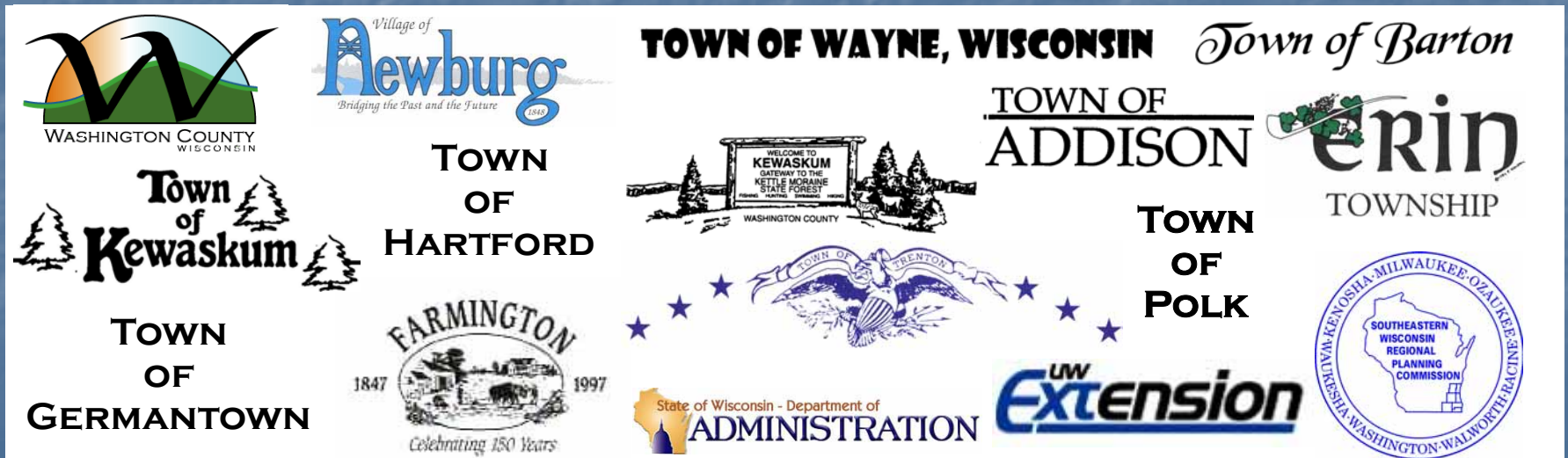


Multi-jurisdictional Comprehensive Planning

Development of Land Use Element and Dispute Resolution Forum



Introduction

- Multi-jurisdictional Work Group 2004 discussion of concerns/issues:
 - What comprehensive plan rules in the extraterritorial areas in Washington County?
 - What will the County Land Use Element Consist of?
 - What is the amendment process after comprehensive plan is adopted?
 - What happens if there are disputes and conflicts over land uses?

No Equal Playing Field

- All forms of Government - County/City/Village and Town are given different statutory authority at different levels and roles.
- Comprehensive planning law did not change the authority of any governmental unit as described in the statutes.

Extraterritorial Areas

- Comprehensive planning law:
 - Does not change authority already in place by state law
 - Does not define which plan rules in the extraterritorial areas
 - Does not determine whose jurisdiction will override others
- There are no court cases in place
- Current conflicting legislative initiatives
 - AB 325
 - LRB 3121
- Hopefully, by the end of our process there are clear laws identifying these areas - this question can not be resolved at the county level

County Land Use Element

- Comprehensive planning law does not define which plans need to be included in the extraterritorial areas (City/Village or Town Plan)
- State Statutes are unclear as to which local government plan should be in the County plan for the extraterritorial areas
- We have no direction on this issue from the Department of Administration
- It is left to each County to work it out

County Land Use Element

- Goals of our process expressed by multi-jurisdictional work group in 2004
 - open discussion of issues
 - plan that is consistent as possible
 - Include Town Land Use Element in County Land Use Element - reduce potential conflicts
- 4 - 5 months of discussion & negotiation of process
- Resolution passed by County Board
- Flow Chart
- Process - July 2007

Amendment Process

- Currently 1 parcel of land could have 3 separate land use plans
- Goal of process is consistency
- County is not required to approve a Town comprehensive plan or an amendment to that Town plan.
- Amendments to the plan will be spelled out as part of the implementation element
- Amendment process can cause conflicts

Amendment Process

- Goals of our process expressed by multi-jurisdictional work group in 2004
 - plan that is consistent as possible even after adoption
- Same 4 - 5 months of discussion & negotiation of process
- Part of resolution passed by County Board
- Flow chart

Conflict Resolution

- The Comprehensive planning law does NOT give direction on resolving intergovernmental issues (only requires thought on a process of how issues may be resolved)
- This multi-jurisdictional planning process will NOT resolve all issues or potential conflicts
- An opportunity to discuss issues prior to becoming conflicts

Conflict Resolution

- Goals of our process expressed by multi-jurisdictional work group in 2004
 - Avoid unnecessary expenditures of scarce taxpayer dollars through court battles
 - Voluntary forum to discuss conflicts prior to legal action
- Part of resolution passed by County Board
- Flow chart insert
- Advisory Committee responsible to establish procedures and/or by laws for a conflict resolution forum - part of implementation element discussion - August - Dec. 2007

Final Thoughts

- The state legislature is deciding on some of these issues.
- Communities need to plan for the authority that they have now.
- There is a lot of work ahead on this project and we need keep on task and adjust as state law is changed if and when it does.