
STATE OF WISCONSIN

CIRCUIT COURT

RACINE COUNTY

In Re:

THE MATTER OF INCORPORATION
OF LANDS COMPRISING THE TOWN
OF CALEDONIA, RACINE COUNTY,
WISCONSIN AS THE VILLAGE OF
CALEDONIA

Case No. 03-CV-1373

Mark W. Lubberda, Representative of
the Petitioners for the Incorporation of the
Village of Caledonia,

Wendy M. Christianson, Alternate Representative of
the Petitioners for the Incorporation of the
Village of Caledonia,

Petitioners

DETERMINATION OF THE WISCONSIN DEPARTMENT OF ADMINISTRATION

April 2005

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 §66.0207, Wis. 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 §66.0207, Wis. Stats.:

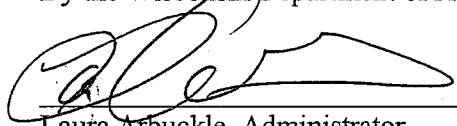
- STANDARD 1 (a), Homogeneity and Compactness - not met
- STANDARD 1 (b), Territory Beyond the Core - not met
- STANDARD 2 (a), Tax Revenue - met
- STANDARD 2 (b), Level of Services - not applicable
- STANDARD 2 (c), Impact on the Remainder of the Town - not applicable
- STANDARD 2 (d), Impact on the Metropolitan Community - met

All of the above is discussed in the body of the Determination. The Determination of the Department to the Circuit Court, as prescribed by §66.0203(9)(e)3, Wis. Stats., is as follows:

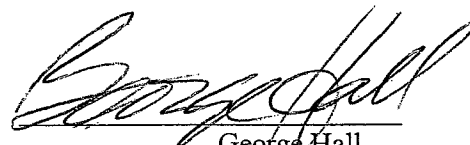
The petition as submitted is dismissed with a recommendation that a new petition be submitted to include more or less territory as specified in the department's findings and determination.

Dated this 27th day of April, 2005.

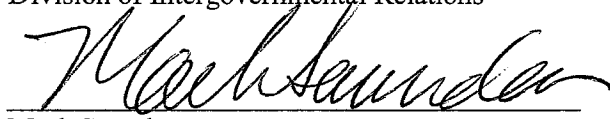
By the Wisconsin Department of Administration:



Laura Arbuckle, Administrator
Division of Intergovernmental Relations



George Hall
Municipal Boundary Review



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Cc: The Honorable Faye M. Flancher, Judge, Racine Co. Circuit Court Branch 8
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TABLE OF CONTENTS

EXECUTIVE SUMMARY6

INTRODUCTION5

SECTION 1(A) HOMOGENEITY AND COMPACTNESS10

 PHYSICAL AND NATURAL BOUNDARIES 10

 Natural Topography and Geology 10

 Drainage Basins and Water Resources 11

 Physical Boundaries 12

 Soils 13

 Critical Species 14

 ENVIRONMENTAL COORIDORS, WETLANDS AND NATURAL AREAS 15

 AMBIENT AIR QUALITY 17

 HISTORICAL, ARCHAEOLOGICAL OR ARCHITECTURALLY SIGNIFICANT RESOURCES 17

 TRANSPORTATION 17

 Highways 18

 Minor Roadways and Streets 20

 Rail 20

 Bus 21

 Air 21

 Other Modes 21

 POLITICAL BOUNDARIES 22

 Neighborhoods 23

 Schools 25

 Sanitary and Storm Districts 25

 SHOPPING AND SOCIAL CUSTOMS 27

 Shopping and Employment 27

 Social and Recreation Opportunities 29

 SUMMARY OF CURRENT LAND USES 29

SECTION 1(B), TERRITORY BEYOND THE CORE34

 LAND USE PLAN & RURAL AREA STUDIES 35

 SEWER SERVICE AREA EXPANSION 35

 LAND TENURE 37

 REZONINGS, SUBDIVISION APPROVALS & BUILDING PERMIT DATA 37

SECTION 2(A) TAX REVENUE41

 REVENUES 41

 EXPENDITURES 44

 PROPERTY TAX BASE 47

 PROPERTY TAX RATES 48

 DEBT 49

 RACINE AREA SEWER & REVENUE SHARING AGREEMENT 49

SECTION 2(B) LEVEL OF SERVICES51

SECTION 2(C) IMPACT ON THE REMAINDER OF THE TOWN52

SECTION 2(D), IMPACT UPON THE METROPOLITAN COMMUNITY53

 TRANSPORTATION 56

 SEWER 56

 SCHOOLS 55

 POLICE 56

 PUBLIC HEALTH 55

HOUSING	56
COMMERCIAL DEVELOPMENT	57
BIBLIOGRAPHY	58

GRAPHS

GRAPH 1: CALEDONIA POPULATION	9
GRAPH 2: SUBDIVISION APPROVALS AND LOTS	38
GRAPH 3: BUILDING PERMITS	38
GRAPH 4: SUBDIVISION ACRES DEVELOPED	39
GRAPH 5: REVENUE SHARES, CALEDONIA	43
GRAPH 6: REVENUE SHARES, COMPARISON COMMUNITIES	43
GRAPH 7: PER CAPITA TOTAL REVENUE & OTHER FINANCIAL SOURCES COMPARISON	44
GRAPH 8: EXPENDITURE SHARES, COMPARISON COMMUNITIES	46
GRAPH 9: EXPENDITURE SHARES, CALEDONIA	47
GRAPH 10: PER CAPITA EQUALIZED VALUE COMPARISON	48
GRAPH 11: LOCAL TAX MILL RATE COMPARISON	48
GRAPH 12: TOTAL GENERAL OBLIGATION DEPT COMPARISON	49

TABLES

TABLE 1: CHANGES IN JURISDICTIONAL RESPONSIBILITY OF ROADS	19
TABLE 2: CALEDONIA SCHOOL ENROLLMENT	25
TABLE 3: SAMPLING OF CALEDONIA BUSINESSES	28
TABLE 4: CALEDONIA-OWNED PARKS	30
TABLE 5: EXISTING LAND USE	31
TABLE 6: CALEDONIA REVENUES	42
TABLE 7: PROPOSED BUDGET	45
TABLE 8: PROPERTY TAX PROFILE	47
TABLE 9: COOPERATION EXAMPLES	55

APPENDIX A: MAPS

MAP 1: REGIONAL CONTEXT
MAP 2: WATERSHED BOUNDARIES
MAP 3: SOILS
MAP 4: ENVIRONMENTAL CORRIDORS AND NATURAL RESOURCE AREAS
MAP 5: HISTORIC SITES
MAP 6: ROADS AND RAIL
MAP 7: NEIGHBORHOOD PLANNING AREAS
MAP 8: PUBLIC SANITARY SEWER SERVICE
MAP 9: BUSINESSES
MAP 10: ZONING MAP
MAP 11: CALEDONIA LAND USE DISTRICTS
MAP 12: ORTHOGRAPHIC MAP OF CALEDONIA
MAP 13: CALEDONIA QUARTER-SECTION POPULATION
MAP 14: RECOMMENDED ALTERNATIVE BOUNDARIES

EXECUTIVE SUMMARY

Residents in the Town of Caledonia, supported by the Town Board, have petitioned to become incorporated as a village. The petition for incorporation includes the town in its entirety of 48.6 square miles and almost 25,000 persons, and would become one of the largest villages in Wisconsin in both area and population. Petitioners are interested in incorporation for a number of reasons. Given the extraordinary amount of physical and facilities planning by residents, staff, and elected officials that has been completed or is in progress, there is an interest in keeping the Town boundaries intact. With anticipated commercial development, there is a desire to have TIF authority. Finally, given Caledonia's large population, a more efficient form of government is desired.

Historically, the Town of Caledonia has consisted of rural hamlets or isolated subdivisions: Caddy Vista, Crestview, Franksville, Caledonia, Husher, Ives Station, Kilbournville, Lamberton, Willow Creek, Tabor, and Linwood, each representing a small residential, institutional, or business cluster. These hamlets as well as the overarching differences between the urban and rural parts of the Town mean that Caledonia is a place of many different personalities. This was apparent to the Department during several site visits. However, the transportation improvements that tie the Town more closely to surrounding areas mean that these traditionally independent hamlets are now as a group affected by the land market forces emanating from the economic centers of Racine and Milwaukee. These forces are making land more valuable for residential and commercial development than rural uses, and this phenomenon will likely continue as more planned transportation improvements and public sewer and water infrastructure come on line. These pressures have led Caledonia's various hamlets to join together as a larger town to petition for incorporated status.

The Department commends Caledonia on its hard work in assembling all the requested materials, and also its residents and leaders for their tremendous civic energy. The Department was also struck by the range of services Caledonia already provides its residents. For example, Caledonia has full-service police and fire departments with 80 employees between them. In many ways, Caledonia already functions like an incorporated municipality. It only needs to become one in fact.

Having found that Caledonia's petition met the basic statutory area and population requirements, the circuit court referred the petition to the Department. This document is the Department's Findings and Determination on whether the petition meets the public interest standards for an incorporation under section 66.0207, Wis.Stats. The Department concludes that the petition fails to meet two of these standards – 'compactness and homogeneity' and 'territory beyond the core' - and must therefore be dismissed by the circuit court. Specifically, the Department finds the following key problems:

- The public interest standards require that territory to be incorporated be urban in nature rather than rural. This petition contains over 20 square miles of territory with a decidedly "rural" character, along with population densities per quarter section that are several orders of magnitude less than found in the more densely settled areas of the Town lying north of the City of Racine and Village of Wind Point.
- The territory beyond the core requirement instructs the department to find that the territory beyond the most densely populated square mile have the potential for residential or other urban land use development on a substantial scale within the next three years. Considering the extensive territory cited above, even with exclusions for environmental and other reasons,

there is simply too much territory involved to be consistent with case law decisions and prior determinations.

The incorporation statutes provide the Department with three courses of action. It may: 1) grant the petition; 2) dismiss the petition, or 3) dismiss the petition and recommend that a new petition be submitted to include more or less territory as specified in the determination. Because the petition as presently drafted fails to meet two of the statutory standards, the Department must dismiss the petition. However, because the Department believes that the urbanized portion of Caledonia could meet the statutory standards, it finds the third course of action most appropriate. Specifically, the Department dismisses the petition and recommends that the petition be resubmitted to the circuit court to include a potential boundary formed by the mid-point of PLS Sections 12, 13, and 24 lying south of 7 Mile Road, that separates the crescent of urbanized territory east of and abutting STH 31, and all lands south of 4-Mile Road, excluding Section 28, that the Department believes could meet the criteria. See **Map 14** at Appendix A for the recommended potential boundary. This crescent of territory is already largely urbanized and contains most of the Town's current population and social and commercial activity, and is consistent with territory to be served pursuant to the *Racine Area Intergovernmental Sanitary Sewer Service, Revenue-Sharing, Cooperation and Settlement Agreement*.

To facilitate petitioners refiling this petition with altered boundaries as suggested herein, the Department will recommend to the Incorporation Review Board that it adopt a policy to waive the imposition of the incorporation review fee if petitioners who have been directed to refile in circuit court with alternate boundaries do so within 6 months from the date of the determination.

The following narrative is organized into sections - a section for each public interest standard – that discuss and analyze at length the relationship of the petition to the statutory standards.

INTRODUCTION

The Town of Caledonia (Town) is located in Racine County between Milwaukee and Chicago along Interstate 94 (I-94) in the southeastern region of Wisconsin. This region encompasses Kenosha, Milwaukee, Racine, Walworth, Washington and Waukesha counties. Caledonia lies east of the Town of Raymond, south of the City of Oak Creek, and north of the Village of Mount Pleasant. Along Caledonia's eastern border from north to south are Lake Michigan, the Village of Wind Point, and the City of Racine. The Root River flows south through the center of the Town. **Map 1** at Appendix A shows the Town of Caledonia relative to other jurisdictions. The territory proposed for incorporation includes the entire Town of Caledonia, an area of 48.6 square miles or about 31,104 acres. Caledonia is 35% larger than the standard township, which is 36 miles square miles, or about 23,040 acres.

Caledonia is undeniably influenced by its region. The southeastern region of Wisconsin is expected to continue to undergo growth and development.¹ The region possesses over 40% of the state's tangible wealth, provides close to 40% of all employment in the state, and also offers myriad businesses, transportation, government, education, and entertainment services.²

As a center of growth in the State of Wisconsin, major transportation routes such as I-94, rail lines from Chicago to Milwaukee and numerous state highways cross the region and Caledonia. Southeastern Wisconsin also contains Lake Michigan shipping networks, as well as several commercial airports, most notably General Mitchell International Airport in Milwaukee.

On a smaller geographic scale, the Town is affected by its adjacency to the City of Racine, the fifth most populous city in the state with 81,855 people.³ Caledonia residents frequent Racine businesses for shopping and employment, primary schools, and to access other resources found in the City. Natural amenities, like Lake Michigan, also influence Caledonia by attracting residents. These urban and natural resources, along with transportation corridors, have influenced the development pattern of Caledonia creating demand for land, pulling development toward the Town's eastern and southern edges.

Growth in Caledonia is now spreading westward toward I-94, encouraged not only by regional market forces, and population growth, but also by strategic local land use policy decisions that are transforming agricultural land to primarily low and medium density residential uses and limited commercial development. Though the Town is under growth pressures, it is still mostly rural. The exception is Caledonia's eastern one-third and the area of Franksville, which exhibit traditional urban characteristics. The Southeastern Wisconsin Regional Planning Commission (SEWRPC) performed a land use assessment in 2000 that found 26.4% of Caledonia's land to be urban and the remaining 73.6% to be non-urban.⁴

Reflecting this split development pattern, Caledonia's population is not dispersed evenly over the entire territory. The majority of housing units and population are located on the eastern one-third of the Town.

¹ SEWRPC, *A Regional Land Use Plan for Southeastern Wisconsin – 2010, 1992*.

² *Ibid.*, 5.

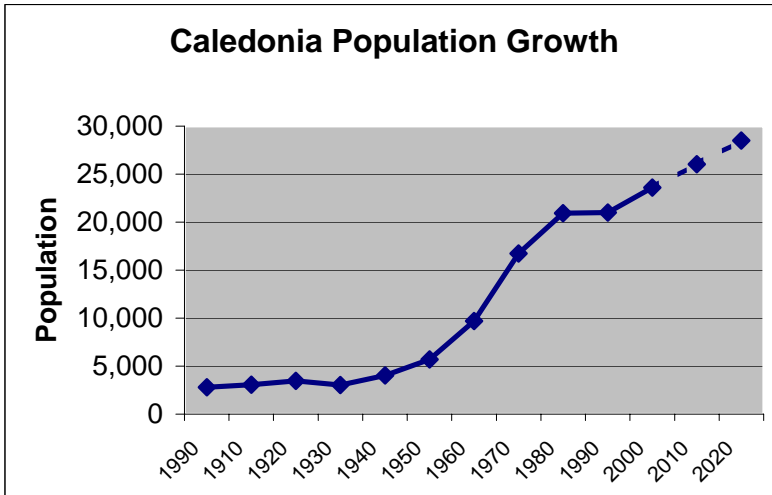
³ WDOA, *Official Population Estimates, January 1, 2002*.

⁴ SEWRPC(a), *A Land Use Plan Implementation Strategy for the Rural Area of the Town of Caledonia, 1999*.
26.

Though population and land use are currently diverse, Caledonia is planning to eventually cover every square mile with urban uses.⁵ This goal is being pursued through the preparation of ordinances, land use plans, neighborhood plans, and multi-jurisdictional agreements that will provide necessary infrastructure, such as sewer. Population growth is also aiding in this effort.

The Town’s population grew very gradually from 1900-1960, and then increased substantially until about 1980, as **Graph 1** below shows.⁶ Although the general trend indicates a considerable population

Graph 1: Caledonia Population



increase, the decennial percent increases in the later half of the 20th Century show some variation. For example, the population of Caledonia between 1960 and 1970 increased 72.7%, while between 1980 and 1990 the population increased only by 0.3%. Nevertheless, the population of the Town is expected to continue its upward trend into the foreseeable future. Caledonia's 2003 population of 24,407 makes it the most

populous Town in the state. This population is expected to grow, as land continues to transition from agricultural use to more urban uses.

Caledonia’s continuing evolution from a rural to an urban community has been accompanied by the adoption of village powers, the provision of village-like governmental services, and the recognition by the City of Racine and other units of government that Caledonia is an important partner in the region. This is reflected by a number of multi-jurisdictional agreements, and the Town’s strong voice in zoning, land use, and boundary decisions.

This findings and determination document is organized into sections – a section for each public interest standard – that discuss and analyze at length the relationship of the petition to the statutory criteria. The criteria are: 1) homogeneity and compactness; 2) territory beyond the core; 3) tax revenue; 4) level of services; 5) impact on the remainder of the town; 6) impact on the metropolitan community

⁵ William F. White, *Memorandum in Support of the Petition to Incorporate the Town of Caledonia as a Village*. 2004. (Representative of the Petitioners for the Incorporation of the Village of Caledonia, Attorney of Michael Best & Friedrich LLP), 2 of preface letter.

⁶ U.S. Census, SEWRPC, and WDOA.

SECTION 1(A) HOMOGENEITY AND COMPACTNESS

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

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

In addition to the statutory factors cited above, Pleasant Prairie v. Department of Local Affairs & Development⁷ also allows the Department of Administration (Department) to consider land-use patterns, population density, employment patterns, recreation and health care customs.⁸ Thus, Pleasant Prairie gives the Department flexibility. However, this flexibility applies to consideration of additional non-enumerated factors rather than flexibility in elimination, removal or reduction of an enumerated factor.

The facts surrounding each incorporation petition are different. However, in each case and for each requirement, the Department must be able to state that, even though the situation presented may not be entirely perfect, when taken as a whole, the facts support a finding of homogeneity and compactness. Recent determinations of the Department (since the 1980s) describe in detail the reasons for finding whether or not an incorporation criterion is met or not met.

Physical and Natural Boundaries

Natural Topography and Geology

Topography is an important determinant of the practical uses of land. With the exception of the Lake Michigan bluff areas and land along the Root River in the southern portion of Caledonia, the Town consists of generally flat or gently rolling topography. Caledonia contains gradual hills to the far west. As one moves east, the topography flattens before lowering slightly into the Root River. Rising out of the river, the land remains relatively flat until reaching the Town's eastern edge. A steep escarpment defines the far northeast border of the Town along Lake Michigan. The cliffs then recede to the south. Only bluffs next to Lake Michigan and areas next to the Root River have slopes greater than 12 percent, thereby making development very difficult.⁹

The elevation of the Town gently decreases as it slopes to Lake Michigan. In the west, the elevation varies between 750-850 feet above mean sea level, then decreases to a range between 650-750, and then decreases further to a range of between 580-650 as land and lake meet.¹⁰

The underlying bedrock of the proposed incorporated area is primarily Niagra Dolomite from the Silurian system, which is fine to course crystalline, thick to thin-bedded and approximately 100

⁷ *Pleasant Prairie v. Department of Local Affairs & Development*, 108 Wis.2d 465 (Ct.App. 1982), affirmed, 113 Wis.2d 327 (1983).

⁸ *Ibid.*, 337.

⁹ SEWRPC(a), 38.

¹⁰ SEWRPC, *A Regional Land Use Plan for Southeastern Wisconsin – 2010, 1992*, 107.

feet in thickness.¹¹ Silurian rocks may yield small to large amounts of water for domestic wells from the Niagara aquifer. This Niagara aquifer is the primary shallow aquifer in Racine and Kenosha Counties and lies above the semi-permeable Maquoketa Shale that separates the Niagara aquifer from the deepest sandstone aquifer below.¹² Water yields from the Niagara aquifer vary depending upon the number of crevices and solution cavities in the dolomite bedrock.

Recharge to the Niagara aquifer derives from precipitation that percolates through the soil and bedrock. Once water reaches the aquifer, it then moves from west to east and discharges into Lake Michigan and into area rivers.¹³ According to the Wisconsin Department of Natural Resources (WDNR), the threat of groundwater contamination is an issue for the large eastern dolomite aquifer (which includes the Niagara aquifer) when fractured dolomite bedrock exists at or near the land surface. The deeper the bedrock, the lower the risk to groundwater contamination. Groundwater in shallow portions of the eastern dolomite aquifer can easily become contaminated since there is little or no filtration to remove pollutants. This may result in groundwater quality problems, such as bacterial contamination.¹⁴

The depth to bedrock is 20-100 feet throughout the center of Caledonia and in the northwest corner and along the shore of Lake Michigan. Generally, the perimeter of the Town has a depth between 100-200 before reaching bedrock. Development is planned to varying intensities throughout the entire territory of the Town. Due to the potential for groundwater contamination in some areas, this is a variable that should be addressed as the area urbanizes.

Drainage Basins and Water Resources

The majority of Caledonia is contained within the Root River Watershed, the exception of areas adjacent to Lake Michigan which drain to the Lake. They are within the Wind Point Watershed. See **Map 2** at Appendix A showing watershed boundaries. The Root River Watershed has been a DNR priority watershed since 1979. It is home to Rainbow Trout, Chinook Salmon, Coho Salmon, and Brown Trout. The Wind Point Watershed stretches north up to City of South Milwaukee. In Caledonia, it contains a handful small streams that weave between natural areas and residential developments. The most prominent surface water features in the Town are Lake Michigan and the Root River. Other perennial streams include Husher Creek and Hoods Creek. Lakes and streams allow for water-related recreational activities, provide wildlife habitat and an attractive setting for residential development, and enhance the aesthetic quality of the Town. Streams in the Root River Watershed are prone to high flows during, and immediately following storm events and very low flows in periods of low precipitation. This is due to the types of soils and land practices in the source water area.¹⁵

The Root River flows south, dividing the Town roughly in half as it travels from its headwaters in the City of Greenfield. The river is joined first by Husher Creek, north of Seven and One Half Mile Road, flowing north from its headwaters in the central-western portion of Caledonia. Hoods Creek meets the Root River south of Four Mile Road. The Root River runs east and then south through the City of Racine before emptying into Lake Michigan.

¹¹ SEWRPC, *Planning Report No. 25*. 116.

¹² SEWRPC, *Water Resources of Racine and Kenosha Counties, Southeastern Wisconsin 1970*. 10-12, 14, 21.

¹³ *Ibid.*, 21, 24.

¹⁴ WDNR, "Protecting Wisconsin's Groundwater Buried Treasure." *Wisconsin's Natural Resource Magazine*, August 1999. Website: <http://www.wnrmag.com/supps/1999/aug99/under.htm#aquif>, Accessed November 2004.

¹⁵ WDNR, *Source Water Assessment for Racine Water Utility*, 3 April 2003, 2.

Currently a significant portion of Caledonia's urban runoff has been contained within the Wind Point Watershed that drains to Lake Michigan. This will not be the case as development passes further into the Root River Watershed. Increased runoff to this river may have adverse impacts to downstream communities, such as Racine. One-hundred-year floodplains are often initially delineated when areas are rural and when flooding problems are almost nonexistent. Development is then planned accordingly. However, the added runoff from the development expands the 100-year floodplain impacting properties that were thought to be safe. It is conceivable that a similar pattern of planning, development and then damage could occur in this case due to the fact that Caledonia and Racine share a watershed and the growing rural area is upstream from a more urbanized Racine area.

However, there is some assurance that the regional mitigation of stormwater will be addressed. Within a regional agreement with the City of Racine, Caledonia has decided to promptly impose by ordinance, and enforce in areas that are tributary to Racine, stormwater management restrictions and controls that are at least as stringent as those which Racine imposes on developers and landowners within its own territory. Also, the City of Racine and Caledonia will coordinate efforts to manage stormwater that crosses municipal boundaries that are common to any two of them.¹⁶

In 1979, SEWRPC adopted an area-wide water quality management plan for southeastern Wisconsin as a guide to achieving clean surface waters within the seven-county region. The plan has five elements: a land use element; a point source pollution abatement element; a non-point source pollution abatement element; a sludge management element; and a water quality monitoring element.

The water quality of the 117 miles of rivers and streams in the Root River Watershed range from severely degraded to good. Fifty-nine miles of perennial streams (50%) are currently supporting a Warm Water Sport Fish community. Eighteen miles (15%) support a Warm Water Forage Fish community. Eighteen miles (15%) of streams in the basin support a Limited Forage Fish community. Twenty-eight miles of streams in the Root River Watershed are listed on the state's impaired waters (303(d)) list. These streams include the Root River from the Racine Harbor, upstream to Horlick Dam, the West Branch of the Root River Canal, the Root River Canal, and 12 miles of the Root River mainstem.

Physical Boundaries

Township boundaries in the United States were formed in the early 19th century, covering the Midwest and West in order to provide for agrarian lifestyles and to facilitate the private ownership of land. As land has urbanized and natural resources have become more important to the livability and sustainability of areas, the usefulness of the grid system in defining jurisdictions has decreased. In some cases, other boundaries may be more appropriate than the original survey township boundaries. A review of the physical boundaries of a territory proposed for incorporation (ostensibly an urban area) is an important step in assessing the proposed boundaries of an incorporation. Boundaries by definition divide areas from one another, separating them in some cases into more homogenous parts than the whole.

The survey township of Caledonia has retained much of its original shape and size, and has lost relatively little land due to annexation. However, the City of Racine does own 357-acre Johnson

¹⁶ *Racine Area Intergovernmental Sanitary Sewer Service, Revenue-Sharing, Cooperation and Settlement Agreement*, 4 February 2002, 81.

Park within Caledonia. This island does not pose any land use issues of concern for either government. It is part of the Root River environmental corridor and Caledonia has made adjustment to its adjoining land uses in order to accommodate the park.

Lake Michigan is Caledonia's only natural border. It extends from the City of Oak Creek at Caledonia's northeastern corner south until it meets the Village of Wind Point. Interstate 94 extends along the entire length of Caledonia's western border. Human constructed or conceived borders primarily shape the Town's northern and southern borders. Caledonia's southern boundary generally follows Three Mile Road and CTH K, from east to west along the Village of Mt. Pleasant's northern border. The Village of Wind Point, and the City of Racine frame Caledonia to the east. Milwaukee County and the City of Oak Creek abut Caledonia to the north.

Internal boundaries or divisions stretch across the Town north to south, most notably the Root River and its associated floodplain and environmental corridor. This natural delineation bisects the Town for most of its route until it meets Hoods Creek. Following Hoods Creek up river at the point where it meets the Root River would very closely vertically bisect the Town and generally divide urban areas from rural areas.

West of the Root River is Husher Creek; it too stretches vertically through the Town, flowing south to north. It cuts across approximately two-thirds of the Town on Caledonia's west side. About 1-2 miles east of the Root River is the boundary for the Root River watershed. It runs north to south generally following the curves of the river.

The Town is crisscrossed with transportation routes as well. Running generally north-south and parallel to the Root River are: State Highway 31, 32, 38, Nicholson Road, CTH H and V, Interstate 94, and three railroad lines, one of which is being considered for a regional commuter line. Transportation routes running west to east across the township include Seven Mile Road, Six Mile Road, Five Mile Road, Four Mile Road, CTH G, and CTH K.

Soils

Map 3 at Appendix A shows Caledonia's soils. An examination of soils is important for a number of reasons. Soils determine flora and fauna species. They determine how much rainfall or snow melt will flow directly into rivers, lakes and wetlands and how much will infiltrate into the ground. They also determine the feasible location of residential and commercial development. Numerous different soils exist within Caledonia. The most common are Morley Silt Loam, Markham Silt Loam, Ashkum Silty Clay, Blount Silt Loam, and Beecher Silt Loam. However, they can be grouped spatially into two broad categories: 1) soils adjacent to rivers and, 2) all other areas in the Town.

Soils along the Root River and other rivers are predominantly wet, loamy, silty or clayey in texture. Many of the soils are subject to flooding and predominate in the environmental corridors. The characteristics of the soils found next to rivers limit successful use for nearly all forms of development. However, these same areas can provide excellent wildlife habitat, urban greenways, and similar open space uses.¹⁷

The soils in the area proposed for incorporation in other areas of the Town reflect their origins as glacial deposits that were moved from what is now Lake Michigan. These soils are clayey in texture, generally slow to drain, sticky and plastic when wet, with many of the constituent soils having high water tables. Slopes are gentle and broad, and poorly drained depressions are

¹⁷ SEWRPC, *Planning Report No. 25*. 115.

common. Urban development on these soils generally requires supporting improvements including careful attention to stormwater drainage. Basements often need footing drains and sump pumps to remove groundwater. Cultivated plants grow well in many of these soils if careful attention is given to avoid tillage or compaction from vehicular or foot traffic when soils are wet. Native vegetation on these soils included both deciduous forests and tall grass prairies.¹⁸

The suitability of the soils in Caledonia for agriculture is generally high. About 79% of the Town is covered by prime agricultural soils (Class I and II soils).¹⁹ When looking just at the eastern half of the Town, this percentage is even higher.²⁰ The vast majority of the prime agricultural soils are Class II. Class II soils have some limitations that reduce the choice of plants or require moderate conservation practices.²¹

Soil suitability in the Town for residential and small commercial development is generally acceptable²² and does not pose a significant barrier to development. Areas where soil features are favorable for development, and where good performance and very low maintenance can be expected, are sparse. They occur in isolated pockets sporadically throughout the Town. The majority of soils in the Caledonia are somewhat limited in their suitability for development. These soils have features that are moderately favorable to development and their limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected.

Caledonia also contains soils considered very limited in their suitability for development. These soils have one or more features that are considered unfavorable. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected. These soils are found next to rivers, in a wide swath near the eastern border of the Town, and in a few isolated areas in the southwest quarter of the Town. These soils may limit widespread, commercial development in this area. The soil map and data used in this analysis are generalized and should be used with caution in applying it to specific areas.

Critical Species

While not expressly part of the standard under review (the federal and state adoption of the relevant endangered species acts post-dates the advent of Wisconsin's incorporation statute), the following information may be useful to the Town as it develops plans, policy measures, and ordinances that prospectively recognize and protect the endangered and threatened species and unique natural communities present in the proposed village.

Under the provisions of §29.608, Wis.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 the activities of both individual persons and governmental agencies are tending to destroy the few remaining plant and animal communities in the state.

¹⁸ SEWRPC, *Planning Report No. 25*. 115.

¹⁹ SEWRPC(a), 33.

²⁰ *Ibid.*

²¹ U.S. Natural Resource Conservation Service and SEWRPC.

²² Natural Resource Conservation Service, Data aggregated by DOA staff from Soil Data Mart, Racine County, Residential and Small Commercial Dwellings, 2004.

Therefore, the legislature has urged, “all persons and agencies to fully consider all decisions in this light.”²³

WDNR has established by administrative rule, an endangered species and threatened species list in accordance with Wisconsin Statute §29.604(1), which provides that “[t]he legislature finds that certain wild animals and wild plants are endangered or threatened and are entitled to preservation and protection as a matter of general state concern.”²⁴ “Endangered species” means any species whose continued existence as a viable component of this state's wild animals or wild plants is determined to be in jeopardy by the WDNR 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. “Special Concern species” means species with suspected problems of either abundance or distribution, about which more information will be gathered.²⁵ See Appendix B for a list of these species. Because plants and animals do not obey governmental boundaries, the table consists of species suspected to be existing in Caledonia *and* in Racine County.

A comprehensive inventory of natural area sites and critical species habitat sites in southeastern Wisconsin was completed in 1994 by SEWRPC. Thirteen natural area sites, 14 critical species habitat sites, 3 aquatic habitat areas, and 2 geological areas were identified within the Town as part of the natural areas study, and these sites are recommended by local plans to be protected through public interest ownership and to be preserved in essentially natural, open space uses. Detailed information on these sites can be found in, *A Land Use Plan Implementation Strategy for The Rural Area of the Town of Caledonia*.

Environmental Corridors, Wetlands and Natural Areas

Identification of environmental corridors is based upon the presence of one or more of the following elements of the natural resource base: 1) rivers, streams, lakes, and associated shorelands and floodplains; 2) wetlands; 3) woodlands; 4) prairies; 5) wildlife habitat areas; 6) wet, poorly drained, and organic soils; and 7) rugged terrain and high relief topography. The presence of elements that are closely related to the natural resource base, including park and open space sites, natural areas, historic sites, and scenic viewpoints, are also considered in the delineation of environmental corridors.²⁶ They tend to include the best remaining woodlands, wetlands, and wildlife habitat areas in an area.

The delineation of these natural resource and natural resource-related elements on maps result in a concentration of elements in an essentially linear pattern of relatively narrow, elongated areas which have been termed “environmental corridors” by SEWRPC. “Primary” and “secondary” environmental corridors have been identified in Caledonia. Primary environmental corridors include a wide variety of the most important natural resource and resource-related elements and are, by definition, at least 400 acres in size, two miles long, and 200 feet wide.

Secondary environmental corridors serve to link primary environmental corridors, or encompass areas containing concentrations of natural resources typically between 100 and 400 acres in size. Although not as important as primary environmental corridors, secondary environmental corridors and isolated natural resource areas should also be preserved in essentially open, natural uses to the extent practicable. Secondary environmental corridors may provide surface water

²³ WDOA, *Bohners Lake* (1999).

²⁴ Section 29.604(1), Wis. Stats.

²⁵ Section 29.604, Wis. Stats.

²⁶ SEWRPC, *Technical Record, Vol. 4, No. 2*, 1-21.

drainage, maintain pockets of natural resource features, provide wildlife habitat and corridors for the movement of wildlife, and provide good locations for local parks and the development of local trails.

Isolated concentrations of natural resource features, encompassing at least five acres but not large enough to meet the size or length criteria for primary or secondary environmental corridors, are referred to as *isolated natural resource areas*. Isolated natural resource areas may also provide surface water drainage, maintain pockets of natural resource features, provide wildlife habitat and corridors for the movement of wildlife, and provide good locations for local parks and the development of local trails.

Map 4 at Appendix A shows Caledonia's various environmental corridors and natural resource areas. Primary corridors are located along the Root River, the upper reaches of Hoods Creek and Husher Creek, and along the Lake Michigan shoreline. In the year 2000, primary environmental corridors encompassed a total area of about 1,728 acres, or about 6 percent of the Town.²⁷

Secondary environmental corridors are located along an intermittent stream in the eastern portion of the Town, along Hoods Creek south of CTH K, and also include a large portion of the Nicholson Wildlife Refuge. Secondary environmental corridors encompassed a total of 243 acres, or less than 1 percent of the Town, in 2000.²⁸ There were also 1,295 acres of isolated natural resource areas scattered throughout the Town.²⁹ Today, the Town in total has an excess of 11% of its land in environmental corridor and wetland areas.³⁰

The regional natural areas plan and the *Racine County Park and Open Space Plan* propose modifications to the existing environmental corridors and isolated natural resource areas in some cases. Under the County park plan, 275 acres of floodplain along the Root River presently in agricultural use and adjacent to existing primary environmental corridor would be restored to a natural condition and become part of the environmental corridor. Such restoration would occur following acquisition of the floodplain areas by Racine County as part of the Root River parkway recommended in the County park plan. Under planned conditions, about 13% of the Town would be included within planned environmental corridors or isolated natural resource areas.³¹

These existing corridors or natural areas could be expanded if the planning recommendations of the R-1 neighborhood are implemented. The R-1 neighborhood³² plan, described in more detail later in this section, recommends that new residential development follow a conservation subdivision design. An ordinance authorizing conservation subdivisions has already been adopted by the town. It requires that in unsewered areas 60 percent of the subdivision area must be preserved in open space, and 40% in sewerred areas.³³ It is hoped that the open space permanently preserved as a result of these conservation subdivisions will be strategically coordinated with the existing trail system of horse trails in order to expand on them. This network of trails will be open to the public, or subject to only a nominal trail fee, and would be a

²⁷ SEWRPC(a), 40.

²⁸ Ibid., 40.

²⁹ Ibid., 38-40.

³⁰ White, 2 of preface letter.

³¹ SEWRPC(a), 40-41.

³² The R-1 neighborhood is located in the west central part of the town in what is presently vacant agricultural land.

³³ SEWRPC, ix.

regional amenity that could tie in with and add to the existing system of environmental corridors by roughly 800 acres.³⁴

Ambient Air Quality

Racine County is in nonattainment for the current, 1-hour ozone standard under the Clean Air Act Amendments of 1990.³⁵ As a result of this finding, the WDNR has filed an attainment demonstration for Racine in conjunction with five other nonattainment counties in Southeastern Wisconsin that involves emission reduction programs that may bring all six counties into attainment by 2007.³⁶

Historical, Archaeological or Architecturally significant resources

Historically significant resources have been identified by National and State Registers of Historic Places, the Wisconsin Historical Society's Architecture and Historic Inventory, and the Town of Caledonia Historical Society (CHS). To date, 301 buildings within the Town have been identified as illustrating Wisconsin's history. However, the John Collins Residence on Nicholson Road, is the only property in the Town listed on either the National or State Register of Historic Places.³⁷

In addition to the Federal and State Register of Historic Places, the Wisconsin Historical Society maintains an architecture and historic inventory. This inventory is a collection of information on existing and potential historic sites. The state inventory includes 78 buildings in the Town.³⁸ The remaining sites were identified by CHS.

CHS, incorporated as a nonprofit organization in 2002, is dedicated to protecting historic resources in the Town. The Society has identified all buildings constructed before 1900 as a preliminary step in identifying historic buildings. A total of 255 buildings were identified in a Town survey. Thirty-seven of the potentially historic buildings identified by the Caledonia Historical Society are also included on the Wisconsin Historical Society's Architecture and Historic Inventory.³⁹ The geographic distribution of all sites is evenly distributed across the Town, with no one area containing the preponderance of structures. See **Map 5** at Appendix A.

No known archeological or burial sites are located in the Town of Caledonia⁴⁰.

Transportation

Caledonia contains numerous transportation routes through its territory, creating a clear hierarchy of roadways. The Town contains an interstate highway, county trunk highways, and minor town arterials that connect to roadways serving residential development. Three rail lines also extend through the Town and one airport lies adjacent to Caledonia's southern border. See **Map 6** at Appendix A.

³⁴ Personal communication from Phil Evanson, SEWRPC Executive Director, March 4, 2005, and SEWRPC(a), p. 41.

³⁵ Personal communication from Dennis Koepke and Michelle St. Clair, Air Management Staff, WDNR, March 26, 2003.

³⁶ Ibid.

³⁷ SEWRPC(a), 43.

³⁸ Ibid., 43, 53.

³⁹ Ibid., 53-54.

⁴⁰ Search of records of the Wisconsin National and State Register of Historic Places, the Wisconsin Historical Society's Architecture and Historic Inventory and Caledonia Historical Society.

I-94 is located along the entire length of Caledonia's western border. County trunk highways result in a mostly grid network of rural routes that extend throughout the Town. The vast majority of local residential streets are found in the eastern half of the Town. With the exception of Franksville, roads characteristic of residential subdivision development, are not present in the western half of Caledonia.

Residents of Caledonia overwhelmingly use the automobile as their primary form of transportation. The U.S. Census reports that out of the 12,235 people age 16 and older who work, 11,744 drive and 10,856 drive alone. Ninety-two people use public transportation and 228 work from home.⁴¹ The average commute time is between 15 and 19 minutes.⁴²

Highways

Among the significant thoroughfares in Caledonia is I-94. This interstate takes travelers between two major urban hubs in the Midwest: Chicago, IL and Milwaukee, WI and on north to Minneapolis. Regional highway plans recommend that this 6-lane freeway be expanded to 8 lanes in the segment that forms Caledonia's western border. The potential reconstruction timeline is approximately 2009-2015.⁴³ The plans also set forth a land use and transportation system development scheme for an approximately six-mile wide corridor on either side of I-94 that would impact the western edge of Caledonia.⁴⁴ In expectation of urban development in this highway corridor, Caledonia has zoned the area next to I-94 as a business or commercial district.⁴⁵

A regional land use transportation system plan also recommends the modernization of freeway interchanges serving Seven Mile Road, and CTH G and K. These interchanges will be improved prior to or coincident with freeway reconstruction. Deed restrictions have been placed on properties affected by new interchange designs.⁴⁶ When completed, improvements to I-94 and its interchanges within the Town will very likely spawn development along this highway and increase growth pressure on Caledonia, especially on its western half.

State Highways 31, 32 and 38 also play a significant role in the transportation network in Caledonia by connecting the Town to the Cities of Racine and Milwaukee. STH 31 runs south from the intersection of STH 32 and Six Mile Road and intersects Northwestern Avenue on its way to the western side of the City of Racine. Wisconsin Department of Transportation (WisDOT) planned improvements for this highway include the construction of two lanes parallel on the west side of the current south bound lanes, the reconstruction of the intersection with Four Mile Road, the removal of the existing paved roadway, and the retaining of the existing right-of-way for a future addition of two northbound lanes. This would create a four-lane divided highway. Construction on this project is planned to begin in 2006 and end in 2007.⁴⁷

State Highway 32, also known as Douglas Avenue, angles in a northwesterly direction through the eastern third of the Town. According to a household survey completed during Caledonia

⁴¹ U.S. Census, *Means of transportation to work for workers 16 years and over, 2000*, Summary File P30.

⁴² U.S. Census, *Travel time to work for workers 16 years and over, 2000*. Summary File P31.

⁴³ SEWRPC, *A Regional Freeway System Reconstruction Plan for Southeastern Wisconsin. Report No. 47, 2003*. 258.

⁴⁴ SEWRPC, *A Land Use and Transportation System Plan for the IH 94 South Freeway Corridor, Kenosha, Milwaukee, and Racine Counties, Wisconsin. Community Assistance Planning Report No. 200, 1991*.

⁴⁵ *Ibid.*, 55.

⁴⁶ *Ibid.*, 12.

⁴⁷ White, 40.

planning efforts, 75% of the respondents considered the commercial area along Douglas Avenue an important part of their community.⁴⁸ WisDOT expanded Douglas Avenue between Three Mile Road and Four and Half Mile road in 2002 and made it more pedestrian friendly. The vision for this corridor is a mixed-use commercial retail center with pedestrian-friendly amenities. WisDOT is studying alternatives for increasing the road to 4 lanes and evaluating the use of roundabouts at intersections with Six Mile Road and STH 31 and 32. Construction is estimated to begin in 2007 and end in 2008.⁴⁹

State Highway 38 runs along the Root River, the spine of the Town. It merges into Northwestern Avenue at Caledonia’s southern border before heading south into the City of Racine. WisDOT's district one office initiated a study to evaluate long-term improvements to traffic flow and safety on the nine-mile STH 38 corridor between Highway K in Racine County and Oakwood Road in Milwaukee County. The objective of the study was to develop a long-range improvement plan for addressing traffic flow and safety concerns in the Highway 38 corridor.⁵⁰ The plan will, among other things, determine the alignment of a future four lane road.⁵¹

County Trunk Highway K or Northwestern Avenue arrives into the Town from the west and cuts through its southwestern corner. As CTH K enters Caledonia, it meets CTH H from the north intersecting at Franksville, a small historic hamlet area. Traffic counts on CTH K are expected to increase from 9,000 to 13,000 cars-per-day by 2010.⁵² A change in jurisdictional ownership of this road is recommended by SEWRPC, and WisDOT has stated that it would be required to turn CTH K into State Highway 164, widen it from 2 to 4 lanes, and eliminate all on-street parking to accommodate the traffic load increase. If this expansion were to occur, it would have significant impacts on Franksville’s quality of life.⁵³

In addition to transportation improvements and planning efforts, roadways under the Regional 2020 Transportation Plan are recommended to change jurisdictional responsibility. These changes are shown in **Table 1** below.

Table 1: Highway Jurisdiction

Changes in Jurisdictional Responsibility for Arterial Streets and Highways in the Town of Caledonia Under the Recommended 2020 Regional Transportation System Plan					
Facility	From	To	Miles	Jurisdictional Responsibility	
				Existing	Planned
CTH K	IH 94	STH 38	5.1	County trunk highway	State trunk highway
Seven Mile Road	West Town line	STH 32	5.7	Local trunk highway	County trunk highway
Four Mile Road	STH 32	STH 31	1.4	Local trunk highway	County trunk highway
Three Mile Road	STH 32	CTH G	1.1	Local trunk highway	County trunk highway
Five Mile Road extension	Middle Road	Erie Street	1.9	New facility	Local trunk highway
CTH G	STH 32	3 Mile Road	1.5	County trunk highway	Local trunk highway
CTH V	North Town line	7 Mile Road	1.0	County trunk highway	Local trunk highway
CTH V	Seven Mile Road	Town of Mt. Pleasant	5.0	County trunk highway	Local nonarterial
Source: SEWRPC.					

⁴⁸ White, 40, 25.

⁴⁹ Ibid., 41

⁵⁰ Town of Caledonia Website <http://www.caledoniawi.com/caledonia.aspx>, Accessed 20 December 2004, “Highway 38 Corridor Study” page.

⁵¹ White, 41.

⁵² UW-Milwaukee, *Franksville Neighborhood Plan*. (Applied Planning Workshop), Spring 2004, 3.

⁵³ Ibid., 10

A great deal of transportation planning has been completed or is on going in Caledonia. Seemingly imminent physical and regulatory changes in highways will result in higher traffic volumes and potentially the easing of traffic congestion in the short term. Expansion and improvements in transportation routes are often precursors to development and more urbanized land uses. Therefore, it can be reasonably expected that once expansion of roadways, and more efficient on and off ramps from I-94 are realized, these transportation routes will play a significant role in the eventual evolution of the rural landscape in western Caledonia to a more urban character.

Minor Arterials and Streets

Several minor roadways exist in Caledonia, primarily on its eastern half. These include Erie Street, Charles Street, Middle Road, Four and a Half and Five Mile roads, various “half mile” roads, Dunkelow Road, and Short Road among others. These local roads connect residential subdivisions to County Trunk Highways and State Highways.

On a scale smaller than the minor arterials are residential subdivision streets. These streets have the form of traditional residential subdivisions, commonly with little connectivity to roads external to the development, curvilinear patterns, and numerous dead ends. This street pattern puts strain on county trunk highways, and decreases through traffic in residential developments. As a result, it is difficult, and in some cases impossible to travel within the Town without using the larger network of local and county/state roads. As a result of connectivity issues, travel distances are greater, thereby increasing reliance on automobiles. Commercial areas are then reliant upon accommodating the car and consumers with parking lots. The result is an urban fabric that is not compact. The street pattern that pervades the majority of the Town is not reflective of the traditional urban grid pattern that encourages density, walkability, a mix of uses, legibility or other characteristics of urbanized areas or downtowns.

A traditional grid pattern does exist in a few blocks in the southeastern corner of the Town adjacent to the Village of Wind Point. However, there does not seem to have historically been an attempt to extend this grid pattern. This may be changing as current plans call for more areas of compact urban development in the town.

Rail

Three rail lines run vertically through the Town of Caledonia. The middle and east-side lines are provided by the Union Pacific Rail Company and the west-side line is provided by the Canadian Pacific Railroad (CPRS). Amtrak passenger service runs on the CPRS line to Milwaukee and Chicago. The nearest station is in the Village of Sturtevant, just south of Caledonia on County Trunk Highway H. In its site visit the Department observed frequent use of these rail lines by both Amtrak and freight trains.

A commuter rail line planning effort is underway that when finished, could extend commuter rail service 33 miles north from Kenosha through Caledonia on its way to Milwaukee. The commuter rail line now serves populations from Chicago, IL to Kenosha, WI. The extension through Caledonia would run on an upgraded Union Pacific line roughly parallel to State Highway 32. Metra would likely operate the commuter trains. A station is planned in Caledonia approximately at the intersection of Douglas Avenue and CTH G, further solidifying this corridor as a significant local business district and transportation corridor. Much like roadway investment will likely encourage growth on the western side of Caledonia, east side commuter rail will likely promote growth on the eastern side. Growth would occur as access to jobs, homes, and businesses

improve.⁵⁴ Property values next to the rail line then increase, giving incentives to landowners to intensify the use of their land in order to cover the increased cost of the improved location. Douglas Avenue already plays a significant role as a commercial district in Caledonia and will likely be bolstered by the addition of a commuter rail line. Actual Metra extension will depend on budgetary approvals over the next year, as well as the completion of preliminary engineering work.⁵⁵ These uncertainties make estimating the actual date of commuter rail service in Caledonia difficult.

Bus

The City of Racine's fixed-route bus system serves the Greentree Shopping Center on Douglas Avenue. Wisconsin Coach Lines USA also stops in Caledonia in its route between Milwaukee, Racine and Kenosha.⁵⁶ Transit service for the elderly and persons with disabilities is provided through a program administered by the Racine County Human Services Department.⁵⁷

Air

Adjacent to Caledonia's southeastern border in the City of Racine is the John H. Batten, Racine Commercial Airport. It is currently categorized as a "transport corporate" airport, and is planned to continue to perform this function until at least to the year 2020.⁵⁸ General aviation aircraft, jet aircraft, a helicopter, and a glider are based at the airport, totaling about 93 aircraft, the majority (69) of which are single engine general aviation aircraft.⁵⁹ Sylvania Airport located in the Village of Sturtevant also serves the Caledonia area. Caledonia is also situated regionally between two major airport hubs. The General Mitchell International Airport located approximately eight miles away to the north and the Chicago O'Hare International Airport is located about 60 miles south.⁶⁰ Both are served by buses.

Other Transportation Modes

Commuting by bicycle is rare in Caledonia. U.S. Census data report that only 8 out of 12,235 people 16 and older, who work, use their bicycles for transportation.⁶¹ This is one of the lowest usage rates in Wisconsin for a community the size of Caledonia, and may be due to limited bicycling facilities, disbursed land uses, workers commuting to other communities for employment, or some combination of these.

Racine County does designate one on-street bicycle route in Caledonia, running along Seven Mile Road from I-94 to the most eastern Union Pacific line, about 6 miles in length. The Town also has a county off-street bicycle or walking route that runs for 5 miles from the end point of the existing bike route at the rail line south into the City of Racine. SEWRPC adopted a regional bicycle and pedestrian facilities system plan in 1995.⁶² The plan was amended in 2001, and the

⁵⁴ Transit NOW. *KRM Commute Rail Quick Points, 2004*, Contained in Appendix T provided by petitioner.

⁵⁵ Personal communication from Phil Evenson, Executive Director of SEWRPC, March 4, 2005.

⁵⁶ Town of Caledonia Website: <http://www.caledoniawi.com/caledonia.aspx?pageid=23>, Accessed December 17, 2004, About Caledonia.

⁵⁷ SEWRPC. *Town of Caledonia, Economic Profile*, Website http://www.sewrpc.org/economicprofiles/pdfs/T_Caledonia_EP.pdf, Accessed 8 February 2005.

⁵⁸ WisDOT, *Wisconsin State Airport System Plan 2020, Technical Report 2000*. 155.

⁵⁹ FltPlan.Com. Website: <http://www.fltplan.com/AirportInformation/KRAC.htm> Accessed 13 December 2004.

⁶⁰ Town of Caledonia, Website <http://www.caledoniawi.com/caledonia.aspx?pageid=23>, Accessed December 17, 2004, About Caledonia.

⁶¹ U.S. Census, *Means of transportation to work for workers 16 years and over*, 2000. Summary File P30.

⁶² SEWRPC. *Planning Report No. 43, A Regional Bicycle and Pedestrian Facilities System Plan for Southeastern Wisconsin: 2010*, December 1994.

design year extended to 2020.⁶³ The plan provides recommendations to encourage increased regional bicycle and pedestrian travel. The plan's recommendations for Caledonia include proposed bicycle routes on and off street for the southern quarter of the Town along CTH K and the Root River environmental corridor. Walking trails are also planned along the Root River, some following bike trails, others running between the central rail corridor and STH 38 and south through H. F. Johnson Memorial Park. Two trails have also been conceptualized to run horizontally across the Town near Seven Mile Road.⁶⁴ If implemented, these facilities could increase significantly bicycle travel by Caledonia residents.

Pedestrian infrastructure (sidewalks) is more prevalent in Caledonia than bicycling infrastructure. Some urban areas of Caledonia contain sidewalks, while others do not. The Douglas Avenue area contains sidewalks, as does the hamlet of Franksville. In addition, Section 6-3-4 of the Town of Caledonia Code of Ordinances requires that sidewalks be constructed when called for by adopted neighborhood plans. However, throughout most of Caledonia, sidewalks are absent. Sidewalks are not generally an improvement Caledonia residents support as they signify urbanity to many people. Of the 650 acres of subdivision proposed thus far in 2005, only 24 acres or about 4% include curbs and gutters.⁶⁵ Of this 4%, it is unknown what percent will contain sidewalks.

Equine activities within the Town influence its culture and recreational pursuits. Existing horse trails, riding areas, land use planning, a conservation subdivision design ordinance and the Caledonia Conservancy (a local land trust), support the preservation and expansion of equine recreational areas including riding trails in Caledonia. In its site visits, the Department noticed many stable facilities and grazing horses.

Political Boundaries

Map 1 at Appendix A shows Caledonia's boundaries in relation to those of neighboring jurisdictions. The area proposed for incorporation comprises the entire Town of 48.6 square miles or 31,104 acres. The Town is larger than a conventional 36 square mile town because it includes not only the conventional 6 mile by 6 mile square but also additional territory along Lake Michigan. Caledonia is as nearly complete and intact as upon its creation in 1842,⁶⁶ although some annexations have removed territory along the Town's southeastern boundary. Since 1958, there have been 23 annexations totaling 1,048.6 acres. The largest of these annexations produced the John H. Batten Racine Commercial Airport, and the H.F. Johnson Memorial Park.⁶⁷ However, since 1987 the Town's boundaries have remained intact. In accordance with the *Racine Area Intergovernmental Sanitary Sewer Service, Revenue-Sharing, Cooperation and Settlement Agreement*, the City of Racine has forfeited its future right to annex Caledonia's territory without the Town's consent. Pursuant to this agreement, the City of Racine is obliged to fully support and cooperate with Caledonia in fixing its boundaries adjacent to the City as they existed on July 1, 2001, and also support Caledonia's effort to incorporate.⁶⁸ Additionally, under the agreement the City of Racine relinquished the exercise of its

⁶³ SEWRPC, *Amendment to the Regional Bicycle and Pedestrian Facilities System Plan for Southeastern: 2020, December 2001.*

⁶⁴ SEWRPC(a), 13-14.

⁶⁵ Frederick A. Haerter. Memo, RE: Caledonia Incorporation. 15 February 2005.

⁶⁶ Town of Caledonia, Website. <http://www.caledoniawi.com/caledonia.aspx> , Accessed December 17, 2004, Town History page.

⁶⁷ Town of Caledonia *Appendix Q: Annexation History*, provided by petitioner.

⁶⁸ *Racine Area Intergovernmental Sanitary Sewer Service, Revenue-Sharing, Cooperation and Settlement Agreement.*, February 4, 2002. 81.

extraterritorial zoning and platting authority in Caledonia. The following paragraphs describe the boundaries of Caledonia neighborhoods, school districts, and sanitary districts.

Neighborhoods

Ten neighborhood planning areas have been delineated in Caledonia. These areas cover the entire Town, and draw upon current and future land uses, local resident input, and historic areas of settlement. See **Map 7** at Appendix A. Neighborhood plans in and of themselves have no formal powers recognized by Wisconsin statute. However, these plans do help local policy makers make consensus-based land use decisions. They also empower local residents to be proactive in addressing neighborhood problems. Neighborhoods are designated by a letter and a number and include the following: C1/C2 (Douglas Avenue), C3, C4 (Johnson Park), C5 (Country Lots), E1/E2 (Eastern), R-1 (Rural Area), W1 (Franksville), and W2 (Western). Plans for C4, C5, R-1 and W1 have been completed. The remaining plans are in the process of being completed or have not yet begun. The plans that have been completed include an analysis of issues facing the neighborhood such as transportation, the natural environment, economy, historic structures, land use, and visual character. This analysis leads to policy recommendations and implementation strategies. The policy recommendations that bear on this determination are summarized below.

C4 – Johnson Park:⁶⁹

- Assure proposed subdivisions adhere to Town conservation subdivision ordinance
- Remain a low density residential zone
- Increase automobile, pedestrian, bicycle connectivity and access
- Preserve scenic views and rural character and protect park land and critical habitat

C5 – Country Lots:⁷⁰

- Acquire additional park and open space, including expanded trail and bike path system
- Maintain rural character of neighborhood and roads
- Limit direct access to arterial streets under Town jurisdiction.
- Some properties on the west side of STH 38 should be removed from the sewer service area and other lands added, such as north of Seven Mile Road and east of Nicholson Road
- Decrease density of residential development in the C-2 zone
- Support farmland preservation programs and strategies
- Support stormwater management and water quality programs

R-1 – Rural Area:⁷¹

- Preserve primary and secondary environmental corridors, isolated natural resource areas, floodplains, stream buffers, and wetlands and woodlands located outside environmental corridors and isolated natural resource areas.
- Retain rural uses for the remainder of the R-1 area, with the exception of certain areas along I-94. 'Rural uses' include new or continued agricultural uses, residential development at no more than one home per five acres (unless the Town's conservation subdivision ordinance calls for greater density), and natural open space.
- Accommodate residential development on vacant lots less than five acres in existence as of January 1, 2003.

⁶⁹ Town of Caledonia, *C4 Johnson Park Neighborhood Plan*, 25 June 2003.

⁷⁰ Town of Caledonia, *C5 Country Lots Neighborhood Plan*, 5 April 2004.

⁷¹ SEWRPC(a). 95-96.

- Areas shown as “potential urban reserve” represent the maximum extent of urban development, but may also be less than those shown. Excess “potential urban reserve” lands should be added to the “agricultural and rural residential” category.
- Expand existing sewer service area associated with the Caddy Vista Sanitary to include additional lands north of Seven Mile Road, and remove lands on the west side of State Trunk Highway (STH) 38 from the sewer service area.
- Reduce existing sewer service area associated with the Caledonia Utility District No. 1 (Cal 1) to remove lands on the west side of Nicholson Road and the north side of Four Mile Road. Lands in the northwest quarter of Section 26 along STH 38 are proposed to be added to the sewer service area.
- Town-wide recommended actions:
 - The Town should work with Racine County and other county towns to amend the Racine County zoning ordinance to add an A-5 agricultural/rural residential district to the ordinance. The A-5 district should require a density of no greater than one home per five acres, and allow land divisions using conservation and lot-averaging designs as conditional uses. Following approval of the new zoning district, the Town and County should work together to rezone to A-5 those portions of the R-1 area designated on the land use plan map as “agricultural and rural residential.”
 - The Town Board should consider amending the Town subdivision ordinance to include the following provisions:
 - Require a density of no greater than one home per five acres in minor land divisions created by CSM in areas outside the planned sewer service area;
 - Provide an option to allow minor land divisions to use lot-averaging techniques;
 - Adopt an ordinance limiting driveway access to arterial streets when new land divisions are created.
 - Adopt an ordinance protecting historically significant buildings within the Town.
 - Investigate the feasibility of a PDR program for preserving farmland.
 - The Town should support the continuation of other programs that protect farmland and open space, including the farmland preservation program, managed forest law, and programs established by the USDA.

W1 – Franksville:⁷²

- Preserve the historic character of Franksville while allowing for future development
- Support the Town subdivision ordinance and park land within residential neighborhoods
- Increase road connectivity
- Provide a safe and efficient alignment of Nicholson Road, balancing public good and property rights
- Stormwater and drainage issues should be assessed prior to development of property
- Connect open spaces and link to pedestrian and bicycle paths
- Create safer and more efficient means to access the industrial park and to allow for the development of the industrial park without harming residential neighborhoods

⁷² Town of Caledonia, *W1 Franksville Neighborhood Plan*, 26 February 2004.

Consistent themes between Caledonia's neighborhood plans include preserving rural character through low density development, preserving ample green space for recreation, preserving the history of the area and scenic viewsheds, addressing increasing traffic and safety concerns, and addressing the lack of bicycle and pedestrian infrastructure. Sewer district boundaries also continue to be an ongoing and unresolved issue.

Schools

Public schools within Caledonia are a part of the Racine Unified School District (RUSD) which serves 21,500 students and has 6 middle schools, 22 elementary schools, and 3 high schools and encompasses all municipalities in eastern Racine County.⁷³ The district provides school choice so students in Caledonia are dispersed to a significant degree across the entire district. Roughly 62% of public school children living in Caledonia attend the 29 public schools located outside of the Town.

Within Caledonia, children may attend 3 public and 3 private schools.⁷⁴ See **Table 2** below.

Table 2: Caledonia School Enrollment

School	# of Students	% from Caledonia	RUSD or Private
Olympia Brown Elementary	498	44%	RUSD
Gifford Elementary	919	20%	RUSD
North Park Elementary	400	55%	RUSD
St. Louis School (K-8)	57	61%	Private
Trinity Evangelical Lutheran (K-8)	100	75%	Private
St. Rita (K-8)	235	80%	Private

Two of these schools have theaters, one has a planetarium, and all support community and after school programs and activities.

Sanitary and Storm Districts

Municipal sewer and water service is a significant factor in determining the location and density of development. The purpose of a sanitary district is to allow landowners in unincorporated areas an opportunity to form a special purpose unit of government to provide municipal sanitary sewer services. Once contained within a WDNR-designated urban service area boundary, these districts have the authority to plan, construct, and maintain systems for garbage removal, water supply, sewage disposal, and stormwater drainage.

Three sanitary districts (governed by independent commissioners) and one Town utility district (governed by the Town Board) currently provide sewer service in Caledonia. They are the Caddy Vista, which connects to the Milwaukee Metropolitan Sewerage District (MMSD), and the Crestview district and North Park district, both of which are tributary to the Racine sewage treatment plant operated by the City of Racine Water and Wastewater Utility (Racine Utility).

⁷³ Racine Unified School District. Website: <http://www.racine.k12.wi.us/> Accessed 21 December 2004.

⁷⁴ White, 28-29.

The Town of Caledonia Utility District No.1, commonly known as “Cal 1,” also connects to the Racine sewage treatment plant.⁷⁵ **Map 8** at Appendix A shows the three districts and one utility, as well as the urban service area boundary most recently adopted by SEWRPC in 2003. Generally these boundaries cover the crescent of urbanized land use roughly centered on and east of STH 31 and south of 4-Mile Road, excluding Caddy Vista to the north which is also outside the sewer service area.

Planning efforts are underway for the possible expansion of sanitary sewer service areas,⁷⁶ and it is anticipated that after these efforts are complete Caledonia will request an urban service area amendment from SEWRPC. Proposed expansion along the I-94 corridor to allow commercial development in light of the expected eventual transportation improvements will likely be the most significant of these changes, especially within the purview of this analysis.

Public opinion about the future location of development influenced by the location of sanitary sewers is mixed. Among Caledonia households surveyed, 48% indicated that they were supportive or very supportive of proposed development along the I-94 corridor. A smaller percentage, 37% indicated that there should be no additional development along the corridor. There was 62% support among Town households for focusing new development in the eastern and southern portions of the Town that are already served with sanitary sewer.⁷⁷

The regulatory oversight of sanitary sewers, in addition to the special districts mentioned, is also influenced by *The Racine Area Intergovernmental Sanitary Sewer Service, Revenue-Sharing, Cooperation and Settlement Agreement* (2002). In April 2002, the City of Racine and many adjacent communities resolved disputes over future sewer service to those communities by entering into this boundary agreement. The Wisconsin Department of Natural Resources (DNR) non-proliferation policy⁷⁸ meant that Racine's suburban communities needed to work with the City of Racine to acquire future sewer and water services. The City and Racine Utility ultimately agreed to provide future sewer and water service in exchange for the shared revenue from the suburban communities from new development over a 30-year period. The result is guaranteed capacity in the system to provide for future growth.⁷⁹ Parties to the agreement include the City of Racine and the Racine Utility; the Villages of Sturtevant, Mt. Pleasant and Wind Point; the Towns of Caledonia and Somers, and the Caledonia and Mt. Pleasant utility districts; and Crestview and North Park sanitary districts. “Anticipated parties,” for whom sewage treatment capacity has been planned but have not yet signed the agreement, include the villages of Elmwood Park and North Bay, and the towns of Raymond and Yorkville.

The *Racine Area Agreement* applies to Caledonia in the following ways: Sewered development may occur in exchange for Caledonia sharing a portion of its tax revenue growth with the City of Racine. Caledonia must accept sewer service from the Racine Utility for portions of the Town in the sewer service area south of Five Mile Road (or Five Mile Road extended) between I-94 and CTH H, and south of Six Mile Road (or Six Mile Road extended) between CTH H and Lake

⁷⁵ SEWRPC(a). 21-22.

⁷⁶ These planning efforts include: *W2 Area Neighborhood Plan and Revised Land Use Plan, 194 Racine/MMSD Sanitary Sewer Fiscal Analysis, South I94 Corridor Sanitary Sewer Service Re-evaluation, and the Water Main Impact Fee and Needs Analysis Update.*

⁷⁷ Town of Caledonia. Appendix E: Neighborhood Planning and Development Preliminary Summary of Household Survey, September 2002, provided by petitioner._3.

⁷⁸ The DNR's *non-proliferation* policy refers to administrative rules that favor fewer larger treatment facilities instead of smaller more numerous facilities.

⁷⁹ White, 7.

Michigan. The Town may accept sewer service from the Milwaukee Metropolitan Sewerage District (MMSD) or another provider for areas north of that boundary.⁸⁰

Public water supply is generally provided in the areas served by public sanitary sewer. The Caddy Vista and Crestview sanitary districts purchase water from the City of Oak Creek on a wholesale basis. The North Park sanitary district and Cal 1 purchase water from the City of Racine Water Utility, both on a wholesale basis. The North Park district then sells a portion of the water it purchases from Racine to the Wind Point Water Utility. Lake Michigan water is used by both Racine and Oak Creek. The Racine Utility water treatment facilities can potentially treat 40 million gallons of drinking water per day (mgd). The average daily demand is 25 mgd.⁸¹

Shopping and Social Customs

Caledonia provides shopping, employment, and social and recreational opportunities for its residents to varying degrees.

Shopping and Employment

There are approximately 475 businesses in Caledonia.⁸² Commercial and industrial uses make up 1.2% of Caledonia's land uses.⁸³ Businesses are located in all areas of the Town, however the majority of them are located within the crescent-shaped urbanized area east of STH 31 and south of 4-Mile road to the rural hamlet of Franksville. **Map 9** at Appendix A shows the location of Caledonia businesses.

During its site visit, the Department noticed that farming may still be the most noticeable economic activity occurring in the town. Many tracts of farmland occur throughout Caledonia, but in particular in the central, western and northern parts of the Town, and show signs of recent farm activity. Caledonia officials have indicated that farming is not in Caledonia's future and barely in its present, and this belief is supported by the apparent lack of farm infrastructure/reinvestment, relatively few farm operations, lack of any farmland zoned for agricultural purposes, no purchase or transfer of development rights programs, no "right to farm" ordinances, and no farmland preservation plan adopted by the state. This lack of support means that agricultural lands will most likely eventually cede to development. However, nonetheless Caledonia presently has a great deal of territory in active agricultural use.

According to a survey in 2002 of Caledonia households,⁸⁴ 12% of respondents indicated that they work within the Town, 50% work south of the Town (Racine, Kenosha, Chicago, etc.) and 30% work north of the Town (Milwaukee area). This result indicates a largely external orientation of employment within the local economy.

Though the majority of residents do not work in Caledonia, residents do shop in the Town. Seventy percent of respondents shop in Caledonia at least one time per week, and 20.8% shop in the Town almost daily.⁸⁵ The commercial area on Douglas Avenue (STH 32) is considered a

⁸⁰ SEWRPC(a), viii.

⁸¹ WDNR. *Source Water Assessment for Racine Water Utility*, 3 April 2003. 3.

⁸² Town of Caledonia, Appendix J: Caledonia Businesses, provided by petitioner.

⁸³ SEWRPC, Land Uses in the Town of Caledonia 2000.

⁸⁴ Town of Caledonia. *Appendix E: Neighborhood Planning and Development Preliminary Summary of Household Survey, September 2002*, provided by petitioner.

⁸⁵ Ibid.

valuable part of the community. When households were asked the degree of their satisfaction with shopping convenience and quality, 54.2% reported that they are satisfied or very satisfied, and this indicates an internal orientation with respect to shopping.

There is a moderate mix of businesses in Caledonia. Categories of businesses include: an assortment of restaurants, automotive services, construction and contracting services, motels, banks, insurance companies, retail, veterinary clinics, engineering, storage, beauticians, landscaping, trucking, transportation, distribution, movie rental, taverns, food markets, and medical services. **Table 3**, below, lists some of these businesses.

Table 3: Sampling of Businesses in Caledonia

Firm	Type of Business/ Product
Walgreens	Retail
Pick'n Save	Grocery
Bank One	Financial Institution
Aurora Health Center	Health
Mocha Lisa	Coffee Shop
Sebastians	Gourmet Restaurant
Cousins	Sandwich Restaurant
Last Stop Motors	Auto Repair
Milaeger's Inc.	Retail
Radio Shack	Electronics Retail

Source: Site Visit to Caledonia

The largest employer in Caledonia is Warren Industries, a storage company. They employ between 250-499 employees. Other top employers include, Wisconsin Electric Power Co., the Town of Caledonia, James Cape & Sons Co., Personnel Inc., Biddle Enterprises LLC, Olympia Brown School, K-Mart, and Unico. All employ between 100-249 people.

A mix of services and businesses to help meet the needs of residents is one of the statutory standards for incorporation as a metropolitan village. Services and businesses need not be duplicated with those of larger nearby communities. However, basic services should be available. Traditionally, employment and shopping centers are important aspects contributing to a separate identity for a community within a metropolitan area. In this case, there are sufficient retail and shopping opportunities in Caledonia to help meet the needs of the population.

The Town is working to expand its economic base by designating business nodes as part of its land use plan. These nodes include areas with existing businesses and areas where the Town plans to have business and infrastructure (roads, sewer, water, etc.) development in the future and if implemented, will give the town a more balanced mix of uses. The town also plans to take advantage of its good rail access. Rail was formerly an important part of Caledonia's economy, as illustrated by the old sauerkraut factory located along the Canadian Pacific line in Franksville. Rail could again be important, as plans designate areas along the Canadian Pacific line and Union Pacific's western line for general industrial use in the southern part of the town, and Union Pacific's eastern line for community and commercial business mixed use. **See Map 11** at Appendix A.

Social and Recreation Opportunities

Caledonia has a wide variety of social and recreational opportunities indicating that it is a community in its own right with an identity distinct from other Racine area communities.

The Town of Caledonia has a history of Bohemian culture that pervades today's society. For example, Caledonia hosted Kraut Fest, an annual festival stemming from a Frank Pure Food Company picnic event that in recent years has been organized by the Franksville Businessmen Association. This festival has had great success in the past financially and attendance-wise. However, it did not take place in 2003 or 2004 and there is no sign of its revival in the near future due to a lack of organizers.⁸⁶

Caledonia participates in Racine's Fourth of July Parade, the largest of its kind in the state. Though the parade takes place in Racine, Town residents view this event as a regional event in which community identity is important.

Other social and recreational opportunities include baseball, softball, soccer, triathlon, running races, horse riding and kennel club activities, nature walks, picnics, bingo, Scandinavian Fest, a carnival, Easter egg hunt, Arbor Day tree planting, casino night, rummage sales, fish fry, spaghetti dinner, pancake breakfast, Bohemian school house events, and Memorial Day services. Another major recreation opportunity is Caledonia's public parks and trail system for horseback riding, snowmobiling, bicycling, jogging or walking. Caledonia has 51 park and open spaces encompassing 2,528 acres or about 9% of the Town. It also has a 5-mile off road bicycle trail. Approximately 71% of this total park and open space acreage is publicly owned, including the trails.⁸⁷ See **Table 4**, on page 29. There is also a private golf course, tennis courts and firing range.

Active local groups and clubs total 35. Many of these groups organize the activities listed above. They include the Caledonia Conservancy, Caledonia Historical Society, Elk Lodge and Lions Club for ladies and gentlemen, Moose Lodge, Toastmasters, Boy and Girl Scouts troops, a soccer association, senior club, dance group, softball/baseball league, amateur radio group, snowmobile group, business association, and homeowners association. A number of churches also operate in Caledonia and provide residents with more opportunities for social interaction.

Residents may also participate in community affairs through local government. Opportunities include Town Board, boards of special districts, local commissions and committees and neighborhood planning efforts.

Summary of Current Land Uses

Petitioners did not submit a land use map showing current land use. Instead they submitted a land use districts map and a zoning map. See **Maps 10 and 11**, at Appendix A. These maps show what Caledonia currently would *allow* its land use to be, but do not show what its current land use actually is. **Table 5**, on page 31, does provide a general sense for current land uses because it provides percentages for the different land use categories, though it does not show where these land uses are occurring.

Table 5 shows that 26% of Caledonia is classified as urban and 73% rural. Among urban uses, single family low-density development is most common, making up 10.3% of the total land area

⁸⁶ Personal Communication from Susan Greenfield, Chairperson of Caledonia, January 2005.

⁸⁷ SEWRPC, *A Park and Open Space Plan for the Town of Caledonia*. Report number 179, April 2000, 7-8.

of the Town. Within the urban residential areas of the Town, about 66% is at a density of 0.7 to 2.2 dwelling units per acre. A lesser amount, about 17% of urban residential land, is at a medium density, 2.2-6.9 residential units per acre. Duplex and multi-family residential development covers roughly 2% of Caledonia's residential acreage.

Table 4: Caledonia-Owned Parks

Town of Caledonia-Owned Parks		
Name	Acres	Description
Caledonia-Mt. Pleasant Memorial Park	52	Baseball diamond, four basketball goals, two soccer fields, playfield, playground, softball diamond, two sandlot softball diamonds, two tennis courts, sand volleyball courts, informal picnic areas, and restrooms
Chapla Park	10	Open Space, ice rink
Crawford Park	17	Open Space
Eastside Community Center	1	Indoor multi-use center
Gorney Park	28	Baseball and Softball diamonds, soccer field, playfield, playground, trout pond, walking trail
Linwood Park	18	Playfield, playground, informal picnic areas, horseshoe pits
Nicholson Wildlife Refuge	127	Trail facilities, open space for passive recreational uses
Town-Owned land	7	Detention basin for stormwater management
Town-Owned land	21	Detention basin for stormwater management
Town-Owned land	18	Detention basin for stormwater management
Town-Owned land	17	Open space
Town-Owned land (5 1/2 mile park)	21	Open Space
Woodland Park	4	Informal picnic area and trail

Source: A Park and Open Space Plan for the Town of Caledonia

Commercial and industrial land uses make up roughly 1% of Caledonia's area.

At 54% of Caledonia's total area, agriculture is the most common rural land use, and overall the most common land use in Caledonia. This was evident to the Department during its sites visits, and can also be seen by an aerial photo of Caledonia. See **Map 12**, at Appendix A. It is also evident by examining Caledonia's population distribution. **Map 13** at Appendix A provides a breakdown of population by quarter-section. The map shows that most of Caledonia's 25,000 people are located in the urbanized crescent of territory east of STH 31 and south of 4-Mile Road. Northern, Western, and Central parts of the Town are much less populated, with 37 quarter-sections having 10 or fewer residents.

Natural resource areas constitute the second most common rural use, at 11.1% of Caledonia's total area. Open lands comprise roughly 8% of Caledonia's total area. The most extensive blocks of nonurban land use lie north and west of the urbanized crescent east of STH 31 and south of 4-Mile Road. However, even the urbanized crescent contains substantial vacant agricultural land. For example, parcels of agricultural land, ranging from 5-40 acres in size exist immediately adjacent to clusters of residential units in the northeast part of the town. The Department frequently noted residential structures immediately fronting town roads, with vacant agricultural land on the inside of the block, behind the residential structures.

Table 5: Existing Land Use

Existing Land Use in Caledonia			
Land Use Category ⁸⁸		Acres	Percent
Urban			
Residential			
	Single-Family (Suburban-Density) ⁸⁹	75	0.3
	Single-Family (Low-Density) ⁹⁰	3,004	10.3
	Single-Family (Medium-Density) ⁹¹	1,333	4.6
	Two-Family	24	0.1
	Multi-Family and Mobile Homes	90	0.3
	Subtotal	4,526	15.5
	Commercial	164	0.6
	Industrial	179	0.6
Transportation, Communications and Utilities			
	Arterial Street Right of Way	577	2
	Non-Arterial Street Right of Way	1,094	3.7
	Railroad Right of Way	214	0.7
	Communication and Utilities ⁹²	98	0.3
	Subtotal	1,983	6.7
	Governmental and Institutional ⁹³	330	1.1
	Recreational ⁹⁴	536	1.8
	Urban Subtotal	7,718	26.4
Nonurban			
Natural Resource Areas			
	Woodlands	1,222	4.2
	Wetlands	1,738	6
	Surface Water	273	0.9
	Subtotal	3,233	11
	Agricultural	15,733	54.1
	Quarry and Landfill	234	0.8
	Open Lands	2,222	7.6
	Nonurban Subtotal	21,422	73.6
Total		29,140	100

Source: SEWRPC

Caledonia's land use plans anticipate complete build-out of the Town's rural lands. They call for this development to utilize conservation subdivision design through a conservation subdivision ordinance, as described previously in this section. Two developments, Ponds I and II, have already been built using this approach to subdivision design. If fully implemented, this concept will maintain the interior of the town in rural land use, with urban development encircling it to the

⁸⁸ Parking included in associated use.

⁸⁹ Suburban-density residential is defined as 0.2 to 0.6 du/acre; equating to lot sizes of 1.5 up to 5.0 acres.

⁹⁰ Low-density residential is defined as 0.7 to 2.2 dwelling units per acre; equating to lot sizes of 19,000 square feet up to 1.5 acres. This category also includes the residential portion of lots five acres or larger.

⁹¹ Medium-density residential is defined as 2.3 to 6.9 dwelling units per acre; equating to lot sizes of 6,000 to 18,999 square feet.

⁹² Includes public and private utilities and communications facilities.

⁹³ Includes public and private schools, government offices, police and fire stations, libraries, cemeteries, religious institutions, hospitals, nursing homes, and similar facilities.

⁹⁴ Includes only that land which is intensively used for recreational purposes.

east, south, and west like a horseshoe. Because current urban development is currently located to the east and south of the Town, the horseshoe analogy does not yet apply. For the time being, development within the Town is better described as a crescent.

Caledonia's 26% urban development and 1% of commercial/industrial development can be put into perspective by comparing it to two recent incorporations. Forty-three percent (43%) of lands in Bellevue were in residential use at the time of incorporation, and 20% were in commercial and manufacturing use. The Town of Sheboygan was approximately 24% urban at the time of its attempted incorporation and failed to meet the homogeneity requirement.⁹⁵

Determination of s. 66.0207(1)(a) Homogeneity and Compactness

Homogeneous is defined as, “of a similar kind or nature” or “of uniform structure or composition throughout”⁹⁶ *Compact* is defined as, “Closely and firmly united or packed together; dense.”⁹⁷ Caledonia has several characteristics that support this requirement, but also some that do not.

Caledonia's soils and topography are homogenous throughout, with no large area consisting of a preponderance of dissimilarities that would justify its separation from the larger area of the Town. The social and recreational opportunities in the Town demonstrate that Caledonia is a distinct community within the Racine area. Caledonia's historic structures and fabric are dispersed throughout Caledonia and demonstrate that the Town could also be considered homogenous in this regard also. There are also shopping opportunities in Caledonia with a mix of services for Caledonia residents that support a finding of homogeneity.

However, the petition as drawn is problematic in that it includes the entire town and all of its associated rural lands. Caledonia as a whole is currently almost three-quarters rural and only 26% urban. Furthermore, of its 26% urban development, only 1% is in commercial and industrial use. This is significant because business uses are typically a distinguishing feature of cities and villages. Other typical components such as a mix of land uses, compact development, and a range of transportation modes also tend to be missing in Caledonia.

Caledonia's population, though the largest in the state for a Town, is concentrated unevenly across the Town. The urbanized crescent east of STH 31 and south of 4-Mile Road contain the bulk of its population – approximately 85%.⁹⁸ Another factor showing a lack of homogeneity and compactness is the fact that the Town is cut roughly in half by the current sewer service area, the Root River and Hoods Creek, neighborhood planning boundaries, STH 31, and Caledonia's primary environmental corridor.

The rural hamlets/subdivisions of Caledonia, Franksville, Husher, Ives Station, Kilbournville, Lamberton, Willow Creek, Tabor, Crestview, Caddy Vista, and Linwood have historically had separate business and social identities, and this continues somewhat to the present day. Although transportation improvements have shortened travel time between these areas and increased social and business connections, travel distance between them, in most cases, necessitates use of a motor vehicle. This may help explain the very low number of bicyclists and pedestrians

⁹⁵ WDOA, *Sheboygan* (2003), 31.

⁹⁶ *Pleasant Prairie v. Local Affairs Dept.* 113. Wis. 2d 327.

⁹⁷ *The American Heritage Dictionary of the English Language*, Fourth Edition, Copyright 2000. Houghton Mifflin Company.

⁹⁸ Based on quarter-section data generated by the SEWRPC using year 2000 land use and US Bureau of the Census population data. See **Map 13** at Appendix A.

described earlier. The large rural spaces between hamlets shows that the area is currently not a continuous urban fabric but a mix of some urban uses and a lot of rural uses.

The Supreme Court in *Pleasant Prairie v. Local Affairs Dept.*,⁹⁹ found that for an entire town territory to be considered compact it must be reasonably dense and clustered as to not show inefficient use of available land or a pattern of fragmentation.¹⁰⁰ In *Scharping v. Johnson*¹⁰¹ the court held that "a village may not be incorporated where the territory to be included therein involves a large amount of sparsely settled rural or agricultural lands not having the distinctive characteristics of the village area itself."¹⁰²

Petitioners submit that Caledonia is homogenous throughout because it mixes the urban and rural consistent with new development concepts and Smartgrowth. Specifically, petitioners write, the "[f]abric of neighborhoods which embrace not only the value of population concentrations, but also the value of less densely populated residential neighborhoods which include conservation subdivisions and equine friendly neighborhoods."¹⁰³ Additionally, they write that these rural neighborhoods will likely be built within the next three years. Caledonia's elected officials and residents have accomplished, and continue to do, a tremendous amount of visionary land use planning that could eventually result in a horseshoe of commercial and urban development, with a core of preserved rural residential lands. However, s. 66.0203(9)(g), Wis. Stats., requires that the Department base its findings *upon facts as they existed at the time of the filing of the petition*, and not on future possibilities. Petitioners confuse the homogenous and compact criteria, which must exist at the time the petition is filed, with the territory beyond the core criteria, which allows substantial development to occur within three years from filing the petition. For the reasons stated above, the criterion set forth in §66.0207(1)(a), Wis. Stats., is not met by the more rural areas of the Town.

However, the Department recommends that a new petition be filed that would exclude this rural sparsely-populated territory that also currently lacks the commercial, retail, educational, and other private and public institutions that characterize an "urban" area. Specifically, the Department recommends that this petition be resubmitted to include a boundary formed by the mid-point of PLS Sections 12, 13, and 24 lying south of Seven Mile Road, that separates the crescent of urbanized territory east of and abutting STH 31, and all lands south of 4 mile road, excluding Section 28, that the department believes could meet the criteria. See **Map 14** at Appendix A. This urbanized crescent would better align with the current sewer service area boundaries, natural features such as the Root River, Hoods Creek, and the Town's primary environmental corridor. Also, although not relevant to the criteria, a resubmitted petition may enjoy greater local support, as a town survey indicated that 62% of Town households supported focusing new development in the eastern and southern portions of the Town already served with infrastructure.¹⁰⁴

⁹⁹ *Pleasant Prairie v. Local Affairs Dept.*, 108 Wis. 2d 465.

¹⁰⁰ *Pleasant Prairie v. Local Affairs Dept.* 113 Wis. 2d 327.

¹⁰¹ *Scharping v. Johnson*, 32 Wis.2d 383 (1967), *In re Town of Hallie* (1948), 253 Wis. 35, 38, 39, 33 N.W. (2d) 185; *In re Village of Elmwood Park* (1960), 9 Wis. 2d 592, 600 101 N.W. (2d) 659.

¹⁰² *Scharping v. Johnson*, 32 Wis.2d 383 (1967).

¹⁰³ *Memorandum in Support of the Petition to Incorporate the Town of Caledonia as a Village*, June 4, 2004.

¹⁰⁴ Town of Caledonia. Appendix E: Neighborhood Planning and Development Preliminary Summary of Household Survey, September 2002, provided by petitioner._3.

SECTION 1(B), TERRITORY BEYOND THE CORE

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

The territory beyond the most densely populated one-half square mile specified in s. 66.0205 (1) or the most densely populated square mile specified in s. 66.0205 (2) shall have an average of more than 30 housing units per quarter section or an assessed value, as defined in s. 66.0217 (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. 66.0205 (3) or (4) shall have the potential for residential or other land use development on a substantial scale within the next three years. The Department may waive these requirements to the extent that water, terrain or geography prevents such development.

This standard imposes different tests depending upon whether or not the territory is intended to be incorporated as an “isolated” or a “metropolitan” city or village. The first part of this standard 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% or greater assessed value which is attributable to “existing or potential mercantile, manufacturing, or public utility uses.” Neither of these criteria apply in the instant action because Petitioners have filed as a “metropolitan village.”

Filing as a “metropolitan” village or city, as defined by the second sentence of (1)(b), requires the Department to find that territory lying beyond the most densely populated square mile *shall have the potential for residential or other land use development on a substantial scale within the next three years*, and authorizes the Department to waive those areas where “water, terrain, or geography presents such development.”

The most densely populated square mile of the territory proposed for incorporation, as specified in s. 66.0205(3), Wis.Stats. is the area east of Highway 32, adjacent near County Trunk Highway G, and abutting the Village of Wind Point. This area, the most densely-populated 4 quarter-sections, contains over 3,500 people,¹⁰⁵ in a medium density residential area (2.2-6.9 du/acre), that includes apartment buildings, and low density residential development (0.7-2.2 du/acre), all near a major commercial corridor of the Town.

Beyond this most densely populated core, there is urban development to the north along STH 32 and to the south around Franksville and along Northwestern Avenue. There is also the Caddy Vista neighborhood, isolated to the north. However, as described in the previous section, 73% of Caledonia is currently vacant agricultural or open land, and only 26.4% is in urban land use. Given this vast store of vacant land, this criteria is very challenging for Caledonia's petition as it is currently drafted.

The potential for development on a substantial scale in this area hinges on investment in and development of infrastructure primarily along the eastern edge of the I-94 corridor. In order for substantial development to occur, three changes are at a minimum ultimately needed: 1) a desire

¹⁰⁵ Population density estimates by quarter-section provided to the department by the SEWRPC as part of their ongoing data gathering and projection efforts associated with their associated regional transportation and land use planning responsibilities.

for development evidenced by land market activity; 2) availability of sewer service, and 3) transportation improvements. Additionally, it is expected that if the potential for substantial development is to be realized within the next three years, land ownership, property values, and property rights along I-94 will undergo some modifications in anticipation of this development. Progress in achieving these variables will be analyzed in this section.

Land Use Plans and Rural Area Studies

Caledonia's residents, elected officials, and staff have undertaken (and continue to do so) a tremendous amount of land use and infrastructure planning. Plans, studies, and reports that have been completed, or are in the process of being completed include: *A Land Use Plan Implementation Strategy for the Rural Area of the Town of Caledonia*, *W2 Area Neighborhood Plan*, *Multi-Jurisdictional Comprehensive Plan for Racine County and Local Government Partners*, *I-94 Racine/MMSD Sanitary Sewer Fiscal Analysis*, *South I-94 Corridor Sanitary Sewer Service Re-evaluation*, *Water Main Impact Fee and Needs Analysis Update*, *Industrial Park Land Absorption Study*, *Cluster industry analysis*, and various regional highway and sewer studies and plans.

These plans are listed as evidence that planning efforts have been made and are ongoing to determine the most effective and beneficial way to develop Caledonia. They support the notion that development will occur in western and central Caledonia. For example, *Land Use Implementation Strategy for the Rural Area of Caledonia* outlines the location and type of development Caledonia will encourage, recommends sewer service area expansions, and would encourage development of varying densities in all areas of the town.¹⁰⁶

Sewer Service Area Expansion

Caledonia's current sewer service area was most recently amended in 2003 by the SEWRPC.¹⁰⁷ As mentioned in the previous section, Caledonia anticipates requesting a sewer service boundary extension in the near future and has prepared, or is in the process of preparing, facilities studies and neighborhood land use plans in support of that request. For example, an interceptor sewer system capacity analysis has been completed, and a sewer extension cost study is underway.

If and when the sewer service area is expanded, sewer infrastructure will need to be extended from Caledonia to either the Milwaukee Metropolitan Sewerage District (MMSD) or the City of Racine Water and Wastewater Utility (Racine Utility), or both. There are several options to accomplish this. One option is for Caledonia to build sewer lines south into the Village of Mount Pleasant and connect with their major sewer interceptor,¹⁰⁸ which then flows to the Racine Utility. By agreement, Mount Pleasant sized its interceptor larger than needed for serving only its own residents. This was done in anticipation that eventually the Towns of Caledonia, Raymond, and Yorkville would be interested in providing their residents with municipal sewer service, particularly given the *Racine Area Sewer Service Agreement* which provides these jurisdictions with capacity at the Racine Utility in exchange for revenue sharing from new development. However, no formal agreement has yet been developed to apportion costs for Caledonia connecting to Mount Pleasant's interceptor. Mount Pleasant anticipates that Caledonia will need to pay for a portion of the costs to build and operate the interceptor and associated sewer facilities, as well as interest on the project since Mount Pleasant has been bearing the cost of enlarged sewer facilities by itself, though these facilities were made larger to accommodate the

¹⁰⁶ SEWRPC, vii-xi, maps 26 and 27.

¹⁰⁷ SEWRPC. *Sanitary Sewer Service Area for the City of Racine and Environs, Racine and Kenosha Counties, Wisconsin, 2003*.

¹⁰⁸ Capacity of this interceptor was built to handle additional development, potentially from Caledonia.

estimated needs of its neighbors. There is conceptual agreement between the municipalities, however there is no timeline for completion of the formal and detailed agreement that would be necessary before Caledonia could connect.¹⁰⁹ This option is the most cost-effective, as preliminarily determined by R.A. Smith & Associates, Inc. the engineering consultant for Caledonia, in a partially completed study.¹¹⁰ R.A. Smith estimates that construction for this option could begin in 4 years.¹¹¹

Another option for Caledonia is to extend sewer north into the City of Oak Creek and from there to MMSD. Sewer capacity does exist in this jurisdiction. For this to take place, Caledonia would need to petition MMSD for acceptance, and improvements in Franklin and Oak Creek along South 27th Street would be needed, namely the construction of a regional lift station.¹¹² This would not pose a problem with Caledonia's agreement with the Racine Utility, as a provision within the *Racine Area Agreement* states that development north of Five Mile Road in western Caledonia may be served by a party other than the Racine Utility.¹¹³

Caledonia could also use a combination of these approaches, with some of its territory being served by MMSD and some by the Racine Utility. A final option for Caledonia is to construct its own route to the Racine Utility. However, the cost of building and retrofitting infrastructure spanning that distance would likely be more expensive than the other alternatives.

Roads

Development of Caledonia's agricultural lands, particularly those in the western part of the town along the I-94 corridor, largely depends on the unbraiding of on- and off-ramps at the intersections of I-94 with Seven Mile Road, Five Mile Road, One-Half Mile Road (CTH G), and County Trunk K. Unbraiding these interchanges would improve access to these lands and improve their attractiveness for commercial development. WisDOT completed a study of these interchanges in 1996 including environmental assessments for these interchanges. The next steps are to complete the preliminary engineering, complete real estate acquisition, and prepare a final engineering report. Reconstruction of these interchanges is anticipated to occur in 2009 or 2010.¹¹⁴ Funding for the initial phases has been acquired and WisDOT is cautiously confident that funding for the later phases will also be allocated for this work.¹¹⁵ The *2020 Regional Transportation System Plan* shows that the roads proposed for unbraiding will also result in jurisdictional control changes. See **Table 1**, on page 19. For example, Seven Mile Road may transition into a county highway, part of CTH G into a local road, Three Mile Road into a county highway, and CTH K into a state trunk highway.

In addition to unbraiding, SEWRPC also believes that I-94 will be expanded from six to eight lanes. This expansion work is envisioned to begin between 2010 and 2015, with completion around 2015.¹¹⁶ However, much work remains for this expansion to occur, including required public comment and participation activities. Expansion would likely require removal or

¹⁰⁹ Personal communication from Kevin O'Donnell, Administrator of the Village of Mount Pleasant, December 23, 2004 and also April 11, 2005.

¹¹⁰ R.A. Smith & Associates, Inc., *Cost of Sewer Extension Study for the Town of Caledonia*.

¹¹¹ Tom Ludwig. R.A. Smith & Associates, Inc., Personal Communication. 31 January 2005.

¹¹² R.A. Smith & Associates, Inc., *I-94 MMSD/Racine Sanitary Sewer Fiscal Analysis Report for Town of Caledonia Sewer Utility District No. 1, RAS Project No. 1043415, 2005, 4.*

¹¹³ *Racine Area Intergovernmental Sanitary Sewer Service, Revenue-Sharing, Cooperation and Settlement Agreement for exact description, 42.*

¹¹⁴ Email correspondence from John Oimoen. WisDOT, 26 January 2005.

¹¹⁵ Personal communication from John Oimoen. WisDOT, 25 January 2005.

¹¹⁶ SEWRPC(a), 11.

relocation of a number of existing Caledonia businesses along the I-94 corridor. See **Map 9** at Appendix A. SEWRPC also anticipates that CTH K and STH 38 may also be expanded from 2 to 4 lanes.¹¹⁷

Land Tenure

Property owners along the I-94 corridor are just starting to anticipate road improvements. Deed restrictions have been placed on all properties affected by planned interchange modifications. Property owners must notify WisDOT by registered mail at least 60 days prior to selling an affected parcel or constructing or altering a building on an affected parcel, and WisDOT also has the option of acquiring the parcel following the required notification. Property owners are not prohibited from selling or developing on affected parcels, however no damages are paid for any construction or alternation made without the 60-day notice to WisDOT.¹¹⁸

Rezoning, Subdivision Approvals and Building Permit Data

Past rezoning, subdivision approval and building permit data gives an indication of the future development pace that can be expected in Caledonia. From 1998 through 2004 there were 65 rezoning requests (53 were approved). There was a loss of acres in manufacturing, mostly due to two large rezonings, one over 77 acres to an upland resource conservation district, and another 36 acres to agriculture zoning (A-2).¹¹⁹ In total, about 100 net acres were lost from manufacturing zoning categories. Residential zoning categories also experienced a net loss of acres. This is primarily due to a 49.6 acre rezone from R-1 and R-2 to A-2. A-2 zoning also lost ground as 141 acres were rezoned to an upland resource conservation district.¹²⁰ This is the single largest rezoning in the data set. No trends are perceivable in this data that would indicate that the Town is moving toward more rural or urban land types, or that there is a demand for more urban or rural zoning typologies by landowners. The number of rezonings permitted or denied is not increasing or decreasing, but has been variable and oscillating over the past seven years. This may indicate that urbanization of Caledonia is not occurring as quickly as petitioners allege, but it may also indicate residents' satisfaction with the zoning ordinance and that more rezonings were not requested because the ordinance is already calibrated to accommodate future land use change.

Graph 2, below, shows the number of subdivision plats and lots approved in Caledonia from 1989 to 2004. The number has varied widely, from a low of one plat approved in 1989 to highs of eight in 2002 and 2004. The number of total lots created has ranged from 196 lots in 2002 to 27 in 1989. Graph 2 shows that the number of lots approved each year is trending upward, while the total approved subdivisions shows no clear trends.

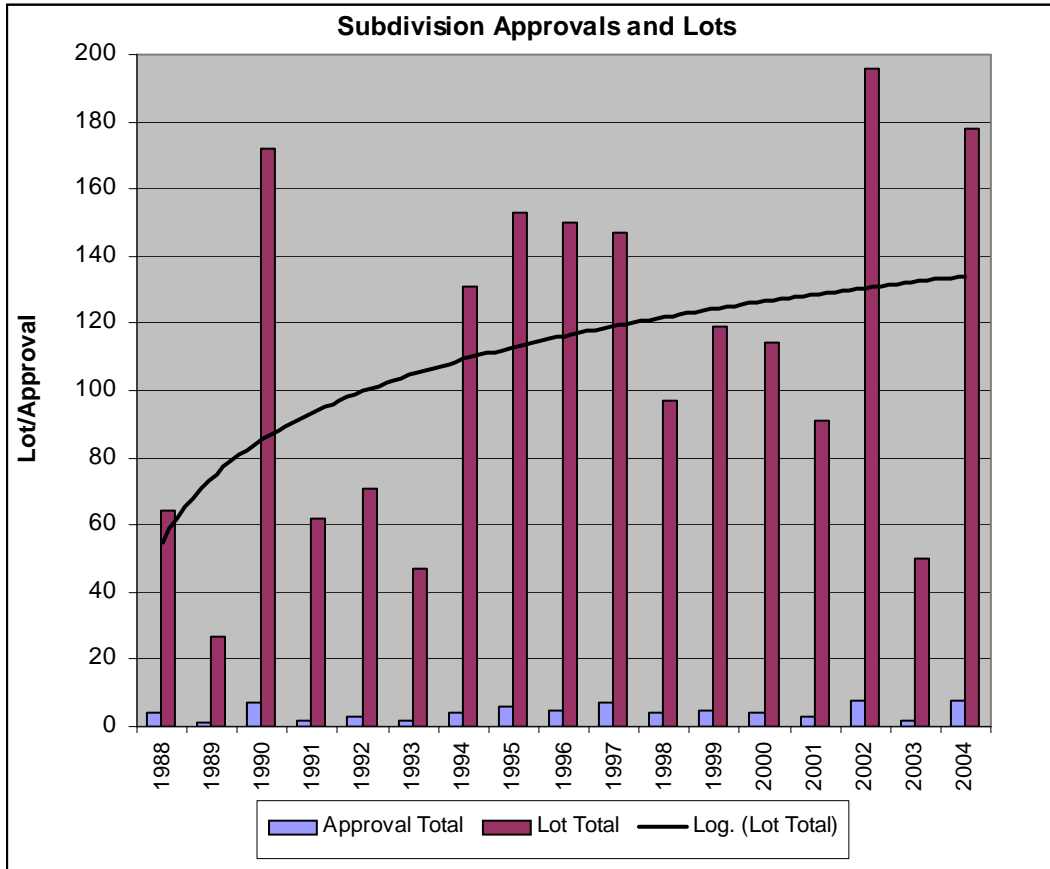
¹¹⁷ SEWRPC(a), 11.

¹¹⁸ SEWRPC(a), 12.

¹¹⁹ White. 35-36.

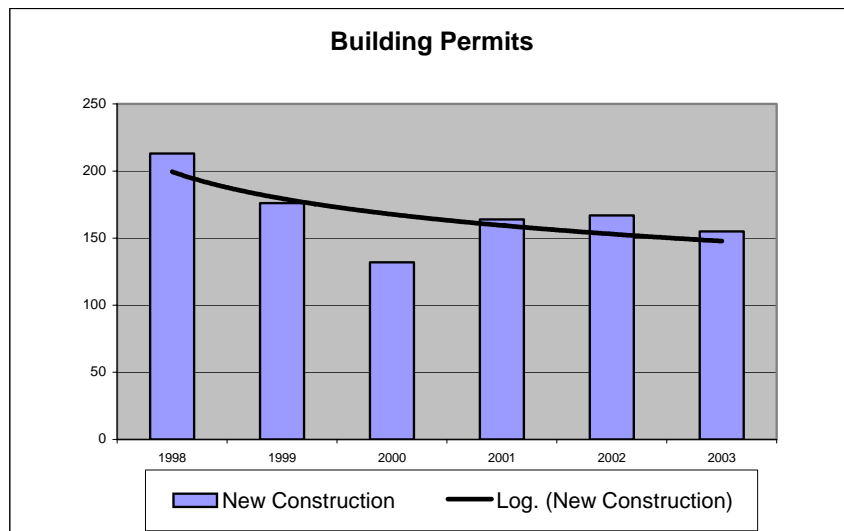
¹²⁰ Ibid.

Graph 2: Subdivision Approvals and Lots



Source: White, 37-39

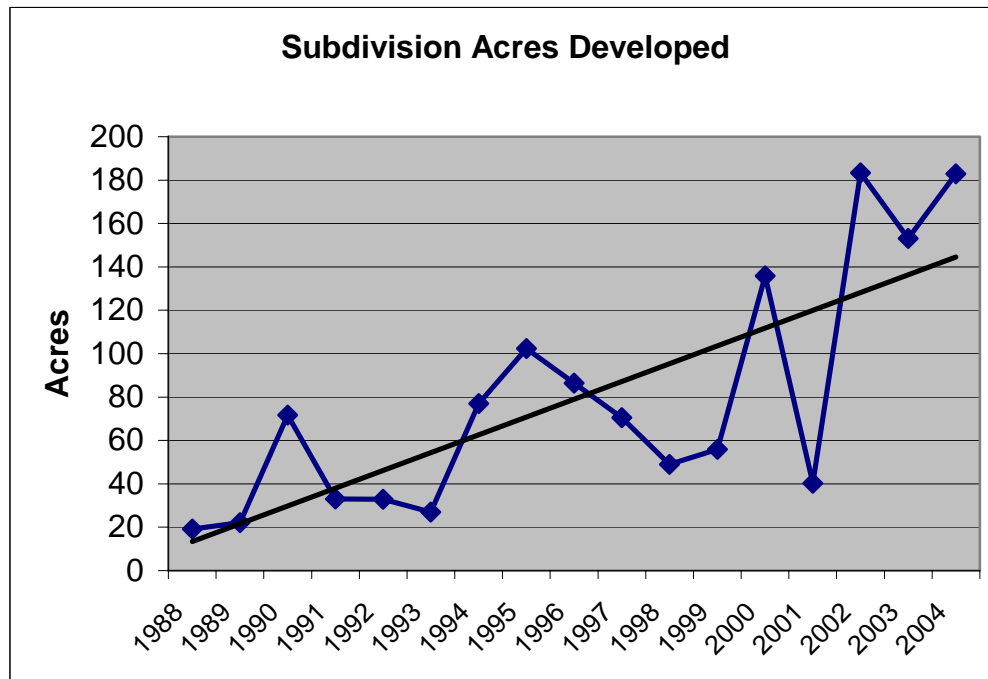
Graph 3: Building Permits



Source: Appendix S provided by petitioner

A review of new construction permit data from 1998 to 2003 shows that the number of permits for new construction, including single family, duplex, multi-family, commercial, manufacturing, and non-taxable property¹²¹ is slightly decreasing. See **Graph 3**, below. However, **Graph 4**, below, shows that the number of acres developed per year in Caledonia in subdivisions since 1988 has been increasing quite steadily. In 2002 and again in 2004, almost 200 subdivision acres were developed. This indicates a growing demand for land in Caledonia and an increasing urbanization. Anecdotal information and text provided to the Department support this trend.¹²²

Graph 4: Subdivision Acres Developed



Source: Frederick A. Haerter, Town of Caledonia Engineer.

Determination of s. 66.0207(1)(b), Wis.Stats. Territory Beyond the Core

The Department recognizes Caledonia’s tremendous planning efforts to shape and bring about future development, for which it has received numerous awards. The Department also appreciates the Town’s efforts to involve its residents and balance development with natural resource preservation. Furthermore, the Department does not disagree with petitioners that Caledonia is becoming more urbanized, and will likely continue along this trend. The question is whether this urbanization is likely to occur at a rate that satisfies the criteria in §66.0207(1)(b) Wis.Stats.

Regarding the municipal sewer service necessary for future development, particularly along I-94, it is clear that Caledonia has a number of options available. While the Town has done substantial work studying cost, capacity and other engineering details, and developing neighborhood plans, each of its sewer service options nonetheless will require several years worth of work before any actual construction of infrastructure may begin. For example, the option of hooking into Mount Pleasant’s interceptor is at least four years out according to RA Smith. Additionally, the

¹²¹ Schools, church’s, public buildings, etc.

¹²² White, 40.

provisions of a formal cost-apportionment agreement still need to be negotiated. The option to extend sewer to MMSD has an even more uncertain timeline.

Regarding the anticipated transportation improvements, some planning and engineering work has begun, however much remains to be done. Furthermore, the budgeting and public involvement with the expansion projects is very uncertain. Even a best case scenario does not have construction and completion occurring until 2010 or later, well beyond the three years required by the statute.

The data on recent rezonings, subdivision approvals, and new construction permit data do not show any clear land development trends. However, data on annual subdivision acres developed does show an increasing rate of development. Nevertheless, almost 200 acres per year (Caledonia's 2002 and 2004 totals) are not sufficient for the department to find that the territory beyond the core has the potential for urban development on a substantial scale within the next three years.

Finally, in its two site visits to the area, the Department observed little development activity relative to the extensive size of the “rural” area of the Town (but did observe considerable building activity in the Town areas generally east of STH 32 and south of Four Mile Road) Though both its site visits were in winter, which is not generally a time of high development activity, almost no progress could be seen on the ground, even potentially stalled work remaining from Fall or Summer projects. This contrasts with *Bellevue* (2002) where the Department observed construction equipment and various private structures and public infrastructure such as roads and sewer and water lines in various stages of completion and occurring simultaneously throughout the town; not just in one or two places. The Department is appreciative of the planning efforts, vision, and energy by Caledonia's residents, staff, and elected officials. However, it appears a great deal of development in Caledonia exists currently on paper in plans and studies rather than as actual concrete, wood, brick, and other physical materials. Based on the foregoing reasons and evidence, the Department does not believe that the petition including the entire Town as currently drawn has substantial potential for urban development beyond the urban core within 3 years as required by the criteria in s. 66.0207(1)(b), Wis.Stats. Therefore, this criterion is not met.

However, the Department believes that an area of the Town described previously would meet the “substantial development” test, and recommends that a new petition be submitted with altered boundaries. Specifically, the Department recommends that the petition be resubmitted to the circuit court to include a potential boundary formed by the mid-point of PLS Sections 12, 13, and 24 lying south of 7 Mile Road, that separates the crescent of urbanized territory east of and abutting STH 31, and all lands south of 4 mile road, excluding Section 28, that the Department believes could meet the criteria. See **Map 14** at Appendix A. While substantial vacant land exists even within this urbanized crescent, there is not so much that cannot potentially be developed within 3 years. For example, sewer infrastructure is already available in this crescent. See **Map 9**, at Appendix A.

SECTION 2(A) TAX REVENUE

This section reviews revenues, expenditures, and tax rates for the proposed village. The standard to be applied is found in §66.0207(2)(a), Wis. Stats., and reads as follows:

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

Local service expenditures vary greatly across Wisconsin communities and are determined by the needs and expectations of the local populace. For this reason, the Department recognizes the need for a range of service levels and does not hold communities to fixed standards. With this consideration in mind, the Department compares municipalities sharing similar characteristics to determine whether a proposed budget is generally reasonable and able to support the desired level of municipal services. The comparison analysis is done using University of Wisconsin Extension Graphing, Revenues, Expenditures, and Taxes software, version 2.12 (G.R.E.A.T).

The communities chosen to compare with Caledonia are: Village of Mount Pleasant (Racine Co.), Town of Grant Chute (Outagamie Co.), Village of Germantown (Washington Co.) and the Village of Pleasant Prairie (Kenosha Co.). The data from these units of government were averaged in the analysis to produce one set of numbers. This provides a reasonable set of data for comparison and contrast. This analysis in some cases is only a snapshot in time. Therefore it is difficult to draw specific conclusions or recognize trends. Nevertheless, the comparison analysis can illustrate general characteristics.

Revenues

Table 6, below, shows Caledonia's projected revenues for 2004. Caledonia derives the majority of its general revenues from the property tax, 64%, or \$6,612,276. The mill rate is 5.29861—a considerable effort to raise funds from property values and more typical of an urbanizing town. Local purpose levy mill rates for all towns in Wisconsin varied between \$2.5 and \$2.8 between 1990 and 2002. The local purpose levy mill rate for all villages in Wisconsin varied from \$5.3 to \$5.5,¹²³ thus Caledonia's local financial activities already resemble those of an incorporated village. The Town also receives considerable revenue from State Shared Revenues and from licenses and permits.

Caledonia's budget contains separate funds for recycling, refuse and Cal Memorial Park. The revenues for these services cover the costs and are not included in the general budget, and are not part of the local-purpose tax levy.¹²⁴ The Town is engaged in many agreements with other jurisdictions, sharing in the revenues and expenditures of providing a service or amenity. Examples of cost sharing agreements include the Caledonia/Mt. Pleasant Joint Park, the Caledonia/Mt. Pleasant Joint Health Department, and the Joint Fire Station Agreement.

Caledonia contains several special utility and sanitary districts that are responsible for providing water, sewer, and storm water services as seen on **Map 8**, at Appendix A. Special district revenue sources include the local property tax, special assessments, user fees, and impact fees, many of the same sources used by the Town. As such, financially troubled districts could spell higher tax and user charge burdens for Caledonia citizens, which may then affect special-purpose taxes and user fees. Analysis of the special district budget data available from 1999 to 2003, suggests that

¹²³ University of Wisconsin Extension, G.R.E.A.T software v. 2.12

¹²⁴ *Town of Caledonia, Racine Wisconsin Annual Report*, 2003. 32-39.

only the Caddy Vista Sanitary District is operating at a net loss for the most current years data are available, 2002 and 2003.¹²⁵

Revenues would increase for Caledonia should it succeed in becoming a village. Caledonia would receive a greater proportion of the utility payment component of State Shared Revenues it currently divides with Racine County.¹²⁶ This increase would be approximately \$10,200 annually given the shift in utility payment proportions.

Additionally, if the Town becomes a village a planning/zoning department will likely need to be created. This department will increase its fees for services to cover additional costs. This increase would be approximately \$250,000.¹²⁷

Table 6: Revenues

Town of Caledonia 2004 General Fund Revenues	
Property Tax	6,612,276
Construction Permits	660,050
Licensees	51,300
Other Permits & Fees	247,588
Health/Safety Services	481,380
Municipal Ordinances	269,750
Other Services	38,766
Property Related Services	16,668
Operating Department Revenues	296,144
Special Assessments	5,760
Other Revenues	110,600
Intergovernmental Revenues	
Ambulance Grants	4,200
Fire Insurance	58,200
Highway Aids	729,257
Police Grants	48,836
State Shared Revenues	1,089,055
Total Intergovernmental Revenues	1,929,548
Total Revenues	\$ 10,719,830

In comparing the Town of Caledonia with the average of the comparison communities, the proportions of revenue in each category are dissimilar. See **Graphs 5 and 6**, below. Caledonia derives a far greater percent of its revenue from the general property tax than do the comparison communities. This is no surprise considering the Town's high assessment value and relatively high mill rate.

¹²⁵ *Town of Caledonia, Racine Wisconsin Annual Report, 2003. 32-39. 57.*

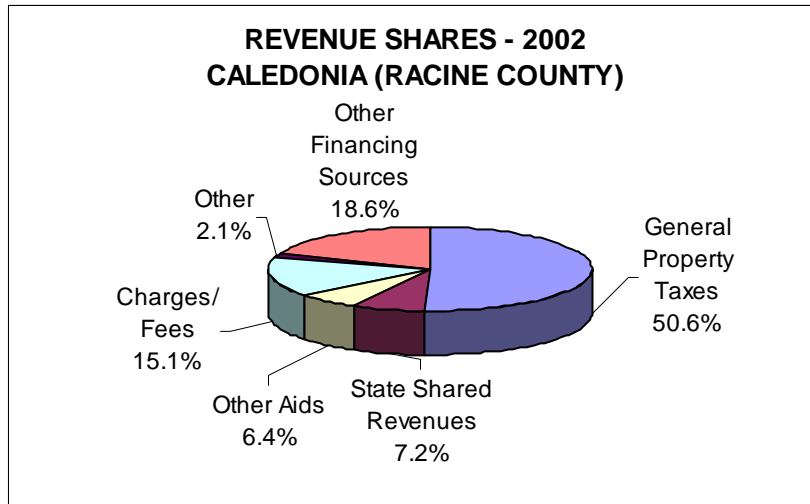
¹²⁶ *Ibid.*, 48.

¹²⁷ Town of Caledonia 2004 budget for proposed village. Number derived from Planning and Development expenditures

Comparison communities rely on “Other Financing Sources” much more heavily than does Caledonia, as a proportion of total revenues. This category includes long-term debt, interfund transfers, proceeds of refunding bonds, and the sale of major general fixed assets.

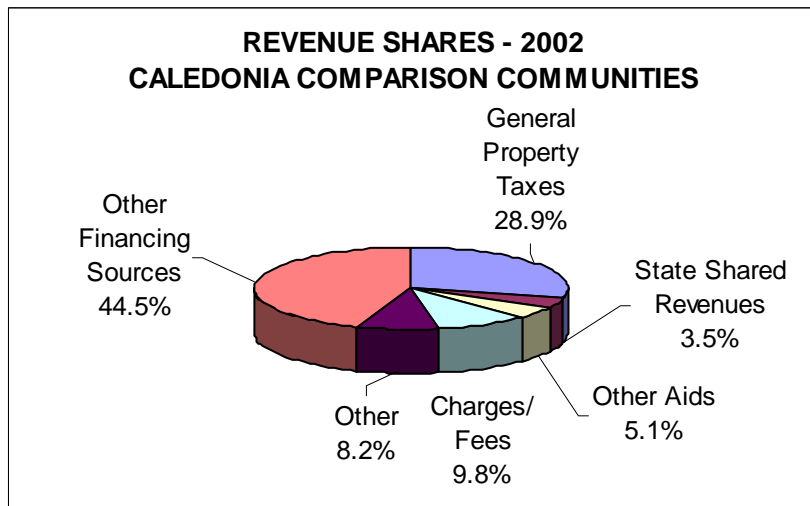
State Shared Revenues, and charges and fees are larger for Caledonia than for comparison communities. The “Other” category includes rental income, sale of property, insurance recoveries, donations, refunds, and miscellaneous revenue such as recovered delinquent person property taxes. “Other Aids,” which include highway and bridge aids, among others, look very similar.

Graph 5: Revenue Shares - Caledonia



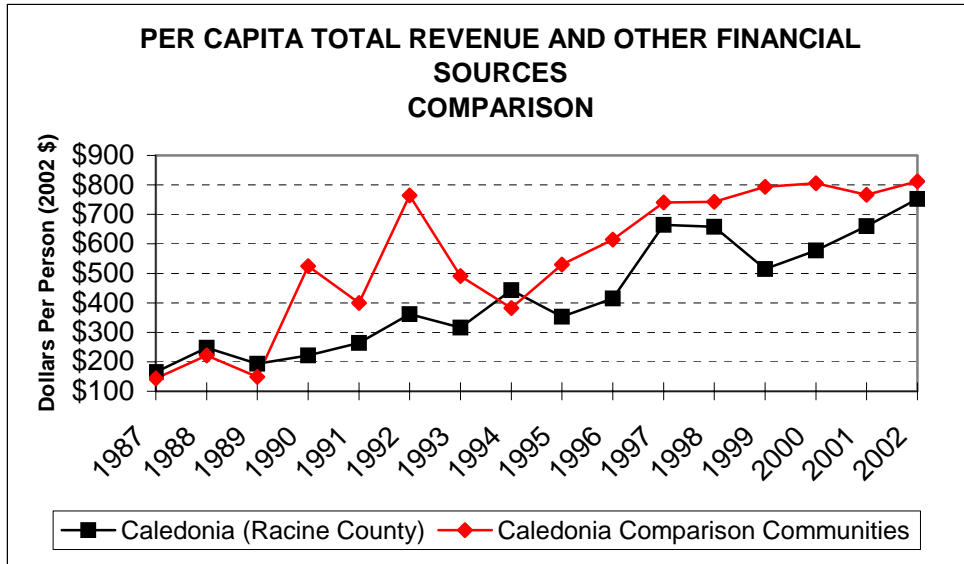
Taken as a whole, Caledonia’s revenue profile does not match closely to those of the comparison communities. Given proposed land development plans, there is no reason to believe that the revenue profile would change dramatically in the near future. Many reasons could exist for the differences, but analysis of those reasons is outside the scope of this report.

Graph 6: Revenue Shares – Comparison Communities



Caledonia’s per capita total revenues from 1987 to 2002 shows that the Town has frequently had lower revenues than the comparison communities. See **Graph 7**, below.

Graph 7: Per Capita Total Revenue & Other Financial Sources Comparison



Expenditures

Table 7, below, shows Caledonia’s projected expenditures in 2004 if they were to become a village. The table shows that Caledonia spends a significant amount on police and fire services, and on the highway department.

The estimated budget for the proposed Village of Caledonia assumes that the current level of service delivered to area residents will remain constant. This assumption is necessary because it allows the affects of incorporation to be isolated. Of course, if incorporated, the new village may choose to offer a different level of service from that currently offered by the Town. However, this is a decision that the Department cannot predict and is a separate issue unrelated to Caledonia’s financial fitness. Therefore, estimates are derived from past budgets and the level of services currently provided by the Town.

In the event that Caledonia incorporates, expenditures are expected to increase in a few areas. Though Caledonia has a planning commission, it will require additional planning services such as a zoning board of appeals (ZBA) and zoning code enforcement staff.¹²⁸ Together these services are estimated to cost approximately \$250,000.¹²⁹ It is not clear if other planning and related administrative costs were taken into consideration, such as shoreland/floodplain zoning responsibilities, the development of a zoning ordinance, or what these services would be.

Also, the Town Board needs to add two additional members if it becomes a village board. The additional salaries of a larger village board would be approximately \$15,622.¹³⁰ The proposed village budget presented to the department does not show an increase in expenditures for the “Administration Department.” It is realistic to assume that a larger village board with additional

¹²⁸ White, 47.

¹²⁹ White, Town of Caledonia 2004 budget for proposed village.

¹³⁰ Ibid.

responsibilities, a ZBA, and more staff in the planning department will put greater demands on this department. As such, the estimated expenditure for this department has been increased to \$293,300.

Table 7: Proposed Budget

Proposed Village of Caledonia 2004 General Fund Expenditures	
ACCOUNTING/FINANCE DEPARTMENT	160,092
ADMINISTRATION DEPARTMENT	306,006
ASSESSOR DEPARTMENT	91,484
BUILDING DEPARTMENT	300,015
PUBLIC SAFETY DISPATCH	435,404
ELECTIONS	28,350
ENGINEERING DEPARTMENT	340,787
FIRE DEPARTMENT	3,483,558
HEALTH DEPARTMENT	In Special Revenue fund
HIGHWAY DEPARTMENT	1,455,089
MAINTENANCE & UTILITIES DEPARTMENT	187,670
MUNICIPAL COURT	19,312
OTHER & DEBT SERVICE	352,201
PARKS & RECREATION DEPARTMENT	101,695
PLANNING AND DEVLEOPMENT	250,000
POLICE DEPARTMENT	2,556,536
PROFESSIONAL	694,300
TOWN/VILLAGE BOARD	83,546
TOWN/VILLAGE CLERK	70,408
TREASURER	73,279
CAPITAL OUTLAY/SPECIAL PROJECTS	0
TOTAL EXPENDITURES	10,989,732

An analysis of Caledonia's per capita expenditures with comparison communities from 1987-2002, provides insight into the Town's expenditures.¹³¹ Data show that the Town has spent on average, less per capita than comparison communities on transportation,¹³² parks and recreation,¹³³ and on conservation and development.¹³⁴ Caledonia and comparison communities

¹³¹ University of Wisconsin Extension, G.R.E.A.T software v. 2.12.

¹³² This includes total transportation expenditures, roads maintenance, construction, transportation facilities, costs of other modes

¹³³ Includes operating expenditures, capital outlays for parks and zoo; recreation programs such as summer baseball and swimming lesson, and parades, recreation facilities such baseball diamonds.

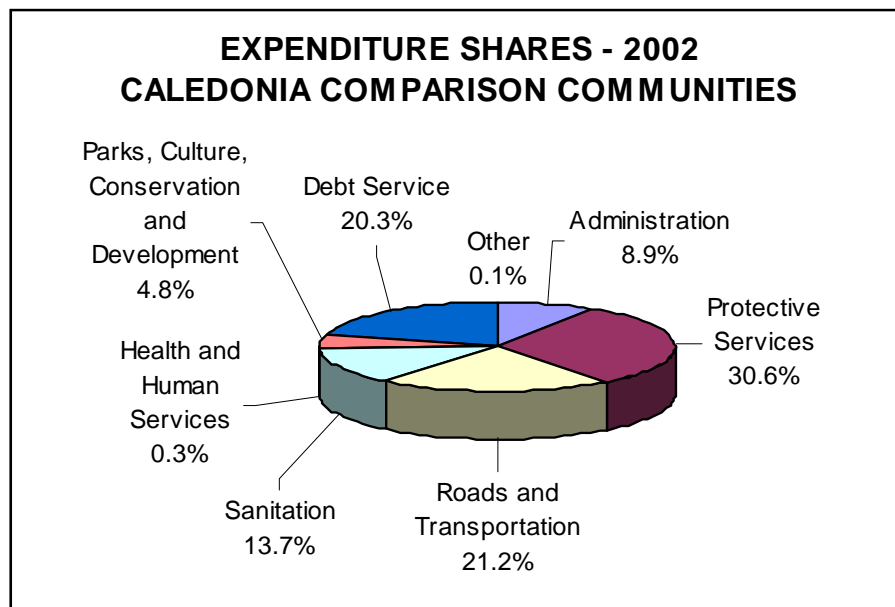
¹³⁴ Includes operating expenditures, capital outlays for public housing, urban development, economic development, forestry, and other activities such as zoning and planning.

spent approximately the same per capita on law enforcement¹³⁵ and on fire protection.¹³⁶ The Town spent more per capita than comparison communities for ambulance service, and health and human services.¹³⁷

However, comparing total expenditures of Caledonia to the comparison communities, the proportions in each category are very similar. See **Graphs 8 and 9**, below. Both are spending about the same percent on debt service, administration, protective services, roads and transportation, and parks culture, conservation and development. Caledonia spends a higher percentage on health and human services and less on sanitation than the comparison communities.

When taken as a whole, Caledonia is spending money in proportions that closely resemble comparison communities. If expenditures on services are any indication of the achieved level of service, Caledonia's services are similar to those provided by comparison communities.

Graph 8: Expenditure Shares - Comparison Communities

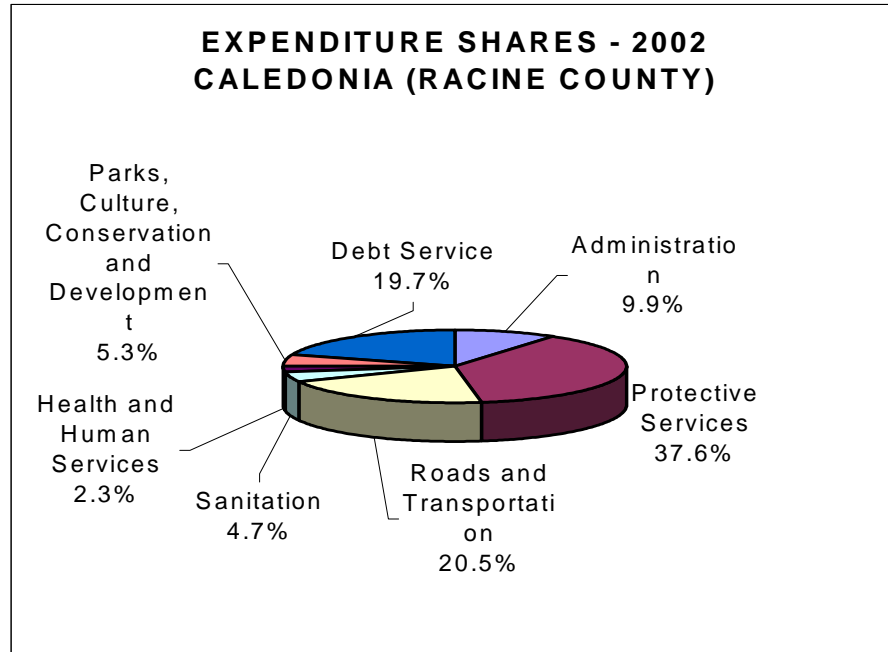


¹³⁵ Includes the operating expenditures, capital outlays for law enforcement services, such as for traffic patrol, criminal investigation, education, school crossing guards, community relations, crime prevention, and support services (communication).

¹³⁶ Includes operating expenditures, capital outlays for fire protection and related services, such as training, fire inspections, investigation of fire losses, education and fire fighting.

¹³⁷ Includes operating expenditures, capital outlays for health officers, health inspections, mental health programs, cemetery, institution care, social programs, and aging and veterans programs.

Graph 9: Expenditure Shares - Caledonia



Property Tax Base

The Town expects that there will be no additional immediate impact on property tax dollars or services resulting from incorporation.¹³⁸ Increased or new fees will likely offset any additional costs associated with incorporation. As previously noted, the Town currently offers, in most areas, village-like governmental services. **Table 8**, below, shows Caledonia’s property tax profile.

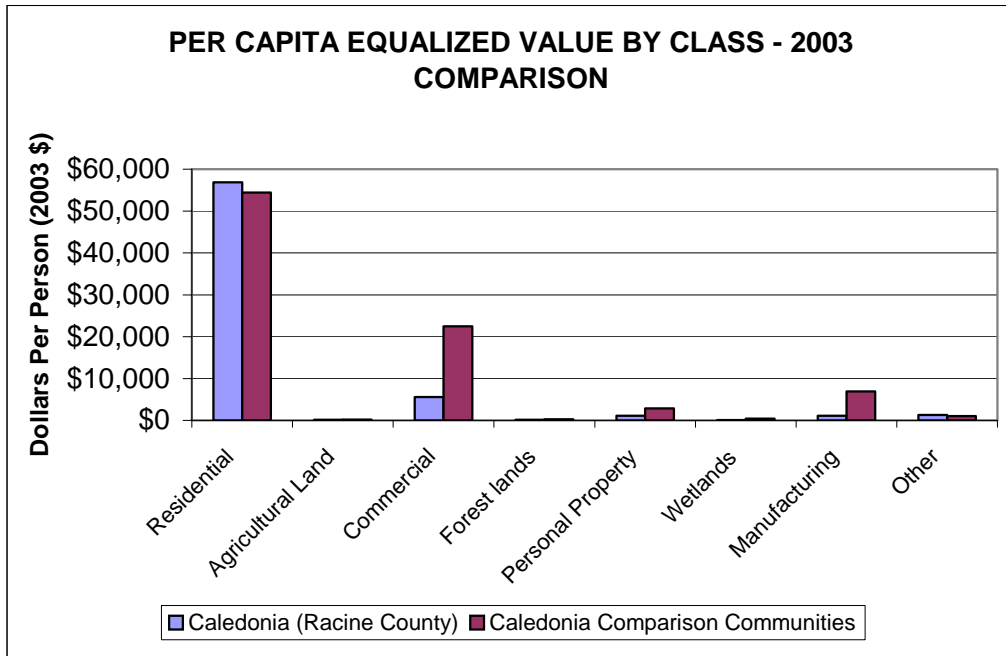
Table 8: Property Tax Profile

Mill Rate	\$5.29861
Assessed Valuation	\$1,523,397,830
Estimated Assessment Ratio	1.00
Estimated Equalized Value	1,523,397,830
Property Tax	\$ 6,612,276

The total estimated equalized value of property in the area proposed for incorporation is \$1,523,397,830. As a raw number this value is comparable to other villages in Wisconsin. As **Graph 10** shows, Caledonia has the vast majority of its equalized value in residential properties. The equalized value of residential properties per capita is on par with the comparison communities. However, Caledonia’s equalized values per capita in the categories of commercial and manufacturing property are significantly lower than the comparison communities. The Town recognizes this imbalance and is addressing it through land use planning and development of infrastructure.

¹³⁸ White, 47-48.

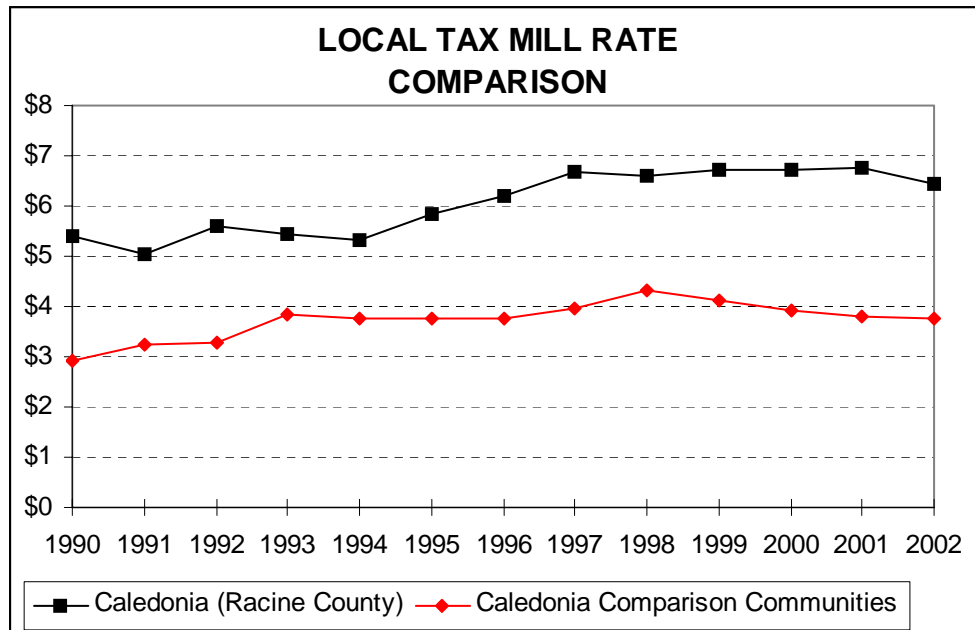
Graph 10: Equalized Value – Comparison



Property tax rates

Caledonia’s local mill rate in 2004 is 5.29861. **Graph 11**, below, shows that the local mill rate of the Town has been consistently higher than the comparison communities since 1990 by a dollar and a half to two dollars. The current mill rate of \$5.29861 in 2004 is lower than the rate four years ago and may indicate a leveling off of the mill rate.

Graph 11: Mill Rates

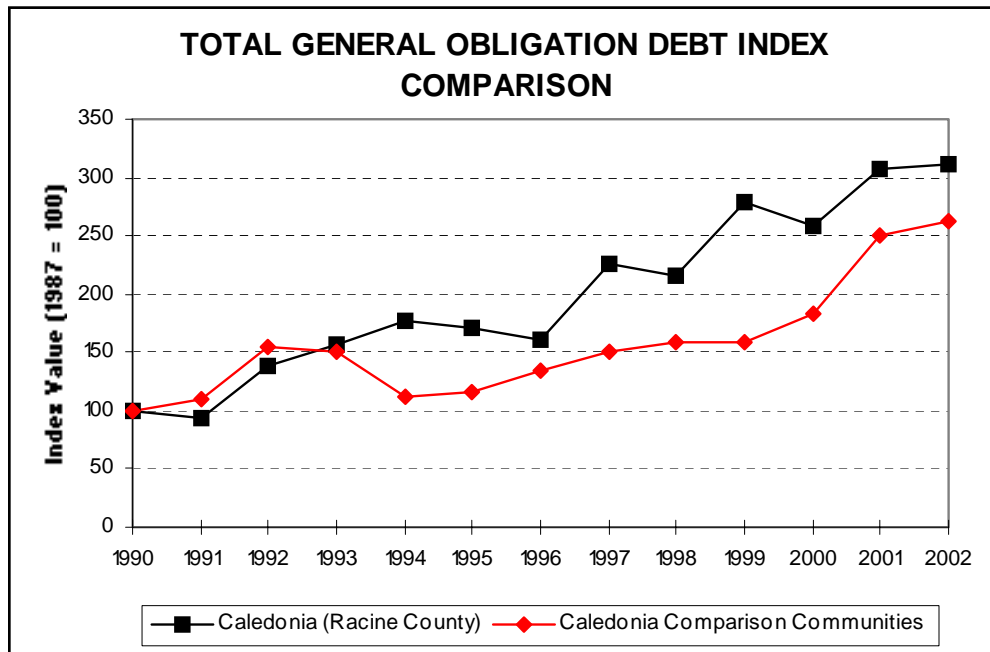


Debt

The Town of Caledonia's total remaining principal general obligation (GO) debt at the end of 2004 is \$2,643,232. This includes GO debt from utilities, which borrow under the authority of the Town. This is a very small fraction of the Town's estimated equalized value, and well under the statutory borrowing limit of 5%.

Graph 12, below, shows that from 1990 to 2002 Caledonia GO debt doubled. The GO debt of the comparison communities increased one and halftimes. Caledonia's debt is certainly under control and would not impede the Town's ability to function as a village.

Graph 12: Debt Comparison



In addition to GO debt, the Town has a very small liability for a Superfund site at Hunt's Landfill. This liability amounts to 0.7133% of the annual clean up costs. The total annual expenditure for Caledonia is estimated to be \$1,426, considering previous annual costs. Caledonia is liable for no more than \$160,000 on an annual basis if the annual clean up costs were ever to increase. The duration of this liability is unknown, but is not expected to end soon.

Caledonia also has a small amount of debt (\$146,507) for a "Clean Water" program associated with the Town sewer utility.

Racine Area Sewer and Revenue Sharing Agreement

A portion of Caledonia's revenues are allocated to the City of Racine in exchange for sewer extensions into the Town and other benefits. Caledonia's payment in 2003 was \$194,810.¹³⁹ It is estimated that Caledonia will continue to contribute to the aggregate \$73 million to be paid by all participating municipalities to the City Racine in shared revenue payments over the life of the

¹³⁹ Town of Caledonia, Racine Wisconsin Annual Report, 2003.

agreement. Additionally, Caledonia is responsible for helping upgrade the Wastewater Utility of the City of Racine to ensure the plant has the capacity to serve the Town.

In this review, no evidence suggests this agreement and its adjunct financial obligations would compromise the Town's ability to function as a village. To the contrary, this agreement aids in Caledonia's pursuit to become a village by securing an agreement enabling it to develop infrastructure connected to a known treatment capacity.

Determination of s. 66.0207(2)(a), Wis.Stats. Tax Revenue

The transition of Caledonia from a rural community into a village of loosely knit developments envisioned in the land use plan will likely put some additional strain on the community as service trips to increasing outlying populations increase. However, it is expected that the management of these burdens are well within the financial capabilities of the Town.

Caledonia currently provides village-like governmental and community services and funds them at proportions commensurate with other jurisdictions. The Town maintains relatively high levels of revenue. Because the Town is located in a fast growth area of the state, and much of the revenues are based upon property values, these revenues will likely follow past trends and stay frequently above the comparison communities. It is expected that Town revenues can support village level services.

Caledonia has control over its debts. There is no reason to believe that debt levels would stall any ambitions to urbanize.

Planning and development services in large part are underway, though, as mentioned a few costs still remain. Police and fire services are established and there is a wide array of Town staff already serving this government. Additional staff to handle future needs is expected to be minimal.

However, some concerns do remain. Caledonia's mill rate is relatively high, as is its reliance on residential property values for local-purpose revenue. Without a diversified property tax base that includes commercial and manufacturing uses among others, a drop in residential values due to market fluctuations or an aging housing stock, put revenue levels at risk. All the eggs are in one basket so to speak. Additionally, relying on residential property values creates incentives for Caledonia to provide only high-value homes. Equity of the housing market should be given consideration as governments make moves to grow and play a larger role in regional development.

For the preceding reasons, the department determines that the petition meets the requirement set forth in §66.0207(2)(a), Wis. Stats.

SECTION 2(B) LEVEL OF SERVICES

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

The level of governmental services desired or needed by the residents of the territory compared to the level of services offered by the proposed village or city and the level available from a contiguous municipality which files a certified copy of a resolution as provided in §66.0203(6), Wis. Stats.

No certified copy of a resolution to annex the territory as provided for by §66.0203(6), Wis.Stats., was submitted to the circuit court. Therefore, this standard is not applicable.

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

Section 66.0207(2)(c), Wis. Stats., requires that the Department consider the impact upon the remainder of the Town from which the territory is to be incorporated, financial and otherwise to determine whether incorporation is in the public interest.

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

Because the department is recommending that petitioners resubmit with altered boundaries, it would be useful to note that the “suggested” remainder of the town would nevertheless be substantial as it would have a population of approximately 3,500, an estimated equalized value of \$243 million, and an area of approximately 24 square miles.

SECTION 2(D), IMPACT UPON THE METROPOLITAN COMMUNITY

The standard to be applied is found in §66.0207(2)(d) and is as follows:

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

“Metropolitan community” is defined to mean:

[T]he territory consisting of any city having a population of 25,000 or more, or any two incorporated municipalities whose boundaries are within 5 miles of each other whose populations aggregate 25,000, plus all the contiguous area which has a population density of 100 or more persons per square mile, or which the department has determined on the basis of population trend and other pertinent facts will have a minimum density of 100 persons per square mile within 3 years.¹⁴⁰

The metropolitan community for this determination includes the Cities of Racine, Oak Creek, and Franklin, the Villages of Mount Pleasant, Wind Point, and North Bay, and the Towns of Raymond, and Yorkville. These communities share many of the same infrastructure systems, natural features and issues, market forces, and demographics as Caledonia. This includes regional sanitary sewer service systems, a transportation system of interconnecting roads and highways, a school district, and a natural drainage basin system that creates metropolitan-wide recreational opportunities as well as policy challenges such as stormwater runoff.

The Department is required by statute to consider the impact of the proposed incorporation on the ability of area jurisdictions to address areawide issues. The Department considers plans of area jurisdictions that may suggest how the territory petitioned for incorporation would be otherwise developed and served, and also considers how various plan implementation mechanisms such as zoning, officials maps, capital budgeting, etc. mesh together. The Department must also determine whether the petitioners have established that the proposed incorporation will not have a negative impact on, service provision, infrastructure and environmental resource protection for the metropolitan community.

The Court in Pleasant Prairie v. Local Affairs Dept., held that:

The statute is peculiarly worded, in that the incorporation can proceed only if there is a finding that it will not substantially hinder the solution of governmental problems. Obviously, this requirement for a finding places a very substantial burden on the proponent of incorporation.¹⁴¹

In Pleasant Prairie (II) v. Local Affairs Dept., the court stated:

It must be conceded that the very strictures placed upon incorporation in metropolitan areas makes such incorporation difficult. The characteristics that

¹⁴⁰ Section 66.0201(2)(c), Wis.Stats.

¹⁴¹ *Pleasant Prairie v Local Affairs Dept.*, 108 Wis.2d 465 (1982), pg 481.

naturally evolve in areas bordering upon a major metropolitan community almost dictate facts and physical circumstances that tend to give some support to a logical conclusion that the outlying areas do not have an independent viability, but a viability that is dependent upon the adjacent metropolis.¹⁴²

The Town of Caledonia is inextricably linked to its metropolitan region. Its economic, social, and environmental success is, and will continue to be, directly related to the success of neighboring municipalities. None of the municipalities in the Racine metropolitan area have intervened to oppose Caledonia's incorporation petition, though the Town of Raymond did file a motion with the circuit court requesting intervener status after it missed the filing deadline for becoming such. However this motion was denied. Raymond is concerned that Caledonia will annex its territory along the western edge of I-94 if Caledonia becomes a village.¹⁴³ The Department believes these concerns can be addressed through communication and development of a cooperative boundary agreement.

Oak Creek has not expressed concern with Caledonia's potential incorporation¹⁴⁴, nor have the Villages of Wind Point or North Bay. The City of Racine Water and Wastewater Utility actively supports Caledonia's incorporation.¹⁴⁵ The City of Racine Common Council and the City's wastewater commission adopted a resolution and wrote a letter in support of Caledonia's petition¹⁴⁶, pursuant to the *Racine Area Intergovernmental Sanitary Sewer Service, Revenue Sharing, Cooperation and Settlement agreement* which required their support.¹⁴⁷

The lack of substantial opposition to Caledonia's incorporation suggests that incorporation will not substantially hinder the solution of governmental problems affecting the metropolitan community. Additionally, Caledonia's history and ability to work with the region show a desire to be a regional partner in solving metropolitan problems and addressing metropolitan needs. **Table 9**, below, outlines specific examples of Caledonia's cooperation efforts. These efforts support the notion that Caledonia will continue to be an effective municipal partner even after incorporation.

¹⁴² *Pleasant Prairie (II) v. Local Affairs Dept.*, 113 Wis.2d 327 (1983), pg. 333.

¹⁴³ Personal communication from Colin Sadler, Town of Raymond Supervisor, December 20, 2004.

¹⁴⁴ Personal communication from Julie Anderson. Racine County Planning, December 20 2004.

¹⁴⁵ Thomas J. Bunker, General Manager Racine Water and Wastewater Utility, Memorandum to Susan Greenfield, Chairperson of Caledonia, July 6, 2004.

¹⁴⁶ Daniel P. Wright, City of Racine Attorney, Memorandum to Susan Greenfield, Chairperson of Caledonia, July 7, 2004.

¹⁴⁷ *Racine Area Intergovernmental Sanitary Sewer Service, Revenue Sharing, Cooperation and Settlement agreement*, 77.

Table 9: Cooperation Examples

Agreement Title	Department(s)	Cooperating Governments	Summary	Time
Racine Area Intergov. Sanitary Sewer Service, Revenue-Sharing, Cooperation & Settlement Agreement	Town of Caledonia, Caledonia Sewer & Water Utility Dist. #1 (Cal. #1)	City of Racine, Villages of Mt. Pleasant, Sturtevant, Elmwood Park, North Bay, Towns of Caledonia, Yorkville, Raymond, Somers, and their associated sanitary districts.	Share in cost of upgrading the Racine Sewer & Wastewater Facility for use by all parties, & cooperation over boundaries and services.	12/31/01 – 12/31/51
Joint Fire Station	Caledonia Fire Dept.	Town of Caledonia & Village of Mt. Pleasant	Share a joint fire station.	02/03/98-02/03/18
Authorized Use of Fire Department Vehicles-Fire	Caledonia Fire Department	Town of Caledonia & Village of Mt. Pleasant	Agreed to allow firefighters to drive equipment owned by partnering community.	09/05/00-perpetuity
Create joint health department, board, and health officer	Town of Caledonia	Town of Caledonia & Village of Mt. Pleasant	Creation, management and operation of a jointly shared health department	03/22/99-perpetuity
Public Health	Caledonia/Mt. Pleasant Health Department	Town of Caledonia, Village of Mt. Pleasant, & Village of Sturtevant	Caledonia/Mt. Pleasant Health Dept. will provide Level II public health services in the Village of Sturtevant.	01/01/04-12/31/04,
Public Health Services	Caledonia/Mt. Pleasant Health Department	Caledonia/Mt. Pleasant Health Dept. & Village of North Bay	Caledonia/Mt. Pleasant Health Dept. will provide Level II public health services in the Village of North Bay.	01/01/03-12/31/03,
Tri-County Public Health Consortium of SE WI	Caledonia/Mt. Pleasant Health Dept.	Caledonia, Mt. Pleasant, City of Racine, Racine County, Walworth County, Kenosha County	Provides bio-terrorism training to public health staff of participating agencies & to lend mutual aid if a catastrophic event occurs.	01/01/04-12/31/05
Fire & Rescue Service	Caledonia Fire Department	Town of Caledonia & Village of North Bay	Town provides fire and rescue related services to parcels in Village.	01/01/03-01/01/05
Joint Powers Agreement	Town of Caledonia	Town of Caledonia & Village of Mt. Pleasant	Joint 911 response service authorized	01/01/00 - ongoing
Mutual/Reciprocal Aid Agreement & Fee Schedule	Caledonia Fire Department	Towns of Caledonia, Raymond, Yorkville, Kansasville, Villages of Sturtevant, Union Grove, Rochester, Mt. Pleasant, Cities of Racine, St. Francis, and Oak Creek.	Town of Caledonia will provide or receive back up fire & rescue service aid & charge appropriate fees. Select agreements are included.	04/13/92 - ongoing
Wholesale Water Agreement	Town of Caledonia & Cal. #1	Town of Caledonia, Cal.#1. City of Racine Water Utility, & Village of Mt. Pleasant	Cal #1 may purchase water from Racine to serve Caledonia and Mt. Pleasant customers.	08/15/00 – ongoing
Joint Park Commission	Town of Caledonia	Town of Caledonia & Village of Mt. Pleasant	Creation of a Joint Park Commission to purchase and manage all lands held in joint ownership.	04/21/61- ongoing
Joint. Park Land Transfer Agreement	Joint Park Commission	Town of Caledonia, Village of Mt. Pleasant, & Franksville Businessmen’s Association	Transfer designated lands to Joint Park Commission.	10/28/76 - ongoing
Telephone Maintenance	Town of Caledonia	Town of Caledonia & Village of Mt. Pleasant	Caledonia & Mt. Pleasant agree to equally share the monthly phone programming, system, voicemail & software support fees.	01/01/04-04/01/05
Public Transportation	Town of Caledonia	Town of Caledonia and City of Racine	City agrees to provide transit service in a designated area of the Town.	01/02/04-12/31/04
Metro Drug Unit	Caledonia Police Dept.	Racine County Sheriff, City of Burlington	Town provides (1) officer to staff the county's coordinated drug-fighting unit.	01/01/04-12/31/04

Source: Appendix CC, submitted by petitioner

The following paragraphs examine specific regional issues.

Transportation

Caledonia's proposed future development pattern along I-94 corresponds with WisDOT's plans to expand the interstate and unbraid three ramps leading into the Town. Also, Caledonia has embraced SEWRPC's 2020 regional transportation system plan as it pertains to their jurisdiction by considering and accepting it within their land use plan. According to SEWRPC, Caledonia has been a "model citizen" and is trying to "do all the right things".¹⁴⁸ Caledonia is also coordinating with other area jurisdictions on the commuter rail planning effort extending commuter rail service 33 miles north from Kenosha through Caledonia on its way to Milwaukee.

Sewer

The *Racine Area Intergovernmental Sanitary Service, Revenue Sharing, Cooperation and Settlement Agreement* is perhaps the largest local intergovernmental agreement in Wisconsin's history, and Caledonia is one of the participating jurisdictions. Under the agreement, as described earlier, the City of Racine will promote growth in Caledonia and not annex lands from Caledonia in exchange for Caledonia sharing revenue from new growth over a 30-year period and helping pay for upgrades to the Racine Utility.

Police

Caledonia will not need to rely upon Racine County or other jurisdictions for public safety, as it has its own police department. This means that if incorporated, the Town of Caledonia would already meet s.61.65(1)(a), Wis.Stats. which requires that villages with a population of 5,000 or greater provide police protection services.

On a regional scale, Caledonia's ability to provide its own police protection frees up County resources to be directed to those areas most in need. Caledonia public safety staff also collaborate regionally. Members of the department are assigned to the Racine County Metro Drug Enforcement Unit, and on-going crime prevention and traffic safety programs conducted jointly with area law enforcement agencies.

Public Health

The Town of Caledonia is served by the Caledonia/Mount Pleasant Joint Health Department, which offers full-time local health treatment to residents via two facilities. In addition, residents can take advantage of the complete range of health care facilities offered by the three hospitals and 71 clinics located in Racine County, and the two full-service health clinics located in the Town.

Housing

Caledonia provides a range of housing types from large single family homes to smaller homes in medium density developments to apartments. Caledonia provides 91 subsidized housing units, 16 in the Clare Meadows development and 75 in Lincoln Vilas, and elderly housing facility. In other neighborhoods such as Caddy Vista and Crestview, housing is affordable because of the size of the units (less than 1000 square feet), and numerous apartment complexes are also available. However, housing in Caledonia tends to be more expensive than average in Racine County. The median gross rent in Caledonia is \$623, while it is \$548 in Racine County. Rent is about 12% more expensive in Caledonia than in Racine County as a whole. The median value for all owner-occupied housing units in Caledonia \$134,300; in Racine County it is \$110,200. Owner occupied

¹⁴⁸ Personal communication from Phil Evenson, SEWRPC Executive Director, March 5, 2005.

housing is about 18% more expensive in Caledonia than in Racine County as a whole.¹⁴⁹ Mean household income in Caledonia is also higher than in Racine County as a whole, approximately 22% higher.¹⁵⁰

Considering the low density conservation subdivision development planned for the R-1 areas, the existing and anticipated expansion of natural amenities, and market pressures, the price of housing in Caledonia may continue to increase relative to that of other communities in Racine County and Southeast Wisconsin. However, because of the affordable housing options mentioned above, the Department believes that Caledonia is doing its fair share among regional jurisdictions to provide affordable housing.

Commercial Development

Like Mount Pleasant, Caledonia is planning for commercial development along I-94. However, it appears that both jurisdictions will be competing for the same businesses and development opportunities. Petitioners admit this, referring to their relationship with Mount Pleasant as a "bit of a sibling rivalry".¹⁵¹

Therefore, Caledonia's plans for accelerated commercial development along I-94, and its apparent lack of coordination to date with Mount Pleasant and other jurisdictions over economic development, may become an area of future intergovernmental strife. However, given Caledonia's cooperation with its neighbors now and in the past, a multi-jurisdictional development strategy of I-94 is quite possible. Such a strategy might include coordinated financing, comprehensive plans, business attraction activities, and thematic or aesthetic schemes to produce visual cohesion and attractiveness. It is possible that the rivaling siblings may join together to compete instead against other regions, states, and countries.

Determination of s. 66.0207(1)(d), Wis.Stats. Impact on the Metropolitan Community

The Department does not believe that the proposed incorporation will have a negative effect upon Caledonia's neighbors or the larger metropolitan area, nor will it hinder the solution of governmental problems affecting the metropolitan area. In addition to not being a hindrance, incorporation may actually improve the resolution of metropolitan problems. Caledonia as a village would take full control over its land use policies, and issues such as the uncertainty of annexation and the more time intensive process of working with the county would no longer apply. This would give Caledonia a better chance at achieving its rural vision. Accelerated urban growth under village powers may also allow for accelerated preservation of open space, which could become a regional amenity. Urban growth also holds the promise that net revenues will increase from property taxes. In light of the number of cooperative ventures Caledonia has undertaken, greater revenues may allow Caledonia to improve jointly provided services, which could also result in improved metropolitan-wide services such as mutual aid, regional parks and trail systems, historic resources, stormwater management, etc.

¹⁴⁹ US Census, *Median Gross Rent, Median Value for All Owner Occupied Housing Units, 2000*, Summary File H63 and H85.

¹⁵⁰ US Census, *Median Household Income in 1999 (Dollars) 2000*, Summary File P53.

¹⁵¹ Personal communication from Bill White, Petitioners attorney, January 21, 2005.

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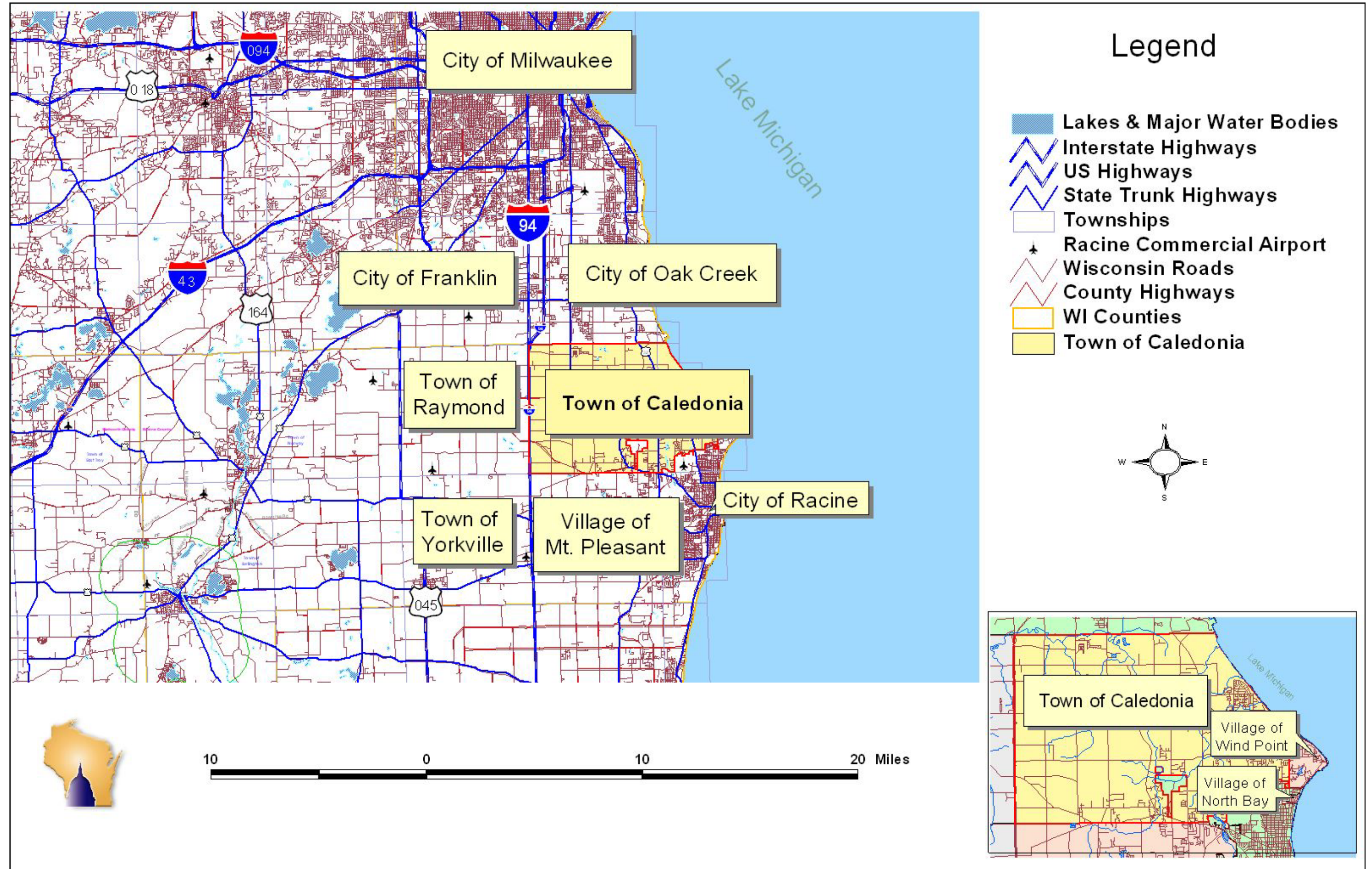
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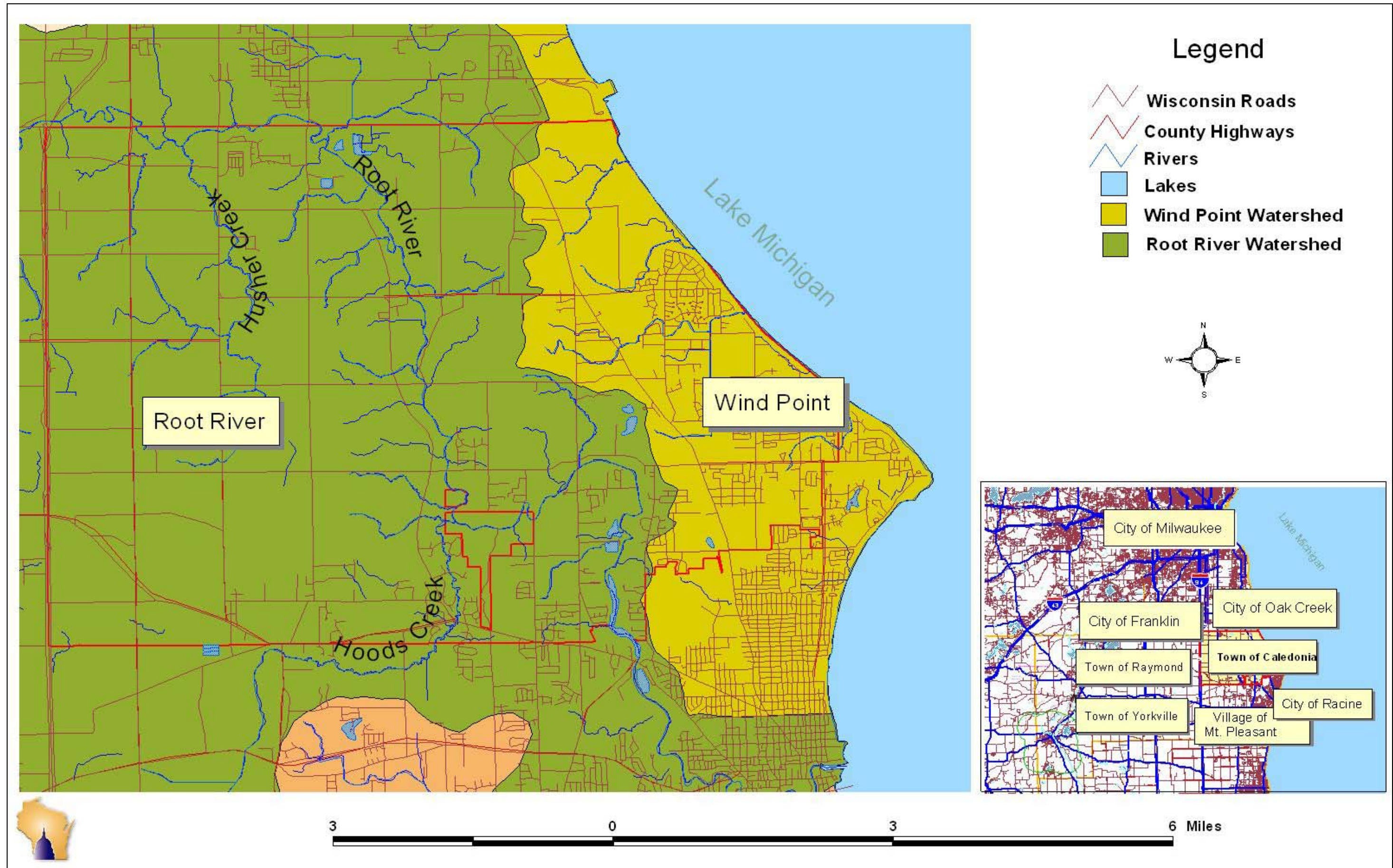
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Appendix A: MAPS

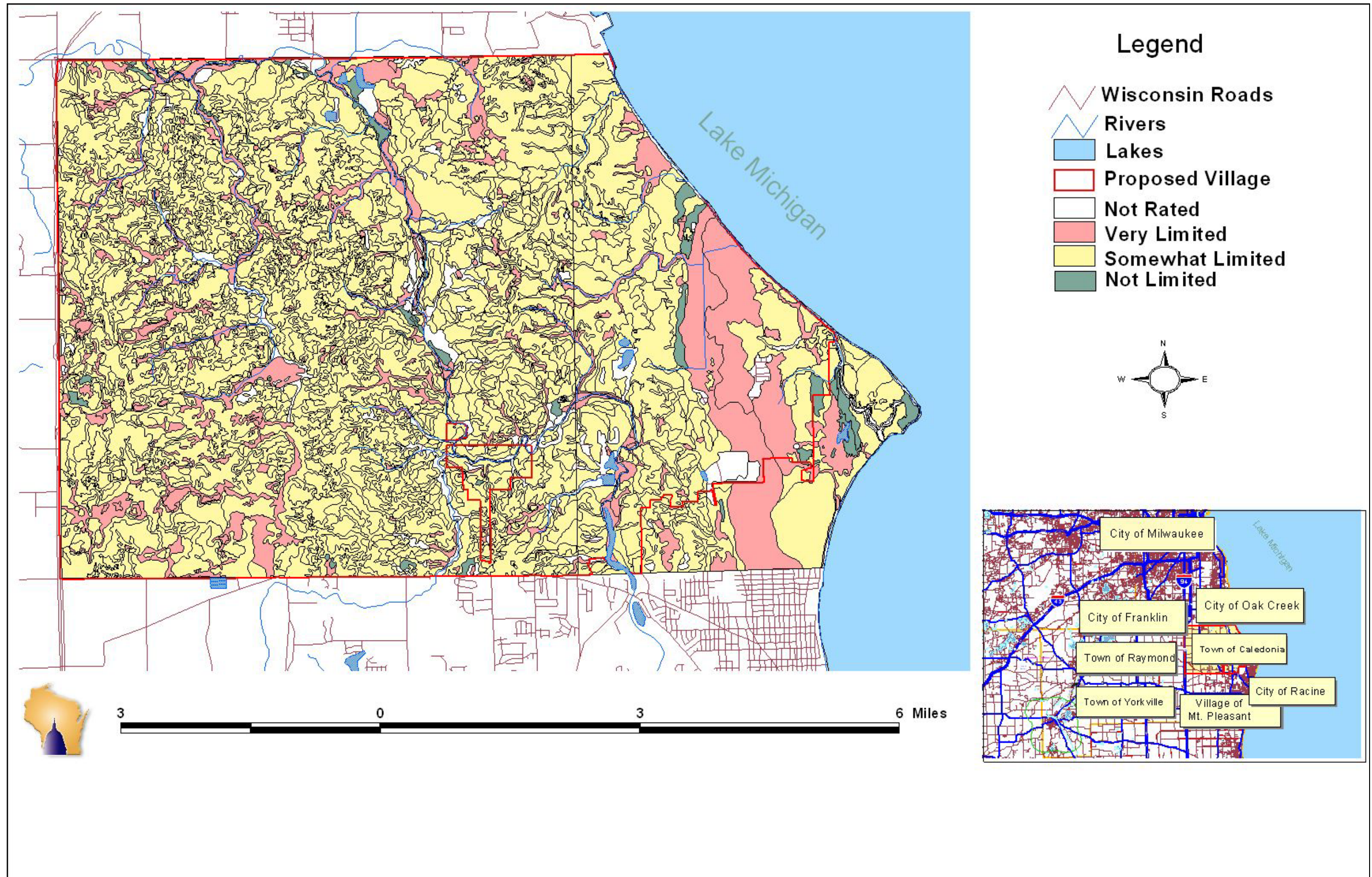
Map 1 Regional Context



Map 2 Watershed Boundaries

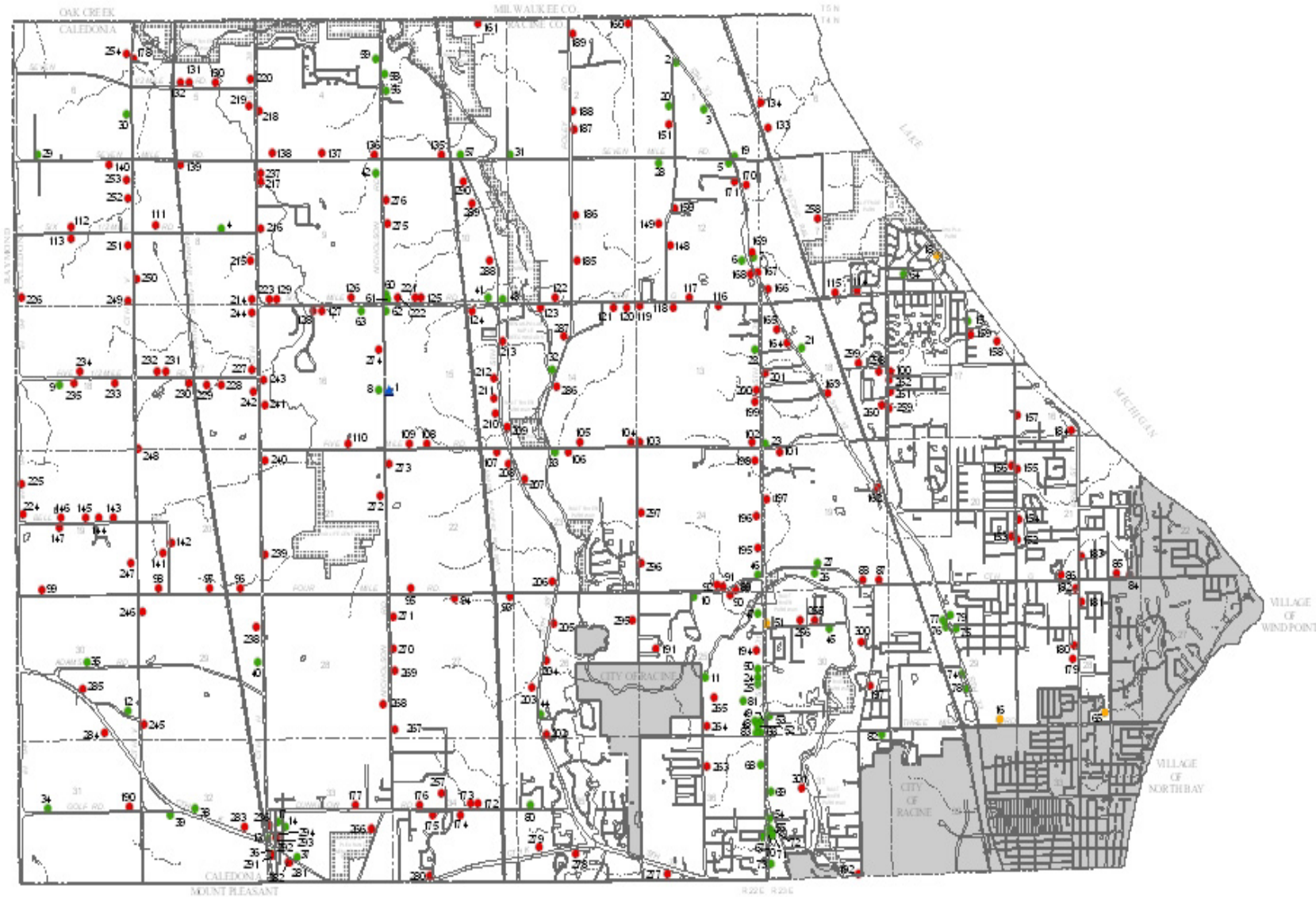


Map 3 Soils



Map 5 Historic Resources

KNOWN AND POTENTIAL SIGNIFICANT HISTORIC SITES IN THE TOWN OF CALEDONIA: 2002

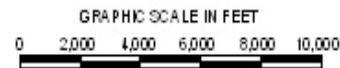


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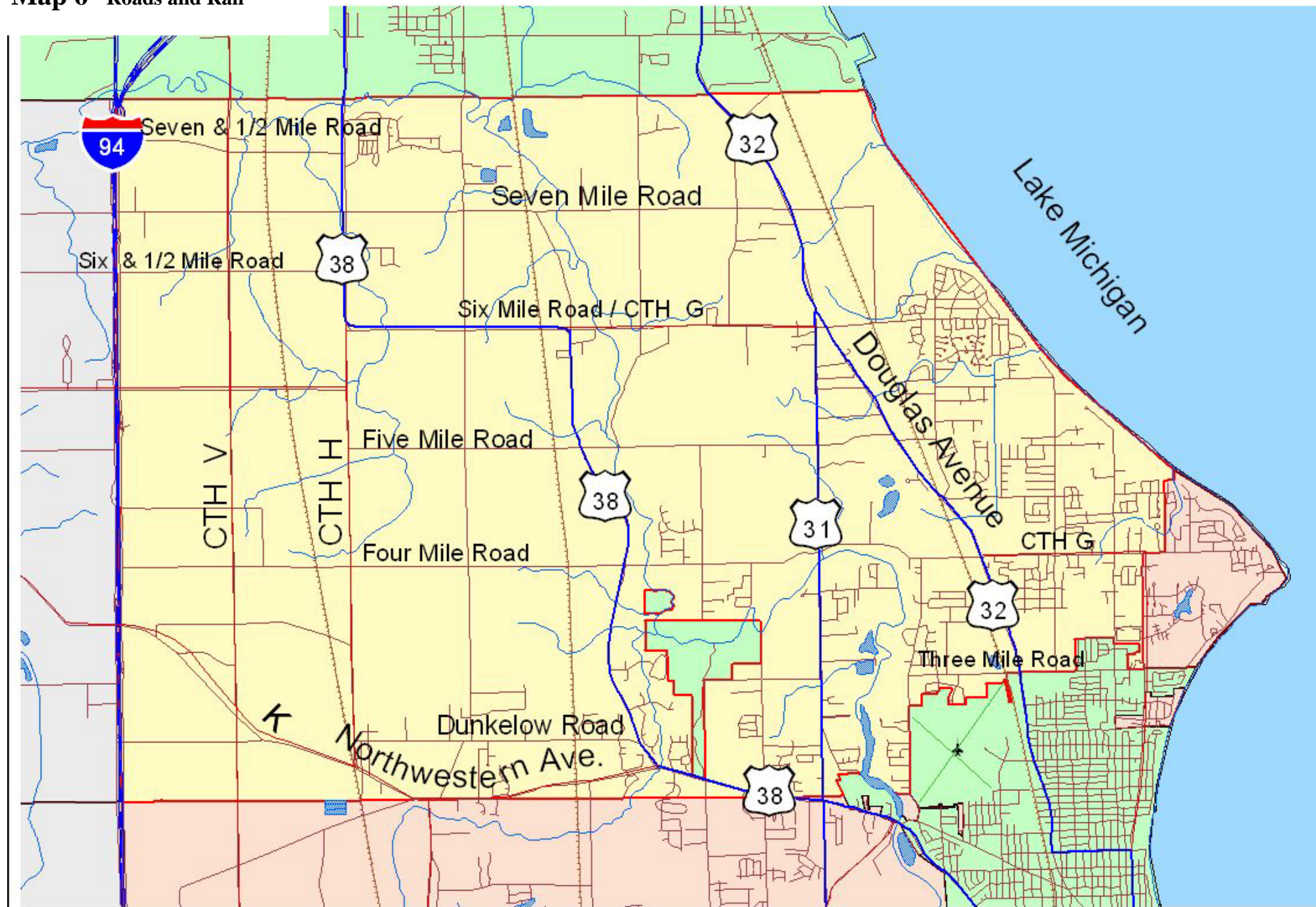
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- POTENTIAL HISTORIC SITE IDENTIFIED BY THE CALEDONIA HISTORICAL SOCIETY
- POTENTIAL HISTORIC SITE WHICH HAS BEEN DEMOLISHED

10 REFERENCE NUMBER (SEE TABLE I-10)

Source: U.S. Department of the Interior, State Historical Society of Wisconsin, Caledonia Historical Society, and SEWRPC.

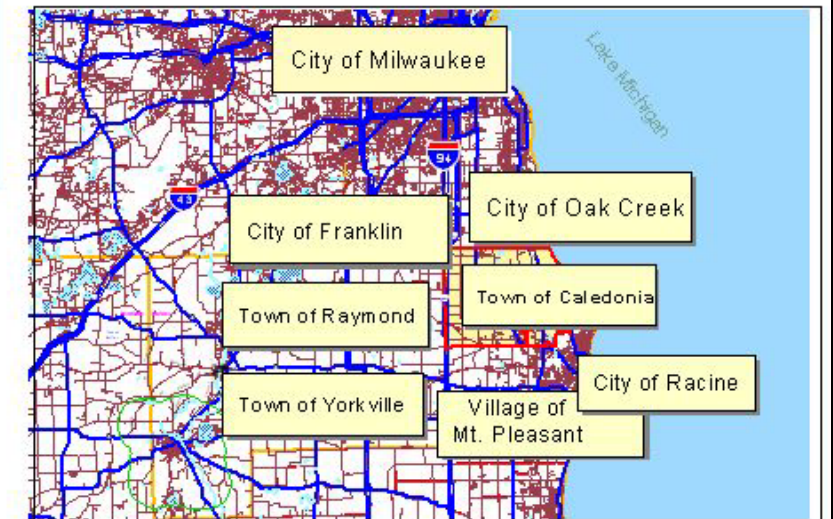
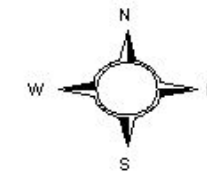


Map 6 Roads and Rail

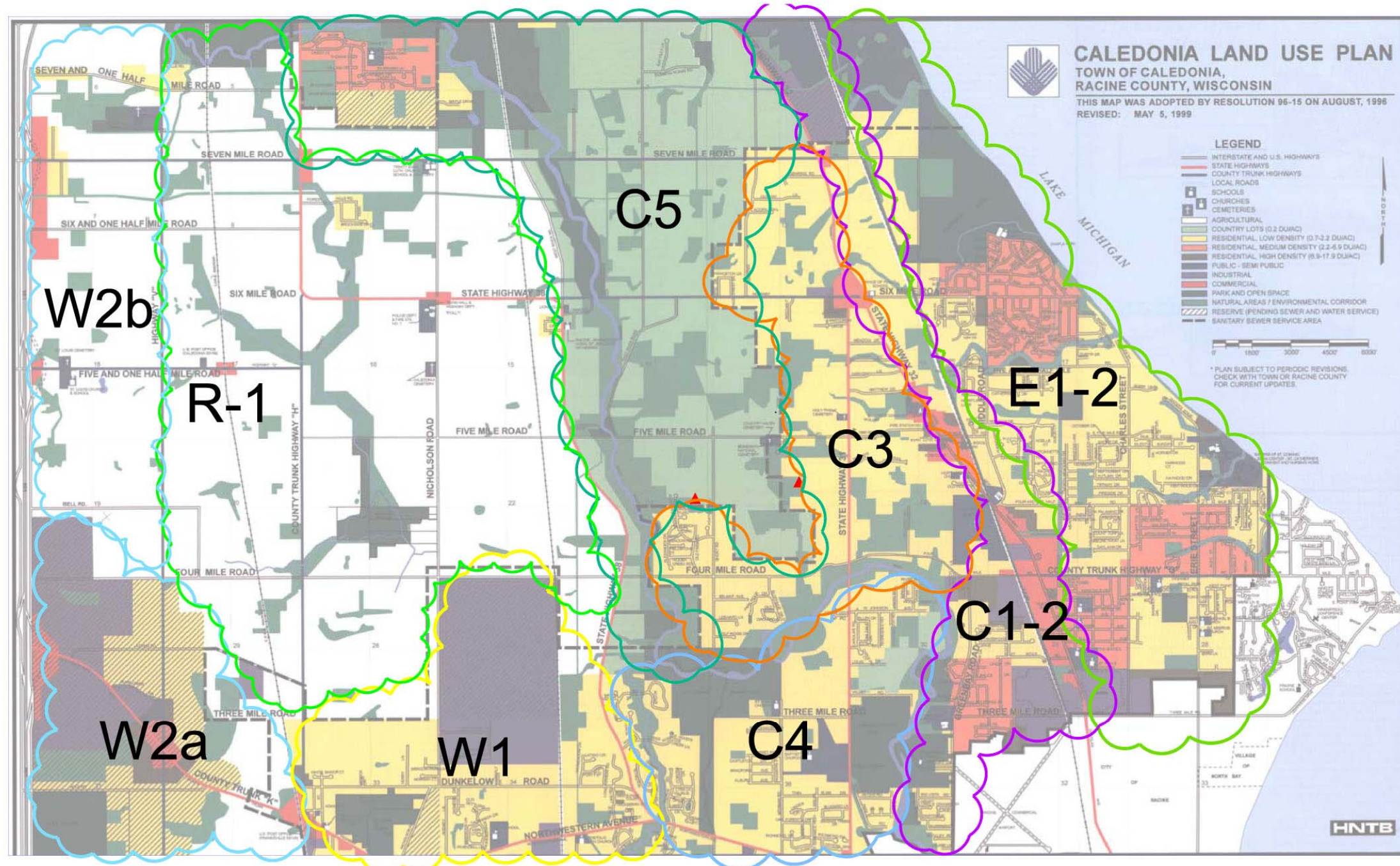


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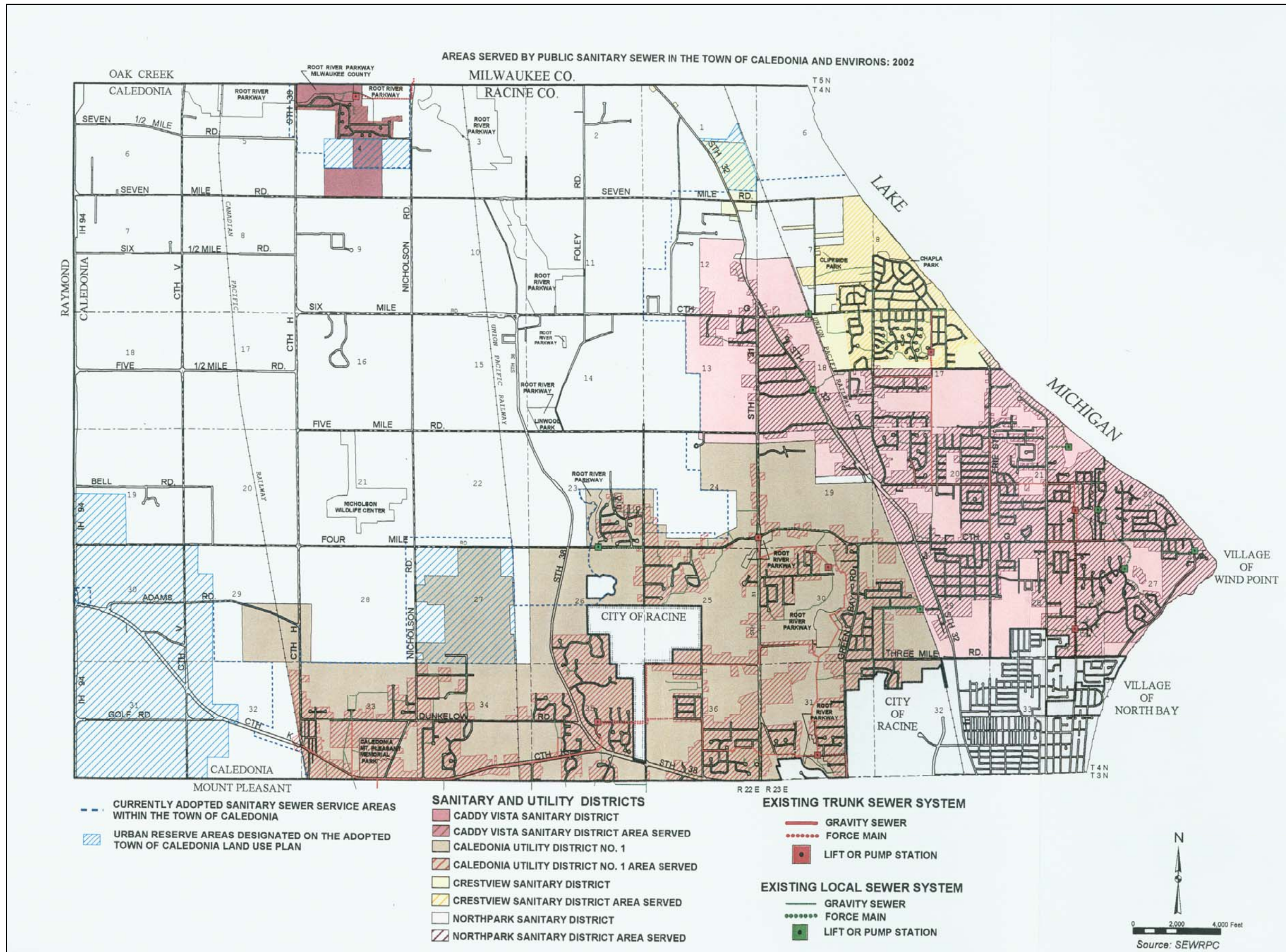
- Airport Runways
- Rivers
- Lakes & Major Water Bodies
- Interstate Highways
- US Highways
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- Racine Commercial Airport
- Wisconsin Roads
- Railroads
- County Highways
- Town of Caledonia
- City
- Town
- Village



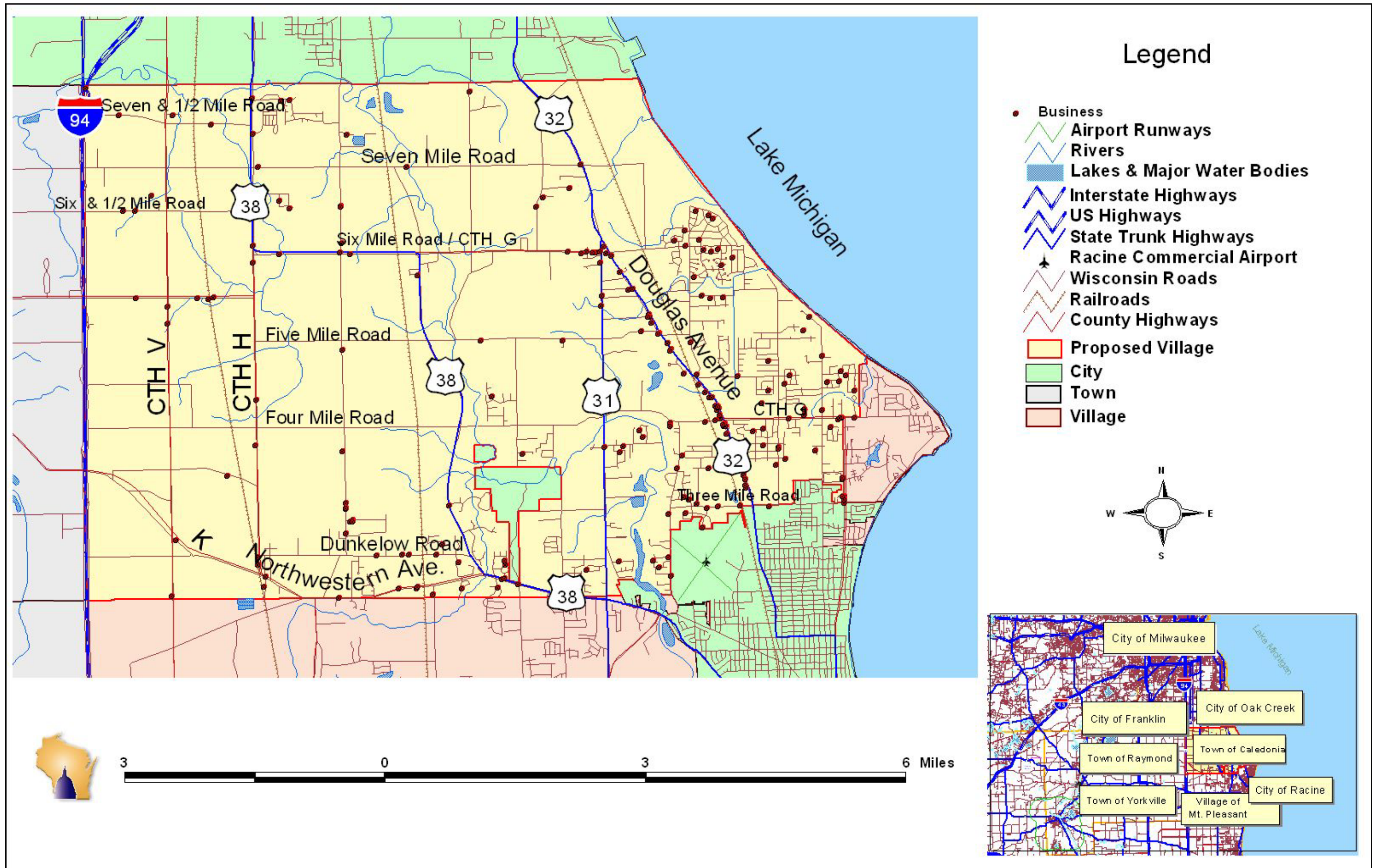
Map 7 Neighborhood Planning Areas



Map 8 Public Sanitary Sewer Service

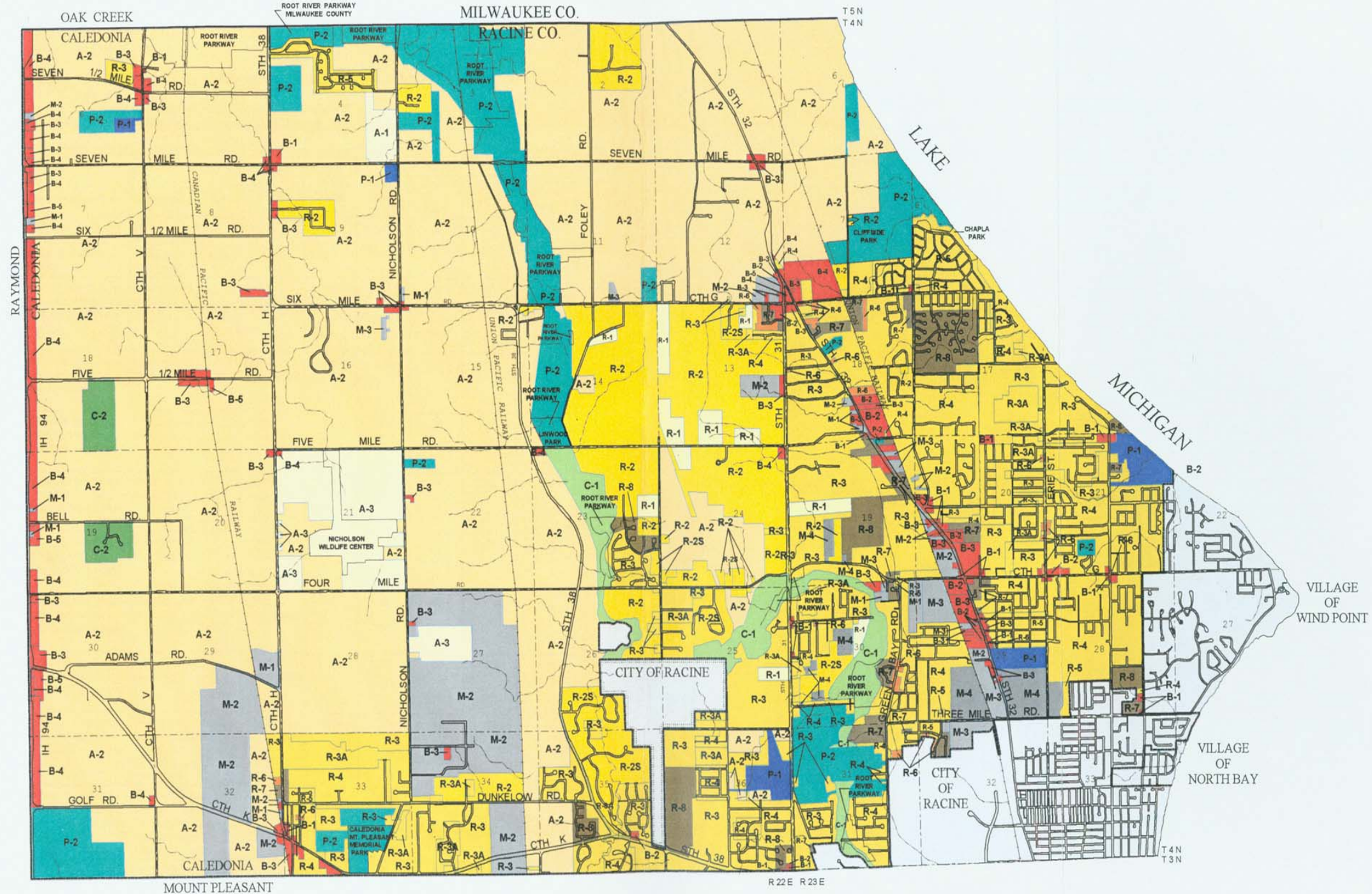


Map 9 Businesses



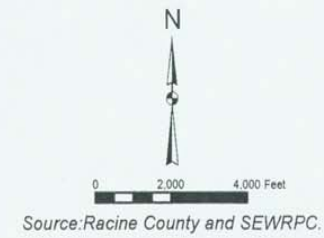
Map 10 Zoning Map

BASIC ZONING DISTRICTS IN THE TOWN OF CALEDONIA: 2002

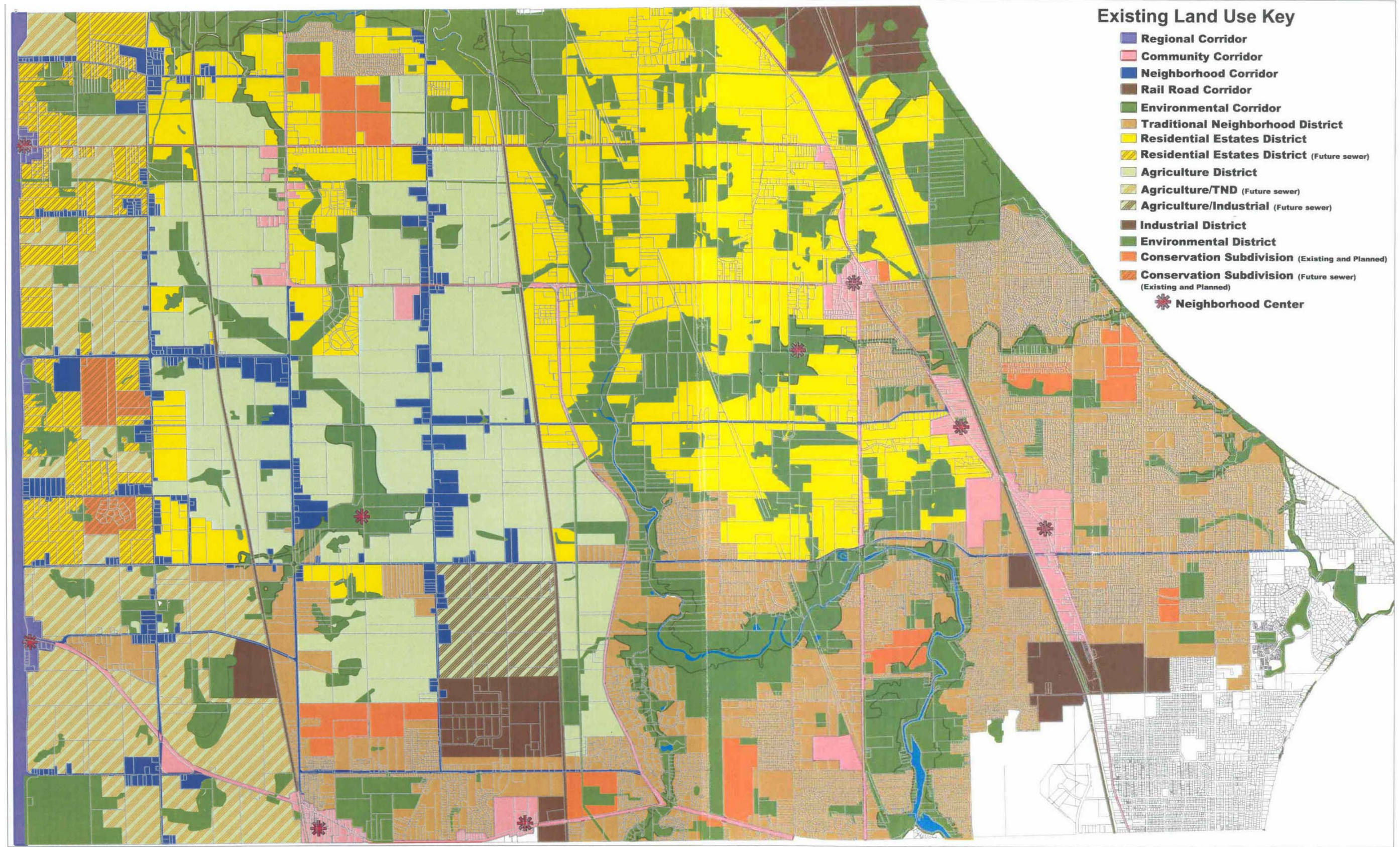


- | | | | |
|-------------------------------------|----------------------------------|--------------------------------|---|
| A-1 GENERAL FARMING | R-1 COUNTRY ESTATE | R-6 TWO-FAMILY RESIDENTIAL | (NONE) B-6 WATER ORIENTED BUSINESS |
| A-2 GENERAL FARMING AND RESIDENTIAL | R-2 SUBURBAN RESIDENTIAL | R-6A TWO-FAMILY RESIDENTIAL II | (NONE) B-7 ADULT ENTERTAINMENT BUSINESS |
| A-3 GENERAL FARMING III | R-2S SUBURBAN RESIDENTIAL | R-7 MULTI-FAMILY RESIDENTIAL | M-1 LIGHT INDUSTRIAL AND OFFICE |
| (NONE) A-4 TRUCK FARMING | R-3 SUBURBAN RESIDENTIAL | R-8 PLANNED RESIDENTIAL | M-2 GENERAL INDUSTRIAL |
| C-1 RESOURCE CONSERVATION | R-3A SUBURBAN RESIDENTIAL | B-1 NEIGHBORHOOD BUSINESS | M-3 HEAVY INDUSTRIAL |
| C-2 UPLAND RESOURCE CONSERVATION | R-4 URBAN RESIDENTIAL I | B-2 COMMUNITY BUSINESS | M-4 QUARRYING |
| P-1 INSTITUTIONAL PARK | R-5 URBAN RESIDENTIAL II | B-3 COMMERCIAL BUSINESS | |
| P-2 RECREATIONAL PARK | (NONE) R-5A URBAN RESIDENTIAL II | B-4 PLANNED BUSINESS | |
| (NONE) F-W URBAN FLOODWAY | | B-5 HIGHWAY BUSINESS | |

NOTE: See Map II-22 for overlay zoning districts in effect within the town.



Map 11 Land Use Districts



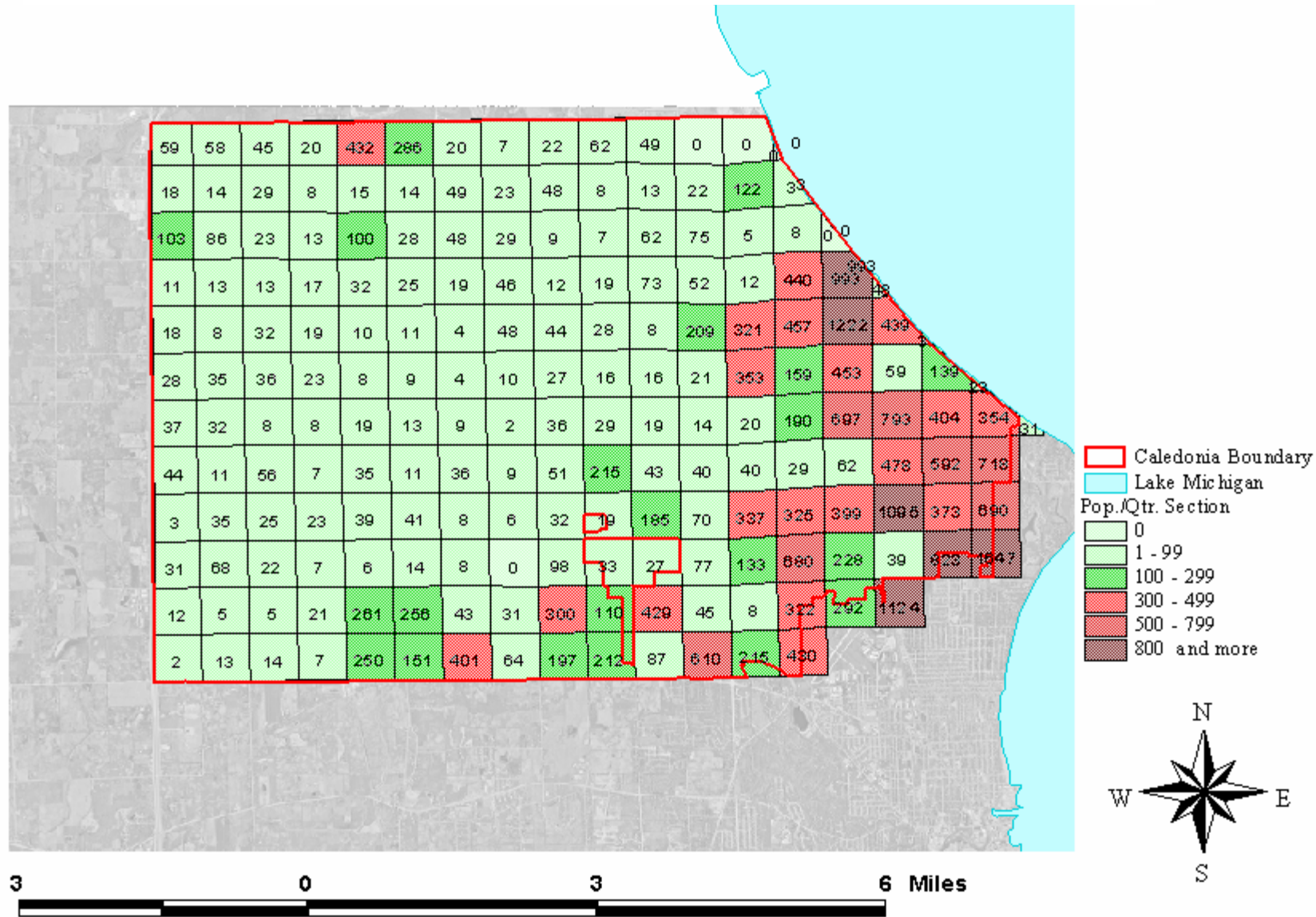
- Existing Land Use Key**
- Regional Corridor
 - Community Corridor
 - Neighborhood Corridor
 - Rail Road Corridor
 - Environmental Corridor
 - Traditional Neighborhood District
 - Residential Estates District
 - Residential Estates District (Future sewer)
 - Agriculture District
 - Agriculture/TND (Future sewer)
 - Agriculture/Industrial (Future sewer)
 - Industrial District
 - Environmental District
 - Conservation Subdivision (Existing and Planned)
 - Conservation Subdivision (Future sewer)
 - ★ Neighborhood Center

TOWN OF CALEDONIA
• Existing Land Use Diagram •

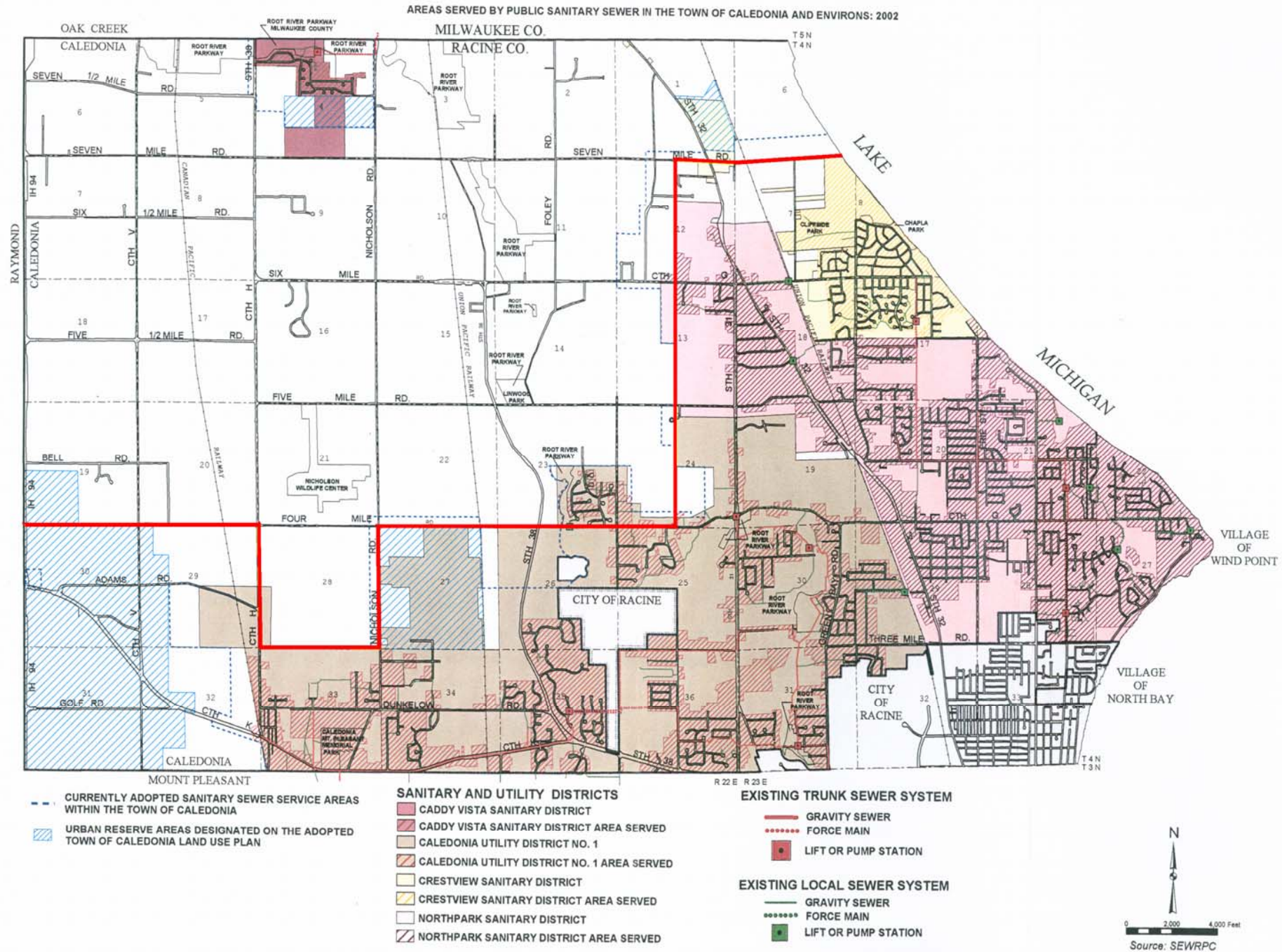
Map 12 Orthographic Image of Caledonia



Map 13 Caledonia Population by Quarter Section: 2000



Map 14 Recommended Potential Alternative Boundaries



APPENDIX B: Critical and Rare Plant & Animal Species in Caledonia

Plant and Animal Resources Status				
Scientific Name	Common Name	State Status	Scale of Query	Habitat
<u>Bird</u>				
<i>AMMODRAMUS SAVANNARUM</i>	GRASSHOPPER SPARROW	Special Concern	Racine County	Open grassy and weedy meadows, pastures, and plains
<i>BUTEO LINEATUS</i>	RED-SHOULDERED HAWK	Threatened	Town of Caledonia	Bottomland hardwoods, mesic deciduous or mixed deciduous-conifer forests, and wooded margins of marshes
<i>BARTRAMIA LONGICAUDA</i>	UPLAND SANDPIPER	Special Concern	Racine County	Open grasslands, prairies, and hayfields, also grassy airfields; generally frequents open country during migration
<i>ICTERUS SPURIUS</i>	ORCHARD ORIOLE	Special Concern	Racine County	Orchards, shade trees in parks and gardens, and scattered trees along lakes and streams
<i>MELANERPES ERYTHROCEPHALUS</i>	RED-HEADED WOODPECKER	Special Concern	Racine County	Open country, farms, rural roads, open park-like woodlands, and golf courses
<i>SPIZA AMERICANA</i>	DICKCISSEL	Special Concern	Racine County	Open country in grain or hay fields and in weed patches
<i>STURNELLA NEGLECTA</i>	WESTERN MEADOWLARK	Special Concern	Racine County	Meadows, plains, and prairies
<i>TYTO ALBA</i>	BARN OWL	Endangered	Racine County	Nest and roost in dark, secluded places along uncultivated field edges, fence rows and wetland edges, where their prey is most available
<i>NYCTICORAX NYCTICORAX</i>	BLACK-CROWNED NIGHT-HERON	Special Concern	Racine County	Freshwater wetlands dominated by bulrush and cattail with small groves of alder, willow, or other brush
<u>Community</u>				
	MESIC PRAIRIE	NA	Town of Caledonia	NA
	SOUTHERN DRY-MESIC FOREST	NA	Town of Caledonia	NA
	SOUTHERN MESIC FOREST	NA	Town of Caledonia	NA
	EMERGENT MARSH	NA	Town of Caledonia	NA
	FLOODPLAIN FOREST	NA	Town of Caledonia	NA
<u>Fish</u>				
<i>ACIPENSER FULVESCENS</i>		Special Concern	Racine County	Lake Michigan
<i>APHREDODERUS SAYANUS</i>	PIRATE PERCH	Special Concern	Racine County	Found in the quiet pools and backwaters that are characterized by clear, warm water, absence of current and abundant aquatic plant life or organic debris for cover

<i>CLINOSTOMUS ELONGATUS</i>	REDSIDE DACE	Special Concern	Racine County	Headwater streams, tends to avoid both very warm and extremely cold waters. In these small streams it prefers clear pools with stony bottoms
<i>ERIMYZON SUCETTA</i>	LAKE CHUBSUCKER	Special Concern	Racine County	Natural lakes and slow-water sections of large streams. These waters are usually clear, vegetated and have sandy or fine graveled bottoms
<i>ETHEOSTOMA MICROPERCA</i>	LEAST DARTER	Special Concern	Racine County	Shallow (less than 1.5 meters), clear waters with little current
<i>FUNDULUS DIAPHANUS</i>	BANDED KILLIFISH	Special Concern	Racine County	Quiet rivers, creeks, ponds, and lakes with some vegetation over sand or gravel
<i>LEPOMIS MEGALOTIS</i>	LONGEAR SUNFISH	Threatened	Racine County	Clear, shallow, moderately warm still waters of streams, rivers, or lakes with moderate aquatic vegetation over substrates of gravel or rubble, spawning from June through early august
<i>LUXILUS CHRYSOCEPHALUS</i>	STRIPED SHINER	Endangered	Racine County	Clear to slightly turbid waters, 0.3-4.8 feet, over gravel, rubble, boulders, silt or sand, often seen in dense aquatic vegetation.
<i>LYTHRURUS UMBRATILIS</i>	REDFIN SHINER	Threatened	Town of Caledonia	Turbid pools of water in low-gradient rivers/streams over substrates of silts, gravel or rubble
<i>MOXOSTOMA CARINATUM</i>	RIVER REDHORSE	Threatened	Racine County	Moderate to swift waters of large rivers, lower portions of their main tributaries, reservoirs and pools over clean gravel and rubble
<i>NOTROPIS ANOGENUS</i>	PUGNOSE SHINER	Threatened	Racine County	Clear, weedy shoals of glacial lakes and streams of low gradient over sand, mud, gravel or marl
Herptile				
<i>THAMNOPHIS BUTLERI</i>	BUTLER'S GARTER SNAKE	Threatened	Town of Caledonia	Wet to dry prairies, marshes, old fields, roadside grassy areas and vacant lots
<i>EMYDOIDEA BLANDINGII</i>	BLANDING'S TURTLE	Threatened	Racine County	Shallow marshy habitats with abundant submerged vegetation, although they can be found in almost any aquatic habitat
<i>REGINA SEPTEMVITTATA</i>	QUEEN SNAKE	Endangered	Racine County	Clear streams with moderate to fast currents and rocky bottoms
Invertebrate				
<i>POANES VIATOR</i>	BROAD-WINGED SKIPPER	Special Concern	Racine County	Salt marshes near coast, shrubby marshes and sedge bogs inland; also sandy, disturbed sites, such as landfill
<i>CRANGONYX GRACILIS</i>	A SIDE-SWIMMER	Special Concern	Racine County	Unpolluted lakes, ponds, streams, brooks, springs, and subterranean waters
<i>EUPHYES BIMACULA</i>	TWO-SPOTTED SKIPPER	Special Concern	Racine County	Bogs, marshes, pond edges and nearby fields, and sedgy meadows in acid areas

<i>EUPHYES DION</i>	DION SKIPPER	Special Concern	Racine County	Swamps, marshes, wet meadows, and bogs with dense stands of sedges and tall grasses; also woodland shorelines
<i>POANES MASSASOIT</i>	MULBERRY WING	Special Concern	Racine County	Sedge meadows, flight period in July
<i>PROCAMBARUS GRACILIS</i>	PRAIRIE CRAYFISH	Special Concern	Racine County	Wet prairies, grasslands, grassy ditches, and marshes
Plant				
<i>ADLUMIA FUNGOSA</i>	CLIMBING FUMITORY	Special Concern	Racine County	Northern mixed and southern hardwood forests, sand & sandy loam soils
<i>AGASTACHE NEPETOIDES</i>	YELLOW GIANT HYSSOP	Threatened	Racine County	Open woods and woodland edges
<i>ASCLEPIAS LANUGINOSA</i>	WOOLY MILKWEED	Threatened	Racine County	Dry hillside prairies
<i>ASCLEPIAS PURPURASCENS</i>	PURPLE MILKWEED	Endangered	Racine County	Open oak wood edges and roadsides over a range of soil moisture conditions
<i>ASCLEPIAS SULLIVANTII</i>	PRAIRIE MILKWEED	Threatened	Racine County	Moist prairies
<i>ASTER FURCATUS</i>	FORKED ASTER	Threatened	Racine County	Rocky ledges, stream floodplains, open oak woodlands, wooded ravines, railroad rights-of-way, and woodland edges
<i>ASTRAGALUS NEGLECTUS</i>	COOPER'S MILKVETCH	Endangered	Racine County	River banks and lakeshores, especially on limestone, and in disturbed forests and fields
<i>BESSEYA BULLII</i>	KITTEN TAILS	Threatened	Racine County	Prairies, barrens, and open woods
<i>CACALIA MUEHLENBERGII</i>	GREAT INDIAN-PLANTAIN	Special Concern	Racine County	Northern mixed and southern hardwood forests, sand & sandy loam soils
<i>CACALIA TUBEROSA</i>	PRAIRIE INDIAN PLANTAIN	Threatened	Racine County	Wet or dry prairies
<i>CAREX LUPULIFORMIS</i>	FALSE HOP SEDGE	Endangered	Racine County	Northern mixed and southern hardwood forests, sand & sandy loam soils
<i>LITHOSPERMUM LATIFOLIUM</i>	AMERICAN GROMWELL	Special Concern	Town of Caledonia	Northern mixed and southern hardwood forests, sand & sandy loam soils
<i>POLYSTICHUM ACROSTICHOIDES</i>	CHRISTMAS FERN	Special Concern	Town of Caledonia	Rich woods and open woods
<i>PTELEA TRIFOLIATA</i>	WAFER-ASH	Special Concern	Town of Caledonia	Prairie
<i>SCUTELLARIA OVATA</i>	HEART-LEAVED SKULLCAP	Special Concern	Town of Caledonia	Northern mixed and southern hardwood forests, sand & sandy loam soils
<i>SOLIDAGO CAESIA</i>	BLUESTEM GOLDENROD	Endangered	Town of Caledonia	Rich, deciduous forests along Lake Michigan
<i>TOMANTHERA AURICULATA</i>	EARLEAF FOXGLOVE	Special Concern	Town of Caledonia	Northern mixed and southern hardwood forests, sand & sandy loam soils

<i>TRILLIUM RECURVATUM</i>	REFLEXED TRILLIUM	Special Concern	Town of Caledonia	Northern mixed and southern hardwood forests, sand & sandy loam soils
<i>VIBURNUM PRUNIFOLIUM</i>	SMOOTH BLACK-HAW	Special Concern	Town of Caledonia	Northern mixed and southern hardwood forests, sand & sandy loam soils
<i>RANUNCULUS CYMBALARIA</i>	SEASIDE CROWFOOT	Threatened	Town of Caledonia	Sandy or muddy shores or marshes, ditches and harbors along Lake Michigan, often in brackish or alkaline places
<i>THALICTRUM REVOLUTUM</i>	WAXLEAF MEADOWRUE	Special Concern	Town of Caledonia	Northern mixed and southern hardwood forests, sand & sandy loam soils
Source: Wisconsin's Natural Heritage On Line Database				