

## Wisconsin Cooperative Boundary Plan Approval Checklist

The checklist below is used to assess whether a Cooperative Plan submitted to the Department for its review under [s. 66.0307 Wis. Stats.](#) is complete and meets the statutory criteria. Municipal Boundary Review staff use it to determine whether to approve the proposed plan, recommend that it be resubmitted with changes, or deny it. To print out a checklist, or for more information on Cooperative Plans, see the Department's Cooperative Boundary Plan website at: [doa.wi.gov/MunicipalBoundaryReview](http://doa.wi.gov/MunicipalBoundaryReview)

### Authorizing/Approving Resolutions

<b>Present</b>	<b>Not Present</b>	<b>Not Applicable</b>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Town(s) Authorizing Resolution <a href="#">s. 66.0307(4)(a) Wis. Stats.</a>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	City or Village(s) Authorizing Resolution <a href="#">s. 66.0307(4)(a) Wis. Stats.</a>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Affidavit that authorizing resolutions were sent to DOA, DNR, DOT, DATCP, County Clerk, County Planning, RPC, and other jurisdictions within 5 miles such as municipalities, school districts, vocational districts, sewer or sanitary districts. <a href="#">s. 66.0307(4)(a) Wis. Stats.</a>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Town(s) Approval Resolution <a href="#">s. 66.0307(4)(d) Wis. Stats.</a>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	City/Village(s) Approval Resolution <a href="#">s. 66.0307(4)(d) Wis. Stats.</a>

### Public Hearing

<b>Present</b>	<b>Not Present</b>	<b>Not Applicable</b>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Evidence that class 3 notice was published <a href="#">s. 66.0307(4)(b) Wis. Stats.</a>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Summary or transcript of public comments <a href="#">s. 66.0307(4)(c) Wis. Stats.</a>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	List of any changes made in response to public comments <a href="#">s. 66.0307(4)(d) Wis. Stats.</a>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Comment letters from the county and RPC <a href="#">s. 66.0307(4)(c) Wis. Stats.</a>

### Extraordinary activities

<b>Present</b>	<b>Not Present</b>	<b>Not Applicable</b>	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Request for super-majority vote <a href="#">s. 66.0307(4)(d)2 Wis. Stats.</a>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Request for advisory referendum <a href="#">s. 66.0307(4)(e) Wis. Stats.</a>

**Cooperative Plan****Present****Not Present****Not Applicable**

Do either one or both of the participating municipalities have an adopted comprehensive or master plan?

[s. 66.0307\(3\)\(c\) Wis. Stats.](#)

Does the cooperative plan describe how it is consistent with participating municipality's comprehensive or master plan? (note: cooperative plans may be based on, or duplicate, existing plans).

[s. 66.0307\(3\)\(c\), Wis. Stats.](#)

Does the cooperative plan identify boundaries that may, or may not, be changed? If certain boundaries shall or may change, are any conditions that must be met clearly identified? Is there a schedule for when changes will or may occur?

[s. 66.0307\(3\)\(d\)1,2,3, Wis. Stats.](#)

Does the cooperative plan describe how the proposed boundaries are compact? [s. 66.0307\(3\)\(d\)4, Wis. Stats.](#)

Does the cooperative plan describe how services will be provided to the plan territory, who will provide them, and when?

[s. 66.0307\(3\)\(d\)5,6,7 Wis. Stats.](#)

Does the cooperative plan describe how it is consistent with current state and federal laws, county shoreland zoning ordinances, and any local ordinances or rules that apply to the plan territory? [s. 66.0307\(3\)\(e\), Wis. Stats.](#)

Does the cooperative plan specify the planning period? If over 10 years, is justification given? [s. 66.0307\(3\)\(f\), Wis. Stats.](#)

Does the cooperative plan include a zoning ordinance specifically developed for the territory? [s. 66.0307\(3\)\(g\), Wis. Stats.](#)

**Department Approval Criteria****Present****Not Present****Not Applicable**

Is the cooperative plan sufficiently detailed for the Department to make a finding that the criteria have been met?

[s. 66.0307\(5\)\(c\)1 Wis. Stats.](#)

Is the cooperative plan consistent with each participating municipality's comprehensive plan and with current state laws, municipal ordinances and rules that apply to the territory affected by the plan? [s. 66.0307\(5\)\(c\)2 Wis. Stats.](#)

Does the cooperative plan adequately provide for service delivery to the territory? [s. 66.0307\(5\)\(c\)3 Wis. Stats.](#)

Are the proposed plan boundaries compact, and not the result of arbitrariness? [s. 66.0307\(5\)\(c\)5, Wis. Stats.](#)

If the cooperative plan exceeds 10 years in duration, is there justification provided? [s. 66.0307\(5\)\(c\)6, Wis. Stats.](#)

## Cooperative Boundary Plan Factsheet

Cooperative boundary plans are authorized under [s. 66.0307, Wis.Stats.](#), and are the most thorough and complete method for developing boundary plans in Wisconsin. They are a valuable tool for local communities and a welcome alternative to protracted conflicts and litigation over municipal boundary and land use issues.

### Cooperative Boundary Plans feature:

- ▶ Broad notice to area residents and jurisdictions.
- ▶ A public hearing and comment period.
- ▶ Possible referendum. Residents may petition for an advisory referendum on the plan.
- ▶ A jointly developed cooperative plan for the territory that is consistent with each community's comprehensive plan and that may address future streets, sidewalks and trails, layout of neighborhoods, design standards, zoning, and public facilities such as parks, municipal buildings, stormwater management, and utilities.
- ▶ Review by the Department of Administration. The Department may approve, deny, or recommend changes. The Department also defends the plan against appeal.

**TIP:** For more information, see the Department of Administration's Cooperative Boundary Plan website at:

<http://doa.wi.gov/MunicipalBoundaryReview>



### Benefits to Cooperative Boundary Plans:

**Cooperative** – while annexation and incorporation tend to pit neighboring communities against one another, boundary plans provide a chance to focus on shared values, points of agreement, and solutions that can benefit everyone.

**Proactive** – while annexation and incorporation put area communities in a reactive mode, cooperative boundary plans enable communities to proactively guide their future.

**Flexibility** – while statutory boundary change mechanisms such as annexation are rigid in their scope and process, cooperative boundary plans provide communities with tremendous flexibility. Communities may determine the issues to be resolved, the size of plan area, whether municipal boundaries will change or not change over time, the duration of the plan, what services will be provided and by whom, the timing and financing of capital improvements, and how the area will be regulated and by whom. Communities have the discretion to creatively craft their own solutions to their issues.

**Certainty** – while annexations, consolidations, and incorporations are unpredictable, cooperative boundary plans put communities in charge of their future. This certainty also benefits landowners, developers, businesses, and other community stakeholders.

**Broad participation** – the public notice, public hearing, public comment, and advisory referendum features of the cooperative boundary plan process ensure that a wide range of affected residents and stakeholder groups participates in developing the plan. Because they helped create it, these participants are more likely to support the plan's adoption and implementation.

**Save money \$\$\$** – a cooperative boundary plan can save money by avoiding costly litigation. Also, the plan can identify service sharing opportunities and avoid costly duplication of services and capital facilities. Finally, towns with an adopted cooperative boundary plan are authorized to utilize TIF districts.

**Long term** – cooperative boundary plans must be a minimum of 10 years' duration, but are usually considerably longer. They allow for a much longer duration than the 10 year maximum permitted by boundary agreements entered into under [s. 66.0301 Wis. Stats.](#) – Wisconsin's general intergovernmental agreement statute.

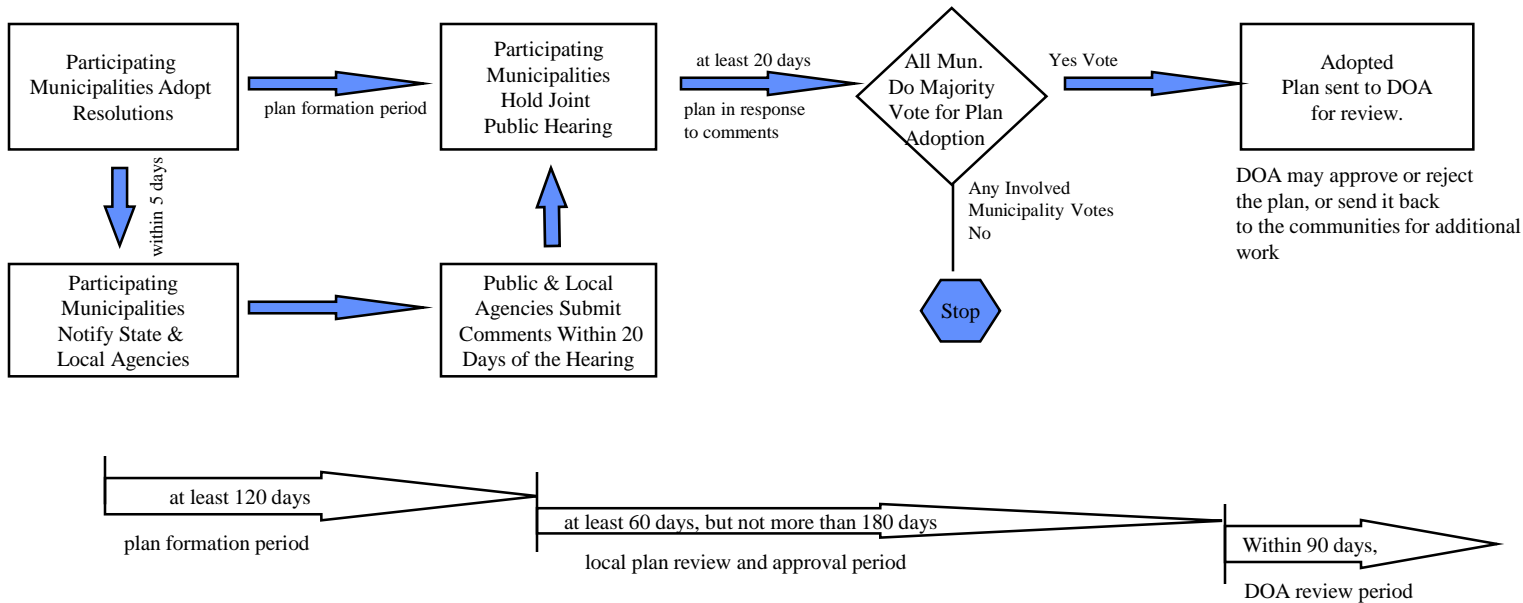
**Enforceable** – cooperative boundary plans safeguard community and landowner interests by providing a written contract that is approved by the state. The state is also responsible for defending the plan against appeal.

**State & regional issues are addressed up front** – state agencies, regional planning commissions, and counties are required to review and comment on proposed cooperative boundary plans. This provides a great opportunity to coordinate state and regional plans, projects, and programs with local community activities and desires. For example, it helps to ensure that the state and regional permits and approvals necessary for development will be available when needed.



# Cooperative Boundary Plan Process

## Section 66.0307 Wis. Stats.



**NOTE:**

To keep this flow chart simple, a number of procedures were not included that are nonetheless authorized by [s. 66.0307 Wis.Stats.](#) These include residents petitioning for an advisory referendum, residents petitioning for the plan be adopted by a super-majority vote of the governing body, the possibility of a public hearing by DOA, and the possibility that DOA sends the plan back to the communities with comments on additional work that is needed for approval.

## Distinguishing Between Wisconsin Boundary Agreement Statutes

	<a href="#">s. 66.0225, Stats</a>	<a href="#">s. 66.0301, Stats</a>	<a href="#">s 66.0307, Stats</a>
Common name	stipulations and orders	general agreements	cooperative boundary agreements
Statute expressly authorizes Boundary changes	yes	yes	yes
Typically used to	settle annexation lawsuits	contract for joint municipal services	resolve boundary, land use, and service issues
Statute ever tested by judicial review	no	no	no
Eligible for tax revenue sharing under <a href="#">s. 66.0305, Stats.</a>	yes	yes	yes
Eligible for tax increment financing using <a href="#">s. 66.1105, Stats.</a>	no	no	yes
Agreement subject to state agency review	no	no	yes
Agreement binding on the parties	yes	yes	yes
Annexation permitted during agreement development	yes	yes	no
Statutory standards for planning and development issues	no	no	yes comprehensive plan
Coordination with state agencies, and neighboring communities	no	no	yes
Public hearings required	no	yes	yes
Referendum process	yes binding	yes binding	yes non-binding
Who votes	affected electors	affected electors	all electors
Limits	parcel(s) in litigation	10 years, renewable	no time limit, but must last at least 10 years