

---

## CHAPTER 10: INTERGOVERNMENTAL COOPERATION

---

This chapter includes goals, objectives, policies, and programs for joint planning and decision making; incorporates by reference all plans and agreements to which the City of Janesville is a party under §66.0225, §66.0301, §66.0307, and §66.0309, Wisconsin Statutes; and identifies known existing or potential conflicts between this *Comprehensive Plan* and the plans of adjacent cities and towns, counties, states, and school districts.

In a state with over 2,500 units of government and in an era of diminished local government resources, it is critical to coordinate local actions with those of neighboring communities to ensure that efficiency of delivery of service is maximized, while intergovernmental conflict and duplication of services is kept to a minimum.

**THIS *COMPREHENSIVE PLAN* CHAPTER INCLUDES POLICIES PERTAINING TO INTERGOVERNMENTAL COOPERATION THAT PROMOTE:**

- ◆ Reinvention of parts of the City in need of improvement, as well as creating compelling and high-value growth areas. Boosting the tax base in the City not only benefits the City, but it also provides tax benefits for all overlapping units of government – including the County, School Districts, Technical College District and State.
- ◆ Boosting regional quality of life through cooperation on the development of parks and recreational facilities and economic development initiatives.
- ◆ Sustainability through agreeing to a more predictable edge between urban development, rural development, and preservation areas through on-going intergovernmental discussions and coordination with neighboring communities.
- ◆ Acknowledging, enhancing, and capitalizing on connections between the City and the broader region – including highway, bicycle, and pedestrian networks; freight rail, greenbelts and natural resource systems, and the Rock River corridor.
- ◆ Exploring the potential for sharing the costs and benefits of services, equipment, and facilities.

## **INTERGOVERNMENTAL COOPERATION GOAL, OBJECTIVES, POLICIES AND PROGRAMS**

---

### **Intergovernmental Cooperation Goal:**

Promote intergovernmental cooperation pertaining to transportation systems, the provision of parks and open spaces, natural resources protection, community services, and other areas.

### **Intergovernmental Cooperation Objectives**

1. Cooperate with neighboring and overlapping units of government to maximize the efficiency and effectiveness of service and utilities provision, transportation, and economic development in the City.
2. Engage in discussions and agreements with neighboring communities to minimize actual and potential conflict.
3. Continue to work jointly with Rock County on various initiatives and retain the County seat in Downtown Janesville.

### **Intergovernmental Cooperation Policies and Programs**

1. Participate in ongoing discussions regarding future land use, boundaries, and other issues of mutual concern with neighboring towns, as well as the City of Beloit, City of Milton, and Rock County.
2. Cooperate with neighboring and overlapping units of government on provision of services, striving to maintain and enhance levels of service while maximizing efficiency. Areas of collaboration may include regional Wi-Fi, park and recreational facilities, education, utilities, and public safety.
3. Continue existing intergovernmental agreements and consider entering into new agreements where necessary or in the City's best interest as a mechanism to create a more predictable future near the City's edges and reduce the need for the City to exercise its extraterritorial powers and avoid future conflict.
4. Pursue a shared understanding with neighboring communities regarding future land use issues, utilizing the City's extraterritorial review and approval/denial authorities where necessary or beneficial to protect the long-term interest of the City.
5. Continue to work with the Metropolitan Planning Organization, Rock County, State, and neighboring communities on transportation planning issues – particularly pertaining to new arterials, trails, rail, and airport planning issues and preserving the capacity and safety of existing facilities.
6. Continue to engage and grow relationships in a regional collaboration to promote regional economic development, (such as within Rock County, and the multi-County Madison Region Economic Partnership).
7. Partner with educational institutions, including the Janesville and Milton School Districts, University of Wisconsin - Rock County, and Blackhawk Technical College –

on promoting coordinated land use, community facilities, and economic development planning.

8. Work with the County, WisDNR, and neighboring communities on trail expansions, natural resource protection, and regional recreation facilities.
9. Work with Rock County on the following programs and initiatives:
  - a. Retaining County government operations in Downtown Janesville.
  - b. Determining the future of the County Grounds area around USH 14 and STH 51.
  - c. Discussing opportunities for the future of the existing County Fairgrounds and potential future locations and facilities.
  - d. Airport planning, expansion, promotion, and land use regulations associated with the airport.
  - e. Regional planning and development.

## **INTERGOVERNMENTAL COOPERATION PROGRAMS AND RECOMMENDATIONS**

---

Intergovernmental communication, coordination and cooperation are critical to implementing many of the recommendations in this *City of Janesville Comprehensive Plan*. This section builds on some of the key policies listed above, setting forth recommendations for relations, joint initiatives, and coordinated planning with adjacent and overlapping jurisdictions. It focuses in areas and relationships that are not described extensively in other chapters of this *Plan*, and where potential future conflicts may be of concern without concerted action.

### **The City of Janesville’s Relationship, Actual and Potential Conflicts with Neighboring Towns**

The City of Janesville borders four separate towns – the towns of Rock, Janesville, La Prairie, and Harmony. Given different influences within each of these towns, Janesville’s intergovernmental efforts cannot be a “one size fits all” approach. Instead, the City considered the influences and issues with each of the neighboring towns in developing these intergovernmental recommendations. Further, the City met individually with each of these towns to discuss comprehensive plan drafts, have proactive discussions on potential issues, and work toward a shared understanding of those issues.

One common element to the City’s relationship with its neighboring towns is the powers and authorities that the City has within the area defined as its extraterritorial jurisdiction (ETJ). The City’s ETJ extends in a 3-mile radius from the boundaries of the City, except as defined by other agreements with these communities. Janesville’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 regarding the application of land division review authority. The extraterritorial jurisdiction (ETJ) 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, which applies to Janesville. The four ETJ powers available to cities and villages include:

ETJ Planning: Cities and villages have the right to include and make recommendations for the lands in their ETJ in their planning documents adopted under Wisconsin Statutes. Typical plans include comprehensive plans, master plans, land use plans, transportation plans, park plans, utility plans, community facility plans, and peripheral area plans.

ETJ Official Mapping: Cities and villages have the right to include their ETJ on their Official Map. The Official Map is a tool used to identify the location of current and planned public facilities and can be used to prevent structures from being erected on identified sites and to assure that subdivisions provide for planned facilities. Typical use of the Official Map includes identifying expanded road rights-of-way, future road alignments, and sites for city buildings, parks, and drainageways.

ETJ Land Division Review: Cities and villages can adopt subdivision ordinance provisions to approve or deny land divisions within their ETJs. This area of the law is evolving rapidly through court decisions. ETJ land division review authority may be used to require consistency with the city's Comprehensive Plan and Official Map, ensure the proper design of the land division, and establish lot size or density standards. Public improvement construction and design standards can generally not be imposed through this power.

ETJ Zoning: Cities and villages can enact ETJ Zoning authority within all or parts of their ETJs. This authority freezes town or county zoning in the selected area for a period of two to three years. This provides an opportunity for a joint town and city/village ETJ Committee (3 members from each jurisdiction) to develop and adopt a permanent ETJ zoning ordinance and zoning map to apply to the selected area. This authority dissolves after two years, unless extended for another year by joint agreement of the communities, or unless the ETJ zoning ordinance and map are adopted. If adopted, the town and city/village are then jointly responsible for making future zoning decisions in the selected ETJ area.

Through the negotiation and execution of intergovernmental boundary agreements with adjacent towns, cities and villages may agree to provisions that may modify these extraterritorial rights within statutory limitations.

Descriptions of relationship between City and neighboring town plans, and key initiatives with neighboring towns are as follows:

## **Town of Rock**

The City of Janesville and the Town of Rock have enjoyed a successful Cooperative Plan and a good working relationship since 1995. The City of Janesville and Town of Rock prepared their comprehensive plans on roughly parallel tracks. The two communities shared preliminary drafts of their future land use maps. As a result of the meeting, both communities made changes to their future land use maps to reflect areas of general agreement between the two. Janesville acknowledged the opportunity for some addition *Single Family Residential – Exurban* development in the Town, particularly west of Afton Road between Cemetery and Eau Claire Roads, and the Town acknowledged likely future City growth to the east of the airport.

In its comprehensive plan, the Town of Rock supports updating the Cooperative Plan to reflect changing conditions and community plans. The City of Janesville also supports updating this Cooperative Plan.

An updated plan could address topics including:

- ◆ Treatment of the remainder of the 1995 Cooperative Plan area boundary that has not been attached to the City.
- ◆ Future land use and jurisdiction of the area east of Highway 51, north of Sunny Lane, and south of Highway 11 and the lands in the Highway 11 corridor west of the Rock River identified as Urban Agricultural Transition Area on Map 2.1: Future Land Use. The distribution of Commercial and Light Industrial development to the east of the Southern Wisconsin Regional Airport.

Such discussion should begin by 2013, if not before, to allow all options to be explored before 2015.

## Town of Harmony

The Town of Harmony is in the process of preparing a comprehensive plan at the same time as the City of Janesville. Over the recent past, the Town of Harmony's growth has been substantial, when compared with much smaller rates of growth (or population losses) in other neighboring towns. The values of housing within the Town are also greater than most of the other neighboring communities. Harmony is also located within the Milton School District.

Discussions between the City of Janesville and Town of Harmony that were part of this comprehensive planning process. These discussions suggested that the primary issue between the two communities' centers around the potential for residential growth and City expansion to the northeast – in particular the area adjacent to and southeast of STH 26, between the Wisconsin Southern Rail line and Newville Road. Issues associated with this include provision of utilities service and cost variations, fire and other emergency services, transit, and garbage collection. Through the process the City considered the Town's comments, and made some adjustments based on them. However, the City's recommended Future Land Use Map had some differences from the Town's draft future land use map.

### INTERGOVERNMENTAL AGREEMENTS UNDER WISCONSIN LAW

There are two main formats for inter-governmental 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.

The following is the City’s recommended approach to address existing and potential future issues with the Town of Harmony:

- ◆ Support the Town’s designation of much of its area as “Exclusive Agriculture,” with a maximum density of new development of 1 new home per every 35 acres (compatible with the City’s *Agriculture* Future Land Use category).
- ◆ Engage in ongoing discussions with the Town regarding future land use patterns, utility service provision, community facilities (including schools), public safety, transportation, and recreational system planning.
- ◆ Consider entering into intergovernmental agreements with the Town on the above issues.
- ◆ Amend the City of Janesville subdivision ordinance and Official Map to implement the recommendations underlying the Urban Reserve and Agriculture Future Land Use categories fully and clearly. These recommendations are described in the Land Use chapter, with the affected areas shown on Map 2.1. The City will generally require that rural development in these areas should not exceed a maximum development density of one home or lot per 35 acres of land – reducing rural subdivision development or large-scale commercial development.
- ◆ Encourage preservation of environmental features defined by the City’s Future Land Use Map as *Parks, Open Spaces, and Environmental Corridors* around STH 26.

## Town of Janesville

The Town of Janesville prepared a comprehensive plan at the same time as the City of Janesville. Most of the Town of Janesville’s existing development at the time this *Plan* was prepared was focused along the Rock River corridor.

Discussions between the two communities that were part of this comprehensive planning process suggest the following potential issues:

- ◆ Future transportation planning. Through this *Comprehensive Plan*, the City is advocating for the completion of the STH 11 – USH 14 connector, which will also affect the Town. Agreements on alignment and design of these and possibly other transportation facilities are important items of discussion for the City and Town plans.
- ◆ Protection of the Rock River corridor as development occurs along it through watershed protection strategies.
- ◆ Differences between City and Town future land use maps. The two communities promote “infill” of some existing areas of rural residential development – such as east of the Rock River and between USH 14 and CTH A, identified on the City’s Future Land Use map as *Single Family Residential – Exurban*. At the time this *Plan* was prepared, the Town’s preliminary future land use map showed a greater amount of land area designated for development than the City recommends. In addition, the Town describes these areas as Multiple Use Residential areas, which may give an impression of more intensive development than rural areas can typically support with rural transportation networks, private wells, and on-site wastewater treatment facilities. The City’s *Comprehensive Plan* shows a generous area within the Town of Janesville mapped in the *Single-Family Residential –*

*Exurban* future land use category. The City recommends that future residential development in the Town be primarily limited to these areas.

- ◆ Differences between the City and Town policies for *Agriculture* areas. The Town’s draft plan (At the time the *City of Janesville Comprehensive Plan* was prepared) sets different standards for allowable substantially greater housing density in rural areas than the City’s *Comprehensive Plan*, which sets a maximum density of 1 new dwelling unit per every 35 acres of land. At the time this *Plan* was prepared, exclusive agricultural zoning – which establishes a maximum density of one new home or lot per every 35 acres of land – was enforced throughout most of the Town. Continuation of these policies is generally consistent with the *City of Janesville Comprehensive Plan*.

The following is the City’s recommended approach to address existing and potential future issues with the Town of Janesville:

- ◆ Engage in ongoing discussions with the Town regarding future land use patterns, utility service provision, community facilities (including schools), public safety, transportation, and recreational system planning.
- ◆ Consider entering into intergovernmental agreements with the Town addressing future land use patterns and jurisdictional boundaries along the STH 11 – USH 14 connector.
- ◆ Amend the City of Janesville subdivision ordinance and Official Map to implement the recommendations underlying the Urban Reserve and Agriculture Future Land Use categories fully and clearly. These recommendations are described in the Land Use chapter, with the affected areas shown on Map 2.1. The City will generally require that rural development in these areas should not exceed a maximum development density of one home or lot per 35 acres of land – inhibiting rural subdivision development or large-scale commercial development. The City will work with town officials and landowners to clarify its policies which establish a maximum density of development (1 new dwelling unit per every 35 acres) but allow some flexibility with respect to minimum and maximum lot sizes.
- ◆ Continue to work collaboratively on planning for the STH 11 – USH 14 connector.
- ◆ Work together, with the County, and the Rock River Coalition on implementing strategies for protection of the River corridor.

## Town of La Prairie

The Town of La Prairie prepared a comprehensive plan at the same time as the City of Janesville. La Prairie’s practices in the past have advocated for strong agricultural preservation throughout most of the Town. Continuation of these policies is generally consistent with the *City of Janesville Comprehensive Plan*.

Discussions between the two communities that were part of this comprehensive planning process suggest the following actual or potential issues:

- ◆ Development at the Avalon Road and STH 11 interchange area
- ◆ City of Janesville Urban Reserve designation east of I-90 and CTH J

The following is the City’s recommended approach to address existing and potential future issues with the Town of La Prairie:

- ◆ Continue to work collaboratively on transportation planning, including a potential USH 14/STH 11 extension.
- ◆ Working cooperatively on agricultural land preservation strategies and potential for agricultural or bio-based development.
- ◆ Engage in ongoing discussions with the Town regarding future land use patterns, utility service provision, community facilities (including schools), public safety, transportation, and recreational system planning.
- ◆ Consider entering into intergovernmental agreements with the Town addressing future jurisdictional boundaries and development to maximize certainty in the area.
- ◆ Amend the City of Janesville subdivision ordinance and Official Map to implement the recommendations underlying the Urban Reserve and Agriculture Future Land Use categories fully and clearly. These recommendations are described in the Land Use chapter, with the affected areas shown on Map 2.1. The City will generally require that rural development in these areas should not exceed a maximum development density of one home or lot per 35 acres of land – inhibiting rural subdivision development or large-scale commercial development.

## City of Milton

Janesville and the City of Milton have several overlapping areas of interest:

- ◆ Janesville’s growth—both commercial and residential—has been focused on that City’s northeast side, and much of it is in the Milton School District and moving toward the City of Milton.
- ◆ Milton’s growth has been moving south along STH 26.
- ◆ The Janesville Area Metropolitan Planning Organization, important for transportation planning and funding, also covers Milton.
- ◆ The two cities have an extraterritorial review agreement which identifies extraterritorial jurisdictions.

The City of Milton prepared a comprehensive plan at the same time as the City of Janesville. Through intergovernmental discussions that occurred through that process, the following issues were identified:

- ◆ **Community Separation.** Milton’s plan supports the establishment and protection of a “community separation area” between the Milton urban area and Janesville urban area along the STH 26 and John Paul Road corridors. Specifically, Milton’s plan recommends that this community separation area should be generally centered on the ridge line between Janesville and Milton, south of Town Line Road. This community separation area would be defined by a band of agricultural, open space, and recreational land uses in this area. Janesville’s Future Land Use Map shows the potential for future development within this area to enable a logical pattern of urban growth and development the provision of utilities and services.
- ◆ **STH 26 Corridor Improvements.** The Cities of Milton and Janesville intend to support and help implement the local roadway and access control recommendations of this *Plan*.

The following is the City’s recommended approach to address existing and potential future issues with the City of Milton:



- ◆ Explore the opportunity for an expanded intergovernmental agreement. Possible issues that could be addressed include annexations, future ETJ boundaries, community separation, land use, and transportation connections.
- ◆ For future development along STH 26 south of Town Line Road, encourage that development to be oriented away from that highway and provide a wide, landscaped buffer area along the highway. This will assist in creating the perception of separation along this key entryway corridor. Consider utilizing a variety of techniques can and should be used by affected communities, including the following:
  - Public acquisition and dedication of lands for park and open space purposes. As there are no significant County parks in or near this area, the affected municipalities should actively support the creation of a County park in this area. Rock County's current Park and Outdoor Recreation Plan supports the location of County parks close to population concentrations and highways.
  - Local government capital investment decisions not to extend municipal sanitary sewer or water service into the agreed upon community separation area.
  - Local government land use decisions not to plan for or approve rural subdivisions in an agreed upon buffer area.
  - Preparation of neighborhood development plans and development approvals which require the preservation of open spaces or the creation of landscaped buffer strips in key areas of the site.

Page left intentionally blank