



**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**



DETERMINATION OF THE INCORPORATION REVIEW BOARD

March 30, 2010

In Re:

THE INCORPORATION OF THE TOWN OF SUMMIT,  
WAUKESHA COUNTY, WISCONSIN AS A VILLAGE

Case No. 08-CV-3145

PAUL SCHMITTER, Representative of  
the Petitioners

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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 A.

Summit's incorporation process began with the "Notice of Intention to Circulate an Incorporation Petition" being published on March 7, 2008. After circulating the petition and gathering sufficient signatures, the petition was filed in Waukesha County Circuit Court on September 5, 2008. A court hearing was held on the petition on November 7, 2008. The court found the petition met the minimal area and population standards required by section 66.0205 Wis. Stats. The court forwarded the petition to the Board for its review of the standards in section 66.0207 Wis. Stats. On October 1<sup>st</sup>, 2009 Petitioners submitted their \$25,000 review fee and supporting materials, which commenced the Board's 180-day review period.

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

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 granted.

Dated this 25<sup>th</sup> day of March 2010.  
By the Incorporation Review Board:

A handwritten signature in black ink that reads "Brian Vigue". The signature is written in a cursive style. Below the signature is a horizontal line.

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 Summit to incorporate the entire Town area, some of which will ultimately transfer to neighboring municipalities.

The Town of Summit is located in Waukesha County, Wisconsin. For 25 years, The Town of Summit has functioned as an incorporated municipality by adopting policies, procedures and ordinances that citizens typically associate with municipalities that are incorporated. Summit has the characteristics of a municipality and operates like a village. Summit has offered, and will continue to offer, a number of programs that are more often identified with cities or villages.

The Town of Summit has a long history of working with its neighbors. It developed various cooperative agreements which are discussed in detail in this determination. All of these agreements, the most completed by any community in Wisconsin, were reviewed and approved by the State of Wisconsin.

Summit represents one of the transitional, infill communities on the edge of the Milwaukee metropolitan area. Located on the Waukesha County/Jefferson County boundary, Summit offers transportation links to major job centers, an expansive sense of community, and a commitment to local neighborhood involvement in decision-making

Summit's location adjacent to the Interstate 94 corridor, along with STH 67, and the historic Pabst Farms project drives development in the area. Easy access and proximity to employment centers, water recreation, lower density living, and large open environmental areas will continue to fuel Summit's growth into the foreseeable future.

The community integrates with neighboring areas like the Cities of Oconomowoc and Delafield, and Village of Dousman for its commercial retail needs, and strives to maintain its "lake country" atmosphere. This approach to development, along with the numerous lakes and rivers in the area, brings together large land owners, business executives, water enthusiasts and tourists to create a community focused on outdoor, water-related activities.

The proposed Village of Summit contains unique geography and geology which creates a groundwater recharge area critical to the region. Summit feels they can best protect this resource if they incorporate as a village. They have proposed a Groundwater Protection Zone (GPZ). The GPZ comprises roughly a 9-square mile area in the western one-half of the proposed Village. It includes the areas of wet soils, extensive wetlands, and unique geologic features discussed in this determination. Summit has proposed that this area will be maintained in primarily a rural and natural condition.

The Petitioners deem that the proposed Village of Summit can best fulfill the needs of its residents through incorporation. The ability to closely monitor and regulate development on the lakes, encourage development that protects the groundwater recharge area for the Waukesha County region, and maintain high local standards for improvements are reasons why they request incorporation.

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 – 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. A petition may be weaker with certain factors or considerations and stronger with others, but it must show that on balance it supports a finding of compactness and homogeneity.

Summit’s existing boundary agreements have resulted in territory transfers that make the proposed village more compact and reasoned. Summit’s transportation system is developing and planned local roads and bike paths will substantially improve accessibility. Summit residents travel to neighboring areas such as the Cities of Oconomowoc and Delafield, and Village of Dousman for economic and retail needs. Instead of duplicating these options in Summit, the Town has chosen to focus on housing and natural resource preservation. It has become a regional center for health care; and the Pabst Farms development will add other businesses.

2). Territory Beyond the Core –Met. The standard to be applied for metropolitan communities is found in §66.0207(1)(b), Wis.Stats, and reads as follows: “The territory beyond the most densely populated square mile as specified in s. 66.0205 (3) or (4) shall have the potential for residential or other land use development on a substantial scale within the next three years. The Department may waive these requirements to the extent that water, terrain or geography prevents such development.”

Because Petitioners requested that the entire GPZ be waived from this standard, the Board examined two questions:

- 1) Should the GPZ be waived from the standard?
- 2) Does potential exist within the proposed village for substantial development within three years?

The Board declined to waive the entire GPZ area. However, the vast majority of land within the GPZ is undevelopable lands that the Board consistently waives. Approximately 750-800 acres of land within the GPZ are developable. Not waiving these lands does not significantly change the second question as to whether potential exists for substantial development within the next three years. The Board finds that such potential does exist, based on the fact that only 14% of the proposed village area is available for development. The Pabst Farms development and major improvements to existing health-care facilities will bring workers, residents, customers, and others to Summit, providing a multiplier effect for economic and land use impacts.

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.

Summit has roughly \$1.1 billion in assessed value, a \$1.3 mill rate, low debt load, and a high debt capacity. The fact that it already functions like a village, means that a host of new services will not be required.

4). Level of Services – Not applicable

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

6). Impact on the Metropolitan Community – Met.

Summit is already a leader in its metropolitan community as shown by its numerous intergovernmental agreements. Incorporation will enhance Summit's role in the region because being a village would enable it to participate more with economic development projects and better implement plans via mechanisms such as zoning, official maps, and capital budgeting.

The Board thanks Petitioners and the Town for all the materials and presentations and requested information, which greatly 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***

Map 1 shows that the topography of the area is mostly level to gently rolling, but exceptionally level in the western one-half of the Town. This means that much of the rainwater and snowmelt in this area does not run off but soaks downward. Because the soils in this area are somewhat less permeable, which will be discussed under 'Soils', this flat terrain contains extensive marsh and wetland areas.<sup>3</sup>

#### ***Geology***

The most recent ice age 10,000 years ago left generally deep glacial deposits. As a result, the Town's main surface form is nearly level glacial outwash plain. The potential for sand and gravel deposits are great throughout the area. There is no exposed bedrock. Bedrock is found between 20-50 feet in the southeast corner of the town and 100 to 400 feet in the rest of the Town. The bedrock depth runs in bands in a general northeast to southwest direction.<sup>4</sup> Map 2, at Appendix A, shows that the western one-half of the Town has a different geology than the eastern one-half. The western one-half has sediments derived from ancient 'offshore' lakes, while the eastern one-half has sediments deposited there by stream and meltwater.

The fact that generous depth to bedrock exists would normally indicate good building potential. However, this greater depth to bedrock also serves as the entry point for groundwater, which is a critical issue in Summit that will be discussed later on in more detail.

#### ***Soils***

Soils were formed on glacial outwash plains and stream terraces. Map 3, at Appendix A, shows Summit's hydric (wet) soils are found demarcated in an east-west fashion, with the wet soils

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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> Page 47 Town of Summit submittal in support of Incorporation.

<sup>4</sup> Page 46 Ibid.

being located in the west one-half of the Town. These east vs. west distinctions are also seen in the infiltration potential of Summit's soils, as well as their limits on building activity. Map 4, at Appendix A, shows that soils in the eastern one-half of the Town have high infiltration potential, while soils in the western one-half have large areas with low infiltration potential. As a result, the east one-half of the Town contains few building limitations, other than areas of steep slopes and along the Bark River. In contrast, the west one-half contains extensive areas where the risk of a wet basement is 'High' and 'Very High'.

### ***Drainage Basins***

The Town of Summit refers to itself as 'Lake Country'. In fact, a great deal of water does exist in, and move through, the Town. Specifically, nineteen (19) lakes and rivers exist with extensive areas of wetlands, floodplains, and wet soils. Map 5, at Appendix A, shows Summit's lakes. They are: Upper Nashotah, Lower Nashotah, Upper Nemahbin, Lower Nemahbin, Waterville, Crooked, Upper Genesee, Middle Genesee, Lower Genesee, Silver, Bowron, Duck, Laura, Henrietta, Golden, and Utica Lake.

Map 5 shows three rivers and streams, but does not identify them. They are the Oconomowoc and Bark Rivers, and Battle Creek. The Oconomowoc River flows through the northwestern portion of the Town and drains the northern one-half of Summit. The Bark River is the main drainage system for the Town, draining roughly the southern one-half of the Town.<sup>5</sup> It flows from the central part of the Town on the east at Upper and Lower Nemahbin Lakes to the southwest into the Village of Dousman. Both the Oconomowoc and Bark Rivers ultimately drain into the Rock River. Battle Creek originates in the west one-half of the Town within the large wetland complex, and then flows northwest into Jefferson County before emptying into the Oconomowoc River.

Summit's lakes and rivers cover 1,677 acres, or over 2.5 square miles of water, which is almost 11% of the total proposed village area.

### Lake Management Districts & Associations

In order to manage and protect these waters, many different lake management districts and associations have been created.

The lake management districts are:

- Upper Nemahbin Lake Management District – includes 142 parcels in Sections 13 and 24 with a 2008 assessed value of \$89,465,100. Created in 1992, the district has participated in various grants and studies to improve not only Upper Nemahbin Lake, but also Lower Nemahbin Lake and Lower Nashotah Lake, as well as portions upstream of the Bark River;
- Middle Genesee Lake Management District - includes 53 parcels in Sections 21 and 22 with a 2008 assessed value of \$42,293,200. Created in 1994, the district has participated in various grants and studies to improve Upper Genesee lake and Lower Genesee Lake;
- Lower Genesee Lake Management District - includes 69 parcels in Sections 26 and 27 with a 2008 assessed value of \$25,002,000. Created in 2004, the district was active in

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<sup>5</sup> Waukesha County Land and Water Resource Management Plan (2006), page 36.

responding to the 2008 flood disaster and has recently begun applying for grants to fund various studies and improvements;

- Silver Lake Management District - includes properties in Sections 9 and 16. The district was created in 2007, so there has not yet been a calculation of assessed value within the district, nor has it had time yet to effect any accomplishments.<sup>6</sup>

The following are Summit's lake associations:

- Golden Lake Advancement Association - made up of property owners in Sections 30 and 31 along Golden Lake, as well as property owners in Sections 25 and 36 in the Town of Sullivan in Jefferson County, the group holds quarterly meetings at Town Hall and an annual budget meeting in the fall of each year;
- Upper Nashotah Lake Association - made up of property owners in Section 12 on Upper Nashotah Lake, as well as owners on the eastern shore in the City of Delafield. The group meets intermittently to discuss development proposals affecting the lake;
- Lower Nashotah Lake Association - made up of property owners in Sections 12 and 13 on Lower Nashotah Lake. The group meets intermittently to discuss lake quality and lake management issues;
- Crooked Lake – made up of property owners living along the lake. The group collects \$5,000 annually for work to reduce invasive species in the lake; and
- Upper Genesee Lake – made up of property owners living along the lake. The group works with the DNR to manage the parking facility and carry-on trail for use of the lake, and also monitors enforcement of the motorized boat limits.

The lake associations exist informally and do not have any taxing authority. They are made up of concerned citizens. They assess membership dues and hold meetings at the Town Hall, and do important work in preserving Summit's lakes. Most of the associations meet on a biannual basis, although some meet more frequently as issues arise. They function similar to a neighborhood organization.

#### Wetlands and Environmental Corridors

Map 5, at Appendix A, shows that a huge amount of the petitioned territory consists of wetlands and environmental corridors, especially in the west one-half of the Town. These areas correspond closely to the Map 3, the building limitations map. Over 5,500 acres, or 34% of the total proposed village area is designated as 'Open Space', or environmental corridors. This designation includes shorelines, wetlands, woods, riverways, and other protected or restricted lands. Wetland areas alone include 3,610 acres of land in the Town, which is 4.5 square miles, or 22% of the total Town area.

#### Groundwater

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<sup>6</sup> Town of Summit Submittal in Support of Incorporation, page 27.

Not only does water saturate and move across the surface of Summit, but underneath the surface as well. In fact, groundwater is Summit's most valued natural resource. Being able to better protect groundwater is a significant factor for this incorporation petition.

Groundwater is available from three aquifers. From the surface downward they are:

- 1) Sand and gravel glacial drift aquifer – considered a shallow system, ranging from 0 to 300 feet in thickness.
- 2) Niagara aquifer - also part of the shallow system, ranging from 0 to 300 feet in thickness. These shallow aquifers are used for residential on-site wells.
- 3) Sandstone aquifer - considered a deep system, located between 200 to 400 feet below the surface, and ranging in thickness from 400 to 2,400 feet thick. Public municipal water systems in the region draw from this aquifer, as do industrial users. Heavy usage has drawn down the water level by several hundred feet.<sup>7</sup>

Precipitation and snowmelt are the sources of the groundwater recharge. However, each year only one to two inches of this water infiltrates into the groundwater reservoir, depending on the permeability of soils and rock and the amount of impervious surfaces. Almost all the recharge circulates only within the shallowest aquifer system before it's discharged as seepage to the surface waters or evaporates. Only a very small amount seeps down to the deeper sandstone aquifer, and most of this occurs in western Waukesha County where an important geologic phenomenon occurs. In Summit, and other lands in western Waukesha and Washington Counties, eastern Jefferson County, and central Walworth County, there is a break in the layer of Maquoketa shale which allows infiltration into the deep sandstone aquifer in these areas. Map 6, at Appendix A, shows these groundwater characteristics and the area where the lack of this layer of shale allows water infiltration. The map shows that the narrow band between the edge of the Maquoketa shale layer and the groundwater divide represents the only opportunity for surface precipitation and runoff to recharge the deep sandstone aquifer.

The map also shows this aquifer's severe drawdown, as mentioned above. Referred to as the 'Cone of Depression', this drawdown is deepest in Waukesha County, at over 450 feet, and is located just east of the Town of Summit. Summit's location, as well as its flat topography, means that precipitation falling in the Town soaks downward to the deep sandstone aquifer and then flows eastward, replenishing the aquifer immediately adjacent to the cone of depression where water is needed the most.

This unique situation presents a significant opportunity for Summit to benefit the quantity and quality of the groundwater for all of southeast Wisconsin that relies on the water in this deep sandstone aquifer. However, it also presents significant challenges such as contamination by infiltrating pollutants. Map 4, at Appendix A, shows that Summit has soils that are 'High', 'Very High', and 'Extremely High' in infiltration potential. The more quickly water infiltrates, the less

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<sup>7</sup> Town of Summit Submittal in Support of Incorporation, page 40.

time there is for pollutants to be separated. This is particularly a problem with the shallow aquifers.

Summit seeks the increased statutory authority of a village to enact and enforce ordinances to protect the quantity and quality of groundwater recharge.<sup>8</sup> Also, the kind of development that occurs is critical to the quality of groundwater recharge. For example, impermeable surfaces such as pavement, diverts larger amounts of precipitation into surface drainage courses as runoff rather than allowing it to soak into the ground.

To protect the groundwater resource, Summit has proposed a Groundwater Protection Zone (GPZ), shown by Map 7, at Appendix A. The GPZ comprises roughly a 9-square mile area in the western one-half of the proposed Village. It includes the areas of wet soils, extensive wetlands, and unique geologic features mentioned earlier. Specifically, the GPZ comprises all or part of Sections 16-21 and 28-33. Summit has proposed that this area will be maintained in primarily a rural and natural condition which will reduce run off and encourage water infiltration.

Creation of a GPZ is supported by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) in its *Regional Water Supply Plan for Southeastern Wisconsin* (2001). The plan finds that a groundwater recharge area protection area would preserve areas classified as having a high recharge potential, and implement SEWRPC's 2035 regional land use plan. By preserving environmental corridors, isolated natural areas, and agricultural areas, SEWRPC's estimates that 75% of the most highly rated recharge areas can be preserved. This amount can be further increased through careful design of new development and best management practices with regard to stormwater management practices.<sup>9</sup> A staff person from SEWRPC appeared at the December 16<sup>th</sup> public hearing in support of the GPZ and incorporation.

The Wisconsin Department of Natural Resources (DNR) also confirmed to the Incorporation Review Board the GPZ's importance as groundwater mechanism and also as wildlife habitat. The GPZ will maintain a number of important habitats for wildlife. The entire Town of Summit area is full of important natural resources because of its extensive lakes, rivers, and wetlands. For example, the eastern one-half contains state threatened and endangered species, as well as state special concern species<sup>10</sup>. However, it is the western one-half that contains the extensive natural areas and known habitat sites for rare plants, birds, and herptiles.

### Stormwater

Stormwater management is another critical issue in Summit, particularly after severe flooding in the Spring and Summer of 2008 caused extensive damage. Since that time, Summit has accomplished a number of things to improve upon the situation:

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<sup>8</sup> Ibid.

<sup>9</sup> Town of Summit Submittal in Support of Incorporation, page 42.

<sup>10</sup> Town of Summit Master Plan 2010 (2001), Appendix page 31. State Threatened and Endangered Species are acadian flycatcher, forked aster, blandings turtle, slender madtom, starhead topminnow, ellipse mussel, pugnose shiner, and salamander mussel. State Special Concern Species are banded killifish, garwell's water milfoil, lake herring, swamp spreadwing, side-swimmer, adder's tongue, glade fern, showy lady's-slipper, Ohio golden rod, common bog arrow grass, bullfrog, reflexed trillion, black tern, lake chubsucker, and least darter. Known Natural areas are Genesee Lake Road bog, Oconomowoc swamp, crossroads bog, Laura Lake swamp, Bark River marsh, Breens Bay sedge meadow, Sawyer Road sedge meadow, perkins property. Critical Pland Species habitat sites are Genesee Lake Road Tamaracks, Dousman Road Low Woods, and Massaro Woods. Rare Bird Species Habitat Sites are Laura Lake Swamp, Genesee lake Road Bog, and Duck Lake. Rare Herptile Species Habitat is the entire Town for blandings turtle and the entire Town for Bullfrogs.

- DNR Stormwater management requirements – in 2008, certain areas in Summit came under DNR MS4 permitting requirements. Specifically, lands surrounding Upper and Lower Nashotah Lakes, Upper and Lower Nemahbin Lakes, and Henrietta, Waterville, and Silver Lakes are now within the areas of increased stormwater management regulations. Summit’s engineer has completed the base mapping necessary for permitting and annual reporting, as required by DNR statutes.
- Town stormwater regulations - the Town Board adopted local stormwater and erosion control ordinances in 2008, which are equally restrictive as the county’s stormwater ordinances. Currently, both the Town and County ordinances technically apply, although the Town currently does the permitting for residential, commercial, and institutional developments. Upon incorporation, Summit’s ordinances would solely apply<sup>11</sup>.
- Pabst Farms Stormwater Management District – the district was created at the recommendation of an advisory committee made up of local, regional, and state officials.
- Genesee Lakes Stormwater Management District - flooding in upper and lower Genesee Lakes caused this district to be created, along with as a \$500,000 grant. The district includes the lakes as well as some connected wetlands to the east.
- Open space - the Town uses open space areas within the subdivisions for stormwater recharge facilities. These have been designed into the Forest Cove Subdivision (Section 17), Stillwater Subdivision (Section 33) and Genesee Lake Farms Subdivision (Sections 28/29).
- The Summit Fire District conducts twice-annual inspections on all commercial operations in the Town, which includes compliance with stormwater management regulations.

These initiatives are primarily geared toward natural solutions, such as temporary detention facilities and shoulder/ditch designs along roadways. Because of the high permeability of the soils in Summit, urban-type storm sewers are not considered ideal, except in commercial developments where there may be a higher concentration of pollutants.<sup>12</sup>

### ***Physical boundaries***

The proposed village boundaries are not the ultimate village boundaries due to the fact that certain areas will transfer to neighboring municipalities pursuant to existing boundary agreements. Map 8, at Appendix A, shows the specific areas that will be transferred. In the south, adjacent to the Village of Dousman, several hundred acres shown in purple and cross-hatched purple will transfer to Dousman in 2028 and again in 2048. To the Northwest, adjacent to the City of Oconomowoc, five Town islands, peninsulas, and a tiny road segment (all shown in green) have already transferred to the City on December 31, 2009. An island area shown in brown will transfer to the City in 2020. In the far northeast corner, a triangular piece of Summit shown in yellow will ultimately transfer to the Town of Oconomowoc.

By trimming off these island and peninsula areas, Summit’s ultimate boundaries will be much more homogenous and compact than they otherwise would be. The following paragraphs step clockwise around the proposed ultimate village area.

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<sup>11</sup> Town of Summit Submittal in Support of Incorporation, page 77.

<sup>12</sup> Town of Summit Submittal in Support of Incorporation, page 77

CTH B will ultimately form a northerly boundary between Summit and the City of Oconomowoc. Moving east, Oconomowoc's boundary jogs southward roughly 600 yards before retreating again to north of Silver Lake neighborhood, which defines Summit's boundary at the point. The City of Oconomowoc's boundary then drops back down into Summit past I-94 roughly ½ mile. This includes part of the large Pabst Farms development. Roughly 400 yards later, the City's boundary recedes back to north of I-94. Further east, Summit's boundary stretches northward to include all of Upper Nemahbin, Lower Nashotah, and Upper Nashotah Lakes.

Summit's eastern boundary is based on the Public Lands Survey, with the exception of where the City of Delafield's boundary cuts in to the shores of Upper Nashotah Lake. Land uses along both sides of this boundary are suburban residential.

Summit's southern boundary is also based on the Public Lands Survey, except for a peninsula of Village of Dousman land that cuts roughly a mile northward into the Town. Ultimately more lands alongside this peninsula will transfer into the Village, as mentioned previously and shown by Map 8. This ultimate boundary runs along subsection lines, roads, and the Bark River. With the shared boundary with the Town of Ottawa, the Summit side is suburban residential while the Ottawa side is rural open space. With the shared boundary with Dousman, the Summit side is rural open space, while the Dousman side is residential.

Summit's western boundary is the boundary between Waukesha and Jefferson Counties, based on the Public Lands Survey. Land uses on both sides are rural open space.

## **Transportation**

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

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

Map 9, at Appendix A, shows Summit's roads. I-94 is Summit's major transportation facility, traversing from east and west across the northern 1/3 of the Town. It represents a critical economic engine for the Town, with interchanges at Sawyer Road (CTH P) and Summit Avenue (STH 67). In fact, the Pabst Farms development is feasible in large part because of the traffic and visitors that the interstate brings through the area.<sup>13</sup> State Highway 67 is the primary north-south route, cutting through the center of the Town. These two major roadways divide the Town into quarters.

Other primary highways are Sunset Drive (STH 18), Delafield Road (CTH DR), and Valley Road (CTH B), Golden Lake Road (CTH BB), and Sawyer Road (CTH P). Delafield Road serves the rear of the health-care component of the Pabst Farms development, which currently consists of the Aurora Clinic and Hospital.

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<sup>13</sup> Public hearing on Summit's incorporation petition at the Summit Town Hall, December 16<sup>th</sup>, 2009.

According to Petitioners, various roadway improvements over the years have avoided traffic congestion and safety problems. However, these are ongoing issues that Summit, the County, and SEWRPC will continue to address.<sup>14</sup> The amount of traffic moving through the area is substantial, as shown by Table 1 (\*based on 2006 DOT Data).

**Table 1  
Summit Traffic Data\***

Beyond these major highways, there are not a lot of connecting local Town roads. Map 9 shows that the majority of Town roads end in cul de sacs. In some cases this is due to wetlands, environmental corridors, rivers, lakes. Major roadways also create obstacles. For example, crossing I-94 is limited to the existing interchanges. Currently, travelling between different neighborhoods in Summit is difficult and requires drivers use a longer route on one of the major county highways.

Road	Traffic count
I-94	59,000
STH 67	13,800
Delafield Rd	3000
Sawyer Road	2900
Sunset Road	3800
Golden Lake Road	1400
Valley Road	2900

Since 1992, the Town has required multiple access points or future connections to be designed into the subdivision plans of new developments. For example, the Genesee Lake Farms subdivision in Section 28 includes four access points for future connections.<sup>15</sup> This means that connectivity will improve in the future.

Regarding road improvements, the Town has been budgeting between \$50,000 and \$100,000 annually. In 2008, Battle Creek Road was rebuilt from CTH DR to CTH BB in Section 20. Prior to that the Town coordinated with the City of Oconomowoc to rebuild ½ mile of Dousman Road from CTH B south to I-94, which is half in the City and half in the Town. The next major road reconstruction will be Interlaken Drive in Sections 12 and 13, east of CTH P. However, budget constraints may put this off until 2012. Also, SEWRPC identifies STH 67 as a future state project to widen from 2-lane to 4-lane from CTH DR south to STH 18. SEWRPC also identifies a new interchange at I-94 and CTH P. The WiDOT has completed those plans and is awaiting funding approval from the Waukesha County DPW to proceed with that project.<sup>16</sup> Waukesha County plans to rebuild the bridge on CTH P south of I-94 in 2011. This will also require a new weir in the Bark River just east of this roadway.

### **Air and Rail**

As with all of Southeast Wisconsin and much of the state, Summit is served by General Mitchell International Airport, which is owned and operated by Milwaukee County and has 13 airlines offering 235 departures and arrivals everyday to approximately 90 cities.

In addition, two airports in Waukesha County offer general aviation services. One is Waukesha County-Crites Field, owned and operated by the county and capable of handling all types of aircraft. The other is Capitol Airport, which is smaller but still an important facility for smaller aircraft. Both airports are reliever facilities for General Mitchell.<sup>17</sup>

Summit also has three properties that include private landing strips for personal, recreational aircraft, in Sections 17, 26, and 30.

<sup>14</sup> Town of Summit Submittal in Support of Incorporation, page 67.

<sup>15</sup> Email correspondence from Henry Elling, Town of Summit Administrator, January 29<sup>th</sup>.

<sup>16</sup> Email correspondence from Henry Elling, January 29<sup>th</sup>.

<sup>17</sup> Town of Summit Submittal in Support of Incorporation, page 72.

Intercity passenger rail is provided by Amtrak with stops at the downtown Milwaukee Amtrak depot, Mitchell International Airport, and Sturtevant, but currently no stops in Waukesha County. Recent legislation has been presented at the federal level to fund a high-speed rail corridor from Milwaukee to Madison, with a passenger stop in the City of Oconomowoc. Should this project become reality, residents of the metropolitan region, and the Town of Summit, would have access to this system within one mile of the Town boundary.<sup>18</sup>

### ***Ferry***

In SE Wisconsin, high speed cross-Lake Michigan ferry service is provided between Milwaukee and Muskegon, Michigan by Lake Express, which operates from April to October each year and handles automobiles, small trucks, and passengers.<sup>19</sup>

### ***Transit***

Badger Coaches, Greyhound, Coach USA, and Lamers Bus Lines provide intercity bus service within the Region, with their major terminals in the City of Milwaukee. Badger Coaches has a stop within the Town at the STH 67/I-94 interchange park and ride facility, which has been integrated into a larger commercial center called Summit Village Commons. Also, Waukesha Metro Transit does coordinates with Waukesha County Transit to provide transit services to the intersection of STH 67 and CTH DR, via Routes 904/905. This enables Summit residents to travel to Hartland, Pewaukee, Brookfield, Wauwatosa, Milwaukee, and other communities along the I-94 corridor.

Two programs exist to offer subsidized transportation for disabled and elderly individuals, one called Rideline that provides lift-equipped vans and the other a shared-fare taxi program funded by Waukesha County.<sup>20</sup>

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

Pedestrians and bicyclists likely experience difficulty in moving throughout Summit. Because of cul de sacs, moving between immediate subdivisions and neighborhoods is difficult. However, the greatest problem arises when pedestrians and bicyclists attempt to move between neighborhoods or move across Town. A lack of local connecting streets means the only option is to merge onto the busy state and county highways where the speed, lane width, lack of a shoulder, and level of traffic makes walking and biking unsafe and not pleasant.

However, pedestrians and bicyclists may access two trails at Summit's fringes. These trails can be seen in Map 10, at Appendix A. The Glacial Drumlin Trail is a state owned and managed trail that briefly enters Summit at its southern boundary adjacent to Dousman. It stretches from the Village of Cottage Grove in Dane County to the City of Waukesha and may provide residents with a great recreational opportunity as well as an east-west transportation opportunity to access other communities. The Lake County Recreational Trail is a county owned and maintained trail that runs along Summit's northern boundary between the Town and the City of Oconomowoc. It stretches between the Town of Delafield and the City of Oconomowoc and offers area pedestrians and bicyclists an important recreational as well as a transportation option between these communities.

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<sup>18</sup> Ibid page 72.

<sup>19</sup> Ibid, page 72.

<sup>20</sup> Town of Summit Submittal in Support of Incorporation, page 73.

Map 10 also shows that a number of new trails are proposed. A proposed new county trail would branch off of the Lake County Recreational Trail at the I-94 and Sawyer Road intersection and run along the length of the Bark River, ultimately connecting with the Glacial Drumlin Trail. A proposed new state trail would branch off of the Lake County Recreational Trail, also at the I-94 and Sawyer Road intersection. One prong of this trail would run east to nearly the Jefferson County border, while a second prong would run south along Dousman Road before connecting with the Glacial Drumlin Trail. Both of these proposed trails could provide residents with transportation access north and south between various parts of the Town, as well as west to within the GPZ. In addition, the City of Oconomowoc is proposing a huge network of trails that could also be utilized by Summit residents. These improvements have been incorporated into Summit's Master Plan and also its park and open space plan. Initial aspects have been included as part of the approvals for some of the Pabst Farms developments. Specifically, the Aurora Medical Center, Summit Village Commons, Pabst Farms Lake Country Village and the Roundy's Distribution Center developments all include trail segments.<sup>21</sup>

### **Political Boundaries**

The entire Town of Summit is being proposed for incorporation. However, as mentioned previously, certain Town islands and peninsulas will ultimately transfer to neighboring communities and will make Summit's ultimate boundaries much more rational and compact.

The following paragraphs examine Summit'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.

### ***Boundary Agreements***

Summit's intergovernmental agreements completed over the past 25 years allow for urban development served by municipal sanitary sewer and water systems. Summit's recent cooperative boundary agreements also stabilize the Town's northern and southern boundaries, and gain the support of Summit's neighbors regarding incorporation.

- *Town of Summit and Village of Oconomowoc Lake Cooperative Boundary Agreement (2000)* – transferred roughly 40 acres of Summit territory to the Village in exchange for revenue sharing for 10 years. The agreement expires July 1, 2010, although the territory transfers are permanent.
- *Town of Summit and City of Oconomowoc Cooperative Boundary Agreement (2000)* – resulted in the transfer of several hundred acres in Sections 5, 6, 7, 8, 9, and 10 to the City of Oconomowoc (on Dec 31, 2009). In exchange, the City will provide sanitary sewer service to several hundred acres of Town lands around Silver Lake, I-94, and Sawyer Road;
- *Cooperative Boundary Agreement Between the Town of Summit, and Town of Delafield (2009)* - Summit's agreements with the Towns of Delafield, Oconomowoc, and Ottawa preserve the status quo, although a small parcel of land will transfer from Summit to Town of Oconomowoc. The agreement with the Village of Dousman transfers territory from Summit to the Village of Dousman and establishes detailed service and planning arrangements. The amended Oconomowoc Lake agreement transfers road right-of-way.

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<sup>21</sup> Ibid, page 74.

### **Lake Neighborhoods**

Summit is comprised of lake neighborhoods, which will be discussed further under ‘Shopping and Social Customs’. These areas have no separate legal identity, although they do contain lake management districts which have a statutory identity. The lake neighborhoods represent distinct places to residents, and their existence is also important in considering how they relate to the proposed village boundaries. Along Summit’s eastern boundary, the chain of lakes contains neighborhoods. In fact, this is where the bulk of the Town’s population is found. In the middle of the Town, a neighborhood hugs the shores of Middle and Lower Genesee Lakes. To the north, adjacent to the City of Oconomowoc, is the Silver Lake neighborhood. Finally, to the west is the Golden Lake neighborhood.

All of Summit’s lake neighborhoods are contained within the proposed village boundaries, except for Golden Lake, one third of which is located in Jefferson County.

### **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 Summit incorporates will have no effect on school district boundaries. However, as the Department noted in its determination in *Pewaukee*<sup>22</sup>, schools nonetheless impact community allegiance through scholastic, social, and recreational activities and influence where people choose to live. Two school districts serve Summit residents: Oconomowoc Area School District and Kettle Moraine School District.

The Oconomowoc Area School District serves the northern two-thirds of the Town. Summit residents and property owners paid 13.5% of the district’s total levied amount of taxes. Enrollment has increased by 6.9% in the last three years, and is expected to continue growing.<sup>23</sup>

The Kettle Moraine School District serves the southern one-third of the Town. Summit residents and property owners paid 9.8% of the district’s total tax levy. Children in the Town served by the Kettle Moraine School District attend Dousman Elementary School and all students in the district attend Kettle Moraine Middle School and Kettle Moraine High School.

There are no public school buildings currently located in Summit. Two schools were formerly located in the Town - Summit Elementary School and Silver Lake Intermediate School – but both were transferred to the City of Oconomowoc as part of the *City of Oconomowoc and Town of Summit Cooperative Boundary Agreement* (2000). Instead, Summit public school students attend schools in the City of Oconomowoc, Town of Oconomowoc, and Town of Ixonia.<sup>24</sup>

There is a private school, Abundant Life Academy, that is located in the southwest corner of the Town, just north of Henrietta Lake. The school has 38 students attending grades K-12, as well as 60 children who attend the day-care.

Both the Oconomowoc Developmental Training Center and Rogers Memorial Hospital are also licensed educational facilities.<sup>25</sup>

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<sup>22</sup> *Pewaukee* (1991).

<sup>23</sup> Town of Summit Submittal in Support of Incorporation, page 65.

<sup>24</sup> Town of Summit Submittal in Support of Incorporation, page 74.

<sup>25</sup> *Ibid*, page 65.

### ***Utility Districts***

There are three utility districts in Summit that provide municipal sanitary sewer service. Map 11, at Appendix A, shows the Summit Utility District (Silver Lake), Summit Utility District #2 (Del-Hart), and Summit Utility District #3 (Pabst Farms).

- Summit Utility District (Silver Lake) is shown in purple and was developed as part of the cooperative boundary agreement with the City of Oconomowoc, as well as a subsequent more specific sewer service agreement approved in 2003. Designed in large part to protect Silver Lake, effluent is processed by Oconomowoc's treatment plant. The system was completed in 2006 and serves 146 customers. All but two of the occupied properties in this district are connected.<sup>26</sup>
- Summit Utility District #2 (Del-Hart) is shown in green on the map and is currently the largest of the three districts. Created in 1998 and completed in 2003, the district serves 525 customers. Collection system and facilities are owned by the utility district while the treatment plant is owned and operated by the Delafield-Hartland Wastewater Facility Commission (Del-Hart) in the City of Delafield.<sup>27</sup>
- Summit Utility District #3 (Pabst Farms) is shown in blue on the map. As with the Summit Utility District (Silver Lake), it was born out of Summit's cooperative agreement with the City of Oconomowoc. Created in 2007, it currently services the Aurora Medical Center development and the Lake Country Health and Rehabilitation Center. Because this area will contain high intensity commercial and business land uses, both sewer and water are provided. Pursuant to the cooperative boundary agreement, and a subsequent sewer service agreement approved in 2003, facilities are owned and maintained by the City of Oconomowoc, and the system connects to Oconomowoc's existing wastewater treatment system.

As the above paragraphs describe, municipal sanitary sewer service in Summit is available because of the Town's extraordinary level of cooperation with neighboring communities. The Town owns almost no sewer or water infrastructure of its own. However, its many intergovernmental agreements enable the Town to obtain service from the City of Oconomowoc, City of Delafield, and eventually the Village of Dousman as well.

All three sanitary districts are contained within the proposed village boundaries.

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

As mentioned previously, Summit has four lake management districts, all contained within the proposed village boundaries.

### **Shopping and Social Customs**

The following paragraphs describe the shopping and social customs available within the proposed village territory, and examine Summit's businesses, employment patterns, and social opportunities such as clubs organizations, churches, festivals, and parks. Social and economic

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<sup>26</sup> Ibid, page 77.

<sup>27</sup> Ibid, page 78.

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 and employment**

Currently, shopping opportunities in Summit are fairly narrow. Businesses tend to be service oriented or small scale agriculture, such as builders, tree farming, veterinarians, restaurants, campgrounds, auto & trucking, and plumbers. This means that much of residents’ shopping needs are satisfied in neighboring communities like the Cities of Oconomowoc and Delafield, and the Villages of Dousman and Oconomowoc Lake.<sup>28</sup>

Similarly, employment opportunities in Summit are confined to the small businesses mentioned above, and health care. Summit has long been a regional destination for medical and psychological services. Table 2, below, shows Summit’s various health-care related businesses and facilities.

**Table 2  
Summit Health – Related Facilities**

Facility	Type	Location	Employees	Notes
Rogers Memorial Hospital	Mental health hospital	West shore of Upper Nashotah Lake	350	Founded in 1907
Aurora Medical Center	Regional medical center	I-94 and STH 67	950	Opened March 1, 2010
Lake Country Health and Rehabilitation Center	Nursing home & Assisted living center	STH 67 and Delafield Road	115	Approved by the Town in 2008
Oconomowoc Developmental Training Center	Child welfare institution	STH 67 and Genesee Lake Road	175	30,000 square foot addition underway
Cedar Ridge Foundation	Senior retirement community	Section 15 along shore of Upper Nemahbin and Lower Nashotah lakes	Unknown	In operation since 1965

With the exceptions of the small businesses and health care, Summit is primarily a bedroom community for the major employment centers and economic activity occurring in Milwaukee, Waukesha County, and Jefferson County, and even further west in Madison. Summit’s location along I-94 facilitates its being a bedroom community. Recognizing that residents shop and work elsewhere, Summit has chosen not to duplicate these commercial aspects and has instead focused on providing residential opportunities and preserving its environmental resources.

Commercial land use represents only 1.1% of the 2,703 parcels in the Town, and 5.7% of all assessed property value in the Town.<sup>29</sup> Map 12 shows the location of Summit’s businesses and

<sup>28</sup> Town of Summit Submittal in Support of Incorporation, page 26.

<sup>29</sup> Town of Summit Submittal in Support of Incorporation, page 98.

how they are evenly scattered throughout the Town. A total of 36 acres of commercial property currently exist in Summit, 122 acres devoted to industrial land use, and 245 acres of institutional land use.

Although businesses are currently spread out, the *Summit Master Plan* (2000) recommends that future businesses be located in areas served by municipal sewer, water, and transportation facilities, principally the area shown in blue at Map 13, which is the Pabst Farms development area<sup>30</sup>. Summit's master plan identifies 175 acres for mixed use, 24 acres specific to commercial retail uses, 350 acres for industrial and business park uses and 275 acres for institutional uses. Since approval of the Plan in 2001, the Town has coordinated sanitary sewer services to all but 80 acres of these lands. The Pabst Farms development will further add employment and shopping opportunities to Summit. Specifically, Map 16 at Appendix A shows that the Pabst Farms plan calls for a 'Business Tech Core' at the intersection of I-94 and Sawyer Road that will include 2,000,000 square feet of office space for research and technology companies, as well as retail space.

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

Social life in the Town centers around water, as residents identify their "neighborhood" by the water body near their home. Churches, schools, and homeowners associations also foster social activity. Some of the lake management districts and associations sponsor annual fireworks displays around the Independence Day holiday, and fishing jamborees in summer. A tavern on Nemahbin Lake holds a New Years Day polar bear plunge. Also, a group called the 'Summit Seniors', meets Wednesdays at the town hall.<sup>31</sup>

Ten homeowners associations exist in Summit, established by developers of residential subdivisions for the long-term maintenance of common lands and facilities on those parcels. These groups play a role in development plan approval for new construction, as well as in stormwater management issues, traffic and speed control issues, and park development. They are run independently of any Town review.

Summit itself does not hold any kind of formal annual event. Instead, residents participate in the various lake neighborhood activities and in events and activities in neighboring communities and throughout the region.

### **Churches**

Summit is home to seven churches and a religious retreat center which offer, in addition to the typical religious services and programs, day care, blood drives, rummage sales and police chaplain.

### **Parks**

Table 3 shows Summit's parks. The table shows that the Town maintains two parks with a combined 80 acres. However, the vast majority of parkland consists of subdivision parks, which are undeveloped open spaces owned and maintained by surrounding homeowners. Totalling 557 acres, these lands are generally open to the public.

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<sup>30</sup> Ibid, page 98.

<sup>31</sup> Public hearing on Summit's incorporation petition at the Summit Town Hall, December 16<sup>th</sup>, 2009.

Peter Prime Park is the only developed park in Summit. However, in 2002 the Town purchased 77 acres for Genesee Lake Road Park. When completed, this park will feature a range of activities that will provide residents with an alternative to Peter Prime Park. The Town has an impact fee ordinance that has raised \$110,000, which in turn has leveraged over \$500,000 in private contributions, all of which will go towards development of Genesee Lake Road Park.

The Town has no county or state parks other than the Glacier Drumlin State Trail discussed earlier.

Summit’s *Comprehensive Park and Open Space Plan* (2006) recommends that eight new neighborhood parks be created throughout the Town that would serve residents within a ½ mile radius. Also, the plan recommends a number of new state and county recreational trails, as described previously under ‘Transportation’.

Regarding organized recreational programs and activities, Summit coordinates with the City of Oconomowoc, Delafield, and the Village of Dousman.

**Table 3: Summit Parks**

<b>Park Name</b>	<b>Acres</b>	<b>Activities</b>	<b>Jurisdiction</b>
Genesee Lake Road Park	77.00	Currently passive, but will ultimately include soccer field, ball fields, tennis courts, picnic areas, winter sports facilities playgrounds, parking, and covered structures	Town
Peter Prime Park	3.50	Town’s only developed park and receives heavy use. Facilities include a ball field, a basketball court, and an open play area.	Town
Riverline	42.61	Passive recreation	Subdivision
Forest Cove	55.60	Passive recreation	Subdivision
Pauly Preserve	24.12	Passive recreation	Subdivision
Summit Meadows	45.43	Passive recreation	Subdivision
Stillwater	37.35	Passive recreation	Subdivision
Genesee Lake Farms	228.92	Passive recreation	Subdivision
Silver Knoll	9.73	Passive recreation	Subdivision
Smith-Jones	1.37	Passive recreation	Subdivision
Aurora Medical Center	29.00	Passive recreation	Subdivision
Summit Village Commons	9.00	Passive recreation	Subdivision
Brightwater on Upper Genesee	21.78	Passive recreation	Subdivision

Ravinia Park	26.05	Passive recreation	Subdivision
Shakerville	22.66	Passive recreation	Subdivision
Waterville West	3.79	Passive recreation	Subdivision
Boat launch - Upper Nemahbin Lake Boat	NA	Boat launch for public access	County
Boat launch – Golden Lake	NA	Boat launch for public access	State
Boat launch – Lower Nemahbin Lake	NA	Boat launch for public access	State
Boat launch – Upper Genesee Lake	NA	Boat launch for public access	State
Boat launch – Lower Genesee Lake	NA	Boat launch for public access	State
Boat launch – Middle Genesee Lake	NA	Boat launch for public access	State
Boat launch – Silver Lake	NA	Boat launch for public access	State

**Population Distribution**

Approximately 5,177 people reside in Summit. This population is concentrated in the east one-half of the Town, surrounding Upper and Lower Nashotah Lakes, Upper and Lower Nemahbin Lakes, Waterville and Henrietta Lakes, and in the subdivisions just north of the Village of Dousman. The most densely populated square mile in this eastern one-half is Section 24, which has 500 persons, even though the majority of lands in this section are underwater.

There are also population clusters in the center of the Town surrounding Upper, Middle and Lower Genesee Lakes, north surrounding Silver Lake, and west surrounding Golden Lake.

**Land Uses**

Map 14, Appendix A, shows 2009 land uses in Summit. The map confirms the population

distribution information provided above. Table 4 shows the acreages and percentages of the different types of land uses. Dominant land uses are ‘Open Lands’ and ‘Agricultural’, which account for 64% of the total proposed village. Residential lands are low density single-family located around lakes and in various subdivisions. The density of housing tends to be low, and this will continue into the future. Map 13, the future land use map, shows that ‘Single Family Residential of 2.4 acres will be the dominant residential land use, with areas of slightly more dense housing around the lakes. Residential development around some of the lakes is undergoing a transformation towards higher intensity. Most of the lake properties were developed in the 1930’s and 1940’s, so many are being demolished and replaced with extensive and permanent residences. Also, parcels are being consolidated to allow for construction of bigger homes.<sup>33</sup>

Current business activity is spread out throughout the Town. Map 13 shows that future business activity will be limited to the Pabst Farms area, as well as the various existing health-related facilities.

**Table 4: EXISTING SUMMIT LAND USES<sup>32</sup>**

Land Use Category	Acres	Percent of Total
<b>Residential</b>		
Low density Single-Family	1,547	9.5
Medium Density Single-Family	72	.5
Suburban Density Single-Family	859	5.2
Multi-Family	3	0
Vacant	8	0
<b>Total Residential</b>	<b>2,492</b>	<b>15.2</b>
<b>Commercial</b>	36	0
<b>Industrial</b>	122	0.7
<b>Transportation</b>	903	5.5
<b>Institutional</b>	245	1.5
<b>Recreational</b>	184	1.1
<b>Agricultural</b>	5,052	31.0
<b>Open Lands</b>	658	4.0
Woodlands	1,230	7.5
Wetlands	3,610	22.1
<b>Total Open Lands</b>	<b>5,499</b>	<b>33.75</b>
<b>Surface Water</b>	1,758	10.7
<b>Total</b>	<b>16,294</b>	<b>100.0</b>

<sup>32</sup> Email Correspondence from Henry Elling, Town of Summit Administrator, January 12, 2010

<sup>33</sup> Submittal, at page 85.

The dominance of housing in Summit as a land use can be seen in its high assessed value. In 2009 Summit's residential development included 2,196 parcels with a combined assessed value of \$1,009,979,300. In comparison, commercial development included 31 parcels with a combined assessed value of \$57,188,100, and agricultural lands included 367 parcels with a combined assessed value of \$2,205,800.

### ***Agricultural Lands***

Most of Summit's 5,052 acres of agricultural land is used for cash grain, such as corn, soybeans with some hay fields. There are no operating dairy farms and one cattle farm. As area farmers age, they are turning to hay, alfalfa, corn, and soybeans for local horse enthusiasts and cattle farmers west of the proposed Village.<sup>34</sup> Also, the area is not desirable for farming operations because of the unique challenges presented by so many wetlands, rules regarding the GPZ, and the fact that residential areas are located throughout the community.<sup>35</sup>

Summit's master plan shows that the community intends to transition away from agriculture towards further low-density residential development. Map 13, the future land use map, shows all agricultural lands as designated for residential development. However, the Town does not anticipate developing this entire area with houses every 2.4 acres. The GPZ area is intended to be preserved and other areas will utilize conservation subdivision design. Some agricultural lands will remain as permanently preserved open space for protection of the groundwater recharge area.<sup>36</sup>

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

Although Waukesha County provides county general zoning to some towns, Summit has had its own general zoning since 1952. It has reviewed subdivision plats and had a plan commission since 1959. Village status would give Summit extraterritorial zoning and plat review authority 1.5 miles into its neighboring towns. Having extraterritorial authority in the Town of Ixonia, Jefferson County will provide Summit the means to protect the GPZ west of its border.

Additionally, Summit's various lake management districts enable Summit residents to protect their lakes and water features at levels above state or county mandates. Four current lake management districts (Upper Nemahbin, Middle and Lower Genesee, Silver) and four lake association groups (Golden, Lower Nemahbin, Waterville and Upper Nashotah) review development and activity on and around a majority of the lakes in the Town. These residents also request and receive water patrol as one of the expected police services provided by the Summit Police Department.

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<sup>34</sup> Town of Summit Submittal in support of Incorporation, at page 58.

<sup>35</sup> Ibid.

<sup>36</sup> Ibid.

## DETERMINATION

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According to Pleasant Prairie<sup>37</sup>, the various factors enumerated in section 66.0207(1)(a) Wis. Stats., the *Compact and Homogenous* standard are to be viewed not as individual determinants, but as considerations to be weighed together along with the other factors. In this way, a petition may be weaker with certain factors or considerations and stronger with others, but a petition must show that on balance it supports a finding of compactness and homogeneity. All of the factors are to be used by the Board to arrive at a final determination.

The proposed Village of Summit relates very favorably to some of the compact and homogenous factors enumerated in the statute, and less so with others.

Summit's boundary agreements resulted in the transfer of numerous Town island and peninsula areas to neighboring communities. Negotiating these agreements and gaining the political will to adopt them took a tremendous amount of work. They result in more compact and reasoned boundaries.

The petition is also favorable with regard to natural features. Completely contained within the proposed boundaries are all of the major wetland complexes and all 16 lakes, but for a small piece of Golden Lake. Having these natural systems contained means that management is much easier and more likely to be successful.

Transportation in Summit is an aspect that currently is weaker although pending improvements will enhance this factor. Summit's location along the interstate and its major state and county highways make travel from Summit to other communities very easy. However, the lack of extensive local roads and the fact that the local roads that do exist contain numerous cul de sacs, makes moving throughout Summit, without using major highways, difficult, particularly on foot or bicycle. It is important to note that the statute says "present *and potential* transportation facilities". Considering the transportation improvements that are proposed, clearly the situation will improve in the near future. Already, planned improvements are occurring as part of the Pabst Farms development.

Shopping and economic opportunities in Summit are currently fairly narrow. As mentioned, Summit has numerous small businesses such as building contractors, tree farming, veterinarians, restaurants, campgrounds, auto & trucking, and plumbers. For other items such as groceries, Summit residents travel to the Cities of Oconomowoc and Delafield, or the Village of Dousman, as well as the substantial retail areas within the larger southeast Wisconsin metropolitan area. For example, the City of Oconomowoc's peninsula that cuts down into the center of Summit contains two grocery stores and other urban-type services. Desiring to avoid duplication, Summit has instead focused on being a residential community and preserving natural resources and has become an important regional and state hub for health-related services, which will no doubt continue into the future as a result of the Pabst Farm development. The Pabst Farms project is expected to create 2,000,000 square feet of office space in Summit for research and technology companies, and will create additional retail space.

The situation is similar regarding social patterns and opportunities. Because of its location adjacent to well-developed cities and villages, as well as its location with the larger southeast Wisconsin metropolitan region, residents utilize adjacent communities for school and organized

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<sup>37</sup> Pleasant Prairie v. Local Affairs Dept., 113 Wis.2d 327, 340 (1983).

recreational activities, and all of southeast Wisconsin for entertainment. Instead of formal social activity, Summit's social patterns occur informally and within its various lake neighborhoods. Each lake has its own activities, festivals, and get-togethers, and these are in turn attended by residents of other lakes. Summit's residents see themselves as a community and see the Town government as its service provider.

Regarding population distribution and land uses, Summit seems to contain really two communities, or halves. The western one-half of the Town has a different geology, soils, and a different type land uses than the east one-half which is more developed and contains the vast majority of the Town's population and value. Petitioners did consider leaving the western one-half unincorporated and outside the new Village. However, they determined that this area would be unable to function independently. The west one-half includes approximately \$160 million in value, while the overall Town has a current value of \$1,054,000 million. Therefore, this remnant area would include less than 16% of the overall value of the community. The residents remaining in this area would be responsible for re-organizing their police protection, land management and zoning regulations, finances, and ordinary garbage collection contracts. With a severely reduced tax base they would have to finance their \$1 million portion of the current debt load, as well as finance upcoming infrastructure needs for bridge repairs and road maintenance. This western remnant town area would be forced to maximize development throughout all buildable areas in order to increase tax base. This action would have a negative impact on the protection of the recharge area envisioned in the proposed GPZ plan. It was considered unrealistic to leave this portion of the Town outside the incorporated Village. Because of the unique geography and geology in the western half of the proposed village – and the community and broader regional benefits associated with protecting this area – Petitioners kept this area connected to the more developed area in eastern Summit.

The Board finds that some factors are stronger than other factors, however on balance the petition as submitted meets the Compact and Homogenous standard in s. 66.0207(1)(a), Wis. Stats. for all of the reasons described above.

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

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

*The territory beyond the most densely populated square mile as specified in s. 66.0205 (3) or (4) shall have the potential for residential or other land use development on a substantial scale within the next three years. The Department may waive these requirements to the extent that water, terrain or geography prevents such development.*

### **Most Densely Populated Square Mile**

The most densely populated area is the Nemahbin Lakes area in Sections 13 and 24. It includes 395 households with over 1,078 people, even though these sections are largely dominated by water. Other areas of high population density exist to the south in Sections 33, 35, and 36, adjacent to the Village of Dousman.

### **Lands Subject to Waiver**

The statute permits the Board to waive certain lands from the ‘substantial development within three years’ standard to the “extent that water, terrain or geography prevents such development.”

Large areas within the proposed village consist of wetlands, surface water, and significant natural resources that prevent development. Specifically, Summit’s rivers, lakes, and wetland areas total over 5,368 acres, or 33% of the total proposed village area. In addition, there are 1,888 acres of woodland areas that have been designated by SEWRPC as being within environmental corridors. These areas environmental corridors, combined with Summit’s lakes and wetlands yields a total of 7,256 acres of territory, or 44.5% of the total proposed village area that can be waived.

Summit has extensive blocks of territory, and isolated pockets of territory, whose soils are too wet or poorly drained to permit development. These areas are shown in olive and yellow on Map 15, at Appendix A. They total approximately 1,500 acres and occur primarily in the western one-half of Summit. Adding these wet and poorly drained soils to Summit’s wetlands, surface water, environmental corridors yields a total of 8,756 acres of land appropriate for waiver, or roughly 54% of the total proposed village.

The remaining undeveloped lands are 3,217 acres of agricultural lands, or 19.7% of the total proposed village area. However, some of this developable land has, or will be, transferring to neighboring municipalities pursuant to Summit’s existing boundary agreements. Map 8 shows these areas, which total roughly 700 acres. Also, an additional 150 acres just north of the Village of Dousman, east of Lower Genesee Lake has been designated by Summit as the future Genesee Lake Park. Some of this land has already been purchased and improvements begun.<sup>38</sup>

Therefore, taking into consideration wetlands, surface water, environmental corridors, wet and poorly drained soils, transferred territory, and parkland purchase, the number of total developable agricultural acres is 2,367 acres or approximately 14% of the proposed village area.

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<sup>38</sup> Public Hearing on the Town of Summit incorporation petition, December 16, 2009, and Town of Summit submittal in support of Incorporation , page 62.

**Request for Waiver of Additional Lands**

In addition to the areas described above, Petitioners requested that the Board waive the entire Groundwater Protection Zone (GPZ). As mentioned previously, the GPZ is the 9 square mile area shown in green in Map 7. It represents 36% of the proposed village.

Table 7, provides a breakdown of the land uses within the GPZ. The table shows that developed land uses (residential, commercial, industrial, transportation and recreational) are less than 10% of the GPZ. The majority of the land use is ‘open lands’ and agricultural lands. Summit’s term ‘open lands’ are defined as wetlands, shorelands, floodplains, environmental corridors, and surface water.

A substantial portion of the agricultural land within the GPZ is wet or poorly drained soils that prevent development. Maps 3 and 15 show these undevelopable agricultural lands. These maps also show the agricultural lands within the GPZ that *are* developable - roughly 800 acres.

**Table 7  
Land Uses in the GPZ**

Land Use	Acres	Percentage %
<b>Residential</b>	315.0	5.32
<b>Commercial</b>	4.0	.07
<b>Industrial</b>	21.7	.37
<b>Transportation</b>	230.0	3.90
<b>Recreational</b>	1.9	.03
<b>Agricultural</b>	2,259.0	41.50
<b>Open Lands</b>		
Wetlands	2,311.0	
Woodlands	312.0	
Water	266.0	
<b>Total Open Lands</b>	2891.0	49.00
	5,927.0	100.00

As justification for the waiver, the Petitioners point to the area’s unique geography and its importance to the entire region’s groundwater recharge. Petitioners also point out that developing any lands within the GPZ would be very unlikely because of the large wetland complexes and wet soils. Petitioners assert that even the agricultural areas shown by Maps 3 and 15 as being developable are nonetheless unlikely to be developed because of the surrounding wet soils and the overwhelming political desire that the entire GPZ be preserved.

**Unique Geography**

SEWRPC, Waukesha County, and the DNR all agree that the entire Town of Summit is very important for groundwater recharge, and that preserving the land in a natural state is important to the region. SEWRPC’s *Regional Water Supply Plan for Southeastern Wisconsin* supports the idea of using natural processes to increase the supply and quality of groundwater, and SEWRPC also made this point in person at the public hearing. *Waukesha County’s Land and Water Resource Management Plan* (2006) also supports preserving land in a natural state, similar to that envisioned by the GPZ. A key goal of the county’s plan is improving the quality and quantity of groundwater. One of the ways in which this will be implemented is by preserving groundwater recharge areas.<sup>39</sup> The Wisconsin DNR also emphasized Summit’s importance to the region’s groundwater, and the desirability of minimizing development.<sup>40</sup> The DNR noted that soils in the eastern one-half of the Town are also useful for groundwater recharge because the soils are highly permeable. However, significant development has occurred in the eastern part of the town - before preserving groundwater recharge areas was deemed critical to the region.

Summit recognizes the uniqueness of its location and desires to preserve the GPZ, as well as other critical lands in the eastern one-half of the Town. The *Town of Summit Master Plan 2010*

<sup>39</sup> *Waukesha County Land and Water Resource Management Plan* (2006), page 57.

<sup>40</sup> Email correspondence and phone conversation with Jeffrey Helmuth, Wisconsin DNR Hydrogeologist, February 12 & 18, 2010.

(2001) recommends that the western one-half of the Town be preserved and that lands in the eastern one-half be primarily low-density residential.

The GPZ concept had not yet been conceived in 2001 when the Town developed its master plan. However, the plan recommended that wetlands and environmental corridors in the western one-half be preserved as open space and that agricultural lands be maintained in agricultural use or as low-density residential. So although, the GPZ idea had not yet crystallized in 2001, the concept was already established.

For many years, the town and county have used land division and zoning regulations to minimize development in this area. For the agricultural areas shown in white, the Town's zoning ordinance classifies these lands as A-1 and A-2. A-1 parcels are 35 acres in size or larger and are allowed one dwelling unit. A-2 parcels are less than 35 acres and are allowed one dwelling unit per 10 acres. Map 13, the future land use map, shows these agricultural areas as anticipated for low-density residential with a minimum lot size of 2.4 acres. This means that according to current regulations and plans, agricultural lands within the GPZ may be rezoned to residential and then developed at a density of one dwelling unit per 2.4 acres.

Although the GPZ lacks specific regulations to preserve these lands in a natural condition, Summit's policy has been to preserve these lands. As will be discussed later in this section, only one rezoning of GPZ lands from agriculture to residential use has occurred since 1990, and no new subdivisions have occurred. Where development has occurred, 'conservation subdivision' style developments have been employed. These developments cluster housing in order to maximize and strategically locate the permanently preserved natural areas. Summit's zoning code includes and authorizes conservation subdivisions. To date, Summit has approved two conservation subdivisions within the GPZ area, one a 5-lot development in Section 31 on Golden Lake called Pauly Preserve and one a 24-lot subdivision in Section 17 called Forest Cove. Summit's zoning code describes and authorizes conservation subdivisions.

The Town is in the process of developing stronger regulations in conjunction with their comprehensive plan and land division regulations. Protection of the GPZ will be an important part of Summit's ongoing update of its 2001 Master Plan. The update is expected to be completed in Fall of 2010.<sup>41</sup> Summit's desire to incorporate, is in part, to utilize the enhanced authority given to villages which will better enable Summit to protect the GPZ.

The presence of three FEMA floodplain boundaries within the GPZ means that additional agricultural lands are difficult to develop. Floodplain regulations have been strictly enforced in the past, and because of Summit's experience with flooding in 2008, that same level of enforcement will continue.

#### Wet Soils

As indicated throughout this determination, the Town of Summit contains lots of water, whether in lakes, wetland complexes or hydric soils. For example, the entire Town is too wet for septic systems to be suitable.<sup>42</sup> However, it is Summit's western one-half that is particularly wet and mucky.

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<sup>41</sup> Email correspondence from Henry Elling, Town of Summit Administrator, January 26, 2010.

<sup>42</sup> Town of Summit Master Plan 2010 (2006), Appendix page 35. Map shows entire GPZ, and Town for that matter (with the exception of a few small pockets) as being severely limited for septic suitability.

These wet soils are likely the reason development has not occurred to date within the GPZ. Between 1963-2009, the only conversion of lands from agricultural land use to developed land uses within the GPZ occurred around Golden Lake. Landowners within the GPZ do not appear to expect to develop their property. Instead, the expected land uses appear to be continued rural land uses, such as agriculture, forestry, and open space. Approximately 300 acres of private lands within the GPZ are currently enrolled in the Wisconsin DNR's Managed Forest Land (MFL) program, which has certain development restrictions in exchange for reduced property tax amounts.<sup>43</sup> Also, a number of conservation organizations have purchased property within the area. Specifically, the Izaak Walton League owns several 210 acres, the Boy Scouts of America own 163 acres, the Perkins Wildlife Area consists of 169 acres, and the Pauly Preserve is 23 acres. Other non-profit conservation organizations are also proposing to buy GPZ lands in either fee simple or the development rights. This is shown by Map 10, Waukesha County's Park and Open Space Plan map, which shows large portions of the GPZ as being proposed for ownership by non-profit organizations.

The nature of land ownership within the GPZ further confirms that landowners do not believe development is likely or feasible. Specifically, of the 176 total parcels of land within the GPZ, only 3 are owned by development companies.<sup>44</sup> This is in sharp contrast to the eastern one-half of the Town, where the majority of owners of vacant lands are development companies.<sup>45</sup>

**Future Growth**

Easy access and proximity to employment centers, water recreation, lower density living, and large open environmental areas will continue to fuel Summit's growth into the foreseeable future. The paragraphs below examine Summit's future growth potential, and whether this potential rises to the level of 'substantial development within 3 years'. Population trends are examined as well as data regarding building permits, subdivision platting, and rezonings. Recommendations made by Summit's land use plan and draft comprehensive plan are also discussed.

***Population Growth***

The Town has experienced modest population growth over the last three decades, accelerating somewhat after 1990. However, given the Town's desire to protect its lake and river features and ground water resources, and it's stated goal of retaining its 'lake country' natural character, it is unlikely that population will grow by huge amounts. This is seen in the year 2025 projection, which shows a 20-year increase of less than one thousand persons. Instead, Summit hopes and anticipates that the population growth that occurs in Waukesha will occur in the intensely developed cities and villages.

**Table 8  
Summit Population Growth\***

1970	1980	1990	2000	2005	2025 Projection
3,809	4,050	4,003	4,999	5,178	5,870

***Rezonings***

Since 2001, the Town has approved 25 requests to rezone property, and denied two requests. A total of 1,407 acres have been rezoned from 1990 – 2009. The majority of requests have been to convert from A-1 Exclusive Agricultural to residential.<sup>46</sup> All of the rezonings that transitioned

<sup>43</sup> Email correspondence from Henry Elling, Town of Summit Administrator, February 22, 2010.

<sup>44</sup> Email correspondence from Henry Elling, Town of Summit Administrator, which included a spreadsheet of all the land owners within the GPZ, March 2, 2010.

<sup>45</sup> Waukesha County Plat Book (2002).

<sup>46</sup> Town of Summit Submittal in Support of Incorporation, page 85.

land to a higher intensity land use occurred outside of the GPZ, with the exception of one rezoning in Section 17.<sup>47</sup>

**Building Permits**

From 2000 - 2009, the Town issued building permits for 232 new single-family homes, an average of 23 new homes per year.<sup>49</sup> This also shows relatively slow growth.

**Subdivisions & Housing Units**

Because subdivision of land is a step preceding new development, examining trends in new subdivision plats can determine future development activity. Table 9 shows approved subdivisions in the Town from 1990-2009. The Table shows modest but steady activity, especially when measured against the amount of vacant land. The table shows that 409 total lots were created, and of these only 53 remain vacant and available for new construction.<sup>50</sup>

There are another three subdivisions that have not received approval but when completed will contain 250 lots. Of these lots, 229 are in the final plat stage and 31 are in the preliminary plat stage.

In addition to residential sites, commercial sites in the Pabst Farms lands and Summit Village Commons are also available which will add over 100 acres for commercial, office, or retail uses.

<b>Table 9 Approved Subdivisions 1990-2009<sup>48</sup></b>		
<b>Subdivision Name</b>	<b>Lots</b>	<b>Plat Date</b>
Opengate	35	1992
Pleasant Mound	28	1993
Silver Knoll	5	1994
Meadows of Waterville	67	1995
Papa Dell West	15	1995
Riverline	57	1995
Genesee Lake Farms	64	1996
Pauly Preserve	7	1999
Stillwater	27	2000
Waterville West	21	2002
Forest Cove	24	2003
Canterbury Lane	5	2004
Ravinia Park	33	2008
Brightwater on Upper Genesee Lake	21	2008
Total Lots	409	

<sup>47</sup> Ibid, page 87.

<sup>48</sup> Town of Summit Submittal in Support of Incorporation, page 87.

<sup>49</sup> Ibid, page 96.

<sup>50</sup> Ibid, page 84.

Table 10<sup>51</sup> shows the total number of housing units in Summit as well as the progression of building activity from 1990 to 2008. The table shows modest but steady growth, with a total of 254 new housing units added since 2000. The years of greatest activity occurred between 2002 - 2004. However since 2005, that activity has been greatly reduced. The table shows a 2008 total of 2,114 housing units, however because roughly one-hundred housing units were also lost to neighboring communities due to annexations or boundary agreement attachments<sup>52</sup>, the real number of housing units may be closer to 2,000.

<b>Year</b>	<b>Units</b>	<b>#Units Gained</b>
1990	1,575	-
2000	1,904	-
2001	1,926	22
2002	1,977	51
2003	2,024	47
2004	2,064	40
2005	2,081	17
2006	2,094	13
2007	2,104	10
2008	2,114	10
<b>Total</b>	<b>2,114</b>	<b>254</b>

### **Sewer Service Area**

Analysis of municipal sewer service is useful because generally urban development requires public sewer service. As indicated previously in the ‘Homogenous and Compact’ section, the Town does not provide municipal sewer and water service using its own infrastructure. Instead, through intergovernmental agreements and sanitary districts, the Town has been able to develop a framework of service areas and providers that will ultimately provide service to 75% of the proposed village territory. Although the majority of existing development in Summit is served by private sanitary systems and private wells, the Town’s cooperative arrangements mean that current and future residents in sections 11, 14, 15, 16, and 26-34 will receive municipal sewer service. Future commercial and residential development is planned for only those areas where sewer services are available.<sup>53</sup> Map 11 shows Summit’s three sanitary district boundaries that provide service to the neighborhoods around Upper and Lower Nashotah Lakes, Upper and Lower Nemahbin Lakes, Silver Lake, and also the Aurora interchange business area. Approximately 750 residential properties and 500 acres of commercial lands are within these utility and sanitary districts. Also, through Summit’s boundary agreement with the Village of Dousman, sewer service will extend as far north as Genesee Lake Road, as far east as Crooked Lake, and as far west as Golden Lake. Sewer service has not been planned for, or made available, within the GPZ because it is intended that this area remain in a natural condition.

### **Plans**

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

The *Summit Master Plan 2010* (2001) guides and coordinates all of the community’s various public activities, responsibilities, initiatives, goals and objectives. As mentioned previously, the plan is being updated and will be completed in 2010. Map 13, the future land use map shows that the Town desires to retain its ‘Lake Country’ character. The largest land uses will be ‘Open Space’ and ‘Single Family Residential – 2.4 acres’. Higher residential density is recommended and already exists around the lakes. A multi-family area is planned adjacent to the Aurora business development and a mixed-use area is planned just west of Upper and Lower Nashotah

<sup>51</sup> Based on data from the Wisconsin Department of Administration Demographic Service Center.

<sup>52</sup> Data from Wisconsin Department of Administration’s Demographic Service Center.

<sup>53</sup> Public hearing at the Town of Summit Municipal Building, testimony by Henry Elling, Town Administrator. December 16, 2009

Lakes. Commercial, institutional, and industrial/business park development at the intersection of I-94 and STH 67, which is part of the Pabst Farms development, is described below.

### Pabst Farms

The development of the Pabst Farms; the century old farm owned by the Pabst Blue Ribbon Beer family, was an ambitious and successful planning initiative. This project is the result of the *City of Oconomowoc and Town of Summit Cooperative Boundary Agreement* (2000). The boundary agreement cleared the way for the development to occur by transferring territory between the municipalities and securing boundaries, and by arranging for necessary public service such as sewer and water. The development is unique in both its size and character. Spanning 1500 acres in both the City and Town, it will include 1,200 residential units, 900,000 square feet of retail space, 5 million square feet of business, office and health care facilities, and 360 acres of open space, recreational trails, and community space. Pabst Farms will be unique in that it is an entire master-planned community. Pabst Farms advertises itself as an all-encompassing life-cycle community where residents may live, work, shop, go to school, and recreate. Trails, along with the dense nature of the development, mean that residents may move throughout the area by walking and biking.

Map 18, at Appendix A, shows the Pabst Farms development. The project has been slowed by the down turn in the economy. However, during that time infrastructure improvements have been made, such as roads, trails, sewer and water installations, and stormwater management facilities. Tenants have slowly been added.<sup>54</sup> When economic conditions improve, implementation of the full Pabst Farms development plan will greatly accelerate.

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<sup>54</sup> 'Market Trends Change Pabst Farms Plan', Milwaukee Journal Sentinel, December 5, 2009.

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## **Determination**

The amount of developable land subject to the ‘development within three years’ standard depends on whether the land within the GPZ is waived from the standard.

While making this determination, we examined two questions:

- 1) Should the entire GPZ be waived from the standard?
- 2) Does potential exist within the proposed village for substantial development within three years?

Should the entire GPZ be waived from the standard? The Board declines to waive the entire GPZ. However, the majority of lands within the GPZ are appropriate for waiver because they constitute the types of undevelopable lands that the Board has historically waived.

The GPZ has elements, that are both natural and legislative in nature, that prevent development. For example, the maps and data regarding hydric soils, building limitations, geology, topography, wetlands, and environmental corridors show that the GPZ has physical and natural attributes that distinguish it from surrounding areas, including the eastern half of the Town. The GPZ also has legislative aspects such as the Town’s policy to preserve the area in a natural condition, as well as its intent to create additional regulations to better preserve the area.

Petitioners point to the GPZ’s unique geography and importance to the entire region’s groundwater quality and quantity as a basis for waiver. Petitioners have shown that the area is physically unique and critically important. Map 6, showing that narrow recharge band between the Maquoketa shale layer and the groundwater divide, is especially helpful in showing how important this area is to the deep sandstone aquifer which is the source of much of southeast Wisconsin’s municipal and industrial water supply.

The Board acknowledges the Petitioners and the Town of Summit for their conservation vision and efforts to date. However, caselaw and past Board and Department determinations clearly show that the Board may only waive those lands whose physical characteristics prevent development.

Examining the GPZ in this light, the vast majority of lands are physically undevelopable due to wetlands, shorelands, steep slopes, environmental corridors, or having wet and poorly-drained soils. For example, in areas with poorly drained soils, the water table is less than one foot from the surface. These are the types of lands that are consistently waived from the ‘Development within 3 years standard’. Consequently only 750-800 acres of agricultural land within the GPZ appears to be developable and subject to the standard. Although the Board declines to waive these 750-800 acres, some of these acres are extremely unlikely to develop because they are small isolated areas surrounded by wetlands and wet soils. Developing these isolated lands would be difficult and cost-prohibitive, especially considering Summit’s requirement that future development be serve by municipal sewer.

Does potential exist within the proposed village for substantial development within three years?  
Yes.

As indicated earlier, waiving Summit’s numerous wetlands, surface water, environmental corridors, wet and poorly drained soils, transferred territory, and parkland purchase, results in a total of 2,367 acres of agricultural lands that are subject to the standard, or approximately 14% of

the proposed village area. The vast majority of these lands are located in the eastern one-half of the Town.

As indicated in this section, both the historical and recent data on population growth, rezonings, building permits, and subdivision platting shows that the Town has been growing steadily but modestly. However, Summit's location along I-94 and between the metropolitan areas of Milwaukee, Waukesha, and Madison means that development pressure exists. The vast majority of landowners in the eastern portion of Summit are land development companies. Furthermore, the area markets itself as the 'Lake Country' and offers a unique opportunity for people to live within a broader urban setting in a natural environment.

The 1500-acre Pabst Farms development is an important consideration because 600 of those acres will be located within the proposed Village of Summit. These 600 acres of proposed commercial, residential, and health-care related facilities will most likely develop very soon. Even during the economic downturn, the Pabst Farms project has slowly been moving forward. When economic conditions turn more favorable, the project will inevitably accelerate. Therefore, these 600 acres certainly have the potential for substantial urban development within the next three years. The Pabst Farms project as a whole, as well as the renovations and expansions of the Lake Country Nursing and Rehabilitation Center and Lake Country Assisted Living Center, creates a multiplier effect in terms of economic activity and means that Summit's 2,367 developable acres show a strong potential for substantial development. This is particularly true since Summit is proposing to utilize conservation-design subdivisions, which tends to consume more land area than conventional residential development.

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

## SECTION 2(A) TAX REVENUE

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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."*

Prior to the incorporation standards in s. 66.0207 Wis. Stats. being developed, a number of incorporations occurred in Wisconsin that were very small. Containing just a few hundred households, these new villages struggled to function as a village. They lacked a sufficient population to fill village board and committee positions, and also lacked sufficient tax base to raise the revenue required to provide village services. Therefore, when the legislature created the incorporation standards in 1959, this particular tax revenue standard was aimed at addressing those types of smaller proposed villages.

In the case of Summit, this is not a problem. The Town already functions as a village by providing a range of services typically provided by an incorporated community. These services have already been described throughout this determination, however they include administering Summit's own general zoning ordinance, subdivision ordinance, and stormwater ordinance. They have their own police department, and are updating their comprehensive plan. Therefore, becoming a village will not significantly change things.

The paragraphs below describe the Town's current financial situation, as well as its proposed budget should it become a village.

### Assessed value

Summit has a tremendous amount of property value. In 2008, the assessed value was \$1,051,450,900. Table 5 shows the breakdown of assessed value by type of land use. The table shows that residential property is overwhelmingly the dominant form of wealth in Summit, representing 95% of the Town's total assessed value.

The 2009 assessed value is anticipated to increase by \$100 million as a result of the completion of the Pabst Farm's Aurora-Wilkinson Clinic, as well as the expansion of the Lake Country Nursing and Rehabilitation, and the Lake Country Assisted Living facilities. As the Pabst Farms project continues to become completed, the total assessed valuation will continue to increase, particularly commercial land uses.

**Table 5**  
**Assessed Value in Summit**

Land Use	2008	2009
Residential	\$1,001,922,300	\$1,009,979,300
Commercial	\$31,709,400	\$57,188,100
Manufacturing	--	--
Agricultural	\$1,015,800	\$1,006,900
Undeveloped	\$6,400,900	\$6,241,000
Agriculture/Forest	\$1,304,600	\$1,198,900
Forest	\$1,410,000	\$1,340,700
Other	\$7,687,900	\$7,686,700
<b>Total</b>	<b>\$1,051,450,900</b>	<b>\$1,084,641,600</b>

Summit's high assessed value is likely one reason for its low mill rate, which was just \$1.3 in 2008.

### Debt

As of 2008, Summit's total outstanding debt was \$13,715,129. Of this, \$352,939 represents accumulated sick pay benefits and unfunded retirement liability. In addition, Summit Utility District #2 accounts for \$1,352,447 in revenue bonding.<sup>55</sup>

Town's total debt decreased by \$374,966 during fiscal 2008, due to annual repayment of debt in Summit Utility District #2, and annual debt payments on other accounts for the Town. This total debt decrease occurred despite the fact that the Town added \$315,000 in short-term borrowing for flood response<sup>56</sup>.

State statutes limit the amount of general obligation debt a governmental entity may issue to 5% of its total equalized valuation of taxable property with the jurisdiction. Current debt limit for the Town is \$53,877,120 which is only about 23% of its statutory limit. Should the Town need to borrow in the future, it has ample room to do so.

### Proposed Budget

Because Summit already operates like a village, the proposed budget does not contain drastic changes. However, one change would be that Summit takes over shoreland-floodplain zoning enforcement from Waukesha County. Because of this, the proposed budget anticipates that revenues will increase by \$22,500 because of permit fees. However, expenditures will also increase \$30,000 (at least the first year) due to the costs of administering the ordinance, and training the building inspector, engineer, and the zoning board of appeals about their new duties.

The proposed budget also adds \$60,000 for a new full-time facilities manager overseeing the sanitary sewer utility districts and the new DNR MS4 stormwater management regulations. Also, \$87,000 is included for improvements to the Genesee Lake Road Park.<sup>57</sup>

Summit would continue to operate its full-time 24 hour police department which consists of seven full-time officers and six part-time officers. Water patrol, boater safety training, and hunter safety classes would continue to be provided.<sup>58</sup>

Summit will continue its ownership interest in the Dousman Fire Protection District and the Summit Fire District. The Dousman district was established in 1967 and includes the Village of Dousman, Town of Ottawa and southern half of Summit south of Genesee Lake Road. It has two full-time staff and 40 volunteers. The Summit Fire District was established in 1973 and covers Summit north of Genesee Lake Road.<sup>59</sup> It has 50 volunteers, and no full-time staff.

The proposed village will continue to utilize their highway department for on-going roadwork and property maintenance. The department currently consists of three full-time and three part-time employees.

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<sup>55</sup> Town of Summit Submittal in Support of Incorporation, page 106.

<sup>56</sup> Ibid., at page 106.

<sup>57</sup> Ibid., page 120.

<sup>58</sup> Ibid., page 21.

<sup>59</sup> Ibid., at page 21.

The proposed budget maintains the administrative office staffing, which currently includes 3 full-time employees – a clerk, deputy clerk/treasurer, and the Manager/planner/treasurer.

Also, the proposed budget maintains Summit’s support for the Lake Country Municipal Court. Started in 1988, this court handles municipal violations for nine area towns, seven villages, and one city.

**Table 6  
Proposed 2010 Budget**

Account Description	Village
<b>General Fund</b>	
General property taxes	1,494,593
Other taxes	300
Intergovernmental revenues	1,016,319
Regulation & Compliance (licenses and permits)	148,365
Public charges for services	432,903
Commercial revenue	244,950
<b>Total Revenues</b>	<b>3,337,430</b>
General government	
Legislative	84,483
Plan Commission	155,159
Legal	80,000
Administrative	66,480
Clerk/Treasurer	62,192
Elections	10,000
Audit fees	18,000
Assessment	45,200
Buildings and grounds	29,500
Other	10,000
Insurance	48,200
Board of Appeals	2,500
<b>Total General Government</b>	<b>611,715</b>
Protection of persons and property	
Police	947,963
Water Patrol	14,152
Fire	25,000
Inspection	55,300
Dog Pound	2,310
<b>Total Protection of Persons and Property</b>	<b>1,044,726</b>
Public works	321,432
Street Lighting & Cemetery	41,849
Road maintenance and construction	75,800
<b>Total Public Works</b>	<b>439,082</b>
Health & Sanitation	393,533

Recreation	105,218
Other (Utilities, equipment replacement, capital purchases)	233,000
Debt Service	515,154
Total Expenditures	3,342,431
Total Budgeted Revenues over Expenditures	5,001

## **DETERMINATION**

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For the preceding reasons, it is the Board's finding that should incorporation occur, the proposed Village of Summit will have substantially sufficient revenue to effectuate typical home-rule powers and services. Summit's high assessed value, low debt level, high debt capacity, and the fact that it already operates like a village, are all favorable factors.

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 no interveners filed a certified copy of a resolution to annex the entire petitioned territory with the Waukesha County circuit court, this standard is not applicable.

## **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 requirement does not apply because the entire Town of Summit is the subject of this incorporation proceeding; there is no remaining Town land.

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

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

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

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

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

The metropolitan communities for this determination are the Cities of Oconomowoc and Delafield, the Villages of Oconomowoc Lake and Dousman, and the Towns of Oconomowoc, Ottawa and Delafield, and also the Town of Concord in Jefferson County. Of course, Summit is easily accessible to other communities in Waukesha County and southeast Wisconsin. However, the communities above represent Summit’s immediate metropolitan community.

Oftentimes this ‘Impact on the Metropolitan Community’ standard is the most difficult standard to meet because it requires a finding that incorporation will cause no harm. However, Summit clearly and easily meets the standard. The Town has been a leader in Waukesha County and statewide regarding intergovernmental service and boundary agreements. Described earlier, these agreements have enabled Summit to successfully resolve issues regarding utility services, extraterritorial zoning, road maintenance and snow plowing, salt and sand purchases, storage and deliveries, recreational programming, fire protection, police protection, land use, and utility planning and lake use regulations.<sup>60</sup> Summit has adopted and approved boundary agreements with all adjacent municipalities except the City of Delafield, which has indicated that it has no objection to the incorporation.<sup>61</sup> No other communities have filed objections either.

In addition, Summit has participated in the following intergovernmental activities:

- Joint dispatch center and 911 emergency communications – shared in planning and funding.
- Summit/Oconomowoc Joint Planning Committee – the Town provides three representatives for this joint planning committee which was created as part of the *City of Oconomowoc and Town of Summit Cooperative Boundary Agreement (2000)*.

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<sup>60</sup> Summit Submittal in Support of Incorporation, page 23.

<sup>61</sup> Ibid, page 23

- Dousman and Summit Fire District Boards – the Town provides representatives for this board, along with the Villages of Dousman and Oconomowoc Lake, and the Town of Ottawa.
- Waukesha County Plan Commission and Zoning Board of Appeals – the Town coordinates with these entities, providing Town representatives and input.<sup>62</sup>
- Delafield-Hartland Water Pollution Control Commission (Del-Hart) - Summit was involved in creating this commission in 1976. In that agreement the Town agreed to provide an outfall location into the Bark River in Section 26 in exchange for future sewage treatment services for Town of Summit residents. In 1998, this agreement was the basis for the creation of Summit Sanitary District #1 (now Utility District #2), which provides sanitary sewer service for over 600 properties in the Town.<sup>63</sup>
- Pabst Farms – described earlier, this ambitious and remarkable project required extensive cooperation with the City of Oconomowoc, and also coordination with other municipal neighbors, and regional and state jurisdictions.
- Groundwater protection – the steps that Summit has taken to protect groundwater are consistent with the recommendations of Waukesha County and SEWRPC. In fact, SEWRPC testified at the public hearing in support of incorporation.

### **Determination**

Summit is already a leader and model citizen of its metropolitan community. However incorporation could enhance its contribution because being a village would enable Summit to participate more with economic development projects and better implement plans via mechanisms such as zoning, official maps, and capital budgeting.

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

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<sup>62</sup> Summit Submittal in Support of Incorporation, page 123.

<sup>63</sup> Ibid, page 23.

## APPENDIX

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### APPENDIX A: Maps

Map 1	Topography in the Town of Summit
Map 2	Geology in the Town of Summit
Map 3	Building Limitations Based on Soil Types in Town of Summit
Map 4	Infiltration Potential Based on Soil Types in Town of Summit
Map 5	Wetlands & Environmental Corridors in the Town of Summit
Map 6	Groundwater Characteristics
Map 7	Town of Summit Groundwater Protection Zone
Map 8	Town of Summit Lands to be Transferred
Map 9	Roads in the Town of Summit
Map 10	Waukesha County Park & Open Space Plan as Applied to the Town of Summit
Map 11	Utility Districts in the Town of Summit
Map 12	Town of Summit Incorporation
Map 13	Town of Summit Master Plan
Map 14	Town of Summit Land Uses in 2009
Map 15	Natural Resource Limitations for Development

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Map 1  
**TOPOGRAPHY IN  
 THE TOWN OF  
 SUMMIT**

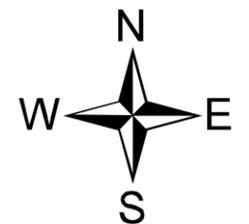
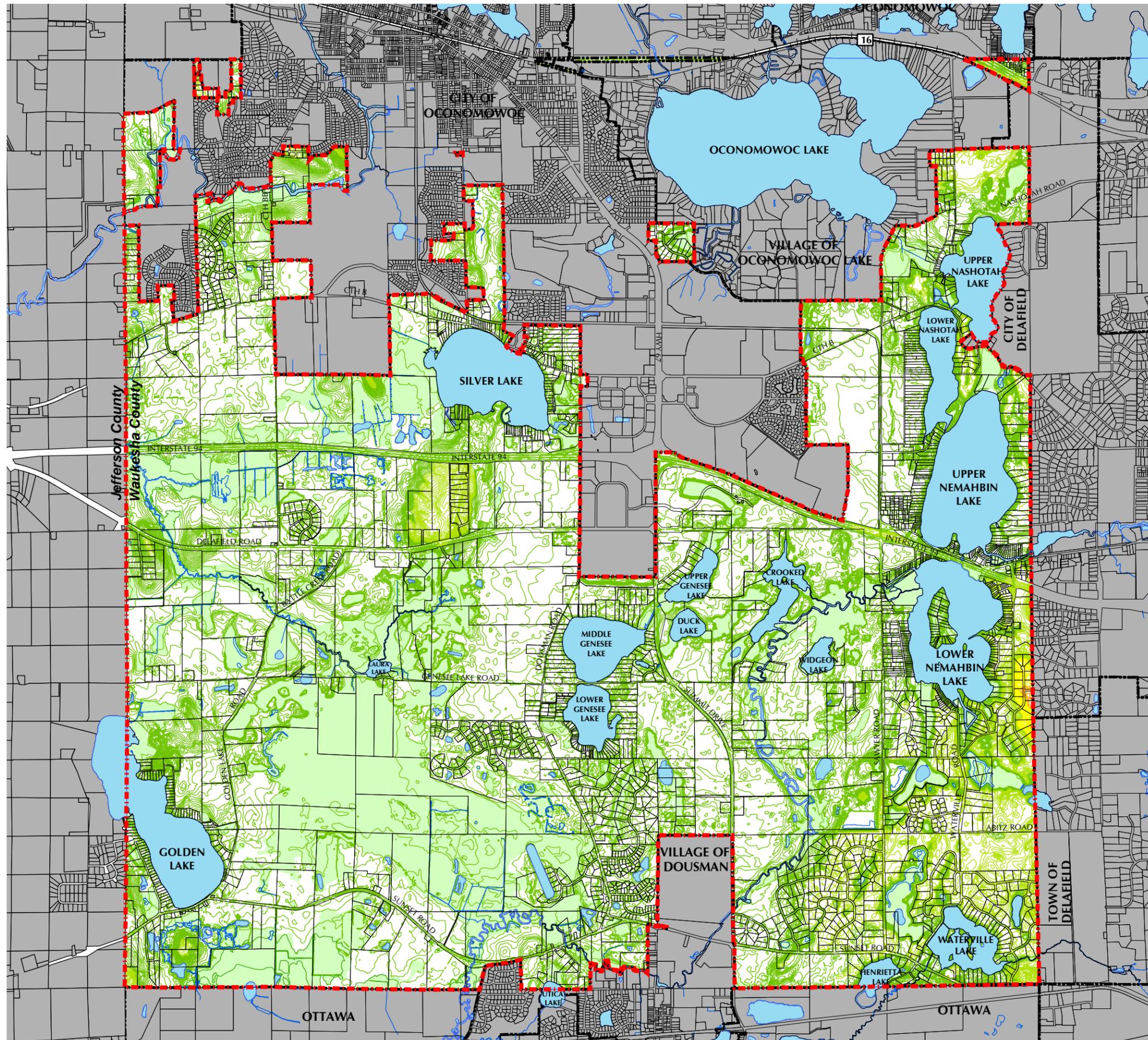
**LEGEND**

-  TOWN OF SUMMIT
-  MUNICIPAL BOUNDARY
-  PARCEL AND ROW LINES
-  SURFACE WATER

**ELEVATION IN FEET  
 ABOVE SEA LEVEL**

-  800.00000 - 850.00000
-  850.00001 - 900.00000
-  900.00001 - 950.00000
-  950.00001 - 1000.00000
-  1000.00001 - 1050.00000
-  1050.00001 - 1100.00000
-  1100.00001 - 1150.00000
-  WETLANDS

Source: Waukesha County



0 1,800 3,600 7,200 Feet



# Map 2 GEOLOGY IN THE TOWN OF SUMMIT

## LEGEND

### ENVIRONMENTS OF DEPOSITION:

#### Glacial Sediment

-  Glacial Sediment in Steep Hillslopes
-  Glacial Sediment of the Holy Hill Formation with Generally Low-Relief Topography
-  Glacial Sediment of the Holy Hill Formation with Hummocky Topography
-  Glacial Sediment of the Oak Creek Formation

#### Offshore Sediment

-  Uncollapsed Offshore Sediment of Proglacial Lakes
-  Offshore Sediment of Holocene Lakes
-  Offshore Sediment of Pleistocene Lakes
-  Offshore Sediment of Ice-Walled Lakes
-  Collapsed Offshore Sediment of Proglacial Lakes Deposited on Stagnant Glacial Ice

#### Stream Sediment

-  Uncollapsed Meltwater-Stream Sediment
-  Modern Stream Sediment
-  Collapsed Meltwater-Stream Sediment

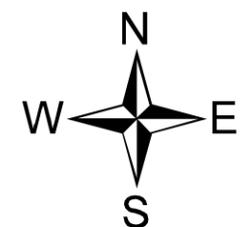
 PARCEL AND ROW LINES

 MUNICIPAL BOUNDARY

 TOWN OF SUMMIT

 SURFACE WATER

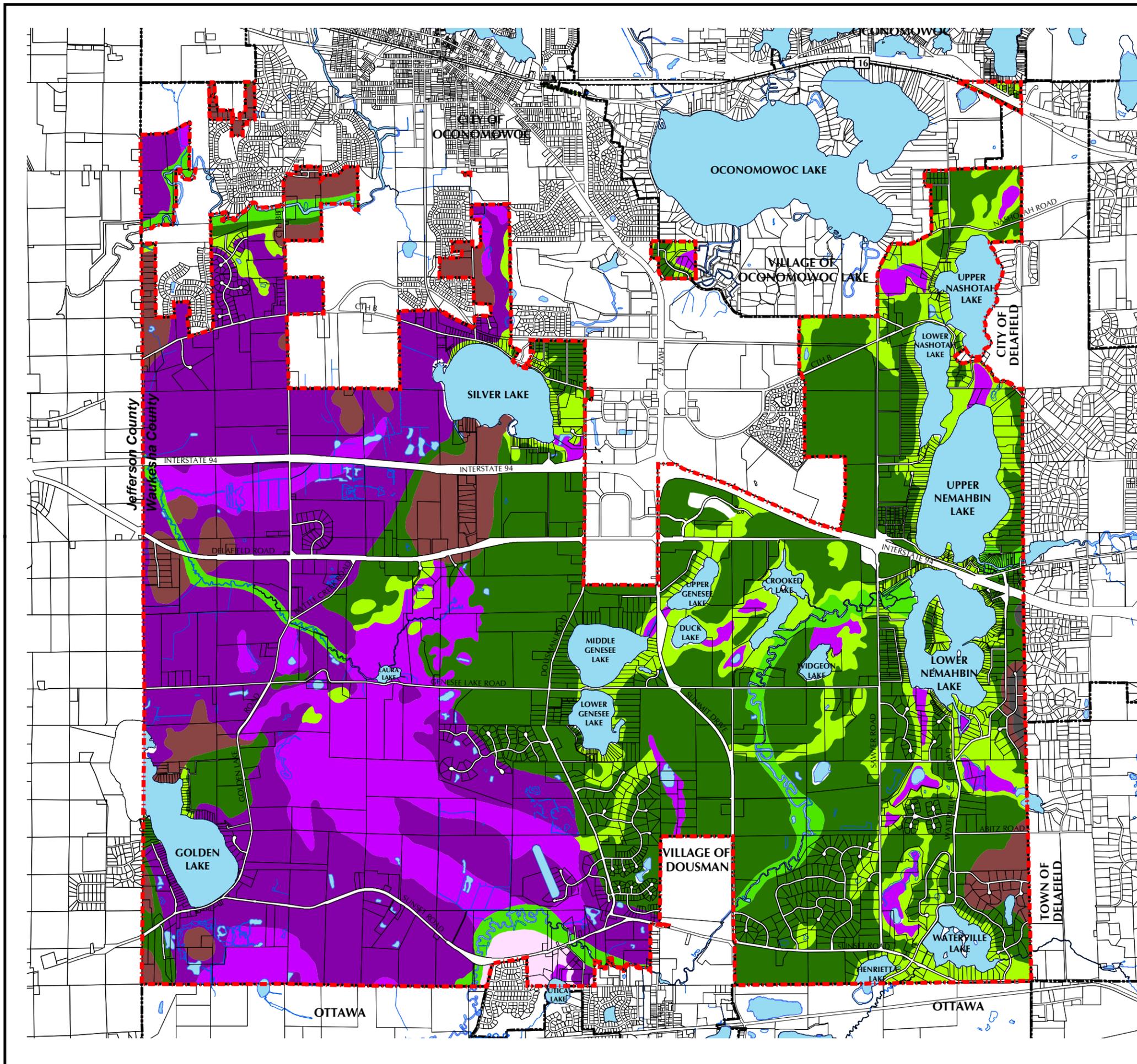
Source: Waukesha County, Wisconsin Geological and Natural History Survey.



0 1,800 3,600 7,200 Feet



Map created August 17, 2009  
YCA Project # 3308-245



# Map 3 BUILDING LIMITATIONS BASED ON SOIL TYPES IN TOWN OF SUMMIT

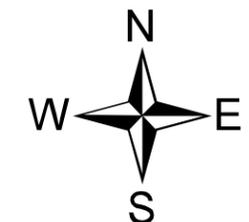
## LEGEND

-  TOWN OF SUMMIT
-  MUNICIPAL BOUNDARY
-  PARCEL AND ROW LINES
-  SURFACE WATER

### HOME BUILDING INTERPRETATIONS BASED ON SOIL TYPES:

-  No Limitations To Buildings
-  Steep Slopes Limit Home/Yard Design
-  Bedrock Blasting May Be Needed For Basement
-  High Risk of Wet Basement
-  Very High Risk of Wet Basement

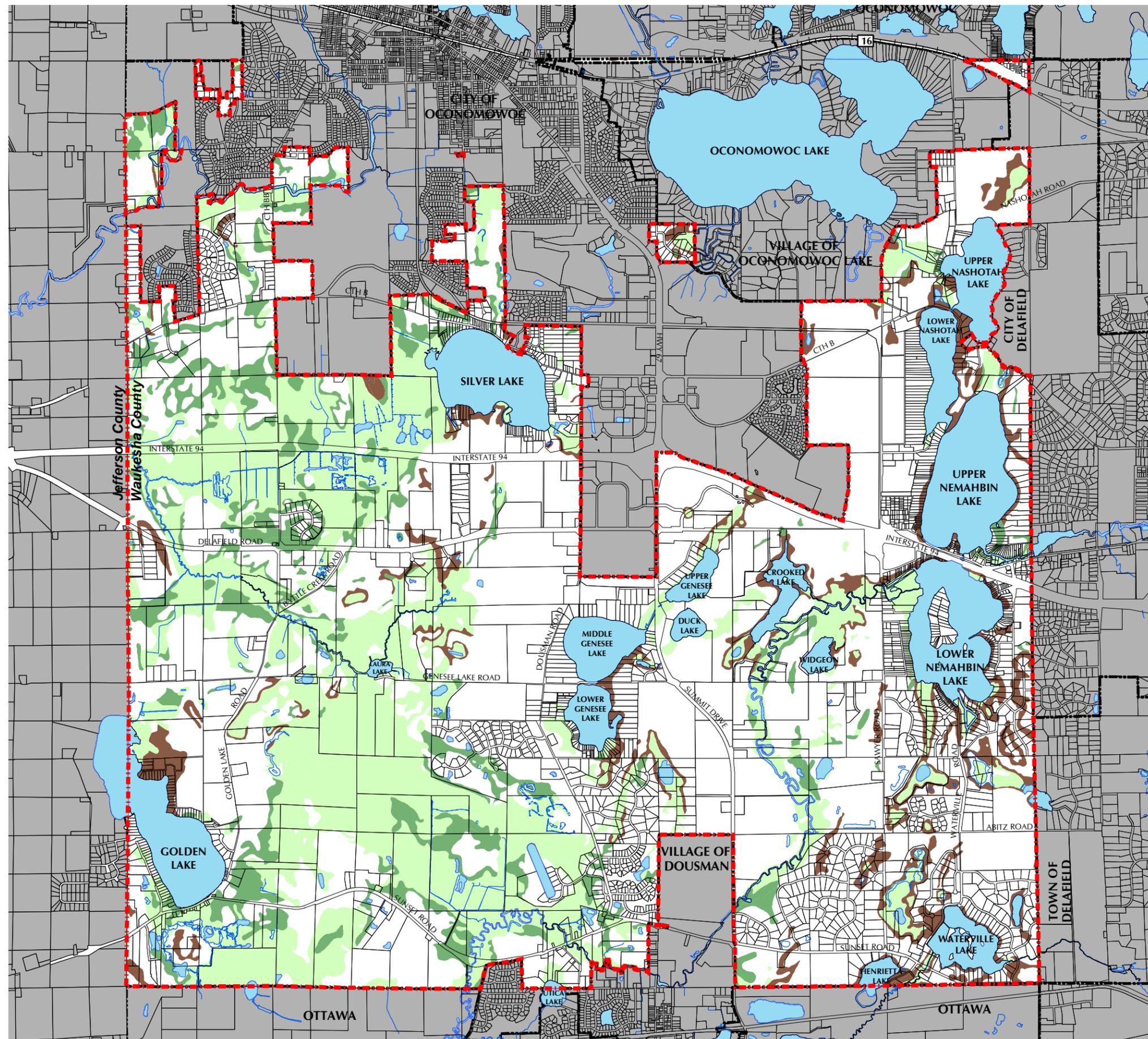
Source: Waukesha County



0 1,800 3,600 7,200 Feet



Map created August 18, 2009  
YCA Project # 3308-245

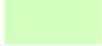


# Map 4 INFILTRATION POTENTIAL BASED ON SOIL TYPES IN TOWN OF SUMMIT

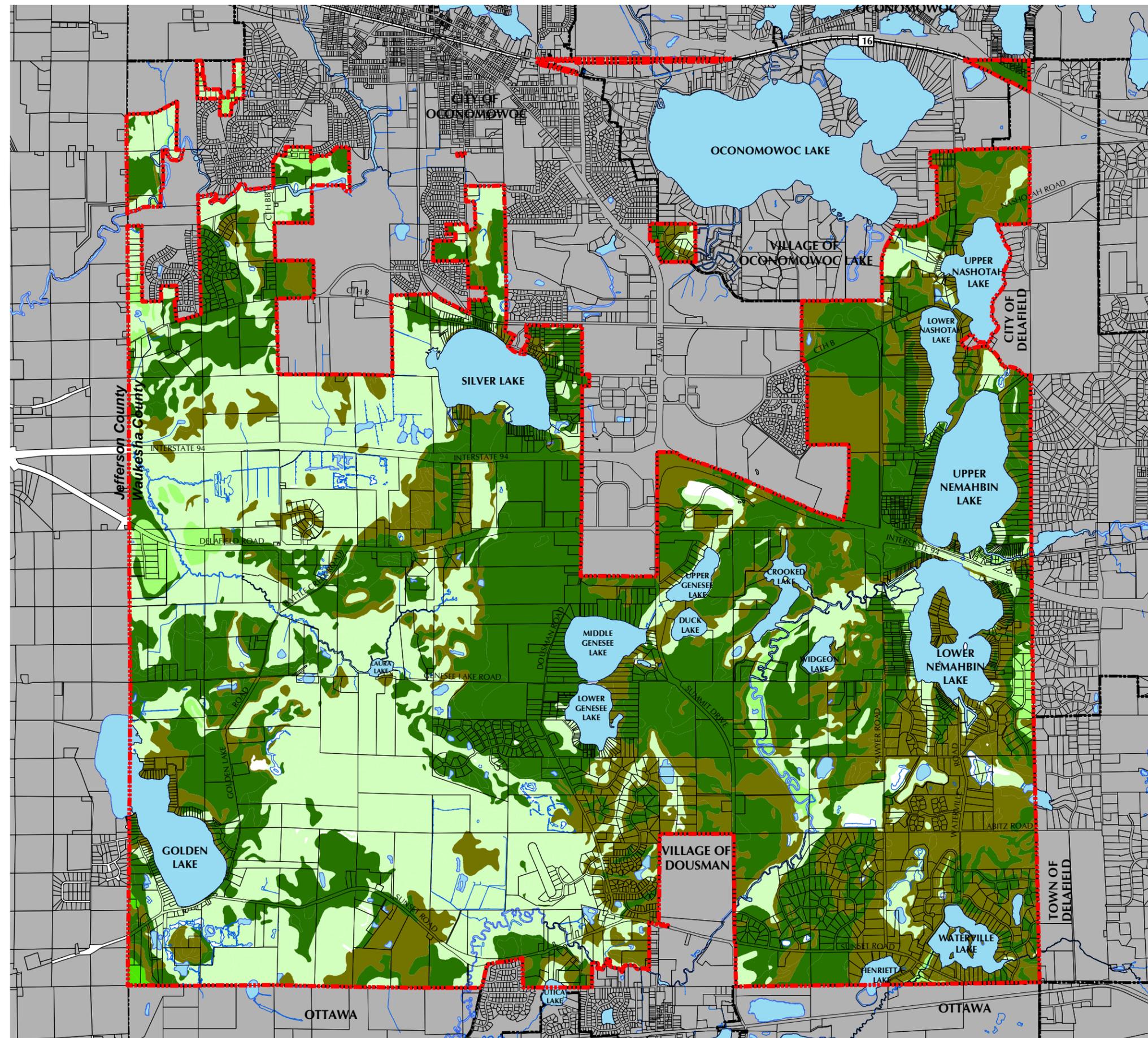
## LEGEND

-  TOWN OF SUMMIT
-  MUNICIPAL BOUNDARY
-  PARCEL AND ROW LINES
-  SURFACE WATER

INFILTRATION POTENTIAL  
BASED ON SOIL TYPES:

-  Excessively High
-  Very High
-  High
-  Moderate
-  Low

Source: Waukesha County



0 1,800 3,600 7,200 Feet

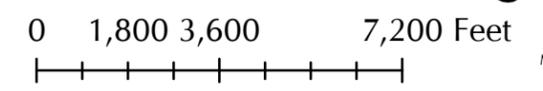
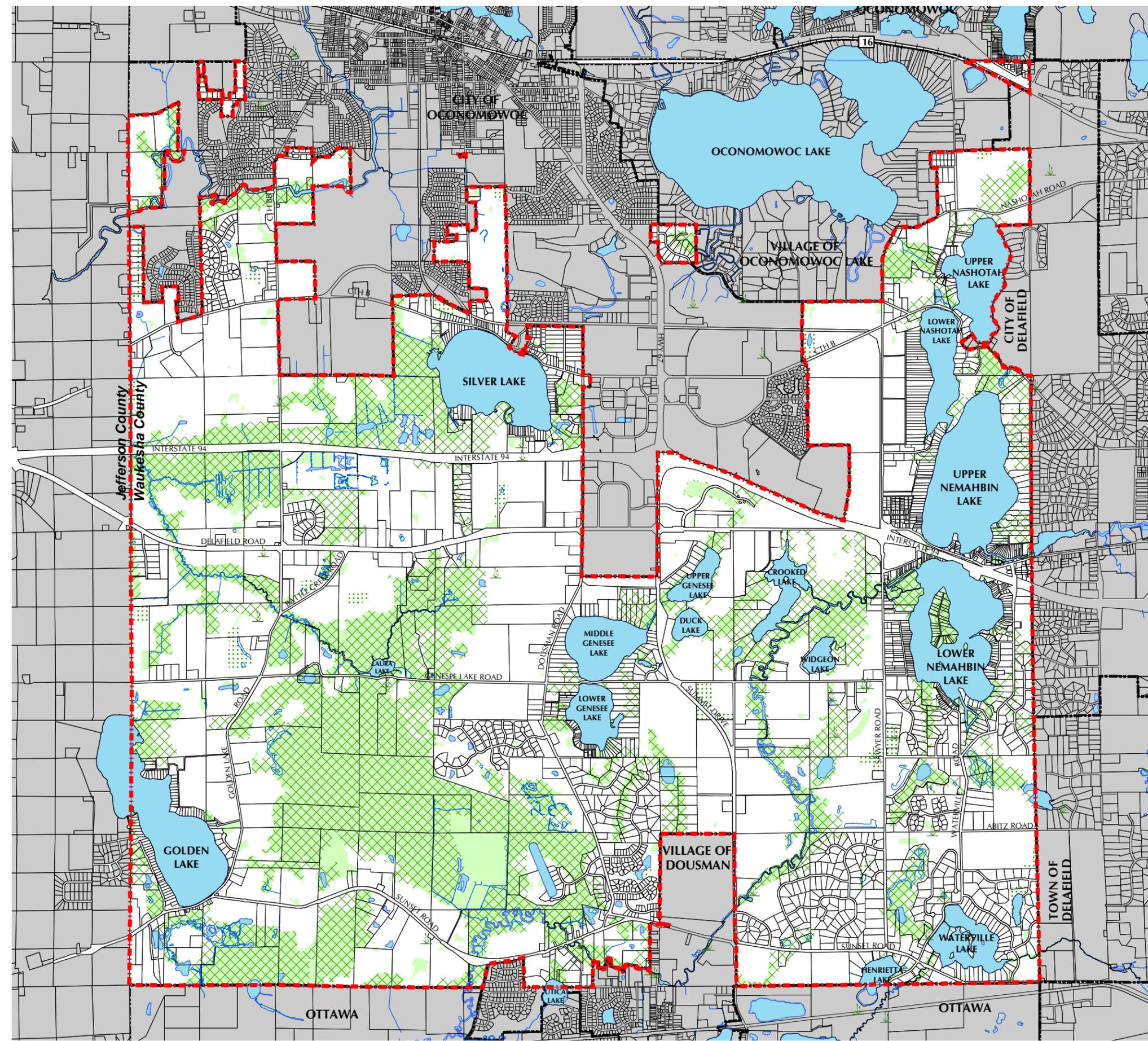


# Map 5 WETLANDS & ENVIRONMENTAL CORRIDORS IN THE TOWN OF SUMMIT

## LEGEND

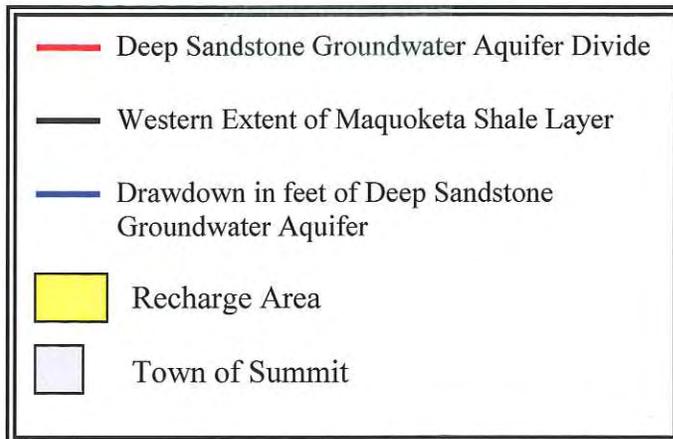
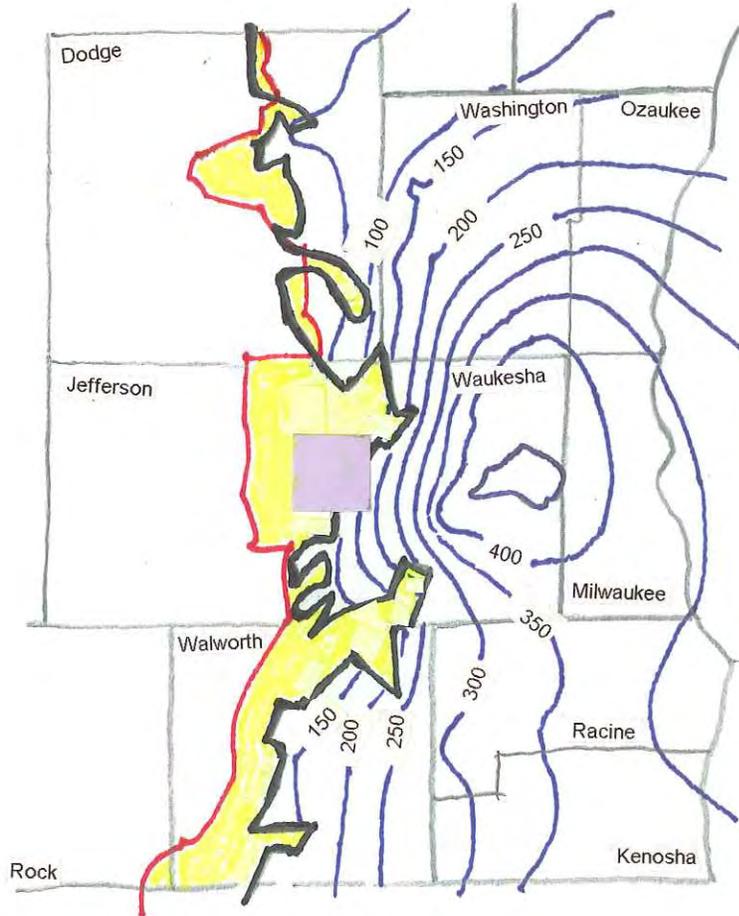
-  WETLANDS SMALLER THAN 2 ACRES
-  WETLANDS LARGER THAN 2 ACRES
- ENVIRONMENTAL CORRIDORS:
  -  Primary Environmental Corridor
  -  Secondary Environmental Corridor
  -  Isolated Natural Resource Area
-  PARCEL AND ROW LINES
-  MUNICIPAL BOUNDARY
-  TOWN OF SUMMIT
-  SURFACE WATER

Source: Waukesha County, Wisconsin DNR



Map created August 18, 2009  
YCA Project # 3308-245

### Groundwater Characteristics

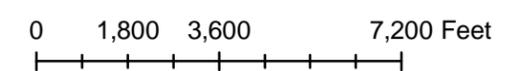
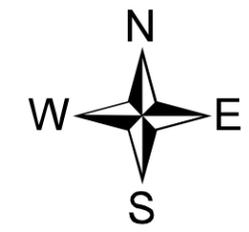
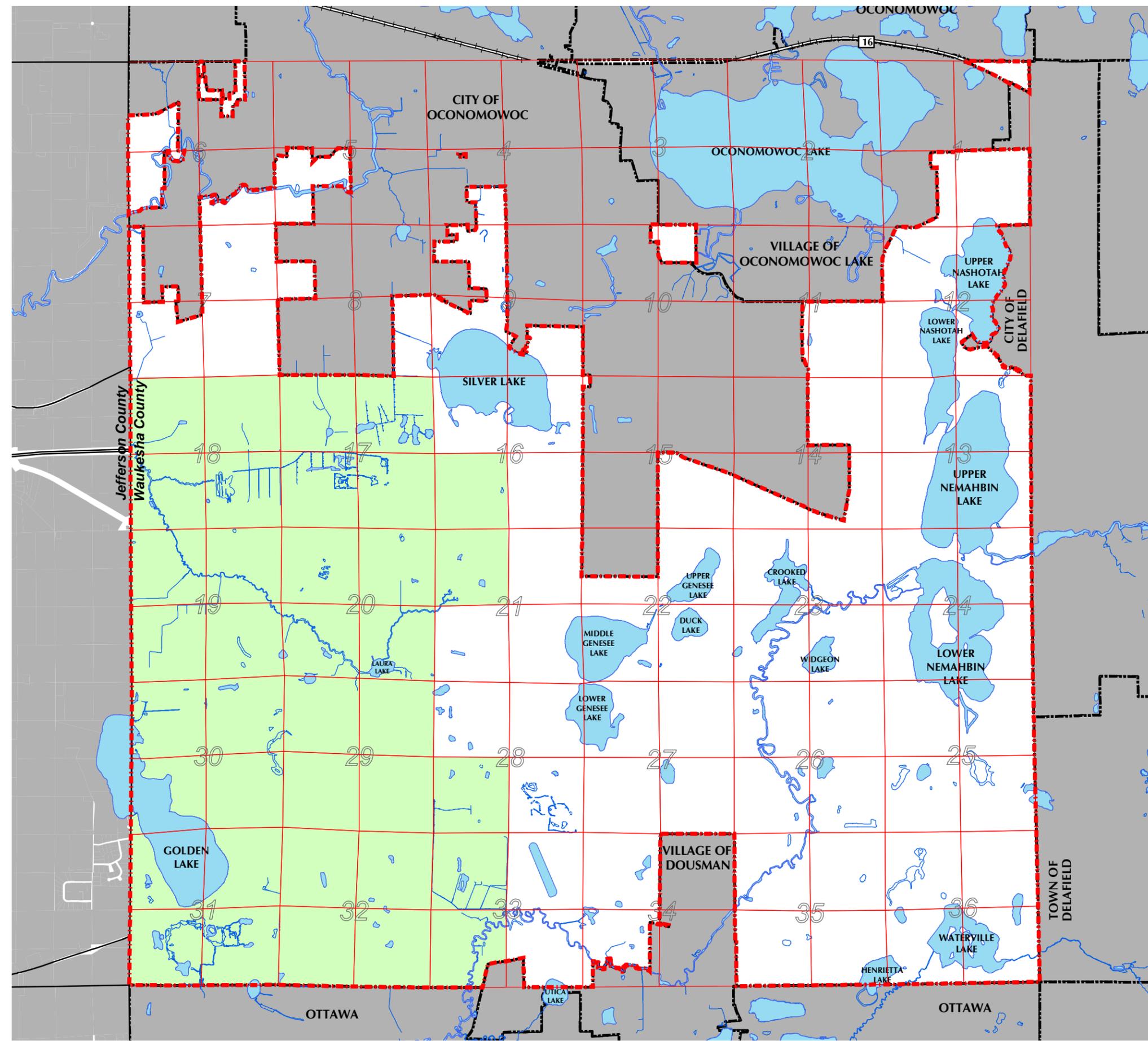


# TOWN OF SUMMIT GROUNDWATER PROTECTION ZONE

## LEGEND

-  TOWN OF SUMMIT
-  MUNICIPAL BOUNDARY
-  QUARTER-SECTION LINES
-  SECTION NUMBERS
-  SURFACE WATER
-  GROUNDWATER PROTECTION ZONE (GPZ)

Source: Waukesha County, Jefferson County, Town of Summit



# Map 8 TOWN OF SUMMIT LANDS TO BE TRANSFERRED

## LEGEND

-  TOWN OF SUMMIT
-  MUNICIPAL BOUNDARY
-  PARCEL AND ROW LINES
-  SURFACE WATER

### LANDS TO BE TRANSFERRED:

-  To the Town of Oconomowoc
-  To the Village of Dousman, 2028
-  To the Village Dousman, 2048
-  To the City of Oconomowoc, 2010
-  To the City of Oconomowoc, 2020

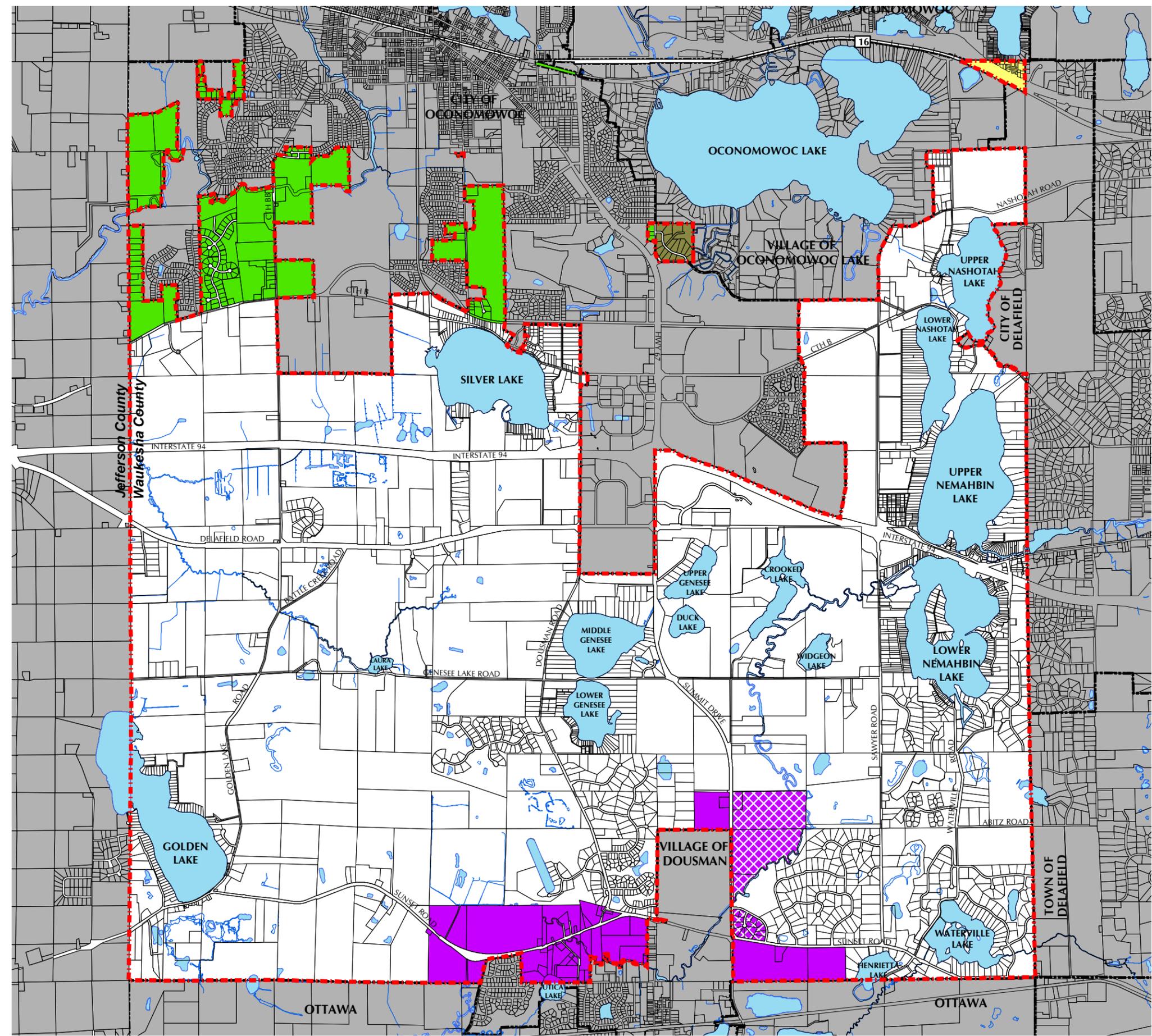
Source: Waukesha County, Jefferson County



0 1,800 3,600 7,200 Feet



Map created August 17, 2009  
YCA Project # 3308-245



# Map 9 ROADS IN THE TOWN OF SUMMIT

## LEGEND

-  TOWN OF SUMMIT
-  MUNICIPAL BOUNDARY
-  PARCEL AND ROW LINES
-  SURFACE WATER

### ROAD CLASSIFICATIONS:

-  Interstate; Interstate Ramp
-  US; US Ramp
-  State; State Ramp
-  County
-  Local Major
-  Local
-  Private

34 SECTION NUMBERS

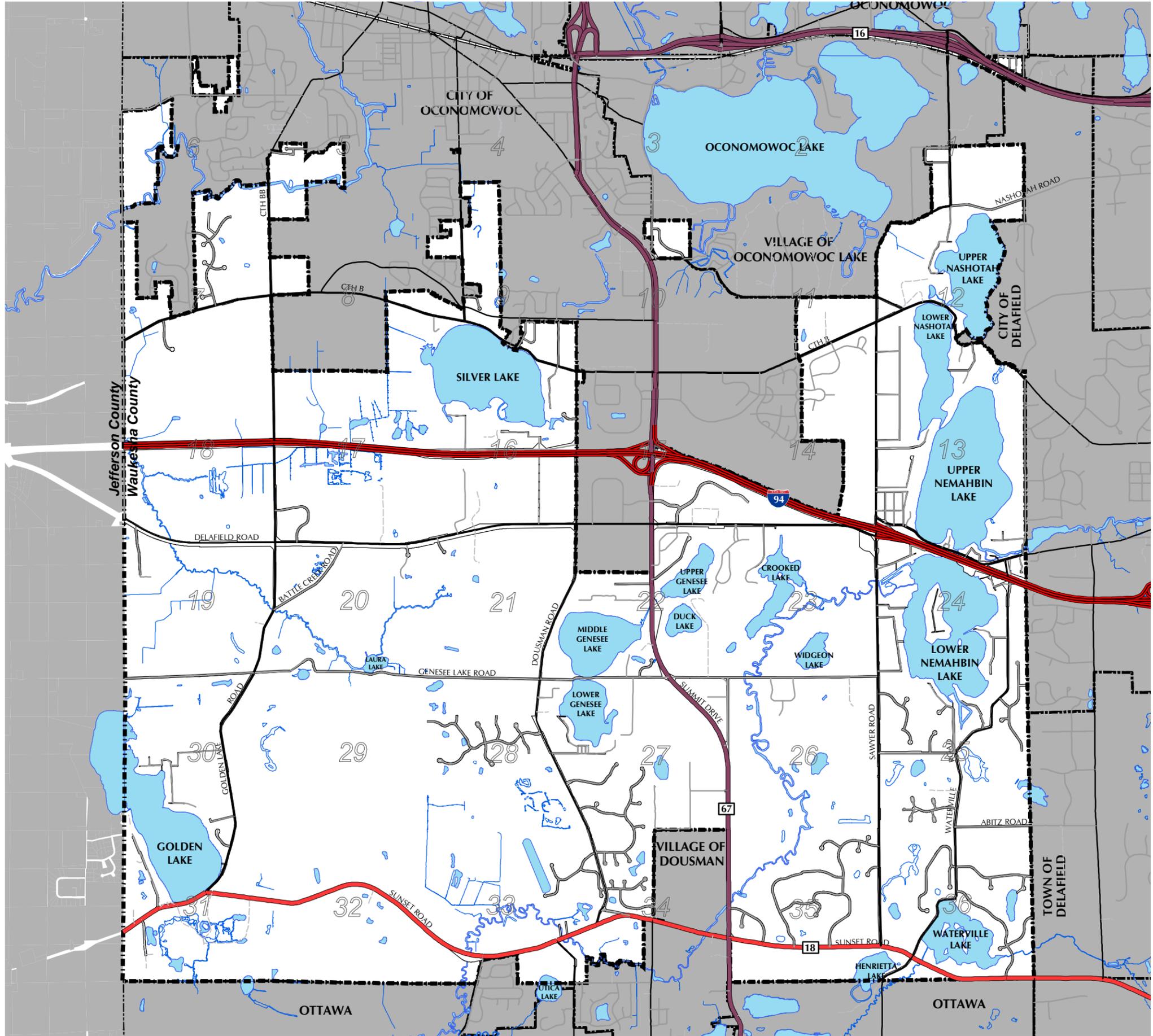
Source: Waukesha County



0 1,800 3,600 7,200 Feet

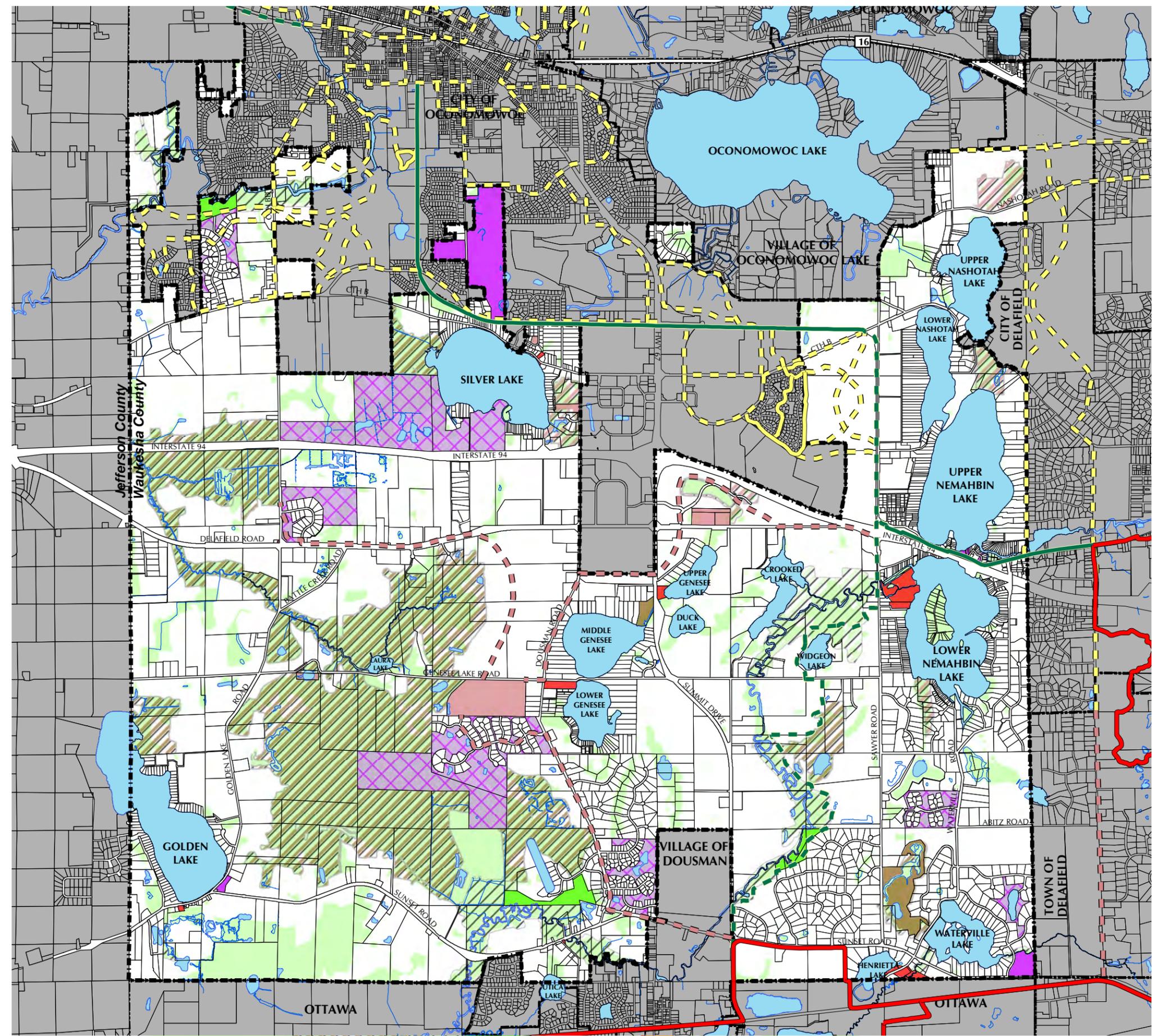


Map created August 31, 2009  
YCA Project # 3308-245



**WAUKESHA COUNTY PARK & OPEN SPACE PLAN AS APPLIED TO THE TOWN OF SUMMIT**  
**LEGEND**

- MUNICIPAL BOUNDARY
  - PARCEL AND ROW LINES
  - SURFACE WATER
  - WETLANDS
- EXISTING TRAILS:**
- County
  - State
  - City
  - Village
  - Town
- PROPOSED TRAILS:**
- County
  - State
  - City
  - Village
  - Town
- CURRENT LAND OWNERSHIP:**
- County Parks
  - County Greenway
  - State
  - City
  - Village
  - Town
  - Non-Profit Agency
  - Public School
  - Private School
  - Private - Open to the Public
  - Private - Not Open to the Public
- PROPOSED LAND OWNERSHIP:**
- County Parks
  - County Greenway
  - State
  - City
  - Village
  - Town
  - Non-Profit Agency
  - Ultimate County Park Boundary



Source: Waukesha County, Waukesha County 2035 Development Plan



# Map 11 UTILITY DISTRICTS IN THE TOWN OF SUMMIT

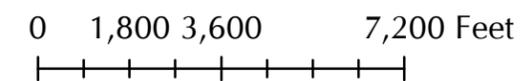
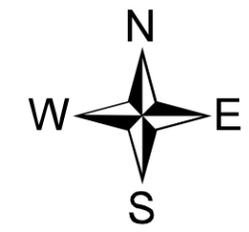
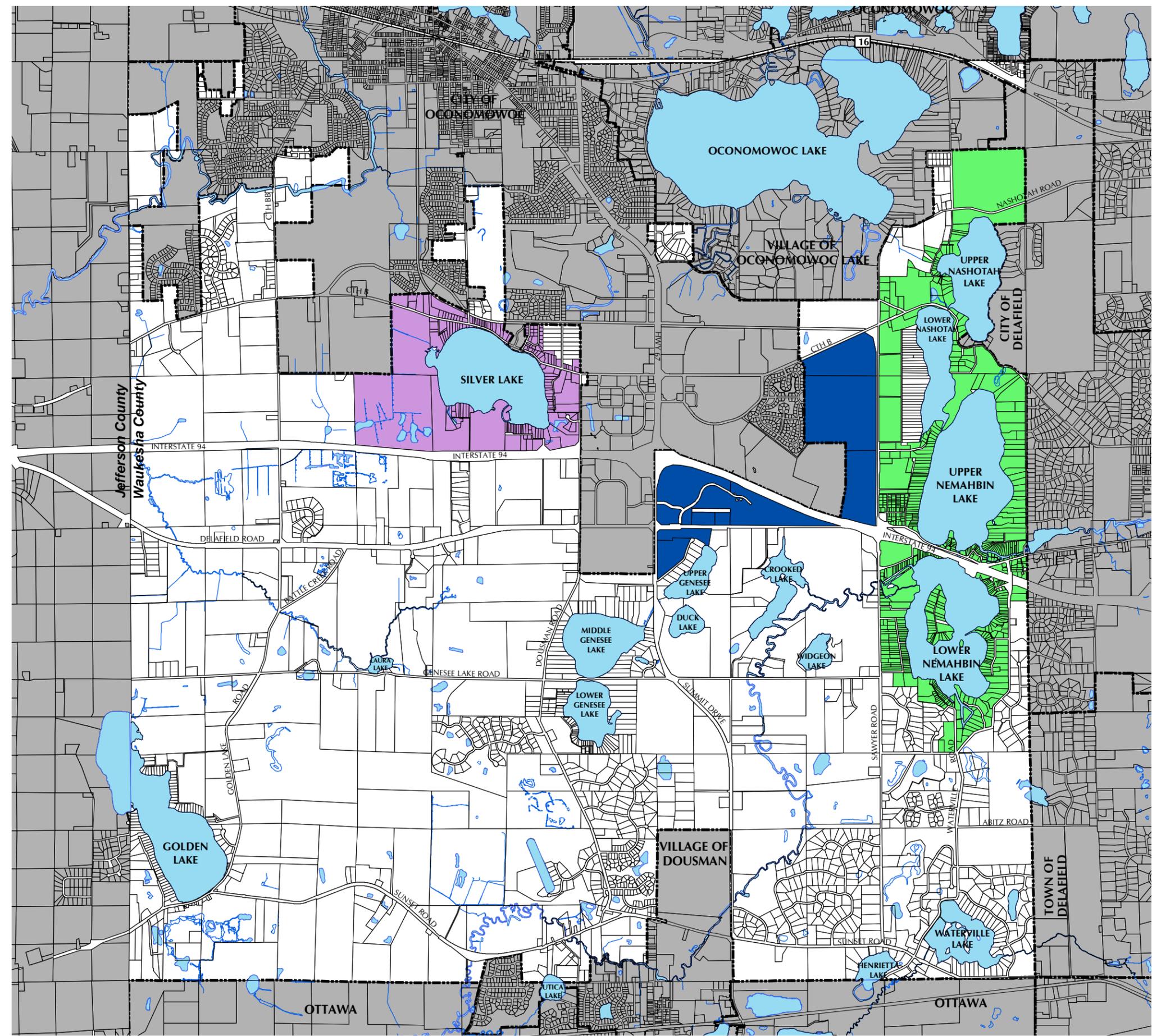
## LEGEND

-  TOWN OF SUMMIT
-  MUNICIPAL BOUNDARY
-  PARCEL AND ROW LINES
-  SURFACE WATER

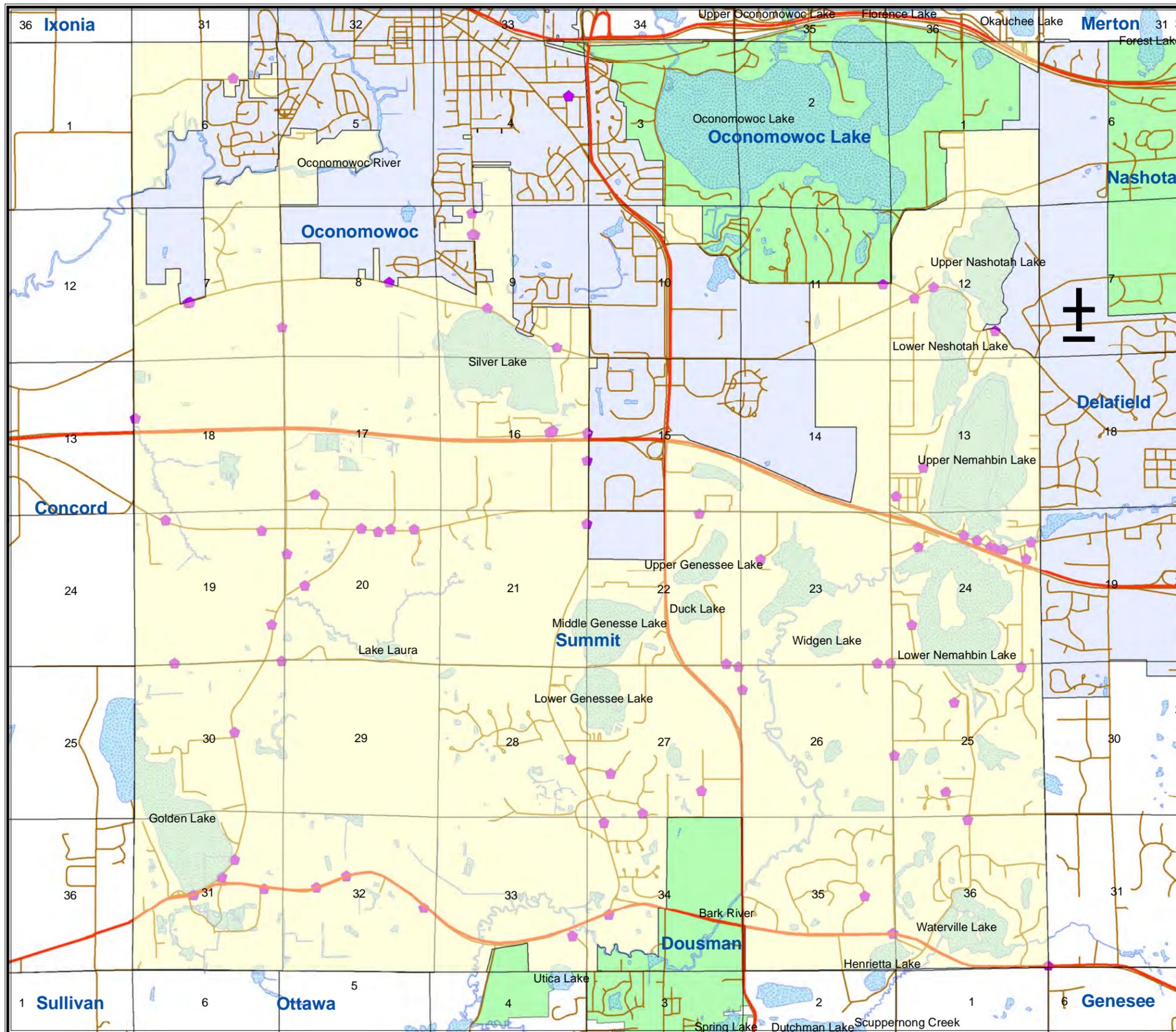
### UTILITY DISTRICTS:

-  Utility District #2
-  Utility District #3
-  Silver Lake Utility District

Source: Waukesha County and The Town of Summit

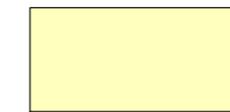


# Map 12 Town of Summit Incorporation Organizations



## Legend

### Town of Summit



Town of Summit

### Organizations

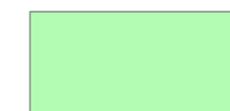


Organizations

### Municipalities



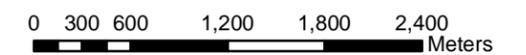
City



Village



Town



WISCONSIN DEPARTMENT OF  
ADMINISTRATION

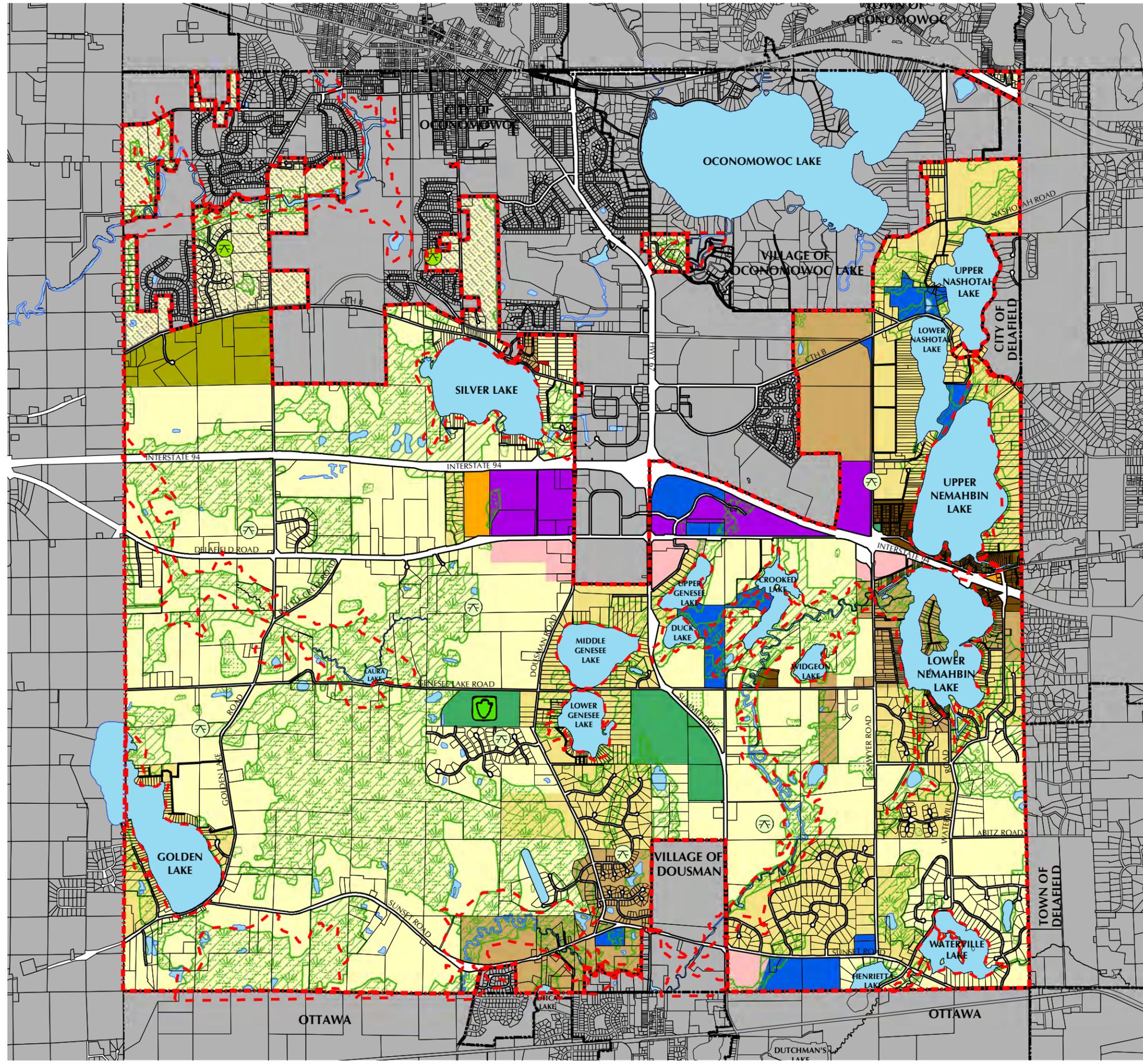
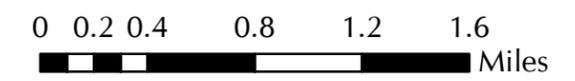
# TOWN OF SUMMIT MASTER PLAN

Original Adoption June 4, 2001  
Amended Through March 12, 2008

## Legend

-  SF Residential 2.4-acre
-  SF Residential 1.6-acre
-  SF Residential 0.8-acre
-  SF Residential 0.6-acre
-  MF Residential 6 D.U.A.
-  Institutional
-  Commercial/Office
-  Mixed Use
-  Industrial/Business Park
-  Special District
-  Park/Recreational
-  Primary Environmental Corridor
-  Secondary Environmental Corridor
-  Isolated Natural Resource Area
-  Wetlands
-  Neighborhood Park
-  Neighborhood Park (City)
-  Community Park
-  Ceded to City of Oconomowoc by 2010
-  FEMA Floodplain Boundary
-  Municipal Boundaries

Amendments		
Ordinance #	Section	Date
	9	1/05
	28	1/05
		12/05
		1/06
		1/08



# TOWN OF SUMMIT LAND USES IN 2009

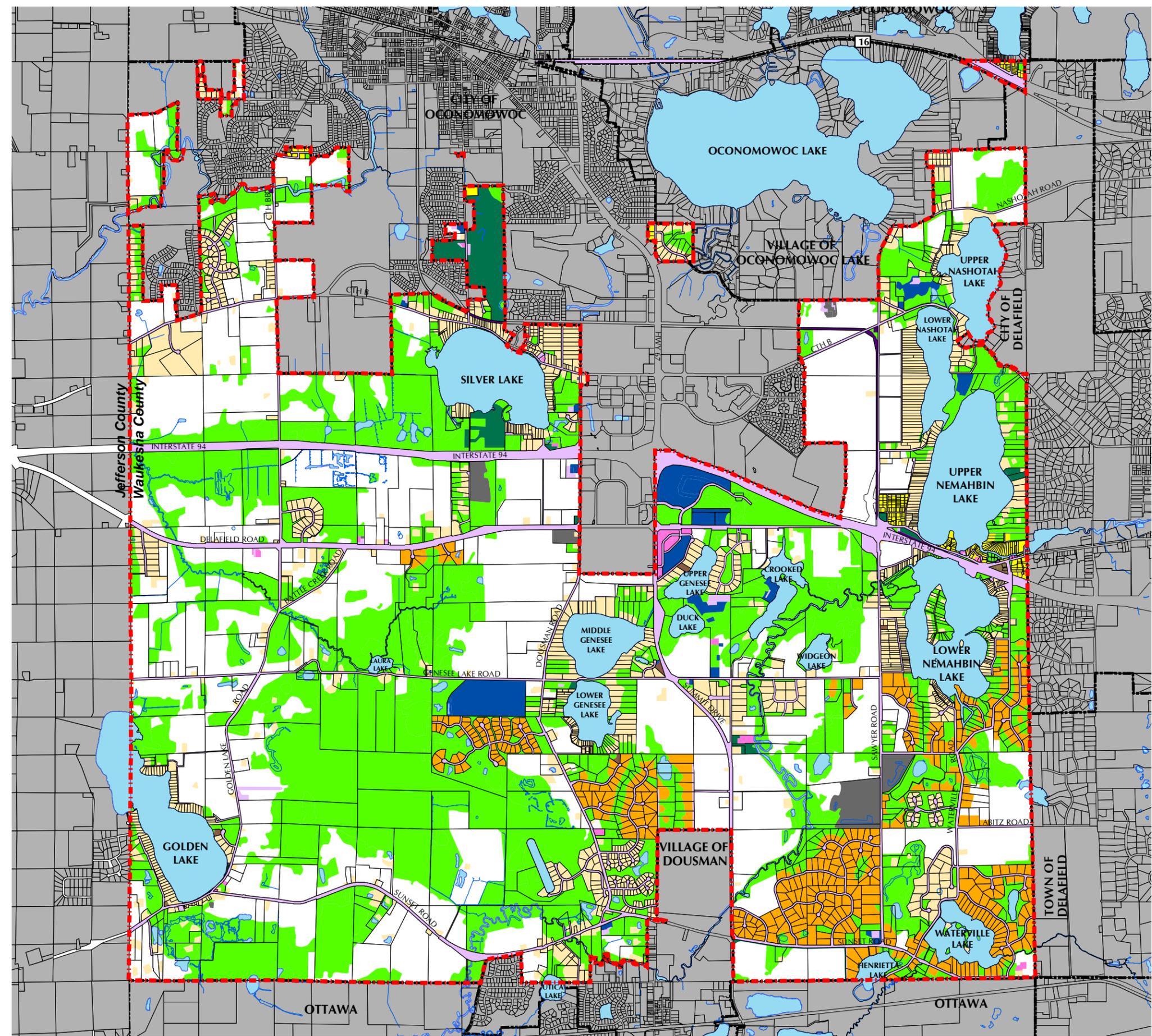
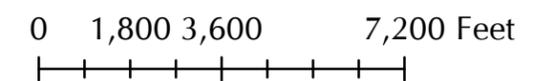
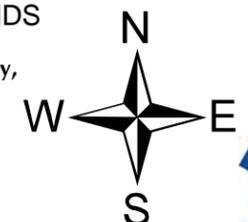
## LEGEND

-  TOWN OF SUMMIT
-  MUNICIPAL BOUNDARY
-  PARCEL AND ROW LINES  
*(Current as of March, 2009)*
-  SURFACE WATER

## LAND USE CATEGORIES:

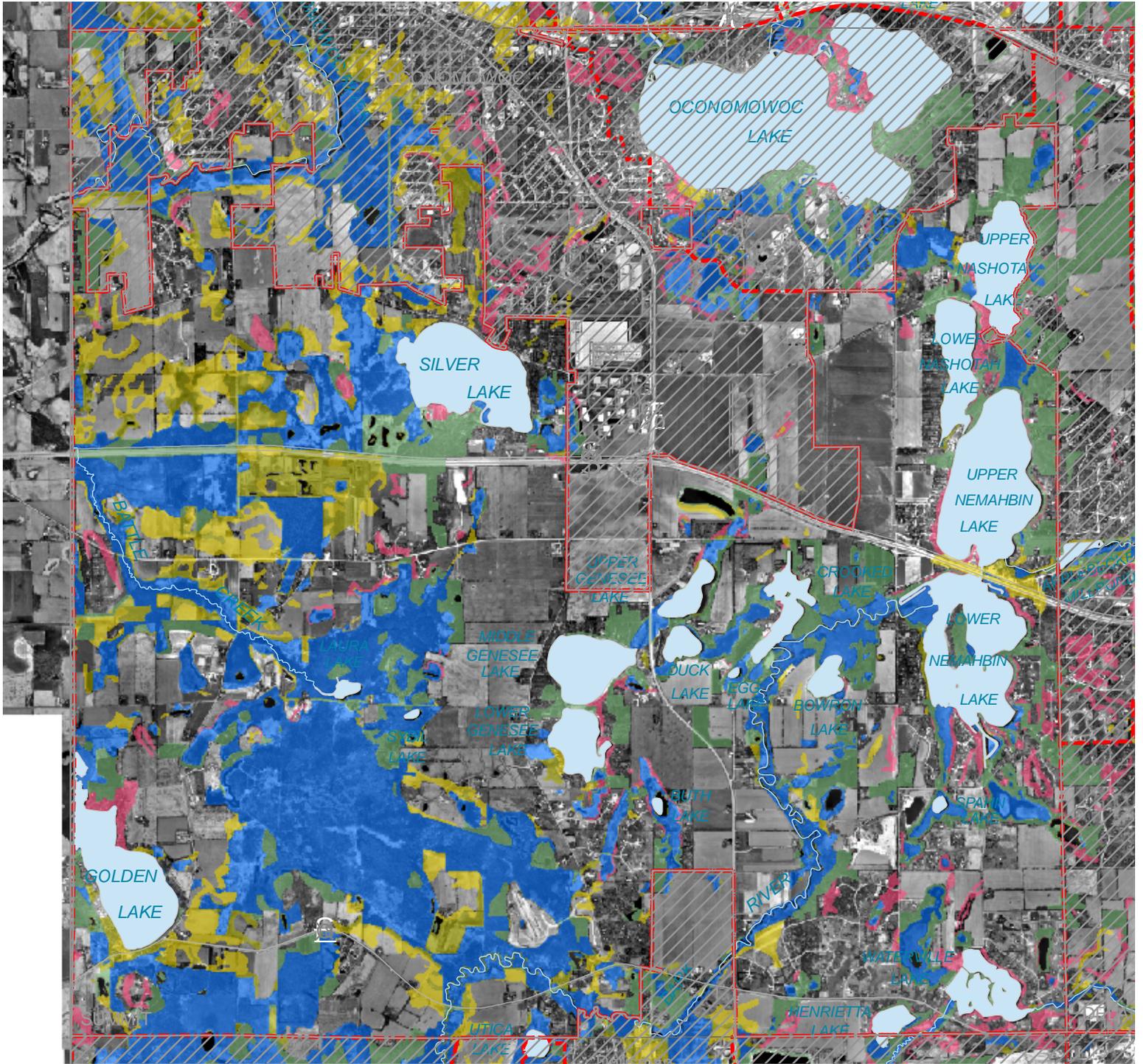
-  AGRICULTURAL
-  LOW-DENSITY RESIDENTIAL
-  MEDIUM-DENSITY RESIDENTIAL
-  SUBURBAN-DENSITY RESIDENTIAL
-  TWO-FAMILY RESIDENTIAL
-  MULTI-FAMILY RESIDENTIAL
-  RES. LAND UNDER DEVELOPMENT
-  COMMERCIAL
-  INDUSTRIAL
-  TRANSPORTATION
-  COMMUNICATION & UTILITIES
-  GOVERNMENT & INSTITUTIONAL
-  RECREATIONAL
-  OPEN LANDS

Source: Waukesha County, SEWRPC



# Map 15

## Natural Resource Limitations for Development

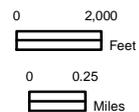


### Legend

- Wetlands
- Environmental Corridor
- Hydric Soils
- Poorly Drained Soils
- Slopes > 12%
- Area outside municipality

TOWN OF SUMMIT

# 3



Source: NRCS, SEWRPC & Waukesha County

**the Shops**  
AT PABST FARMS

- 1. Market Place**  
food store and other service retail
- 2. Village Square**  
mixed-use retail/office space
- 3. Town Centre**  
innovative lifestyle retail center

**the Businesses**  
AT PABST FARMS

- 7. Commerce Centre**  
200 acres for office space, warehouse, light manufacturing
- 8. Health & Wellness**  
184 acres of health-related businesses
- 9. Business Tech Core**  
200-acre campus for high-profile companies



**the Residences**  
AT PABST FARMS

1,200 Residences:  
Single-family homes plus  
condos/townhomes

- 4. Eastlake Village**
- 5. Lake Country Village**
- 6. Interlaken Village**

*Concept Master Plan*

- Residential
- Town Centre  
Market Place  
Village Square
- Elementary  
School/YMCA
- Business Tech Core
- Commerce  
Centre
- Health & Wellness  
Campus

## **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

Jeff Speaker, Mayor  
City of Brookfield

#### 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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