
INTERGOVERNMENTAL COORDINATION

This section of the Growth Management Framework presents both traditional and innovative strategies for intergovernmental coordination. The regional effects of rapid growth imply that locally-isolated planning no longer can meet all of the needs and desires of individual municipalities. Increasing traffic congestion, non-attainment of pollution standards, the conversion of prime agricultural land, and socio-economic crises all erode community character and quality of life. Such problems are of growing concern in Kenosha County, where the development pressures from bordering Illinois counties offer the potential for economic growth but only at significant costs—fiscal, environmental, and social.

Attempts to manage growth frequently are the focus of planners and politicians as the impacts of unplanned development—driven largely by the American dream and market forces—pose new and often unwieldy burdens on local governments. Yet, planning is the only way municipalities will comply with new federal environmental legislation, satisfy taxpayers' demands to improve the quality of life, and generate new sources of revenue to pay for the costs of compliance and new or improved public services. In a number of states, these tasks have been addressed through organized growth management planning at the state, regional, and local levels. These efforts rely on government powers and authority to attain a necessary balance of economic development and the protection of natural, human, social, and fiscal resources.

THE NEED FOR INTERGOVERNMENTAL COORDINATION

The realities and dynamics of economic, environmental, and social systems challenge the American governmental decision-making process. Local governments are limited in their ability to regulate or plan resources that extend beyond their municipal boundaries. Similarly, the "Yankee spirit," or a strong belief in personal property rights, remains deeply entrenched in America—a legacy of the revolution against Britain's system of broad municipal power and authority over land development. (So, 1988, p. 20). Strict land-use regulations, therefore, often are unpopular among tax-paying, voting constituents.

Thus, the dilemma facing local governments is limited governance—statutory and political—in a world where economic activity, natural ecosystems, hazardous pollutants, or the social needs that cross conceptual jurisdictional boundaries. Any effort to plan for growth management, therefore, requires neighboring governments to plan their resources and future development cooperatively. Coordinated planning also lends itself to providing public facilities and services to taxpayers more effectively and economically.

THE EVIDENCE IN SUPPORT OF COORDINATION

The nearly one dozen formal growth management systems that currently exist in the United States all specifically address coordination among state, regional, and local governments. When legislated, these systems set the parameters for the participation of all levels of government in managing growth. Typically, the implementation and enforcement of plans occurs at the local level but relies on previously set goals and policies for the region. While many local governments resist forfeiting their political autonomy, existing growth management programs indicate that home-rule authorities actually have been strengthened within a system of cooperation. Requirements for consistent goals, plans, and regulation can enhance home rule by protecting individual communities from the spillover impacts of activities in neighboring communities.

The key to effective coordination among municipal governments rests on two, mutually-supportive principles. The first principle is to establish an institutional structure within which municipalities discuss the goals and policies related to local and regional growth. The second principle—and the key to sustainable coordination—is the adoption of specific

"administrative" strategies that govern the proceedings of the selected institutional structure. Both principles rely strongly on the commitment of municipalities to address mutual and individual concerns. The willingness to participate rests, in part, on the knowledge local elected officials and volunteer planners have regarding the long-term and regional impacts of uncoordinated planning.

The following sections present the techniques for coordination related to the two principles identified above. The successful application of these techniques in other states or regions are provided to further explain their goals and technicalities. Finally, an index to the State of Wisconsin's Statutes regarding the authorities and functions of local governments that are relevant in matters of growth management and intergovernmental coordination is provided at the end of this section.

Institutional Structure

Council of Governments or Regional Planning Councils

This quasi-governmental structure is the most direct approach to multi-jurisdictional growth management. The underlying premise of a multi-governmental council is the recognition that growth and its subsequent impacts rarely are constrained by political boundaries. Thus, local land-use and development decisions should be made within a regional context. The level of power and authority vested in these councils determines, in part, their influence on development. Council authorities can range from non-binding advise to the implementation and enforcement of plans. (Wieffering, 1993, p. 31.)

Intergovernmental councils typically develop long-range plans for primary public facilities and services—sewers, parks, highways and mass transit. These plans serve to foster orderly growth, in general, or to steer development to designated areas, in particular. (Wieffering, 1993, p. 31.)

The Metropolitan Council of the Twin Cities is the most touted council of governments, its success attributed to its legislated and *effective* authority. Seven counties in the Minneapolis-St. Paul Metropolitan Area are represented in the Met Council and all contribute to its financing through property-tax revenue sharing. The fiscal disparities program, as the

cooperative financing mechanism is called, acknowledges the larger economic unit of the seven-county area and the interdependencies of municipalities. Three goals of the council and revenue-sharing program are to limit competition among communities for commercial and industrial development, to encourage more efficient land use, and to narrow fiscal disparities among local governments. (Wieffering, 1993, p. 31.)

A second example of regional government is the San Diego Association of Governments (SANDAG). This association actively pursues redirecting growth away from fringe areas, into the City of San Diego. Strategies to manage growth include projecting development trends, monitoring current issues of development, and coordinating the actions of local governments. (Porter, 1989, p. 21.)

Regional planning councils, or RPCs, are required by many states in their growth management acts. Yet, the RPC role tends to be more advisory and less governmental than in formal councils of governments. In Florida, the 1985 Local Government Comprehensive Planning and Land Development Regulation Act established Regional Planning Councils that are responsible for regional planning and ensuring that local plans are consistent with regional goals or plans. (Stein, 1993, p. 32.) This "review and comment" role of regional councils in local planning is strictly advisory and is an element of growth management legislation in Georgia, Maine, and New Jersey. (Stein, 1993, p. 36.)

Informal Local Government Cooperation

In many political contexts, state or regional mandates to coordinate planning among local governments would be unpopular among politicians and constituents. Some municipalities facing this constraint have formed informal organizations to discuss issues, concerns, and challenges, whether they be mutual or particular to one community. Frequently, these informal meetings reveal similar needs that can be addressed more effectively with cooperation. Voluntary or non-binding efforts to establish communication and support have advanced further more formal, intergovernmental cooperation. The success of initial cooperation efforts can encourage community managers, town chairs, and planning commissions to regular schedules and to adopt a formal organizational structure.

Montgomery County Consortium of Communities in Pennsylvania is a leading example of multiple local governments addressing and resolving problems of mutual concern. An informal intergovernmental association was formed early in 1976 after a successful effort to cooperatively research and shared a new information system. Over the next four years, the municipal association met regularly and established goals for intergovernmental projects, including cooperative purchasing of public services, improving municipal management, and sharing information. During this period, informality was preserved by allowing individual municipalities to opt in or out of any of the group's projects, generally a decision based on information provided by the County. In 1980, the association was formalized with the adoption of bylaws and articles of agreement by the municipalities. The stated mission of the Consortium of Communities was, and is, "to combine total resources to meet regional challenges that may transcend individual capabilities while retaining and strengthening local autonomy in all other governmental matters." (Winter, 1988, pp. 10-11.)

Administrative Strategies

Consistency Requirements

A rather indirect strategy of government coordination that links most existing growth management programs is the requirement for plan consistency. Consistency begins with the development of goals and policies to be adopted by the state legislature and to form the framework for the state's future. The mandate requires that regional and local plans be consistent with the goals and policies of the state. This requirement inherently implies the coordination of comprehensive planning among neighboring municipalities and neighboring regions. (Stein, 1993, p. 6.)

In Oregon, the state's Land Conservation and Development Commission is responsible for assessing the consistency of local and county plans with statewide planning goals and standards. (Stein, 1993, p. 6, 63.) If local and county plans comply with the statewide goals, collaborative reviews and revisions over time are likely as state goals or local needs change. (Stein, 1993, p. 63.)

A less formal consistency requirement exists in Vermont. Although local governments are not required to develop comprehensive plans—state funding is available if they opt to plan.

Communities, however, that do plan are required to set goals and policies consist with those of the State. Collaborative planning among state, regional, or local agencies is required and regional planning commissions act as cooperative liaisons between local governments that engage in planning. (Stein, 1993, p. 42).

Unlike Vermont, Rhode Island's consistency requirement establishes a penalty rather than incentive for coordinated planning. If a local plan fails to be consistent with both statewide goals and the plans of neighboring municipalities, the state prepares the plan for the locality. If local governments fail to comply with a state-drafted plan, the courts have the power to enforce consistency. (Stein, 1993, p. 40.)

Cross-Acceptance

In a strategy unique to the State of New Jersey, the consistency of local and state goals and plans is achieved through a county-administered negotiation process. This process is referred to as cross-acceptance and has the goal of establishing consistent goals and policies for growth that also accommodate local needs and statutory limitations. Cross-acceptance procedures compare and identify differences and agreements that exist among local governments and their plans. The process is designed to result in written statements regarding plan elements that require modification in order to be consistent with other plans. (Stein, 1993, pp. 100-106.)

Coordination between and among local governments occurs primarily through technical assistance or mediation services administered by counties. A process of mutual adjustment aims to achieve voluntary change and acceptance of plans among local governments. Cross-acceptance involves state agencies, counties, hundreds of municipalities, and the general public in an elaborate intergovernmental, consensus-building process. The goal of the entire process is to resolve growth issues cooperatively by involving all levels of government. (Stein, 1993, p. 97.)

Unified Codes

The concept of reviewing and re-drafting local codes for development has found support in individual municipalities and at larger, inter-jurisdictional levels. Inconsistencies between a municipality's zoning and subdivision codes, signage or design regulations, natural resource

preservation provisions, and administrative procedures—among others—are common. Codes, ordinances, and regulations are even more frequently inconsistent between neighboring municipalities. Discrepancies within one municipal government's codes complicate and delay the review, approval, and administrative procedures for development. Rewriting ordinances and procedures into one unified code can eliminate redundant or conflicting objectives and processes. At the regional level, consistent regulations and procedures can advance coordinated local development planning and compatible land-use decisions. Also, the process of drafting regionally unified codes requires the coordination and participation of many local governments. (Morris, 1993, p. 12-13.)

The benefits of unified codes include: updated terminology and procedures to match contemporary development trends, a common set of standards for government agencies to know and work with, one ordinance to regulate all development, and the elimination of redundant or conflicting provisions. (Morris, 1993, p. 16.)

The process of replacing inconsistent ordinances, procedures, and regulations with unified codes has been done by individual municipalities in North Carolina, Georgia, and California. A more regional effort was done in Washoe County, Nevada. The county eliminated its existing zoning code and developed a unified code to regulate land development. The unified code was part of a larger county effort to develop a required comprehensive plan that had to be consistent with the larger, Lake-Tahoe-Reno area. Within the County, individual community interests are handled through citizen advisory boards that relay issues to county planners; the citizen boards represent sub-county areas. (Morris, 1993, pp. 15-16).

The principle characteristics of unified codes include:

- A combination of zoning and subdivision regulations
- Flexible permit or zoning options for developers to request
- A limit on regulation
- Detailed and consistent administrative procedures that expedite the administrative process
- Design guidelines
- Equal authority and procedures among agencies for permitting development
- Provisions to minimize costs to developers
- Clear, concise language

(Morris, 1993, p. 12.)

Geographic Information Systems

Most growth management programs have incorporated some system of computerized information sharing. Geographic information systems (GIS) are very common tools used in growth management; many states or regional planning agencies already have implemented GIS and have made the system accessible to local governments. GIS networks merge computerized maps and data on both natural resources and human systems such as land use, demographics, and infrastructure. A data network such as GIS provides consistent, standardized information to local decision makers and lends itself to coordinated intergovernmental relations. Because each GIS is customized for the particular needs of its user; a participatory process for designing the data network could initiate coordinated decision making among localities. (Stein, 1993, p. 23.)

Growth management legislation frequently includes a requirement for an integrated, multi-task geographic information system (GIS) or comparable computerized data network. In Maine, the Department of Conservation maintains a statewide GIS to be used in conjunction with the state's Comprehensive Planning and Land Use Regulation Act (1988). Regional councils must collect and report data for input to the statewide system, as well as providing technical assistance to local governments when making local plans. (Stein, 1993, p. 36.)

In Georgia, an integrated network of data is maintained by the state Department of Community Affairs. Local governments, regional development centers (established in the growth management legislation), and state agencies are required to participate in the use and maintenance of the information system. An important element of Georgia's system is its availability to the private sector—as well as local, regional, and state governments—thus presenting the opportunity for coordinated governmental and public-private decisions regarding development. (Stein, 1993, p. 34.)

Innovations in GIS could dramatically change how development decisions are made at the local and regional levels. The Institute of Urban and Regional Development at the University of California-Berkeley has used GIS to model the future of the San Francisco Bay Area and the Sacramento-Stockton-Modesto urbanized area. The modeling program simulates the interaction of regulatory and investment decisions—both public and private—and consequent development; the influence of policy change on development can also be projected.

Alternative scenarios indicate the impacts of land-use and infrastructure decisions on the many communities they may affect. To date, the Institute's GIS team has helped coordinate planning in Sonoma and Solano Counties with the Association of Bay Area Governments. (Landis, 1994, pp. 22-25.)

Formal Dispute Resolution or Conflict Mediation

Typically, conflicts surrounding growth management occur when developments and/or their impacts cross jurisdictional boundaries or when governance and the authority to manage resources, land use, infrastructure overlap. Judicial resolution of intergovernmental disputes can be costly and result in only forced, short-term solutions to long-term issues. In place of litigation, alternative dispute resolution or mediation techniques are recommended, even legislated, in many growth management policies. (Godshalk, 1992, p. 368.)

To effectively resolve conflicts of interest, the political environment of each locality must be considered. The cycles of issue intensity, governmental powers, and representational change or stability all influence the resolution process. As stated by David R. Godschalk, "[t]o be effective, an intergovernmental conflict management approach must accommodate relatively stable stakeholders dealing with recurring conflicts within established institutions and authority grants." (1992, p. 369.)

Similarly, the degree to which governments disagree implies certain resolution strategies. Disagreements between or among local governments can vary from issues to disputes to impasses. Essentially, the intensity of disagreement is the balance—or imbalance—of a local government's assertiveness to achieve a goal and its willingness to enter a cooperative relationship. Issues imply the inability to agree on the technicalities of implementing plans but moderate agreement on goals. Informal negotiation is the most likely means of resolution of issues. Disputes arise when issues remain unresolved, often as a result of strong politicized disagreement. Impartial, third-party negotiations may be necessary to resolve disputes. An impasse is reached when the resolution process has stalemated and formal arbitration in the courts is needed. As situations change, the intensity of disagreement can also switch back and forth from issues to disputes to impasses. (Godschalk, 1992, p. 369.)

Formal conflict mediation systems are an element of growth management plans in Florida, Georgia, and Washington. In Florida, conflicts between local governments are to be

mediated by Regional Planning Councils—a responsibility they have rarely had to fulfill. (Stein, 1993, p. 32.) In Georgia, the state Department of Community Affairs will mediate disputes between regional development boards or local governments when requested or on their own discretion. Regional development boards provide a forum for local plans and concerns to be presented and the board will identify conflicts and suggest resolution strategies. (Stein, 1993, 34.) In Washington, the state Department of Community Development must provide mediation services to local governments when conflicts regarding the coordination of regional issues and local plans emerge. (Washington State, 1990/1991, p. 9.)

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