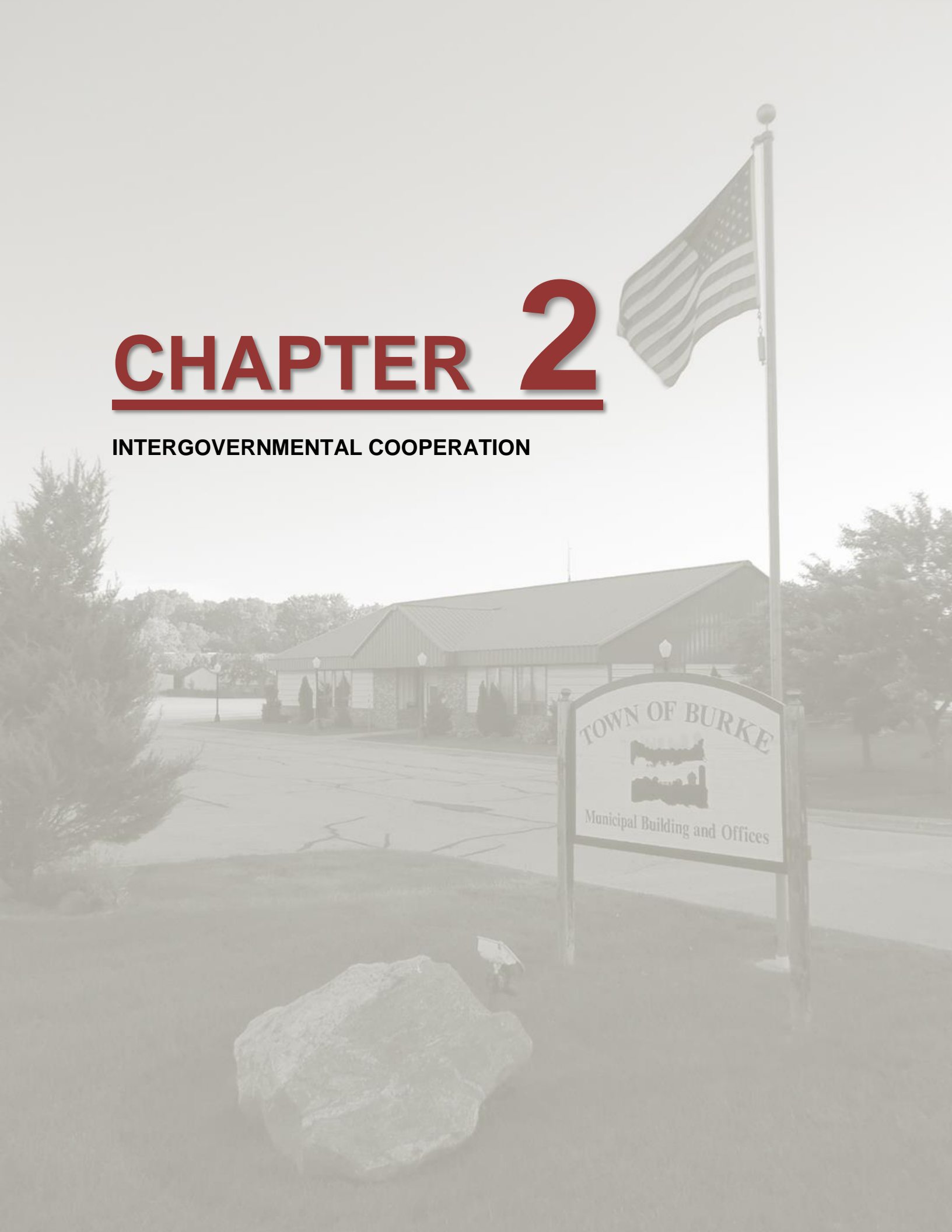


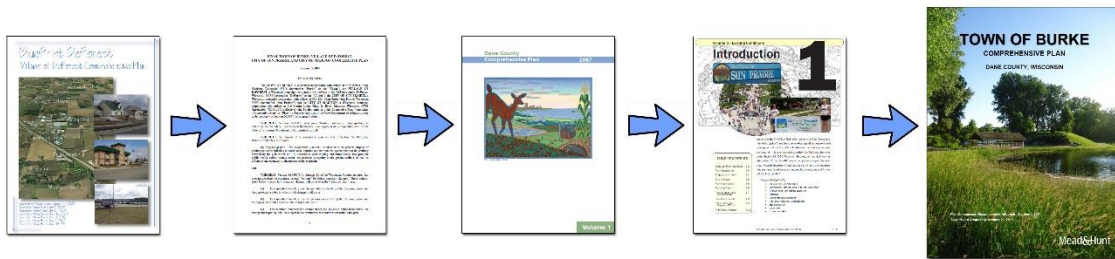
# CHAPTER 2

## INTERGOVERNMENTAL COOPERATION



## INTERGOVERNMENTAL COOPERATION

This chapter analyzes the Town of Burke in relation to adjacent local governmental units, the region, the state, and other governmental agencies and proposes policies, programs, and recommendations for public facilities and sharing of public services. This chapter incorporates plans or agreements that the Town is a party under, including Comprehensive Plans from the Village of DeForest, the Cities of Sun Prairie and Madison, Dane County, the Madison Area Metropolitan Planning Organization, the Capital Area Regional Planning Commission (CARPC), and the state. It is intended to promote consistency between this Plan and plans for neighboring and overlapping jurisdictions. Finally, this chapter identifies existing or potential conflicts between the Town and surrounding municipalities that may arise over this plan's 20-year planning period and strives to resolve those conflicts.



In 2007 the Town of Burke, in cooperation with the Village of DeForest and the Cities of Sun Prairie and Madison, completed a Cooperative Plan for the long-range dissolution of the Town. The Cooperative Plan provides an orderly, planned transition for the current Town of Burke territory to DeForest, Sun Prairie, and Madison municipal jurisdiction over the Cooperative Plan's 30-year planning period and maintains the fiscal viability and operational efficiency of the Town of Burke during the transition period. The Cooperative Plan provides that all Town territory will be attached to the designed Village or City no later than October 2036. In the interim, owners of property not located within a designated "Protected Area," which will generally remain in the Town until 2036, may attach their property to the designated Village or City if that jurisdiction approves the attachment request.<sup>9</sup>

### **Boundary Adjustment Area**

The territory subject to the Cooperative Plan is all of the existing Burke territory shown on Map 1, except that which has been annexed by Maple Bluff. The Boundary Adjustment Area (BAA) is all of the same Burke territory to be governed by this Plan until it is ultimately transferred to DeForest, Sun Prairie or Madison, shown on Map 3: Final Boundary Adjustment Areas. The BAA is the physical area in which the Village of DeForest and Cities of Sun Prairie and Madison *may* plan and develop. Extraterritorial Jurisdiction, as described below, allows the municipalities the authority *to* plan and develop, within the BAAs. All development within the BAA of each respective municipality should comply with the

<sup>9</sup> City of Madison *Northeast Neighborhoods Development Plan*, Adopted October 20, 2009



development requirements of that municipality which include, but are not limited to, the municipality's adopted Comprehensive Plan, neighborhood development plans, and other detailed land use plans. In addition to BAAs, the Cooperative Plan outlined Protected Areas, mostly consisting of existing development, which will remain in the Town through 2036. These areas are shown on Map 4: Town of Burke Protected Areas.

With the dissolution of Burke, the Village of DeForest and Cities of Sun Prairie and Madison's boundaries will meet. In total, the City of Madison will share a boundary with the Towns of Westport, Windsor and Sun Prairie, the Village of DeForest, and the City of Sun Prairie. Final Boundary Lines are shown on Maps 3 and 4.

### **Extraterritorial Jurisdiction**

Extraterritorial jurisdiction is the extension of cities and villages beyond their municipal boundaries into unincorporated areas of towns. Under *Wisconsin Statutes*, cities and villages have the authority, by right, to exercise extraterritorial land use planning, subdivision review, official mapping, and, with town approval, zoning outside their incorporated boundaries. In order to exercise extraterritorial zoning, cities and villages must work cooperatively with adjoining towns. The Village of DeForest and Cities of Sun Prairie and Madison have extraterritorial jurisdiction over different portions of the Town of Burke as defined by the BAAs established in the Cooperative Plan.<sup>10</sup> Map 3 shows the respective BAAs within which the respective municipalities can exercise extraterritorial jurisdiction in order to make land use decisions for their futures.<sup>11</sup> Intergovernmental cooperation is critical to addressing mutual land use concerns within each extraterritorial area and to avoiding potential conflicts.

### **Urban Service Areas**

Urban Service Areas (USA) are those areas in and around existing communities that are most suitable for urban development and capable of being provided with a full range of urban services (e.g., municipal sewer and water).<sup>12</sup> USA boundaries represent the outer limits of planned urban growth over a long-term planning period. Because these boundaries are drawn on the basis of a long-term planning period, typically 20 years, they can change over time. The area of the USA is typically within the extraterritorial jurisdiction boundaries of a city or village, and essentially reserves land for future urban development by discouraging premature development on private water and sewer systems in those areas. USAs are also included in area wide plans so that local, regional, and state agency decisions can be coordinated, consistent, and capable of achieving desired growth and development patterns.

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<sup>10</sup> Currently, the Town of Burke only has an Extraterritorial Zoning Committee with the Village of DeForest.

<sup>11</sup> The discrepancy between the Final Boundary Line and the ETJ boundaries is due to differences in the planning horizon year for local plan adoptions and updates.

<sup>12</sup> Urban and Limited Service Areas. Capital Area Regional Planning Commission  
[http://www.capitalarearpc.org/USA\\_overview.html](http://www.capitalarearpc.org/USA_overview.html).



Map 3: *Final Boundary Adjustment Areas (Cooperative Plan)*



*Map 4: Town of Burke Protected Areas (Cooperative Plan)*



*Map 4a: Protected Areas in Detail (Cooperative Plan)*

Currently, several main USAs serve residents and businesses of the Town of Burke. These include the Central Area USA, the Sun Prairie USA (serving the far northeastern portion of the Town), and the Northern USA serving a small portion of the Town adjacent to State Trunk Highway (STH) 19. Additionally, the Windsor USA serves a business park setting at the interchange of Interstate 39/90/94 and STH 19. Map 1: Jurisdictional Boundaries shows these boundaries. More details about Town utilities is provided in Chapter 6.

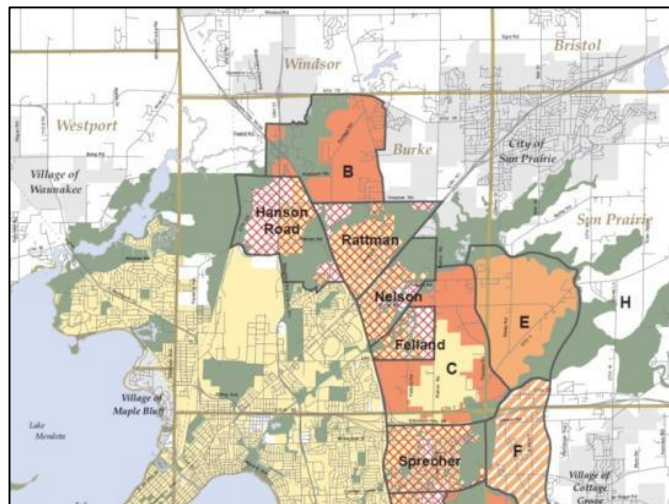
**EXISTING REGIONAL FRAMEWORK**

The following is a brief description of the local units of government that surround the Town of Burke, as well as a description of other regional and state jurisdictions operating within or adjacent to Dane County. Map 1 depicts the existing municipal boundaries of Burke’s neighboring and overlapping jurisdictions.

**City of Madison**

The City of Madison is located to the south and west of the Town of Burke’s remaining land area. The city’s 2010 population was 233,909, which makes it the second largest city in the state after Milwaukee. In order to effectively plan for the needs of a large population base, the city has clustered development around distinct neighborhoods, which provide convenient access to basic services, shopping, and a variety of housing choices.

In 1990 the City adopted the Peripheral Area Development Plan (PADP) as an element of the City’s Master Plan. The PADP assigned peripheral area lands (also referred to as ETJ areas) a classification and provides land use development recommendations for the different classification areas beyond Madison’s physical boundary. Near the Town of Burke, the City’s peripheral area is very large and extends to the northern boundary with the Towns of Windsor, and into the Town of Sun



Source: City of Madison Comprehensive Plan – 2006 Peripheral Planning Areas

Prairie. The large future development area, depicted in the graphic above, includes areas for permanent open space, urban expansion and several distinct neighborhood plans. Each of the neighborhood development plans includes a description of recommended land uses, transportation facilities and services, urban services, and public improvements specific to that neighborhood, but also relative to one another and the surrounding municipalities. Implementation of the neighborhood plans will occur in stages over several years, but is planned for well in advance, allowing for joint planning and decision making with surrounding municipalities. The Hanson Road, Rattman, Nelson, and Felland future



neighborhoods are shown above, along with several areas of permanent open space (shown in green). The Northeast Neighborhood Development Plan, area “C,” is also shown. All of these plan areas, as well as others, are described in more detail in Chapter 7, Housing and Neighborhood Development.

As part of the Cooperative Plan, the City of Madison also established a Community Separation Agreement and Area and designated lands for landscaped buffer zone and open space between itself and the City of Sun Prairie.

**City of Sun Prairie**

The City of Sun Prairie is located in the northeast corner of the Town of Burke. The City’s extraterritorial land area is also in the northeast of the Town and shares a boundary with the City of Madison. Land within the City of Sun Prairie Boundary Adjustment Area will be guided by the City of Sun Prairie Comprehensive Plan, adopted in 2009, and intended to replace the city’s Master Plan 2020.



There are three separate sub-areas within the city’s Boundary Adjustment Area: the western area, southern area, and central area, which is already encircled by the City. The western area, which is currently part of the Town of Burke, contains low-density residential land uses including pockets of open space and parks. The remaining undeveloped area within the western sub-area is staged within the city’s comprehensive plan for additional residential development. The southern sub-area, which will eventually share a boundary with the City of Madison is located adjacent to US Highway 151 and is planned for more intensive uses including an office park and commercial areas. The central sub-area is also located along US Highway 151 and is planned for a mixed-use urban center containing commercial, office, and residential uses.

The City of Sun Prairie also has a Cooperative Plan with the Town of Windsor and the Village of DeForest, approved in 2012, which simplifies the City and Village’s extraterritorial boundary lines inside the Town and protects the Token Creek Watershed and prime farmland.

**Village of DeForest**

The Village of DeForest is located to the north of the Town of Burke. The village adopted a comprehensive plan in 2006. The extraterritorial area of the Village will encompass the northwest corner of the Town and will share a boundary with the City of Madison. Because of the location of significant environmental features like the Cherokee Marsh and Token Creek in the northwestern part of the Town, planned land uses within the Village’s ETJ area will be largely open space and park areas with some areas of planned commercial and industrial/business parks.





The Village and Town also collaborated on utility system provision. On January 1, 2006, the Village assumed ownership and management of the former Token Creek Sanitary District. Sanitary sewer and water facilities managed by that former district (now part of the DeForest Utility District) serve the “DeForest South” area and lands on either side of the Interstate 39 and US 51 interchange in the Village and Town. Finally, in 2008 the

Village and Town instituted collaborative extraterritorial zoning for the area encompassing all lands that remain in the Town, but will eventually be attached to the Village.

The Village of DeForest also has a Cooperative Boundary Agreement with the Town of Windsor and City of Sun Prairie, approved in 2012, and a separate Cooperative Boundary Agreement with the Town of Windsor, approved in 2010, which transfers certain territory amongst the two municipalities in order to clean up existing islands, peninsulas, and other municipal boundary irregularities.

**Town of Blooming Grove**

The Town of Burke shares its southern border with the Town of Blooming Grove. Due to the growth of the City of Madison, there is very little physical land remaining in the Town of Blooming Grove. Of the remaining land, even less shares a boundary with the Town of Burke. In 2006 the Town of Blooming Grove and the City of Madison adopted a Cooperative Plan for the dissolution of remaining Town of Blooming Grove land into the City by 2027.

**Town of Sun Prairie**

The Town of Burke shares its eastern border with the Town of Sun Prairie. The Town is experiencing development pressure as a result of its location on the fringe of the City of Madison and the growth of the City of Sun Prairie. The Town of Sun Prairie adopted its Comprehensive Plan in 2003. One of the primary goals of the Town of Sun Prairie’s plan was to preserve the rich history of the Town as an agricultural community. The portion of the Town’s western boundary shared with the Town of Burke is dedicated entirely to agriculture, open space, and small pockets of single-family residential development in the future land use map. However, because of the City of Madison and City of Sun Prairie’s large areas of extraterritorial jurisdiction, preserving this farmland may be challenging.

**Town of Westport**

The Town of Burke shares its western border with the Town of Westport. The Town of Westport adopted its Comprehensive Plan in 2004. The majority of the boundary shared by Burke and Westport is comprised of the Cherokee Marsh environmental area. The remaining portion is park and open space in Westport and vacant or agricultural lands in Burke. The future land use plans of both Towns indicate that this area will be protected as open space and environmentally sensitive area.

### **Town of Windsor**

The Town of Burke shares its northern border with the Town of Windsor. In 2005 the Town of Windsor adopted its 2025 Comprehensive Plan, and in 2011 the plan was amended. The portion of the Town of Windsor that shares a border with Burke is planned for conservation residential uses. There are no conflicts between the Town of Burke and Town of Windsor existing and planned land uses.

### **Token Creek**

Token Creek is an unincorporated area located at the intersection of STH 19 and Portage Road. The area is bordered by the Town of Burke on the south and the Town of Windsor on the north of STH 19. The citizen-driven community groups in the Token Creek area are responsible for many of the Town of Burke's annual events, as described in more detail in Chapter 3.

### **Dane County**

Dane County covers 1,200 square miles and is located in south-central Wisconsin. The County is situated 80 miles west of Milwaukee, approximately 40 miles directly north of the state's southern border with Illinois, and 150 miles northwest of Chicago. The County's 2010 population was 488,073, making it the second highest populated county in the state, behind Milwaukee. The County is comprised of 61 local units of government, including 34 towns, 19 villages, and eight cities.

Dane County has an adopted Emergency Management Natural Hazard Mitigation Plan, Land Use and Transportation Plan, Parks and Open Space Plan, Farmland Preservation Plan, Consolidated Plan, and many other, specialized plans. In 2007 the County, in cooperation with other local units of government, adopted a Comprehensive Plan. There are no existing or potential conflicts between the long-range plans of Dane County and the Town of Burke.

### **Capital Area Regional Planning Commissions**

The Town of Burke is located within the jurisdiction of the Capital Area Regional Planning Commission (CARPC). The territory of the CARPC is Dane County and the incorporated cities and villages within the County. CARPC serves as the regional planning body responsible for preparing and adopting a master plan for the physical development of the region. CARPC is also responsible for maintaining an area-wide water quality management planning process in order to manage, protect, and enhance the water resources of the region.



The Community and Regional Planning division of CARPC provides intergovernmental planning and coordination for the physical, social, and economic development of the County and the municipalities that



comprise Dane County. The CARPC provides research, data, and mapping services and makes and adopts plans that are all available to the municipalities within the region for planning at the local level. The Regional Plan Commission’s clearinghouse of information and regional resources provide the basis for intergovernmental cooperation within Dane County. This proactive, long-range collaborative planning process, adopted by Governor Jim Doyle when CARPC was created, is named Future Urban Development Area Planning (FUDA).

**Madison Area Metropolitan Planning Organization**

The Madison Area Metropolitan Planning Organization (MPO) is the designated transportation planning agency for the Madison metropolitan area. The MPO is responsible for planning and decision making related to regional transportation. The goal of the MPO is to build regional agreement on transportation investments that balance roadway, public transit, bicycle, pedestrian, and other transportation needs and support regional land use, economic, and environmental goals. In 2006 the Madison Area MPO completed the 2035 Regional Transportation Plan (RTP), an update to the 2030 RTP adopted in 2006. This long-range plan provides recommended improvements and studies for areas within the Town of Burke and surrounding municipalities. Major recommended improvements and studies include an Environmental Impact Study (EIS) for the Interstate 39/90/94 corridor and a potential EIS for STH 19, capacity improvements and study for US Highway 51, regional transit corridors for bus and rail, and an improved bicycle network. The Town of Burke Cooperative Plan and Land Use plan are compatible with the long-range recommendations of the MPO plan.

**Department of Natural Resources**

The WDNR provides service to all Dane County residents out of two Dane County offices located in Fitchburg and Madison. The WDNR south central region manages key environmental assets like land, wildlife, and water through six departmental divisions. Natural features in the Town and Dane County are discussed in Chapter 3.



**Department of Transportation (WisDOT)**

The Wisconsin Department of Transportation is comprised of three executive offices and five divisions responsible for overseeing, planning, building and maintaining Wisconsin’s network of state highways and Interstate highway system. Included in that system are US 151 and 51, and Interstates 39, 90, and 94 which all run through the Town of Burke. The department shares the cost of maintaining those systems and county and local systems including highways, public transit, and bicycle and pedestrian facilities. WisDOT’s main office is located in Madison, but the department maintains five regional offices throughout the state. The southwest region includes Dane County and has





several projects under or scheduled for construction in the Town which are described further in the Transportation Chapter of this Plan.

**School Districts**

The Town of Burke is served by three separate school districts: the Madison Metropolitan School District, the Sun Prairie School District, and the DeForest School District. The Town is within the Madison Area Technical College (MATC) District, which offers education in liberal studies and over 100 other fields. Details regarding the School Districts can be found in Chapter 6: Utilities and Community Facilities.

**INTERGOVERNMENTAL CONFLICTS AND RESOLUTION**

It is important for future planning efforts to attempt to resolve current conflicts between neighboring and overlapping jurisdictions, and to attempt resolution as future conflicts may arise. ETJ areas depicted on Map 8: Future Land Use, are reserved for future development and are generally identified in the Cooperative Plan. However, the Cooperative Plan does not provide detailed land use recommendations for development. Rather, it provides a framework for the orderly, planned transition of the current Town of Burke territory to DeForest, Sun Prairie, and Madison municipal jurisdiction over the Cooperative Plan’s 30-year planning period and maintains the fiscal viability and operational efficiency of the Town of Burke during the transition period. The Cooperative Plan relies on this Comprehensive Plan and the Comprehensive Plans, neighborhood plans, and other local land use plans of overlapping municipalities for specific land use related recommendations.

There are some land use discrepancies but no known conflicts between the Town of Burke Comprehensive Plan and the various adopted plans and policies of Dane County, the CARPC, WisDOT, or the area School Districts. The Town desires a collaborative, working relationship with these entities on future planning efforts and will continue to work with the adjacent communities to ensure that future development that occurs is reasonably respectful of existing land uses.

**INTERGOVERNMENTAL COOPERATION GOALS, OBJECTIVES AND POLICIES**

**Goal:**

Maintain the community character by providing timely service delivery and compatible land development through cooperation with surrounding and overlapping units of government.

**Objectives:**

1. Develop and maintain mechanisms for ongoing communication between the Town and surrounding and overlapping units of government.



2. Collaborate on service delivery, and examine the need for future opportunities for service consolidation.
3. Collaborate with WDNR and Dane County to provide excellence in park and natural resource maintenance, protection, and restoration.
4. Develop and maintain a relationship with WisDOT in regard to future projects and facility improvements.

**Policies:**

1. Continue to pursue intergovernmental joint committees (e.g., Burke – DeForest Extraterritorial Zoning Committee) with surrounding local governments, particularly the Cities of Sun Prairie and Madison, to address extraterritorial jurisdiction issues.
2. In coordination with the Village of DeForest and the Cities of Sun Prairie and Madison, review proposals for land development to ensure coordinated and compatible development.
3. Meet regularly with WDNR and Dane County to review town parks and ensure adequate levels of service.
4. Share equipment, facilities, and service with surrounding jurisdictions to create efficiencies and minimize cost.
5. Encourage the timely reconstruction of transportation facilities (e.g., US Highway 51).

**INTERGOVERNMENTAL COOPERATION PROGRAMS AND RECOMMENDATIONS**

Intergovernmental cooperation is a crucial element of the Town of Burke local plan process. The Town is impacted by decisions of a number of adjacent or overlapping jurisdictions. This following listing of programs and recommendations is to promote joint planning and decision making between the Town and the other jurisdictions.

**Implement the Cooperative Plan with Madison, Sun Prairie, and DeForest**

Because many of the Town’s goals and objectives relate to issues that transcend municipal boundaries (e.g., transportation, natural resource, farmland preservation, land use), the Town intends to maintain an active and open dialogue with surrounding communities and Dane County. The Cooperative Plan adopted in 2007 will continue to serve as a guiding document for the orderly, planned transition for the current Town of Burke territory to DeForest, Sun Prairie, and Madison municipal jurisdiction over the next 30 years. The Town will encourage regular meetings be held among the communities in the Cooperative Plan to discuss and evaluate issues of comment interest or concern.

**Adopt and Implement Extraterritorial Zoning Committees with Madison and Sun Prairie**

Under Wisconsin Statutes, cities and villages have the authority, by right, to exercise extraterritorial land



use planning, subdivision review, official mapping, and, with town approval, zoning outside their incorporated boundaries. In order to exercise this zoning, cities and villages must work cooperatively with adjoining towns.

The Town should continue to pursue joint committees with both the City of Madison and the City of Sun Prairie to review new proposals for development. Extraterritorial zoning has the benefit of providing for smoother transitions between rural and urban land uses, reducing conflicting land uses (which lessens citizen complaints and protects property values), and promoting intergovernmental cooperation and communication.

**Adopt the County Scenic Roads Program**

The Town contains a number of scenic viewsheds that exemplify the natural beauty that attracted many to the area. The County Scenic Roads Program is an initiative of the Dane County Park and Open Space Plan that could link local, county, and state park facilities and include pull-off areas that offer scenic views and interpretive signage within the Town. The Town will work with the County to identify roadways to include in the county-wide program.

**Work with Surrounding Communities to Create Bicycle and Pedestrian Linkages**

Town residents have expressed a desire for bike paths throughout the Town to provide non-motorized connections not only between neighborhoods and subdivisions, but to Madison, Sun Prairie, and DeForest. Moreover, The Dane County Bicycle and Pedestrian Plan provides an excellent framework for establishing a regional network of bicycle facilities. The Town is open to exploring the paving of shoulders on all county highways and town roads identified on the County's mapped bike routes, where feasible. The recommended width of paved shoulders on rural roadway intended for bicycling is four feet. The Town should encourage the County to explore grant funding opportunities to create a consistent signage and marketing program to identify and promote the designated routes of the countywide bike route. The Town should work with Madison, Sun Prairie, and DeForest to incorporate bikeway, pedestrian, and other facilities as a part of all major roadway improvement projects and new developments in or adjacent to Burke.

**Advocate for the Timely Improvement of the US Highway 51 and the I-39/90/94 Corridors**

As of the writing of this document, WisDOT is in the process of completing studies related to the future improvements of both the US 51 and I-39/90/94 Corridors. WisDOT is actively involved in programs and policies that directly effect, and are affected by, local land use decisions. The promotion of the policies of these agencies by this Plan is an imperative coordination tool. Specifically, this coordination is accomplished by reflecting the recommendations of the adopted land use and transportation plans for



southern Wisconsin. State policies are also implemented through the aggressive promotion of best practices for the mitigation of land use impacts on transportation facilities and environmental resources.

Town officials should be certain to coordinate and communicate with WisDOT officials on transportation issues, such as US 51 and I-39/90/94 improvements. See Chapter Five: Transportation for detailed recommendations.

### **Build a relationship with WDNR and Dane County**

The Town desires to develop and maintain a working relationship with the WDNR and Dane County in regard to its natural resources. The Town is rich with natural resource amenities and desires to build a strong, collaborative relationship with the WDNR and Dane County to maintain and market those amenities. Specifically, the Town would like to develop a relationship to work on issues related to invasive species, management and development of existing park lands, marketing of its parks, natural resource tourism, and future opportunities. Developing a relationship with these entities will enhance the implementation of this plans recommendations to protect and manage the Towns natural resources. It will also allow the Town to leave a legacy of intergovernmental cooperation.

### **Work with Dane County to acquire additional acreage for County Parkland**

The Dane County Partners for Recreation & Conservation (PARC) Grant Program provides capital financial assistance to local units of government or nonprofits for outdoor recreation and conservation projects that have the potential to generate significant regional benefits. The 2013 Dane County Budget includes \$1 million in matching funds for eligible projects. Grants are awarded for up to 50 percent of the project costs, not to exceed \$250,000.

The Town should work with the Dane County Parks Department on two projects that could have county-wide significance:

- Expansion of Token Creek County Park per Token Creek Master Plan
- Reclamation of a mining facility in Sections 13 and 24, east of Reiner Road, for a new county park.



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