VII. INTERGOVERNMENTAL COORDINATION

A. OBJECTIVES, POLICIES AND GOALS

1. Long Term Planning
The overall goal of the Winnebago County Comprehensive Plan is to initiate a countywide planning process that will continue over the long-term as a means of dialogue, coordination, and improvement in planning decisions at the local and County level. If effective, this process will lead to lower public costs (and taxes) and higher quality development.

2. Cooperation And Coordination
A key aspect of this plan is the assumption that the most effective planning decisions (a) begin at the local level and (b) require coordination and cooperation between different agencies and jurisdictions. For this type of dialogue to be successful a first step has to be an understanding of the economic implications of planning decisions.

Consequently many of the stronger land use regulations contained herein are oriented at collecting and sharing relevant information about fiscal impacts. This is based on the belief that planning will not be effective until there is a shared understanding of the costs, benefits, revenues, and impacts across multiple units of government.

3. Border And Boundary Agreements
Increasingly border and boundary agreements are occurring throughout the State. These agreements are important to minimize major jurisdictional conflicts over annexation, overly costly infrastructure expenditures, and long-term service inefficiencies. As more of these agreements occur, communities are searching for less expensive more effective alternatives. One such option is to begin a cooperative and coordinated planning process that balances land use recommendations with local control of decisions and increased communication with the various jurisdictions. In this way, the planning process envisioned herein can form the basis for less expensive, more effective border agreements.

Several boundary agreements have recently been adopted in Winnebago County. The City of Oshkosh/Town of Algoma and City of Neenah/Town of Neenah have developed agreements that allows for City expansion, while preserving (protecting) designated town areas from annexation. Additional future service agreements and development issues are addressed in the agreements. An agreement also exists between the Town of Menasha with the Cities of Appleton and Menasha that speak to future city expansion into the town.
4. Cost Sharing and Revenue Sharing
Just as border agreements became more prevalent over the last decade, so too are cost and revenue sharing agreements among local governments. As pressure increases to reduce property taxes, governments are searching for ways to maintain services and cut costs. Sound planning can form the basis for such agreements. Here too, it is the intention to make this County Plan a starting point for the long-term dialogue needed to bring about effective cost-sharing and revenue-sharing agreements.

B. USING THE COUNTY LAND USE PLAN

1. Development Begins with a Local Request
Initial submission requirements for a proposed development may vary with each community and may consist of one or more of the following: informal conversations with staff or officials, public meeting agenda items labeled as 'conceptual reviews', or formal submissions with major application requirements. The purpose of a 'conceptual' review is to sort out the precise nature of the regulations and procedures the landowner may need to follow and any issues that need to be addressed. The following describes the various steps in the development review process.

2. Land Use Plan Review
The first step is to see if a development proposal meets with the future land use plan. If it is in conformance with the land use plan, then a review of the zoning map occurs (see step 3 below). If the proposed use is not in conformance with the land use plan, then a change in the plan is required before the proposal can proceed (see step 5). If the change is approved, then review of compliance with zoning takes place in step 3.

Interpreting Uses Shown on Future Land Use Map
Uses allowed in a particular future land use may vary from one local plan to another. Often the text of the plan provides indications on the types of uses that are acceptable for a particular future use. For example, a future land use plan that identifies an area for "future agricultural" may in fact permit some scattered or low-density residential uses because it maintains the vision, character and overall intent of the future agricultural use. Therefore, in these cases no plan amendment would be necessary. Good communication between the Town and County regarding interpretation of uses acceptable for a given area is important to ensure proper intent and consistent decision-making. Submittal of information from the plan that supports compliance with the future land use plan map should be included as part of the findings.

3. Zoning Review
If the development proposal agrees with the future land use map, then the next step is to review the zoning map and ordinance for conformance. If the use is consistent with the zoning map and ordinance, then approval is recommended. If not in conformance with
zoning, then a change in the zoning map is applied for. A key justification for the zone change is the determination that the proposal agrees with the future land use plan, although in some cases additional findings for a zone change may have little to do with the future land use plan, but rather with issues that may be unique to a given parcel. For example, although the plan may allow a given use, the proposed development may have traffic or access issues that come into play and need to be described as issues in the findings for the zone change.

**Zoning Review Leads to Land Division - Subdivision Review**

If the use that is proposed for a given parcel can occur without the need to create additional parcels of land, then the subdivision process is not required. However, if land division is needed to accommodate the desired use under zoning, then the subdivision ordinance process is required as described in step #4 below.

**4. Subdivision Ordinance Review (If Needed)**

If the proposed development requires the need to create additional parcels of land as described in step 3 above, then any land divisions would require review for compliance with the applicable subdivision ordinance. In some Towns this is the County’s subdivision ordinance, while in other Towns there may be a local subdivision ordinance in addition to the County ordinance. A review of land division can take the form of a Certified Survey Map (CSM), which is used to create no more than 4 lots in a 5 year period, or a more detailed and lengthy process that entails the creation of a subdivision plat (creation of more than 4 lots). In either case review processes for land division requires examination of many items including:

- a. Density
- b. Road design and location
- c. Lot shapes and sizes, set backs
- d. Wetland and woodland protection
- e. Stormwater calculations and plans
- f. Restrictive covenants, if any
- g. Developer agreements, if any

The subdivision ordinance process essentially involves a series of independent reviews. As such, a development proposal may require conformance to other ordinances from other units of government (extraterritorial areas of incorporated communities), transportation and environmental agencies (typically state agencies like DNR or DOT, but occasionally there are other local, county, regional, and federal rules that require a review process).

The policies suggested for land use should include some recommendations that may lead to some changes in the County’s subdivision ordinance. These changes should be developed as part of the implementation of the County Land Use Plan.
5. Plan Amendments (If Needed)
If the proposal is determined to not be in compliance with the Land Use Plan Map (at the town and/or county level), then amending the Land Use Plan is necessary before the proposed development can proceed. Should it be amended? The Town and County will use findings to determine the validity of approving or denying a plan change. Findings are a list of facts that provide justification for a decision.

The process (steps) that a plan amendment takes is shown on the next page in the flow chart. Two 'green' lights are needed. Essentially approval is needed at the Town level and the County Level. Approval (first green light) with findings from the Town provides the County with a key finding for approval at the County level (second green light) - with recognition that additional findings for approval may be employed at the County level due to issues that may be of countywide importance that transcend local municipal boundaries. It should also be recognized that incorporated communities in Winnebago County may exercise their extraterritorial land division authority by using their local future land use plans as a basis for deciding whether a development proposal moves ahead - in essence, a "third green light" may be necessary before a development proposal moves ahead.

During the planning process considerable time was spent by the Comprehensive Planning Advisory Group discussing and drafting the steps in the process for plan amendments. A key component of this process is the "two green lights" concept explained in the above paragraph. This is the phrase that was used repeatedly to indicate that no change in either a local land use plan or the County land use plan would occur unless it was approved at both levels of government. The following represents a recommended process to be implemented post County Plan adoption:

**County Plan Amendment Flow Chart (Recommended)**

A. Informal Citizen Inquiry as to feasibility of doing a development
B. Seeks direction from County Staff - County Refers Citizen to Local Government
C. Seeks advice from Local Government Official. Official advises citizen as to whether a Town Plan Amendment may be required.
D. Then Local Official provides further advise as to whether a zoning change may be required or another step
E. Citizen Decided to move ahead with Formal Application for Local Plan Amendment - files plan amendment application with Local Government.
F. NOTIFICATION: Local Government Public Hearing on Plan Amendment Request
G. PUBLIC HEARING: before Town Board/City Council on Plan Amendment request
H. DECISION: by Town, Village or City on Plan Amendment Request
If YES OR NO...
I. Citizen decides to file Formal Application for County Plan Amendment
J. NOTIFICATION: Public Hearing before County Planning and Zoning Committee
K. PUBLIC HEARING: before County Planning and Zoning Committee on Plan Amendment Request
L. DELIBERATION AND RECOMMENDATION County Planning and Zoning Committee on Plan Amendment Request

If in DISAGREEMENT WITH LOCAL GOVERNMENT...
M. P & Z sends back to Local Government for reconsideration
N. Local Government reconsiders proposal

Back to L
O. NOTIFICATION: County Board Meeting on Amendment Request
P. COUNTY BOARD ACTION: either approves, denies or sends back to P & Z for reconsideration

Note on Recourse if denied:
If applicant does not receive two green lights (approval at local Government Level and approval at County Level) then the following opportunities are available: a) reapply, b) reapply with changes, c) appeal to the courts, d) do nothing. (the applicant can employ any one of these options (a, b, c or d) at anytime during the process).

C. RELATIONSHIPS AND POTENTIAL CONFLICTS BETWEEN THE COUNTY PLAN AND OTHER PLANS
While the process outlined above is intended to address the large number of situations that will occur, there are always unforeseen conflicts and problems that might arise. Some of these were discussed during the course of developing this plan. At this time, not all of these conflicts have been resolved to the satisfaction of all the parties invited in the discussion of the plan. In order to move forward it may be necessary to adopt the plan as proposed, with continued discussion and amendments that might resolve some of these conflicts they occur.

1. Between The County Land Use Plan And Local Land Use Plans
The local land use plans that are included in this first County Plan are not subject to compliance with the Framework Policies for reviewing local plans in Section V, Land Use. That is, the local plans already completed (or completed by January 1, 2010) are automatically included upon adoption by the local unit of government and submittal to the County.

Consequently there should be no conflicts between the plans at the outset. As the planning process continues, amendments will be requested. When this occurs there is the potential for differences of opinion and conflict. The procedures indicate that the only way to
resolve this conflict is for both the local municipality and the County to agree on a change in the plan.

2. Between Other County Plans And Town Land Use Plans

There may be other County plans that do not match local land use plans - these may be plans that address issues of transportation, parks and open space, county-wide services and similar items.

This is typical of planning possesses throughout the State - there are planning efforts at all levels of government addressing diverse issues. It is not possible (nor desirable) to require all of them to reach consensus. It is assumed that this plan, and many of the other plans, will change over time and that critical conflicts will be recognized, if not resolved, as the planning process continues.

3. Among Land Use Plans In Winnebago County

Inevitably the land use plans for one municipality will conflict with a neighboring municipality. This plan (County Plan) cannot force plans to match. It does, however, establish policies that require local plans to at least acknowledge the plans of surrounding areas and discuss how they may address such differences. Local units of government may choose to leave such conflict unresolved. However, the first step toward resolution is acknowledging the differences and formalizing such differences in local planning documents.

As the planning process unfolds, new insights into these conflicts will be gained. Addressing such conflicts may be appropriate for a major review and amendment of this plan after several years.

4. Among Plans For Towns And Cities In Winnebago County

Due to State laws the authority and responsibilities of Towns, Villages, and Cities differ significantly. Regardless of legal opinions about this, the perceived imbalance between incorporated and unincorporated areas continues to act as a divisive force in the planning process.

Here too, this plan cannot resolve all conflicts. The plan, however, recommends that at the very least the county will review all plans as a first step in coordination and cooperation.

5. Among The County Plans and Other Planning Efforts

Cooperative planning in Wisconsin is still in a formative stage. Lack of coordination and cooperation is more of a norm than an exception. As stated previously, this is typical of planning processes throughout the State. It is not possible (nor desirable) to require all of them to reach consensus. It is assumed that this plan, and many of the other plans, will change over time and that critical conflicts will be recognized, if not resolved, as the planning process continues.