



WISCONSIN DEPARTMENT OF
ADMINISTRATION



DETERMINATION OF THE INCORPORATION REVIEW BOARD

January 9, 2015

In Re:

THE INCORPORATION OF A PORTION OF THE TOWN OF SOMERS,
KENOSHA COUNTY, WISCONSIN AS A VILLAGE

Case No. 14-CV-316

David Geertsen, Representative of the Petitioners

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**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

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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 municipal associations. Membership of the Board is provided on Appendix B.

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

Met - STANDARD 1 (a), Homogeneity and Compactness

Met - STANDARD 1 (b), Territory Beyond the Core

Met - STANDARD 2 (a), Tax Revenue

Not Applicable - STANDARD 2 (b), Level of Services

Met - STANDARD 2 (c), Impact on the Remainder of the Town

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

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 9th day of January 2015.

By the Incorporation Review Board:

Ed Eberle

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

NOTICE OF RIGHT TO APPEAL

This Notice sets forth the requirements and procedures for obtaining review for those persons who wish to obtain review of the attached decision of the Board. Per s. 66.0209 (2), Wis. Stats., decisions of the Board are subject to judicial review under s. 227.52. Per s. 227.53 any person aggrieved by a decision of the Board is entitled to review. Per s. 227.53 (1) (a) 1., proceedings for review are instituted by serving a petition therefor upon the agency, either personally or by certified mail, and by filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. Per s. 227.53 (1) (a) 2m., an appeal must be filed within 30 days after mailing of the decision by the agency. Per s. 227.53 (1) (b), the petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. Any petition for judicial review shall name the Incorporation Review Board as the Respondent. Petitions for review should be served on the Chairperson of the Board. The address for service is:

c/o DOA, Municipal Boundary Review
101 East Wilson Street, 9th Floor
PO Box 1645
Madison, WI 53701

Persons desiring to file for judicial review are advised to closely examine all provisions of Wis. Stat. sec.s 227.52, 227.53 and 227.57 to ensure strict compliance with all requirements. The summary of appeal rights in this notice shall not be relied upon as a substitute for the careful review of all applicable statutes, nor shall it be relied upon as a substitute for obtaining the assistance of legal counsel.

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EXECUTIVE SUMMARY

This document constitutes the Findings and Determination of the Incorporation Review Board on the petition filed by residents of the Town of Somers in Kenosha County to incorporate a portion of the Town. The Board finds the statutory standards met and that this petition is granted.

Somers' incorporation process began with a newspaper notice on December 20, 2013 indicating Petitioners' intent to circulate an incorporation petition. After circulating the petition and gathering sufficient signatures, the petition was filed in Kenosha County Circuit Court on March 4, 2014. A court hearing was held on April 8, 2014, with the court finding the minimum area and population standards required by section 66.0205 Wis. Stats to be met. The court then forwarded the petition to the Incorporation Review Board for its review of the standards in section 66.0207 Wis. Stats. On May 15th, 2014 Petitioners submitted their review fee and supporting materials which commenced the Incorporation Review Board's 180-day review period. As part of its review, the Board held a public hearing in the Town of Somers on June 24, 2014 and meetings in Madison on August 19, 2014 and January 8, 2015.

On November 6th, 2014 Petitioners requested an extension of the Board's 180-day review period to enable their petition to be amended so as to reduce the size of the proposed village. The Court granted petitioners a 120 day extension, which enabled them to submit a new petition with significantly reduced boundaries. **Map 1** shows the amended petition's boundaries compared with the original petition's boundaries.

The Town of Somers is located in the northeastern corner of Kenosha County, bounded by Lake Michigan on the east, the Village of Mount Pleasant in Racine County on the north, Interstate 94 (I-94) and the Town of Paris on the west, and the City of Kenosha on the south.

Somers' location between the Milwaukee and Chicago metropolitan areas makes it very attractive for businesses and families, particularly given its immediate proximity to the highly traveled I-94 corridor. As a result, substantial development and growth is occurring and anticipated to continue into the future.

From the City of Chicago, north to Ozaukee County in Wisconsin, a distance of over 100 miles, Somers remains the only unincorporated community east of I-94. Somers desires to become an equal partner with the hundreds of other incorporated communities comprising this Northeast Illinois/Southeast Wisconsin region. Protection of its municipal boundaries from annexations is another motivating factor because Somers' boundary agreements with the City of Kenosha and Village of Mount Pleasant will be expiring in 2035 and 2025.

Somers has been preparing for incorporation for many years, having developed detailed comprehensive and neighborhood plans to guide its growth and also having developed numerous intergovernmental agreements with adjacent municipalities to provide efficient services and regulations and to establish agreed-upon future municipal boundaries. Recognizing Somers' significant progress and efforts, the Wisconsin legislature signed 2013 *Wisconsin Special Senate Bill 3* into law authorizing Somers to develop tax incremental financing (TIF) districts, despite it being a town.

The proposed village territory is 12 square miles in size, constituting roughly 40% of the current Town of Somers territory, and includes 6,970 persons. Incorporation of this area would leave a 16 square mile Town of Somers remnant area containing 2,627 persons.

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 proposed village territory to be sufficiently compact and uniform to function as a city or village. Somers' petition clearly meets these statutory criteria for the following reasons:

- Boundaries for the proposed village follow readily understood physical features such as highways, a rail line, Lake Michigan and Pike Creek, and political lines like the Racine/Kenosha County line and the City of Kenosha/Somers boundary line that has been established by a succession of boundary agreements;
- Numerous economic, business, and educational opportunities exist for local residents, including the UW-Parkside campus, as well as a strong sense of community, which can be seen from the area's many community events, clubs, parks, and historical traditions, and
- Amending the petition to significantly reduce the amount of undeveloped agricultural land results in the proposed village area being much more compact and urban in character rather than rural.

2) Territory Beyond the Core - **Met**. This standard requires that any vacant and developable territory included within the proposed village boundaries have the potential for substantial development within the next three years.

Amending the petition significantly reduced the amount of undeveloped agricultural lands within the proposed village, which means that much less vacant and developable lands are subject to this statutory standard. Considering the substantial growth that is occurring and anticipated to continue into future, the proposed village clearly shows the potential to substantially develop its remaining vacant and developable lands.

3) Tax Revenue – **Met**. This standard ensures that the proposed village territory has the capacity to raise sufficient tax revenue to function as a city or village without unduly burdening residents.

Petitioners' proposed budget appears reasonable, especially considering the fact that it is identical to the Town of Somers current budget and also the fact that Somers already provides village-level services. This means that no new services, staff, buildings or equipment will be needed. Somers' strong equalized value and low tax rate also indicate that the new village will be capable of operating as a village.

4) Level of Services – **Not applicable**. This statutory standard only applies if a neighboring municipality desires to annex and serve the proposed village territory. No neighboring municipalities have expressed such a desire.

5) Impact on the Remainder of the Town – **Met**. This standard requires that the Board consider the impact that incorporation would have upon the remainder of the town and whether incorporation will negatively impact by making continued governance of the town difficult.

The Town of Somers remnant area clearly has sufficient equalized value and population to enable town government to provide desired services. Additionally, the shape of the remnant Town is generally compact and rational, helping to make service provision more efficient and fostering community identity among residents.

6). Impact on the Metropolitan Community – Met. This standard reviews how incorporation would impact the larger metropolitan area and region, and in particular whether incorporation would make resolving regional issues such as stormwater management, transportation, groundwater, housing, and economic development more difficult.

The existing Town of Somers has shown itself to be an excellent regional citizen, developing a multi-jurisdictional comprehensive plan in cooperation with Kenosha County and also developing numerous intergovernmental boundary agreements with its municipal neighbors. There are no intervenors in opposition to Somers' incorporating, nor any complaints from municipal neighbors, Kenosha County, or SEWRPC. In fact, Kenosha County has actively assisted Somers throughout the incorporation process, believing that an incorporated Somers will benefit the entire region.

The Board thanks Petitioners and staff from the Town of Somers and Kenosha County for all the materials, presentations and requested information, which greatly facilitated the Board's review.

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SECTION 1(A) HOMOGENEITY AND COMPACTNESS

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

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

In addition to the statutory factors cited above, the court in Pleasant Prairie v. Department of Local Affairs & Development¹ held that the Incorporation Review Board may also consider land-use patterns, population density, employment patterns, recreation and health care customs.²

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

Physical and Natural Boundaries

Topography and Geology

The Town of Somers slopes gently from west to east, with steep bluffs along Lake Michigan. Elevations are 700-750 feet above sea level in western parts of Somers, dropping to 600-650 feet in eastern locations. There are very few steep slopes within the proposed village area, none that significantly limit or prevent development.³

Surface Water & Drainage Basins

The proposed village lies entirely east of the sub-continental divide that separates the Great Lakes basin from the Mississippi River basin. As a result, all proposed village lands drain to Pike Creek, Pike River, and ultimately into Lake Michigan. Far western portions of the Town of Somers within the proposed remnant lie west of the sub-continental divide and drain to the Des Plaines River watershed and ultimately to the Mississippi River.

Somers' surface waters consist of Pike Creek and Pike River and most significantly, Lake Michigan, which together with the other Great Lakes forms the most expansive freshwater system in the world. Lake Michigan has shaped the history of Somers and southeast Wisconsin and today continues to have a profound and immeasurable impact.

Wetlands and Environmental Corridors

Only 443 acres of wetlands are found within the proposed village area, primarily located along Pike River and Pike Creek.⁴

SEWRPC has designated two natural areas within the proposed village: Petrifying Springs Woods (145 acres) and Pike River Low Woods (66 acres). In addition, SEWRPC lists Parkside Woods on the UW-Parkside as a critical species habitat.

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

² *Ibid*, page 337.

³ *Town of Somers Incorporation Application Incorporation Submittal*, May 13, 2014, page 16.

⁴ *Ibid*, page 16.

SEWRPC has designated a total of 1,853 acres of environmental corridor and isolated natural resources areas within the proposed village.⁵ **Map 2** shows that these are located along Pike Creek and Pike River.

Roadways and Railways

The proposed village’s western boundary is defined by CTH H and by a railroad line owned by the Union Pacific rail company.

Transportation

The following paragraphs describe the proposed village's streets and highways, rail, air, transit, and pedestrian and bicycle facilities. Somers’ location means that a great deal of traffic moves daily through the town between Racine and Kenosha and more broadly between Milwaukee and Chicago. Traffic moves via Somers streets and highways and also by rail, air, transit, and even bicycle paths. Table 1 shows the high traffic levels on Somers’ highways.

Streets and Highways

Map 1 shows Somers network of roadways, including the following major highways:

- Interstate 94 (I-94) runs along the Town’s western border with the Town of Paris, just outside of the proposed village. Three interchanges feeding I-94 are located in Somers, at CTH KR, CTH E, and CTH S, all of them just outside of the proposed village area. Six lanes wide, I-94 is currently being expanded to eight lanes.
- Two state highways pass through Somers, with STH 31 running north/south through the center of the Town while STH 32 runs north/south along Lake Michigan. Both are 4-lane highways.
- Many county highways pass through the proposed village. North-south running county highways are H, EA, G, and Y, while east-west highways are KR, A, and E.

Table 1: Proposed Village Traffic Counts⁶

Highway	Average Daily Traffic
I-94	87,000
STH 31	20,000
STH 32	10,000
CTH Y	9,000
CTH KR	6,900
CTH E	5,600
CTH G	4,800
CTH L	2,900
CTH A	1,500
CTH EA	730

Rail

Three rail lines run through Somers in a north-south direction. Running west of CTH EA and just within the proposed village is the Canadian Pacific railroad line, also utilized by Amtrak’s Hiawatha passenger rail service which runs numerous daily round trips between Milwaukee’s Amtrak station and Chicago’s Union Station. There are no stops in Somers, but residents may board the train in the Village of Sturtevant in Racine County.

Running just east of CTH EA is the railroad line owned by Union Pacific. This line helps form a portion of the proposed village’s western limits.

⁵ *Town of Somers Incorporation Application Incorporation Submittal*, May 13, 2014, page 17.

⁶ *Ibid.*, page 82.

Union Pacific also owns another railroad line that runs along Lake Michigan. This line would be utilized by the proposed Kenosha-Racine-Milwaukee (KRM) commuter train service, which would include a station stop in Somers at 12th Street.

The KRM project is an intergovernmental partnership between the County Executives and Mayors of Kenosha, Milwaukee, and Racine, the Secretary of the Wisconsin Department of Transportation, and the chair of the Southeastern Wisconsin Regional Planning Commission (SEWRPC) that was commenced in 2003. The project is intended to provide a much needed transportation alternative in the heavily traveled Milwaukee, Racine, Kenosha, Chicago corridor. Studies have shown that this narrow corridor represents 26% of the population and 36% of the employment in the Northeast Illinois/Southeast Wisconsin region, and is expected to continue to grow and develop even more. However, studies show that the transportation options within the corridor need to be improved so that the corridor's employers are able to find workers and for people within the corridor to access jobs as well as education and recreation.

In July 2009, the KRM project was transferred to the Southeastern Regional Transit Authority (SERTA), which was created by the Wisconsin State Legislature and Governor in the 2009-2011 Wisconsin State biennial budget specifically to oversee successful development of the KRM commuter rail service project. However, in 2011 the State Legislature and Governor repealed and dissolved SERTA. This has resulted in the indefinite postponement of the KRM commuter rail project.

If ultimately completed, this rail line could further connect Somers to the larger region physically and economically.

Air

Somers is immediately adjacent to the Kenosha Regional Airport, 10 miles from Racine's Batten International Airport, 25 miles from General Mitchell International Airport, and 52 miles from Chicago O'Hare International Airport.

Transit

The only transit available in Somers is provided by the City of Kenosha, which provides weekday bus service from Kenosha to the UW-Parkside campus, permitting students to live in Kenosha and attend classes on campus. SEWRPC's 2035 Regional Transportation Plan recommends an extension of service north from UW-Parkside into Racine County but does not provide specifics.

Pedestrian and bicycle

Two off-street pedestrian and bicycle trails run through Somers, one owned and maintained by Kenosha County and the other by the City of Kenosha.

Specifically, Kenosha County's 'Multi-Use Trail' runs through Somers just east of UW-Parkside before continuing further north into Racine County. Users of this trail have the option of branching off at CTH E to take a different off-street bike path to UW-Parkside and Petrifying Springs County Park.

The City of Kenosha's 'Pike Bike Trail' runs along Lake Michigan and then turns northwesterly along the Kenosha-Somers boundary line before merging with Kenosha County's Multi-Use Trail at CTH E.

SEWRPC's 2035 regional transportation plan recommends creation of additional off-street trails in the western part of Somers running along the Pike River and connecting to the existing trail network. Also, Somers' comprehensive plan recommends that future development be designed so as to create additional trail connections.

Somers' current designated on-street bicycle routes are CTHs A and H. Somers' comprehensive plan recommends that CTHs KR, S, L, Y, and M and STHs 31 and 32 also be considered for on-street bicycle routes when those roadways are resurfaced or reconstructed in the future.

Political Boundaries

The following paragraphs discuss how the proposed village boundaries relate to the existing political boundaries of school districts and utility districts.

Historical Context

Originally the Town of Somers was called the Town of Pike, which was established by the Wisconsin legislature in 1843. In 1850 Racine County was divided to create Kenosha County from the southern half and in 1851 the Town of Pike was renamed the Town of Somers. A town hall was built in 1859 at the intersection of CTH E and CTH H, which was the initial location of most of the Town's businesses, churches, and residents. However, in 1870 came the construction of the Chicago, Milwaukee, and St. Paul Railroad, which prompted the community to shift its community center physically 1.5 miles west to be closer to the rail line. This new location continues to be an institutional hub where the Town Hall, Fire Station #1, Somers Elementary School, and the Somers Post Office are located. Residents call this area the "village". However, in fact this area is not actually incorporated and to avoid confusion with this statutory incorporation process, this "village" area will be referred to as "Somers Hamlet".

A separate hamlet area, called "Berryville" is located along Lake Michigan at the intersection of CTH A and STH 32. This area was named because the sandy soils and location to Lake Michigan make it ideal for raising strawberries. Strawberries grown here were loaded onto trains bound for Chicago and Milwaukee. Strawberry farming continues in present-day Berryville. A school operated in Berryville from 1855 until 1980 before joining the Kenosha Unified School District. The proposed village would include both the Somers Hamlet and Berryville areas.

Proposed Village

Map 1 shows the proposed village's location within the region. Somers southern boundary is subject to the communities' *2005 Kenosha-Somers Cooperative Boundary Plan Agreement* which provides for the ultimate transfer of numerous town islands and peninsulas to the City. This area to be transferred is referred to in the agreement as the "B Area" and can be seen in **Map 1** as all those town remnant parcels which are surrounded by the City of Kenosha. The boundaries that result after transfer of this B Area will constitute the permanent boundary between the two communities.

Along the lakeshore and south of CTH E is an irregularly-shaped peninsula area jutting down into the City of Kenosha. Petitioners have provided extensive information for why this area rationally belongs within the proposed village rather than the City of Kenosha. This peninsula area is physically separated from the City, bounded by the Pike River and a railroad embankment that was originally created for an interurban passenger railroad system and is now owned by Union Pacific Railroad Company. As a result of this physical separation, the City of Kenosha historically developed west of the peninsula while lands within the peninsula remained within the

Town. In fact, Somers provides sewer and water service to peninsula lands pursuant to longstanding intergovernmental agreements between the two communities. Carthage College moved into the peninsula area in 1962 and was annexed by Kenosha pursuant to another intergovernmental agreement between the communities which enabled the college to develop at a higher density than if it had remained in the town. The *2005 Kenosha-Somers Cooperative Boundary Plan Agreement* also requires that this peninsula area permanently remain in Somers. Therefore, by including the peninsula within the proposed village, petitioners are respecting this area's history as well as the desires of the two communities.

Proposed Town Remnant

If successful, this incorporation would also create a Town of Somers remnant lying to the west, roughly between the new village and I-94. Specifics about this remnant area are described further on in this determination.

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 Somers incorporates will have no effect on school district boundaries.

However, as the Department noted in its determination in *Pewaukee*⁷, schools do impact community allegiance through scholastic, social, and recreational activities and influence where people choose to live.

The Town of Somers is located entirely within the Kenosha Unified School District, which also serves the City of Kenosha and Village of Pleasant Prairie. The only district school located within Somers is Somers Elementary in Somers Hamlet. The school has an enrollment of 400 4K-5th grade students residing in western portions of the Town. Somers students living in eastern and southern portions of the town attend elementary and middle schools in Kenosha. High school-aged students in Somers attend high schools in Kenosha.

The Kenosha Unified School District owns an undeveloped parcel along 41st Avenue south of UW-Parkside that has been identified as a potential future elementary school.⁸

A private high school, Shoreland Lutheran High School, is located just outside of the proposed village along CTH H and has an enrollment of 300.⁹

Sanitary Sewer Service

The proposed village area lies entirely within either the Kenosha or Racine Sewer Service Areas. This means that the entire area is receiving, or is eligible to receive, municipal sewer service. Specifically, the proposed village falls primarily within the Kenosha Sewer Service Area, however a narrow band of territory running along the Kenosha/Racine border lies within the Racine Sewer Service Area.

The Kenosha and Racine Area Sewer systems are a combination of local collection and transport systems. In Somers, Sanitary District #1 serves the portions within the Kenosha Sewer Service Area while the KR Utility District serves the Racine Sewer Service Area territory. Both Sanitary

⁷ *Pewaukee* (1991).

⁸ *Fairfield Neighborhood Plan* (2010), page 28.

⁹ *Town of Somers Incorporation Application*, May 13, 2014, page 30.

District #1 and KR Utility District transport their wastewater to regional wastewater treatment facilities in the Cities of Kenosha and Racine and both systems have adequate capacity to accommodate future growth and development in the proposed village area.

Water Utility Districts

Somers residents receive water from municipal sources and also individual wells. The Town of Somers Water Utility purchases water from the City of Kenosha to serve a number of subdivisions along CTH E, adjacent to UW Parkside, and within the KR Utility District, roughly 900 acres in total. Meanwhile, Somers lakeshore neighborhood is served directly by the City of Kenosha. Remaining Somers residents utilize individual wells or are located within subdivisions utilizing private water supply systems.¹⁰

Shopping and Social Customs

The following paragraphs describe the shopping and social opportunities available within the proposed village and examine businesses, employment patterns, and social opportunities such as clubs organizations, churches, festivals, and parks. Social and economic activity helps to establish whether the proposed village area has homogeneity with regard to these opportunities or whether residents turn elsewhere for these.

Shopping and employment

Appendix C lists all of the businesses located within the proposed village, which total 141 and include motels, restaurants, auto service, construction companies, car dealers, lawn and garden stores, a bowling alley, office supplies, beer and soda distributors, realtors, a credit union, financial services, marketing companies, doctors and dentists, insurance agents, convenience stores, grocery stores, and travel agencies, among others. **Map 3** shows Somers’ businesses and how they are located along the lakeshore, within Somers Hamlet, and at the corner of CTH S and STH 31 in a developing commercial area called ‘Somers Market Center’ which currently includes a Walmart and Sam’s Club. Nearly all of Somers’ businesses are located within the proposed village area.

UW-Parkside has the greatest commercial impact in Somers, generating significant traffic and commercial activity for the entire Kenosha region. UW-Parkside is also the leading employer in Somers with nearly 1000 employees, as shown by **Table 2**. The University submitted a letter of support for this incorporation petition.

Table 2: Largest Employers within Proposed Village of Somers Area¹¹

Business	Address	No. of Employees	Industry Type
UW-Parkside	900 Wood Road	500-999	University
Wal-Mart	3500 Brumback Blvd	250-499	Retail
Sam’s Club	3300 Brumback Blvd	100-249	Retail
Town of Somers	7511 12 th Street	50-99	Local government
WE Energies	201 1 st Street	50-99	Electric power
Somers Elementary School	1245 72 nd Avenue	50-99	Public School
Kenosha Country Club	500 13 th Avenue	20-49	Golf course & country club
Shoreland Lutheran High School	9026 12 th Street	20-49	High school
Hob Nob Restaurant	277 Sheridan Road	20-49	Restaurant
Platinum Systems	4600 Green Bay Road	20-49	Computer systems
Stainless Products	1649 72 nd Avenue	20-49	Valves & pipe fittings

¹⁰ *Town of Somers Incorporation Application*, May 13, 2014, page 34.

¹¹ *Ibid*, page 45.

Table 2: Largest Employers within Proposed Village of Somers Area¹¹

Business	Address	No. of Employees	Industry Type
Jerry Wilkomm INC	91 120st Avenue	10-19	Petroleum wholesale
7-Eleven	1150 Green Bay Road	10-19	Convenience store
Calls Metal Building Erectors	8128 12 th Street	10-19	Construction
Swartz Nurseries	1743 30 th Street	5-9	Nursery
Surfside Bowl	1015 Sheridan Road	5-9	Bowling
Cortese Supper Club	1300 Sheridan Road	5-9	Restaurant
Oakdale Estates	11515 1 st Street	5-9	Real estate
AAEN Performance Parts	316 Sheridan Road	5-9	Auto parts

Table 3 shows where Somers’ work-age residents go for employment, and indicates that Somers’ strongest connection is with the City of Kenosha which is not surprising given Kenosha’s immediate proximity and the streets, highways, and two bicycle and pedestrian paths that closely connect the two communities.

Table 3: Where Are Somers’ Residents Employed?

Municipality	No. of Employees	%
City of Kenosha	1,221	33.9%
City of Racine	302	8.4%
Village of Pleasant Prairie	251	7.0%
Village of Mount Pleasant	195	5.4%
City of Milwaukee	161	4.7%
Town of Somers	91	2.5%
Town of Shields, Illinois	82	2.3%
Town of Waukegan, Illinois	72	2.0%
City of Chicago, Illinois	71	2.0%
Town of Libertyville, Illinois	59	1.6%
Other	1,054	29.6%
TOTAL	3,559	100%

Table 4 shows where workers employed in Somers reside. **Tables 3 and 4** show that Somers is a net exporter of workers, sending 3,468 residents into other communities for work while providing 1,096 jobs, employing other community’s workers. As Somers’ continues to develop it will no doubt provide an increasing percentage of the region’s jobs, particularly given the amount of commercial development anticipated.

Table 4: Where do People Employed in Somers Live?

Municipality	No. of Employees	%
City of Kenosha	380	32.0%
City of Racine	132	11.1%
Village of Mount Pleasant	98	8.3%
Town of Somers	91	7.7%
Village of Pleasant Prairie	69	5.8%
Village of Caledonia	42	3.5%
City of Milwaukee	26	2.2%
Town of Salem	15	1.3%
City of Chicago, Illinois	10	0.8%
Town of Wheatland	10	0.8%
Other	314	26.5%
TOTAL	1,187	100%

Social and recreation opportunities

As mentioned previously, the Town of Somers has an extensive social history and tradition dating back to the mid-1800s. Somers’ present day social organizations, events, and functions include:

- July 4th Parade and Ice Cream Social – in its 49th year, the parade has evolved to become a major event. The 2013 parade attracted nearly 5000 spectators and participants;
- Town of Somers Youth Softball and Basketball programs – Somers sponsors a youth softball league in summer, held at Somers Memorial Park, and a youth basketball league in winter at Somers Elementary School. A total of 373 children ranging from kindergarten to high school-age, participated;
- Somers Fire and Rescue Association – formed in 2006 as a nonprofit to benefit the fire and rescue department, the association sponsors fundraisers such as the Annual Spaghetti Dinner, Annual Chief’s Pork Chop Dinner, Somers July 4th brat stand, and a hot dog wagon at Somers Memorial Park;
- Hawthorn Hollow Nature Sanctuary and Arboretum – consists of three historic Somers buildings – the original Pike River School (1847), the second Pike River School (1906), and the original Somers Town Hall (1859), as well as natural areas. Both paid staff and volunteers teach classes in bee-keeping, making maple syrup, quilting, and native plants and vegetation, among others;
- Kenosha County Antique Car Show – held annually at Somers Memorial Park, hundreds of people come to view the cars on display, including cars owned by Somers residents;
- UW-Parkside - offers programs through its *Center for Community Partnerships* including professional development, lifelong learning, mini-courses, and online courses which many Somers residents take advantage of.
- Master Gardeners – UW-Extension master gardener courses are held annually at the Somers Town Hall;
- Somers 4-H – an active group that meets regularly, the Somers “Chargers” 4-H group maintains a portion of Kenosha County’s Multi-Use Trail;
- Veterans of Foreign Wars (VFW) Post #2751 – created in 1970, it has 80 members, meets once per month, and sponsors the Somers Veterans Memorial at Somers Town Park;

The Town of Somers Event Planning and Identity Committee plans and hosts many of the events listed above.¹²

¹² *Town of Somers Incorporation Application*, May 13, 2014, page 31.

Table 5 shows the park and open space facilities serving Somers residents.

Table 5: Somers Parks & Open Spaces¹³

Facility	Acres	Ownership	Description
Somers Community Park	14	Town of Somers	Located adjacent to Town Hall, contains a playground, 3 softball diamonds, and 3 soccer fields
Fabiano Park	1.7	Town of Somers	Adjacent to Fire Station #2, contains a playground, picnic area, fitness stations, and a ball field
Valley View Park	1.65	Town of Somers	South of CTH S, contains a playground and open space
Country Charms Park	2	Town of Somers	Neighborhood park consisting of undeveloped open green space. Future plans include a playground, basketball courts, walking trail, and restrooms.
Neumiller Woods Park	7.8	Town of Somers	Nature area consisting of wetlands, woods, native plantings and hiking trails. The area filters and infiltrates stormwater runoff into the Pike River.
Somers Elementary School	11	Kenosha Unified School District	Includes a playground, ball diamond, 2 basketball courts, and open space
Petrifying Springs County Park	360	Kenosha County	Adjacent to UW-Parkside along CTH A, contains an 18-hole golf course, 5 picnic shelters, restrooms, a playground, softball diamonds, dog park, hiking and biking trails, cross-country ski trails, and volleyball court
7 th Place Overlook Park	2	State of Wisconsin	Drainage swale off of STH 32, WisDOT owns this parcel and permits the Town to use it as a passive scenic space overlooking Lake Michigan.
Hawthorne Hollow Nature Sanctuary and Arboretum	40	Hyslop Foundation	Adjacent to Petrifying Springs County Park, includes a 12 acre arboretum, 2 miles of trails, gardens, prairies, natural areas, and 3 relocated historic Somers structures
Kenosha Country Club	140	Member owned	Established in 1898 and located along CTHs Y and A, the club includes an 18-hole golf course, tennis courts, swimming pool, and clubhouse, for paying members.
Total Recreation Land	568		

Total park acreage under Town of Somers jurisdiction is 42.85 acres, which amounts to 4.6 acres of park land per 1000 residents. This is well below the 7-10 acres/1000 standard recommended by the National Recreation and Park Association (NRPA) that most communities strive to follow. To meet this need, Somers has identified three future park sites:

- CTH EA Park – in 1997 the Town of Somers purchased a 35-acre parcel located along CTH EA in Somers hamlet adjacent to the Elementary School and the Somers Town Hall. Plans for this park include soccer fields, baseball diamonds, basketball and volleyball courts, a playground, picnic area, parking, and rain gardens. Currently the site is being used as farmland;
- Gitzlaff Park – in 2007 Larry Gitzlaff donated 24 acres of land located in Somers hamlet across from the post office to the Town of Somers for park purposes. This park will include rain gardens, a covered pedestrian bridge over the Pike River, tennis courts, community gardens, an archery range, a community and nature center building, restrooms, parking, outdoor event space and green open space. Somers acquired several water protection grants to fund development of the site.

¹³ *Town of Harrison Park and Open Space Plan (2007), page 34.*

- Neighborhood Park at Country Charm Estates – the Town acquired a 2-acre parcel of land at the southeastern corner of the Country Charms Estates subdivision for use as a neighborhood park.

All three of these parks will be within the proposed village. Development of these parks will increase the Town’s park acreage to almost 102 acres, or 10.9 acres of parkland per 1000 residents, exceeding NRPA standards.

In addition, Somers’ various neighborhood plans also include recommendations for additional future parks, typically smaller neighborhood parks. These neighborhood parks are in various stages of development, but when completed will further add to Somers’ park acreage.

Somers residents also benefit from the open space provided by Kenosha County’s Petrifying Springs County Park and the nonprofit Hyslop Foundation’s Hawthorne Hollow Nature Sanctuary. All of the parks and open spaces listed in **Table 5**, as well as the future park sites, are located within the proposed village.

Churches

The proposed village area contains two churches:

- Somers Community Church - located at 9918 12th Street in Somers hamlet, and
- Bethany Lutheran Church – located at 1520 STH 31, at the intersection with CTH L.

Population Distribution

The Department initially began examining the distribution of population as a result of the Wisconsin Supreme Court’s opinion in Pleasant Prairie¹⁴. The court in that case examined the nature and distribution of population, noting that higher population density tends to be indicative of compactness and urban character rather than rural character.

Map 4 shows that Somers’ population is distributed throughout the town, with higher concentrations along Lake Michigan in Sections 8 and 18 as well as the UW-Parkside campus and Somers Hamlet.

Table 6 compares the proposed village’s population density with the population densities of nearby cities and villages in Kenosha and Racine Counties and shows that the area would be less dense than many of these other communities.

Table 6: Population Density Comparison of Racine and Kenosha County Cities and Villages¹⁵

Municipality	Land Area	Population	Population Density (per sq.mi.)
C. Racine	15.49	78,860	5,081
C. Kenosha	27.02	99,700	3,689
V. Elmwood Park	.14	500	3,473
V. North Bay	.10	238	2,415

¹⁴ Pleasant Prairie v. Department of Local Affairs & Development, 108 Wis. 2d 465 (Ct. App. 1982), affirmed, 113 Wis. 2d 327 (1983).

¹⁵ *Ibid.*, page 22.

Table 6: Population Density Comparison of Racine and Kenosha County Cities and Villages¹⁵

Municipality	Land Area	Population	Population Density (per sq.mi.)
V. Waterford	2.58	5,360	2,074
V. Union Grove	2.47	4,907	1990
V. Silver Lake	1.35	2,400	1,780
V. Sturtevant	4.19	6,992	1667
C. Burlington	7.43	10,492	1,412
V. Wind Point	1.25	1,711	1,367
V. Paddock Lake	2.87	2,985	1,040
V. Mount Pleasant	33.73	26,180	776
V. Twin Lakes	8.19	6,018	734
V. Pleasant Prairie	33.40	20,004	599
Somers (proposed village)	12.00	6,970	581
V. Caledonia	45.44	24,680	543
V. Rochester	17.48	3,685	210

Land Uses

As with population, the Department began to analyze land uses as a result of the Wisconsin Supreme Court’s decision in Pleasant Prairie.¹⁶ The court in that case examined the nature and distribution of land uses, noting that urban land uses such as residential, commercial, industrial, and institutional, tend to be indicative of compactness and urban character rather than rural character.

Table 7 shows the current land uses for the existing town, proposed village, and remnant town.

Table 7: Land Uses in the Town of Somers¹⁷

Land Use Category	Existing Town		Original Petition		Amended Petition		Remnant Town	
	Acres	%	Acres	%	Acres	%	Acres	%
Urban								
Single-Family Residential	2,164	10.98%	1,608	12.88%	1,318	14.80%	846	7.83%
Multi-Family Residential	78	.40%	77	.62%	78	.88%	2	.02%
Commercial	579	2.94%	372	2.98%	364	4.09%	214	1.98%
Industrial	74	.38%	31	.25%	24	.27%	50	.46%
Streets and Highways	1,089	5.52%	680	5.45%	537	6.03%	552	5.11%
Railroads	174	.88%	144	1.15%	106	1.19%	68	.63%
Gov’t/Institutional	704	3.57%	675	5.41%	648	7.28%	55	.51%
Recreational	850	4.31%	689	5.52%	644	7.23%	206	1.91%
Landfills & Dumps	5	.03%	5	.04%	5	.06%	0	0.00%
Non-Urban								
Agricultural	10,670	54.13%	5,480	43.89%	2,782	31.24%	7,888	72.99%
Environmental Corridor	2,312	11.73%	1,947	15.59%	1,642	18.44%	670	6.20%
Wetlands	502	2.55%	355	2.84%	338	3.80%	164	1.52%
Woodlands	457	2.32%	388	3.11%	388	4.36%	69	.64%
Surface Waters	55	.28%	35	.28%	31	.35%	23	.21%
Total Areas	19,713	100%	12,486	100%	8,905	100.00%	10,807	100.00%

¹⁶ Pleasant Prairie v. Department of Local Affairs & Development, 108 Wis. 2d 465 (Ct. App. 1982), affirmed, 113 Wis. 2d 327 (1983).

¹⁷ *Town of Somers Incorporation Application Incorporation Submittal*, November 24, 2014.

Agriculture

The Town of Somers contains 10,670 acres of agricultural lands, or 59% of the total area. The town's excellent soils and gentle terrain have made farming profitable for well over 100 years. However, Somers' location means that its lands are also valuable for development. With the exception of the Town's northwest corner, all agricultural lands are anticipated to transition to urban land uses over the next 35 years. While the original petition included roughly 50% agricultural lands, the amended petition contains just 36%. This means that the bulk of these agricultural lands will stay within the town remnant.

Natural Resources

Notwithstanding massive Lake Michigan, Somers' other primary natural resource feature is the Pike River and Creek waterway system and their associated wetlands, woodlands, and environmental corridors. Specifically, the Town contains 55 acres of surface water, 502 acres of wetlands, 2,312 acres of environmental corridors, and 457 acres of woodlands associated with Pike River and Creek. The majority of these natural resource features are located in the eastern part of the town within the proposed village area.

Residential

Table 7 shows the Town of Somers has having over 2000 acres of residential housing. Primarily these are single-family houses and are located within the proposed village area. Somers' comprehensive plan and neighborhood plans anticipate and recommend that additional infill development will occur at varying densities over the coming decades.

Institutional

The proposed village contains a significant amount of institutional land uses, particularly given the 700-acre UW-Parkside campus and Hawthorne Hollow Sanctuary and Arboretum.

Commercial & Industrial

As previously mentioned, Appendix C lists all of the businesses located within the proposed village and **Map 3** shows that these businesses tend to be located primarily along the lakeshore and within Somers Hamlet and Somers Market Center. Business activity will surely play an increasing role given Somers' strategic location within the rapidly developing Kenosha-Racine metropolitan area.

Land Use Regulations

Zoning in Somers is currently administered by the Kenosha County Department of Planning and Development. **Map 5** shows how the county's zoning ordinance is applied in Somers and highlights how the urban land uses such as residential, commercial, and institutional tend to be located within the proposed village, while rural land uses such as agricultural tend to be located in the proposed town remnant area. Petitioners anticipate that the new village will develop and administer its own zoning ordinance if incorporated.

Chapter 18 of Somers' code of ordinances is devoted to land divisions and platting. Somers administers this ordinance and anticipates continuing to do so both within the proposed village and proposed town remnant.

DETERMINATION

The proposed village relates favorably to all of the compact and homogenous factors enumerated in the statute and case law. In particular, the proposed village has:

- Boundaries that follow readily understood physical features such as streets, highways and a railroad line;
- Boundaries that align closely with those of Pike River, Pike Creek and their associated wetlands;
- A transportation system containing a network of existing highways, local roads, and bicycle and pedestrian paths, as well as plans to continue to improve connectivity in the future;
- Numerous economic, business, social, and educational opportunities for local residents;
- A strong sense of community, as shown by the many community events, clubs, meeting places, and history, and
- Land uses that tend to be urban in nature such as residential, commercial, institutional, and recreational land uses.

The lakeshore area does include an irregular peninsula area extending down into the City of Kenosha, however Petitioners have provided clear and persuasive reasons for why this area needs to remain in Somers.

The petition contain pockets of undeveloped agricultural territory. However, the amended petition contains nearly 50% less undeveloped territory than did the original petition. As described in the following section, much of the remaining vacant territory is currently being developed or slated for development within the next three years and does not compromise the petition's compactness and homogeneity.

The Board finds that 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.

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SECTION 1(B), TERRITORY BEYOND THE CORE

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

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

Most Densely Populated Square Mile

Map 4 shows that the area along the lakeshore, in and adjacent to Berryville in Sections 8 and 18, contains Somers' greatest concentration of population. Petitioners indicate that the community essence of Somers includes not only this lakeshore area but also the area extending out west through UW-Parkside and along CTH E to Somers Hamlet.

Lands Subject to Waiver

The statute permits the Board to waive certain lands from the standard to the "extent that water, terrain or geography prevents such development." The types of lands which the Board has in the past waived include wetlands, lakes, streams, and steep slopes.

The proposed village has Pike Creek and Pike River meandering through it, with its numerous associated wetlands and environmental corridors that are appropriate for waiver. **Table 8** shows a total of 2,032 acres as being undevelopable due to surface water, wetlands, and environmental corridors.

Lands Subject to Standard

Table 8 shows that of the petition's 7,747 total acres, 3,724 acres are already developed, and 2,032 acres are appropriate for waiver because they are undevelopable. This leaves 1,991 acres as developable and subject to the standard.

Table 8: Lands Subject to Standard¹⁸

Lands	Acres
Proposed Village Total Area	7,747
Existing Developed Lands	3,724
Waived Undevelopable Lands	2,032
Developable Lands	1,991

Future Growth

The paragraphs below examine Somers' future growth potential, and whether this potential rises to the level of "substantial development within 3 years". Trends in population growth and building permits are examined as well as current development activity. Somers' comprehensive plan vision, recommendations, and future land use map are also discussed.

¹⁸ *Town of Somers Incorporation Application*, May 13, 2014, page 120.

Population

Table 9 shows Somers’ historic population growth. The table shows moderate growth. No doubt Somers’ growth would have been greater without incremental annexations to the City of Kenosha.

Table 9: Somers Population Growth

Year	Population
1940	3,641
1950	5,530
1960	7,139
1970	7,270
1980	7,724
1990	7,748
2000	9,059
2010	9,597
(DOA estimate) 2014	9,369

Table 10 shows Somers’ projected future population growth. The table shows moderate estimated population growth into the future, continuing to grow by several hundred persons per decade to 11,499 in 2030.

Table 10: Estimated Future Population Growth in Somers

Year	Population
2015 DOA Projection	10,229
2020 DOA Projection	10,692
2025 DOA Projection	11,123
2030 DOA Projection	11,499

Building Permits

Building permit data can predict future development activity because it directly measures past building activity. **Table 11** shows the building permits Somers has issued over the past 5 years. The table shows an average of 40 additions and remodels per year as well as a handful of new single family homes per year.

Table 11: Somers Building Permits

Year	New Single-Family Residential	New Multiple-Family Residential	New Commercial & Manufacturing	Additions & Remodels
2013	3	0	0	32
2012	3	0	0	46
2011	7	0	1	39
2010	7	0	0	54
2009	4	0	3	50
AVG	4.8	0	.8	44.2

Sewer Service Area

Availability of municipal sewer service is often an important development factor. As described previously, the entire proposed incorporation area lies within either the Kenosha or Racine Sewer Service Areas.

Water Service

Availability of municipal water service is often also an important development factor. As previously described, some Somers residents receive municipal water service while others utilize private wells. Somers Water Utility serves roughly 1000 acres currently and has the capacity to serve all areas within the proposed village.

Accessibility

As indicated previously, Somers' location between Racine and Kenosha, and more broadly, between Milwaukee and Chicago, means that significant traffic moves through the Town on a daily basis. Somers strategic location along with major transportation facilities such as I-94, state and county highways, several airports, passenger rail, a proposed commuter rail, and two off-street bicycle paths provide excellent accessibility to the proposed village area.

Development Trends in Kenosha County

Petitioners have submitted extensive information about the strong economic growth and new development occurring in Kenosha and Racine Counties, particularly along the I-94 corridors. Major companies such as Amazon and U-Line have chosen to locate business operations in the area. Petitioners anticipate that this strong level of regional growth will inevitably spill over into the Town of Somers, especially given its location along I-94 and its availability of vacant land suitable for new development.

Plans

Review of comprehensive plans can provide insight into a community's future development intentions. Somers is part of a southeast Wisconsin region that has been intensely involved with planning since at least the 1960s, including comprehensive planning, master planning, transportation planning, and planning for utilities, recreation, and economic development, among others.

Somers current comprehensive plan, *A Multi-Jurisdictional Comprehensive Plan for Kenosha County: 2035*, was developed in 2010 in participation with nine other communities and assistance from SEWRPC. The plan anticipates the following major themes for Somers:

- Farmland protection – the northwest corner of the Town is designated to remain as a farmland protection area. This area is within the proposed town remnant;
- Commercial and Industrial - significant commercial and industrial development will occur along the STH 31 and CTH L corridors. This area is within the proposed village;
- UW-Parkside – will remain as Somers most significant institutional presence;
- Environmental & Natural Resource Protection – generally these resources are located along Pike River and Pike Creek;
- Residential – continued residential development will occur within the proposed village area.

The comprehensive plan's land use element is comprised of detailed neighborhood plans to guide development at a neighborhood level to the year 2035. Completed and approved neighborhood plans within the proposed village include the following:

- Country Club; 2008
- Fairfield; 2008
- Hawthorne; 2008
- Northwest; 2008
- Parkside; 2008
- Parkside North; 2008

- Pike Creek; 2008
- Pike River West; 2008
- Somers Center East; 2008
- Somers Center West; 2008
- Somers West; 2008
- South Central; 2008
- Southeast; 2008
- Lakeshore; 2010
- Parkside East; 1993

Neighborhood plans for the Lakeshore and Parkside East were developed at different times and under separate processes than the plans for the other neighborhoods. No plans were developed for the northwestern part of Somers because this area is anticipated to remain rural through 2035, and no plans were developed for the town islands and peninsulas that are known as the B Area which will ultimately transfer to the City of Kenosha pursuant to the 2005 *Kenosha-Somers Cooperative Boundary Plan*.

The neighborhood plans listed above include maps showing the location of planned future land uses as well as the planned land use densities. This type of detailed neighborhood planning is rare for a town and more typical of a mid-sized to large city. Each plan anticipates significant residential and commercial development.

Development Potential for Specific Properties

Map 6 shows the development potential of specific parcels within the proposed village area.¹⁹ Parcels shown in red are those that are ‘Currently in Development’, which means that landowners or developers are engaging in one or more development-related activities:

- Landowners have communicated to local officials an interest in selling their land for development;
- Landowners have communicated with potential investors or developers;
- Potential investors, developers, or brokers have contacted landowners and local officials;
- Landowners have sought, or are seeking, review of their concept plans from local government;
- Landowners have applied for, or received, permits, plan amendments, rezonings, land divisions, or easements;
- Utilities, sidewalks, curb and gutter, fire hydrants, and other infrastructure has been installed;
- Construction has commenced.

Generally, the above activities fall on a development continuum, ranging from interest in developing to actually developing in a physical sense. **Table 12** provides specific information for each of the development projects shown on **Map 6**. The table shows nearly twenty projects comprising 926 acres.

¹⁹ Town of Somers August 19, 2014 Incorporation Submittal.

Table 12: Somers Development Parcels Shown in Map 6

#	Type	Location	Acres	Status	Comments
3	Phase 3 Pike Creek Crossing	CTH E & 72 nd Avenue	80	Preliminary plat approved	144 Single-family lots
4	Phase 1 Pike Creek Crossing	CTH E & 72 nd Avenue	20	Final plat approved	46 Multi-family units & 141 Single-family lots
5	Somers Parkland	CTH EA	35	Concept plan by Ruckert Mielke Engineering	
6	Phase 2 Pike Creek Crossing	CTH E & 72 nd Ave	41	Preliminary plat approved	
7	Commons of Somers	CTH E & STH 31	60	Final plat approved	Planned in conjunction with UW-Parkside
8	Open parkland	STH 31	32	Neighborhood plan	
9	Proposed Business Park	STH 31 & CTH L	80	Concept idea	
10	Industrial Park	CTH H & CTH S	150	Zoning approved	
11	Industrial Park	CTH H & CTH S	158	Zoning approved	
12a	United Hospital	Somers Market Center	5	Under construction	
12b	Bear Realty Residential	Somers Market Center	19	Concept idea approved	Engineering work is ongoing
13	Sam's Club	STH 31 & CTH S	17	Completed	
14	Walmart	STH 31 & CTH S	25	Completed	
15	Orchard Court Apartments & Existing Residential	Adjacent to UW-Parkside on the east	35	Updated existing buildings & added garages	
16	Somersfield	22 nd Avenue	80	Final Plat	
17	River Vista	Adjacent to Lakeshore neighborhood along CTH E	120	Preliminary plat approval	82 Single-family lots, 14 multi-family units
18	Sunset Ridg	CTH E & 43 rd St.	8	Under construction	Chapel & mausoleum
	Total Acreage		965		

Parcels shown in green on **Map 6** are those that have been purchased and set aside for future parks, which total 61 acres. Furthermore, **Table 13** shows additional projects within the proposed village that are also currently under development.

Table 13: Additional Development Projects²⁰

Project	Neighborhood	Acres	Status	Type	Date
Covelli Heights	Parkside East	26	Final Plat	Single-Family	2004
JS Real Estate	Parkside East	68	Preliminary Plat	Multi & Single Family	2004
Somersfield					
Golf Glen	Parkside East	42	Final Plat	Single Family	2005
Codgen & O'Connel	Southeast	89	Concept Idea	Single-Family	2005
Somers Market Center	Southeast	110	Final Plat	Commercial	2007
Parkside Springs	Fairfield	40	Final Plat	Single-Family	2007
Berwick Properties	Somers Center East	37	Preliminary Plat	Multi-Family	2007
Greco Fox Run	Fairfield	7	Preliminary Plat	Multi-Family	2007
Hergot Investments	Parkside East	121	Preliminary Plat	Multi & Single Family	2008
River Vista					
MIR Group Shopping Center	Somers Center East	69	Final Plat	Commercial/Residential	2009
Majestic Realty	South Central	311	Concept Idea	Industrial	2013
WAB LLC	Southeast	6	Final Plat	Commercial	2014
Total Acreage		926			

²⁰ Town of Somers December 12, 2014 Submittal in Support of Incorporation.

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DETERMINATION

This standard examines the vacant developable land present within the proposed village and whether or not these vacant lands may potentially be developed within the next three years.

Municipal sewer and water service is available to all parts of the proposed village area, and Somers comprehensive plan anticipates eventual development of these lands. Also, by amending the petition to exclude several thousand acres of agricultural land, petitioners have greatly decreased the amount of territory that is subject to this standard.

Past trends in Somers such as population growth and building permit data tend to predict fairly moderate future growth. However, this data may underestimate the likely amount of development that will occur in reality. Because of Somers' location along I-94 between Milwaukee and Chicago, because Somers is the only remaining town along this entire 100 mile corridor, and because of the significant amount of growth and development that is already occurring within the area, the potential clearly exists for substantial future development of the petition's 1,991 developable acres.

The Board finds that the petition as submitted meets the *Territory Beyond the Core* standard set forth in §66.0207(1)(b), Wis. Stats.

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SECTION 2(A) TAX REVENUE

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

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

The following paragraphs describe the Town's current financial situation, as well as its proposed budget in order to determine whether the petitioned territory can provide village services at a reasonable cost and tax rate.

Equalized Value

Table 14 shows that the majority of the Town of Somers' equalized value would go to the proposed new village. Specifically, the new village would acquire \$520,724,700 of Somers' total \$714,082,700, roughly 73%, while the remaining Town of Somers would retain \$193,358,000.

Table 15 shows that the proposed village's equalized value would place it in the middle of Kenosha and Racine County cities and villages, while **Table 16** shows the proposed remnant near the bottom among towns. Furthermore, a significant amount of equalized value is located in the B Area parcels which will gradually transfer into Kenosha. However, anticipated growth and development along I-94 should increase the remnant's equalized value in the near future to make up for this loss.

Table 16: Equalized Values – Kenosha/Racine County Towns¹

Municipality	Equalized Value
T. Salem	\$990,367,500
T. Norway	\$788,026,700
T. Waterford	\$723,806,800
T. Burlington	\$620,480,000
T. Yorkville	\$498,601,900
T. Randall	\$468,295,100
T. Raymond	\$443,875,700
T. Dover	\$321,999,200
T. Wheatland	\$279,762,100
T. Paris	\$196,604,700
Somers Town Remnant	\$193,358,000
T. Brighton	\$160,027,200

Table 14: Equalized Values

Geography	Equalized Value
Proposed Village	\$520,724,700
Town Remnant	\$193,358,000
Town of Somers Total	\$714,082,700

Table 15: Equalized Values – Kenosha/Racine County Cities and Villages¹

Municipality	Equalized Value
C. Kenosha	\$5,524,779,300
C. Racine	\$3,208,322,900
V. Mount Pleasant	\$2,380,865,300
V. Pleasant Prairie	\$2,651,867,100
V. Caledonia	\$1,963,451,300
C. Burlington	\$807,245,600
V. Twin Lakes	\$670,494,500
Somers (Proposed Village)	\$520,724,700
V. Bristol	\$514,406,100
V. Sturtevant	\$501,791,000
V. Waterford	\$418,418,100
V. Rochester	\$352,204,300
V. Union Grove	\$294,630,900
V. Wind Point	\$230,252,400
V. Paddock Lake	\$220,467,500
V. Silver Lake	\$162,893,500
V. Genoa City	\$156,500,000
V. Elmwood Park	\$35,755,900
V. North Bay	\$34,684,900

¹ *Town of Somers Incorporation Application*, May 13, 2014, page 139, based on 2014 Wisconsin Department of Revenue data.

Debt

State statutes limit the amount of general obligation debt a municipality may issue to 5% of its total equalized value. **Table 17** shows the Town of Somers’ debt compared with Racine/Kenosha County cities and villages. The table shows Somers at 52% of its allowable debt, which is higher than many of its municipal neighbors. This debt would be shared between the new village and the town remnant according to the provisions and process set forth in s. 66.0235 Wis. Stats.

Table 17: Municipal Debt of Area Municipalities

Municipality	Actual Debt	Allowable Debt	Debt Margin	Debt Limit %
V. Wind Point	0	11,810,250	11,810,250	0%
V. Silver Lake	307,530	9,087,965	8,780,435	3%
V. North Bay	83,515	1,772,170	1,688,655	5%
V. Bristol	1,640,000	24,429,215	22,789,215	7%
V. Rochester	2,239,899	16,610,100	14,370,201	13%
V. Waterford	3,004,094	21,051,630	18,047,536	14%
V. Twin Lakes	6,699,743	33,921,145	27,221,402	20%
V. Elmwood Park	658,191	1,861,520	1,203,329	35%
V. Caledonia	35,720,745	99,901,965	64,081,220	36%
V. Paddock Lake	4,115,000	11,478,415	7,363,415	36%
V. Mount Pleasant	43,839,230	122,456,005	78,616,775	36%
C. Kenosha	138,697,410	280,942,150	142,244,740	49%
T. Somers	21,240,000	40,409,045	19,169,045	52%
C. Burlington	23,840,001	41,636,475	17,796,474	57%
C. Racine	108,340,000	179,361,110	71,021,110	60%
V. Union Grove	9,149,380	14,725,495	5,576,115	62%
V. Pleasant Prairie	96,570,000	124,088,030	27,518,030	78%
V. Sturtevant	21,484,293	24,750,040	3,265,747	87%

Capital Facility Needs

Petitioners indicate that no new facilities, repairs, or improvements are needed for the foreseeable future, either for the existing Town of Somers, proposed new village, or proposed town remnant.

Proposed Budget

Petitioners’ proposed village budget, shown at **Table 18**, is identical to the current Town of Somers budget except that 73% for each budget item is allocated to the new village and 27% to the town remnant. Petitioners utilize the current town budget because they anticipate no major changes or additional expenses since Somers already functions as a village in terms of services such as:

- Administrative – administrator, clerk, and treasurer;
- Public Works – road maintenance, snow plowing, ditch and culvert work, signage, parks, maintenance, and mowing;
- Public Works – operates two sewer utilities and water utilities;
- Public Safety – fire and rescue service;
- Building Inspection – full time building inspector, and
- Refuse and Recycling- weekly curb side collection service as well as a yard waste drop-off site.

Table 18: Proposed Village Budget

Revenues	Existing Town	Proposed Village	Town Remnant
Taxes	\$2,780,777	\$2,029,967	\$750,810
Intergovernmental Revenue	\$303,481	\$221,541	\$81,940
Licenses and Permits	\$173,840	\$126,903	\$46,937
Fines, Forfeitures and Penalties	\$1,150	\$840	\$311
Public Charges for Services	\$521,800	\$380,914	\$140,886
Intergovernmental Charges for Service	\$17,000	\$12,410	\$4,590
Miscellaneous Revenues	\$64,040	\$46,749	\$17,291
Total Revenue	\$3,862,088	\$2,819,324	\$1,042,764
Expenditures	Existing Town	Proposed Village	Town Remnant
General Government	\$880,779	\$642,969	\$237,810
Public Safety	\$1,737,527	\$1,268,395	\$469,132
Highways	\$590,297	\$430,917	\$159,380
Solid Waste	\$536,168	\$391,403	\$144,765
Parks & Recreation	\$22,838	\$16,672	\$6,166
Planning & Development	\$53,074	\$38,744	\$14,330
Contingency	\$41,405	\$30,226	\$11,179
Total Expenditures	\$3,862,088	\$2,819,324	\$1,042,764

Police Protection Service

Petitioners’ proposed budget does not include costs for public safety. Currently Kenosha County provides Somers with police protection, as it does for all of its towns. However, incorporation would mean that the area no longer automatically receives this service. Because statutes require that incorporated cities and villages over 5000 persons in size provide police protection, the new village could either choose to create a police department of its own or contract with the Kenosha County Sheriff’s Department for service.

Kenosha County Executive Jim Kreuser has proposed that the new village contract with the Kenosha County Sheriff’s Department for police protection services at a rate of \$133,000 per year. The County Executive has even offered that for the first partial year of incorporation, and for the first full year prior to incorporation, that services will be provided at no cost to the new village. In the second year following incorporation, services would be provided at one-half of the cost, or \$66,500, and in the third year following incorporation service would be provided at the full \$133,000 cost. Therefore, county service would not begin to impact the new village’s budget until the second full year following incorporation.

Petitioners anticipate that the new village will receive additional revenues as a result of citations issued by sheriff’s deputies and collected by a village municipal court. Petitioners estimate this citation income to be approximately \$30,000 per year based on nearby communities’ typical revenues from citations.

The UW Parkside campus has its own police department, which would continue to operate after incorporation.

Planning & Zoning

Petitioners’ proposed budget also does not include costs for planning and zoning service, which is currently provided by Kenosha County to all of its towns but which the new village would no longer automatically receive were it to incorporate.

Unlike police protection service, villages over 5000 persons are not statutorily required to create plans or to create and administer zoning ordinances, although most do. To continue to plan and zone, the new village could choose to hire planning and zoning staff of its own or could contract with the Kenosha County Planning and Zoning Department for service.

Kenosha County Executive Jim Kreuser has proposed that the new village contract with the Kenosha County for planning and zoning services at a rate of \$133,000 per year. The County Executive has even offered that for the first partial year of incorporation, and for the first full year prior to incorporation, that services will be provided at no cost to the new village. In the second year following incorporation, services would be provided at one-half of the cost, or \$66,500, and in the third year following incorporation service would be provided at the full \$133,000 cost. Therefore, county service would not begin to impact the new village’s budget until the second full year following incorporation.

Petitioners anticipate that fees paid to the new village for land use permits and changes will result in income in the first partial year and full year following incorporation, and that these fees will exceed the costs paid to Kenosha County even in the second full year and third years, and years beyond.

Tax Rate

Table 19 shows the tax rates for the existing Town, proposed village and proposed remnant town. Based on the proposed budgets, the property tax rate would remain relatively unchanged, with the proposed village rate increasing by one cent per \$1,000 of value and the town remnant decreasing by once cent.

Table 19: Somers Tax Rates

	Proposed Village	Remnant Town	Existing Town
Assessed Value	\$520,724,700	\$193,358,000	\$714,082,700
Property Tax Levy	\$2,601,375	\$962,152	\$3,563,527
Mill Rate	0.00499568	0.00497601	0.00499036
Municipal Tax Rate	\$5.00 per \$1,000	\$4.98 per \$1,000	\$4.99 per \$1,000

Table 20 compares Somers’ proposed tax rate with the rates of other Kenosha and Racine County cities and villages. The table shows that Somers taxes at a lower rate than the majority of these other communities.

Table 20: Comparable Tax Rates of Kenosha-Racine Cities and Villages²²

Community	Population	Tax Rate
C. Racine		\$14.66
C. Kenosha		\$11.26
V. Sturtevant		\$9.03
V. North Bay		\$8.43
V. Mount Pleasant		\$7.21
V. Paddock Lake		\$7.00
V. Waterford		\$6.89
V. Union Grove		\$6.25
V. Twin Lakes		\$5.95
V. Silver Lake		\$5.64
Proposed Village of Somers		\$5.00
V. Wind Point		\$4.63
V. Pleasant Prairie		\$4.33
V. Rochester		\$2.64

Anticipated Future Capital Needs

Petitioners anticipate no new capital needs due to incorporation. The Town remnant and new village would continue to operate out of the current Town hall and share services, equipment and staff.

²² Wisconsin Taxpayers Alliance, 2013

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DETERMINATION

The Town of Somers currently functions like a small to medium-sized village in terms of service provision, and has been able to raise revenue to fund these services at a low tax rate. The fact that the proposed budget for the new village would be essentially identical to the current Town of Somers budget, along with the area's high equalized value and low tax rate clearly indicate that the proposed village can provide village-level services at a reasonable cost to residents.

For all of these reasons, 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

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 neighboring city or village passed a resolution indicating their willingness to annex and serve the area proposed for incorporation, this *Level of Services* standard will not be reviewed in this determination.

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

Section 66.0207(2)(c), Wis. Stats., requires the Board to find the proposed incorporation in the public interest considering;

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

This standard ensures that incorporation will not negatively impact these residents by making continued governance and operation of their remaining town difficult.

The following paragraphs examine the proposed town remnant territory in detail to determine the likely impact of incorporation on this area.

Town Remnant Physical Characteristics

As mentioned previously, the proposed village encompasses roughly 12 square miles, leaving a town remnant area of roughly 17 square miles. However, as mentioned previously, some of this remnant territory, referred to as the ‘B Area’, will transfer to the City of Kenosha by 2035 pursuant to the *2005 Kenosha-Somers Cooperative Boundary Plan*.

Notwithstanding the numerous town islands and peninsulas that comprises the B Area, the shape of the remnant area is compact and clearly delineated physically by roadways and the Canadian Pacific rail line, as well as politically by the Racine/Kenosha County line, the Town of Paris, and the City of Kenosha.

Population

The proposed village territory consists of 6,970 persons, with the proposed remnant containing 2,627 persons. **Table 21** shows that the Town remnant’s population would place it roughly in the middle of other Kenosha and Racine towns in terms of population density.

Table 21: Population Density Comparison of Racine and Kenosha County Cities and Villages²³

Municipality	Land Area	Population	Population Density (per sq.mi.)
T. Salem	29.19	12,036	412
T. Randall	13.20	3,176	240
T. Norway	33.70	7,961	236
T. Waterford	31.32	6,344	202
T. Burlington	32.82	6,448	196
Somers (proposed remnant)	16.15	2,627	162
T. Wheatland	23.74	3,332	140
T. Dover	35.25	3,997	113
T. Raymond	35.51	3,894	109
T. Yorkville	33.62	3,087	92
T. Paris	35.95	1,505	42
T. Brighton	35.64	1,454	41

²³ *Town of Somers Incorporation Application*, May 13, 2014, page 22.

Financial Capacity

Equalized Value

As shown previously by **Table 14**, the proposed village would acquire the majority of the existing Town of Somers' equalized value, roughly \$520 million or 73% of the total, while the proposed town remnant would receive roughly \$193 million or 27% of the total. As shown previously by **Table 16**, this amount of equalized value would place the remnant on the low end compared with other Kenosha and Racine County towns. The gradual transfer of B Area lands to the City of Kenosha will reduce the remnant's equalized value. However, this will be counter-balanced by the new development and growth anticipated along I-94.

Debt

As shown previously by **Table 17**, the Town of Somers existing debt is roughly \$21 million, which puts it at 52% of its debt capacity. Apportioning this debt between the proposed village and remnant according to equalized value would leave the remnant with debt of \$5,734,800. This amount of debt should be manageable given the remnant's equalized value, anticipated future growth and development, and low current and proposed tax rate of \$4.99 per \$1,000.

Proposed Budget

Petitioners are proposing a budget for the town remnant of \$1,042,764, as shown at **Table 18**. This amount represents 27% of the current Town of Somers' existing budget. Petitioners point out that Kenosha County will continue to provide police protection and planning and zoning services for the town remnant area, so the existing budget amounts should be sufficient. Petitioners anticipate that the remnant will enter into shared service agreements for providing other needed services, which will spare the remnant town from needing to duplicate these services.²⁴ Because the vast majority of the remnant is rural, service demands are likely to be minimal. Development that does occur along I-94 is anticipated to be commercial which also tends to require low service levels.

Extraterritorial Jurisdiction

By incorporating, the new village would acquire extraterritorial influence over land uses within the Town remnant, such as affecting zoning and land divisions. This would give the new village control over whether and how development occurs along I-94. Petitioners do not anticipate any land use disputes or problems because the new village and remnant would be so closely aligned from a service-provision standpoint. However, subsequent elections and new governing bodies could result in the communities acquiring new character and independence and priorities over time. No intergovernmental agreements or proposed agreements have been developed to address extraterritorial powers, however elected officials, staff, and residents may want to consider doing so.

²⁴ *Town of Somers Incorporation Application*, May 13, 2014, page 129.

DETERMINATION

For the preceding reasons, the Board finds that the proposed Town of Somers remnant would not be negatively impacted should incorporation occur. The shape of the remnant Town is compact and rational, and clearly defined physically and politically. The remnant has sufficient population and equalized value to continue to provide the services desired by residents at a reasonable tax rate. In order to facilitate cooperation between the new village and new remnant, the new boards may want to develop an intergovernmental agreement that provides specifics regarding future service sharing, regulatory control, and municipal boundaries, among other issues that may arise between the two communities.

The Board determines that the petition meets the *Impact on the Remainder of the Town* standard set forth in §66.0207 (2) (c), Wis. Stats.

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SECTION 2(D), IMPACT UPON THE METROPOLITAN COMMUNITY

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

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

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

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

This standard evaluates how incorporation would impact the larger metropolitan area and region, and in particular how incorporation would impact the larger metropolitan area’s ability to resolve regional issues. The Board must be able to make an express finding that the proposed incorporation will not substantially hinder the solution of governmental problems affecting the metropolitan community.

The metropolitan communities for this petition are the Cities of Kenosha and Racine, Villages of Mount Pleasant and Sturtevant, and the Town of Paris.

The Petitioners believe that an incorporated village of Somers will benefit the metropolitan community because its expanded powers and authority could enable it to play a more significant role in shaping development along the I-94 corridor, and improving regional stormwater management, transportation projects, housing development, economic development, parks, recreational, and educational opportunities.²⁵

Intergovernmental Agreements

Somers has been preparing for incorporation for many years, which can be seen by the detailed neighborhood plans developed as part of its comprehensive plan as well as by the town’s numerous intergovernmental agreements with its municipal neighbors. These intergovernmental agreements establish permanent boundaries, ensure efficient service delivery, and paved the way for this incorporation process. Because intergovernmental issues were dealt with well ahead of time, no municipal neighbors or other area jurisdictions have intervened in opposition to this petition. The Board received no comments from the Cities of Kenosha or Racine, Villages of Mount Pleasant or Sturtevant, or Kenosha County and SEWRPC.

In fact, Kenosha County strongly supports the petition, believing that an incorporated Somers will facilitate economic development at a regional scale. Specifically, the county showed its support

²⁵ *Town of Somers Incorporation Application*, May 13, 2014, page 167.

by testifying in favor at the public hearing, providing information showing how the petition meets the statutory requirements, and by offering to provide county sheriff and planning and zoning services.

Somers numerous intergovernmental agreements with its municipal neighbors include the following:

- *2005 Kenosha-Somers Cooperative Boundary Plan Agreement*- establishes a permanent boundary between the town and city, which survives beyond the agreement expiration in 2035.
- *Boundary Agreement with the Town of Mount Pleasant (2000)* – developed just prior to Mount Pleasant becoming a village, this agreement restricts annexations, limits extraterritorial jurisdiction, and establishes service sharing. Expires in 2025;
- *Pike River Watershed-Based Plan: A Guide to Protecting and Restoring Watershed Health (2013)* - includes the Cities of Kenosha and Racine; Town of Somers; and Villages of Elmwood Park, Mount Pleasant, Pleasant Prairie and Sturtevant;
- *State Highway 31 Traffic Study (2008)* – developed with assistance from SEWRPC and DOT, recommends future improvements to STH 31;
- *Greater Racine Intergovernmental Cooperation Agreement (2002)* – established sewer service provision responsibilities and revenue sharing among Kenosha and Racine County municipalities;
- *Agreement for the Construction of a Portion of the Parkside Sanitary Sewer Interceptor (1993)*;
- *Agreement between the City of Kenosha, Town of Somers, and City of Kenosha Water Utility to Provide for Orderly Land Development and for Sanitary Sewer Service in the Town of Somers (1990)*;
- *Amendment to the 1985 Agreement between the City of Kenosha, Kenosha Water Utility and Town of Somers for Sanitary Sewer Service in the Town of Somers (1989)*;
- *Agreement between the City of Kenosha, Kenosha Water Utility, and Town of Somers for Sanitary Sewer Service in the Town of Somers (1988)*;
- *Agreement between the City of Kenosha, Kenosha Water Utility, and Town of Somers for Sanitary Sewer Service in the Town of Somers (1985)*;

Somers' intergovernmental agreements, along with the lack of significant opposition from its municipal neighbors, demonstrate that the metropolitan community appears to view the incorporation as appropriate for the region.

Plans

Somers participated along with other area communities to help develop Kenosha County's Multi-Jurisdictional Comprehensive Plan in 2010, which it has been fully implementing and complying with since that time.

DETERMINATION

For all of the preceding reasons, the Board finds that Somers has been an outstanding citizen of its region, and a leader with regard to comprehensive planning and intergovernmental cooperation.

Therefore, the Board determines that incorporation of the proposed village will not hinder the metropolitan area and that the petition meets the *Metropolitan Impact* standard set forth in §66.0207(2)(d), Wis. Stats.

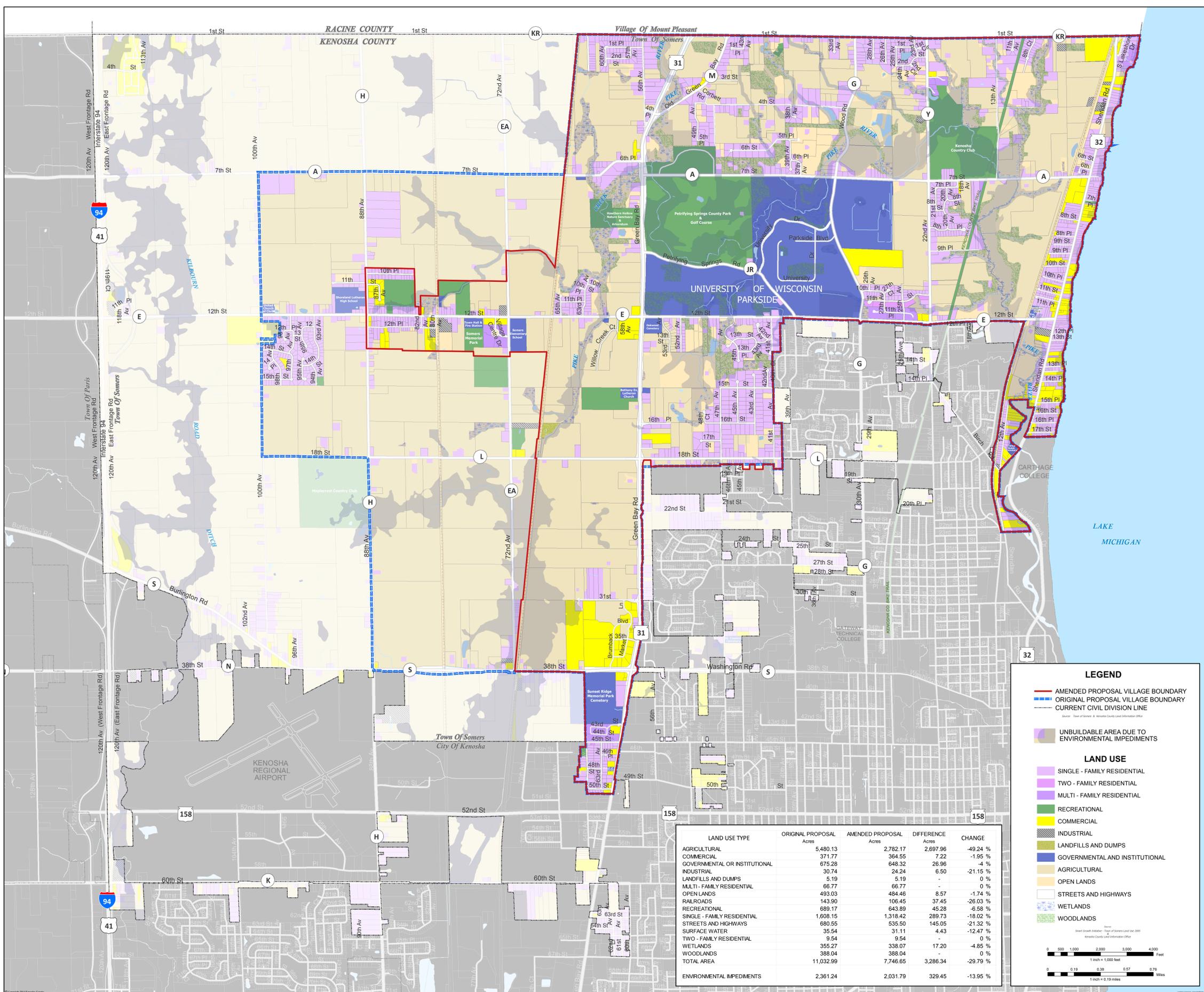
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APPENDIX A: Maps

Map 1	Proposed Village of Somers
Map 2	Somers Environmental Resources
Map 3	Somers Businesses
Map 4	Somers Population Distribution
Map 5	Somers Zoning
Map 6	Somers Current Development Projects

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Map 1 Proposed Village



LAND USE TYPE	ORIGINAL PROPOSAL Acres	AMENDED PROPOSAL Acres	DIFFERENCE Acres	CHANGE
AGRICULTURAL	5,480.13	2,782.17	2,697.96	-49.24 %
COMMERCIAL	371.77	364.55	7.22	-1.95 %
GOVERNMENTAL OR INSTITUTIONAL	675.28	648.32	26.96	-4 %
INDUSTRIAL	30.74	24.24	6.50	-21.15 %
LANDFILLS AND DUMPS	5.19	5.19	-	0 %
MULTI-FAMILY RESIDENTIAL	66.77	66.77	-	0 %
OPEN LANDS	493.03	484.46	8.57	-1.74 %
RAILROADS	143.90	106.45	37.45	-26.03 %
RECREATIONAL	689.17	643.89	45.28	-6.58 %
SINGLE-FAMILY RESIDENTIAL	1,608.15	1,318.42	289.73	-18.02 %
STREETS AND HIGHWAYS	680.55	535.50	145.05	-21.32 %
SURFACE WATER	35.54	31.11	4.43	-12.47 %
TWO-FAMILY RESIDENTIAL	9.54	9.54	-	0 %
WETLANDS	355.27	338.07	17.20	-4.85 %
WOODLANDS	388.04	388.04	-	0 %
TOTAL AREA	11,032.99	7,746.65	3,286.34	-29.79 %
ENVIRONMENTAL IMPEDIMENTS	2,361.24	2,031.79	329.45	-13.95 %

LEGEND

- AMENDED PROPOSAL VILLAGE BOUNDARY
- ORIGINAL PROPOSAL VILLAGE BOUNDARY
- CURRENT CIVIL DIVISION LINE

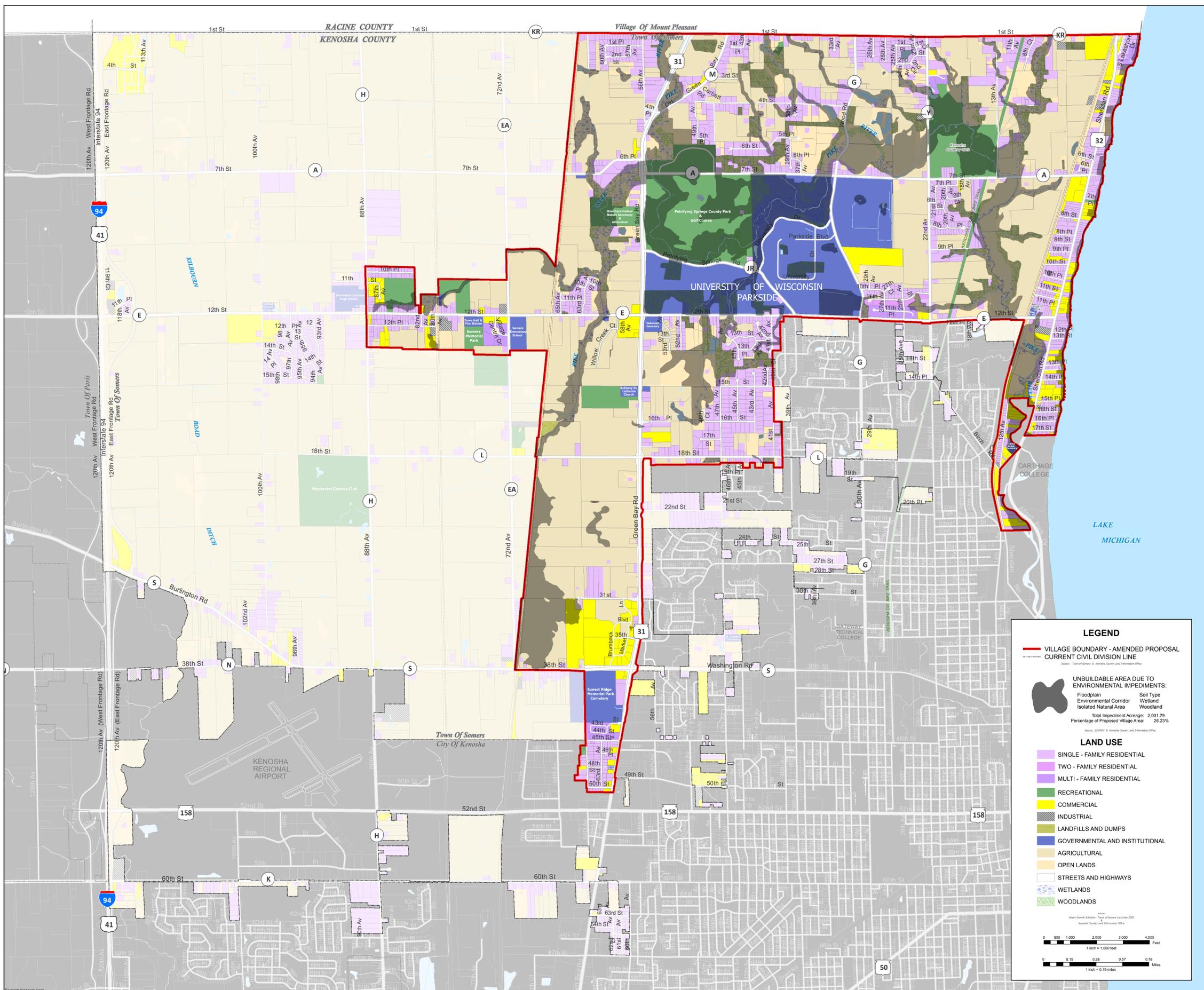
UNBUILDABLE AREA DUE TO ENVIRONMENTAL IMPEDIMENTS

LAND USE

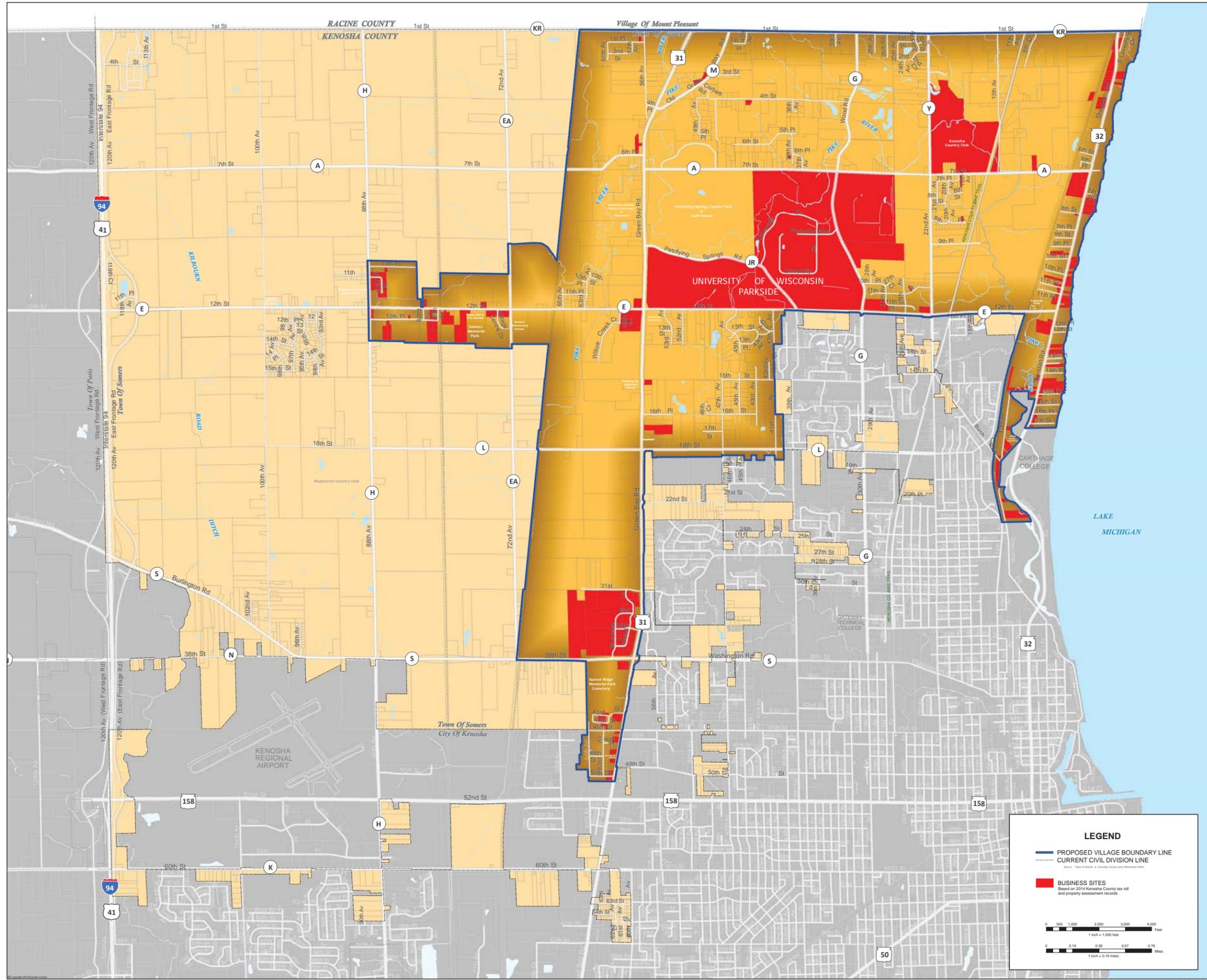
- SINGLE-FAMILY RESIDENTIAL
- TWO-FAMILY RESIDENTIAL
- MULTI-FAMILY RESIDENTIAL
- RECREATIONAL
- COMMERCIAL
- INDUSTRIAL
- LANDFILLS AND DUMPS
- GOVERNMENTAL AND INSTITUTIONAL
- AGRICULTURAL
- OPEN LANDS
- STREETS AND HIGHWAYS
- WETLANDS
- WOODLANDS

Scale: 1 inch = 1,000 feet
1 inch = 0.19 miles

Map 2
Somers Environmental
Resources



Map 3
Somers
Businesses



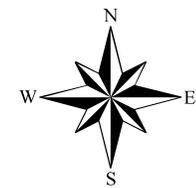
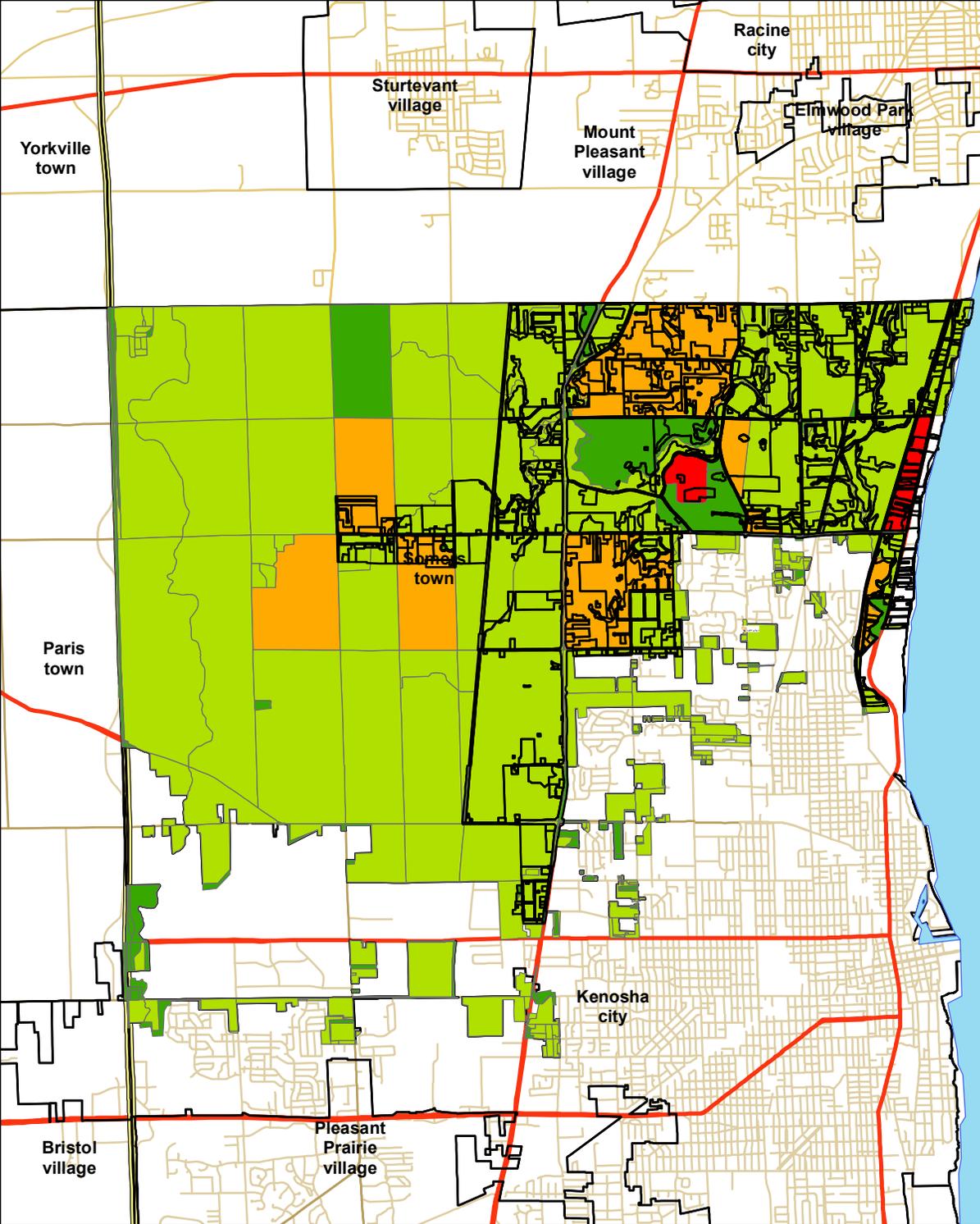
SOMERS BUSINESS SITES - AMENDED VILLAGE PROPOSAL

Town of Somers in Kenosha County, Wisconsin

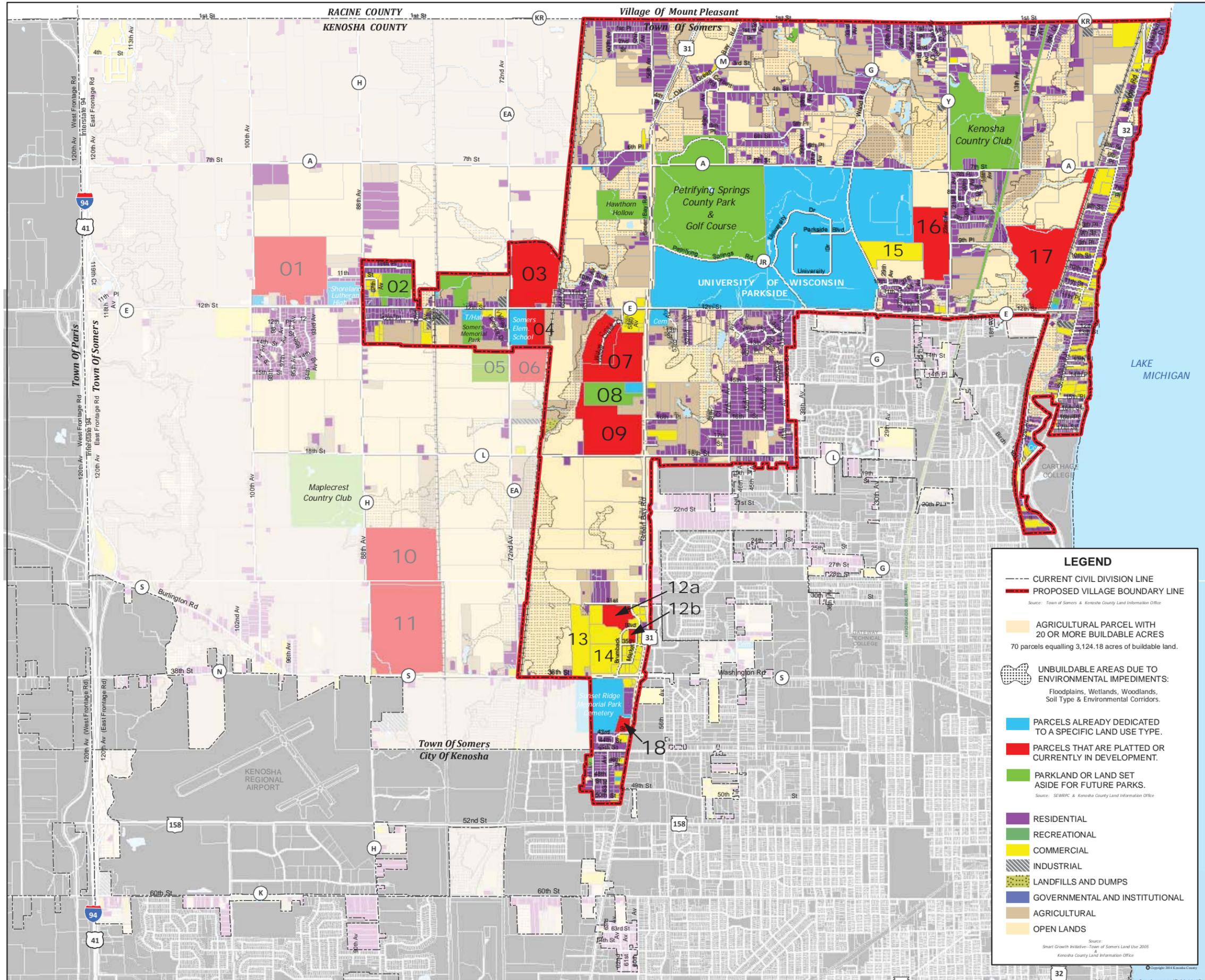


Map Prepared By:
Kenosha County Land Information Office

Map 4 Town of Somers Population Distribution



Map 6
Current
Development



LEGEND

- CURRENT CIVIL DIVISION LINE
- PROPOSED VILLAGE BOUNDARY LINE
- Source: Town of Somers & Kenosha County Land Information Office
- AGRICULTURAL PARCEL WITH 20 OR MORE BUILDABLE ACRES
70 parcels equalling 3,124.18 acres of buildable land.
- UNBUILDABLE AREAS DUE TO ENVIRONMENTAL IMPEDIMENTS:
Floodplains, Wetlands, Woodlands, Soil Type & Environmental Corridors.
- PARCELS ALREADY DEDICATED TO A SPECIFIC LAND USE TYPE.
- PARCELS THAT ARE PLATTED OR CURRENTLY IN DEVELOPMENT.
- PARKLAND OR LAND SET ASIDE FOR FUTURE PARKS.
Source: SEWRPC & Kenosha County Land Information Office
- RESIDENTIAL
- RECREATIONAL
- COMMERCIAL
- INDUSTRIAL
- LANDFILLS AND DUMPS
- GOVERNMENTAL AND INSTITUTIONAL
- AGRICULTURAL
- OPEN LANDS
- Source: Smart Growth Initiative - Town of Somers Land Use 2005
Kenosha County Land Information Office

MAP B - LARGE DEVELOPMENT SITES EXPECTED TO DEVELOP WITHIN THE NEXT 3 YEARS
Proposed Village of Somers in Kenosha County, Wisconsin

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

Ed Eberle, Chair of Incorporation Review Board
Administrator, Division of Intergovernmental Relations

Wisconsin Towns Association Member #1

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

Wisconsin Towns Association Member #2

Lonnie Muller, Clerk
Town of Stark (Vernon County)

Wisconsin League of Municipalities Member

Paul Fisk, Mayor
City of Lodi

Wisconsin League of Municipalities Member

Rich Eggleston

Staff

Erich Schmidtke
Renee Powers
Phil Wells
Mark Herman

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Appendix C: List of Businesses within Proposed Village

Name	Property Address
Aaen Performance Parts, Inc.	1266 N. Sheridan Road
Anheuser Busch, Inc.	Various
Burr Oak Green House & Gift	1275 100th Avenue
Lakeshore Finishing	1110 Sheridan Road
Eagle Chateau Apartments	8700 11th Street
White Brick Motel	973 Sheridan Road
Advanced Disposal Service	Various
Barb & John's Hangar	3820 88th Avenue
Call's Metal Building Erectors	8128 12th Street
Capoun's Golf Range & Miniature Golf	4209 Green Bay Road
Bayside Apartments	1465 Sheridan Road
Bayside Apartments	1455 Sheridan Road
Dejno's Trucking	6550 38th Street
Dejno's Trucking	5670 Green Bay Road
Cambridge Apartments	614 15th Place
Cambridge Apartments	612 15th Place
Universal Auto Sales	1128 Sheridan Road
Sheridan Queens-Way	1814 Sheridan Road
Edgewater Apartments, Inc.	1073 Sheridan Road
Aluminum Fence Corporation	810 7th Street
Laeser, Robert	1103 87th Avenue
Bluebird Motel	779 Sheridan Road
Hallmark Development Corporation	700 Sheridan Road
Gtech Corporation	Various
Hobnob Restaurant	277 Sheridan Road
Sam's Amusement Co.	Various
Kenosha Landscaping	7301 60th Street
Kenosha Country Club, Inc.	500 13th Avenue
Eagle Chateau Apartments	1139 87th Avenue
Lahey Reprographs & Supply, Inc.	5610 1st Place
Somers Shampoo Stop	8001 12th Street
Loomis Photographers	1711 Green Bay Road
JJD Mastercraft Builders	5008 Green Bay Road
94 North - Bob's On Sheridan	422 Sheridan Road
Badger Mini Storage, LLC	1280 Sheridan Road
Milwaukee Repeater Service	1521 Green Bay Road
Parul Corp.	1810 Sheridan Road
Grayhawk Leasing, LLC	Various

Name	Property Address
Pitney Bowes, Inc.	Various
Maplecrest Country Club	9401 18th Street
Red Oaks Motel	1098 Sheridan Road
Adams Outdoor Advertising	Various
Jerry Smith Produce & Country Store	7150 18th Street
Shoreline Motorsports, Inc.	321 Sheridan Road
Surfside Bowl, Inc.	1015 Sheridan Road
Time Warner	Various
Clear Chanel Outdoor, Inc.	Various
Wally's Sales & Service	966 Sheridan Road
Eagle Trading	1452 Sheridan Road
Ace Foods, Inc.	3500 Brumback Boulevard
ADP, Inc.	900 Wood Road
ADT, LLC	Various
Advanced Disposal Service	Various
Agricredit Acceptance, LLC	500 13th Avenue
Air-Serv	1150 Green Bay Road
American Citizens Co.	306 Sheridan Road
American Messaging Service	505 22nd Avenue
Amerigas Propane LP	Various
Wabasha Leasing, LLC	277 Sheridan Road
Canon Financial Services	3500 Brumback Boulevard
Bayside Townhomes, LLC	1521 Sheridan Road
Cardtronics USA, Inc.	1150 Green Bay Road
Century 21/White Real Estate	4816 Green Bay Road
Cit Technology Financial	6307 43rd Street, Unit 175
Suburban Lawn & Garden	2704 30th Avenue
The Coca-Cola Company	Various
Outerwall, Inc.	3500 Brumback Road
Compass Group	900 W. Wood Road
Comdata, Inc.	Various
Cort Furniture Rental	702 Sheridan Road
Cortese's Supper Club, Inc.	1300 Sheridan Road
Davidson Trucking, LLC	929 88th Avenue
Dishnet Satellite Broadband	Various
Educator's Credit Union	Various
Great America Financial	500 13th Avenue
GW Services, Inc.	3500 Brumback Boulevard
Hallmark Marketing Company	3500 Brumback Boulevard
The Hillman Group, Inc.	Various

Name	Property Address
Hill-Rom Company, Inc.	Various
Home Inspired Senior Living	1201 Village Centre Drive
Icky Ricky's Saloon	8726 38th Street
Smucker Foodservice, Inc.	9401 18th Street
Kenosha Family Practice	5923 Green Bay Road
K12 Management, Inc.	8304 12th Place
Loewen and Fonk, Inc.	4305 4th Street
Mac-Gray Services, Inc.	Various
Mac Gray Services, Inc.	900 Wood Road
Maritato Dental	5008 Green Bay Road
Metz Medical, Inc.	4720 Green Bay Road
C C of Wisconsin, Inc.	3500 Brumback Road
Moniz Consulting, Inc.	2705 11th Place
National Entertainment Network	3500 Brumback Boulevard
Nationalwide Mutual Insurance Company	8601 10th Place
Nebraska Book Company, Inc.	900 W. Wood Road
Neopost USA, Inc.	1649 72nd Avenue
Nuco2 Supply, Inc.	Various
CBS Outdoor, Inc.	Highway A
Pepsico Sales, Inc.	Various
Pitney Bowes Global Financial	500 13th Avenue
Redbox Automated Retail	3500 Brumback Boulevard
Regal Nails Salon & Spa	3500 Brumback Boulevard
Time Warner Cable Internet	Various
Time Warner Cable Internet	Various
Rug Doctor, Inc.	3500 Brumback Boulevard
Sams East, Inc. – Sam's Gas	3520 Brumback Boulevard
Sams East, Inc. – Sam's Club	3300 Brumback Boulevard
Farmer Bros. Co.	Various
Scores Sports Bar & Grill	1200 Green Bay Road
Sodexo Operations, LLC	Various
Southport Bank	1350 22nd Avenue
Subway	3500 Brumback Boulevard
The American Bottling Corporation	Various
Tina's Somers Inn	8013 12th Street
Tyco Integrated Security	Various
Veh, Steven & Lori	1093 Sheridan Road
Verizon Credit, Inc.	3500 Brumback Boulevard
VFS Financing	500 13th Avenue
Wabasha Leasing, LLC	Various

Name	Property Address
Wal-Mart Stores East, LP	3500 Brumback Boulevard
Wayport, Inc.	3300 Brumback Boulevard
Wells Fargo Financial Leasing	4816 Green Bay Road
Wisconsin Apartment Investment Group, LLC	953 Wood Road
Directv, LLC	Various
Dish Network, LLC	Various
Guaranteed Sewer Service	2418 11 th Street
Alert Retail Services	302 Old Green Bay Road
Kimberly's Beauty Salon, Inc.	4506 Green Bay Road
Silt Fencing Midwest	7616 38 th Street
7 Eleven, Inc.	1150 Green Bay Road
Plaza Optical Express	8003 12 th Street
JL Landscaping Hardscape	3700 72 nd Avenue
Yamaha Motor Corp. USA	Various
Almost Eden Nursery	7709 12 th Street
Somers House	1548 Sheridan Road
Platinum Systems	4600 Green Bay Road
Somers Travel	648 39 th Avenue
Northern Leasing Systems	Various
Gordon Flesch Company, Inc.	Various
USA Mobility Wireless, Inc.	Various
Custom Concrete Designs, LLC	1814 8 th Place
WE Energies	201 1 st Street