

## **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 Sherman's relationship with neighboring communities, Sheboygan County, the Bay-Lake Regional Planning Commission, the Random Lake School District, 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 Sherman interacts with a number of other governmental entities, most notably the villages of Adell and Random Lake, 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.

Currently, the villages of Adell and Random Lake do not exercise extraterritorial zoning powers. Random Lake recently reaffirmed its extraterritorial platting review jurisdiction, and Adell is considering exercising its jurisdiction as well. Joint review of future subdivision plats will hopefully encourage additional cooperation near village borders. In lieu of potentially complex and expensive formal boundary agreements, the Town and villages have agreed to 1) rely on the 20-Year Land Use Maps in Chapter 8 of their plans to provide guidance in transition areas, and 2) establish a regular and ongoing intergovernmental communication forum to mutually discuss boundary issues and shared services.

Existing or potential conflicts are limited, although STH 57 will have to be monitored, as a variety of intensive land uses might eventually be proposed in the corridor. Several steps have been suggested to help resolve any conflicts that might arise.

## **EXISTING ACTIVITIES**

### **Adjacent Governmental Units**

In addition to virtually surrounding the villages of Adell and Random Lake, the Town borders the Towns of Lyndon, Holland, and Scott in Sheboygan County and the Town of Fredonia in Ozaukee County.

### **Relationship**

The Town has a very good working relationship with the villages of Adell and Random Lake. The Town and villages have worked together since September 2002 on public participation and comprehensive planning, meeting monthly at the Adell village hall. In addition to this process, there have been two productive intergovernmental meetings with Adell, Random Lake, and the Town of Sherman regarding boundary issues.

The Town's relationship with the Town of Fredonia has been good, as the two towns share road maintenance of Town Line Road. The Town's relationship with the Towns of Lima, Holland, and Scott has been limited.

### **Siting Public Facilities**

Due to 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 Sherman.

### **Sharing Public Services**

The Town of Sherman is involved in partnerships to share public services in a number of ways, including: 1) being part of an ownership consortium for Lakeview Community Library in Random Lake that also includes Random Lake, Adell, and the Town of Scott, 2) contracting with the Sheboygan County Sheriff's Department to provide protective services for the Town 3) working

with the Sheboygan County Planning & Resources Department to administer shoreland/floodplain provisions and private on-site sanitary system regulations, 4) mutual aid agreements between the Silver Creek Volunteer Fire Department and the Town of Scott, the Villages of Random Lake and Adell, and the unincorporated hamlet of Batavia.

### **School District**

Though small portions of the Town of Sherman are in the Oostburg, Cedar Grove, and Plymouth School Districts, the Town is primarily within the Random Lake School District. Although there are approximately 370 school age children in the Town (2000 U.S. Census), 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 to the main campus in Random Lake, as indicated by the closing of Batavia Elementary School in 2006. 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. However, in the Town's Emergency Management Plan, the Random Lake High School is designated as an emergency shelter.

### **County**

The Town of Sherman 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 1) signing on as a partner in Sheboygan County's 2004 multi-jurisdictional planning grant application, 2) working with Sheboygan County UW-Extension to prepare the Town's comprehensive plan, and 3) using the Sheboygan County Sheriff's Department for protective services.

While the Town administers its own general zoning, it 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 Sherman 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 Sherman has not entered into a formal boundary agreement with any municipality; however, preliminary discussions have been held with the villages of Adell and Random Lake. 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 DOA. 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.

In the last 20 years, the two villages have annexed approximately 170 acres of Town land (about 0.8% of the Town’s total land area). In no instance has the Town aggressively disputed any of these annexations.

### **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 its 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 Adell and Random Lake. 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. To be prepared, Random Lake has reaffirmed its ETP and Adell is considering exercising its jurisdiction as well.

### **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 the Adell or Random Lake, and consequently neither village currently exercises extraterritorial zoning in the Town.

### **EXISTING OR POTENTIAL CONFLICTS**

On May 31, 2006, the Town of Sherman Smart Growth Workgroup participated in an issue identification process with the Villages of Adell and Random Lake Smart Growth Workgroups. This meeting identified 1) potential areas of intergovernmental concern, and 2) possible ways to help address areas of concern in the future.

#### **Existing or Potential Conflicts**

- A. Road maintenance on shared roads.
- B. Inconsistencies between Town and Village regulations and controls.
- C. Locations of future development in transition areas.
- D. Emergency services.
- E. Some minor discrepancies between the Town of Sherman's 20-Year Land Use Map and the Village of Random Lake's 20-Year Land Use Map.

#### **Proposed Conflict Resolution Process**

For A, B, C, D, and E above: Establish a regular and ongoing (at least annual) intergovernmental forum to discuss boundary issues, shared service opportunities, and any other items of mutual concern. Such a meeting would be facilitated by UW-Extension or similar organization. Representatives from the Town of Sherman, Village of Adell, and Village of Random Lake would include the board president/chair, a board member-at-large from each community, and a plan commission member-at-large from each community, for a total of nine representatives. Recommendations resulting from these joint meetings would be brought back to the appropriate governmental bodies for final review and consideration.

For B and C above: Continued sharing of plans and similar documents in a timely manner.

For B and C on previous page: In lieu of a formal boundary agreement, establish a formal policy to use the 20-Year Land Use Maps in the comprehensive plans of the three communities to provide official guidance for growth patterns in the transition areas between village and town.

For B and C on pervious page: To ensure continued consistency and compatibility between plans, ordinances, regulations, and policies, an official Comprehensive Plan Amendment Procedure will be mutually established by the three communities within one year of adoption of the three comprehensive plans. This process will be facilitated by UW-Extension or similar organization.

## **INTERGOVERNMENTAL STRATEGY AND RECOMMENDATIONS**

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

### Vision

*“We envision Sherman as a predominantly open space, agricultural area surrounding small villages. Sherman residents consider the land to be a great natural asset and encourage careful planning to ensure the land is used wisely. Intergovernmental cooperation will be important in this planning.”*

### Goals, Objectives, Policies, Programs

#### **1) The Town of Sherman 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 80% of Town respondents to the 2004 Citizen Input Survey agreed that “intergovernmental cooperation between the Town of Sherman, Village of Adell, and Village of Random Lake is important to our mutual future.” When asked to be specific, respondents most often selected “Fire protection,” “Ambulance/emergency medical services,” and “Land use/zoning” from a list of 8 possibilities.

- 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 Highway 57, the railroad corridor, and proper stewardship of natural resources such as groundwater and environmental corridors.
- d) *Policy/program:* Keep the surrounding towns and the villages of Adell and Random Lake apprised of any significant development proposals or changes to the Town of Sherman 20-Year Land Use Map.
- e) *Policy/program:* Encourage developers to locate major projects in or near the already built-up areas of Silver Creek, Adell or Random Lake rather than rural areas of the Town.

- f) *Policy/program:* Continue mutual aid agreements, the Lakeview Community Library consortium, and all other current intergovernmental cooperation activities and policies of benefit to Town of Sherman residents.
- g) *Policy/program:* Continue to not only be aware of and act on opportunities for future shared initiatives, services and/or facilities, but also notify other nearby communities of upcoming purchases or initiatives that might be suitable for cost sharing.
- h) *Policy/Program:* Establish a regular and ongoing (at least annual) intergovernmental forum to discuss boundary issues, shared service opportunities, and any other items of mutual concern. Such a meeting will be facilitated by UW-Extension or similar organization. Representatives from the Town of Sherman, Village of Adell, and Village of Random Lake will include the board president/chair, a board member-at-large from each community, and a plan commission member-at-large from each community, for a total of nine representatives. Recommendations resulting from these joint meetings will be brought back to the appropriate governmental bodies for final review and consideration.
- i) *Policy/Program:* In lieu of a formal boundary agreement, establish a formal policy to use the 20-Year Land Use Maps in the comprehensive plans of the three communities to provide official guidance for growth patterns in the transition areas between village and town.
- j) *Policy/Program:* To ensure continued consistency and compatibility between plans, ordinances, regulations, and policies, an official Comprehensive Plan Amendment Procedure will be mutually established by the three communities within one year of adoption of the three comprehensive plans. This process will be facilitated by UW-Extension or similar organization.