

## ITEMS FOR CONSIDERATION WHEN ANALYZING AN INCORPORATION PETITION

**66.0207 (1)** The board may approve for referendum only those proposed incorporations which meet the following requirements:

**66.0207 (1) (a) *Characteristics of territory.*** The entire territory of the proposed village or city shall be reasonably homogeneous and compact, taking into consideration natural boundaries, natural drainage basin, soil conditions, present and potential transportation facilities, previous political boundaries, boundaries of school districts, shopping and social customs. An isolated municipality shall have a reasonably developed community center, including some or all features such as retail stores, churches, post office, telecommunications exchange and similar centers of community activity.

### **Questions and issues for consideration:**

- What is the rationale for the proposed village boundaries? In what ways are they 'homogenous and compact'?
- If the proposed village boundaries are the historic town boundaries, which comprise the entire municipality, in what ways do they support a 'homogenous and compact' finding?
- What are the primary environmental features of the area, and how do they relate to the proposed incorporation boundaries. Environmental features include rivers, lakes, wetlands, swamps, steep topography, and significant protected natural areas.
- Would the proposed incorporation result in environmental harm, or would it make resolving environmental issues easier?
- How do the proposed incorporation boundaries relate to other administrative districts such as town sanitary or utility districts, storm drainage districts, school districts, lake management districts, and TIF districts among others? Do the proposed incorporation boundaries include these districts, or sever them?
- How does the proposed incorporation boundaries relate to neighborhoods and other social centers? Does the incorporation include them, or sever them? Are neighborhoods interconnected?
- How do the proposed incorporation boundaries relate to the transportation facilities of the community, such as interstate highways, county roads, local roads, rail lines, mass transit options, bike paths, and sidewalks?
- Does the proposed incorporation area contain businesses to provide at least some shopping and employment opportunities for community residents?
- How do area social patterns and opportunities bring community residents together, or give the area an identity? Examples include parks, sports teams and leagues, clubs, community events and celebrations, and other recreational opportunities. Educational programs and religious institutions and activities may also demonstrate social patterns.
- If the petition is for an *Isolated Community* as defined in s. 66.0207(1)(a) Wis. Stats., is there a reasonably developed community center present? If so, where?
- Do population distribution patterns and land uses show that the proposed incorporation area is 'Homogenous and Compact'?

**66.0207 (1) (b) Territory beyond the core.** 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 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.

**Questions and issues for consideration:**

- If the petition is for an Isolated Community as defined in s. 66.0207(1)(a) Wis. Stats., does the area beyond the most densely populated square mile of the proposed incorporation area contain within it an average of more than 30 housing units per quarter section or an assessed value that is more than 25% attributable to commercial land uses.
- If the petition is for a Metropolitan Community as defined in s. 66.0207(1)(b) Wis. Stats., does 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 3 years’? To determine the potential for substantial urban development, Department staff examine the amount of vacant land included in the petition and data on building permits, subdivision platting, rezoning, population trends, comprehensive plans, county and regional plans, and capital improvement plans among other things.

**66.0207 (2) (a) Tax revenue.** The present and potential sources of tax revenue appear sufficient to defray the anticipated cost of governmental services at a local tax rate which compares favorably with the tax rate in a similar area for the same level of services.

**Questions and issues for consideration:**

- What is the equalized value of the proposed incorporation area?
- What is the current mill rate for the town in which the proposed incorporation area is located?
- What is the proposed budget for the new city or village?
- What is the current municipal debt level of the town? How much of this would fall on the new city or village?
- What are the anticipated capital projects affecting the proposed incorporation area? Examples include local roads being widened or repaved, new bridges, DNR orders to remediate landfills or contaminated soils, additional police or fire equipment needed, new municipal buildings or structures, and stormwater facilities, among others.
- What are the anticipated staffing needs of the new city or village. For example, the statutory requirement of police protection for villages over 5,000 persons may necessitate creation of a police department.
- How does the proposed incorporation area compare with other similarly sized cities or villages in terms of equalized value, mill rate, tax levy, revenue, and expenditures? Considerable data is available from the Wisconsin Department of Revenue that allows these types of comparisons with other communities.

**66.0207 (2) (b) Level of services.** The level of governmental services desired or needed by the residents of the territory compared to the level of services offered by the proposed village or city and the level available from a contiguous municipality which files a certified copy of a resolution as provided in s. 66.0203 (6).

**Questions and issues for consideration:**

- Has a neighboring municipality passed a resolution indicating a willingness to annex the proposed incorporation area? If so, then this Services standard will be applied and reviewed by the Board. If not, then this standard does not apply.
- Department staff compares the services proposed or needed by petitioners and area residents with the services being offered by the neighboring community proposing to annex the area. Staff examines which services can be provided most efficiently. For example, perhaps the neighboring municipality has an existing fire station that could readily serve the proposed incorporation area, or perhaps it has adequate sewage treatment capacity. With respect to “need,” due consideration is given to services preferred by the petitioners as opposed to a “Cadillac” service that may be offered at a higher cost and noticeably exceeds the need as expressed by petitioners.

**66.0207 (2)(c) Impact on the remainder of the town.** The impact, financial and otherwise, upon the remainder of the town from which the territory is to be incorporated.

**Questions and issues for consideration:**

- Is less than the entire town included in the incorporation petition? If no, the entire town is being petitioned for incorporation, then this standard does not apply and will not be reviewed by the Board. If the petition would leave a town remainder area, then this standard does apply and will be reviewed.
- Can the town remnant function as a separate government unit considering population, equalized value, service needs, and others?
- What other resources are available from the petitioned territory, the county, or other municipal neighbors that the town remnant could utilize?

**66.0207 (2) (d) Impact on the metropolitan community.** The effect upon the future rendering of governmental services both inside the territory proposed for incorporation and elsewhere within the metropolitan community. There shall be an express finding that the proposed incorporation will not substantially hinder the solution of governmental problems affecting the metropolitan community.

**Questions and issues for consideration:**

- How would incorporation impact the larger region? For example, how would regional issues such as environment, economic, land use, transportation and housing be impacted by incorporation?
- Would resolving regional problems be made easier or more difficult because of incorporation?
- What intergovernmental agreements or initiatives does the town or proposed incorporation area have in place to facilitate regional intergovernmental cooperation?