

In the Matter of the Proposed :
Incorporation of the Village of:
French Island, LaCrosse County :

DETERMINATION OF THE
 PLANNING DIRECTOR

On December 27, 1972 there was received at the office of the Director of the Bureau of Local and Regional Planning and Head of the Planning Function of the 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 LaCrosse County to incorporate a village to be known as the Village of French Island, located in the Town of Campbell, LaCrosse County, to-wit:

Commencing in the NE $\frac{1}{4}$ of Section 11, Township 104 North, Range 4 West of the 5th principal Meridian, at the point of intersection of the center line of the West Channel of the Mississippi River with the center line of the main East Channel of said river, being a point in the Western boundary of the State of Wisconsin, running thence Southeasterly along the center line of the East or Main Channel of said river to its intersection with the extended South line of Section 30, T 16 N, R 7 W, Thence East along said Section Line and the extension thereof to the center of the Main Channel of the Black River.

Thence Northerly along the center of the Main Channel of the Black River to its intersection with the center of Joe Lynn Slough.

Thence Westerly along the center of Joe Lynn Slough to its intersection with the center of French Slough. Thence Northerly along the center of French Slough to the Southerly right-of-way line of the Chicago, Milwaukee, St. Paul and Pacific Railway. Thence Southeasterly along the Southerly line of said railroad right-of-way and along the extension thereof to the center of the Main Channel of the Black River. Thence Northeasterly along the center of the Main Channel of the Black River to its intersection with the center line of Coleman Slough (Cat-Gut Slough). Run thence Northeasterly along the center line of Coleman Slough to the South right-of-way line of Clinton Street being an extension of the public highway formerly known as Washburns Street according to the recorded Plat of West LaCrosse. Thence East along the South line of Clinton Street to the center line of the Main Channel of the Black River.

Thence Northerly along the center line of the Main Channel of the Black River to the North line of Section 17, T 16 N, R 7 W. Thence West along the North line of said Section 17 and the North line of Section 18, Township and Range aforesaid, to a point 500 feet West of the East line of Section 18. Thence South and parallel to the East line of Section 18, 101.50 feet.

Thence West and parallel to the North line of Section 18 to the East 1/16th line of Section 18, running thence South on the East 1/16th line of Section 18 to the North 1/16th line of Section 18, running thence West on the North 1/16th line of Section 18 to a point 949.12 feet East of the West 1/16th line of said Section 18.

Thence S 30° 38' W 1,190.15 feet.

Thence N 53° 39' W 419.86 feet to the West 1/16th line of said Section 18.

Thence continuing N 53° 39' W 130.14 feet.

Thence S 36° 21' W 800.00 feet.

Thence N 53° 39' W 400.00 feet.

Thence N 36° 21' E 800.00 feet.

Thence N 53° 39' W 550.00 feet.

Thence N 42° 04' E 7.71 feet to the North 1/16th line of said Section 18.

Thence continuing N 42° 04' E 795.67 feet.

Thence N 35° 27' E 561.39 feet to the West 1/16th line of said Section 18 at a point 983.20 feet North of the North 1/16th line of said Section 18.

Running thence North on the West 1/16th line of Section 18 and Section 7, T 16 N, R 7 W, to the South 1/16th line of Section 7.

Running thence West on the South 1/16th line of Section 7 to the West line of Section 7.

Running thence North on the West line of Section 7 and Section 6, T 16 N, R 7 W, to a point on the West line of Section 6, 1,135.00 feet North of the West Quarter Post of Section 6.

Running thence S42°00'E794.10 feet.

Running thence S42°01'E369.90 feet.

Running thence S42°17'E273.80 feet to a point on the East and West $\frac{1}{4}$ line of Section 6, 960.00 feet East of the West line of Section 6.

Running thence S46°16'E455.30 feet to a point on the West 1/16th line of Section 6, 982.00 feet North of the South 1/16th line of Section 6. Thence North along said West 1/16th line of Section 6 to the North line of Section 6. Thence West along the North line of Section 6, and along the North line of Section 1, T 16 N, R 8 W, to the Northwest corner of Section 1.

Thence North along the East line of Section 35, T 17 N, R 8 W, to the Northeast corner thereof. Thence West along the North line of said Section 35, and along the North line of Sections 34 and 33, T 17 N, R 8 W and extension thereof to the center line of the Main Channel of the Mississippi River, being the Western boundary of the State of Wisconsin. Thence Southerly, downstream along the center of the Main Channel of the Mississippi River to the place of beginning, and contains 7,980 acres, more or less.

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 December 29, 1972 in compliance with s. 66.014 (9) (b) there was received at the office of the Head of the Planning Function a request for a public hearing on the matter of the proposed incorporation from Mr. William J. Sauer, Assistant City Attorney, City of LaCrosse. Accordingly, after receipt of the petition from the Circuit Court, notices were sent and published pursuant to the requirements of s. 66.014 (9) (c).

On February 20, 1973 said hearing was held in the Auditorium at the County Courthouse, within the territory, before George A. James, Acting Director of the Bureau of Local and Regional Planning and the Head of the Planning Function. The petitioners for incorporation were represented at this hearing by the legal counsel, Steele, Smyth, Klos & Flynn. Numerous regional and local officials and citizens were present at the hearing, and all present were given an opportunity to be heard. At this hearing testimony bearing on the proposed incorporation was heard, various documents and other exhibits were introduced for the Director's consideration, and other related information was brought forward. Additional information was subsequently provided after the hearing, under joint agreement of all concerned, by the parties there represented.

The Director has caused an investigation to be made of the information obtained at and after the hearing, from the parties their represented, from the LaCrosse Area Planning Agency, from various state agencies, and from maps, records, files, statistics, photographs and related materials of the Bureau of Local and Regional Planning.

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

1. (a) Characteristics of the Territory.

The territory proposed for incorporation is a cluster of islands in the Mississippi River bounded on the west by the main channel of the river and the State of Minnesota, on the east and south by the City of LaCrosse, and on the north by Lake Onalaska, a flowage of the Mississippi River. It includes the entire Town of Campbell, an area of 12.4 square miles, of which 2.1 square miles are dry and habitable. The majority of the town lies within the Mississippi River Floodway, and significant portions of the remainder lie in the floodplain adjoining the floodway.

The land is low lying and level to gently rolling in nature. The soils in the floodway portion of the town are poorly drained alluvial soils and river wash, elsewhere they are sandy soils of the Dakota, Plainfield, Meridian and Sparta varieties, which have few limitations for urban development. Septic tanks on these latter soils may pollute the groundwater, however, due to very rapid percolation rates.

Of the total area of 8,522 acres, 5,198 acres (61 percent) are water surface and 2,117 acres (25 percent) were vacant (including agriculture and forest) in 1967 (see Table 1).

Of the 2,117 acres classified as vacant land, the General Plan reported only 135 acres as suitable for development. This figure appears low. The city planning department reported 274 acres in agriculture and woodlands and 733 acres vacant (including streets)

in 1972. The area has 23.2 miles of standard roads and 2.97 miles of Interstate. Subtracting this area (calculated to be 311.6 acres) we arrive at a figure of 695.4 acres of land available for development. From the standpoint of physical constraints, over 80 percent of the territory is unsuited for any sort of urban development in its present condition and, for flood control reasons, must remain so.

Table 1

Town of Campbell Existing Land Use, 1967

| <u>Land Use</u> | <u>Area (acres)</u> | <u>% of Total</u> | <u>% of Developed Area</u> |
|------------------------------|---------------------|-------------------|----------------------------|
| Residential | 297 | 3 | 25 |
| Manufacturing and Wholesale | 21 | 0** | 2 |
| Commercial | 11 | 0** | 1 |
| Public and Semi-Public | 17 | 0** | 1 |
| Transportation and Utilities | 854 | 10 | 70 |
| Parks and Recreation | <u>8</u> | <u>0**</u> | <u>1</u> |
| Total Developed | 1,204 | 14 | 100 |
| Vacant* | 2,117 | 25 | |
| Water Area | <u>5,198</u> | <u>61</u> | |
| Total Area | 8,522 | 100 | |

* Includes agriculture and woodlands.

** Percentages less than one-half of one percent shown as 0.

Source: Background Report, LaCrosse Area General Plan, Candeub, Fleissig & Associates, 1968.

Taking the entire territory into consideration, it cannot be deemed to be either compactor homogeneous in physical terms.

French Island has been settled since the late 1700's, but was largely ignored until the 1950's as a suburban residential area. At that time, the southern part of the island appeared to be a depressed, rural slum subject to periodic flooding and plagued with poor sanitary conditions and substandard housing. The northern part of the island was primarily farmland. Subsequent to 1950, the area was subject to increasing development pressure and the new residents soon became involved in a campaign to improve conditions on the island and assume control of the local government. As time passed and the ranks of the new suburbanites grew, the campaign was successful. Many of the changes that were sought have been achieved, yet there remains a substantial number of the older residents and a legacy of low quality development in the southern part of the island which are quite different from the new developments on the central and northern parts of the island.¹

The population of the territory was reported as 3,327 in the 1970 Census, and estimated to be 3,723 in 1972 by the city planning department. With a developable area of 1,339 acres or 2.1 square miles, this yields a gross population density of 1,773 persons per square mile. The city planning department also estimated a residential land use area of 321 acres in 1972, which would result in a net residential density of 11.6 persons per acre. Recent population growth has been rapid. The population rose from 2,296 in 1960 to 3,327 in 1970, an increase of 45 percent in ten years. The population is projected to increase to between 3,890 and 4,500 by 1980, an increase of 17 to 35 percent, 1990 projections range from 5,620 to 6,450 for a total increase of from 69 to 94 percent. Such growth rates are typical of suburban areas close to major cities.

The developable portion of the territory amounted to 1,339 acres in 1967 and was extensively (50 percent) developed, but at relatively low density. The residential density at that time according to the General Plan Background Report was only three dwelling units per net acre, a density characteristic of suburban areas. From 1968 through 1972, 319 residential building permits were issued and seven nonresidential (industrial, commercial, etc.) permits were issued (see Table 2). During the same

¹The above material is based on FRENCH ISLAND: Modern Magic in the Suburbs, Francour, Al and Wileden, A. F., Department of Rural Sociology, College of Agriculture, University of Wisconsin, Madison, Wisconsin. #1 Community Services, December 1961.

period, an undetermined but relatively small number of substandard dwellings were condemned and demolished, yielding a slightly lower net increase in the number of dwellings. The town officials reported that there were 1,168 dwellings in the area in 1972. With 321 acres of net residential land, this would produce a net density of 3.6 dwellings per acre, still low by comparison with that of the City of LaCrosse.

Table 2

Town of Campbell Building Permits Summary 1968-1972

| <u>Year</u> | <u>Residential</u> | <u>Commercial</u> | <u>Industrial</u> | <u>Other</u> | <u>Total</u> | <u>Value</u> |
|-------------|--------------------|-------------------|-------------------|--------------|--------------|------------------|
| 1968 | 77 | 1 | 1 | 0 | 79 | \$1,386,307 |
| 1969 | 41 | 0 | 0 | 1 | 42 | 573,865 |
| 1970 | 62 | 1 | 0 | 0 | 63 | 754,304 |
| 1971 | 74 | 0 | 0 | 0 | 74 | 910,070 |
| 1972 | <u>65</u> | <u>2</u> | <u>0</u> | <u>1</u> | <u>68</u> | <u>2,783,400</u> |
| Total | 319 | 4 | 1 | 2 | 326 | \$6,407,946 |

Source: Petitioners for Incorporation, Exhibit #1D, Certified Summary of Building Permit Data submitted by the County Zoning Administrator.

Access to the territory is quite limited, as there are only two connecting points to the mainland. One is an interchange on Interstate Highway 90, the other is County Trunk B, which connects with Clinton Street in the City of LaCrosse, city bus service is not available in the territory. Access to intercity bus and rail transportation is relatively convenient to the area in the City of LaCrosse. Air transportation is provided by the City of LaCrosse airport on the island. River port facilities are found in both the town and the City of LaCrosse.

The territory contains both commercial and industrial land uses, but these fall far short of meeting the needs of the residents for goods, services and employment. Of the 46 businesses listed by the petitioners, there were only two grocery stores, a laundry/dry cleaning plant, a gasoline station, a laundromat, a beauty salon, and six bars providing convenience goods and services to the residents of the territory. For all other convenience goods and services the residents are dependent upon the City of LaCrosse. It is recognized that many of the shopping and other facilities now lacking will be available in the future when the shopping center is fully developed, but this facility is still in the proposal stage at present. The employment figures estimated for these businesses range from about 215 (by petitioners) to 256 (Wisconsin State Employment Service). The labor force resident in the area is much larger. Exact labor force figures were not available, but the General Plan report listed 1,353 persons in the 20-64 age group in 1965. The labor force would include more than half of that amount and has no doubt increased in the seven years which have passed since then. Thus we find that less than one-third of the labor force could be employed within the territory with the rest being dependent upon the rest of the LaCrosse area for employment.

The territory is part of the LaCrosse school district and the proposed incorporation would have no affect on the operation of the school system.

The Town of Campbell has participated for many years in comprehensive planning activities to help manage its growth. It is a member of the LaCrosse Area Planning Committee and is covered by the LaCrosse Area General Plan. It also lies within the Mississippi River Regional Planning Commission and is eligible to receive professional planning services from that agency.

There appears to be some degree of social and economic cohesion within the territory according to a survey prepared by James A. Anderson, Ph.D., for the petitioners.² In a sample of 150 households in the area, Dr. Anderson reported that responses to his telephone survey showed more similarities to patterns usually associated with small rural communities than to patterns associated with newly developed suburban clusters of similar size. Dr. Anderson's time and resources for the study were apparently quite limited, for he examined the internal relationships in Campbell but did not include any questions concerning the relationships and activity patterns between Campbell and the rest of the LaCrosse area. Social and economic linkages between Campbell and LaCrosse are clearly present for most of the labor force works in LaCrosse, most of

² Anderson, James A., A Survey of the Town of Campbell, Unpublished, 1973.

the shopping is done in LaCrosse, and many residents go to church in LaCrosse. The response pattern reported by Dr. Anderson might also be that which would be found in an old, well established neighborhood in a central city. Based on the above data, it is found that the territory is not physically compact or homogeneous and that from the standpoint of shopping and social customs the territory has a measure of identity but is an integral part of the entire urban area.

(b) Territory Beyond the Core.

Section 66.016 (1)(b) requires that the territory beyond the most densely populated square mile shall have the potential for urban type development on a substantial scale within the next three years. The petitioners have designated the area bounded on the north by the LaCrosse city limits and Rochelle Road, on the east by Coleman Slough, on the west by French Slough, and on the south by Elm Street and the east-west extensions thereof as the core square mile. This area in fact contains much of the remaining undeveloped and developable land in the territory. It has already been noted that the majority of the land in the territory is not suitable for development of any sort and that undeveloped land suitable for development is becoming scarce in the territory. Of the 695 acres estimated to be vacant and developable as of 1972, 109 acres are committed to the federal-state Fish Laboratory facility and 45 acres are committed to the Ramada Inn and shopping center complex being developed between Bainbridge Street and County Trunk Highway BW on the south side of the freeway. Much of the remaining 541 acres is in the form of scattered vacant lots in the existing subdivisions. It must be concluded that most of the projected population growth of the area will result from infilling of existing developed areas and from redevelopment of existing substandard areas.

It should be noted also that 66.015 requires a minimum area of four square miles for an incorporation within five miles of a Class 2 city, which is the situation in this present case. The territory does, in fact, meet the four square mile criterion as previously determined by the Court. The law does not, however, state whether or not the proposed incorporation shall contain at least four square miles of land reasonably suited for development. The Head of the Planning Function is authorized to waive the requirements of 66.016 (1)(b) to the extent that water, terrain or geography prevents rural development. At least 80 percent of the territory is not suitable for development as a result of the above-mentioned factors and the minimum requirements of 66.015 (5) cannot be satisfied without including such unusable land amounting to nearly 50 percent of the minimum area of four square miles. The minimum standards outlined in the statute appears to be reasonable and some deviation from these would appear to be also reasonable for reasons of geography, terrain and water. However, it would be an abuse of discretion to waive the requirements of s. 66.016 (1)(b) for over 80 percent of the total area to be incorporated. If the petition were to be resubmitted with the area reduced to minimum size (four square miles), the area would still contain 1.8 square miles or more of unusable land, or nearly 50 percent of the total area. Waiving the development requirement to this extent would amount to circumventing the law rather than implementing it.

From the standpoint of good planning practices, land having the characteristics of the undevelopable land in this case (water surface, marsh, floodplain and floodway area) ought to be left in its natural state and reserved for wildlife habitat and recreation uses. Such land requires no urban services whatsoever and in such large tracts as exist in this case should remain under a rural form of government.

The minimum area of four square miles in a metropolitan area is not imposed without reason. There is a minimum size for a metropolitan community below which it is quite unlikely to be financially able to provide the type and level of services ultimately demanded by its residents. Also, there may be few or no opportunities for the community to grow by means of annexation, so that it may well remain forever the same size at which it was incorporated. This is the case with the present proposal. Thus the larger area is required for a metropolitan area incorporation to ensure that it will have adequate area and potential tax base to perform and to support the necessary urban services at a tax rate comparable to that of other municipalities in the area.

It is concluded that, despite the prospect of substantial development in a small part of the territory, most of the territory beyond the core does not have potential for substantial urban type development within three years.

2. (a) Tax Revenue.

Statutory requirements state that an analysis must be made of the potential tax and financial bases of the area proposed for incorporation to determine whether or not the proposed village will have enough financial resources available to it to properly

provide its inhabitants with a given level of services and facilities at a tax rate which compares favorably with the tax rate in a similar area for the same level of services.

The Town of Campbell presently provides the following services:

- Road maintenance and improvement
- Garbage collection and disposal
- Snow and ice removal
- Street and playground lighting
- Dog control officer
- Health officer--part-time
- Weed and brush cutting
- Parks and playgrounds
- Police protection--part-time
- Mosquito spraying
- Fire protection--volunteer department
- Sanitary sewer service to part of town

The petitioners propose to continue these services basically unchanged and their proposed budget is only slightly higher than that reported for the town for the year ending March 31, 1973. Since the territory proposed for incorporation is the entire Town of Campbell, and since a village would receive substantially higher road aids from the state, the ability of the proposed village to finance its intended operations is assured.

It should be noted also that the Town of Campbell has not levied any local taxes for some years, and the full value tax rate in Campbell is nearly nine mills lower than the full value tax rate in the Village of West Salem in LaCrosse County (see Table 3). If the village were to levy a local tax equivalent to nine mills on the full value of the land, it could raise an additional \$173,000, which is more than the proposed budget for the village.

Table 3

Full Value Tax Rate, LaCrosse Area, 1972

| | <u>Total Mill Rate</u> | <u>Percent of Evaluation</u> | <u>Full Value Rate</u> |
|----------------|------------------------|------------------------------|------------------------|
| <u>Towns</u> | | | |
| Campbell | 113.00 | 21.41* | .02419 |
| Shelby | 22.58 | No Entry Reported | |
| Onalaska | Hol: 36.524 | 75.66 | .02712 |
| | Ona: 31.584 | | .02387 |
| Medary | LaC: 23.5198 | 75.03 | .017646 |
| | W.S.: 32.8208 | | .024625 |
| | Ona: 30.01311 | | .022518 |
| <u>Village</u> | | | |
| West Salem | 36.00 | 90.86 | .032709 |
| <u>Cities</u> | | | |
| Onalaska | 38.00 | 79.94 | .030377 |
| LaCrosse | 62.609 | 45.90 | .028737 |

* Figured as follows:

$$\frac{413,681.91}{19,315,600.00} \text{ Tax levy Aggregate Recommended Full Value} = 21.41$$

Source: Petitioners for incorporation.

The City of LaCrosse has expressed willingness to annex the area, which requires a comparison of services. This will be done in the following section. Of interest at this point is the cost to the town of providing comparable services to those in the city. The city has estimated the capital improvement costs at over \$3.6 million and

annual operating costs of \$389,000 to provide services equivalent to those available in the city (see Table 4). The five percent debt limit of the proposed village is \$965,780 (see Table 5), far short of the amount required for the improvements. As already noted, an additional \$173,000 could be levied in local taxes but this too is short of the operating costs mentioned.

It is thus concluded that the proposed village would be able to finance its basic government operations and a variety of services included but not limited to the services presently provided by the town, but that it could not provide services equal to those offered in the City of LaCrosse.

(b) Level of Services.

Statutory requirements state that the level of services desired or needed by the residents of the territory must be compared to the level of services offered by the proposed village and the level available from a contiguous municipality which has offered by resolution to annex the area.

The services proposed by the village are as follows:

- Police protection--1 full-time; 3 part-time
- Fire protection--volunteer department, class nine urban or three rural
fire insurance rating
- Parks and recreation--part-time staff
- Road improvement and maintenance
- Snow and ice removal
- Street lighting and signing
- Weed and brush removal
- Refuse collection and disposal
- Sanitary sewer--part of town is served
- Flood control participation
- Village nurse--part-time
- Building inspector--part-time
- Mosquito control
- Health education and immunization
- Planning Committee participation

The services offered by the City of LaCrosse include the following:

- Road maintenance and improvement--full-time staff
- Police protection--full-time professional
- Fire protection--full-time professional, class four urban fire insurance
rating
- Sanitary sewer system
- Storm sewer system
- Public water system
- Public health services--full-time
- Building inspection--full-time
- Public library
- Parks and recreation--professional staff, summer programs
- Garbage collection and disposal
- Public Housing Authority

It has been established above that the developable areas in the territory have been and are expected to continue growing fairly rapidly. The territory now needs, by virtue of its population and location, a full range of urban services. A comparison of the services available from the city and proposed by the village shows that the city is capable of providing the services and facilities needed while the village does not offer them or intends to provide only limited services (e.g., volunteer fire department vs. a fully staffed professional fire department). Also, the proposed village does not have (as noted above) the financial resources to provide equal services and facilities at this time. The cost to the residents of the lack of such services and facilities is only in part measurable. Lack of public water supply and full-time fire protection has been estimated to cost the owner of a \$15,000 wood frame house in Campbell \$20 per year more in fire insurance costs than the owner of a similar house in LaCrosse. Poor sanitary conditions extract their own toll in doctor bills and personal well being, but such costs are very hard to measure. Lack of storm sewers result in flooded basements, in eroded roadsides observed in the field visit and in stagnant ponds that breed mosquitos.

It is concluded that the level of services, both existing and potential, available from the City of LaCrosse is superior to those proposed by the village.

Table 4

Financial Considerations Related to Annexation of Town of Campbell

CAPITAL EXPENDITURES

| | |
|----------------------------|--------------------|
| Fire Station and Apparatus | \$ 180,300 |
| Storm Sewer | 762,000 |
| Water | 1,130,000 |
| Curb and Gutter | 388,000 |
| Street Surfacing | 1,166,000 |
| Street Equipment | <u>55,275</u> |
| TOTAL | <u>\$3,681,575</u> |

OPERATING ANNUAL BASIC BUDGET

Income

| | | |
|----------------------------|--------------|-----------|
| City Share of Property Tax | \$175,000 | |
| State Shared Taxes | 120,100 | |
| State Highway Aid | 63,800 | |
| Federal Revenue Sharing | 33,000 | |
| Licenses and Fees | <u>2,000</u> | |
| TOTAL | | \$394,000 |

Expenses

| | | |
|---|---------------|-----------------|
| Garbage and Refuse | \$ 17,325 | |
| Additional General Government Personal | 46,540 | |
| General Government Expense Unallocated and Miscellaneous | 25,000 | |
| Parks and Playgrounds | 5,000 | |
| Sanitary Sewer Maintenance | 8,500 | |
| Fire Protection | 168,880 | |
| Police Protection | <u>62,700</u> | |
| TOTAL | | <u>389,000</u> |
| Excess Annual Income Over Expenditures | | <u>\$ 6,000</u> |

Source: City of LaCrosse Finance Office.

Table 5

City of LaCrosse, Debt Capacity

| | |
|--|----------------------|
| 1972 Equalized Valuation of City | <u>\$413,506,700</u> |
| Debt Capacity 5% | <u>\$20,675,335</u> |
| City Debt Outstanding, excluding Schools & Vocational School Debt | <u>11,424,200</u> |
| Allowable Future Borrowing Capacity for City Purposes | \$ 9,251,135 |

Town of Campbell, Debt Capacity

| | |
|---|---------------------|
| 1972 Equalized Valuation of Town of Campbell as shown in 1972 statistical report of Supervisor of Assessments | <u>\$19,315,600</u> |
| Debt Capacity 5% | <u>965,780</u> |

Source: City of LaCrosse Finance Office.

(c) Impact on the Remainder of the Town.

State statute requires that the impact, financial and otherwise, upon the remainder of the town from which the territory is to be incorporated be examined.

The proposal is to incorporate the entire Town of Campbell, and there is thus no remainder to be affected. There is no need to consider this factor in determining the public interest.

(d) Impact on the Metropolitan Community.

State statute requires that consideration be given to the effect upon the future rendering of governmental services both inside the territory proposed for incorporation and elsewhere within the metropolitan community of the proposed incorporation. There shall be an express finding that the proposed incorporation will not substantially hinder the solution of governmental problems affecting the metropolitan community. If such a finding cannot be made, the proposed incorporation cannot be determined to be in the public interest.

Governmental problems in metropolitan communities are many and varied, as evidenced by the problems raised at the LaCrosse Metropolitan Area Public Hearing of the Citizens Study Committee on Metropolitan Problems, held in the LaCrosse City Hall on May 16, 1972. The following partial list is taken from a summary of the testimony prepared by the Study Committee Staff, published October 25, 1972:

- Lack of cooperation among local governments.
- Fragmentation of the urban area into many separate governmental units.
- Substantial inequities in the financing of areawide services and facilities such as sanitary sewage collection and treatment, fire protection, the regional airport, the major street network, and the park system.
- Inequalities in local assessment practices.
- Unequal distribution of the tax base.
- Scarcity of housing, particularly low and moderate income housing.
- Lack of uniform levels and practices in law enforcement.
- Inadequate parks and recreation facilities.
- Pollution control on the Mississippi.
- Protection of scenic and fragile environmental areas, such as the bluffs and the marshes.

Many of these problems stem from the same cause; that of too many individual, autonomous governments.

The U. S. Advisory Commission on Intergovernmental Relations has been concerned with these problems for many years, and has produced a number of reports on various aspects of the subject. In a 1962 report, the following statement of the problem was offered:

"Generally speaking, the larger the number of independent governmental jurisdictions within a metropolitan area the more inequitable and difficult becomes the process of financing those governmental services which by their nature are areawide in character...Even services which do not demand areawide handling, such as education, law enforcement, and health, also involve serious problems of equity with respect to financing and of awkwardness in administration where numerous local governments are involved."³

The limited employment and shopping opportunities available in the territory proposed for incorporation have already been mentioned. Other studies which were submitted at the hearing also substantiated the interdependence of the territory with the rest

³ Alternative Approaches to Governmental Reorganizations in Metropolitan Areas, Advisory Commission on Intergovernmental Relations (Commission Report A-11), June 1962, U. S. Government Printing Office, page 10.

of the metropolitan area. The implications of this were pointed out in the report of the National Commission on Urban Problems:

"Such facts point up the limited meaning of the word 'community' as it is often used with reference only to particular local areas where people reside and are counted for population-census purposes. Individual and family ties to such residential areas are understandably strong and important. But most people in metropolitan areas also have an important stake in the public facilities and services provided in areas where they work or visit. Furthermore, local governments in metropolitan areas must serve not only their resident night-time populations, but also the differing daytime populations resulting from the ebb and flow of metropolitan activities. Yet when these local governments are very small in territory and population, only a limited part of the total population that each government thus serves has any voice in choosing the officials or determining the spending and tax policies that are involved. In turn, these scattered electorates lack an effective tie to the jurisdictions that so strongly affect them. In both directions, one finds taxation, regulation, service and protection without representation."⁴

Clearly, then, the present arrangement of local governments in metropolitan areas is seen as a major cause of governmental problems in metropolitan areas. The search for a workable solution to any problem is usually guided by an ideal, and the ideal in this case has also been expressed by the Advisory Commission on Intergovernmental Relations:

"In principle, local governments should have jurisdiction over a large enough area to permit them to cope adequately with the problems that their citizens expect them to handle. They should be able to raise sufficient revenue, and to do it equitably. They should retain flexibility to adjust their boundaries to meet changing conditions. They should be organized to handle a variety of functions rather than only one or two, so that they can exercise political responsibility for balancing total local needs and resources. They should be able to take advantage of economies of scale, and, at the same time, be accessible to and controllable by the people they serve."⁵

The search for workable solutions to metropolitan governmental problems is still going on, and the Commission has been examining and evaluating these efforts for many years. A 1969 Commission report summarized their findings and recommendations as follows:

"Removing the shackles that frustrate local efforts to marshal the resources required to meet local needs by clarifying the legal powers of general-purpose local governments, authorizing them to determine their own internal structure, modernizing outdated means of controlling local government tax and debt levels, and liberalizing municipal annexation procedures.

Arming local governments with an 'arsenal of weapons' for meeting the challenge of urban growth by facilitating county consolidation, authorizing counties to perform urban functions and to establish subordinate service and taxing areas, empowering major cities and urban counties to create neighborhood 'subunits' of government in order that disaffected citizens may be brought closer to and involved in the process of local government, permitting voluntary transfer of functions between cities and counties, granting authority for intergovernmental contracts and joint service arrangements, encouraging the establishment of metropolitan study commissions, providing for metropolitan functional authorities that offer services requiring areawide handling, and authorizing regional councils of elected officials.

Halting the proliferation of special districts and small nonviable units of local government in metropolitan areas."⁶

⁴Building the American City, Report of the National Commission on Urban Problems to the Congress and to the President of the United States, U. S. Government Printing Office, Washington, D. C., page 329.

⁵Metropolitan America: Challenge to Federalism, Advisory Commission on Intergovernmental Relations (Report M-31), 1966, page 85.

⁶Urban America and the Federal System, Advisory Commission on Intergovernmental Relations (Report M-47), 1969, page 4.

In the metropolitan context, the territory must be considered small and nonviable. Though the total area exceeds 12 square miles, the developable portion of it amounts to slightly more than two square miles. Because of the flood control requirements on one side and the existing municipalities on the other, it has no potential for expansion. It is nonviable in the same sense that it is and is projected to remain dependent on the rest of the metropolitan area for employment of its resident population and for the majority of goods and services needed by its residents. It might be argued that the territory needs the additional powers that would be available to it as a result of incorporation to deal with the problems of land development and provision of services which are or soon will be facing it. The present town government has not, however, made use of all the powers available to it in this respect, and the budget submitted by the petitioners does not propose any substantial changes from the current practices of the town.

In many ways, the problems of a metropolitan area are the problems of the central city of the area. The central city, as the hub of the economic and social life of the area, is required to provide adequate streets and highways for traffic movement, to provide for mass transit service where feasible, to provide major portions of the park system and recreation facilities, to provide public housing for low-income families and individuals, and in some cases to provide sewer and water utilities, fire protection, and other public services of areawide impact. Where the central city has the opportunity to extend its jurisdiction to approximately cover the area which generates a demand for such services and facilities, it is usually able to raise the necessary funds to provide them at a reasonable tax rate. Following are several examples of metropolitan area problems, the solutions to which would be hindered by the proposed incorporation.

Provision of streets and highways. An origin-destination study conducted in 1966 as part of the LaCrosse Urban Area Transportation Study indicated that Campbell residents made 7,704 trips over the urban area street system during a typical day and that 5,556 of these trips (72 percent) had either their origin or destination in the City of LaCrosse. An additional 1,086 trips (14 percent) had an origin or destination outside of the city but made use of city streets since the only access to Campbell is via city streets. The volume of trips has undoubtedly increased with increasing population and the proportion of trips made over city streets is assumed to be approximately the same. One current problem which points up the effect of the proposed incorporation is that of the Clinton Street bridge, which is one of the two access points to the Town of Campbell. The bridge is old and narrow, and needs to be replaced. It lies partly in the city, partly in the town, and is part of a county trunk highway. The county and the town have asked the city to participate in its reconstruction but the city has declined. It appears that the city views improvements to the bridge as being basically for the benefit of another independent unit of government (the town), and the proposed incorporation would only solidify this attitude. As noted above, considerable traffic from Campbell uses city streets, creating costs to the city without creating revenue. Tax revenues to the city from the traffic generators in Campbell would compensate for such expenses, but this will not be possible if the territory becomes incorporated. This problem is not entirely one-sided. Campbell is the home of several substantial marinas which receive traffic originating in LaCrosse. If incorporated, Campbell would have to bear the full cost of local street improvements necessitated by that traffic. If a part of the city, those costs would be spread over the whole city and all of the beneficiaries of the improvement would pay a share instead of only a few.

Provision of bus transit service. The territory does not now have bus transit service, though there are a number of residents who might desire it or benefit from it. The city is presently subsidizing the transit company's operation and it is probably that the city will acquire and operate the system in the near future. The city's policy will become that of not serving areas beyond the corporate limits unless the route pays its own way.⁷ Since a route serving Campbell would not likely pay its own operating costs, it is unlikely that it would be served at all if the area were incorporated as a village.

Provision of air transportation facilities. The city owns and operates the major airport serving the metropolitan area, which is located on the northern end of French Island, adjoining the Town of Campbell. Control of land uses in the vicinity of the airport and its approach zones is very important to the operation of the airport, since the intrusion of incompatible uses could lead to curtailment of air transportation activities. The necessary controls will be much more difficult to achieve if the territory is incorporated since a high degree of intergovernmental cooperation would be required and lack of such cooperation was cited as a problem at the Citizens Study Committee hearing cited above. The airport is also an example of the inequities

⁷Letter from W. Peter Gilbertson, Mayor, City of LaCrosse, dated April 9, 1973.

in financing of areawide services. It is wholly owned by the city and, until recently, financed by city revenues, yet it provides an essential service to the entire metropolitan community. In an attempt to spread the cost over a larger population, the city has imposed a one dollar head tax on all passengers boarding flights at the airport. With a better financing arrangement, this might have been avoided.

Provision of public utilities. The city's policy has been not to extend water service to areas outside the corporate limits. If the territory is incorporated, it would have to develop its own public water supply. The city intends to develop new wells on its airport property in any case, and these would likely be connected to city mains across Campbell lands. Thus the major components of two systems would be built side-by-side where one would suffice.

Provision of public housing. The provision of public housing for low-income families is an areawide problem, yet the city's housing authority provides the only such facilities in the area. The petitioners indicate no interest in providing such housing facilities, and the town officials have indicated that they are following a policy of eliminating the substandard housing in Campbell now being occupied by low-income families as it becomes vacant. This has had the effect of increasing the demand for the city's public housing, as reported by the city housing authority. The present waiting list of over 200 includes 13 families from Campbell, and two former Campbell residents now reside in the city's public housing. The Town Chairman, in a letter dated April 26, 1973, indicated that a county housing authority had been created and that the town is working with the authority to develop a housing program. No county facility exists at present to relieve the demand, however, and with the announced cutbacks in federal housing programs it may be quite a while before such housing can be created. Low-rental public housing is best located in urban areas close to stores and places of employment, which creates a potential problem for the county's housing authority because the governing body and the housing authority (if any), of the municipality must give their consent by resolution before the county authority may undertake a project in a municipality. Thus the proposed incorporation would make more difficult the solution to the housing problem by creating another municipality.

Inequalities in assessment practices. This was cited as a problem at the Citizens Study Committee hearing in May of 1972. At the request of the City of LaCrosse, the Supervisor of Assessments in the Eau Claire office of the Wisconsin Department of Revenue prepared coefficient of dispersion charts for both LaCrosse and the Town of Campbell. A copy of the charts and the cover letter are attached to this determination. The charts are based on actual property sales prices and assessments and are a good indicator of the accuracy and equitability of the assessment practices of the unit of government. The chart for the Town of Campbell reveals that substantial over and under valuations exist in the town, resulting in an inequitable distribution of property tax payments. In its presentation at the public hearing, the city demonstrated that the school taxes raised from Campbell were less than the town's pro rata share of school costs on a cost per student basis. It cannot be found from the material available that the town's assessment practices are a contributing factor to that situation, but such school taxes as are levied are certainly distributed unequally among the property owners of the town according to the survey prepared by the Supervisor of Assessments.

Unequal distribution of the tax base. As noted in the preceding section, school tax levies from the territory are low in proportion to the number of students contained in the territory. This is presumed to be a result of a relatively lower per capita equalized value in the town as compared to the City of LaCrosse and other municipalities in the urban area. Since the town does not presently levy a tax for local purposes, this has not been a problem. If the area were incorporated and levying taxes to pay for a level of urban services comparable to those of the City of LaCrosse, this would become a problem for the territory, resulting in a relatively higher tax level for a comparable service level. A likely result of such a situation would be a high level of competition for new high value development and a corresponding decline in intergovernmental cooperation.

For the reasons cited above, it is determined that the proposed incorporation would have an adverse effect upon the solutions to metropolitan community problems.

April 13, 1973

In Reply Please Refer To
Supervisor of Assessments
202 Graham Ave.
Eau Claire, Wisconsin 54701
Phone 715-836-2866

APR 17 1973

• Kenneth Roberts
Chief Assessor
City of La Crosse
City Hall
La Crosse, Wisconsin 54601

Letter: CG AGC
G. E. ...

Dear Ken:

I have finally been able to have prepared a coefficient of dispersion chart for both the City of La Crosse and the Town of Campbell. I believe you have had some experience with this process and are aware of what the charts indicate. We have always felt that a dispersion coefficient of 15% or less with a concentration coefficient of 75% or more was very good, while a dispersion coefficient of 25% or more with a concentration coefficient of 60% or less was a rather poor assessment.

I am sure with the foregoing indications that the charts themselves will be very self-explanatory. It would appear that the Town of Campbell should seriously consider some step to improve their assessment.

If I can be of any further help in this matter, please feel free to call on me.

Yours truly,



Howard G. Reynolds
Supervisor of Assessments
Eau Claire Office
Bureau of Property Taxation

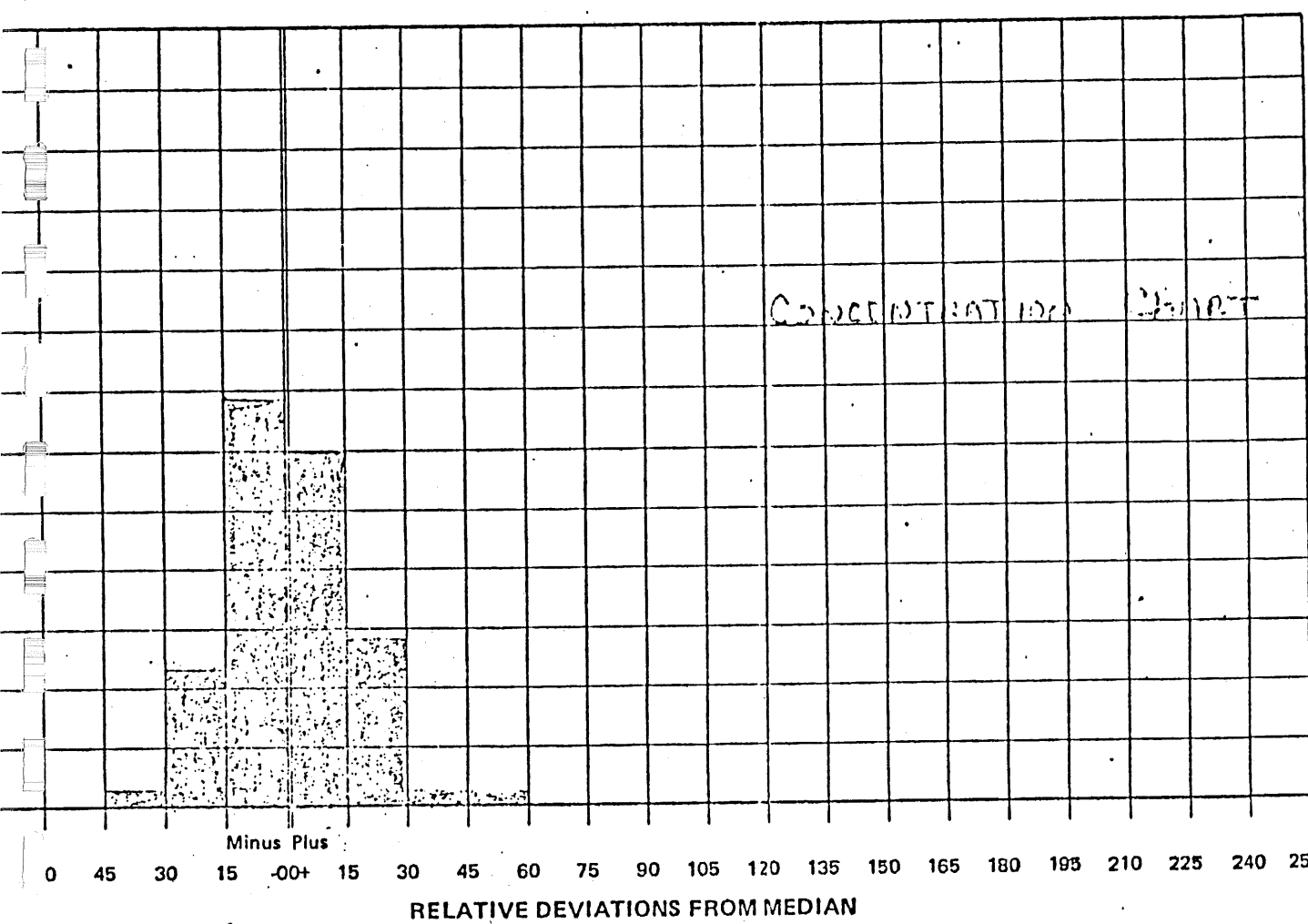
HGR:bk

Enclosures

ASSESSMENT-SALES RATIO FREQUENCY CHART

Date 1/1 Charted By 511

C 1000 County of Los Angeles Code _____



13 and type of sales charted (Enter number of sales charted in each class)

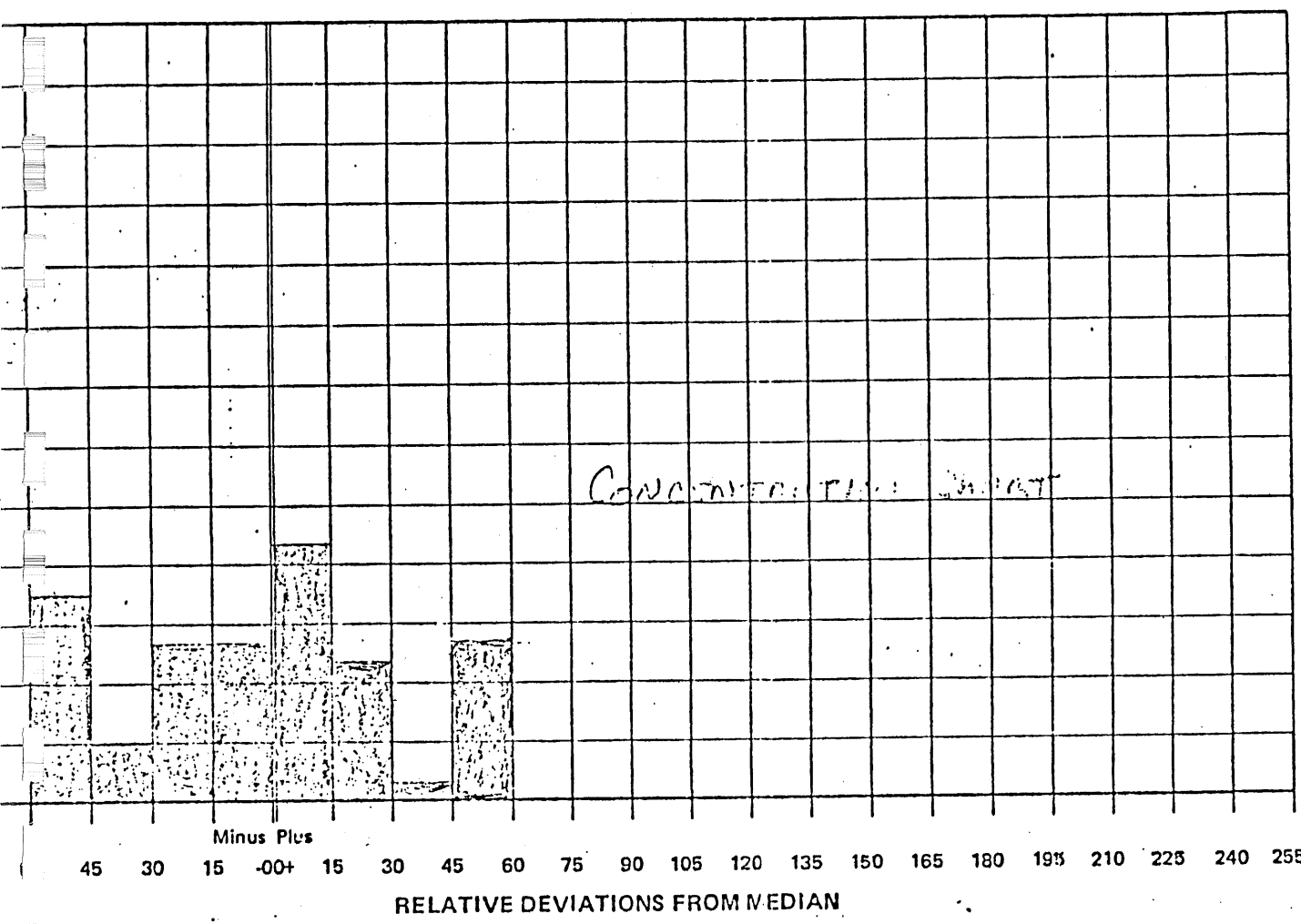
| A | B | C | D | E | F1 | F2 | ALL |
|------------|---|---|---|---|----|----|-----|
| 13 | | | | | | | |
| 666 | | | | | | | |
| 679 | | | | | | | |
| 60,34,500 | | | | | | | |
| 15,004,500 | | | | | | | |

Aggregate Ratio
 Mean Ratio
 Median Ratio
 Dispersion Coefficient
 Concentration Coefficient
 Price Related Differential
 Assessed Value of Real Estate in District
 Full Value of Real Estate in District
 Aggregate Ratio of Real Estate in District
 Land Parcels in District
 Improved Parcels in District

ASSESSMENT-SALES RATIO FREQUENCY CHART

Date 11/13 Charted By JH

C Camden County of IN Code _____



Aggregate Ratio
 Mean Ratio
 Median Ratio
 Dispersion Coefficient
 Concentration Coefficient
 Price Related Differential
 Assessed Value of Real Estate in District
 Full Value of Real Estate in District

23 and type of sales charted (Enter number of sales charted in each class)

| A | B | C | D | E | F1 | F2 | ALL |
|---------------|---|---|---|---|----|----|-----|
| <u>23</u> | | | | | | | |
| <u>61</u> | | | | | | | |
| <u>18</u> | | | | | | | |
| <u>13,950</u> | | | | | | | |
| <u>17,720</u> | | | | | | | |

Aggregate Ratio of Real Estate in District
 Land Parcels in District
 Improved Parcel in District

DETERMINATION

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

THE PETITION AS SUBMITTED SHALL BE DISMISSED.

George A. James

George A. James
Bureau of Local and Regional Planning

GAJ/RIB:mk

123 West Washington Avenue - Room 753
Madison, Wisconsin 53702

Dated: May 11, 1973

Copies to: Judge Peter G. Pappas
Mr. Robert Benson, Designated Representative
Mr. George Jolivette, Alternate Representative
Mr. William J. Sauer, Assistant City Attorney, Attorney for Opponents
Steele, Smyth, Klos & Flynn, Attorneys for Petitioners