
STATE OF WISCONSIN CIRCUIT COURT KENOSHA COUNTY

In Re:

THE INCORPORATION OF A PORTION OF
LANDS COMPRISING THE TOWN OF BRISTOL,
KENOSHA COUNTY, WISCONSIN AS THE VILLAGE OF BRISTOL

Case No. 09-CV-0722

MIKE FARRELL, Representative of
the Petitioners

DETERMINATION OF THE INCORPORATION REVIEW BOARD

September 17, 2009

The Incorporation Review Board (“Board”) prepares findings and determines whether the territory petitioned for incorporation meets the applicable standards prescribed in Section 66.0207, Wis. Stats. The Board was created by 2003 Wisconsin Act 171. Board members, provided at Appendix A, are appointed by Wisconsin's three municipal associations and the Department of Administration.

This petition (hereinafter “Petition”) is a re-submittal of a previous petition that was found not to meet several of the public interest standards in s. 66.0207 Wis. Stats. The Board dismissed the original petition on January 16th, 2009 but recommended that it be re-filed with altered boundaries limited to the area of Bristol Hamlet in the northwest corner of the Town, because it found that this area could meet the public interest statutory standards.

As a result, on April 29th of 2009, Petitioners published a notice of intention to circulate a new revised incorporation petition. After circulating the Petition and gathering signatures, a court hearing was held on May 15th and the Kenosha County Circuit Court found that the Petition once again met the minimal area and population standards required by section 66.0205 Wis. Stats. As a result, the Court forwarded the Petition to the Board on May 19th, 2009.

In reviewing and acting upon this re-submitted incorporation Petition, the Board has three statutory options for action. According to s. 66.0203(9)(e) Wis. Stats., the Board may determine:

- 1) The Petition as submitted is dismissed;
- 2) The Petition as submitted is granted, or
- 3) The Petition as submitted is dismissed with a recommendation that a new Petition be submitted to include more or less territory as specified in the Board’s findings and determination.

In consideration of the standards in s. 66.0207 Wis. Stats., THE BOARD DETERMINES:

STANDARD 1 (a), Homogeneity and Compactness –Met
STANDARD 1 (b), Territory Beyond the Core –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 –Met
STANDARD 2 (d), Impact on the Metropolitan Community – Previously Met

The facts and analysis supporting these findings are given in the body of the Determination. The Determination of the Board to the Circuit Court, prescribed by s. 66.0203(9)(e)3, Wis. Stats., is:

The Petition as submitted is granted.

Dated this 17th day of September 2009.

By the Incorporation Review Board:



Harald (Jordy) Jordahl
Chair of the Incorporation Review Board and
Deputy Administrator, Division of Intergovernmental Relations

Table of Contents

EXECUTIVE SUMMARY	VII
SECTION 1(A) HOMOGENEITY AND COMPACTNESS	1
PHYSICAL AND NATURAL BOUNDARIES	1
<i>Topography</i>	1
<i>Drainage Basins</i>	1
<i>Physical boundaries</i>	2
<i>Soils</i>	2
TRANSPORTATION	4
<i>Streets and Highways</i>	4
<i>Air and Rail</i>	4
<i>Transit</i>	4
<i>Pedestrian and bicycle</i>	4
POLITICAL BOUNDARIES	5
<i>Rural Hamlets</i>	5
<i>Schools</i>	5
<i>Sanitary District</i>	7
<i>Lake Management Districts</i>	7
SHOPPING AND SOCIAL CUSTOMS.....	7
<i>Shopping and employment</i>	7
<i>Social and recreation opportunities</i>	8
LAND USES.....	12
<i>Agricultural Lands</i>	12
<i>Natural Resource Lands</i>	13
<i>Land Use Regulations</i>	13
POPULATION DISTRIBUTION	14
DETERMINATION	15
SECTION 1(B), TERRITORY BEYOND THE CORE.....	16
MOST DENSELY POPULATED SQUARE MILE.....	16
LANDS SUBJECT TO WAIVER.....	16
FUTURE GROWTH.....	17
<i>Population Growth</i>	17

<i>Rezoning</i>	17
<i>Building Permits</i>	18
<i>Subdivisions</i>	18
<i>Sewer Service Area</i>	22
<i>Plans</i>	23
DETERMINATION	25
SECTION 2(A) TAX REVENUE	26
<i>Petitioner's Budget for Proposed Village and Remainder of the Town</i>	26
DETERMINATION	29
SECTION 2(B) LEVEL OF SERVICES	30
SECTION 2(C) IMPACT ON THE REMAINDER OF THE TOWN	31
<i>Town Remnant Area</i>	31
<i>Town Remnant Financial Capacity</i>	31
<i>Regulations</i>	31
<i>Intergovernmental agreements</i>	32
DETERMINATION	33
SECTION 2(D), IMPACT UPON THE METROPOLITAN COMMUNITY	34
APPENDIX	35
APPENDIX A: INCORPORATION REVIEW BOARD.....	35
APPENDIX B: MAPS	36
APPENDIX C: BRISTOL DETERMINATION (1-16-09)	54



EXECUTIVE SUMMARY

This document constitutes the Findings and Determination of the Incorporation Review Board on the petition filed by residents of the Town of Bristol to incorporate the area of Bristol Hamlet in the northwestern corner of the Town of Bristol, which is located in Kenosha County. This is a re-submittal of two previous petitions: one in 1968 that included the entire Town and a second more recent attempt in 2008 that included the entire western one-half of the Town. The Board dismissed this more recent petition on January 16th, 2009 but recommended that it be re-filed with altered boundaries. Specifically, the Board recommended that the re-filed petition be limited to the area of Bristol Hamlet in the northwest corner of the Town, because this area could meet the public interest statutory standards.

On March 18th, 2009, Petitioners re-filed the Petition that included just this Bristol Hamlet area.

In reviewing and acting upon this re-submitted incorporation Petition, the Board has three statutory options for action. According to s. 66.0203(9)(e) Wis. Stats., the Board may determine:

- 1) The Petition as submitted is dismissed;
- 2) The Petition as submitted is granted, or
- 3) The Petition as submitted is dismissed with a recommendation that a new Petition be submitted to include more or less territory as specified in the Board's findings and determination.

The Incorporation Review Board hereby determines that the Petition as submitted meets the requirements of s. 66.0207 Wis. Stats. and recommends that a referendum vote of the area residents be held.

The proposed village of the Bristol Hamlet area encompasses roughly 10 square miles of territory and includes 2,547 residents. Its boundaries are shown in Map 1, at Appendix B.

This Determination is organized into six sections, a section for each of the Board's six statutory public interest standards found in s. 66.0207, Wis. Stats. Because this re-submitted Petition occurs so soon after the original petition, no additional review fee was required and no public hearing was held. Also, because the original petition did meet a number of the public interest standards, this Determination fully re-examines those standards not met, and also re-examines the *Tax Revenue* and *Impact on the Remainder of the Town* standards because the smaller-petitioned area results in a changed financial situation for both the proposed village and town remnant. This Determination does not examine the *Impact on the Metropolitan Community* standard because that standard was found in the Board's previous determination to be met.

- 1). Compactness & Homogeneity – Met. The Bristol Hamlet area relates very favorably to all of the compact and homogenous factors enumerated in s. 66.0207(1)(a), Wis. Stats., which is why the Incorporation Review Board recommended that the Petition be re-submitted to include this area. Bristol Hamlet's network of interconnecting local roads facilitates movement throughout the hamlet, including bicyclists and pedestrians. The hamlet contains the majority of the Town of Bristol Utility District No. 1 sewer service area. It contains an impressive amount of business and employment activity for being a rural hamlet, and also serves as the social center for a much larger area. The hamlet's dense network of mixed land uses has the physical appearance of a village or small city. Driving into the community from any one of the highways, a person senses that he or she

has arrived at an urban place. While the George Lake area is currently not as closely tied in with Bristol Hamlet and the northerly portions of the proposed village area, it shows sufficient social and physical connection to nonetheless meet the standard. It shares service from Bristol Sanitary District No. 1, and its residents are very close in proximity to the southern part of Bristol Hamlet to take advantage of business, economic, educational, and recreational opportunities there. Furthermore, proposed development immediately north of George Lake, especially construction of the anticipated high school, will substantially tie George Lake together with the rest of the village area. In fact, the George Lake neighborhood will become an important part of the village and its social and physical identity.

2). Territory Beyond the Core –Met. This standard requires that the lands beyond the most densely populated square mile have the potential for development "on a substantial scale" within the next three years. This standard ensures that the area proposed for incorporation is primarily urban in nature rather than rural. The most densely populated square mile is Bristol Hamlet. Recent data on population growth, rezonings, building permits, and subdivision platting shows that this area has been growing steadily but modestly. However, plans and other materials submitted indicate that the area is intended for intensive urban development, such as residential and business development, five new neighborhood parks, a recreation trail circling the hamlet, and a new high school.

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 Incorporation Review Board previously found this standard to be met, however it is re-examined here because the smaller petitioned area results in financial changes. Once again, petitioner's proposed budget is reasonable and the Town's existing mill rate and debt level show that the area does have sufficient capacity to operate as a village.

4). Level of Services – Not applicable, because no neighboring municipality has intervened against the Petition and filed a willingness to annex and serve the petitioned territory.

5). Impact on the Remainder of the Town – Met. This standard assures that a town government would have the necessary resources sufficient to continue to be able to supply services to its residents and territory, as well as have the potential capacity to fulfill any contractual responsibilities. The Incorporation Review Board previously found this standard to be met, however it is re-examined because the smaller petitioned area results in a larger Town remnant area. Based on the proposed budget and existing Town finances, and other factors, the remainder of the Town of Bristol would not be disadvantaged by the incorporation of the proposed village of Bristol. Additionally, steps have been taken to provide for future intergovernmental cooperation and an equitable division of assets and services.

6). Impact on the Metropolitan Community – Previously Met.

The Board would like to commend Petitioners on their perseverance and for all the materials and requested information that greatly facilitated this Determination. The incorporation Petition is the final step in a series of Town accomplishments over the past several decades, including adoption of village powers, development of plans, ordinances, and boundary agreements with its municipal neighbors.

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, the court in Pleasant Prairie v. Department of Local Affairs & Development¹ held that the Department may also consider land-use patterns, population density, employment patterns, recreation and health care customs.²

The facts surrounding each incorporation Petition are different. However, in each case and for each requirement, the Board 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 topography of the proposed village area is flat to gently rolling. The lands along the Des Plaines River and Brighton Creek are lower in elevation.

Drainage Basins

Map 2, Appendix B, shows the areas lakes and rivers. The proposed village area lies completely within the Des Plaines River watershed.

The map shows that George Lake is the area's only lake. At 59 acres in size, it is a drainage lake, having both inlet and outlet streams. George Lake is managed by the George Lake Management Association, which also functions as a social organization for residents living in around the lake. Specific group activities are described later in this section under 'Political Boundaries'.

The Des Plaines River, Dutch Gap Canal, and Brighton Creek run through the proposed village, draining away stormwater and snowmelt. Dutch Gap Canal is fed by both George Lake and Mud Lake and runs south through Sections 20 and southward into the remainder of the Town of Bristol. Brighton Creek runs in a southwesterly direction through the northeast corner in Sections 5, 6, and 7. The Des Plaines River flows southward through Sections 4, 9, and 16 and then abruptly turns east into the Town remainder where it joins with the Root River.

Water storage and absorption also occurs via the area's 750 acres of wetlands. Wetlands occur along the Des Plaines River and Brighton Creek, and a large wetland complex is found in Section 20, north of George Lake. This complex forms the headwaters of Dutch Creek Canal. Map 2, Appendix B, shows wetland areas in green, although these green areas may also include woodlands.

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.

Because of its location within the Des Plaines watershed, the Town is subject to state and federal stormwater management regulations. Bristol Hamlet is subject to best management practices in dealing with stormwater, and complies by utilizing a system of culverts and grass-lined ditches. The Town's stormwater management plan, completed in 2007, provides an analysis of how stormwater moves through the area, inventories the current management system, and identifies future projects such as construction of a detention basin at the southwest corner of 195th Avenue and 81st Street in Bristol Hamlet.³

Physical boundaries

The shape of the proposed village includes Bristol Hamlet and the George Lake neighborhood, and the territory immediately surrounding these areas. Previous incorporation petitions in 1968 and 2008 included the entire Town, and one-half the Town respectively. The most recent third Petition is the most limited in terms of area, and is the area that was recommended for re-submittal by the Incorporation Review Board in its January 16th, 2009 Determination. See Determination at Appendix C.

The following paragraphs step clockwise around the proposed village area.

CTH K separates the territory's northerly boundary from the Town of Paris. Land use is the same on both sides of the road: farmland, patches of woods, and scattered houses and accessory structures.

The area's easterly boundary is clearly bounded by the Des Plaines River which forms a natural boundary for the Village cutting through roughly one-half of Section 4. In Section 9, the boundary juts eastward to include the entire Bristol Golf Course. In Section 16 the boundary cuts back westward to once again use the natural boundary provided by the Des Plaines River and cut through the center of Section 16.

The proposed village's southern boundary is the southern edge of Section 16, which is also the location of CTH C. At the northeast corner of Section 20, the boundary cuts directly south along the section's eastern edge. This boundary is physically demarcated by the George Lake neighborhood to the west and a large wetland complex associated with Dutch Gap Canal to the east. The southern boundary then turns west along the southern edge of Section 20 until it meets 106th Street and follows that to USH 45. The boundary follows USH 45 north up to the southeast corner of Section 18. Turning west, the boundary follows the southern edge of Section 18 until it meets CTH C and follows that to the western edge of the Town.

The western boundary of the proposed village area is the western boundary of the Town of Bristol, shared with the adjacent Town of Salem. It is a boundary based on the straight-line political boundaries developed by the Public Lands Survey rather than upon physical or natural features. Land uses are similar along both sides of the boundary - farmland, woodlands, and a few scattered houses.

Soils

Three soil associations lie underfoot within the proposed village area - the *Morley Beecher-Ashkum* association, the *Varna-Elliot-Ashkum* association, and the *Hebron-Montgomery-Aztalan* association. All three associations share similar characteristics. They range from well-drained to poorly-drained soils, and possess a silty clay or silty clay-loam subsoil. All three occur on nearly

³ Town of Bristol Incorporation Application, pgs. 47-48.

level or gently sloping ground, occupying low, broad ridges and knobs of land that are cut by drainageways and depressions. The Hebron-Montgomery-Aztalan association sets itself apart only in that it tends to occur along Lake Michigan, and along the Fox and Des Plaines Rivers and other streams.

As described in the paragraphs below, the area's soils are generally good for agriculture but present challenges for development.

Soil Suitability for Development

Soil characteristics can impact the suitability of land for development. For example, some types of soils can significantly limit development of dwellings with or without basements, as well as structures requiring private on-site waste treatment system (POWTS) absorption fields. Development on such soils requires special designs, increased construction costs, increased maintenance, and special landscaping. Also, soils that shrink and swell, soils that are saturated, and soils associated with a high water table and flooding, can cause structures to move and flood and become unstable or otherwise unusable. Although these types of areas are generally difficult or unsuitable for developed land uses, they can nonetheless serve as important locations for wetlands, wildlife habitat, and stormwater retention. Map 3, Appendix B, identifies soil limitations for development. The map shows that a large swath of territory in the southern part of the proposed village area, north of George Lake, is 'Very Limited' for development. This 'Very Limited' areas correspond to the wetlands shown in Map 2. Narrower bands of limited soil types exist along Brighton Creek and the Des Plaines River. It is significant to note that the map shows soil limitations for dwellings *without* basements. A map showing limitations for dwellings *with* basements would identify even more areas as being problematic for development.

Soil Suitability for Agricultural Production

Soils are classified by the National Resource Conservation Service (NRCS) based on their general suitability for most kinds of farming. Generally, lands with Class I and II soils are considered *National Prime Farmlands*. The Town of Bristol has no Class I soils, but does have 16,418 acres of Class II soils. Lands with Class III soils are considered *Farmlands of Statewide Significance*. Class III soils are less well-suited to agriculture and may have severe limitations that reduce the choice of plants or require special conservation practices. The Town of Bristol has 3,840 acres of Class III soils. Class IV soils have even more severe limitations. Class V, VI, and VII soils are considered suitable for pasture but not for crops, and Class VIII soils are so rough, shallow, or otherwise limited that they do not produce economically viable yields of crops, forage, or even wood products. The Town has 816 acres of Class IV, V, VI, VII, and VIII soils combined.⁴

Although the Town of Bristol, as with all of southeast Wisconsin, is under development pressure from the Milwaukee, Chicago, and Kenosha metro areas, agriculture is still relevant in the Town. A total of 11,579 acres are still cultivated in the Town, with 1,968 acres used as pasture land, 384 acres are in orchard, nursery, and specialty crops, and 258 acres are farm buildings.⁵ Within the proposed village area, agriculture uses account for 2,971 acres, or roughly 50% of the total area. Agriculture will continue to be important to the Town remnant area, according to the Town's land use plan and draft comprehensive plan. However, the proposed village area is anticipated for compact urban development, which will be discussed in more detail later in this section.

⁴ Kenosha County Comprehensive Plan Draft Inventory of Agricultural, Natural, and Cultural Resources chapter, p 4a.

⁵ Draft Inventory of Agricultural, Natural, and Cultural Resources chapter, p. 17f.

Transportation

The following paragraphs describe Bristol's streets and highways, rail, air, transit, and pedestrian and bicycle facilities.

Streets and Highways

Local roads and highways within the proposed village can be seen at Map 4, Appendix B, at the back of this document. On that map, local roads are shown in purple, county highways in blue, state highways in red, and US highways in orange. The map shows a strong network of local roads in Bristol Hamlet and in the George Lake neighborhood that allow residents to easily move about within those areas by car, bike, or on foot. However, connection *between* Bristol Hamlet and the George Lake neighborhood is currently only via USH 45. Given the high traffic level on this roadway, travel between these areas is not easy or pleasant by car, and not safe by bicycle or walking. Future development of the area between Bristol Hamlet and George Lake, discussed later in this section, will include more local roads which will improve connectivity between these areas.

Air and Rail

General Mitchell International Airport serves Bristol, like many communities within the Milwaukee metropolitan area. General Mitchell is the largest airport in Wisconsin, offering roughly 235 daily departures and arrivals. Also, because of its proximity to Illinois, Chicago's O'Hare International Airport is another option for residents.

The Kenosha Regional Airport is located just east of the proposed village in the City of Kenosha. It serves a variety of aviation needs but does not offer scheduled commercial passenger service.

There are also five privately owned airports, all of them located within or immediately adjacent to the proposed village.⁶

There are no rail lines cutting through Bristol. However, residents may take advantage of the Amtrak's Hiawatha and Empire Builder passenger rail service that travels daily between Chicago and Milwaukee, with stops in Sturtevant and Kenosha.

Transit

The Western Kenosha Transit system provides weekday bus service to western Kenosha County towns and villages, including Bristol. The system enables residents to travel to Paddock Lake, Twin Lakes, Powers Lake, Burlington, Lake Geneva, Kenosha, and Antioch, Illinois. Two routes, the 3 and 4 routes, run up USH 45 four times daily and stop in Bristol Hamlet.⁷ This service is an important transportation option for residents to access the larger region.

The Kenosha Care-A-Van and the Volunteer Escort Service⁸ is another transit service that is available to residents who happen to be elderly or disabled.

Pedestrian and bicycle

Bristol Hamlet contains sidewalks along some streets, as well as a short stretch of bike path. The network of local roads in the hamlet tends to disperse traffic so that biking and walking on the roads themselves is safe and pleasant. Also, because development is sufficiently dense and mixed-use, moving throughout the hamlet from one activity to another is easy. For example,

⁶ Town of Bristol Incorporation Application, pgs. 38.

⁷ Petitioner's December 18th submittal to the Department.

⁸ Town of Bristol Incorporation Application, p. 38.

moving between the school, the post office, businesses, restaurants, and Richard Hanson Memorial Park is very easily accomplished on foot or bike.

Residents in the neighborhoods surrounding George Lake may also move around their immediate neighborhood on foot or bicycle using local roads. As mentioned above, connectivity between George Lake and Bristol Hamlet is currently not good, but will improve once anticipated development occurs.

The Town's park and outdoor recreation plan recommends development of trails and bicycle routes called *Planned Recreation Corridors* throughout the Town, and in Bristol Hamlet in particular. See Map 5, Appendix B. The plan calls for a trail between Bristol Hamlet with George Lake, which will substantially improve connectivity between these areas. The *Planned Recreation Corridors* will be incrementally-developed as subdivisions are platted, or possibly when highways are reconstructed.⁹ A pedestrian walkway across STH 50 is planned as part of the Bristol Bay subdivision. Also, the Town's subdivision ordinance requires that sidewalks be installed for new sewerred subdivisions. All of these proposals will significantly add to the already good transportation system that exists within the proposed village area.

Political Boundaries

The proposed village territory constitutes the northwest quarter of the Town of Bristol.

Protection against annexation is sometimes a motivation for incorporation. However, that is not the case here. The Town of Bristol has boundary agreements with the City of Kenosha, Villages of Paddock Lake and Pleasant Prairie, and is in the process of developing agreements with the neighboring Towns of Paris, Salem, and Brighton. As a result of these agreements, the Town's boundaries are secure.

Rural Hamlets

Bristol Hamlet is at the center of the proposed village area and although it has no legal or statutory identity, it nonetheless represents an important and distinct place to area residents. Similarly, a smaller hamlet-type area exists surrounding George Lake, although this area does have a separate and distinct statutory identity in that it constitutes the *George Lake Protection and Rehabilitation District*, which is a lake management district.

Schools

The determination of school district boundaries has become an entirely separate process from municipal governance. This was not the case when the incorporation statute was created in 1959. Therefore, whether or not Bristol incorporates will have no effect on school district boundaries. However, as the Department noted in its Determination in Pewaukee¹⁰, schools nonetheless have an impact in molding community allegiance through scholastic, social, and recreational activities and influence where people choose to live. Map 6, Appendix B, shows the school districts serving the area. Students in the proposed village attend three main school districts: 1) the Bristol Consolidated School District, 2) the Paris Consolidated School District, and 3) Westosha Central High School.

⁹ Petitioner's December 18th submittal to the Department.

¹⁰ Pewaukee (1991).

Table 1, below, shows the number of students within the proposed village area enrolled in three of the school districts, compared with the total number of students in those districts.

Table 1: Bristol Students by School District¹¹

School District	Village area	Total	% of total
Bristol Grade School	310	574	54%
Paris Grade School	15	196	7.7%
Westosha High School	175	1241	14.1%
Total students	500	2,011	24.9

The table shows that the vast majority of students in the proposed village area are part of the Bristol Consolidated School District. Bristol parents also have the choice of sending their elementary-age children to Salem Consolidated Grade School in Salem, Faith Lutheran School in Antioch, Illinois, Providence Catholic School in Union Grove, and Union Grove Christian School also in Union Grove. In addition to Westosha Central High School, students may choose to attend Catholic Central High School in Burlington, St. Joseph High School in Kenosha, and Shoreland Lutheran High School in Somers.¹²

The current Bristol Consolidated School District is the result of gradual mergers of smaller school districts in Bristol. Originally, there were seven smaller districts in Bristol. The Bristol Grade School is the district's sole school facility and the sole school within the proposed village area. Located at 20121 83rd Street in Bristol Hamlet, it serves as a community center for the Town, and a meeting space for many community organizations. Along with the business park and Richard Hanson Memorial Park, this school is one of the activity hubs that most defines Bristol Hamlet. The Town and school district share services, so that the Town's public works department supplies needed heavy equipment in exchange for school district maintenance staff stripping and waxing the floors for the Town Hall. There are no proposed modifications or additions to the school planned at this time.

Map 6 shows that a one-half mile strip of Town territory along the boundary with Paris is within the Paris Consolidated School District. The Paris Grade School is located at 1901 176th Avenue in the City of Kenosha. Although the facility is not located within the proposed village area, 15 village area students do attend the school. Also, Town residents use the Paris school facilities for baseball and soccer practices, events held in the gymnasium, and 4-H and scouting activities.

The majority of high school students from the proposed village area attend Westosha Central High School located at 24617 75th Street in the Town of Salem. The high school also has a community education and recreation program, so community use of the school and its facilities is frequent.¹³

Territory has been designated and a site reserved by the Town for a future high school to be located within the proposed village along STH 45, just north of George Lake. The designated territory is shown by the future land, Map 7, Appendix B. The area is shown in the map as I-1/A-1, which is a combination of 'Institutional' and Agricultural land uses. There have been discussions about the need for an additional high school in the area at some point in the future, so

¹¹ Town of Bristol Incorporation Application, p. 31.

¹² Ibid.

¹³ Town of Bristol Incorporation Application, p. 33.

this parcel has been identified to accommodate this need should it arise.¹⁴ When developed, this area will significantly improve the connectivity between Bristol Hamlet and the George Lake neighborhood. The high school will become yet another important social hub, bringing people into the proposed village area. Also, the development immediately surrounding the high school will cause new local roads to be built that will better connect Bristol Hamlet with George Lake.

Sanitary District

The Town of Bristol Utility District No. 1 provides sanitary sewer service to Bristol Hamlet and surrounding lands extending south to CTH C, north to STH 50, west to CTH D, and east to the Town of Salem. The sanitary district also provides service to the George Lake and Mud Lake neighborhoods. Map 8, Appendix B, shows the specific areas served. The sewer service area was amended in 2006 to include an additional 109 acres in Section 18. The district anticipates expanding north into Sections 4, 5, and 6 in the vicinity of the Bristol Hamlet north of STH-50 within the next five years.¹⁵

Lake Management Districts

The *George Lake Protection and Rehabilitation District* is a separate governmental unit with its own taxing authority. It was created in 1978 and is actively engaged in monitoring water chemistry, aquatic plants, and wildlife, harvesting weeds, developing the *George Lake Aquatic Plant Management Plan*, and the *Lake Protection Plan for George Lake*, controlling invasive species, stocking fish, applying for state and federal grants, administering a boating ordinance, creating and distributing a newsletters, and holding social events such as a carp fishing contest. The district board holds regular meetings of its elected officials at the Town hall. Agendas and minutes for these meetings are available on the Town's web site. The district has two hourly employees as well as many volunteers, and equipment includes a harvester, dump truck, and conveyor. Funds are raised via a tax levied on residents within the district.

Shopping and Social Customs

A reasonable number of employment opportunities exist for residents of the proposed village area, as well as a more limited degree of shopping opportunities. Numerous social and recreational opportunities also exist, and these opportunities bear a clear relationship to the entirety of the proposed area. The paragraphs below provide specifics.

Shopping and employment

Fifty-seven businesses are located within the proposed village area. These are shown in Map 9, Appendix B, and listed in the table at Appendix B. The table provides the name of each business, its location, the number of full-time and part-time employees, and whether the business operates year-round. The types of businesses include: manufacturers of high-end or value-added products, restaurants and cafés, a realty office, a land development company, a landscape architect and design firm, several automobile-related businesses, a fire department station, two churches, a post office, a school, a billiards store, a bank, several gas station/convenience stores, a bakery, a heating & cooling installation and repair business, an investment firm, a daycare, a Kenosha County Extension center, an engineering company, a natural healing retreat, a senior center, an excavating business, hotel, and an antiques shop.

¹⁴ Petitioner's November 17th, 2008 submittal.

¹⁵ Town of Bristol Incorporation Application, p. 40.

Some of the businesses, such as the manufacturing companies, have a global market, while others are more local. However, the overall effect of all these businesses is that a great deal of the shopping, employment, and economic activity in the entire Town of Bristol and surrounding area is centered within Bristol Hamlet. Furthermore, this activity spawns yet additional activity to create a kind of dynamic, interdependent, and sustaining network of economic activity that one would typically find in a medium-size village or a small city, rather than a town hamlet.

A total of 109 acres, or 2% of the proposed village area is in commercial and industrial land use, so even though a vibrant business area exists, it still comprises just a fraction of the overall land uses within the proposed village area.

Labor Force

Approximately 2,423 Town residents, 53.4% of the total population, were in the labor force in 2000. Of that number, 2,312 persons (95.4%) were employed, and 111 persons (4.6%) were unemployed. Of those who were employed:

- 30% in management, professional and related occupations;
- 30% in sales and office occupations;
- 15% in production, transportation and material moving occupations;
- 14% in construction, extraction and maintenance occupations;
- 11% in service occupations;
- Less than 1% in farming, fishing and forestry occupations.¹⁶

In 1999, approximately 17% of employed Town of Bristol residents (386 persons) worked in the Town. Map 10, Appendix B, shows the employment distribution per square mile within the Town. This map reinforces the notion that Bristol Hamlet contains the highest concentration of jobs.

Persons commuting elsewhere for work commute to the following destinations:

- Lake County, Illinois 18%:
- City of Kenosha 12%:
- Elsewhere in Kenosha County 7%:
- Racine County, Wisconsin 5%:
- Cook County, Illinois 7%¹⁷

Social and recreation opportunities

Town residents have a variety of social and recreational opportunities available. Table 2 on the next page lists a number of regularly-held events and Table 3 lists some of the groups and clubs that residents may join. Most of these events and many of the groups and clubs meet in Bristol Hamlet. However, residents from all over the Town may, and do, take advantage of these opportunities.

Bristol Progress Days is a Town-wide event which began in 1970 to celebrate Bristol's heritage and to honor its history. The event consists of: coronation of a King and Queen, a Miss Bristol

¹⁶ Town of Bristol Incorporation Application, p. 19.

¹⁷ Ibid.

pageant, a beer tent, food, vendors, a fastpitch softball tournament, kids’ games, a volleyball tournament, a parade, an auction, and fireworks.¹⁸

Many of the social events occur at the Bristol Elementary School within Bristol Hamlet. For example, the school provides space for: a 4-H Club, the American Heart Association’s annual triathlon event, before and after school child care, Boy Scouts and Girl Scouts, Bristol Progress Days events, adult volleyball, basketball, and exercise programs, and youth basketball, soccer, baseball, choir, and summer camp.¹⁹

Westosha High School provides a similar venue for area activities. A little league baseball program uses the softball fields for practices and games, and the Kenosha Area Soccer League uses the school’s soccer fields. The football field is used by the Western Kenosha County Bulldogs Youth Football League on Saturdays and Sundays.²⁰

Table 2: Annual Events²¹

Event	Host	Location	Date	Comments
Bristol Progress Days	Town of Bristol	Bristol Hamlet	July	Since 1970
Bristol Renaissance Faire	Bristol Renaissance Faire	12550 120 th Avenue (Town remnant)	July to Sept.	Since 1988
Classic Car Cruise-In	George Hockney	Veterans’ Park (Bristol Hamlet)	June to Aug.	Once a month
Concert in the Park	George Hockney	Veterans’ Park (Bristol Hamlet)	July	
Downhill Cub Mobile Derby	Cub Scout Pack 328	196 th Avenue (Bristol Hamlet)	May	
Farmers’ Market	Lisa Hendricks	Veterans’ Park (Bristol Hamlet)	June - Sept	Every Wed

Outside of Bristol Hamlet, social activities tend to occur within the neighborhoods surrounding the Lakes. For example, the George Lake Management District holds many social events for members of the George Lake neighborhood, such as monthly meetings, fishing derbies, various improvement projects, picnics, etc.²²

Table 3: Local Groups and Clubs²³

Group Name	Village Membership	Meeting Location	Comments
Bristol Challengers 4-H Club	7	Wesley Methodist Church	Meetings held monthly on first Tuesday at 7pm
Bristol Strivers 4-H Club	22	Bristol Grade School	Meetings held monthly on first Tuesday at 7pm
Mustangs 4-H Club	7	Westosha High School	Meetings held on first Friday of the month at 7pm

¹⁸ Town of Bristol Incorporation Application, p. 16.

¹⁹ Town of Bristol Incorporation Application, pgs. 31-32.

²⁰ Ibid., p. 33.

²¹ Ibid., p. 16.

²² George Lake Management District meeting minutes, provided online at the Town’s website, identify social activities such as fishing derbies, clean-up gatherings, holiday parties, and others.

²³ Town of Bristol Incorporation Application, p. 17.

Bristol United Methodist Church	20	8014 199 th Avenue	Services and various activities and outreach programs
Boy Scouts	Not available	Not available	
Girl Scouts	56	Not available	
Independent Apostolic Lutheran Church	Not available	6721 156 th Avenue (Town remnant)	Services held 3 time per month
Kenosha County Conservation Club	30	21007 85 th Street (Bristol Hamlet)	Hunting organization and shooting range and clubhouse
St. Scholastica Church	239	18700 116 th Street	Regular mass and various activities and outreach programs
Washburn Masonic Lodge	9	8102 199 th Avenue (Bristol Hamlet)	Order of the Eastern Star, Order of Job's Daughters
Wesley Chapel United Methodist Church	9	10239 136 th Avenue (Town remnant)	Services held on Sundays
Western Kenosha County Senior Center	72	19200 93 rd Street	Offers a variety of senior services and programs
Zion Evangelical Lutheran Church	67	19800 80 th Street (Bristol hamlet)	Regular services and activities

Participating in Town government is another social opportunity for Bristol residents. Residents may serve on the town board, planning commission, fire department, and other committees and groups. Communication between residents and the Town is facilitated by a website as well as a newsletter called *Bristolboard* that is circulated to approximately 2,700 property owners in both the proposed village area and Town remnant.²⁴

Parkland is perhaps the most important facet of recreation in Bristol. Table 4 lists the publicly available parks and lands within the proposed village area. The Table shows that over 407 acres are available to area residents, split among a number of jurisdictions. The state of Wisconsin owns a large wetland complex just east of George Lake, Kenosha County owns Bristol Woods Park and Pringle Nature Center, also just east of George Lake. Bristol School District #1 owns a six-acre playground, and the remaining public lands are owned by the Town.

Bristol's park and public lands are categorized into various park types by the Town's outdoor recreation plan. For example, the large areas owned by the State of Wisconsin and Kenosha County are considered *regional parks*, attracting visitors from throughout southeast Wisconsin. Two Town parks – Richard Hanson Memorial Park and Veterans Park – are considered *community parks*, serving residents from several neighborhoods with a radius of about 2 miles. Bristol School is considered to be a *neighborhood playground*, serving an entire neighborhood with a radius of approximately one square mile. Cherri Vista Dells Subdivision Park and Firemans' Park are considered *mini-parks*. Mini parks provide recreation and open space at a subdivision level or less and are typically quite small. The Town's remaining public lands are considered *special parks*. Special parks are important to a community's overall outdoor recreation system, but are undeveloped or limited regarding use. Examples of special parks are conservancy areas, floodplains, steep slopes, dense woodlands, and historic sites.

The Town's two community parks are located within Bristol Hamlet, as is the neighborhood playground and two of the special parks. Furthermore, the Town's outdoor recreation plan recommends that a number of future parks also be located in, or very near to, Bristol Hamlet.

²⁴ Town of Bristol Incorporation Application, p. 17., Appendix B.

The plan calls for five neighborhood parks to be developed by 2020, three inside the current Bristol Hamlet, as well as one just to the north and one just to the east. Map 5, Appendix B, shows the location of these proposed parks. The outdoor recreation plan also calls for new private mini parks as part of the design of all new subdivisions, condominium plats, or multi-family dwellings.

Outside Bristol Hamlet, George Lake has a number of special parks along its northern and southern shore that provide lake access.

In addition to these parks and public lands, residents may also utilize private open space lands owned by the Conservation Club of Kenosha County and the Bristol Oaks Country Club. The conservation club owns 226 acres within the proposed village area in Sections 7 and 18, just west of Bristol Hamlet, used for conservation and hunting purposes. This land is available to members, as is the shooting range and clubhouse. Bristol Oaks Country Club operates an 18-hole golf course and restaurant located along STH 50 that is open to the public.

Table 4: Bristol Parks

Park Name	Acres	Activities	Jurisdiction
Richard Hanson Memorial Park	4.6	Baseball and softball diamonds, concession stand, playground, basketball court, two picnic shelters	Town of Bristol
Veteran's Park	10.47	Former landfill, undeveloped because of steep slopes	Town of Bristol
Bristol School	6.85	Playfield, playground, two soccer fields, one baseball diamond, two softball diamonds, basketball area with 6 baskets	Bristol School District #1
Fireman's Park	1.5	Playfield and playground	Town of Bristol
Former Wastewater Treatment Facility Site	2.83	Site of the old Bristol wastewater treatment plant, consists of open space surrounded by chain link fence	Town of Bristol
Town Hall/Veteran's Memorial Park	1.78	Open space, veterans memorial	Town of Bristol
Bristol Road/Hillcrest Subdivision Lift-Station and Open Space Site	.15	Small open space	Town of Bristol
George Lake North Beach	.07	Grass beach area, picnic tables	Town of Bristol
George Lake North Shore Park	.34	Grass open space	Town of Bristol
George Lake East Shore Park	1.28	Lake shore open space, beach, and picnic tables	Town of Bristol
191 st Avenue Woods	.29	Woodland	Town of Bristol
190 th Avenue Lift-Station and Woods	.14	Woodland	Town of Bristol
189 th Avenue Woods	.14	Woodland	Town of Bristol
189 th Avenue Woods	.79	Woodland	Town of Bristol
Total public acres	407.43		

Also, it is important to recognize the role that privately-owned yards and lakefront along George Lake in community social patterns. The George Lake area does appear to be somewhat separated from Bristol Hamlet socially and physically. However, Petitioner’s nonetheless believe that there is in fact a connection. The George Lake neighborhood is a residential area of approximately 539 persons, or about 20% of the proposed village area. It is a distinct neighborhood with its own cultural, social, and lake activities. However, as the neighborhood is adjacent to Bristol Hamlet and in its site visit, Department staff noticed a large amount of car traffic between George Lake and Bristol Hamlet. Social, economic, and school activities in Bristol Hamlet no doubt draw in residents from George Lake. Development of the high school will strengthen this connection. Also, Petitioners point out that George Lake is bounded on the east, northeast, and south by wetlands, and on the west by USH 45. These natural and man-made constraints that surround George Lake in every direction except north between it and Bristol Hamlet result in a stronger association with Bristol Hamlet.²⁵

Land Uses

Map 12, Appendix B, shows current land uses within the proposed village area and the Town remnant. The map shows urban, commercial, and industrial land uses in Bristol Hamlet, and residential land uses in the George Lake neighborhood. Large wetland complexes are also seen. Table 5 provides land use data for the proposed village area. The table shows that the majority of the area consists of non-urban land uses such as woodlands, wetlands, lakes, and agricultural lands. Wetlands comprise almost 13% of the area, while agriculture is the most dominant use, comprising 2,971 acres, or over 50% of the total area.

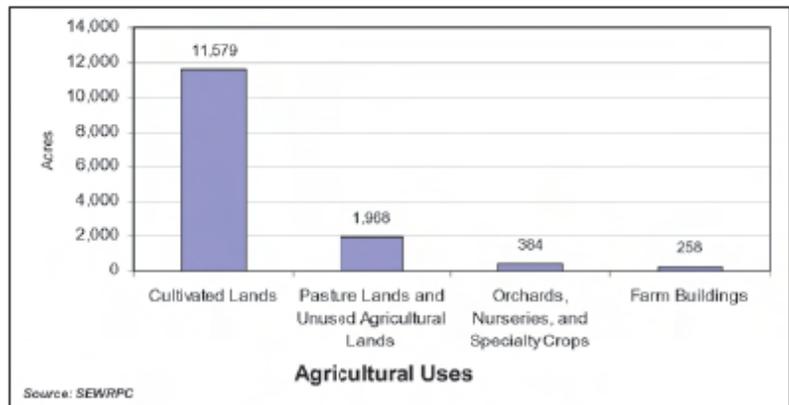
Urban land uses, including housing, industrial and commercial, transportation facilities, parks, and government institutions, comprise over 26% of the area. Of designated urban land uses, single-family homes comprise the largest component, at 14% of the total proposed village area. Commercial and industrial land uses comprise roughly 2% of the area. Although urban uses are not the majority land use within the proposed village, this is expected to change in the near future. The details of this change will be described later in the *Territory Beyond the Core* section.

Agricultural Lands

As mentioned above in the discussion under ‘Soils’, the Wisconsin Glacial Stage ground the area flat and left behind good soils for agricultural land uses.

Figure 1, shows a breakdown of the type of agriculture occurring in the Town. A total of 11,579 acres are being cultivated in the Town, 1,968 acres are active pasture land, 384 acres are in orchard, nursery, and specialty crops, and 258 acres are farm buildings.²⁶

Figure 1 Agricultural activity by Acreage



²⁵ February 10th, 2009 email correspondence from William White, Petitioner’s attorney.

²⁶ Kenosha County Comprehensive Plan Inventory of Agricultural, Natural, and Cultural Resources chapter, p. 17f.

The Town's draft comprehensive plan calls for preservation of agricultural lands in town remnant areas. Map 7, Appendix B, the future land use map, shows agricultural lands in white.

Natural Resource Lands

Natural resource areas include surface water, wetlands, and woodlands. The Town has 255 acres of surface water, 1,895 acres of wetlands, and 758 acres of woodlands.²⁷ Twenty-three of these woodlands acres are enrolled in the Wisconsin DNR's Managed Forest Program.²⁸ SEWRPC has identified several of these natural resource lands as having county-wide or regional significance.²⁹ These are:

- Bristol Woods Park –located in Sections 21 and 22 east of George Lake, and owned by Kenosha County - 181 acres;
- Merkt Woods – located in Bristol Hamlet, and privately owned - 91 acres;
- Mud Lake Sedge Meadow, located adjacent to Mud Lake, and privately owned - 55 acres;
- Des Plaines River Wetlands – located along the Des Plaines River, and privately owned - 66 acres;
- Salem Marsh Road – located in Sections 7 and 18, and owned by the Kenosha Conservation Club - 27 acres.

SEWRPC has also identified five critical aquatic sites within the proposed village area that are important in supporting threatened or rare fish, reptiles, or mussel species. These five sites include 12.2 stream-miles of Brighton Creek, Salem Branch, and the Des Plaines River, and about 172 acres of George Lake, Mud Lake, and a portion of Lake Shangri-La.³⁰

Map 2, Appendix B, shows Bristol's designated environmental corridors. These are areas that were initially identified in 1990 by SEWRPC for preservation because of their importance to wildlife, threatened plant and animal species, reducing flood flows, reducing noise pollution, and maintaining air and water quality. These areas are found along the Des Plaines River and Brighton Creek, and also include the large wetland complexes east of George Lake, and north of Mud Lake and Lake Shangri-La. Merkt Woods and the Kenosha Conservation Club lands also lie within an environmental corridor. All are recommended for preservation by the future land use map (Map 7), the Town's land use plan, and the draft comprehensive plan.

Land Use Regulations

Zoning in the Town is administered at the county level. The county's ordinance consists of 29 basic zoning districts and 7 overlay districts. Map 13, Appendix B, shows how these districts are applied to Town lands. The map shows that Bristol Hamlet is zoned for the most intensive land uses, including residential, commercial, and industrial, while the area around George Lake is zoned nearly exclusively for residential use. The county also administers floodplain and shoreland zoning that limits land uses and vegetation removal within certain areas. Were it to become a village, Bristol could either adopt its own shoreland and floodplain ordinance and incorporate the county's language, adopt its own language that complies with state regulations, or it could also allow the county to continue to enforce its ordinance.

²⁷ See Table 5, on page 14. Data was provided by SEWRPC. Email Correspondence from Nancy Anderson of SEWRPC, November 26, 2008.

²⁸ Kenosha County Comprehensive Plan Inventory of Agricultural, Natural, and Cultural Resources chapter, p. 17a.

²⁹ Ibid.

³⁰ Kenosha County Comprehensive Plan Inventory of Agricultural, Natural, and Cultural Resources chapter, p. 19.

The Town administers its own land division ordinance that applies to subdivisions, certified survey maps, minor land divisions, and condominiums. As part of this ordinance, the Town recently approved guidelines for sanitary systems, water mains, storm sewers, paving, landscaping, and lighting.³⁷ The Villages of Paddock Lake and Pleasant Prairie have the ability to enforce extraterritorial platting authority within the Town, as does the City of Kenosha, and have chosen not to exercise this power, as the boundary agreements between Bristol and its incorporated neighbors limits their exercise of these extraterritorial powers in areas of the Town.³⁸ Bristol also has a construction site erosion control ordinance.³⁹

Population Distribution

Population estimates for the proposed village indicate a population of between 2,510 and 2,547 persons.⁴⁰ Bristol Hamlet is the most heavily populated area of the Town. In 2000, Sections 7 and 8 in Bristol Hamlet had 644 persons and 686 persons respectively, and Section 20 in the George Lake neighborhood had 503 persons.

Table 5: EXISTING LAND USES IN THE WESTERN ONE-HALF OF THE TOWN OF BRISTOL: 2007³¹

Land Use Category ³²	Acres	Percent of Total
Urban		
Residential		
Single-Family	825	14.0
Two-Family	2	- . ³³
Multi-Family	35	0.6
Subtotal	862	14.6
Commercial	37	0.6
Industrial	72	1.2
Transportation and Utilities		
Street Rights-of-Way	334	5.7
Other Transportation and Utilities ³⁴	7	0.1
Subtotal	341	5.8
Governmental and Institutional ³⁵	70	1.2
Recreational	163	2.8
Urban Subtotal	1,545	26.2
Nonurban		
Natural Resource Areas		
Woodlands	354	6.0
Wetlands	751	12.7
Surface Water	87	1.5
Agricultural	2,971	50.2
Open Lands ³⁶	200	3.4
Nonurban Subtotal	4,363	73.8
Total	5,908	100.0

³¹ Data provided by SEWRPC. Email Correspondence from Nancy Anderson of SEWRPC, November 26, 2008.

³² Parking is included in the associated use.

³³ Less than 0.05 percent.

³⁴ Other Transportation” includes bus depots, airports, truck terminals, and transportation facilities other than street rights-of-way.

³⁵ Includes public and private schools, government offices, police and fire stations, libraries, cemeteries, religious institutions, hospitals, nursing homes, and similar facilities.

³⁶ Includes lands in rural areas that are not being farmed and other lands that have not been developed.

³⁷ Town of Bristol Incorporation Application, p. 33.

³⁸ Kenosha County, “Multi-jurisdictional Comprehensive Plan County Fact Sheet, Existing Plans and Ordinances”

³⁹ Town of Bristol Incorporation Application, p. 34.

⁴⁰ February 17, 2009 email correspondence from, Stephanie Allewalt, of Planning Design Institute.

DETERMINATION

According to Pleasant Prairie⁴¹, the various factors enumerated in section 66.0207(1)(a) Wis. Stats., the *Compact and Homogenous* standard, are to be viewed not as individual determinants, but as considerations to be weighed together along with the other factors. In this way, a Petition may be weaker with certain factors or considerations and stronger with others, but a Petition must show that on balance it supports a finding of compactness and homogeneity. All of the factors are to be used by the Board to arrive at a final Determination.

The Bristol Hamlet area relates very favorably to all of the compact and homogenous factors enumerated in s. 66.0207(1)(a), Wis. Stats., which is why the Incorporation Review Board recommended that the Petition be re-submitted to include this area. Bristol Hamlet's network of interconnecting local roads facilitates movement throughout the hamlet, including bicyclists and pedestrians. The hamlet contains the majority of the Town of Bristol Utility District No. 1 sewer service area. It contains an impressive amount of business and employment activity for being a rural hamlet. Also, Bristol Hamlet serves as the social center for a much larger area. A majority of the clubs, events, and other social activities identified occur in Bristol Hamlet. Furthermore, beyond these formal social activities, the concentration of businesses, homes, restaurants, the elementary school, the Town hall, the Kenosha County extension center, churches, and the Town's two major parks, means that a great deal of informal and spontaneous social activity also occurs in Bristol Hamlet. This dense network of mixed land uses creates synergies and opportunities that build upon one another. For example, a trip to church can easily also include stops at work or school or the park. Bristol Hamlet has the physical appearance of a village or small city. Driving into the community from any one of the highways, a person senses that he or she has arrived at an urban place.

While the George Lake area is not as closely tied in with Bristol Hamlet and the northerly portions of the proposed village area, it shows sufficient social and physical connection to nonetheless meet this standard. It shares service from Bristol Sanitary District No. 1, and its residents are very close in proximity to the southern part of Bristol Hamlet to take advantage of business, economic, educational, and recreational opportunities there. Furthermore, proposed development immediately north of George Lake, especially construction of the anticipated high school, will substantially tie George Lake together with the rest of the village area. In fact, the George Lake neighborhood will become an important part of the village and its social and physical identity.

In conclusion, the Board finds that the petitioned territory as submitted meets the *Compact and Homogenous* standard in s. 66.0207(1)(a), Wis. Stats. for all of the reasons described above.

⁴¹ Pleasant Prairie v. Local Affairs Dept., 113 Wis.2d 327, 340 (1983).

SECTION 1(B), TERRITORY BEYOND THE CORE

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

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.

Most Densely Populated Square Mile

The most densely populated square mile of the proposed village area, as specified in s. 66.0205(3), Wis.Stats. is Bristol Hamlet which is located in Sections 7, 8, 17, and 18. As described previously, Bristol Hamlet contains hundreds of households, a school, a post office, restaurants, parks, and 54 businesses.

Lands Subject to Waiver

The statute permits the Board to waive certain lands from the ‘substantial development within three years’ standard to the “extent that water, terrain or geography prevents such development.” Several areas within the proposed village either consist of wetlands, surface water, or other significant natural resources, along with unbuildable soils that greatly limit development.

The proposed village area has 751 acres of wetlands and 87 acres of surface water, the location of which is shown by Map 2, Appendix B. Also, Salem Road Marsh, Merkt Woods, and Bristol Woods Park should all be considered for exemption also because these areas have been identified by SEWRPC as important natural resource lands and designated for continued protection. These three areas total 354 acres in size.

Adding together wetlands, surface water, and significant natural resource lands yields a total of 1,192 acres, or 20.1% of the total area. Therefore, roughly one-fifth of the total proposed village area is appropriate for waiver from the substantial development standard. These natural areas correspond almost perfectly to the poor soils shown in Map 3, Appendix B. This means that development of these areas would be inappropriate not only from a resource conservation standpoint, but also from a building and engineering standpoint.

Most of the remaining developable lands are agricultural, comprising over one-half of the total village area. Specifically, 2,971 acres are in agricultural use, mostly cultivation. There are also 200 acres of ‘open lands’ in the area that also appear appropriate for development. Open lands are defined as ‘rural areas that are not farmed and not developed’.⁴² Adding together these remaining agricultural and open lands yields a total of 3,171 acres that are subject to ‘substantial development within three years standard. This acreage constitutes 55.3% of the total proposed village area.

⁴² Email Correspondence from Nancy Anderson of SEWRPC, November 26, 2008.

Future Growth

The paragraphs below examine Bristol's future growth potential, and whether this potential rises to the level of 'substantial development within 3 years'. Population trends are examined as well as data regarding building permits, subdivision platting, and rezonings. Recommendations made by Bristol's land use plan and draft comprehensive plan are also discussed. Table 6 shows that the Town of Bristol has been growing slowly but steadily over the years, particularly in Bristol Hamlet, and the George Lake, Mud Lake, and Lake Shangri-La neighborhoods. Development is anticipated to be especially strong in Bristol Hamlet.

Population Growth

SEWRPC projects that the proposed village area will have a population of 4,204 by the year 2035. Sections 7, 8, 17, and 18, the sections that include the core and periphery of Bristol Hamlet, are expected to increase the most in population, with 372, 529, 644, and 217 residents respectively. The total growth from these 4 sections – 1,762 – represents 66% of the growth anticipated by 2035 within the proposed village area. Section 17 shows the highest amount of anticipated growth with 644 newcomers. Section 17 is the area in which a new high school and residential and commercial development is planned.

Rezoning

Rezoning of land from a less intense land use zoning classification to one more intense use is often an initial first step in the development process. Therefore, data on recent rezonings can give an indication of current and future building activity. Table 7 shows that Bristol has approved 60 zoning petitions between 2001 and 2007. However, it is unknown how much acreage was involved, where in the Town it is located, or whether the rezoning was from a less intensive land use such as agriculture to a more intensive use such as residential. Rezoning typically move land from a less intensive use to a more intensive use, but this is not always the case.

Table 7: Bristol Rezoning

2001	2002	2003	2004	2005	2006	2007
8	9	6	9	6	12	10

Table 6

**HISTORICAL POPULATION LEVELS IN
THE TOWN OF BRISTOL: 1850-2006**

Year	Population	Change From Preceding Census	
		Number	Percent
1850	1,125	--	--
1860	1,392	267	23.7
1870	1,140	-252	-18.1
1880	1,069	-71	-6.2
1890	1,071	2	0.2
1900	1,151	80	7.5
1910	1,215	64	5.6
1920	1,198	-17	-1.4
1930	1,299	101	8.4
1940	1,397	98	7.5
1950	1,564	167	12.0
1960	2,155	591	37.8
1970	2,740	585	27.1
1980	3,599	859	31.4
1990	3,968	369	10.3
2000	4,538	570	14.4
2006 ^a	4,786	248	5.5

^aThe 2006 population is an estimate prepared by the Wisconsin Department of Administration. Other years are from the U. S. Census.

Source: U. S. Census Bureau, Wisconsin Department of Administration, and SEWRPC.

[Revised 3-19-07]

Building Permits

Review of building permits is useful because recent past building activity provides an estimate of future building activity. Table 8 shows building permit data in the Town of Bristol from 2002 to 2007. The table shows that both miscellaneous and new-home building permits are remarkably steady from year to year, ranging from 218 to 288 for miscellaneous permits, and from 18 to 40 for new home permits. The data does not indicate where in the Town this building activity is occurring.

Table 8: Building Permits⁴³

	2002	2003	2004	2005	2006	2007
Total # of Building Permits	285	265	288	238	218	229
Total # of New Home Permits	40	25	27	22	28	18

Subdivisions

Because subdivision of land is often another step preceding new development, examining trends in new subdivision plats can yield insight into future development activity. Table 9

Table 9: Plat and Certified Survey Map (CSM) Approvals⁴⁴

	2001	2002	2003	2004	2005	2006	2007
Plats⁴⁵	1	1	2	0	1	1	4
CSMs	0	0	0	2	1	3	7

shows plat and certified survey map approvals in the Town from 2001 to 2007. The Table shows modest activity, especially when measured against the amount of vacant developable land. This fact is confirmed by Table 10 which shows the plats that have been reviewed by the State of Wisconsin since 1994. The table shows that only four plats have been certified by the State for

Table 10: Town Subdivision Plats Reviewed by State of Wisconsin: 1994 – 2008⁴⁶

Map Letter	Located in Bristol Hamlet?	Plat Name	Submittal Type	Action	Action Date	Lots
--	Town remnant	Hazeldell Estates	Final Plat	Certified	2004	9
B	Yes	Bristol Bay	Final Plat	Certified	2004	3
F	Yes	Chaucer Woods	Final Plat	Certified	2005	45
D	Yes	Bristol Meadows	Preliminary Plat	Certified	2006	224
A	No	Brighton Creek Highlands	Preliminary Plat	Certified	2006	11
H	Yes	Hollister Hollow	Preliminary Plat	Certified	2007	76
G	Close	The Crosswinds	Final Plat	Certified	2008	4
E	Close	Bristol Trails Estates	Preliminary Plat	Certified	2008	28

⁴³ Town of Bristol Incorporation Application, p. 51.

⁴⁴ Town of Bristol Incorporation Application, p. 51 and Table 6.

⁴⁵ Includes both preliminary and final plats.

the Town of Bristol, and only one since 2005. The table shows that final plats approved to date yielded 61 lots, while another 339 lots may become available in the future should the preliminary plats become approved final plats.

Housing data collected by the Department of Administration's Demographic Service Center also shows modest but steady growth. Table 11 shows the number of new housing units in the Town of Bristol. Between 2000-2007, an average of 31 new dwelling units per year were added. This corresponds to the population growth data presented previously.

Table 11: New Housing Units in Bristol 2000-2007

2000	2001	2002	2003	2004	2005	2006	2007
28	17	38	24	43	51	35	17

⁴⁶ Data from the Wisconsin Department of Administration's Plat Review Program. The State reviews all proposed subdivisions of land that create 5 or more parcels of 1½ acres each or less in area or 5 or more parcels of 1½ acres each or less in area that are created by successive divisions within a period of 5 years. See s. 236.02.12 Wis. Stats.

Petitioners identify eight subdivision developments that are in progress that will ultimately yield a total of 920 dwelling units.⁴⁷ Figure 2 shows the location of these developments. All are located within or immediately adjacent to Bristol Hamlet. Map 14, Appendix B, shows the location of these proposed developments in more detail, and the pages that accompany Map 14 provide details related to each specific development.

The following are the specific residential developments that are anticipated, and where they are in the development process:

1) Brighton Creek Highlands

- 11 units
 - Final Plat Approval
 - Plan Commission: April 17, 2007
 - Town Board: May 14, 2007
- [Preliminary plat certified by State in 2006]

2) Bristol Bay

- 172 units
 - Second phase under construction
 - Final Plat Approval
 - Plan Commission: December 23, 2003
 - Town Board: January 12, 2004
- [Final plat certified by State in 2004]

3) Bristol Estates

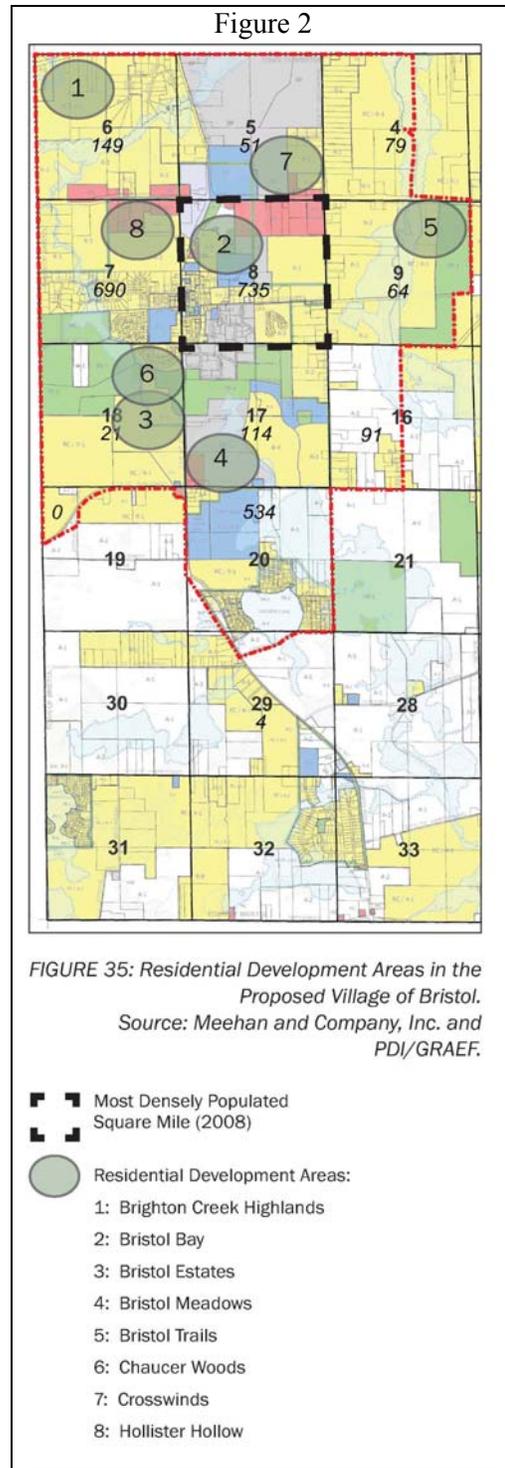
- 105 units
 - Land Use Plan Approval
 - Plan Commission: May 16, 2006
 - Town Board: May 22, 2006
- [Preliminary plat certified by State in 2008]

4) Bristol Meadows

- 319 units
 - Preliminary Plat and Zoning Approval
 - Plan Commission: August 23, 2005
 - Town Board: February 27, 2006
- [Preliminary plat certified by State in 2006]

5) Bristol Trails

- 25 units
- Final Plat Approval
- Plan Commission: March 25, 2008



⁴⁷ Town of Bristol Incorporation Application, pgs. 51-2.

- Town Board: April 14, 2008, working on development agreement
[Final plat certified by State in 2009]

6) Chaucer Woods

- 42 units approved: 32 units under construction
- Final Plat Approval
- Plan Commission: August 23, 2005
- Town Board: September 12, 2005
[Final plat certified by State in 2005]

7) Crosswinds

- 4 units
- Final Plat Approval
- Plan Commission: April 17, 2007
- Town Board: April 23, 2007
[Final plat certified by State in 2008]

8) Hollister Hollow

- 250 units
- Preliminary Plat and Zoning Approval
- Plan Commission: December 19, 2006
- Town Board: December 27, 2006, working on developers agreement
[Final plat certified by State in 2009]

Petitioners expect that 436 of the 920 dwelling units in these developments will be built within the next five years, based on the Town's land use plan which estimates growth in the range of 436 dwelling units per 5-year interval.⁴⁸

Map 13, Appendix B, shows that every parcel within the proposed village area has some level of development activity underway (shown in red), is being considered for development (shown in purple), or is planned for future development (shown as brown). Areas designated for future agriculture are shown in white. Only one parcel at the southeast corner of the proposed area is shown as being designated for future agricultural land use.

Map 14, at Appendix B, provides greater specificity regarding the red and purple categories of development described above. According to the tables that accompany Map 14, 'Group One' parcels (same as the red parcels in Map 13) are those that have:

- received an approved building and zoning permit;
- lie within the designated sewer service area;
- have a signed contract to build;
- builder's takeout financing is in place, and
- public right-of-way access is provided;

'Group Two' parcels (same as the purple parcels in Map 13) are those for which one or more of the following issues has been resolved or will be resolved within 3 years:

- current owner is capable of initiating a development project;

⁴⁸ Town of Bristol Incorporation Application, pgs. 51-2.

- sewer service area amendment or wastewater treatment plant expansion;
- plat or CSM approval;
- zoning permit;
- architect/engineer engaged for preliminary development proposals;
- building permit request submitted but not issued, and
- conceptual construction financing approval received.

The tables⁴⁹ accompanying Map 14 show that of the Group One (red) parcels, only the Bristol Bay subdivision has met all of the development steps and is available for immediate development. Two other subdivisions - Hollister hollow and Bristol Trails – require only a developers agreement in order to become available for development.⁵⁰ The remaining parcels in Group One (red) have met one or more of the development steps, but still require additional steps before building may occur. For example, roughly one-half still require an amendment of the sewer service area, financing, a signed contract to build, and access to public right-of-way. Roughly one-third of the red parcel developments still require building and zoning permits.

Regarding Group Two parcels (purple), almost no development steps have yet occurred. For example, all but three of the parcels will require a sewer service area amendment, and none of the parcels have an approved zoning permit, building permit, or plat or CSM.

Sewer Service Area

Analysis of municipal sewer service is useful because generally urban development requires public sewer service. Map 8, Appendix B, shows the sewer service area boundaries affecting the proposed village area. The map shows that the Town of Bristol Utility District No. 1 serves Bristol Hamlet, stretches south to serve the George Lake neighborhood, and then stretches still further south to serve the Mud Lake neighborhood. These areas are served with both municipal sewer and water. Other areas within the proposed village area are not served by municipal sanitary sewer service and instead must rely on private on-site sewer systems.

The sewer service area boundary for the Town of Bristol Utility District No. 1 was amended in 2006 to include a 100 acre area at the southwest corner of Bristol Hamlet in Section 18. The documentation created as part of this amendment process indicates that wastewater is treated at the Town of Bristol Utility District No. 1 sewage treatment facility, which currently has a capacity of 480,000 gallons per day (MGD). However, this capacity will increase to 870,000 gallons per day once construction is completed to upgrade the plant. The amendment area is expected to generate .02 mgd, so the upgraded plant will have sufficient capacity.⁵¹

The Town of Bristol Utility District No. 1 also added a new well to the system in 2007 with a capacity of 750 gallons per minute. The new well is located within Bristol Hamlet, south of STH 50 and north of 81st Street in the vicinity of STH 45. A future storage facility is also planned. These new facilities will serve new urban development within Bristol Hamlet and north and east of the current sewer service area.⁵²

⁴⁹ The tables accompanying Map 14 are the same as those used in the Board's previous Determination on January 16, 2009 because the data is still accurate, with the following exceptions: Hollister Hollow and Bristol Trains have final plat approval and need only developers agreements before they become available for building. Rastol Investments and Bristol Ridge have infrastructure in and are waiting on permits. From August 31, 2009 email correspondence from Town of Bristol Administrator Randy Kerkman.

⁵⁰ Email correspondence to the Department from Randy Kerkman, Town of Bristol Administrator, August 31, 2009.

⁵¹ Town of Bristol Incorporation Application, p. 46.

⁵² Ibid., p. 48.

The Town's land use plan recommends that urban and suburban development be served by public sanitary sewer and water facilities, but new rural development is not required to be served.⁵³ The existing sewer service areas could also be expanded, however there are no proposals to do so.

Plans

An analysis of plans provides insight into a community's future development intentions. Several plans pertain to the proposed village area. These are:

- Town land use plan - the *Town of Bristol Land Use Plan: 2035* was adopted in 2006 and updates the Town's previous land use plan adopted in 1992. The 2006 update encourages new urban development to radiate out from Bristol Hamlet. In particular, a node of businesses, institutions, and mixed uses will continue to expand at the intersection of STH 50 and USH 45, taking advantage of good transportation access, as well as proximity to the Kenosha County extension office and Bristol Hamlet's other related land uses, activities and services. Bristol Hamlet will continue to be considered the 'downtown' area of Bristol. The majority of new residential growth is planned to occur in Bristol Hamlet, as well as eventually extending outward from Bristol Hamlet in an easterly direction, ultimately reaching the Des Plaines River. For areas in the Town of Bristol outside of Bristol Hamlet, the plan recommends preserving rural character and avoiding sprawling, unplanned, and haphazard development.⁵⁴
- Comprehensive Outdoor Recreation Plan - the *Town of Bristol Comprehensive Outdoor Recreation Plan: 2020* was adopted in 2004 to guide the future of the Town's outdoor recreation sites and facilities. The plan recommends maintaining existing parks and natural areas, and adding a new park pavilion, bandstand, swimming pool, tennis courts, and additional athletic fields to Richard Hansen Memorial Park. As mentioned previously, the plan also recommends adding a number of new neighborhood parks, primarily within and proximate to Bristol Hamlet. The plan also seeks to create a system of trails, pedestrian paths and bicycle routes called Planned Recreation Corridors.⁵⁵ Map 5, Appendix B, shows the specific location of these proposed parks and trails.
- Draft Comprehensive Plan – the Town is currently participating in a multi-jurisdictional comprehensive planning process in cooperation with Kenosha County, the City of Kenosha, the Villages of Pleasant Prairie and Silver Lake, and the Towns of Brighton, Bristol, Paris, Salem, Somers, and Wheatland. Kenosha County is leading the effort, while SEWRPC is providing data, analysis, and technical support. This planning effort will result in a multi-jurisdictional plan for the region as well as comprehensive plans for each participating community that will comply with the comprehensive planning law in s. 66.1001 Wis. Stats. Draft plan elements and chapters have already been developed and are being edited and finalized. Final approval is expected in the near future. The comprehensive plan draft chapters have already been described throughout this Determination. The future land use map, Map 7, contains plan recommendations. As with the land use plan, the draft comprehensive plan seeks to develop Bristol Hamlet while preserving rural areas.

Table 12, which provides an estimate of future land use totals based on the above plans, shows huge growth in urban land uses and a steep decline in nonurban uses. Environmental corridors

⁵³ Town of Bristol Incorporation Application, p. 44.

⁵⁴ Town of Bristol Incorporation Application, pgs. 22 and 39, and Chapter 6 of Town Land Use Plan.

⁵⁵ Town of Bristol Incorporation Application, p. 22.

remain fairly high at 20.8% of the total village area. However, agricultural land use is expected to drop precipitously over the next 25 years, from its current level of 50% of the total area to 4%.

Table 12: PLANNED LAND USES IN THE PROPOSED VILLAGE OF BRISTOL: 2035

Land Use District ^a	Acres	% of Total
Urban		
Residential	2,560	43.3
Business/Commercial	222	3.8
Manufacturing/Industrial	601	10.2
Institutional	291	4.9
Park/Recreational	314	5.3
Street and Highway Right-of-Way	338	5.7
Urban Subtotal	4,326	73.2
Nonurban		
Agricultural	268	4.5
Environmental Corridors	1,227	20.8
Surface Water	87	1.5
Nonurban Subtotal	1,582	26.8
Total	5,908	100.0

Source: Town of Bristol, Kenosha County, and SEWRPC.

Other Plans that Guide the Proposed Village of Bristol are:

- A Lake Protection Plan for George Lake
- George Lake Aquatic Plant Management Plan
- Regional Land Use Plan: 2035
- Regional Transportation System Plan: 2035
- Regional Natural Areas Plan
- Regional Water Quality Management Plan
- Regional Water Supply Plan
- Regional Telecommunications Plan
- Stormwater Management Plan
- City of Kenosha and Environs Sanitary Sewer Service Area Plan
- Kenosha County Park and Open Space Plan
- Kenosha County Farmland Preservation Plan
- Kenosha County Economic Summit Report
- Land and Water Resources Management Plan
- Des Plaines River Watershed Plan
- Flood Mitigation Plan for Kenosha County.⁵⁶

⁵⁶ Town of Bristol Incorporation Application, p. 28.

Determination

The proposed village area contains at least 1,192 acres of wetlands and significant natural areas that are appropriate for waiver from the ‘substantial development within three years’ standard. This constitutes 20.1% of the total petitioned area, leaving approximately 4,716 acres, or 79.9% of the total area subject to the standard.

Recent data on population growth, rezonings, building permits, and subdivision platting shows that the Town has been growing steadily but modestly. Bristol Bay subdivision has lots that are currently available to be built upon, and the other parcels in the red category are very close to having lots available. Even the parcels in the purple category, although they have not yet passed over many of the development steps, still may potentially develop within the next three years.

Plans and other materials submitted indicate that the area of Bristol Hamlet and George Lake is intended for intensive urban development, such as residential and business development, five new neighborhood parks, a recreation trail circling the hamlet, and a new high school. Meanwhile, Town remnant areas are recommended to remain rural in nature. This makes sense from a planning standpoint because it takes advantage of the urban form already in place in Bristol Hamlet, and preserves the high concentration of wetlands and natural areas found throughout the remainder of the Town.

For all of the preceding reasons, the Board determines that the Petition as submitted meets the *Territory Beyond the Core* standard set forth in §66.0207(1)(b), Wis. Stats.

SECTION 2(A) TAX REVENUE

The standard to be applied is found in §66.0207(2)(a), Wis. Stats., and provides 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."

In its January 16th, 2009 Determination, the Incorporation Review Board found this standard to be met. The Board found that Petitioners had proposed a realistic budget that adequately accounted for revenues and expenditures. In examining the proposed village alongside similarly situated local governments in Walworth, Kenosha, and Racine Counties, the Board found that Petitioners' proposed property tax rate would compare favorably. It appeared to be at the top of the range of comparison municipalities for per capita equalized value, and at the bottom of the range for their projected local tax levy rate per \$1,000 of equalized value. Additionally, the Board noted that Bristol is unique among comparison communities in allocating more dollars per capita to developing plans and engaging in pro-active economic development activity.

However, despite all of the above findings and a determination that this standard was met, it will nonetheless be re-examined given the fact that petitioning for a smaller village area results in a changed financial picture and an amended proposed budget.

Petitioner's Budget for Proposed Village and Remainder of the Town

Table 13, on the next page, provides an abbreviated overview of salient variables taken from Petitioner's *Town of Bristol Incorporation Application*, page 60, and updated in a February 19th email correspondence to the Department. These assumptions were used by Petitioners, with the assistance from Town officials and staff, to develop the proposed budget for the proposed village and remainder of the town that is shown on Table 14, on page 28. These assumptions will also factor into the division of assets, continuation of services, and separation of the various funds between the proposed village and the remainder of the town. The assumptions for this new proposed budget are different due to the smaller area being petitioned for incorporation, an area roughly one-half as large as in the previous Petition. This means that the assessed value, square miles, population, miles of road, and other budget assumptions for the proposed village are all less, and the assumptions for the remainder of the Town are all greater. For example, the proposed village went from having a majority of the equalized value before (69% to 31%), to less equalized value than the town remnant (49% to 51%). The estimated local tax levy for the proposed village is \$2.675/\$1,000 of equalized valuation, and for the town remnant is \$2.665/\$1,000. This represents a slight increase for the town remnant.

In applying the assumptions to the proposed budget, the clear result is that the Town remnant enjoys a greater revenue stream (roughly double), but also greater expenditures (roughly double). 'Fines & Forfeitures', and 'Public charges for services' are two revenue sources that will substantially increase for the town remnant with this budget versus the previous budget. Legal services, administration, assessment, police & fire protection, and health & human services are the expenditures that will increase for the town remnant. Regarding the proposed village, this new proposed budget is substantially similar, with the only change being a slight decrease in revenues and expenditures.

Table 13
Town of Bristol Budget Assumptions⁵⁷

	<u>Village</u>	<u>Town</u>	<u>Total</u>
Assessed Value	\$296,837,500 49%	\$311,808,300 51%	\$608,645,800 100%
2009 Assessed Value ⁵⁸			\$608,897,700
Square miles	9 28%	14 72%	32 100%
Population	2,547 52%	2,316 48%	4,863 100%
Fire and rescue calls	45%	55%	100%
Developable acres ⁵⁹	2,618 43%	3,502 57%	6,120 100%
Miles of road	16.82 63%	9.89 37%	26.71 100%
Shared Revenue allocation	49%	51%	100%
Board	President	Chairperson	
Supervisors	-	4	
Trustees	6	-	
Interdepartmental revenue allocation: Weighted 1/3 by total miles of road and 2/3 by proportion of population in each community			
Polling places	2	1	
Recycling cost	-	100%	
Equipment replacement funding:	\$150,000	\$40,000	
Allocation of administrative expense: Village administrator, accountant and other clerical costs are allocated at 46% to the Town. Fund account administration is allocated 50-50 between the Town and proposed village.			
Proposed local tax levy per \$1,000 of equalized value	\$2.675	\$2.66	
Actual Town of Bristol tax levies ⁶⁰	Year	Amount per \$1,000	
	2007	3.225	
	2008	2.695	
	2009	2.695	

⁵⁷ Town of Bristol Incorporation Application, Table 13.

⁵⁸ June 19th, 2009 email correspondence from petitioner's planning consultant, Stephanie Allewalt.

⁵⁹ Petitioner's assumption for 'Developable Acres' is lower than the Board's estimate of the number of acres subject to the 'Territory Beyond the Core' standard previously addressed in this Determination.

⁶⁰ Ibid.

Table 14
Village and Town of Bristol Proposed 2010 Budgets

Account Description	Village	Town
General Fund		
General property taxes	479,893	830,909
Other taxes	11,294	88,930
Intergovernmental grants and aids	104,719	81,668
Intergovernmental charges for services	546,191	0
Licenses and permits	32,840	31,880
Fines and forfeitures	21,407	19,760
Public charges for services	14,651	143,126
Interdepartmental revenue	106,525	0
Commercial revenue	133,935	64,585
Total Revenues	1,451,455	1,260,858
General government		
Legislative	49,321	35,127
Judicial	12,112	5,814
Legal	34,560	39,120
Administrative	142,012	60,760
Clerk/Treasurer	36,780	36,780
Elections	1,622	799
Audit fees	32,000	10,000
Assessment	17,373	16,707
Buildings and grounds	62,536	9,994
Other (Shangri-La asses)	0	10,170
Insurance	49,750	8,000
Engineering	15,130	19,050
Total General Government	453,196	252,321
Protection of persons and property		
Police	328,758	195,611
Fire	77,560	350,876
Inspection	19,146	10,913
Total Protection of Persons and Property	425,464	557,400
Public works & Operations		
Road maintenance, construction, & street lights	156,034	59,646
Total Public Works	497,730	267,118
Health and human services	6,285	143,590
Recreation	47,836	17,590
Planning and development	10,943	14,507
Capitol outlay	10,000	88,333
Total Expenditures	\$1,451,455	1,340,858
Total Budgeted Revenues over Expenditures	0	\$-40,000

DETERMINATION

It is the Board's finding that should incorporation occur, that Petitioners have once again realistically and adequately accounted for local purpose revenues and expenditures necessary to implement a home-rule power jurisdiction. The new proposed budget shows a shift towards the town remnant in terms of larger budget assumptions and therefore greater revenues and expenditures.

Because of the substantial development that is anticipated to occur within the proposed village area, there may be a need for increased capital facilities and services such as police and fire protection. So it is possible that the village's budget figures may soon surpass those of the Town remnant. However, the new development would also result in increased equalized value with which to pay for those services.

Because petitioner's new proposed budget appears reasonable, and because there have been no material changes with regard to debt limit or any other financial condition, the Board determines that the Petition once again meets the *Tax revenue* standards 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 no intervenors filed a certified copy of a resolution to annex the entire petitioned territory with the Kenosha County circuit court, this standard is not applicable.

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

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

“The impact, financial and otherwise, upon the remainder of the town from which the territory is to be incorporated.”

The Incorporation Review Board found this standard met in its January 16th, 2009 Determination. However, the smaller territory that is being petitioned now for incorporation results in a larger Town remnant area. This necessitates a re-examination of this standard.

Town Remnant Area

The remainder of the Town comprises slightly over 23 sections lying between the westerly boundaries of the City of Kenosha and Village of Pleasant Prairie, I-94, the easterly boundary of the proposed village, the easterly boundary of the Town of Salem, and the Wisconsin/Illinois state line on the southerly border. These Town sections contain an estimated population of 2,316 persons. Roughly 10 miles of local road exist, scattered in small segments across the remaining town, and particularly within the Mud Lake and Lake Shangri-La neighborhoods. Connectively between these neighborhoods is poor, as residents must utilize CTH WC, MB, U, Q, C, and K, and STH-50, which are high-traffic roads. One hamlet, “Woodworth,” along CTH MB south of STH-50 in Section 10, lies among the scattered farm fields and small subdivisions.

Town Remnant Financial Capacity

As previously discussed in Section (2) (a), the budgets for the proposed village and Town remnant are based on a future town board agreeing to the proposed levels of service. Due to its larger size, the Town remnant for this amended Petition has greater revenues and expenditures than the Town remnant for the previous Petition. This should enhance the remnants financial position. Additionally, the remnant will receive a share of the sale of the Town’s Community Development Area near I-94 and CTH-K. As of August 2008, only 62 acres of this special purpose district remained. The Town remnant has few parks or other public amenities for residents, perhaps because Bristol Hamlet has traditionally served this function. Town residents may continue to rely on Bristol Hamlet or they may desire parks and amenities and an identity of their own, which could affect their future budgets as well.

Regulations

A future town board will be responsible for continuing oversight of the existing town land division/subdivision ordinance, maintaining a planning commission, and whatever committees or commissions would be necessary to oversee implementation of the several intergovernmental agreements, as well as those shared services such as fire protection and emergency medical service that involve the proposed village.

Currently no cities or villages exert extraterritorial zoning or platting authority over the Town of Bristol, and this circumstance would remain true for a remainder of the town as well. Kenosha County would continue to regulate land use, buildings, and other structures in the remainder of the town, as well as shoreland and floodplain areas, including monitoring set-back regulations from the ordinary high-water mark of navigable waters, and limiting land uses that can occur in the 100-year floodplain. The Town of Bristol, having submitted its’ Town of Bristol Land Use

Plan (2006), continues to participate with Kenosha County as it prepares s Multi-Jurisdictional Comprehensive Plan for Kenosha County (ongoing).⁶¹

The remainder of the town is not likely to be subject to extensive development due to the unavailability of sewage treatment capacity and conveyance infrastructure,⁶² indeed the 2035 Regional Land Use Plan (2006) prepared by the Southeastern Wisconsin Regional Plan Commission, that includes Kenosha County, foresees this area remaining as a low-density rural area.

Intergovernmental agreements

The *City of Kenosha/Town of Bristol Cooperative Plan Boundary Agreement* (2000) provides that Town residents/owners in Section 1 and 2 who are affected by the agreement with the City of Kenosha⁶³ may Petition for attachment at anytime prior to 2030, at which time all remaining Town territory becomes part of the City.

Similarly the Village of Pleasant Prairie and Town of Bristol *1997 Settlement and Cooperation Agreement* establishes a boundary between the Village and the Town that, in this instance, is fixed and, unlike the agreement with Kenosha, no subsequent Town land transfers are envisioned to occur – unless the agreement is amended at some future date.

The *Village of Paddock Lake and Town of Bristol* (2008) is a continuation and expansion of many years of cooperation between the Town and Village regarding services, as well as a shared vision of preserving rural and agricultural land uses in the Town. The agreement maintains the current boundary between the Town and Village, and limits the extent of extraterritorial zoning, land division, condominium platting, and official mapping by the Village inside the Town.

Additionally, the Town of Bristol is in the process of developing boundary agreements with the Towns of Salem, Paris, and Brighton under s. 66.0301 Wis. Stats. that will further enhance intergovernmental cooperation in the area. Because it appears that these agreements will not be completed for some time yet, they will likely need to include the participation of the new Village of Bristol in order to be most effective. Petitioners have set forth a reasonable plan for cooperation between the proposed village and Town remnant regarding budget, administration, services, and regulation, so there is precedence for further cooperation regarding boundaries.

⁶¹ As draft chapters of the Multi-Jurisdictional Comprehensive Plan for Kenosha County become available, they can be viewed on the Kenosha County web site at:

http://www.co.kenosha.wi.us/plandev/smart_growth/DraftPlanChapters.html .

⁶² Comments made by Attorney Bill White and Town Administrator Randy Kirkman at the Wisconsin Incorporation Review Board meeting on December 10, 2008.

⁶³ Parts of the Town in Sections 1 and 2 were transferred to City of Kenosha following approval of the Cooperative Boundary Agreement.

DETERMINATION

The foregoing analysis of territory (including location and shape), town services and the operating budget discussed previously in Section (2)(a), suggests that the remainder of the town of Bristol would not be unduly disadvantaged by the separation of territory and incorporation of the proposed village of Bristol.

For all of the preceding reasons, the Board determines that the Petition once again meets the Impact on the Remainder of the Town standard set forth in §66.0207 (2) (c), Wis.Stats.

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 Incorporation Review Board previously found this standard to have been met in its January 16, 2009 Determination. No material facts have changed or arisen that should cause the Board to re-examine this standard.

Appendix A: Incorporation Review Board

The Incorporation Review Board was created by 2003 Wisconsin Act 171. It is charged with reviewing incorporation petitions forwarded by the circuit court in order to ensure that these petitions meet the public interest standards in s. 66.0207 Wis.Stats. The board advises the circuit court on whether incorporation petitions should be granted, dismissed, or resubmitted with new boundaries. The Board is also authorized to set and collect an incorporation review fee to pay for the costs of reviewing the Petition. The Board has currently set the fee at \$25000.

Members

Department of Administration Member and Chair

Harald (Jordy) Jordahl, Deputy Administrator
Division of Intergovernmental Relations

Wisconsin Towns Association Member #1

Terrence J. McMahon, Supervisor
Town of Yorkville (Racine County)

Wisconsin Towns Association Member #2

Lonnie Muller, Clerk
Town of Stark (Vernon County)

Wisconsin League of Municipalities Member

Jeff Speaker, Mayor
City of Brookfield

Wisconsin Alliance of Cities Member

Rich Eggleston, Communications Manager
Wisconsin Alliance of Cities

Staff

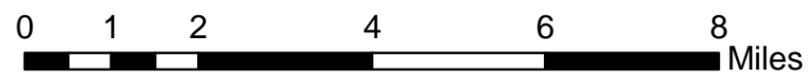
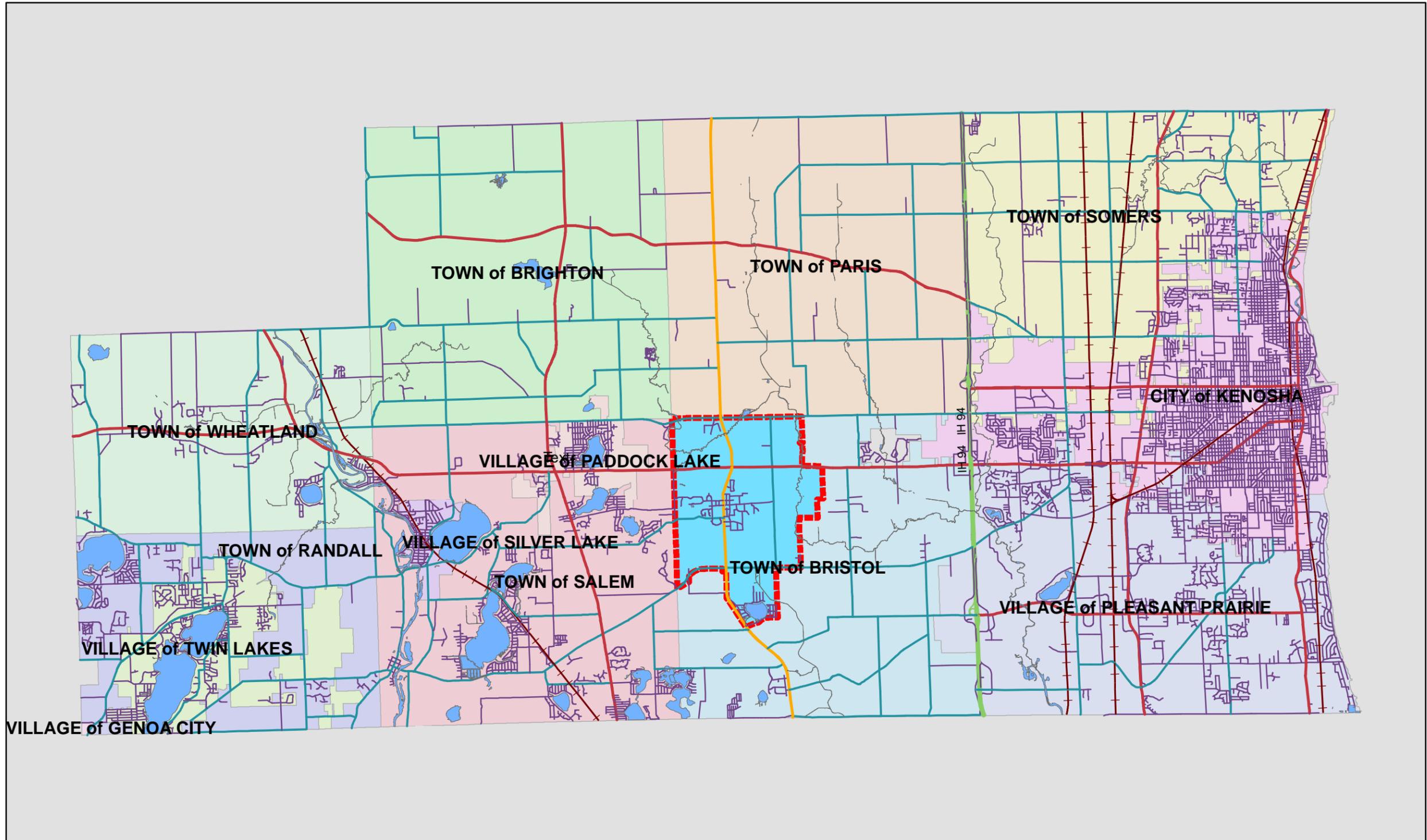
Erich Schmidtke

APPENDIX B: Maps

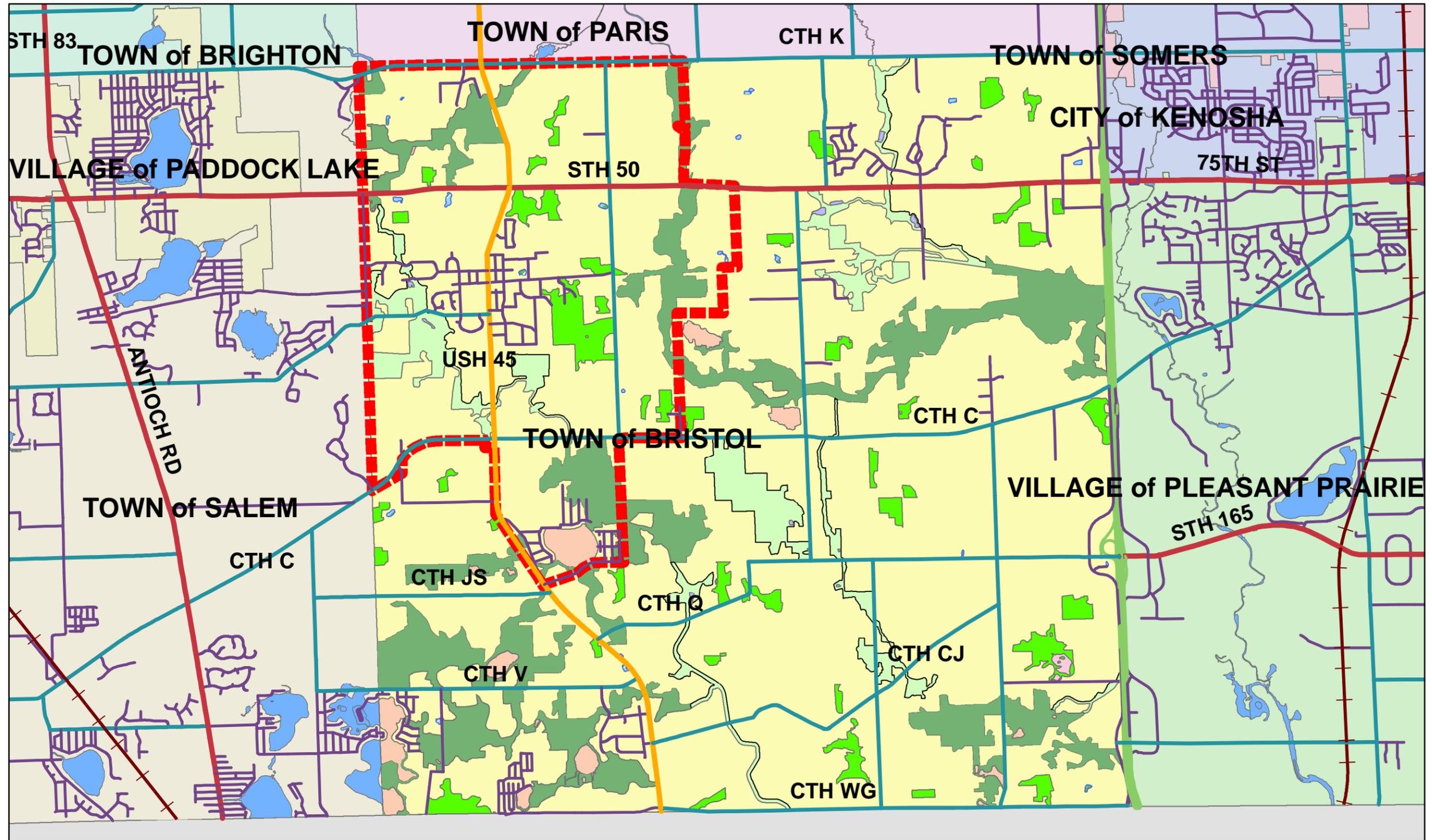
Town of Bristol Incorporation Political Boundaries



-  Proposed Village Boundary
- MCD Boundaries**
-  City of Kenosha
-  Town of Brighton
-  Town of Bristol
-  Town of Paris
-  Town of Randall
-  Town of Salem
-  Town of Somers
-  Town of Wheatland
-  Village of Genoa City
-  Village of Paddock Lake
-  Village of Pleasant Prairie
-  Village of Silver Lake
-  Village of Twin Lakes
- Roads**
-  County Highway
-  Interstate Highway
-  IH Off Ramp
-  IH On Ramp
-  Minor
-  Rail Road
-  State Highway
-  US Highway



Town of Bristol Incorporation Existing Environmental Corridors



Legend

Proposed Village Of Bristol
ec000121

Corridor Type

- Surface Water
- Isolated Nat. Resource Area
- Surface water in NRA
- Outside PEC
- Primary Env. Corridor
- Surface Water in PEC
- Secondary Env. Corridor
- Surface Water in SEC



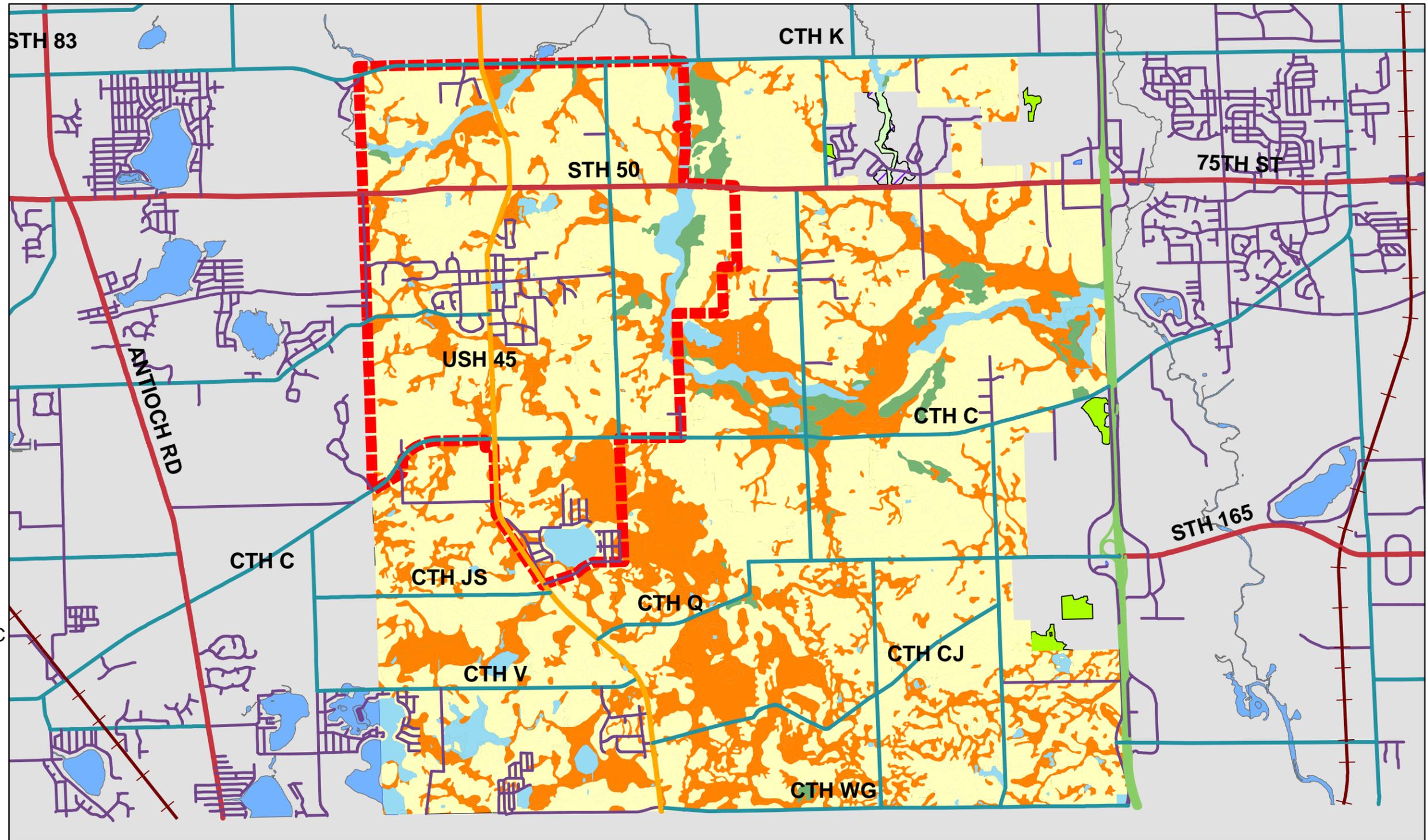
Town of Bristol Incorporation

Soil Limitations for Dwellings without Basements



Legend

-  Proposed Village of Bristol
- Soils_Bristol**
- DWELLINGDC**
-  Not limited
-  Not rated
-  Somewhat limited
-  Very limited
- plc0121**
- Corridor Type**
-  Surface Water
-  Isolated Nat. Resource Area
-  Surface Water in INRA
-  Primary Environmental Corridor
-  Surface Water in PEC
-  Sewer Service Area Plan in PEC
-  Secondary Environmental Area
-  Surface Water in SEC
-  County Park Plan in SEC
-  Sewer Service Plan in SEC



Town of Bristol Incorporation Transportation

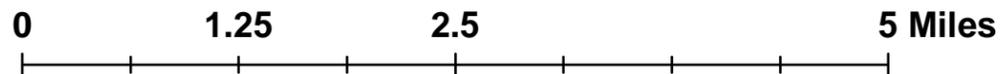
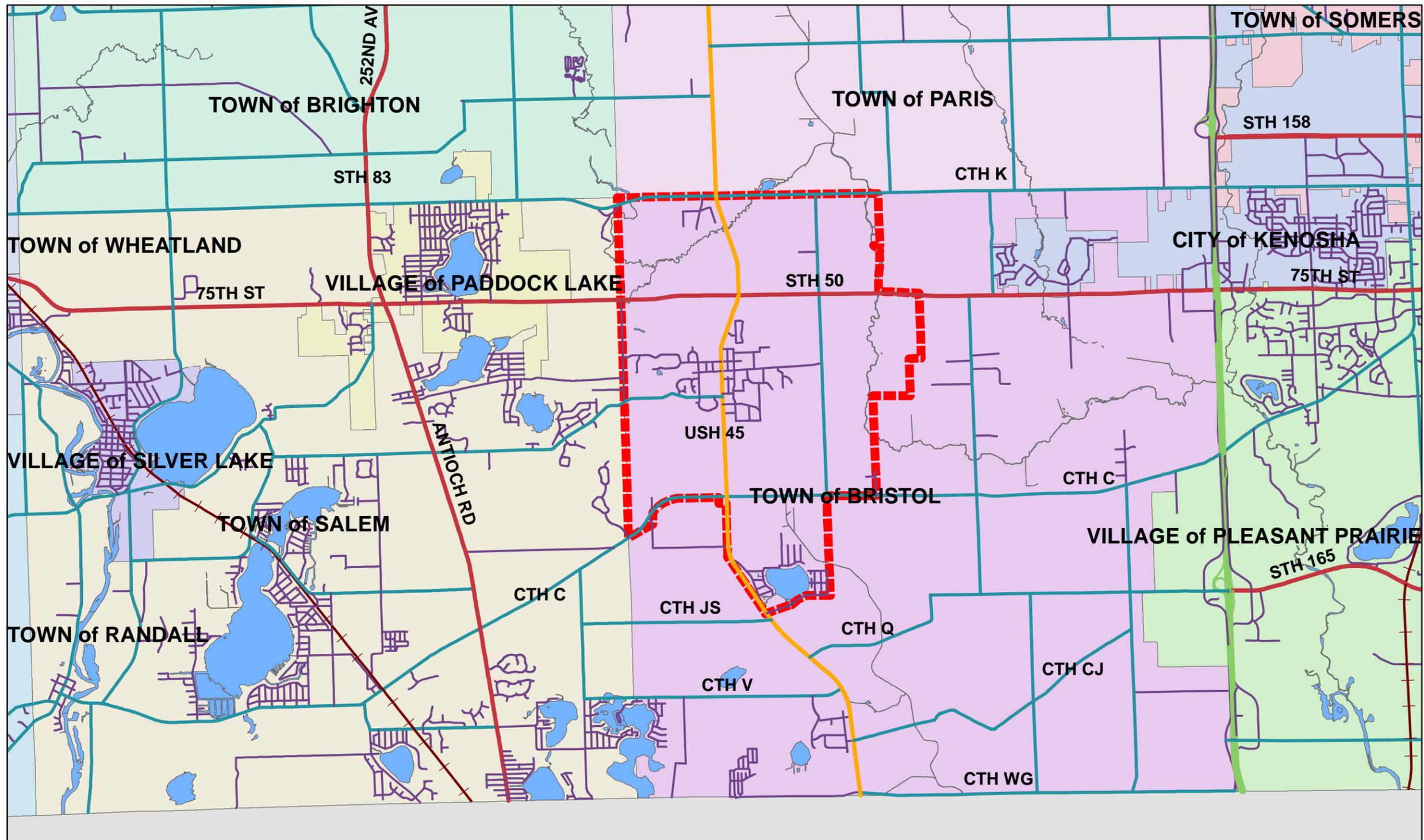
Legend

-  County Highway
-  Interstate Highway
-  IH Off Ramp
-  IH On Ramp
-  Minor
-  Rail Road
-  State Highway
-  US Highway
-  Proposed Village of Bristol

MCD Boundaries

FULLNAME

-  City of Kenosha
-  Town of Brighton
-  Town of Bristol
-  Town of Paris
-  Town of Randall
-  Town of Somers
-  Town of Salem
-  Village of Genoa City
-  Village of Paddock Lake
-  Village of Pleasant Prairie
-  Village of Silver Lake
-  Village of Twin Lakes
-  Town of Wheatland



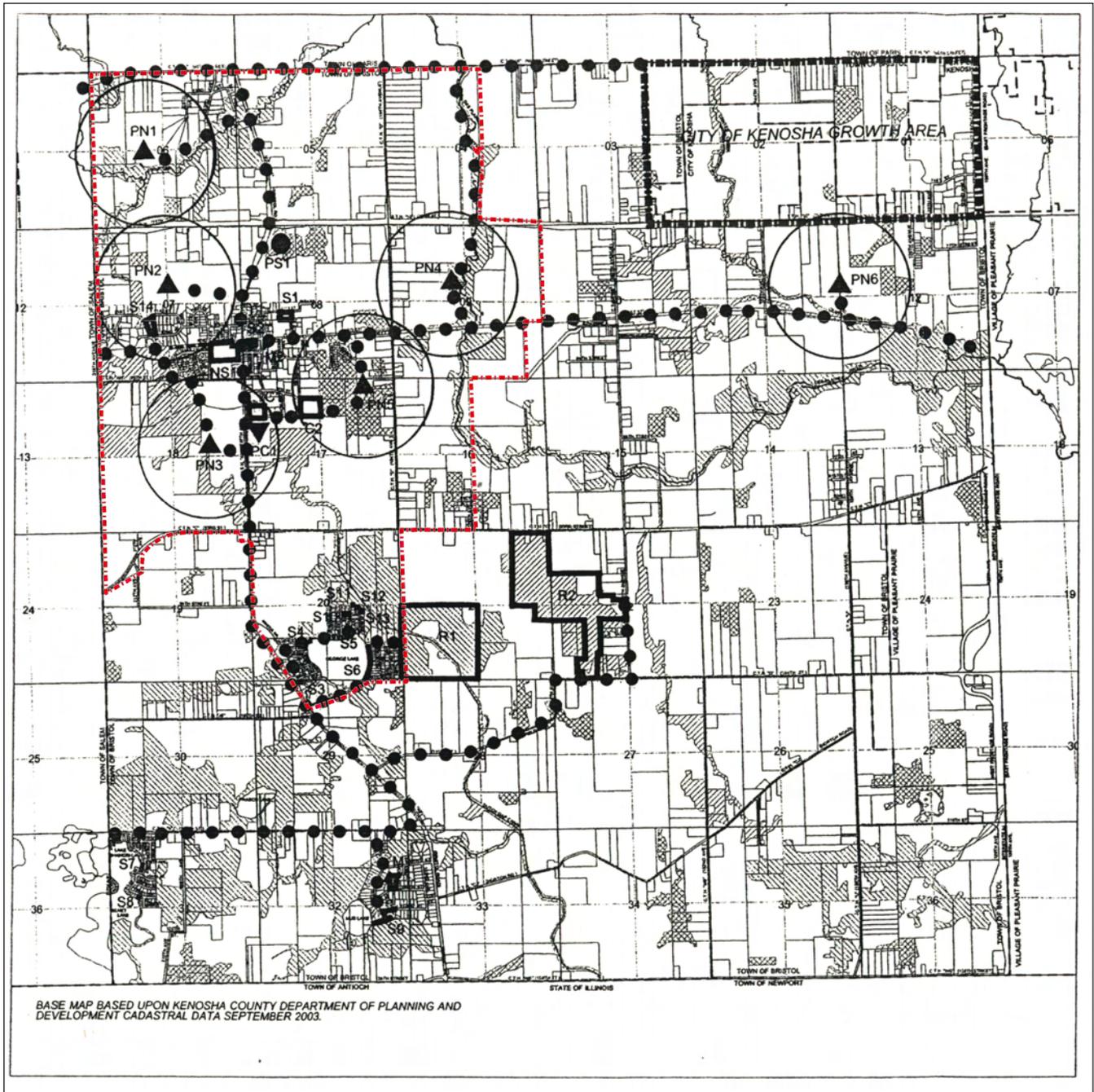


FIGURE 31: Planned Public Park and Outdoor Recreation Sites in the Proposed Village of Bristol.
 Source: Meehan and Company, Inc.

MAP 5 Planned Park Improvements

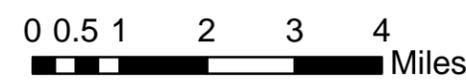
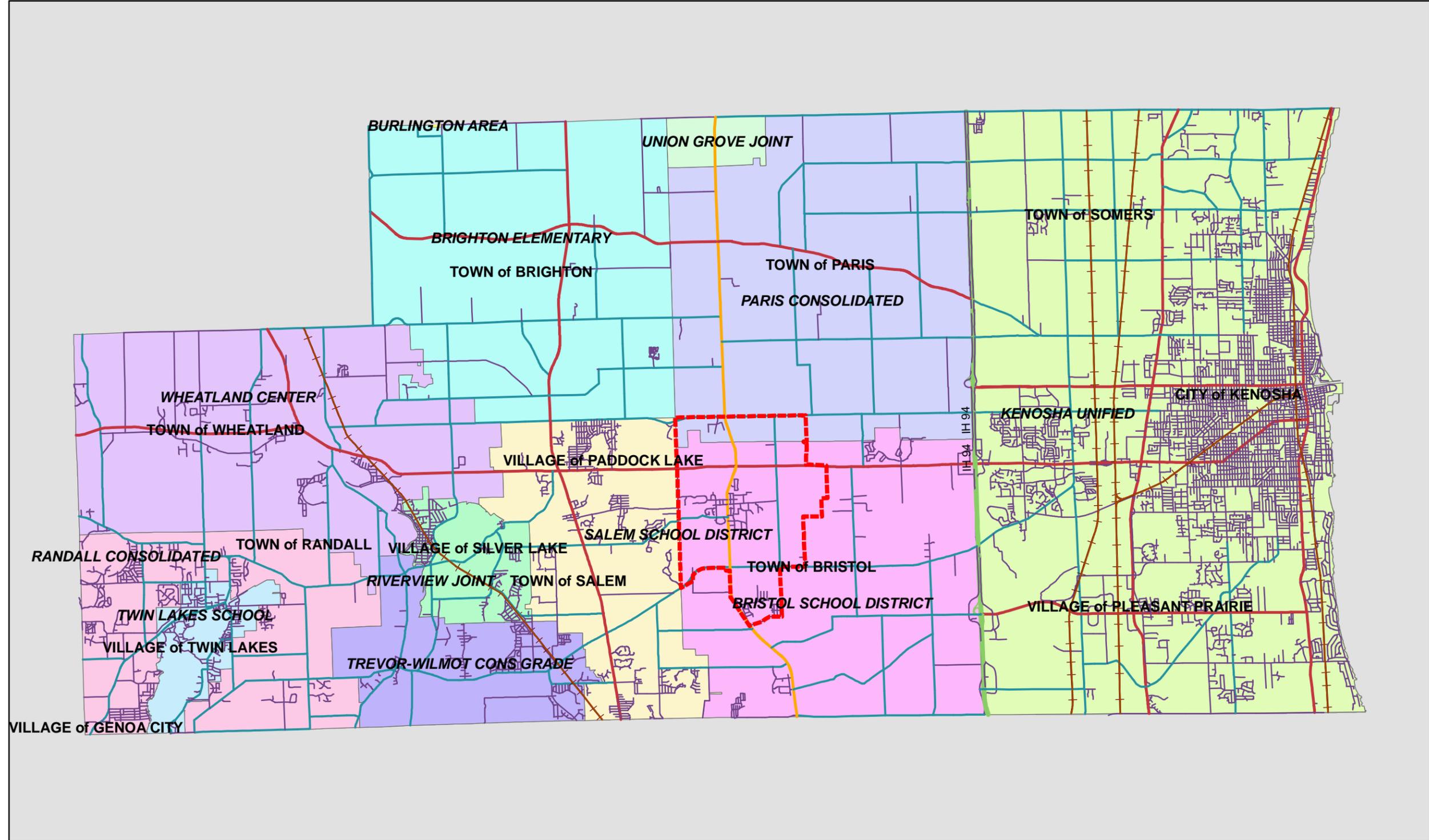
Town of Bristol Incorporation School District Boundaries



Proposed Village of Bristol

School Districts

- All other values
- Brighton Elementary
- Bristol School District
- Burlington Area
- Kenosha Unirified
- Paris Consolidated
- Randall Consolidated
- Riverview Joint
- Salem School District
- Trevor-Wilmot Cons GS
- Twin Lakes School
- Union Grove Joint
- Wheatland Center



MAP 7 Future Land Use

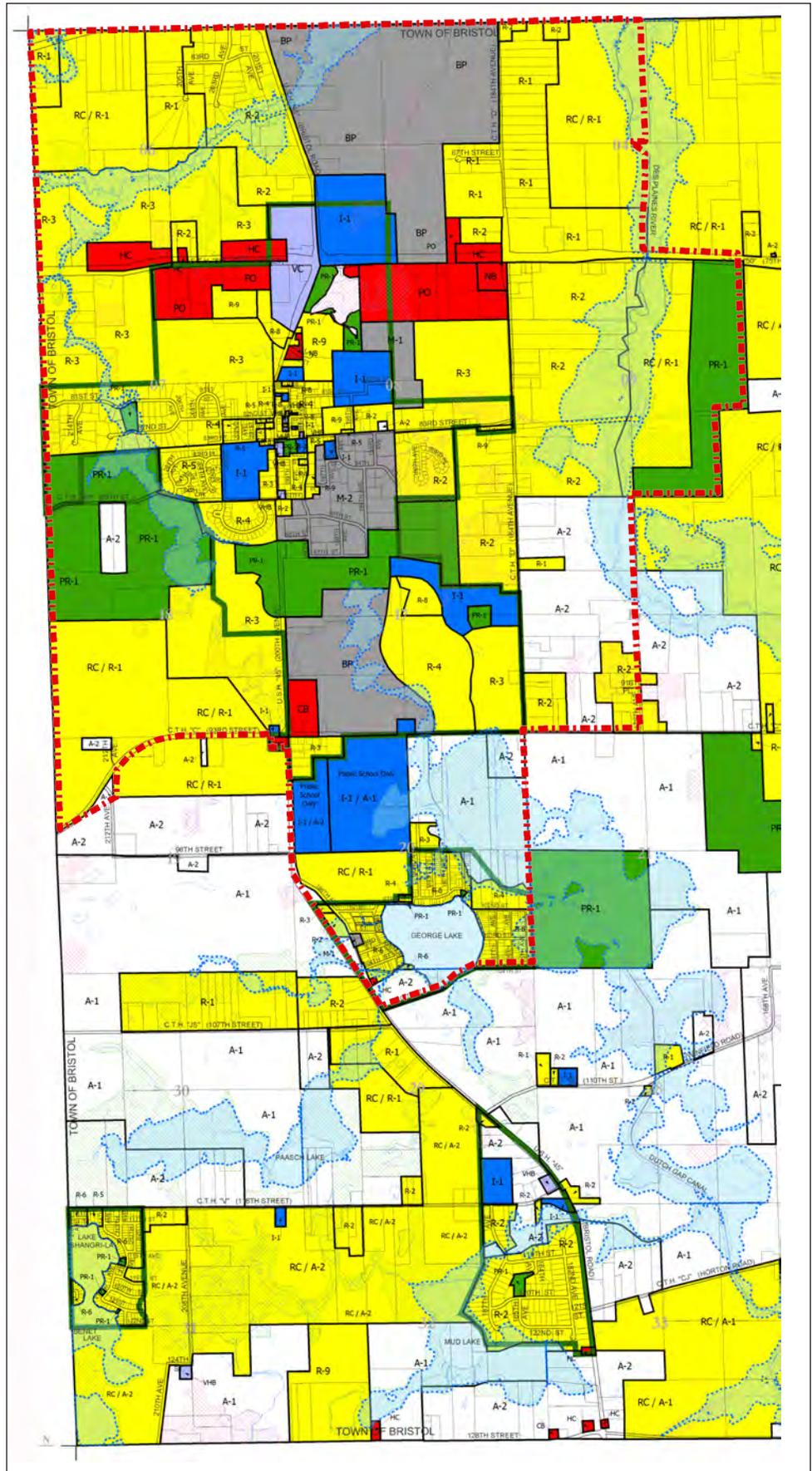
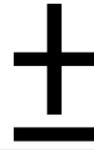
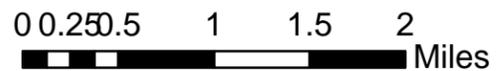
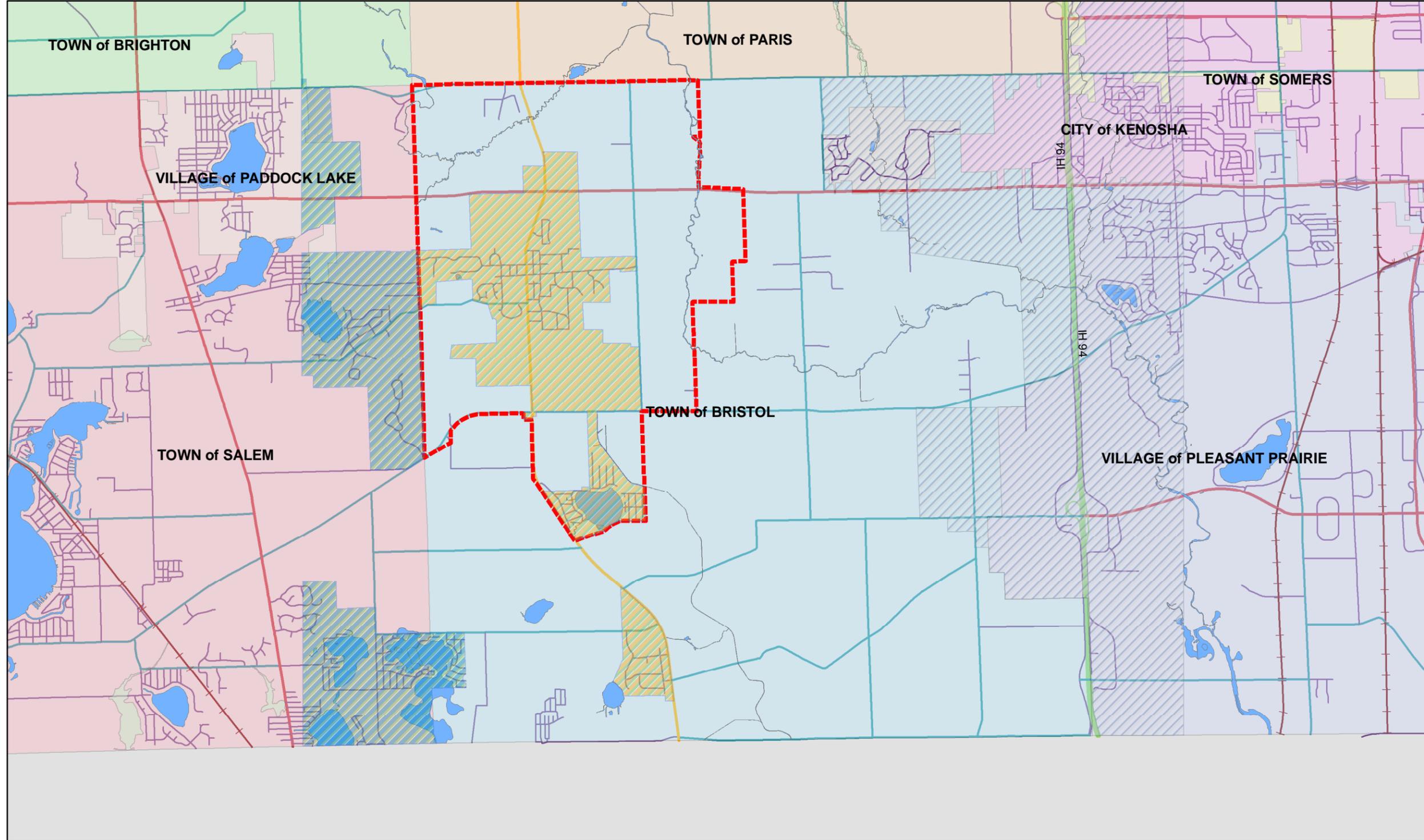


FIGURE 19: Land Use Plan Map: 2035 for the Proposed Village of Bristol.
 Source: Meehan and Company, Inc., Town of Bristol, and Kenosha County.

Town of Bristol Incorporation Flood Plains & Sewer Service Areas



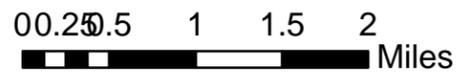
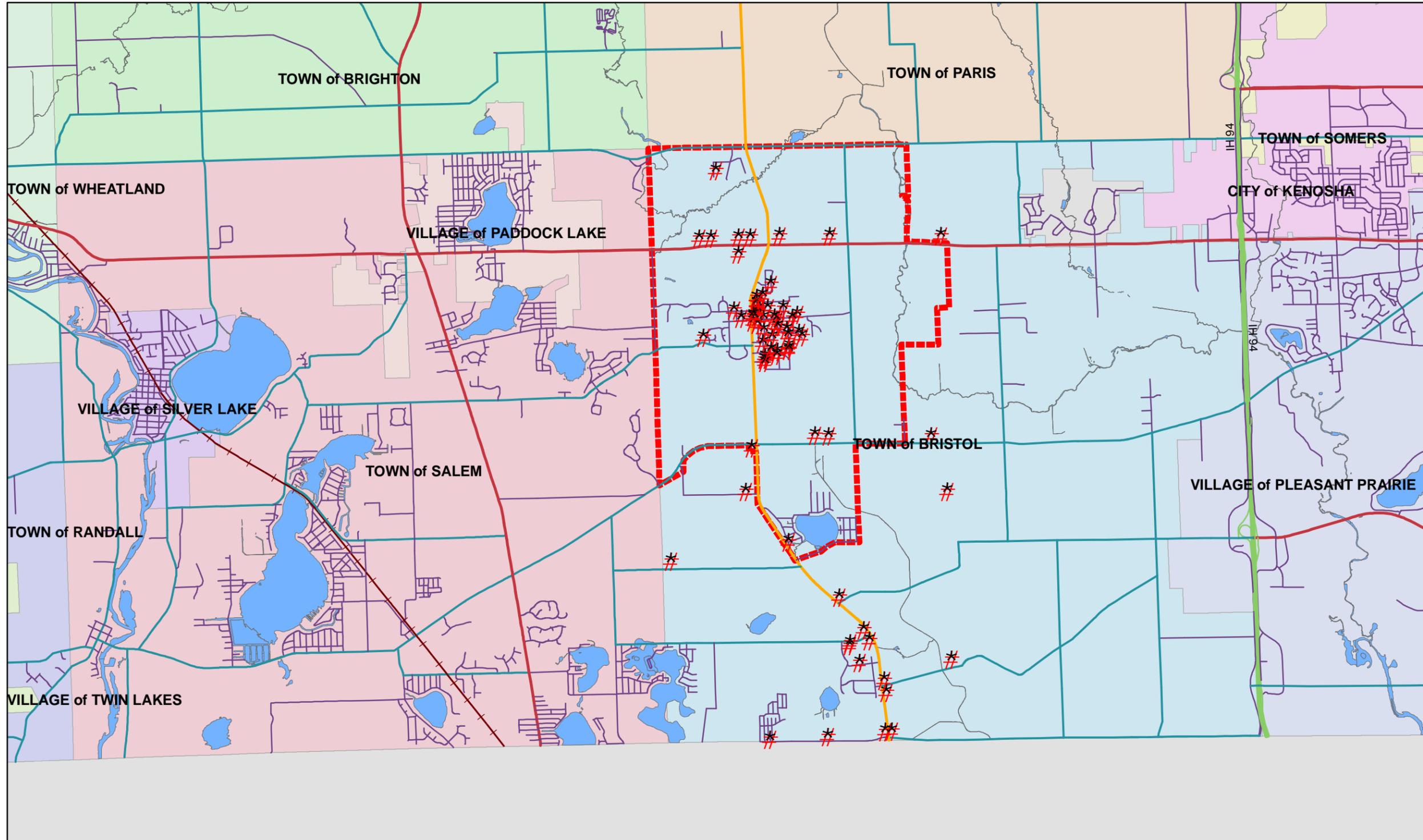
- Flood Plains
- Sewer Service Areas 03-08**
- BRISTOL
- GREATER KENOSHA
- PADDOCK LAKE
- SALEM
- Proposed Village of Bristol
- MCD Boundaries**
- City of Kenosha
- Town of Brighton
- Town of Bristol
- Town of Paris
- Town of Randall
- Town of Salem
- Town of Somers
- Town of Wheatland
- Village of Genoa City
- Village of Paddock Lake
- Village of Pleasant Prairie
- Village of Silver Lake
- Village of Twin Lakes
- Roads**
- County Highway
- Interstate Highway
- IH Off Ramp
- IH On Ramp
- Minor
- Rail Road
- State Highway
- US Highway



Town of Bristol Incorporation Business Locations

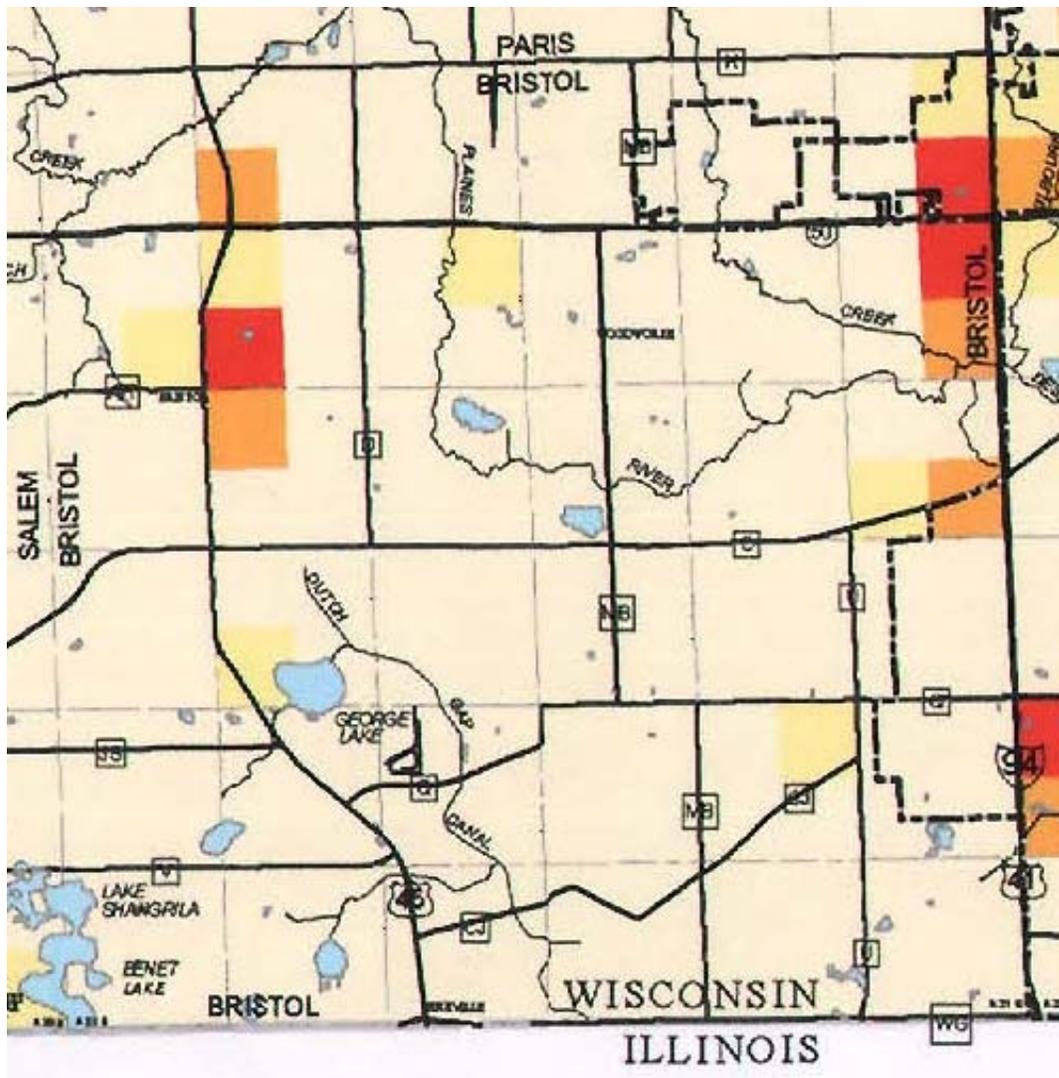


Business Locations
Proposed Village of Bristol

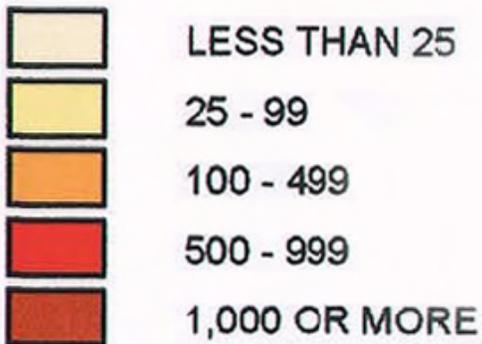


Map 10

Employment Distribution

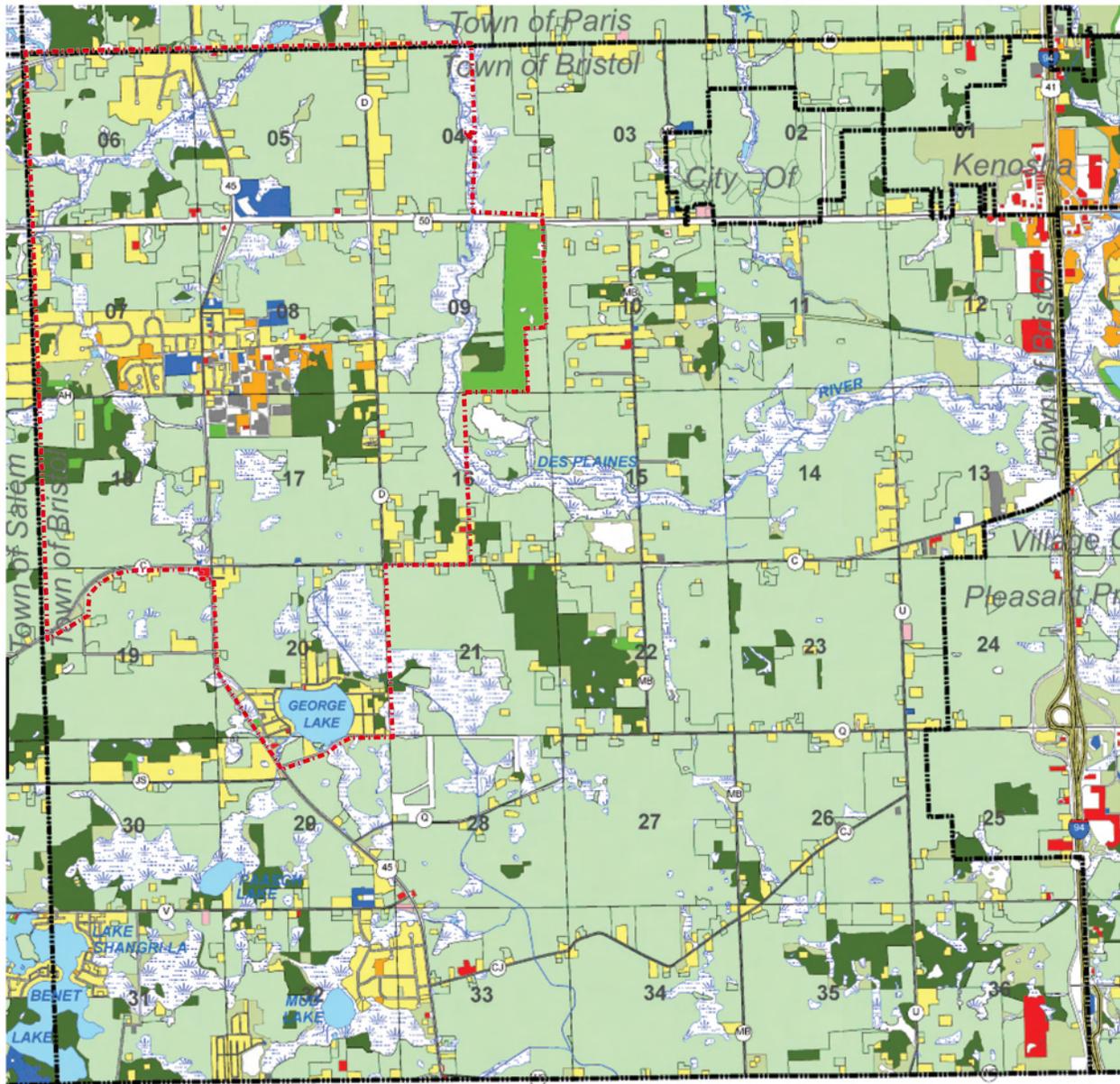


JOBS PER U.S. PUBLIC LAND SURVEY ONE-QUARTER SECTION



Source: Wisconsin Department of Workforce Development and SEWRPC.

EXISTING TOWN OF BRISTOL LAND USES: 2000



- Legend -

SEWRPC Land Use - 2000

	Residential		Agricultural
	Commercial		Wetlands
	Industrial		Urban
	School / Government		Rural
	Cemeteries		Water
	Public Land / Recreational		Woodlands

MAP 11 Land Uses

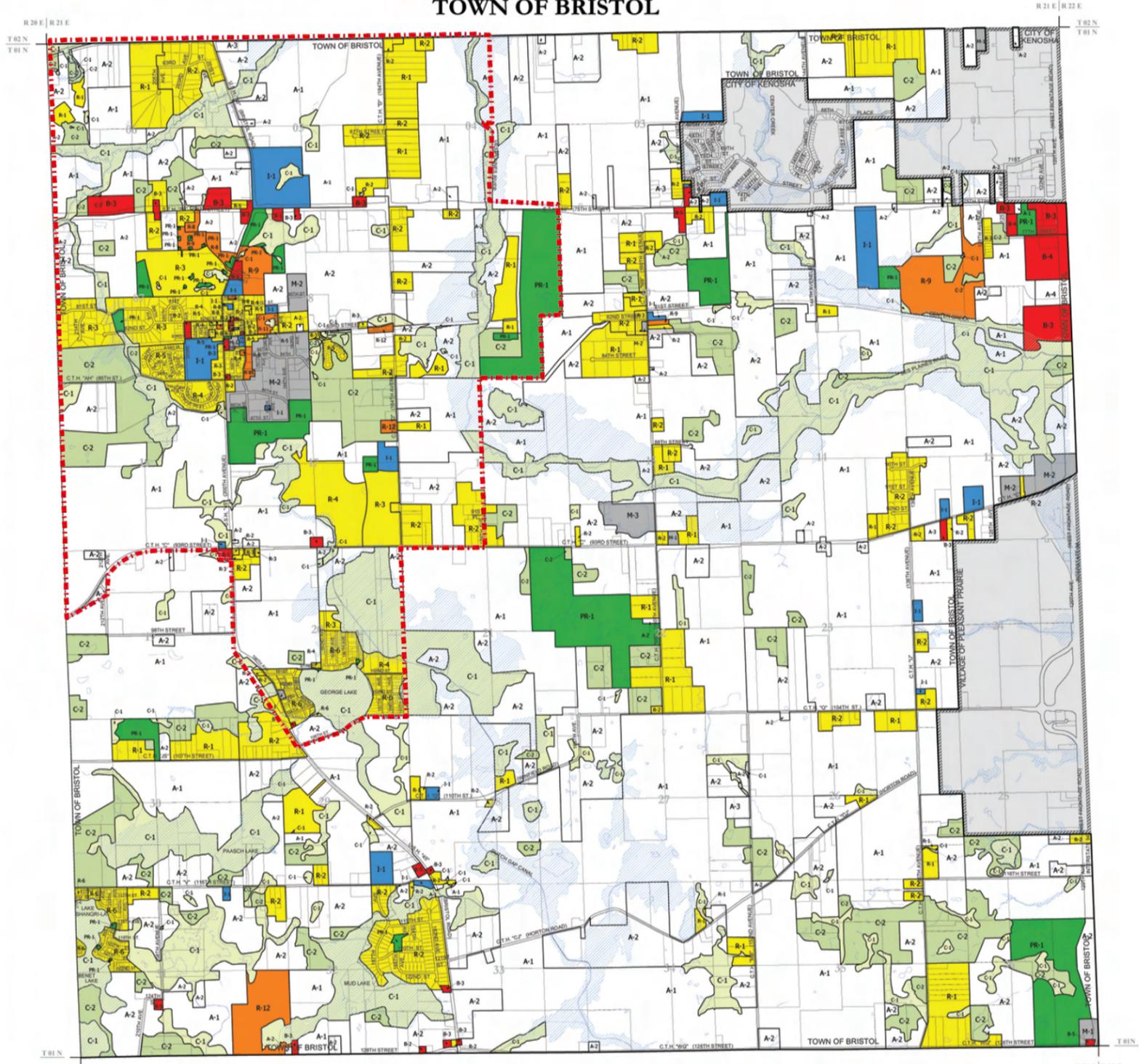
Source: SEWRPC.

FIGURE 14: Existing Land Uses in the Town of Bristol (2000) and Proposed Village Boundary.

KENOSHA COUNTY ZONING MAP #3

DISTRICT MAP FOR ZONING, SHORELAND, AND FLOODLAND BOUNDARIES

FOR THE TOWN OF BRISTOL



LEGEND

Agricultural	
A-1	Agricultural Preservation District
A-2	General Agricultural District
A-3	Agricultural Medium-Density Residential, Woodland and Marketing District
A-4	Woodland and Marketing District
Residential	
R-1	Single-Family Residential District
R-2	Urban Single-Family Residential District
R-3	Urban Single-Family Residential District
R-4	Urban Single-Family Residential District
R-5	Urban Single-Family Residential District
R-6	Urban Single-Family Residential District
R-7	Urban Single-Family Residential District
R-8	Urban Single-Family Residential District
R-9	Urban Single-Family Residential District
R-10	Urban Single-Family Residential District
R-11	Urban Single-Family Residential District
R-12	Urban Single-Family Residential District
Business/Commercial	
B-1	Neighborhood Business District
B-2	Neighborhood Business District
B-3	Neighborhood Business District
B-4	Neighborhood Business District
B-5	Neighborhood Business District
B-6	Neighborhood Business District
B-7	Neighborhood Business District
B-8	Neighborhood Business District
B-9	Neighborhood Business District
B-10	Neighborhood Business District
B-11	Neighborhood Business District
B-12	Neighborhood Business District
Manufacturing/Industrial	
M-1	Light Industrial District
M-2	Heavy Manufacturing District
M-3	Heavy Manufacturing District (S-154)
M-4	Heavy Manufacturing District (S-154)
M-5	Heavy Manufacturing District (S-154)
M-6	Heavy Manufacturing District (S-154)
M-7	Heavy Manufacturing District (S-154)
M-8	Heavy Manufacturing District (S-154)
M-9	Heavy Manufacturing District (S-154)
M-10	Heavy Manufacturing District (S-154)
M-11	Heavy Manufacturing District (S-154)
M-12	Heavy Manufacturing District (S-154)

Conservancy	
C-1	Local Resource Conservancy District
C-2	Local Resource Conservancy District
Institutional	
I-1	Institutional District
Park / Recreation	
P-1	Park, Recreation District
Overlay Districts	
OD-1	Phonon Overlay District
OD-2	Phonon Overlay District (S-154)
OD-3	Phonon Overlay District (S-154)
OD-4	Phonon Overlay District (S-154)
OD-5	Phonon Overlay District (S-154)
OD-6	Phonon Overlay District (S-154)
OD-7	Phonon Overlay District (S-154)
OD-8	Phonon Overlay District (S-154)
OD-9	Phonon Overlay District (S-154)
OD-10	Phonon Overlay District (S-154)
OD-11	Phonon Overlay District (S-154)
OD-12	Phonon Overlay District (S-154)
OD-13	Phonon Overlay District (S-154)
OD-14	Phonon Overlay District (S-154)
OD-15	Phonon Overlay District (S-154)
OD-16	Phonon Overlay District (S-154)
OD-17	Phonon Overlay District (S-154)
OD-18	Phonon Overlay District (S-154)
OD-19	Phonon Overlay District (S-154)
OD-20	Phonon Overlay District (S-154)
OD-21	Phonon Overlay District (S-154)
OD-22	Phonon Overlay District (S-154)
OD-23	Phonon Overlay District (S-154)
OD-24	Phonon Overlay District (S-154)
OD-25	Phonon Overlay District (S-154)
OD-26	Phonon Overlay District (S-154)
OD-27	Phonon Overlay District (S-154)
OD-28	Phonon Overlay District (S-154)
OD-29	Phonon Overlay District (S-154)
OD-30	Phonon Overlay District (S-154)
OD-31	Phonon Overlay District (S-154)
OD-32	Phonon Overlay District (S-154)
OD-33	Phonon Overlay District (S-154)
OD-34	Phonon Overlay District (S-154)
OD-35	Phonon Overlay District (S-154)
OD-36	Phonon Overlay District (S-154)
OD-37	Phonon Overlay District (S-154)
OD-38	Phonon Overlay District (S-154)
OD-39	Phonon Overlay District (S-154)
OD-40	Phonon Overlay District (S-154)
OD-41	Phonon Overlay District (S-154)
OD-42	Phonon Overlay District (S-154)
OD-43	Phonon Overlay District (S-154)
OD-44	Phonon Overlay District (S-154)
OD-45	Phonon Overlay District (S-154)
OD-46	Phonon Overlay District (S-154)
OD-47	Phonon Overlay District (S-154)
OD-48	Phonon Overlay District (S-154)
OD-49	Phonon Overlay District (S-154)
OD-50	Phonon Overlay District (S-154)

ZONING CALCULATIONS

Zoning District	Average	% of Township
A-1	1,234,567	12.34%
A-2	2,345,678	23.45%
A-3	3,456,789	34.56%
A-4	4,567,890	45.67%
R-1	5,678,901	56.78%
R-2	6,789,012	67.89%
R-3	7,890,123	78.90%
R-4	8,901,234	89.01%
R-5	9,012,345	90.12%
R-6	10,123,456	101.23%
R-7	11,234,567	112.34%
R-8	12,345,678	123.45%
R-9	13,456,789	134.56%
R-10	14,567,890	145.67%
R-11	15,678,901	156.78%
R-12	16,789,012	167.89%
B-1	17,890,123	178.90%
B-2	18,901,234	189.01%
B-3	19,012,345	190.12%
B-4	20,123,456	201.23%
B-5	21,234,567	212.34%
B-6	22,345,678	223.45%
B-7	23,456,789	234.56%
B-8	24,567,890	245.67%
B-9	25,678,901	256.78%
B-10	26,789,012	267.89%
B-11	27,890,123	278.90%
B-12	28,901,234	289.01%
M-1	29,012,345	290.12%
M-2	30,123,456	301.23%
M-3	31,234,567	312.34%
M-4	32,345,678	323.45%
M-5	33,456,789	334.56%
M-6	34,567,890	345.67%
M-7	35,678,901	356.78%
M-8	36,789,012	367.89%
M-9	37,890,123	378.90%
M-10	38,901,234	389.01%
M-11	39,012,345	390.12%
M-12	40,123,456	401.23%
I-1	41,234,567	412.34%
P-1	42,345,678	423.45%
OD-1	43,456,789	434.56%
OD-2	44,567,890	445.67%
OD-3	45,678,901	456.78%
OD-4	46,789,012	467.89%
OD-5	47,890,123	478.90%
OD-6	48,901,234	489.01%
OD-7	49,012,345	490.12%
OD-8	50,123,456	501.23%
OD-9	51,234,567	512.34%
OD-10	52,345,678	523.45%
OD-11	53,456,789	534.56%
OD-12	54,567,890	545.67%
OD-13	55,678,901	556.78%
OD-14	56,789,012	567.89%
OD-15	57,890,123	578.90%
OD-16	58,901,234	589.01%
OD-17	59,012,345	590.12%
OD-18	60,123,456	601.23%
OD-19	61,234,567	612.34%
OD-20	62,345,678	623.45%
OD-21	63,456,789	634.56%
OD-22	64,567,890	645.67%
OD-23	65,678,901	656.78%
OD-24	66,789,012	667.89%
OD-25	67,890,123	678.90%
OD-26	68,901,234	689.01%
OD-27	69,012,345	690.12%
OD-28	70,123,456	701.23%
OD-29	71,234,567	712.34%
OD-30	72,345,678	723.45%
OD-31	73,456,789	734.56%
OD-32	74,567,890	745.67%
OD-33	75,678,901	756.78%
OD-34	76,789,012	767.89%
OD-35	77,890,123	778.90%
OD-36	78,901,234	789.01%
OD-37	79,012,345	790.12%
OD-38	80,123,456	801.23%
OD-39	81,234,567	812.34%
OD-40	82,345,678	823.45%
OD-41	83,456,789	834.56%
OD-42	84,567,890	845.67%
OD-43	85,678,901	856.78%
OD-44	86,789,012	867.89%
OD-45	87,890,123	878.90%
OD-46	88,901,234	889.01%
OD-47	89,012,345	890.12%
OD-48	90,123,456	901.23%
OD-49	91,234,567	912.34%
OD-50	92,345,678	923.45%

DISCLAIMER
This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, data and information located in various state, county and municipal offices and other sources affecting the area shown and is to be used for reference purposes only. Kenosha County is not responsible for any inaccuracies herein contained. If discrepancies are found, please contact the Department of Planning and Development.

0 500 1,000 2,000 3,000 4,000 Feet
Last Zoning Map Amendment: January 2008
This map is copyrighted ©

TOWN OF BRISTOL,
KENOSHA COUNTY, WISCONSIN

Township 1 North, Range 21 East, Sections 01 thru 36

ZONING MAPS IN DIGITAL FORMAT
The Kenosha County zoning map is an digital format developed with geographic information system software and was first incorporated into the zoning ordinance on May 2, 2002, with the adoption of Ordinance No. 17 and updated from time to time. It replaces hardcopy zoning maps. Archived as Section 1302.04 and Section 1302.05 of the Kenosha County General Zoning and Shoreland / Floodplain Zoning Ordinance, and is maintained in the Kenosha County Department of Planning and Development.

Prepared By:
KENOSHA COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT

The Town of Bristol adopted the Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance and Map on April 10th, 1990.

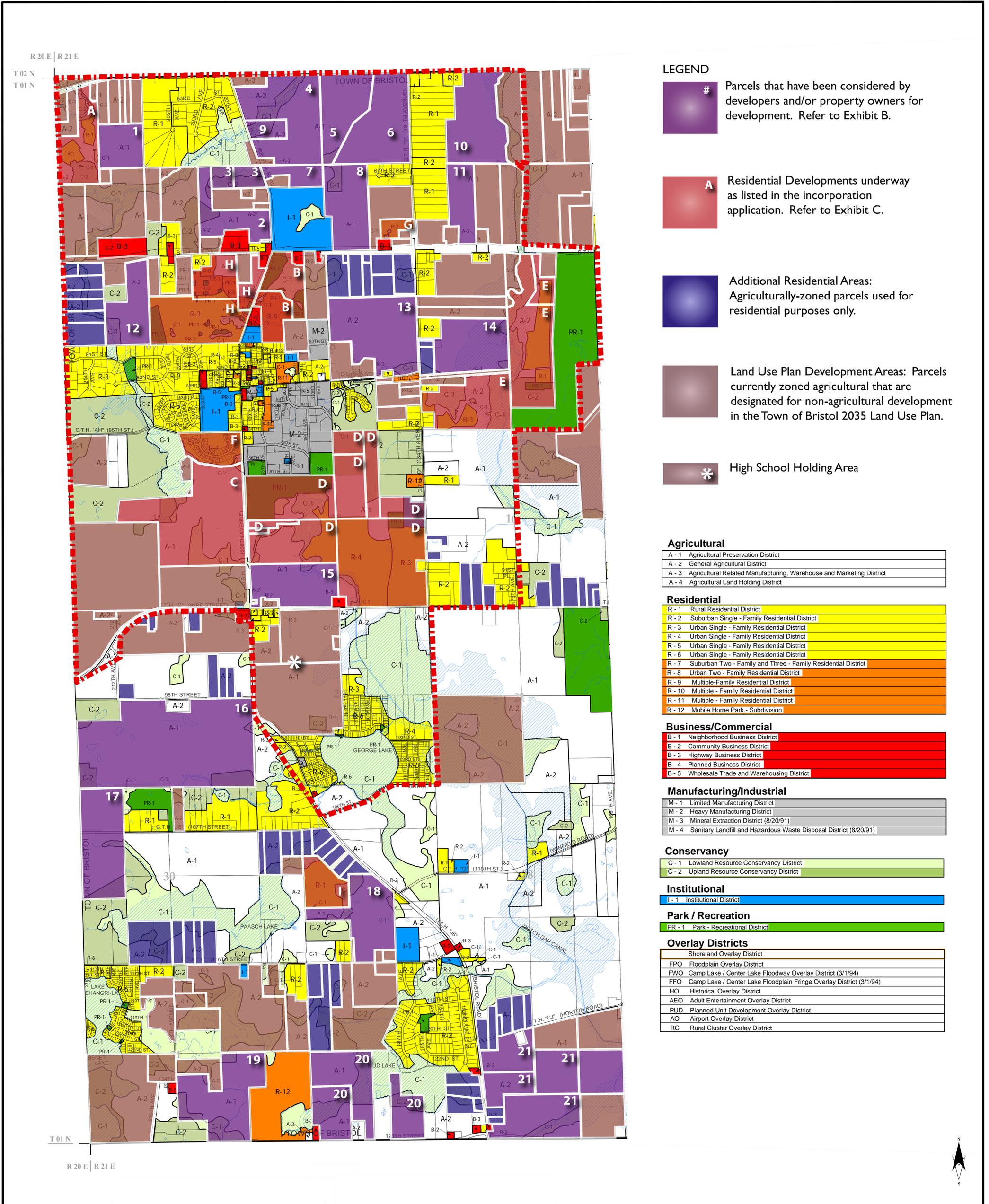
Original zoning text and maps were adopted by the Kenosha County Board of Supervisors by Ordinance No. 2, May 3, 1983. Amended by:

[Signatures]

FIGURE 22: Zoning Map for the Town of Bristol with Proposed Village Boundary. Source: Kenosha County Department of Planning and Development.

Map 13: Proposed Village of Bristol Development Map

June 17, 2009



LEGEND

- # Parcels that have been considered by developers and/or property owners for development. Refer to Exhibit B.
- A Residential Developments underway as listed in the incorporation application. Refer to Exhibit C.
- Additional Residential Areas: Agriculturally-zoned parcels used for residential purposes only.
- Land Use Plan Development Areas: Parcels currently zoned agricultural that are designated for non-agricultural development in the Town of Bristol 2035 Land Use Plan.
- * High School Holding Area

Agricultural

A - 1	Agricultural Preservation District
A - 2	General Agricultural District
A - 3	Agricultural Related Manufacturing, Warehouse and Marketing District
A - 4	Agricultural Land Holding District

Residential

R - 1	Rural Residential District
R - 2	Suburban Single - Family Residential District
R - 3	Urban Single - Family Residential District
R - 4	Urban Single - Family Residential District
R - 5	Urban Single - Family Residential District
R - 6	Urban Single - Family Residential District
R - 7	Suburban Two - Family and Three - Family Residential District
R - 8	Urban Two - Family Residential District
R - 9	Multiple-Family Residential District
R - 10	Multiple - Family Residential District
R - 11	Multiple - Family Residential District
R - 12	Mobile Home Park - Subdivision

Business/Commercial

B - 1	Neighborhood Business District
B - 2	Community Business District
B - 3	Highway Business District
B - 4	Planned Business District
B - 5	Wholesale Trade and Warehousing District

Manufacturing/Industrial

M - 1	Limited Manufacturing District
M - 2	Heavy Manufacturing District
M - 3	Mineral Extraction District (8/20/91)
M - 4	Sanitary Landfill and Hazardous Waste Disposal District (8/20/91)

Conservancy

C - 1	Lowland Resource Conservancy District
C - 2	Upland Resource Conservancy District

Institutional

I - 1	Institutional District
-------	------------------------

Park / Recreation

PR - 1	Park - Recreational District
--------	------------------------------

Overlay Districts

SO	Shoreland Overlay District
FPO	Floodplain Overlay District
FWO	Camp Lake / Center Lake Floodway Overlay District (3/1/94)
FFO	Camp Lake / Center Lake Floodplain Fringe Overlay District (3/1/94)
HO	Historical Overlay District
AEO	Adult Entertainment Overlay District
PUD	Planned Unit Development Overlay District
AO	Airport Overlay District
RC	Rural Cluster Overlay District

EXHIBIT C: DEVELOPMENT DATA, PROPOSED VILLAGE OF BRISTOL

October 16, 2008

Parcels and acreages for residential developments listed in the incorporation application.

- A. Brighton Creek Highlands: 60 acres conservation subdivision
062-0300
- B. Bristol Bay: 60 acres conservation subdivision
082-0115, 082-0600
- C. Bristol Estates: 177 acres
184-0100
- D. Bristol Meadows: 479 total acres
 - Residential – 151 acres
 - Field house and community center – 21 acres
 - Future school site – 11 acres
 - Park and Open space for subdivision – 70 acres
 - Community park – 27 acres
 - Local park – 5 acres
 - Not for profit open space – 73 acres
 - Business park – 105 acres
 - Wetlands – 29 acres
 - Commercial – 15 acres172-0300, 173-0102, 173-0202, 173-0220, 171-0210, 171-0300, 171-0200, 174-0100, 171-0425
- E. Bristol Trails: 206 acres conservation subdivision
093-0410, 091-0300, 091-0205
- F. Chaucer Woods: 75 acres conservation subdivision
181-0202, 181-0203
- G. Cross Winds: 10 acres
054-0400
- H. Hollister Hollow: 121 acres
071-0110, 071-0407, 082-0205
- I. Rastol Investments: 39 acres
293-0100

EXHIBIT B: DEVELOPMENT INQUIRY DATA, PROPOSED VILLAGE OF BRISTOL

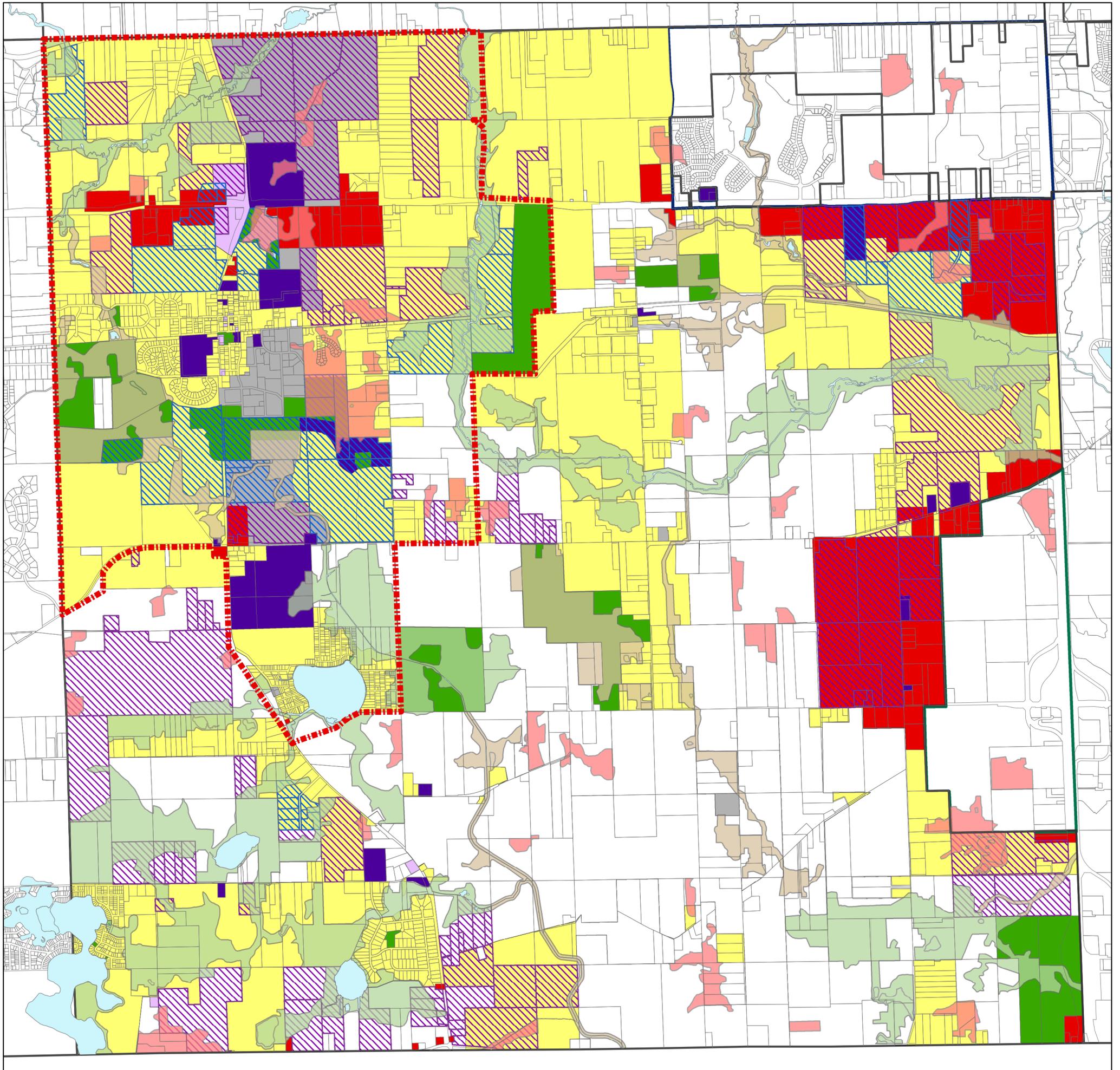
October 16, 2008

Parcels that were discussed with either developers and/or property owners for development:

1. 062-0400 40 acres 8 units conservation subdivision
2. 053-0303 48 acres Land use plan R3/HC Discussion of mixed use commercial with a residential component waiting for sewers
3. 053-0200 (East Parcel)
064-0100 (West Parcel) → 23 acres discussions conservation subdivision
4. 052-0110 119 acres land use plan for business park waiting for 2013 wwtf expansion and possibly TIF
5. 051-0200 65 acres land use plan for business park waiting for 2013 wwtf expansion and possibly TIF
6. 051-0100 95 acres land use plan for business park waiting for 2013 wwtf expansion and possibly TIF
7. 053-0100 20 acres land use plan for business park waiting for 2013 wwtf expansion and possibly TIF
8. 054-0200 70 acres land use plan for business park waiting for 2013 wwtf expansion and possibly TIF
9. 052-0105 15 acres land use plan for business park waiting for 2013 wwtf expansion and possibly TIF
10. 042-0102 119 acres conservation subdivision
11. 043-0206 14 acres conservation subdivision
12. 072-0400 57 acres residential owner does not want to develop until he moves
13. 081-0400 118 acres owner waiting until 2013 for sewer expansion for residential development
14. 092-0400 80 acres conservation subdivision sketch plan seen will be in soon with preliminary plat
15. 173-0405 70 acres land use plan is for BP the owner is waiting for roads and utilities to reach him
16. 194-0100 294 acres the owner would like to sell, Many developers are looking at this parcel waiting for the second phase of the land use plan
17. 302-0300 96 acres the owner would like to sell, Many developers are looking at this parcel waiting for the second phase of the land use plan
18. 294-0200 82 acres developer purchased would like to do a conservation subdivision
19. 314-0104 105 acres Rainbow lake manor would like to expand their retirement manufactured homes to this area
20. 323-0400 (West Parcel)
323-0100 (Middle Parcel)
324-0308 (East Parcel) → 169 total acres on the agenda for the Planning Commission October for rezoning and preliminary plat, 26 residents in a conservation subdivision
21. 334-0200 (Middle Parcel)
333-0100 (Northwest Parcel)
333-0110 (Western Middle Parcel)
334-0300 (South Parcel) → 177 total acres developer looking for a conservation subdivision horse development; 17 residential units

Map 14 : Town of Bristol Development Map

June 17, 2009



LEGEND

 Water	 A-1, A-2	 Village Center
 Isolated Natural Resource Area	 R-1, R-2, R-3, R-4, R-5, R-6, R-8, R-9	 Village Hamlet Business
 Primary Environmental Corridor	 Rural Cluster Overlay	 M-1, M-2, M-3
 Secondary Environmental Corridor	 BP Business Park/PO Professional Office	 BP Business Park District
 Group One	 NB Neighborhood Business	 A-3
 Group Two	 CB Community Business	 I-1
 Kenosha Growth Area	 HC Highway Business	 PR-1 Park
 Pleasant Prairie Growth Area	 PO Professional Office	

Exhibit B : Group One

December 2008

EastHalfGrp1_New, 12/3/2008

FID	TAG	ACRES	BLD_ZONE	SWRSERVICE	SGNCONBLD	FINANCE	ACCSROW
0	35-4-121-111-0120	37.01069	1	1	1	1	1
1	35-4-121-122-0110	14.740968	1	1	1	1	1
2	35-4-121-111-0400	10.31455	1	1	1	1	1
3	35-4-121-122-0320	87.769511	1	1	0	0	1
4	35-4-121-122-0420	9.581534	1	1	0	0	1
5	35-4-121-122-0410	15.101854	1	1	0	0	1

WH_Grp1_New2, 12/3/2008, Page 1

FID	TAG	ACRES	BLD_ZONE	SWRSERVICE	SGNCONBLD	FINANCE	ACCSROW
0	35-4-121-293-0105	1.266352	1	0	0	1	1
1	35-4-121-091-0300	111.286267	0	0	0	0	0
2	35-4-121-091-0205	15.221756	0	0	0	0	0
3	35-4-121-071-0110	34.771746	0	1	0	0	0
4	35-4-121-082-0115	31.976969	1	1	1	1	1
5	35-4-121-064-0470	4.922042	0	0	0	0	0
6	35-4-121-053-0330	3.325374	1	0	1	1	1
7	35-4-121-053-0320	2.398787	1	0	1	1	1
8	35-4-121-071-0407	87.664556	0	1	0	0	0
9	35-4-121-082-0600	19.032703	1	1	1	1	1
10	35-4-121-171-0200	24.99814	1	1	0	0	0
11	35-4-121-171-0210	15.039878	1	1	0	0	0
12	3541210820501 THRU 3541210820558	8.181468	1	1	1	1	1
13	35-4-121-293-0113	5.08199	1	0	1	1	1
14	35-4-121-293-0111	8.07619	1	0	1	1	1
15	35-4-121-293-0112	5.000409	1	0	1	1	1
16	35-4-121-293-0114	5.051022	1	0	1	1	1
17	35-4-121-293-0122	6.567949	1	0	1	1	1
18	35-4-121-293-0121	5.014669	1	0	1	1	1
19	35-4-121-093-0410	84.009777	0	0	0	0	0
20	35-4-121-171-0300	40.489698	1	0	0	0	0
21	35-4-121-172-0300	79.019594	1	1	0	0	0
22	35-4-121-184-0100	176.596115	0	1	0	0	0
23	35-4-121-173-0202	6.249928	1	1	0	0	0
24	35-4-121-173-0102	70.728918	1	1	0	0	0
25	35-4-121-173-0220	2.0127	1	1	0	0	0
26	35-4-121-082-0512	0	1	1	1	1	1
27	35-4-121-082-0513	0	1	1	1	1	1
28	35-4-121-082-0514	0	1	1	1	1	1
29	35-4-121-082-0515	0	1	1	1	1	1
30	35-4-121-082-0529	0	1	1	1	1	1
31	35-4-121-082-0530	0	1	1	1	1	1
32	35-4-121-082-0531	0	1	1	1	1	1
33	35-4-121-082-0532	0	1	1	1	1	1
34	35-4-121-082-0545	0	1	1	1	1	1
35	35-4-121-082-0546	0	1	1	1	1	1
36	35-4-121-082-0547	0	1	1	1	1	1
37	35-4-121-082-0548	0	1	1	1	1	1
38	35-4-121-082-0549	0	1	1	1	1	1
39	35-4-121-082-0504	0	1	1	1	1	1
40	35-4-121-082-0505	0	1	1	1	1	1
41	35-4-121-082-0506	0	1	1	1	1	1
42	35-4-121-082-0507	0	1	1	1	1	1
43	35-4-121-082-0502	0	1	1	1	1	1
44	35-4-121-082-0509	0	1	1	1	1	1
45	35-4-121-082-0511	0	1	1	1	1	1
46	35-4-121-082-0516	0	1	1	1	1	1
47	35-4-121-082-0518	0	1	1	1	1	1
48	35-4-121-082-0525	0	1	1	1	1	1
49	35-4-121-082-0527	0	1	1	1	1	1
50	35-4-121-082-0534	0	1	1	1	1	1
51	35-4-121-082-0536	0	1	1	1	1	1
52	35-4-121-082-0541	0	1	1	1	1	1
53	35-4-121-082-0543	0	1	1	1	1	1
54	35-4-121-082-0550	0	1	1	1	1	1
55	35-4-121-082-0552	0	1	1	1	1	1
56	35-4-121-082-0520	0	1	1	1	1	1
57	35-4-121-082-0521	0	1	1	1	1	1
58	35-4-121-082-0522	0	1	1	1	1	1
59	35-4-121-082-0523	0	1	1	1	1	1
60	35-4-121-082-0537	0	1	1	1	1	1
61	35-4-121-082-0538	0	1	1	1	1	1
62	35-4-121-082-0539	0	1	1	1	1	1
63	35-4-121-082-0540	0	1	1	1	1	1
64	35-4-121-082-0554	0	1	1	1	1	1
65	35-4-121-082-0555	0	1	1	1	1	1
66	35-4-121-082-0556	0	1	1	1	1	1
67	35-4-121-082-0557	0	1	1	1	1	1
68	35-4-121-082-0501	0	1	1	1	1	1
69	35-4-121-082-0503	0	1	1	1	1	1
70	35-4-121-082-0508	0	1	1	1	1	1
71	35-4-121-082-0510	0	1	1	1	1	1
72	35-4-121-082-0517	0	1	1	1	1	1
73	35-4-121-082-0519	0	1	1	1	1	1
74	35-4-121-082-0524	0	1	1	1	1	1
75	35-4-121-082-0526	0	1	1	1	1	1
76	35-4-121-082-0528	0	1	1	1	1	1
77	35-4-121-082-0533	0	1	1	1	1	1
78	35-4-121-082-0535	0	1	1	1	1	1
79	35-4-121-082-0542	0	1	1	1	1	1
80	35-4-121-082-0544	0	1	1	1	1	1
81	35-4-121-082-0551	0	1	1	1	1	1
82	35-4-121-082-0553	0	1	1	1	1	1
83	35-4-121-082-0558	0	1	1	1	1	1
84	35-4-121-062-0300	59.161645	1	1	0	0	0
85	35-4-121-171-0425	18.388646	1	1	0	0	0
86	35-4-121-174-0100	152.963267	1	1	0	0	0

Key for BLD_ZONE, SWRSERVICE, SGNCONBLD, FINANCE, and ACCSROW:

0 = No

1 = Yes

Exhibit C : Group Two

December 2008

EastHalfGrp2_New, 12/3/2008, Page 1

FID	TAG	ACRES	OWNERINI	AMDSWRSER	WWPLNTEXPA	CSMAPPVL	ZNINGPEMT	ARCH_ENGA	BLDP_NT_IS	CN_FIN_APP
0	35-4-121-121-0248	12.516873	1	2	9	0	1	1	0	0
1	35-4-121-122-0200	55.600835	0	2	9	0	0	0	0	0
2	35-4-121-111-0200	85.800547	0	2	9	0	0	0	0	0
3	35-4-121-124-0220	15.785045	0	2	9	0	0	0	0	0
4	35-4-121-124-0100	6.594617	1	2	9	0	1	0	0	0
5	35-4-121-121-0402	27.285381	0	2	9	0	0	1	0	1
6	35-4-121-121-0303	54.703602	1	2	9	0	0	0	0	0
7	35-4-121-123-0300	51.004945	1	0	9	0	0	0	0	0
8	35-4-121-254-0305	95.479046	0	0	9	0	0	0	0	0
9	35-4-121-132-0103	245.364823	1	0	9	0	0	0	0	0
10	35-4-121-133-0206	40.627804	1	0	9	0	0	0	0	0
11	35-4-121-133-0110	41.730075	1	0	9	0	0	0	0	0
12	35-4-121-242-0301	34.715861	1	2	9	0	0	0	0	0
13	35-4-121-234-0400	2.4358	0	2	9	0	0	1	0	0
14	35-4-121-242-0201	35.731163	1	2	9	0	0	0	0	0
15	35-4-121-231-0100	85.41803	0	2	9	0	0	0	0	0
16	35-4-121-234-0100	60.182618	1	2	9	0	0	0	0	0
17	35-4-121-234-0305	4.14668	0	2	9	0	0	0	0	0
18	35-4-121-234-0300	52.948592	1	2	9	0	0	0	0	0
19	35-4-121-231-0301	75.245156	0	2	9	0	0	0	0	0
20	35-4-121-234-0200	39.928185	1	2	9	0	0	0	0	0
21	35-4-121-361-0100	71.218287	0	0	9	0	0	0	0	0
22	35-4-121-362-0100	39.975598	0	0	9	0	0	0	0	0
23	35-4-121-111-0101	42.127448	1	2	9	0	1	1	0	0

WH_Grp2_New, 12/3/2008, Page 1

FID	TAG	ACRES	OWNERINI	AMDSWRSER	WWPLNTEXPA	CSMAPPVL	ZNINGPEMT	ARCH_ENGA	BLDP_NT_IS	CN_FIN_APP
0	35-4-121-053-0100	21.045713	1	1	2	0	0	1	0	0
1	35-4-121-053-0200	12.69229	1	0	2	0	0	0	0	0
2	35-4-121-043-0206	41.285566	1	0	0	0	0	0	0	0
3	35-4-121-292-0315	14.504738	0	0	0	0	0	0	0	0
4	35-4-121-062-0400	40.166422	1	0	0	0	0	0	0	0
5	35-4-121-294-0200	81.083958	1	0	0	0	0	0	0	0
6	35-4-121-292-0325	5.578897	0	0	0	0	0	0	0	0
7	35-4-121-082-0225	8.164813	0	1	2	0	0	0	0	0
8	35-4-121-072-0400	57.835656	0	0	0	0	0	0	0	0
9	35-4-121-081-0400	120.970694	1	0	4	0	0	0	0	0
10	35-4-121-092-0400	77.537646	1	0	2	0	0	0	0	0
11	35-4-121-164-0300	9.97449	0	0	0	0	0	0	0	3
12	35-4-121-192-0120	2.813299	0	0	0	0	0	0	0	3
13	35-4-121-163-0465	10.126383	0	0	0	0	0	0	0	3
14	35-4-121-173-0405	71.725903	1	1	2	0	0	0	0	0
15	35-4-121-202-0105	1.994244	0	0	0	0	0	0	0	0
16	35-4-121-163-0240	2.635758	0	0	0	0	0	0	0	3
17	35-4-121-163-0300	9.897993	0	0	0	0	0	0	0	3
18	35-4-121-163-0460	5.529243	0	0	0	0	0	0	0	3
19	35-4-121-164-0415	5.095211	0	0	0	0	0	0	0	3
20	35-4-121-164-0420	10.073956	0	0	0	0	0	0	0	3
21	35-4-121-164-0410	4.265802	0	0	0	0	0	0	0	3
22	35-4-121-163-0230	3.216717	0	0	0	0	0	0	0	3
23	35-4-121-194-0100	294.349836	0	0	0	0	0	0	0	3
24	35-4-121-164-0405	2.528483	0	0	0	0	0	0	0	3
25	35-4-121-192-0410	5.000604	0	0	0	0	0	0	0	3
26	35-4-121-302-0300	98.645215	0	0	0	0	0	0	0	3
27	35-4-121-311-0200	5.307118	0	0	0	0	0	0	0	3
28	35-4-121-304-0300	13.096937	0	0	0	0	0	0	0	0
29	35-4-121-333-0110	27.584943	0	0	0	0	0	0	0	0
30	35-4-121-324-0308	34.466184	1	0	2	0	0	1	0	3
31	35-4-121-303-0400	39.962477	0	0	0	0	0	0	0	3
32	35-4-121-323-0100	63.742062	1	0	2	0	0	1	0	3
33	35-4-121-304-0315	10.031576	0	0	0	0	0	0	0	3
34	35-4-121-332-0410	15.124422	0	0	0	0	0	0	0	3
35	35-4-121-332-0415	2.107131	0	0	0	0	0	0	0	3
36	35-4-121-332-0425	4.977993	0	0	0	0	0	0	0	3
37	35-4-121-334-0200	40.237179	1	0	0	0	0	0	0	0
38	35-4-121-334-0300	40.193255	0	0	0	0	0	0	0	0
39	35-4-121-332-0400	5.998068	0	0	0	0	0	0	0	3
40	35-4-121-333-0225	8.532452	0	0	0	0	0	0	0	3
41	35-4-121-304-0320	10.020799	0	0	0	0	0	0	0	3
42	35-4-121-333-0235	10.596111	0	0	0	0	0	0	0	0
43	35-4-121-332-0435	1.738225	0	0	0	0	0	0	0	3
44	35-4-121-333-0240	2.953569	0	0	0	0	0	0	0	3
45	35-4-121-304-0305	6.740334	0	0	0	0	0	0	0	3
46	35-4-121-332-0405	10.962325	0	0	0	0	0	0	0	3
47	35-4-121-334-0300	69.450677	1	0	0	0	0	0	0	3
48	35-4-121-314-0104	106.803329	0	0	0	0	0	0	0	3
49	35-4-121-333-0220	8.235134	0	0	0	0	0	0	0	3
50	35-4-121-332-0420	7.895368	0	0	0	0	0	0	0	3
51	35-4-121-333-0400	3.572635	0	0	0	0	0	0	0	3
52	35-4-121-322-0216	10.302123	0	0	0	0	0	0	0	3
53	35-4-121-333-0405	2.094972	0	0	0	0	0	0	0	3
54	35-4-121-333-0100	34.903523	1	0	0	0	0	0	0	0
55	35-4-121-323-0400	40.823786	1	0	2	0	0	0	0	3
56	35-4-121-042-0102	100.148328	1	0	2	0	0	0	0	0
57	35-4-121-052-0110	113.686825	0	0	4	0	0	0	0	0
58	35-4-121-051-0100	97.96004	0	0	4	0	0	0	0	3
59	35-4-121-051-0200	66.259718	0	0	4	0	0	0	0	3
60	35-4-121-053-0303	47.777362	1	0	4	0	0	0	0	3
61	35-4-121-064-0100	9.972782	1	0	0	0	0	0	0	0
62	35-4-121-044-0110	15.565546	0	0	0	0	0	0	0	3
63	35-4-121-054-0200	70.500374	0	0	4	0	0	0	0	0
64	35-4-121-084-0205	2.001505	0	0	0	0	0	0	0	3
65	35-4-121-084-0210	14.256366	0	0	0	0	0	0	0	3
66	35-4-121-084-0200	6.01273	0	0	0	0	0	0	0	3
67	35-4-121-164-0313	37.671575	0	0	0	0	0	0	0	3
68	35-4-121-191-0425	5.04559	0	0	0	0	0	0	0	3
69	35-4-121-191-0430	5.041135	0	0	0	0	0	0	0	3
70	35-4-121-191-0435	9.892503	0	0	0	0	0	0	0	3
71	35-4-121-191-0420	0.975394	0	0	0	0	0	0	0	0

Key for: OWNERINI, AMDSWRSER, WWPLNTEXPA, CSMAPPVL, ZNINGPEMT, ARCH_ENGA, BLDP_NT_IS, and CN_FIN_APP:

0 = No

1 = Yes

2 = In the Sewer Service Area for AMDSWRSER

2 = Not Needed for WWPLNTEXPA

3 = Currently has building occupancy

4 = Waiting

9 = Not Applicable

APPENDIX C: Bristol Determination (1-16-09)

The Incorporation Review Board ("Board") prepares findings and determines whether the territory petitioned for incorporation meets the applicable standards prescribed in Section 66.0207, Wis. Stats. The Board was created by 2003 Wisconsin Act 171. Board members, provided at Appendix A, are appointed by Wisconsin's three municipal associations and the Department of Administration. This petition is the second to be considered by the Board.

Bristol's incorporation process began with the "Notice of Intention to Circulate an Incorporation Petition" being published on February 4, 2008. After circulating the petition and gathering 150 signatures, the petition was filed in Kenosha County Circuit Court on May 22, 2008. A court hearing was held on the petition on July 22, 2008. The court found the petition met the minimal area and population standards required by section 66.0205 Wis. Stats. and forwarded the petition to the Board on July 23rd 2008 for its review of the standards in section 66.0207 Wis. Stats. A day later Petitioners submitted their \$20,000 review fee and supporting materials, which commenced the Board's 180-day review period. The Board conducted a public hearing on the petition on October 14th, 2008, at the Town of Bristol, and also held a meeting at the Department on December 10th, 2008 to review preliminary staff findings.

When reviewing incorporation petitions, the Board has three options for action, according to s. 66.0203(9)(e) Wis. Stats. The Board may determine:

- 1) The petition as submitted is dismissed;
- 2) The petition as submitted is granted, or
- 3) The petition as submitted is dismissed with a recommendation that a new petition be submitted to include more or less territory as specified in the Board's findings and determination.

In consideration of the standards in s. 66.0207 Wis. Stats., THE BOARD DETERMINES:

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 – Met
STANDARD 2 (d), Impact on the Metropolitan Community - Met

The facts and analysis supporting these findings are given in the body of the determination. The Determination of the Board to the Circuit Court, prescribed by s. 66.0203(9)(e)3, Wis. Stats., is:

The petition as submitted is dismissed with a recommendation that a new petition be submitted to include less territory as specified in the Board's findings and determination.

Dated this 16 day of January 2009
By the Incorporation Review Board:



Harald (Jordy) Jordahl
Chair of the Incorporation Review Board and
Deputy Administrator, Division of Intergovernmental Relations