

In the Matter of the Proposed:
Incorporation of the Village :
of Plover, Portage County :

DETERMINATION OF THE
PLANNING DIRECTOR

#32

On March 30, 1971 there was received at the office of the Director of the planning function of the Bureau of Local and Regional Planning, Department of Local Affairs and Development, State of Wisconsin, in accordance with the provisions of s. 66.014 (8), Wisconsin Statutes, a record relating to a proceeding in the Circuit Court for Portage County to incorporate a village to be known as the Village of Plover, located in Township 23 North, Range 8 East, in the Town of Plover, Portage County.

Commencing at a point which is the Southeast corner of Section 27, Township 23 North, Range 8 East; thence Westerly along the South line of Section 27 and Section 28 to the Southwest corner of Section 28; thence Northerly along the West line of Section 28 and Section 21 to the boundary line of the Town of Linwood; thence Easterly and Northerly along the boundary line of the Town of Linwood to the South boundary line of the Village of Whiting; thence Easterly and Northerly along the South boundary line of the Village of Whiting to the Southeast corner of the Southwest Quarter of the Northeast Quarter of Section 10; thence Easterly to the Southeast corner of the Southeast Quarter of the Northeast Quarter of Section 10; thence Southerly along the East line of Section 10 to the Southeast corner of Section 10; thence Easterly to the Northeast corner of the Northwest Quarter of the Northwest Quarter of Section 14; thence Southerly to the Southeast corner of the Northwest Quarter of the Northwest Quarter of Section 14; thence Westerly to the East line of Section 15; thence Southerly along the East line of Section 15 to the Southeast corner of Section 15; thence Easterly along the North line of Section 23 to the Northeast corner of the Northeast Quarter of the Northwest Quarter of Section 23; thence Southerly to the center of Section 23; thence Easterly to the East line of Section 23, thence Southerly along the East line of Section 23 to the Southeast corner of Section 23; thence Westerly along the South line of Section 23 to the Southwest corner of Section 23; thence Southerly along the East line of Section 27 to the place of beginning.

Upon receiving said petition the Director proceeded to make an investigation, in accord with the provisions of section 66.014 (9) (a), necessary to enable him to apply the standards of section 66.016, and to make the determination required of him by section 66.014 (9) (e). The determination required of the Director is one of the following:

1. The petition as submitted shall be dismissed;
2. The petition as submitted shall be granted and an incorporation referendum held;
3. The petition as submitted shall be dismissed with a recommendation that a new petition be submitted to include more or less territory as specified in the director's findings and determination.

The standards to be applied by the Director in making said determination are as follows:

- 66.016 Standards to be applied by the director. (1) The director may approve for referendum only those proposed incorporations which meet the following requirements:
- (a) Characteristics of territory. The entire territory of the proposed village or city shall be reasonably homogeneous 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. An isolated municipality shall have a reasonably developed community center, including some or all of such features as retail stores, churches, post office, telephone exchange and similar centers of community activity.
 - (b) Territory beyond the core. The territory beyond the most densely populated one-half square mile specified in s. 66.015 shall have an average of more than 30 housing units per quarter section or an assessed value, as defined in s. 66.021 (1) (b) for real estate tax purposes, more than 25 percent of which is attributable to existing or potential mercantile, manufacturing or public utility uses. The territory beyond the most densely populated square mile as specified in s. 66.015 (3) or (4) shall have the potential for residential or other urban land use development on a substantial scale within the next three years. The head of the planning function may waive these requirements to the extent that water, terrain or geography prevents such development.

(2) In addition to complying with each of the applicable standards set forth in sub. (1) and s. 66.015, any proposed incorporation in order to be approved for referendum must be in the public interest as determined by the director upon consideration of the following:

(a) Tax revenue. 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.

(b) Level of services. 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 s. 66.014 (6).

(c) Impact on the remainder of the town. The impact, financial and otherwise, upon the remainder of the town from which the territory is to be incorporated.

(d) Impact on the metropolitan community. 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.

On April 14, 1971 in compliance with s. 66.014 (9) (b) there was received at the office of the Director of the Planning Function a request for a public hearing on the matter of incorporation from attorney Gerald M. O'Brien, representing the petitioners for incorporation. Accordingly, notices were sent and published pursuant to the requirements of s. 66.014 (9) (c).

On May 12, 1971 said hearing was held in the Demonstration Room of the Portage County Courthouse, Stevens Point, Wisconsin, at 10:30 a.m., before Al J. Karetzki, the Director of the Planning Function. The petitioners for incorporation were represented at this hearing by their counsel, attorney Gerald M. O'Brien, and the Town of Plover was represented by its attorney, Mr. E. John Buzza. At this hearing testimony bearing on the proposed incorporation was heard, various documents and other exhibits were introduced for the Director's consideration, and the public in attendance was given the opportunity to be heard. Additional information was subsequently provided after the hearing, by joint agreement of all concerned, by the Town of Plover and by the petitioners.

The Director has caused an investigation to be made of the information obtained at and after the hearing, from the parties there represented, from the Plover Utility District, from various state agencies, and from the Bureau of Local and Regional Planning maps, records, statistics and related material:

Based on the above data, the following findings and determination are made:

1. (a) Characteristics of the Territory.

The territory proposed to be incorporated is located within an area proposed for incorporation in late 1970, which was subsequently dismissed by determination dated January 8, 1971 with a recommendation that this proposed area for incorporation be reduced in size. Such reduction has been accomplished, and the territory now under consideration is about 6.5 square miles in area. The boundaries of the territory are reasonably regular, following for the most part, section lines. The territory is bounded on the northwest by the Wisconsin River and the Village of Whiting, with which it is coterminous.

The northern boundary of the territory is south of County Trunk Highway HH, its eastern boundary is, with one exception, west of and paralleling State Trunk Highway 51, and its southern boundary follows the northern line of sections 33 and 34, Town of Plover. The estimated 1971 population of the area is about 2,600 people, as evidenced by recent data provided by the proponents.

Land use in the territory varies from agricultural to urban, with most urban development occurring in sections 22 and 23, Town of Plover, and most undeveloped agricultural, wooded and marsh lands occurring in sections 15, 16, 23, 27 and 28, Town of Plover. The proportion of developed to undeveloped land is about equal. The territory's land use consists of a generally reasonably developed urban core with residential, commercial, industrial and public land uses and with a number of residential subdivisions, most partially or wholly developed, located throughout the area; some of the subdivisions are separated from the core area by tracts of undeveloped agricultural and wooded lands. Five mobile home parks are located in the territory, as are several large industrial and commercial firms. Wetland areas are located along the Wisconsin and Little Plover rivers, rendering about 160 acres of that part of the territory undevelopable.

The territory is part of the Wisconsin River basin, and is characterized by sandy soils, which have contributed to a strong agricultural economy; these soils do not appear to present undue difficulties for urban development. The territory is a part of the Stevens Point school system, which would be unaffected in the event of incorporation.

The 1970 U. S. Census figures cite the population of the Town of Plover at 3,692, which is nearly double its 1960 population of 1,972; a majority of these people live in the territory. Migration into the area accounts for much of this growth, supplementing natural increases of the population resulting from more births than deaths.

The number of private residences in the territory, including mobile homes, has been estimated at about 750, based on recent evidence provided by the proponents. The following are also located in the territory:

- 4 wholesale distributors
- 5 industrial firms
- 24 retail and service establishments
- 9 taverns
- 7 auto sales and service establishments
- 8 farm produce growing and shipping firms
- 2 motels
- 1 bank
- 2 churches
- 1 U. S. Post Office
- 1 public elementary school

Most of these activities are located in the core area, although some of the industrial and commercial firms are located in other parts of the territory. The core area is well served by transportation facilities. It can therefore be concluded that the territory has a reasonably developed community center.

It is also concluded that the territory's overall characteristics reflect its basically urban nature. Its individual character is reflected in the identity that the residents of the area have expressed with the settlement there, although there are certain economic and social linkages with the larger metropolitan community. Although several of the residential subdivisions are somewhat remote from the core area, they form a pattern of urbanization in the territory that will likely be supplemented by future urban growth in presently nondeveloped areas between them. The pattern of development in the area has unfortunately been relatively non-compact and scattered, and will require careful planning and public policy implementation to prevent future uneconomic dispersal. By encompassing most of the urban development in one governmental unit, it would seem appropriate to stress that measures can be effectively taken to ensure that an overall compact, and more economical pattern of urbanization will emerge from the present more scattered urban situation, without encompassing large, peripheral areas of agricultural lands, wetlands, and the like.

(b) Territory Beyond the Core

The core area has been defined as section 22, Town of Plover; the territory beyond the core area must have the potential for substantial residential or other land use development within the next three years.

Evidence of past land use development is found in records of building permits issued in the territory during the last four years, as follows:

<u>Year</u>	<u>Number of Permits</u>
1967	67 (includes 6 commercial, 61 residential)
1968	61 (5 commercial, 56 residential)
1969	45 (5 commercial, 40 residential)
1970	67 (7 commercial, 60 residential)

In addition, there is evidence to indicate that industrial land development has occurred, is occurring at present, and likely will continue to occur in the territory, especially beyond the core. The above figures represent all building activities for commercial and residential uses in the entire territory; that portion occurring beyond the core area is substantial and is occurring annually, e.g., the Forest Pines subdivision received six, six, two, and four building permits for new dwellings in 1967, 1968, 1969, and 1970, respectively, a rate typical of most subdivision activity throughout the territory. Additionally, there is adequate platted land in the territory to contain a considerable increase in building development in the near future.

On the basis of this and other supplementary evidence, it can be concluded that the territory beyond the core has the potential for development on a substantial scale within the next three years. There is every reason to believe that such development will occur, by virtue of the area's essentially urban character and its strategic location within a metropolitan community. Soils and other physical characteristics should not, with the exception of the wetland areas noted earlier, prevent such development from occurring, and other man-made factors, such as the State Trunk Highway 51 bypass, will further stimulate development in the area. It would seem reasonable to assume that the territory would be better able to cope with this impending development through its own separate government.

In addition to the foregoing standards, any proposed incorporation in order to be approved for referendum must be in the public interest as determined by the Director upon consideration of the tax revenue, level of services, impact on the remainder of the town and impact on the metropolitan community.

2. (a) Tax Revenue.

A review of tax data provided by the State Department of Revenue indicates that the Town of Plover has experienced substantial growth in property values during the last five years, as is shown in the following table:

EQUALIZED REAL PROPERTY VALUATIONS, TOWN OF PLOVER, PORTAGE COUNTY, 1966-1970

Year	Residential	Mercantile	Manufacturing	Agriculture	Other	Total
1966	\$ 5,238,300	\$1,210,200	\$ 770,200	\$2,700,700	\$330,700	\$10,250,100
1967	6,845,900	1,310,200	1,050,700	3,445,400	330,700	12,982,900
1968	8,361,900	1,465,700	1,171,200	4,009,900	363,700	15,372,400
1969	12,818,000	2,693,900	2,638,100	4,832,200	847,800	28,830,000
1970	13,527,100	2,528,900	6,155,400	5,033,400	851,700	28,096,500
Percent Change	+158.2%	+109.0%	+699.2%	+86.4%	+157.5%	+174.1%

Source: Wisconsin Department of Revenue

As the above data shows, equalized real property valuations and subsequent tax base more than doubled in all but the agricultural category. Total real property valuations increased by about 174 percent. It can be concluded that the Town of Plover has a viable, growing tax base. Because of revenues from state-shared income taxes and utility taxes, the Town of Plover has not found it necessary to levy a local property tax in recent years, in spite of its excellent tax base. State income tax apportionments during the March 1970 through March 1971 period amounted to about \$91,052, and utility tax apportionments totaled about \$33,616. Highway aids from the state to the town (road and street allotments, supplemental aids and returned taxes) were approximately \$47,941 during that period.

Further data from the Town of Plover tax records indicates that the assessed valuations for real and personal property amounted to over \$21,000,000 in 1970 (nearly half of which was the assessed valuation of residential land and improvements) in the territory alone.

The 1971-1972 budget proposed by the proponents for the proposed village indicates a total anticipated expenditure of \$101,230 for village government purposes, and foresees revenues amounting to \$107,875. The highway and street budget, separately stated, indicates total anticipated receipts of \$61,000 in that year, most of which (\$54,000) would come from state highway and street aids; expenditures in this area are estimated at \$55,000. The general government budget does not foresee use of a local property tax levy; rather, substantial receipts are expected from state income tax apportionment (\$60,000), utility tax monies (\$20,000) and a number of other sources, most relating to fees, shared taxes, and investments. Expenses include \$23,730 for general government purposes, \$20,000 for sewer and water district and general community planning, and \$12,000 for utility services. Should the need arise, it would seem reasonable that the proposed village could make use of a modest property tax levy on its substantial tax base for additional revenues without unduly burdening area property owners. The road and street aids noted above would be derived from village management of about 32 miles of roads and streets, leaving the Town of Plover managing about 78 miles of roads and streets. Comparison of these figures with the revenue and disbursement patterns of nearby municipalities (Nekoosa, Port Edwards, Rothschild, Schofield, and Whiting) indicates that the proposed village would be able to operate on amounts of monies less than or equal to these municipalities, although they are at present providing municipal sewer and water services. It would seem that the proposed village would be able to tap sufficient revenue sources to provide a high level of services to its residents.

It can be concluded, therefore, that the growth of property values in the area, as well as significant levels of state-shared tax receipts, provide a sound financial base for future village operation; it is thus the opinion of the Director that present and potential tax revenues will be sufficient to defray anticipated costs of governmental services at reasonable tax rates.

It should be noted that provision of municipal sanitary sewage collection and treatment services are contingent upon receipt by the Plover Utility District of substantial federal and state aids amounting to about \$1,600,000; information provided by the District indicates that such aids will be available in the near future. At the present time, a public water distribution system is not being proposed. Should such a system be proposed and constructed, or should financial aids not become available for sanitary sewerage system construction, the village may find it necessary to levy relatively high property taxes to proceed with construction of either system.

(b) Level of Services.

Since no resolution to annex all or a portion of the territory proposed for incorporation has been filed pursuant to s. 66.014 (6) by a contiguous municipality, a comparison of the levels of services available from the proposed village and the municipality filing the resolution is not necessary for the purposes of this determination. However, it would appear to be in order to briefly examine the nature of the public services that could be provided by the proposed village in response to the demands of its residents.

Proponents of the incorporation have noted the anticipated need for increased fire and police protection services as the area increases in population; immediate needs for these services, it is felt, can be met by using those services presently provided by the Town of Plover. Other municipal services, such as the provision of snow removal equipment designed for urban rather than rural use, have been noted as needed by residents of the area. As population continues to grow, a variety of municipal services, ranging from utility to administrative, will be required to a greater magnitude than is now possible. Strong regulatory activities such as zoning and subdivision controls, will also be necessary to better direct and control the growth patterns of the territory. Comprehensive planning on a continuing basis will also be necessary. The Town of Plover has recognized this need for greater levels of services than it can reasonably provide to the urban portions of the town, and has not opposed the proposed incorporation on these grounds. It would seem logical that this high level of municipal services can best be provided to the residents of the urban territory by a form of government directly designed to deal with problems of an urban nature, without having to place undue financial and administrative burdens on the residents of the town now living in rural areas outside the territory.

(c) Impact on the Remainder of the Town.

Very recent information obtained in the course of this investigation indicates that if incorporation were to take place, the Town of Plover would lose about 68 percent of its property tax base (assessed at about \$31,000,000) to the proposed village. Most of this loss would be in the area of residential property and improvements, although a loss would also occur in the mercantile and manufacturing categories of property. The town would also lose about two-thirds of its state income tax apportionment and of its utility tax apportionment to the proposed village. The town's public facilities and lands are sufficient to continue servicing the remainder of the town after incorporation and the subsequent division of assets and liabilities. The town has, as of March 1971, cash and invested assets of about \$127,000 and has one debt to a local bank of \$40,000. The town levies no local property tax at the present. It can therefore be concluded that the financial impact on the remainder of the town would not render the town unable to proceed with the provision of governmental services, as a relatively substantial tax base for a fairly sparse non-urban area, plus a large surplus of cash and investments, would remain with it after incorporation. Should the need arise, the town could obtain additional operating revenues through the use of a modest property tax levy.

The proposed incorporation would affect the town's shape and thus its ability to provide equivalent services to all of its territory. Removal from town management of a large area near its center (the town hall, fire station and garage are located in the core area of the proposed village) would necessitate travel through the village by town personnel if these facilities were to be used subsequent to incorporation. Town officials have expressed concern that the shape of the territory, particularly those areas located in sections 21, 23, and 27, would create difficulties in allowing them to properly service their constituents without traveling through village territory. Certain areas, particularly those located outside the proposed village but east of the State Trunk Highway 51 bypass, would be difficult to gain direct access to, according to town officials. It is likely that certain adjustments would have to be made in servicing these areas were incorporation to proceed;

However, it can be concluded that substantial difficulties would not occur, particularly in view of expressed desires by both proponents of the proposed village and town officials in cooperating to provide a high level of services to proposed village and town residents alike. Although the shape of the territory would create certain difficulties for town officials in servicing particular areas of the town, the benefits to be gained in terms of overall levels of service to all residents of the area would appear to outweigh such problems. Should incorporation occur, there is every reason to believe that village and town officials would continue to cooperate well with one another and that equitable sharing of facilities could be arranged as provided for by statute. It does not appear that the shape of the territory alone renders incorporation undesirable, as the shape is logical and reasonable, and encompasses most urban growth requiring urban services in the town.

It is, in summary, the conclusion of the Director that the financial impact on the remainder of the town would not be detrimental to continued town operation, and that the physical shape of the territory, while creating certain problems for the town in servicing specific areas under its management, would not be overly adverse, especially in view of continuing town-village cooperative actions.

(d) Impact on the Metropolitan Community.

Because the proposed village is located in a metropolitan community, it is necessary in proceeding with this determination to investigate the impact of the proposed incorporation on that community. The territory is located in the Stevens Point metropolitan area, which includes the villages of Whiting and Park Ridge. The Village of Whiting has elected not to expand its territory through annexation of the area included in the proposed village, and accordingly would not be affected by the creation of a contingent governmental unit. The City of Stevens Point has in the past expressed and supported a desire to annex portions of town territory north of the proposed village, but does not at present appear prepared to service the core and adjacent areas of the proposed village. The Village of Park Ridge would be unaffected by the proposed incorporation. None of the above communities would be prevented from logically expanding their boundaries by the proposed incorporation.

Contrariwise, problems endemic to urban areas are present in the metropolitan community, including the territory being considered for incorporation. Solution of these problems--which include potential groundwater pollution, inefficient land use patterns and fiscal inequities--requires a strong governmental entity or multi-governmental partnerships capable of marshalling resources sufficient to deal with the problems. Although the Town of Plover has demonstrated its concern with problems within its geographic jurisdiction by such actions as institution of the Utility District, it should not be required to expend a large proportion of its resources on a relatively small part of its territory.

The question then becomes one of instituting a governmental entity with a full range of statutory powers to effectively provide a high level of services to urban residents while at the same time directly responding to the needs of those residents. Problems of urban areas are distinct from those of rural areas, and require strong and affirmative action by governmental units equipped to deal with them; in the absence of such units, evidence has been that the problems will remain unsolved and may well intensify or multiply. In the absence of an areawide government capable of dealing with such matters throughout the metropolitan community, it appears reasonable that a pattern of smaller municipal governments acting in cooperative fashion be looked to for the necessary action. Incorporation of the proposed village would allow residents of the urban portion of the Town of Plover to directly deal with matters affecting their welfare, while at the same time allowing other municipalities in the area to continue their own activities toward the same end.

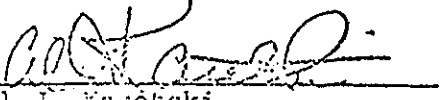
In short, the costs of village incorporation to the metropolitan community appear to be small, and the benefits great, particularly if all governmental units in the area can continue to function in concert to meet the needs arising from a growing and increasingly interdependent urban complex. It is therefore the finding of the Director that the proposed incorporation will not hinder the solution of governmental problems affecting the metropolitan community, and will likely facilitate attempts to do so.

DETERMINATION

For the reasons heretofore cited, and applying the standards set forth in s. 66.016, Wisconsin Statutes, the Director makes the following determination:

1. THE PROPOSED INCORPORATION IS IN THE PUBLIC INTEREST.
2. THE PETITION, AS SUBMITTED, SHALL BE GRANTED AND AN INCORPORATION REFERENDUM HELD.

By way of summary, it can be noted that the incorporation of the Village of Plover will provide area residents with necessary institutional tools to effectively manage a number of matters affecting their welfare. As problems of urbanization spread throughout the state and nation, it becomes necessary that strong, affirmative policies and programs be employed by municipal governments to develop an urban pattern providing for efficient use of land and fiscal resources, protection of the resource base, and high-quality urban services at reasonable cost. Such actions must be taken by officials of the proposed village as well as by those officials of adjoining and nearby municipalities, and most importantly these actions must be taken in a cooperative fashion that allows maximum utilization of limited financial and legal resources. Until such time as more direct area-wide governmental structures and solutions are utilized, the concerted action of smaller units of government to meet, in a logical, planned fashion, the needs of a rapidly urbanizing area will be critical to prevent continued acceleration of urban problems to a degree where they can no longer be dealt with effectively.



Al J. Karétski
Director, Bureau of Local and Regional Planning
Department of Local Affairs and Development

AJK:MC:rs

123 West Washington Avenue - Room 753
Madison, Wisconsin 53702

Dated: June 30, 1971

- Copies to:
- Mr. Alfred A. Lewandowski, Clerk of Circuit Court, Stevens Point, Wisconsin
 - Mr. Milvern Jacklin, Designated Representative, South Plover, Wisconsin
 - Mr. Gerald Wimpe, Alternate Representative, Plover, Wisconsin
 - Mr. Gerald O'Brien, Attorney, Stevens Point, Wisconsin
 - Mr. E. John Buzza, Attorney, Town of Plover, Stevens Point, Wisconsin
 - Mr. Louis J. Molepske, City Attorney, Stevens Point, Wisconsin
 - Mr. Frank Barnsdale, Clerk, Town of Plover, Plover, Wisconsin
 - Mr. Ben Redfield, Clerk, Village of Whiting, Whiting, Wisconsin
 - Mr. Emil Fleischauer, Clerk, Village of Park Ridge, Stevens Point, Wisconsin
 - Mrs. Phyllis Wisniewski, Clerk, City of Stevens Point, Stevens Point, Wisconsin