

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.