development matters, rather than be put in the position of reacting to often unpredictable private proposals.

### State contact information:

George Hall (608-266-0683), Wisconsin Dept. of Administration, Municipal Boundary Review, 101 East Wilson Street  
Madison, WI 53702

Sources: "Boundary Agreements and Cooperative Plans" by Atty William White; "County & Local Government Land Use Planning & Regulation" by James Schneider, J.D; "Process and Statutory Elements of Cooperative Boundary Agreements" by George Hall, Municipal Boundary Review - WDOA Compiled by Kevin Struck, Growth Management Educator, Sheboygan & Washington Counties.

## **OCONTO COUNTY**

Oconto County will soon be initiating a comprehensive planning process. As a local unit of government, the Town of Oconto Falls will participate in any county planning effort to provide information about this plan, including local goals, objectives, policies and visions for the future.

There are many other plan documents that the County has prepared that were reviewed in order to develop this plan. Information from these documents is profiled in the corresponding element chapter of this plan. For example, pertinent recommendations from the *Oconto County Land and Water Conservation Plan* are highlighted in the Agricultural, Natural and Cultural Resources Element Chapter.

## **BAY LAKE REGIONAL PLANNING COMMISSION (BLRPC)**

The BLRPC provides an advisory planning role to local governments and local government officials. Local planning activities include but are not limited to, comprehensive plans, zoning ordinances, grant writing and administration, GIS mapping and outdoor recreation plans. The BLRPC is in the initial phases of a regional planning effort. The Town of Oconto Falls will seek to participate in the regional planning effort as opportunities arise.

## **STATE AGENCIES**

The WDNR and WisDOT support local planning by providing information.

The WDNR maintains property management plans for the lands it owns. It also provides permit requirements, plans and information for the state's water resources (including the Oconto River), non-metallic mining operations, wellhead protection, floodplain and shoreland management, threatened and endangered species, and woodlands protection.

In recent years, WisDOT has completed a series of statewide planning documents for use in the development of local comprehensive plans. These documents include plans for the state highway corridors, bicycle corridors, rail corridors, and air transportation. These plans were used as an important reference when preparing the Transportation Element of this plan. Furthermore, WisDOT's 6-Year Capital Improvement Plan was used for identifying immediate projects in the Town of Oconto Falls and surrounding areas.

## Coordination with Other Comprehensive Plan Elements

Intergovernmental cooperation has the potential to significantly impact the Town of Oconto Falls and its comprehensive planning efforts. Successful intergovernmental cooperation efforts have the potential to impact every element of this plan.

- Successful coordination with WisDOT will ensure that the state highway corridors function well over the long-term. A particular focus for cooperation will be with respect to coordinating intersection and driveway approvals and signage along STH 22 and STH 32.
- Cooperation with the WDNR can help the Town to better protect its natural areas, including the Oconto River and woodlands. The WDNR can provide landowners with incentives, including grants to protect these resources. The WDNR may also be an important partner in the development of a Town Park.
- Coordination with the City of Oconto Falls will allow both communities to better address housing development pressures, as well as, service and facility availability. Ideally, this coordination will help the Town to direct housing and other development to areas where services and facilities are available (in or adjacent to the City). This approach will help the Town to protect its farmers and rural character by preventing sprawling development patterns that can jeopardize farming operations and threaten natural resources.
- Cooperating with neighboring communities and the school districts may also help the region realize economic development goals, including job growth, and reduce Town service, operating, and equipment costs.

## Intergovernmental Goals, Objectives and Policies

The goals, objectives and policies provided in the Implementation Chapter generally seek to enhance the lines of communication between area governments. This approach will help to create an environment where cooperation is possible and conflicts are minimized.