DETERMINATION OF THE INCORPORATION REVIEW BOARD

July 21, 2020

In Re:

THE INCORPORATION OF PART OF THE TOWN OF GREENVILLE, OUTAGAMIE COUNTY, WISCONSIN AS A VILLAGE

Case No. 18-CV-409

Kevin Sturn, Representative of the Petitioners

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It is the function of the Incorporation Review Board to prepare findings and determine whether the territory petitioned for incorporation meets the applicable standards prescribed in Section 66.0207, Wis. Stats. The Incorporation Review Board ("Board") was created by 2003 Wisconsin Act 171. Board members, appointed by Wisconsin's municipal associations, are provided on Appendix A.

This petition (hereinafter "Petition") is a re-submittal of a previous petition that was found not to meet several of the public interest standards in s. 66.0207 Wis. Stats. The Board dismissed the original petition on August 29th, 2019 but recommended that it be re-submitted with altered boundaries limited to the Town of Greenville's urbanized east side because this area could potentially meet all the public interest statutory standards.
In summary, it is the determination of the Incorporation Review Board that when considering this Revised Petition under Section 66.0207, Wis. Stats.:

STANDARD 1 (a), Homogeneity and Compactness – Met
STANDARD 1 (b), Territory Beyond the Core – Met
STANDARD 2 (a), Tax Revenue - Met
STANDARD 2 (b), Level of Services – Not Applicable
STANDARD 2 (c), Impact on the Remainder of the Town – Met
STANDARD 2 (d), Impact on the Metropolitan Community – Previously Met

The Determination of the Incorporation Review Board to the Circuit Court, as prescribed by s. 66.0203(9)(e), Wis. Stats., is as follows:

The Petition as submitted is granted.

The facts and analysis supporting these findings are discussed in the body of this determination.

Dated this 21st day of July 2020
By the Incorporation Review Board:

Dawn Vick

_____

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

NOTICE OF RIGHT TO APPEAL

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

c/o Municipal Boundary Review

101 East Wilson Street, 9th Floor

PO Box 1645

Madison, WI 53701

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

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EXECUTIVE SUMMARY

This document constitutes the Findings and Determination of the Incorporation Review Board on the resubmitted petition filed by residents of the Town of Greenville in Outagamie County to incorporate part of the Town. Previously, Petitioners had proposed to incorporate the entire Town as a new village. However, the Board dismissed that petition August 29th, 2019, recommending that it be resubmitted with altered boundaries limited to the urbanized east side of the Town. On January 20th, 2020, Petitioners resubmitted a petition to include just the Town's urbanized east side. Specifically, the resubmitted petition proposes a village area of 16.89 square miles and 9,617 persons, which would leave a Town remnant area of 19.11 square miles and 2,833 persons. The proposed village and remnant are shown by **MAP 1** in Appendix C.

The Incorporation Review Board met on July 7, 2020 to review the resubmitted petition. The Board determines that the resubmitted petition meets the applicable standards in s. 66.0207 Wis. Stats. and recommends that a referendum vote be held.

This Determination does not restate all the facts and analysis contained in the Board's previous August 29th, 2019 Determination. Instead, it examines how the resubmitted petition complies with the statutory standards. For this reason, this Determination should be read together with the Board's previous Determination. The two Determinations together constitute the Board's review.

This Determination reexamines the two standards not met previously, *Compactness and Homogeneity* and *Territory Beyond the Core*. It reexamines the *Tax Impact* standard, which although previously met, may have changed due to the resubmitted petition's smaller proposed village area. The *Impact on the Remainder of the Town* standard, previously not applicable due to the entire Town being petitioned, is analyzed for the first time now that there is a town remainder. This Determination does not examine the *Impact on the Metropolitan Community* standard because this standard was met previously and the material facts are unchanged.

1) Compactness & Homogeneity – **Met**. This standard requires the petitioned territory to be sufficiently compact and uniform to function as a city or village. The resubmitted petition removed over 10,000 acres of non-developed rural lands. As a result, the proposed village area contains the majority of the Town's population and urban land uses such as housing, commercial, parks, and transportation including the busy Appleton International Airport. The proposed village boundaries now align closely with the boundaries of watersheds and the sewer service area.

   Territory Beyond the Core – **Met**. This standard requires that vacant land included within the proposed village have a potential for substantial urban development within the next three years. By revising the petition to exclude the Town's rural west side, significantly fewer vacant and developable acres are subject to this statutory standard. Looking at trends in population growth

and building activity, as well as transportation access, availability of municipal sewer and water service, and local plans, the remaining developable acres within the proposed village clearly have the potential for substantial development within the next three years.

2) Tax Revenue – **Met**. This standard ensures that the territory petitioned for incorporation has the capacity to raise sufficient tax revenue to function as a village without unduly burdening residents. The Department's previous Determination found this standard met; however, it is re-reviewed here because the resubmitted petition creates changes to finances. Even reduced in size, the proposed village territory continues to have high equalized value. Greenville's extraordinarily low tax rate and debt level and the fact that it already provides village-level services means that incorporation is unlikely to negatively impact the proposed village's finances or its ability to raise sufficient revenue.

3) Level of Services – **Not Applicable.** No contiguous municipality has filed a resolution to annex and serve the proposed village territory. Therefore, this standard is not applicable here.

4) Impact of the Remainder of the Town **– Met.** This standard requires the Board to consider the impact on the town remaining after incorporation to ensure its viability. The proposed Town of Greenville remnant would still contain a substantial population and value. In fact, even after incorporation it would continue to rank high among Outagamie towns in equalized value. It also ranks high historically among the town remnants which have met this statutory standard. The proposed remnant's shape is compact and homogenous which makes service provision more efficient. This also improves community identity, particularly since the proposed remnant area already has a strong identity as a rural and agricultural community.

6). Impact on the Metropolitan Community – **Previously Met**. This standard requires the Board to examine how incorporation would impact the larger metropolitan area and region. The Board previously found an incorporated Greenville would benefit the Fox Valley region, and the fact that the resubmitted petition reduces the size of the village area does not change the Board's finding.

Having found that the proposed incorporation meets all the Incorporation Review Board's statutory standards in s. 66.0207 Wis. Stats., the Board finds that the petition should be granted.

SECTION 1(A) HOMOGENEITY AND COMPACTNESS

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

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

In addition to the statutory factors cited above, the Wisconsin Supreme Court in Pleasant Prairie v. Department of Local Affairs & Development[1] held that the Board may also consider land-use patterns, population density, employment patterns, recreation and health care customs.[2]

Physical and Natural Boundaries

The resubmitted petition more closely follows physical and natural boundaries than did the previous whole-town proposal, particularly from the standpoint of drainage basins. **MAP 2** shows the proposed village's surface waters drain to two watersheds; the Wolf River-New London Watershed which drains the northeast side and the Fox River-Appleton Watershed which drains the southeastern corner. All proposed Town remnant territory meanwhile drains to the Arrowhead River and Daggots Creek Watershed. **MAP 2** shows how closely these drainage basin boundaries align to the proposed village's boundaries.

Transportation

The transportation system allows easy access throughout the proposed village. Residents may utilize highways, local streets, transit, and walking and bicycling trails to move throughout the community and region. Residents may even take advantage of Appleton International Airport, located in the southeast corner of the proposed village, to fly throughout the United States and internationally.

A majority of Greenville's existing and proposed transportation facilities are located within the proposed village area. This can be seen on **MAP 3**, which shows existing and future streets and highways, and **MAP 4**, which shows existing and future trails. By excluding the Town's rural west side, where transportation facilities and access is more limited, the area proposed for incorporation compares much more favorably to the statutory standard in terms of accessibility.

Political Boundaries

The resubmitted petition more closely follows political boundaries than did the previous whole-town proposal, particularly with respect to the sewer service area.

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[1] *Pleasant Prairie v. Department of Local Affairs & Development*, 113 Wis.2d 327 (1983).
[2] *Ibid*, pages 334-340.

Sanitary and Utility Districts

Greenville's Sanitary District No. 1 provides water and sewer service while Sanitary District No. 2 manages stormwater.

After incorporation, both sanitary districts would dissolve and become functions of the new village and service would continue to be provided to all current customers.

MAP 5 and **MAP 6** show that Sanitary District No. 1's boundaries closely align with the proposed village's boundaries rather than extending into Town remnant areas which tend to be served by private wells and septic systems.

Shopping and Social Customs

The majority of Greenville's economic activity occurs within the proposed village area. Specifically, the Town's 411 businesses and 7,877 employees are primarily located within the proposed village area. Additionally, all seven of the Town's business parks, its new Tax Incremental Finance (TIF) District, and Appleton International Airport are all located within the proposed village area. All have significant economic impact to the community as well as the Fox Valley region. For example, Appleton International Airport alone has a $676 million economic impact on the region annually.

The Department's previous determination highlighted a large number of community events, organizations, five churches, 12 parks, 8-miles of bicycle and pedestrian trails, sports leagues, recreational programming, a major YMCA facility, the Fox Cities United Soccer Club, many civic organizations, and numerous other opportunities to gather and socialize. Many of these events draw participants from throughout the Fox Valley region, such as the *Catfish Extravaganza* , a two-day event held in Lions Park including catfish races, concessions, train rides, inflatable jumping houses and slides, live music and fireworks which draws tens of thousands of spectators.

Most of these social and recreational opportunities occur within the proposed village area. Excluding the rural west-side territory from the petition results in greater concentration of these opportunities and greater homogeneity of community character.

Population Distribution

The proposed village area's estimated population is 9,617.[3] At approximately 16.89 square miles in size, the overall population density is 570 persons per square mile. **TABLE 1** shows that this density compares favorably with recent incorporation petitions that have met this statutory standard.

[3] Petitioners Submittal in Support of the Incorporation of the Village of Greenville, January 20, 2020, page 14, supplemented by July 16, 2020 Email correspondence from Joel Gregozeski, Town of Greenville Administrator.

Table 1: Population Density Comparison with Previous Incorporation Petitions Meeting this Statutory Standard

Community	Population Density (sq. mi.)
Harrison	1572
Brookfield	1482
Fox Crossing	1174
Somers	581
Greenville	**570**
Bloomfield	474
Summit	316
Bristol	254

MAP 7 shows the population distribution of the Town of Greenville's residents and shows that the proposed village contains a significantly higher population density than the Town remnant. Specifically, 71% of the Town of Greenville's population resides within the proposed village area. This high population density is indicative of a compact and urban character rather than a rural character. By excluding rural and sparsely populated west-side territory, the petition compares much better to this statutory standard.

Land Uses

MAP 8 shows Greenville's urban land uses such as residential, commercial, industrial, schools, parks, and the Appleton International Airport and associated businesses are primarily concentrated within the proposed village area, while the west-side town remnant territory is primarily rural. This land use pattern is intentional. Greenville has, since 1999, endeavored to maintain the west-side of the Town for agricultural, natural, and other rural land uses, while development and urban land uses were targeted for the Town's east side. As described in the Department's previous Determination, numerous policies and programs are used to implement this land use vision, including designating west-side territory as an *Agricultural Enterprise Area* certified by the Wisconsin Department of Agriculture and Consumer Protection, development of a *Land Stewardship Committee*, creation of a conservation subdivision ordinance, and development of a *Tiered Growth Strategy* to focus more intensive land uses on the Town's east side.

TABLE 2 also shows the majority of urban land uses are found within the proposed village area, such as residential, commercial, industrial, institutional, and transportation. Specifically, the proposed village has roughly 3000 acres of non-residential urban land uses while the Town remnant has only 506, and most of the 506 acres are highways. Much of the proposed village's undeveloped lands consists of a large wetland complex at the northeast corner associated with Bear Creek and referred to as Everglade Swamp. This expansive area is primarily under public ownership and may not be developed.

TABLE 2 shows 83% of the Town remnant consists of undeveloped land uses, versus 52% for the proposed village.

TABLE 2: Greenville Land Uses

	Remnant Town of Greenville			Proposed Village of Greenville		
Land Use	**Total Acres**	**Percent of Developed Land**	**Percent of Total**	**Total Acres**	**Percent of Developed Land**	**Percent of Total**
Single Family Residential	1,291.54	63.1%	10.7%	1,720.21	33.1%	15.9%
Farmsteads	225.67	11.0%	1.9%	91.16	1.8%	0.8%
Multi-Family Residential	0	0.0%	0.0%	27.47	0.5%	0.3%
Mobile Home Parks	0	0.0%	0.0%	23.74	0.5%	0.2%
Commercial	35.06	1.7%	0.3%	240.07	4.6%	2.2%
Industrial	0	0.0%	0.0%	318.94	6.1%	2.9%
Recreational Facilities	21.28	1.0%	0.2%	325.53	6.3%	3.0%
Institutional Facilities	8.23	0.4%	0.1%	101.04	1.9%	0.9%
Utilities/Communications	1.72	0.1%	0.0%	6.87	0.1%	0.1%
Airport	0	0.0%	0.0%	1,419.56	27.3%	13.1%
Transportation	462.97	22.6%	3.8%	920.98	17.7%	8.5%
Total Developed	**2046.47**	**100.0%**	**17.0%**	**5,195.57**	**100.0%**	**48.0%**
Non-irrigated Cropland	5,822.03		48.2%	3,098.20		28.6%
Woodlands	2187.56		18.1%	1404.11		13.0%
Quarries	204.81		1.7%	31.30		0.3%
Open Other Land	1684.41		14.0%	996.76		9.2%
Water Features	124.09		1.0%	96.22		0.9%
Total Undeveloped	**10,022.90**		**83.0%**	**4222.48**		**52%**
Total Acres	**12,069.37**		**100.0%**	**10,823.59**		**100.0%**

By revising the petition to exclude west side territory which has intentionally been maintained in rural land uses, the proposed village now contains a concentration of Greenville's urban land uses, an indication of compactness and homogeneity.

DETERMINATION

Characteristics the Board utilizes to determine compactness and homogeneity, described above, are significantly improved by excluding the Town's rural west side territory from the petition. Specifically, the east-side proposed village area boundaries closely align with natural watershed boundaries and boundaries of the sanitary district. The proposed village contains a concentration of population and urban land uses and a wealth of economic and social opportunities. As a result, the Board concludes that the proposed village meets the compactness and homogeneity standard in s. 66.0207(1)(a) Wis. Stats.

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SECTION 1(B), TERRITORY BEYOND THE CORE

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

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

Most Densely Populated Square Mile

MAP 7 shows the most densely populated part of the Town of Greenville is east of STH 76 along STH 15.

Lands Subject to Waiver

The statute permits the Board to waive certain lands from the requirement "to the extent that water, terrain or geography prevents the development". The types of lands which the Board and the Department have waived in the past include lakes, streams, wetlands, or other surface water.

The proposed village has substantial wetland acreage that is appropriate for waiver. Approximately 1,404 acres of wetlands are located within the territory, along with 93 acres of surface water, amounting to a total of 1,501 acres appropriate for waiver. Remaining developable lands consist of 3,098 acres of farmland and 996 acres of other open lands, amounting to 4,095 total acres subject to the statutory standard. This total is significantly less than the 11,594 acres subject to the standard in the Department's previous Determination, a 65% reduction due to excluding the rural west side territory.

Airport Overlay Zoning Ordinance

Significant developable acres within the proposed village lie adjacent to Appleton International Airport, where development is limited by Outagamie County's Airport Zoning district. This Ordinance prohibits development of territory adjacent to the airport and limits the density and type of land use for development of territory further out but still within the airport's flight path. As a result, the potential development in these locations may occur at a more rapid pace given the lower densities permitted.

Development Potential

The following paragraphs examine the future development potential for the 4,095 vacant and developable lands, specifically focusing on access and location, population trends, building permit data, subdivision plats and Certified Survey Maps (CSMs), re-zonings, and availability of infrastructure such as sewer and water.

Access

Greenville's location within the Fox Valley metro area, and proximity to USH 41 and STH 10, as well as its hosting the Appleton International Airport, all factor into Greenville being ideally situated for future development demand. The Town of

Greenville is among Wisconsin's fastest growing communities, issuing more single-family housing permits than any community statewide except the City of Madison.[4]

Population

Greenville's population is second-most among Wisconsin Towns, trailing only its neighbor, the Town of Grand Chute. The proposed Village's projected population growth rate, and the Town of Greenville's historic growth rate, far outpace Outagamie County and the State of Wisconsin, as shown by **TABLE 3.**

Table 3: Greenville Population Projection (State and County Comparison)[5]

Jurisdiction	2010	2020	2025	2030	2035	2040
Village of Greenville	7,963	9,617	12,967	14,060	14,924	15,570
% Change	64.1%	48.5%	9.6%	8.4%	6.1%	4.3%
Town of Greenville	2,346	2,833	3,652	4,392	5,178	5,998
% Change	17.7%	26.6%	23.0%	20.3%	17.9%	15.8%
Outagamie County	182,921	191,635	200,630	208,730	213,500	215,290
% Change	0.9%	4.8%	4.7%	4.0%	2.3%	0.8%
State of Wisconsin	5,783,278	6,005,080	6,203,850	6,375,910	6,476,270	6,491,635
% Change	0.5%	3.8%	3.3%	2.8%	1.6%	0.2%

Building Permits

Building permits are a direct measure of building activity – past, current, and potential activity. **TABLE 4** shows Greenville's building permit activity since 2010, showing strong and steady new single-family residential, multi-family residential, and commercial building activity. The table shows almost 75 new single-family housing units annually, and over 10 new multi-family units annually.

Table 4: Greenville Building Permits[6]

Year	Single-Family Units	Two-Family Units	Multi-Family Units	Mobile Home Units
2017	61	8	0	0
2016	64	2	0	0
2015	80	0	12	2
2014	82	2	74	1
2013	77	2	0	-2
2012	82	2	0	1
2011	64	2	0	0
2010	86	2	0	0
Total	596	20	86	2
AVG.	**74.5**	**2.5**	**10.75**	**0.25**

[4] Town of Greenville Agricultural Enterprise Area Petition, page 2.

[5] *Submittal in Support of the Incorporation of the Village of Greenville*, page 13 and Wisconsin Department of Administration 2015, 2017, and 2013 Projections.

[6] *Submittal in Support of the Incorporation of the Village of Greenville*, page 44.

TABLE 5 provides a longer view of development, showing new housing units added between 1990-2018. The table shows strong and consistent development throughout this period, even during the post 2008-recession years. The table shows a historical average of 109 new housing units per year, most of these single-family houses.

Table 5[7]: New Housing Units in Greenville

	Single Family	Duplex	Multi-Family	Mobile Home	Total Housing Units
1990	44	2	0	1	46
1991	82	8	0	2	92
1992	133	16	10	1	160
1993	132	16	10	0	158
1994	124	7	6	0	137
1995	77	4	0	0	81
1996	82	6	0	0	88
1997	75	5	16	0	96
1998	89	8	32	0	129
1999	79	8	0	0	87
2000	93	9	0	0	102
2001	115	8	3	0	126
2002	100	7	0	0	107
2003	97	9	0	0	106
2004	203	12	0	0	215
2005	165	2	0	0	167
2006	173	4	0	0	177
2007	169	0	0	0	169
2008	125	0	0	0	125
2009	93	4	0	0	97
2010	86	2	0	0	88
2011	64	2	0	0	66
2012	82	2	0	1	85
2013	77	2	0	0	79
2014	82	2	74	1	158
2015	80	0	12	2	94
2016	64	2	0	0	66
2017	61	8	0	0	69
2018	43	16	0	0	59
2019	42	1	0	0	43
TOTAL	**2887**	**170**	**163**	**7**	**3272**
AVG	**97.7**	**5.7**	**5.82**	**.25**	**109**

[7] Wisconsin Demographic Services Center Annual Housing Survey Data, and Revised Submittal, page 27.

Re-zonings, Variances, Conditional Use Permits, CSMs, Plats

TABLE 6 shows steady level of activity in each of these pre-development activities since 2014.

Table 6: **Special Exceptions, Rezones, Variances, Subdivision Plats/ CSMs**[8]

Year	Special Exceptions	Rezones	Variances	Subdivision Plat	CSM
2019	19	6	5	1	19
2018	11	10	4	5	16
2017	3	1	0	1	6
2016	5	3	0	4	6
2015	3	2	5	1	3
2014	6	1	0	1	5
TOTAL	**47**	**23**	**14**	**13**	**55**
AVG	**7.8**	**3.8**	**2.3**	**2.1**	**9.1**

TABLE 7 shows Greenville lots created annually.

TABLE 7: New Lots Annually[9]

Year	Lots Created by Subdivision	Lots Created by CSM	Total New Lots
1996	105	n/a[10]	105
1997	20	n/a	20
1998	29	40	69
1999	101	36	137
2000	0	54	54
2001	18	11	29
2002	91	39	130
2003	762	36	798
2004	282	37	319
2005	164	48	212
2006	119	44	163
Total	**1,691**	**345**	**2,036**

Sewer Service Area

MAP 5. shows that the approved Sewer Service Area aligns closely with the proposed village boundaries, as mentioned previously. More intensive urban development often requires municipal sewer and water service, so the entire proposed village being eligible for service is favorable for future potential development.

Plans

Local community plans can provide important information about a community's own expectations regarding the amount, and location of, anticipated future development. In Greenville's case, its *Greenville 2040 Comprehensive Plan*, adopted July 22, 2019, recommends that essentially all new development in the Town be focused on the Town's east side, which is the area proposed as a village.

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[8] *Submittal in Support of the Incorporation of the Village of Greenville*, January 20, 2020, page 35.
[9] *Town of Greenville Comprehensive Plan: 2030* (2009), page 5-6.
[10] Ibid., page 5-6. CSM lots not tracked until 1998

DETERMINATION

This standard requires the Board to examine the 4,095 acres considered to be present and developable within the proposed village area and determine whether the potential exists for substantially developing these 4,095 acres in urban development within the next three years.

By revising the petition to exclude the Town's rural west side, significantly fewer vacant and developable acres are subject to this statutory standard, roughly 65% fewer acres than previously.

Looking at trends in population growth and building activity, as well as transportation access, availability of municipal sewer and water service, and local plans, remaining developable acres within the proposed village clearly show potential for substantial development within the next three years. As a result, the Board finds the standard in s. 66.0207(1)(b), Wis. Stats. to be met.

SECTION 2(A) TAX REVENUE

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

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

Although this standard was previously found met, it is re-reviewed here because the proposed village territory has been significantly altered which may impact the new village's finances.

Equalized Value

The Town of Greenville's equalized value in 2019 was $1,434,434,600. Of this, the proposed village's value would be $1,107,383,511, or 77.2% of the total Town value. **TABLE 8** shows that this equalized value compares favorably with other Wisconsin cities and villages of similar size.

TABLE 8: Equalized Value Comparison of Greenville[11]

Community	Status	Population	Equalized Value
Holmen	Village	10,147	$705,228,900
Portage	City	10,211	$634,193,100
Marinette	City	10,831	$720,162,400
Sussex	Village	11,114	$1,378,608,200
Little Chute	Village	11,120	$878,465,300
Port Washington	City	11,713	$1,054,033,800
Cedarburg	City	11,628	$1,347,465,200
Grafton	Village	11,803	$1,410,091,900
Greenville	**Town**	**11,827**	**$1,107,383,511**
Baraboo	City	12,017	$860,306,700
Harrison	Village	12,786	$1,123,583,900
Kaukauna	City	16,049	$1,088,410,700
Menasha	City	17,713	$1,177,560,800
Onalaska	City	18,788	$1,988,343,400
Fox Crossing	Village	19,029	$1,644,837,000

Debt

State statutes limit the amount of general obligation debt a municipality may issue to 5% of its total equalized value. The Town currently has $5,199,500 in outstanding debt. Its debt limit is $66,154,730, indicating that the Town is only utilizing roughly 8% of its statutory debt limit, an exceptionally low level.[12] This means that the new village would start out with very little debt.

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[11] *Submittal in Support of the Incorporation of the Village of Greenville,* page 61.
[12] *Greenville Capital Improvement Plan (2019-2023),* page 9.

Proposed Budget

The proposed budget assumes all current employees will work for the village. Other assumptions include all vehicles and buildings currently owned by the Town will be owned by the village. Petitioners propose that the Town will contract for services from the new village to provide services to Town remnant residents via service sharing agreements for services such as police and fire protection, among others. Cost of services between the village and town will be discounted by the new village to ensure the same tax rate for both communities.

Sanitary Districts No. 1 and 2 would both dissolve and become functions of the new village, but would continue to serve the same customers, not only in the new village and Town remnant but also certain residents in the Towns of Grand Chute and Ellington pursuant to existing intergovernmental agreements.

Tax Rate

TABLE 9 shows the tax rates for the existing Town, proposed village, and Town remnant. Based upon the proposed budgets, the property tax rate for the proposed village would remain at the Town's current $2.47 level, an astonishingly low level given the services the Town provides. The proposed Village's tax rate would be the lowest among Fox Valley cities and villages.

Table 9: Tax Rates[13]

	Current Town	Proposed Village	Town Remnant
Assessed Value	$1,398,453,694	$1,079,606,252	$318,847,442
Property Tax Levy	$3,455,042	$2,667,292	$787,750
Mill Rate	.0024706	.0024706	$0.00024706
Tax Rate per $1000 of Assessed Value	$2.47	$2.47	$2.47

[13] *Submittal in Support of the Incorporation of the Village of Greenville*, January 20, 2020, page 63.

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DETERMINATION

The Board finds that the proposed village would have sufficient revenue to effectuate typical village powers and services. The Town of Greenville has a high equalized value, and exceptionally low tax rate and debt level, which means the proposed village would start off on very good footing.

Also, because Greenville already functions like a village in the services it provides, incorporation is unlikely to have a significant impact on the new village's finances. Furthermore, the proposed village would not be dependent on the Town remnant should the remnant no longer desire services from the new village by deciding to establish its own services or contracting with a different community or jurisdiction. In this scenario the proposed Village has adequate financial capacity and resources to continue to serve its residents as a reasonable tax rate.

For the preceding reasons, the Board finds the standard in s. 66.0207(2)(a), Wis. Stats. is met.

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SECTION 2(B) LEVEL OF SERVICES

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

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

No contiguous municipality has filed a resolution to annex and serve the proposed village territory. Therefore, this standard is not applicable.

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

Section 66.0207(2)(c), Wis. Stats., requires that the Board consider "the impact, financial and otherwise, upon the remainder of the town from which the territory is to be incorporated". This standard ensures that incorporation would not negatively impact the remnant and its residents by making continued governance and operation of the remaining town difficult.

This standard was not previously reviewed because the original petition included the entire Town. There was no Town territory remaining after incorporation to be impacted. However, this resubmitted petition does leave Town remnant territory, so this standard now becomes applicable.

Town Remnant Physical Characteristics

As mentioned previously, the proposed village encompasses roughly 16.89 square miles, leaving a town remnant area of roughly 19.11 square miles. **MAP 1** shows the Town remnant would be compact in shape. The boundary line with the proposed village is defined by STH 15, Julius Drive, and STH 76, while the remnant's north, west, and south boundary lines are the boundaries of the current Town of Greenville.

Population

The Town remnant would have a population of 2,833 persons. **TABLE 10** shows this population would place the remnant Town in the upper third of Outagamie County towns for population.

TABLE 10: Population Density Comparison of Outagamie County Towns[14]

Municipality	Land Area (sq.mi.)	Population	Population Density (per sq.mi.)
T. Grand Chute	25.0	23,202	828.08
T. Buchanan	16.9	7,082	419.05
T. Freedom	35.8	6,109	170.62
T. Oneida	60.8	4,728	77.76
T. Center	35.7	3,626	101.56
T. Ellington	35.0	3,102	88.62
T. Greenville (Remnant)	**19.11**	**2,833**	**148.24**
T. Dale	30.5	2,883	94.52
T. Vandenbroek	9.5	1,581	166.42
T. Kaukauna	18.1	1,328	73.37
T. Black Creek	34.8	1,255	36.06
T. Osborn	16.9	1,230	72.78
T. Seymour	30.5	1,202	39.40
T. Bovina	33.7	1,179	34.98
T. Cicero	35.5	1,111	31.29
T. Hortonia	19.4	1,091	56.23
T. Liberty	30.8	879	28.53
T. Maine	37.4	877	23.44
T. Deer Creek	35.5	663	18.67
T. Maple Creek	21.7	611	28.15

[14] *Town of Somers Incorporation Application,* May 13, 2014, page 22.

Financial Capacity

Since Petitioners anticipate the Town would contract for services from the Village via service sharing agreements, the impact on the Town remnant's budget and operations would be minimal. For example, Town remnant residents would continue to receive the same level of services at the same tax rate.

A new Town Board may decide at any future time to establish its own services, or contract with a different community or jurisdiction. However, as mentioned previously, both the proposed village and Town remnant would have sufficient financial capacity and resources should this scenario occur.

Equalized Value

Upon incorporation, the Village would have a value of $1,079,606,252, or 77.2% of the current Town of Greenville's value, while the Town remnant's value would be $318,847,442, or 22.8% of the current Town. **TABLE 11** shows that after incorporation the remnant would still place in the top third of Outagamie County towns in terms of value. Furthermore, **TABLE 12** shows that among town remnants previously reviewed by the Department and Board and found to have met this statutory standard, Greenville also would place in the top third in total equalized value.

TABLE 11: Equalized Value of Outagamie County Towns

Community	Equalized Value
T. Grand Chute	$2,600,378,400
T. Buchanan	$640,489,000
T. Freedom	$508,767,400
T. Center	$337,352,600
T. Greenville (Remnant)	**$318,847,442**
T. Dale	$257,597,400
T. Ellington	$252,067,400
T. Oneida	$206,140,800
T. Vandenbroek	$157,040,200
T. Kaukauna	$132,204,400
T. Hortonia	$119,997,000
T. Seymour	$99,899,700
T. Osborn	$98,843,200
T. Black Creek	$96,234,900
T. Bovina	$92,084,800
T. Cicero	$85,146,700
T. Liberty	$72,588,000
T. Maine	$71,976,900
T. Maple Creek	$45,438,700
T. Deer Creek	$43,274,400

TABLE 12: Comparison of Past Town Remnants' Equalized Value

Town Remnant	Equalized Value	Percentage of Total Town
T. Menasha	$417,437,200	29.0%
T. Harrison	$357,771,322	41.7%
T. Greenville	**$318,847,442**	**22.8%**
T. Bristol	$311,808,300	51.0%
T. Somers	$193,000,000	27.0%
T. Kronenwetter	$166,147,000	73.0%
T. Bloomfield (2006)	$139,991,580	55.0%
T. Bloomfield (2011)	$120,000,000	21.0%
T Hallie	$9,151,486	4.0%

Proposed Budget

Petitioners are proposing a budget for the Town remnant of $905,371, as shown at **FIGURE 1** in Appendix B. This amount represents 22.8% of the current Town of Greenville's existing budget, consistent with the remnant's percentage of the current Town of Greenville's equalized value.

Petitioners anticipate the Town remnant would enter into shared service agreements with the proposed village for providing the same services the current Town of Greenville provides, and which remnant residents are accustomed to receiving.

Debt

As described previously, the Town of Greenville currently utilizes only 8% of its statutory debt limit.[15] This means that both the new village and Town remnant would start out with very little debt. Apportioning the Town of Greenville's existing debt of $5,199,500 between the proposed village and Town remnant would leave the remnant with just $1,185,486 of debt. This amount of debt should be manageable given the remnant's high equalized value and low current tax rate.

Extraterritorial Jurisdiction

By incorporating, the new village would acquire extraterritorial influence over land uses within the Town remnant, such as affecting zoning and land divisions. This would give the new village control over whether and how development occurs, including the proposed Agricultural Enterprise Area. Petitioners do not anticipate any land use disputes or problems because the proposed village and remnant would be closely aligned

[15] *Greenville Capital Improvement Plan (2019-2023),* page 9.

in terms of service provision, and because preservation of the Town's west side for rural land uses has been planned for, and implemented, over several decades. This means that the two communities start out with compatible visions for the future. Because development pressures in and around the Town of Greenville will continue due to its location within the Fox Valley region, the new village's extraterritorial and planning authority could actually be a strong tool to help the Town remnant implement its Agricultural Enterprise Area and vision of rural land uses. The remnant may want to consider clarifying specifics of this vision and coordination with the village on its extraterritorial authority by developing an intergovernmental agreement.

DETERMINATION

Even after incorporation of the proposed village area, the Town remnant would still contain a substantial population and value. In fact, the Town remnant would rank high among Outagamie towns in equalized value and rank high historically among the town remnants reviewed by the Department and Board which met this statutory standard.

Town remnant residents may continue to receive the same services at the same cost due to service agreements Petitioners anticipate being developed between the new village and remnant. Of course, there is no guarantee that the agreements will come to fruition, or perhaps the new Town Board would decide to contract with a different community or jurisdiction for services at a different cost. However, the Town remnant would likely be fine financially under either scenario, given its high equalized value and very low mill rate and debt level.

Finally, the Town remnant's shape would be compact and homogenous, readily defined physically by highways, politically by the approved Sewer Service Area Plan, and naturally by watersheds. The proposed remnant's compactness and homogeneity would make service provision more efficient and improve community identity, particularly since the proposed remnant area already has a strong identity as a rural and agricultural community.

The above factors indicate that the Town remnant could continue to operate as a distinct and viable community. For this reason, the Board finds the *Impact on the Remainder of the Town* standard set forth in §66.0207 (2) (c), Wis. Stats. met.

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SECTION 2(D), IMPACT UPON THE METROPOLITAN COMMUNITY

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

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

The Incorporation Review Board previously found this standard met is its previous Determination on August 17, 2019. No material facts have changed or arisen that should cause the Board to re-examine this standard. For the reasons stated in the previous Determination, the Board continues to find that the proposed incorporation will not substantially hinder the solution of governmental problems affecting the metropolitan community.

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APPENDIX

Appendix A: Incorporation Review Board

The Incorporation Review Board was created by 2003 Wisconsin Act 171. It is charged with reviewing incorporation petitions forwarded by the circuit court in order to ensure that these petitions meet the public interest standards in s. 66.0207 Wis. Stats. The board advises the circuit court on whether incorporation petitions should be granted, dismissed, or resubmitted with new boundaries. The Board is also authorized to set and collect an incorporation review fee to pay for the costs of reviewing the petition. The Board has currently set the fee at $25,000.

Members

Department of Administration Member and Chair
Dawn Vick, Chair of Incorporation Review Board
Administrator, Division of Intergovernmental Relations

Wisconsin Towns Association Member #1
William Goehring, Chairperson
Town of Sherman

Wisconsin Towns Association Member #2
Sharon Leair, Chair
Town of Genesee

Wisconsin League of Municipalities Member
Steve Ponto, Mayor
City of Brookfield

Wisconsin League of Municipalities Member
Rich Eggleston

Staff
Erich Schmidtke
Renee Powers

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Appendix B: Proposed Village Budget

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APPENDIX C: Maps

Map 1	Proposed Village and Town Remnant
Map 2	Area Watershed Boundaries
Map 3	Existing and Future Streets and Highways
Map 4	Existing and Proposed Trails
Map 5	Approved Sewer Service Area Boundaries
Map 6	Sanitary Sewer District No. 1 Boundaries and Infrastructure
Map 7	Population Density
Map 8	Existing Land Uses