



**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**



DETERMINATION OF THE INCORPORATION REVIEW BOARD

June 14, 2010

In Re:

THE INCORPORATION OF A PORTION OF THE TOWN OF BLOOMFIELD,  
WALWORTH COUNTY, WISCONSIN AS A VILLAGE

Case No. 08-CV-916

DOUG MUSHEL, Representative of  
the Petitioners

Vs.

CITY OF LAKE GENEVA and  
VILLAGE OF GENOA CITY

Interveners

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It is the function of the Incorporation Review Board to prepare findings and to make a determination as to whether the territory petitioned for incorporation meets the applicable standards prescribed in Section 66.0207, Wis. Stats. The Incorporation Review Board ("Board") was created by 2003 Wisconsin Act 171. Board members are appointed by Wisconsin's three municipal associations. Membership of the Board members is provided at Appendix B.

In summary, it is the DETERMINATION OF THE INCORPORATION REVIEW BOARD that when considering the petition under Section 66.0207, Wis. Stats.:

STANDARD 1 (a), Homogeneity and Compactness – Not 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 – Not Met  
STANDARD 2 (d), Impact on the Metropolitan Community – Not applicable

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

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 14<sup>th</sup> day of June 2010.  
By the Incorporation Review Board:

A handwritten signature in black ink that reads "Brian Vigue". The signature is written in a cursive, flowing style.

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Brian Vigue  
Chair of the Incorporation Review Board and  
Administrator, Division of Intergovernmental Relations

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## **EXECUTIVE SUMMARY**

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This document constitutes the Findings and Determination of the Incorporation Review Board on the petition filed by residents of the Town of Bloomfield in Walworth County to incorporate an 18 square mile portion of the Town area, which includes 5,814 persons. This area is depicted by Map 1 in Appendix A. The City of Lake Geneva and the Village of Genoa City, in the Town of Bloomfield, located northwest and southeast of the petitioned area, respectively, have intervened against the petition. They have stated that they are not opposed to incorporation of the Pell Lake community, but are opposed to the size of the current petition.

Petitioner's desire incorporation in order to preserve and maintain Bloomfield's civic, social, and economic character, gain greater local control over zoning and development, prevent annexation and loss of territory, utilize TIF districts, and receive certain state aids and shared revenues available to incorporated places.

When reviewing incorporation petitions, the Board has only 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.

The Incorporation Review Board hereby determines that the petition as submitted does not meet the requirements of s. 66.0207 Wis. Stats., but that alternative boundaries could meet the requirements. Specifically, including only Pell Lake and the immediately surrounding lands that are bounded by the wetlands to the North and the West and East Branch Nippersink Creek will enable the petition to meet all the required statutory standards. Therefore, the Board dismisses the petition as submitted but recommends that a new petition be filed.

The idea and concept of incorporation is not new for Bloomfield residents. The area has seen five previous petitions within the past 15 years, which are briefly summarized below:

- Powers Lake I – in 1992 residents of the Nippersink neighborhood, the residential area surrounding Powers, Benedict, and Tombeau Lakes, petitioned to incorporate a 4.5 square mile village. The Towns of Randall and Bloomfield intervened in opposition. The Department denied the petition, finding that the 'Compactness and Homogeneity' standard was not met.
- Powers Lake II – in 1999 residents of the Nippersink neighborhood again petitioned for incorporation, this time with a slightly smaller area. Bloomfield and Randall again intervened in opposition and again the Department found the 'Compactness and Homogeneity' standard unmet and denied the petition. Petitioners appealed the denial, however, and the Wisconsin Supreme Court upheld the Department's determination.
- Pell Lake - in 2000 residents in Pell Lake petitioned a 2.5 square mile area immediately surrounding the lake for incorporation, whose boundaries were identical to the boundaries of the recently created Pell Lake Sanitary District. There were no Interveners in opposition. The Department found that all the incorporation standards were met and

granted the petition. As required by statute, the circuit court ordered a referendum vote of the residents, and residents voted against the incorporation by a 3-1 margin.

- Bloomfield I – in 2008 residents from the Town of Bloomfield petitioned for incorporation of a 20-square mile area constituting all but the southwest corner of the Town. The City of Lake Geneva and the Village of Genoa City intervened against the petition. The parties agreed to stay the incorporation timelines and process in order to attempt mediation to resolve their differences. They retained a professional mediator and engaged in discussions for approximately six months. However, ultimately the mediation was unsuccessful.
- Bloomfield II – in 2009, following the failure of the mediation, Petitioners filed another petition that included 18 square miles. The smaller area petitioned for incorporation allowed for greater buffer zones between the proposed village and Lake Geneva and Genoa City. Nonetheless, the City and Village once again intervened in opposition. It is this petition that is the subject of this determination.

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.

1). Compactness & Homogeneity – Not Met. This standard requires the petitioned territory to be sufficiently compact and uniform to function as a city or village. Factors include existing natural boundaries such as rivers and topography, existing political boundaries, the current and potential transportation network, employment, business, social, and recreational opportunities.

The Pell Lake community, in the center of the proposed incorporated area, contains roughly 4,000 persons and includes a collection of businesses, churches, a school, parks, a grocery store, and various civic groups that offer various community and social functions. As was the case when Pell Lake petitioned for incorporation in 2000, this area continues to bear the characteristics of a village. Features including wetlands and the West and East Branch Nippersink Creek provide a logical natural boundary. Because Pell Lake is Compact and Homogenous, the Board recommends that a new petition be filed to incorporate this area.

The difficulty with the Bloomfield II petition stems from the fact that it contains roughly 9 times as much territory as did the 2000 Pell Lake petition, and this additional territory is largely rural in nature rather than urban. Some parts of the territory are not clearly affiliated with Pell Lake. Furthermore, population and land uses show that the territory is not uniformly compact, nor is the shape of the territory compact. For example, the proposed village would include a jagged peninsula of land adjacent to Lake Geneva that would cut the remaining Town of Bloomfield into a number of fragments. Also, at least three Town remnant islands would be located within Lake Geneva, and three islands and a long peninsula within Genoa City. Ideally, these irregularities would have been dealt with by the three communities prior to, or concurrent to, this incorporation petition.

In the future, the surrounding neighborhoods and landowners who claim an affiliation to the Pell Lake community may choose to take advantage of existing annexation and boundary agreement mechanisms should they desire to become part of the proposed village.

2). Territory Beyond the Core –Met. This standard examines population density, and requires that the territory beyond the most densely populated one-half square mile must have an average of more than 30 housing units per quarter section. Although the vast majority of the proposed village area is rural, Pell Lake contains sufficient housing units so that the entire territory averages 44 housing units per quarter section.

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 proposed village area would have roughly \$551,000,000 in assessed value, no debt, and 100% debt capacity. Furthermore, it would retain nearly all of the buildings, equipment, and other financial assets of the Town of Bloomfield. Therefore, the proposed village would have nearly the same level of financial resources currently available to the Town, while providing services for a smaller area.

4). Level of Services – Not applicable. The Interveners did not file a certified copy of a resolution to annex the entire petitioned territory with the Walworth County circuit court.

5). Impact on the Remainder of the Town – Not Met. This standard requires that the Board consider the impact the proposed incorporation would have on the remaining town, including financial and other relevant affects. The proposed village boundaries would cut the remaining Town of Bloomfield into four pieces, numerous town islands and peninsulas which already exist within Lake Geneva and Genoa City. This would harm community identity and make service provisions more difficult.

6). Impact on the Metropolitan Community – Not applicable. This standard applies to “metropolitan communities”, however Bloomfield filed for incorporation as an “isolated community”.

The Board thanks Petitioners and the Town for all the materials and presentations and requested information, which facilitated the Board’s review.

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## **SECTION 1(A) HOMOGENEITY AND COMPACTNESS**

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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 & Development<sup>1</sup> held that the Department may also consider land-use patterns, population density, employment patterns, recreation and health care customs.<sup>2</sup>

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 proposed village area consists of shallow lakes or isolated ponds, wetlands, and level "flats", or gently rolling ground moraine. Areas with moderate slopes are found around the Lake Ivanhoe neighborhood, and along the West Branch of Nippersink Creek.<sup>3</sup>

#### ***Soils***

The surface features of the region are the result of ground moraine deposits from the Lake Michigan lobe of the final, or Wisconsin, stage of glaciation. The underlying bedrock is Niagara Dolomite, which is covered by mixed glacial drift materials that range between 100-200 feet thick.<sup>4</sup> Predominate soil types in the area are Fox-Casco and Houghton-Palms associations. Fox Casco associations are typically well-drained loam/silty clay loam subsoils, overlying sand and gravel formed by glacial stream terraces. The Houghton- Palms association consists of poorly drained organic soils overlying shallow basins and depressions that tend to have moderate or severe limitations for development<sup>5</sup> Mucky soils, unsuitable for residential or commercial development, are shown by Map 2, at Appendix A. The map shows that concentrations of the mucky soils are intermixed with other soils throughout the proposed village area. However, three large blocks of the mucky soils can specifically be seen. One large block is found in the northwest part of the Town between Pell Lake and Lake Geneva, another extends northwards from Pell Lake, and a third large area separates Pell Lake from the Nippersink neighborhood and also from Genoa City. The general effect of these blocks of mucky soils is to frame possible boundaries of a future Village of Pell Lake.

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

<sup>2</sup> Ibid., page 337.

<sup>3</sup> WiDNR Webviewer, at [dnrmapping.wisconsin.gov](http://dnrmapping.wisconsin.gov), an online mapping resource.

<sup>4</sup> SEWRPC, *A Regional Land Use Plan for Southeastern Wisconsin – 2010* (1992), p. 111.

<sup>5</sup> U.S. Department of Agriculture, Soil Conservation Service, *Soil Survey of Walworth County, Wisconsin* (1971), p. 108 (General Soils Map, Walworth County, Wisconsin).

### **Drainage Basins**

The proposed village lies entirely within the upper Fox River watershed. A number of subwatershed boundaries further divide surface water drainage into portions of the Whitewater, Ivanhoe Creek, and East Branch Nippersink Creek watersheds. Town remnant lands are located within the North Branch of Nippersink Creek watershed.

Perennial streams within the Town are shown by Map 3, at Appendix A. Within the proposed village are the East and West branches of Nippersink Creek.

East Branch Nippersink Creek is the surface water outlet for Powers, Benedict, Tombeau, and Pell Lakes and flows in a southwesterly direction, ultimately joining North Branch Nippersink Creek just north of Genoa City.

West Branch Nippersink Creek flows in a southeasterly direction through the Town, roughly framing the proposed village's southwestern boundary from the proposed Town Remnant. Although Petitioner's used parcel boundaries rather than the creek itself, the parcel lines utilized do follow the creek in a jagged step-like fashion. Ultimately, West Branch Nippersink Creek joins North Branch Nippersink Creek just east of Genoa City.

North Branch Nippersink Creek flows through the proposed Town remnant in a generally northeasterly direction to just north of Genoa City where it abruptly turns south and leaves the Town and eventually the State, draining into the Fox River.

Wetlands in Bloomfield are shown by Map 3, at Appendix A. They are located primarily along the North, West, and East Branches of Nippersink Creek, as well as the drainage areas of Ivanhoe and Pell Lakes. As with the creeks themselves, these wetlands serve to frame a southern boundary for a possible future village of the Pell Lake community.

Map 3 also shows the area's lakes. Pell Lake and Tombeau Lake lie entirely within the proposed village area, while Benedict, Powers, and Ivanhoe Lakes lie only partially within the area. Powers Lake is the largest at 459 acres, with Pell Lake next at 86-acres Benedict at 78 acres, and Tombeau and Ivanhoe Lakes less than 50 acres. As mentioned previously, Powers, Benedict, and Tombeau Lakes are collectively referred to as the 'Nippersink Lakes'. **Table 1**, below, shows the lake management districts and associations that have been created to improve and protect these lakes.

Name	Created	Type	Activities
Lake Benedict/Tombeau Lake District	1996	Lake Management District	Invasive species control, fish stocking, monitoring, newsletters, ordinances, plans, shoreland restoration
District of Powers Lake	1985	Lake management district	Invasive species control, aquatic plan management, fish stocking, grants, ordinances, monitoring, newsletters, plans
Pell Lake Property Owners Association	1925	Lake management association	Grants, plans, boat racing, invasive species control, land purchase, ordinances
Mudhens	Unknown	Lake management association	Pell Lake weed cutting and removal, maintaining boat launches, beaches, parking areas, playground equipment, and mowing grass and planting flowers

### **Stormwater**

The Town of Bloomfield currently has no regional or publicly-owned stormwater management facilities or underground stormwater facilities. Instead, stormwater from each subdivision and development is managed through privately-owned, on-site stormwater basins.

The Town's Phase I *Stormwater Management Plan*, which was prepared in 2000, calls for a long-range approach to stormwater management that includes acquiring land for future improvements, developing improvements such as ditches and drain tiles, and constructing retention basins.<sup>6</sup>

### **Physical boundaries**

As shown by Map 1, Appendix A, the Town of Bloomfield is bordered on the north and west by the Town of Lyons, the Town of Linn, and the City of Lake Geneva—all in Walworth County; on the southeast by the Village of Genoa City in Walworth County; on the east by the Town of Wheatland and the Town of Randall in Kenosha County; and on the south by the Town of Hebron and the Town of Richmond in McHenry County, Illinois. The Village of Twin Lakes in Kenosha County is approximately one mile east of the proposed village area in Kenosha County.

Map 1, at Appendix A, shows the area petitioned for incorporation. This area is slightly smaller in size than the petition filed with the Walworth County Circuit Court in 2008. The Petitioners decided to exclude territory in Sections 5, 6, and 7 adjacent to Lake Geneva and Sections 25, 26, and 27 adjacent to Genoa City thereby providing expanded buffer areas between the proposed village and those communities.

The northern and eastern boundaries of the proposed village are based on the Public Lands Survey and constitute the boundary between Bloomfield and the Towns of Lyon to the North, and Wheatland and Randall to the east in Kenosha County. The southern boundary primarily runs in a straight line along Deignan Road until reaching West Branch Nippersink Creek, where the boundary then roughly follows the creek in a northwesterly direction using parcel lines. Upon reaching Westside Road, which separates Bloomfield from the Town of Linn, the proposed village boundary then follows STH 120 briefly before skirting the perimeter of Lake Geneva's sewer service area. The exception is the mobile home park which lies inside Lake Geneva's sewer service area.

Of considerable interest to the Board is the northwesterly area that reaches out from the main body of the proposed incorporation territory immediately south of Lake Geneva and extends to the Town of Linn. According to Petitioners, it was included in the petition at the request of residents in the Pioneer Mobile Home Park who desire to be part of the proposed village. Also, a proposed town business park is located in this area. The Petitioners wanted to include the land for the proposed business park because when built, it would be an urban land use and therefore more appropriate for village versus town government.<sup>7</sup> Immediately adjacent to the proposed business park lays a 750-acre triangle-shaped piece of proposed Town remnant territory that Lake Geneva indicates will soon be annexed into the City and utilized for commercial land uses. The area will receive full City services, including sewer and water service.<sup>8</sup>

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<sup>6</sup> *Village of Bloomfield Incorporation Report*, August 18, 2009, p. 40. This document contains Petitioners' data, facts, and assertions on how it meets the incorporation standards in s. 66.0207 Wis. Stats.

<sup>7</sup> Testimony from Petitioners at the March 23<sup>rd</sup>, 2010 public hearing on incorporation at the Town of Bloomfield Municipal Building, and also testimony from Petitioners at the May 13<sup>th</sup>, 2010 Incorporation Review Board meeting in Madison.

<sup>8</sup> Testimony by Intervenors at the May 13<sup>th</sup> Board, 2010 Incorporation Review Board meeting in Madison.

The Town remnant would consist of 15.4 square miles, Map 1, Appendix A, a large portion is located south of Deignan Road and West Branch Nippersink Creek. Smaller remnants consist of a triangular piece which would be cut off from the main body of remaining Town, bordered by the Town of Linn, City of Lake Geneva, and STH 120. To the east and north a larger piece of Town remnant is proposed, adjacent to Lake Geneva. Also, within Lake Geneva's corporate limits are at least three Town of Bloomfield islands.

Within Genoa City's corporate limits is a 1.3 mile peninsula cutting down into the Village as well as numerous town islands. Also, a recent annexation, the Kloppstein annexation<sup>9</sup>, cuts up into the proposed village territory along USH 12 and extends southward to Genoa City's boundaries as shown by Map 1, Appendix A. The notch along the proposed village's southern boundary was left in the Town in order to facilitate this annexation. The annexation has the effect of creating yet another Town remnant piece, this one east of USH 12.

Ideally, all of the islands, peninsulas, town fragments and other irregularities described above would have been resolved through intergovernmental agreements developed prior to, or concurrent with this incorporation petition. The lack of agreements or any other kind of coordination mechanism raises the possibility that these irregularities may persist and hinder service provision, community identity, and governance by the City, Village, and remaining Town of Bloomfield for many years.

## **Transportation**

The following paragraphs describe streets and highways, rail, air, transit, and pedestrian and bicycle facilities within the proposed village area.

### ***Streets and Highways***

Map 4, at Appendix A, shows the major highways and streets serving the proposed village area. The major highway serving the Town of Bloomfield is U.S. Highway (USH) 12, which crosses the Town in a northwest to southeast direction. An interchange exists at Pell Lake Road.

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<sup>9</sup> The annexation ordinance for the Kloppstein Farms property was adopted by Genoa City on February 11, 2010. Additional information and a scale map of this annexation is available on the Department's Municipal Data System at <http://municipaldata.wisconsin.gov>

Other major regional arterials in Bloomfield consist of State Trunk Highways (STH) 50 and 120 and County Trunk Highways (CTH) B, H, and U. Local arterial roads in the Town of Bloomfield consist of Bloomfield Road, Hafs Road, Lake Geneva Highway, Pell Lake Drive, Powers Lake Road, and Twin Lakes Road. Traffic Counts on these highways are shown in **Table 2** (based on 2006 DOT annual average daily traffic).

**Table 2  
Bloomfield Traffic Data\***

Road	Traffic count
USH 12	13200
STH 50	12600
STH 120	4100
Eastside Road	500
CTH H	3000-4900
CTH U	1200
Bloomfield Road	1400
Hafs Road	470
Lake Geneva Highway	700
Pell Lake Drive	2800
Powers Lake Road	930

The *2025 Smart Growth Plan for the Town of Bloomfield Wisconsin* (2005) incorporates SEWRPC and WisDOT recommendations for two additional interchanges on USH 12 at Bloomfield Road and Twin Lakes Road. The plan also recommends that CTH H be widened to 80 feet and Clover Road be widened to 66 feet, and that the following roads change jurisdiction:

- Westside Road from local to State jurisdiction.
- Bloomfield Road and Hafs Road between CTH H and CTH U from local to County jurisdiction.
- Portions of Lake Geneva Highway, Pell Lake Drive, and Powers Lake Road from local to County jurisdiction.
- Twin Lakes Road between CTH H and CTH B from local to County jurisdiction.<sup>10</sup>

Within the proposed village area, the Pell Lake community has a concentrated network of local roads that provide movement and good connectivity to the various land uses in the community such as the elementary school, churches, parks, and businesses.

Beyond Pell Lake, there are not many interconnected local roads. The Lake Ivanhoe neighborhood has some local roads, as does the Nippersink Lakes neighborhood. However, the proposed village boundary cuts through the Nippersink Lakes neighborhood, leaving maintenance of these local roads split among the new village, the Town of Randall, and the Town of Wheatland. Beyond Pell Lake, residents must rely on the busier highways to move throughout the proposed village.

***Air and Rail***

Bloomfield has no public airports. Instead, air travelers generally use the nearby small local airports in Burlington or East Troy or travel to the major regional airports at O’Hare International in Chicago, or General Mitchell International in Milwaukee. There are four private airstrips in the Town. Bloomfield has no active rail lines.

***Transit***

No transit service is available in Bloomfield.

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<sup>10</sup> *Village of Bloomfield Incorporation Report*, August 18, 2009, p. 32

### ***Pedestrian and bicycle***

There are currently no specifically designated pedestrian or bike paths or routes in Bloomfield. However, the dense network of quieter local roads in Pell Lake tends to disperse traffic so that biking and walking is safe and pleasant. Also, because development is sufficiently dense and mixed-use in nature, moving throughout the hamlet from one activity to another is easy. For example, moving between the school, a grocery store, various businesses, restaurants, churches, and parks is very easily accomplished on foot or bike.

Outside of Pell Lake, the major problem for pedestrians and bicyclists is that they must utilize the busier highways to move throughout the Town. The speed, lane width, lack of a shoulder, and level of traffic on these highways is such that pedestrian and bicycle travel is not safe or pleasant. As a result, individuals who do not have access to a motor vehicle would have difficulty traveling outside the Pell Lake community.

The *2025 Smart Growth Plan for the Town of Bloomfield Wisconsin (2005)* recommends that a bicycle route be located across the northern part of the Town within the right-of-way of Bloomfield Road, Eastside Road, and STH 50. Also, a north-south bike route is planned to link together trails in Illinois and southeast Wisconsin. One proposed route would use right-of-way of Clover and Thunderbird Road, while another route would utilize the abandoned right-of-way of the former Chicago and Northwestern Railroad and a portion of CTH U.<sup>11</sup>

### **Political Boundaries**

The following paragraphs examine Bloomfield's boundary agreements, as well as its neighborhoods, school district boundaries and sanitary district boundaries to see whether these are consistent with the proposed village's boundaries.

### ***Relationship of proposed village boundaries to other jurisdictions***

As mentioned previously, the proposed village consists of over one-half of the total Town of Bloomfield. The largest block of Town remnant is to the south of Deignan Road and West Branch Nippersink Creek. However, as shown by Map 1, at Appendix A, at least three Town islands and peninsulas are found in Section 6 within Lake Geneva.

An island of Lake Geneva-owned territory, roughly 60 acres in size and located along CTH H in Sections 7 and 8, is currently located in Bloomfield and completely surrounded by the Town. The proposed village does not include this island area, and it would remain isolated from the City by the proposed Town remnant. Not including this island keeps open the possibility that it could eventually be annexed to Lake Geneva.

The northern and eastern boundaries of the proposed village are the same boundary lines between the Town of Lyons in Walworth County, and the Towns of Wheatland and Randall in Kenosha County. Some land adjacent to Lake Geneva and Genoa City were not included so as to provide a buffer. However, Interveners testified at the public hearing in that they would prefer to see the buffer areas made still more extensive. Genoa City is also concerned that landowners within the buffer area would immediately pursue annexation to the new village. They would prefer to have a boundary agreement developed between the Village of Genoa City and the Town of Bloomfield to guide jurisdiction, land use, and service issues within the buffer area.

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<sup>11</sup> *Village of Bloomfield Incorporation Report*, August 18, 2009, p. 31.

### **Boundary Agreements**

There are no existing boundary agreements between the Town of Bloomfield and the City of Lake Geneva, the Village of Genoa City or neighboring towns.

Bloomfield and Genoa City had an agreement, referred to as the *Agreement Regarding Municipal Boundary Common to the Village of Genoa City and the Town of Bloomfield* (1999), which expired on January 13, 2009. That agreement dealt with the Village's potential expansion area into the Town of Bloomfield. The Village and Town agreed upon an expansion area for the Village that was bounded by Twin Lakes Road and parcel boundaries in Sections 27 and 34, however, this agreement was not formalized in a boundary agreement.

The recent mediation between Petitioners, Interveners, and the Town of Bloomfield regarding the 2008 incorporation petition could potentially have resulted in a new boundary agreements but the Town chose to pursue this incorporation petition without agreements.

### **Lake Neighborhoods**

The proposed village area contains a number of separate lake neighborhoods, some falling entirely within the proposed village while others cross into other jurisdictions.

Pell Lake is the largest neighborhood and perhaps better considered to be a community. Containing over 4000 people, it contains parks, businesses, churches, and other aspects that will be described later in this section.

Along the proposed village's northern boundary is the Lake Ivanhoe resort neighborhood. Although Lake Ivanhoe is primarily in the Town of Lyons, essentially all of the residences are in the Town of Bloomfield. Immediately west of the lake is small development of large lot estates which could be considered part of this neighborhood as well.

Along the far eastern edge of the proposed village is the Nippersink neighborhood, the majority of which falls across the county line from the Town of Bloomfield in Kenosha County. The proposed incorporation would preserve the division of the Nippersink Lakes neighborhood. This is problematic because the previous Powers Lake I and II determinations clearly showed that this neighborhood has a distinct identify from the Town of Bloomfield and the Towns of Wheatland and Randall in Kenosha County. Testimony was received at the March 23<sup>rd</sup> hearing in Bloomfield by a Nippersink resident who feels a connection to Bloomfield. However, it is likely that many of the Nippersink residents, particular those on the Kenosha County side of the neighborhood may not identify with Bloomfield. The Board recommends that the Nippersink neighborhood not be included within a re-submitted petition. In the future, this neighborhood may desire sewer services. Both the proposed Village of Bloomfield and the Village of Genoa City have stated that they would be able to serve the Nippersink Lakes neighborhood. Residents may always utilize the annexation and boundary agreement mechanisms authorized by Wisconsin statute should they desire in the future to join Genoa City, Twin Lakes, or a future Village of Bloomfield.

In the northwest corner of the proposed village, along CTH H and adjacent to Lake Geneva, is the Pioneer Mobile Home Park, a dense grouping of manufactured housing units. Although located in Bloomfield, this area is located within Lake Geneva's sewer service area and receives municipal sewer and water service from the City.

**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 Bloomfield incorporates will have no effect on school district boundaries. However, as the Department noted in its determination in *Pewaukee*<sup>12</sup>, schools nonetheless impact community allegiance through scholastic, social, and recreational activities and influence where people choose to live. **Table 3** shows the three public school districts serving the proposed village area. The two school districts for Bloomfield elementary-age students divide Bloomfield roughly in half in a southwest-to-northeast direction. However, Lake Geneva Joint School District serves roughly twice as many students as does the Genoa City Joint School district.

<b>Table 3 – Public School Districts</b>				
<b>School District &amp; School Name</b>	<b>School Location</b>	<b>Total Enrollment</b>	<b>Town of Bloomfield Enrollment</b>	<b>Proposed Village Enrollment</b>
<b>Lake Geneva-Genoa City Union High School District</b>				
Badger High School	Lake Geneva	1,435	404	384
<b>Lake Geneva Joint School District No. 1</b>				
Lake Geneva Middle School	Lake Geneva	687	219	208
Star Center Elementary School	Pell Lake	440	440	418
<b>Genoa City Joint School District No. 2</b>				
Brookwood Elementary School	Genoa City	328	134	127
Brookwood Middle School	Genoa City	290	119	113

**Utility Districts**

Map 5, at Appendix A, shows the utility districts in the area. The map shows that Pell Lake Sanitary District No. 1 and Lake Geneva are the service providers in Bloomfield.

Pell Lake Sanitary District No. 1 (PLSD) currently provides sewer and water service to just Pell Lake residents. The district encompasses roughly 2.5 square miles between CTH H and USH 12. Wastewater is treated at the PLSD sewage treatment facility, located at N1183 CTH U within Pell Lake. The plant is currently operating at 50% capacity and has a design capacity of 0.46 million gallons per day (mgd), which was based on a year 2010 service area population projection of 3,900 persons. However, it was designed for easy expansion to potentially serve up to 4,600 people, and further expansion to serve 9,200 and serve as a regional facility. With six lift stations and other infrastructure, PLSD could conceivably serve all of the proposed village area. To date,

<sup>12</sup> Pewaukee (1991).

PLSD engineers have completed preliminary studies on the feasibility of serving the Nippersink Lakes area, Lake Ivanhoe, and the Kloppstein Farms area south of Tombeau Lake.<sup>13</sup>

The Lake Geneva sewer service area includes several hundred acres of vacant Town territory, as well as Pioneer Mobile Home Park which receives sewer and water service from the City. Petitioners propose to leave this area a town remnant and that this area will continue to be served by the City even after incorporation. This is a point of contention with Lake Geneva, which believes that no parts of its sewer service area should have been included within the proposed village.<sup>14</sup>

The Genoa City sanitary sewer service area does not currently include any Town of Bloomfield or proposed village territory. However, the Kloppstein annexation raises the likelihood that Genoa City's sewer service area will be amended northward into Bloomfield to allow for service to this property.

All other existing development in Bloomfield is served by individual private wells.

### ***Lake Management Districts***

As mentioned previously in Table 1, the proposed village has two lake management districts and two lake associations. The Powers Lake Management District falls across the Towns of Bloomfield, Randall, and Wheatland and would therefore remain severed if the incorporation were to occur. The majority of the Powers Lake Management District is in the Town of Randall. However, as pointed out by the Petitioners, the Powers Lake is already cut across two counties and three towns. This fragmentation was a major impetus behind the Nippersink residents twice petitioning for incorporation. They argued that incorporation of the entire lake neighborhood would have created a new village that would have replaced all the existing jurisdictions save for the two counties, and would have greatly improved the area's ability to manage the lakes. The Department agreed with Petitioners on that point, but denied the petition on other grounds.

### **Shopping and Social Customs**

The following paragraphs describe the shopping and social customs available within the proposed village territory, and examine the territory's businesses, employment patterns, and social opportunities such as clubs, organizations, churches, festivals, and parks. Examining social and economic activity helps establish whether or not the proposed village area has homogeneity with regard to these opportunities, or whether residents turn elsewhere for these.

#### ***Shopping***

A cluster of business activity is found in Pell Lake, with businesses such as a grocery store, bank, thrift store, food pantry, day care, pottery shop, tool and die manufacturer, accountant, and a variety of restaurants, motels, taverns, auto service stations, convenience stores, and building/construction contractors. These businesses employ 78 people.<sup>15</sup>

Outside of the Pell Lake area, an additional 42 businesses may be found, including resorts, nursery and tree farms, contractors, farms, a golf course, storage facilities, distributors, gravel extractors, and others. A total of 181 people are employed by these businesses.

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<sup>13</sup> *Village of Bloomfield Incorporation Report*, August 18, 2009, at p. 38.

<sup>14</sup> *Ibid.* at p. 38.

<sup>15</sup> *Ibid.*, at p 12.

Because of the proximity of the area to existing business activity in Lake Geneva, as well as the broader southeast Wisconsin and northeastern Illinois regions, area residents do not shop exclusively within the proposed village area. For example, residents in the Lake Ivanhoe neighborhood most likely tend to shop in Lake Geneva which is only minutes away via STH 50. In fact, the Department received letters from several Lake Ivanhoe residents who write that they feel more connected to Lake Geneva than to Pell Lake, which is 6 miles away from them.<sup>16</sup> Also, it is likely that a majority of Nippersink residents, particularly those on the Kenosha County side, travel to Genoa City and Twin Lakes for shopping needs since those incorporated areas are only minutes away via USH 12.

### ***Employment***

In 2000 there were 670 jobs in the Town, and an estimate of 75 additional jobs by 2010 and 820 jobs by 2020. Centrally located between the Milwaukee metro area, the Madison-Janesville-Beloit-Rockford corridor, and rapidly urbanizing western suburbs of Illinois, Bloomfield is strategically located for future job opportunities. Also, the Pell Lake area has access to municipal sewer and water which most commercial development requires.<sup>17</sup>

Median household income in the Town has traditionally lagged behind the county and region. In 1999, median household income was \$42,232 in the Town, compared with \$46,274 for Walworth County, and \$48,059 for the region.<sup>18</sup>

Approximately 29 people are employed by the area's government and non-profit employers, which include the Pell Lake Sanitary District #1, US Post Office, Town of Bloomfield, Bloomfield-Genoa City Fire Department, Star Center School, and the two churches.

### ***Social and recreation opportunities***

The proposed village area has an abundance of social activity and recreational opportunities. Department staff was struck at the public hearing at the level of social cohesion within the entire region that includes Genoa City, Lake Geneva, Towns of Randall and Wheatland, and the Village of Twin Lakes. For example, a number of officials from the two Intervening communities either grew up in Pell Lake, attended Star Center Elementary School, or had friends and family members residing within Bloomfield.<sup>19</sup>

The paragraphs below describe some specifics regarding social opportunities and connection within the proposed village area itself.

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<sup>16</sup> March 29, 2010 letter to the Department from LaMoine Martinson and March 24, 2010 letter from Carl and Lorraine Mathews.

<sup>17</sup> Ibid., p. 3-21. The plan estimates 820 jobs by 2020.

<sup>18</sup> *2025 Smart Growth Plan, Town of Bloomfield, Wisconsin* (2005), p. 3-5.

<sup>19</sup> Testimony at the March 23<sup>rd</sup>, 2010 Public Hearing on Bloomfield's incorporation petition at the Bloomfield Municipal Building.

Parks

**Table 4**, below, shows the parks and open space within the proposed village, both public and private.

<b>Table 4 – Parks and Open Space In Proposed Village</b>		
<b>Site Name</b>	<b>Acres</b>	<b>Facilities</b>
<b>Public</b>		
McKay Park	13	Trails
State Wildlife Area (Section 8)	268	Open space
State Wildlife Area (Sections 4, 9)	456	Open space
State Wildlife Area (Sections 3, 10)	382	Open space
Subdivision Park	1	Playground, beach, boat access
Subdivision Park	1	Beach, boat access
Star Center School	4	Playground, basketball hoops, soccer goals
State Wildlife Area (section 19)	128	Open space
Bloomfield Community Park	2	Horseshoes, volleyball
State Tourist Information Center	29	Information
<b>Subtotal</b>	<b>1,284</b>	
<b>Nonpublic</b>		
Oakland Manor Estates	4	Beach, boat access
Harbor Lite	1	Boat rental and access
Private Boat Launch	1	Boat access
Nippersink Manor Golf Course	138	18-hole golf course
Lake Ivanhoe Property Owners park	1	Basketball hoops
<b>Subtotal</b>	<b>27</b>	
<b>Total</b>	<b>1,311</b>	

With roughly 1,300 acres of parks and open space divided among roughly 5,000 residents, the ratio of open space per resident is very high. Bloomfield’s comprehensive plan recommends still more parks. Specifically the plan recommends the following future parks:

- Neighborhood Park (25 acres), in the Pell Lake for softball, playground, and playfield, and also a governmental building;
- Neighborhood Park (5 to 10 acres) Northeast quadrant/Bloomfield Road area
- Neighborhood Park (5 to 10 acres), Nippersink Lakes area.<sup>20</sup>

<sup>20</sup> 2025 Smart Growth Plan, Town of Bloomfield, Wisconsin (2005), July, 2007 Amendment.

In addition to the developed parks there are four designated natural areas of ‘local significance’. These are areas designated by WisDNR and SEWRPC based on the diversity of plant and animal species, habitats, and the integrity of the environment. These areas are shown below in **Table 5**. Some of these are available to the public.

<b>Table 5 – Natural Areas</b>				
<b>Area Name</b>	<b>Location (Sections)</b>	<b>Ownership</b>	<b>Size (acres)</b>	<b>Comments</b>
Hafs Road Marsh	1, 2, 11	Private	106	Marsh
Lake Ivanhoe Sedge Meadow	3	DNR and private	71	Wetland
Bloomfield Sedge Meadow and Tamarack Relict	7, 8, 18	DNR, City of Lake Geneva, private	171	Wetland
Pell Lake Railroad Prairie	8, 17	Private	4	Prairie
Swift Lake Wetland	3	Private	10	Black tern habitat
Section Five Marsh and Pond	4, 5	Private	18	Black tern habitat

#### Social organizations

**Table 6**, below, lists some of the social organizations within the proposed village area.

As mentioned previously, the Pell Lake Property owners Association and Mudhens are groups that maintain and improve Pell Lake. Both provide residents with social opportunities that bring residents together and tie them to the landscape. The Pell Lake Property Owners Association began in the 1920’s and currently has a membership of over 100 residents. The group utilizes a clubhouse which is listed as a significant historic building on Wisconsin’s State Historical Society’s Architecture and History Inventory.

The Mudhens undertake a wide range of lake-related social activities such as fishing contests, recreational swimming, boating, and fundraisers. In August 2009 the group sponsored outboard boat racing.<sup>21</sup>

Two churches are located within the proposed village area, both in Pell Lake. They are:

- Trinity Lutheran Church, W775 Geranium Road, and
- Iglesia Pentecostal Church, N1161 Clover Road.<sup>22</sup>

Trinity Lutheran Church was recently expanded and is the site of a food pantry. Iglesia Pentecostal church primarily serves Spanish-speaking parishioners in the region.

Star Center School, located in Pell Lake, also serves as an important meeting place for many community groups and activities, such as youth sports, Cub Scouts, Boy Scouts, Explorer, Girl Scouts, and 4-H Club. Over 90 percent of the Star Center School enrollment is from the area proposed for incorporation, so the school ties area kids together and adults too via such groups as the PTO and various other school-year functions.<sup>23</sup>

<sup>21</sup> *Village of Bloomfield Incorporation Report*, August 18, 2009, at p. 7.

<sup>22</sup> *Ibid.*, p. 6.

<sup>23</sup> *Ibid.*, p. 7.

The Bloomfield/Genoa City Fire and Rescue Department also functions as an important civic and social group because most of its members reside within Pell Lake, despite the fact that the Department merged with Genoa City's department in 2003. The volunteer firefighters meet regularly for regular duties, training, and fundraising. In addition to the volunteers, the Department has two paid staff, and a 6,000 square foot fire and rescue station located at N113 Clover Road in Pell Lake. It is managed by a joint town-village fire commission and funded by both communities based on proportionate shares of the service area population and equalized valuation, as described in the *Town of Bloomfield & Village of Genoa City Fire Services Agreement* (2002), an intergovernmental agreement developed as part of the merger. Currently this funding ratio is 64% Town and 36% Village. After incorporation, it is anticipated that both the new village and the remaining Town remnant area will continue to participate in the joint department. No changes in operations or services are expected because of incorporation, though the fire services agreement will need to be amended to reflect the changes.<sup>24</sup>

<b>Table 6 – Social Organizations</b>	
<b>Organizations</b>	<b>Address/Meeting Place</b>
Trinity Lutheran Church	W775 Geranium Road (Pell Lake)
Iglesia Pentecostal	N1243 Clover Road (Pell Lake)
Bloomfield/Genoa City Fire and Rescue Department	N113 Clover Road (Pell Lake)
Pell Lake Property Owner's Association	PO Box 758, Pell Lake, WI 53157 (Pell Lake)
Veterans of Foreign Wars	PO Box 607, Pell Lake, WI 53157 (Pell Lake)
Cub Scouts/Boy Scouts	Star Center School (Pell Lake)
Explorers	Star Center School (Pell Lake)
Girl Scouts	Start Center School (Pell Lake)
4-H Club	Start Center School (Pell Lake)
Modern Woodman	
Bloomfield Township Cemetery	(Find address)
Old Bloomfield Pioneer Cemetery	(Find address)
Line Cemetery	(Find address)
Moresi Boundary Cemetery	(Find address)
<b>(Table from page 10 of submittal)</b>	

### **Population Distribution**

Bloomfield's population growth since 1960 is shown by **Table 7**, below. The table shows that population growth has accelerated since 1990 and continued up to today.

<b>Table 7 – Town Population</b>					
<b>1960</b>	<b>1970</b>	<b>1980</b>	<b>1990</b>	<b>2000</b>	<b>2010</b>
2,154	2,481	3,288	3,723	5,537	6,357

The Department began examining

<sup>24</sup> *Village of Bloomfield Incorporation Report*, August 18, 2009, at pgs. 7 and 62.

the distribution of population as a result of the Wisconsin Supreme Court’s opinion in Pleasant Prairie<sup>25</sup>. The court examined the nature and distribution of population, noting that higher population density tends to be indicative of compactness and urban rather than rural characteristics.

Most of the population of the proposed village area dwells in the Pell Lake community, roughly 4,000 individuals. The approximately one-thousand remaining residents of the proposed village tend to reside in Ivanhoe, Nippersink, Pioneer Mobile Home Park, isolated rural houses, or in the newer large-lot rural subdivisions.

Population analysis shows that Pell Lake is dense and urban in character, but beyond that the population is clustered in the three neighborhoods mentioned previously, or scattered diffusely.

### **Land Uses**

As with population, the Department added analysis of land uses subsequent to the Supreme Court’s decision in Pleasant Prairie. The court examined the nature and distribution of land uses noting that urban land uses (residential, commercial, industrial, institutional) tend to be indicative of compactness, and urban rather than rural characteristics.

**Table 8, below**, provides acreage totals for the various land uses within the area to be incorporated. Also, Maps 6 and 7, at Appendix A, shows land uses as they existed in 2000 and an orthographic photo taken in 2008.

<b>Table 8 – Land Uses</b>			
<b>Land Use</b>	<b>Existing Town (acres)</b>	<b>Proposed Village (acres)</b>	<b>Remaining Town (acres)</b>
<b>Urban Development</b>			
Residential	1,295	1,210	85
Commercial	49	49	0
Industrial	15	15	0
Transportation, Communications and utilities	1,024	730	294
Governmental and Institutional	25	25	0
Recreational	144	144	0
<b>Urban Subtotal</b>	<b>2,552</b>	<b>2,173</b>	<b>379</b>
<b>Nonurban</b>			
Agricultural (excluding 100 -year floodplain)	11,185	4,353	6,832
Extractive and Landfill	185	85	100
Unused Lands	793	500	293
<b>Nonurban Subtotal</b>	<b>12,163</b>	<b>4,938</b>	<b>7,225</b>

<sup>25</sup> Pleasant Prairie v. Department of Local Affairs & Development, 108 Wis.2d 465 (Ct.App. 1982), affirmed, 113 Wis.2d 327 (1983).

<b>Natural Areas</b>			
Woodlands	1,165	290	875
Wetlands	3,750	2,876	874
Surface Waters	451	424	27
100-Year Floodplain (outside environmental corridor)	1,200	824	376
<b>Natural Areas Subtotal</b>	6,566	4,414	2,152
<b>Total Area</b>	21,281	11,525	9,756

\*Table from submittal, at page 21.

### **Residential & Commercial Development**

Residential development in Bloomfield has historically centered on the lakes, primarily Pell Lake. Most of these lake dwelling units were originally developed as seasonal and weekend recreational retreats for Chicago and Milwaukee area vacationers. However, the establishment of interstate highways, tele-commuting, and retirements have led many of these units to be converted into year-round residences.

In addition to the lake-oriented development, there is also the Pioneer Mobile Home Park shown in orange in Map 6, Appendix A, along with a scattering of low-density homes and subdivisions platted in recent years. Nearly all residential uses are within the area proposed for incorporation. As shown by Table 8, only 85 of the 1,295 acres of residential land use would be located within the Town remainder.

The vast majority of Bloomfield dwelling units are single-family detached housing. Only 3.6% is duplexes or multi-family, and another 10% are mobile homes. Roughly 68% of Bloomfield housing is owner-occupied, while 15% is renter-occupied, and another 11% is seasonal, recreation, or just occasional use. As with economic productivity, Bloomfield housing values are lower than the county or region - \$98,300, compared with \$128,800, and \$106,900 respectively.<sup>26</sup>

As shown by Table 8, residential land use is the dominant urban land use, ahead of transportation, communications, and utilities infrastructure. Commercial and institutional uses constitute less than 100 total acres, and occur primarily within Pell Lake and the Bloomfield Business Park on CTH H.

From 2002-07, 222 new lots were created, which is approximately 37 lots per year. Most of these lots were for residential development and almost all are within the proposed village area. According to Petitioners, seven major development projects totaling 550 acres and 596 dwelling units are either in the planning stage or being reviewed by the Town of Bloomfield and Walworth County, all located within the proposed village.<sup>27</sup>

### **Agricultural Lands**

Agricultural lands are a huge part of Bloomfield, constituting over one-half of its total acres. The proposed village would contain roughly 4,000 acres, while the Town remnant would contain roughly 6,000 acres. The largest block of agricultural land is located in the southwest corner of

<sup>26</sup> 2025 Smart Growth Plan, Town of Bloomfield, Wisconsin (2005), p. 4-1.

<sup>27</sup> Village of Bloomfield Incorporation Report, August 18, 2009, at p. 23.

Bloomfield, within the proposed Town remnant. According to Petitioners', residents within this area expect that this area will remain agricultural.<sup>28</sup>

### ***Environmental Lands***

Maps 1 and 3, Appendix A show Bloomfield's environmental or natural lands, which constitute roughly one-third of the Town. These lands include woodlands, wetlands, floodplains, and surface water, all of which are considered by WisDNR, SEWRPC, Walworth County, and the Town to be 'environmental corridors' and subject to development restrictions. A majority of these environmental lands, over 4,000 acres, fall within the proposed village area. These include large DNR-owned wetland complexes in the northwest corner of the Town between Pell Lake and Lake Geneva, a band of wetlands that runs north from Pell Lake to Lake Ivanhoe, and wetlands that run between Pell Lake and the Nippersink Lakes. The Town remnant area would contain roughly 2,000 acres of environmental lands, primarily located along Goose Pond and North Branch Nippersink Creek.

### ***Land Use Regulations***

In 2009 the Town of Bloomfield chose to drop out of county zoning and instead adopt an interim general zoning code that it administers on its own. Creating a permanent ordinance has been delayed pending this determination. Whether Bloomfield is a village or town affects the nature and specific terms of the ordinance.

Shoreland and wetland zoning continues to be administered by Walworth County. Petitioners anticipate that the proposed Village of Bloomfield would adopt this interim code.<sup>29</sup> Map 8, at Appendix A, shows the various zoning classifications as they apply to Town lands.

The Town currently maintains and administers a code of land division ordinances, which establishes requirements for design of lots, access, streets, drainage, and sewerage and water facilities, among other things, for all land divisions that create five or more parcels, or building sites each of which is 15 acres or less in size. For all subdivisions larger than that size, the ordinance requires preparation of a certified survey map. Most provisions of the ordinance are also applicable to condominium projects. Upon incorporation, the proposed village anticipates adopting this same code.<sup>30</sup>

In the well head protection Overlay District, Walworth county ordinance sets forth regulations to protect the groundwater within the Pell Lake Sanitary District, which applies within 1,200 feet of the municipal well.

Walworth County ordinances that apply to the area include a wellhead protection ordinance, community design standards, telecommunications towers ordinance, private sanitary sewage system ordinance, the construction site erosion control ordinance, sign ordinance, site plan review and standards, and historic preservation codes.<sup>31</sup>

Lake Geneva and Genoa City have extraterritorial plat review authority within the Town of Bloomfield. According to Petitioners, Lake Geneva uses its extraterritorial authority to limit

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<sup>28</sup> Testimony at the March 23<sup>rd</sup>, 2010 Public Hearing on Bloomfield's incorporation petition at the Bloomfield Municipal Building.

<sup>29</sup> *Village of Bloomfield Incorporation Report*, August 18, 2009, at p. 18.

<sup>30</sup> *2025 Smart Growth Plan, Town of Bloomfield, Wisconsin* (2005), p. 11-3.

<sup>31</sup> *2025 Smart Growth Plan, Town of Bloomfield, Wisconsin* (2005), p. 11-8.

development to one dwelling per 35 acres.<sup>32</sup> Incorporation of a portion of Bloomfield would remove those lands from Lake Geneva and Genoa City's extraterritorial review area.

### **Planning**

The primary plan affecting the proposed village area is the *Town of Bloomfield 2025 Smartgrowth Plan* (2005), amended in July 2007 and February 2008. Map 9, at Appendix A, shows the plan's recommended future land uses. Petitioners anticipate that upon incorporation the new village would adopt this plan.

In brief, the plan recommends:

- Increasing medium density residential development (3 to 6 dwelling units per acre) in Pell Lake and also adjacent to Lake Geneva served by public sanitary sewer and water;
- Promoting infill medium density residential development in Pell Lake;
- Expanding commercial development within Pell Lake and along the County Trunk Highway H corridor in Pell Lake, and also adjacent to Lake Geneva, all served by public sanitary sewer and water;
- Increasing low density residential development (1 to 3 dwelling units per acre) in Sections 17, 21, 22, and 27 on both sides of County Trunk Highway H north and south of existing development in the Pell Lake area, and also in the northern part of the Town. Conservation subdivisions are encouraged to preserve rural aspect;
- Preserving existing farmlands west of County Trunk Highway H as long-range agricultural preservation areas;
- Preserving primary and secondary environmental corridors, isolated natural areas and areas within the 100-year floodplain as permanent conservancy lands.<sup>33</sup>

### **Community Center**

Section 66.016(1)(a), Wis. Stats. requires a reasonably developed community center, including features such as retail stores, churches, post office, telecommunications and similar centers of community activity.

Analysis of past incorporation determinations consistently shows that a minimum amount of shopping opportunities is required that can satisfy the daily needs of residents, despite the close proximity of nearby shopping establishments in neighboring jurisdictions. The critical issue is the existence of retail facilities and services, not necessarily their size. Past determinations have also looked for organizations within the community center that draw residents together and contribute to a social identity for the area. Examples include churches, schools, restaurants, banks, post office, even gasoline service stations.<sup>34</sup>

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<sup>32</sup> *2025 Smart Growth Plan, Town of Bloomfield, Wisconsin* (2005), at p. 11-8.

<sup>33</sup> *2025 Smart Growth Plan, Town of Bloomfield, Wisconsin* (2005), plan amendment on 2/4/2008. See also *Village of Bloomfield Incorporation Report*, August 18, 2009, at p. 27.

<sup>34</sup> Oakdale (1986), Potter (1982), Arpin, (1978), Nelson (1978), Crivitz, (1974), Hewitt (1973), Newburg (1973), Rockfield (1964), Fitchburg (1982), Chain O'Lakes (1982).

The community center for the proposed village is the Pell Lake neighborhood, which consists of the two square miles surrounding Pell Lake. Specifics about this area have already been described previously under Shopping and Social Opportunities. However, to summarize, Pell Lake contains a concentration of houses, businesses, two churches, an elementary school, grocery store, parks, food pantry, public sanitary sewer and water, a police department, fire and rescue, day care center, a bank, restaurants, service stations/convenience store, resorts, and a business/industrial park, the Pell Lake Property Owners Association, and the Mudhens, among others.

Although residents no doubt turn to Lake Geneva, Twin Lakes, and communities throughout the region for more major shopping excursions, and for greater selection and lower costs, the fact that Pell Lake neighborhood is able to develop and maintain itself as a shopping area and community center is the important factor.

## DETERMINATION

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This incorporation petition as submitted contains approximately nine times as much territory as the first petition in 2000. The vast majority of this additional territory is rural. The Homogeneity and Compactness standard makes incorporating rural territory exceptionally difficult, as seen by previous Department and Board determinations, and by the extensive case law on the subject. For example, the Wisconsin Supreme Court in Sharping v. Johnson<sup>35</sup> denied a petition because the area outside the core area was largely rural and sparsely populated rather than urban, and therefore not compact. Similarly, the Court in Pleasant Prairie v. Local Affairs Dept<sup>36</sup> held that:

“[An] area petitioned for incorporation should be urban rather than rural... Patterns of development which show that an area has widely scattered areas of residential and industrial development and intervening areas of extensive rural uses indicate that the area is not homogeneous. That is not to say that incorporated areas should not have mixed land uses or that there should not be extensive green belt or wetland reservations, but the various developments should be grouped in rational ways and not be scattered “haphazardly” across undeveloped areas.”<sup>37</sup>

Intervenors point out that the rural lands beyond the Pell Lake community bear strong similarities to those in Sharping and Pleasant Prairie. Specifically, Intervenors point out the lack of connection between the Pell Lake community and the Nippersink and Ivanhoe neighborhoods, saying:

[The proposed village] is composed of various isolated communities, scattered haphazardly throughout the territory without any apparent connection with one another, other than the fact that there are part of the same town.<sup>38</sup>

The Board agrees with Intervenors that these rural lands are not sufficiently connected with the Pell Lake community to show Homogeneity. In fact, examining the transportation, natural features, and social aspects of the petition, reveal that the outlying areas may be more oriented toward Lake Geneva and other communities. This is shown by the correspondence received from Lake Ivanhoe residents and the fact that Pioneer Mobile Home Park is immediately adjacent to Lake Geneva and already receives City municipal services.

Regarding Compactness, analysis of land uses and population shows that the petitioned territory beyond the Pell Lake community does not meet the standard. However, the natural features surrounding Pell Lake do serve to frame that area physically and would help identify and distinctly set apart a future Village comprised of the Pell Lake community if the petition is modified with the new boundaries and resubmitted.

Petitioners argue that the Board’s recent determinations for Bristol, Richfield, and Summit, have created precedent for the incorporation of rural lands. The Board disagrees. The Board continues to apply the statute in a manner consistent with caselaw and previous Department decisions.

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<sup>35</sup> Sharping v. Johnson, 32 Wis. 2d 383 (1966).

<sup>36</sup> Pleasant Prairie v. Department of Local Affairs & Development, 108 Wis.2d 465 (Ct.App. 1982), affirmed, 113 Wis.2d 327 (1983). (insert case site)

<sup>37</sup> Ibid., at p. 337.

<sup>38</sup> Intervenors’ April 2, 2010 letter to the Department.

In Bristol, the Board denied petitioner's initial petition of one-half the Town and instead recommended re-submittal of just Bristol Hamlet and its immediately surrounding lands. The Board ultimately approved petitioners' resubmitted petition.

In Richfield, although the petitioned area did appear to have extensive rural lands, in reality these lands were permanently preserved open space as part of existing conservation subdivisions. The Board determined that given the area's unique geological resources, the rural hamlet and conservation subdivision form of development was an appropriate urban form.

Similarly, Summit also involved a unique geologic feature – a gap in the Maquoketa shale layer that made the area critically important for groundwater recharge. However, and more importantly from the standpoint of the statutory standards, the area had vast amounts of wet and undevelopable soils, which were excluded from the statutory standards.

Excluding the unique circumstances of Richfield and Summit, those petitions still contained less rural acreage than this petition. As mentioned previously, roughly 80% of the proposed village of Bloomfield consists of rural lands.

Intervenors have frequently stated that they are not opposed to incorporation, just to the current petitions' size and inclusion of so much rural territory. They have stated that they would not oppose a smaller petition to incorporate Pell Lake and its immediately surrounding lands. Specifically, Lake Geneva supports using the DNR-owned wetlands as a natural boundary, known as the Bloomfield Wildlife Area. Genoa City supports using the East Branch Nippersink Creek and its associated wetland complex as the re-submitted boundary. The Board urges the parties to negotiate intergovernmental agreements that prepare the path to incorporation of Pell Lake. Such agreements would establish permanent boundaries, resolve the existing town island and peninsulas, and could provide for future service provisions and arrangements. Ultimately, such agreements could benefit the entire area.

The Department determined in 2000 that the Pell Lake community was Compact and Homogenous due to its dense urban development, businesses, grid-style network of streets, and social network. In 2010, Pell Lake still has these same attributes and the Board once again finds this area to be Compact and Homogenous.

The Board finds that as submitted, the petition does not meet the Compact and Homogenous standard in s. 66.0207(1)(a), Wis. Stats. for all of the reasons described above. However, the Board finds that the Pell Lake community, and the area surrounding Pell Lake framed by the wetlands and mucky soils, would meet the standard, and therefore recommends that the petition be re-submitted.

## **SECTION 1(B), TERRITORY BEYOND THE CORE**

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The standard to be applied is found in section 66.016(1)(b), Wis. Stats. and is as follows:

The territory beyond the most densely populated one-half square mile specified in s. 66.015(1)... shall have an average of more than 30 housing units per quarter section or an assessed value, as defined in s. 66.021(1)(a) for real estate tax purposes, more than 25% of which is attributable to existing or potential mercantile, manufacturing or public utility uses... The Board may waive these requirements to the extent that water, terrain or geography prevents the development.

The most densely populated one-half square mile is just south of Pell Lake, consisting of parts of Section 22 and 23 and is bordered roughly by Pell Lake to the north, Clover Road to the west, Mulberry Drive to the east, and CTH H and Rosewood Road to the south.<sup>39</sup>

Because the proposed village area has very little commercial or industrial activity, Petitioners show instead how they meet the housing unit density. According to Petitioners, the proposed village area has an average of 44.7 housing units per quarter section. **Table 9**, below, shows how this average was calculated.

<b>Table 9 – Housing Density</b>	
<b>Town of Bloomfield</b>	
Total Population (2008)	6,357
Total Number of Households (2008)	2,374
Persons Per Household	2.68
<b>Territory to Be Incorporated</b>	
Population in the Area to be Incorporated	5,814
Households in the Area to be Incorporated	2,169
Total Land Area in the Area to be Incorporated (acres)	11,570
Undevelopable Environmental Areas in the Territory to be Incorporated (acres)	4,803
Developable Area in the Area to be Incorporated (acres)	6,767
<b>Core Area (Most densely populated one-half square mile)</b>	
Population in the Core Area	958
Households in the Core Area	357
Total Land Area in the Core Area (acres)	320
Undevelopable Environmental Areas in the Core Area (acres)	40
Developable Area in the Core Area (acres)	280
<b>Territory Beyond the Core</b>	
Population in the Territory Beyond the Core	4,856

<sup>39</sup> Village of Bloomfield Incorporation Report, August 18, 2009, at p. 49.

Person Per Household	2.68
Households in the Territory Beyond the Core	1,812
Total Land Area in the Territory Beyond the Core (acres)	11,250
Undevelopable Environmental Corridor in the Territory Beyond the Core (acres)	4,763
Developable Area in the Territory Beyond the Core (acres)	6,487
Developable Area in the Territory Beyond the Core (quarter sections)	40.5
<b>Household Density of the Territory Beyond the Core (Households/Quarter section)</b>	<b>44.7</b>

## **Determination**

The Board finds that Petitioners' calculation is clear and accurate, and meets the housing unit density standard.

Intervenors object to removing the undevelopable environmental lands from the calculation. The statute does provide the Board with express authority to waive certain lands from the standard to the extent that they are undevelopable. It is undisputed that the lands Petitioners identify as undevelopable are in fact not developable due to their wet and mucky soils and their legal status as wetlands. Waiving these lands from the standard is appropriate and is backed by the precedence of past Department and Board determinations, and caselaw.

Intervenors also dispute how the Petitioners' calculation met this standard. They believe that it is inappropriate for a dense urban area like Pell Lake to be able to offset or make up for sparsely populated rural areas beyond the core. They argue that the number of households per quarter-section in the rural areas beyond the Pell Lake community is far below the required 30 housing units.

The statute does not require that every quarter-section be above 30 housing units, only that the territory beyond the core has an average of 30 housing units per quarter section. The Territory Beyond the Core standard is used along with the Compactness and Homogeneity standard to ensure that petitioned territory is compact. Therefore, although petitioned territory may meet one of these standards, there is still the other one to also consider. In this case, although the proposed village does exceed the density standard with Territory Beyond the Core, the dispersion of that density was found to violate the Compactness and Homogeneity standard.

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.

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## 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."*

Local service expenditures vary greatly across Wisconsin communities and are subject to the custom and expectations of the local residents. Because of this, the Department allows for a range of service levels and does not hold communities to fixed standards. However, at a minimum, Petitioners' proposed budget should be reasonable and meet basic service needs, while not straining residents with excessive tax rates.

The following paragraphs show that while there may be certain anticipated costs in the near future, Petitioners' proposed budget is reasonable and the area has sufficient ability to raise revenue to fund a level of services similar to or greater than those currently offered by the Town of Bloomfield.

### **Equalized Value**

The Town of Bloomfield's total equalized value of real estate and taxable personal property in 2008 was \$551,930,900. In 2009, Bloomfield's equalized value dropped slightly to \$513,859,600. As shown by **Table 10**, the Town's equalized value is fairly average when compared with other Walworth County municipalities, in addition to its neighbors in Kenosha County, the Towns of Randall and Wheatland, and the Village of Twin Lakes.

The proposed village area contains the vast majority of the Town's equalized value compared with that of the proposed Town remnant. Specifically, the proposed village's equalized value is estimated at \$505,016,774, which is 91.50% of Bloomfield's total value, while the Town remainder's value is estimated to be \$46,914,127, which is 8.50% of Bloomfield's value.<sup>40</sup> **Table 10** shows that the proposed village's estimated equalized value would put it roughly on par with its municipal neighbors, while the Town remnant's estimated equalized value would be the lowest by a substantial margin.

<b>Table 10 – Equalized Value</b>	
<b>Municipality</b>	<b>Equalized Value</b>
T. Linn	\$1,979,172,400
C. Lake Geneva	\$1,371,364,300
V. Fontana	\$1,326,316,400
T. Delavan	\$1,133,725,800
T. Geneva	\$1,049,951,400
V. Twin Lakes	\$884,404,500
T. La Grange	\$850,510,600
V. Williams Bay	\$798,106,300
T. East Troy	\$766,218,600
C. Delevan	\$752,851,600
C. Elkhorn	\$736,931,100
T. Randall	\$550,378,000
<b>T. Bloomfield</b>	<b>\$513,859,600</b>
<b>Proposed Village*</b>	<b>\$505,016,774</b>
T. Lyons	\$492,888,200
T. Sugar Creek	\$396,187,600
T. Wheatland	\$390,424,200
V. East Troy	\$364,188,000
T. Whitewater	\$325,744,000
T. Troy	\$272,222,500
T. Richmond	\$265,146,700
T. La Fayette	\$258,414,500
T. Spring Prairie	\$254,718,500
T. Walworth	\$245,600,800
V. Walworth	\$216,050,900
V. Genoa City	\$196,728,300
T. Darien	\$187,310,500
V. Darien	\$113,418,400
V. Sharon	\$85,821,400
T. Sharon	\$76,780,800
<b>Proposed Town Remnant*</b>	<b>\$46,914,127</b>

<sup>40</sup> *Village of Bloomfield Incorporation Report*, August 18, 2009, at p. 57. These estimates are based on 2008 equalized values, because 2009 values were not yet available at the time Petitioner's prepared their report.

**Proposed Budget**

**Table 11** provides Petitioners’ proposed budget for the new village and the town remnant, as well as Bloomfield’s current budget. This proposed budget is actually an amended budget. Originally, Petitioners’ proposed a budget of \$124,000 for the town remnant. However, questions raised by members of the Incorporation Review Board at the public hearing regarding the sufficiency of the public works and road budget for the town remainder led Petitioners to submit a revised budget following the hearing. Specifically, public works budget for road maintenance has been increased in proportion to the miles of road in the proposed village and remaining town area, and state aids have also been adjusted.

<b>Table 11 – Proposed Budget</b>			
<b>REVENUES</b>	<b>Existing Town</b>	<b>Proposed Village</b>	<b>Remaining Town</b>
Taxes	\$1,270,503	\$1290,026	\$108,031
Special Assessments	\$13,071	\$0	\$0
Intergovernmental Revenues	\$303,313	\$272,982	\$30,331
Licenses and Permits	\$226,694	\$215,558	\$14,335
Fines, Forfeitures, and Penalties	\$240,474	\$240,474	\$0
Public Charges for Services	\$390,025	\$370,566	\$19,502
Intergovernmental Charges	\$0	\$0	\$0
Miscellaneous Revenues	\$71,416	\$65,569	\$3,447
Other Financing Sources	\$0	\$0	\$0
<b>TOTAL REVENUES</b>	<b>\$2,515,496</b>	<b>\$2,455,175</b>	<b>\$175,646</b>
<b>EXPENDITURES</b>	<b>Existing Town</b>	<b>Proposed Village</b>	<b>Remaining Town</b>
General Government	\$349,195	\$385,761	\$42,000
Public Safety	\$996,040	\$998,100	\$17,500
Public Works	\$1,031,460	\$980,375	\$103,146
Health and Human Resources	\$1,625	\$1,625	\$0
Culture, Recreation, and Education	\$34,282	\$34,300	\$0
Conservation and Development	\$150	\$24,000	\$0
Capital Outlay	\$58,999	\$83,075	\$13,000
Debt Services	\$17,933	\$0	\$0
Other Financing Uses	\$0	\$0	\$0
<b>TOTAL EXPENDITURES</b>	<b>\$2,489,684</b>	<b>\$2,507,236</b>	<b>\$175,646</b>

**Table 11** shows that revenues and expenditures for the proposed village are substantially the same as they currently are for the Town, only slightly reduced on account of the town remnant’s suggested allotment. Other differences between the two budgets are \$0 in special assessments, as compared \$13,071 for the current town, and the \$24,000 in conservation and development spending for the new village, to which the current Town allocates only \$150.

As shown by **Table 11**, the largest expenditure for the proposed village is public safety, which is due to the Bloomfield/Genoa City Fire and Rescue Department, and also due to Petitioners’ suggestion that the proposed village will take over assets and liabilities of the current Town of Bloomfield Police Department.

The police department consists of seven full-time officers, office space in the Bloomfield Municipal Building, and four police vehicles. It is anticipated that the Town remainder will be served by the Walworth County Sheriff Department, although it could also choose to contract for supplemental services from the new village. No provision in the proposed budget has been made for supplemental service.

The arrangement for fire protection differs from police protection in that the department is a joint department between Bloomfield and Genoa City, and also in that provision has been made for the Town remnant to continue to receive service. The Department also occupies space as part of the Bloomfield Municipal Building. It has two paid staff and volunteers from both member municipalities, and is funded by local government contributions based on proportionate shares of the service area population and equalized valuation, as described in the *Town of Bloomfield & Village of Genoa City Fire Services Agreement (2002)*. Currently, the Town of Bloomfield provides approximately 64 percent of the funding, while Genoa City provides approximately 36 percent. Petitioners anticipate that the joint department would continue after incorporation, but that the fire services agreement would need to be amended to reflect the new village and town remnant.

Also significant with the proposed budget is that it does not include the Pell Lake Sanitary District (PLSD). Over the next several years, Petitioners anticipate that the PLSD would be merged into the new village, so that the village would acquire its assets and liabilities. Because sewer service districts tend to operate as self-supporting jurisdictions funded through hook-up charges and user fees, the financial impact on the new village is unlikely to be significant.

Finally, stormwater management could also impact the proposed budget. Currently the Town of Bloomfield does not have stormwater management facilities. However, it has a plan that calls for the development of facilities, and it has a stormwater management ordinance. Given the increased state and national recognition of the importance of stormwater management, it is likely that facilities such as retention ponds, grassy swales, curb and gutter, etc. may be constructed in the near future, and this could impact the new village budget.

On the revenue side, the Town of Bloomfield currently collects impact fees to pay for park, law enforcement, and fire and rescue capital facilities. Petitioners propose that the new village will continue to collect impact fees as a similar level.<sup>41</sup>

### **Tax Rate**

Based on the estimated equalized values and the proposed budget, **Table 12** below shows the proposed total tax levy and rate for the proposed village and town remnant, as well as for the current Town of Bloomfield. The table shows that the tax levy for the proposed village would rise slightly as compared to the current town, as well as its tax rate. According to Petitioners, the higher levy and rate is due to the fact that the new village would be supporting essentially the same level of services with a smaller tax base<sup>42</sup>, although it's worth noting that the service area would also decrease even more substantially than the tax base. Petitioners also explain that the higher rate is due to one-time professional and service costs associated with becoming a village, such as attorney fees.<sup>43</sup> The \$0.24 higher property tax per \$1,000 of equalized value means that for a \$200,000 property, the increase in local property taxes would be roughly \$48.00 per year.

Table 12 shows that the tax levy for the remaining town would be just a fraction of the Town of Bloomfield's levy, roughly a 90% decrease. Meanwhile, its tax rate would increase very slightly by only \$0.04. The decrease in services and increase in tax rate is due to the smaller number of residents from whom to draw revenue. The tax rate would further increase should residents within the town remainder choose to contract for supplemental service from the new Village of Bloomfield police department.

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<sup>41</sup> *Village of Bloomfield Incorporation Report*, August 18, 2009, at p. 63.

<sup>42</sup> *Ibid.* at p. 58.

<sup>43</sup> *Ibid.* at p.58.

<b>Table 12 - Taxes</b>			
	<b>Existing Town</b>	<b>Proposed Village</b>	<b>Remaining Town</b>
<b>Full Value Tax Base</b>	\$551,930,900	\$505,016,774	\$46,914,127
<b>General Property Tax</b>	\$1,247,367	\$1,263,132	\$108,031
<b>Full Value Local Tax Rate</b>	.00226	.00250	.00230

\*From submittal at page 60, and Petitioners supplemental testimony, April 1, 2010.

### ***Municipal Debt***

The Town of Bloomfield has no municipal debt. Thus, the proposed Village, as well as the Town remainder, will not have any transferred municipal debt or liabilities at their date of creation. Also, because Petitioners anticipate that the new village will acquire all the building and equipment assets of the current Town of Bloomfield<sup>44</sup>, the new village will face relatively few capital facility needs. Also, when the PLSD is merged into the new Village, the new Village would also acquire all of its resources and assets.

The current Town of Bloomfield's assets will be apportioned between the new village and town remnant based on equalized value. Because the new village contains more than 90% of the current Town's equalized value, it will retain the actual physical assets, while the town remnant will receive a payout or credit for its share. As a result, the town remnant may need to acquire these same types of assets in the future, or contract for services. Regarding office space, Petitioners have budgeted \$13,000 for the town remnant to rent space within the Bloomfield Municipal Building. However, the town remnant may still be responsible for office equipment and supplies. Because Bloomfield has no municipal debt, the remnant would have adequate capacity to acquire these and other physical assets.

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<sup>44</sup> As mentioned previously, the new village would acquire the existing Town of Bloomfield Municipal Center, the Police Department assets and equipment, the garage, building, all park lands and equipment, and all road maintenance equipment from the existing town.

## **DETERMINATION**

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The Board finds that should incorporation occur, the proposed Village of Bloomfield would have substantially sufficient revenue to effectuate typical home-rule powers and services. The proposed budget for the new village is essentially the same as that for the current Town of Bloomfield, and the new village would have 90% of the current Town's equalized value but 15 square miles less territory to serve. Its tax rate is expected to rise only slightly. Furthermore, the absence of any debt, and the fact that it will acquire all of the Town's current assets means that the new village will start out on strong financial footing.

Therefore, the Board determines that the petition meets the *Tax revenue* standards set forth in §66.0207 (2) (a), Wis. Stats.

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## **SECTION 2(B) LEVEL OF SERVICES**

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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 the Interveners did not file a certified copy of a resolution to annex the entire petitioned territory with the Walworth County circuit court, this standard is not applicable.

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

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

This standard is meant to ensure the well-being of the proposed town remnant and its residents. Incorporation should not have a detrimental effect and leave behind a town remnant too small or fragmented to efficiently govern itself, and with too few assets and revenue sources with which to provide municipal services.

Regarding the proposed Bloomfield Town remnant, numerous questions were raised by Interveners, Incorporation Review Board members, and Department staff regarding the remnant's feasibility. Questions focused on the physical layout of the remnant, as well as its proposed budget. The following paragraphs examine each of these issues more specifically.

### ***Physical Layout of Town Remnant***

As mentioned previously under the Compact and Homogenous section, the Town remnant consists of approximately eleven separate town fragments, all shown in Map 1, at Appendix A. The main body of the remnant would be approximately southwest of the West Branch Nippersink Creek and CTH H. This area contains a large intact block of farmland and other rural lands, and as mentioned previously, Bloomfield's comprehensive plan recommends that this area remain rural. However, the following are the specific fragments of territory that would be separated from the main body of Town remnant:

- Piece #1 – in the northwest corner of Bloomfield adjacent to Lake Geneva, a piece roughly 300 acres in size in Section 7 would be separated by the Town of Linn and the proposed new village;
- Piece #2 – also in the northwest corner of Bloomfield adjacent to Lake Geneva, a roughly 500-acre piece in Sections 5, 6, 7, and 8 is separated by the new larger piece further to the north would be separated by the proposed new village;
- Piece #3 – located within Lake Geneva along CTH H in Section 6, and completely surrounded by the City, is a small piece only a few acres in size;
- Piece #4 – also located within Lake Geneva along CTH H in Section 6, and completely surrounded by the City, is a second small piece only a few acres in size;
- Piece #5 – also located within Lake Geneva in Section 6 along Town Line Road, and completely surrounded by the City and the Town of Lyons, is a piece 10-15 acres in size;
- Piece #6 – located in the southeast corner of Bloomfield in Section 25, separated by the recent Kloppstein annexation to Genoa City.
- Piece #7 – located in the southeast corner of Bloomfield in Sections 25 and 36, a mile-long peninsula of proposed town remnant land cuts down into Genoa City along USH 12.

- Piece #8 – located in the southeast corner of Bloomfield in Section 36, immediately along the USH 12 peninsula mentioned above, is a small piece of proposed town remnant territory only a few acres in size that would be almost completely surrounded by Genoa City;
- Piece #9 – located in the southeast corner of Bloomfield in Section 36, immediately along the USH 12 peninsula mentioned above, is a second small piece of proposed town remnant territory only a few acres in size that would be almost completely surrounded by Genoa City;
- Piece #10 – located in the southeast corner of Bloomfield in Section 36, immediately along the USH 12 peninsula mentioned above, is a third piece of proposed town remnant territory only a few acres in size that would be almost completely surrounded by Genoa City, and
- Piece #11 – located in the southeast corner of Bloomfield in Section 36, immediately along the USH 12 peninsula mentioned above, is fourth piece of proposed town remnant territory 10-15 acres in size that would be almost completely surrounded by Genoa City.

The fact that the proposed town remnant would be separated into so many fragments, islands, and peninsula creates a number of problems. First, providing services to these various pieces of territory can be difficult because of their dispersed nature. The Town remnant may need permission from Lake Geneva to utilize City lands in order to access the town islands. It also creates difficulty and confusion for town and city staff and area residents in knowing which areas are in the town versus city. For example, both City and Town fire departments may respond to an emergency call from a town island resident because of confusion over the boundaries and a desire to error on the safe side, even if it means providing service to a different community's residents.

Second, the fragmented pieces of the town remnant create problems for community identity. For example, residents living within the main block of town remnant territory that is agricultural and rural will likely have much a different conception of themselves than residents from a town island or peninsula area, which may not even be aware that they live in the Town of Bloomfield. Because they are surrounded by Lake Geneva, they may assume that they are Lake Geneva residents.

Third, providing services to dispersed town fragments will likely cost more. However, as indicated previously, Petitioners have budgeted \$175,000 for the town remnant. The remnant could choose to not provide services to the residents of these fragment areas, to "leave them on their own", however, that solution just passes service responsibility on to other jurisdictions such as Lake Geneva, Genoa City, or Walworth County, and is not a good long-term solution.

The Board recommends that Bloomfield develop boundary agreements with its municipal neighbors in order to remedy these islands and peninsulas. By swapping territory, agreeing to service provision, and possibly revenue-sharing, the situation could be substantially improved and benefit area residents and businesses.

### ***Financial Impact on Town Remnant***

As mentioned previously under the Tax Impact standard, roughly 90% of the Town of Bloomfield's equalized value will transfer to the proposed new village. Specifically, of Bloomfield's \$551,930,900 value, only \$46,914,127 will remain with the remaining town. This

is due to the fact that the petition includes the Pell Lake community, the Nippersink neighborhood, Lake Ivanhoe, and substantially all other developed parts of the town. The territory remaining in the town tends to be rural and undeveloped, and unpopulated. In fact, of the more than 5,000 Bloomfield residents, only 543 will remain in the Town. **Table 10** shows that the proposed town remainder would have the lowest equalized value of all Walworth County municipalities, being almost 50% lower than the Town of Sharon, which is the next lowest community.

Regarding the proposed budget, as mentioned previously under the ‘Tax Impact’ section, Petitioners initially proposed a budget of \$124,000 for the town remainder. However, this amount was revised to \$175,000 after the public hearing in response to concerns from Board members, Department staff, and Interveners. Even raising the budget by \$50,000 may not be sufficient. **Table 13** shows the 2008 budgets for all similarly-sized Wisconsin Towns with a population of 500-599 people. The table shows that of the 85 towns examined, only 7 had expenditures less than of \$175,000. The average expenditure amount was \$309,391.00.

Petitioners point out that comparing the proposed town remnant with other similarly-populated towns is misleading because these other towns may have more area or other variables that affect the analysis. For example, Petitioners point to towns in northern Wisconsin that receive significant revenues from the National Forest Service. The Board recognizes these limitations with Table 13. Despite individual differences between Bloomfield and the towns shown in the table, the analysis is still useful in pointing out that while there are towns in Wisconsin that are able to budget less than \$175,000, these are the minority. For most Towns, a budget closer to \$300,000 is the realistic cost to running a town government and providing services to residents. Given the town remnant’s low population and assessed value, increasing its budget to the state average for similarly-sized towns would be an increase of \$134,000, or a 76% jump from current budgeted amount. In terms of tax rate, the result would be an increase to \$4.05 per \$1,000 of equalized value, and increase of \$1.79 from residents’ current rate. For a \$200,000 property, the increased tax rate would mean approximately \$358.00 in additional local taxes.

<b>Table 13</b>			
<b>Town</b>	<b>County</b>	<b>Population</b>	<b>Budget</b>
Agenda	Ashland	508	339,000
Morse	Ashland	541	384,900
Doyle	Barron	540	262,200
Bayview	Bayfield	538	434,900
Drummond	Bayfield	572	950,200
Grand View	Bayfield	551	651,900
Oulu	Bayfield	542	450,300
Washburn	Bayfield	568	506,900
Dover	Buffalo	509	259,200
Glencoe	Buffalo	503	314,100
Milton	Buffalo	547	151,500
Waumandee	Buffalo	525	262,300
La Follette	Burnett	517	200,500
Sand Lake	Burnett	567	318,900
Birch Creek	Chippewa	533	252,600
Hendren	Clark	520	255,200
Levis	Clark	544	241,400
Hampden	Columbia	571	307,500

Springvale	Columbia	563	256,300
Marietta	Crawford	539	309,100
Scott	Crawford	538	279,200
Shields	Dodge	577	208,500
Otter Creek	Dunn	534	273,100
Wilson	Dunn	506	222,500
Otter Creek	Eau Claire	536	151,600
Argonne	Forrest	552	312,000
Harrison	Grant	521	315,000
Hickory Grove	Grant	508	351,200
Liberty	Grant	562	436,000
Marion	Grant	593	341,100
Mount Ida	Grant	543	374,100
North Lancaster	Grant	545	365,700
Waterloo	Grant	593	473,600
Adams	Green	504	235,700
Mackford	Green Lake	592	267,900
Waldwick	Iowa	526	203,600
Northfield	Jackson	571	281,900
Orange	Juneau	578	223,400
Bangor	La Crosse	595	215,800
Benton	La Fayette	506	177,000
Ackley	Langlade	538	149,100
Langlade	Langlade	506	215,400
Bern	Marathon	596	207,400
Elderon	Marathon	590	278,500
Franzen	Marathon	524	187,000
Green Valley	Marathon	555	228,400
Crystal Lake	Marquette	544	253,500
Moundville	Marquette	595	135,200
Newton	Marquette	564	237,900
Shields	Marquette	505	168,400
Grant	Monroe	509	208,800
Ridgeville	Monroe	583	258,300
Wells	Monroe	599	264,400
How	Oconto	583	279,300
Diamond Bluff	Pierce	511	140,200
Rock Elm	Pierce	531	419,100
Salem	Pierce	532	355,900
Spring Lake	Pierce	597	334,800
Clam Falls	Polk	593	343,500
Johnstown	Polk	590	210,000
Flambeau	Price	583	460,500
Prentice	Price	501	246,700
Eagle	Richland	588	234,800
Sylvan	Richland	564	229,900
Willow	Richland	504	248,100
Rusk	Rusk	525	332,100
Rush River	St Croix	529	162,600
Bear Creek	Sauk	580	407,200

Almon	Shawano	595	303,500
Hutchins	Shawano	581	258,700
Morris	Shawano	521	276,800
Seneca	Shawano	560	230,400
Goodrich	Taylor	500	196,800
Burnside	Trempealeau	536	212,000
Unity	Trempealeau	566	238,100
Whitestown	Vernon	557	374,800
Plum Lake	Vilas	544	915,600
Winchester	Vilas	519	1,096,600
Birchwood	Washburn	565	484,100
Madge	Washburn	500	236,900
Springbrook	Washburn	565	173,900
Stone Lake	Washburn	591	445,700
Harrison	Waupaca	514	498,500
Hancock	Waushara	580	180,300
Plainfield	Waushara	581	258,400
Cameron	Wood	538	211,800
<b>Average</b>		<b>548</b>	<b>\$309,391</b>

The Board recognizes that the fact that seven similarly-sized towns in Wisconsin did budget less than \$175,000 in 2008 which does demonstrate that running town government with that amount is possible.

Also supporting Petitioners' claim is the fact that the Town of Bloomfield's comprehensive plan recommends that the largest block of town remnant land, southwest of West Branch Nippersink Creek and CTH H, remain rural and undeveloped. This makes it less likely that residents will in the near future demand higher services. However, the fact that the town remnant also includes numerous town fragments located within urban areas raises the possibility that residents in these areas will demand higher services.

Given the fairly high level of services that Bloomfield residents have experienced and have come to expect, it is possible that they would also expect these of the town remnant government as well. Even if service levels are kept to a minimum, there are one-time costs associated with establishing a new government such as training a new clerk, purchasing equipment, hiring staff or contracting for services such as assessor, attorney, building inspector, engineer, etc. which would likely increase the budgeted amount. Given the limited assessed value and low population, the impact on individuals residing within the town remnant could be significant. Given this situation, an emergency such as a natural disaster, or a lawsuit, or some other unexpected situation could easily become a financial crisis for the remnant and its residents.

Because Petitioners have pointed out that maintenance of local roads is the primary budget expense for towns<sup>45</sup>, **Table 14** examines how the proposed town of Bloomfield remnant would compare with other Wisconsin towns with similar road mileage. The table shows all Wisconsin towns with similarly-situation towns in Wisconsin with 9-20 miles of local road, along with their 2008 budget amounts.

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<sup>45</sup> Petitioners' testimony at the May 13<sup>th</sup> 2010 Incorporation Review Board meeting in Madison, Wisconsin.

**Table 14**

<b>Town</b>	<b>County</b>	<b>Local Road Miles</b>	<b>Budget</b>
Alma	Buffalo	18.24	137,000
Lincoln	Buffalo	12.05	82,100
Foster	Clark	18.24	120,500
Bridgeport	Crawford	19.61	300,900
Blooming Grove	Dane	17.97	1,311,500
Madison	Dane	13.51	8,719,800
Chester	Dodge	17.40	119,700
Peru	Dunn	19.33	135,000
Caswell	Forrest	13.54	126,400
Ross	Forrest	16.44	124,800
Millville	Grant	17.41	154,600
Kingston	Green Lake	17.67	320,500
Brighton	Kenosha	16.02	324,100
Barre	La Crosse	16.16	294,300
Campbell	La Crosse	19.16	1,744,500
Medary	La Crosse	17.29	291,800
Parish	Langlade	10.58	70,600
Manitowoc	Manitowoc	11.93	354,800
Harrison	Marathon	18.63	130,700
Weston	Marathon	14.85	348,400
Moundville	Marquette	17.02	135,200
La Fayette	Monroe	10.87	113,100
New Lyme	Monroe	15.91	91,500
Enterprise	Oneida	14.38	233,600
Piehl	Oneida	13.65	102,200
Stockholm	Pepin	17.99	115,400
Diamond Bluff	Pierce	14.14	140,200
Isabelle	Pierce	11.20	59,000
Cedar Rapids	Rusk	18.83	52,200
South Forks	Rusk	15.90	145,500
Pleasant Valley	St. Croix	18.85	204,400
Bartelme	Shawano	19.41	117,700
Dodge	Trempealeau	18.09	155,400
Liberty	Vernon	18.74	136,000

Stinnett	Washburn	19.51	155,900
Weyauwega	Waupaca	19.06	249,800
Wyoming	Waupaca	18.66	163,200
Cameron	Wood	10.71	211,800
Cranmoor	Wood	9.28	83,100
Hiles	Wood	15.12	146,800
<b>AVERAGE</b>		<b>16.49</b>	<b>462,153</b>

**Table 14** shows that the towns examined have average 16.49 miles of local road and an average 2008 budget of \$462,153, roughly two and a half times greater than Petitioners' proposed budget of \$175,000 for the remnant. However, it is important to note that many of the towns in the table have budgets similar to the remnant's budget, or even less. In fact, the median 2008 budget amount is only \$138,500. Therefore, the table shows that road mileage does constitute a significant percentage of some towns' budgets, and where road mileage is small, the result can be a budget equal to or less than what Petitioners propose. However, Table 14 also shows that not all towns with few road miles also have a smaller budget. Those towns with few road miles, but that are located within or adjacent to a city or village, had budget greater than Petitioners' proposed \$175,000. It is possible that being proximate to an urban community results in an expectation of more services, so that road maintenance is not the primary budget expense.

Because the proposed town remnant would be adjacent to the City of Lake Geneva and the Village of Genoa City, it cannot be categorized along with the rural towns in Table 14, nor does it fit with the really urban towns such as the Towns of Madison, Blooming Grove, and Campbell that are within or adjacent to very large cities and have budgets of several million dollars. Instead, the Bloomfield remnant falls somewhere in the middle.

In order to understand how the remnant compares within its peer group, a total of four similarly-situated Wisconsin towns were examined, as shown by Table 14. These towns are similar in terms of road mileage, land use, and proximity to a city or village roughly the size of Lake Geneva. Regarding population, the Town of Weyauwega is similar, while the other three are higher. **Table 15** shows an average 2008 budget of \$292,275, roughly one-and-a-half times greater the Petitioners' proposal. These towns have the same expenditure categories (General Government, Fire, Highway Maintenance & Administration, Solid Waste Collection & Disposal), as does the proposed town of Bloomfield remnant, however, the amounts these towns allocate are greater.

<b>Town</b>	<b>County</b>	<b>Town Road Miles</b>	<b>Population</b>	<b>Budget</b>	<b>Municipal neighbors</b>
Bridgeport	Crawford	19.61	1,018	300,900	Prairie du Chien
Brighton	Kenosha	16.02	1,526	324,100	Union Grove, Paddock Lake
Barre	La Crosse	16.16	1,190	294,300	West Salem
Weyauwega	Waupaca	19.06	642	249,800	Weyauwega, Waupaca
<b>Bloomfield Remnant*</b>	<b>Walworth</b>	<b>15.00</b>	<b>543</b>	<b>175,000</b>	<b>Lake Geneva, Genoa City</b>
<b>AVERAGE</b>		<b>17.75</b>	<b>1,049</b>	<b>292,275</b>	

\*not included in the average calculations

Also, the Town of Barre allocates \$28,000 to parks and recreation, which none of the others do, and the Town of Weyauwega allocates \$29,000 to debt service, which none of the others do.

Based on **Tables 14 and 15**, it appears that Petitioners proposed budget would be appropriate were the remnant located in Forrest, Grant, or other rural Wisconsin Counties. However, it appears too low when compared with its peer group. Adjusting the budget to \$275,000 – to \$300,000 is likely more realistic. This would have the effect of increasing the remaining resident's tax rates by one-and-a-half times to \$3.50 per \$1,000. For a \$200,000 property, this would result in a tax increase of \$240 per year.

## **DETERMINATION**

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Petitioners apportioned assets between the village and town remnant based on equalized value and population, and on that basis, the apportionment was fair. The town remnant has much less population and value than the proposed village territory, so one would expect the remnant to receive much less in terms of assets.

However, from the standpoint of a resident left in the Town of Bloomfield, the situation could also be perceived as unfair. While before, that individual resident may have enjoyed fairly substantial town services, they now would experience a decline in services while at the same time may be experiencing an increase in taxes. Necessary services and the cost of running the town government will be distributed over significantly fewer residents and a lower equalized value.

Table 13 shows that similarly-sized towns in Wisconsin are able to operate on budgets of \$175,000 and less, although, these are the minority. The Board is concerned with the Town remnant's financial footing if the proposed incorporation were to occur. A larger remnant with greater population and equalized value would more likely meet the standard. For example, were the remnant to include the Ivanhoe and Nippersink neighborhoods, the remnant's value and resources would be substantially greater.

The Board is especially concerned about the fragmented nature of the remnant, and all of the problems resulting from this.

Given all of the foregoing, the Board concludes that the town remnant may be negatively impacted as a result of incorporation. Therefore, the standard in s. 66.0207(2)(c) Wis. Stats. is not met.

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## **SECTION 2(D), IMPACT UPON THE METROPOLITAN COMMUNITY**

The standard to be applied is found at section 66.016(2)(d), Wis. Stats., and is as follows:

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

The “metropolitan community” is defined in section 66.013(2)(c), Wis. Stats., to mean:

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

This standard is inapplicable to the present case because Bloomfield is an “isolated community” rather than a “metropolitan community”, and was found by Walworth County Circuit Court Judge John Race to meet the standards for an isolated community.

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## **APPENDIX**

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### **APPENDIX A: Maps**

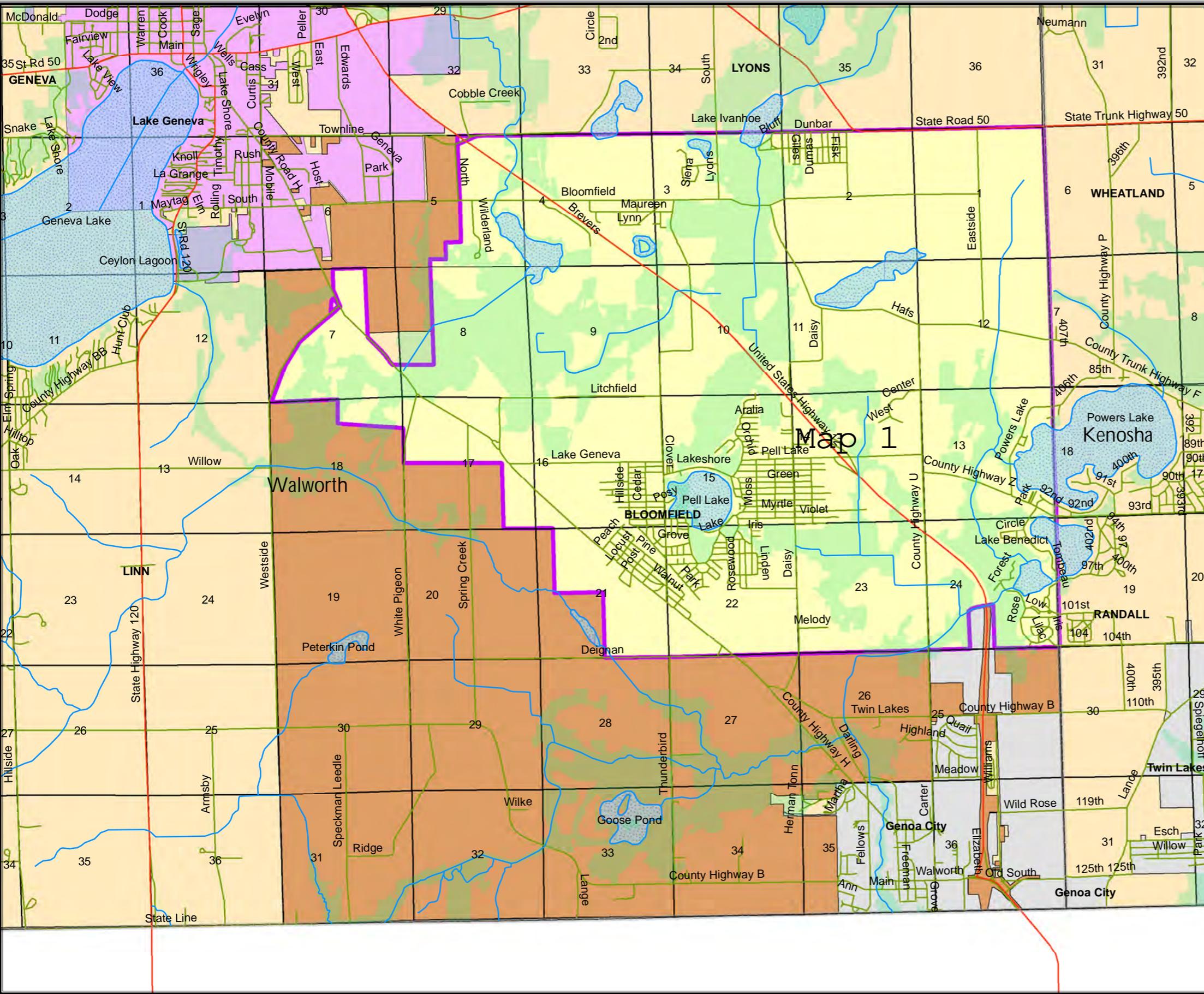
- Map 1      Municipal Boundaries & Environmental Corridors  
Proposed Incorporation of the Town of Bloomfield
- Map 2      Suitability of Soils for Residential Development with  
Public Sanitary Sewer Service in the Town of Bloomfield
- Map 3      Surface Water Resources in the Town Of Bloomfield: 2000
- Map 4      Existing Functional and Jurisdictional Roadway System
- Map 5      Sanitary Sewer Service Areas
- Map 6      Existing Land Uses - Year 2000
- Map 7      Proposed Village of Bloomfield
- Map 8      Zoning
- Map 9      Future Land Uses – 2025

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# Municipal Boundaries & Environmental Corridors

## Proposed Incorporation of the Town of Bloomfield

MAP 1

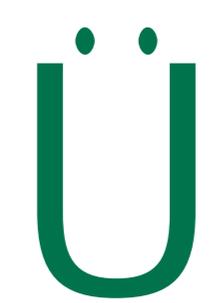
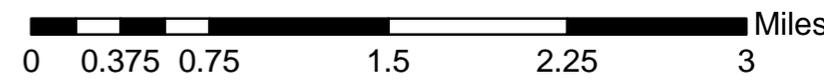


### Legend

- 2005 Primary Environmental Corridors
- Lakes
- DOT Highways
- Proposed V-Bloomfield Boundary
- Town of Bloomfield Remnant

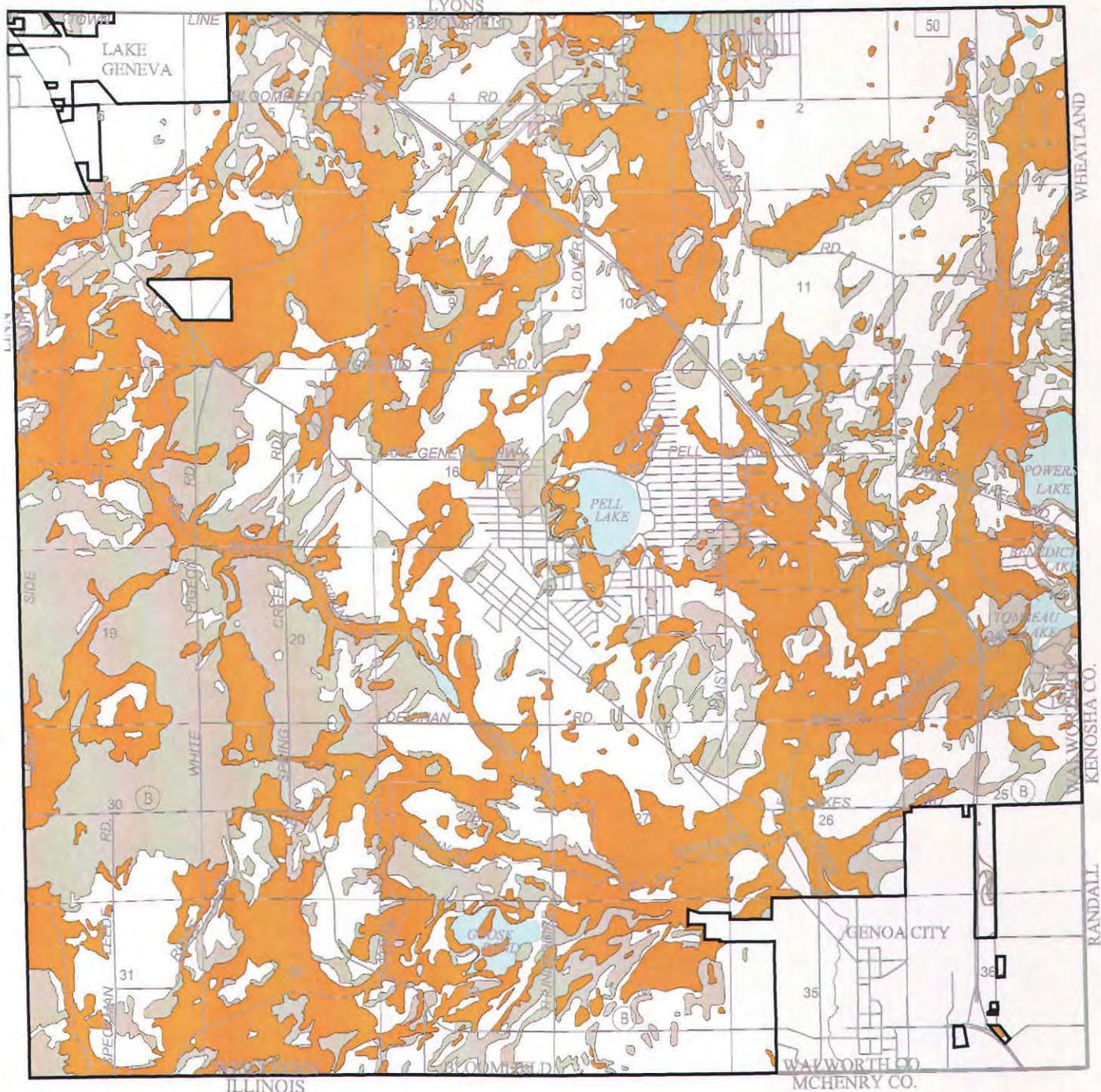
### Municipal Boundaries

- City
- Village
- Town

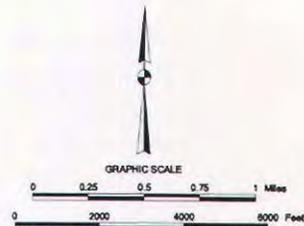


# Map 2

## SUITABILITY OF SOILS FOR RESIDENTIAL DEVELOPMENT WITH PUBLIC SANITARY SEWER SERVICE IN THE TOWN OF BLOOMFIELD



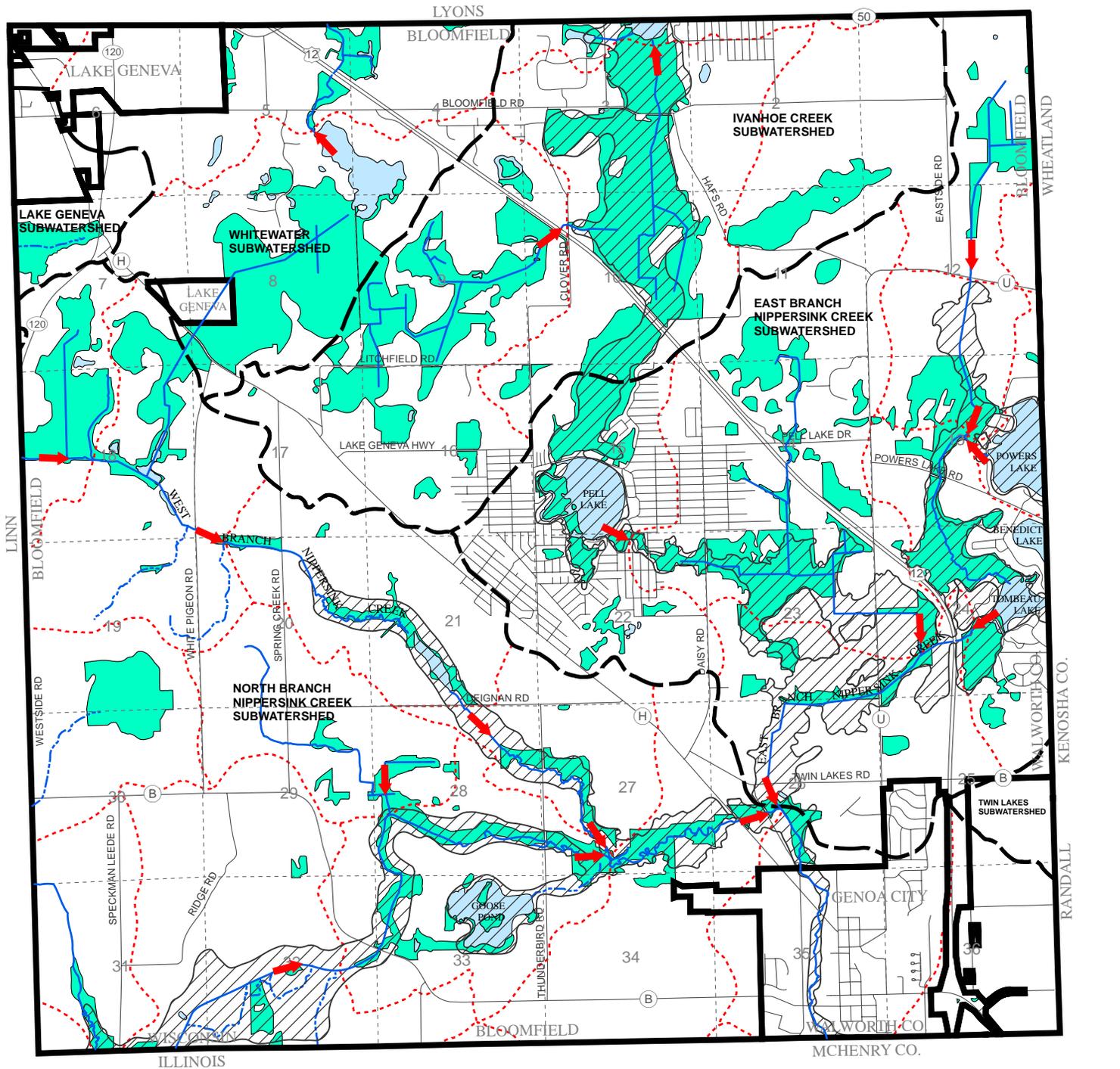
-  AREAS COVERED BY SOILS HAVING SEVERE LIMITATIONS FOR RESIDENTIAL DEVELOPMENT WITH PUBLIC SANITARY SEWER SERVICE
-  AREAS COVERED BY SOILS HAVING MODERATE LIMITATIONS FOR RESIDENTIAL DEVELOPMENT WITH PUBLIC SANITARY SEWER SERVICE
-  AREAS COVERED BY SOILS HAVING SLIGHT LIMITATIONS FOR RESIDENTIAL DEVELOPMENT WITH PUBLIC SANITARY SEWER SERVICE
-  OTHER: AREAS CONSISTING FOR THE MOST PART OF DISTURBED LAND FOR WHICH NO INTERPRETIVE DATA ARE AVAILABLE



Source: U.S. Natural Resource Conservation Service and SEWRPC.

# Map 3

## SURFACE WATER RESOURCES IN THE TOWN OF BLOOMFIELD: 2000



- Subwatershed Boundary
- - - Subbasin Boundary
- Perennial Stream
- - - Intermittent Stream
- ▨ 100-Year Floodplain
- Wetlands
- Surface Water
- ➔ Direction of Flow

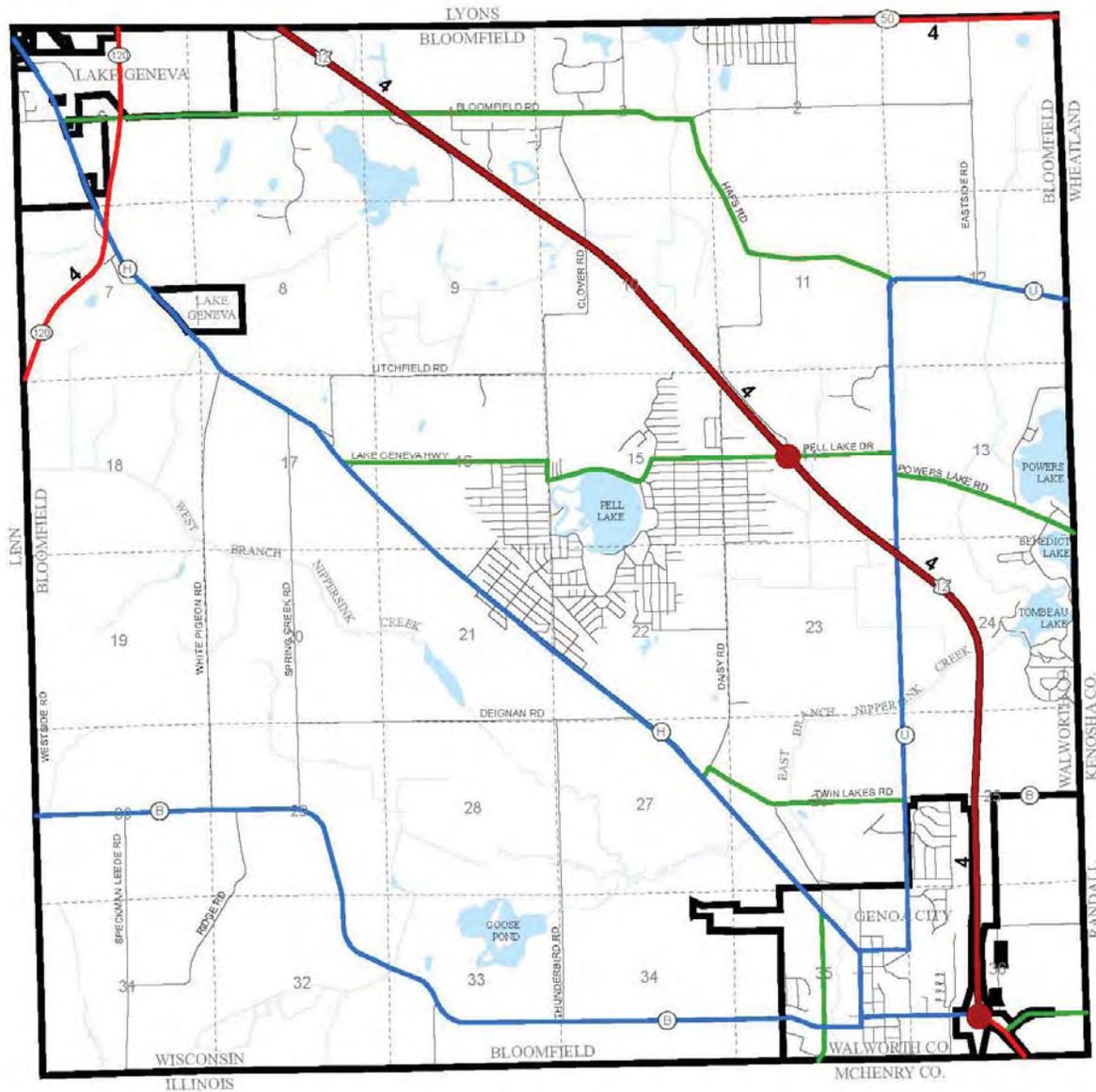


0 0.5 1 Miles

0 2,000 4,000 6,000 8,000 Feet

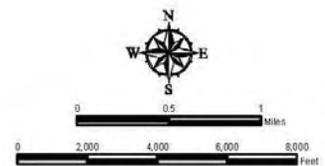
Source: SEWRPC and Walworth County

## Existing Functional and Jurisdictional Roadway System

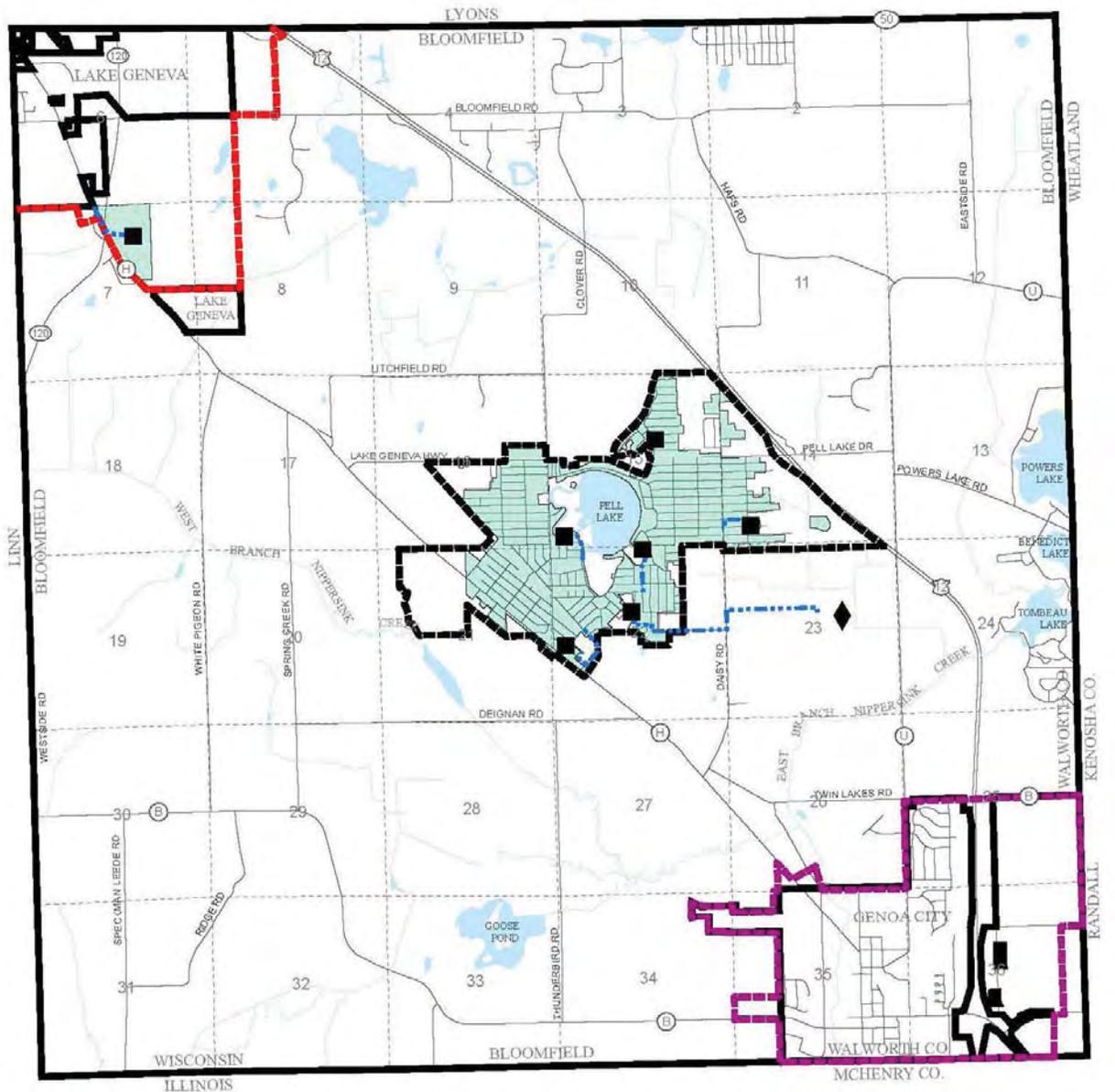


- Freeway-State Trunk Highway
- Freeway-Nonfreeway Interchange
- State Trunk Highway
- County Trunk Highway
- Local Trunk Highway
- 4** Number of Traffic Lanes  
(2 where unnumbered)

Source: SEWRPC and Walworth County

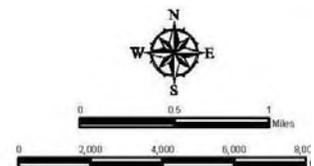


Sanitary Sewer Service Areas

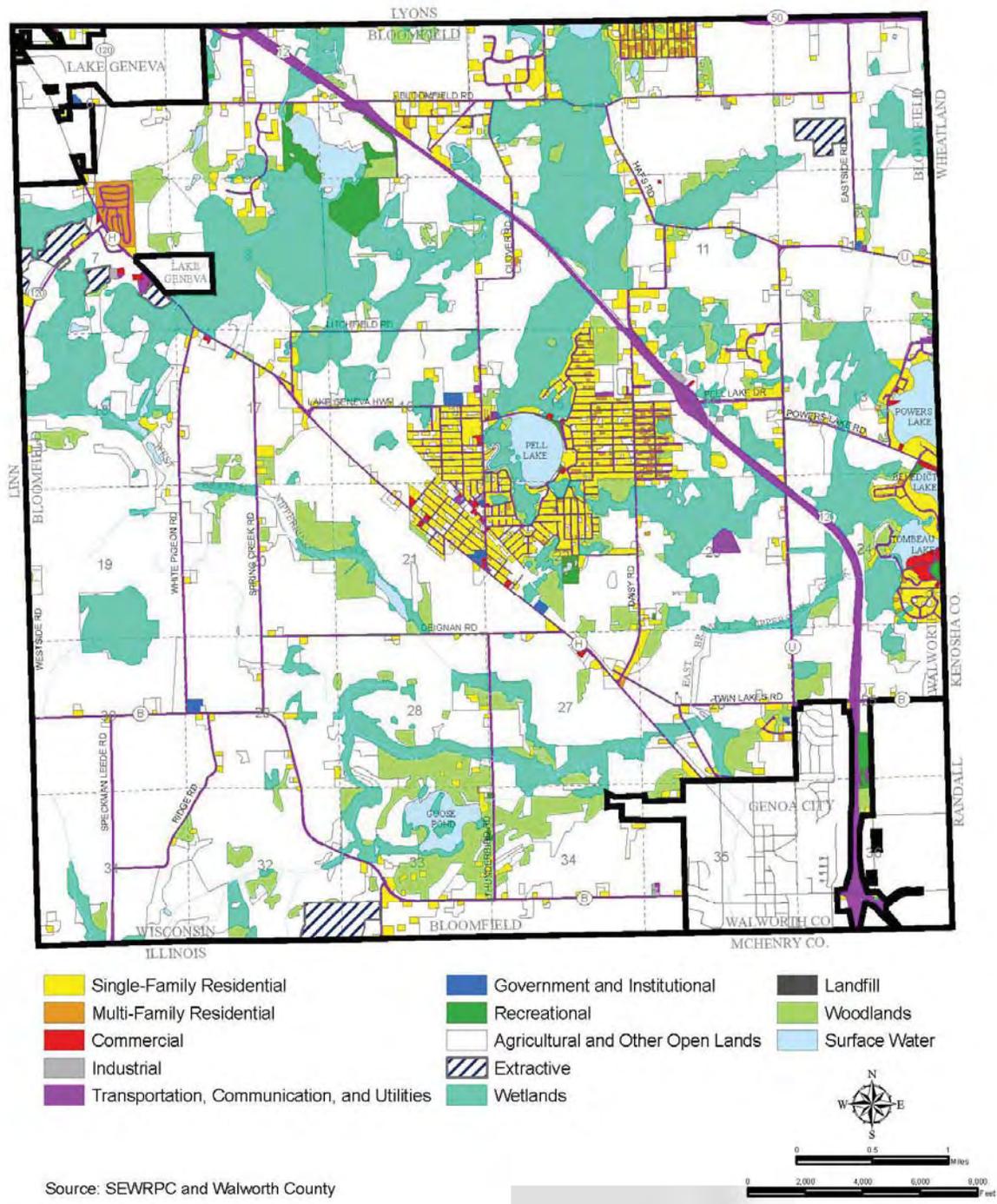


- Urban Development Served By Public Sewer Within the Town of Bloomfield (2000)
- Existing Public Sewage Treatment Facility
- Existing Lift Station or Pumping Station
- Pell Lake Sanitary Sewer Service Area Boundary
- Genoa City Sanitary Sewer Service Area Boundary
- Lake Geneva Sanitary Sewer Service Area Boundary
- Existing Force Main

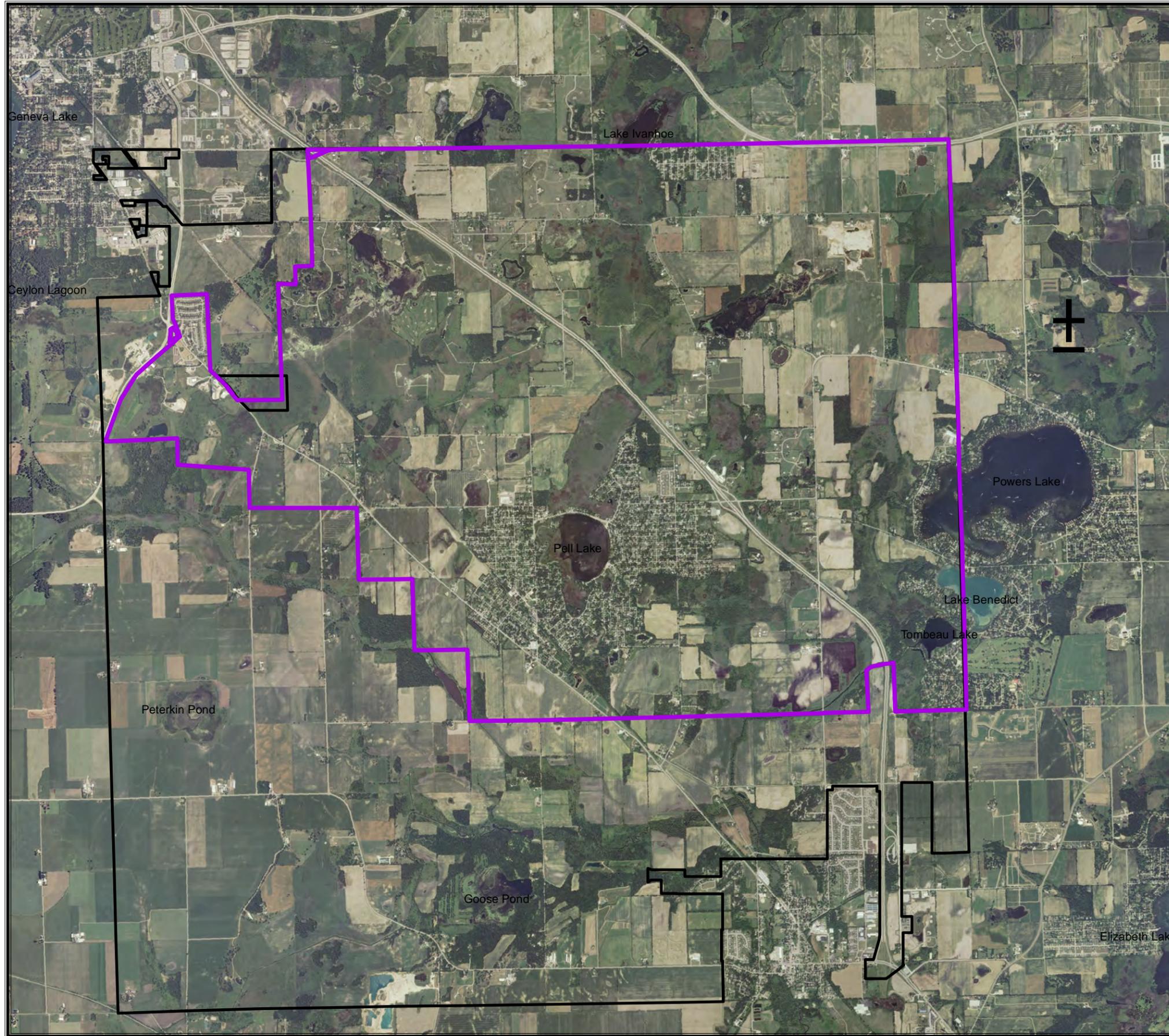
Source: SEWRPC and Walworth County



## Existing Land Uses - Year 2000

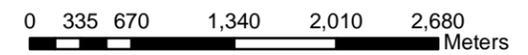


**Proposed Village of Bloomfield**

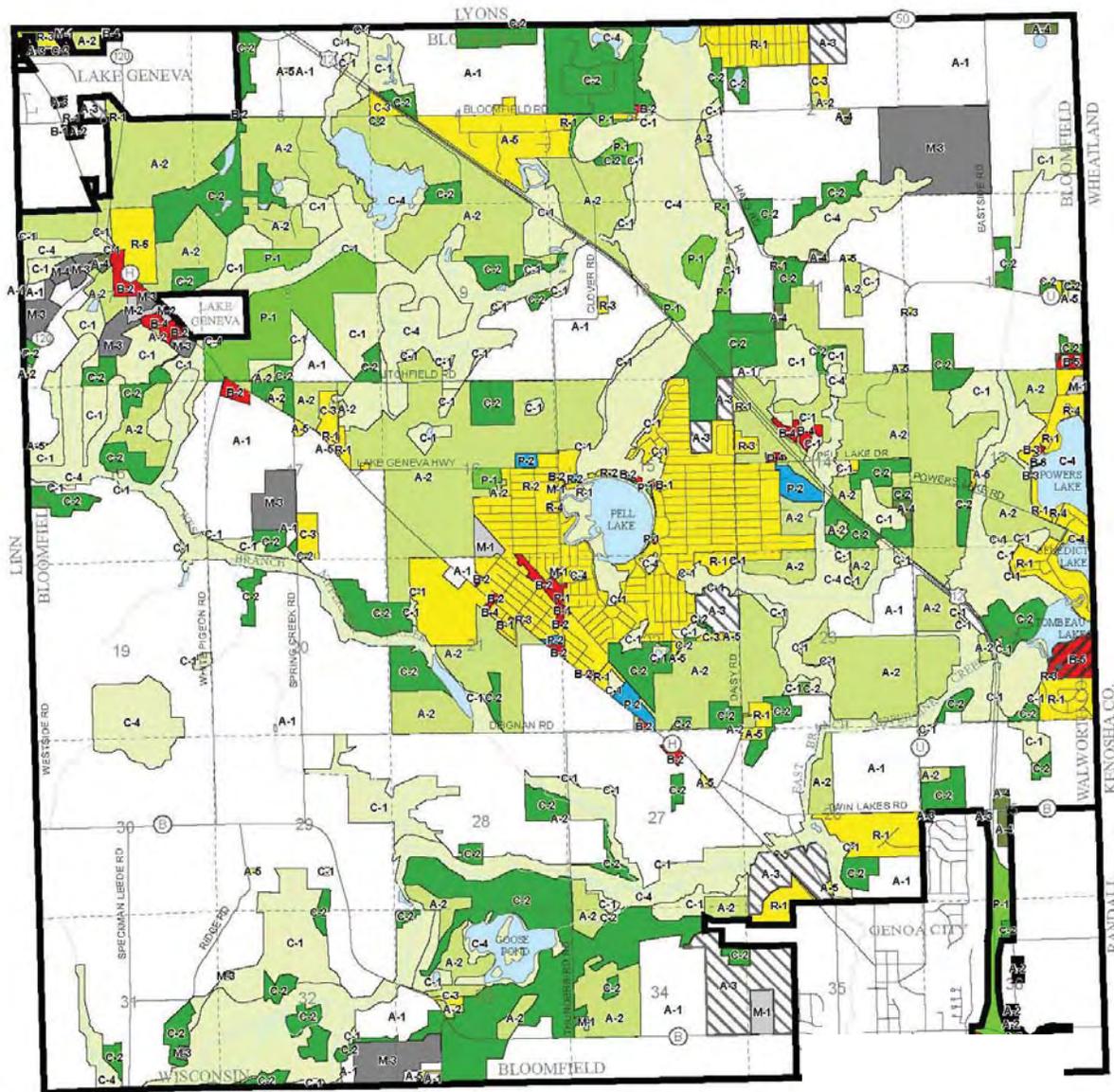


**Legend**

-  Proposed V-Bloomfield Boundary
-  Town of Bloomfield

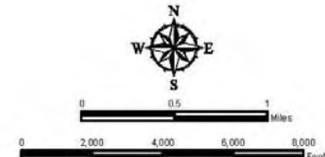


Zoning

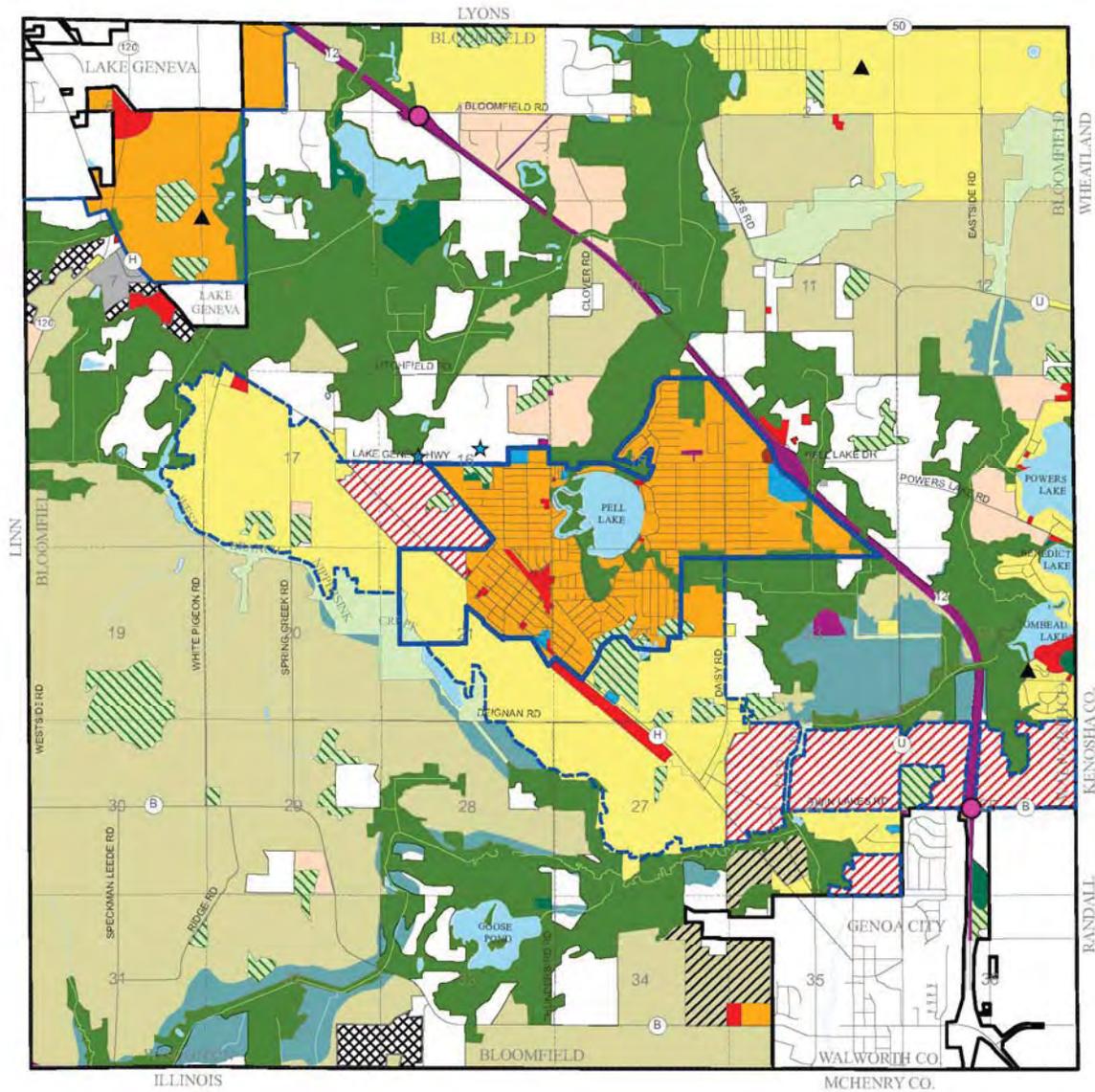


- |   |  |                              |
|---|--|------------------------------|
| A-1 Prime Agricultural Land                     | B-3 Waterfront Business                      | R-2 Single-Family Residence  |
| A-2 Agricultural Land                           | B-4 Highway Business                         | R-3 Two-Family Residence     |
| A-3 Agricultural Land Holding                   | B-5 Planned Commercial-Recreational Business | R-4 Multi-Family Residence   |
| A-4 Ag-related Mfg., Warehousing, and Marketing | B-6 Bed and Breakfast                        | R-6 Planned Mobile Home Park |
| A-5 Agricultural-Rural Residential              | M-1 Industrial                               |                              |
| C-1 Lowland Resource Conservation               | M-2 Heavy Industrial                         |                              |
| C-2 Upland Resource Conservation                | M-3 Mineral Extraction                       |                              |
| C-3 Conservancy Residential                     | M-4 Sanitary Landfill                        |                              |
| C-4 Lowland Resource Conservation (Shoreland)   | P-1 Recreational Park                        |                              |
| B-1 Local Business                              | P-2 Institutional Park                       |                              |
| B-2 General Business                            | R-1 Single-Family Residence                  |                              |

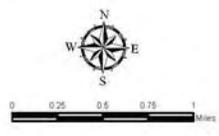
Source: SEWRPC and Walworth County



Future Land Uses – 2025



- Existing Medium Density Residential (6,200 to 14,999 square feet/dwelling unit)
- Future Medium Density Residential (7,500 to 14,999 square feet/dwelling unit)
- Low Density Residential (15,000 to 62,300 square feet/dwelling unit)
- Suburban Density Residential (62,300 square feet to 4.9 acres/dwelling unit)
- Commercial
- Industrial
- Governmental and Institutional
- Transportation, Communication, and Utility
- Urban Reserve
- Recreational
- Urban Land Holding Area
- Farmland Preservation Area
- Other Agricultural, Rural Residential, and Open Land
- Extractive
- Primary Environmental Corridor
- Secondary Environmental Corridor
- Isolated Natural Resource Area
- Surface Water
- Proposed Sewer Service Area Addition
- Planned Sewer Service Area
- Proposed Government Facility and Park
- Proposed Highway Interchange
- Proposed Park



## **Appendix B: 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 \$25,000.

### **Members**

#### Department of Administration Member and Chair

Brian Vigue, Chair of Incorporation Review Board  
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

Paul Fisk, Alderman  
City of Lodi (Columbia County)

#### Wisconsin Alliance of Cities Member

Rich Eggleston, Communications Manager  
Wisconsin Alliance of Cities

#### Staff

Erich Schmidtke  
Harald (Jordy) Jordahl  
Renee Powers

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