

CHAPTER 9: INTERGOVERNMENTAL COOPERATION

INTRODUCTION

The Wisconsin Department of Administration in their “A Guide to Preparing the Intergovernmental Cooperation Element of a Local Comprehensive Master Plan” describes intergovernmental cooperation as “any arrangement by which officials of two or more jurisdictions communicate visions and coordinate plans, policies, and programs to address and resolve issues of mutual interest.” Experience has shown that intergovernmental cooperation is essential to successful implementation of transportation, environmental, land use, utility, and community services initiatives, including joint opportunities for shared services with other jurisdictions.

The City of Franklin regularly works with local and regional jurisdictions to accomplish many of its planning duties. It is particularly important for Franklin to work cooperatively and continuously with the local school districts (Franklin, Franklin-Oak Creek, and Whitnall), as well as the adjacent local communities (the Cities of Greenfield, Milwaukee, Muskego, New Berlin, and Oak Creek, the Villages of Caledonia, Greendale, and Hales Corners, and the Towns of Norway and Raymond). The City of Franklin must also regularly coordinate with regional jurisdictions including State of Wisconsin agencies (such as the Wisconsin Department of Commerce, the Wisconsin Department of Transportation, and the Wisconsin Department of Natural Resources), and other regional jurisdictions such as the Southeastern Wisconsin Regional Planning Commission, Milwaukee County, Racine County, Waukesha County, and the Milwaukee Metropolitan Sewerage District.

The intent of this chapter is to address the issues and requirements set forth by the Wisconsin Statutes. According to Wisconsin State Statute Section 66.1001(2)(g), the Intergovernmental Cooperation Element of a Comprehensive Master Plan is as follows:

“A compilation of objectives, policies, goals, maps and programs for joint planning and decision making with other jurisdictions, including school districts, drainage districts, and adjacent local governmental units, for siting and building public facilities and sharing public services. The element shall analyze the relationship of the local governmental unit to school districts, drainage districts, and adjacent local governmental units, and to the region, the state and other governmental units. The element shall consider, to the greatest extent possible, the maps and plans of any military base or installation, with at least 200 assigned military personnel or that contains at least 2,000 acres, with which the local governmental unit shares common territory. The element shall incorporate any plans or agreements to which the local governmental unit is party under s. 66.0301, 66.0307 or 66.0309. The element shall identify existing or potential conflicts between the local governmental unit and other governmental units that are specified in this paragraph and describe processes to resolve such conflicts.”

It can be noted that the City of Franklin does not contain, nor envisions during the time-frame of this Plan, any drainage districts or military bases within its corporate limits.

GUIDING POLICIES, GOALS AND OBJECTIVES

“A compilation of objectives, policies, goals, maps and programs for joint planning and decision making with other jurisdictions, including school districts, ... and adjacent local governmental units, for siting and building public facilities and sharing public services...”
excerpt from Wisconsin State Statute 66.1001(2)(g).

The following policies, goals and objectives will guide the City of Franklin in its intergovernmental cooperation efforts as they relate to land use, transportation, environmental, utility, and community services.

For reference purposes only, the goals are numbered and are followed by corresponding objectives, which are bulleted under each goal.

- 1) Establish cooperative planning with surrounding communities. [from public input]
 - Continue cooperative planning with surrounding communities, Milwaukee County, MMSD, and the school districts. [from public input]
- 2) Encourage coordination and cooperation among nearby units of government. [from planning goal #7 in Wisconsin State Statute 16.965]
 - Continue efforts to establish and maintain existing joint services and identify new opportunities for joint services with adjacent communities, school districts, the Milwaukee Metropolitan Sewerage District, civic organizations, etc. [from public input]
- 3) When deemed in the best interest of the City of Franklin by the Common Council, the City of Franklin may pursue annexation of lands located within unincorporated areas and within its extraterritorial plat jurisdiction area. [from the 1992 Comprehensive Master Plan]
 - Pursuant to Wisconsin State Statutes 66.23 and 236.10, as may be amended, the City shall endeavor to review and consider all subdivision plats, certified survey maps, and other planning related matters concerning those lands located within the City's extraterritorial jurisdiction. [from the 1992 Comprehensive Master Plan]

For the City of Franklin, the following policies will be utilized for resolving different land use proposals between neighboring municipalities and the City:

- Identify clearly that the consideration of land use options is legitimate and desirable.
- Recognize that the City's image of its future is legitimate, regardless of whether or not it matches the image of other municipalities or entities.

- Indicate that there are many ways to meet the criterion for consistency if and when such a criterion is imposed.
- Seek appropriate agreements where they are possible.
- Suggest other ways of collaborative planning with neighboring municipalities.

See Regional Map 2.1 for the location of other units of government in relation to the City of Franklin.

INTERGOVERNMENTAL COOPERATION ANALYSIS

“The element shall analyze the relationship of the local governmental unit to school districts ... and adjacent local governmental units, and to the region, the state and other governmental units.” excerpt from Wisconsin State Statute 66.1001(2)(g).

The purpose of this section of the chapter is to identify the most common tools local communities like the City of Franklin can utilize to further intergovernmental cooperation, to analyze the existing relationships the City of Franklin has with its neighboring municipalities, agencies, and organizations, and to identify the means to continue working cooperatively on such matters of common interest.

Municipalities

There are a variety of ways in which neighboring cities, villages, and towns interact, in accordance with State Statutes. The following section provides a basic description of the various means of regulatory interaction between municipalities, as well as a summary of those issues affecting the City of Franklin.

Boundary Agreements

Under Section 66.0307 of the Wisconsin Statutes, any combination of cities, villages, and towns may determine the common boundary lines between themselves under a cooperative plan. The cooperative preparation of a plan for the affected area should be created by the concerned local units of government and prescribe in detail the contents of the cooperative plan.

The City of Franklin does not have any Boundary Agreements with neighboring communities. It can also be noted that the City does not envision any such agreements within the time-frame of this Plan as all but one of the surrounding communities are generally fully developed, incorporated, and provide a range of services that are roughly comparable to that provided by the City of Franklin.

However, it is recommended that the City of Franklin retain its right to enter into such agreements if deemed in the City's best interest as determined by the Common Council.

Extraterritorial Zoning Authority

Per Section 62.23(7a) of the Wisconsin Statutes, a city which has created a plan commission and has adopted a zoning ordinance may exercise extraterritorial zoning power. Such cities may have extraterritorial

zoning jurisdiction (ETZ) over unincorporated areas within three miles of the corporate limits of a first , second, or third class city or within 1.5 miles of a fourth class city or village. In accordance with Section 66.0105, in situations where ETZ jurisdictions of two or more municipalities overlap, the area must be divided on a line equidistant from the boundaries of each municipality. Therefore, the unincorporated area is not subject to the ETZ regulations of more than one municipality in any given area.

In order to create extraterritorial zoning (ETZ) districts and regulations, the municipality must establish a joint extraterritorial zoning committee. The committee is composed of three citizen members of the municipality's plan commission and three town members from each town affected by the proposed zoning districts and regulations. Once established, the committee formulates tentative zoning recommendations for the ETZ area.

The City of Franklin has historically not exercised its extraterritorial zoning authority.

However, it is recommended that the City of Franklin retain its right to exercise its extraterritorial jurisdiction authority, in accord with pertinent State Statutes, if deemed in the City's best interest as determined by the Common Council.

Extraterritorial Platting Authority

Section 236.10 of the Wisconsin Statutes stipulates that a city or village may review, and approve or reject, subdivision plats located within its extraterritorial area if it has adopted a subdivision ordinance or an official map. Section 236.02 defines the extraterritorial plat review jurisdiction (ETP) as the unincorporated area within three miles of the corporate limits of a first, second, or third class city¹ or within 1.5 miles of a fourth class city or village.

Similar to extraterritorial zoning jurisdictions, Section 66.0105 stipulates where the extraterritorial platting jurisdiction of two or more cities or villages would otherwise overlap, the extraterritorial jurisdiction between the municipalities is divided on a line equidistant from the boundaries of each municipality concerned, so that no more than one city or village exercises extraterritorial jurisdiction over any unincorporated area. The extraterritorial jurisdiction area changes whenever a city or village annexes land, unless the city or village has established a permanent extraterritorial area through a resolution of the common council or village board through an agreement with a neighboring city or village. A municipality may also waive its right to approve plats within any portion of its extraterritorial area by adopting a resolution that describes or maps the area in which it will not review plats, as provided in Section 236.10(5). The resolution must be recorded by the County Register of Deeds.

¹ With a population between 10,000 and 39,000, the City of Franklin is defined by Section 236.02 as a third class city.

State regulations do not specify in detail how extraterritorial platting reviews and approvals are administered. Consequently, the administration of the reviews and approvals may vary significantly for each of the municipalities with jurisdiction over a town. Furthermore, a municipality's extraterritorial zoning and extraterritorial platting jurisdiction areas might not encompass the exact same area. Therefore, a given area in an unincorporated area may fall within the extraterritorial zoning area of one municipality, and within the extraterritorial platting jurisdiction of a different municipality.

The City of Franklin has historically exercised its extraterritorial platting authority, and envisions continuing to do so during the time-frame of this Plan.

It is recommended that the City of Franklin continue to exercise its extraterritorial platting review authority in accord with pertinent State Statutes and this Plan, as determined by the Common Council.

Regional Agencies

The City of Franklin is also part of a larger framework of agencies and organizations with which the City often interacts, often in accordance with State Statutes which dictate such relationships. The following section provides a brief description of the various means of regulatory interaction between the City of Franklin and these agencies and organizations with which the City often interacts, and provides recommendations concerning these interactions.

Southeastern Wisconsin Regional Planning Commission (SEWRPC)

The Southeastern Wisconsin Regional Planning Commission (SEWRPC) was established in 1960 as the official area wide planning agency for the highly urbanized southeastern region of the State. The Commission serves the seven counties of Kenosha, Milwaukee, Ozaukee, Racine, Walworth, Washington, and Waukesha. The Commission was created to provide the basic information and planning services necessary to solve problems which transcend the corporate boundaries and fiscal capabilities of the local units of government comprising the Southeastern Wisconsin Region. The Commission prepares studies relating to highways/transit, sewerage, water supply, park and open space facilities, and land use.

It is recommended that the City of Franklin continue its working relationship with SEWRPC and continue to utilize its assistance in matters of short- and long-range planning.

Milwaukee County

Milwaukee County no longer performs general land use planning, land division review (except as required by Chapter 236, Wis. Stats.), or zoning functions. However, the County does have a significant role in planning for and managing its nearly 15,000 acres of park lands—with roughly 3,500 acres in Franklin (see Chapter 3 for more information on this subject), its County Trunk Highway System—with portions of seven County Trunk Highways in Franklin, and transit service along the northern portion of College Avenue (see Chapter 7 for more information on this subject). As such, Milwaukee County is an important partner in parkland ownership, natural resource and open space preservation, and transportation services within Franklin.

It is recommended that the City of Franklin continue its working relationship with Milwaukee County, particularly in regard to recreation and transportation issues of mutual interest.

Wisconsin Department of Transportation (WisDOT)

The Wisconsin Department of Transportation (WisDOT) was officially established in 1967 by combining formerly independent agencies (which included the State Highway Commission, State Aeronautics Commission and State Patrol) and the Department of Motor Vehicles. It is responsible for planning, building and maintaining Wisconsin's network of state highways and Interstate highway system. The department shares the costs of building and operating county and local transportation systems, including highways, public transit and other modes. The Wisconsin Department of Transportation (WisDOT) plans, promotes and financially supports statewide air, rail and water transportation, as well as bicycle and pedestrian facilities.

State Highway 100/U.S Highway 45 and State Highway 36/U.S. Highway 45 cross through the City of Franklin.

It is recommended that that City of Franklin continue to work together with the Wisconsin Department of Transportation relating to these state highways that are of mutual interest.

Wisconsin Department of Natural Resources (WDNR)

The Wisconsin Department of Natural Resources (WDNR) is dedicated to the preservation, protection, effective management, and maintenance of Wisconsin's natural resources. It is responsible for implementing the laws of the state and, where applicable, the laws of the federal government that protect and enhance the natural resources of our state. It is the one agency charged with full responsibility for coordinating the many disciplines and programs necessary to provide a sustainable natural environment and a full range of outdoor recreational opportunities for Wisconsin citizens and visitors.

In regard to the City of Franklin, the Wisconsin Department of Natural Resources is responsible for overseeing state and federal regulations pertaining to floodplain management, stormwater management, natural resource protection, and non-metallic mining operations.

It is recommended that the City of Franklin continue to work with the Wisconsin Department of Natural Resources, particularly in regard to natural resource protection issues of mutual interest and concern.

Wisconsin Department of Commerce

The Wisconsin Department of Commerce provides development assistance in areas such as marketing, business and community finance, exporting, small business advocacy, and manufacturing assessments. It also issues professional credentials for the construction trades, administers safety and building codes, regulates petroleum products and tank systems, and administers the Petroleum Environmental Clean-up Fund.

It is recommended that the City of Franklin continue its working relationship with the Wisconsin Department of Commerce and continue to utilize its assistance relating to building codes and economic development.

Wisconsin Department of Administration

The primary function of the Wisconsin Department of Administration is to support other state agencies and programs with services like centralized purchasing and financial management. The department also helps the governor develop and implement the state budget.

The Wisconsin Department of Administration's Division of Intergovernmental relations provides support services to counties, municipalities, citizens and businesses in land use planning, land information and land records modernization, municipal boundary review, plat review, demography and coastal management programs. Additionally, it provides resources pertaining to Wisconsin's Comprehensive Planning Law, including preparation of the element guides and other information to assist local communities in the preparation of comprehensive plans.

It is recommended that the City of Franklin continue its working relationship with the Wisconsin Department of Administration and continue to utilize its assistance in matters relating to land use planning and Wisconsin's Comprehensive Planning law.

Milwaukee Metropolitan Sewerage District (MMSD)

The Milwaukee Metropolitan Sewerage District is a special use unit of government set by state charter providing wastewater treatment and flood management services for 28 communities, serving over 1.1 million people in a 420 square-mile service area within the Milwaukee County metropolitan area. In addition to its core responsibilities, the MMSD also conducts and provides: water quality research; laboratory services; household hazardous waste collection, pharmaceutical collections; industrial waste monitoring; planning and engineering services; and Milorganite production and marketing.

It is also important to note that the MMSD has created the Greenseams Program, an innovative flood management program that permanently protects key lands containing water absorbing soils, in order to reduce adverse impacts from future flooding events. The program is administered by The Conservation Fund, a national non-profit conservation organization. As of the beginning of 2009, nine properties, encompassing 251 acres, were so protected.

All but the southwestern portion of the City is located within the MMSD Service Area. Only those lands located within the MMSD Service Area are eligible to receive wastewater treatment services from the Milwaukee Metropolitan Sewerage District.

As identified in Chapter 5: Land Use, and Chapter 8: Utility and Community Facilities, of the City of Franklin 2025 Comprehensive Master Plan, it is recommended that the southwestern portion of the City of Franklin eventually be developed with public services such as sanitary sewer and municipal water. Further information about this subject is contained within Chapters 5 and 8. This recommendation is consistent with a number of other plans and studies which have indicated that the southwestern portion of the City of

Franklin, as well as certain adjacent lands within the Cities of New Berlin and Muskego, would be provided public sanitary sewer service from the Milwaukee Metropolitan Sewerage District. These plans include:

- *MMSD 2020 Facilities Plan*, dated October 2007, prepared by the Milwaukee Metropolitan Sewerage District.
- The Southeastern Wisconsin Regional Planning Commission's Planning Report NO. 48, *A Regional Land Use Plan for Southeastern Wisconsin: 2035*.
- The Southeastern Wisconsin Regional Planning Commission's Planning Report NO. 30, *A Regional Water Quality Management Plan for Southeastern Wisconsin—2000*.
- *Franklin/Muskego/MMSD Advanced Facility Plan Economic Analysis*, dated June 2009, prepared by Ruckert & Mielke, Inc.

Based upon this information, it is herein recommended that the Milwaukee Metropolitan Sewerage District undertake such efforts as necessary to be consistent with the above plans and studies, and support the request for public sanitary sewer service to the southwestern portion of the City of Franklin at such time as such service is requested by the City of Franklin. It is also recommended that the City of Franklin continue working with the Milwaukee Metropolitan Sewerage District to attempt to ensure that the MMSD's 2020 Facilities Plan is consistent with the City of Franklin Comprehensive Master Plan: 2025, particularly in regard to such issues as the expansion of sanitary sewer service within the City.

It is recommended that the City of Franklin continue to work with the Milwaukee Metropolitan Sewerage District, particularly in regard to wastewater collection and treatment, stormwater management, water quality, flood management, and other issues of mutual interest.

Milwaukee County Intergovernmental Co-Operation Council

Since 1967, the City of Franklin has participated in the *Voluntary Compact of Intergovernmental Co-Operation Council for the County of Milwaukee and its Municipalities*. The Compact was created to "further the interests of good government through co-operative effort and friendly discussion of mutual problems, and to enhance the possibility of success and continuity for the Council regardless of future changes of personnel, and to give tangible evidence of support to its principles and objectives..." One of the purposes of the Intergovernmental Co-Operation Council is to "attain the greatest degree of intergovernmental co-operation possible within Milwaukee County in order to foresee and prevent the problems created by urban growth and change in this region." The membership of the Intergovernmental Co-Operation Council is comprised of the Mayors and Village Presidents of all the Milwaukee County suburban communities, as well as the Milwaukee County Executive.

It is important to note that the Executive Council of the Intergovernmental Co-Operation Council appoints four of the 11 members of the Milwaukee Metropolitan Sewerage District Commission.

School Districts

There are three school districts located within the City of Franklin. The Franklin School District is located entirely within the City of Franklin, encompasses all but the northwestern and eastern most portions of the City, and includes five elementary schools, one middle school, and one high school. The Oak Creek/Franklin School District is located within both the City of Oak Creek and the City of Franklin, encompasses the eastern most portion of the City of Franklin, and does not include any schools within the City of Franklin. The Whitnall School District is located within the City of Franklin, the City of Greenfield, and the Village of Hales Corners, encompasses the northwestern most portion of the City of Franklin, and does not include any schools within the City of Franklin. More information about the school districts is provided in the Utilities and Community Facilities chapter.

It is recommended that the City of Franklin continue its working relationship with each school district, particularly in regard to future school siting, recreation, and transportation issues of mutual interest.

Cooperative Planning

“The element shall incorporate any plans or agreements to which the local governmental unit is a party under §66.0301, §66.0307 and §66.0309.” excerpt from Wisconsin State Statute 66.1001(2)(g).

As stated in *Intergovernmental Cooperation, A Guide to Preparing the Intergovernmental Cooperation Element of a Local Comprehensive Plan*, dated June 2002, and prepared by the Wisconsin Department of Administration, Division of Housing & Intergovernmental Relations, “Cooperating with planning may be the most effective way for your community to cooperate with neighboring communities and other governmental units.”

As noted throughout this chapter, the City of Franklin has a long established history of planning with neighboring jurisdictions and governing bodies on a wide variety of issues. More recent examples include:

- Cooperative planning efforts with the Southeastern Wisconsin Regional Planning Commission, as documented in:
 - SEWRPC Planning Report No. 50, *A Regional Water Quality Management Plan Update for the Greater Milwaukee Watersheds*, dated December 2007;
 - An update of the City's floodplain zoning regulations in 2008 with SEWRPC and Wisconsin Department of Natural Resources assistance.
- Cooperative planning efforts with the City of Oak Creek in regard to 27th Street, including:
 - *South 27th Street Corridor Plan*, dated 2005, prepared by Schreiber/Anderson Associates; and

- *South 27th Street Corridor Streetscape Manual*, dated 2007, prepared by HNTB Corporation.
- Cooperative planning efforts with other communities and agencies such as Franklin/Muskego/MMSD Advanced Facility Plan Economic Analysis, dated June 2009, prepared by Ruekert & Mielke, Inc.

In regard to the City of Franklin 2025 Comprehensive Master Plan's Project Committee meetings, which were all posted and open to the public, special invitations had been extended at one time or another to such agencies as the City of Muskego and the Franklin School District, and as required by State Statute 66.1001, a copy of the final draft plan was provided to over 30 units of government and agencies prior to the public hearing on this Plan.

It is envisioned that after adoption of the City of Franklin 2025 Comprehensive Master Plan, the City will continue such cooperative planning efforts with its adjacent local units of government and other affected agencies.

A brief discussion of the units of government and various agencies the City of Franklin works with, along with examples of cooperative planning efforts, is set forth below.

Southeastern Wisconsin Regional Planning Commission (SEWRPC)

The Southeastern Wisconsin Regional Planning Commission has prepared a number of plans which encompass the City of Franklin, including:

SEWRPC Planning Report No. 48, A Regional Land Use Plan for Southeastern Wisconsin: 2035. This plan, adopted in June of 2006, is the fifth generation of regional land use plans prepared by SEWRPC. SEWRPC is charged by law with the "function and duty of making and adopting a master plan for the physical development of the region." The plan emphasizes the "preparation of spatial designs for the use of land and for supporting transportation and utility facilities." This plan was reviewed as land use decisions were recommended.

SEWRPC Planning Report No. 49, A Regional Transportation Plan for Southeastern Wisconsin: 2035. This plan was developed concurrently with the Regional Land Use Plan, and it represents the fifth generation of SEWRPC's Regional Transportation Plans. The Plan is intended to provide vision and guidance to the development of the region's transportation system. Plan elements include public transportation, systems and demand management, bicycle and pedestrian facilities, and arterial streets and highways. Transportation needs were based on projected growth as developed through the Regional Land Use Plan.

Water Quality Management Plan. In 1979, SEWRPC adopted an area-wide water quality management plan for Southeastern Wisconsin as a guide to achieving clean and wholesome surface waters within the seven county region. The plan has five elements:

- A land use element

- A point source pollution abatement element
- A non-point source pollution abatement element
- A sludge management element
- A water quality monitoring element

The point source pollution abatement element is of particular importance to land use planning. That plan element recommends major sewage conveyance and treatment facilities and identifies planned sewer service areas for each of the sewerage systems in the region. Under Wisconsin law, major sewerage system improvements and all sewer service extensions must be in conformance with the plan.

SEWRPC Planning Report No. 50, A Regional Water Quality Management Plan Update for the Greater Milwaukee Watersheds. SEWRPC, working in cooperation with the Milwaukee Metropolitan Sewerage District (MMSD), has recently completed an update to the regional water quality management plan. The plan follows the U.S. Environmental Protection Agency's recommended watershed approach. This approach uses "nature's boundaries instead of jurisdictional limits, it recommends decisions based on science and engineering, and requires strong partnerships and public involvement with people, interest groups, and agencies." The plan recommends the control of both point and non-point pollution sources, and provides the basis for decisions on community, industrial, and private waste disposal systems, with a focus on smart growth and enhancing the region's quality of life. The area covered by this plan update includes the Kinnickinnic River, Menomonee River, Milwaukee River, Root River, and Oak Creek watersheds; the Milwaukee Harbor estuary, and adjacent near shore areas draining into Lake Michigan.

Regional Groundwater Plan. SEWRPC has worked cooperatively with the Wisconsin Geological and Natural History Survey (WGNHS) and the Wisconsin Department of Natural Resources (WDNR) on a regional groundwater plan to develop hydrologic data that can be used to support the preparation of a regional groundwater modeling program. The document also provides information useful for land use and related planning efforts. The groundwater-related inventories are documented in SEWRPC Technical Report No. 37, *Groundwater Resources of Southeastern Wisconsin*, June 2008.

Regional Water Supply Plan. SEWRPC is conducting a regional water supply study, with the resulting plan expected to be complete in 2009. The regional water supply plan, together with the above mentioned groundwater inventories and a ground water simulation model, will form the SEWRPC regional water supply management program. The preparation of these three elements includes interagency partnerships with the U.S. Geological Survey, the Wisconsin Geological and Natural History Survey, the University of Wisconsin-Milwaukee, the Wisconsin Department of Natural Resources, and many of the area's water supply utilities.

The regional water supply plan will include the following major components:

- Water supply service areas and forecasted demand for water use.

- Recommendations for water conservation efforts to reduce water demand.
- Evaluation of alternative sources of supply, recommended sources of supply for each service area, and recommendations for development of the basic infrastructure required to deliver that supply.
- Identification of groundwater recharge areas to be protected from incompatible development.
- Specification of new industrial structures necessary to carry out plan recommendations.
- Identification of constraints to development levels in subareas of the region that emanate from water supply sustainability concerns.

SEWRPC Community Assistance Planning Report No. 176, Sanitary Sewer Service Area for the City of Franklin, Milwaukee County, Wisconsin. In October 1990, at the request of the City of Franklin, SEWRPC prepared the subject report to refine and detail the recommended sanitary sewer service area within the City tributary to the Milwaukee Metropolitan Sewerage District sewage treatment facilities. The report not only identifies the refined sanitary sewer service area (the area within which public sanitary sewer service is allowed), but also identifies the environmental corridors (those areas of primary environmental corridors, secondary environmental corridors, and isolated natural resource areas within which sewered development to is recommended not to be allowed).

It can be noted that the City of Franklin has adopted Community Assistance Planning Report No. 176 and has endorsed SEWRPC Planning Report No. 50. Therefore these two plans are hereby incorporated by reference into the City of Franklin Comprehensive Master Plan: 2025 as a guide for matters pertaining to sanitary sewer service area planning and water quality management.

It is recommended that the City of Franklin consider endorsement of SEWRPC Planning Reports No. 48 and 49 and similarly include those plans as guides in the City's Comprehensive Master Plan if such endorsement is obtained.

Milwaukee Metropolitan Sewerage District (MMSD)

The MMSD has prepared a 2020 Facilities Plan which sets forth ongoing investments and facilities improvements to be made in order to provide a target level of protection for sanitary sewer overflows and adequate treatment under the projected 2020 population and land use conditions. In addition, the plan calls for measures to be undertaken by municipalities served by the MMSD to prevent increases in infiltration and inflow through the plan design year. Additional information about this plan is presented in the Utilities and Community Facilities chapter.

It is recommended that the City of Franklin continue working with the Milwaukee Metropolitan Sewerage District to attempt to ensure that the MMSD's plan is consistent with the City of Franklin Comprehensive Master Plan: 2025, particularly in regard to such issues as the expansion of sanitary sewer service within the City.

Other Regional Plans

It is recommended that the City of Franklin continue to remain aware of, and participate in to the extent that the Common Council may determine from time to time, such other regional planning efforts such as:

- SEWRPC's Regional Housing Plan;
- SEWRPC's Regional Telecommunications Planning Program;
- the Airport Area Economic Development Task Force;
- the Southeastern Wisconsin Watershed Trust.

Plans and Agreements with Adjacent Municipalities

South 27th Street Corridor Plan. The South 27th Street Corridor Plan was a joint project of the City of Franklin and the City of Oak Creek, which was completed and adopted by the two communities in 2005. The purpose of the plan is to reduce the property tax burden of the City of Franklin citizens and:

- Ensure development occurs in a consistent and coordinated manner;
- Promote a diverse economic base to provide jobs, goods and services to residents;
- Provide a healthy, diverse property base; and
- Effectively respond to new development opportunities created by the opening of the Northwestern Mutual campus.

The plan envisioned that implementation would result in:

- A visionary, market-based land use plan, which would create destination value and a sense of place;
- Cooperation and partnerships;
- Investment of private dollars; and
- A realistic action plan.

Since then, the South 27th Street Corridor has become an economic development partnership between the Cities of Franklin and Oak Creek, and has witnessed the implementation of many of the plans recommendations including comprehensive rezoning of the area, and the creation of a South 27th Street Corridor Streetscape Manual for consideration and use by the two communities.

It is recommended that the City of Franklin continue its working relationship with the City of Oak Creek and other interested parties to ensure continued implementation of the recommendations contained within the South 27th Street Corridor Plan.

Mutual Aid Agreements

The City of Franklin has a long history of participating in mutual aid agreements. In particular:

- **Public Works Department.** In November of 2005, the City adopted a Public Works Emergency Response Mutual Aid Agreement which formalized the City's past practice of providing public works equipment and labor to other Milwaukee area communities in times of emergency, and of receiving such aid in its times of emergency.
- **Fire Department.** The City of Franklin Fire Department participates in the Mutual Aid Box Alarm System (MABAS). MABAS is set forth in Wisconsin Administrative Code WEM 8, which was created to establish standards for the adoption of MABAS by local governments as a mechanism to be used for effective and efficient provision of mutual aid for fire rescue and emergency medical services when the event stresses local resources and personnel. A summary of the Milwaukee County/City of Franklin Paramedic System is provided below.
 - Since November 5, 1989, the City of Franklin Fire Department has been a contractual partner with Milwaukee County to provide paramedic services to the citizens of Franklin and Milwaukee County. Over the years, the contract has taken on several changes. The most recent change was the current contract which took effect January 1, 2007 and continues through 2009. This contract covers three broad categories: county responsibility; municipal responsibility; and financial structure.

It is important to understand that the contract is between Milwaukee County and host communities. Host communities are communities that operate a paramedic unit capable of providing Advanced Life Support (ALS) and transport. In Milwaukee County, four communities are not host communities. These four communities provide basic life support through their municipal fire department, but rely on a host community to provide the advanced life support. The four non-host communities are Cudahy, Greendale, St. Francis, and Hales Corners. Franklin serves as Hales Corners' ALS provider.

Milwaukee County is responsible for the following:

- Primary and on-going paramedic training
- Medical Control
- Administration of policies and protocols

- Quality Assurance
- Communications with medical control
- Communications equipment and defibrillators

Host communities (in this case Franklin) are responsible for the following:

- Provide personnel and pay their wages and benefits
- Provide ALS care to all Milwaukee County citizens including non-host communities utilizing response zones established by the Milwaukee County Fire Chiefs
- Purchase the ambulance and all equipment except the defibrillator and radio used to communicate with medical control
- Maintain the ambulance
- Ensure the paramedic unit is staffed in compliance with state statute
- Purchase and stock all consumable items in compliance with state statute
- Provide run data and revenue reports
- Participate in all studies

Under the current contract, Milwaukee County provides three million dollars to support the Emergency Medical System through its tax levy. A portion of this money is used to support the Paramedic Training Center and the communications center. The rest is distributed to host communities. Franklin receives \$250,000 to supplement its costs and an additional \$30 for each run to offset the cost of supplies such as bandages, oxygen masks, and oxygen. Each host community establishes billing rates and is responsible for their own billing and collection. The host community retains all revenue generated by their paramedic unit regardless of the location of the call.

- **Police Department.** State Statute allows for and authorizes police agencies to assist other agencies in their official capacities. Mutual Aid is practiced on a regular basis between departments surrounding Franklin. When a department's resources are completely depleted at any given time, squads will be sent to assist that agency as needed.
 - **S.M.A.R.T:** Suburban Mutual Assistance Response Teams were established by an intergovernmental service agreement in 1993 to allow for the assigning of personnel, equipment, and available resources to a requesting agency when an extraordinary event takes place that over taxes a department's ability to handle with existing resources. This

program allows for Franklin to receive officers from up to every Milwaukee County Municipal Police Department when a large scale situation occurs.

- **MILWAUKEE COUNTY SHERIFF'S DEPARTMENT:** Provides Deputies to the City for Traffic and Crowd control, Criminal and Internal Investigations, and other supplemental staffing as needed and available.
- **THE PHOENIX COMPUTER AIDED DISPATCH CONSORTIUM:** Was created by all Milwaukee County agencies that purchased the Phoenix C.A.D. system. The group negotiated a significantly reduced price for the program, members have provided each other with free training and support in the system's use, and have created an association which shares intelligence, information, and resources.
- **JOINT SPECIAL WEAPON AND TACTICS TEAMS (S.W.A.T.):** Franklin officers train and deploy jointly with other area S.W.A.T. teams allowing for departments to maintain smaller individual teams at reduced cost. Milwaukee Police and Sheriff S.W.A.T. teams will also respond at no cost to the city.
- **RADIO BACK UP AGREEMENTS:** The Milwaukee Police Department is providing the Franklin Police Department back up radio channels at no cost allowing the department to eliminate the old UHF radio tower system as a backup and the associated costs that go along with it.
- **INVESTIGATIVE GROUPS FRANKLIN POLICE DEPARTMENT MEMBERS BELONG TO:** Metro Milwaukee Violent Crimes Group; Metro Milwaukee Fraud Group; Wisconsin Association of Computer Crime Investigators; and Southeast Wisconsin Investigators Group. These groups share equipment, intelligence, resources and personnel for large scale investigations.

It is recommended that the City of Franklin continue to participate in these Mutual Aid Agreements (and others as opportunities arise), in accord with pertinent State Statutes and this Plan, as may be determined by the Common Council.

INTERGOVERNMENTAL COOPERATION CONFLICTS

“The element shall identify existing or potential conflicts between the local governmental unit and other governmental units that are specified in this paragraph and describe processes to resolve such conflicts.” excerpt from Wisconsin State Statute 66.1001(2)(g).

An important issue when developing land use plans for cities are the potential for conflicts with the plans of surrounding incorporated areas, as well as unincorporated townships. This is complicated by the following policies:

- Cities and villages are allowed to develop plans for the areas outside their corporate boundaries.

- State Statutes require land use decisions to be consistent with the comprehensive plans after January 1, 2010.
- The County could be in a position of reviewing a land use decision by the City of Franklin that was consistent with the City's plan, but inconsistent with plans adopted by surrounding municipalities.
- Consistency of local plans with county-wide multi-jurisdictional plans and the comprehensive plans of surrounding municipalities may also be considered as a basis for reviewing zoning and plat decisions.

There are no anticipated conflicts with the adjacent communities in regard to these issues.

Consistency within the Context of the Plan

After 2010, it will be increasingly important to consider consistency of the Comprehensive Plan relative to zoning, subdivision regulations, official mapping, and boundary agreements. Within the context of the City of Franklin Comprehensive Plan, the concept of consistency means that as decisions are made, they should generally be within the intent and guidelines established by the Plan. This includes all provisions that allow for reasonable exceptions due to unique circumstances (not unlike conditional use zoning).

It is assumed that a proposed land use action is consistent with the local comprehensive plan when the regulation, amendment, or action:

- Furthers, or at least is not inconsistent with, the goals, objectives, and policies contained in the local comprehensive plan.
- Is generally compatible with the proposed future land uses and densities and/or intensities contained in the local comprehensive plan.
- Carries out, as applicable, any specific proposals for community facilities, including transportation facilities, or other specific actions contained in the local comprehensive plan.

Land Use Conflicts and Multi-Jurisdictional Plans

Current discussions of planning conflicts tend to focus on the relationship between incorporated areas and towns. However, there are many other types of planning and land use conflicts. For example, transportation plans often conflict among federal, state, county, and local governments. Many of these conflicts are resolved through regulations and operational policies. The point, however, is that there are numerous conflicts in planning and land use that occur throughout government operations. This is also true in planning for environmental preservation, wetlands, water use, historic preservation, and many other fields. The presence of such conflicts is routine and plans do not necessarily resolve all of these conflicts. Often, the solution is simply identifying the conflicts, defining the key issues, and suggesting procedures for minimizing or resolving conflicts.

Potential land use conflicts in Franklin are most likely between non-related uses. These might include the landfill and surrounding housing or commercial development, higher density mixed-use development along 27th Street and adjacent single family subdivisions, or large commercial areas adjacent to single family subdivisions. Transitions, appropriate buffers, and a case-by-case review are necessary to minimize the impact of these conflicts.

Land Use Conflicts are Legitimate and Appropriate Components of Plans

Land use and planning conflicts are not, by definition, inappropriate. Perhaps the simplest example is the concept of “mixed use.” Most planning literature today defines mixed use as a legitimate and desirable type of land use. However, a few decades ago mixed uses were considered rare and potentially threatening to property values. Mixed use by definition embodies the potential for multiple futures and alternatives. The same is true for different land use alternatives. It is reasonable to assert, from a planning perspective, that some areas or districts might be most appropriately planned with multiple futures. In fact, it could be argued that plans which define categorically only one appropriate future for an area may be misleading. In addition, most plans have provisions for amendments that are exercised with some frequency. This implies that land use alternatives are dynamic and that plans are being changed constantly. It is reasonable to accept the idea that land use plans with conflicting contents may both have some legitimacy.

SUMMARY OF RECOMMENDATIONS

- It is recommended that the City of Franklin retain its right to enter into Boundary Agreements with adjacent communities if deemed in the City’s best interest as determined by the Common Council.
- It is recommended that the City of Franklin retain its right to exercise its Extraterritorial Jurisdiction authority, in accord with pertinent State Statutes, if deemed in the City’s best interest as determined by the Common Council.
- It is recommended that the City of Franklin continue to exercise its Extraterritorial Platting Review authority, in accord with pertinent State Statutes and this Plan, as determined by the Common Council.
- It is recommended that the City of Franklin continue its working relationship with the Southeastern Wisconsin Regional Planning Commission and continue to utilize it’s assistance in matters of short- and long-range planning. It is also recommended that the City of Franklin consider endorsement of SEWRPC Planning Reports No. 48 and 49 and include those plans as guides in the City’s Comprehensive Master Plan for regional land use and regional transportation issues.
- It is recommended that the City of Franklin continue its working relationship with Milwaukee County, particularly in regard to recreation and transportation issues of mutual interest.

- It is recommended that the City of Franklin continue its working relationship with the Wisconsin Department of Transportation (WisDOT), particularly in regard to state highways that cross through the City.
- It is recommended that the City of Franklin continue to work with the Wisconsin Department of Natural Resources, particularly in regard to natural resource protection issues of mutual interest.
- It is recommended that the City of Franklin continue to work with the Wisconsin Department of Commerce, particularly in regard to building codes and economic development.
- It is recommended that the City of Franklin continue its working relationship with the Wisconsin Department of Administration and continue to utilize its assistance in matters relating to land use planning and Wisconsin's Comprehensive Planning law.
- It is recommended that the City of Franklin continue to work with the Milwaukee Metropolitan Sewerage District, particularly in regard to wastewater collection and treatment, stormwater management, water quality, flood management, and other issues of mutual interest. It is also recommended that the City of Franklin continue working with the Milwaukee Metropolitan Sewerage District to attempt to ensure that the MMSD's 2020 Facilities Plan is consistent with the City of Franklin Comprehensive Master Plan: 2025, particularly in regard to such issues as the expansion of sanitary sewer service within the City if such endorsement is obtained.
- It is recommended that the City of Franklin continue to remain aware of, and participate in to the extent that the Common Council may determine from time to time, other regional planning efforts.
- It is recommended that the City of Franklin continue its working relationship with the Franklin, Oak Creek/Franklin, and Whitnall School Districts, particularly in regard to future school siting, recreation, and transportation issues of mutual interest.
- It is recommended that the City of Franklin continue its working relationship with the City of Oak Creek and other interested parties to ensure continued implementation of the recommendations contained within the South 27th Street Corridor Plan.
- It is recommended that the City of Franklin continue to participate in local Mutual Aid Agreements (and others as opportunities arise), in accord with pertinent State Statutes and this Plan, as may be determined by the Common Council.