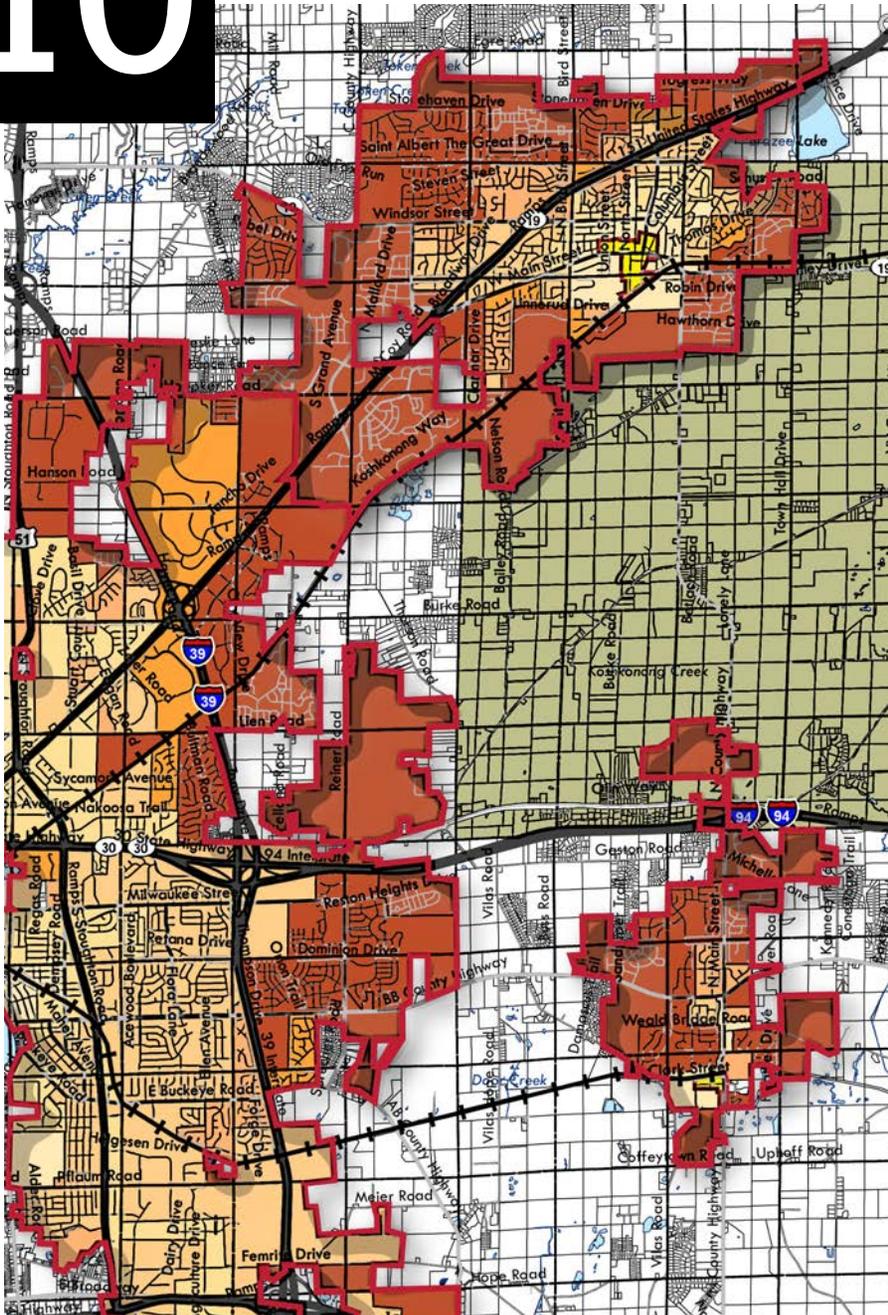


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Chapter Ten: Intergovernmental Cooperation



This is a plan for the Village of Cottage Grove. As an incorporated jurisdiction anticipating population growth, this Plan must accommodate and facilitate planned municipal expansion. However, this Plan attempts to coordinate recommendations with those of adjacent and overlapping jurisdictions. These jurisdictions include: the State of Wisconsin; Dane County; the City of Madison; the Towns of Cottage Grove, Blooming Grove, Sun Prairie, Deerfield, and Pleasant Springs; and other jurisdictions such as the Monona Grove School District and Madison Metropolitan Sanitary District.

As a result of growth and territorial overlaps, tension between these jurisdictions is likely – particularly to the west and north. This Plan seeks to minimize such tension by reflecting the recommendations of plans adopted by these jurisdictions in instances where the Village’s interest (as defined by the policy framework presented in the goals, objectives and policies included in this document) is

not jeopardized. In instances where such efforts are insufficient to prevent conflict, a preferred approach is to seek meaningful and on-going intergovernmental planning. A supporting, or alternative approach, is to minimize conflict by limiting planning and development actions to mutually acceptable “spheres of influence.” As another supporting or alternative approach, directing non-farm development to annex into cities and villages in as compact a pattern as possible can minimize many jurisdictional disagreements.

Where intergovernmental tensions are high, and key public policy objectives are clearly at risk, formal intergovernmental boundary agreements may be necessary. This chapter incorporates, by reference, all plans and agreements to which the Village of Cottage Grove is a party to under State Statutes §66.0225, §66.0301, §66.0307, and §66.0309 and identifies known existing or potential conflicts between this Comprehensive Plan and the plans of adjacent villages and towns, Dane County, the State of Wisconsin and school districts.

A. Existing Regional Framework

Given its location in a dynamic and growing metro region, the intergovernmental context of the Village is important to consider. As illustrated on Map 1, Jurisdictional Boundaries, there are several layers of government operative in the Cottage Grove area. Incorporated areas, like the Village of Cottage Grove, have Extraterritorial Jurisdiction (ETJ) boundaries that extend beyond the boundaries of the community. Cottage Grove’s ETJ extends 1 ½ miles beyond the municipal boundaries of the Village. Following is a description of each neighboring and overlapping jurisdictions’ comprehensive plan, joint planning initiatives with Cottage Grove, existing and known conflicts with the Village of Cottage Grove, and potential ideas on resolutions to conflicts that existed at the time this Plan was adopted or may develop in the future.

Town of Cottage Grove

The Town of Cottage Grove surrounds the Village to the east, south, and west. While the Town has historically been rural in character and use, several areas of rural residential subdivisions have been approved by the Town at and near the border of the Village. Scattered rural residential development has created a challenge in terms of identifying a definitive future growth edge and in creating a sense of separation between the urbanized area of the Village and the City of Madison. The Village has traditionally enforced a policy limiting the density of new development to one new home per every 35 acres within its urban service area, except for areas where infill development is acknowledged. The Town adopted a comprehensive plan in 2002, which was updated most recently in 2011.

The Village and Town entered into a cooperative boundary agreement to provide for the orderly pattern of growth and development for both jurisdictions. The timeframe of that agreement extended from 1996 through 2006 and was used to establish agreed-upon growth areas. In late 2010, the Village and Town agreed to engage in a study to determine the potential costs and benefits of a merger of the two municipalities. In 2012, non-binding referendums in both the Village and the Town of Cottage Grove supported further investigation of the merger process. However, at the time of this writing, a merger did not appear likely in the near future.

The Village has review authority over land division within the portion of the Town that lies within the Village’s ETJ. The Village and Town share police, fire, and EMS services.

Town of Sun Prairie

The Village has been progressively approaching its neighboring Town of Sun Prairie, which borders the Village to the north, as it has grown toward Interstate 94. Although the Town of Sun Prairie has some areas of housing, commercial, and industrial development, much of the Town remains in rural and agricultural uses. The Town adopted a comprehensive plan in 2003, which was most recently amended in 2012. The Town’s comprehensive plan identifies and promotes strategies to maintain rural character and

its agricultural focus. The Village has review authority over land divisions within the portion of the Town that lies within the Village's ETJ.

At the time this Plan was updated, the Village and Town of Sun Prairie were engaged in discussions about a potential intergovernmental agreement covering the long term uses in the area north of Interstate 94. The Village envisions the area to the east and west of CTH N as a Planned Mixed Use and Planned Neighborhood development area.

Other Towns

Other unincorporated jurisdictions located in the vicinity of the Village of Cottage Grove are the Towns of Blooming Grove, Deerfield, and Pleasant Springs. The Town of Blooming Grove has an intergovernmental agreement with the City of Madison that provides for the orderly annexation of the remaining township lands to the City by the year 2027. The other towns (Deerfield and Pleasant Springs) are predominantly rural and agricultural in character and use. Exceptions to this general pattern do exist, generally in the form of rural (septic) residential subdivisions. These towns also have comprehensive plans in place that were adopted in 2005, 2006, and 2006 respectively.

Although these areas are located on the periphery of the Village's Planning Area, they are not likely to experience a strong degree of growth pressure from the Village of Cottage Grove.

City of Madison

The City of Madison (population 233,209 per the 2010 U.S. Census) is the center-point of the metro area and is located just to the west of the Village. The Village's 1 ½ mile ETJ boundary overlaps the City of Madison's 3-mile ETJ boundary in areas west and northwest of the Village. As these two communities continue to grow towards each other, the Village will endeavor to work cooperatively with the City to establish mutually exclusive "spheres of influence," so as to avoid future intergovernmental conflict.

The City's comprehensive plan was adopted in 2006. The City's

plan identifies future growth areas to the west of the Village, within the Town of Cottage Grove, including areas that overlap with the Village's Future Land Use Map.

The most recent discussions between the Village and the City of Madison included discussions regarding a permanent open space separation buffer between the communities. The City's plan states: "This could be achieved by expanding the relatively narrow planned open space corridors associated with the Door Creek valley and related wetland areas, to include permanent agricultural uses and other recreational areas, and public parklands to create a wider separation between more intensively-developed lands." The City's plan also states: "It is likely that the ultimate boundary between the City of Madison and the Village and/or Town of Cottage Grove will be somewhere within this planning area, and the City needs to identify its interest in this area in order to work cooperatively with the Town and Village on issues of mutual concern."

City of Sun Prairie

With a population of 29,364 residents (2010 US Census), the City of Sun Prairie is the Village's nearest neighbor to the north. The Village's 1½ mile ETJ overlaps the City's 3 mile ETJ in the area north of CTH TT. Koshkonong Creek flows south in to the Cottage Grove area from Sun Prairie. Stormwater management strategies will be important considerations in the long term quality of stormwater in the region. The City and Town of Sun Prairie have also been engaged in discussions of long-term growth and preservation.

Other Cities and Villages

The City of Monona, located about 3 miles west of Cottage Grove, had a population of 7,533 per the 2010 US Census. The City and Village are both served by the Monona-Grove School District. The City of Stoughton (2010 population 12,611) is located about 12 miles to the south. The Village of Deerfield (2010 population 2,319) is located about 6 miles to the east.

Monona Grove School District

The Village is located within and served by the Monona-Grove School District. In recent years, District enrollment has stabilized. However, an increasing percentage of children are attending from within the Village, while enrollment from within Monona has been declining.

Dane County

Dane County is contending with increasing growth pressure. The County's population is 488,073 per the 2010 U.S. Census. The County's small cities and villages, like Cottage Grove, have grown the most rapidly.

Dane County's comprehensive plan was adopted in 2007, updating the County's Land Use and Transportation Plan from 1997. The plan advocates strong growth management, with a focus on concentrating non-farm development in existing developed urban areas and in historic hamlet locations. This general policy is supportive of sound land use planning, economic development, agricultural preservation and environmental protection principles. This Plan for the Village of Cottage Grove is consistent with the County's laudable planning objectives.

The Village is also within the area served by the Dane County Lakes and Watershed Commission and Dane County Drainage Board.

The Village and Dane County both act as approval authorities on land divisions that occur within the Village's ETJ.

Regional Planning Jurisdiction: Capital Area Regional Planning Commission

The Village of Cottage Grove is located in the area served by the Capital Area Regional Planning Commission (CARPC), which serves as the advisory body to WisDNR to delineate and consider applications to expand urban services areas for all municipalities in Dane County. In addition, CARPC provides valuable planning and information services to the region.

CARPC was formed in 2007 to replace the Dane County Regional Planning Commission that was dissolved in 2004. The geographic extent of CARPC is coterminous with Dane County's boundaries. The Commission includes representatives appointed by the Towns' Association, the Dane County Cities and Villages Association, the Mayor of Madison, and the Dane County Executive.

The policies and administrative rules regarding urban service area expansions were adopted in January 2008 and continue to evolve. A number of changes, additions, and deletions have been made since the Village's first urban service boundary was adopted in 1977. The most recent amendment to the Cottage Grove urban service area boundary was adopted in 2004. Over the next 20 to 25 years, the Village intends to seek urban service area amendments on a regular basis—tied to the projected pace of growth and development of the Village as described in this Comprehensive Plan and as modified by the actual development trends.

Madison Area Metropolitan Planning Organization

The Village of Cottage Grove is located within the greater Madison metropolitan area and therefore falls within the jurisdiction of the Madison Area Metropolitan Planning Organization (MPO) on a variety of regional transportation planning issues. The most recent version of the regional transportation plan, Regional Transportation Plan 2030, provides a regional framework for transportation planning.

Important State Agency Jurisdictions and Authorities

The Wisconsin Department of Transportation's (WisDOT) District 1 office (Madison) serves all of Dane County. WisDOT has jurisdiction over Interstate 94, 39, and 90 and USH 12 and 18 serving areas in and near the Village.

The Wisconsin Department of Natural Resources (WisDNR) provides service to all of Dane County out of its South Central Wisconsin office (Madison). WisDNR regulates water resources and sets standards for surface and groundwater quantity and quality, wetlands, floodplains, and shoreland management. WisDNR

also manages woodlands, wildlife protection initiatives and other natural resources preservation strategies. WisDNR, along with CARPC, reviews and is responsible for the approval of expansion of urban service area, which allows the Village to provide sanitary sewer, public water and other urban services to newly developing areas. WisDNR is also involved in the monitoring and remediation of environmentally contaminated sites.

The Wisconsin Department of Administration (WisDOA) oversees the State Comprehensive Planning programs. WisDOA is also involved in the review and approval of annexations, and must review and approve cooperative plans and boundary agreements.

State agencies like WisDOT and WisDNR are actively involved in programs and policies which directly affect, and are affected by, local land use decisions. The recognition and, where appropriate, promotion of the policies of these agencies by this Plan is an imperative coordination tool. State policies are also implemented through the aggressive promotion of best practices for the mitigation of the impacts which land use decisions have on transportation facilities and environmental resources. Finally, and most importantly, the benefits of controlled growth and compact development served by sanitary sewer facilities promoted through this Plan are unquestionably the most effective way of accommodating population pressures in a manner which minimizes adverse regional impacts.

Sanitary Sewer Districts and Areas

The Village of Cottage Grove provides sewer service within its urban service area via the Madison Metropolitan Sanitary District. Recent changes in point source discharge standards will require substantial treatment plant upgrades within this time period.

B. Intergovernmental Cooperation Goals, Objectives, and Policies

Goal:

1. Establish mutually beneficial intergovernmental relations with surrounding and overlapping jurisdictions.

Objectives:

1. Make plans for the Village's extraterritorial area to define both short-term and long-term objectives and policies regarding growth and development.
2. Work with surrounding municipalities to ensure the long term ability of the Village of Cottage Grove to expand its boundaries in a compact, efficient pattern into the long term future.
3. Continue to collaborate on service delivery, and address further opportunities for efficiencies and cost-savings while continuing an excellent level of service.
4. Work with surrounding governments on new and replacement intergovernmental agreements and issues of mutual concern.
5. Collaborate with the State, County, and other jurisdictions on issues of mutual concern.

Policies:

1. In the absence of binding intergovernmental agreements and implementation mechanisms, establish extraterritorial controls.
2. Encourage annexations to occur prior to urban development to ensure that such development is consistent with Village plans, zoning and subdivision design standards, and Village utility systems.
3. Extend public utilities only to areas within the Village's corporate limits.
4. Encourage cooperative planning with neighboring townships and Dane County to ensure that urban development is guided to areas that can be served with Village sewer, and that only very low density rural development (between one dwelling unit per 35 and 80 acres owned) is encouraged in areas where municipal sanitary sewer service is not available or authorized.
5. Work with neighboring municipalities within the Village's

planning area and ETJ to forward the recommendations of this Plan, including:

- Review and control of site design.
 - Establish a logical land use pattern.
 - Control the appearance of development.
 - Protect the natural environment.
 - Efficiently utilize and expand utility and public facilities networks.
6. Within its ETJ, the Village intends to exercise the following authorities as authorized by State Statute: planning, official mapping, land division review.
 7. Consider working with neighboring towns to implement extraterritorial area zoning within the Village's ETJ.
 8. Work collaboratively with nearby cities and villages to establish universally recognized extraterritorial jurisdictional boundaries, especially in areas where these boundaries overlap (which is the case with the Cities of Madison and Sun Prairie).
 9. Work closely with Dane County to ensure the coordination of this Comprehensive Plan with the County comprehensive plan.
 10. Continue to work with the Monona-Grove School District on guiding residential growth, district boundary and school siting decisions, shared facility usage, recreational space and programming, and community education.

C. Intergovernmental Cooperation Programs and Recommendations

The Cottage Grove area is expected to grow as a result of many forces that are beyond its control. In order to ensure that this area will maintain its high quality of life, coordination of plans and development actions between the local jurisdictions in the area will be necessary. The multi-jurisdictional environment in which this

Plan is prepared entails, by necessity, a complex set of intergovernmental factors that must be taken into account.

One common element to the Village's relationship with its neighboring towns is the powers and authorities that the Village has within the area defined as its extraterritorial jurisdiction (ETJ). The Village's ETJ extends in a 1 ½ mile radius from the boundaries of the Village, except as defined by other agreements with these communities. The Village's current ETJ is shown on many of the maps in this Plan, but will move with annexation.

Four distinct extraterritorial powers are available to cities and villages. This area of the law is evolving continuously – particularly in regard to the application of land division review authority. The extraterritorial jurisdiction of villages and cities under 10,000 persons is 1.5 miles. For cities over 10,000 in a decennial census the ETJ is 3 miles. The four ETJ powers available to cities and villages include:

- (1) Develop plans for lands within its ETJ area.
- (2) Approve land divisions.
- (3) Adopt Official Map.
- (4) Impose extraterritorial zoning.

Although the use of the official mapping authority is often acceptable to towns (who lack statutory authority for such powers), ETJ plat approval and zoning powers are generally resented. Except under conditions of very poor intergovernmental relations, the use of ETJ zoning and plat approval authority is marginally effective at implementing Village objectives and results in a heightened level of intergovernmental tension.

Intergovernmental Planning

An alternative to the broad use of ETJ powers, which often yields far superior results, entails the use of informal intergovernmental planning. The Village should welcome any opportunity for such informal planning with neighboring communities and has been a leader in such efforts. Current efforts are underway with the Town

of Cottage Grove, Town of Sun Prairie, and the City of Madison.

Intergovernmental Agreements

If the use of ETJ authority is not desired or the use of informal intergovernmental planning is not effective in forwarding mutual intergovernmental objectives, another alternative is a formal intergovernmental agreement. The Wisconsin Legislature recently enacted a law that establishes a formal procedure and standards for enacting long-term, binding intergovernmental agreements. A critical and required component of these agreements is a mutually-acceptable annexation limit boundary.

It must be noted that this legislation imposes a time-consuming and procedurally complicated system for exploring mutual concerns and potentially arriving at a final agreement. Under the statute, such an agreement can be made binding for up to 20 years, and will prohibit future elected bodies from breaking the agreement, except under a formalized agreement modification process and the concurrence of all parties. This process requires the involvement of WisDOA to ensure that all necessary procedures and standards are in compliance.

A less formal (and potentially less permanent) mechanism for pursuing intergovernmental agreements is also available through State Statutory authority on shared municipal services.

This Plan recommends that the current intergovernmental agreement between the Village and the Town of Cottage Grove be amended to (a) meet the goals, objectives, policies and land use recommendations of this Plan, (b) allow both units of government to achieve its development and preservation goals, (c) avoid the use of more controversial ETJ authorities described above and potential legal challenges of annexations, (d) improve intergovernmental relations.

State Statute 66.0301(6)(a) provides a formal intergovernmental boundary agreement process that may be essential to facilitate planning in areas of overlapping jurisdiction. This approach, although complicated, time-consuming, and expensive, is designed

to result in long-term intergovernmental agreements which are binding upon successor elected bodies and may include a very wide range of planning and development considerations beyond municipal limits.

