

Appendix C **Conflict Resolution Process**

Potential conflicts related to land use decision-making have been greatly diminished due to the concerted development of local jurisdictional plans through the planning process. Although, it is important to recognize that unplanned future variables may result in conflict. Planning for potential future conflict between jurisdictions requires the development of a process to resolve such disputes. The conflict resolution process outlines the appropriate steps to be taken by the local governing bodies in order to resolve these disputes in a logical, systematic, and equitable manner.

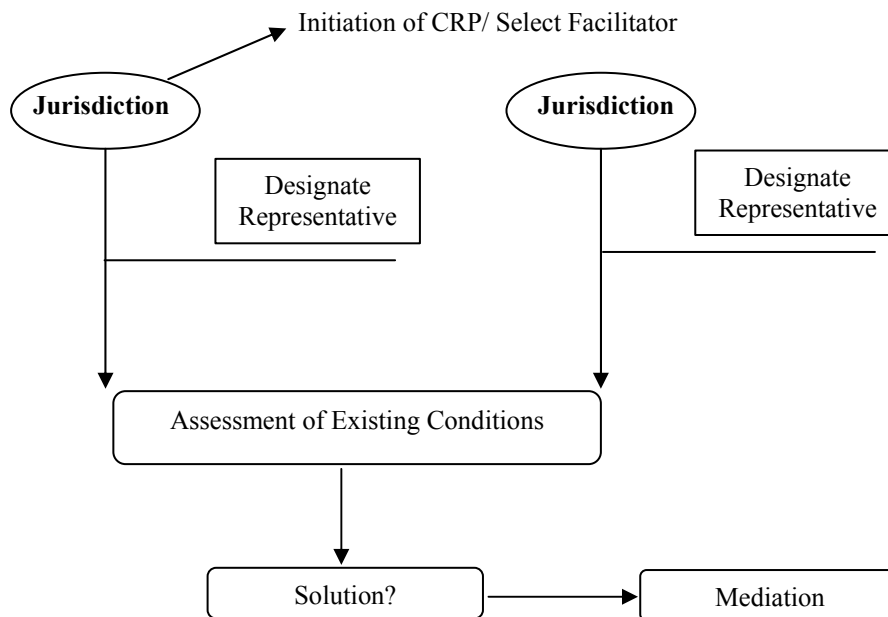
The conflict resolution process is intended to provide a low-cost, flexible approach to resolving land use disputes between governmental entities and to provide the framework for resolving planning related conflicts, which may arise between the village and other jurisdictions. This process should not supersede local processes established for conflict resolution and is not intended to be used by parties dissatisfied with the appropriate application of local rules and regulations within their jurisdiction.

The conflict resolution process should involve an *authorized representative* (selected by local governing authority on 2/3 majority) of the involved jurisdictions. The designated representative shall have the authority to act on behalf of the jurisdiction and will be responsible for maintaining communication with the jurisdiction throughout the conflict resolution process. The process should accommodate public participation and comment pursuant to Wisconsin State Statutes 19.81(2).

SECTION I Initiation of the CRP. The process may be initiated by a local jurisdiction, Washburn County, or any other parties named in the *Intergovernmental Cooperation Element*. Requests to initiate CRP should be submitted to an outside facilitator and to affected jurisdictions and shall clearly and concisely identify the land use issue, the jurisdictions involved, and the affected jurisdiction's authorized representatives. Upon receipt of CRP notification, and unless otherwise requested by the jurisdictions involved, the facilitator would proceed with the issues assessment process.

SECTION II Assessment of existing conditions. The outside facilitator named under Section I shall conduct an assessment of existing conditions. The assessment should consist of examination of pertinent documents, maps, ordinances, or other materials and/or public meetings to gather input from affected jurisdictions (representatives). Meetings should allow equal time for jurisdictions to comment on the issue and to propose suitable alternatives.

SECTION III Mediation. All land use disputes should be mediated by a neutral party who understands land use planning and growth issues related to the local unit of government and Washburn County.



An informal agreement was developed in order to provide the framework for a coordinated planning process and to define a procedure for conflict resolution throughout the planning process. It is the intention of this agreement to outline the coordination actions necessary to ensure consistency in planning related matters and to facilitate communication between all units of government. A formal agreement addressing intergovernmental cooperation and the conflict resolution process should be developed and implemented following the completion of the Village of Birchwood comprehensive planning process.

Parties to this agreement will:

- 1) Agree to openly cooperate and share information pertinent to the planning process.
- 2) Agree to coordinate planning activities with adjacent and overlapping jurisdictions, including school districts.
- 3) Agree to work to ensure orderly transitions or buffers in areas of joint concern between different communities.
- 4) Recognize that policy, land use, or development decisions by one party affect other jurisdictions. The parties further recognize the need to involve the property owners and residents of the area in the land use planning and priority-setting process.
- 5) Agree to examine the potential for inter-local agreements addressing extra-jurisdictional services when increased efficiency and effectiveness will be achieved.
- 6) Agree to review comprehensive plans and plan amendments of adjacent and overlapping jurisdictions and plans of state and regional agencies for consistency with local planning.

- 7) Agree to utilize the informal conflict resolution process to resolve planning-related conflicts between adjacent and overlapping units of government where appropriate.
- 8) Agree to resolve inconsistencies, which may arise between adjacent and overlapping jurisdictions, through use of formal or informal negotiations or through use of the conflict resolution process.
- 9) Agree to work cooperatively with adjacent and overlapping jurisdictions to develop and implement a formalized intergovernmental cooperation agreement as a component of the Intergovernmental Cooperation element of the comprehensive planning process. This agreement should coordinate the Village of Birchwood Comprehensive Plan with the comprehensive plans of local governments and regional and state agencies. The formal agreement should outline the process for continued coordination and cooperation and define the mechanisms for conflict resolution.
- 10) Acknowledge that this Intergovernmental Cooperation Agreement is not intended to and does not create legally binding obligations on any of the parties to act in accordance with its provisions. Rather, it constitutes a good faith statement of the intent of the parties to cooperate in a manner designed to meet the mutual objectives of all the parties involved in an efficient, equitable, and responsible manner.