

---

STATE OF WISCONSIN

CIRCUIT COURT

WAUKESHA COUNTY

---

In re the Petition to Incorporate  
the Village of Stone Bank,  
Waukesha County

Case No. 93-CV-1167

Dr. Kevin Arnold, Representative of  
the Petitioners for the  
Incorporation of the Village  
of Stone Bank, and said Petitioners

Petitioners

vs.

Town of Merton and  
Town of Oconomowoc

Intervenors

---

DETERMINATION OF THE WISCONSIN DEPARTMENT OF ADMINISTRATION

---

## INTRODUCTION

It is the function of the Department of Administration to prepare findings and to make a determination as to whether the territory petitioned for incorporation meets the applicable standards prescribed in s. 66.016, Stats. Having completed that task, the analysis and findings are attached.

In summary, it is the DETERMINATION OF THE DEPARTMENT OF ADMINISTRATION that, when considering the petition submitted to the Circuit Court by the petitioners, under s. 66.016, Stats.:

|                 |   |
|-----------------|---|
| STANDARD 1 (a), | Homogeneity and compactness - Not Met                 |
| STANDARD 1 (b), | Territory beyond the Core - Met                       |
| STANDARD 2 (a), | Tax revenue - Met                                     |
| STANDARD 2 (b), | Level of services - Not Applicable                    |
| STANDARD 2 (c), | Impact on the remainder of the towns - Met            |
| STANDARD 2 (d), | Impact on the metropolitan community - Not Applicable |

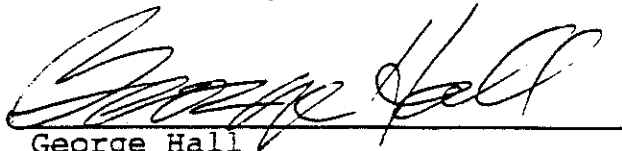
All of the above is discussed in greater detail in the body of the Determination. The Determination of the Department, as prescribed by s. 66.014 (9) (e) 3, Stats., is as follows:

The petition as submitted shall be dismissed with a recommendation that a new petition may be submitted to include territorial changes as specified by the Department.

Dated this 23<sup>rd</sup> day of January, 1995.  
By the Wisconsin Department of Administration:



Mark Saunders  
Hearing Examiner and Deputy Counsel  
Wisconsin Department of Administration



George Hall  
Director of Boundary Review  
Bureau of Intergovernmental Relations  
Wisconsin Department of Administration

cc: Dr. Kevin Arnold, Representative of the Petitioners  
William Chapman, Attorney for Intervenors  
Thomas Kraus, Chairman, Town of Merton  
Joseph St. Thomas, Chairman, Town of Oconomowoc  
Cynthia Ernst, Clerk of Courts, Waukesha County  
Patricia E. Madden, Clerk, Waukesha County  
Nathaniel E. Robinson, Administrator, Division of  
Energy and Intergovernmental Relations, Wisconsin  
Dept. of Administration  
Mark Saunders, Deputy Legal Counsel, Wisconsin  
Department of Administration  
F. Thomas Creeron, III, Assistant Attorney General,  
Wisconsin Department of Justice

## ANALYSIS AND FINDINGS

The following analysis and findings relate to the "Standards to be applied by the Department of Administration," found in s. 66.016, Stats., as amended by 1991 Wisconsin Act 39.

### SECTION 1(a) "CHARACTERISTICS OF THE TERRITORY."

#### STANDARD TO BE APPLIED

"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. An isolated municipality shall have a reasonably developed community center, including some or all of such features as retail stores, churches, post office, telecommunications exchange and similar centers of community activity." (Section 66.016 (1)(a), Stats.)

The Department believes that it may be informative for the reader to briefly characterize the way in which courts have interpreted the incorporation review requirements, particularly with respect to standard 1(a), for which the leading case is Pleasant Prairie v. Department of Local Affairs & Development (108 Wis. 2d 465, 322, NW 2d 486 (Ct. App. 1982); affirmed, 113 Wis. 2d 327, 334, NW 2d 893 (1983)).

Pleasant Prairie is clear regarding the allowable flexibility in factors to be considered in determining homogeneity and compactness. "...[H]omogeneity has a meaning apart and in addition to the factors listed [in s. 66.016 (1)(a)]..." (113 Wis. 2d 327, 337). Other characteristics, in addition to those specifically listed, may, therefore, be considered. For example, Pleasant Prairie specifically allowed consideration of land-use patterns, population density, employment patterns, recreation and health care customs.

Pleasant Prairie also clarifies that the incorporation statute mandates reasonable standards in regard to homogeneity and compactness, and the presence of a community center. "If those characteristics which are required by sec. 66.016 (1)(a), Stats., are not met sufficiently to result in a finding of reasonable homogeneity and compactness,

findings in respect to the requirements of sec. 66.016 (1)(b) (territory beyond the core), and the public interest considerations of sec. 66.016(2) become irrelevant"(emphasis added). (Ibid., at 341)

Therefore, flexibility is primarily in regard to consideration of *additional* non-enumerated factors, rather than flexibility in elimination, removal or reduction of a factor below some acceptable reasonable level.

The facts surrounding each incorporation petition are different. However, in each case and for each requirement, the reviewer must be able to state that, even though the "situation" presented may not be perfect (there may be some street circulation problems, or no health care facilities or telephone exchange), *when taken as a whole*, the facts support a finding of homogeneity and compactness (for example, in transportation patterns) and a finding of a reasonably developed community center.

#### ANALYSIS

##### Natural Boundaries and Natural Drainage Basin

Considering petitioner's boundary in a clockwise manner beginning with the southeast corner, the territory petitioned for incorporation is bounded by the village of Nashotah and city of Delafield, by the town of Summit at the southwest corner (a small portion of the town of Summit lying north of STH-16 and contiguous to this petition is separated from the remainder of the town of Summit by STH-16, a limited access highway, as well as by territory of the city of Delafield), by town of Oconomowoc on the west, town of Merton to the north, and village of Chenequa to the east. The relationship of the petitioner's boundary to these municipal entities is portrayed on Map 1, and will be discussed further under the heading "Previous Political Boundaries."

The proposed village territory lies within the Oconomowoc River sub watershed, draining almost entirely into either North or Okauchee Lakes, with a small portion of the territory tributary to Moose and Mud Lakes which lie entirely within the proposed boundary. Because of the relative location of the boundaries of the previously mentioned incorporated municipalities, natural boundaries constrain the petitioned territory in only two locations, on the southwest by Okauchee Lake (in sections 31, 30 and 19, town of Merton, section 24, town of Oconomowoc), and by North Lake (in sections 17 and 20, town of Merton). Territory petitioned for incorporation includes the Oconomowoc River connecting North and Okauchee Lakes. Petitioned territory lying northwest of the Oconomowoc River is part of agricultural acreage extending well beyond the

boundaries of the proposed incorporation. All of these features are portrayed on Maps 2 & 3, (from Southeastern Wisconsin Regional Planning Commission Community Assistance Planning Reports (CAP) Nos. 53 & 54), as well as on following Map 5, which can be found on page 14 of this document.

#### Watershed and Related Resources

##### Lakes

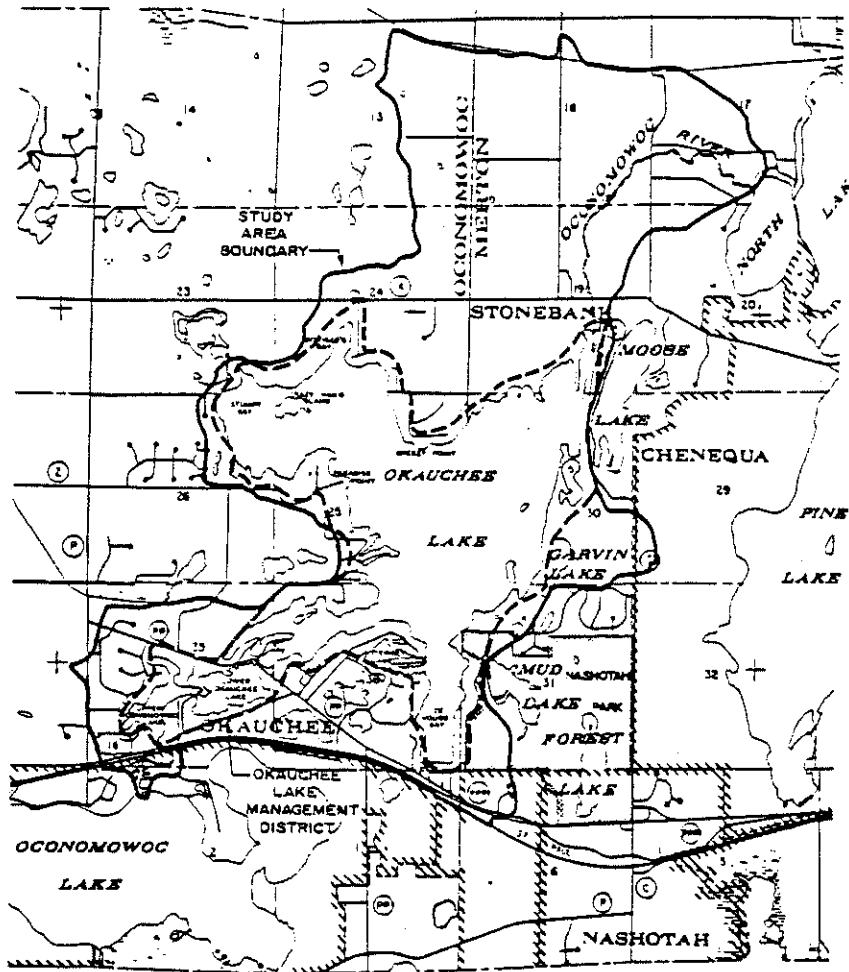
Due to the area's close proximity to the Milwaukee metropolitan area and the resulting development and recreational pressures, two lake management districts were established within the towns of Oconomowoc and Merton: A district encompassing Okauchee, Lower Okauchee and Upper Oconomowoc Lakes was established in 1975; and a district for North Lake was established in 1981. The Okauchee Lake district remains very active today, focusing much of its resources on the control of foreign plant species in the lakes. Depending upon the issue, the district invites participation from local units of government. The North Lake management district was inactive during the mid and late eighties, resuming activities about three years ago. As with the Okauchee Lake Management District, its' main focus is now annual weed harvesting and spraying. Maps 2 & 3 illustrate the location of, and drainage area tributary to Okauchee and North Lakes. Petitioner's boundary touches, but does not include these lakes, an issue to be discussed under "Previous Political Boundaries," beginning on page 23.

Moose Lake, a small inland lake that lies entirely within the territory petitioned for incorporation is, after Okauchee and North Lakes, next largest in size. The lake is approximately 81 surface acres, with a maximum depth of 61 feet. There are no remaining buildable parcels along the shores of the lake. Uses include moderately-sized single-family homes and two seasonal resorts. No detailed study of Moose Lake has been prepared and no lake management district exists, although residents have formed a volunteer lake association and do monitor water clarity for the WiDNR. Observations by residents for the WiDNR report good to excellent water clarity in Moose Lake.

Mud and Forest Lakes, two small lakes which also lie within the proposed incorporation boundaries, are located in Nashotah (County) Park and are monitored and maintained by the Waukesha Park and Planning Commission. Incorporation would not change the jurisdictional responsibilities for these lakes.

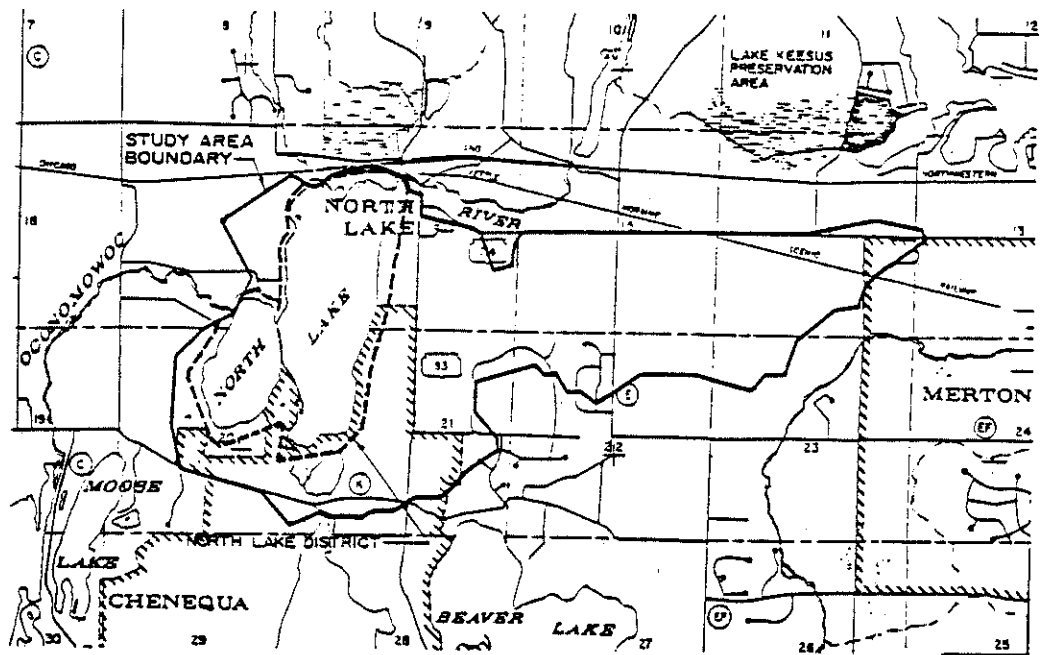
Additional information on these lakes can be found in the Stone Bank Environmental Assessment prepared by the Department.

DRAINAGE AREA DIRECTLY TRIBUTARY TO OKAUCHEE, LOWER OKAUCHEE, AND UPPER OCONOMOWOC LAKES



Map 3

DRAINAGE AREA DIRECTLY TRIBUTARY TO NORTH LAKE AND THE NORTH LAKE DISTRICT BOUNDARY



### *Wetlands*

There are three areas within the petitioned territory with a concentration of wetlands: The region adjacent to the Oconomowoc river between Okauchee and North Lake, lands between Moose Lake and North Lake (both in the central portion of the territory) and lands surrounding Mud Lake in Nashotah Park (southern portion of territory). Map 4, page 10, and the associated key, Table 1, page 11, portray the wetlands inventoried by the WiDNR in 1979, and updated in 1984 and 1987. These wetlands are of three primary types: Emergent wet meadows, populated by cattails, sedges and grasses; scrub meadows containing woody plants less than 20 feet tall along with willows, alder and young green ash; or forested meadows populated with woody, broad leaf deciduous plants taller than 20 feet typically consisting of black ash, elm and silver maple (WiDNR).

### *Streams and Rivers*

A one-mile section of the Oconomowoc River connects North with Okauchee Lake. Classified as a navigable waterway and part of a priority watershed, the river is accessible to small, non motorized water craft. Between North and Okauchee Lake the river is a cool, swift-moving stream. In general, this stretch of the river has excellent water quality, as indicated by chemical and bacteriological sampling, as well as physical habitat for a variety of species.

This stream reach has been classified as an Exceptional Resource Water by the WiDNR as per NR 102, Wis. Admin. Code, a designation given to streams exhibiting excellent water quality, high quality fisheries, and important recreational uses. The fishery is dominated by forage and panfish species, including the slender madtom, and other endangered species. Habitat in this stream reach is excellent for northern pike and walleye spawning. Portions of the river between North and Okauchee Lake are posted as fish refuge during the spring to protect spawning fish. Wildlife, such as waterfowl and marsh fur bearers, make use of the area and adjoining wetlands. Land use throughout the watershed area is primarily agricultural which has caused problems in the past with regard to sedimentation. However, reduced agricultural activity in the watershed and improved agricultural practices have resulted in relatively little sediment being transported during recent flood events.

### *Public Access*

Okauchee Lake has but one boat launch available for public use, located outside of the boundaries of the proposed village (SEWRPC CAP Report No. 137, p. 20). The launch site is operated and maintained by the WiDNR. Research indicates that the only public lake access sites within the territory proposed for incorporation occur on Mud and Forest Lakes in

# Map 4 - Wetlands Within the Proposed Village



Scale: 1"=2690 feet

Base Map: Wisconsin Department of Natural Resources

# Classification System for the Wisconsin Wetlands Inventory

This wetlands classification system is based on the U.S. Fish and Wildlife Service "Classification of Wetlands and Deep Water Habitats of the United States," but with a few simplifications to make it easier to use and understand.

## Mapping Units

All wetlands which can be identified on the stereoscopic black and white infrared aerial photographs are mapped as follows:

- Wetlands larger than 2 or 5 acres, depending on the county, will be mapped and classified. A delineated wetland having only one classification is considered one mapping unit. Larger wetlands may be

divided into small mapping units. Minor inclusions of other cover types (less than 30%) may exist within a mapping unit. Wetland classifications and boundaries reflect ground conditions existing as of the date of the interpreted aerial photography.

- Wetlands smaller than 2 or 5 acres, depending on the county, will be indicated by a

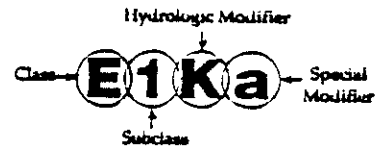
point symbol (•).

Man-made ponds smaller than the minimum map unit are indicated by the point symbol (◻) for an excavated pond and (Δ) for a dammed artificial pond.

## COMPONENTS OF THE CLASSIFICATION SYSTEM

The classification codes describe the class, subclass, and general hydrologic characteristics of a wetland mapping unit. Some classification codes will also have a "special modifier." The classification code will usually contain 3 or 4 letters and digits, as shown to the right.

When small patches of different cover types (at least 30% of the cover) are intermingled within the wetland mapping unit, a mixed classification code will be used. Mixed classes are separated by a slash (e.g., T3/S3K), with the taller form of vegetation listed first.



## COVERTYPE CLASSES FOR THE WISCONSIN WETLANDS INVENTORY

Vegetated mapping units are classified by the uppermost layer of vegetation which covers 30% or more of the area. Vegetated classes take precedence over unvegetated classes if a choice has to be made. Subclasses in parentheses are only used where the information can be easily obtained from existing soil surveys, lake survey maps, or other data sources.

| CLASS AND SUBCLASS                  | DESCRIPTION  | SUBCLASS EXAMPLES   |
|-------------------------------------|--|---|
| <b>A</b> Aquatic bed                | Plants growing entirely on or in a water body  | —   |
| (1) (Submergent)                    | (Aquatic bed plants growing entirely under water)  | (Milkfish, covee, pumpkinseed)  |
| 2 Floating                          | Aquatic bed plants having structures which float at the water surface  | Round or free floating  |
| 3 Rooted floating                   | Rooted aquatic bed plants which have floating leaves   | Pond lilies, water shield   |
| 4 Free floating                     | Aquatic bed plants which float freely on the water surface   | Duckweed, water meal, surface algae                                     |
| <b>M</b> Moss                       | Wetlands where the uppermost layer of vegetation is moss   | Sphagnum moss   |
| <b>E</b> Emergent/wet meadow        | Herbaceous plants which stand above the surface of the water or soil   | —   |
| 1 Persistent                        | Plant remains persist into next year's growing season  | Narrow- or broad-leaved   |
| 2 Narrow-leaved persistent          | Persistent emergents having grass-like leaves without petioles   | Cattail, smart weed, and grasses  |
| 3 Broad-leaved persistent           | Persistent emergents with wide leaf blades   | Stinging nettle, some asters  |
| 4 Nonpersistent                     | Emergent which fall beneath the water and decompose over winter  | Narrow- or broad-leaved   |
| 5 Narrow-leaved nonpersistent       | Nonpersistent emergents with grass-like leaves without petioles  | Wild rice, some bulrush stems   |
| 6 Broad-leaved nonpersistent        | Nonpersistent emergents with wide leaf blades  | Arrowweed, pictorial weed   |
| <b>S</b> Scrub/shrub                | Woody plants less than 20 feet tall  | —   |
| 1 Deciduous                         | Shrubs which drop their leaves in the fall   | Needle- or broad-leaved   |
| 2 Needle-leaved deciduous           | Shrubbed tamaracks   | Shrubbed tamaracks  |
| 3 Broad-leaved deciduous            | Deciduous shrubs other than tamarack   | Willow, alder, young green ash  |
| 4 Evergreen                         | Shrubs which keep their leaves over winter   | Needle- or broad-leaved   |
| 5 Needle-leaved evergreen           | Evergreen shrubs with needle-like or scale-like leaves   | Shrubbed black spruce   |
| 6 Broad-leaved evergreen            | Evergreen shrubs with wide leaf blades   | Larador tree, leatherleaf   |
| 7 Dead                              | Dead shrubs  | Shrubs killed by flooding   |
| 8 Needle-leaved                     | Any coniferous shrub   | Deciduous or evergreen  |
| 9 Broad-leaved                      | Any broad-leaved shrub   | Deciduous or evergreen  |
| <b>T</b> Forested                   | Woody plants taller than 20 feet   | —   |
| 1 Deciduous                         | Trees which drop their leaves in the fall  | Needle- or broad-leaved   |
| 2 Needle-leaved deciduous           | Tamaracks  | Tamaracks   |
| 3 Broad-leaved deciduous            | Deciduous trees other than tamarack  | Black ash, elm, silver maple  |
| 4 Needle-leaved evergreen           | Evergreen trees with needle-like or scale-like leaves  | White cedar, black spruce, balsam                                       |
| 7 Dead                              | Dead trees   | Trees killed by flooding  |
| 8 Needle-leaved                     | Any coniferous tree  | Deciduous or evergreen  |
| <b>F</b> Flats/unvegetated wet soil | Exposed wet soils which do not support vegetation  | —   |
| 0 Subclass unknown                  | Soil characteristics undetermined  | —   |
| (1) (Cobble/gravel)                 | (Flats composed of gravel and larger stones)   | (Gravel bar in a fast flowing river)                                    |
| (2) (Sand)                          | (Flats composed of sand)   | (Sand flats in the Wisconsin R.)  |
| (3) (Mud)                           | (Flats composed of silt and clay-sized mineral particles)  | (Mud flats in the Mississippi R.)                                       |
| (4) (Organic)                       | (Exposed muck)   | (Organic flats exposed by drawdowns)                                    |
| (5) (Vegetated pioneer)             | (Flats supporting herbaceous pioneer vegetation which is killed by rising water levels before the next growing season) | (Cuckoo growing on a sand flat)   |
| <b>W</b> Open water                 | Lakes and ponds with a depth of 6 feet or less, and unvegetated river stretches  | —   |
| 0 Subclass unknown                  | Bottom characteristics undetermined  | —   |
| (1) (Cobble/gravel)                 | (Cobble or gravel bottom)  | —   |
| (2) (Sand)                          | (Sand bottom)  | —   |
| (3) (Mud)                           | (Mud bottom)   | —   |
| (4) (Organic)                       | (Muck bottom)  | —   |
| <b>U</b> Upland                     | Upland areas surrounded by wetland   | Also used as a subclass to indicate small inclusions of upland (TU/EIK) |

## Hydrologic Modifiers for the Wisconsin Wetlands Inventory

| HYDROLOGIC MODIFIER                 | SITUATION APPLIED TO   | USED WITH SUBCLASSES            |
|-------------------------------------|--|---------------------------------|
| <b>L</b> Standing water, Lake       | Lakes of 20 acres or more having a maximum depth of 6 feet or less (smaller lakes and ponds receive the "1" hydrologic modifier) | A1-A4, E4-E6, T7, H8-F3, W8-1V4 |
| <b>R</b> Flowing water, River       | The abandoned and secondary channels of rivers and streams   | A1-A4, E4-E6, T7, H8-F3, W8-1V4 |
| <b>H</b> Standing water, Palustrine | Wetlands which have surface water present for much of the growing season   | All subclasses                  |
| <b>K</b> Wet soil, Palustrine       | Areas which are wetlands, but do not appear to have surface water for prolonged periods of time                                  | M8, E1-E3, S1-S9, T1-T4, H8-F3  |

Nashotah (Waukesha County) Park. All other access points on lakes within the proposed boundaries are attached to private residences, associated with taverns, or are commercial launches.

The current WiDNR recommendation for public access, following guidelines established in NR 1.90 and 1.92, Wis. Admin. Code, is considered to be met on Okauchee Lake. Therefore the lake management district remains eligible to receive financial or technical assistance from such WiDNR Lake protection grants as lake rehabilitation, non point source water pollution control, and fish management. This currently is not the case for North or Moose Lake, but the WiDNR Bureau of Fish Management is working with the North Lake Management District to establish a public access point on North Lake near the confluence of the Oconomowoc River. Even without adequate public access, the Management District and local governments qualify for grants to address boat safety (lake patrols) and lake planning.

#### *Lake Recreation*

In a 1981 SEWRPC lake management report, Okauchee Lake received an above average recreational rating (53 out of a possible 72). The rating system allocates points for conditions favorable for various types of recreation (boating, swimming, fishing and aesthetics). More recently, a boating survey administered by the WiDNR identified Okauchee Lake second only to Pewaukee Lake in terms of popularity and use in Waukesha County (1989-90).

The WiDNR continues to rate Okauchee Lake as having high quality, and diverse recreational opportunities, including good water quality for boating, swimming, aesthetic enjoyment and fishing (SEWRPC Report No. 196, pp. 80-82). The most popular recreational activities include power boating, swimming, scenic viewing and water-skiing. Winter activities include ice skating, cross-country skiing, snowmobiling and ice fishing.

The large size of Okauchee Lake and its proximity to the highly urbanized Milwaukee Metro area (Okauchee could be considered one of a handful of accessible urban lakes in southeastern Wisconsin) makes Okauchee Lake a popular spot for weekend lake enthusiasts. Although only one public access point exists (outside of the proposed boundaries), the commercial establishments provide ample access opportunities.

The attractiveness of Okauchee Lake has led to an increasing weekend overcrowding problem. Noise problems from recreational equipment and lake users have increased as well. The small islands on the east side of the lake have become popular docking sites for boaters. Many lake residents believe there is a need for more patrolling of the

lake and regulation of recreation activities. This responsibility would fall to the local units of government, currently the towns of Merton and Oconomowoc, exercising joint jurisdictional control over the lake. The lake district is aware of and involved in mitigating the crowding issue, but has no police power authority over recreational activities.

In comparison to Okauchee Lake, North Lake received a higher recreation quality rating from SEWRPC (63 out of 72) and was also recognized in the WiDNR boating survey as one of the more popular lakes in Waukesha County (despite the lack of public access). Family boating, fishing and water skiing are the most prevalent uses on the lake. The lake also plays host to several regattas each summer as well.

Despite the lack of "public access" mentioned above, Okauchee and North Lake clearly continue to be two of the more popular lakes for recreational use in southeastern Wisconsin (WiDNR Boating Report).

#### *Natural Areas*

As defined by the Wisconsin Natural Areas Preservation Council, natural areas are tracts of land or water and associated shoreland so little modified by man's activity, or sufficiently recovered from the effects of such activity, that they contain intact native plant and animal communities believed to be representative of the pre-European settlement landscape. Natural areas are classified into one of the following four categories: state scientific area, natural area of state-wide or greater significance, natural area of countywide or regional significance, and natural area of local significance.

The SEWRPC defines isolated natural areas as wetlands, woodlands or wildlife habitat areas that have become isolated from environmental corridors due to urban development or agricultural uses. No isolated natural areas have been identified within the proposed territory for incorporation.

#### *Environmental Corridors*

The following map 5, page 14, portrays adopted environmental corridors lying within the proposed village area as mapped and designated by the SEWRPC. Environmental corridors are defined as linear areas in the natural landscape containing concentrations of natural resources (including potential endangered and threatened species habitat) and related visual amenities such as steep slopes, wetlands, forested areas, remnant prairies, etc. The environmental corridor concept stems from Section 208 of the Federal Clean Water Act, which requires that states limit the provision of publicly financed sanitary sewer systems to only those lands

# Proposed Stone Bank Incorporation

## Map 5 : NATURAL FEATURES

- ENVIRONMENTAL CORRIDORS
- PRIME FARMLAND
- UNCONSTRAINED AREAS

Stippled areas highlight the proposed Village of Stone Bank

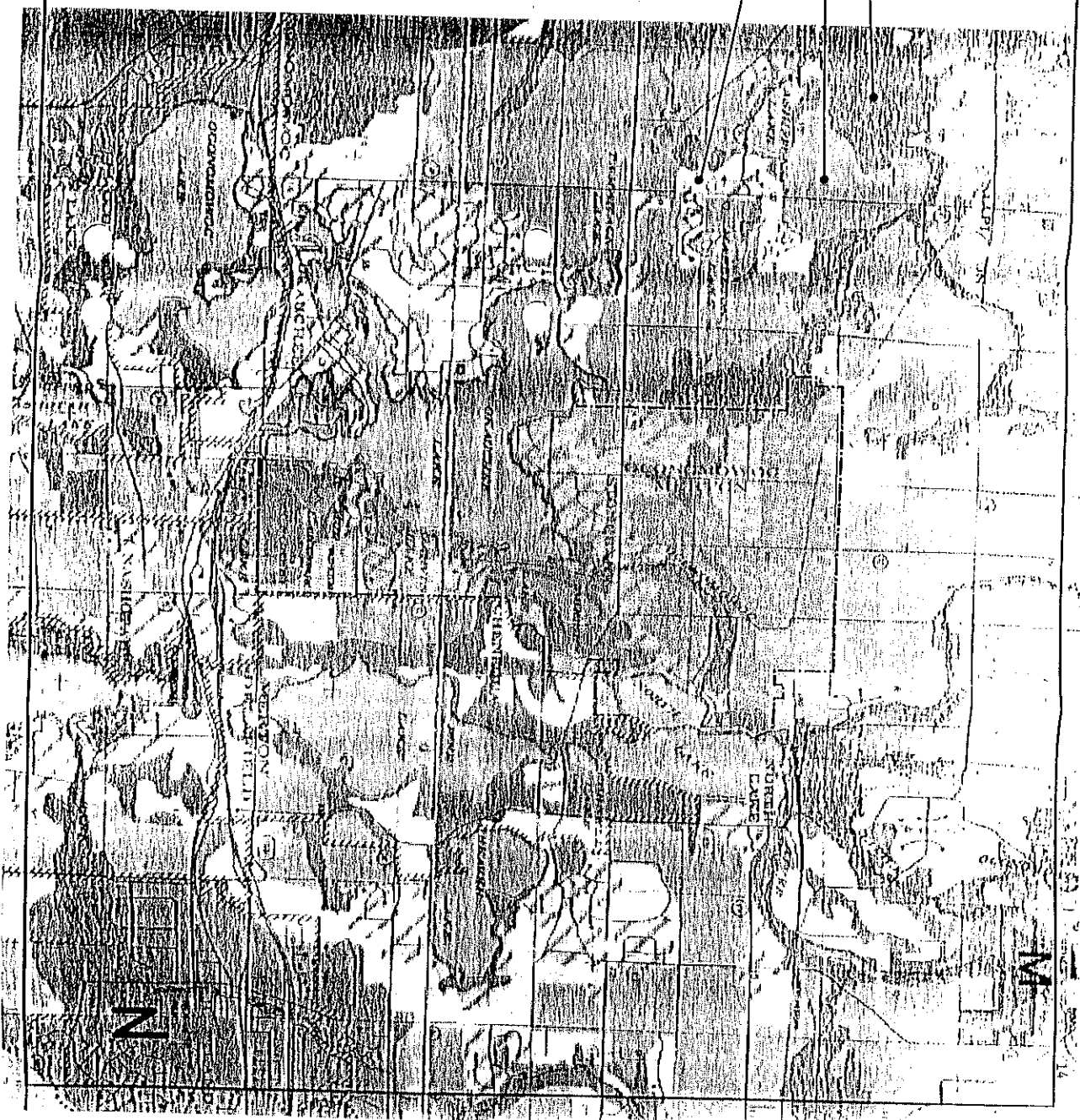
Base map source:  
Southeastern Wisconsin Regional Planning Commission  
VA Regional Land Use Plan for Southeastern Wisconsin - 2010



© 1999 Vandewalle & Associates  
Member of The Lancaster Group  
Madison & Milwaukee, Wisconsin

Scale: 1"=3725 feet

Version 1.0



with soil conditions capable of supporting urban development.

#### *Soils and physiography*

The present soil and surface features result from the ground moraine of the Lake Michigan lobe of the final, or Wisconsin stage of glaciation (which began 30,000 years ago, ending about 11,000 years ago). Predominate soil types within the area proposed for incorporation are the Fox-Casco, Rodman-Casco, and Hochheim Theresa associations. These associations are typically well-drained loam/silty clay loam and sandy loam subsoil's, overlying sand and gravel formed by glacial stream terraces. The following map 6, page 16, portrays the various soils associated with the shallow lakes, outwash terraces, and generally rolling topography which is characteristic of this area. For the purpose of urban uses, these soils can be characterized by their suitability for residential and commercial development, on-site sewage disposal systems, and transportation improvements.

Adjacent to the lakes are the Fox and Casco soil series, both of which are suitable for "urban" development. However, the Fox series presents a moderate danger of ground water contamination from on-site septic systems. There are other smaller areas of specific soils which, though capable of supporting building foundations, present specific problems, such as having a potential for frost-heaving and low bearing capacity unless the site is properly engineered prior to development (SEWRPC, Community Assistance Report No. 159, 1988, based on 1977 USGS-Soil Conservation Service information).

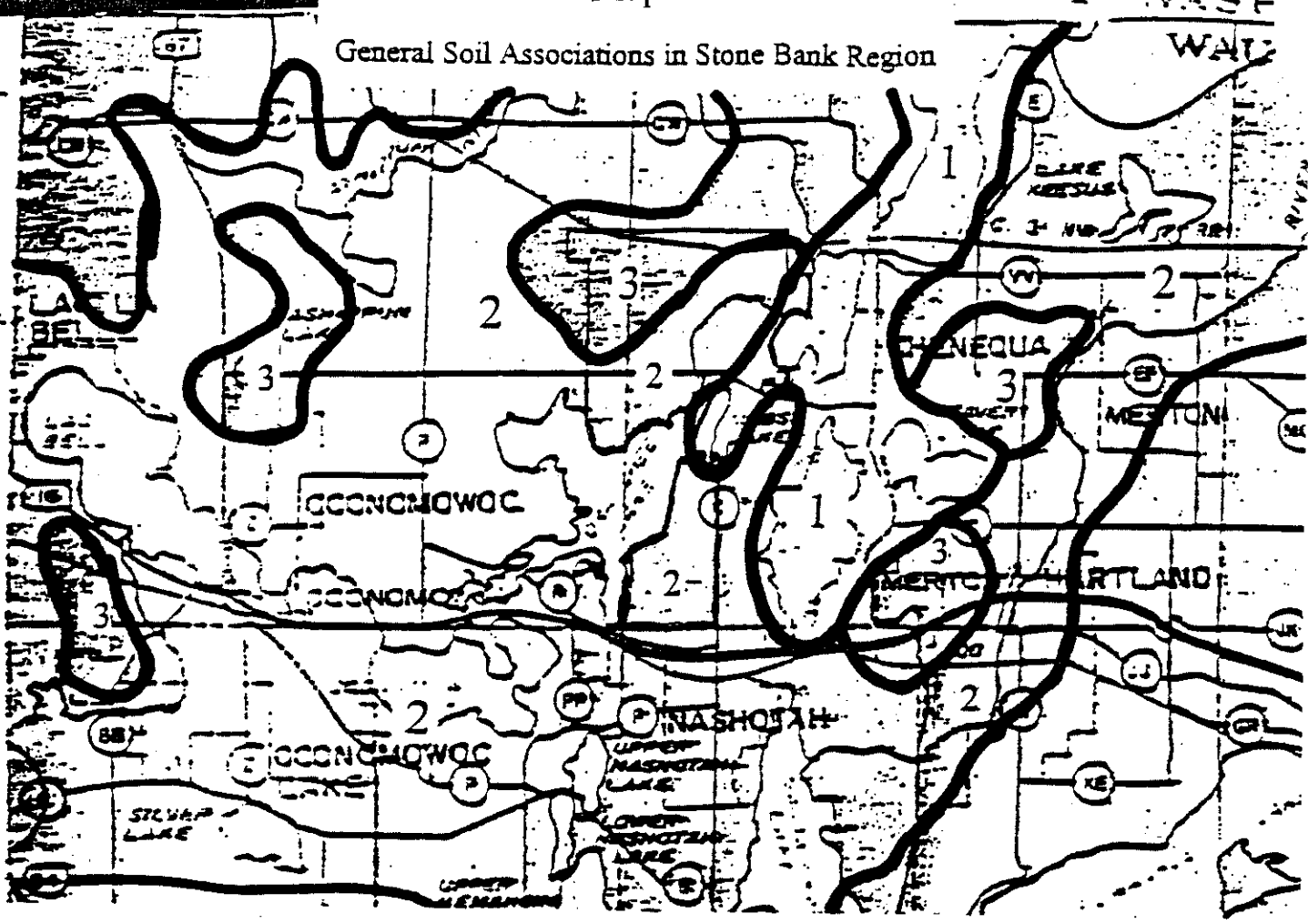
#### *Open Space Preservation*

Various adopted SEWRPC planning reports (including the "Park and Open Space Plan for Waukesha County," Community Assistance Planning Report No. 137, 1989) recommend ongoing protection of parkways, environmental corridors, natural areas and flood lands so as to maintain and replenish the natural resource base of Waukesha County and to improve and enhance existing environmental quality. None of the parkways proposed for preservation include territory proposed for this incorporation, but the isolated natural areas, the flood plains along the Oconomowoc River and remaining corridors along the lakes are designated for preservation or acquisition in the plan (SEWRPC Community Assistance Planning Report No. 137, p. 53). Should incorporation occur, the village may be asked to provide the necessary regulation and partial funding so as to help meet these goals.

#### *Ground Water*

The ground water system of southeastern Wisconsin involves three principal aquifers. The sandstone aquifer is the

General Soil Associations in Stone Bank Region



**LEGEND**

- 1

**ROODMAN-CASCO ASSOCIATION: EXCESSIVELY DRAINED TO WELL-DRAINED SOILS THAT HAVE A SUBSOIL OF GRAVELLY SANDY LOAM AND CLAY LOAM; SHALLOW OVER GRAVEL AND SAND, ON THE KETTLE MORAINE**
- 2

**FOX-CASCO ASSOCIATION: WELL-DRAINED SOILS THAT HAVE A SUBSOIL OF CLAY LOAM, MODERATELY DEEP TO SHALLOW OVER SAND AND GRAVEL, ON OUTWASH PLAINS AND STREAM TERRACES**
- 3

**HOCHIEM-THERESA ASSOCIATION: WELL-DRAINED SOILS THAT HAVE A SUBSOIL OF CLAY LOAM AND SILTY CLAY LOAM; FORMED IN THIN LOESS AND LOAM GLACIAL TILL, ON GROUND MORAINES**

**—** General Soil Association Boundaries

deepest and is composed of the Mount Simon, Eau Claire, Franconia, and Galesville sandstone's, and Trempeleau Formation of Cambrian age. Overlying these sandstone's are the Prairie du Chien Group, St. Peter Sandstone, and basal units of the undifferentiated Platteville, Decorah and Galena Formation of Ordovician Age. Ground water in the sand and gravel (surficial) aquifer tends to flow to the Fox River, and on a more local basis, to nearby wetlands and streams. Both the sand and gravel, and sandstone acquifers are important sources of municipal and private water supply, with local wells having the potential to yield 1,000 gallons per minute, depending upon location.

#### *Flora and Fauna*

The flora of the local area is typical of rural southeastern Wisconsin. Areas of native plant communities are characterized by upland hardwood forests including oak, basswood and maple. The wetland ecological communities were previously described under "Wetlands."

The Stone Bank region supports a wide variety of wild life species, both aquatic and land-based. Table 2, page 23 of the Stone Bank Environmental Assessment, constitutes a listing of species common to the Stone Bank area and northwest Waukesha County compiled by wild-life biologists of the WiDNR. The continued presence of these species, as with any area experiencing urban development, is subject to continued habitat loss.

Fish commonly found in area waters include northern pike, largemouth, small mouth, white, and rock bass, carp, black crappie, bluegill, green sunfish, bullhead, common shiners, bluntnose minnows, brook silverside, pumpkinseed, white sucker, creek chub, and walleye .

#### *Endangered Species*

Under the provisions of s. 29.415, Stats., Wisconsin assumes responsibility for conserving native wild animals and plants, and for taking steps to enhance their continued survival and propagation for the aesthetic, recreational and scientific benefits for future generations. The Wisconsin Legislature has found that activities of individual persons and governmental agencies are tending to destroy the few remaining plant-animal communities in this state. Therefore, the legislature has urged "all persons and agencies to fully consider all decisions in this light".

The WiDNR has established by administrative rule an endangered and threatened species list. "Endangered species" means any species whose continued existence as a viable component of this state's wild animals or wild plants is determined by the Department to be in jeopardy on the basis of scientific evidence. "Threatened species" means any species of wild animals or wild plants which appears

likely, within the foreseeable future, on the basis of scientific evidence to become endangered. (ss. 29.415 (2) (a) and (b), Stats.).

The WiDNR lists the following species for the Stone Bank area (pers. comm., October, 1993):

(a) *Endangered species*

Barn owl, found in the open to partly open country along wetland edges in the Town of Merton.

Slender madtom, a fish attributed to the Oconomowoc River and its tributaries.

Queen Snake, found in streams and rivers with swift currents in NW Waukesha County.

(b) *Threatened species*

Pugnose shiner, a fish attributed to the Oconomowoc and Okauchee Lake area.

Salamander mussel, attributed to Oconomowoc Lake area.

Red-shouldered Hawk, found in matured lowland deciduous forests in the Stone Bank region.

(c) *Species of special concern*

Lake chub sucker and least darter, fish found in the Oconomowoc River, Moose Lake and Okauchee Lake system.

Least Darter, fish found in the Moose Lake and Oconomowoc River area.

Lake herring, fish found in Okauchee and Oconomowoc Lake as well as the Oconomowoc River.

Black-crowned night heron, occurs in Town of Oconomowoc area in brush covered wetlands.

Cooper's Hawk, found in large blocks of forest in Northwest Waukesha County.

Within the territory proposed for incorporation, no critical habitat needs beyond the existing designated environmental corridors have been identified by DNR or SEWRPC for these species.

*Ambient Air Quality*

The federal government has established minimum air quality standards which are intended to protect human health, as well as prevent damage to vegetation, real and personal



property, and improve visibility. Based upon these standards, non-attainment areas---areas having ambient air quality conditions which do not meet the federal standards--have been identified. In 1980, upon adoption of a regional air quality management plan, all of Waukesha County was included among SE Wisconsin counties designated an ozone non-attainment area. This air quality non-attainment designation for Waukesha County, including the area containing this proposed incorporation, continues to this date. (WiDNR, Expanding Industry in Wisconsin: A guide to meeting air quality requirements, 1993, p. 39; and WiDNR, pers. comm., September 1993.)

A non-attainment designation requires that new development and industry follow the ambient air quality standards of the federal government. In some instances, this could preclude the development of some types of heavy industry in the non attainment area (which includes the territory proposed for incorporation). However, existing land uses within the territory, along with uses proposed for the territory that are contained in local, county and regional plans, are compatible with existing ambient air quality requirements.

#### Present and Potential Transportation Systems

##### *Transportation Plans and Existing Facilities*

The Southeastern Wisconsin Regional Planning Commission (SEWRPC) is the designated Metropolitan Planning Organization (MPO) for Southeastern Wisconsin, including Waukesha County, thus assuring that federal transportation planning requirements continue to be met. Maintaining up-to-date transportation plans continues area-wide eligibility for Federal Highway Act and Urban Mass Transit Act cost-sharing for qualifying local transportation related projects.

A Transportation Improvement Plan (TIP) is developed by the SEWRPC for the Wisconsin Department of Transportation (WisDOT) so as to prioritize eligible transportation projects and allocate federal and state matching funds available to local governments in the seven county area, including Waukesha County. The current plan does not include any state or federally funded projects within or near the territory proposed for incorporation. The absence of proposed projects is indicative that, relative to the remainder of the county and despite suburban growth, existing transportation facilities in the immediate vicinity of Stone Bank have adequate capacity to meet current and projected transportation needs.

##### *Streets and Highways*

Map 7, page 20, portrays the location and extent of the street and highway system improvements located in the proposed village.



The area proposed for incorporation is served by a network of county trunk highways, local arterials, neighborhood roads and a handful of private drives or "mill tax roads". The county highways serving the area are classified as major collectors in the WisDOT Rural Functional Classification System. No change in designations have occurred since November, 1986, the date of the most recent functional designations.

Waukesha County traffic count figures show both CTH "C" and "K" to be well under the peak capacity levels identified by WisDOT for major collectors located on the "fringe" of the Milwaukee metropolitan area. Based on a level of service which permits isolated instances of restricted movement at peak times, 9160 trips/day is considered capacity for a major collector. Recent counts for CTH "C" range between 3100 and 3800 trips/day while CTH "K"'s range is between 3000 and 4600. The variances are due to the location where the actual count occurred for each highway. Traffic counts for CTH "K" between CTH "P" and "C", which bisects the proposed territory heading east towards Oconomowoc, are much higher than counts taken on the portion of "K" extending eastward through Chenequa. CTH "C" provides a direct route south to STH "16" (2.9 miles), a newly constructed limited access highway and to I-94 (6.2 miles). CTH "K" runs east to STH 83, which also intersects with STH "16" and I-94. The STH- 83/I-94 interchange, which is seven miles (via CTH "K" and STH "83") from Stone Bank, has experienced exponential traffic growth in recent years due to the construction of several magnet stores (including Target, Wal-Mart and Kohls), a shopping mall, major grocery store, an 8-screen theatre, several fast food establishments and gas stations located at this interchange.

County highways, Stone Bank Road and West Shore Drive (local arterials running north-south off CTH "K") interconnect to most of the local streets in the proposed incorporation. An exception are local roads "O" and "N" in the southwest area of the petition, which provide access to associated lakeside homes. These lakeside homes within the territory petitioned for incorporation are only accessible via CTH "R", which intersects with "C" in the Village of Nashotah and City of Delafield.

The street configuration of the non-lake subdivisions in the proposed territory (such as Cedar Bay Acres, Stone Bank Estates, and the network of the Stone Bank Estates area - Breezy Point Road, Bayview Road, etc.) on the west edge of the proposed territory, provides several points of ingress and egress, interconnects several subdivisions, and allows for access to lake properties as well as to the crossroads of the community center (intersection of Lakeview Dr. and CTH "K") and to the residences of the Reynolds Road area.

In the southern section of the proposed village, discussions with town officials indicate that the Lakeland Terrace subdivision and Island View Lane will be connected during the construction of Cedar Bay Acres South addition (approved in 1993-94). In the town of Oconomowoc, the recently approved subdivision to the east of Stone Bank Highlands (located off of Starlite Drive), will provide interconnection and infill development closer to the community center of the proposed village.

With the exception of Lakeview Drive, the lake properties are not accessible to one another via the local street system. Much of this can be explained by the existing geography of the lake shore. For example, the subdivisions off Clearwater and Reddelien Roads are separated by the Oconomowoc River and the associated wetlands. A wetland and steep topography separate North Lake Drive and Wildwood Point Road and an unmapped pond lies between the connection points of Forest and Hasslinger Drives. All of these situations make additional road construction unfeasible, based on existing environmental corridor provisions.

Intervenors provided an engineering report indicating that nearly every road in the territory proposed for incorporation would need some type of repair in the next two years at an estimated cost of \$1,324,430 (Public Hearing Exhibits 3 & 5). Should the incorporation not take place town officials have stated that they would be unable to make the repairs within the time limit recommended by the their engineer (Public Hearing Tapes 2 and 3). It seems that the proposed territory, arguably the most urbanized portion of the town of Merton, and second in urbanization to the Okauchee area in town of Oconomowoc, has had no substantial road maintenance performed since the late 80's. According to the engineering study, recent minor improvements (such as resurfacing) are already in need of repair (some only 3 years after treatment).

Within the intervenor's engineering report, a large portion of projected expense stems from improvements claimed to be needed for many of the roads leading to lakeshore properties (such as roads "M", "N" and "O"). Some of these roads are only 8-feet wide at some points. In the town of Merton, many are private "milltax roads" and not "official" town roads, and a levy against abutting properties is assessed for their maintenance and upkeep. For example, according to the 1993 budget report, the town of Merton levied \$1,220 on the property owners abutting road "M" and spent \$851. The town's engineer noted that this road was in need of over \$94,000 in repairs in 1994 (Public Hearing Exhibit 5).

#### *Rail Transportation*

A rail line owned and operated by the Chicago and Northwestern (C&NW) Railroad runs through the northern

portion of the territory proposed for incorporation (see Map 7, page 20). The track is quite active and is part of the main line between Chicago and Minneapolis. Cargo transported via the C & NW line in 1993 included coal, agricultural commodities, automotive, steel and consumer products. The line is also used for railroad's expanding double-stacked inter modal service. C&NW has no current plan to expand their trackage within the towns of Merton and Oconomowoc.

#### Previous Political Boundaries

Territory encompassed by this incorporation petition is drawn from the Waukesha County towns of Merton and Oconomowoc. Referring to Map 1, page 6, the border of the petitioned territory is contiguous to the east with the municipal boundary of the village of Chenequa, and to the south with the village of Nashotah and city of Delafield, and to the southwest with a small piece of the town of Summit, thence on the west by the town of Oconomowoc and the previously mentioned Okauchee Lake portions of the town of Merton, and by the town of Merton to the north and northeast.

Besides the political town, village and city boundaries, the petitioned territory also contains two lake management districts, which are described in separate SEWRPC reports: A Water Quality Management Plan for Okauchee Lake (Community Assistance Planning Report No. 53, August, 1981), and A Water Quality Management Plan for North Lake (Community Assistance Planning Report No. 54, July, 1982). The established boundaries of these lake management districts are depicted by the dashed line on Maps 2 & 3 (found previously on page 8). Like other lake management districts, district boundaries typically include only lake-front properties, and therefore deal primarily with recreation issues and remediation of in-lake water quality problems, rather than confronting nutrient, sediment loading, and other contributory watershed issues.

Because lake management districts are charged under Chapter 33, Stats., to serve as the lead agency empowered to initiate and coordinate study and management (both for in-lake water quality maintenance, including water quality and sedimentation sampling programs, precipitation and water-levels, lake freeze and thaw dates, etc., as well as for coordinated regulation of water-based recreational activities - that is, the police-power activities of incorporated and unincorporated units of government), watershed and lake management district boundaries matter. The manner in which petitioner's boundary is drawn excludes the waters of Okauchee and North Lakes, leaving regulation beyond the lakeshore bulkhead line to the towns of Oconomowoc and Merton.

Beyond the school and lake management districts, no town sanitary or other special-purpose districts exist within the territory proposed for incorporation.

#### Boundaries of School Districts

Under existing Wisconsin Statutes, boundaries of municipal governments do not affect school district boundaries. In Wisconsin, school districts are free to establish and maintain boundaries independent of residential development patterns -- the very settlement patterns which lead districts to levy taxes and authorize expenditures for teachers and facilities. Should a change in school district boundaries be desired, the affected school districts would have to jointly agree to such a change, a usually rare occurrence. If agreement could not be reached, appeal procedures specified in Chapter 117, Stats., would need to be followed.

#### Shopping, Social Customs and Community Center

##### Summary of Current Land Uses

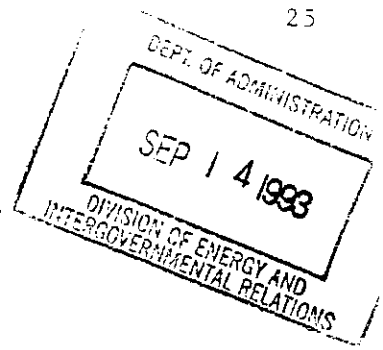
Land uses within the territory proposed for incorporation are predominately residential, with the older residences of the territory located around the shoreline of Okauchee, North and Moose Lakes. Current land uses, a listing of existing business and institutions provided by the petitioners and a map showing business location in the 'core' area are depicted on Tables 2 & 3, pages 25-30, and by Map 8, page 31, respectively. Significant agricultural uses still occur in the northern and western portion of the proposed village. A number of commercial uses, along with private and public recreational uses, are located within the proposed "core" of the Village. The southern portion of the territory is dominated by single family residences and Nashotah County Park, which extends, except for residential development along the shore of Okauchee Lake, from Okauchee Lake eastward to the Chenequa village limits.

Historic urban growth in this area can be traced primarily to the late 1800's and early 1900's, and was generally focused around the lake shores and mills built during the settlement of the area. Residential housing within the Stone Bank area is primarily detached single-family homes, with a noted exception being the Stone Bank Mobile Home Park located west of CTH "C" and south of CTH "K". The housing on the Okauchee, Moose and North Lakes ranges from smaller, seasonal cottages on small lots to upscale, estate-style homes. Little if any vacant, buildable land remains along the lakes in the area.

Since the 1970's and 80's, subsequent residential subdivisions were platted on non-lake shore tracts of farmland as they became available for sale. Some of these residential developments include: Lakewood Manor

## Table 2

Stone Bank Business, Church, and School Directory  
September 13, 1993



Carl Schurz Park  
W332 N6675 Hwy C  
Nashotah WI 53058

Type of Business: German-American Park

---

Cy Peterson & Sons Builders  
W343 N7303 North Pole Ln.  
Oconomowoc WI 53066  
966-7085

Type of Business: Builder, contractor

---

Dottie's Home Bakery & Delicatessen  
W335 N6805 Stone Bank Road  
Oconomowoc WI 53066  
966-2306

Type of Business: Groceries, gas, bakery, liquor

---

Fleming's Fire 1 Inc.  
W334 N6956 Stone Bank Road  
Oconomowoc WI 53066  
966-7633

Type of Business: Fire fighting equipment

---

Guppy's Pub  
W331 N5990 Hwy C  
Nashotah WI 53058

Type of Business: Bar

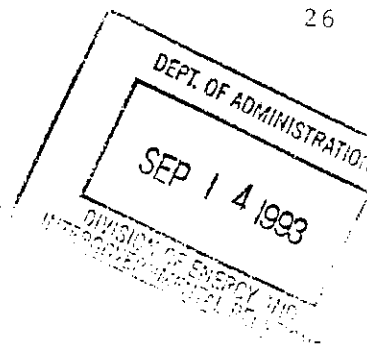
---

Hanson Heating  
N67 W33880 Loghouse Ct.  
Oconomowoc WI 53066  
966-4952

Type of Business: HVAC Contractor

---

Stone Bank Business, Church, and School Directory  
September 13, 1993



Hasslinger's Moose Lake Beach  
W330 N6209 Hasslinger Drive  
Nashotah WI 53058  
966-2823

Type of Business: Resort, Bar

---

Kettle Moraine United Presbyterian  
N66 W32690 Hwy K  
Hartland WI 53029  
966-2410

Type of Business: Church

---

Kuhtz General Store  
W335 N6939 Stone Bank Road  
Oconomowoc WI 53066  
966-2142

Type of Business: Groceries, Bar, Deli, Hardware, and just about anything

---

M & I Lake Country National Bank  
N68 W33420 Hwy K  
Oconomowoc WI 53066  
966-4991

Type of Business: Banking

---

Meat 'N' Place  
N67 W33525 Hwy K  
Oconomowoc WI 53066  
367-1288

Type of Business: Fine Dining and Bar

---

Mollgaard Real Estate  
W334 N6826 Stone Bank Road  
Oconomowoc WI 53066  
367-5015

Type of Business: Real Estate Company

---

Stone Bank Business, Church, and School Directory  
September 13, 1993

Northwest Machining & Grinding Inc.  
 N68 W33790 Hwy K  
 Oconomowoc WI 53066

Type of Business: Machine Shop

---

Okauchee Lake Resort  
 6248 Breezy Point Road  
 Oconomowoc WI 53066  
 966-3388

Type of Business: Resort, Resturant, Bar

---

Okauchee Lake Yacht Club  
 W340 N6338 Breezy Point Roac  
 Oconomowoc WI 53066  
 966-9908

Type of Business: Yacht Club, Sailing School

---

Robinson, D.G. Co., Inc  
 N67 W33499 Hwy K  
 Oconomowoc WI 53066  
 367-4000

Type of Business: Wholesale/Retail Meats

---

St. John's Lutheran Church  
 W334 N6990 Stone Bank Road  
 Oconomowoc WI 53066  
 966-2034

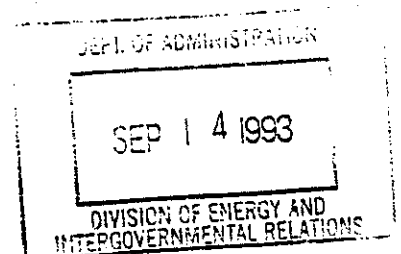
Type of Business: Lutheran Church

---

Stone Bank Auto Service  
 W332 N6795 Hwy C  
 Oconomowoc WI 53066  
 966-3737

Type of Business: Auto Repair

---



Stone Bank Business, Church, and School Directory  
September 13, 1993

Stone Bank Community Park  
W335 N6983 Stone Bank Road  
Oconomowoc WI 53066  
966-2773

Type of Business: Community Recreational Park

---

Stone Bank Elementary School  
W332 NN6786 Hwy C  
Oconomowoc WI 53066  
367-6710

Type of Business: Elementrary School

---

Stone Bank Inn  
N67 W33395 Hwy K  
Oconomowoc WI 53066  
966-7512

Type of Business: Resturant and Bar

---

Stone Bank Mobile Home Court  
N67 W33441 Hwy K  
Oconomowoc WI 53066  
966-2301

Type of Business: Mobile home court

---

Uncle Tom's Cabin  
W332 N6629 Hwy C  
Oconomowoc WI 53066  
966-7478

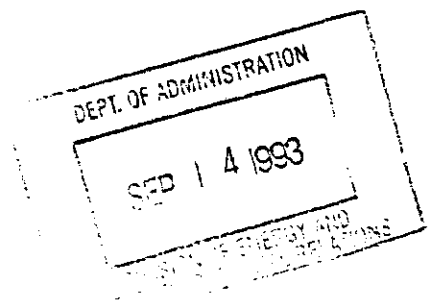
Type of Business: Bar

---

Wangerin Electric  
W332 N6315 Hwy C  
Nashotah WI 53058  
367-3519

Type of Business: Electrical Contractor

---



Stone Bank Business, Church, and School Directory  
September 13, 1993

Warga Realty  
N67 W32412 Wildwood Point Rd.  
Hartland WI 53029  
367-7000

Type of Business: Realty, advertising

---

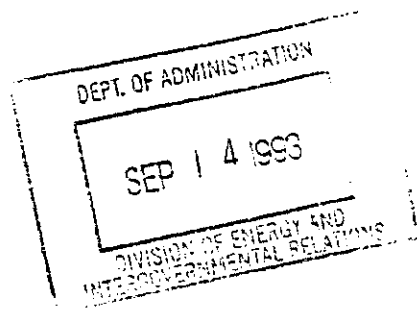


TABLE 3

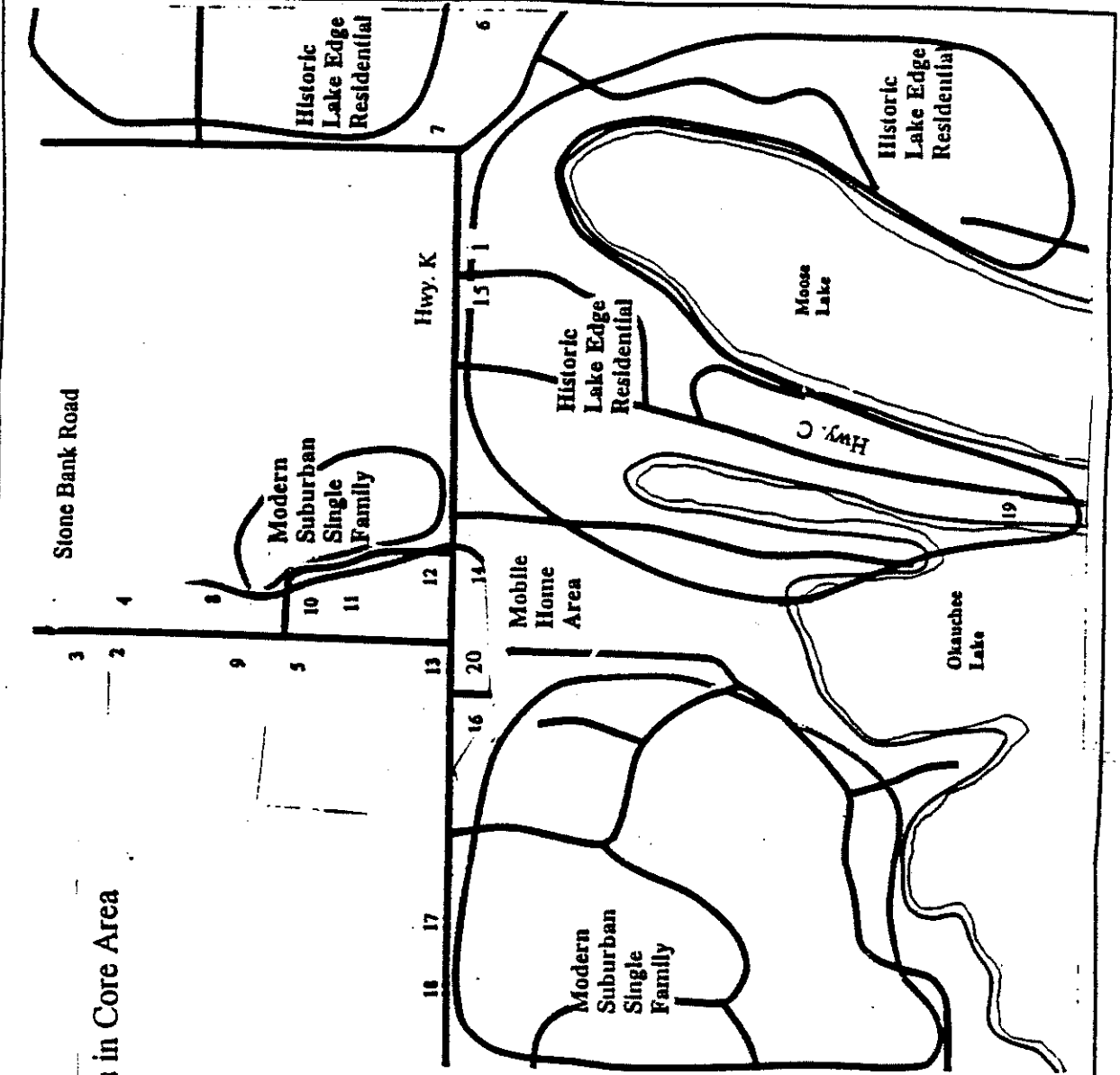
## Cumulative Land Uses Within the Proposed Village of Stone Bank 1980-90

| Existing 1980                       |               | Existing 1985                       |               | Existing 1990                       |               |
|-------------------------------------|---------------|-------------------------------------|---------------|-------------------------------------|---------------|
| <b>Urban</b>                        |               | <b>Urban</b>                        |               | <b>Urban</b>                        |               |
| <b>Residential</b>                  |               | <b>Residential</b>                  |               | <b>Residential</b>                  |               |
| SF                                  | 535.62        | SF                                  | 563.72        | SF                                  | 643.73        |
| MF                                  | 28.09         | MF                                  | 36.88         | MF                                  | 23.39         |
| parking                             | 0             | parking                             | 0             | parking                             | 0             |
| subtotal                            | 563.71        | subtotal                            | 600.6         | subtotal                            | 667.12        |
| <b>Commercial</b>                   |               | <b>Commercial</b>                   |               | <b>Commercial</b>                   |               |
| Basic                               | 12.8          | Basic                               | 12.81         | Basic                               | 12.78         |
| parking                             | 1.7           | parking                             | 1.79          | parking                             | 2.48          |
| subtotal                            | 14.5          | subtotal                            | 14.6          | subtotal                            | 15.26         |
| <b>Industrial</b>                   |               | <b>Industrial</b>                   |               | <b>Industrial</b>                   |               |
| Basic                               | 4.03          | Basic                               | 5.84          | Basic                               | 5.83          |
| parking                             | 0             | parking                             | 0             | parking                             | 0             |
| subtotal                            | 4.03          | subtotal                            | 5.84          | subtotal                            | 5.83          |
| Trans, Comms<br>& Utilities         | 211.91        | Trans, Comms<br>& Utilities         | 213.29        | Trans, Comms<br>& Utilities         | 213.36        |
| General Parking                     | 0             | General Parking                     | 0             | General Parking                     | 0             |
| <b>Government and Institutional</b> |               | <b>Government and Institutional</b> |               | <b>Government and Institutional</b> |               |
| basic                               | 11.45         | basic                               | 15.54         | basic                               | 15.55         |
| parking                             | 0.51          | parking                             | 1.48          | parking                             | 1.48          |
| subtotal                            | 11.96         | subtotal                            | 17.02         | subtotal                            | 17.03         |
| <b>Recreation</b>                   |               | <b>Recreation</b>                   |               | <b>Recreation</b>                   |               |
| basic                               | 65.19         | basic                               | 65.2          | basic                               | 64.96         |
| parking                             | 3.48          | parking                             | 3.48          | parking                             | 4.27          |
| subtotal                            | 68.67         | subtotal                            | 68.68         | subtotal                            | 69.23         |
| unused urban                        | 14.17         | unused urban                        | 12.84         | unused urban                        | 9             |
| <b>Urban subtotal</b>               | <b>888.95</b> | <b>Urban subtotal</b>               | <b>932.87</b> | <b>Urban subtotal</b>               | <b>996.83</b> |
| <b>Rural</b>                        |               | <b>Rural</b>                        |               | <b>Rural</b>                        |               |
| Agricultural                        | 1731.55       | Agricultural                        | 1721.09       | Agricultural                        | 1532.95       |
| woodland                            | 446.84        | woodland                            | 445.58        | woodland                            | 470.11        |
| wetlands                            | 230.03        | wetlands                            | 230.04        | wetlands                            | 225.13        |
| water                               | 749.21        | water                               | 749.18        | water                               | 748.08        |
| extractive                          | 0             | extractive                          | 0             | extractive                          | 0             |
| landfill                            | 0             | landfill                            | 0             | landfill                            | 0             |
| other open land                     | 227.88        | other open land                     | 195.7         | other open land                     | 301.36        |
| <b>Rural subtotal</b>               | <b>3385.5</b> | <b>Rural subtotal</b>               | <b>3341.6</b> | <b>Rural subtotal</b>               | <b>3277.6</b> |
| <b>Grand total</b>                  | <b>4274.5</b> | <b>Grand total</b>                  | <b>4274.7</b> | <b>Grand total</b>                  | <b>4274.5</b> |

Proposed Stone Bank Incorporation

Map 8 - Commercial and Institutional Locations in Core Area

1. Stone Bank Elementary School
2. Stone Bank Fire Department
3. Stone Bank Community Park
4. St. John's Evangelical Lutheran Church
5. St. John's Evangelical Lutheran Cemetary
6. Kettle Moraine Presbyterian Church
7. Kettle Moraine Presbyterian Cemetary
8. Fleming Fire
9. Kuhiz's General Store/Tap
10. Wangerin Electric
11. Molgaard Realty
12. M & I Bank Stone Bank
13. Douie's Bakery/Convenience Store (CITGO)
14. Stone Bank Inn
15. Stone Bank Auto Service
16. Meetin' Place Restaurant/Wholesale Meats
17. Headquarters Family Hair Care
18. Northwest Machining
19. Uncle Tom's Cabin Tavern
20. D.G. Robinson Meats - Distribution Center



© 1973 Wisconsin Regional Planning Commission  
 Regional Land Use Plan for Southeastern Wisconsin - 2010

© 1973 Wisniewski & Associates  
 Member of The Landmark Group  
 Madison & Milwaukee, Wisconsin

Subdivision (section 31), Stone Bank Estates (section 19) and Cedar Bay Acres (Section 30, where lots are still available) in the town of Merton; Stone Bank Highlands (section 24) and the Hueser Lands (section 25) in the town of Oconomowoc.

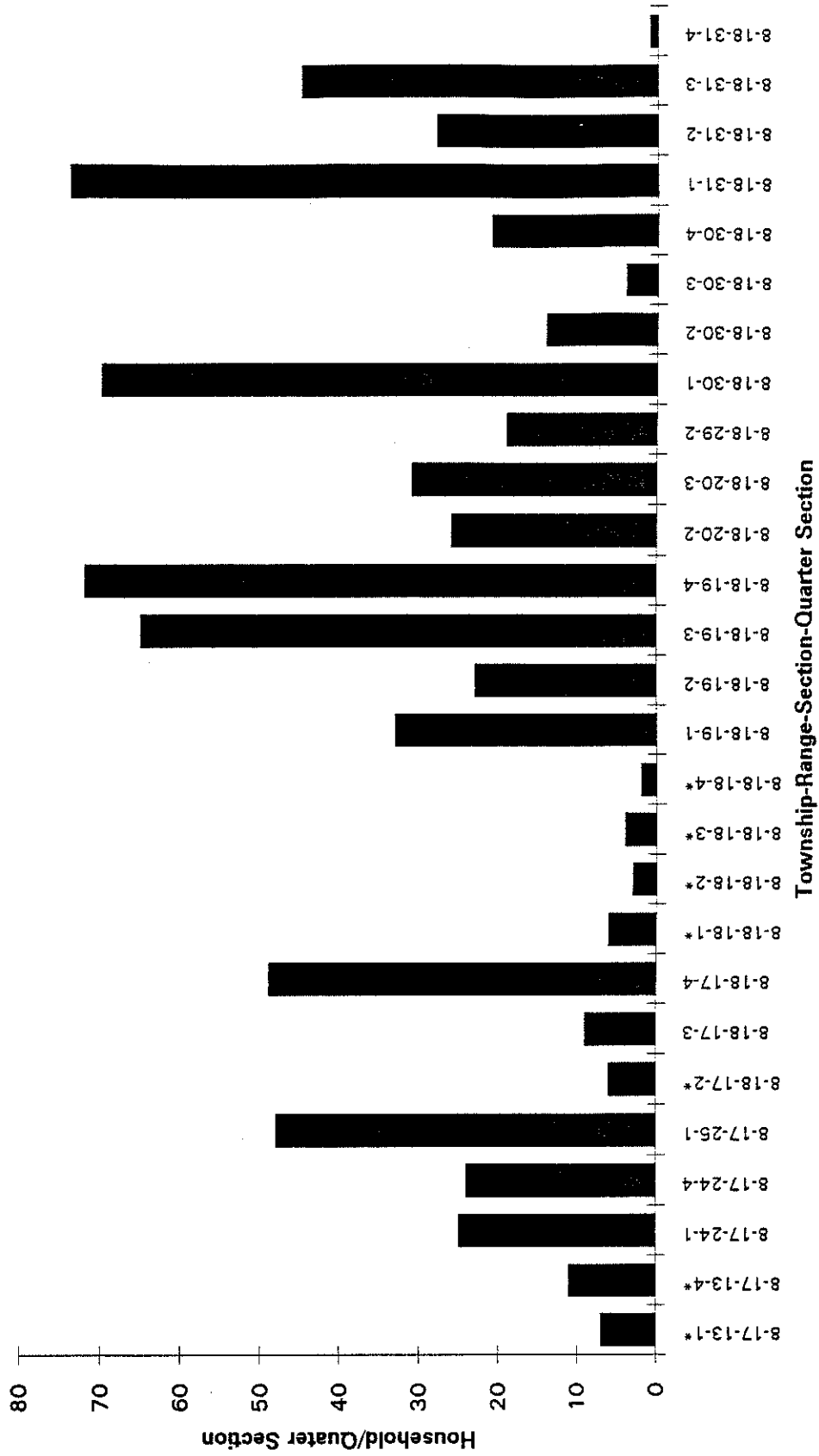
According to land use inventory information developed by the SEWRPC, single family residential homes constitute the fastest growing land use type in the area. From 1980 to 1990, over 108 acres were converted from non residential classifications. Since 1990, over 100 building permits for new single family homes have been approved just by the town of Merton. Under the provisions of the town of Merton R-1 zoning classification (2 acre lot minimum), these homes would require more than 200 acres of land (approximately 1/3 of 1 square mile). Some of these homes are currently being built in the Stone Bank region. Between 1980-90, 17 of the 28 quarter sections within the proposed incorporation boundary experienced some residential development.

In addition to the aforementioned residential development, the incorporation petition includes extensive agricultural lands within section 13, town of Oconomowoc, the NW quarter of section 17 and section 18 (except for approximately 40 acres in the southeast corner) of the town of Merton. Although arguably lying for the most part within the Okauchee Lake watershed and the Stone Bank School District, these lands, totaling approximately 1.75 square miles, detract from a finding of homogeneity. (Note: Finding is based on Land Use Data for Proposed Stone Bank Village developed by the SEWRPC, confirmed during site visits by Department staff; see Determination Record Folder "SEWRPC Data for Stone Bank".)

Intervenor's Brief in Opposition to the Incorporation Petition, pp. 3-4 cites Justice Currie's argument in In re Village of Elmwood Park, 9 Wis. 2d, 592, 600, 101 NW2d 659, 663 (1966), who notes that large areas of agricultural lands not needed for expansion of a proposed municipality should not be included within the boundaries of the municipality. The Department concurs; to include these lands would only continue to encourage dispersed residential development beyond the core of Stone Bank, despite being discouraged by adopted regional and county land use plan policies which attempt to discourage development not served by public sewer and water, and encourage the preservation of prime farmland.

The previous Table 3 and Map 5 illustrate this territory, as well as the town islands and other territory under criteria "Natural Boundaries" and "Previous Political Boundaries" recommended to be addressed by the petitioners. Removing the denoted quarter-sections illustrated by the following bar graph, Graph 1, and discounting those quarter-sections containing environmental corridors, wetlands, water bodies

**Graph 1**  
**Households per Quarter Section For the Proposed Village of Stone Bank**  
**1985**



\* Quarter sections suggested for removal from proposed territory.  
 Data Source: SEWRPC

and parks, significantly reduces the disparity in number of households contained in one quarter section to the next. For remaining quarter-sections, disparity in household size can be accounted for by changes in platting patterns, taste and preferences as one moves away from the lakeshore to platted subdivisions. The following Tables 4a and 4b summarize the distribution of land use classes using 1990 SEWRPC information, and portray percentage allocations by land use type for the territory proposed for incorporation, as well as the consequence of removing agricultural lands on the petitioners and the towns of Oconomowoc and Merton, as recommended by the Department. Table 4a and 4b illustrate how the resulting allocation of land use classes compares to the affected towns and adjacent incorporated municipalities. The inference to be drawn from these tables is that removing excess agricultural lands from the Stone Bank petition causes the array of land use types to begin to more nearly resemble the land use distributions found in nearby municipalities, particularly for the "residential" category.

#### *Churches*

The proposed village area includes two churches within its proposed boundaries--St. John's Evangelical Lutheran Church on Stone Bank Road and Stone Bank Presbyterian Church on the corner of CTH "C" and "K", located in the proposed "core area". Staff at St. John's estimates that 75% of parishioners are from the generalized Stone Bank region. Stone Bank makes up approximately 40% of Stone Bank Presbyterian Church's attendees as well. Churches of other denominations are found in both incorporated and unincorporated areas in the surrounding region.

#### *Schools*

Although the Department earlier stated that *boundaries* of school districts, because of the inability of municipalities to affect their designation, do not matter per se, the schools themselves nevertheless constitute activity and social nodes binding families together who live within the district, and therefore the presence or absence of a school does contribute to the quality and extent of whatever social cohesion may be present.

Stone Bank Grade School is located within the center of the proposed territory, at the intersection of CTH "C" and "K". The school has an enrollment of 264 K-8th grade students, the majority of which live in the proposed village (School Facilities Report, Arrowhead School District, and information from petitioners). Territory to the north extending beyond the petitioner's boundary to the county line, as well as portions of the village of Chenequa are also served by Stone Bank School (refer to following Map 9, page 37).

**Table 4a**  
**Proposed Incorporation of Stone Bank**  
**Generalized Land Use Comparison**

**1990\*\***

| <i>Existing Land Use<br/>1990 (percentages)</i> | Proposed V.<br>Stone Bank | T. Merton<br>Remainder | T. Ocon.<br>Remainder | Proposed V.<br>Stone Bank* | T. Merton<br>Remainder* | T. Ocon.<br>Remainder* |
|---|---------------------------|------------------------|-----------------------|----------------------------|-------------------------|------------------------|
| <b>Urban</b>                                    | <b>23.32%</b>             | <b>16.89%</b>          | <b>14.69%</b>         | <b>30.89%</b>              | <b>16.03%</b>           | <b>14.59%</b>          |
| Residential                                     | 15.61%                    | 10.33%                 | 8.40%                 | 21.36%                     | 9.81%                   | 8.42%                  |
| Commercial                                      | 0.36%                     | 0.18%                  | 0.27%                 | 0.49%                      | 0.17%                   | 0.27%                  |
| Industrial                                      | 0.14%                     | 0.13%                  | 0.18%                 | 0.19%                      | 0.12%                   | 0.18%                  |
| Trans, Comms. & Utilities                       | 4.99%                     | 4.27%                  | 3.94%                 | 6.83%                      | 4.05%                   | 3.88%                  |
| Government and Institutional                    | 0.40%                     | 0.93%                  | 0.25%                 | 0.55%                      | 0.88%                   | 0.25%                  |
| Recreation                                      | 1.62%                     | 0.97%                  | 1.44%                 | 2.22%                      | 0.92%                   | 1.42%                  |
| unused urban                                    | 0.21%                     | 0.08%                  | 0.19%                 | 0.29%                      | 0.08%                   | 0.19%                  |
| <b>Rural</b>                                    | <b>76.68%</b>             | <b>83.11%</b>          | <b>85.32%</b>         | <b>69.07%</b>              | <b>83.97%</b>           | <b>85.41%</b>          |
| Agricultural                                    | 35.86%                    | 53.48%                 | 55.87%                | 13.19%                     | 55.84%                  | 56.46%                 |
| woodland  | 11.00%                    | 10.50%                 | 2.83%                 | 15.05%                     | 9.96%                   | 2.78%                  |
| wetlands  | 5.27%                     | 6.91%                  | 13.90%                | 7.21%                      | 6.56%                   | 13.67%                 |
| water   | 17.50%                    | 6.57%                  | 10.24%                | 23.95%                     | 6.23%                   | 10.06%                 |
| extractive                                      | 0.00%                     | 0.95%                  | 0.48%                 | 0.00%                      | 0.90%                   | 0.48%                  |
| landfill  | 0.00%                     | 0.01%                  | 0.00%                 | 0.00%                      | 0.01%                   | 0.00%                  |
| other open land                                 | 7.05%                     | 4.70%                  | 1.99%                 | 9.65%                      | 4.46%                   | 1.96%                  |

\* Calculations account for exchange of territory as recommended by the Department

\*\* Source: SEWRPC quarter section estimates

**Table 4b**  
**Proposed Incorporation of Stone Bank**  
**Generalized Land Use Comparison**

1990\*\*

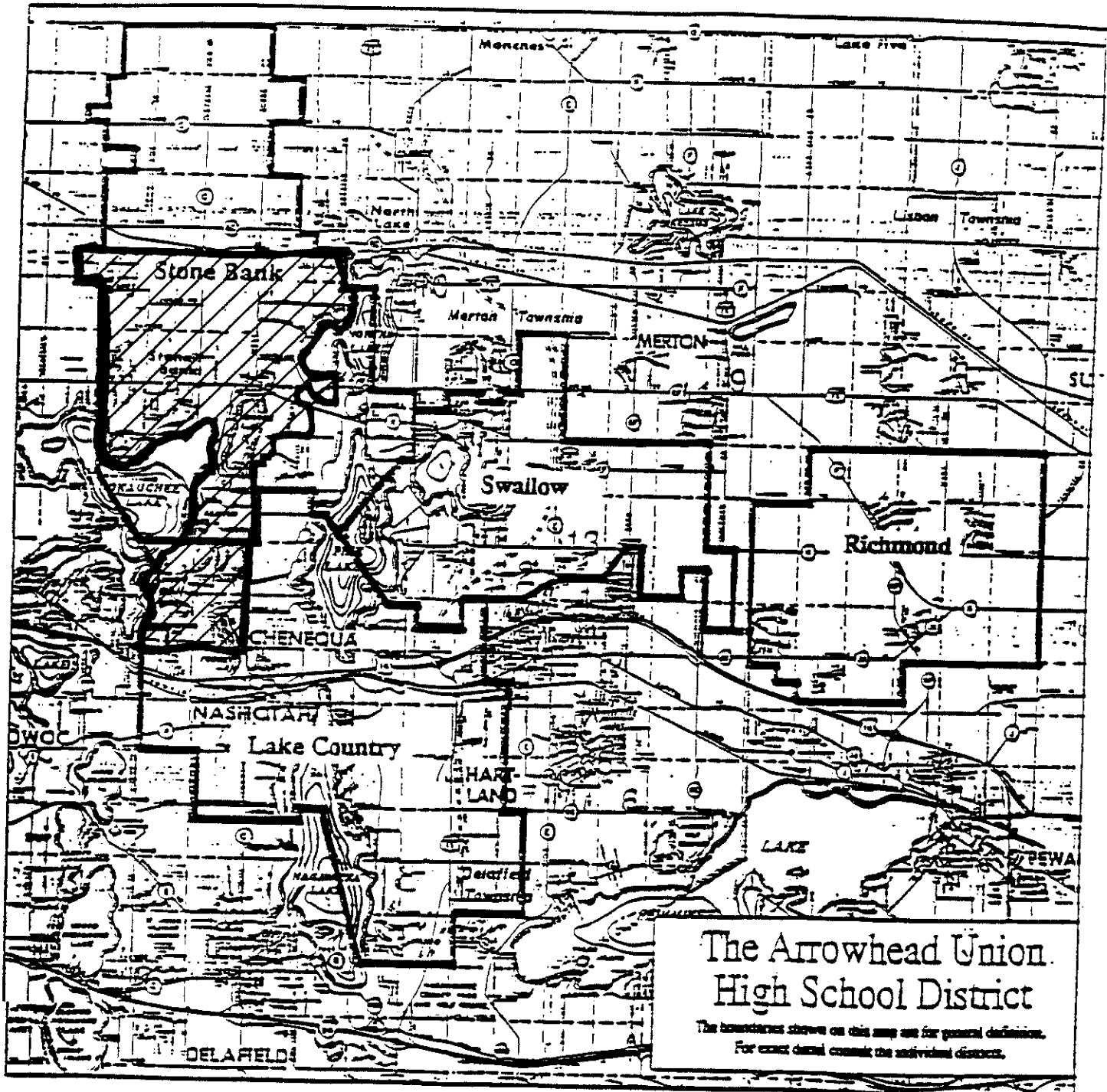
| Existing Land Use<br>1990 (percentages) | Proposed V.<br>Stone Bank* |               |               |               |               |               |
|---|----------------------------|---------------|---------------|---------------|---------------|---------------|
|   | V. Chenequa                | V. Hartland   | V. Merton     | V. Nashotah   | C. Delafield  | C. Oconomowoc |
| <b>Urban</b>                            | <b>30.89%</b>              | <b>57.94%</b> | <b>27.73%</b> | <b>30.92%</b> | <b>33.68%</b> | <b>55.79%</b> |
| Residential                             | 21.36%                     | 27.63%        | 18.69%        | 16.99%        | 18.28%        | 26.28%        |
| Commercial                              | 0.49%                      | 3.03%         | 0.49%         | 0.82%         | 1.04%         | 3.39%         |
| Industrial                              | 0.19%                      | 3.47%         | 0.89%         | 0.94%         | 0.48%         | 2.07%         |
| Trans, Comms. & Utilities               | 6.83%                      | 13.45%        | 5.28%         | 11.21%        | 7.80%         | 11.33%        |
| Government and Institutional            | 0.55%                      | 3.27%         | 1.71%         | 0.45%         | 1.77%         | 3.85%         |
| Recreation                              | 2.22%                      | 2.27%         | 0.68%         | 0.36%         | 3.42%         | 7.00%         |
| unused urban                            | 0.29%                      | 4.82%         | 0.00%         | 0.17%         | 0.88%         | 2.47%         |
| <b>Rural</b>                            | <b>69.07%</b>              | <b>42.06%</b> | <b>72.27%</b> | <b>69.08%</b> | <b>66.32%</b> | <b>44.21%</b> |
| Agricultural                            | 13.19%                     | 9.78%         | 61.41%        | 38.29%        | 26.24%        | 20.16%        |
| woodland                                | 15.05%                     | 6.00%         | 4.65%         | 8.97%         | 13.12%        | 2.26%         |
| wetlands                                | 7.21%                      | 1.22%         | 2.89%         | 3.93%         | 3.85%         | 6.95%         |
| water                                   | 23.95%                     | 24.71%        | 1.17%         | 4.97%         | 14.50%        | 9.24%         |
| extractive                              | 0.00%                      | 0.00%         | 0.00%         | 1.69%         | 0.18%         | 0.27%         |
| landfill                                | 0.00%                      | 0.00%         | 0.00%         | 0.00%         | 0.00%         | 0.00%         |
| other open land                         | 9.65%                      | 13.69%        | 2.16%         | 11.23%        | 8.42%         | 5.33%         |

\* Calculations account for exchange of territory as recommended by the Department

\*\* Data Source: SEWRPC quarter section estimates

LONG-TERM EDUCATIONAL FACILITIES REPORT - MIDDLE SCHOOL LEVEL

Map 9



- District Boundaries
- /// Proposed Village Boundaries

Source: Hammel Green and Abrahamson, Inc. Scale: 1"=7265 feet

Stone Bank Grade school has a gymnasium and stage used for school and community functions, as well as a playground. Petitioners have indicated that the gym is also used for area meetings, public hearings and recreational sports leagues (basketball and volley ball) throughout the year. The school is approaching capacity (it was expanded in 1988) and the Stone Bank school board is discussing expansion alternatives (additional information on area schools can be found beginning on page 47 of the Department's Environmental Assessment on the incorporation of Stone Bank).

#### *Designated Parks*

Both public and private parks are found within the proposed village area, see following Map 10, page 39. (Department staff field observations, October, 1993.)

Public Parks include:

- Nashotah Park (Waukesha Park and Planning), 444 acres (on CTH "C")

Private parks/lake access/recreational areas include:

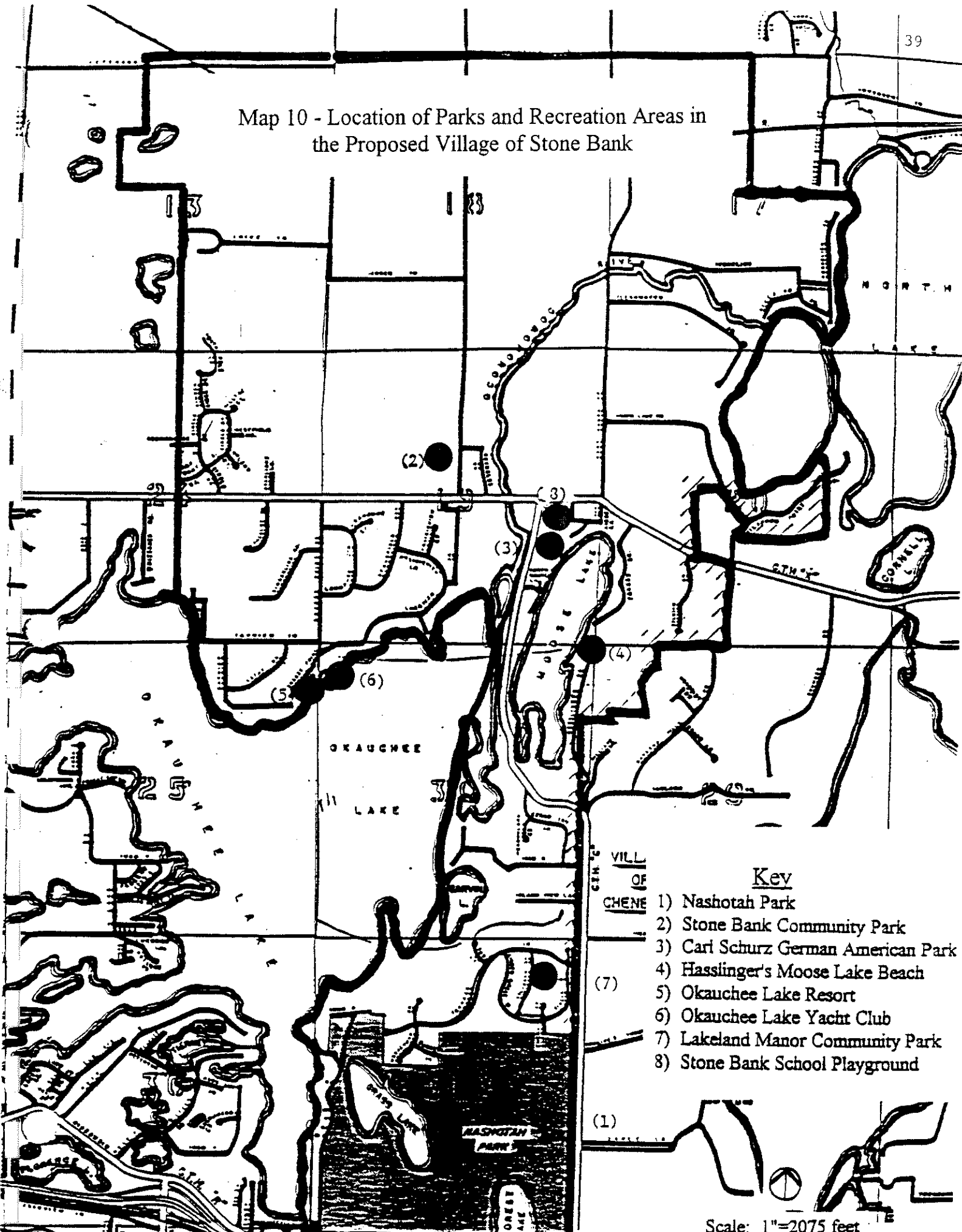
- Stone Bank Community Park, a quasi-public park maintained by the Stone Bank Volunteer Fire Department, located on Stone Bank Road.
- Carl Schurz German-American Park, a members-only park located on Moose Lake.
- Hasslinger's Moose Lake Beach
- Okauchee Lake Resort
- Okauchee Lake Yacht Club
- Lakeland Manor Community Park
- Stone Bank School Playground

#### *Commercial Enterprises*

The proposed village contains a variety of commercial facilities varying from a large scale meat distribution center to single-employee cottage industries. One is able to purchase such necessities as bread, milk, fresh meats, gas, clothing, toiletries, and very basic hardware and medical supplies. There is a branch bank, a general store, and a bakery/convenience store/gas station within the village core area in addition to other businesses, both seasonal and year round (Table 2, page 25 and Map 8, page 31). Although there has been little or no increase in commercial land uses in the proposed territory over the last ten years, existing business structures appear to be maintained in good repair.

The Stone Bank area is not unlike most other regions in Waukesha County when it comes to shopping patterns. Not surprisingly, it was clear from citizen testimony at the hearing that most residents utilize one of the many community strip and large-scale regional malls and outlet centers that now exist in Brookfield, Oconomowoc, Delafield, Waukesha and in some cases Milwaukee, for their planned

Map 10 - Location of Parks and Recreation Areas in the Proposed Village of Stone Bank



- Key**
- 1) Nashotah Park
  - 2) Stone Bank Community Park
  - 3) Carl Schurz German American Park
  - 4) Hasslinger's Moose Lake Beach
  - 5) Okauchee Lake Resort
  - 6) Okauchee Lake Yacht Club
  - 7) Lakeland Manor Community Park
  - 8) Stone Bank School Playground

Scale: 1"=2075 feet

shopping excursions. However, basic food and home needs are available within the proposed boundaries of the village and must be utilized for unplanned stops, last minute needs and emergencies.

Although residents testified during the Department's public hearing as well as following the release of the Environmental Assessment that they do not utilize the businesses of Stone Bank, these smaller stores and enterprises nevertheless remain viable and indicate a latent demand for services, despite the ever increasing concentration of numerous shopping opportunities located south and west of the periphery of the Stone Bank area.

#### *Community Center Requirement*

Intervenor's involved in this incorporation contend that the Stone Bank area lacks a reasonably developed community center, basing their reasoning on lack of a "...concentration of activity indicative of a compact, incorporated jurisdiction....", less development than exists in core areas of neighboring incorporated and unincorporated hamlets, and failure to provide specific shopping facilities based on central place theory (Departmental Hearing Exhibit 6, and Intervenor's "Brief in Opposition").

Analysis of past incorporation determinations written by successive Department staff responsible for the incorporation function suggests the elements needed to meet this standard. These elements overlap with shopping and social customs because of the nature of community situs and structural relationships, relationships which give meaning to the physical and social nature of a community center. In past determinations, the following comments have been used to characterize this requirement:

- Presence of a shopping area which can satisfy the daily needs of its residents despite the close proximity of nearby shopping establishments;
- It is not mandatory that all services be available or that each petitioned territory maintain a postal station or telephone exchange strictly within its boundaries in order to fulfill the statutory requirements;
- The critical issue is the existence of retail facilities and services, not necessarily their size;
- Every *true village* would have its own custom of shopping within its boundaries for basic necessities.
- That there be community-wide organizations with the potential to serve as a focus or to contribute to the social identity of the area.

- Social activities centered around churches found in the proposed villages were specifically noted as evidence of a sense of community identity (Hewitt, 1973; Newburg, 1973). In other determinations (Rockfield, 1964; Fitchburg, 1982), failure to have a continuously operating church was found to suggest that religious and social activities took place elsewhere.
- The commercial center can be small, as noted in Chain O'Lakes, but it must be present and viable, and be able to meet the day-to-day needs of the majority of the residents in an isolated (non-metro) community.
- All past isolated areas that met the standards for homogeneity/ compactness and community center included a village center area which contained most or all of the following: post office, bank, church(es), commercial establishments, including grocery stores, restaurants, or gasoline service stations. These establishments, along with professional services, appeared to be the most critical in terms of whether a real community center existed in the area. If all of the establishments were not specifically listed in the determination as present in the community center, the determination indicated that the "community itself is sufficiently developed to supply daily necessities" (Oakdale, 1986), or that it serves as a service and social center for the surrounding area (Potter, 1982; Arpin, 1978; Nelson, 1978; Crivitz, 1974).
- Failure to provide day-to-day needs and a year-round focus of community-wide activity was considered determinative.

The preceding Map 8, page 31, a copy of Map 6 from Hearing Exhibit 6, "Impact of Incorporation: Proposed Village of Stone Bank", characterizes the nature of the community center. Although this exhibit was intended to illustrate why the petitioners fail to meet Standard 1(a), it nevertheless suggests the opposite as it points out the various components of what the Department believes to constitute a minimally-valid statutory community center.

The difficulty in using central place theory, which the intervenors would have the Department apply instead of the statutory criteria, are the questions attendant to its application: Are community situs and structural relationships (terms from the discipline of real estate and urban land economics) implied by central place theory intended to take place within a single jurisdiction? On that score, the answer from the perspective of urban land economics would probably be no.

The varied nature of statutory and legislative requirements

and historic antecedents of Wisconsin municipalities combined with the apparently frictionless space brought about by current transportation and communication networks, varied tax rates and intensity (or lack thereof) of land use controls at all governmental levels, serve to mitigate if not negate the easy application of such theoretical constructs - constructs which assume economizing land use location, rational decision making, and a minimization of negative externalities and dysfunctional relationships between land use classes. In truth, through advances in technology, public land use policy and law, Wisconsin long ago departed from the "natural" theoretical conditions of market behavior in determining and explaining location, by adopting public policies and funding mechanisms which interfere with the easy application of central place theory.

The challenge for the Department in this area is how best to determine whether threshold statutory criteria are currently met in the context of previous determinations and judicial opinions, while nevertheless considering academic theory.

#### *Social Customs*

Petitioners supplied the Department with two documents attesting to recent (within the last few years) activities: The dedication program for the 1840 Stone Bank historical marker (dated August 1, 1993), and a second Waukesha County Historical Society, Inc., publication entitled "The Village of Stone Bank: 1840-1990." The Lutheran and Presbyterian Churches (mentioned previously on page 34), Stone Bank Lions (sponsors of Little League teams, 4th of July picnics and other events), Stone Bank Fire Department (initiator of Firemen's Park), Homemakers and Senior Citizens Clubs, and Stone Bank School in combination create a sense of long-term identity and community focus for the area.

In past determinations, social activities centered around the churches found in the proposed villages were specifically noted as evidence of a sense of community identity (Hewitt, 1973; Newburg, 1973). In other determinations (Rockfield, 1964), failure to have a continuously operating church was found to suggest that religious and social activities took place elsewhere (Fitchburg, 1982) and were determinative. Intervenor contend that nothing exists outside of the lakes, that the same circumstances the Department characterized in Delavan (1989) are present in Stone Bank. If the lakes were the only homogenous quality of the area, as argued by the intervenors, it would seem logical to expect that fact to be reflected by the various community and social organizations. It is important to note that none of these organizations (identified by the petitioners or intervenors) reference Okauchee, Moose or North Lake as the primary basis for their existence.

The essential difference between the Delavan and Stone Bank petitions are the churches, the school, the activities which though minimal, can nevertheless be said to involve the entire community (Lakeland Manor Subdivision's protests to the contrary notwithstanding). Stone Bank physically has the potential to be, if it doesn't already physically function as, one community, whereas Delavan included separate enclaves or neighborhoods located around periphery of Delavan Lake, widely separated by distances measured in miles. In the case of Delavan, the Department looked for social, religious and educational linkages enumerated in standard 1(a), and found them either lacking or insufficient, except for the enumerated festivals put on as much for the summer- and winter-part-time residents as for the year-around population.

#### DETERMINATION

##### Natural Boundaries, Natural Drainage Basins, Soil Conditions

As previously described and analyzed, the boundaries selected for this incorporation petition largely correspond to natural attributes of the area which are not already part of other incorporated units of government, and would not appear to negatively affect the composition of species and their current habitat requirements as defined by the Wisconsin DNR.

However the incorporation petition boundary as described cuts off and isolates, in three separate pieces, approximately one square mile of Okauchee Lake within the town of Merton. The largest isolated segment lies south of the community center area and west of Moose Lake, the other two segments constitute very small areas lying due west of Nashotah County Park. Although these areas are water, they nonetheless form town islands, which if created by annexation, are prohibited by s. 66.021(15), Stats., as further interpreted by the Wisconsin Court of Appeals in Town of Sheboygan v. City of Sheboygan, 168 Wis 2d 268, and in Town of Hallie v. City of Eau Claire, 176 Wis. 2d 391. These cases are considered germane because they deal with the issue of irregular boundaries, a topic subsumed by incorporation criterion s. 66.016 (1) (a), Stats.

The presence of these water islands creates practical shoreland management problems by separating the regulation of land use from the adjoining water bodies. Because of the split land-water jurisdictions, the issue of fairness arises regarding regulation of boating and water quality issues, as they relate to general shoreland issues, including recreational activity sites essential to the quality of life of the area, thereby making regulation more problematic as the town retains police power authority over water-based activities, but not over related contributory activities occurring on the adjoining shoreline which would be the

regulatory responsibility of the proposed village.

Municipal boundaries should logically contain the territory necessary for the efficient and economic solution of problems facing the affected residents. Placing the municipal boundary at the lake edge (while easing the difficulty of drafting a legal description) unnecessarily complicates management and regulation of the very resource which caused residents to locate within the community. Therefore the present location of the boundary fails to meet the standard (1) (a), because of this arbitrary separation and isolation, which also places an additional burden upon the town by prospectively causing it to interact with and contribute financially to a lake management committee when no remaining territory under the town's jurisdiction would border Okauchee Lake.

Because the Department is granted the option by s. 66.014 (9) (e), Stats., of recommending an alternative boundary, the following paragraphs in addition to the agricultural lands previously discussed on pages 32-34, continuing on page 49, along with Map 11, page 46, and Appendix 1 attached to this determination, describe the Department's recommendation.

#### *Okauchee Lake*

The Department recommends a boundary change involving Okauchee Lake utilizing existing section and quarter section lines to simplify the description process. Using the northerly right of way of Road "N", projected westerly to the Town of Merton boundary of section 31 as point of beginning, the new boundary could extend north along the west line of section 31 to the intersection with the south west corner of section 30, all in the town of Merton; thence moving N 45'00" W to the centroid of section 25, town of Oconomowoc; thence due north along the west line of the NE quarter of section 25, and the SE one-quarter of section 24, connecting thereafter with the petitioners original boundary (which corresponds with the existing Hartland/Stone Bank School District boundary).

This configuration (represented as diagonal lines on Map 11, page 46) would remove the isolated town territory created by the originally proposed boundaries and bring part of Okauchee Lake within the jurisdiction of a proposed village, thereby enabling a village board and residents of the proposed village the option of participating in the regulation of waters adjacent to lake shore property within the village. The Okauchee Lake Management district, an autonomous special purpose district, would continue to use two units of local government as clearinghouses for collection of their fees. This change should not materially affect the operation of the district.

### *North Lake*

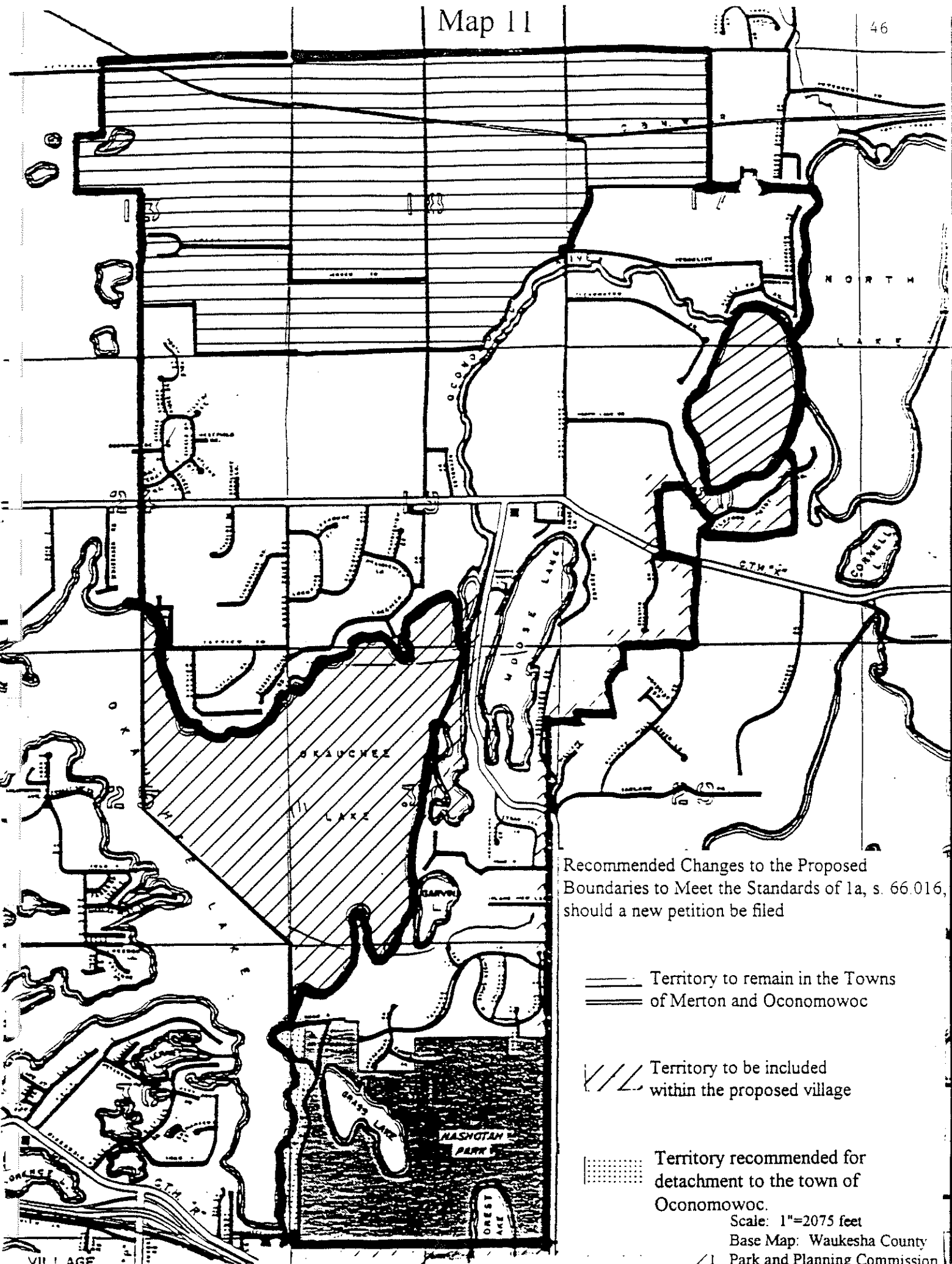
As previously noted, the proposed boundary along North Lake presents a similar separation of developable parcels from the lake itself. As currently petitioned, the proposed village would have no obligation to utilize police power authority for lake regulation and patrol purposes. However, the situation on North Lake differs from Okauchee Lake in that town of Merton has considerable frontage along North Lake remaining within its jurisdiction. And, the Village of Chenequa has an existing lakeshore boundary similar to that of the proposed village. Despite these factors, a lake management district has been successfully maintained.

Special purpose lake management districts are designed to encompass an area having a unique interest in the preservation of a water body, and to propose and implement activities above and beyond what the local units of government are willing or able to address. The town of Merton has acted merely as a clearinghouse for lake management district funds and has provided minimal payment to a third party for patrol purposes. However, leaving the proposed village no obligation to participate in the regulation of North Lake creates an uncertainty that could lead to intergovernmental problems in the future.

An alternative boundary could result from extending the proposed boundary along the southeast shore of the "little lake" northeast along the ordinary high water mark contiguous with the current boundary of the village of Chenequa, then north across North Lake (using the existing sand bar as a guide) to the Reddelien Beach area, thereafter continuing as proposed. This alteration would bring the "little lake" section of North Lake into the proposed village by utilizing an existing natural boundary, thus enabling village participation in the regulation of North Lake. This recommended boundary change would also give one local unit of government the opportunity to address those issues that may only pertain to the "little lake" section of North Lake and bring the entire drainage area of the 'little lake' under one jurisdiction. The lake management district, its boundaries unaffected by this change, could continue to address issues affecting all of North Lake.

### Transportation Facilities

A combination of county trunk highways, local and mill tax roads serve to tie the territory together as homogeneous whole, with one exception: The exception being local roads "O" and "N" in the southwest area of the petition. Lakeside homes lying within the petition are only accessible via CTH "R" in the town of Summit, which intersects with "C" in the Village of Nashotah and City of Delafield. Under the previous heading "Natural Boundaries, Natural Drainage Basins, Soil Conditions," the Department found that the



Recommended Changes to the Proposed Boundaries to Meet the Standards of 1a, s. 66.016, should a new petition be filed

—— Territory to remain in the Towns of Merton and Oconomowoc

/// Territory to be included within the proposed village

..... Territory recommended for detachment to the town of Oconomowoc.

Scale: 1"=2075 feet  
Base Map: Waukesha County

✓ Park and Planning Commission

VILLAGE

12

7

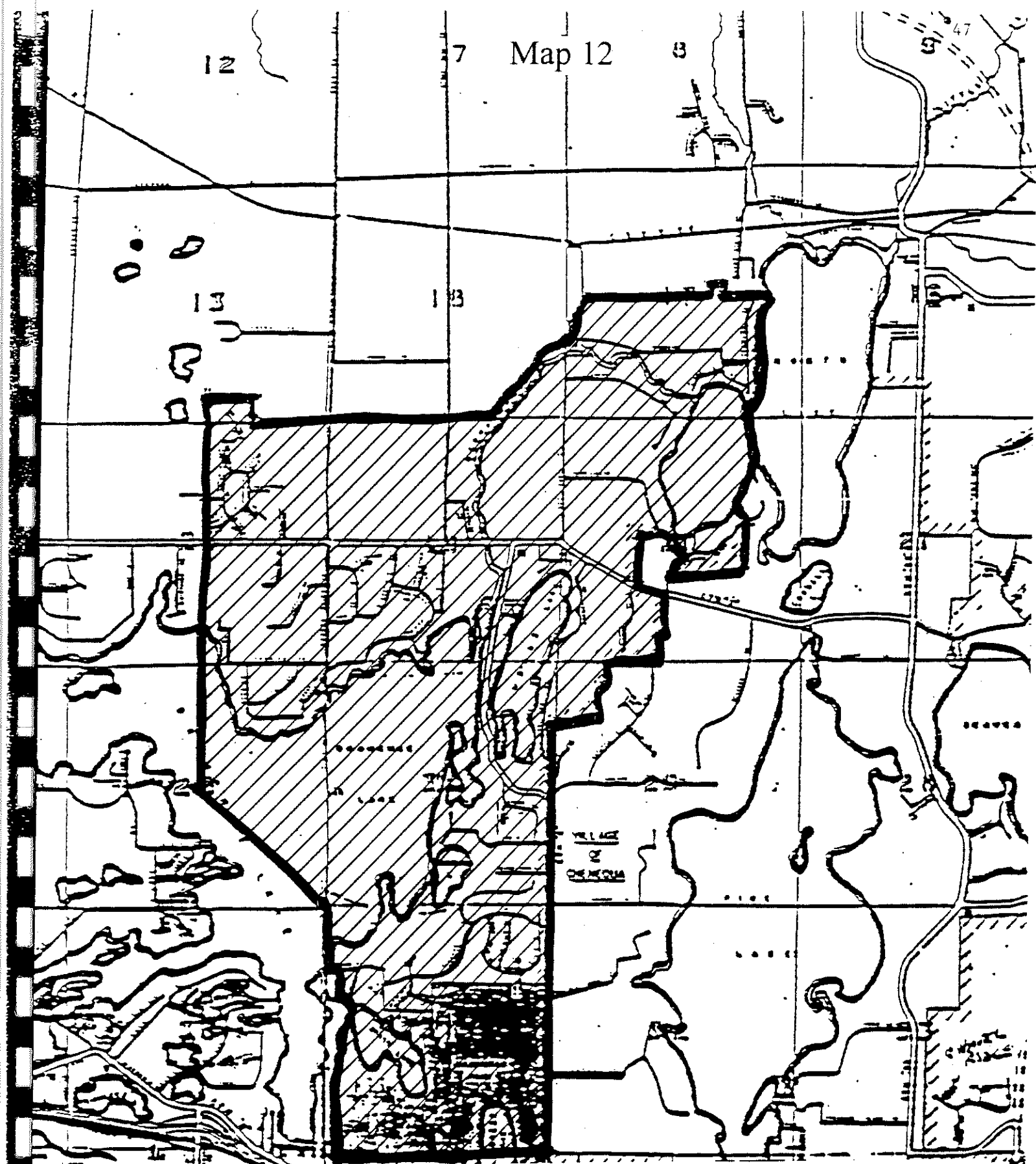
# Map 12

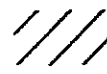
8

9 47

14

13




 Proposed village territory as recommended by the Department to meet Standard 1(a) of s. 66.016, Stats.

Scale: 1"=2640 feet or .5 miles

petition as drawn fails to meet standard 1(a), but were it to be re-drawn so as to physically exclude this area lying due west of Nashotah Park by transferring jurisdiction to the town of Oconomowoc, that the remaining contributing facts under the heading Transportation Facilities would meet the standard for homogeneity and compactness. This issue is discussed in greater detail under the following heading Previous Political Boundaries.

Previous political boundaries

The southern 1/2 of this petition logically includes the remaining unincorporated area of the town of Merton lying north of the village of Nashotah and city of Delafield, and between Okauchee Lake and the village of Chenequa.

Although the north half of section 31 (mainly the Lakeland Manor Subdivision) lies in the Lake Country Elementary District (still part of the Arrowhead Union District), the style of housing development and surrounding physical characteristics indicate a much stronger, homogenous relationship to Stone Bank than to either Nashotah or Chenequa. The existing pattern of moderately sized lots set back from the lake begins with this portion of section 31. Aerial photos reveal that this residential platting scheme continues as one moves north. Building permit information and new construction in the area illustrate the further continuation of this land use pattern.

As previously discussed under Transportation Facilities, the town has preliminary plans to connect Lakeland Manor subdivision to Island View Drive with the Cedar Bay Acres South subdivision in section 30. In other directions, the southern portion Lakeland Manor Subdivision is separated from Nashotah by the county park and limited-access STH "16". Chenequa's deliberately undeveloped quarter-mile buffer along Hwy. C, and its historic policy of not annexing anything beyond its boundaries, reflects the lack of homogeneity of Lakeland Manor Subdivision with any area but Stone Bank. The Department recognizes that residents of Lakeland Manor Subdivision may feel otherwise, which is an issue residents are entitled to voice their opinion about should this petition be refiled and a referendum election ordered by the Circuit Court.

None of the aforementioned incorporated entities have annexed into, or expressed any interest in annexation of this territory, nor expressed official municipal interest in participating in this incorporation proceeding, either by passing a resolution expressing a willingness to annex the territory, or by responding to the Department's inquiries.

Further substantiation of the Department's recommendation that those residents served by Roads "O" and "N" be detached can be found in the 1977 petition to incorporate filed by residents of

the unincorporated hamlet of Okauchee, a petition which included territory within the proposed Stone Bank petition. Following a court order, the Department of Local Affairs and Development (later renamed the Department of Development where the incorporation review function was housed until transferred to the Department of Administration in 1991) reviewed the petition and on December 5, 1977, determined that this petition met the standards for incorporation set forth in s. 66.016, Stats. Following a referendum election, the incorporation option was rejected by the electors.

The current Stone Bank petition includes small parts of Okauchee Bay and towns of Merton and Oconomowoc residents residing between the bay and the westerly right-of-way line of roads O and N. Because this area, as previously mentioned, is only accessible from the town of Summit, fronts on the bay, and is physically homogenous with the unincorporated hamlet of Okauchee, it should not be included within this petition.

A potential solution to this issue was recently repealed by enactment of the Town Parity Act (effective January 1, 1995), eliminating the ability of the petitioners to address this issue before filing a subsequent petition. After January 1, 1995, county boards will no longer exercise authority under s. 59.07(22), Stats. (wherein counties are empowered to address town boundary issues). And, no statutory authority apart from this section exists permitting towns on their own motion to exchange lands.

The only apparent remedy to this problem would be for the petitioners (if the court directs a revised petition to be submitted which addresses the other boundary issues raised by the Department) to include this territory along with the segments of the Okauchee Bay shoreline projecting westerly into the town of Oconomowoc as well as those Okauchee Bay segments lying in the town of Merton, and then use s. 66.022, Stats., should an incorporation referendum be ordered by the court, to then detach this territory (including town of Merton territory remaining on Okauchee Lake) to the town of Oconomowoc. The detachment process also requires a town board to pass an ordinance accepting lands detached from a contiguous municipality. If a town refuses to accept the territory, then detachment is not a possibility and these lands including portions of Okauchee Lake currently lying within section 31, town of Merton, would remain part of the proposed village. Should this procedure fail, neither the proposed village nor the town of Oconomowoc would ever be precluded from revisiting this issue at some future date.

#### *Agricultural Lands*

The northern 1/2 of the incorporation petition includes lands lying approximately in the eastern 1/2 of section 13, town of Oconomowoc, and the northwest one-quarter of section 17, as

well as section 18 lying north and west from the Oconomowoc River environmental corridor, town of Merton, as previously shown on Map 11, page 46. These lands have agricultural characteristics and lack settlement patterns which detract from the homogeneity and compactness criterion.

An alternative northern boundary of the proposed village, one that leaves the large tracts of agricultural land in the towns of Merton and Oconomowoc, is shown on Map 11, page 46. A new boundary could commence in a counter-clockwise manner starting from the southwest corner of the Talbot property, running due west to the easterly right of way of West Shore Road (along the quarter section line of section 17 and the existing north line of the Froebel-Taylor property).

The boundary would then follow along the east right-of-way of West Shore Road, crossing West Shore Road at the intersection of Reddelien and West Shore Roads, thence continuing along the westerly right of way to the banks of the Oconomowoc River, continuing along the 300-foot set-back line of the north-west bank of the river (keeping the entire environmental corridor within one jurisdiction) until meeting the south line of section 18, town of Merton). Thence following the south line of section 18 extending westerly into the town of Oconomowoc along the south line of section 13. The boundary would then shift due north 1,000 feet approximately 1,000 feet east from the midpoint of the south line of section 13 to encompass the road and structures that extend north from the Stone Bank Highlands (North Pole Lane), thence 1,000 feet west intersecting with the west line of the SE quarter of section 13 and the originally proposed boundary. At that point the boundary continues south as originally proposed towards Okauchee Lake (following the existing elementary and high school district boundaries).

The Department recommends only including the land surrounding the home sites because the territory is currently zoned A-P, agricultural preservation by Waukesha County, indicating that this is prime farmland intended for agricultural use well into the near future. Such a use is more compatible with the rural character of land to the north than the more urban, residential uses to the south.

The recommended boundary removes the large, sparsely populated tracts of land preventing the Department from finding that the area meets the homogenous and compact standard for incorporation. The recommended boundary follows existing natural (the river) and man-made boundaries (section lines, roads, and property lines), that allow for logical provision of regulation and services. For example, the department proposes leaving West Shore Road within the town until its intersection with Reddelien Road, permitting the town to continue to serve the residences along West

Shore Road that would remain in the town (based on aerial photos) as well as providing a turnaround point for town equipment providing these services.

Because this petition as drawn complicates the possibility of coordinated lake and associated shore land management, as well as for creating several isolated town islands from the town of Merton, and isolates related town of Oconomowoc territory near roads N and O; and includes predominately agricultural lands in section 13, town of Oconomowoc, and in the northwest one-quarter of section 17, as well as section 18, town of Merton, lying north and west from the Oconomowoc River environmental corridor; this petition as described fails to meet the intent of standard 1(a). The Department determines that this petition could meet the standard were the petition to be re drawn in order to address these issues as directed by the Department.

#### Boundaries of School Districts

The department has stated in past determinations that "boundaries of school districts are unaffected and therefore neutral with respect to the consolidation of the village and town." Although schools are an important determinant in molding community allegiance through scholastic, social, and recreational activities (topics which are treated in the following subheading entitled "Shopping and Social Customs"), the determination of their boundaries is presently entirely separate from the process of municipal governance. In order for school district boundaries to change to reflect altered land use, social and demographic patterns, the affected districts, acting on their own, must reach consensus. For that reason, school district boundaries *per se* are considered to be neutral with respect to municipal incorporation.

#### Shopping, Social Customs and Community Center

Because of the presence of 2 active churches which draw a substantial proportion of their members from Stone Bank, year-around civic organizations, and the unifying presence of the Stone Bank School, parks and recreation facilities, and the ability for residents, if they choose, to satisfy daily needs within the Stone Bank core area through the availability of financial, dining, home maintenance and convenience shopping, this element of the homogeneity and compactness criterion is determined to be met.

Intervenors cite the Department's decision in Delavan Lake (1989), suggesting that similar conditions apply which prevent the petitioners from meeting this standard: The Department nevertheless views Stone Bank as one community, not seven distinct clusters as found in Delavan Lake, or multiple clusters in Stone Bank as suggested by the

## Intervenors.

The other compelling difference between Delavan and Stone Bank is the presence and attractive force of the Stone Bank school, and the two aforementioned churches. Having 40% and 75% of the respective church congregations reside within the territory to be incorporated is not insignificant. As the Intervenors themselves point out, Delavan Lake completely lacked these institutions.

Intervenors cite the apparent lack of enthusiasm for this incorporation petition, despite some testimony in support of the petition, both oral and written. The Department's statutory charge is to analyze whether minimum statutory criteria are met or not met, not to consider whether the petition has popular support - that is a function of the electorate should a petition be advanced to referendum by the circuit court.

In past incorporation attempts, petitions which failed to meet statutory criteria were nonetheless accompanied by significant citizen support. It is therefore not inconceivable that a petition could be filed which, following a realignment of boundaries as recommended by the Department, would be found to meet the minimum statutory requirements, but not subsequently have the overwhelming support of the residents. The Okauchee Lake petition (1977) was found to meet the statutory requirements, only to later be rejected by resident electors. Similarly, electors rejected the current village of Oakdale (1986) following the first approval of the petition by the Department. Both Okauchee and Oakdale illustrate the function of the Department. Should the boundaries of this petition be re drawn and resubmitted as determined by the Department, then it is up to the citizens residing in Stone Bank to decide whether their sense of community and purpose is sufficiently compelling to warrant becoming a village.

## *Conclusion*

The petition proposed for incorporation as described and mapped does not currently meet the criteria set forth in s. 66.016 (1)(a), Wis. Stats., because of town of Merton territory remaining on Okauchee Lake, and excessive town of Merton and town of Oconomowoc agricultural lands lying north and west of the Oconomowoc River environmental corridor.

While no similar town island problem exists on North Lake, the incorporation petition also omits this water body from the description, thereby separating developed and developable parcels from that part of North Lake lying contiguous to the proposed boundary, thereby potentially compounding lake jurisdiction and management difficulties for the lake management district and municipal bodies exercising respective oversight and police power authority.

Concerning the inclusion of residences along roads N and O within the towns of Merton and Oconomowoc, there appears to be no effective statutory remedy but for the Department to recommend that this area (lying west of Nashotah County Park and encompassing lands lying in both towns) be included in any future petition, but then be detached at some future date to the town of Oconomowoc using s. 66.022, Stats.

The Department believes that standard 1(a) would be met if the petition were to be revised so as to address the boundary issues described above.

### SECTION 1(b), TERRITORY BEYOND THE CORE

#### *STANDARD TO BE APPLIED*

"The territory beyond the most densely populated one-half square mile specified in s. 66.015 (1) or the most densely populated square mile specified in s. 66.015 (2) shall have an average of more than 30 housing units per quarter section or an assessed value, as defined in s. 66.021 (1) (a) for real estate tax purposes, more than 25% of which is attributable to existing or potential mercantile, manufacturing or public utility uses. The 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 land use development on a substantial scale within the next three years. The Department may waive these requirements to the extent that water, terrain or geography prevents such development." (Section 66.016(1)(b), Stats.)

This standard is a single standard comprised of two parts. The first part pertains only to "isolated" villages or cities, and permits one of two criteria to satisfy the standard: 30 housing units average per quarter section; or 25 percent or greater assessed value which is attributable to "existing or potential mercantile, manufacturing, or public utility uses."

The second part of (1)(b) pertains to "metropolitan" villages or cities which does not apply in the instant action.

#### *ANALYSIS*

Filing as an "isolated village," petitioners have identified the most densely populated one-half square mile core of the proposed village as the northeast one-quarter of section 25, town of Oconomowoc (coded by the SEWRPC as 817251, using numbers representing the public land survey system of town,

range, section, and quarter section), combined with the southwest corner of section 19, town of Merton (coded as 818193).

Utilizing 1985 Southeastern Wisconsin Regional Planning Commission statistics (the latest year for which quarter section population and household statistics have been compiled for the Stone Bank area), there were 720 households containing an average household size of 2.86 persons. The number of households has obviously increased, therefore this number represents a conservative estimate. Apportioning the 720 households across the total 1985 developed single- and multi-family acreage, 600.6 acres, suggests an average of 1.2 dwelling units per net acre, or 192 dwelling units per developed quarter section, assuming that the number of households is nearly substitutable for number of single- and multi-family dwelling units. The statute requires an average density of 30 dwelling units per quarter section, outside of the most densely populated 1/2 square mile defined as the core area.

In 1985, the Stone Bank territory (based on whole quarter section land use statistics derived from adopted plans and aerial photography) was determined by the SEWRPC to have approximately 1,654 developable acres. Developable acres excludes acreage occupied by water bodies, steep slopes, environmental corridors, shoreland/floodplain setbacks, roads and highways, etc.

Without first determining the exact number of housing units lying outside the core area, averaging the total estimated number of dwelling units (720) over the developed and developable acreage (600.6 developed acres plus 1,654 developable acres) suggests an overall average density of .32 dwelling units per acre, or 51 dwelling units per quarter section. Only .188 dwelling units per acre are required to meet the statutory standard of 30 dwelling units per quarter section. Removing 127.99 (circa 1985) developed residential acres from the core quarter-sections, along with 113 households (circa 1985), results in an average ratio of dwelling unit density beyond the core of .269, or approximately 43 dwelling units for every 160 developed and developable acres by quarter section.

#### *DETERMINATION*

Because the 1985 SEWRPC benchmark dwelling/household density information suggests that there is at least 43 dwelling units/households per quarter section for developed and developable acreage lying beyond the core area defined by petitioners, the statutory minimum of 30 dwelling units per quarter section is found to be met.

SECTION 2 (a) TAX REVENUE

*STANDARD TO BE APPLIED BY THE DEPARTMENT*

"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." (Section 66.016 (2) (a), Stats.)

*ANALYSIS*

*Prospective services to be provided by the petitioners*  
Public Hearing Exhibit #2b indicates that petitioners have contacted various agencies and professionals for the possible provision of public works (snow-plowing, general maintenance, garbage pick-up, contract engineering), law enforcement services and the Stone Bank Fire Department for fire protection and emergency medical assistance. As discussed in the following section on municipal budgets, the proposed village anticipates providing basic services at least equal to those which are currently provided separately by the two towns.

General government activities projected by the petitioners appear to be based on comparable activities and costs incurred by surrounding municipalities. One possible omission is for the preparation of a code of ordinances.

For example, should incorporation be approved by a referendum election following Departmental approval, writing and approving a shoreland-wetland ordinance could be a high priority if the proposed village desired to regulate zoning, construction and improvements for various land use types within the territory now regulated by the Waukesha County Shoreland-Wetland Ordinance. Subsequent land use decisions would then become the responsibility of the newly elected village board. And, as previously noted, an ordinance assuring oversight of lake-oriented recreational activities would need to be prepared if the boundaries of the incorporation petition are re-drawn and the petition re-submitted. All of these activities could possibly be covered within the legal fees budget category, but that is not clearly stated in petitioners' proposal.

*Analysis of petitioner's budget*

The following Table 5 portrays the 1993/94 municipal budget for the proposed village of Stone Bank. The three columns represent first the petitioner's budget as presented in Exhibit 2a provided to the Department during the legislative hearing conducted on October 28th, 1993. Column two portrays the intervenor's budget for Stone Bank found in the

equalized value per capita, which is over twice the statewide average of taxable property per capita).

At the bottom of Table 5, column two shows the amount of \$381,596 to be raised by local tax levy, instead of the calculated amount of \$333,000. The WTA based their analysis on petitioner's original budget submission, not petitioner's Exhibit 2a submitted during the legislative hearing. Column two represents the WTA analysis of petitioner's budget, wherein WTA estimated a level of per capita expenditure for the town of Merton, and multiplied that amount by 2,289 (the WTA estimate of population residing in the area proposed for incorporation).

In column 3, the significant Department changes are deletion of the cost of library service and zero highway aids for the first budget year. But then there is the suite of lake management water quality, recreation, public safety and highway aid issues to be confronted. The two towns have contributed very little in comparison with similar expenditures by other jurisdictions containing lake management districts within their boundaries; in this respect, it may be that any proposed village may possibly chose to contribute more. Unless library service costs are elected to be shared with the town, the county would levy a standard library tax. Since highway aids are paid on the basis of eligible average costs incurred over 3-, and 6-year periods, two years are required before eligible costs can be fully considered, as the state pays \$1,275 per mile or 22.42% of actual costs, whichever amount is greater. However, no municipality can receive more than 85% of average 3-year costs. Thus, costs incurred during the first year of incorporation would be eligible for aid following year two, subject to the 85 percent cap. This would likely mean that unless Stone bank were to spend more than an average \$1,500 per mile, it would receive less than a \$1,275 per mile base aid payment.

In reality, none of the three columns probably fully accounts for one-time start-up costs necessary to create a functioning system of governance (as the WTA points out), including acquiring such items as a computer for general government operations, establishing an accounting system complying with the state chart of accounts for villages, drafting and enacting a code of ordinances, etc. This organizational structure would be necessary in order for elected village officers to easily communicate with residents and to effectively and efficiently implement their policy decisions. On the other hand, petitioners did not attempt to estimate potential revenues (estimated at \$7,500 for town of Merton portion of the proposed village) generated by various permits such as building and zoning permits, liquor and other license fees, etc., which would obtain once a code of ordinances is established. By

Table 5  
Analysis of Petitioner's Budget

| Expenditures                  | Petitioner's<br>Budget | Intervenor's<br>Budget | Adjusted<br>Budget |
|-------------------------------|------------------------|------------------------|--------------------|
| <i>General Government</i>     |                        |                        |                    |
| Governing Body                | \$2,500                | \$2,500                | \$2,500            |
| Clerk-Treasurer               | 20,000                 | 20,000                 | 20,000             |
| Clerical                      |                        |                        |                    |
| Legal                         | 20,000                 | 0                      | 20,000             |
| Custodial                     |                        |                        |                    |
| Elections                     | 1,000                  | 1,000                  | 1,000              |
| Assessor                      | 1,200                  | 1,200                  | 1,200              |
| Building Inspection           | 500                    | 500                    | 500                |
| Supplies                      | 6,000                  | 6,000                  | 6,000              |
| Utilities                     | 1,000                  | 1,000                  | 1,000              |
| Rent                          | 10,000                 | 10,000                 | 10,000             |
| Insurance                     | 6,000                  | 6,000                  | 6,000              |
| Auditing/Accounting           | 1,500                  | 1,500                  | 1,500              |
| Data Processing               |                        |                        |                    |
| Board of Review               |                        |                        |                    |
| Planning and Zoning           | 1,500                  | 1,500                  | 1,500              |
| Board of Adjustment           | 800                    | 800                    | 800                |
| Other                         |                        |                        |                    |
| <b>Subtotal</b>               | <b>72,000</b>          | <b>52,000</b>          | <b>72,000</b>      |
| <i>Public Safety</i>          |                        |                        |                    |
| Police                        | 35,000                 | 35,000                 | 35,000             |
| Court Officer                 |                        |                        |                    |
| Water Patrol                  |                        |                        |                    |
| Animal Control                |                        |                        |                    |
| Fire                          | 45,000                 | 45,000                 | 45,000             |
| Ambulance                     | 25,000                 | 25,000                 | 25,000             |
| Other                         |                        |                        |                    |
| <b>Subtotal</b>               | <b>105,000</b>         | <b>105,000</b>         | <b>105,000</b>     |
| <i>Highways</i>               |                        |                        |                    |
| Highway - General             | 140,000                | 140,000                | 140,000            |
| Street Lighting               |                        |                        |                    |
| Bridge Inspection             |                        |                        |                    |
| Other                         |                        |                        |                    |
| <b>Subtotal</b>               | <b>140,000</b>         | <b>140,000</b>         | <b>140,000</b>     |
| <i>Solid Waste, Recycling</i> | 90,000                 | 90,000                 | 90,000             |
| <i>Library</i>                | 33,000                 | 33,000                 | 0                  |

|   |                |                |                |
|---|----------------|----------------|----------------|
| <i>Parks and Recreation</i>               | 0              | 0              | 0              |
| <i>Capital Outlay</i>                     | 15,000         | 0              | 15,000         |
| <b>Total</b>                              | <b>455,000</b> | <b>420,000</b> | <b>422,000</b> |
| <b>Total (excl. lib. and solid waste)</b> | <b>332,000</b> | <b>297,000</b> | <b>332,000</b> |

| <b>Revenues</b>                    | <b>Petitioner's<br/>Budget</b> | <b>Intervenor's<br/>Budget</b> | <b>Adjusted<br/>Budget</b> |
|------------------------------------|--------------------------------|--------------------------------|----------------------------|
| <i>Intergovernmental</i>           |                                |                                |                            |
| State Shared Revenues              | 63,000                         | 63000                          | 64618                      |
| Highway Aids                       | 24,000                         | 24000                          | 0 b                        |
| Fire Insurance Dues                |                                |                                |                            |
| Water Patrol                       |                                |                                |                            |
| Other                              |                                |                                |                            |
| <b>Subtotal</b>                    | <b>87,000</b>                  | <b>87000</b>                   | <b>64618</b>               |
| <i>Licenses &amp; Permits</i>      |                                |                                |                            |
|                                    | 0                              | 0                              | 0                          |
| <i>Fines &amp; Forfeitures</i>     |                                |                                |                            |
|                                    | 0                              | 0                              | 0                          |
| <i>Public Charges for Services</i> |                                |                                |                            |
|                                    | 0                              | 0                              | 0                          |
| Solid Waste Transfer Station       |                                |                                |                            |
| Other                              | 0                              | 0                              | 0                          |
| <b>Subtotal</b>                    | <b>0</b>                       | <b>0</b>                       | <b>0</b>                   |
| <i>Interest</i>                    |                                |                                |                            |
|                                    | 0                              | 0                              | 0                          |
| <i>Other Revenues</i>              |                                |                                |                            |
|                                    | 0                              | 0                              | 0                          |
| <b>Subtotal</b>                    | <b>0</b>                       | <b>0</b>                       | <b>0</b>                   |
| <b>Total Revenues</b>              | <b>87,000</b>                  | <b>87,000</b>                  | <b>64,618</b>              |
| Amount to be raised                |                                |                                |                            |
| by local tax levy                  | 368,000                        | 381,596                        | 357,382                    |
| (excluding solid waste)            | 278,000                        | 291,596 <sup>a</sup>           | 267,382                    |
| Estimated equalized value          | 161,748,092                    | 161,748,092                    | 161,748,092                |
| Estimated local mill rate          | 0.00227514                     | 0.0023592                      | 0.0022095                  |
| (excluding solid waste)            | 0.00171872                     | 0.00180278                     | 0.00165308                 |

a. Calculated amount would be \$333,000; intervenor's estimate \$497,923 in expenditures -\$116,327 in revenues = \$381,596 (see text for evaluation)

b. First year transportation aids would likely be zero, because aids are based on eligible expenditures, and no municipality can receive aid equal to more than 85% of averaged 3-year expenditures.

Wisconsin Taxpayers Alliance "Analysis of Proposed Stone Bank Budget." Column three represents adjustments by the Department that incorporate slight revisions to proposed expenditures and revenues.

Petitioners' budget (contained in Department Hearing Exhibit 2a) represents expenditure and revenue amounts they believe are necessary in order to operate a part-time village-style government. As petitioners state, these amounts are based on experience and interviews with organizations which are capable of providing services to the proposed village such as the County Sheriff for police protection and the Stone Bank Fire Department for fire protection and administrative office space.

Intervenors contend that proposed general government per capita expenditures are quite low when compared to expenditures found on page 10 of their "Analysis of Proposed Stone Bank Budget", prepared by the Wisconsin Taxpayers Alliance (December, 1993). However, the proposed expenditure amounts are in part justified by the petitioners in Department Hearing Exhibit 2a. For example, the amount shown in preceding Table 5 for rent from the Stone Bank Fire Department could likely include utilities (currently budgeted separately) as well as custodial services. And police, fire, ambulance, and highway services are based on known levels of expenditure.

As shown in Table 5, petitioner's budget includes estimates of solid waste disposal and library service costs. If contracted for by the proposed village, solid waste removal could be billed separately as a special charge to residents, instead of being included on the tax roll to be paid for by everyone, including businesses not benefiting from the service. Library service, as pointed out by the Wisconsin Taxpayers Alliance (WTA), is normally included in the county property tax levy if residents of the jurisdiction are not contributing a minimum amount to their own library. Should the proposed village so choose, it could contribute to the existing town of Merton (Waukesha County branch) library located in the unincorporated hamlet of North Lake (WTA estimates that a contribution based on the ratio of population of Stone Bank to the remainder of the town of Merton, would result in a potential contribution of about \$34,900). Therefore, columns 1-3 of Table 5 vary by whether or not these items are included or excluded.

In column three, the Department excludes libraries from the total of "Expenditures", and shows the total sum with and without the solid waste charge. As can be seen at the bottom of Table 5, "Revenues", including or excluding libraries and solid waste has slight effect on local levies based on the equalized value of the proposed village estimated to be approximately \$161,748,092 (or \$70,663 of

establishing a complete code of ordinances, revenues from services, fines and forfeitures from the territory which are now collected by the two towns could be collected by the proposed village.

An issue not taken into account either by petitioners or intervenors which could offset "start-up" costs is a distribution of assets which would follow a successful incorporation proceeding. Because equalized values of the Stone Bank area represents approximately 28% (\$125,067,000) of the total \$439,132,300 equalized value for the town of Merton, and 9% (\$36,681,092) of the estimated \$402,110,000 value of the town of Oconomowoc, 28% of any assets and liabilities of the town of Merton, and 9% of any assets and liabilities from the town of Oconomowoc could be subject to apportionment under s. 66.03, Stats. Typical items included in apportionment are local tax levy proceeds prorated for the remaining tax year, town assets such as bank accounts, machinery and equipment, as well as any outstanding debt.

No pressing capital project needs were identified by the petitioners, but were raised by the intervenors in testimony during the legislative hearing, and by intervenor's Departmental Hearing Exhibits 3 & 5. Intervenors hired Ruekert Meilke, professional engineers, to survey the condition of town roads within the petitioned territory. Hearing Exhibit 3 lists \$345,670 in repairs, including prospective engineering and contract administration costs for town roads lying within the town of Oconomowoc. Hearing Exhibit 5 itemizes \$978,760 in repair expenditures suggested for roads lying within the town of Merton. While professional conclusions are stated, no corresponding information is provided by the towns explaining why periodic maintenance/reconstruction of these town roads was not accomplished in a timely manner so as to avoid the massive structural repair expense now claimed, or why certain roads were only seal-coated when additional structural repairs were recommended in the engineering reports. Highway maintenance for town of Merton as reported in the Annual Financial Reports from 1988-1992 actually fell from \$465,900 in 1988 to \$377,100 in 1992, while related expenditures during the same period increased within the town of Oconomowoc.

Should road improvements be bonded, for example, by using Board of Commissioners of Public Lands trust fund loans, where interest rates vary from 4.5 to 5.5 % depending upon the term of the loan, suggests that a ten-year note for \$1,324,430 at 5.5% with annual principle and interest of \$175,709.17, results in adding approximately \$1.10 per thousand of equalized value to every property tax bill (based on 1993 property tax assessments). There are other methods of handling street reconstruction/repair/resurfacing and financing, including assessing the charges directly

against the properties benefited.

*DETERMINATION*

It is the Department's finding that should incorporation occur, local purpose expenditures necessary to effectuate typical home-rule powers will likely increase above the amount anticipated by the petitioners. However, due to the large tax base, the resulting tax rate will continue to compare favorably with tax rates of similarly situated local governments. Therefore, the department finds that this standard is met.

**SECTION 2 (b) LEVEL OF SERVICES**

*STANDARD TO BE APPLIED*

"The level of government 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)." (Section 66.016(2)(b), Stats.)

*ANALYSIS AND DETERMINATION*

No contiguous city or village filed a resolution in accordance with s. 66.014(6), Wis. Stats., indicating a willingness to annex the territory petitioned for incorporation. Therefore, this standard is not applicable.

**SECTION 2 (c) IMPACT ON THE REMAINDER OF THE TOWN**

*STANDARD TO BE APPLIED*

"The impact, financial and otherwise, upon the remainder of the town from which the territory is to be incorporated." (Section 66.016 (2)(c), Stats.)

*ANALYSIS AND FINDINGS*

*Physical Impacts: Town Boundaries and Shape*

As the Department noted in the Powers Lake Determination (April, 1992), and which bears repeating here;

"Past determinations of the Department regarding isolated villages have held that physical impact is

minimal if the "territory contains no islands of town land and would not cut off or isolate any area of the town, nor would it prevent direct access by the town to any such area for road maintenance or other purposes."<sup>1</sup> When some problems in providing services to remaining town lands are noted, past determinations have looked for mitigating factors. In Plover (1971), incorporation of a village would have removed about 45% of the town's tax base and resulted in a town whose shape "would roughly resemble a vertical horseshoe with a tall, narrow north-south arm on the eastern edge of the town and a shorter, much wider arm on the west," (p. 6). However, since access roads did exist to lands in the eastern arm and travel through village territory to provide services was possible, the effect on the shape of the remaining town was considered acceptable.

In Delavan Lake (1989), incorporation would have split the Town of Delavan into two parts. The small part to the southwest consisted of wetlands and agricultural lands. The population of the town would have been reduced by about 50%; town land area would have been reduced by about 22%. Regardless of the results of incorporation on town shape, it was apparent from the determination that the petitioners and the town had already worked out detailed plans on mutual aid agreements, division of assets, and sharing of staff.

This cooperation and coordination of effort by the town of Delavan, in combination with other factors, convinced the Department that the proposed village could more likely serve the needs of the residents than the City of Delavan, which had filed a petition expressing a willingness to annex the territory. The Department also felt that impacts on the remainder of the towns were not so significant as to prevent a finding that the criterion was met in this section of the statute.<sup>2</sup> In general, problems with provision of services to remaining town lands were not considered so great as to merit dismissal on this point alone, but were considered in connection with the other standards of this section in arriving at a finding regarding this particular provision of the statute.

Recapitulating and extending the earlier discussion under section 1(a), page 23, "Previous Political Boundaries," territory for this incorporation petition is drawn from the

---

<sup>1</sup> See Hewitt, 1972; Winter, 1973; Crivitz, 1974; Potter, 1980; Chain O'Lakes, 1982.

<sup>2</sup> However, Delavan Lake failed to meet the standard set in s. 66.016 (1)(a) and the petition was ultimately dismissed.

southwest corner of the town of Merton, and from an adjoining urbanizing edge of the town of Oconomowoc. Remnant town of Merton territory constituted by Okauchee Lake has been previously discussed on page 44, as one of the factors responsible for the petitioned territory not meeting the "homogenous and compactness" criterion, s. 66.016 (1) (a), Stats.

*Impacts on Land Uses*

With reference to highway/town road maps (untitled) for the towns of Merton and Oconomowoc produced by Waukesha County Park and Planning (amended 1994), and Zoning Map(s) Waukesha County Shoreland and Floodland Protection Ordinance and Waukesha County Zoning Code, Town of Oconomowoc Sections 13, 14, 23 and 24, Town of Merton Sections 17, 18, 19, and 20, and Town of Merton Sections 29, 30, 31, and 32 (all three maps show zoning designations superimposed on justified and rectified 1985 aerial photographs), this incorporation petition removes past town subdivision approvals, leaving predominately agricultural territory (primarily zoned agricultural transition, 35 acre minimum lot size or less depending upon which of 5 agricultural districts apply) in the town of Oconomowoc.

The same cannot be said for the town of Merton, because while this incorporation petition contains significant agricultural lands, these agricultural lands currently permit the platting of 3-acre residential lots (Zoning District Map, Merton Township, amended March, 1992). But under part 1(a) of this Determination, the Department finds that enumerated lands cited previously on page 49 and 50 should be eliminated from any refiled petition in order for the petition to meet part 1(a) homogeneity and compactness requirements. Because settlement patterns for these lands have yet to be established, leaving them in the town could provide the town board the option of considering whether or not to revise minimum lot size requirements so as to address long-term agricultural preservation objectives recommended by the SEWRPC in its adopted Year 2010 Regional Land Use Plan.

*Extraterritorial impact*

Section 62.23(7a), Stats., extraterritorial zoning, provides that municipalities adopting a zoning ordinance under section 62.23(7), may exercise extraterritorial zoning power as provided by this subsection. For isolated villages, extraterritorial authority could extend up to 1.5 miles beyond municipal limit lines, subject to neighboring cities and villages and their related extraterritorial authorities. In the case of Stone Bank, extraterritorial jurisdiction could be limited by less than 1.5 miles, should such ordinances be adopted by the fourth class cities of Oconomowoc and Delafield, and villages of Nashotah, Oconomowoc Lake and Chenequa; currently, only city of

Oconomowoc is considering exercising such intent (within an area extending only to CTH "P", well to the west of the proposed village).

Implementation of extraterritorial zoning can only proceed following adoption of a municipal zoning ordinance affecting the originators incorporated territory (for which petitioners have made no provision), and entails approval by the county (because Waukesha County has engaged the services of a regional planning commission), as well as the creation of a joint extraterritorial zoning commission comprised of equal membership from the proposed village and each of the affected towns. Decisions of the commission require a favorable majority vote, and for that reason extraterritorial commissions have experienced mixed effectiveness, and are not widely used.

What is more common is the exercise of extraterritorial plat review powers, under s. 236.21(2)(a), Stats., which are automatic unless waived by ordinance. But again, in order to do so, the city or village choosing to exercise this authority must first adopt a subdivision ordinance affecting its' own territory under s. 236.45, Stats. In this case, petitioners have not stated they would adopt such an ordinance, nor have they budgeted for its drafting and implementation. However, Southeastern Regional Planning Commission has developed model ordinances for consideration and adoption by municipalities in the region, which could serve as a point of beginning for any municipality. But one other consideration is that in recent years, successive court decisions have severely limited the conditions of extraterritorial land division and plat approvals which may be imposed by incorporated municipalities.

The two preceding paragraphs could be said to limit urban development activities in unincorporated territory. A 3rd extraterritorial-type option exists which could provide for mutually agreed-upon urban-type development within a township, and that is the Boundary Change by Cooperative Plan and Agreement statute, s. 66.023, Stats., which permits 10-20-year agreements on land uses, services and boundary changes (if any) in adjoining town territory, without restriction on distance or acreage, subject to approval by the Department according to statutory criteria. But, as in the previous two cases, before entering into such agreements, plans and ordinances regulating municipal territory must first be in place, and be capable of extension or replication to the territory under agreement, otherwise considerable preparatory work by the lead municipality is required, and petitioners have not suggested whether such a framework is contemplated or how it would be initiated.

In summary, this petition proposes to remove primarily

urbanized territory from the two towns. If petitioner's revise their boundary and resubmit as determined by the Department under standard 1(a) (to include Okauchee and North Lake territory now within the town of Merton, and eliminate the predominately agricultural lands) then these service and associated policy issues would be simplified through elimination for the town of Merton, and should not necessarily create additional service/land use difficulties for the town of Oconomowoc. Were the proposed village to exercise extraterritorial powers, they would largely (depending upon whether the powers affect zoning and/or platting) impact upon agricultural lands, and could slow the development of these lands, which would be consistent with existing town of Oconomowoc ordinances, but not necessarily consistent with past town of Merton activities. The town of Merton recently (following the filing of this incorporation petition) considered and adopted a land use plan which could modify this statement.

#### *Impacts on Public Services*

Analysis contained in the Department's Environmental Assessment suggests that the primary impact, besides the simple loss of territory, is financial due to the respective 28% and 9% reductions in tax base for the towns of Merton and Oconomowoc.

Town of Oconomowoc is considered by the Department to be a "full-service" town (although it contracts with the Stone Bank Volunteer Fire Department, it maintains a community center and town police department, etc.), but impacts upon town operations were not considered sufficiently significant so as to warrant analysis during review by the WTA (recall that town of Oconomowoc is losing 9% of its tax base compared to 28% for town of Merton). The principle concentrations of town of Oconomowoc population lying around the west and south sides of Okauchee Lake, and adjacent to the periphery of the city of Oconomowoc are not affected by this petition, which explains the inability of the town to proportionately reduce any of its operations.

In contrast to town of Oconomowoc, the territory and population for this petition is primarily derived from the town of Merton. But town of Merton provides only basic services, relying on the Stone Bank Volunteer Fire Department for fire and emergency medical services and on the County Sheriff for protection (arranging for one squad car to patrol one shift, in addition to normal County Sheriff patrolling activities).

Neither town maintains sanitary or other special purpose districts, with the exception of the two lake management districts previously discussed on page 23.

*Fiscal Effects on Towns of Merton and Oconomowoc*

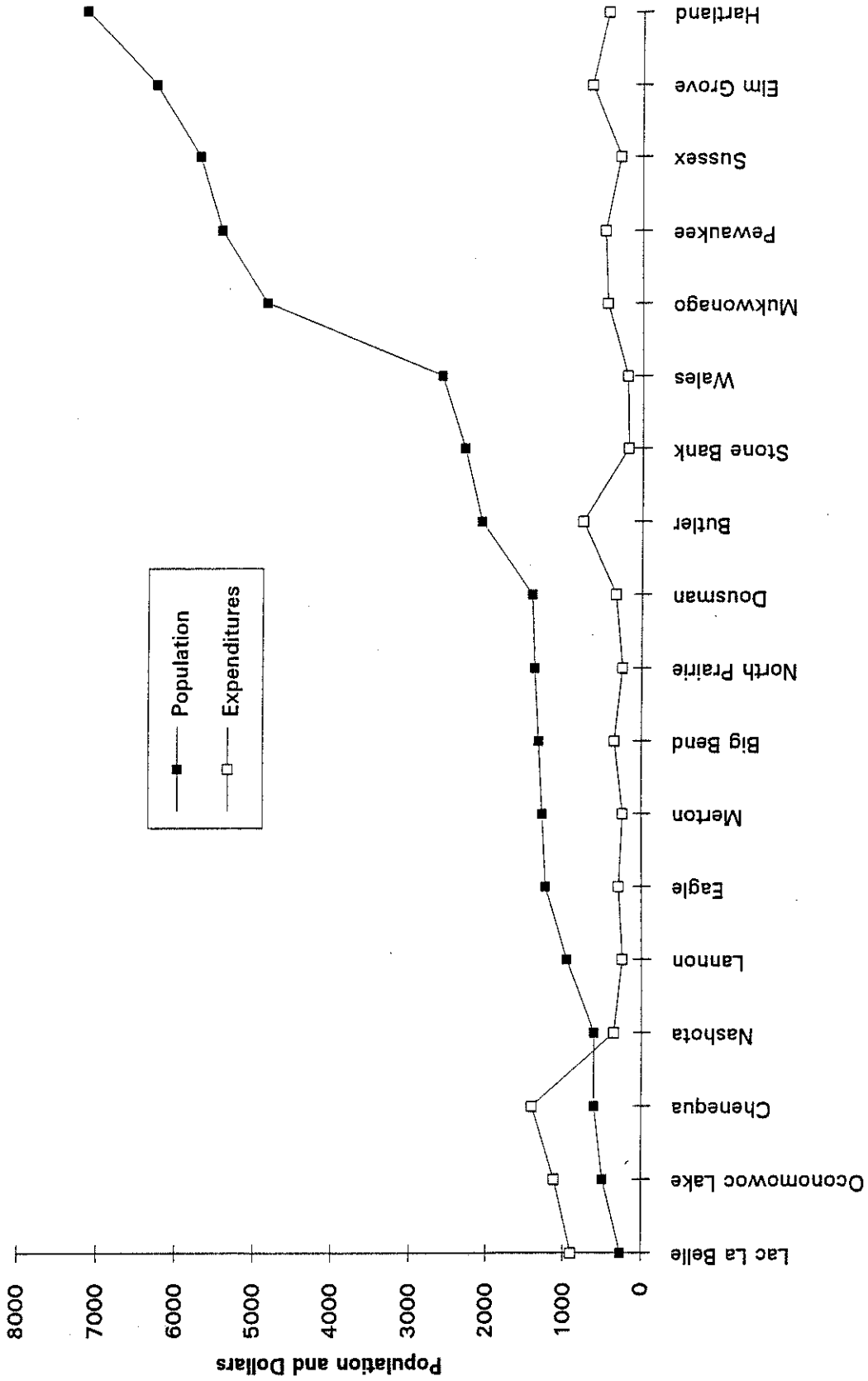
Intervenors requested the Wisconsin Taxpayers Alliance (WTA) to analyze the potential impact of incorporation upon the towns of Merton and Oconomowoc. The WTA analysis relies heavily upon per capita revenue and expenditure amounts based on county and statewide town and village averages. In the Department's experience, small municipal population levels and budgets reflecting wide disparities in types and levels of local government functions makes generalization difficult for municipalities of varying age, physical, demographic and social structure, distance from development pressure extending from the Milwaukee urbanized area, local capital project needs (which may currently be over- or under-funded), and localized municipal situs and structure (urban form, spatial, retail/commercial specialization and life-cycle) characteristics. The variable relationships are best described by Charts 1 & 2, pages 67 and 68, relating municipal population to levels of revenue and expenditure.

Intervenors elected to study only the detailed effect of the proposed incorporation on the town of Merton, including the town of Oconomowoc within their more general shared revenue analysis (because of the much smaller perceived impact stemming from the loss of tax base and population on the town of Oconomowoc than on the town of Merton). Tables 6-8, page 69, taken from the intervenor's Tax Payer's Alliance Study, display the perceived impact upon the town of Merton from the incorporation.

The following three bar graphs prepared by the Department are intended to serve as the context for changes in existing and prospective town revenues and expenditures. From inspection, it is apparent from Graph 1, page 70, that property values in the towns of Oconomowoc and Merton are increasing as fast or faster than those in the other neighboring comparison municipalities, with the exception of the cities of Delafield and Oconomowoc. Generally speaking, municipalities with rapid increases in full equalized value show the lowest amount of increase in local mill rates - no great surprise. Rapid growth in property values in the city of Delafield have permitted a general reduction in property tax rates, while minimal growth in property values in the villages of Merton and Nashotah has necessitated the largest apparent percentage increase in local property taxes.

Of the municipalities portrayed on Graph 2, page 71, the towns of Merton and Oconomowoc have somewhat lower local property taxes than their neighbors, in the range of \$.30-.50 per \$1,000 of equalized value, with the exception of the village of Nashotah, where taxes are approximately \$1.00 higher per \$1,000 of equalized value. How quickly are tax rates climbing? Town of Merton is among those municipalities with the lowest rate of change, town of Oconomowoc shows a slightly greater rate of increase - more nearly like that of

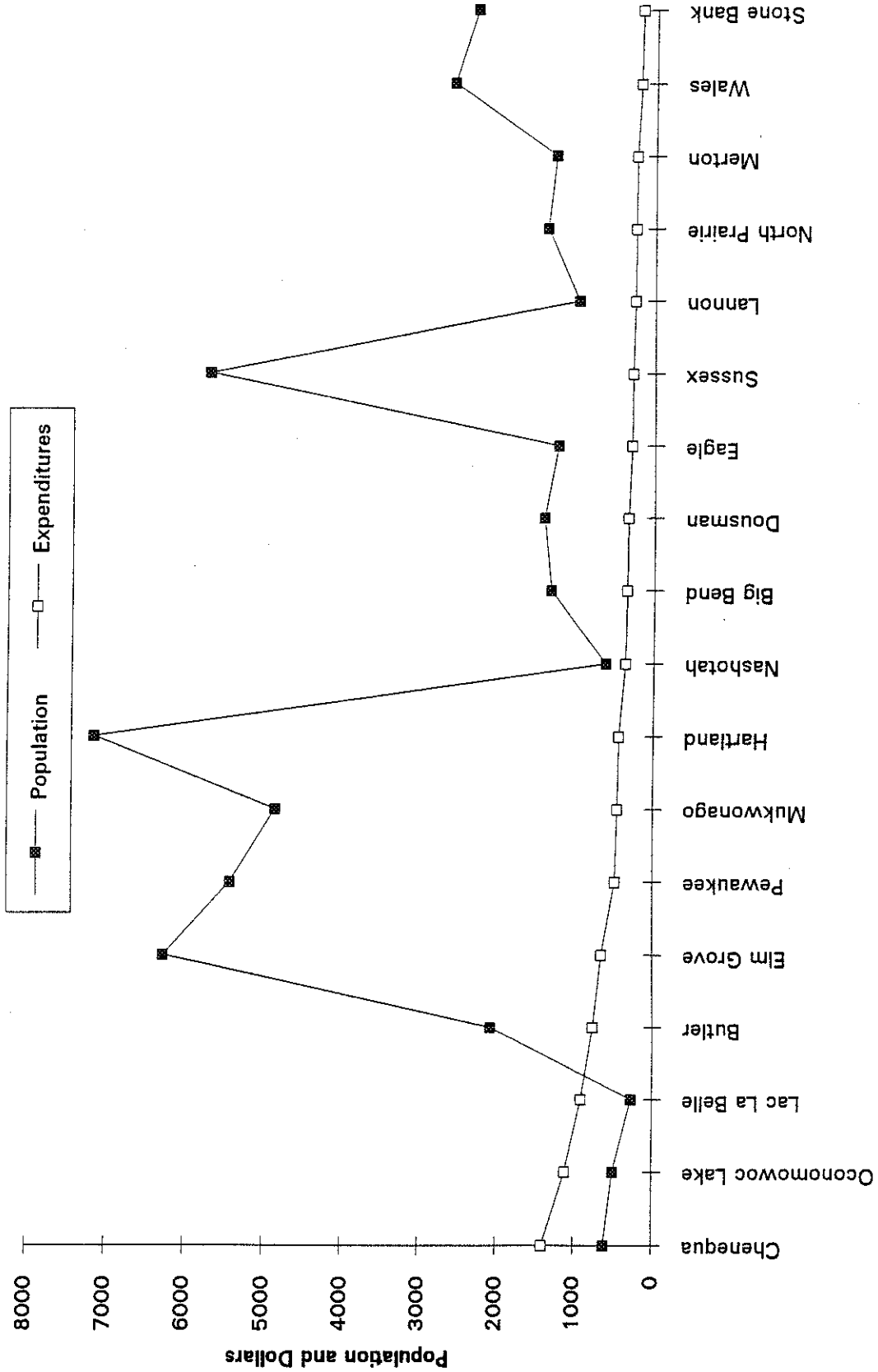
**Chart 1**  
**Per Capita Expenditures by Village Population-1992**  
 (By Population in Ascending Order)



Villages of Waukesha County\*

\* Excluding Menomonee Falls  
 Source: WI Department of Revenue

**Chart 2**  
**Per Capita Expenditures by Village Population-1992**  
 (By Expenditure in Descending Order)



Villages of Waukesha County\*

\* Excluding Menomonee Falls  
 Source: WI Department of Revenue

Table 6  
**SUMMARY OF TOWN OF MERTON BUDGETED OPERATING EXPENDITURES**  
 Actual and with Incorporation  
 1994

| Category           | Actual Budget      | Estimated Budget with Incorporation | Change            |               |
|--------------------|--------------------|-------------------------------------|-------------------|---------------|
|                    |                    |                                     | Amount            | Percent       |
| General Government | \$ 219,540         | \$ 195,700                          | \$ -23,840        | -10.9%        |
| Public Safety      | 389,602            | 306,781                             | -82,821           | -21.3         |
| Highways           | 445,500            | 360,400                             | -85,100           | -19.1         |
| Solid Waste        | 26,000             | 22,000                              | -4,000            | -15.4         |
| Library            | 122,450            | 122,450                             | —                 | —             |
| Parks & Recreation | 7,500              | 3,500                               | -4,000            | -53.3         |
| <b>Total</b>       | <b>\$1,210,592</b> | <b>\$1,010,831</b>                  | <b>\$-199,761</b> | <b>-16.5%</b> |

Table 7  
**SUMMARY OF TOWN OF MERTON BUDGETED GENERAL REVENUES\***  
 Actual and with Incorporation  
 1994

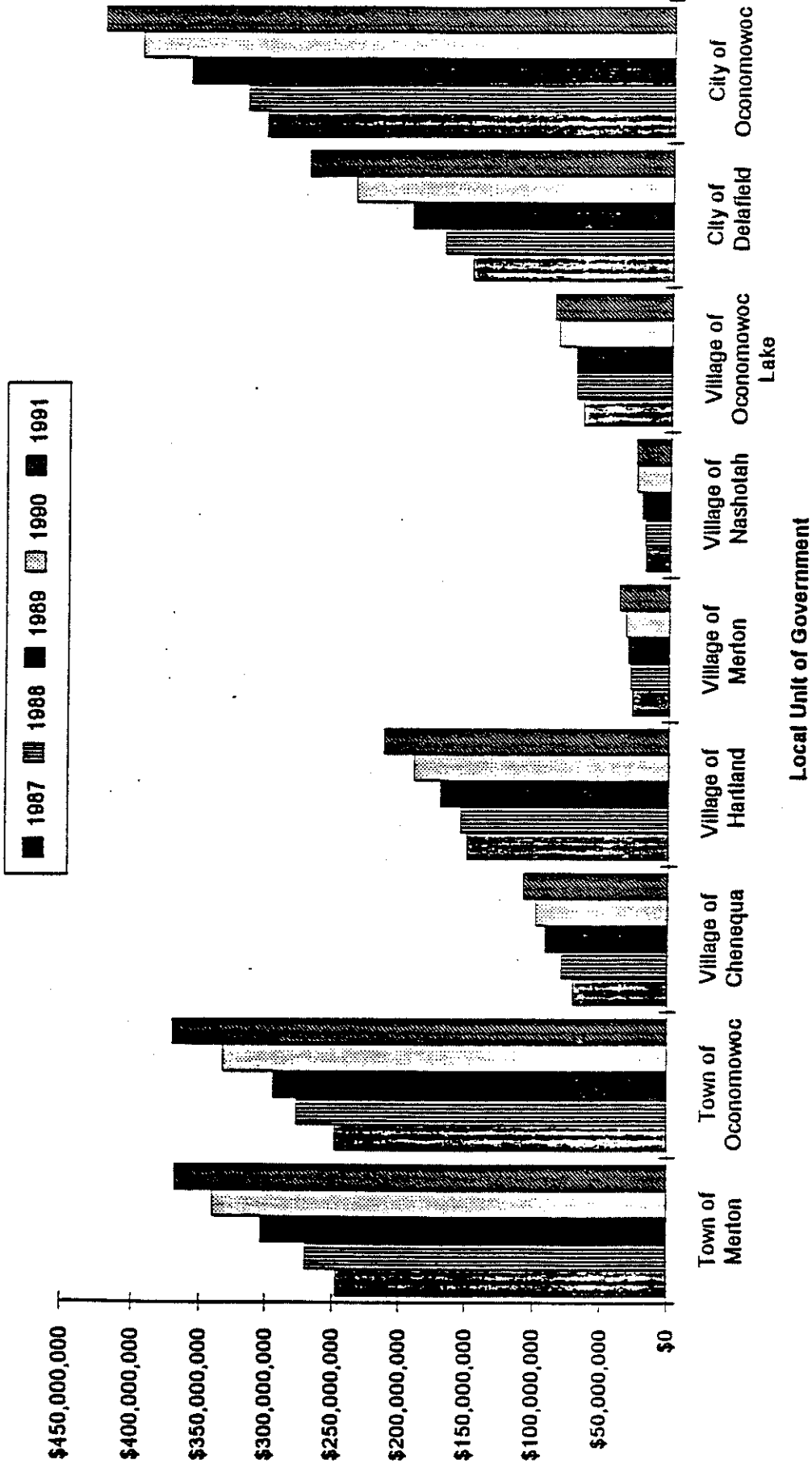
| Source              | Actual Budget    | Estimated Budget with Incorporation | Change           |               |
|---------------------|------------------|-------------------------------------|------------------|---------------|
|                     |                  |                                     | Amount           | Percent       |
| Intergovernmental   | \$296,902        | \$282,232                           | \$-14,670        | -4.9%         |
| Licenses & Permits  | 58,695           | 53,229                              | -5,466           | -9.3          |
| Fines & Forfeitures | 29,200           | 27,200                              | -2,000           | -6.8          |
| Public Charges      | 26,200           | 25,167                              | -1,033           | -3.9          |
| Interest            | 20,000           | 16,000                              | -4,000           | -20.0         |
| All Other           | 41,000           | 19,400                              | -21,600          | -52.7         |
| <b>Total</b>        | <b>\$671,997</b> | <b>\$623,228</b>                    | <b>\$-48,769</b> | <b>-10.3%</b> |

\*Excluding property taxes.

Table 8  
**TOWN OF MERTON BUDGETED MUNICIPAL-PURPOSE PROPERTY TAXES**  
 Actual and with Incorporation  
 1993 Levy, Collected in 1994

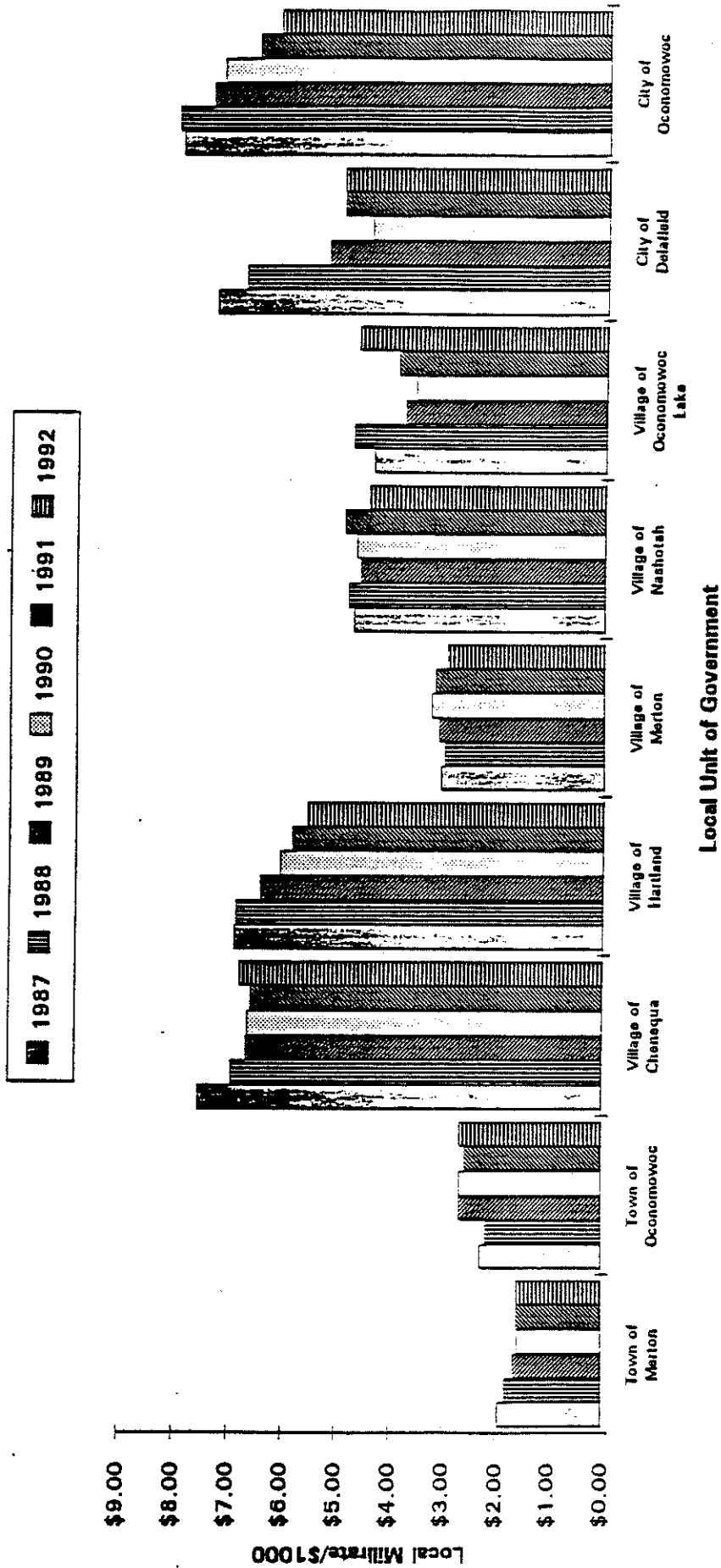
|   |    |               |        |
|---|----|---------------|--------|
| <i>Property Tax Levy</i>                |    |               |        |
| Actual Tax Levy                         | \$ | 715,240       |        |
| Effect of Incorporation on Levy         |    |               |        |
| -Decrease Due to Lower Expenditures     |    | -199,761      |        |
| -Increase Due to Lower General Revenues |    | 48,769        |        |
| Net Effect on Levy                      | \$ | -150,992      |        |
| Revised Levy                            | \$ | 564,248       |        |
| % Change                                |    |               | -21.1% |
| <i>Equalized Value (EV)</i>             |    |               |        |
| Actual                                  |    | \$439,132,000 |        |
| Less Portion in Incorporated Area       |    | -125,066,970  |        |
| EV in Balance of Town                   |    | \$314,065,030 |        |
| % Change                                |    |               | -28.5% |
| <i>Tax Rate (Per \$1,000 EV)</i>        |    |               |        |
| Actual                                  |    | \$1.63        |        |
| With Incorporation                      |    | 1.30          |        |
| % Change                                |    |               | +10.4% |

**Graph 1**  
**Full Value\* Comparison in the Stone Bank Region**  
**1987-1991**



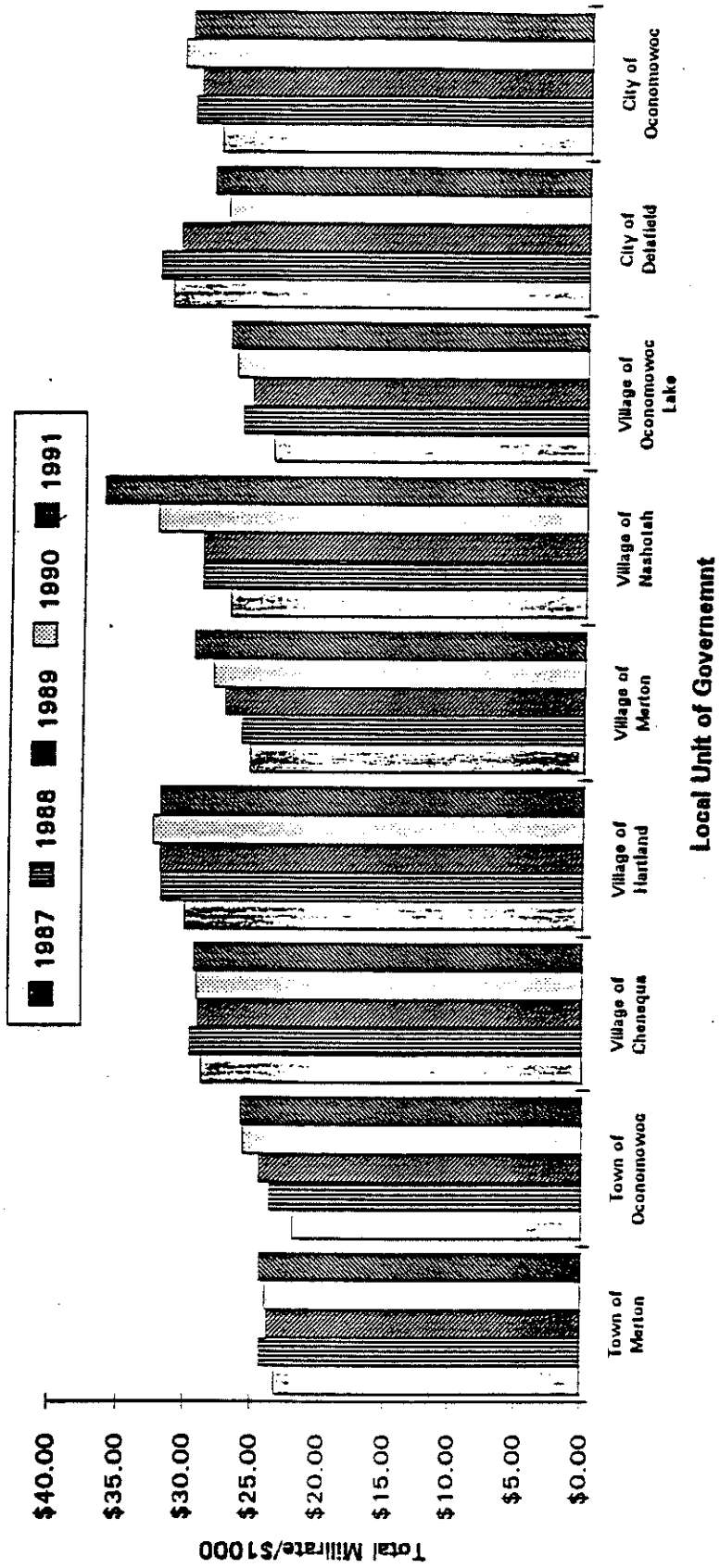
\* Excluding TIF  
 Source: WI Department of Revenue

**Graph 2**  
**Local Millrate Comparison (rate/\$1000) In the Stone Bank Region**  
**1987-1992**



Based on full value excluding TIF.  
 Source: Wisconsin Department of Revenue

**Graph 3**  
**Total Millrate Comparison (rate/\$1000) in the Stone Bank Region**  
**1987-1991**



some of its urbanized neighbors. Graph 3, page 72, reveals a similar pattern for total mill rates for the area.

The following Tables 9-11, pages 74-76, provide a recent 5-year summary of revenues and expenditures for the towns of Merton and Oconomowoc. Slightly more than one-half of general government operations in both towns is funded by the local property tax, the remainder is supported by intergovernmental revenues, including state shared aids in town of Merton, and also by a slight amount of borrowing for capital projects in the town of Oconomowoc. Charges for services (licenses and permits, fines forfeits and penalties, and public charges for services) are the third most important source of revenue for both towns, behind property taxes and state shared aids. In contrast, state highway aids (town road aid based on average levels of expenditure) range of 5-6% of total revenue for Merton and approximately 6% for Oconomowoc. State shared revenue (primarily the per-capita aid payment) represents a relatively stable 19% of total revenue for Merton and declining percentage of revenue for Oconomowoc (roughly 12% in 1992, down from 22% in 1988).

Municipal expenditures present a slightly different picture for the two towns. Merton's total general operations expenditures have remained somewhat stable, with increasing general government, law enforcement, fire, culture and education costs offset by overall reductions in highway maintenance and administrative expenditures. In the town of Oconomowoc, all major governmental expenditure categories have risen, resulting in an approximate 50% increase in general government operations expenditures versus an approximate 18% increase for Merton. Merton during the same period remained debt-free, whereas Oconomowoc initiated several borrowings for capital improvement projects.

#### *Impacts from Incorporation*

How would removal of petitioned territory potentially affect the two townships? The Wisconsin Taxpayers Alliance study indicates that approximately 28%, or 1810 residents of Merton and 9%, or 637 residents of Oconomowoc, would become residents of the new village (total population of Stone Bank estimated at 2,289 by petitioners does not agree with the figure of 2,447 estimated by the Tax Payers Alliance, or 2,244 persons estimated by SEWRPC). The SEWRPC quarter section land use data referenced earlier indicates approximately 850.45 acres would be transferred from town of Oconomowoc, and 3,424 acres from town of Merton; these transfers equate to removing approximately 4% of the total area from the town of Oconomowoc, and approximately 18.6% of the total area from town of Merton. Road mileage transferred equals 16.9 miles (27%) from town of Merton, and 5.6 (9%) from town of Oconomowoc (Tax Payer's Alliance Study, p. 2).

Table 9

**REVENUES AND EXPENDITURES**

|                                       | Town of Merton |        |        |         |         | Town of Oconomowoc |         |         |         |         |
|---------------------------------------|----------------|--------|--------|---------|---------|--------------------|---------|---------|---------|---------|
|                                       | 1988           | 1989   | 1990   | 1991    | 1992    | 1988               | 1989    | 1990    | 1991    | 1992    |
| <b>Revenues-Governmental Fund</b>     |                |        |        |         |         |                    |         |         |         |         |
| population                            | 6036           | 6154   | 6430   | 6469    | 6531    | 7352               | 7369    | 7323    | 7347    | 7409    |
| <b>Taxes</b>                          |                |        |        |         |         |                    |         |         |         |         |
| General property taxes                | 483.30         | 494.10 | 505.70 | 536.30  | 595.60  | 572.50             | 612.30  | 796.70  | 895.90  | 959.80  |
| Tax increments                        | 0.00           | 0.00   | 0.00   | 0.00    |         | 0.00               | 0.00    | 0.00    | 0.00    |         |
| l. l. of taxes                        | 0.00           | 0.00   | 0.00   | 0.00    |         | 0.00               | 0.00    | 0.00    | 0.00    |         |
| other                                 | 2.40           | 2.70   | 2.90   | 2.70    |         | 0.00               | 0.00    | 0.70    | 0.00    |         |
| total                                 | 485.80         | 496.80 | 508.60 | 539.10  | 595.60  | 572.50             | 612.40  | 797.40  | 895.90  | 959.80  |
| Special Assessments                   | 0.00           | 0.00   | 0.00   | 0.00    |         | 4.20               | 4.20    | 0.00    | 0.00    | 0.00    |
| <b>Intergovernmental Revenues</b>     |                |        |        |         |         |                    |         |         |         |         |
| Federal Aids                          | 0.00           | 0.00   | 0.00   | 0.00    | 11.90   | 0.00               | 0.00    | 0.00    | 42.00   |         |
| State shared revenue                  | 181.00         | 182.50 | 185.00 | 191.60  | 192.08  | 242.10             | 230.00  | 218.50  | 217.40  | 209.20  |
| State highway aids                    | 44.30          | 48.80  | 53.60  | 59.00   | 65.00   | 67.50              | 74.30   | 81.70   | 89.90   | 98.90   |
| other state aids                      | 14.40          | 20.80  | 24.70  | 16.20   | 13.90   | 23.40              | 19.50   | 33.10   | 27.10   | 14.60   |
| other local gov't aids                | 6.80           | 1.20   | 0.00   | 0.00    |         | 0.00               | 0.00    | 0.00    | 0.00    | 13.40   |
| Total inter gov. relations            | 246.70         | 253.50 | 263.50 | 266.90  | 321.70  | 333.10             | 323.80  | 333.30  | 376.40  | 336.30  |
| License and permits                   | 46.20          | 42.10  | 47.10  | 45.60   | 61.80   | 37.20              | 43.10   | 55.70   | 53.30   | 57.50   |
| Fines, Forfeits and penalties         | 15.70          | 26.80  | 31.90  | 35.80   | 30.80   | 26.20              | 54.60   | 81.60   | 82.50   | 74.50   |
| public chrg for service               | 69.20          | 53.40  | 48.40  | 61.30   | 96.50   | 17.20              | 20.70   | 35.50   | 36.10   | 61.50   |
| Interg chrg for service               | 1.10           | 0.40   | 0.00   | 0.00    | 0.01    | 2.90               | 44.20   | 1.10    | 1.00    | 1.80    |
| <b>Misc. Revenues</b>                 |                |        |        |         |         |                    |         |         |         |         |
| interest income                       | 59.80          | 75.40  | 51.60  | 52.80   | 36.60   | 47.60              | 71.60   | 51.50   | 47.50   | 38.50   |
| other revenues                        | 2.60           | 2.60   | 2.20   | 0.80    | 1.50    | 1.20               | 3.40    | 11.00   | 20.20   |         |
| Total Misc. revenue                   | 62.50          | 78.10  | 53.80  | 53.60   | 39.80   | 48.80              | 75.10   | 62.60   | 67.70   | 76.00   |
| Subtotal-General rev.                 | 927.50         | 951.50 | 953.50 | 1002.50 | 1146.40 | 1042.50            | 1178.40 | 1367.60 | 1513.10 | 1567.50 |
| other financing sources               | 0.00           | 0.00   | 0.00   | 0.00    | 0.00    | 0.00               | 181.00  | 100.00  | 0.00    | 193.30  |
| Total Revenue                         | 927.50         | 951.50 | 953.50 | 1002.50 | 1146.40 | 1042.50            | 1359.40 | 1467.60 | 1513.10 | 1760.80 |
| <b>Expenditures-Governmental Fund</b> |                |        |        |         |         |                    |         |         |         |         |
| <b>General Operations and Capital</b> |                |        |        |         |         |                    |         |         |         |         |
| General Government                    | 143.00         | 143.50 | 145.30 | 158.70  | 172.10  | 181.90             | 170.30  | 206.30  | 215.60  | 303.10  |
| Law enforcement                       | 57.20          | 65.30  | 68.80  | 71.20   | 83.00   | 356.30             | 447.70  | 502.90  | 597.70  | 605.10  |
| Fire                                  | 127.10         | 138.50 | 145.90 | 160.80  | 192.40  | 150.90             | 164.90  | 182.90  | 209.20  | 224.30  |
| Ambulance                             | 35.60          | 38.50  | 43.30  | 45.60   | 50.10   | 11.00              | 12.20   | 13.60   | 14.60   | 16.60   |
| Other pub safety                      | 29.10          | 23.70  | 23.90  | 22.40   | 35.40   | 17.40              | 17.50   | 18.30   | 18.80   | 20.70   |
| Highway Main. and Admin.              | 465.90         | 317.30 | 365.50 | 402.70  | 377.10  | 194.60             | 249.30  | 347.90  | 356.70  | 359.00  |
| Highway construction                  | 0.00           | 0.00   | 0.00   | 0.00    | 0.00    | 0.00               | 0.00    | 48.00   | 0.00    | 0.00    |
| Road-related Facilities               | 18.30          | 16.70  | 16.20  | 16.50   | 15.20   | 15.70              | 224.40  | 15.40   | 17.50   | 17.00   |
| Other trans.                          | 0.00           | 0.00   | 0.00   | 0.00    | 0.00    | 0.00               | 0.00    | 0.00    | 0.00    | 0.00    |
| Solid Waste Coll. and Disp.           | 30.30          | 32.80  | 30.90  | 51.10   | 20.20   | 1.20               | 2.20    | 0.90    | 11.90   | 0.80    |
| Other sanitation                      | 1.40           | 0.00   | 0.00   | 0.00    | 0.00    | 2.20               | 23.00   | 0.60    | 49.60   | 5.20    |
| Health&Human Service                  | 3.30           | 2.90   | 3.60   | 3.80    | 3.08    | 2.90               | 3.10    | 3.70    | 4.20    | 4.30    |
| Culture & Education                   | 61.30          | 76.60  | 92.50  | 95.20   | 97.50   | 0.00               | 0.00    | 0.00    | 0.00    | 0.00    |
| Parks & Rec.                          | 3.40           | 3.50   | 3.50   | 3.50    | 5.00    | 3.00               | 4.60    | 3.10    | 3.20    | 8.20    |
| Conservation & Development            | 9.60           | 13.70  | 11.70  | 18.20   | 18.80   | 12.10              | 8.00    | 42.90   | 23.40   | 17.50   |
| all other exp.                        | 0.00           | 0.00   | 0.00   | 0.00    | 0.00    | 0.00               | 0.00    | 0.00    | 0.00    | 0.00    |
| Sub Total-oper. & Cap. Exp.           | 986.00         | 873.50 | 951.70 | 1050.30 | 1168.60 | 949.80             | 1327.00 | 1387.00 | 1522.90 |         |
| <b>Debt Service</b>                   |                |        |        |         |         |                    |         |         |         |         |
| Principal                             | 0.00           | 0.00   | 0.00   | 0.00    | 0.00    | 0.00               | 41.70   | 41.70   | 49.00   | 53.10   |
| Interest&Fiscal Charges               | 0.00           | 0.00   | 0.00   | 0.00    | 0.00    | 6.10               | 22.80   | 14.50   | 24.90   | 29.70   |
| Total Debt Service                    | 0.00           | 0.00   | 0.00   | 0.00    | 0.00    | 6.10               | 64.50   | 56.20   | 74.00   | 82.90   |
| Subtotal-Expenditures                 | 986.00         | 873.50 | 951.70 | 1050.30 | 1168.30 | 1026.00            | 1392.30 | 1443.30 | 1597.00 | 1884.10 |
| Other Financing uses                  | 0.00           | 0.00   | 0.00   | 0.00    | 0.00    | 0.00               | 0.00    | 0.00    | 0.00    | 0.00    |
| Total Expend & Financing Uses         | 986.00         | 873.50 | 951.70 | 1050.30 | 1168.30 | 1026.00            | 1392.30 | 1443.30 | 1597.00 | 1884.10 |
| <b>Financing Uses</b>                 |                |        |        |         |         |                    |         |         |         |         |
| Total General Obligation Debt         | 0.00           | 0.00   | 0.00   | 0.00    | 0.00    | 285.30             | 424.50  | 482.80  | 433.70  | 574.00  |
| <b>Proprietary Fund Types</b>         |                |        |        |         |         |                    |         |         |         |         |
| Revenues                              | 0.00           | 0.00   | 0.00   | 0.00    | 0.00    | 0.00               | 0.00    | 0.00    | 0.00    | 0.00    |
| Expenses                              | 0.00           | 0.00   | 0.00   | 0.00    | 0.00    | 0.00               | 0.00    | 0.00    | 0.00    | 0.00    |

Source: WI Department of Revenue

**Table 10**

**RATIOS (of total rev. and exp.)**

|  | Town of Merton |        |        |        |        | Town of Oconomowoc |        |        |        |        |
|--|----------------|--------|--------|--------|--------|--------------------|--------|--------|--------|--------|
|  | 1988           | 1989   | 1990   | 1991   | 1992   | 1988               | 1989   | 1990   | 1991   | 1992   |
| <b>Revenues-Governmental Fund</b>        |                |        |        |        |        |                    |        |        |        |        |
| population                               |                |        |        |        |        |                    |        |        |        |        |
| <b>Taxes</b>                             |                |        |        |        |        |                    |        |        |        |        |
| General property taxes                   | 52.11          | 51.93  | 53.04  | 53.50  | 51.95  | 54.92              | 45.04  | 54.29  | 59.21  | 54.51  |
| Tax increments                           | 0.00           | 0.00   | 0.00   | 0.00   | 0.00   | 0.00               | 0.00   | 0.00   | 0.00   | 0.00   |
| l. l. of taxes                           | 0.00           | 0.00   | 0.00   | 0.00   | 0.00   | 0.00               | 0.00   | 0.00   | 0.00   | 0.00   |
| other                                    | 0.26           | 0.28   | 0.30   | 0.27   | 0.00   | 0.00               | 0.00   | 0.05   | 0.00   | 0.00   |
| total                                    | 52.38          | 52.21  | 53.34  | 53.78  | 51.95  | 54.92              | 45.05  | 54.33  | 59.21  | 54.51  |
| Special Assessments                      | 0.00           | 0.00   | 0.00   | 0.00   | 0.00   | 0.40               | 0.31   | 0.00   | 0.00   | 0.00   |
| <b>Intergovernmental Revenues</b>        | 0.00           | 0.00   | 0.00   | 0.00   | 0.00   | 0.00               | 0.00   | 0.00   | 0.00   | 0.00   |
| Federal Aids                             | 0.00           | 0.00   | 0.00   | 0.00   | 1.04   | 0.00               | 0.00   | 0.00   | 2.78   | 0.00   |
| State shared revenue                     | 19.51          | 19.18  | 19.40  | 19.11  | 16.76  | 23.22              | 16.92  | 14.89  | 14.37  | 11.88  |
| State highway aids                       | 4.78           | 5.13   | 5.62   | 5.89   | 5.67   | 6.47               | 5.47   | 5.57   | 5.94   | 5.62   |
| other state aids                         | 1.55           | 2.19   | 2.59   | 1.62   | 1.21   | 2.24               | 1.43   | 2.26   | 1.79   | 0.83   |
| other local gov't aids                   | 0.73           | 0.13   | 0.00   | 0.00   | 0.00   | 0.00               | 0.00   | 0.00   | 0.00   | 0.76   |
| Total inter gov. relations               | 26.60          | 26.64  | 27.64  | 26.62  | 28.06  | 31.95              | 23.82  | 22.71  | 24.88  | 19.10  |
| License and permits                      | 4.98           | 4.42   | 4.94   | 4.55   | 5.39   | 3.57               | 3.17   | 3.80   | 3.52   | 3.27   |
| Fines, Forfeits and penalties            | 1.69           | 2.82   | 3.35   | 3.57   | 2.69   | 2.51               | 4.02   | 5.56   | 5.45   | 4.23   |
| public chrg for service                  | 7.46           | 5.61   | 5.08   | 6.11   | 8.42   | 1.65               | 1.52   | 2.42   | 2.39   | 3.49   |
| Interg chrg for service                  | 0.12           | 0.04   | 0.00   | 0.00   | 0.00   | 0.28               | 3.25   | 0.07   | 0.07   | 0.10   |
| <b>Misc. Revenues</b>                    | 0.00           | 0.00   | 0.00   | 0.00   | 0.00   | 0.00               | 0.00   | 0.00   | 0.00   | 0.00   |
| interest income                          | 6.45           | 7.92   | 5.41   | 5.27   | 3.19   | 4.57               | 5.27   | 3.51   | 3.14   | 2.19   |
| other revenues                           | 0.28           | 0.27   | 0.23   | 0.08   | 0.13   | 0.12               | 0.25   | 0.75   | 1.34   | 0.00   |
| Total Misc. revenue                      | 6.74           | 8.21   | 5.64   | 5.35   | 3.47   | 4.68               | 5.52   | 4.27   | 4.47   | 4.32   |
| <b>Subtotal-General rev.</b>             | 100.00         | 100.00 | 100.00 | 100.00 | 100.00 | 100.00             | 86.69  | 93.19  | 100.00 | 89.02  |
| other financing sources                  | 0.00           | 0.00   | 0.00   | 0.00   | 0.00   | 0.00               | 13.31  | 6.81   | 0.00   | 10.98  |
| <b>Total Revenue</b>                     | 100.00         | 100.00 | 100.00 | 100.00 | 100.00 | 100.00             | 100.00 | 100.00 | 100.00 | 100.00 |
| <b>Expenditures-Governmental Fund</b>    |                |        |        |        |        |                    |        |        |        |        |
| <b>General Operations and Capital</b>    |                |        |        |        |        |                    |        |        |        |        |
| General Government                       | 14.50          | 16.43  | 15.27  | 15.11  | 14.73  | 17.73              | 12.23  | 14.29  | 13.50  | 16.09  |
| Law enforcement                          | 5.80           | 7.48   | 7.23   | 6.78   | 7.10   | 34.73              | 32.16  | 34.84  | 37.43  | 32.12  |
| Fire                                     | 12.89          | 15.86  | 15.33  | 15.31  | 16.47  | 14.71              | 11.84  | 12.67  | 13.10  | 11.90  |
| Ambulance                                | 3.61           | 4.41   | 4.55   | 4.34   | 4.29   | 1.07               | 0.88   | 0.94   | 0.91   | 0.88   |
| Other pub safety                         | 2.95           | 2.71   | 2.51   | 2.13   | 3.03   | 1.70               | 1.26   | 1.27   | 1.18   | 1.10   |
| Highway Main. and Admin.                 | 47.25          | 36.33  | 38.40  | 38.34  | 32.28  | 18.97              | 17.91  | 24.10  | 22.34  | 19.05  |
| Highway construction                     | 0.00           | 0.00   | 0.00   | 0.00   | 0.00   | 0.00               | 0.00   | 3.33   | 0.00   | 0.00   |
| Road-related Facilities                  | 1.86           | 1.91   | 1.70   | 1.57   | 1.30   | 1.53               | 16.12  | 1.07   | 1.10   | 0.90   |
| Other trans.                             | 0.00           | 0.00   | 0.00   | 0.00   | 0.00   | 0.00               | 0.00   | 0.00   | 0.00   | 0.00   |
| Solid Waste Coll. and Disp.              | 3.07           | 3.76   | 3.25   | 4.87   | 1.73   | 0.12               | 0.16   | 0.06   | 0.75   | 0.04   |
| Other sanitation                         | 0.14           | 0.00   | 0.00   | 0.00   | 0.00   | 0.21               | 1.65   | 0.04   | 3.11   | 0.28   |
| Health&Human Service                     | 0.33           | 0.33   | 0.38   | 0.36   | 0.26   | 0.28               | 0.22   | 0.26   | 0.26   | 0.23   |
| Culture & Education                      | 6.22           | 8.77   | 9.72   | 9.06   | 8.35   | 0.00               | 0.00   | 0.00   | 0.00   | 0.00   |
| Parks & Rec.                             | 0.34           | 0.40   | 0.37   | 0.33   | 0.43   | 0.29               | 0.33   | 0.21   | 0.20   | 0.44   |
| Conservation & Development               | 0.97           | 1.57   | 1.23   | 1.73   | 1.61   | 1.18               | 0.57   | 2.97   | 1.47   | 0.93   |
| all other exp.                           | 0.00           | 0.00   | 0.00   | 0.00   | 0.00   | 0.00               | 0.00   | 0.00   | 0.00   | 0.00   |
| Sub Total-oper. & Cap. Exp.              | 100.00         | 100.00 | 100.00 | 100.00 | 100.03 | 92.57              | 95.31  | 96.10  | 95.36  | 0.00   |
| <b>Debt Service</b>                      | 0.00           | 0.00   | 0.00   | 0.00   | 0.00   | 0.00               | 0.00   | 0.00   | 0.00   | 0.00   |
| Principal                                | 0.00           | 0.00   | 0.00   | 0.00   | 0.00   | 6.82               | 3.00   | 2.89   | 3.07   | 2.82   |
| Interest&Fiscal Charges                  | 0.00           | 0.00   | 0.00   | 0.00   | 0.00   | 0.59               | 1.64   | 1.00   | 1.56   | 1.58   |
| Total Debt Service                       | 0.00           | 0.00   | 0.00   | 0.00   | 0.00   | 7.42               | 462.26 | 3.89   | 4.63   | 4.40   |
| <b>Subtotal- Expenditures</b>            | 100.00         | 100.00 | 100.00 | 100.00 | 100.00 | 100.00             | 100.00 | 100.00 | 100.00 | 100.00 |
| Other Financing uses                     | 0.00           | 0.00   | 0.00   | 0.00   | 0.00   | 0.00               | 0.00   | 0.00   | 0.00   | 0.00   |
| <b>Total Expend &amp; Financing Uses</b> | 100.00         | 100.00 | 100.00 | 100.00 | 100.00 | 100.00             | 100.00 | 100.00 | 100.00 | 100.00 |
| <b>Financing Uses</b>                    |                |        |        |        |        |                    |        |        |        |        |
| Total General Obligation Debt            | 0.00           | 0.00   | 0.00   | 0.00   | 0.00   | 0.00               | 0.00   | 0.00   | 0.00   | 0.00   |
| <b>Proprietary Fund Types</b>            |                |        |        |        |        |                    |        |        |        |        |
| Revenues                                 | 0.00           | 0.00   | 0.00   | 0.00   | 0.00   | 0.00               | 0.00   | 0.00   | 0.00   | 0.00   |
| Expenses                                 | 0.00           | 0.00   | 0.00   | 0.00   | 0.00   | 0.00               | 0.00   | 0.00   | 0.00   | 0.00   |

Source: WI Department of Revenue

**Table 11**

| <b>PERCENTAGE CHANGE</b>                 | Town of Merton |              |              |              |              | Town of Oconomowoc |                |              |               |              |
|--|----------------|--------------|--------------|--------------|--------------|--------------------|----------------|--------------|---------------|--------------|
|  | 1988-89        | 1989-90      | 1990-91      | 1991-92      | 1988-92      | 1988-89            | 1989-90        | 1990-91      | 1991-92       | 1988-92      |
| <b>Revenues-governmental Fund</b>        |                |              |              |              |              |                    |                |              |               |              |
| population                               | 1.95           | 4.48         | 0.61         | 0.96         | 7.17         | 0.23               | -0.62          | 0.33         | 0.84          | -0.07        |
| <b>Taxes</b>                             |                |              |              |              |              |                    |                |              |               |              |
| General property taxes                   | -0.18          | 1.11         | 0.46         | -1.54        | 1.39         | -9.87              | 9.24           | 4.92         | -4.70         | 4.29         |
| Tax increments                           | 0.00           | 0.00         | 0.00         | 0.00         | 0.00         | 0.00               | 0.00           | 0.00         | 0.00          | 0.00         |
| l. l. of taxes                           | 0.00           | 0.00         | 0.00         | 0.00         | 0.00         | 0.00               | 0.00           | 0.00         | 0.00          | 0.00         |
| other                                    | 0.03           | 0.02         | -0.03        | -0.27        | 0.01         | 0.00               | 0.05           | -0.05        | 0.00          | 0.00         |
| total                                    | -0.17          | 1.13         | 0.44         | -1.82        | 1.40         | -9.87              | 9.28           | 4.88         | -4.70         | 4.29         |
| Special Assessments                      | 0.00           | 0.00         | 0.00         | 0.00         | 0.00         | -0.09              | -0.31          | 0.00         | 0.00          | -0.40        |
| <b>Intergovernmental Revenues</b>        |                |              |              |              |              |                    |                |              |               |              |
| Federal Aids                             | 0.00           | 0.00         | 0.00         | 1.04         | 0.00         | 0.00               | 0.00           | 2.78         | -2.78         | 2.78         |
| State shared revenue                     | -0.33          | 0.22         | -0.29        | -2.36        | -0.40        | -6.30              | -2.03          | -0.52        | -2.49         | -8.86        |
| State highway aids                       | 0.35           | 0.49         | 0.26         | -0.22        | 1.11         | -1.01              | 0.10           | 0.37         | -0.32         | -0.53        |
| other state aids                         | 0.63           | 0.40         | -0.97        | -0.40        | 0.06         | -0.81              | 0.82           | -0.46        | -0.96         | -0.45        |
| other local gov't aids                   | -0.61          | -0.13        | 0.00         | 0.00         | -0.73        | 0.00               | 0.00           | 0.00         | 0.76          | 0.00         |
| <i>Total inter gov. relations</i>        | <i>0.04</i>    | <i>0.99</i>  | <i>-1.01</i> | <i>1.44</i>  | <i>0.03</i>  | <i>-8.13</i>       | <i>-1.11</i>   | <i>2.17</i>  | <i>-5.78</i>  | <i>-7.08</i> |
| License and permits                      | -0.56          | 0.52         | -0.39        | 0.84         | -0.43        | -0.40              | 0.62           | -0.27        | -0.26         | -0.05        |
| Fines, Forfeits and penalties            | 1.12           | 0.53         | 0.23         | -0.88        | 1.88         | 1.50               | 1.54           | -0.11        | -1.22         | 2.94         |
| public chrg for service                  | -1.85          | -0.54        | 1.04         | 2.30         | -1.35        | -0.13              | 0.90           | -0.03        | 1.11          | 0.74         |
| Interg chrg for service                  | -0.08          | -0.04        | 0.00         | 0.00         | -0.12        | 2.97               | -3.18          | -0.01        | 0.04          | -0.21        |
| <b>Misc. Revenues</b>                    |                |              |              |              |              |                    |                |              |               |              |
| interest income                          | 1.48           | -2.51        | -0.14        | -2.07        | -1.18        | 0.70               | -1.76          | -0.37        | -0.95         | -1.43        |
| other revenues                           | -0.01          | -0.04        | -0.15        | 0.05         | -0.20        | 0.14               | 0.50           | 0.59         | -1.34         | 1.22         |
| <i>Total Misc. revenue</i>               | <i>1.47</i>    | <i>-2.57</i> | <i>-0.30</i> | <i>-1.87</i> | <i>-1.39</i> | <i>0.84</i>        | <i>-1.26</i>   | <i>0.21</i>  | <i>-0.16</i>  | <i>-0.21</i> |
| <i>Subtotal-General rev.</i>             | <i>0.00</i>    | <i>0.00</i>  | <i>0.00</i>  | <i>0.00</i>  | <i>0.00</i>  | <i>-13.31</i>      | <i>6.50</i>    | <i>6.81</i>  | <i>-10.98</i> | <i>0.00</i>  |
| other financing sources                  | 0.00           | 0.00         | 0.00         | 0.00         | 0.00         | 13.31              | -6.50          | -6.81        | 10.98         | 0.00         |
| <b>Total Revenue</b>                     | <b>0.00</b>    | <b>0.00</b>  | <b>0.00</b>  | <b>0.00</b>  | <b>0.00</b>  | <b>0.00</b>        | <b>0.00</b>    | <b>0.00</b>  | <b>0.00</b>   | <b>0.00</b>  |
| <b>Expenditures-Governmental Fund</b>    |                |              |              |              |              |                    |                |              |               |              |
| <b>General Operations and Capital</b>    |                |              |              |              |              |                    |                |              |               |              |
| General Government                       | 1.93           | -1.16        | -0.16        | -0.38        | 0.61         | -5.50              | 2.06           | -0.79        | 2.59          | -4.23        |
| Law enforcement                          | 1.67           | -0.25        | -0.45        | 0.33         | 0.98         | -2.57              | 2.69           | 2.58         | -5.31         | 2.70         |
| Fire                                     | 2.97           | -0.53        | -0.02        | 1.16         | 2.42         | -2.86              | 0.83           | 0.43         | -1.19         | -1.61        |
| Ambulance                                | 0.80           | 0.14         | -0.21        | -0.05        | 0.73         | -0.20              | 0.07           | -0.03        | -0.03         | -0.16        |
| Other pub safety                         | -0.24          | -0.20        | -0.38        | 0.90         | -0.82        | -0.44              | 0.01           | -0.09        | -0.08         | -0.52        |
| Highway Main. and Admin.                 | -10.93         | 2.08         | -0.06        | -6.06        | -8.91        | -1.06              | 6.20           | -1.77        | -3.28         | 3.37         |
| Highway construction                     | 0.00           | 0.00         | 0.00         | 0.00         | 0.00         | 0.00               | 3.33           | -3.33        | 0.00          | 0.00         |
| Road-related Facilities                  | 0.06           | -0.21        | -0.13        | -0.27        | -0.29        | 14.59              | -15.05         | 0.03         | -0.19         | -0.43        |
| Other trans.                             | 0.00           | 0.00         | 0.00         | 0.00         | 0.00         | 0.00               | 0.00           | 0.00         | 0.00          | 0.00         |
| Solid Waste Coll. and Disp.              | 0.68           | -0.51        | 1.62         | -3.14        | 1.79         | 0.04               | -0.10          | 0.68         | -0.70         | 0.63         |
| Other sanitation                         | -0.14          | 0.00         | 0.00         | 0.00         | -0.14        | 1.44               | -1.61          | 3.06         | -2.83         | 2.89         |
| Health&Human Service                     | 0.00           | 0.05         | -0.02        | -0.10        | 0.03         | -0.06              | 0.03           | 0.01         | -0.03         | -0.02        |
| Culture & Education                      | 2.55           | 0.95         | -0.66        | -0.72        | 2.85         | 0.00               | 0.00           | 0.00         | 0.00          | 0.00         |
| Parks & Rec.                             | 0.06           | -0.03        | -0.03        | 0.09         | -0.01        | 0.04               | -0.12          | -0.01        | 0.23          | -0.09        |
| Conservation & Development               | 0.59           | -0.34        | 0.50         | -0.12        | 0.76         | -0.60              | 2.40           | -1.51        | -0.54         | 0.29         |
| all other exp.                           | 0.00           | 0.00         | 0.00         | 0.00         | 0.00         | 0.00               | 0.00           | 0.00         | 0.00          | 0.00         |
| <i>Sub Total-oper. &amp; Cap. Exp.</i>   | <i>0.00</i>    | <i>0.00</i>  | <i>0.00</i>  | <i>0.03</i>  | <i>0.00</i>  | <i>2.74</i>        | <i>0.79</i>    | <i>-0.74</i> | <i>-95.36</i> | <i>2.79</i>  |
| <b>Debt Service</b>                      |                |              |              |              |              |                    |                |              |               |              |
| Principal                                | 0.00           | 0.00         | 0.00         | 0.00         | 0.00         | -3.83              | -0.11          | 0.18         | -0.25         | -3.75        |
| Interest&Fiscal Charges                  | 0.00           | 0.00         | 0.00         | 0.00         | 0.00         | 1.04               | -0.63          | 0.55         | 0.02          | 0.96         |
| <i>Total Debt Service</i>                | <i>0.00</i>    | <i>0.00</i>  | <i>0.00</i>  | <i>0.00</i>  | <i>0.00</i>  | <i>454.84</i>      | <i>-458.36</i> | <i>0.74</i>  | <i>-0.23</i>  | <i>-2.78</i> |
| <i>Subtotal- Expenditures</i>            | <i>0.00</i>    | <i>0.00</i>  | <i>0.00</i>  | <i>0.00</i>  | <i>0.00</i>  | <i>0.00</i>        | <i>0.00</i>    | <i>0.00</i>  | <i>0.00</i>   | <i>0.00</i>  |
| Other Financing uses                     | 0.00           | 0.00         | 0.00         | 0.00         | 0.00         | 0.00               | 0.00           | 0.00         | 0.00          | 0.00         |
| <b>Total Expend &amp; Financing Uses</b> | <b>0.00</b>    | <b>0.00</b>  | <b>0.00</b>  | <b>0.00</b>  | <b>0.00</b>  | <b>0.00</b>        | <b>0.00</b>    | <b>0.00</b>  | <b>0.00</b>   | <b>0.00</b>  |
| <b>Financing Uses</b>                    |                |              |              |              |              |                    |                |              |               |              |
| Total General Obligation Debt            | 0.00           | 0.00         | 0.00         | 0.00         | 0.00         | 0.00               | 0.00           | 0.00         | 0.00          | 0.00         |
| <b>Proprietary Fund Types</b>            |                |              |              |              |              |                    |                |              |               |              |
| Revenues                                 | 0.00           | 0.00         | 0.00         | 0.00         | 0.00         | 0.00               | 0.00           | 0.00         | 0.00          | 0.00         |
| Expenses                                 | 0.00           | 0.00         | 0.00         | 0.00         | 0.00         | 0.00               | 0.00           | 0.00         | 0.00          | 0.00         |

Source: Wi Department of Revenue

Table 12, page 78, summarizes the WTA assessment of state shared revenue and highway aid impacts. Per capita equalized value within each township currently exceeds the statewide average per capita equalized value (approximately \$37,900) so aidable revenues are not present. Minimum guarantee provisions provide for no more than a 5% reduction in annual per capita payments. Using DOA Demographic Services Section population estimates, the WTA projects population increases in both towns over the next 5 years; 224 in Merton and 283 in Oconomowoc. Both towns currently have low rates of population increase (about 2.6%) compared with those towns immediately on the crest of the wave of suburbanization extending west from Milwaukee, including Brookfield at 18% and Pewaukee at 11%. Thus population-based aids lost by removal of territory for incorporation will not be made up in the foreseeable future unless the two towns continue to approve unsewered subdivision plats.

State highway aids, because they are subject to a different formula than per capita aid payments, are not as affected by removal of territory, and are projected to increase slightly due to rising per-mile costs in both towns, and changes in state transportation aid appropriations.

Table 12 also illustrates the net impact projected by the WTA should incorporation occur. Town of Oconomowoc is projected to have a slight drop in total state aids with incorporation; in town of Merton, increasing highway aids are not enough to make up for the 5% annual maximum decline in per capita aid payments.

Are these potential differences resulting from possible incorporation significant? For the town of Merton it is apparent that the projected loss of \$9,000 (it grows to about \$15,000 in later years) is less than 1% of total 1992 revenue. For town of Oconomowoc, the difference divided by 1992 total revenue is about .6%.

As previously noted, the WTA was also commissioned to analyze the likely impact of incorporation on town services comprising the operating budget of the town of Merton. No such analysis was performed for town of Oconomowoc (perhaps because the town has a slightly faster rate of population growth, a larger population to start with, fewer persons and acres lost to incorporation, and an operating budget that is about 50% greater than the town of Merton). Tables 6-8, page 69, portray the major operating reductions that WTA estimates are likely to occur. Some of the personnel costs, such as sheriff's patrol, highways and library are not subject to simple percentage reductions because of the small number of staff involved, but could be subject to participation by Stone Bank, should the proposed village and the town agree to jointly share in the provision of services.

Table 12

**SUMMARY OF SHARED REVENUES AND HIGHWAY AIDS**  
**Town of Merton and Oconomowoc**  
**1992 Through 1998**

| Year   | Merton          |              |                    | Oconomowoc      |              |                    |
|--|-----------------|--------------|--------------------|-----------------|--------------|--------------------|
|  | Shared Revenues | Highway Aids | Total <sup>1</sup> | Shared Revenues | Highway Aids | Total <sup>1</sup> |
| <b>As entire town</b>  |                 |              |                    |                 |              |                    |
| 1992 (actual)  | \$187,595       | \$64,959     | \$252,554          | \$212,815       | \$ 98,935    | \$311,750          |
| 1993 (est.)  | 187,515         | 71,455       | 258,970            | 213,576         | 108,828      | 322,404            |
| <b>As balance of town<br/>(with incorp.<br/>[projected])</b> |                 |              |                    |                 |              |                    |
| 1993   | \$178,215       | \$71,455     | \$249,670          | \$202,174       | \$108,828    | \$311,002          |
| 1994   | 169,304         | 82,173       | 251,592            | 195,493         | 125,152      | 320,645            |
| 1995   | 160,839         | 92,552       | 253,391            | 194,783         | 143,925      | 338,708            |
| 1996   | 152,797         | 89,955       | 242,752            | 195,405         | 164,912      | 360,317            |
| 1997   | 145,157         | 93,399       | 238,556            | 195,443         | 172,389      | 367,832            |
| 1998   | 137,899         | 96,651       | 234,550            | 195,393         | 177,545      | 372,938            |

<sup>1</sup>Sum of shared revenues (except utility payment) and highway aids.

Source: Wisconsin Taxpayers Alliance

The total reduction in general operations expenses is estimated to equal approximately \$200,000, or a 16.5% decline. Table 7, page 69, portrays the WTA estimate of likely reductions in general revenues of approximately \$49,000, or about a 10% decline without considering local property tax proceeds. The net effect of having to spend almost \$200,000 less, offset by a \$49,000 reduction in general non-tax revenues, against a drop in property tax base of approximately \$126 million, results in an estimated increase (for taxes levied in 1993 and collected in 1994) of local property taxes for those residents remaining in the town of Merton, of \$.17 per \$1,000 of equalized assessed value (the rate per \$1,000 is estimated to change from \$1.63 to \$1.80). As the WTA points out, changing service sharing/participation assumptions with the proposed village of Stone Bank could either lower the estimated levy by approximately \$.10, or raise the estimated levy by \$.12 per \$1,000. The following Table 13, page 80, compares these tax rate changes to 1992 and 1993 Waukesha County local purpose town taxes (for taxes levied in 1991, and 1992, payable in 1992 and 1993)

As the Wisconsin Taxpayers Alliance analysis for the town of Oconomowoc, shown on Table 12, page 78, suggests, the loss of shared aids is minimal (about 3% the first year, and insignificant or no loss thereafter). Should incorporation occur, 8.3% of tax base (\$34,676,796 / \$416,681,000 [1992 equalized value used for calculation of taxes collected in 1993]) would be removed. Without making any local expenditure changes due to not having to maintain roads transferred, or by not having to provide other services to the territory containing 637 residents transferred from town of Oconomowoc to the proposed village, what would local purpose property taxes have been by factoring in a 3% loss in state shared revenues and an 8.3% decrease in tax base? Using 1992 Financial Report information, state shared aids were approximately \$307,900, less 3%, say \$298,700 that would have to be made up by an increase in local property taxes. Reducing equalized value (tax base) by \$34,676,796 leaves a remaining tax base of \$382,004,204.

The amount to be raised by the 1992 town of Oconomowoc local property tax levy was \$1,122,561, to which will be added \$9,200 to account for the loss of state aids, equaling \$1,131,761. \$1,131,761 divided by the reduced property tax base of \$382,004,204, results in a hypothetical local levy of \$2.96 per \$1,000 of equalized assessed value, an increase over the 1992 levy (approximately \$2.69 per \$1,000 of equalized assessed value) of approximately 27 cents. Any reduction in town expenditures occasioned by not having to maintain 5.63 miles of town road, or provide services to residences occupied by 637 people, would reduce this amount.

As can be seen from Table 13 below, significant local property tax variation exists between Waukesha County towns. Since towns in general typically provide only basic services, and rely primarily upon state shared aids and payments for services (and other local revenues, if any - such as rental of the town hall or derive income from other assets), local property tax rates therefore become highly sensitive to discreet budget changes. Borrowing for an equipment acquisition, adding an additional part-time clerk or road crew member, or replacing a town road bridge, can easily affect the local-purpose portion of the property tax levy by 5-10% or more. The amount of variation in the town of Merton budget with- and without-incorporation easily falls within the range of change experienced on average, by Waukesha County towns for their 1992 and 1993 local purpose property tax levies.

Table 13

| Recent Local Purpose Property Taxes in Waukesha County Towns |              |              |
|--|--------------|--------------|
| <u>Town</u>  | <u>1991*</u> | <u>1992*</u> |
| Brookfield   | \$3.83       | \$4.02       |
| Delafield  | 1.55         | 1.92         |
| Eagle  | 1.96         | 1.77         |
| Lisbon   | .95          | 1.08         |
| Merton   | 1.39         | 1.36         |
| Genesee  | 1.60         | 1.59         |
| Mukwonago  | 2.14         | 2.34         |
| Oconomowoc   | 2.60         | 2.69         |
| Ottawa   | 1.67         | 1.77         |
| Pewaukee   | 2.48         | 2.57         |
| Summit   | 3.12         | 2.97         |
| Vernon   | 3.25         | 3.69         |
| Waukesha   | 1.40         | 1.41         |
| County Town Average  | \$2.22       | \$2.32       |

\*For taxes levied this year, payable the following year.  
 Source: Wisconsin Department of Revenue, Division of State and Local Finance, Bureau of Local Financial Assistance.  
 "Town, Village and City Taxes - 1992 and 1993."

#### DETERMINATION

The foregoing analysis of territory (including location and shape) town services and operating budgets suggests that the remainder of the towns of Merton and Oconomowoc would not be unduly disadvantaged by incorporation of the proposed village. The potential town tax rates reasonably believed to ensue should incorporation occur are not believed to be so onerous as to constitute a loss of scarce fiscal resources, or to create an undue burden for remaining town

taxpayers, and are not so significant as to preclude a finding that the "impact on the remainder of the town(s)" criterion is met.

This positive finding is not intended to minimize the potential impact on the two towns from those issues causing the petition to fail the "homogenous and compactness" criterion in s.66.016(1)(a), Stats. If the Department were not determining that petitioners, if they choose, could revise and resubmit a new petition resolving boundary issues identified by the Department in Part (1) (a), the boundary issues would be sufficient to cause the petition to fail this criterion as well.

## SECTION 2 (d) IMPACT UPON THE METROPOLITAN COMMUNITY

### *STANDARD TO BE APPLIED*

"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." (Section 66.016(2)(d), Stats.)

### *ANALYSIS and DETERMINATION*

The "metropolitan community" is defined in s. 66.013 (2) (c), Stats., to mean "the 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 trends and other pertinent facts will have a minimum density of 100 persons per square mile within 3 years." The territory of which Stone Bank incorporation petition is a part does not currently meet the statutory definition of a "metropolitan community" and therefore this standard is not applicable.

**SUMMARY OF THE ANALYSIS OF THE STANDARDS**

Standard 1(a), Homogeneity and compactness - Not Met  
 Standard 1(b), Territory beyond the Core - Met  
 Standard 2(a), Tax revenue - Met  
 Standard 2(b), Level of services - Not Applicable  
 Standard 2(c), Impact on the remainder of the towns - Met  
 Standard 2(d), Impact on the metropolitan community - Not Applicable

**THE DETERMINATION OF THE DEPARTMENT  
 AS PRESCRIBED BY SECTION 66.014 (9) (e) 3, STATS., IS:**

The petition as submitted shall be dismissed with a recommendation that a new petition be submitted to include different boundaries as specified in Part 1(a and Appendix 1 of this Determination.

**NOTICE OF APPEAL INFORMATION**

**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW  
 THE TIMES ALLOWED FOR EACH AND THE IDENTIFICATION  
 OF THE PARTY TO BE NAMED AS RESPONDENT**

As required by s. 227.48 (2), Stats., the following notice is served on the parties of interest as part of the Department's determination:

Any party has a right to petition for a rehearing of this decision within 20 days of service of this decision, as provided in s. 227.49 of the Wisconsin Statutes. The 20-day period commences the day after personal service or mailing of this decision. (Decisions of the Department are mailed the day they are dated. In the case of an oral decision, personal service is the oral pronouncement of the decision at the hearing.) The requirements and procedures of s. 227.49 should be followed in petitions for rehearing. The petition for rehearing should be filed with the Department of Administration. Nevertheless, an appeal can be taken directly to circuit court through a petition for judicial review. It is not necessary to petition for a rehearing.

Any party has a right to petition for a judicial review of this decision as provided in s. 227.53 of the Wisconsin Statutes. The requirements and procedures of s. 227.53 should be followed in petitions of judicial review. The petition should be filed in circuit court and served upon the Department of Administration within 30 days of service of this decision if there has been no petition for rehearing, or within 30 days of service of the order finally disposing of the petition for rehearing. The 30-day period commences the day after personal service or mailing of the decision or order, or the day after the final disposition by operation of law of any petition for rehearing. (Decisions of the Department are mailed the day they are dated. In the case of an oral decision, personal service is the oral pronouncement of the decision at the hearing.) The petition for judicial review should name the Department of Administration as respondent.

This notice is part of the decision and incorporated therein.

Note: Sections 227.49 and 227.53, Stats., are reproduced in their entirety in the following paragraphs:

**Section 227.49, Stats. Petitions for rehearing in contested cases.**

(1) A petition for rehearing shall not be a prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3) (e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

(2) The filing of a petition for rehearing shall not suspend or delay the effective date of the order, and the order shall take effect on the date fixed by the agency and shall continue in effect unless the petition is granted or until the order is superseded, modified, or set aside as provided by law.

(3) Rehearing will be granted only on the basis of:

(a) Some material error of law.

(b) Some material error of fact.

(c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

(4) Copies of petitions for rehearing shall be served on all parties of record. Parties may file replies to the petition.

(5) The agency may order a rehearing or enter an order with reference to the petition without a hearing, and shall dispose of the petition within 30 days after it is filed. If the agency does not enter an order disposing of the petition within the 30-day period, the petition shall be deemed to have been denied as of the expiration of the 30-day period.

(6) Upon granting a rehearing, the agency shall set the matter for further proceedings as soon as practicable. Proceedings upon rehearing shall conform as nearly may be to the proceedings in an original hearing except as the agency may otherwise direct. If in the agency's judgment, after such rehearing it appears that the original decision, order or determination is in any respect unlawful or unreasonable, the agency may reverse, change, modify or suspend the same accordingly. Any decision, order or determination made after such rehearing reversing, changing, modifying or suspending the original determination shall have the same force and effect as an original decision, order or determination.

History: 1975 c. 94 s. 3; 1975 c. 414; 1977 c. 139; 1979 c. 208; 1985 a. 182 s. 33t; Stats. 1985 s. 227.49.

**Section 227.53, Stats. Parties and proceedings for review.**

(1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.52 shall be entitled to judicial review thereof as provided in this chapter.

(a) 1. Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and 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. If the agency whose decision is sought to be reviewed is the tax appeals commission, the banking review board, the consumer credit review board, the credit union review board, the savings and loan review board or the savings bank review board, the petition shall be served upon both the agency whose decision is sought to be reviewed and the corresponding named respondent, as specified under par. (b) 1 to 5.

2. Unless a rehearing is requested under s. 227.49, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.48. If a rehearing is requested under s. 227.49, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by

operation of law of any such application for rehearing. The 30-day period for serving and filing a petition under this paragraph commences on the day after personal service or mailing of the decision by the agency.

3. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 77.59 (6) (b), 182.70 (6) and 182.71 (5) (g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by the parties. If 2 or more petitions for review of the same decision are filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(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. The petition may be amended, by leave of court, though the time for serving the same has expired. The petition shall be entitled in the name of the person serving it as petitioner and the name of the agency whose decision is sought to be reviewed as respondent, except that in petitions for review of decisions of the following agencies, the latter agency specified shall be the named respondent:

1. The tax appeals commission, the department of revenue.
2. The banking review board or the consumer credit review board, the commissioner of banking.
3. The credit union review board, the commissioner of credit unions.
4. The savings and loan review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings and loan review board shall be the named respondents.
5. The savings bank review board, the commissioner of savings and loan, except if the petitioner is the commissioner of savings and loan, the prevailing parties before the savings bank review board shall be the named respondents.

(c) A copy of the petition shall be served personally or by certified mail or, when service is timely admitted in writing, by first class mail, not later than 30 days after the

institution of the proceeding, upon each party who appeared before the agency in the proceeding in which the decision sought to be reviewed was made or upon the party's attorney of record. A court may not dismiss the proceeding for review solely because of a failure to serve a copy of the petition upon a party or the party's attorney of record unless the petitioner fails to serve a person listed as a party for purposes of review in the agency's decision under s. 227.47 or the person's attorney of record.

(d) The agency (except in the case of the tax appeals commission and the banking review board, the consumer credit review board, the credit union review board, the savings and loan review board and the savings bank review board) and all parties to the proceeding before it, shall have the right to participate in the proceedings for review. The court may permit other interested persons to intervene. Any person petitioning the court to intervene shall serve a copy of the petition on each party who appeared before the agency and any additional parties to the judicial review at least 5 days prior to the date set for hearing on the petition.

(2) Every person served with the petition for review as provided in this section and who desires to participate in the proceedings for review thereby instituted shall serve upon the petitioner, within 20 days after service of the petition upon such person, a notice of appearance clearly stating the person's position with reference to each material allegation in the petition and to the affirmance, vacation or modification of the order or decision under review. Such notice, other than by the named respondent, shall also be served on the named respondent and the attorney general, and shall be filed, together with proof of required service thereof, with the clerk of the reviewing court within 10 days after such service. Service of all subsequent papers or notices in such proceeding need be made only upon the petitioner and such other persons as have served and filed the notice as provided in this subsection or have been permitted to intervene in said proceeding, as parties thereto, by order of the reviewing court.

History: 1971 c. 243; 1975 c. 94 s. 3; 1975 c. 414; 1977 c. 26 s. 75; 1977 c. 187; 1979 c. 90, 208, 355; 1985 a. 149 s. 10; 1985 a. 182 ss. 37, 57; Stats. 1985 s. 227.53; 1987 a. 27, 313, 399; 1991 a. 221.

Unofficial text from 91-92 Wis. Stats. database updated to 93 Wis. Act 125.

APPENDIX 1  
DESCRIPTION OF RECOMMENDED BOUNDARY ADJUSTMENTS\*

Northern Boundary of Proposed Village:

- Beginning at the NW corner of the SE quarter of Section 17 T8N R18E (T. Merton);
- Then N90 degrees W 675 feet to POB;
- Then N90 deg. W 1550 feet to the east right-of-way of West Shore Road;
- Then, following the east ROW of West Shore Road in a SW fashion approximately 1100 feet to the intersection of West Shore and Reddelein Road;
- Then N90 deg. W 66 feet to West right-of-way West Shore Road;
- Then along the north shoreland/floodplain boundary of the Oconomowoc River (300 from the ordinary high water mark) in a SW fashion to the intersection of shoreland/ floodplain boundary and the south line of section 18;
- Then N90 deg. W 800 feet to the SW corner of the SE quarter of section 18;
- Then N90 deg. W 4475 feet;
- Then N 0 deg. W 1000 feet;
- Then N90 deg. W 1000 feet;
- Then S 0 deg. W 1000 feet to the SW corner of the SE quarter of Section 13 T8N R17E (T. Oconomowoc).
- Then south along the originally proposed boundary to the shore of Okauchee Lake.

Boundary Adjustment to Include Part of Okauchee Lake:

- Beginning at the SW corner of the SW quarter of section 30 T8N R18E;
- Then N 0 deg. W 3825 feet to point of beginning
- Then N 0 deg. W 1325 to the SE corner of the SE quarter of section 30;
- Then N 45 deg. W 3650 feet to the NW corner of the SW quarter of section 25 T8N R17E (T. Oconomowoc);
- Then N 0 deg W 2650 feet to the NW corner of the NE quarter of section 25;
- Then N 0 deg W 795 feet to the shore of Okauchee and the originally proposed boundary of Stone Bank;

Boundary Adjustment to Include Part of North Lake:

- Beginning at the NW corner of the SE quarter of section 20;
- Then N 90 deg. E 125 feet to the shore of North Lake (approximation);
- Then following the shore of North Lake in a NE fashion to the boundary of the Village of Chenequa (approximately 600 feet);
- Then continuing along the existing boundary of the V. Chenequa and North Lake, then across the span of North Lake (following the sand bar as a guide) to the Merton side (Reddelein Beach area), approximately 2175 feet;
- Then continuing with the originally proposed boundaries.

\*Note: Map 11, page 46, illustrates these recommended boundary changes. The legal description sufficient to represent the intended boundary changes recommended by the Department contains approximate lengths and bearings based on maps and aerial photos provided by state and local agencies.

Should petitioners chose to refile, the Department recommends obtaining the services of a registered land surveyor to develop new boundaries following the Department's recommendations for the proposed village tied, by bearing and distance, to the boundary line of sections and quarter-sections in which the land is located. In addition, the monuments at the ends of the boundary line must be described and the bearing and distance between them shown.

APPENDIX 2  
BIBLIOGRAPHY

United States Army Corp. of Engineers. Reconnaissance Report for Section 205 Flood Control Project: North Lake, Waukesha County, Wisconsin. (July 1982).

Wisconsin Department of Agriculture, Trade and Consumer Protection, Agricultural Statistics Service. Wisconsin Agricultural Statistics--1993. (June 1993).

Wisconsin Department of Agriculture, Trade and Consumer Protection, Agricultural Statistics Service. Wisconsin Agricultural Statistics--1990. (June 1990).

Wisconsin Department of Agriculture, Trade and Consumer Protection, Agricultural Statistics Service. Wisconsin Agricultural Statistics--1985. (June 1985).

United States Department of the Interior, Geological Survey, Ground Water Resources of Waukesha County, Wisconsin. (Information Circular 29, 1975).

Southeastern Wisconsin Regional Planning Commission. Waukesha County Agricultural Soil Erosion Control Plan. (Community Assistance Planning Report No. 159, June 1988).

\_\_\_\_\_. A Water Quality management Plan for North Lake. (Community Assistance Planning Report No. 54, July 1982).

\_\_\_\_\_. A Water Quality Management Plan for Okauchee Lake. (Community Assistance Report No. 53, August 1981).

\_\_\_\_\_. Sanitary Sewer Service Area for The City of Delafield and the Village of Nashotah and Environs. (Community Assistance Report No. 127, November 1992).

\_\_\_\_\_. A Regional Land Use Plan for Southeastern Wisconsin--2010. (Planning Report No. 49, January 1992).

\_\_\_\_\_. A Regional Land Use Plan and a Regional Transportation Plan for Southeastern Wisconsin--2000. (Planning Report No. 25, May 1978).

\_\_\_\_\_. Regional Land Use Plan Implementation in Southeastern Wisconsin: Status and Needs. (Memorandum Report No. 69, May 1993).

\_\_\_\_\_. A Park and Open Space Plan for Waukesha County. (Community Assistance Report No. 137, December 1989).

Wisconsin Department of Revenue, Division of State and Local

Finance, Bureau of Local Financial Assistance. Town, Village and City Taxes-1987. (Taxes Levied 1988, Collected 1988).

\_\_\_\_\_. Town, Village and City Taxes-1988. (Taxes Levied 1990, Collected 1989).

\_\_\_\_\_. Town, Village and City Taxes-1989. (Taxes Levied 1989, Collected 1990).

\_\_\_\_\_. Town, Village and City Taxes-1990. (Taxes Levied 1990, Collected 1991).

\_\_\_\_\_. Town, Village and City Taxes-1991. (Taxes Levied 1991, Collected 1992).

\_\_\_\_\_. Town, Village and City Taxes-1992. (Taxes Levied 1992, Collected 1993).

\_\_\_\_\_. County and Municipal Revenues and Expenditures 1988, Bulletin No. 88. (March 1990).

\_\_\_\_\_. County and Municipal Revenues and Expenditures 1989, Bulletin No. 89. (March 1991).

\_\_\_\_\_. County and Municipal Revenues and Expenditures 1990, Bulletin No. 90. (March 1992).

\_\_\_\_\_. County and Municipal Revenues and Expenditures 1991, Bulletin No. 91. (March 1993).

\_\_\_\_\_. County and Municipal Revenues and Expenditures 1992, Bulletin No. 92. (March 1994).

Waukesha County Park and Planning Department. Town of Oconomowoc Master Plan. (Date ??).

\_\_\_\_\_. Zoning Code, Waukesha County, Wisconsin. (February 1959, Amended ???).

\_\_\_\_\_. Shoreland and Floodland Protection Ordinance, Waukesha County, Wisconsin. (June 1970, Amended January 1982).

\_\_\_\_\_. Construction Site Erosion Control Ordinance. (Date??).

Aquatic Environmental Consulting, Inc. North Lake Project: Paleolimnology, Geochronology, Sediment Size Fractionation, and Suspended Sediment Load. (not dated).

Vandewalle and Associates. Impact of Incorporation: Proposed Village of Stone Bank. (October 1993).

Wisconsin Department of Transportation, Division of Planning and Budget, Bureau of Systems Planning, Travel Data Management. Wisconsin Highway Traffic Volume Data--1992. (March 1993).

\_\_\_\_\_. Division of Transportation Assistance, Local Transportation Aids. Transportation Aids Cost Reporting Manual--1993. (January 1994).

Wisconsin Department of Natural Resources. 1992 Compliance Manual Report (CMAR)-Delafield-Hartland Plant. (February 1993).

\_\_\_\_\_. 1992 Compliance Manual Report (CMAR)-Oconomowoc Plant. (February 1993).

\_\_\_\_\_. 1993 Registry of Waste Disposal Sites in Wisconsin. (1993).

\_\_\_\_\_. Expanding Industry in Wisconsin: A guide to Meeting Air Quality Requirements. (1993).

Wisconsin Department of Natural Resources, Bureau of Law Enforcement. 1989-1990 Wisconsin Recreational Boating Study. (March 1991).

Hammel Green and Abrahamson, Inc. Long Tern Educational Facilities Report for: Lake Country, Richmond, Stone Bank and Swallow School Districts. (September 1992).

Chicago and North Western Holdings Corp. 1993 Annual Report. (March 1994).

Census of Population and Housing, 1990: Summary Tape File 3 on CD-ROM (Wisconsin)/prepared by the Bureau of the Census.--Washington: The Bureau, 1992.

Census of Population and Housing, 1990: Summary Tape File 1A on CD-ROM (Wisconsin)/prepared by the Bureau of the Census.--Washington: The Bureau, 1992.

Rockford Map Publishers, Inc. Rockford, IL. Waukesha County, Wisconsin Land Atlas and Plat Book. (1990).

Town of Merton, Waukesha County, Wisconsin. Annual Reports and financial audits for years 1988-1992.

\_\_\_\_\_. Municipal Code of Ordinances for the Town of Merton. Prepared by the Municipal Service Corporation, 1991.

\_\_\_\_\_. Town of Merton Master Plan, 1981.

Town of Oconomowoc, Waukesha County, Wisconsin. Annual

Reports and financial audits for years 1988-1992.

\_\_\_\_\_. Municipal Code of Ordinances for the Town of Oconomowoc. Prepared by the Municipal Service Corporation, 1991.

Stone Bank Volunteer Fire Department. Service roster, personnel ratings, ISO ratings, equipment inventory, by-laws and training regulations, and Service area maps.

Wisconsin Department of Industry, Labor and Human Relations. Administrative Code Chapter 85, Subdivisions not Served by Public Sewers.

Wisconsin Department of Natural Resources. List of Registered Land Fills in Wisconsin (Printout for Waukesha County, October 1993).

Wisconsin Taxpayer's Alliance. Effect of Incorporation on the Town of Merton Budget, December 1993.

\_\_\_\_\_. Analysis of Proposed Stone Bank Budget, December 1993.

\_\_\_\_\_. Effect of Incorporation on Shared Revenues and Highway Aids to the Towns of Merton and Oconomowoc, August 1993.