

Chapter Eleven: Intergovernmental Cooperation

INTERGOVERNMENTAL COOPERATION RECOMMENDATIONS SUMMARY

- Continue to communicate with surrounding communities, such as the towns of Whitewater and Lima, Cold Spring, and Koshkonong on a variety of issues and opportunities, some of which may be addressed through formal intergovernmental agreements.
- Consider appropriate amendments to the City's extraterritorial land division policies in the subdivision ordinance.
- Remain involved in a variety of regional initiatives that affect Whitewater.

Chapter Introduction

This chapter is focused on “intergovernmental cooperation,” defined as any formal or informal arrangement by which officials of two or more jurisdictions communicate visions and coordinate plans, policies, and programs to address and resolve land use, transportation, natural resource, utility, facility, services, or other issues of mutual interest. In a state with over 2,500 units of government and a movement towards greater efficiency, it is becoming increasingly important to coordinate decisions that may affect neighboring communities and overlapping jurisdictions, such as school districts.

This chapter contains a compilation of background information, goals, objectives, policies, and recommended programs for joint planning and decision making with other jurisdictions. It incorporates by reference all plans and agreements to which Whitewater is a party under §66.0301, §66.0307, and §66.0309, Wisconsin Statutes.

Existing Regional Framework

Map 1 depicts the boundaries of Whitewater's neighboring or overlapping jurisdictions. Planning documents for these local, regional, and state jurisdictions were analyzed during the City's planning process to identify mutual planning issues or potential conflicts. The following is a summary of this analysis:

Important State Agency Jurisdictions

The Wisconsin Department of Transportation's (WisDOT) Southwest Region office, located in Madison, serves a 16-county region that includes Jefferson County. WisDOT's Southeast Region office, located in Waukesha, serves a seven-county region that includes Walworth County. WisDOT plans as they affect Whitewater are reviewed in the Transportation chapter; there are no known conflicts between this City *Comprehensive Plan* and WisDOT plans and policies.

The Wisconsin Department of Natural Resources (WisDNR) provides service to Jefferson and Walworth County residents out of six South Central Region offices and four Southeast Region offices. WisDNR plans as they affect Whitewater are reviewed in the Natural Resources chapter; there are no known conflicts between this City *Comprehensive Plan* and WisDNR plans and policies.

Walworth County

Walworth County is nearing completion of a multi-jurisdictional comprehensive planning effort to comply with the State comprehensive planning requirements by January 1, 2010. Southeastern Wisconsin Regional Planning Commission (SEWRPC) staff provided planning assistance in this initiative. Participating

communities include the towns of Darien, Delavan, East Troy, Geneva, LaFayette, LaGrange, Richmond, Sharon, Spring Prairie, Sugar Creek, Troy, Walworth, and Whitewater. The County Plan will serve as the local comprehensive plan for each of the participating towns. Recommendations for the Town of Whitewater, which is generally located south and east of the City and partially lies within the City's extraterritorial jurisdiction, are generally described under the Town of Whitewater section below.

Jefferson County

Since Jefferson County is facing growth pressures from the surrounding metro areas, County residents are concerned about preserving their historic agricultural land use base. Recommendations in the 1999 Jefferson County Agricultural Preservation and Land Use Plan advocate for long-term growth in that County's "urban service areas" (mostly associated with villages and cities) that have existing infrastructure and that are served by existing services with the intent of protecting and preserving the natural resources and rural character of the County's many undeveloped and pristine areas. The County's 1999 Plan identifies nearly all lands, besides environmental corridors, that are outside of communities' 20-year urban service areas as Agricultural Preservation Areas. The County's Plan is considered a strong model for fostering agricultural preservation, environmental protection, and vibrant cities and villages.

At the time of writing, Jefferson County was in the process of updating its 1999 plan, particularly in the areas of agricultural preservation and economic development. There are no known conflicts between Jefferson County's plan and that of the City of Whitewater, although the City intends to work with Jefferson County to fully acknowledge this City *Comprehensive Plan* in the County's update.

Rock County

At the time this *Plan* was being prepared, Rock County had just completed its own comprehensive planning process. Recommendations for the Town of Lima, which is located west of the City of Whitewater and lies partially within the City's extraterritorial jurisdiction, are generally described under the Town of Lima section below.

Town of Koshkonong

A portion of the southeast corner of the Town of Koshkonong is located within the City of Whitewater's extraterritorial jurisdiction. At the time this *Plan* was written the Town of Koshkonong was in the process of adopting its own comprehensive plan. The town intends to keep lands within the City of Whitewater's extraterritorial jurisdiction for long-term agricultural preservation (and zoned for exclusive agriculture). Land division policies in these areas will be consistent with Jefferson County's policies. Through its Plan, the Town also expressed interest in working with the City of Whitewater to develop a mutually beneficial boundary agreement.

Town of Whitewater

The Town of Whitewater surrounds the majority of the portion of the City that lies within Walworth County. The Town of Whitewater has been a participant in Walworth County's multi-jurisdictional comprehensive planning effort, which will result in the preparation of a long-range comprehensive plan for the year 2035.

As part of the County planning effort, the Town of Whitewater planned for most of the land surrounding the southern boundary of the City, within most of the City's 2009 Sanitary Sewer Service Area, as "urban reserve." This future land use designation indicates that the Town expects these lands to eventually develop. The Town's plan shows the majority of lands outside the City of Whitewater's Sanitary Sewer Service Area as "Prime Agricultural"—intended for lands planned to remain in agricultural use, with a minimum parcel size of 35 acres. Additionally, the Town plan recommends:

- Future commercial development southwest of the City at the Highway 12/ N intersection, along Highway 59 southwest of the City, and southeast of the City at the Highway 12/P intersection.

- Future industrial development south of Highway 12 close to the Town Hall in the Willis Ray Road corridor.
- Several small areas of the Town designated for “urban residential” use, which allows densities less than 5 dwelling units per acre. These are located south of Trippe Lake, adjacent to Highway 12; at the northeastern most corner of the 2009 City limits and the County/Town boundary; and in the northwestern portion of the Town (in an area that is nearly completely surrounded by the City).
- Agriculture and rural residential (5-34 dwelling units/acre) both southwest of the City (just outside the City’s 2009 Sewer Service Area) and just east of Howard Road (east of the University Technology Park area).

While there is largely alignment between the recommendations of the Town of Whitewater plan and this City *Comprehensive Plan*, there remain some areas of disagreement or at least uncertainty as to what jurisdiction future development planned near the City’s edges should occur within. For example, in its Plan, the Town expressed interest in working with the City to extend city sewer and water to certain lands outside the City (without annexation). The Town suggested the establishment of a boundary agreement, though which the Town and City would negotiate and formalize the conditions under which this would occur.

Town of Lima

A portion of the southeast corner of the Town of Lima is located within the City of Whitewater’s extraterritorial jurisdiction (ETJ). The Town of Lima adopted its comprehensive plan in June 2009. Recommendations pertaining to the City of Whitewater included: (1) Monitor development and annexations of the City of Whitewater; (2) Maintain the productive and cooperative relationship with the Whitewater Chamber of Commerce; and (3) Support the implementation of the City of Whitewater’s Park and Open Space Plan, including the development of regional bicycle and pedestrian routes, lanes, and trails.

The Town’s Future Land Use map designates land at the northeastern corner of the Town at the Highway 12/Business 12 intersection for future “mixed-use,” which includes a combination of residential, commercial, industrial, and special purpose development. A small area to the west of the mixed use area is designated for residential development in the Town plan. The majority of the remaining land in the Town near or in the City’s ETJ is designated for future “exclusive agricultural” use.

While there is largely alignment between the recommendations of the Town of Lima plan and this City *Comprehensive Plan*, there remain some areas of uncertainty as to what jurisdiction future development planned near the Highway 12/Business 12 intersection should occur within.

Town of Cold Spring

The Town of Cold Spring, located in Jefferson County, surrounds the northern portion of the City of Whitewater. The Jefferson County Agricultural Preservation and Land Use Plan serves as the Town’s plan. The Town has designated all land within the City of Whitewater’s extraterritorial jurisdiction as either an agricultural preservation area or environmental corridor. Provided that permanent development rights/conservation easements are not acquired for lands identified in this City *Comprehensive Plan* for future City growth, the Town’s plan and this City *Comprehensive Plan* are compatible with one another.

Regional Planning Commission and Metropolitan Planning Organization

Walworth County and Whitewater is part of the jurisdiction of the Southeastern Wisconsin Regional Planning Commission (SEWRPC). SEWRPC was established in 1960 as the official area-wide planning agency for the southeastern region of the State. The Commission serves the seven counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha (but not Jefferson County, which is not served by any regional planning commission). SEWRPC’s specific planning services include land use planning; transportation improvements and corridor planning; open space, recreational, and environmental planning; economic development planning; demographic information and projections; and Geographic Information Systems services and aerial photography distribution.

SEWRPC recently updated the Regional Land Use Plan and the Regional Transportation System Plan. The new Land Use Plan serves as a guide to land use development and redevelopment at the regional level through the year 2035. The Transportation System Plan includes recommended multimodal transportation actions designed to address existing and anticipated future transportation problems and needs.

SEWRPC also acts as the Metropolitan Planning Organization (MPO) for the region. The MPO prepares a long-range transportation plan and a five-year Transportation Improvement Program (TIP) and is the designated regional policy body responsible for cooperative, comprehensive regional transportation planning and decision making. Projects must be listed in these documents to obtain federal funding support. More details regarding the current TIP are included in the Transportation chapter.

There are no known conflicts between this City Comprehensive Plan and SEWRPC plans. The City will work with SEWRPC to adjust the City's Sewer Service Area to better correspond with this City *Comprehensive Plan* (see Map 5 and Land Use chapter).

School District

Residents of the City of Whitewater are served by the Whitewater Unified School District. The District is described in detail in the Utilities and Community Facilities chapter. There are no known conflicts between this City *Comprehensive Plan* and the plans and policies of the School District.

Intergovernmental Cooperation Goals, Objectives, Policies

Goal

Continue to work with surrounding and overlapping jurisdictions to achieve mutual goals and address issues that transcend municipal boundaries.

Objectives

1. Work with surrounding towns to encourage an orderly, efficient land use pattern and to advance areas of mutual benefit and interest.
2. Work collaboratively with the Whitewater Unified School District and University of Wisconsin-Whitewater on joint recreational space and educational initiatives.

Policies

1. Provide a copy of this *Plan* to all surrounding local governments and districts, and continue to involve and update them on future changes to the *Plan*.
2. Work to resolve remaining differences between the *City of Whitewater Comprehensive Plan* and the plans, policies, and ordinances of adjacent communities.
3. Actively monitor, participate in, and review and comment on pending and future comprehensive plans from nearby communities.
4. Continue to cooperate with other units of government on issues related to land use, natural resources, recreation, transportation facilities, economic development, and other systems that are under shared authority or that cross governmental boundaries.
5. Consider additional opportunities to share public services and facilities where consolidating, coordinating, or sharing services or facilities will result in better services, cost savings, or both.
6. Partner with UW-Whitewater and the Whitewater Unified School District to improve educational achievement, promote local schools, pursue the provision of joint recreational facilities, and enhance the economic health of the City (see also Utilities and Community Facilities chapter).

7. Work cooperatively with the University of Wisconsin-Whitewater on the development and marketing of the University Technology Park as a center for “next generation” job and tax base growth for the community, and on transportation, land use, housing, and open space issues near the campus’s northern border.
8. Participate in the Jefferson County Economic Development Consortium’s preparation and implementation of a County-wide economic positioning initiative to capture the area’s future potential given its unique assets and position, and similar efforts undertaken by the Walworth County Economic Development Corporation.
9. Pursue an intergovernmental agreement or otherwise cooperate with the Town of Whitewater on issues such as municipal boundaries, land use near City edges, jurisdiction in which planned development will occur, farmland preservation, stormwater management, sewer and water services, Howard Road/Highway 59 align, and road jurisdiction, access, and maintenance.
10. As need warrants, pursue an intergovernmental agreement or otherwise cooperate with the Town of Lima on issues such as land use at the Highway 12/Business 12 intersection, jurisdiction in which planned development will occur, farmland preservation, municipal boundaries, farmland preservation, and road maintenance.

Intergovernmental Cooperation Programs and Recommendations

Continue Intergovernmental Discussions and Possible Agreements with the Surrounding Towns

Over the planning period, the City will continue to engage in discussions with the towns of Whitewater, Cold Spring, Koshkonong, and Lima regarding the following issues:

- Additional opportunities for the sharing of municipal services.
- Interconnection of roads and trails in the City’s growth areas, and improvements to transportation corridors, such the possibly rerouting of Highway 59 along the City’s east edge.
- Improvement to water quality in Whitewater Creek, Cravath Lake, and Trippe Lake, and stormwater management in general.
- Future land use, municipal boundaries, and municipal service issues.
- Other issues that concern one or both communities.

It appears from a review of plans and degree of interface that the City’s interest in entering an actual formal intergovernmental boundary/land use agreement may be greatest with the Town of Whitewater, and second

INTERGOVERNMENTAL AGREEMENTS UNDER WISCONSIN LAW

There are two main formats for intergovernmental agreements under Wisconsin Statutes.

The first is available under Section 66.0301, which allows any two or more communities to agree to cooperate for the purpose of furnishing services or the joint exercise of any power or duty authorized under State law. While this is the most commonly used approach, a “66.0301” agreement is limited by the restriction that the municipalities must be able to exercise co-equal powers. So, for example, attorneys sometimes do not recommend this agreement format when future municipal boundary changes are involved, because cities and towns do not have co-equal powers with respect to annexation.

Another format for an intergovernmental agreement is a “cooperative (boundary) plan” under Section 66.0307 of the Wisconsin Statutes. This approach is more labor intensive and ultimately requires State approval of the agreement, but the “66.0307” approach does not have some of the limitations of the “66.0301” agreement format.

An increasingly common approach is for communities to first enter into a “66.0301” intergovernmental agreement, which in part directs the communities to then prepare a “66.0307” cooperative plan covering issues such as boundary changes.

greatest with the Town of Lima. The majority of those towns' 2009 future land use maps are consistent with the City of Whitewater's Future Land Use map. Still, there are some areas of disagreement, uncertainty as to which jurisdiction planned development would occur within, and uncertainty over which jurisdiction would be expected to provide necessary public services. The City will work with the Towns to address these and other issues. The City's initial intent is to maintain its policy of not extending municipal utilities to lands outside the City unless and until the land is annexed into the City, and to maintain its extraterritorial authorities.

Revise the City's Extraterritorial Land Division Policies in the Subdivision Ordinance

This City will consider amending its extraterritorial land division review policies within its subdivision ordinance to better relate to those areas of City interest in the future, based on the Future Land Use map (Map 5) in this *Comprehensive Plan*. Within the City's extraterritorial jurisdiction, the City will consider the following amended policies through subdivision ordinance amendments:

- Within areas shown on the City's Future Land Use map (Map 5) for City growth within the 20-year planning period, the City will require rural development densities of no greater than one home per 35 acres, or adhere to County policies if they are equally or more strict. This includes some areas located both within and outside of the City's 2009 Sewer Service Area boundary.
- For areas shown on the City's Future Land Use map (Map 5) as Long Range Urban Growth Areas, and for all other areas within the City's extraterritorial jurisdiction, the City will consider greater flexibility in terms of development density, but will generally adhere to the land division policies of Jefferson County, Walworth County, and the Towns (depending on where the land division is proposed). In addition, within these areas, the City intends to adjust its ordinance to only allow land divisions by certified survey map (no subdivision plats of five or more lots).

If and when the City decides to become a City of the third class and is granted a three-mile extraterritorial jurisdiction, the City will revisit its extraterritorial land division regulations and adjust them accordingly. However, at this time, the City's growth characteristics do not appear to warrant a need for three-mile extraterritorial review authority (i.e., the current one and a half-mile limit appears to suffice).

Remain Involved in Regional Initiatives that Affect Whitewater

Many of the City's goals and objectives relate to issues that transcend municipal boundaries (e.g., transportation, natural resource, farmland preservation, land use). Therefore, the City intends to maintain an active and open dialogue with surrounding and overlapping communities. A few specific opportunities include:

- Remaining involved in the Jefferson County Economic Positioning Project: At the time this Plan was being prepared, the Jefferson County Economic Development Consortium (JCEDC) was leading an initiative to advance economic development county-wide. The project identified the following key economic assets for Jefferson County: regional location, agriculture and food, corporate presence and manufacturing diversity, emerging bioenergy, water and natural resources, small-town living, and cultural heritage. Building on these assets, the project is exploring opportunities that may be the foundation or building blocks for a future vision for the County. Opportunities suggested through that initiative include: connecting with regional institutions and innovators, aligning workforce skills with emerging technologies, and participating in the bioenergy economy. The City will stay actively involved in this process, particularly as it relates to attracting development to the University Technology Park and the Whitewater Business Park.
- Monitoring the Jefferson County Purchase of Agricultural Conservation Easements (PACE) Program: For several years leading up to the preparation of this *Plan*, Jefferson County had been working toward establishing and funding a Purchase of Agricultural Conservation Easements (PACE) program. In 2009, the County identified a preliminary funding mechanism for starting the program and developed an approach for identifying areas where the purchase of conservation easements would be prioritized. The

City will remain involved in this initiative to ensure that it proceeds in a manner that is in the best interest of the City, while still being successful at preserving prime farmland in perpetuity. In brief, the City should express its support for the program if it does not attempt to procure permanent conservation easements over lands within City future growth areas, as designated in this *Comprehensive Plan* (see Map 5).

- Pursuing and implementing the Janesville-Milton- Whitewater Transit Feasibility Study: At the time this *Plan* was being prepared, a study was underway to determine the feasibility of establishing commuter bus service between Janesville, Milton, and Whitewater, including the UW-Whitewater campus and the rural areas between these communities. The City will remain involved in this study, and if commuter bus service is determined to be feasible, will engage in working with the necessary parties to advance this opportunity.

