

## CHAPTER 9, INTERGOVERNMENTAL COOPERATION ELEMENT

For the Intergovernmental Cooperation Element of the Plan, the Wisconsin comprehensive planning legislation requires the following:

- *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 city 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 city is a party under s. 66.0301, 66.0307 or 66.0309.*
- *The element shall identify existing or potential conflicts between the city and other governmental units that are specified in this paragraph and describe processes to resolve such conflicts.*

The sections and page numbers for this chapter are shown below:

<ul style="list-style-type: none"><li>• Intergovernmental Cooperation Vision (p.199)</li><li>• Relationship of City to Other Units of Government (p.200)<ul style="list-style-type: none"><li>* School Districts (p.200)</li><li>* Adjacent Units of Government (p.200)</li><li>* School District map (p.201)</li><li>* County and Regional Units of Government (p.202)</li><li>* State Agencies (p.202)</li><li>* Other Units of Government (p.202)</li><li>* Extraterritorial Review Boundary map (p.203)</li></ul></li></ul>	<ul style="list-style-type: none"><li>• Existing Plan and Agreements (p.204)<ul style="list-style-type: none"><li>* Cooperative Agreement with the Town of Algoma (p.204)</li><li>* Comprehensive Plans of other Local Units of Government (p.205)</li></ul></li><li>• Existing and Potential Conflicts (p.205)</li><li>• Intergovernmental Cooperation Goals, Objectives, and Actions (p.206)</li><li>• Intergovernmental Cooperation Tools and Programs (p.207)</li></ul>
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### Intergovernmental Cooperation Vision

Oshkosh will establish boundary agreements with adjoining jurisdictions, in recognition of the importance of efficient land use and service delivery. These agreements will provide a structure for the provision of services, the designation of annexation areas, and the sharing of facilities. The city, other governmental jurisdictions, and local school systems will benefit from an open network of communication by sharing information on new developments, future plans, and population and housing data.

## Relationship of City to Other Units of Government

Over the next 20 years, the City of Oshkosh must continue to coordinate with adjacent governmental units as well as with other regulatory, planning, and governmental agencies that may affect the long-term visions of the city. Decisions by other entities can influence the land uses, housing needs, and transportation systems in the city and the region. These governmental units include:

- Oshkosh Area School District
- Omro School District
- Neenah School District
- Winneconne Community School District
- Winnebago County
- Fox Valley Technical College
- University of Wisconsin-Oshkosh
- Town of Algoma
- Town of Black Wolf
- Town of Omro
- Town of Utica
- Town of Nekimi
- East Central Wisconsin Regional Planning Commission
- Town of Oshkosh
- Town of Vinland
- Town of Winneconne
- Wisconsin Dept. of Natural Resources
- Wisconsin Dept. of Transportation

### *School Districts*

As discussed in the Utilities and Community Facilities Element of this Plan, the Oshkosh Area School District serves the majority of the City of Oshkosh and portions of adjacent towns. The siting of schools and expansion of existing schools can have a significant impact on land use planning, the composition of surrounding neighborhoods, and the transportation network that it is critical to have a coordinated effort between the OASD and the city. A map showing the boundaries of school districts is shown on the following page.

On the northern edge of the city along Lake Butte des Morts, the Oshkosh Area School District is adjacent to the eastern boundary of the Winneconne School District. On the west side of the OASD is the Omro School District. Currently, the majority of property in the city is within OASD's boundary; however, a portion of the land within the city lies within the Winneconne Community School District, in the Ryf Road/Lake Butte des Morts area. Continued development in these peripheral areas of the city will impact the planning efforts for the Winneconne Community School District, the Neenah School District, and the Omro School District. Future development in these areas will continue to require notification be forwarded to these School Districts.

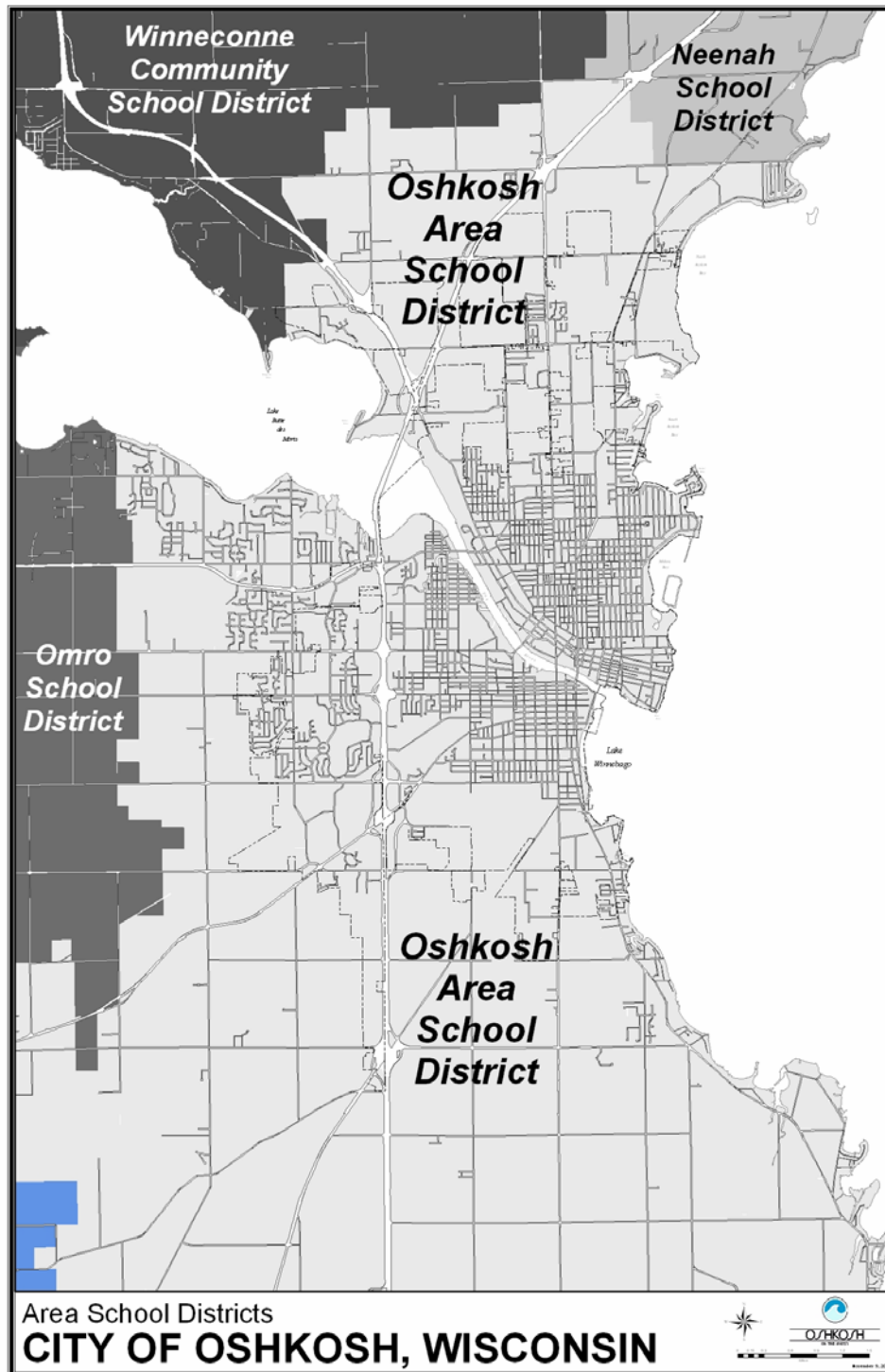
Also, several private schools, the Fox Valley Technical College, and the University of Wisconsin-Oshkosh exist within in the city borders and these facilities serve local and regional residents. The city will also continue to work with these educational systems and their planning efforts throughout the life of this Plan.

### *Adjacent Units of Government*

The city is adjacent to the Towns of Oshkosh, Algoma, Nekimi, and Black Wolf. The City of Oshkosh and these four towns have a variety of service and mutual aid agreements between them, as discussed in the Utilities and Communities Facilities Element. Examples include the provision of sanitary sewer service to town sanitary districts and the ambulance service agreement.

As established in state statutes, the city has the ability to receive and review an-

nexation requests. As the city increases in size with annexation, a town decreases in size. Town governments do not have the ability to annex or halt an annexation request. These annexation situations can at times add a feeling of distrust between the city and town governments. However, the city and towns continue to try to improve communication and organization efforts with one another, both recognizing the need for coordinated planning and the benefits of intergovernmental cooperation.



## *County and Regional Units of Government*

The City of Oshkosh is located on the eastern side of Winnebago County. In general, the county and city have their own set of applicable state statutes, zoning and subdivision regulations, etc. However, there are some county land use regulations, which do apply to the city. This includes the Shoreland Ordinance, Airport Overlay Zone, and access requirements onto County roads. In the future, the city will continue to work with Winnebago County during updates to the County's zoning and subdivision regulations as these requirements directly affect some property within the city and the design and density of adjoining town governments which are subject to the County's zoning and subdivision requirements.

The East Central Wisconsin Regional Planning Commission (East Central) is the official comprehensive planning agency for counties of Calumet, Fond du Lac, Green Lake, Marquette, Menominee, Outagamie, Shawano, Waupaca, Waushara and Winnebago. In general, services provided by the East Central include comprehensive, land use, transportation, open space, recreational and environmental planning; economic development; demographic information and projections; and, technical assistance to local governments. The city uses data from East Central in the preparation of comprehensive and special area plans.

## *State Agencies*

While several state agencies have various roles in the city, there are some specific agencies the city refers to when conducting planning-related activities for the city. These include the Department of Transportation (WisDOT) and the Department of Natural Resources (WDNR).

Transportation decisions have the ability to dramatically impact the characteristics of a community, which is why coordination with the WisDOT is important in the planning and design of transportation systems – not just highways, but also airports, bridges, and pedestrian and bicycle facilities. As discussed in the Transportation Element, the WisDOT is preparing sets of plans for each transportation mode (air, rail, bicycle, pedestrian, highway, etc.) and the city will use these as a guide when planning our transportation projects.

Given Oshkosh's location on the Fox River and Lake Winnebago, natural resources abound within the city limits. The city has a close relationship with the WDNR as properties are developed and as projects are planned on the river and lake system. The WDNR has several regulations that apply to the development of land including stormwater, erosion control, and wetland protection.

The city will continue to work with these two state agencies as planning efforts continue.

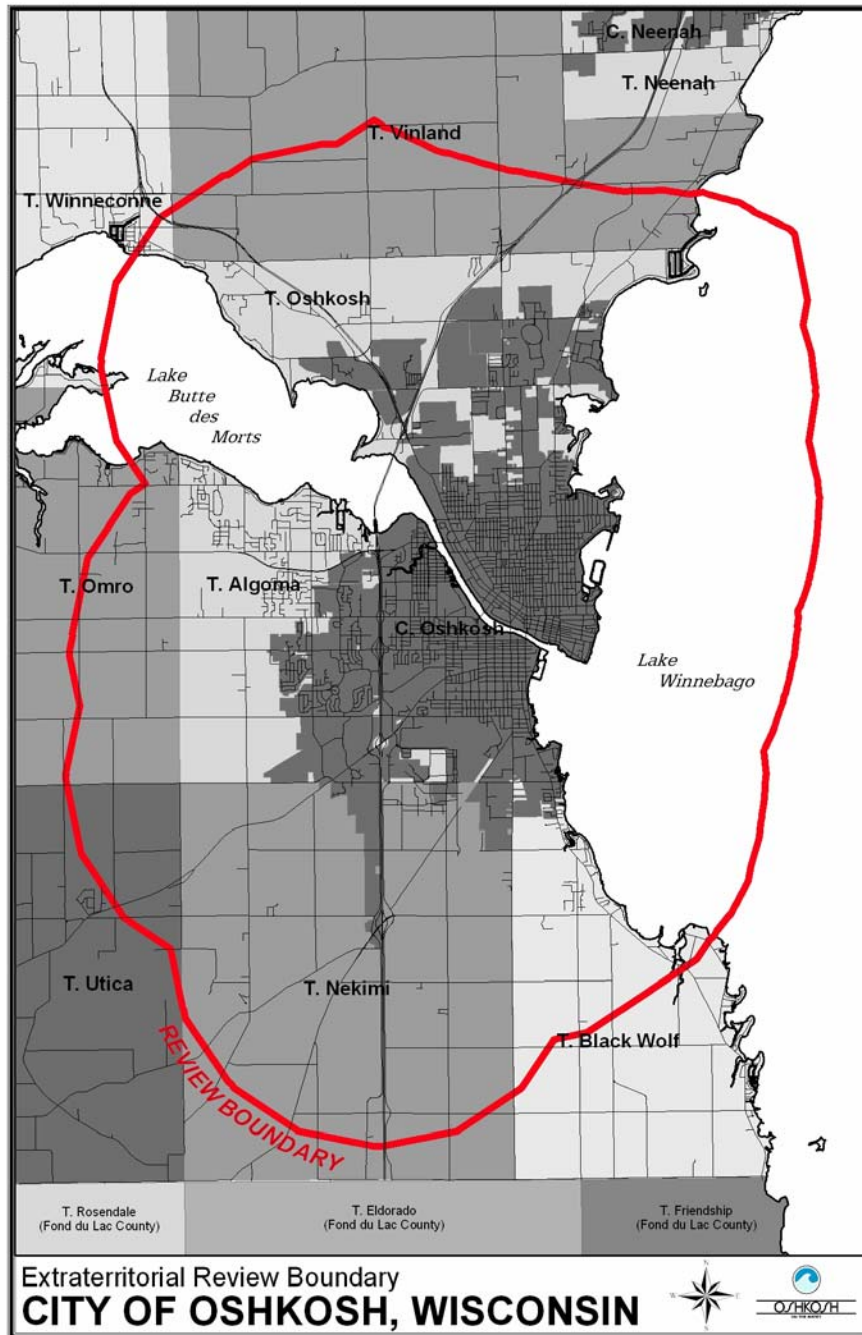
## *Other Units of Government*

In addition to the four adjacent towns, portions of four other towns are included within the city's 3-mile extraterritorial plat approval jurisdiction boundary – the Towns of Utica, Omro, Vinland, and Winneconne. Per the state statutes, when a plat is proposed within the extraterritorial plat approval jurisdiction of a municipality, the municipality, the town board, and the county planning agency must all approve the plat. This jurisdiction area adjusts on a continuous basis, depending on the location of annexed lands and the proximity of Oshkosh's boundary to other

municipal boundaries. The city will continue to utilize its Comprehensive Plan, as well as the comprehensive plans of the local towns when reviewing extraterritorial plat proposals.

On the northern side of the city, the extraterritorial plan review boundary is adjacent to the City of Neenah's boundary. Per state statutes, the boundary in this area is drawn mid-point between the municipal boundaries of these two cities, so that not more than one municipality exercise power over any area.

The current 3-mile extraterritorial plat approval jurisdiction area is shown below.

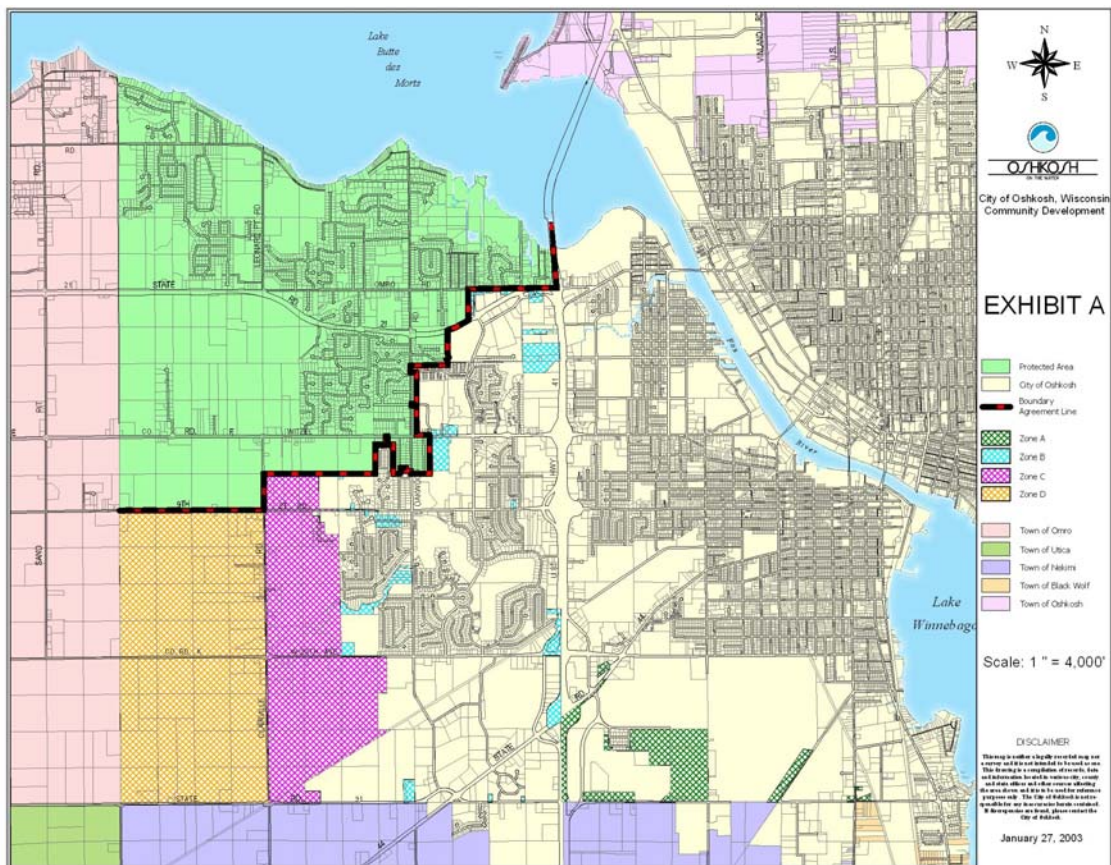


## Existing Plans and Agreements

### *Cooperative Agreement with the Town of Algoma*

Under the authority in Section 66.0307 of the Wisconsin State Statutes, the City of Oshkosh and the Town of Algoma have prepared a Cooperative Plan, which was approved by the State Department of Administration in May 2004. In March 2003, the City and the Town of Algoma entered into an Intergovernmental Agreement, which provided the basic foundation for the Cooperative Plan.

The Cooperative Plan includes many provisions relating to service agreements, incorporation/annexation issues and the protected and transition areas. The Cooperative Plan also includes a map, which shows the parcels that will automatically attach to the city in 10, 15, 20, and 40-year increments. The Cooperative Plan is effective for 60 years. Below is the map from the Cooperative Plan showing which parcels will be attached. Zone A will be attached in 2013; Zone B in 2018; Zone C in 2023; and Zone D in 2043.



With this agreement, this city will no longer review extraterritorial maps or officially map any streets within the Town of Algoma Protected Area.



## *Comprehensive Plans of other Local Units of Government*

Several communities adjacent and near the city have been preparing their local comprehensive plans in accordance with the state's comprehensive planning legislation. The Town of Oshkosh and the Town of Nekimi adopted their new plans in 2003, with representatives from the city participating in their planning processes. Land use plans from those two communities and adjacent communities that have a plan in place have been referenced in the preparation of the Land Use Element of this document. Winnebago County, the Town of Omro, the Town of Algoma, and the East Central Wisconsin Regional Planning Commission have their comprehensive planning processes currently underway.

### **Existing and Potential Conflicts**

Annexation has been an issue in past conflicts between the city and towns and could continue to be an area of conflict without boundary agreements. Tools such as boundary agreements identify where city/town boundaries will be for future years. Boundary agreements may include defining an area that is not available for annexation or defining areas that will be attached to a municipality in given timeframes. An example of this is the city's agreement with the Town of Algoma.

During the preparation of boundary agreements, the city and town governments should work together to resolve conflicts related to land divisions so that landowners are knowledgeable about whose regulations apply to their property. These land division conflicts should not be an issue once a boundary agreement is in place because the agreement will address the authority of reviewing jurisdictions.

Potential conflicts also arise when there is a lack of communication between entities with joint interests. This is not only a city-town issue, but is also an issue between the city and state agencies or local school districts. It is important for the city to be involved in the planning and implementation processes of projects that lie within the city's boundaries and on the shared boundaries with other jurisdictions. Better communication will lead to proactive planning and an implementation process with fewer surprises.

## Intergovernmental Cooperation Goals, Objectives, and Actions

Goals have been identified for this Plan. For each goal, specific implementation actions are identified. These actions also comprise the Implementation Element of this Plan. These actions are what will be used to measure progress toward achievement of the general goals of each Element.

**Goal A: Establish mutually-beneficial relations with local public and parochial educational systems.**

Objective: Provide efficient and coordinated services.

Action: Participate in planning and implementation efforts of schools system plans.

Participate with the implementation and revisions of the University of Wisconsin-Oshkosh Campus Master Plan, where consistent with this Comprehensive Plan.

Provide information to public and parochial school systems on an on-going basis that assists in their planning efforts.

**Goal B: Establish mutually-beneficial relations with other jurisdictions.**

Objective: Establish effective intergovernmental land use policies within the extraterritorial jurisdiction area.

Action: Coordinate installation of sidewalks and trails that benefit non-motorized traffic, including school children.

Participate in the comprehensive and strategic planning processes of other jurisdictions (Towns, County, East Central, etc.).

Review extraterritorial plats and land divisions to avoid land use conflicts.

Participate in air quality meetings and educational promotions with the DNR and EPA.

Participate in the local Water Quality Initiative, including participating in the lake council for Lake Winnebago.

Where pertinent, notify jurisdictions about proposed developments and rezonings.

Participate in planning processes that go beyond municipal boundaries, such as highway and stormwater drainage projects.

Review extraterritorial plans and officially map future streets, highways, parks, and other infrastructure to ensure adequate future facilities.



**Goal C: Adopt intergovernmental agreements with all surrounding towns.**

Objective: Establish effective intergovernmental agreements that benefit long-range planning efforts to define agreed upon jurisdictional boundaries, land uses and service levels.

Actions: Meet with representatives of individual towns to establish parameters and details of future municipal boundaries.

Adopt cooperative boundary plans as set forth in s.66.0307, Wisconsin Statutes.

## **Intergovernmental Cooperation Tools and Programs**

A variety of tools and programs are available for the city to use when working with nearby local units of governmental and other agencies, whether for intergovernmental agreements or conflict resolution.

### ***Cooperative Boundary Agreements***

Authorized under Section 66.0307 of the Wisconsin State Statutes, the city has the ability to enter into cooperative boundary agreements with adjacent local units of government. As mentioned earlier, the city has entered into a cooperative boundary agreement with the Town of Algoma. One of the tools used during the life of this cooperative boundary agreement will be the use of a *joint extraterritorial zoning committee*, which will consist of three citizens from the city and three citizens from the town.

### ***Extraterritorial Plan Approval Jurisdiction***

As mentioned earlier, the city has the authority under Section 236 of the Wisconsin State Statutes to review land division proposals prior to being recorded for property within three miles of the existing municipal boundary. The city currently performs this review/approval process and will continue to do so.

### ***General Agreements***

Section 66.0301 of the Wisconsin State Statutes authorizes municipalities to cooperate together for the receipt or furnishing of services or the joint exercise of any power or duty required or authorized by law. A broad range of subjects can fall under the authority of a General Agreement, but these agreements are not tied to the boundaries of a municipality like the Cooperative Boundary Agreements.

### ***Mutual Aid Agreements***

As discussed in the Utilities and Community Facilities Element of this Plan, the city is already a party to mutual aid agreements with other adjoining units of government and the County. This includes the provision of law enforcement and fire and emergency services. The city will continue to use these mutual aid agreements and explore opportunities for new ones as the pressure to provide economically-efficient services continues to increase.

## *Official Mapping*

As defined in Section 62.23 of the Wisconsin State Statutes, the Common Council may amend the official map of the city so as to establish, widen, narrow, extend or close the exterior lines of planned new streets, highways, historic districts, parkways, railroad rights-of-way, public transit facilities, waterways, parks or playgrounds. Additional guidelines for the Official Map are included in Section 30-68 of the city's Zoning Ordinance.

Cities and towns have the ability to adopt official maps. The city has the ability to adopt official maps within three miles of the city's existing boundaries. Towns also have the ability to adopt official maps; therefore, it is critical to coordinate these official maps between the units of government. Counties and the WisDOT may adopt official maps as they relate to transportation facilities. Thus, in the city's 3-mile extraterritorial area, the official maps of the city, the town, Winnebago County, and the WisDOT may all apply.

The three-mile boundary of Oshkosh and Neenah are currently adjacent, but some of the officially mapped streets of Neenah are within the city's extraterritorial jurisdiction. The city has agreed with the City of Neenah to recognize Neenah's officially mapped streets that now lie within Oshkosh's extraterritorial review boundary. The extraterritorial jurisdiction area between Neenah and Oshkosh has been divided such that the dividing line is equidistant between the boundaries of each municipality.

## *Tools for Resolving Conflicts*

Sources of conflict between governmental units may arise as community visions, policies/regulations, and key players/politicians change over time. Because of different factors of conflict, it is not possible to have one process identified to solve all conflicts. Instead a variety of tools exist to aid in the conflict resolution process, two are listed here as examples of what the city might use when resolving conflicts with others.

Mediation – Mediation is a cooperative process involving two parties and a neutral third party, known as a mediator. A mediator has special skills and training in conflict resolution and helps the parties reach a mutually acceptable settlement on the issues of dispute.

Arbitration – Arbitration can be either binding or non-binding and is a process where a neutral person is given the authority to render a decision after the parties present evidence and examine witnesses.

Conflicts should be evaluated on a case-by-case basis in order to determine the most appropriate technique to resolve the conflict.