
STATE OF WISCONSIN CIRCUIT COURT BROWN COUNTY

In Re:

THE INCORPORATION OF THE TOWN
OF LEDGEVIEW, BROWN COUNTY,
WISCONSIN AS THE VILLAGE OF
LEDGEVIEW

Case No. 03-CV-1373

JOSEPH NEUSER, Representative of
the Petitioners for the Incorporation of the
Village of Ledgeview,

Petitioners

DETERMINATION OF THE WISCONSIN DEPARTMENT OF ADMINISTRATION

December 2006

It is the function of the Department of Administration to prepare findings and to make a determination as to whether the territory petitioned for incorporation meets the applicable standards prescribed in Section 66.0207, Wis. Stats. Having completed that task, the analysis and findings are attached.

In summary, it is the DETERMINATION OF THE DEPARTMENT OF ADMINISTRATION that, when considering the petition submitted to the Circuit Court by the Petitioners, under Section 66.0207, Wis. Stats.:

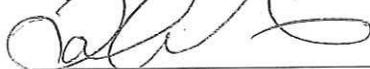
- STANDARD 1 (a), Homogeneity and Compactness – not met
- STANDARD 1 (b), Territory Beyond the Core - not met
- STANDARD 2 (a), Tax Revenue - met
- STANDARD 2 (b), Level of Services – not applicable
- STANDARD 2 (c), Impact on the Remainder of the Town – not applicable
- STANDARD 2 (d), Impact on the Metropolitan Community - met

All of the above is discussed in the body of the Determination. The Determination of the Department to the Circuit Court, as prescribed by §66.0203(9)(e)2, Wis. Stats., is as follows:

Having failed to meet two of the incorporation standards in s. 66.0207 Wis.Stats., the Department finds that the petition as submitted shall be dismissed.

Dated this 12 day of December 2006.

By the Wisconsin Department of Administration:



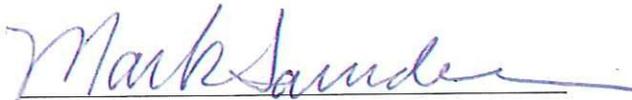
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EXECUTIVE SUMMARY

This document constitutes the Department's Findings and Determination on whether the incorporation petition filed by residents of the Town of Ledgeview meets the public interest standards for incorporation under section 66.0207, Wis. Stats. By statute, the Department has three courses of action. It may: 1) grant the petition; 2) dismiss the petition, or 3) dismiss the petition and recommend that a new petition be submitted with different boundaries.

For the reasons described below, the Department determines that the petition be dismissed by the circuit court for failure to meet two of the incorporation standards – *Compactness and Homogeneity* and *Territory Beyond the Core*. The petition does meet the *Metropolitan Impact* standard and the *Tax Revenue* standard.

The Department appreciates the hard work by Ledgeview staff and residents in assembling all the requested materials and also for their detailed presentations at the two public hearings. The Department also commends Ledgeview residents and leaders for their tremendous civic energy and for their careful and visionary planning.

This petition was initially filed in Brown County Circuit Court in fall of 2003. The court found that the petition met the minimal area and population standards required by the statute, and also admitted as 'Intervenors' the City of De Pere and the Village of Bellevue, Ledgeview's neighbors to the west and north. Being granted Intervenor status meant that De Pere and Bellevue were able to participate in public hearings and submit testimony to the Department. In December 2003, the court referred the petition to the Department of Administration for its review of the public interest standards in section 66.0207 Wis. Stats.

The Department held a public hearing on June 16, 2004, at which De Pere and Bellevue testified against the petition. De Pere was concerned that the petition included a town island area located 1.5 miles inside city territory as well as a jagged boundary area adjacent to the city. These two areas could forever create service and identity problems for the City. Bellevue testified that Ledgeview did not meet the statutory standards, but did not provide specifics.

Following this hearing, the Department recommended that the parties mediate their differences. This recommendation was accepted and the Winnebago County Mediation Center was selected to conduct two separate and concurrent mediations, one between Ledgeview and De Pere and the other between Ledgeview and Bellevue. The mediations occurred from 2004 until January, 2006 and resulted in an intergovernmental agreement between De Pere and Ledgeview. The agreement resolves the town island issue by transferring the island area gradually to the City in the event that Ledgeview incorporates. The Ledgeview – Bellevue mediation was unsuccessful.

A second public hearing was held on May 23, 2006 to update the record with new information and events since the previous hearing in 2004. De Pere did not appear at this second hearing. Bellevue did appear and testified that it is concerned that Ledgeview's proposed business park at the I-43/CTH MM interchange area may compete with an office park that Bellevue hopes to someday develop.

Ledgeview testified that the petition meets the incorporation standards, would enable Ledgeview to better control its boundaries, facilitate economic development, and assume more regulatory control, and also that Ledgeview is similar to Bellevue, which incorporated as a village in 2002.

This determination is organized into six sections according to the six statutory public interest standards found in s. 66.0207 Wis.Stats.

1) Compactness and Homogeneity - Not met. This standard requires that the petitioned territory be sufficiently dense and uniform to function as a city or village. Factors include existing land use, the transportation network, physical and political boundaries, natural boundaries such as rivers and topography, and employment, business, social, and recreational opportunities. The Department agrees with Bellevue's characterization of Ledgeview as being really two different communities – a western Ledgeview and an eastern Ledgeview. Western Ledgeview is adjacent to De Pere and contains urban/suburban-type development and evidence of strong residential and commercial infill development. In places it is indistinguishable in appearance from De Pere. In contrast, eastern Ledgeview contains scattered residential and farm buildings and vast areas of cropland. Eastern Ledgeview is more similar to the neighboring towns of Glenmore, Eaton, and rural parts of Bellevue than to the western part of Ledgeview. The appearance of two different Ledgeviews means that the territory is not homogeneous. The existence of so much undeveloped rural land (62% of the total petitioned territory) means that the territory is not compact. Including only western Ledgeview in the petition may have met this standard. Instead, the petition as submitted to the circuit court and Department includes the town in its entirety of 17.66 square miles and an estimated 5,059 persons. Map 1, at Appendix A, shows the petitioned territory.

2) Territory Beyond the Core – Not met. This standard requires that the territory included in the petition have the potential for development "on a substantial scale" within the next three years. This standard ensures that the area proposed for incorporation is urban in nature rather than rural. Bellevue argues that eastern Ledgeview will not substantially develop within three years, pointing to Ledgeview's own comprehensive plan as evidence. Future growth maps from Ledgeview's comprehensive plan, shown as Maps 15 and 16 at Appendix A of this determination, show that large areas of the town are not planned for development within at least the next 20 years, far beyond the substantial development within three years required by the statute. Furthermore, estimates by both Ledgeview and Bellevue indicate that these vacant areas will require between 32 and 62 years to develop at urban densities. Ledgeview's rural lands are a fundamental asset to Ledgeview's future, but also an impediment to becoming a village. Including less of Ledgeview's rural lands in the petition may have met this standard.

3). Tax Revenue – Met. This standard ensures that the territory petitioned for incorporation has the capacity to raise sufficient tax revenue to function as a city or village without unduly burdening residents. The Department finds that Ledgeview already functions similar to a village or small city in the services it provides. Ledgeview successfully made major infrastructure investments in the late 1990's and early 2000's and the Department believes that it could continue to meet its financial challenges, including providing the higher-level services of an incorporated municipality.

4) Level of Services – Not applicable.

5) Impact on the Remainder of the Town – Not applicable.

6) Impact on the Metropolitan Community – Met. This standard ensures that incorporation will not harm the larger metropolitan area. The Department finds that Ledgeview is a good member of its larger metropolitan community. It has shown a

willingness to work with other municipalities to solve problems. For example, Ledgeview has over 30 intergovernmental agreements with its neighbors on a wide range of subject areas.

More detailed discussion of the relationship of the petition to these six statutory standards can be found in the determination.

Ledgeview argues that it should be allowed to incorporate because its situation is identical to that of Bellevue, which incorporated in 2002. Like Ledgeview, Bellevue has benefited from its proximity to Green Bay. Also like Ledgeview, lands in eastern Bellevue are largely rural. However, Bellevue had three times the population of Ledgeview, had much more dense, urban-type development, and half as much rural land.

The Department is aware that dismissal of this petition means that the De Pere - Ledgeview intergovernmental agreement resolving the town island problem will not take effect. The Department recommends that Ledgeview and De Pere nonetheless continue to press forward with a cooperative boundary agreement that addresses the town island area, shared boundary areas, and any other intergovernmental issues the communities identify. Such an agreement might not immediately result in incorporation, but would benefit area residents by improving community identity and service delivery issues. The Department also recommends that Bellevue and Ledgeview develop a cooperative boundary agreement for the northeast area of the Ledgeview that has caused the two communities so much disagreement.

From data presented by Petitioners, and from its own site visits, the Department believes that Ledgeview is moving down the path towards urbanization. However, the most significant problem with this petition was that it included the entire town territory, and Ledgeview is not sufficiently far along the urbanization path for the entire town to meet all six statutory standards. It is quite likely that at some future point in time, the entire town may meet these standards. Alternatively, a petition with carefully drawn boundaries may also meet the standards.

SECTION 1(A) HOMOGENEITY AND COMPACTNESS

The standard to be applied is found in §66.0207(1)(a) and is as follows:

The entire territory of the proposed village or city shall be reasonably homogenous and compact, taking into consideration natural boundaries, natural drainage basin, soil conditions, present and potential transportation facilities, previous political boundaries, boundaries of school districts, shopping and social customs.

In addition to the statutory factors cited above, Pleasant Prairie v. Department of Local Affairs & Development¹ also allows the Department to consider land-use patterns, population density, employment patterns, recreation and health care customs.² Thus, Pleasant Prairie gives the Department flexibility. However, this flexibility applies to consideration of additional non-enumerated factors rather than flexibility in elimination, removal or reduction of an enumerated factor.

The facts surrounding each incorporation petition are different. However, in each case and for each requirement, the Department must be able to state that, even though the situation presented may not be entirely perfect, *when taken as a whole*, the facts support a finding of homogeneity and compactness.

Physical and Natural Boundaries

Topography

The Niagara Escarpment is Ledgeview's defining natural characteristic. Referred to locally as "the Ledge", the Niagara Escarpment runs from the northeast to the southwest part of the Town. The escarpment consists of layers of hard Niagara dolomite rock that are more resistant to erosion and have endured as a prominent line of bluffs while surrounding softer layers of rock have eroded over the millennia. In a northerly direction, the escarpment continues northwest into Door County, then into Upper Michigan, and ultimately to New York, where it is cut by Niagara Falls. In a southerly direction, the escarpment continues from Ledgeview southwest into the Towns of Rockland and Wrightstown, and from there down the Lake Michigan shoreline into southeast Wisconsin. Two scenic waterfalls in Ledgeview are associated with the escarpment – Kittel Falls in the central part of the Town adjacent to CTH G, and Fonferek Falls in eastern Ledgeview adjacent to CTH MM. Terrain changes can be found all along the escarpment due to many steep ravines caused by erosion.

Beyond the escarpment, the topography in Ledgeview includes flat broad floodplains associated with the East River in the western part of the town and flat gently rolling lands in the eastern part of the town. Elevation ranges from approximately 600 feet above sea level along the East River floodplains to 850 feet at the highest point of the Niagara Escarpment in the south central part of the Town. Overall, Ledgeview's topography slopes from east to west, and from south to north.³ See Map 2 at Appendix A.

¹ Pleasant Prairie v. Department of Local Affairs & Development, 108 Wis.2d 465 (Ct.App. 1982), affirmed, 113 Wis.2d 327 (1983).

² Ibid., page 337.

³ Ledgeview Comprehensive Plan (2004), pages 159-160.

The Niagara Escarpment may have presented a natural boundary in the past, but the town has integrated the escarpment into the community and uses it to its advantage. In addition to the escarpment's cultural, scenic, and geologic value, Ledgeview Sanitary District No. 2 has taken advantage of the escarpment's elevation by placing a 1,000,000 gallon at-grade reservoir at the top which results in excellent water pressure and volume for the businesses, schools and homes below. Also, rock trenching technology has allowed the utility to install sanitary sewer through the escarpment and tie together town areas above and below the escarpment by utilizing the escarpment's elevation, instead of having to rely on more costly lift stations.⁴ Also, the town benefits economically from the escarpment, as two active quarries mine aggregate from the escarpment.

Drainage Basins

Town of Ledgeview lands are drained by the East River, the Fox River, Bower Creek, West Twin River, and their tributaries.⁵ See Map 3 at Appendix A. These surface waters and the floodplain lands adjacent to them comprise much of Ledgeview's significant environmental corridors.

The East River is Ledgeview's predominant water body and drains the western third of the town. The river in this area meanders sluggishly through a broad floodplain.

The West Twin River watershed drains eastern portions of Ledgeview. A large wetland complex is located in the far easterly portion of the Town and drains into the West Twin River.

Bower Creek is a sluggish tributary of the East River flowing through the eastern portion of the Town between USH 43 and CTH V. The creek flows in a northwesterly direction through the Town before it ultimately empties into the East River in Bellevue.

The Fox River drains the sliver of land comprising the town island area. The Fox River is a large river, draining much of northeast Wisconsin's land area. It eventually drains into the bay of Green Bay.

Wetland areas are also important areas and are found scattered throughout the town, particularly along riverways. The most major wetland, as described above, is in the far eastern part of the town adjacent to the Canadian National railroad line. It is several hundred acres in size.

Areas with significant forest growth are located throughout the town, with the greatest concentration of these areas being in the north central part of the town.

Ledgeview's comprehensive plan seeks to preserve these river, wetland, and forest natural resources through existing regulation, conservation zoning districts, and land purchase.⁶ All of Ledgeview's surface waters are badly degraded from agricultural activities, as evidenced by their brown murky color. In fact, the East River was designated a priority watershed in 1987.⁷ Ledgeview's comprehensive plan calls improving these waters the community's highest natural resource priority.⁸

⁴ *Amended Memorandum in Support of Petition for Incorporation*, July 1, 2004, page 3.

⁵ Ledgeview Comprehensive Plan (2004), page 146.

⁶ *Ibid.*, page 165.

⁷ *Ibid.*, page 146.

⁸ Ledgeview Comprehensive Plan (2004), page 146.

The numerous stormwater detention basins in Ledgeview might also be considered environmental areas because of the aquatic habitat they provide. Stormwater management is a challenge for Ledgeview because of its soil types, extensive network of rivers, streams, and creeks, and the large amount of residential and commercial development that has occurred. However, managing stormwater is important because Ledgeview's surface water is badly impaired, as mentioned previously. Improving the quality and rate of stormwater flow from Ledgeview lands will also improve areawide lakes, rivers, creeks, and streams. A number of stormwater management plans have been completed that address the entire town, and the Town anticipates eventually having 22 detention facilities, some of them regional in nature.

Surface waters and environmental corridors and resources occur evenly throughout Ledgeview and do not delineate obvious natural or physical boundaries, or raise significant compactness and homogeneity issues.

Physical boundaries

Ledgeview's western boundary is the natural boundary provided by the Fox River. Its northern boundary with Bellevue, eastern boundary with the Town of Eaton, and southern boundary with the Towns of Glenmore and Rockland are political boundaries based on the Public Lands Survey system that was conducted in the 1800s.

Three major transportation facilities run diagonally across the northeast corner of Ledgeview - USH 43 and STH 29/141, and a railroad line owned by the Canadian National Railway company (although traffic along the railroad is light). These transportation facilities tend to create a physical barrier between the northeast corner of Ledgeview with the rest of the town.

Soils

An examination of soils is important for a number of reasons. Soils determine the vegetation and wildlife. They determine how much rainfall or snow melt will flow directly into rivers, lakes and wetlands and how much will infiltrate into the ground. They also determine the feasible location of residential and commercial development.

Glaciation is responsible for Ledgeview's soils, which consist mainly of two types, both predominated by a clayey subsoil. The two primary soil types are:

- Kewaunee silt loam – well drained, slowly permeable soils on glacial till uplands. These soils formed in thin loamy deposits and in clayey glacial till. Slopes range from 2 to 30 percent.
- Oshkosh silt loam – well drained soils in glacial lake basins. These soils are slowly permeable. They formed mainly in clayey water-laid deposits. Slopes range from 2 to 6 percent.

The Kewaunee soil association is primarily found in the eastern three-quarters of the Town. They tend to have an eight inch surface layer consisting of sandy loam, silt loam or clay. Subsoils are characterized by a 19-22 inch layer of reddish-brown clay loam, silty clay loam or silty clay. It is generally well suited for agriculture, as evidenced by Ledgeview's farming heritage. Until recently, agriculture was the dominant land use. Because of the clayey subsoil, more intensive land uses may be difficult because on-site sewage disposal systems may be limited. The slow permeability of the soils does not allow adequate functioning of conventional

on-site disposal systems.⁹ Ledgeview's comprehensive plan includes a policy that nearly all new development must be connected to municipal sewer and water. This policy makes a great deal of sense from the standpoint of Ledgeview's clayey subsoils.

In addition to poor on-site sewer absorption potential, the soil association also has a high shrink-swell potential which can create problems for building foundations.

Low permeability of soils in Ledgeview means that rainfall and snow melt flow more readily into the rivers and creeks, causing storm water management to be more difficult. Areas with the most limitations occur mainly along the Fox River, East River and near the exposed portion of the Niagara Escarpment.¹⁰ See Map 4 at Appendix A for the areas with the most limitations.

The Oshkosh soil association lies in the western section of Ledgeview, bordering the East River and the Fox River. Oshkosh soils are generally well to moderately well drained and have a seven inch sandy to fine sandy loam, silt loam or silty clay loam surface layer. Subsoils tend to be 22-25 inches thick and range from fine sand to dark reddish-gray and reddish-brown silty clay. This association is slightly more desirable for development when compared with the Kewaunee association.¹¹

The Brown County Farmland Preservation Plan identifies most of the farmland in Ledgeview as prime farmland. Prime farmland soils are those capable of yielding 85 bushels of corn for grain per acre, a slope less than 6%, a soil capability of Class I or II, and little need for conservation practices.¹² Farmland is discussed later in this section.

Soil types occur relatively evenly throughout Ledgeview and do not delineate obvious natural or physical boundaries, or raise significant compactness and homogeneity issues.

Transportation

Ledgeview is seeking to transform itself from a rural, auto-centric community to a more urban community with a multi-modal transportation system. Currently, ninety percent of work trips in Ledgeview are made by car, either driving alone (81.6%) or in a carpool (8.8%). Only 1.3% of Ledgeview's workforce use transit, 4% bicycle, and 4.2% walk.¹³ Ledgeview's comprehensive plan seeks to change these numbers by creating bicycle, pedestrian, and mass transit facilities, and by channeling future development into dense neighborhood business clusters. These clusters will have a sufficient mix of land uses and density to make multi-modal transportation feasible. However, Ledgeview's transportation vision is somewhat distant from fruition. The following paragraphs describe Ledgeview's current transportation system, as well as recent and anticipated physical improvements.

Streets and Highways

Ledgeview's network of streets and highways can be seen in Map 5 at Appendix A. Major highways are CTHs PP, X, G, GV, V, MM, and USHs 43 and 141. These highways are the backbone of Ledgeview's transportation system, connecting most parts of the town together. Local roads do exist, particularly in the western parts of Ledgeview, but these tend to dead end or connect only to other internal subdivision streets. Instead of providing broader access to other

⁹ *Amended Memorandum in Support of Petition for Incorporation*, July 1, 2004, page 9.

¹⁰ *Ibid.*, page 11.

¹¹ *Ibid.*, page 9.

¹² *Ledgeview Comprehensive Plan* (2004), page 144.

¹³ *Amended Memorandum in Support of Petition for Incorporation*, July 1, 2004, page 23.

parts of the town, local roads tend to funnel traffic onto the town's major highways, and it is these highways that do the job of connecting to other parts of the town. Because they are busier and higher speed than local roads, these county roads are not safe or pleasant for bicycling or walking and may help explain Ledgeview's low bicycling and walking rates.

Ledgeview's comprehensive plan recommends transportation improvements for a number of areas – called *Special Emphasis Areas* – that will move the town towards its multi-modal vision. These special emphasis areas are described below.

Special Emphasis Area 1 – Construction of a bridge across the Fox River south of De Pere. This project has been extensively studied and is currently being delayed by Brown County and other jurisdictions until the area develops more densely. Ledgeview would like the project to occur sooner than the year 2020 estimated construction date.¹⁴

Special Emphasis Area 2 – Reconstruction of Dickinson Road (CTH G) between CTH GV and Scray Hill Road/Bower Creek Road. Residential and commercial development and the possibility of a new school make reconstruction necessary in order to make this travel corridor safer. The improved corridor will include sidewalks or bike trails on both sides of the street, bicycle lanes, pedestrian refuges/traffic calming strategies, a roundabout, and no more than one lane in either direction.¹⁵

Special Emphasis Area 3 – Reconstruction of Heritage Road (CTH X) from CTH PP to CTH GV. Planned residential and commercial development adjacent to this corridor are incompatible with its current design as a county highway. High travel speeds make it a barrier for anything other than motorized travel, and also a barrier for cars attempting to cross or enter Heritage Road (CTH X) from intersecting streets. The reconstructed corridor will include sidewalks or bike trails on both sides of the street, bicycle lanes, street trees, roundabouts, and left turn lanes.¹⁶

Special Emphasis Area 4 – Construction of an eastern arterial (CTH EA) to the I-43 interchange, extending south from STH 54/57 in Green Bay. This project has been identified in various city and county plans since the 1960s. Ledgeview will monitor this project.¹⁷

Also, Ledgeview and Brown County are working together to expand CTH GV to a 4-lane divided urban highway. To enable the planning for this project to occur, there was a development moratorium for 6-months while a neighborhood center plan and zoning district was prepared and adopted.¹⁸ As with the projects described previously, this project will include pedestrian and bicycling facilities.

Bellevue points out that a number of these projects are not likely to be completed for some time and may be delayed by state or county funding shortfalls or other priorities.¹⁹

¹⁴ Ledgeview Comprehensive Plan, page 66.

¹⁵ Ibid., page 69.

¹⁶ Ibid., pages 69-70.

¹⁷ Ibid., page 70.

¹⁸ *Petitioner's Summary Statement in Support of the Incorporation of Ledgeview*, June 30, 2006, page 3.

¹⁹ Correspondence from Robert Gagan, Attorney for Bellevue, to the Department, May 14, 2004.

Although travel throughout Ledgeview is difficult for pedestrians and bicyclists, it is relatively easy for those having a motor vehicle. County highways reach in every direction of the town. Roads even cross USH 43, USH 141, STH 29, and STH 57/32. Table 1, below, shows the roads that cross these major regional transportation corridors.

Table 1: Local Access Roads

Local Road	Crosses
CTH MM (Elmview Road)	USH 43
Shadow Lane	USH 43
Pine Grove Road	USH 43
CTH MM (Elmview Road)	USH 141
Wall Street	USH 141
Shadow Lane	USH 141
Maple Street	USH 141
Trestle Road	USH 141
CTH NN	USH 141
Trestle Road	STH 29
Delmar Road	STH 29
Twilight Road	STH 29
Cottage Road	STH 29
Rockland Road	STH 57/32
Old Plank Road	STH 57/32
Beau Rivage Court	STH 57/32
Ravine Way	STH 57/32
Olden Glen Road	STH 57/32
Fox River Drive	STH 57/32
Heritage Road	STH 57/32

As can be seen from Map 5 at Appendix A, most of Ledgeview's local roads are in the western part of the town. The lack of roads in the eastern part reflects the rural and sparsely populated nature of this area.

Rail

Ledgeview has one rail line, owned by the Canadian National Railway company, that cuts diagonally through the northeast corner of the town. The line has very little traffic and currently serves no destinations in Ledgeview. If Canadian National seeks to abandon the line, Ledgeview would seek to preserve the rail corridor by developing it as a recreational trail.²⁰

Air

Ledgeview residents may utilize Austin Straubel International Airport, four miles west of Ledgeview. Austin Straubel is the regional airport that serves northeastern Wisconsin with connecting flights to larger airports that offer national and international flights.

²⁰ *Petitioner's Submittal in Support of Incorporation*, June 16, 2004, page 22.

Transit

No transit service is currently available in Ledgeview.²¹

Pedestrian and bicycle

Though its comprehensive plan calls for a major transformation of its transportation system from auto-centric to multi-modal, Ledgeview is currently not easily accessed by foot or bicycle. Sidewalks currently exist only on portions of Swan Road, Ledgeview Road, Dickinson Road (CTH G), East River Drive, the East River Parkway Trail, and areas along Heritage Elementary School and De Pere Middle School.²²

For bicyclists, CTH G has an on-street bike lane, and the Fox River Trail is a car-free recreational trail that goes from the City of Green Bay, past Ledgeview's town island area, south to the Village of Greenleaf. The East River Trail Parkway is another recreational trail that extends south from Bellevue to Dickinson Road, and is planned to eventually extend through Ledgeview and connect with the Fox River Trail. Also, as mentioned above, if the Canadian National Railway company abandons its rail line, Ledgeview plans to work with state authorities to develop this rail corridor as a recreational trail. Map 6, at Appendix A, shows some of these existing and planned trails.

Ledgeview's comprehensive plan contains a number of policy recommendations that will further improve non-motorized transportation. These policy recommendations are: 1) New commercial development should have zero to minimal lot-line setbacks so that pedestrians need not negotiate large parking lagoons to reach their destination; 2) Sidewalks are required in all new urban developments, along all major streets and walking routes, and on other urban streets where residents support them; 3) New rural development should include recreational trails that connect to other trails and sidewalks and should follow natural drainageways or the Niagara Escarpment.²³ Also, Ledgeview requires developers to either donate property or provide easements for recreational trails.²⁴

Political Boundaries

The territory that is currently Ledgeview was initially established in 1839 as the Town of De Pere. It was much larger at that time, and included parts of Manitowoc and Kewaunee Counties and parts of the present Towns of Glenmore, Rockland and Lawrence, and Villages of Bellevue, Allouez, Ashwaubenon and Wrightstown. The City of De Pere incorporated in 1857 and in subsequent years Glenmore, Rockland, Lawrence, and Bellevue were carved from Town of De Pere territory. In 1994, residents voted to change the town's name from De Pere to Ledgeview to better identify it as a separate community from the City of De Pere.

Ledgeview's northern boundary with Bellevue, eastern boundary with Eaton, and southern boundary with Glenmore and Rockland are political boundaries based on the Public Lands Survey system that was created in the 1800s. Only Ledgeview's far western boundary is based on a physical barrier – the Fox River. In its numerous site visits to the area, the Department was struck by how indistinguishable Ledgeview's northern, eastern and southern boundaries are from its neighbors. Driving along STH 29, Trestle Road, Pine Grove Road, Scray Hill Road, and CTH X, which run along the boundaries of Ledgeview and its neighbors, the landscape is primarily cropped farmland and scattered housing stretching uniformly on both sides of the road. From a

²¹ Ledgeview Comprehensive Plan (2004), page 51.

²² Amended Memorandum in Support of Petition for Incorporation, July 1, 2004, page 23.

²³ Ledgeview Comprehensive Plan (2004), pages 39, 62-64.

²⁴ Amended Memorandum in Support of Petition for Incorporation, July 1, 2004, page 23.

land use planning and policy perspective, residents in some of these areas would seem to have as much in common with the adjacent communities across the road as with the western areas of Ledgeview.

The boundaries of Ledgeview have been relatively stable the past ten years. The last major annexation was 74 acres in 1993 to the City of De Pere. In 1994 Ledgeview began providing municipal sewer and water service which has largely eliminated landowner incentive to annex to De Pere.²⁵ Since 1993, six annexations have occurred to transfer a total of 36.1 acres of Ledgeview territory to De Pere.²⁶

The territory petitioned for incorporation is the current Town of Ledgeview in its entirety. This includes a jagged boundary line with De Pere to the west, and even further to the west, a town island area completely separated from the rest of the town by a swath of lands annexed over the years by De Pere. This island area, located ½ mile within De Pere's corporate limits, is accessible only via CTH X. To see the jagged boundaries and the town island area, see Map 1 at Appendix A.

At the first public hearing on Ledgeview's incorporation petition, De Pere testified that the town island area and jagged boundaries between the communities create community identity and service delivery problems. For example, residents along this jagged and irregular boundary who live in Ledgeview frequently call De Pere for services such as fire and emergency or snowplowing. Conversely, residents in this area who believe they live in Ledgeview, but actually live in De Pere, mistakenly call Ledgeview for service. As a result of this confusion, the fire and emergency personnel from both the city and town commonly arrive at the same emergency site. De Pere's administrator described a personal experience where a local realtor showed him a house, thinking it was in De Pere and knowing that residency is a requirement for the De Pere administrator position. It was later discovered that the house was actually in Ledgeview.

To the credit of De Pere and Ledgeview, they have coordinated services and development along their shared boundary so that the boundary areas blend and function well in most regards. Whether a particular house or business is in the city or town is not obvious from its appearance. Sidewalks, road widths, building codes, and other design standards for both communities seem identical in this area. For example, there are no problems with sidewalks starting and stopping, or roads changing width or grade as there are in some Wisconsin communities with confusing shared boundary areas.

As mentioned earlier, at the Department's recommendation, Ledgeview and De Pere chose to mediate a solution to the town island problem and their jagged shared boundary areas. The mediation resulted in an intergovernmental agreement that transfers the town island area to the City over a period of years, but only in the event that Ledgeview incorporates. The agreement, entered into on December 20, 2005 and referred to as the *Town Island Agreement*, contains the following major provisions:

- De Pere withdraws its opposition to Ledgeview's incorporation petition;
- 15 years after approval of the incorporation by the DOA, the town island area will detach from Ledgeview and attach to De Pere.

²⁵ *Amended Memorandum in Support of Petition for Incorporation*, July 1, 2004, page 24.

²⁶ Ledgeview Annexation History Map, 1993-2003, Attachment 20 of the materials submitted by Petitioner's in support of incorporation.

- De Pere will be responsible for services beginning on the date of attachment and will be entitled to all property taxes at that time;
- De Pere will share property tax revenue from the town island area for 10 years after its detachment from Ledgeview;
- De Pere will pay Ledgeview the value of its road, water and sewer improvements within the town island area;
- The agreement takes effect on the day that Ledgeview incorporates.
- De Pere and Ledgeview agree to develop a more comprehensive and binding cooperative boundary agreement under s. 66.0307 Wis.Stats. that integrates the terms of the town island agreement;

The agreement removed one of Ledgeview's biggest obstacles to meeting the compactness and homogeneous standard, as the Department has never approved territory featuring one or more town island pieces.

De Pere and Ledgeview have already begun work on integrating the town island agreement into the more comprehensive and binding cooperative boundary agreement under s. 66.0307 Wis.Stats. Both jurisdictions passed the required joint resolution that begins the cooperative agreement process.²⁷

The Department is acutely aware that dismissal of Ledgeview's incorporation petition will mean that the town island agreement will not take effect. This is unfortunate because dismissal could undo the communities' success in resolving the town island problem. The Department recommends that despite the *Town Island Agreement* not taking effect, the communities nonetheless continue to develop a cooperative boundary agreement. The agreement could still include attachment of the town island area to De Pere and De Pere's support of incorporation of Ledgeview, and could also include resolution of other issues the communities identify.

Schools

Although school districts are politically separate from municipalities, they have a significant affect on community social activity. School districts help shape community social patterns and influence where people choose to live. Ledgeview is served by three different school districts – the Unified School District of De Pere, the Green Bay School District, and the Denmark School District. Map 7, at Appendix A, shows the service areas of these three school districts.

The vast majority of Ledgeview students – 94% or 709 students - attend schools in the Unified School District of De Pere School (referred to as 'Unified'). Only 5%, or 38 of Ledgeview's students, attend Denmark School District schools, and 1%, or 6 students, attend Green Bay School District schools. Of the 3,700 students within the Unified School District of De Pere, 22% or 814 are from Ledgeview.²⁸

Table 2, on the following page, shows the various schools that serve Ledgeview children.

²⁷ Town of Ledgeview Resolution #04-82, 2006.

²⁸ *Amended Memorandum in Support of Petition for Incorporation*, July 1, 2004, page 27.

Table 2: Schools Servicing Ledgeview Residents

School Name and Address	Grades	Location
Unified School District of De Pere		
Heritage Elementary School 1250 Swan Road, De Pere WI 54115	K-4	Town of Ledgeview
Dickinson Elementary School 435 South Washington Street, De Pere WI 54115	K-4	City of De Pere
Foxview Intermediate School 650 South Michigan Street, De Pere WI 54115	5-6	City of De Pere
De Pere Middle School 700 Swan Road, De Pere WI 54115	7-8	Town of Ledgeview
De Pere High School 1700 Chicago Street (Dickinson Road) De Pere WI 54115	9-12	City of De Pere
Denmark School District		
Early Childhood Center 150 North Wall Street, Denmark WI 54208	Preschool-K	Village of Denmark
Denmark Elementary School 450 North Wall Street, Denmark WI 54208	1-5	Village of Denmark
Denmark Middle School 450 North Wall Street, Denmark WI 54208	6-8	Village of Denmark
Denmark High School 450 North Wall Street, Denmark WI 54208	9-12	Village of Denmark
Green Bay Public School District		
Mc Auliffe Elementary School 2071 Emerald Drive, Green Bay WI 54311	K-5	Village of Bellevue
Edison Middle School 442 Alpine Drive, Green Bay WI 54302	6-8	City of Green Bay
Preble High School 2222 Deckner Avenue, Green Bay WI 54302	9-12	City of Green Bay

As Table 2 shows, there are two public schools in Ledgeview - Heritage Elementary and De Pere Middle School - both in the far western part of the town adjacent to De Pere.

Because Unified forecasts future enrollment of approximately 100 additional students per year, it has considered adding school buildings. To this end, it has acquired land in Ledgeview at the intersection of CTH G and Bower Creek Road for a possible school site and is also considering other Ledgeview locations.²⁹

The determination of school district boundaries is an entirely separate process from municipal governance. Whether or not Ledgeview incorporates will have no effect on school district boundaries. However, as the Department noted in its determination in Pewaukee (1991), schools nonetheless have an impact in molding community allegiance through scholastic, social, and recreational activities. Having three different school districts serving Ledgeview students indicates that community allegiance related to school activities is not limited solely to Ledgeview but also to other area communities, particularly De Pere. However, Unified does have two schools within Ledgeview's boundaries and has plans for at least another school. This ties some of the community social interaction to Ledgeview.

²⁹ Ledgeview Comprehensive Plan (2004), page 136.

Sanitary District

Until 1994 the Town relied solely upon individual private wells. However, in 1994 the Ledgeview Sanitary District No. 2 came online and currently provides municipal sewer and water service to hundreds of residents.³⁰ The district's boundaries are the same as the Town's boundaries, in addition to serving parts of Bellevue and Glenmore pursuant to intergovernmental agreements.³¹ The District's infrastructure includes a well, an at grade water reservoir, an above ground storage tank, 177,950 feet of water mains, 177,950 feet of sanitary sewer mains, and 246 fire hydrants. Map 8, at Appendix A, shows the district's sewer mains. A map of water mains is not provided because the water main and sewer main systems are essentially identical. Ledgeview Sanitary District No. 2 transports its wastewater to the De Pere Wastewater Treatment Facility which is part of the Green Bay Metropolitan Sewerage District (GBMSD). The town and the district share employees³² and currently the district serves 1,536 households.³³ The town island area is also served by Sanitary Dist. No. 2 but receives water from the City of De Pere, pursuant to an intergovernmental agreement.

Currently the sanitary district's most significant project is construction of the northerly sewer interceptor along Ledgeview's boundary with Bellevue, which will eventually serve the entire eastern part of Ledgeview, including the I-43/CTH MM Interchange, and also an easterly portion of De Pere, a portion of Bellevue, and possibly areas of Glenmore and Eaton.³⁴

Bellevue views this northerly interceptor project with disfavor and unease, referring to it as "an engine for sprawl".³⁵ Bellevue argues that the interceptor project is an ill-concealed race to the I-43/CTH MM interchange, leaping over thousands of acres of undeveloped farmland to the west that should be developed before the interchange area.

Ledgeview disagrees, arguing that the northerly interceptor is not a sprawl engine and instead makes sense from a number of standpoints. From an engineering standpoint, it takes advantage of elevation from the Niagara Escarpment to allow for a gravity flow wastewater system rather than a more costly system of lift stations. Second, because the interceptor is sized to handle waste flow from the entire eastern part of Ledgeview and parts of adjacent communities, it is the most efficient long-term means of providing service to this large multi-jurisdictional area when it eventually develops. Third, the northern interceptor is consistent with Ledgeview's comprehensive plan vision of developing out from planned neighborhood commercial clusters. The I-43/CTH MM interchange area is proposed to be one of these neighborhood commercial clusters.

The sanitary district's other significant project is participation with the Central Brown County Water Authority (CBCWA) in building a pipeline from Lake Michigan to provide municipal water to member communities. This pipeline will include a 42-inch water main running almost the entire length of Ledgeview. Member communities are De Pere, Allouez, Howard, Bellevue, Ledgeview, and Lawrence. These communities' municipal water currently comes from the St. Peter Sandstone aquifer, a deep water aquifer which provides the water for all municipal wells

³⁰ Ledgeview formerly also had Ledgeview Sanitary Districts #1 and #3. District #1 was annexed by De Pere and District #3, which had included territory in Bellevue, was consolidated with District #1 in 2003.

³¹ *Amended Memorandum in Support of Petition for Incorporation*, July 1, 2004, page 31.

³² *Ibid.*, page 36.

³³ Presentation - *The Incorporation of the Town of Ledgeview, Brown County, Wisconsin as the Village of Ledgeview*, May 23, 2006.

³⁴ *Amended Memorandum in Support of Petition for Incorporation*, July 1, 2004, page 34.

³⁵ Intervenor's Powerpoint presentation at May 23, 2006 public hearing.

in Brown County. However, due to over-usage, the aquifer has been falling by as much as five feet per year and this has resulted in water quality problems. Specifically, the water does not meet EPA standards for radium. While water may be successfully treated for radium, the treatment process is very expensive. To resolve this problem, CBCWA was created to obtain water from Lake Michigan. A *Water Purchase Agreement* was developed that binds each member community to purchase water from CBCWA. The authority studied buying water from Green Bay, building an independent Lake Michigan water supply system, and buying water from the City of Manitowoc. Unable to agree to terms with Green Bay, the authority instead chose the City of Manitowoc option. The pipeline will cross the entirety of Ledgeview with two connection points to the system – one at CTH MM on the east side of Ledgeview and one at Scray's Hill Road in the middle of Ledgeview. The pipeline is anticipated to come online in late 2006.³⁶ Map 9, at Appendix A, shows the pipeline's route through Ledgeview as well as the connection points.

Although Ledgeview Sanitary District No.2 includes the entire town, sewer lines are confined by law to areas of the town that are within the *Brown County Year 2015 Sewer Service Area*, which does not include the entire Town. Map 10, at Appendix A, shows the areas of Ledgeview located within this sewer service area. These areas are in the western and central parts of Ledgeview and also a strip along the northern part of the town adjacent to Bellevue. Areas excluded from the sewer service area are the southeasterly part of the town, portions in the south-central, and far eastern areas. These are the areas that are most rural. Two recent amendments, one in 2004 and the other in 2005, added over one thousand acres to the sewer service area. These areas are shown in yellow and green on Map 10.

Bellevue opposed both of these recent amendments, arguing that including the I-43/CTH MM interchange area in the sewer service area will result in urban sprawl. Brown County, which is responsible for approving sewer service area amendment requests, disagreed. The county supports the northerly interceptor project for the reasons pointed out by Ledgeview. Rather than examining Ledgeview's requested amendment in isolation, the county examined the regional growth pattern and found that development has been radiating out from the City of Green Bay in a north to south direction, out through Bellevue and down to Ledgeview. Bellevue's arguments about west-to-east sprawl are convincing if Ledgeview is examined in isolation. However, by considering the larger region's growth pattern, Brown County found that development of the I-43/CTH MM interchange area would be compact to adjacent development to the north in Bellevue.³⁷

The amendments bring the total Ledgeview lands within the sewer service area to 5,550 acres, or 49.10% of Ledgeview's total land area.³⁸

³⁶ *Amended Memorandum in Support of Petition for Incorporation*, July 1, 2004, page 38.

³⁷ Mead & Hunt, "Amendment Request Brown County Sewage Plan 2002 Ledgeview Sewer Service Area Amendment 2006 for Town of Ledgeview Sanitary District No. 2, City of De Pere, Prepared for Town of Ledgeview, Ledgeview Sanitary District No. 2, City of De Pere (January 2006)." "Minutes Brown County Planning Commission Board of Directors" Wednesday, January 5, 2005; Wednesday, April 6, 2005; Wednesday, April 5, 2006; "Staff Report to the Brown County Planning Commission, April 5, 2006, Item 6 Ledgeview Sewer Service Area Amendment;" "Staff Report to the Brown County Planning Commission, January 5, 2005, Item #4, Sewer Service Area Amendment for the Town of Ledgeview;"

³⁸ *Summary Statement in Support of the Incorporation of the Town of Ledgeview*, June 30, 2006, page 3.

Shopping and Social Customs

Ledgeview provides shopping, employment, and social and recreational opportunities for its residents and also for residents of the broader region.

Shopping and employment

A mix of services and businesses that meet the needs of residents is a consideration in the incorporation of metropolitan villages. Services and businesses need not duplicate those of larger metropolitan communities, however, basic services should be available. In its Weston (1995) Determination, the Department found that Weston met basic needs and noted:

Much more than just convenience retail establishments are present in Weston, a characterization important for contributing to a separate identity for a community within a metropolitan area.³⁹

Map 11, at Appendix A, shows the locations and types of businesses located in Ledgeview. Also, Table 3, below, shows the largest employers in the town.

Table 3: Largest Employers in Ledgeview⁴⁰

Firm	Type of Business/Product	Employees*
Prevea Clinic, Inc.	Physicians & Surgeons HMO	128
Larry's Piggly Wiggly	Grocers – Retail	100
Swan Club	Restaurant/Banquet Rooms	100
Heritage Elementary School	Elementary School	78
Wisconsin Express Lines (WEL)	Trucking/Motor Freight	75
De Pere Middle School	Middle School	61
Corrigan's Custom Built Structures CBS	General Contractor	60
Bellin Health	Medical Clinic	49
Onyx Waste Services, Inc.	Garbage Collection	46
Arcadian (Harbor House)	Residential Care Home	35
Kruczek Construction, Inc.	Sewer Contractor	26
Jossart Brothers Construction	Construction	20
Great Lakes TV Seal, Inc.	Sewer/Drain Cleaning – Service & Repair	19
Custom Components Structures CCS	Steel/Structural Manufacturer	16

Ledgeview has approximately 220 businesses, including healthcare (elderly care facilities, fitness centers, medical clinics, eye clinic, chiropractors, dental clinic, child care facilities, nursing homes, health clubs and drug store), financial (banking, investors, real estate, appraisals, financial planning, mortgage and tax service), repair service (auto service and repair, auto wrecking, auto sales, auto salvage, saw sharpening and repair and engine shop), construction (roofing, landscaping, home construction, asphalt plants, nurseries, excavating, steel fabrication and erection, heavy construction, trucking, painting, plastics fabrication, welding, equipment supply, heating and cooling, ventilation, electrical, flooring, machine shops, carpeting, plumbing and well drilling), food (restaurants, grocery stores, supper club and meat cutting), services (mailing and shipping, vending, tanning, car washes, taverns, liquor stores, recycling, communications, video, printing, advertising, bakery, recruiting and convenience centers), and others (veterinary, horse stables, apartments, gift shops, surveying, law offices, golf courses, photograph, beauticians,

³⁹ Weston (1995), page 42.

⁴⁰ *Amended Memorandum in Support of Petition for Incorporation*, July 1, 2004, page 42. The data was gathered from phone calls to businesses by Mead & Hunt.

book stores, etc).⁴¹ Industrial activity is minimal, although there is a small but growing industrial park located in the western part of the town adjacent to De Pere, and there are also limestone and gravel quarries along Heritage Road (CTH X) and CTH MM. These quarries take advantage of the aggregate associated with the Niagara Escarpment. Most Ledgeview businesses are located in the western part of the town, and in a south-central area of the town at the intersection of CTHs G, V, and MM called *Kolbs Corners*.

Bellevue is quick to point out that few businesses exist in the rural eastern and southern parts of Ledgeview. Bellevue also points out that there are no large retailers located in the Town and residents must travel to neighboring communities to shop for most goods besides groceries.⁴² It is true that the close and easy access to Green Bay, and area communities such as De Pere and Bellevue, is a great benefit to Ledgeview residents for shopping and employment. However, this proximity is also a challenge for the viability of town businesses since many residents find driving to other communities a minor inconvenience rather than a major problem.⁴³ However, the substantial number of businesses shown in Map 11 and Table 3 shows that Ledgeview does have considerable independent economic activity which makes it a community with a retail and commercial trade area in its own right. Even if residents travel to other area communities for some goods, Ledgeview does have sufficient businesses to meet residents' daily needs.

Ledgeview has embraced the idea of commercial nodes – neighborhood economic and social centers that feature mixed land uses, high density, and multi-modal transportation options such as walking and bicycling. Areas identified as possible future commercial nodes are the intersection area of CTH GV and CTH G, the I-43/CTH MM interchange, the area along Swan Road south of CTH X, and Kolbs Corners.⁴⁴ A zoning ordinance authorizing commercial nodes was also recently developed and adopted, with assistance from the Ledgeview Business Alliance, a fledgling association of several dozen area businesses. This ordinance will institutionalize the practice of commercial nodes. The retail shops and services in these planned commercial nodes will eventually further meet local demand.

Ledgeview residents are well educated. Twenty-eight percent (28%) of Ledgeview residents have a college degree compared to 15% for the state and 16% for Brown County.⁴⁵ Most likely related to this higher education, Ledgeview has a greater percentage of its residents working at management, professional, and skilled occupations (45%) than the state and county (31% and 30% respectively).

Bellevue points out that Ledgeview's residents are employed within the region but beyond Ledgeview's boundaries.⁴⁶ Ledgeview agrees with this assessment, and believes that residents will continue to travel throughout the metropolitan area for employment given their high education level. However, Ledgeview argues that residents are able to meet their daily needs from community businesses, and Ledgeview's planned neighborhood commercial nodes will diversify and add to Ledgeview's future businesses and economic opportunities.

⁴¹ *Amended Memorandum in Support of Petition for Incorporation*, July 1, 2004, page 44.

⁴² Correspondence to the Department from Robert Gagan, Village of Bellevue attorney, April 15, 2004.

⁴³ Ledgeview Comprehensive Plan (2004), page 84.

⁴⁴ *Amended Memorandum in Support of Petition for Incorporation*, July 1, 2004, page 20, and Ledgeview Comprehensive Plan (2004), page 82.

⁴⁵ Ledgeview Comprehensive Plan (2004), page 78.

⁴⁶ Ibid., page 81.

Social and recreation opportunities

Some of the social opportunities available to Ledgeview residents are listed in Table 4, below, along with membership details.

Table 4: Ledgeview Social Organizations

Organization	Membership	Members Residing in Ledgeview
Wings over Wisconsin	417	49
Ledgeview Fire Department Association	35	21
Happy Valley 4-H	26	12
St. Mary's Catholic Church	3,744	936
Holy Trinity Catholic Church Congregation*	2,564	Cannot determine
Freedom House of Prayer	No response	No response
Kingdom Hall of Jehovah's Witnesses	86	0
New Life Christian Fellowship Assemblies of God	No response	No response
United Methodist Church (future home on Elmview Road)**	N/A	N/A
Ledgeview Rider Snowmobile Club	124	40
Ledgeview Business Association***	14	14

*On the boundary between Towns of Ledgeview, Eaton and New Denmark.

**Future planned church.

***Membership drive underway.

Other social groups in Ledgeview are the Brown County Home Makers Group, St. Mary's Quilters, St. Mary's Christian Ladies, Holy Trinity Social Group, Ladies Card Club, Boy Scouts, Girl Scouts, De Pere Middle School Parent Teacher Organization, Ledgeview Business Association, De Pere High School Parent Club, De Pere Foxview Intermediate School Parent Teacher Organization, De Pere Dickinson School Parent Teacher Organization, De Pere Heritage School Parent Teacher Association.⁴⁷

Social events include church picnics, the Redbird Holly Craft Sale, the Ledgeview Fireman's Booyah and Bake Sale Social, the annual park clean up social, the Ledgeview Business Association's monthly dinner socials, and also service on various town government committees and boards.

The Town of Ledgeview maintains a web site to keep residents apprised of community events and information. The web address is: www.ledgeviewwisconsin.com. Examples of the kinds of information on the web site are community events, information, projects and activities, required licenses, announcements, garbage collection, recycling, yard waste disposal, voter registration and elections, town ordinances, contact information of elected officials and staff, and town government.

A newsletter, distributed to every land owner in Ledgeview, also keeps residents informed. The content of newsletters is similar to the information provided on the web site.

Residents may also recreate in various park facilities, shown by Map 12, at Appendix A, and Table 5, below. It has been unclear to the Department which park facilities are completed and available and which are still being developed or discussed. Therefore, the map and table should be thought of in general terms.

⁴⁷ Amended Memorandum in Support of Petition for Incorporation, July 1, 2004, page 45.

Table 5: Ledgeview Park and Recreation Facilities

Park	Acres	Description
East River Trail	Trail	Multi-use trail along the East River that currently extends from the Green Bay to De Pere, and will ultimately extend into Ledgeview.
Ledgeview Park	Less than 1	Located on the town hall property, it includes picnic and volleyball areas and a short trail.
Town Land Park	40	Located along the East River and includes softball fields, soccer fields, a picnic area, a shelter, a portion of the East River Trail, and wetlands and shorelands of the East River.
Town Land Park Phase II	27	Located along the East River and includes passive natural areas and a portion of the East River Trail.
De Pere Middle School	14	Owned by the Unified School District of De Pere and includes softball and baseball fields and basketball courts
Fonferek's Glen	74	Brown County park overlooking a scenic 30-foot waterfall and natural stone archway. The site includes woodlands, wetlands, prairies, steep slopes, and a portion of Bower Creek
Fox River Recreation Trail	14-mile Trail	State owned and county-maintained trail along the Fox River, extending south from Green Bay to Wrightstown and passing through Ledgeview's town island area
Green Bay Country Club	240	18-hole privately-owned golf course located primarily in Bellevue, but with 40 acres in Ledgeview.
Heritage Elementary School	7	Owned by the Unified School District of De Pere and includes softball fields and basketball courts.
Mystery Hills Golf Course	139	36-hole privately-owned golf course

Ledgeview's parks are guided by the Comprehensive Open Space and Outdoor Recreation Plan (2001), Ledgeview's comprehensive plan, the Ledgeview Park Committee, and the Ledgeview Beautification Committee.

Department staff were struck by Ledgeview's enthusiastic and active populace of community volunteers and observed a very strong civic spirit among residents. Perhaps the best and most visible example of Ledgeview's social cohesion is the town's success in 1994 to change the name of the town from De Pere to Ledgeview. Residents were weary of the confusion of sharing a name with the City of De Pere and also desired their own identity.

Land Uses

Until recently, Ledgeview was a sparsely populated agricultural community. Between 1960 and 1990, the town gained only 459 residents, from 1109 persons to 1,568. However, during this time, the Green Bay metropolitan area continued to expand outward, and by 1990 Ledgeview's agricultural lands were in demand for more intensive residential and commercial land uses. Between 1990 and 2000, Ledgeview added 1,795 persons, a 114% increase.⁴⁸ Between 2000 and 2005, the town added another 1,118 people, a 33% increase. These increases point to

⁴⁸ Ledgeview Comprehensive Plan (2004), page 15.

Ledgeview's dramatic growth, but also to the town's historically small population. Ledgeview's transition towards a suburban community can also be seen in the age of its housing stock. Seventy-nine (79%) percent of the housing units in the Town of Ledgeview are less than 30 years old, compared to 55.4% for Brown County and 44.5% for the State.⁴⁹ Ledgeview has roughly 4,950 acres of productive farmland. This is down from 8,341 acres in 1980, a 40% decrease.⁵⁰ Analysis of the lands in Ledgeview enrolled in Wisconsin's Farmland Preservation Program also shows agricultural decline. In 1990, 2,841 acres were enrolled, but by 2002 this number had dwindled to 1,091 acres, a 62% decline. This decline can be attributed to loss of farmland to urban development, but perhaps also to lack of participation with the Farmland Preservation Program.⁵¹

In their testimony and supporting materials, Petitioners are quick to declare farming dead in Ledgeview, perhaps because of intent to meet the incorporation standards. Ledgeview claims that only 5-7 farmers are still actively farming.⁵² However, from the Department's numerous site visits, it is apparent from the extensive acreage still being cropped that agriculture is quite alive. Ledgeview's comprehensive plan probably offers a more accurate picture of the future of farming. The plan envisions agricultural and agricultural lands gradually giving way to urbanized development over a period of over 20 years. The plan places value on farmland, calling it an "irreplaceable resource necessary to the continued well-being of the county's economy", and calls for its protection by focusing rural and urban growth to non-productive lands and developing in a compact fashion that preserves farmland for as long as possible.⁵³ Map 13, at Appendix A shows that Ledgeview's largest blocks of farmland occur in the central and eastern parts of the town. Map 14, at Appendix A, shows Ledgeview's existing land uses beyond agriculture, including residential, commercial, manufacturing, and others. Table 6, below, shows Ledgeview's land uses by percentage and acres.

Table 6: Existing Land Use⁵⁴

Land Use	Percentage	Acres
Residential	21.7%	2453
Commercial	1.4%	158
Manufacturing	1.1%	124
Agricultural	39.4%	4453
Marginal/Floodplain Lands/Water/ESA	15.7%	1775
Public Use (including parks)	1.3%	147
Conservation/Forest	6.8%	769
Landfill	1.0%	113
Quarries	1.9%	215
Roads	7.1%	803
Railroads	0.3%	34
Farm Buildings and Accessories	0.7%	79
Golf Course (Mystery Hills County Club and Green Bay Country Club)	1.6%	181

⁴⁹ Ledgeview Comprehensive Plan (2004), page 93.

⁵⁰ Ibid., page 25. Based on a year 2003 Brown County Land Use Inventory

⁵¹ Ibid., page 144.

⁵² Reply Brief in Support of the Incorporation of the Town of Ledgeview, July 10, 2006, page 1.

⁵³ Ibid., page 144.

⁵⁴ January 16, 2004 correspondence to the Department of Administration from Mead & Hunt. The data on acreage was calculated by DOA staff.

Table 6 shows that agriculture is still the most prominent land use in Ledgeview at almost 4,453 acres, or 40% of the town. When the marginal vacant lands, floodplains, water, environmentally sensitive areas, and conservation and forest lands are added together with the towns agricultural lands, a total of 7,008 acres, or 62%, of the town are undeveloped. Residential land use is 21.7%, while commercial and manufacturing are only a combined 2.5%.

Map 14 shows that most of the developed land uses lie in the far western part of Ledgeview adjacent to the City of De Pere, with additional pockets in the center of the town. Residential development generally trends from suburban in the west to an increasingly rural pattern to the east, characterized by large single-family homes and farming operations. This pattern is also evident in the southwest part of the town adjacent to Rockland and Glenmore. The greatest concentration of residential development is adjacent to De Pere, east of Bower Creek Road. The town island area contains a number of very large and high value single-family homes. The area atop the Niagara Escarpment south of CTH G and east of Bower Creek Road also contains very large and high value single-family homes. However, because the area is wooded and the homes are set back from the road, it is not immediately apparent that it is a developed residential area.

Single-family homes constitute the vast majority of residential units in Ledgeview at 887 or 75% of all residential units.⁵⁵ However, an increasing number of multi-family and duplex units are being added to accommodate smaller household sizes and an increasingly diverse population. Between 1990 and 2000, the total rental units increased by 546% to a total of 265 units. Significantly, this statistic fails to account for the years 2001-2003, which were the strongest years for rental housing development.⁵⁶ Proportionate to types of dwelling units, Ledgeview now has a larger percentage of multiple unit structures for 5-9 units (12%) and 10-19 units (5.7%) than Brown County (6.9% and 4.5%) and the state (4.6% and 3.3%).⁵⁷

Determination

Bellevue argues that there are two Ledgeviews – a western Ledgeview with population and suburban development that is rapidly filling in, and an eastern Ledgeview that is rural and agricultural and likely to remain so for many years. Bellevue argues that the two different Ledgeviews mean that it is not a homogenous community as required by section 66.207(1)(a), Wis.Stats.⁵⁸ 'Homogeneous' is defined as "of a similar kind or nature" or "of uniform structure or composition throughout"⁵⁹ The Department agrees with this assessment, and finds that the existence of two Ledgeviews is problematic with the *Homogeneous* aspect of the standard.

It is also problematic is that no apparent rationale was used to determine how the petitioned territory was chosen – no economic or social pattern studies, or other type of analysis to support the selected territory. Instead, Petitioners appear to have selected the historical town boundaries, minus the lands that have been annexed over the years by the City of De Pere. As a result, western areas of the petitioned territory adjacent to De Pere feature jagged boundaries, a town island area that is completely separated from the rest of the town by De Pere, and extensive tracts of uninterrupted farmland. The town island problem was resolved through a mediated boundary agreement. However, the problem of jagged boundaries continues, albeit accepted by De Pere

⁵⁵ Ledgeview Comprehensive Plan, pg 94.

⁵⁶ Ledgeview Comprehensive Plan, pg 97.

⁵⁷ Ledgeview Comprehensive Plan, pg 94.

⁵⁸ Intervenor's Powerpoint presentation for the May 23, 2006 public hearing, and *Incorporation Feasibility Analysis*, prepared by Stockham Consulting, page 10.

⁵⁹ Pleasant Prairie v. Department of Local Affairs & Development, 108 Wis.2d 465 (Ct.App. 1982), affirmed, 113 Wis.2d 327 (1983).

and Ledgeview as something they mutually agreed did not present insuperable problems and therefore could persist into the future. It is unclear to the Department whether by freezing forever the boundaries, residents' confusion over where they live would persist or not. Even the spur area that juts down into Glenmore was included as part of the Petition (although this is a unique area different from surrounding territory insofar as it contains significant mineral extraction acreage, as well as tall radio, tv, and microwave transmission towers requiring substantial clear zones).

Petitioners decision to include the entire town in the petition means that the Department must apply the compact and homogenous standard to the entire town. Unfortunately for Petitioners, from the standpoints of business, transportation, social patterns, and land use, the rural eastern parts of the town are not homogenous with the western parts. Ledgeview shares more in common with the rural landscape of the adjoining towns of Glenmore, Eaton Rockland, and the Village of Bellevue. For example, the triangular area cut from the rest of Ledgeview by USH 43, STH 29, and the rail line owned by the Canadian National Railway company seems more connected with the adjacent communities of Bellevue, Eaton, and Glenmore than with Ledgeview.

Regarding the extensive stretches of uninterrupted farmland included in the petitioned territory, past caselaw and Department precedent clearly show that petitioned territory should be compact and urban rather than rural. The Supreme Court in Pleasant Prairie v. Local Affairs Dept. (1983)⁶⁰ found that for an entire town territory to meet the *Compact* aspect of the standard, it must be reasonably dense and clustered. In Sharping v. Johnson (1966)⁶¹ the court held that a city or village may not be incorporated where the territory involves a large amount of sparsely settled rural or agricultural lands that do not have the distinctive characteristics of the village area itself.

Numerous Department decisions echo these cases, including the Department's most recent determination in Caledonia (2005). The Department found that Caledonia did not meet the *Homogenous and Compact* standard because it had over 15,000 acres of farmland, its population was scattered unevenly throughout the territory, and its residents seemed to identify more closely with the town's many rural hamlets than with the overall Town of Caledonia. Petitioners argue that the fact situation in Caledonia is quite different from Ledgeview because Caledonia was almost 50 square miles while Ledgeview is only roughly 17 square miles, and that while Caledonia's future development was largely limited to planning documents, Ledgeview is proceeding with "actual concrete, wood, brick and other physical materials".⁶²

The Department disagrees and instead sees a number of parallels between Caledonia and Ledgeview. First, like Caledonia, Ledgeview's population is clustered in a relatively small area of the total petitioned territory. Roughly 33% of the territory petitioned in Ledgeview contains urban uses, while Caledonia was 26%. Second, the petition in Ledgeview included a great deal of rural lands – over 62%, compared with 73% for Caledonia. While it is true that Caledonia had significantly more total acreage in rural land use than Ledgeview – 21,422 acres compared to 7,076, the percentages are similar. Third, the petitioned territory in Ledgeview is roughly only 50% within the sewer service area. Fourth, like Caledonia, Ledgeview's urban land uses are principally residential rather than commercial, industrial, or manufacturing. Ledgeview's 2.5% commercial/manufacturing is similar to Caledonia's 1.2%. Typically, commercial, manufacturing, industrial and other business land uses are a distinguishing feature of cities and villages.

⁶⁰ Pleasant Prairie v. Department of Local Affairs & Development, 108 Wis.2d 465 (Ct.App. 1982), affirmed, 113 Wis.2d 327 (1983).

⁶¹ Sharping v. Johnson, 32 Wis.2d 383 (1966).

⁶² *Petitioner's Summary Statement in Support of the Incorporation of Ledgeview*, June 30, 2006, page 7.

Fifth, Ledgeview has put a great deal of effort and civic enthusiasm into planning for its future. The result will likely be visionary and high quality future development. The planning in both Caledonia and Ledgeview involved the latest planning ideals and concepts. In Caledonia's case, it embraced conservation subdivisions, which allow some development to occur while also preserving substantial open space. Caledonia anticipates using conservation subdivisions to create equine-friendly neighborhoods that are coordinated to create connected equine trails and open space. In Ledgeview's case, it has embraced comprehensive planning. Its comprehensive plan calls for modern planning concepts such as dense, mixed-use neighborhood commercial and residential clusters, multi-modal transportation options, highly efficient provision of services, and phased development.

Unfortunately for the incorporation efforts of both Caledonia and Ledgeview, s. 66.0203(9)(g) Wis.Stats., requires that the Department base its findings *upon facts as they existed at the time of the filing of the petition*, and not on planning documents that describe future development visions and possibilities. Ledgeview argues that it has "actual concrete, wood, brick and other physical materials"⁶³ to go along with its plans. The Department agrees that development in Ledgeview is occurring at a rapid pace. However, the Department observed large uninterrupted blocks of farmland that are likely to remain farmland for quite some time. This runs counter to the *Compact* aspect of the standard. 'Compact' is defined as "Closely and firmly united or packed together; dense."⁶⁴ Some western areas of Ledgeview meet this definition, but eastern areas of Ledgeview that feature extensive stretches of farmland clearly do not.

Bellevue argues that Ledgeview's petition is pre-mature and that while Ledgeview is undoubtedly moving along the path towards becoming an urban or suburban community, it is not yet far enough down that path to meet the incorporation standards. The Department agrees. Ledgeview's comprehensive plan recommendations, the development that has recently occurred, and the data and testimony received as part of this incorporation effort all clearly show that Ledgeview is transitioning away from a rural community. It already functions like an urban community in many respects, and this will increase as more and more of its comprehensive plan is implemented. Ledgeview could likely meet the compact and homogenous standard at some point in the future, particularly if care is taken in drawing the petitioned territory to exclude the town island.

At the May 23, 2006 public hearing on its incorporation petition, Ledgeview testified that it is similarly situated to Bellevue and De Pere as Bellevue is to City of Green Bay and Village of Allouez, and that because Bellevue's petition was approved by the Department so too should Ledgeview's petition be approved. However, Bellevue was significantly further along the path towards urbanization. At the time of its incorporation, Bellevue's population was almost three times greater than Ledgeview's, and it was more developed and cohesive from the standpoint of existing transportation, recreation, businesses, and urban land uses. It had twice as much residential development and five times as much commercial and manufacturing development.

For all of the preceding reasons, the Department determines that the petition does not meet the *Compact and Homogenous* standard set forth in §66.0207(1)(a), Wis. Stats.

⁶³ *Petitioner's Summary Statement in Support of the Incorporation of Ledgeview*, June 30, 2006, page 7.

⁶⁴ *The American Heritage Dictionary of the English Language*, Fourth Edition, Copyright 2000. Houghton Mifflin Company.

SECTION 1(B), TERRITORY BEYOND THE CORE

The standard to be applied is found in §66.0207(1)(b), Wis.Stats, and reads as follows:

The territory beyond the most densely populated one-half square mile specified in s. 66.0205 (1) or the most densely populated square mile specified in s. 66.0205 (2) shall have an average of more than 30 housing units per quarter section or an assessed value, as defined in s. 66.0217 (1) (a) for real estate tax purposes, more than 25% of which is attributable to existing or potential mercantile, manufacturing or public utility uses. The territory beyond the most densely populated square mile as specified in s. 66.0205 (3) or (4) shall have the potential for residential or other land use development on a substantial scale within the next three years. The Department may waive these requirements to the extent that water, terrain or geography prevents such development.

This standard imposes different tests depending upon whether or not the territory is intended to be incorporated either as an “isolated” or “metropolitan” city or village. Filing as a “metropolitan” village or city, as defined by the second sentence of (1)(b), requires the Department to find that territory lying beyond the most densely populated square mile shall have the potential for residential or other land use development on a substantial scale within three years, and authorizes the Department to waive areas where water, terrain, or geography prevents development.

The most densely populated square mile of the territory proposed for incorporation, as specified in s. 66.0205(3), Wis.Stats. is the area in western Ledgeview lying west of CTH GV (Monroe Road), between Dickinson Road (CTH G) and Heritage Road (CTH X). This area includes high density residential dwellings such as apartments and condominiums, and some scattered businesses. This area has an estimated population of 2,258 persons and contains 804 households.⁶⁵

Beyond this most densely populated core, somewhat dense development also exists just east of CTH GV, in scattered areas in the central part of the town, and north of Scrays Hill Road. Scattered low-density rural residential development is also be found throughout the rest of the town. As discussed in the previous section under land use, almost 32% of Ledgeview is currently developed. The remaining 68% of town lands are either farmland, floodplain, water, environmental corridor, conservation/forest, and marginal lands. See Table 6, at page 24.

Ledgeview argues that it meets the *Territory Beyond the Core* standard because of the development activity that has already occurred within the town, and more importantly, the development activity anticipated to occur in the future. The development activity that has occurred to date can be seen from the population, building permit, subdivision, and rezoning data described below. The development activity expected to occur in the future is described in Ledgeview's comprehensive plan.

Population

Ledgeview was until recently a sparsely populated farming community. However, since 1990, the town has grown 185%. Projecting future population, the Department’s Demographic Service Center estimates that Ledgeview could grow to 4,576 residents by 2010 and to 6,326 by 2025, a

⁶⁵ *Incorporation Feasibility Analysis*, prepared by Stockham Consulting.

projected average annual rate of growth (3.5%), second in Brown County only to the Village of Wrightstown.

In addition to using DOA's population projection, Ledgeview's comprehensive plan also includes an alternative population projection based on a linear-growth continuation of the 2000-2003 population growth period. This alternative linear-growth projection yields a 2010 projection of roughly 5,500 and a 2020 projection of 7,540 persons. Table 7, below, provides a comparison of the DOA projection with Ledgeview's alternative linear-growth projection.

Table 7, Ledgeview Population Projections⁶⁶

Year	Population	Population Projection (WDOA)	Population Projection (Ledgeview)	10 Year Average Annual Population Growth
1970	1,365			25.6 Persons
1980	1,535			17.0 Persons
1990	1,568			3.3 Persons
2000	3,363			179.5 Persons
2010 (Proj.)		5,521	5,500*	215.8 Persons
2020 (Proj.)		6,210	7,540	69 Persons

*Approximate value

Bellevue points out that although Ledgeview's projected growth rate is the second highest in Brown County, the total number of persons added is small - only 5.4% of the total additional residents projected by 2015 for all of Brown County. In comparison, Bellevue is projected to be responsible for 18.7% of Brown County's growth by 2015. Bellevue is also critical of Ledgeview's alternative linear projection, saying "...few demographers would support the concept of long-range linear population projections based on a three-year growth period."⁶⁷

Building Permits

Table 8, below, shows building permit activity in Ledgeview. Building activity has been steady, particularly multi-family residential units which reached a high of 227 in 2003. Single-family development has also been strong, particularly in 2004-05 when it reached a high of 225 units.

⁶⁶ Wisconsin Population 2030: A Report on Projected State, County and Municipal Populations and Households for the Period 2000-2030 (2004), prepared by the Wisconsin Department of Administration, and Ledgeview Comprehensive Plan (2004).

⁶⁷ Incorporation Feasibility Analysis, prepared by Stockham Consulting, page 17.

Table 8: Ledgeview Building Permits (1996-2003)⁶⁸

Year	R1 Units*	R2 Units**	R3 Units***	Commercial Buildings
1996	62	6	52	10
1997	86	24	138	24
1998	130	0	32	20
1999	46	12	51	22
2000	41	18	21	12
2001	70	10	46	11
2002	47	68	86	12
2003	34	40	227	11
2004	225	14	0	16
2005	120	20	0	28
Total	861	212	653	122

*R1 refers to single family residential units

**R2 refers to 2-family residential units

***R3 refers to multi-family residential units

Subdivisions

Because subdivision of land usually precedes new development, examining trends in new subdivision plats can yield insights into future construction activity. Table 9, on the following page, shows the subdivision platting activity in Ledgeview from 1999-2005. The table shows roughly one-hundred to two-hundred new plats per year, with the years 2003-04 being much higher due to the large Mystery Valley subdivision. The table shows that between 1999-2005, 1290 lots were created, covering 1082 acres. Six-hundred seventeen (617) of these lots have been built on with single-family homes, while 673 remain vacant. The 673 vacant parcels are a good indication that single family building permits will remain steady for at least several more years.

Certified Survey Maps

Certified Survey Maps (CSMs) are smaller than subdivision plats but also relevant in forecasting future development. From 1999 to 2003, Ledgeview approved 45 CSMs.⁶⁹

Rezoning

Data on rezonings also provide clues to the likelihood of future development because rezoning land from agricultural use to more intensive residential, business, and industrial uses is often the first step to development. From 1999 to 2003 there were 58 rezonings and from 2004-2006 there were 138, possibly indicating an acceleration of rural to urban/suburban land use transition.⁷⁰

Area Development Plans

Area development plans are also an initial step towards development. In the past two years, Ledgeview has completed 14 Area Development Plans to guide various anticipated developments.⁷¹

⁶⁸ Petitioner's materials in support of incorporation, Binder 5, Attachment 39, 2004 and updated in 2006.

⁶⁹ Petitioner's materials in support of incorporation, Binder 5, Attachment 39, 2004 and updated in 2006.

⁷⁰ Petitioner's May 23, 2006 Public Hearing binder.

⁷¹ *Petitioners Summary Statement in Support of the Incorporation of Ledgeview*, June 30, 2006, page 4.

Table 9: Subdivision Plats, 1999-2005^{72*}

Plat	Year	Lots Created	Acres	Lots vacant	Lots built on as of 1/1/06
Beau Rivage Estates	1999	11	12.5	7	4
Diamond View Estates	1999	27	40.6	15	12
Harvest Winds	1999	44	92.3	29	15
River Ridge	1999	31	17.6	3	28
1999 Total		113	163.0		
Country Winds	2000	8	17.4	1	7
Pheasant Run 1 st Addition	2000	4	10.1	2	2
2000 Total		12	27.5	3	9
Meadow Ridge	2001	75	120.9	31	44
Ridges of Dollar Creek	2001	87	112.4	43	44
Spring Hills	2001	32	46.8	19	13
Willem Heights	2001	10	7.1	6	4
2001 Total		204	287.2	99	105
Winding Waters	2002	65	29.8	3	62
Hickory Creek 5 th Addition	2002	23	19.2	1	22
Rivers Edge	2002	39	17.6	0	39
2002 Total		127	66.6	4	123
Mystery Valley	2003	276	168.4	130	146
Winding Waters 1 st Addition	2003	6	4.6	2	4
Jossart Lots	2003	4	7.7	2	2
Quarry Estates	2003	15	18.2	15	0
Fox Borough Court	2003	15	9.0	14	1
Toonen Condos	2003	30	13.6	26	4
2003 Total		346	221.5	189	157
Grand Terra	2004	48	33.5	40	8
Old School Square	2004	22	6.6	20	2
Mystery Valley	2004	280	165.2	134	146
Shopko Comm Park	2004	5	7.4	4	1
Stone Silo	2004	16	9.7	16	0
2004 Total		371	222.4	214	157
Dickenson heights	2005	84	59.4	84	0
ETC Investments GV Dental	2005	2	4	1	1
Garot Condos	2005	31	31.1	31	0
2005 Total		117	94.5	116	1
Total 5 Years		1,290	1,082.7	673	617

*Table includes only single family plats.

Land Use Change

Table 10, on the following page, shows land use change in Ledgerview from 1980-2003. The table shows a dramatic percentage rise in developed uses (259%), and a dramatic percentage fall

⁷² Petitioner's May 23, 2006 Public Hearing submittal.

in agriculture (-40%). Of course, the dramatic change in developed uses is due in part to how little Ledgeview started with in 1980.

Table 10: Change in Ledgeview Land Use, 1980-2003

Land Use	1980 (Total Acres)	2003 (Total Acres)	Difference 1980-2003	Percent Change
Residential	546	1,960	1,414	259%
Commercial	43	121	78	181.4%
Industrial	218	439	221	101.4%
Agricultural	8,341	4,947	3,394	-40.7%

Sewer Service Area

Analysis of municipal sewer service is important because generally more dense urban development requires public sewer service. Also, because of the slow permeability of Ledgeview's soils, conventional septic systems are severely limited. As a result, Ledgeview's comprehensive plan recommends prohibiting new onsite sewage disposal systems, and instead requiring new development to be connected to municipal sewer and water in planned and phased increments.⁷³ This makes analysis of the sewer service area especially important. As of 2004, Ledgeview had roughly 84 gravity flow onsite waste systems, 175 pressure onsite waste systems, and 123 holding tanks. An average of 16 new onsite systems have been constructed each year from 1996 to 2003. However, the total gallons pumped per year within the Town has been decreasing, from 5,900,000 in 1998 to 4,700,000 in 2003, an indication of Ledgeview's prohibition on new onsite systems, and also perhaps an indication that holding tanks are being replaced with more modern on-site sanitary systems.⁷⁴

Currently, sanitary sewer service from District #2 is provided to the majority of western Ledgeview. The district's customers increased 42% from 2003 to 2005 to 1,536 households. Since 2004, the following areas have had sewer and water main extensions: Grand Terra, Ledgeview Commercial Park, Old School Square, Stone Silo, Dickinson Heights, Garot Condos off of Copper Lane, Unity Hospice, Bower Creek North, Sunshine Fields, Bower Creek South.⁷⁵

A number of recent sewer and water related events may improve residential and commercial development potential. These are:

- Northerly Interceptor Sewer – described earlier in the *Compact and Homogenous* section, this project will enable municipal sewer and water to eventually be provided to all areas of Ledgeview.⁷⁶
- Sewer Service Amendments – in November 2004, the *Brown County Sewage Plan 2002* was amended to add 668.1 acres to Ledgeview's sewer service area. The plan was amended again in January 2006 to add another 511 acres. The 2004 amendment included the I-43/CTH MM interchange area, which could mean accelerated development of the

⁷³ Ledgeview Comprehensive Plan (2004), pages 117-118.

⁷⁴ Ibid., pages 117-118.

⁷⁵ Powerpoint Presentation - The Incorporation of the Town of Ledgeview, Brown County, Wisconsin as the Village of Ledgeview, May 23, 2006.

⁷⁶ Petitioner's May 23 Hearing Binder, page 1.

proposed business park planned for this area. The 2004 and 2006 amendments can be seen in Map 10, at Appendix A.

Ultimately, Ledgeview envisions that all of its territory will be within a sewer service area and served with municipal sewer and water. The timing of this growth is discussed below.

Bellevue points out that Map 10 shows a substantial portion of the town that is not within sewer service area. Bellevue estimates the area beyond the current sewer service area at 50% of the town. Because approval is needed by Brown County to make amendments to this area, and these approvals are based on a documented showing of need, Bellevue argues that substantial development of the territory beyond the most densely developed core as required by the statutory standard is nearly impossible.⁷⁷

Water Service

As with sanitary sewers, the water supply will be extended according to the schedule of phased development areas identified in Ledgeview's comprehensive plan.⁷⁸ The CBCWA pipeline to bring Lake Michigan water to De Pere, Allouez, Howard, Bellevue, Ledgeview, and Lawrence is expected to be completed by late 2006. Map 9, at Appendix A, shows the CBCWA infrastructure. This pipeline will eliminate current water quality problems that might otherwise dampen demand for residential and commercial uses in Ledgeview.

Plans

From Ledgeview's comprehensive plan, as well as various site development plans and other recent actions, it is clear that the town has embraced planning concepts such as conservation subdivisions, commercial nodes, reduced lot sizes, smaller setbacks, narrower streets, front porches, alleys, mixed land uses, walkable and bikeable neighborhoods, infill development, availability of infrastructure, attention to stormwater management, and phased development areas.⁷⁹

This last concept – phased development areas – is the most critical to the Territory Beyond the Core standard because it effects when the rural territory beyond the most densely developed core area will likely develop. Developing in planned phases helps ensure that development occurs in a compact and cost effective manner, supported by existing infrastructure such as sewer and water. It preserves farmland and natural resources for as long as possible. Also, s. 16.965(4) Wis.Stats. requires that communities receiving a state comprehensive planning grant (such as Ledgeview) include 20 year future land use projections, in five year increments of future residential, agricultural, commercial and industrial land uses as well as a future land use map.. Map 16, from Ledgeview's comprehensive plan and located at Appendix A, shows Ledgeview's various phased development areas. They are broken into 5 year increments, with light green being the areas anticipated to develop within the next 0-5 years, yellow for areas within the next 5-10 years, orange within the next 10-15, red for within 15-20 years, and blue for areas anticipated to develop beyond 20 years time. The blue areas are the currently rural areas that are outside the sewer service area.

Map 15, Future Land Use map, at Appendix A, also shows that Ledgeview anticipates a great deal of farmland (shown in orange) to continue to into the future.

⁷⁷ Correspondence from Bob Gagan, Bellevue attorney, to the Department of Administration, April 15, 2004.

⁷⁸ Ledgeview Comprehensive Plan (2004), page 121.

⁷⁹ Ibid., page 166.

Table 11, below, from Ledgeview's comprehensive plan, estimates the land needed to accommodate Ledgeview's future growth. The table shows that between 2005-2010, an average of 75.6 acres will be needed annually for new residential, commercial, and industrial development.

Table 11, Ledgeview Estimated Future Acreage Needs⁸⁰

	2003 Acreage	2005 Acreage	2010 Acreage	2015 Acreage	2020 Acreage
Residential	2,369	2,664	2,958	3,252	3,543
Commercial	147	166	185	204	221
Industrial	439	504	569	634	700
Total	2955	3334	3712	4090	4464
Added Land Demand Over 2003		379 Acres	757 Acres	1,135 Acres	1,509 Acres
Average Annual Land Demand			75.6 Acres	75.6 Acres	75.6 Acres

Bellevue has developed its own estimate for Ledgeview's future land needs, and its estimate is actually higher than the town's estimate. Bellevue estimates that 87 to 113 acres would be needed annually for new residential development alone, not including new commercial or industrial acreage needs.⁸¹ Bellevue points out that even with its higher estimate of future land needs, Ledgeview would not come close to meeting the 'substantial development within the three years' imposed by the Territory Beyond the Core standard.

Ownership

Ledgeview provided information on the ownership of undeveloped parcels in the town to show that these parcels are owned by land developers, speculators, farmers holding the land for investment purposes, and others whose intention is eventual development. Specifically, Ledgeview alleges that 186 parcels, or 81% of the total vacant property in Ledgeview that is not being farmed, is owned by real estate agencies, investors, property owners holding the land for development or farmers who quit farming and are holding onto the land for development. Forty-three parcels (or 19% of the total vacant parcels) are claimed to be owned by farmers who are actively farming. It is possible that these owners intend to develop in the future too.

Map 17, at Appendix A, shows the location and ownership status of vacant parcels, and also whether or not farming is occurring on the parcel. Large areas of the town are colored in yellow,

⁸⁰ Ledgeview Comprehensive Plan (2004), page 31.

⁸¹ *Incorporation Feasibility Analysis*, prepared by Stockham Consulting, page 17.

page 17. Bellevue's estimate assumes that with the historic average number of persons-per-household - 2.81 persons - there would be an average need for approximately 58 new housing units per year to accommodate new households using WDOA projections, and 75 new housing units using Ledgeview's alternative linear-growth projection. Over a three year period then, there would be a need to construct between 174 and 225 new dwelling units, depending on which set of population projections are used. Assuming a fairly conservative development rate of 2 dwelling units per acre, between 87 to 113 acres would be needed annually for new residential development alone, not including new commercial or industrial acreage needs.

which represents vacant, non-farmed parcels owned by land developers, speculators, farmers holding the land for investment purposes, and others whose intention is eventual development. The maps show that active farms – shown as green – appear less frequently. The Department questions these maps however because during its numerous site visits to Ledgeview, Department staff observed that many of the non-farm parcels shown in yellow are actually being cropped with corn, soybeans, alfalfa, and others. So to characterize these parcels as inoperative may be misleading. Perhaps the owners of the non-farm parcels shown in yellow are renting them out to other area farmers.

Determination

Ledgeview contends that the Department should waive much of its land area from consideration of the Territory Beyond the Core standard. Specifically, Ledgeview contends that 60.6% of the town is already developed or unable to be developed due to water, terrain, or geography and should therefore be waived. Of this 60.6%, roughly 36% is already developed with residential, commercial, industrial and other land uses while twenty-three (23%) percent is what Ledgeview categorizes as undevelopable due to the presence of surface water, protection by federal and state law and local ordinance, or unsuitable soils. These 23% undevelopable lands are a mixture of "marginal lands, floodplain lands, water, environmentally sensitive areas, conservation areas, and forests."⁸² Waiving 60.6% of Ledgeview's land area from consideration leaves just over 39% (4,453 acres) of vacant agricultural lands, and Ledgeview claims that of this 39%, 6.8% is currently under development. According to petitioner's, this then would leave 32.6% (3684 acres) of the town vacant and subject to the *Territory Beyond the Core* standard. Map 18, at Appendix A, illustrates Petitioner's understanding of which lands should be waived.

Bellevue strongly disagrees with Map 18 and with Ledgeview's argument for waiver. Based on the town's comprehensive plan, Bellevue finds that there are only 42 acres of surface water, 266 acres of wetland, and several hundred acres of floodplains that could legitimately be excluded from the inventory of potentially developable areas and the Territory Beyond the Core standard. Adding back into the inventory all those other lands that Ledgeview excludes would leave over 7000 acres (over 62% of the town) undeveloped and that should be subject to the Territory Beyond the Core standard.⁸³

The Department finds that choosing between these conflicting interpretations of waiver is unnecessary because both the 3,685 undeveloped acres (32.6% of the town) asserted by Ledgeview and the 7,000 acres (62%) asserted by Bellevue yield the same result. In both cases Ledgeview does not have the potential to "substantially" develop the territory beyond its core within three years. Using Ledgeview's estimate of 3,685 acres available for development, full build-out would require 32 years. Using Bellevue's estimate of 7,000 acres available for development, full build-out would require 62 years. Both 32 years and 62 years are considerably beyond the three years provided by the statutory standard. Ledgeview's comprehensive plan also shows that the standard will not be met. Specifically, Map 15 Future Land Use and Map 16 Phased Development Areas, both at Appendix A, show that many areas in Ledgeview are not expected to develop for quite some time. Areas shown in blue in Map 16 are not expected to develop within the next 20 years.

The Department applauds Ledgeview's leaders and citizens for so fully embracing comprehensive planning concepts like compact and phased development. Doing so will likely result in a more efficient, cost effective, and high quality community for Ledgeview residents, and will also

⁸² *Amended Memorandum in Support of Petition for Incorporation*, July 1, 2004, page 56.

⁸³ *Incorporation Feasibility Analysis*, prepared by Stockham Consulting, page 22.

benefit neighboring municipalities, the county, and the region. Unfortunately, this also preserves farmland for as long as possible which will limit Ledgeview's ability to meet the Territory Beyond the Core standard. Given the large amount of farmland included in the Petition though, even unsewered, scattered sprawl-type development may not have met the standard in this case.

In its site visit to Ledgeview, the Department was struck by the frequent juxtaposition of urban and rural land, for example new housing developments immediately adjacent to old barns and silos. The data on population growth, building permits, subdivision and CSM plats, rezonings, plans, sewer service area amendments, land use change, and parcel ownership also confirms to the Department that Ledgeview is transitioning from a rural to an urban/suburban community and will likely continue to do so. Ledgeview is clearly on the path towards becoming an urban/suburban community and eventually meeting the incorporation standards. However, the problem for Ledgeview is that it is not sufficiently far along this path, particularly given the large amount of territory included in the petition. Petitioning the whole town meant that there was just too much vacant land to meet the Territory Beyond the Core standard. Petitioning a smaller area may have met the standard.

Ledgeview argues that it meets the *Territory Beyond the Core* standard because Bellevue, with whom it feels similarly situated, was found by the Department in 2002 to have met the standard. Ledgeview points to maps produced by Intervenors for this petition which show that Bellevue still has a significant amount of farmland.⁸⁴ At the time of its petition, the Department was aware that 25% of Bellevue's total territory were agricultural lands and 33% of its total territory were non-developed rural lands. Ledgeview is correct and justified to point out Bellevue's significant rural lands. However, the Department accepted Bellevue's data on its growth trends and also by its site visit where all manner of construction equipment and activity were occurring on and adjacent to these rural lands. The Department was surprised by the maps that Bellevue produced for the May 23, 2006 public hearing and how so many of Bellevue's rural lands continue to be rural over four years after its incorporation. In hindsight, Bellevue's estimate on its development potential was overly optimistic. If development in Bellevue is proceeding more slowly than expected, then it is reasonable to estimate that development in Ledgeview may also proceed more slowly than expected, particularly given Ledgeview's further distance from Green Bay and the fact that it has almost twice as much agricultural and non-developed rural land as Bellevue did when it incorporated.

Finally, Petitioner's argue that Ledgeview compares favorably with recent incorporation petitions that were approved by the Department in terms of size and population. Ledgeview is 17.66 square miles compared with Bellevue's 14.5 square miles, Lake Hallie's 14.2 square miles, Kronenwetter's 11 square miles, Mount Pleasant's 34 square miles, and Suamico's 17 square miles. Ledgeview has 4,481 persons compared with Kronenwetter's 4,172, Lake Hallie's 6,579, and Suamico's 6,579. Area and population factors are a consideration with incorporation, however, they are considered earlier in the process by the circuit court under its review of the area and population minimum standards in s. 66.0205 Wis.Stats. They are not considered by the Department in its review of the standards in s. 66.0207, Wis.Stats., including the *Territory Beyond the Core* standard.

For all of the preceding reasons, the Department determines that the petition does not meet the *Territory Beyond the Core* standard set forth in §66.0207(1)(b), Wis. Stats.

⁸⁴ *Petitioner's Summary Statement in Support of the Incorporation of Ledgeview*, June 30, 2006, page 10-13.

SECTION 2(A) TAX REVENUE

This section reviews revenues, expenditures, and tax rates for the proposed Village of Ledgeview. The standard to be applied is found in §66.0207(2)(a), Wis. Stats., and reads as follows:

The present and potential sources of tax revenue appear sufficient to defray the anticipated cost of governmental services at a local tax rate which compares favorably with the tax rate in a similar area for the same level of services.

Local service expenditures vary greatly across Wisconsin communities and are determined by the needs and expectations of the local populace. For this reason, the Department recognizes the need for a range of service levels and does not hold communities to fixed standards. With this consideration in mind, the Department compares municipalities sharing similar characteristics to determine whether a proposed budget and resulting local tax rate is generally reasonable and able to support the desired level of municipal services.⁸⁵

The communities chosen to provide selected comparison trends with the Town of Ledgeview are: Town of Bellevue and Town of Suamico (Brown County) prior to incorporation, Town of Kronenwetter (Marathon County) prior to incorporation, Town of Richfield (Washington County), Town of Somers (Kenosha County), Town of Summit (Waukesha County). This comparison group shares general characteristics of urbanizing towns lying on the fringe of growing metropolitan areas, such as rapidly increasing population, large infrastructure expenditures for highways, stormwater management, sewer and water infrastructure, and other municipal activities. These towns have also recently applied for and received incorporated status, or are envisioning initiating the incorporation process, as has Ledgeview, changing their status from a township to a city or village.

Recent past history

Table 12 and Figure 1, on the following pages, illustrate revenues reported to the Wisconsin Department of Revenue for 2004. In this particular year, the principle source of revenue was public charges for services. Public charges for services include sale of water to City of De Pere and others as well as permits, fines, fees and assessments. As the following Figure 2 illustrates, this was not always the case, as during the early 1990's, Ledgeview relied primarily on the local property tax, and then subsequently other sources of revenue.

Comparing Table 12 with the information⁸⁶ supplied by Petitioners, shows that not all amounts for comparable line numbers match (line numbers refer to the 5-digit code from the municipal financial report series), but are understandable, as for instance, Petitioners presented their budget for 2004 whereas the tables presented here for revenues and expenditures record audited results – such as grants applied for and later received, but not enumerated in the budget.

⁸⁵ In this section, comparison analysis is performed using Wisconsin Department of Revenue annual “Financial Report Form C” chart of accounts financial information along with University of Wisconsin Extension, “Graphing, Revenues, Expenditures, and Taxes” (G.R.E.A.T) software, version 3.0 released May, 2006, as well as information received from Petitioners, “The Incorporation of the Town of Ledgeview , Brown County, Wisconsin as the Village of Ledgeview (February 26, 2004), pages 63-80.

⁸⁶ Ibid.

Table 12 Town of Ledgeview Revenues 2004⁸⁷

Taxes		
	General property taxes	\$805,650
	Other taxes	7,804
	Total taxes	813,454
Intergovernmental revenues		
	State shared revenues	40,138
	State highway aids	130,339
	All other state aids	240,945
	Other local government aids	2,135
	Total intergovernmental revenue	419,929
General revenues		
Licenses and permits		144,651
Fines and forfeitures		760
Public charges for services*		1,888,951
Intergovernmental charge for services		4,600
Interest income		140,753
Other revenues		159,194
Total miscellaneous revenues		299,947
General revenues subtotal		3,717,296
Other financing sources		0
Total revenue		\$3,717,296

*Including special assessments

⁸⁷ WDOR 2004 Financial Report Form CT.

Figure 1

**REVENUE SHARES - 2004
LEDGEVIEW**

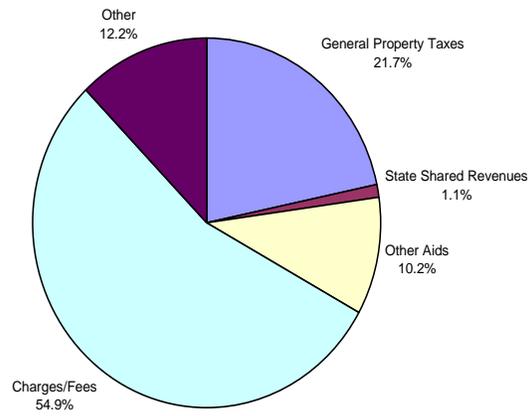
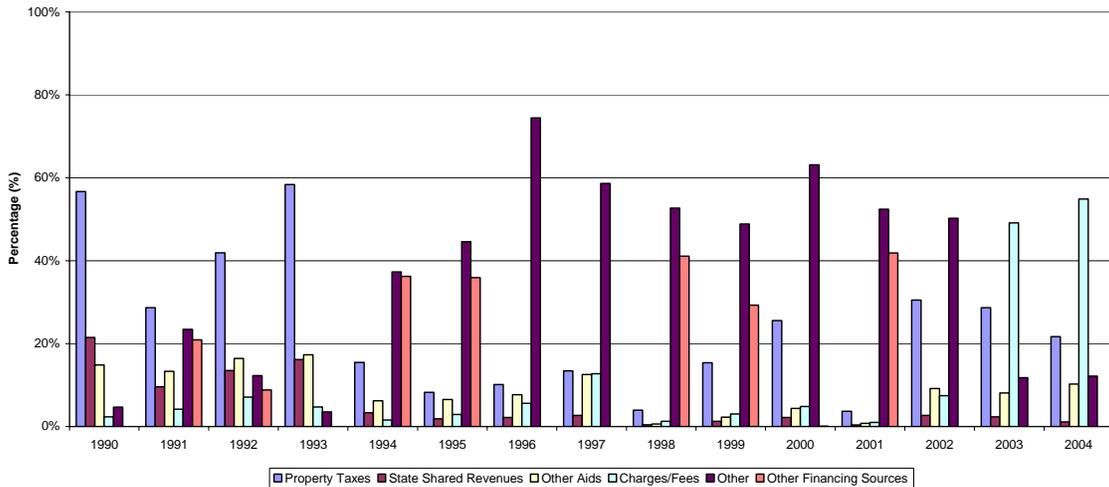


Figure 2

**REVENUE SHARES
LEDGEVIEW**



Expenditures

Table 13, below, highlights expenditures reported by Ledgeview to the WDOR in 2005 for fiscal year 2004.

Table 13 Town of Ledgeview Expenditures 2004⁸⁸

General government	\$307,958
Law enforcement	11,250
Fire	210,366
Ambulance	33,823
Other public safety	79,356
Highway maintenance and administration	242,859
Highway construction	709,944
Road-related facilities	19,646
Solid waste collection and disposal	104,182
Other sanitation	20,295
Culture and education	1,211
Parks and recreation	916,568
Conservation and development	1,372,181
Operating and capital expenditures subtotal	4,029,639
Principle payments	245,000
Interest and fiscal charges	424,362
Total debt service	669,362
Total expenditures and other financing uses	4,699,001
Total general obligation debt	\$8,465,000

⁸⁸ WDOR 2004 Financial Report Form CT

Figure 3

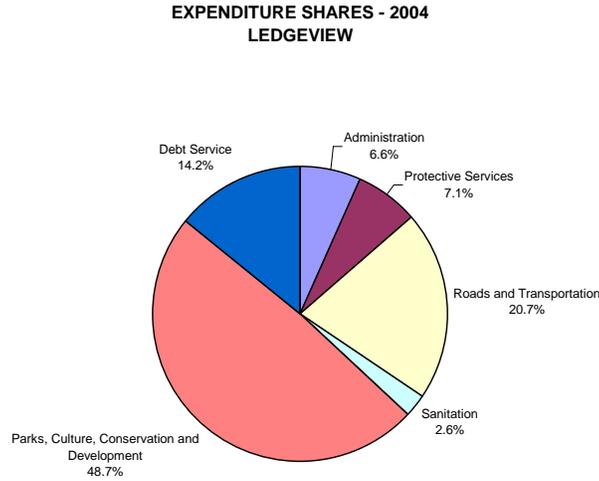
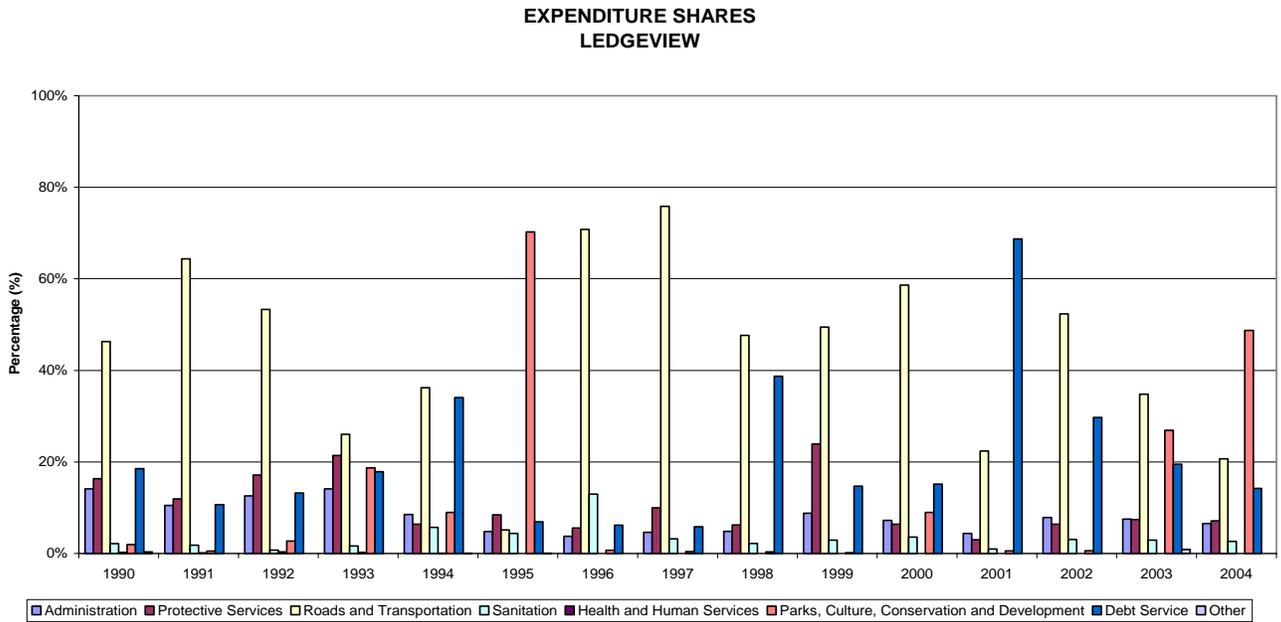


Figure 4



The variability in reliance on sources of revenue is similarly repeated for expenditures, as the character of Ledgeview changed from the early 1990's from one that mirrored a typical town expenditure profile, with nearly one-half of all expenditures going to roads and transportation, to a more complex mix of expenditures that emphasize repayment of debt occurring from investment in infrastructure including a "backbone" transportation and stormwater system, fire protection, as well as capital and operational costs attributed to municipal parks and trails.

Anticipated changes in revenues and expenditures should incorporation occur

Intergovernmental revenues, licenses/use fees/permits/, fines forfeits/penalties, public charges for services, sewer/water/and special assessment revenues are all expected to continue to increase by 10% or more in projected 2005 and 2006, regardless of whether incorporation occurs. As shown previously in Figure 1, Ledgeview relies heavily on capital cost payments from developers. To the extent that new development decreases, more capital and operating costs could be shifted to local residents.

For expenditures, Ledgeview stated that it expected to maintain existing expenditure amounts for some departments, while increasing others, such as public safety, public works, conservation and development, general government and fire protection (adding a fire truck).⁸⁹ Previously presented Figure 4 suggests that Ledgeview currently has more discretion over which expenditure categories and amounts to emphasize than in previous years when it was making proportionately large principal and interest payments.

Should incorporation occur, Ledgeview anticipates adding police protection sufficient for an 8-hour shift at a cost of approximately \$156,000.⁹⁰ Adding police police protection will have a compensating effect insofar as Ledgeview will be able to enforce its' own ordinances and subsequently collect additional fines and forfeitures, something that is not now occurring pursuant to the routine patrol service provided (to any town without a police department) by the County. Administration of statutorily-required shoreland-floodplain zoning is currently a Brown County function; following incorporation Ledgeview could either assume this responsibility itself, or contract with the county at an estimated cost of \$6000 to provide this regulatory service. General government is similarly expected to change, moving to 7 village board members from the existing 5-member town board, at a projected cost of \$9,000. Ledgeview anticipates that these costs alone amount in aggregate to an additional \$170,000 to 2004 expenditures (for a then estimated increase in the local purpose mill rate of approximately 27 cents).⁹¹

With incorporation would also come consolidation of the existing town sanitary districts with any prospective village, and potential administrative savings. The (2003) sanitary district total asset value of \$20,289,635 (book value of \$8,751,202) would become assets of the new village, along with long-term debt (part of which is expected to be refunded as revenue debt – not counted against the constitutional debt ceiling). The projected (as of the 2004 information submission to the department) impact would be to increase Ledgeview's General Obligation (GO) debt to approximately 83% of the maximum allowable ceiling, leaving \$4 million available (at that time) in addition to a \$1 million reserve fund. But as noted by Petitioners during the 2006 hearing, their equalized value has risen 37% in just two years, and now approaches \$500 million.⁹²

⁸⁹ WDOR 2004 Financial Report Form CT, pages 67-8.

⁹⁰ Through various submissions, Intervenors have disputed the true cost to Ledgeview of providing full-time police services, providing cost estimates that appear to approximate 24-hour protection, using estimates in the range of \$800,000 (Correspondence to the Department dated July 10, 2006, from Attorney Robert Gagan on behalf of Bellevue). Absent additional analysis and review, relying on one shift and a careful study of incident reports appears a prudent initial approach for addressing the issue.

⁹¹ WDOR 2004 Financial Report Form CT, pages 68. See also Comprehensive Plan, page 132. Alternatively, Ledgeview and surrounding units of government could establish a joint policing agreement to provide metropolitan-level police services to the area, such as has been established in the Wausau area.

⁹² *Summary Statement in Support of the Incorporation of the Town of Ledgeview*, June 30, 2006," page 3. This rate of increase implies that Ledgeview would not have great difficulty remaining within the Shared Revenue Levy Limit guidelines as it contemplates adding services, including bonding for an additional fire station. No Brown County municipality is currently on the WIDOR "November 2006 Shared Revenue Levy Limit Penalty Reductions" list.

Between 2004 and 2005, Ledgeview’s long-term GO debt decreased by \$340,000, adding credence to their increasing ability to take on additional GO debt should it be necessary to do so.⁹³

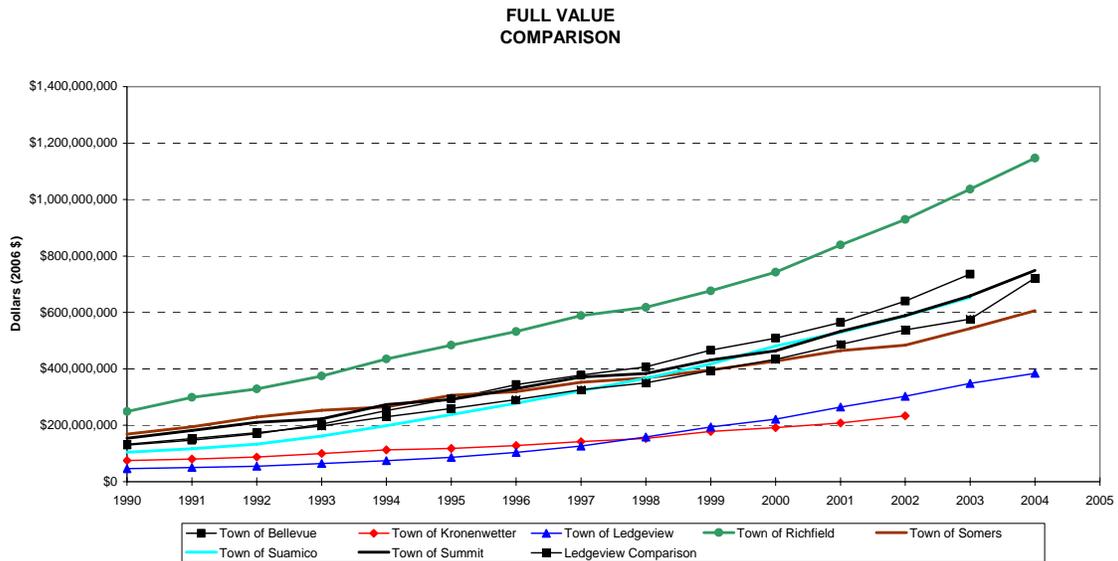
Property tax base and tax rates

The following Figure 5 compares full-equalized values over time between Ledgeview and the group of comparison towns. While it is below the average of the comparison group, Figure 6, on the following page, tells a different story, as Ledgeview’s full-equalized value is increasing at a more rapid rate than any of the comparison towns, which is logical given that Ledgeview is starting at a lower full equalized value in 1990. Figure 7 suggests that only two of the comparison towns, Richfield in Washington County, and Summit in Waukesha County have per capita values higher than Ledgeview.

Figures 7 and 8 portray changes in local purpose mill rates in dollars per thousand of full equalized value as well as per capita values for Ledgeview and the comparison towns. After incurring substantial general purpose debt in the late 1990’s, Ledgeview reduced their mill rate by nearly \$1.50 per thousand dollars of equalized value, or nearly \$50 per capita, so that as of the currency of this data, they are at or below the average mill rate and per capita mill rate comparison for the comparison towns.

All of this suggests that, while Ledgeview has nearly one-half the population of some of the comparison towns, much of its infrastructure (both in place and planned), and capacity of local government systems are nearly equivalent.

Figure 5



⁹³ WIDOR, “2004 Financial Report Form CT” line 900-50100, “2005 Financial Report Form CT” line 900-50100.

Figure 6

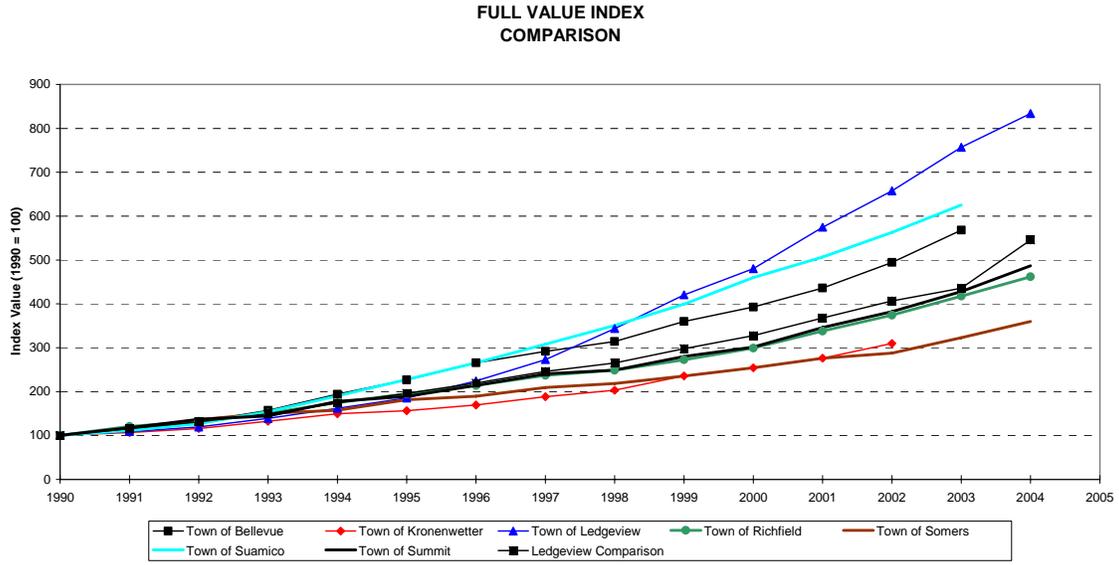


Figure 7

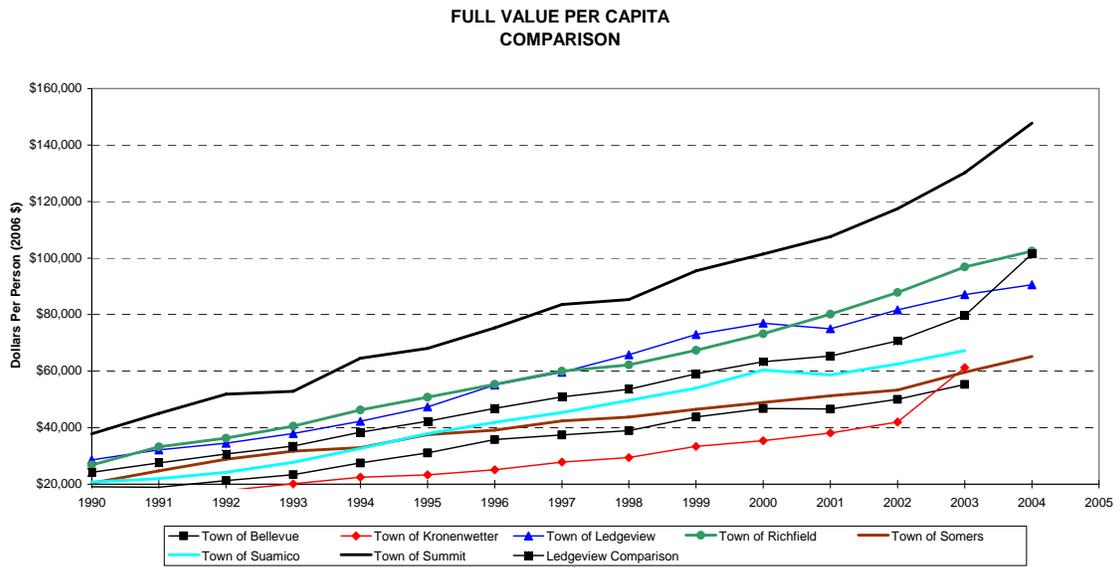


Figure 8

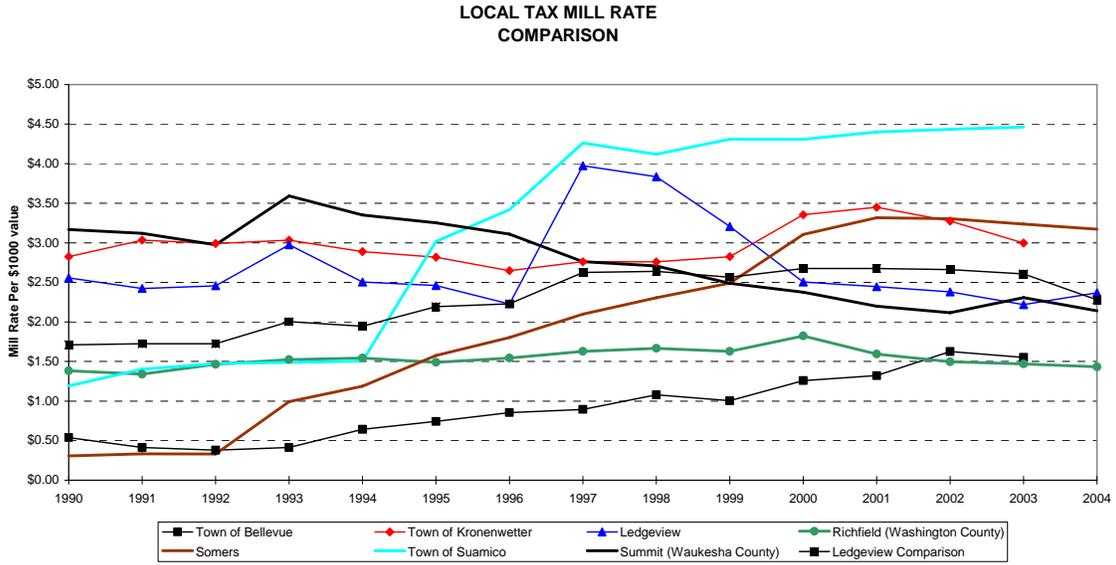
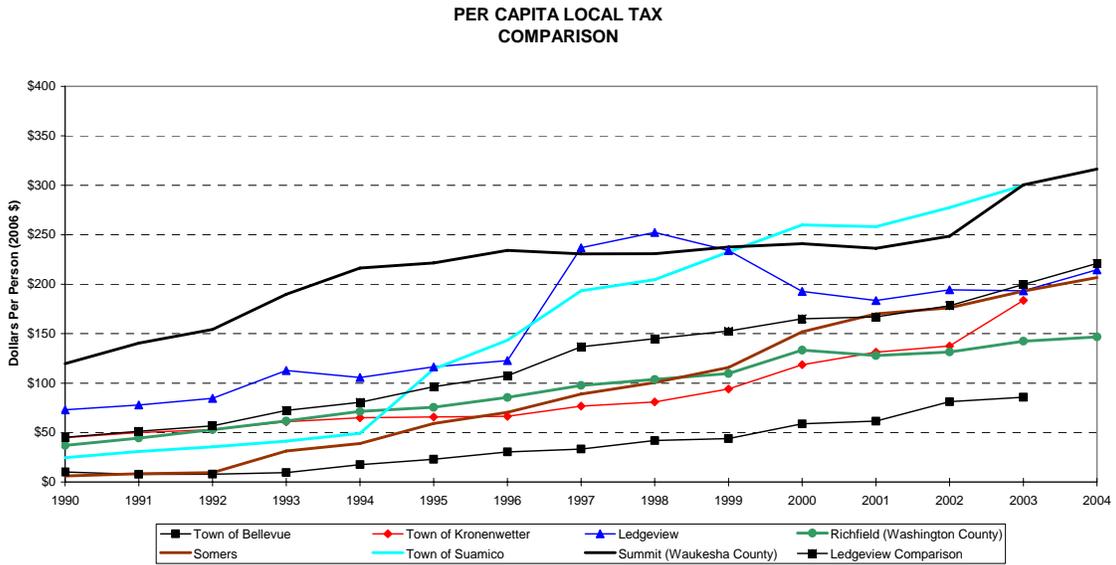


Figure 9



Determination

The transition of Ledgeview from a rural town in the early 1990’s into a compact village growing from its border with De Pere on the west across extensive developable lands to the I-43 corridor on the east necessitated significant infrastructure expenditures in the late 1990’s and early 2000’s. Through its exhibits, Ledgeview documents its capacity to meet future challenges of this nature, while providing for additional services such as police protection, additional general government staffing; and other services beyond what the nearly full-service town staff and departments currently provide. Ledgeview has, in the judgment of the department, anticipated future costs, including the absorption of the existing town sanitary district, should incorporation occur.

Although its debt is proportionately high compared to the constitutional levy limits, given the plan to convert general obligation to revenue debt should incorporation occur, the town government systems already in place, including the capacity to manage a large budget, the transition to village status, should it occur, should be relatively straightforward. It is expected that the management of future governmental activities are well within the financial capabilities of the Town.

For all of the preceding reasons, the Department determines that the petition does meet the standard set forth in §66.0207(2)(a), Wis. Stats.

SECTION 2(B) LEVEL OF SERVICES

The standard to be applied is found in §66.0207(2)(b), Wis. Stats., and provides as follows:

The level of governmental services desired or needed by the residents of the territory compared to the level of services offered by the proposed village or city and the level available from a contiguous municipality which files a certified copy of a resolution as provided in §66.0203(6), Wis. Stats.

Because Bellevue did not file a certified copy of a resolution to annex the entire petitioned territory with the Brown County circuit court at its September 19, 2003 hearing, this standard is not applicable.

SECTION 2(C) IMPACT ON THE REMAINDER OF THE TOWN

Section 66.0207(2)(c), Wis. Stats., requires that the Department consider the impact upon the remainder of the town from which the territory is to be incorporated, financial and otherwise in order to determine whether incorporation is in the public interest.

This requirement does not apply to this Petition because the entire Town of Ledgeview is the subject of this incorporation proceeding. There is no remaining town land.

SECTION 2(D), IMPACT UPON THE METROPOLITAN COMMUNITY

The standard to be applied is found in s. 66.0207(2)(d) Wis.Stats. and is as follows:

The effect upon the future rendering of governmental services both inside the territory proposed for incorporation and elsewhere within the metropolitan community. There shall be an express finding that the proposed incorporation will not substantially hinder the solution of governmental problems affecting the metropolitan community.

The “metropolitan community” term in the above standard is defined in s. 66.013(2)(c), Wis.Stats., to mean:

[T]he territory consisting of any city having a population of 25,000 or more, or any two incorporated municipalities whose boundaries are within 5 miles of each other whose populations aggregate 25,000, plus all the contiguous area which has a population density of 100 or more persons per square mile, or which the department has determined on the basis of population trend and other pertinent facts will have a minimum density of 100 persons per square mile within 3 years.

The metropolitan community for this determination includes the Villages of Bellevue and Ashwaubenon, the Cities of De Pere and Green Bay, and the Towns of Lawrence, Rockland, Glenmore, New Denmark, and Eaton. These communities share many of the same infrastructure systems and natural features as the Town. This includes a regional sanitary sewer service system, overlapping school districts, a natural drainage basin system that creates common stormwater runoff issues, and a network of highways, county, and local roadways. These communities also contribute to a shared business and economic system, which creates regional issues of affordable housing, land use, and others.

The Department must determine whether the Petitioners have established that the proposed incorporation will not have a negative impact on planning, service provision, infrastructure, environmental resource protection, and other regional issues. Where metropolitan area communities engage in urban development with inconsistent plans and agreements, and lack of communication or coordination, incorporation can lead to a perpetuation of regional problems.

The Village of Bellevue asserts that Ledgeview fails this standard because its incorporation would adversely impact the metropolitan community. Bellevue's arguments center mainly on Ledgeview's proposed business park at the I-43/CTH MM Interchange. Specifically, the Village asserts that incorporation would:

- 1) Unnecessarily duplicate services with adjoining municipalities like Bellevue and De Pere;
- 2) Impede more efficient and cost-effective extension of services from the Village of Bellevue;
- 3) Stimulate sprawl development prior to the time that legitimate market demand for new development exists, and
- 4) Contribute to a regional over-supply of commercial and industrial sites when there already exists a large inventory of vacant sites.⁹⁴

⁹⁴ *Incorporation Feasibility Analysis*, prepared by Stockham Consulting, page 28.

Sprawl

Bellevue argues that extending utilities from the more developed western area of the town across hundreds of acres of farmland to the I-43/CTH MM interchange artificially forces development before a market demand for it exists. Furthermore, Bellevue argues that this will increase the value of farmland, reducing the profitability of farming and hurting the entire metropolitan community by hastening the transition away from agricultural land uses and towards premature scattered urban land uses.

More generally and beyond the planned I-43/CTH MM business park, Bellevue testified at the May 23, 2006 hearing that it frequently finds problems with the site plans and housing developments approved by Ledgeview, that these developments "are sprawl and appear to be dropped out of nowhere".⁹⁵

Ledgeview disagrees that it is a sprawl community. It points to its policy of steering new development into areas served by public sewer and water service rather than on-site sewerage systems. This policy maintains agricultural land and rural character in areas NOT served by sewer and water for as long as possible.⁹⁶ Ledgeview also points to the fact that its comprehensive plan was developed by, and in cooperation with, Brown County. This cooperation ensures that Ledgeview's development plans are consistent with regional plans and goals.

Ledgeview argues that its proposed business park at the I-43/CTH MM is not sprawl because Brown County approved the sanitary sewer service amendments necessary to serve the area with municipal sewer and water service. Brown County found that serving the interchange area with the northerly interceptor was efficient and economical and rather than being sprawl out from Ledgeview's developed western area, the interchange area will instead be compact and logical development radiating southerly from previously developed areas in Green Bay and Bellevue.⁹⁷

Duplication of Services

At the May 23, 2006 public hearing, a number of Bellevue witnesses testified about the high quality of Bellevue's public services. Specifically, a fire chief, zoning administrator, planner, and parks director all presented the nature of Bellevue's various departments and the extent of their responsibilities and accomplishments. The relevance of these presentations to Ledgeview's incorporation petition was unclear to the Department. However, probing by Department staff revealed that the testimony of these witnesses was apparently being used to support an argument that Bellevue's services are higher quality, urban-level services that a city or village typically provides while Ledgeview's services are lower quality, rural-level services that a town typically provides. Bellevue's argument seems to be that it could better provide services to the territory than could Ledgeview. Comparison of services is in fact one of the incorporation standards reviewed by the Department, as discussed previously in this determination. However, this standard only applies if there is an Intervenor to the petition and the Intervenor files a willingness to annex the petitioned territory with the circuit court pursuant to s. 66.0203(6), Wis.Stats. Since Bellevue never filed a willingness to annex Ledgeview, the services standard does not apply in this case.

⁹⁵ May 23, 2006 public hearing testimony by Al Schultz, Bellevue Zoning Administrator.

⁹⁶ Ledgeview Comprehensive Plan, page 163.

⁹⁷ *Petitioner's Summary Statement in Support of the Incorporation of Ledgeview*, June 30, 2006, page 15.

Bellevue argues that the issue of services is relevant also to the *Metropolitan Impact* standard because incorporation of Ledgeview would mean a permanent freeze of area boundaries and a permanent duplication of services. Bellevue believes that developing two adjacent sets of services hurts the metropolitan area by raising the cost of government for area residents and businesses.

The most pointed of Bellevue's criticisms is the proposed business park at the I-43/CTH MM interchange area. Bellevue argues that Ledgeview's northerly interceptor project that will serve this development is unnecessary and duplicative because Bellevue already provides sewer and water service to an area adjacent to the interchange and could extend service directly to the interchange area for an estimated \$750,000, less than the cost of the northerly interceptor.⁹⁸

Ledgeview disagrees that Bellevue can serve the interchange area more cost-effectively, contending instead that its northerly interceptor project is the best approach. More generally, Ledgeview argues that Bellevue's contentions about services should not be sneaked into the Department's consideration as part of the *Metropolitan Impact* standard, not when Bellevue could have legitimately made services a review standard by filing a willingness to annex. Ledgeview points to Weston (1995) as precedent for the Department to reject Bellevue's service issue arguments. In Weston, the City of Schofield, similar to Bellevue, failed to file a willingness to annex the petitioned territory. Like Bellevue, Schofield argued that duplication of services hurt the metropolitan area. However, the Department rejected this argument, saying:

"[Schofield] raises no "metropolitan problems," and instead substitutes the parochial issues pertaining to City of Schofield issues which more properly should have been raised under... [66.0207](2)(b), Wis.Stats."⁹⁹

Ledgeview also argues that its 34 intergovernmental agreements show that it does not duplicate services with neighboring municipalities, but instead has a history of cooperating with neighboring municipalities to identify and implement service sharing arrangements. Cooperating with services means that area residents benefit from a high level of services at less cost.

Undue competition

Bellevue argues that Ledgeview's proposed business park will cause area municipalities to unduly compete for a limited number of economic development opportunities. Bellevue further argues that if every municipality in Brown County followed Ledgeview's example, area business parks would be unfilled, the market saturated. Bellevue believes that Ledgeview's proposed business park at the I-43/CTH MM interchange is more of a town board vision than a market-based idea, pointing to a lack of housing to support businesses at the interchange area, and also the fact that area traffic count increases are not growing quickly enough. For example, Bellevue points out that while traffic counts at the I-43/CTH MM interchange area are increasing annually at 19%, the area around Bellevue's proposed Commercial Center is increasing 120% annually.¹⁰⁰

Bellevue *does* see current commercial market demand in certain parts of Ledgeview, for example the area along the CTH GV corridor.¹⁰¹

⁹⁸ May 19, 2006 memo from Thad Majkowski, PE from Foth & Van Dyke to Randy Friday, Bellevue Village Administrator.

⁹⁹ Weston (1995), page 76, cited by Ledgeview's *Reply Brief in Support of the Incorporation of the Town of Ledgeview*, page 7.

¹⁰⁰ May 23, 2006 public hearing testimony by Al Schultz, Bellevue Zoning Administrator and Peter Reid, Bellevue Long Range Planner.

¹⁰¹ May 23, 2006 public hearing testimony by John Stockham, Bellevue planning consultant.

To support its claims, Bellevue retained a consultant to perform a cursory economic analysis of the impact of a business park at the I-43/CTH MM interchange. The consultant determined that the proposed business park would have a negative effect on Bellevue's own proposed 500 acre 'Commercial Center' as well as existing commercial land in the City of Green Bay. Given the availability of commercial land in Bellevue and Green Bay, the study concludes that Ledgeview's project is unnecessary.¹⁰²

Ledgeview responds that Bellevue's fears over undue competition are irrelevant. Ledgeview argues that anti-competition is not a feature of the *Metropolitan Impact* standard and is certainly not a "governmental problem" to be resolved. Ledgeview points out that prior incorporation decisions have not invalidated incorporations based on competitive reasons. For example, in *Weston* (1995), the Department found that:

"[Wis.Stats. s. 66.0207]2d relates to issues affecting the metropolitan community, and not necessarily those issues that just affect the Petitioner and one other community."¹⁰³

Also, Ledgeview points out that Bellevue's Commercial Center is a fiction because the site's owner is strongly opposed to the idea of a business park on his land and is unwilling to sell or stop farming. As a result, no site plans or preparations have been made and the business park could be years or decades away from becoming a reality.¹⁰⁴

Ledgeview argues that its proposed I-43/CTH MM business park would not compete with Bellevue's Commercial Center (were this center to exist) because it does not contemplate big box retail development but instead corporate campuses, light industrial development and a neighborhood center. Ledgeview argues that its business park will complement, rather than compete with, Bellevue's proposed Commercial Center.¹⁰⁵

Ledgeview finally argues that Bellevue's concern about competition is over-blown because the I-43/CTH MM business park will most likely not be completed for quite some time. Bellevue's unease is understandable, because it has watched over the years as the northerly interceptor has progressed from plan to reality. However, the commercial node that Ledgeview has planned for the interchange area is a compact development whose completion will depend on market conditions. The Town is taking a "long-term perspective"¹⁰⁶ with the interchange area to ensure that the development is an attractive and high-quality gateway to the Green Bay metropolitan area.

Determination

The metropolitan impact standard is a difficult one to meet. The Court in Pleasant Prairie wrote:

The statute is peculiarly worded, in that the incorporation can proceed only if there is a finding that it will not substantially hinder the solution of governmental problems.

¹⁰² Vierbicher Associates Economic Analysis, June 22, 2006

¹⁰³ Weston (1995), page 76, cited by Ledgeview's *Reply Brief in Support of the Incorporation of the Town of Ledgeview*, page 5.

¹⁰⁴ *Petitioner's Summary Statement in Support of the Incorporation of Ledgeview*, June 30, 2006, page 10, and Ledgeview's *Reply Brief in Support of the Incorporation of the Town of Ledgeview*, page 2.

¹⁰⁵ *Petitioners Summary Statement in Support of the Incorporation of Ledgeview*, June 30, 2006, page 4.

¹⁰⁶ May 23, 2006 public hearing testimony by Sarah Burdette, Ledgeview Clerk/Treasurer.

Obviously, this requirement for a finding places a very substantial burden on the proponent of incorporation.”¹⁰⁷

However, Ledgeview has shown itself to be a good regional citizen in numerous ways, some of which are the following:

- Intergovernmental agreements –
Ledgeview has entered into 34 intergovernmental agreements with its neighbors on a wide range of subject areas, including sanitary sewer and water service, transportation projects, stormwater management, snowplowing, emergency response, fire protection, and recycling.
- Meetings with neighbors –
Ledgeview meets regularly with its municipal neighbors. For example, Ledgeview meets with De Pere on the third Thursday of each month, with Glenmore quarterly, and with its other neighbors on an ongoing basis.¹⁰⁸ Prior to this incorporation proceeding, Ledgeview also met regularly with Bellevue and enjoyed excellent cooperation and communication. Unfortunately, this relationship has suffered from the contentiousness of this incorporation process and these meetings no longer occur.¹⁰⁹
- Cooperation with De Pere –
Ledgeview's relationship with De Pere is very good, as evidenced by the monthly meetings, by their resolution of the town island area problem, and by the cooperation over development standards along shared De Pere – Ledgeview boundary areas.
- Central Green Bay Water Authority (CGBWA) –
Ledgeview participated with a handful of other Brown County communities to develop the CGBWA to resolve the groundwater quality problem described earlier in the *Compact and Homogenous* section. While this solution may have been a failure within the larger region between the City of Green Bay and its suburbs, it does nonetheless demonstrate that Ledgeview can work with its immediate neighbors to resolve multi-jurisdictional problems.
- Stormwater management –
Ledgeview is ensuring that new development does not contribute to stormwater run-off problems that negatively impact area surface waters. The town's current stormwater management infrastructure includes many miles of roadside swales and ditches, numerous wetlands, and detention ponds, many of which are regional in nature. Ledgeview also has stormwater management plans that cover the entire town and a stormwater management and erosion control ordinance. It has also taken advantage of the funding opportunities that come with its DNR Priority Watershed status.¹¹⁰
- Affordable Housing –
Ledgeview has built a significant amount of apartment and duplex housing in the past several years, as described earlier in the *Territory Beyond the Core* standard. Also,

¹⁰⁷ *Pleasant Prairie v Local Affairs Dept.*, 108 Wis.2d 465 (1982), pg 481.

¹⁰⁸ December 10, 2003 letter to the Department from Sarah Burdette, Clerk.

¹⁰⁹ Petitioner's *Reply Brief in Support of the Incorporation of the Town of Ledgeview*, page 2.

¹¹⁰ June 16, 2004 public hearing testimony by Joe Linson, Ledgeview engineer.

Ledgeview's comprehensive plan calls for future housing to feature smaller lots, accessory apartments, and mixed-uses, which all tend to increase housing affordability.

The Department finds that these examples show Ledgeview is a good member of its regional community. The Department finds these examples more persuasive than Bellevue's claims about sprawl, service duplication, and undue competition.

Ledgeview is correct in comparing Bellevue's failure to file a resolution indicating a willingness to annex the petitioned Ledgeview territory to Rothschild's situation in Weston (1995). However, the Department's holding in Weston should not be construed to mean that service issues can never be relevant to *Metropolitan Impact* standard. In fact, one can easily conceive of situations where service issues might reach beyond one or two communities to become a regional concern. However, the Department's holding in Weston, reaffirmed here, means that service issues – and particularly the types of service comparison arguments Bellevue makes – are usually more appropriately made under the *Services* standard.

Some of Bellevue's service arguments may indeed touch on larger regional concerns. However, the Department is not convinced that Ledgeview's northerly interceptor is a duplication of services or that it harms the metropolitan community.¹¹¹ Instead, the northerly interceptor appears to be well-suited to serve a large multi-jurisdictional area when this area eventually develops.

The Department did not find Bellevue's arguments about undue competition to be convincing. It is simply not enough for Bellevue to claim that Ledgeview's proposed business park will compete with its proposed business park. The economic impact analysis report by Bellevue's consultant was very late in the incorporation process and too cursory to be persuasive. Also, the Department agrees with Ledgeview that the *Metropolitan Impact* standard is broader than the interests of one neighboring community. Bellevue was not able to show how incorporation of Ledgeview would negatively impact the broader region.

The Department finds that development in Ledgeview's in general, and at the CTH 43/CTH MM interchange, is not sprawl that harms the metropolitan area. On the contrary, the Department applauds Ledgeview's embrace of planning for future growth. The Department is also persuaded by Brown County's approval of Ledgeview's 2004 and 2005 sewer service area amendments to include I-43/CTH MM interchange area.¹¹² Bellevue made the same sprawl-type arguments in opposing these amendments, but Brown County ruled against them, finding that eventual development of the interchange is consistent with the regional growth that has gradually radiated southwards from Green Bay.

For all of the preceding reasons, the Department determines that the petition does meet the *Metropolitan Impact* standard set forth in §66.0207(2)(d), Wis. Stats.

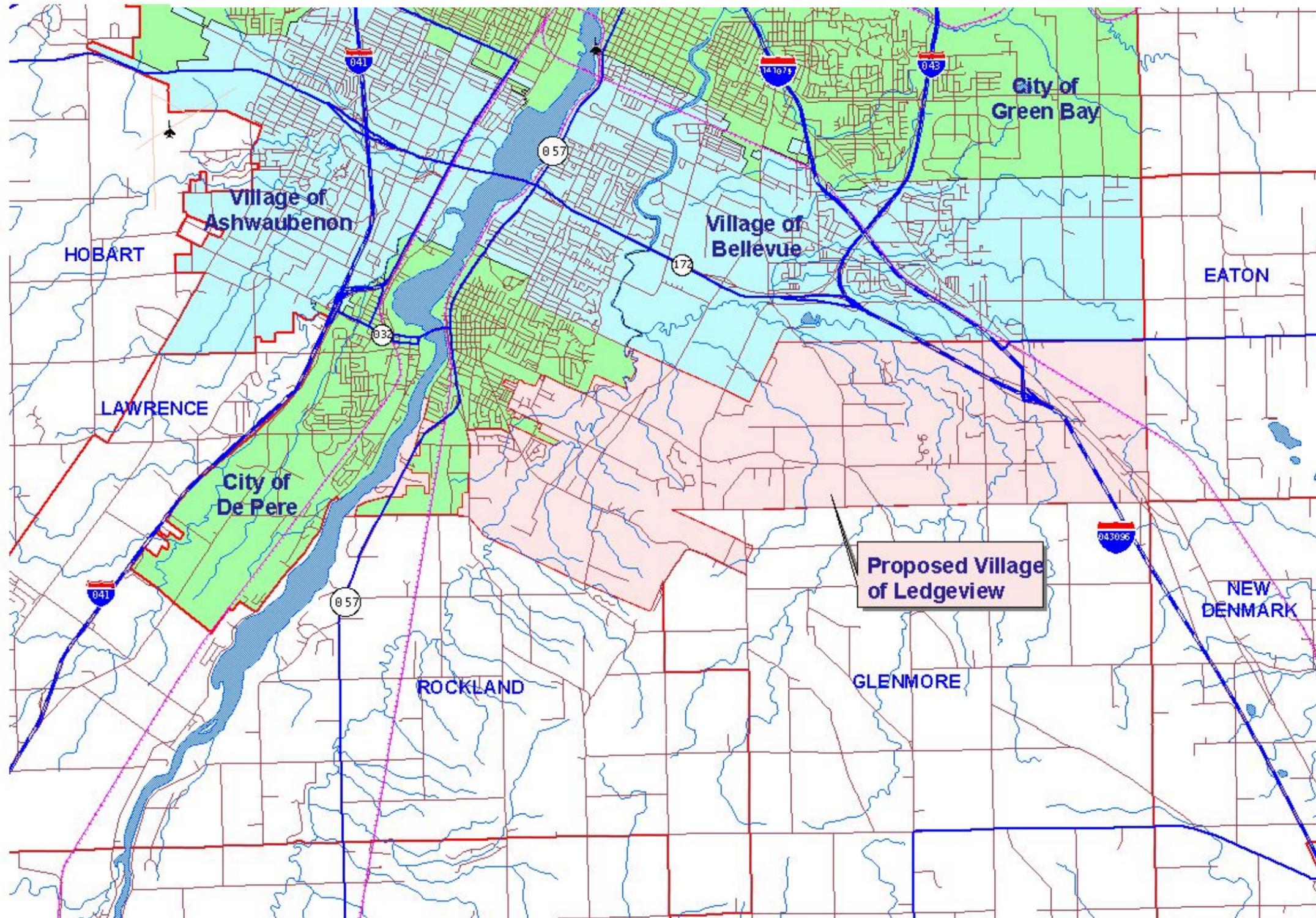
¹¹¹ See preceding footnote 38 for the public record associated with the approval of the northern interveptor.

¹¹² *Ibid.*

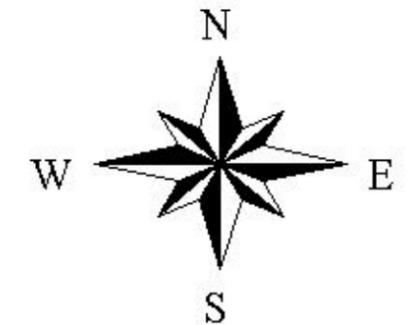
Appendix A

Maps

MAP 1 Ledgeview Incorporation Area

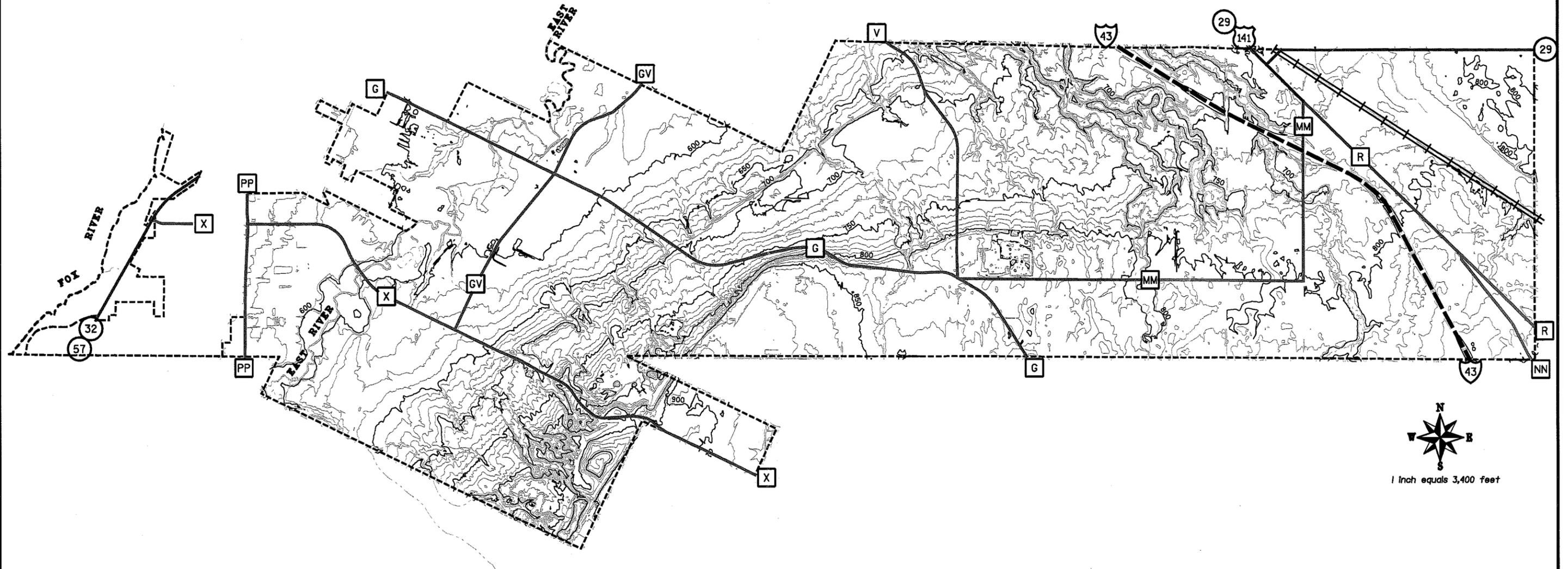


- Runways.shp
- WI Airports
- WI Highways
 - Interstate Highways
 - US Highways
 - State Trunk Highways
- Wi Roads.shp
- WDOT Railroads
- Rivers
- Lakes & Major Water Bodies
- WI Counties
- Proposed Village of Ledgeview.shp
- New WI Municipalities
 - City
 - Town
 - Village



MAP 2

LEDGEVIEW NATURAL RESOURCES MAP TOPOGRAPHY



LEGEND

- | | | | |
|--|---------------------------------|--|----------------|
| | INTERSTATE and FEDERAL HIGHWAYS | | CONTOURS MAJOR |
| | STATE HIGHWAYS | | CONTOURS MINOR |
| | COUNTY ROADS | | |
| | RIVERS, STREAMS and LAKES | | |
| | RAILROAD | | |
| | LEDGEVIEW BOUNDARY | | |

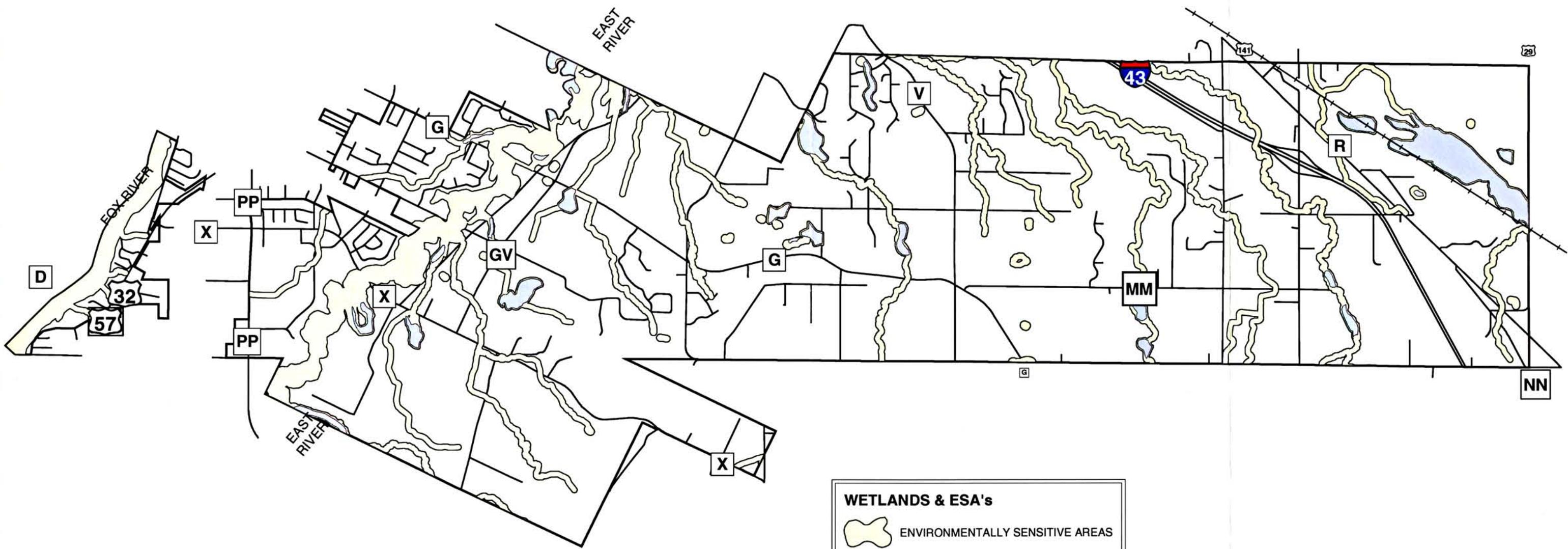
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MAP 3



TOWN of LEDGEVIEW ENVIRONMENTAL RESOURCES MAP

1 inch = 3700 feet



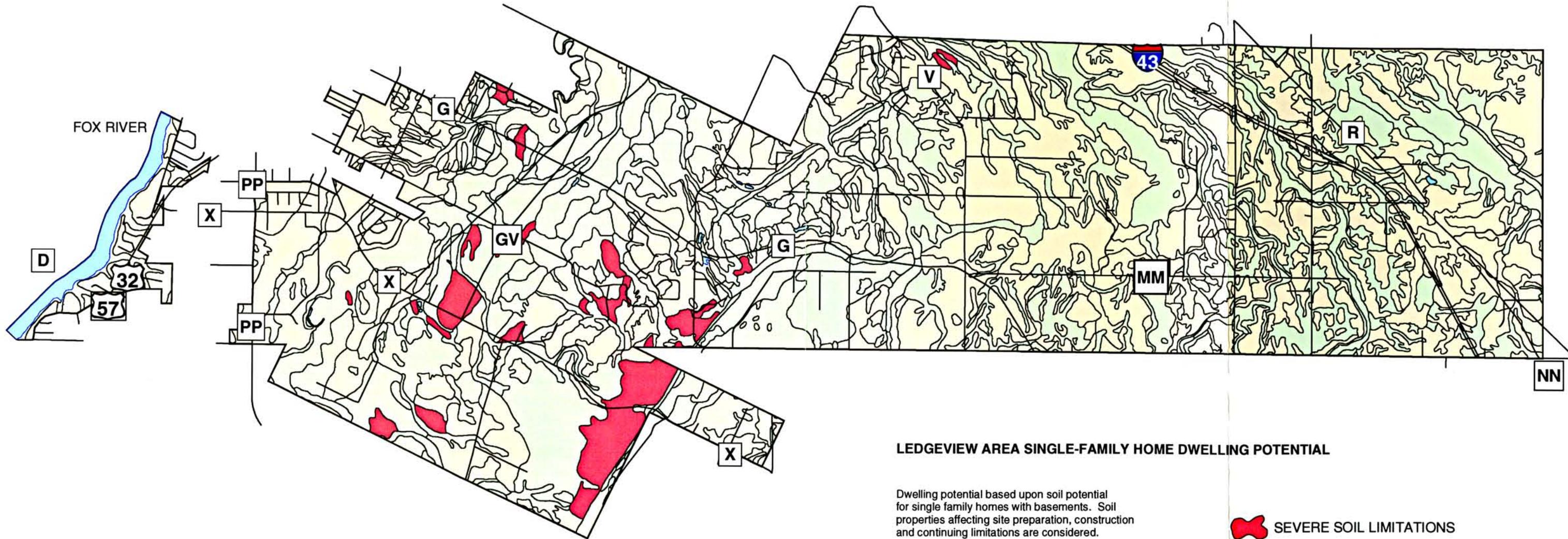
WETLANDS & ESA's

- ENVIRONMENTALLY SENSITIVE AREAS
- WETLANDS
- RAILROADS

MAP 4 TOWN of LEDGEVIEW Dwelling Potential



1 inch = 3700 feet



LEDGEVIEW AREA SINGLE-FAMILY HOME DWELLING POTENTIAL

Dwelling potential based upon soil potential for single family homes with basements. Soil properties affecting site preparation, construction and continuing limitations are considered.

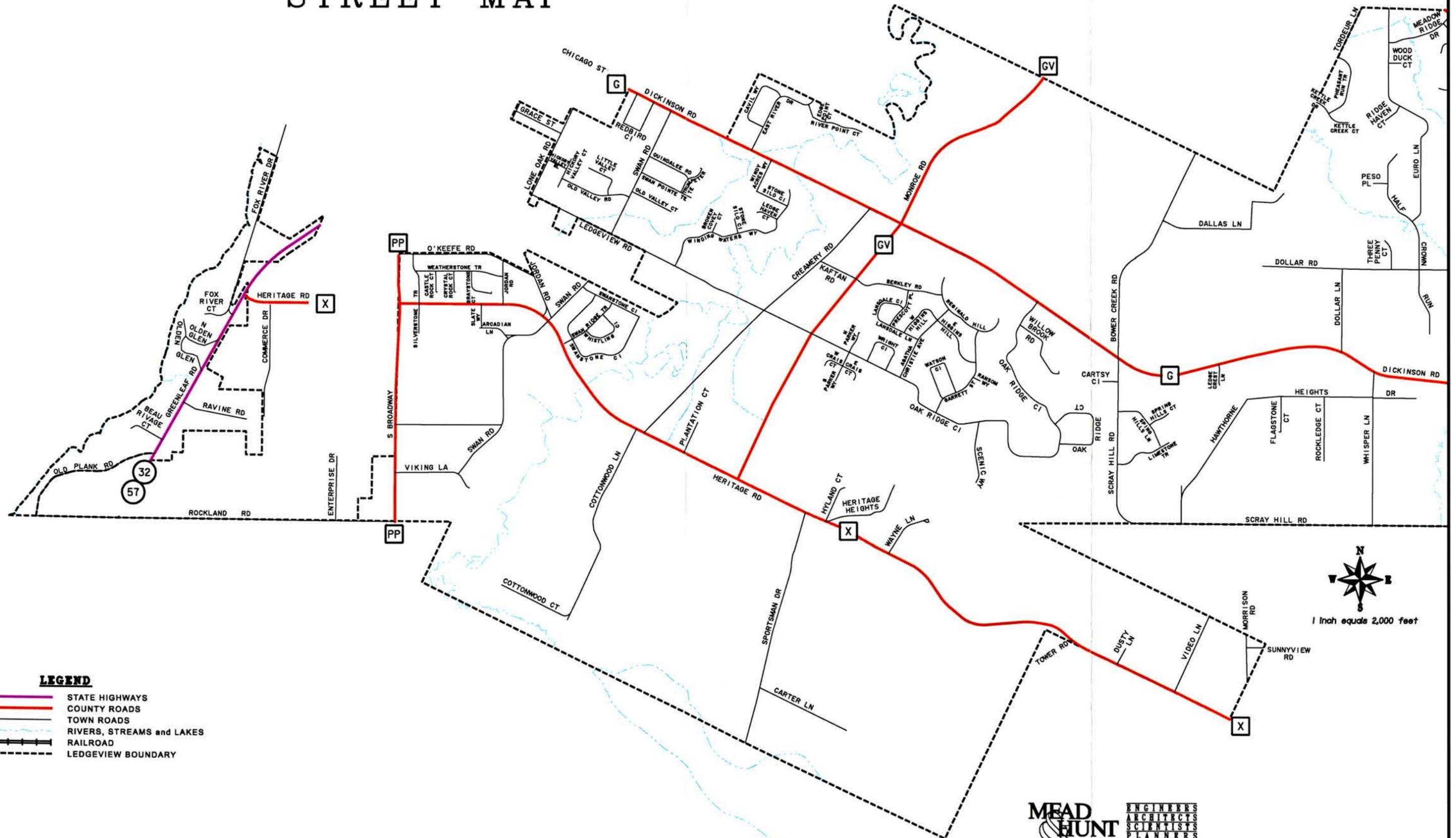
Soil data derived from 1:24,000 Soil Survey Geographic Database (SSURGO), U.S. Department of Agriculture, Natural Resources Conservation Service.

Municipal Boundary supplied by Brown County Land Information Office (LIO).

-  SEVERE SOIL LIMITATIONS
-  MODERATE SOIL LIMITATIONS
-  FAVORABLE SOIL PROPERTIES
-  Water Bodies

MAP 5

LEDGEVIEW STREET MAP



LEGEND

- STATE HIGHWAYS
- COUNTY ROADS
- TOWN ROADS
- RIVERS, STREAMS and LAKES
- RAILROAD
- - - LEDGEVIEW BOUNDARY

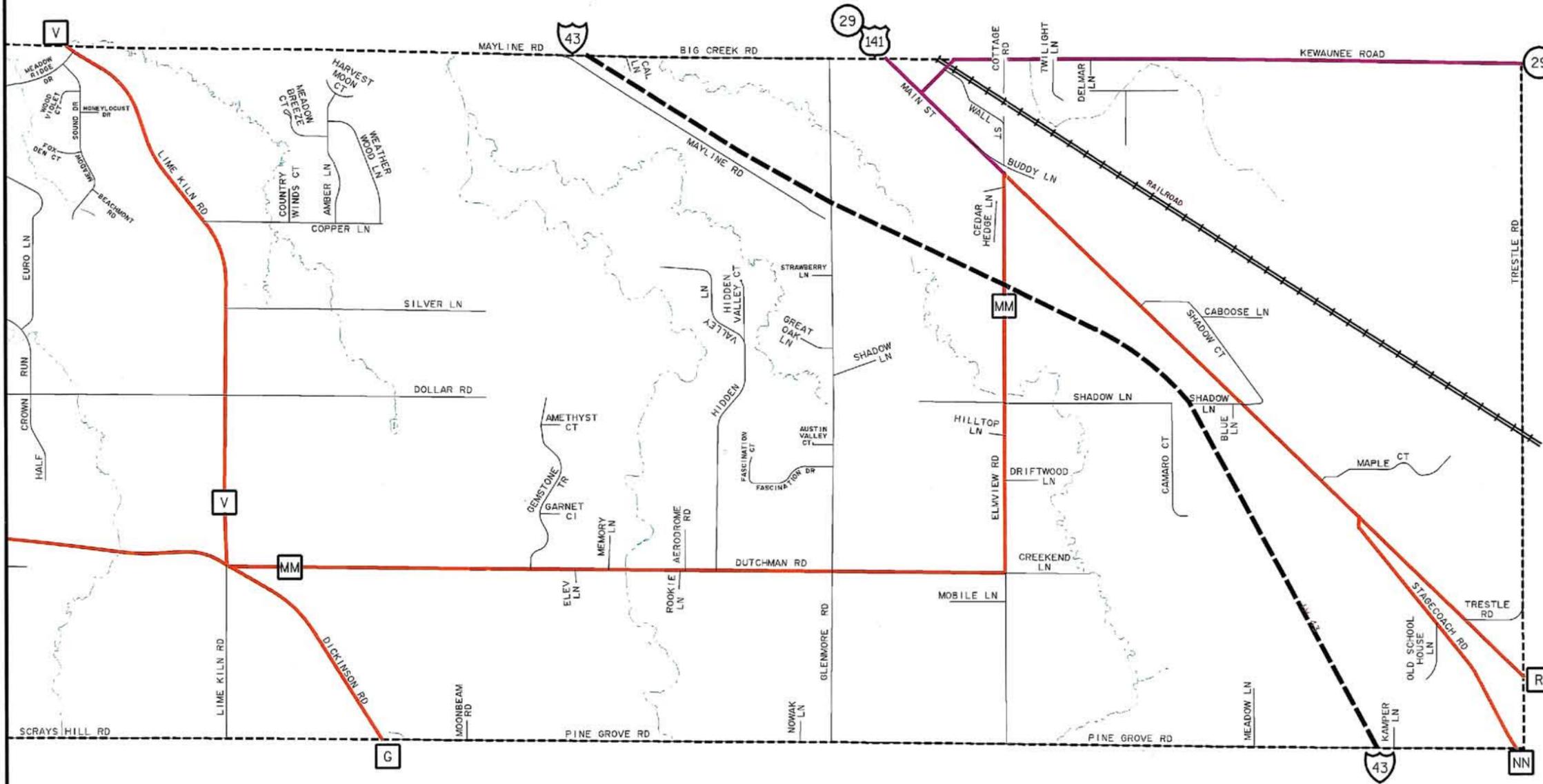


1 inch equals 2,000 feet

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MAP 5 (continued)

LEDGEVIEW STREET MAP



LEGEND

-  INTERSTATE and FEDERAL HIGHWAYS
-  STATE HIGHWAYS
-  COUNTY ROADS
-  TOWN ROADS
-  RIVERS, STREAMS and LAKES
-  RAILROAD
-  LEDGEVIEW BOUNDARY

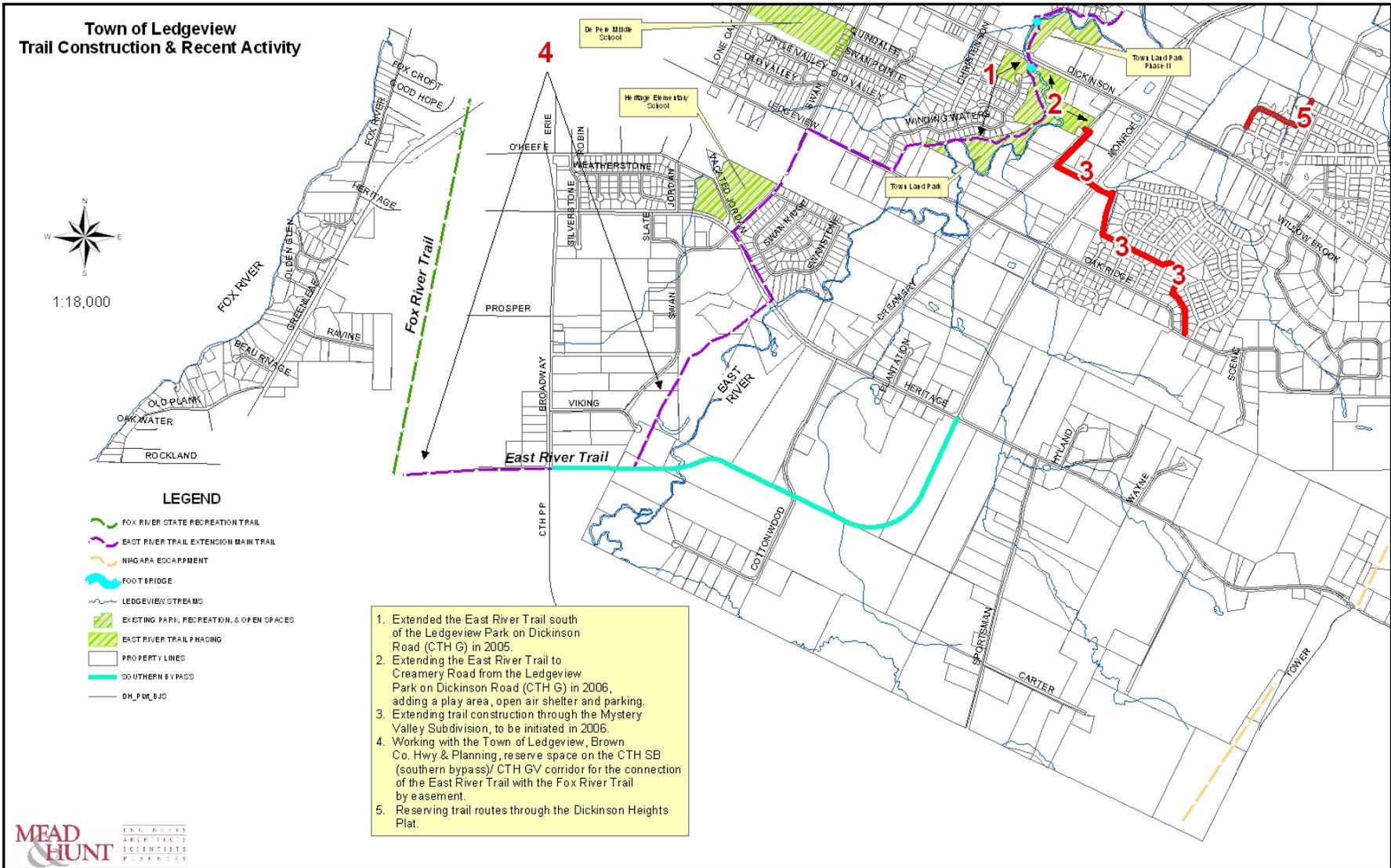


1 Inch equals 2,000 feet

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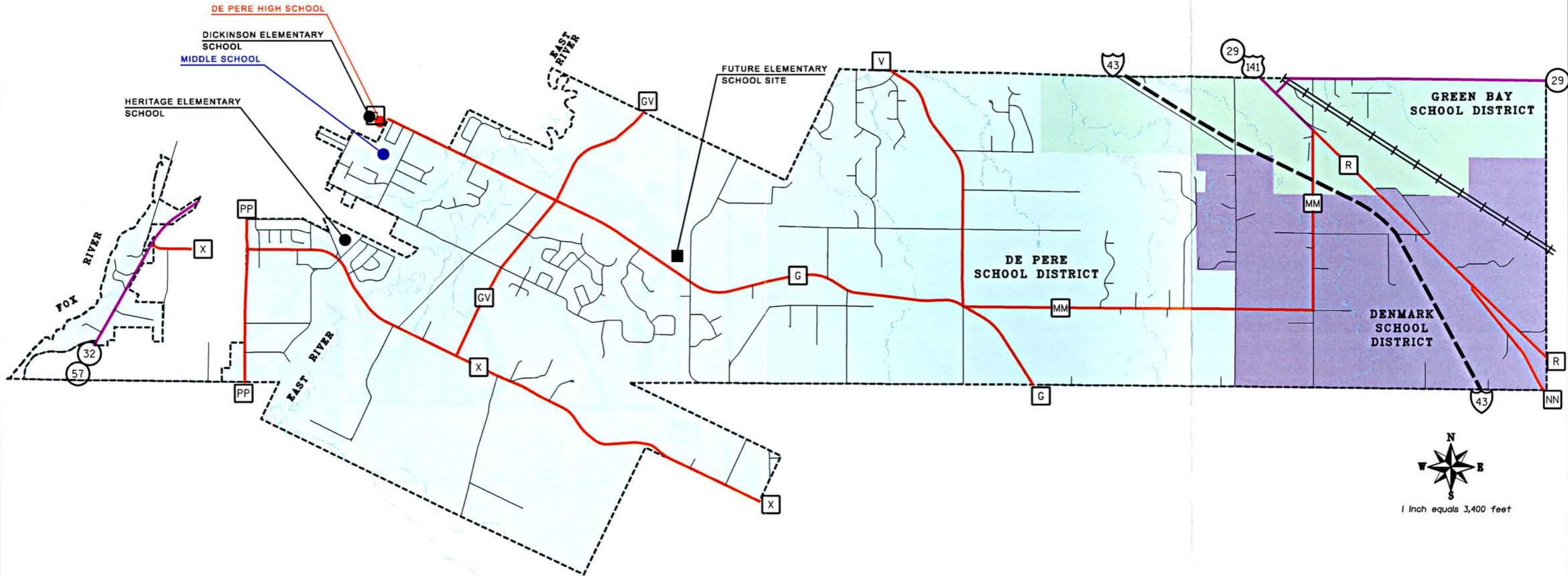
MAP 6

Ledgeview Trails



MAP 7

LEDGEVIEW SCHOOL DISTRICT MAP



LEGEND

- INTERSTATE and FEDERAL HIGHWAYS
- STATE HIGHWAYS
- COUNTY ROADS
- TOWN ROADS
- RIVERS, STREAMS and LAKES
- RAILROAD
- LEDGEVIEW BOUNDARY

- ELEMENTARY SCHOOL
- MIDDLE SCHOOL
- HIGH SCHOOL
- FUTURE ELEMENTARY SCHOOL

SCHOOL DISTRICT BOUNDARY

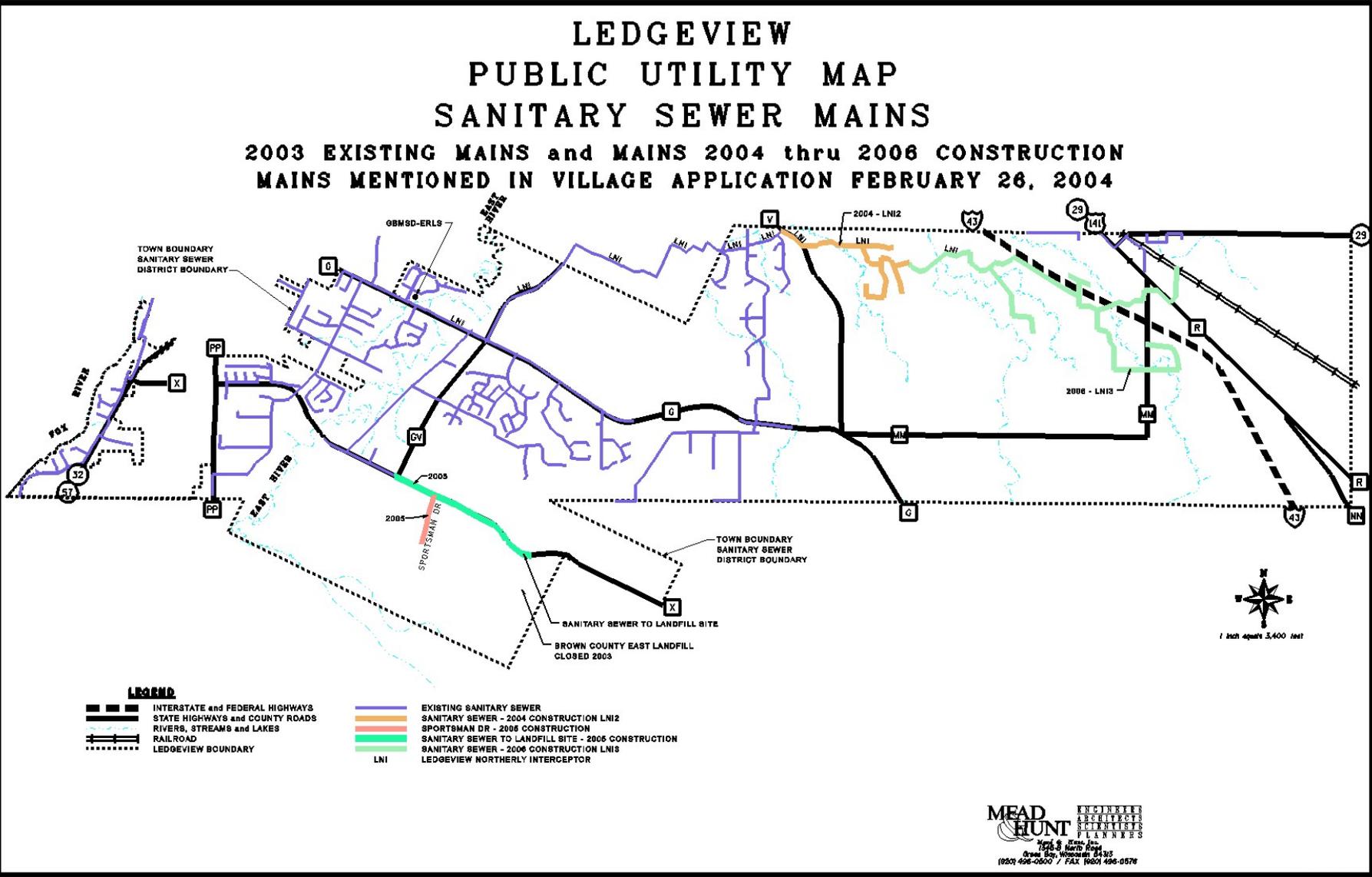
- DE PERE
- DENMARK
- GREEN BAY

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 Green Bay, Wisconsin 54313
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MAP 8

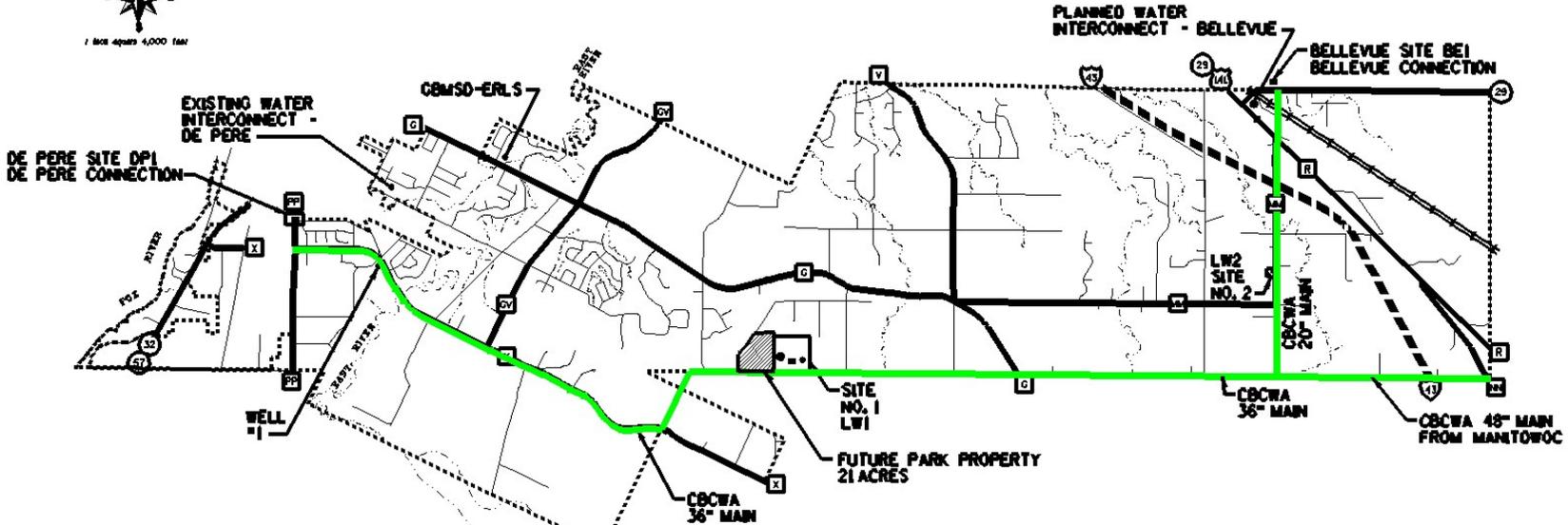
LEDGEVIEW PUBLIC UTILITY MAP SANITARY SEWER MAINS

2003 EXISTING MAINS and MAINS 2004 thru 2006 CONSTRUCTION
MAINS MENTIONED IN VILLAGE APPLICATION FEBRUARY 26, 2004



MAP 9

LEDGEVIEW CENTRAL BROWN COUNTY WATER AUTHORITY (CBCWA) CONSTRUCTION IN LEDGEVIEW AREA LEDGEVIEW WATER SYSTEM



LEGEND

	INTERSTATE and FEDERAL HIGHWAYS
	STATE HIGHWAYS and COUNTY ROADS
	TOWN ROADS
	RIVERS, STREAMS and LAKES
	RAILROAD
	LEDGEVIEW BOUNDARY
	CBCWA WATER MAIN

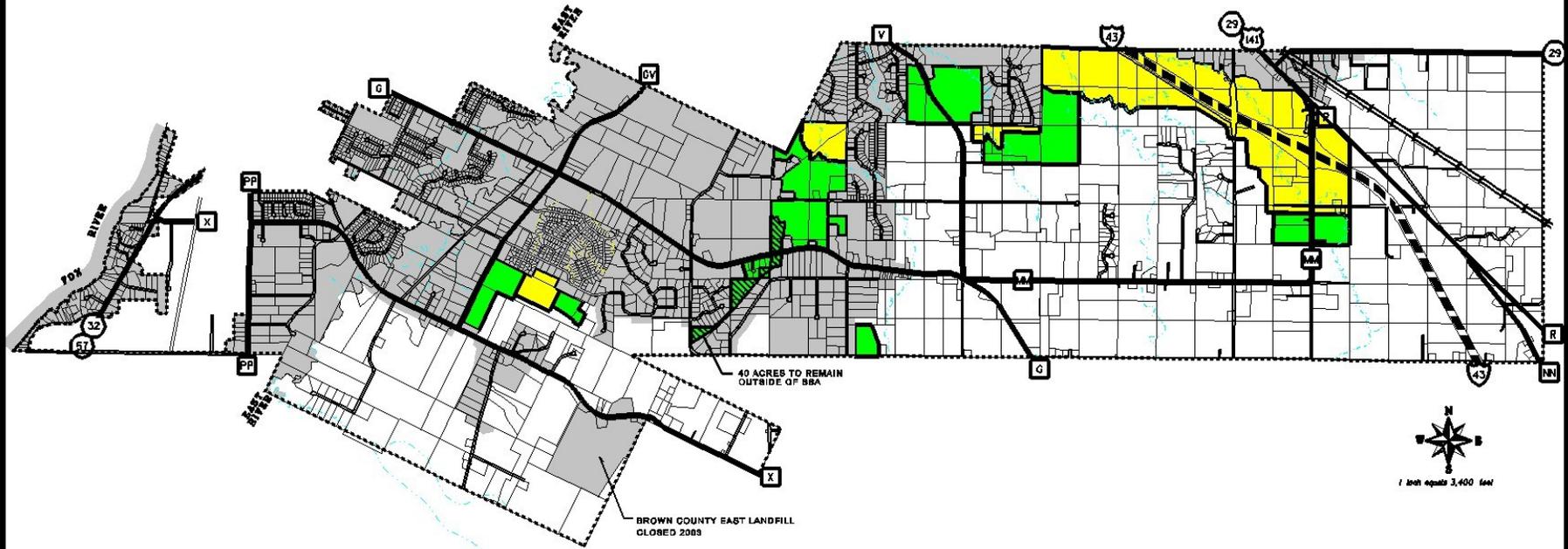
NOTE A

- | | |
|---|---|
| <p>1. SITE NO. 1 - LWI</p> <ul style="list-style-type: none"> • CBCWA Connection No. 1 - LW1 • 1 Million Gallon At-Grade Reservoir • 200,000 Gallon Elevated Reservoir • Booster-Chlorine Facility <p>2. SITE NO. 2 - LW2</p> <ul style="list-style-type: none"> • CBCWA Connection No. 2 - LW2 • Booster Facility - Ledgeview • Future 400,000 gallon Elevated Reservoir <p>3. WELL #1</p> | <p>4. EXISTING WATER INTERCONNECT - DE PERE</p> <ul style="list-style-type: none"> • De Pere water pressure equal to Ledgeview water pressure in Ledgeview's lower pressure zone <p>5. PLANNED WATER INTERCONNECT - BELLEVUE</p> <ul style="list-style-type: none"> • Bellevue water pressure in Bellevue's upper pressure zone equal to Ledgeview pressure in Ledgeview's upper pressure zone <p>6. BELLEVUE SITE - BE1</p> <ul style="list-style-type: none"> • CBCWA Connection No. 1 - BE1 <p>7. DE PERE SITE - DPI</p> <ul style="list-style-type: none"> • CBCWA Connection No. 1 - DPI |
|---|---|



MAP 10

LEDGEVIEW SANITARY SERVICE AREA



LEGEND

INTERSTATE and FEDERAL HIGHWAYS	SANITARY SERVICE AREA - EXISTING 2003, DATE OF VILLAGE APPLICATION
STATE HIGHWAYS and COUNTY ROADS	SANITARY SERVICE AREA ADDED - AMENDMENT OF NOVEMBER 2004 - 606 ACRES
RIGHT-OF-WAYS	SANITARY SERVICE AREA ADDED - AMENDMENT OF JANUARY 2008 - 511 ACRES
RIVERS, STREAMS and LAKES	
RAILROAD	
LEDGEVIEW BOUNDARY	
PARCEL LINES	

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MAP 11

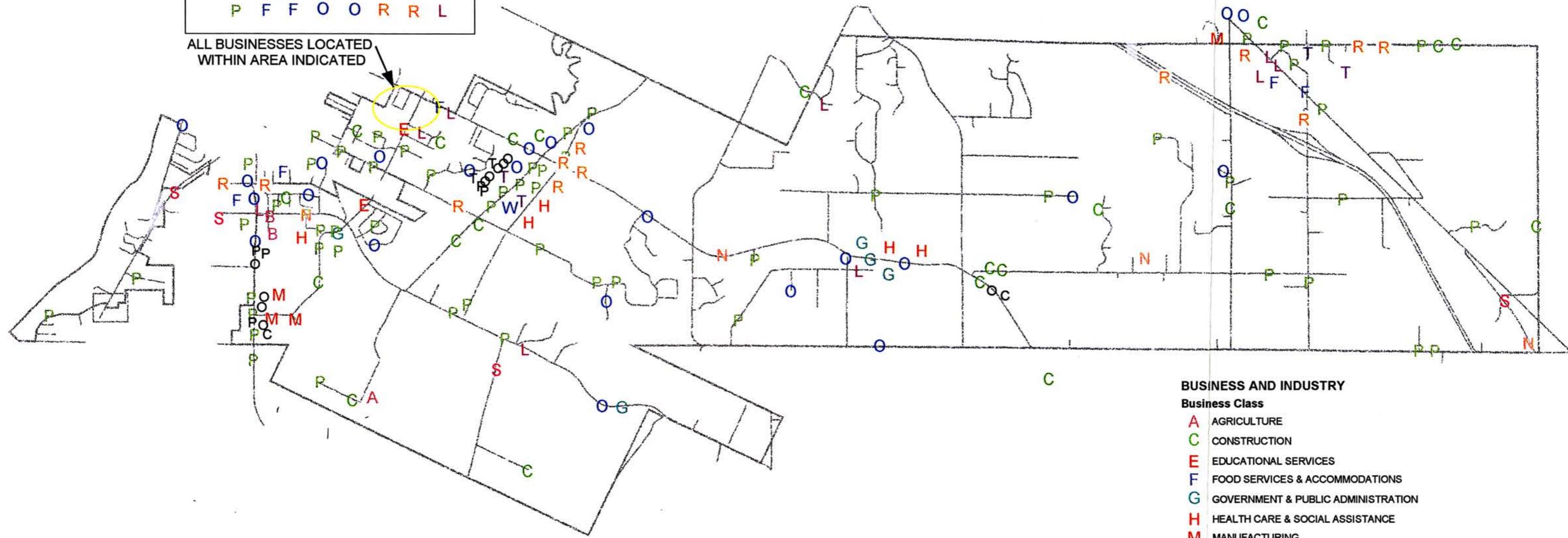
TOWN of LEDGEVIEW BUSINESS AND INDUSTRY



1 inch = 3700 feet

N	L	H	P	P	O	H	P	P
P	P	R	O	F	O	H	N	R
H	L	L	P	P	P	P	P	
F	H	H	P	L	H	L	N	
P	F	F	O	O	R	R	L	

ALL BUSINESSES LOCATED WITHIN AREA INDICATED



BUSINESS AND INDUSTRY

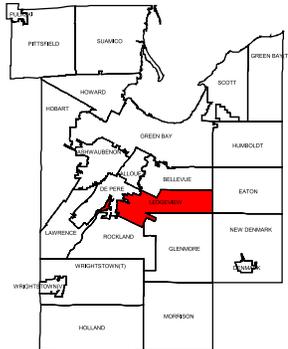
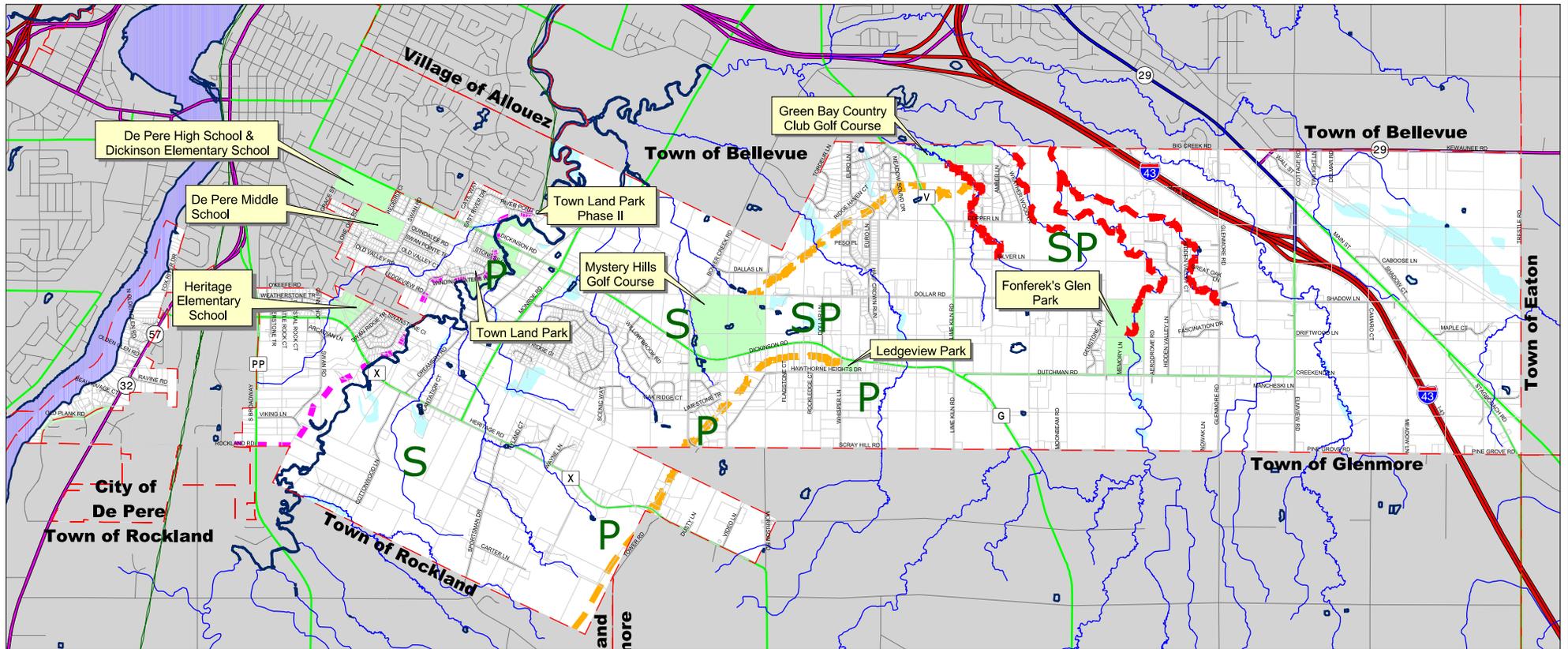
- Business Class**
- A AGRICULTURE
 - C CONSTRUCTION
 - E EDUCATIONAL SERVICES
 - F FOOD SERVICES & ACCOMMODATIONS
 - G GOVERNMENT & PUBLIC ADMINISTRATION
 - H HEALTH CARE & SOCIAL ASSISTANCE
 - M MANUFACTURING
 - N ARTS, ENTERTAINMENT & RECREATION
 - O OTHER or UNKNOWN INDUSTRY
 - P PROFESSIONAL SERVICES
 - R RETAIL TRADE
 - T TRANSPORTATION
 - W WHOLESALE TRADE
 - L FINANCIAL
 - S SPIRITUAL
 - B MULTIFAMILY APARTMENTS

MAP 12



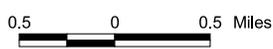
Park and Open Space Sites

Town of Ledgeview, Brown County, WI



- East River and Fox River Trail
- Proposed Trails
- East River Trail Extension
- Niagara Escarpment
- Wetlands
- Existing Park
- Future Park Site
- Future School Site
- Future School/Park Site

Scale: 1 inch = 1 mile



This is a compilation of records and data located in various Brown County and City of Green Bay offices and is to be used for reference purposes only. The map is controlled by the field measurements between the corners of the Public Land Survey System, and the parcels are mapped from available records which may not precisely fit field conditions. Brown County/City of Green Bay are not responsible for any inaccuracies or unauthorized use of the information contained within. No warranties are implied.

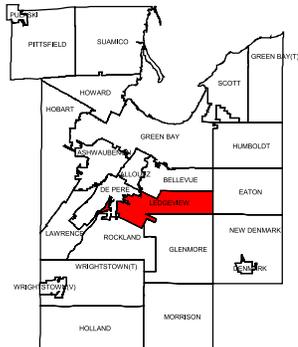
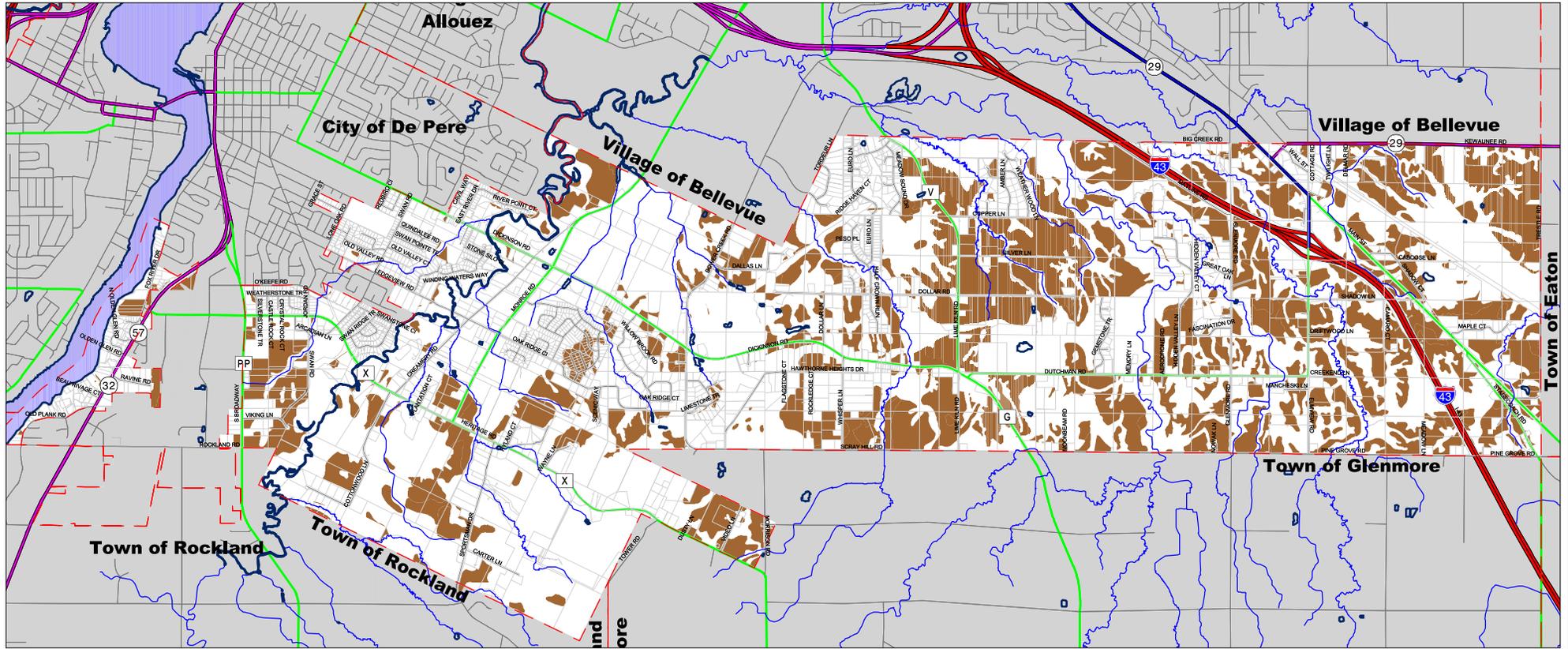
Map prepared by Brown County Planning Department. May 2004.

MAP 13



Productive Agricultural Lands

Town of Ledgeview, Brown County, WI



Productive Agricultural Land

Source: United States Department of Agriculture
Natural Resources Conservation Service
National Soil Survey Center

Soil Survey Geographic (SSURGO) Database

Scale: 1 inch = 1 mile



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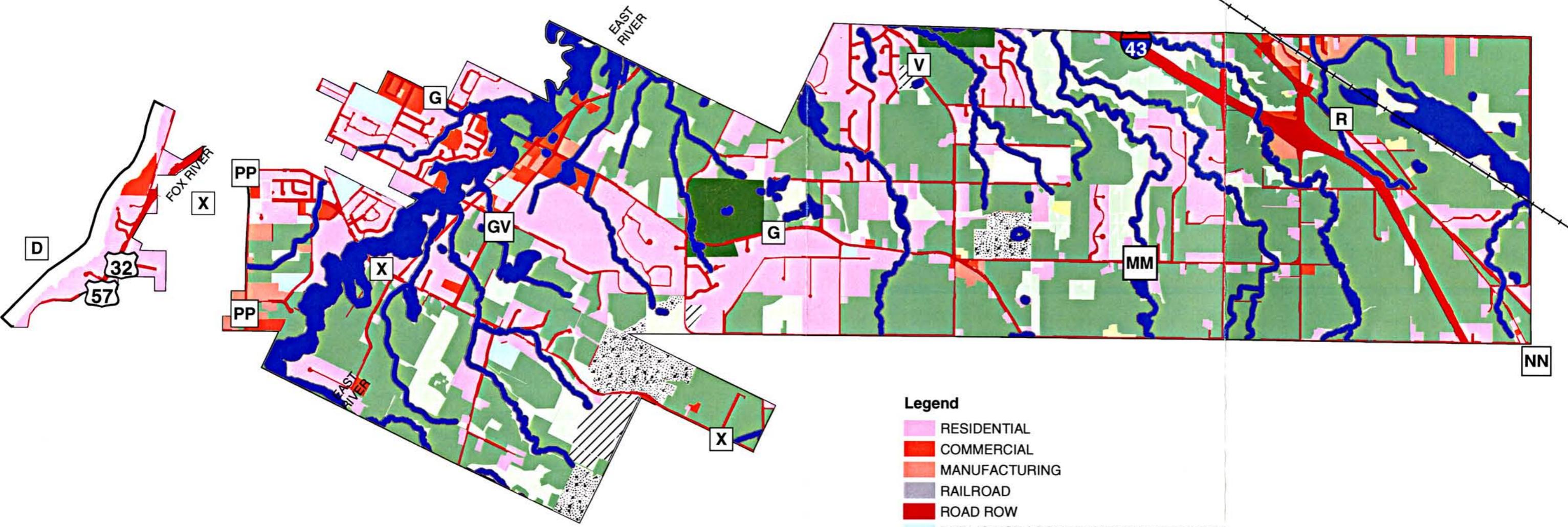
Map prepared by Brown County Planning Department. November 2003.

MAP 14

TOWN OF LEDGEVIEW EXISTING LAND USE MAP



1 inch = 3700 feet

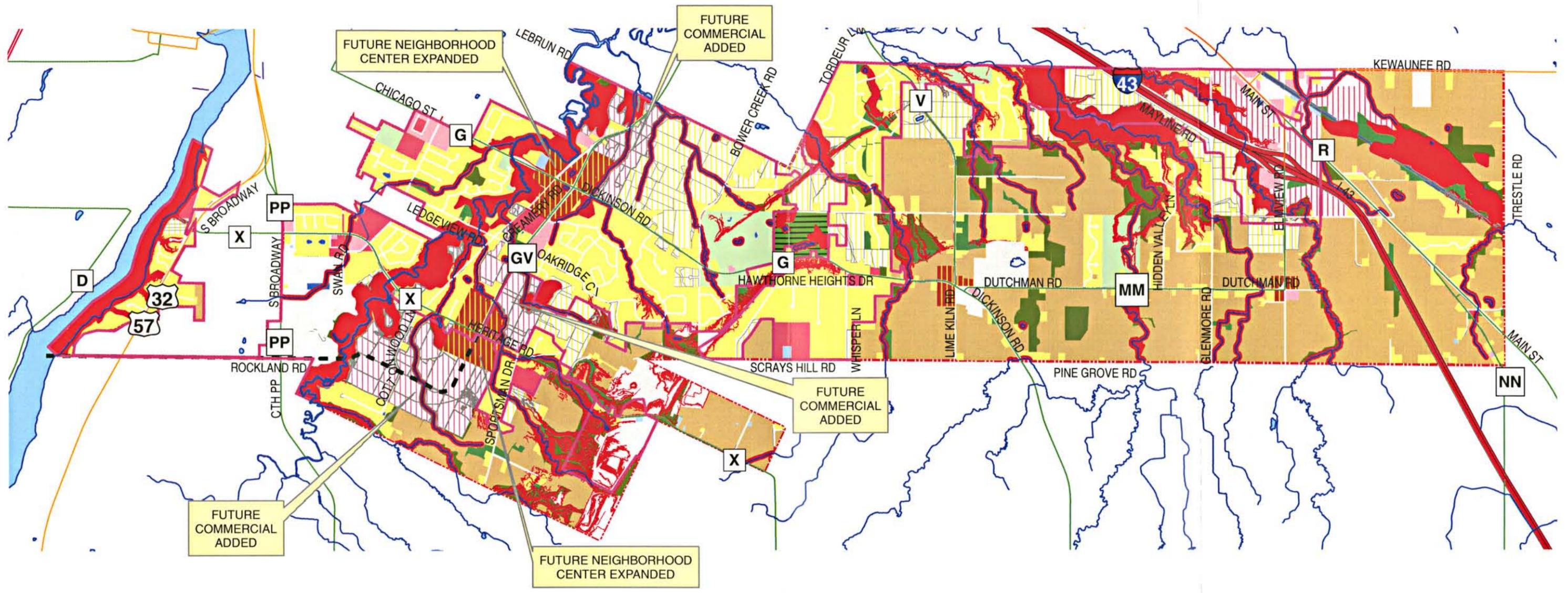


- Legend**
- RESIDENTIAL
 - COMMERCIAL
 - MANUFACTURING
 - RAILROAD
 - ROAD ROW
 - PUBLIC USE / GOVERNMENT / INSTITUTION
 - AGRICULTURE
 - CONSERVATION / FOREST
 - QUARRIES
 - LANDFILL
 - FARM BUILDINGS / ACCESSORIES
 - GOLF COURSE
 - WATER & FLOODPLAIN LANDS

Future Land Use

Town of Ledgeview, Brown County, WI

ADOPTED 12/20/2005



Land Uses

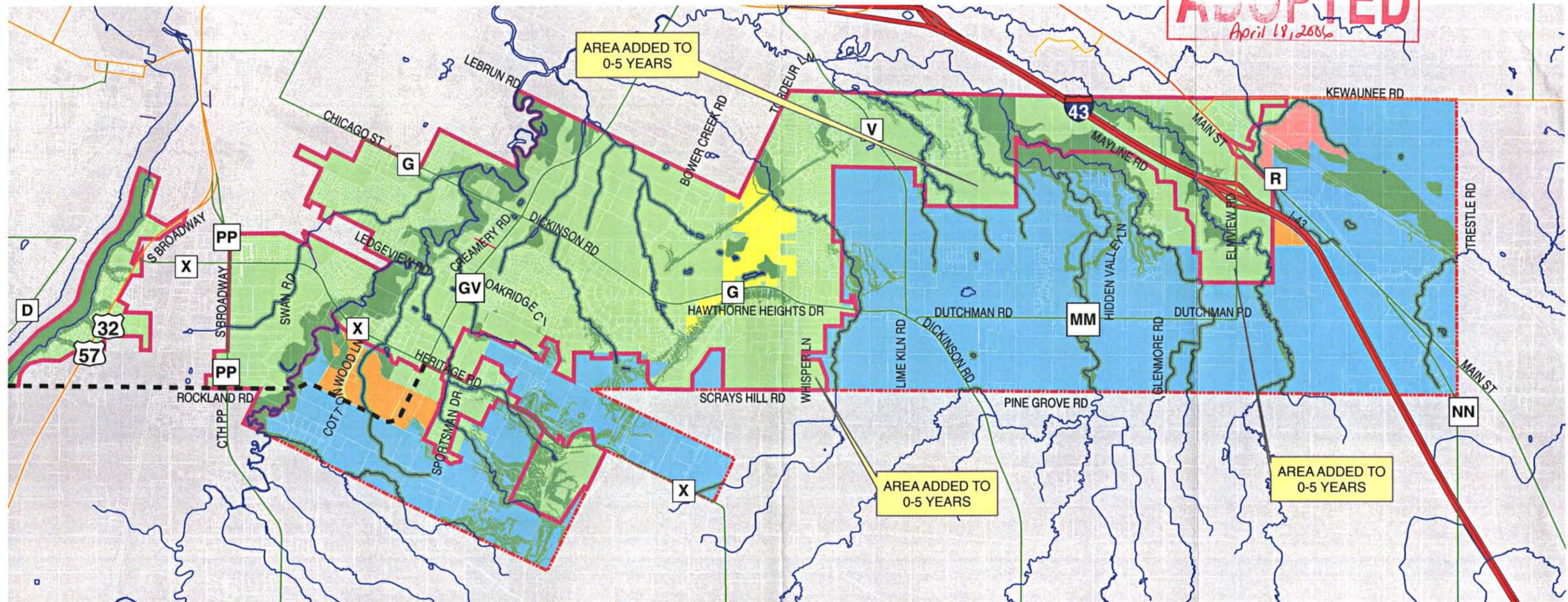
- | | |
|-------------------------|----------------------------|
| Existing Agricultural | Existing Woodlands |
| Existing Commercial | Future Commercial |
| Existing Govt Inst | Future Business Park |
| Existing Industrial | Future Neighborhood Center |
| Existing Natural Areas | Future Neighborhood Res |
| Existing Recreational | Future Community Park |
| Existing Residential | Southern Bypass |
| Existing Transportation | |
| Existing Utilities | |
| Existing Water Features | |
| Environmental Area | |



5 Year Growth Increments

Town of Ledgeview, Brown County, WI

Town Board
ADOPTED
 April 18, 2006



Growth Increments

- futurelu5
- 0-5 Years
 - 5-10 Years
 - 10-15 Years
 - 15-20 Years
 - >20 Years
 - Environmental Area
 - Southern Bypass
 - 2006_LV_SSA_updated030806

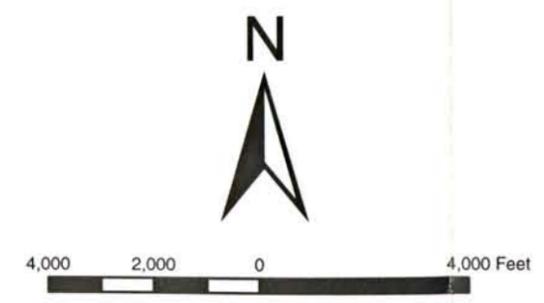
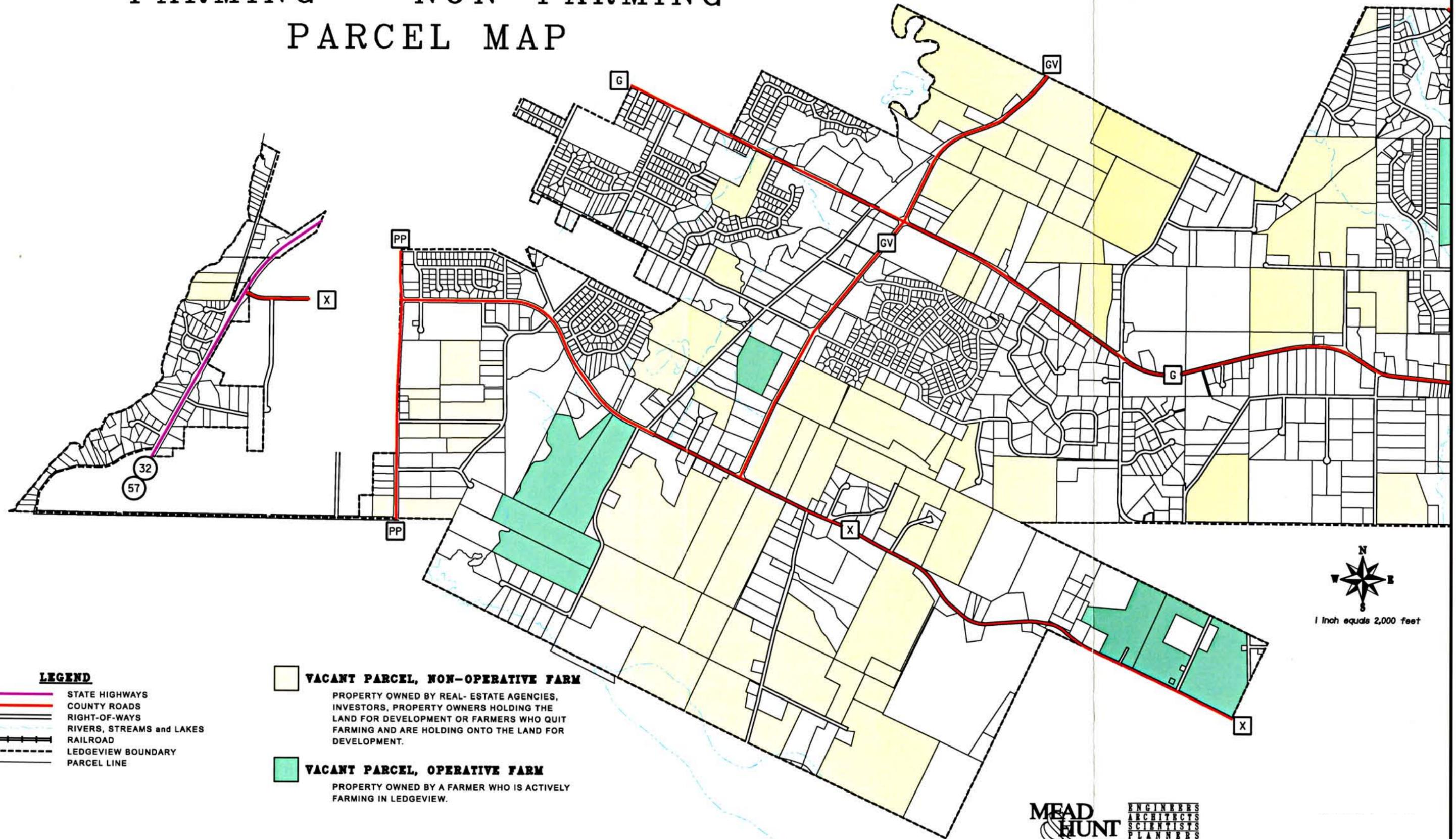


EXHIBIT
 LEDGEVIEW
 8



MAP 17

LEDGEVIEW FARMING – NON-FARMING PARCEL MAP



LEGEND

- STATE HIGHWAYS
- COUNTY ROADS
- RIGHT-OF-WAYS
- RIVERS, STREAMS and LAKES
- RAILROAD
- LEDGEVIEW BOUNDARY
- PARCEL LINE

VACANT PARCEL, NON-OPERATIVE FARM

PROPERTY OWNED BY REAL- ESTATE AGENCIES, INVESTORS, PROPERTY OWNERS HOLDING THE LAND FOR DEVELOPMENT OR FARMERS WHO QUIT FARMING AND ARE HOLDING ONTO THE LAND FOR DEVELOPMENT.

VACANT PARCEL, OPERATIVE FARM

PROPERTY OWNED BY A FARMER WHO IS ACTIVELY FARMING IN LEDGEVIEW.

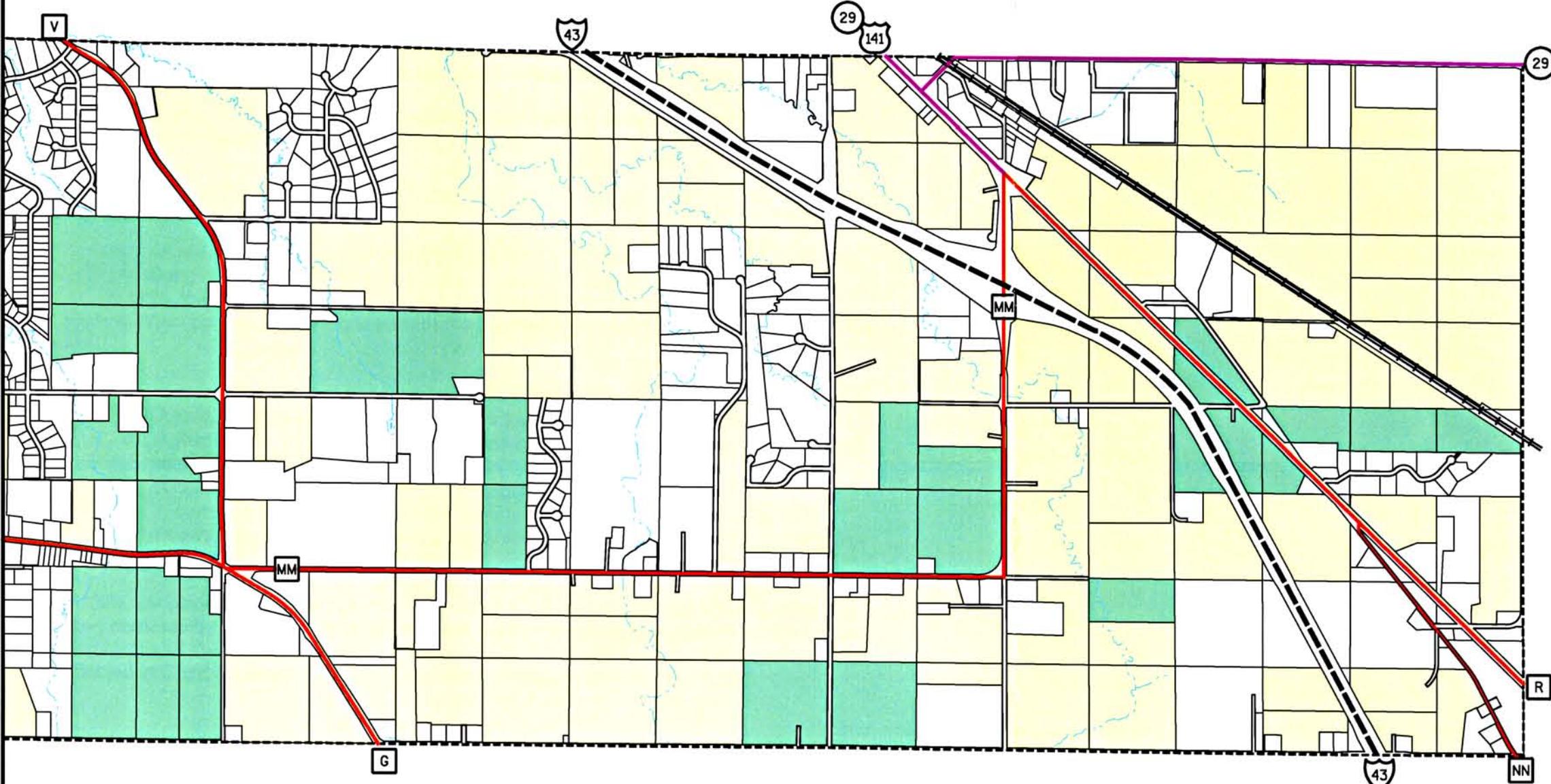


1 Inch equals 2,000 feet

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MAP 17 (continued)

LEDGEVIEW FARMING – NON-FARMING PARCEL MAP



- VACANT PARCEL, NON-OPERATIVE FARM**
PROPERTY OWNED BY REAL- ESTATE AGENCIES, INVESTORS, PROPERTY OWNERS HOLDING THE LAND FOR DEVELOPMENT OR FARMERS WHO QUIT FARMING AND ARE HOLDING ONTO THE LAND FOR DEVELOPMENT.
- VACANT PARCEL, OPERATIVE FARM**
PROPERTY OWNED BY A FARMER WHO IS ACTIVELY FARMING IN LEDGEVIEW.

- LEGEND**
- INTERSTATE and FEDERAL HIGHWAYS
 - STATE HIGHWAYS
 - COUNTY ROADS
 - RIGHT-OF-WAYS
 - RIVERS, STREAMS and LAKES
 - RAILROAD
 - LEDGEVIEW BOUNDARY
 - PARCEL LINE



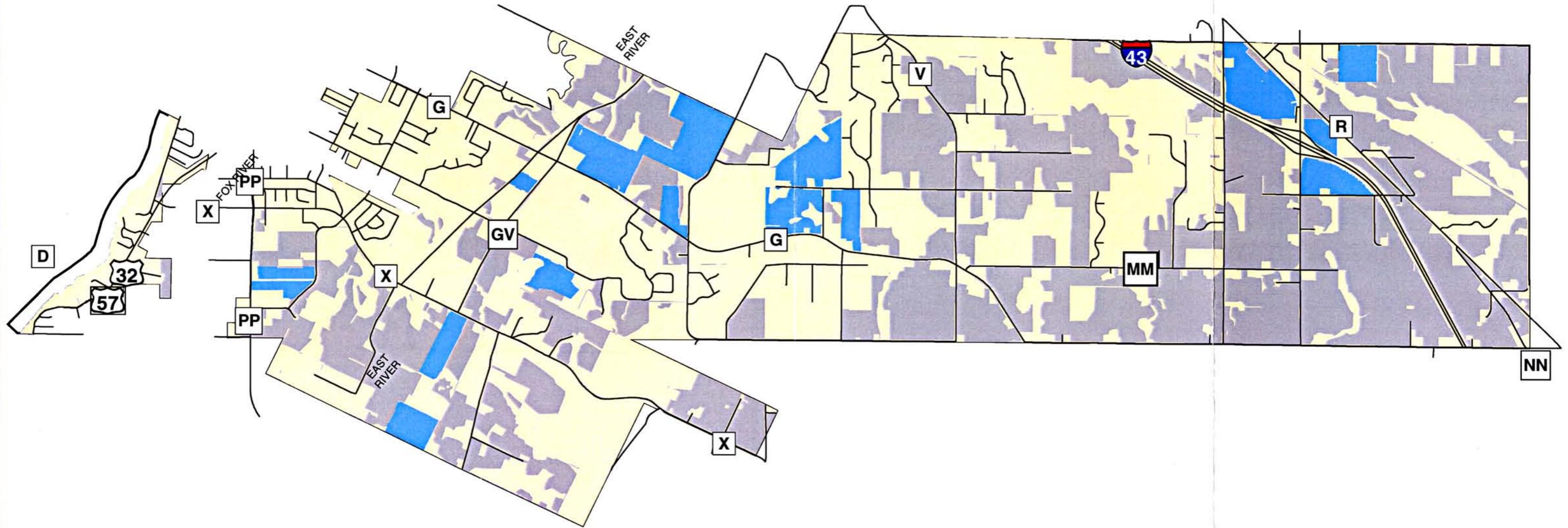
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MAP 18

TOWN OF LEDGEVIEW DEVELOPED / UNDEVELOPED AREAS



1 inch = 3700 feet



Legend

LAND STATUS

-  DEVELOPED OR UNABLE TO BE DEVELOPED PROPERTIES (60.6%)
-  PROPERTIES CURRENTLY UNDER DEVELOPMENT (6.8%)
-  PROPERTIES AVAILABLE FOR FUTURE DEVELOPMENT (32.6%)

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MAP 19

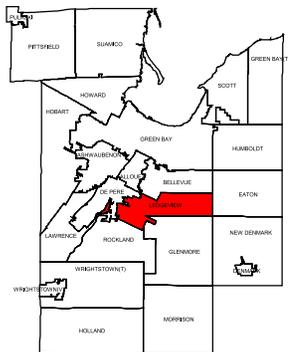
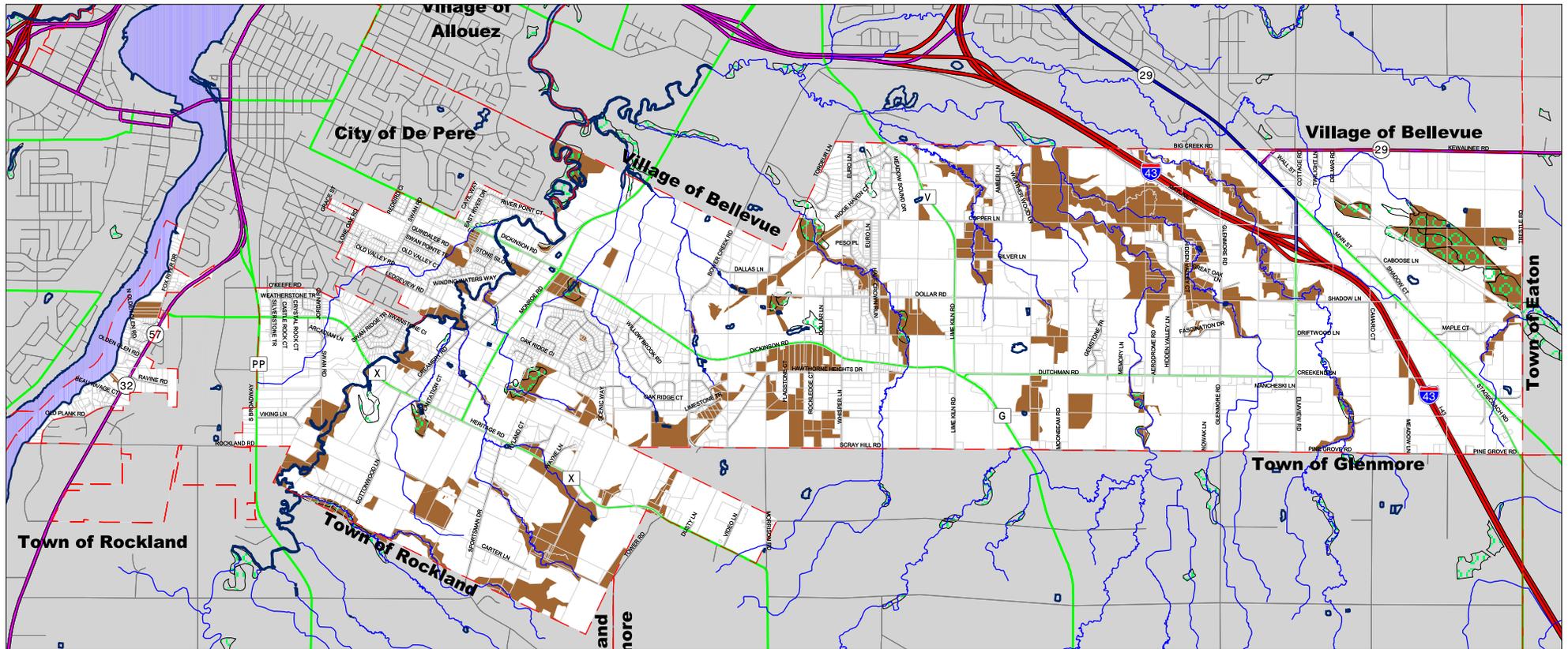


Figure 7-6

Woodlands and WDNR Wetlands



Town of Ledgeview, Brown County, WI



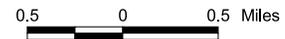
Wetlands

Source: Wisconsin Department of Natural Resources

Woodlands

Source: Brown County Land Use Inventory, 2003.

Scale: 1 inch = 1 mile



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Map prepared by Brown County Planning Department. November 2003.

Appendix B

List of submitted exhibits and other related materials

Exhibits from the June 16, 2004 Public Hearing

- #1 Public comment letter from the Green Bay Country Club, Inc.
- #2 Public comment letter from the City of De Pere
- #4 Draft map showing Ledgeview's proposed 5-year growth increments
- #5 Public comment letter from the Town of Glenmore
- Powerpoint Presentation - *Ledgeview Village Incorporation Hearing*, June 16, 2004.

Exhibits from the May 23, 2006 Public Hearing

Petitioners Exhibits

- #1 Presentation binder
- #2 Project Manual for Ledgeview Northerly Interceptor, Phase III Sanitary Sewer and Water Main Construction Contract B (2006). Ledgeview Exhibit 2 for May 23, 2006 Public Hearing.
- #3 Northerly interceptor specifications
- #4 Petitioner's Powerpoint presentation
- #5 CD of presentation binder and Powerpoint presentation
- #6 Comprehensive Plan amendment to 5-Year Incremental Growth Map
- #7 Comprehensive Plan amendment to Future Land Use Map
- #8 5-Year Growth Increment map

Intervenor Exhibits

- #1 *Incorporation Feasibility Analysis*, prepared by Stockham Consulting
- #2 Bellevue sewer and water maps
- #3 Foth & Van Dyke memo
- #4 2006-2015 Bellevue Fire Department Strategic Plan
- #5 Fire Department Powerpoint presentation
- #6 Large Bellevue Maps
 - Historical Growth Boundaries (revision 3-22-06)
 - Concept Plan A (April 18, 2006)
 - Commercial Park Development (no date)
 - Transportation (no date)
 - Parks (no date)
 - Connectivity Study (no date)
- #7 Bellevue Capital Improvements Plan 2006-07
- #8 Brown County Sheriff's letter about service to Ledgeview

Attorney Briefs

- *Petitioner's Submittal in Support of Incorporation*, June 16, 2004.
- *Memorandum in Support of Petition for Incorporation*, June 28, 2004
- *Amended Memorandum in Support of Petition for Incorporation*, July 1, 2004

- *Summary Statement in Support of the Incorporation of Ledgeview*, June 30, 2006
- *Reply Brief in Support of the Incorporation of the Town of Ledgeview*, July 10, 2006

Other materials

- Six binders of background information submitted by Ledgeview in support of the incorporation petition
- Ledgeview Comprehensive Plan (2004)
- Intergovernmental Agreement Between City of De Pere and Town of Ledgeview (2005)
- Mead & Hunt, “Amendment Request Brown County Sewage Plan 2002 Ledgeview Sewer Service Area Amendment 2006 for Town of Ledgeview Sanitary District No. 2, City of De Pere, Prepared for Town of Ledgeview, Ledgeview Sanitary District No. 2, City of De Pere (January 2006)
- Minutes Brown County Planning Commission Board of Directors” Wednesday, January 5, 2005; Wednesday, April 6, 2005;
- Staff Report to the Brown County Planning Commission, April 5, 2006, Item 6 Ledgeview Sewer Service Area Amendment
- Staff Report to the Brown County Planning Commission, January 5, 2005, Item #4, Sewer Service Area Amendment for the Town of Ledgeview
- *The American Heritage Dictionary of the English Language*, Fourth Edition, Copyright 2000. Houghton Mifflin Company.
- Correspondence