

In the Matter of INCORPORATION  
OF A PORTION OF LANDS COMPRISING  
THE TOWN OF WASHINGTON,  
EAU CLAIRE COUNTY,  
As a Village Pursuant to the Provisions of  
Chapter 66 of the Wisconsin Statutes

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### **Preliminary Statement**

The designated representative for the petitioners submits this supplemental written submission in support its request that the Incorporation Review Board (the “Board”) grant as submitted the petition for incorporation (the “Petition” or “Proposed Incorporation”) as a village a portion of the Town of Washington (the “Town”).

The petitioners desire the Proposed Incorporation to preserve community identity, protect the community’s future as an independent governmental entity, create permanent boundaries, gain full local control of zoning and land division, and continue fiscally responsible decision-making. As part of its review, the Board held a public hearing on December 17, 2025. Many residents, business owners and neighboring communities appeared in support of the Petition. State Representative Karen Hurd and former State Representative Warren Petryk also appeared in support.

The Proposed Incorporation meets all statutory requirements. The entire 20-square mile territory of the proposed Village of Washington (the “Village”) is reasonably homogenous and compact. The territory is both physically and culturally distinct from its neighbors to the north. Within the incorporation territory, there are ample business, recreational, and residential opportunities, which will only continue to grow as Washington continues to grow. At the public hearing, Washington residents expressed that they are proud of the community they call home, identify with that community, are satisfied with the current level of services, and desire full autonomy over land-use and development decisions in the future.

To that end, development in the newly incorporated Village will be swift. Removing the City of Eau Claire’s extraterritorial subdivision jurisdiction will allow for smaller lot sizes and thereby more building opportunities. Additionally, because most of Washington’s residents utilize private or community well and septic systems rather than municipal water and sewer, future development will not have to wait for the installation or expansion of municipal infrastructure and can occur at a quicker pace.

Further, the future Village is financially prepared to continue to provide the level of services expected by its residents. The newly incorporated Village will have no debt because the Town has no debt and the new Village will not require any significant capital expenditures upon incorporation that will require new debt. The Village and the Town will have low tax rates but high equalized values. The proposed budgets for both the Village and the Town demonstrate that they will be in good fiscal position to properly operate after incorporation. What's more, the Village will continue to provide the level of services that its residents desire and need. The Village will provide services itself, or it will continue to contract with governmental and local partners to provide services. This form of service provision is a model encouraged by the Wisconsin legislature. *See* Wis. Stat. §§ 66.0301-66.0317.

The Town remnant will have sufficient tax base and population to continue to prosper. The Town remnant will maintain its own character, will contract with the Village for services, and will have sufficient revenue to fund Town operations.

Furthermore, the incorporated Village will benefit the entire metropolitan area. Washington has already demonstrated that it is a good municipal neighbor. There are numerous cooperative and intergovernmental agreements already in place, and Washington has received numerous letters of support from its municipal neighbors.

Only one neighboring community, the City of Eau Claire, appeared in opposition to the Petition. Yet, it is remarkable that the City of Eau Claire set forth so little in response to the critical points on which the Petition relies. The City of Eau Claire made no counter to the key arguments that the Proposed Incorporation meets each of the public interest standards of Wis Stat. § 66.0207. The conclusory and speculative contentions in the City of Eau Claire's presentation—no matter how many times repeated—are unpersuasive or without merit. For the reasons detailed below, the City's presentation only confirms that the Proposed Incorporation satisfies the statutory standards.

The City of Eau Claire seeks to prevent the Proposed Incorporation to protect the City's sources of potential revenue arising from annexations of Town territory. The City does not exist to be protected. The function of municipal government is to serve the general interests of its residents, not to engage in endless competition for the right to collect revenues and provide "urban" level services. In Wis. Stat. §§ 66.0201-0213, the legislature has provided the Town's residents with the democratic means to assert their preferences for incorporation. These statutes affirm the responsibility of government for the needs and wants of those whom it serves, and not the needs and wants of government in a continuing quest to serve itself.

The Town and the representative of the petitioners thank the Board for the time it took to tour the Proposed Incorporation territory. Based on the facts presented in the initial incorporation submission (“Incorporation Submission”), this supplemental submission, and the public hearing, the Board should grant the incorporation petition as submitted.

## SECTION 1(A) HOMOGENEITY AND COMPACTNESS

The proposed Village territory satisfies the homogeneity and compactness requirement. The Board applies the following standard:

*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.*

Wis. Stat. § 66.0207(1)(a). In addition to the statutory factors cited above, the court in *Pleasant Prairie v. Department of Local Affairs & Development*, 113 Wis. 2d 327, 332-338, 334 N.W.2d 893, 899 (1983), held that the Board may also consider land-use patterns, population density, employment patterns, recreation and health care customs.

However, the facts surrounding each incorporation petition are different. The Board must evaluate the area taken as a whole, in evaluating homogeneity and compactness.

### **Physical and Natural Boundaries**

The boundaries of the Proposed Incorporation territory follow existing physical and natural features. Map 6<sup>1</sup> of the Incorporation Submission highlights Washington's distinct steep slopes and valleys, as well as Washington's orientation within the Lowes-Rock Creek watershed and the Otter Creek watershed. Unlike the incorporation petitions for the Town of Beloit<sup>2</sup> and the Town of Waterford<sup>3</sup> where the topography or water features separated the proposed municipality by creating physical and psychological barriers between the two halves, Washington's unique topography, access to the creeks, and other natural features create a distinct and homogenous landscape, suitable for future development and replete with recreational opportunities.

### **Transportation**

The Proposed Incorporation territory has a robust vehicular transportation network, which is supported by federal, county, and state highways as well as town roads. Interstate 94,

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<sup>1</sup> [Town of Washington Incorporation Submission](#) at 20. All map and figure references refer to the Incorporation Submission.

<sup>2</sup> [Town of Beloit Incorporation Determination](#) at 18 (“As mentioned, the petitioner’s configuration results in several challenges. First, the Proposed Village is separated by the Rock River into an East-Side and a West-Side.”) and, at 28, (“Characteristics the Board utilizes to determine compactness and homogeneity . . . sharply contrast depending on whether one is looking at the East-Side Proposed Village or the West-Side Proposed Village. For example, the West-Side’s Karst geography which makes development more difficult, and the West-Side’s extensive agricultural lands and sparse population, is much different in character than the populous and urban East-Side Proposed Village . . .”).

<sup>3</sup> [Town of Waterford Incorporation Determination](#) at 21 (noting that Tichigan Lake and the Fox River “function as a barrier separating people in the western parts of the Town from eastern parts of the Town.”).

State Highways 93 and 53 all run within or parallel to the territory. Further, there are major interchanges between Interstate 94 and Highway 53 and Interstate 94 and Highway 93 that abut the territory. Additionally County Highways S, F, II, and I all pass through the Proposed Incorporation territory. The town roads within the Proposed Incorporation territory will transfer to the Village. These to-be-Village roads readily connect the local transportation network with the county, state, and national networks, ensuring ample accessibility for the future Village residents. Washington's subdivision ordinance also restricts the use of cul-du-sacs in new subdivisions and instead requires connection to the existing road infrastructure where possible.

The cumulative effect of this robust network of federal, state, county, and local roads provides efficient daily commutes and connectedness internally within the incorporation territory and with the metropolitan community and beyond. Indeed, as Map 32<sup>4</sup> demonstrates, most of the Proposed Incorporation territory is a five-minute drive from the proposed Village core by way of the STH 93 corridor. This corridor, which runs through the middle of the Proposed Incorporation territory, provides connectedness, development opportunities, and business and commercial opportunities, further advancing the compactness and homogeneity of the Proposed Incorporation territory.<sup>5</sup> As demonstrated in the Incorporation Submission, the efficiency of the road system alleviates many of the connectedness challenges created by the Proposed Incorporation territory's topography.

The proposed Village also supports pedestrian and bicycle traffic. Pedestrians and cyclists are able to walk and bike along some of the lower volume town roads and can utilize existing off-road trails that run along STH 93 from the City of Eau Claire to Walnut Road with connections to two new Washington subdivisions. Like those subdivisions, all newly built subdivisions in the Proposed Incorporation territory will be required to have connections to nearby bike paths, further expanding Washington's bike and pedestrian infrastructure. Finally, many roads within Washington are part of the Chippewa Valley Bike Routes system. By following the route map, users of the system can readily bike from Washington through the City of Eau Claire and to Chippewa Falls. In turn, cyclists, much like drivers, can easily connect to the greater metropolitan region via Washington's roadways.

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<sup>4</sup> Incorporation Submission at 76.

<sup>5</sup> Compare [City of La Crosse Response to Town of Campbell's Incorporation Petition](#) at 12 (noting how I-90 cuts the Town of Campbell in half and creates six "distinct and disparate areas" to the north and south of I-90).

## **Political Boundaries**

### ***Regional context and proposed boundary***

The entirety of the Town of Washington is 54 square miles, with an estimated population of 7,778. The Town of Washington was first created in 1866. Originally covering 66 square miles, the Town of Washington's area was reduced in 1881 when the territory that became the City of Altoona was carved out of a northern portion of the Town. Aside from annexations to the City of Eau Claire and the City of Altoona along the Town's northern boundary, the Town's current boundaries have remained unchanged since 1881. There have been no incorporations in Eau Claire County since the City of Augusta incorporated in 1922.

The Proposed Incorporation territory encompasses approximately 20.5 square miles of the Town and has an estimated population of approximately 5,423. The west, south, and east boundaries of the Proposed Incorporation territory are regular and follow the political boundaries between Washington and the Town of Brunswick on the west and Washington and the Town of Pleasant Valley on the south. The southern border continues past Pleasant Valley, reaching I-94 and travels north along I-94 and Otter Creek to form the eastern boundary. The northern boundary follows the political boundary between Washington and the City of Eau Claire. The non-linear northern boundary is the inevitable effect of annexations to the City.<sup>6</sup>

Included in the Proposed Incorporation territory are three islands of Town territory surrounded by incorporated territory, another byproduct of City of Eau Claire annexations. The inclusion of these islands within the Proposed Incorporation territory is consistent with the goal of preserving community identity and eliminating governance and service delivery inefficiencies. Residents of the islands support the Proposed Incorporation as a way to improve their quality of life through working with their elected Village representatives.

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<sup>6</sup> The irony of the City of Eau Claire's objection to the visual shape of the northern boundary of the Proposed Incorporation territory will not be lost on the Board. Contrary to the City's contention, nothing in Wis. Stat. § 66.0207(1)(a)'s reasonably compact test requires geographic compactness to be measured by straight lines. Indeed, most, if not all, borders of town territory adjacent to a city or metropolitan village exhibit some measure of non-linear boundaries, the byproduct of annexations. The legislature recognized as much when it drafted Wis. Stat. § 66.0207(1)(a), requiring only "reasonably" compact incorporation territory.

The size of the Proposed Incorporation territory is also consistent with other villages in metropolitan areas. Below is a sample of incorporations that have occurred since 2009 and the current areas in square miles:

Municipality	Area (in square miles)
Yorkville	33.65
Somers	25.81
Salem Lakes	30.37
Raymond	35.7
Windsor	27.56
Bristol	32.62
Vernon	29.94
Summit	20.62
Lisbon	26.35

The 20.5 square mile area of the Proposed Incorporation territory in this case compares favorably with other incorporations approved by the Board.

### ***Sanitary districts***

The northern portion (approximately 34%) of the Proposed Incorporation territory is within the Eau Claire Sanitary Service Area (“SSA”). Some areas within the Town islands do receive sewer services from the City of Eau Claire as a result of an agreement between the City and former Washington Heights Sanitary District. The remainder of the Proposed Incorporation territory will be served by private wells and private or community septic systems. The benefits of this practice are discussed below.

### ***Schools***

The Town of Washington is currently served by three school districts, the Altoona School District, the Fall Creek School District, and the Eau Claire Area School District. However, as demonstrated by Map 15, the overwhelming majority of the Proposed Incorporation territory, is served only by the Eau Claire Area School District, and all students will attend the Eau Claire Area School District (a miniscule portion of one of the Town islands is within the Altoona school district and a small area is within Fall Creek school district, but neither of those areas have any residents). Children in the Proposed Incorporation territory also have the opportunity to attend the UW Eau Claire Children’s Nature Academy, which is located within the Proposed Incorporation territory. Because the Proposed Incorporation territory is almost entirely within the Eau Claire Area School District, the future Village’s families will continue to have the sense of community and connectedness that flows from the scholastic, social, and recreational activities provided by the district even after incorporation.

## **Shopping and Social Customs**

The business, recreational, civic, and religious facilities and services provided by the future Village are robust and distinguish it from adjoining municipalities like the Cities of Eau Claire and Altoona.

### ***Business and employment***

The Proposed Incorporation territory is home to seven commercial subdivisions and approximately 165 businesses. Figure 32<sup>7</sup> of the Incorporation Submission highlights the diverse array of businesses available within the Proposed Incorporation territory. To name a few, within the Proposed Incorporation territory there are daycares, autobody repair shops, automobile sales facilities, bars and restaurants, salons, construction services, health services such as dental, rehabilitation, chiropractic, and psychiatry, event centers, pet care suppliers, cleaning services, real estate offices, and many more. Map 22<sup>8</sup> shows the distribution of businesses within the Proposed Incorporation territory. As it demonstrates, most of the Proposed Incorporation territory's businesses are conveniently located along the STH 93 corridor both in the main Proposed Incorporation territory and in the northern Town islands. Figure 6 of the Incorporation Submission provides a snapshot of the diverse business and employment opportunities available in the Proposed Incorporation territory, identifying Washington's top employers. Significantly, in addition to the already existing businesses within the STH 93 corridor, there are two business parks along the STH 93 corridor with lots of significant size available for commercial development, which will only serve to increase the socio-economic opportunities available to the residents of the Proposed Incorporation territory. In fact, on just one lot of the Trilogy Business Park, two commercial buildings will house 16 business sites.

The robust variety of businesses within the Proposed Incorporation territory ensures not only that residents have access to essential services and recreational/social opportunities, but it also drives the sense of community present in the Proposed Incorporation territory. Incorporation will provide Washington with more autonomy over approval of local projects and stimulation of small business growth, which will allow Washington to continue to expand its already robust business opportunities.

### ***Social and recreational***

As was readily apparent at the public hearing, the residents of Washington strongly identify with the distinct culture of the Town and wish to preserve that sense of identity through

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<sup>7</sup> Incorporation Submission at 52-56.

<sup>8</sup> *Id.* at 56.

incorporation. The culture and identity of the Town is due in no small part to the social and recreational opportunities that are available in the Proposed Incorporation territory.

This identity is further illustrated through the various events within Washington. The annual meal and fundraising event hosted by Township Fire Department (TFD) and TFD's general presence in the community is the quintessential example of a community recognizing its emergency service providers and gathering as a community. Further, local businesses and neighborhood associations are essential contributors to the social fabric of the future Village. For example, several businesses come together annually to host a Mother's Day Market, Down to Earth hosts multiple events throughout the year, and the Eau Claire River Shed Coalition provides educational opportunities to the residents regarding environmental stewardship. Figure 16<sup>9</sup> shows an advertisement for the Trillium Sweater Weather Market hosted by Slate Boutique, Kahvi Coffee, and Sparreaux. The event brought live music, over 40 vendors, food trucks, and boutique shopping. Finally, there are several religious institutions present in the Proposed Incorporation territory. The Haven Church, the Kingdom Hall of Jehovah's Witnesses, and the Eau Claire Hispanic Seventh-Day Adventist Church also drive social, spiritual, and cultural connectedness and cohesiveness.

Recreational opportunities are also plentiful throughout the Proposed Incorporation territory. There are several parks and conservation areas throughout the Proposed Incorporation territory, each of which provide year-round outdoor recreational opportunities. For example, Lowes Creek County Park provides various outdoor activities such as mountain biking, hiking, snowshoeing, and dog walking. The above-mentioned off-road trails provide biking and walking trails. Horlacher Park houses Lowes Creek Little League, which provides baseball fields for little league games, practices, and tournaments and has on-site food concessions. Other recreational opportunities include private recreational facilities such as an axe throwing facility, fitness centers, and orchards. Maps 12 and 13<sup>10</sup> highlight the availability and convenience of many social and recreational opportunities throughout the Proposed Incorporation territory.

Washington is a unique and distinct municipality from its neighbors. Its residents share a strong sense of community and connection, driven by the multitude of businesses, community organizations, and religious institutions. Residents have a wide array of social and recreational opportunities available to them, and incorporation will ensure that Washington's character remains.

## **Land Uses**

### ***Land use regulation***

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<sup>9</sup> *Id.* at 35.

<sup>10</sup> *Id.* at 36, 39.

The Town of Washington is currently under Eau Claire County zoning.<sup>11</sup> Those zoning designations will continue in the interim after incorporation until the new Village can create its own zoning code. The Town has its own subdivision ordinance, which complements the County's zoning code, and will complement the Village's future zoning code. The subdivision code promotes continuity, compactness, connectivity, and serves as an important land use tool by ensuring the orderly and safe development of unplatted and/or undeveloped land. As an example, the Town subdivision code requires on-site community wastewater treatment systems in most circumstances. As stated above, this allows for faster development, more compact communities, and greater density.

The Town and the County are active partners with respect to zoning, which was evidenced by the Town Plan Commission's consultation with the County when creating the Town's Comprehensive Plan. The Town's Comprehensive Plan designates the Proposed Incorporation territory as mixed use, rural residential, commercial, or transition, categories which correlate to seven non-agricultural zoning districts under Eau Claire County's Zoning Code.<sup>12</sup> To that end, Figure 33<sup>13</sup> identifies that rezoning within the Proposed Incorporation territory since 2018 has trended away from agricultural uses and districts with many parcels being taken entirely out of agricultural districts (e.g., Agricultural Preservation (AP) to Residential Large Lot (R-L)) or placed in less restrictive agricultural districts (e.g., Agricultural Preservation (AP) to Agricultural-Residential (A2)).

The most significant hinderance to development in the Town is the area that is subject to the City of Eau Claire's extraterritorial subdivision jurisdiction (ETJ). Pursuant to an intergovernmental agreement with the City, the SSA boundary serves as line in the ETJ jurisdictional boundary. Development within the SSA (and therefore subject to ETJ) is stymied by restrictive development standards and requirements imposed by the City.<sup>14</sup>

The City of Eau Claire's assertion that the Town Comprehensive Plan, specifically its call for preserving agricultural land, conflicts with the Petition is as puzzling as it is meritless. The Town amended its Comprehensive Plan and future land use map on July 18, 2024. Much of the land in the Proposed Incorporation territory is shown as agricultural transitioning to residential or commercial uses. The Town controls its own Comprehensive Plan and is authorized by state statutes to amend the Plan as necessary. Since the Town amended the planned future land uses of the Proposed Incorporation territory and the Town supports the Petition to incorporate, there is no conflict with the comprehensive plan.

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<sup>11</sup> The Town is currently unable to provide its own zoning services since it falls under County zoning. The Town is prohibited from enacting or amending any zoning ordinance unless approved by the County Board. Wis. Stat. § 60.62(3)(a). This is another service that Washington residents desire to fully exercise at the local level without constraints from other jurisdictions, but are currently prohibited from exercising as a town.

<sup>12</sup> *Id.* at 60.

<sup>13</sup> *Id.* at 64.

<sup>14</sup> *Id.* at 61-62.

### ***Land use trends***

The Town of Washinton averages 27 building permits per year for the past six years. Excluding the Cities of Eau Claire and Altoona, this represents 25% of all new construction within Eau Claire County. Washington has the third highest rate of building permits in the County (behind only Eau Claire and Altoona), and it greatly exceeds other incorporated municipalities (City of Augusta and Villages of Fairchild and Fall Creek). In the last two years alone, the Town and County have approved two residential subdivisions, consisting of 334 acres, and two business park planned unit developments.

The current rate of development is impressive and promising. After incorporation (and resultant removal of the City's ETJ restrictions), development and smart growth within the Proposed Incorporation territory will only increase. Indeed, as Map 25<sup>15</sup> indicates, the Chippewa-Eau Claire Metropolitan Planning Organization projects most of Proposed Incorporation territory as one of the fastest growing areas in the region.

### **Compactness and Homogeneity Summary and Conclusion**

The Petition meets the compactness and homogeneity requirement. The Proposed Incorporation territory is approximately 20.5 square miles, does not create any town islands, and prevents further fragmentation of the region. Besides the borders shaped by annexations, the Proposed Incorporation territory's boundaries are regular and rational. The Proposed Incorporation territory is served by several major roadways, including I-94 and STH 93. Most residents within the Proposed Incorporation territory are able to reach the STH 93 corridor within five minutes by car, and the state, county, and federal highways provide ample access to the Proposed Incorporation territory, the metropolitan region, and beyond.

As to homogeneity, the residents of the Proposed Incorporation territory have a strong sense of identity and community and plainly differentiate themselves from the City of Eau Claire. In fact, the Board heard numerous residents proclaim that they are in support of incorporation to ensure they ***do not*** become more like the City, and maintain their current identity as Washingtonians. The residents' sense of identity is driven by the ample business, social, community, and recreational opportunities present throughout the Proposed Incorporation territory. Residents will enjoy a plethora of services and activities ***within*** their own community. Incorporation will ensure that the future Village can maintain, promote, and grow the distinct character that the Town has already created.

Representatives from the City of Eau Claire would like the Board to believe (because they say so) that the Proposed Incorporation territory creates a disjointed, noncompact, and non-

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<sup>15</sup> *Id.* at 70.

homogenous municipality. For example, counsel for the City claimed that there are “three distinct areas” included within the Proposed Incorporation territory, including highly urbanized town islands that counsel called “indistinct” from the City, rural density subdivisions in the middle, and agricultural land to the south. The City could not be more wrong. Most, if not all, incorporated municipalities have “distinct” areas, and counsel’s assertion of the same here does not change the fact that the Proposed Incorporation territory is a reasonably compact and homogenous area.

As the Town’s Comprehensive Plan succinctly states, it is the Town’s overarching goal to “[p]rotect and reinforce the community character of the Town of Washington.” Incorporation is best served to accomplish that goal—otherwise, the geographical fragmentation of Washington is likely to continue. Based on the foregoing facts and those presented in the Incorporation Submission, the Board should conclude that the incorporation Petition meets the compactness and homogeneity requirement.

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

There is significant potential for future development within the proposed Village of Washington, thus satisfying the second incorporation requirement. The standard to be applied for metropolitan communities is found in Wis. Stat. § 66.0207(1)(b), and reads as follows:

*The territory 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. The Department may waive these requirements to the extent that water, terrain or geography prevents such development.*

### **Most Densely Populated Square Mile**

Maps 51 and 52 identify two possible options for the most densely populated square mile: one contiguous and one non-contiguous.<sup>16</sup> Regardless of which part of the Proposed Incorporation territory the Board considers the core, there is potential for substantial development in the remainder of the Proposed Incorporation territory over the next three years.

### **Lands Subject to Waiver**

The statute permits the Board to waive certain lands from the standard ‘to the extent that water, terrain or geography prevents such development.’ The types of lands that the Board has found in the past to be appropriate for waiver include wetlands, lakes, streams, or other surface water, and steep slopes, among others.

There are 6,146 acres of vacant parcels in the Proposed Incorporation territory. However, approximately 27% of the Proposed Incorporation territory is undevelopable due to the existence of public lands, wetlands, shoreland zoning, steep slopes, environmental corridors, and managed forest lands. Maps 53 and 54<sup>17</sup> shows the current state of development and the non-developable land in the Proposed Incorporation territory, and Maps 6, 7, and 8 show the Proposed Incorporation territory’s topography, watersheds and drainage, and water table and surface water.<sup>18</sup> Like the Town of Richfield incorporation determination, the Board should conclude that this 27% is excluded from the territory beyond the core requirement.<sup>19</sup>

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<sup>16</sup> *Id.* at 103-104.

<sup>17</sup> *Id.* at 106.

<sup>18</sup> *Id.* at 20-22.

<sup>19</sup> [Town of Richfield Incorporation Determination](#) at 40 (noting that the maps included in Richfield’s petition “all show that Richfield’s wetlands, surface water, and steep slopes make much of Richfield undevelopable.”).

## **Lands Subject to Standard**

After giving effect to this exclusion, there are approximately 4,487 acres of vacant, developable land within the Proposed Incorporation territory. Currently, 2,105 of those acres are in Exclusive Agriculture or Agricultural Preservation zoning leaving approximately 2,382 acres of vacant and developable land with currently appropriate zoning. The vacant, developable land is identified in Map 53.<sup>20</sup> As explained below, there is potential for significant development in this remaining acreage—especially after incorporation and the Eau Claire ETJ restrictions are eliminated.

## ***Population***

The Town of Washington is currently the third most populous municipality in Eau Claire County, and the DOA projects that it will continue to grow at a steady pace. Figures 42 through 45<sup>21</sup> demonstrate the projected population growth of the Town relative to other towns in the County, the other villages, and the cities. With an anticipated population for the new Village of 5,423, the newly incorporated Village will remain the third largest municipality and will become the largest village in the County.

## ***Development***

Development will increase after incorporation. Rezoning in the Proposed Incorporation territory indicates a growing trend away from agricultural use toward residential and commercial uses. This trend demonstrates that the Proposed Incorporation territory is continuing its steady transition to a suburban community. To that end, Washington has the third highest rate of building permits in the county, behind only Eau Claire and Altoona. In the last two years, Washington and the County have approved several residential subdivisions and commercial developments within the Proposed Incorporation territory, consuming significant acreage and highlighting Washington's continued growth. Additionally, although the area within the Eau Claire SSA is a highly desirable area, ETJ restrictions over a significant portion of Town territory (approximately 7 square miles), including the most desirable from a development standpoint (such as the STH 93 corridor), that require a minimum lot size of ten acres have stymied growth.<sup>22</sup>

To explain, the City of Eau Claire's 10-acre minimum lot size, by setting a floor for land costs, has entirely halted all commercial development needing a land division and nearly all residential development in that part of the Proposed Incorporation territory where the

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<sup>20</sup> Incorporation Submission at 106.

<sup>21</sup> *Id.* at 99-101.

<sup>22</sup> See City of Eau Claire Ordinance § 17.10.03.C.: "[Extraterritorial] [s]ubdivisions shall be permitted based on an overall density standard of one unit per 10 acres."

regulation applies.<sup>23</sup> Removal of the regulation, which would occur upon incorporation, will unlock land value and spur diverse development in an area starved for housing supply, including affordable housing supply. Allowing property owners to subdivide their land to accommodate additional detached homes is a critically important means of increasing the housing supply and promoting the option of fee simple homeownership for Village households.<sup>24</sup>

Additionally, the major roadways that pass through the Proposed Incorporation territory make development highly desirable. This was the case in the Lake Hallie incorporation, where the Board found significant potential for future development, in large part because of the development resulting from the availability of State Highway 53 bypass.<sup>25</sup> Here, as there, major highway intersections abut the territory. The STH 93 and STH 53 corridors will continue to be prime areas for continued development. State, federal, and county highways provide ample access to the entirety of the incorporation territory, the metropolitan region, and beyond. Further, Washington's current subdivision code restricts the use of cul-du-sacs and instead requires subdivision roads to be properly integrated with any existing and proposed system of thoroughfares and dedicated rights-of-way. In tandem, these factors promote and invite development and provide access to residents and businesses within new developments.

Moreover, the absence of municipal water and sewer utilities will promote, rather than hinder, development and continued growth. In the Richfield Determination, the Board concluded that

Richfield's lack of municipal water and sewer service means that development in Richfield does not need to wait for the installation of municipal infrastructure, the way development in most other communities must wait, nor does development in Richfield need to wait for the extension of the designated sewer service area the way it must in most other communities. Because of this, development potential exists immediately in all areas of Richfield.<sup>26</sup>

So too here, especially considering that there would be significantly added expenses in attempting to extend sewer and water infrastructure through environmentally sensitive areas and the rolling hills and steep slopes of the territory. Outside of the SSA, Washington has a long history of individual and community well and septic systems. Further, Washington's subdivision ordinance requires community wastewater systems for

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<sup>23</sup> Very few land divisions have occurred in the SSA. These "infill lots" are also required to abide by restrictive City requirements, and the land divisions have resulted in only a few additional lots and an insignificant amount of residential development since 2011. Based on the 10-acre minimum lot size, no subdivisions have been developed in the SSA.

<sup>24</sup> The City's posits, without explanation, that the Village will not be able to deliver affordable housing. This claim is not supported by the facts or common sense. After incorporation, the Village will be equipped with the same exact tools available to the City to promote and foster affordable housing options within the Proposed Incorporation territory.

<sup>25</sup> Lake Hallie Determination at 28-31.

<sup>26</sup> Richfield Incorporation Determination at 44-45.

subdivisions with greater than 20 residential lots.<sup>27</sup> Those community wastewater systems must cover at least 85% of the lots in applicable subdivisions. By avoiding the wait for the installation or expansion of municipal water and sewer service, development in Washington, like in Richfield, will be able to begin immediately and anywhere within the incorporation territory.

Development will also be sufficiently served by other utilities such as electricity, natural gas, high-speed internet, and other telecommunication systems. The entire Proposed Incorporation territory is served by two electricity providers, and there are two electricity substations located within the Proposed Incorporation territory.<sup>28</sup> High-speed internet is available for the entire Proposed Incorporation territory, and there are three cell towers within the Proposed Incorporation territory, housing major service providers such as AT&T, Verizon, T-Mobile, and Sprint. Regarding development, the Town already requires that utility easements are placed in all new subdivisions to ensure access to these utilities.

Finally, with its own zoning code and approvals needed only from the new Village, rezoning and development decisions will be able to occur quicker, with fewer jurisdictional hurdles to overcome. Washington will be able to control, for itself, how areas are zoned and what development occurs within the Proposed Incorporation territory.

### **Summary and Conclusion**

Washington has seen significant rate of building permits and has sufficient land available to support substantial growth in the next three years. In the last two years alone, Washington has approved residential subdivisions comprising of over 300 acres of new residential development, and 128 residential lots within the Firenze Estates development alone. Such development can continue, and indeed can expand, after incorporation. Incorporation will eliminate the restrictions of the ETJ, driving more development in a highly desirable area of the Proposed Incorporation territory. Additionally, development will not need to wait for multiple layers of approval from multiple municipalities (e.g., a plat requiring approval by the Town, City, and County), nor will development need to wait for the installation and extension of water and sewer service. Instead, like in Richfield, development can occur anywhere within the Proposed Incorporation territory and can occur faster by needing only individual or community well and septic systems. The Board should therefore conclude that the incorporation Petition meets this requirement as well.

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<sup>27</sup> Town of Washington Subdivision Ordinance § 4-4.0420.F. The Town subdivision code is available at <https://townofwashington.wi.gov/assets/files/2024/09/20240927094933996.pdf>

<sup>28</sup> See Maps 41 and 42, Incorporation Submission at 90-91.

## SECTION 2(A) TAX REVENUE

The proposed Village of Washington will have sufficient tax revenue and capacity for borrowing following incorporation, thereby satisfying the tax revenue factor. The standard to be applied by the Board is found in Wis. Stat. § 66.0207(2)(a), 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.*

The Proposed Incorporation territory will have significant population and equalized value to provide the services desired by its residents.

### **Equalized Value**

Figure 52<sup>29</sup> indicates that the proposed Village's equalized value will be \$882,991,293 after incorporation. This estimated equalized value is higher than the other towns in Eau Claire County (including the Town remnant). According to the Department of Revenue 2025 Statement of Changes in Equalized Value, the Village's proposed equalized value will remain the third highest in the County behind only Eau Claire and Altoona.<sup>30</sup> In the Town of Beloit Determination, the Board concluded that the proposed village's equalized value of \$341,351,616 "compare[d] favorably with other Wisconsin cities and villages."<sup>31</sup>

### **Proposed Budget**

The proposed Village budget is shown in Figure 46.<sup>32</sup> The proposed budget assumes all current Town employees will work for the Village. Additionally, all buildings, associated buildings and office equipment, and the cemetery will be owned by the Village. As seen in the proposed budget, some expenditures will increase in amount, which is a natural consequence of incorporation. However, the Proposed Incorporation territory will have sufficient funds to pay for anticipated expenditures.

This proposed budget represents provision of services desired by Washingtonians. The residents do not desire a full library or police force. Nor are those services required to become a village. Rather, Town leadership focuses on providing excellent services that are actually desired by the residents. Not only is this a prime example of responsive governance but also reflects responsible stewardship of tax dollars given the current levy limit constraints to which all municipalities must adhere. With few exceptions, no municipality

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<sup>29</sup> Incorporation Submission at 114.

<sup>30</sup> [Eau Claire County 2025 Statement of Changes in Equalized Values by Class and Item](#), Wisconsin Department of Revenue (August 8, 2025).

<sup>31</sup> Town of Beloit Incorporation Determination at 37-38.

<sup>32</sup> Incorporation Submission at 110-11.

may increase its levy beyond its rate of net new construction. Wis. Stat. § 66.0602(2). Levy limits require municipalities to continually analyze what services their residents want, what services can be provided, and the feasibility of adding services. This means every city, village, and town in Wisconsin has budgets and service levels that reflect a compromise between what can be statutorily levied, and provision of services. The proposed Village budget reflects that compromise between providing excellent municipal services, which are highly desirable for its residents, at a reasonable tax rate. This necessarily leads to the exclusion of services and budgets for services not desired, such as a library. This does not mean the budget is incorrect or unsustainable. Instead, it reflects a responsive and responsible government acting within its means to serve its residents.

### **Tax Rate**

Currently, the Town has the lowest tax rate in the County at \$1.10 per \$1,000 of assessed value. The estimated tax rates for the proposed Village and the Town are \$2.00 per \$1,000 of assessed value and \$1.25 per \$1,000 of assessed value, respectively. While the proposed Village's tax rate will be higher than the remaining Town's, it is only marginally higher than the Town of Pleasant Valley (\$1.92) and significantly lower than both Eau Claire (\$8.22) and Altoona (\$5.47). The Town remnant will still have the lowest tax rate of the surrounding municipalities after incorporation.

### **Debt**

The Town of Washington currently has no debt and has a statutory debt capacity of approximately \$44 million. The Town currently makes its capital purchases with cash. Since it has no debt, it has significant borrowing capacity, if it so desires, to make future purchases necessary to accommodate the transition to a village.

### **Capital Improvement Plan**

As highlighted in the Incorporation Submission, the Town currently has a 5-year capital improvement plan ("CIP") that encompasses road projects, park projects, general municipal projects, and equipment replacement. The CIP, included below, identifies both expenditures and funding sources.

Notably, the CIP does not include facility expansion as the current municipal building will house both the proposed Village and Town municipal services and it is not anticipated that more facilities will be needed within the next 10 years.

**Town of Washington  
Capital Improvement Plan & Funding Uses**

Projects	Purpose/Dept	Funding	2025	2026	2027	2028	2029	Totals
<b>ROAD PROJECTS</b>								
Year One	Public Works	RoadAid/TRIS	\$870,000					\$870,000
Year Two	Public Works	SRL/Road Aid		\$515,000				\$515,000
Year Three	Public Works	SRL/Road Aid			\$520,000			\$520,000
Year Four	Public Works	SRL/Road Aid				\$650,000		\$650,000
Year Five	Public Works	SRL/Road Aid					\$530,000	\$530,000
<b>EQUIPMENT REPLACEMENT</b>								
Bobcat Skid Steer	Public Works	Equipment Fund	\$25,000		\$30,000		\$30,000	\$85,000
Single Axle Plow/Dumps	Public Works	Equip Fund/GO Debt	\$55,000	\$125,000		\$185,000		\$365,000
Tandem Axle Plow Dump	Public Works	Equip Fund/GO Debt			\$210,000			\$210,000
Baby Dump/Plow	Public Works	Equipment Fund					\$90,000	\$90,000
Sweepers	Public Works	Equipment Fund				\$22,000		\$22,000
Tractor Boom Mower	Public Works	Equipment Fund		\$200,000				\$200,000
Tool Cat	Public Works	Equipment Fund	\$72,000					\$72,000
Mowers	Cemetery	Cemetery Fund		\$15,000		\$15,000	\$20,000	\$50,000
<b>PARK IMPROVEMENTS</b>								
Parks & Trails	Parks			\$10,000	\$10,000	\$10,000		\$30,000
<b>OTHER CAPITAL PROJECTS</b>								
Economic Development	Development	Economic Dev		\$50,000	\$30,000	\$30,000	\$32,000	\$142,000
Building	Building	Building Fund						\$0
<b>Actual CIP Costs</b>			<b>\$1,022,000</b>	<b>\$915,000</b>	<b>\$800,000</b>	<b>\$912,000</b>	<b>\$702,000</b>	<b>\$4,351,000</b>

\$0

<b>Sources of Funding</b>								
G.O. Debt								\$0
State Road Aid			\$263,000	\$282,000	\$282,000	\$282,000	\$282,000	\$1,391,000
Local Road Improvement Plan (LRIP) & TRIS			\$425,000			\$200,000		\$625,000
User Fees			\$0		\$0	\$0	\$0	\$0
Shared Revenue/Tax Levy (SRL)			\$254,000	\$310,000	\$360,000	\$365,000	\$350,000	\$1,639,000
Road Fund				\$50,000				
Equipment Fund			\$80,000	\$108,000	\$100,000	\$50,000	\$50,000	\$388,000
Cemetery Fund				\$15,000		\$15,000	\$20,000	\$50,000
Building Fund								\$0
Cash								\$0
General Fund				\$150,000	\$58,000		\$0	\$208,000
<b>Total</b>			<b>\$1,022,000</b>	<b>\$915,000</b>	<b>\$800,000</b>	<b>\$912,000</b>	<b>\$702,000</b>	<b>\$4,301,000</b>
			\$0	\$0	\$0	\$0	\$0	\$0

## Summary and Conclusion

The proposed Village would be in a financially strong position following incorporation. Eau Claire appears to believe that the proposed Village will have insufficient funds for services that the Town currently does not offer and that the proposed Village does not even plan to offer. As explained in the next section, the proposed Village will continue to utilize TFD for fire services and continue to contract with the Eau Claire County Sheriff's Department for police services. While the expenditure necessary for police services may increase, that increase is anticipated and will be sufficiently covered by the new budget. In short, the proposed Village does not need to budget funds for non-existent services that are not desired by its residents.

For the services that *will* be offered, the proposed Village will absolutely have sufficient funding and the impact on residents will be reasonable. The proposed Village's equalized value will continue to be the third highest in the County. The Town currently has no debt, so the proposed Village will be starting with its full debt capacity. The proposed Village will therefore be able to satisfactorily meet local needs, and the Board should conclude that this factor weighs in favor of incorporation.

## **SECTION 2(B) LEVEL OF SERVICES**

The proposed Village of Washington would offer services desired by its residents without offering superfluous services. The standard to be applied is found in Wis. Stat. § 66.0207(2)(b), 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.*

Importantly, however, this requirement does not place primacy on the efficiency of providing services, the cost, or on the absolute level of services provided. Instead, the standard requires the Board to evaluate the level of services “*desired or needed*” by the proposed village residents.

### **City Services**

Washington has not seen Eau Claire’s comparison of the level of services provided by the City, and the City’s testimony at the hearing was focused more on what the Town does not provide rather than what the City would provide. Eau Claire’s position appeared to be that the proposed Village does not look like Eau Claire or provide the exact same level of services as Eau Claire, and it therefore cannot incorporate. This is an untenable position. The incorporation statute does not require provision of specific services, such as a library or sewer or water utilities. Each community is different, and each community provides its own level of services desired by its residents.

During the public hearing, the City of Eau Claire appears to raise a question regarding the effect of incorporation on the City’s obligations under some agreements. Any questions regarding the interpretation of service agreements are left to the parties or the courts.

### **Town/Village Services**

The Town does, and the proposed Village will, provide the level of services that its residents desire and need.

The Town currently has six full-time employees, one part-time employee, and three seasonal employees. Full-time departments include the administrator, clerk/treasurer, road department, and town maintenance. The Town also has a part-time deputy clerk/treasurer. All of these employees and departments will become part of the proposed Village after incorporation. The proposed Village municipal facilities will continue to be housed at their

current location. This property includes three buildings: (1) the municipal complex, which houses administrative offices, community room, public works operations, and the Washington TFD fire station; (2) an equipment storage building; and (3) a materials storage building. Figure 55<sup>33</sup> identifies the equipment that would be owned by the proposed Village.

Figure 54<sup>34</sup> provides a summary of the services that are currently offered by the Town and will be offered by the proposed Village. The proposed Village will provide snow plowing services, storm water facility and maintenance services, road maintenance, regulation and maintenance of parks and trails, and cemetery services at the municipal cemetery. Like the Town, the proposed Village will continue to contract with the Eau Claire County Sheriff's Department for police services, TFD for fire services, the Eau Claire Community Humane Association for animal control services, and other private contractors for services such as garbage and recycling. The proposed Village will also continue to work with the Eau Claire County Planning and Development Department for building permit and inspection services. Additionally, the proposed Village anticipates that it will continue to contract with Eau Claire for EMS services despite the City's position that the intergovernmental agreement is voided by incorporation.

Additionally, incorporation would allow for the full panoply of land-use services that the Town cannot currently exercise. Residents desire to have full zoning and subdivision authority. The Town is currently under Eau Claire County zoning, and it cannot leave that jurisdiction without the County Board's consent. Even then, all zoning amendments would be subject to County Board approval. Wis. Stat. § 60.62(3).<sup>35</sup> Additionally, Washington residents wish to exercise full subdivision authority. While it is true the Town currently has a subdivision ordinance, the City of Eau Claire and the County still exercise control over Town subdivisions. Eau Claire's 10-acre minimum lot size requirement means that residents do not currently have full subdivision authority. Incorporation would grant these additional services to the residents.

Further, while TFD is a non-stock corporation, it was created, owned, and operated by its member towns. This will continue after incorporation. TFD functions more like a municipal department rather than an entity contracted with for services. This is a common arrangement for volunteer fire departments and municipalities in Wisconsin. What's more, all of the Proposed Incorporation territory is within five road miles of a TFD station meaning that the Proposed Incorporation area satisfies the highest Insurance Services Office rating for property insurance purposes. Additionally, TFD responds to a standard structure fire with two engines and all tenders, representing a capacity of over 18,000

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<sup>33</sup> *Id.* at 124.

<sup>34</sup> *Id.* at 121-22.

<sup>35</sup> Further, there are very limited circumstances that would allow the Town to withdraw from Eau Claire County zoning, such as if the County were to do a comprehensive revision to its zoning code. Wis. Stat. § 59.69(5)(e). Even then, the County would still control shoreland zoning. Wis. Stat. § 59.692.

gallons of water. This initial capacity is supported by four water refilling sites located within minutes of any part of the Proposed Incorporation territory. This allows TFD to stage and refill tenders to enable it to fight a typical fire of any duration. TFD will sufficiently serve the proposed Village (and remnant Town) as it has served the Town.

Eau Claire’s public hearing presentation seemed to indicate that the proposed Village will not provide *any* services or that the proposed Village’s residents will be thrust into danger by the absence of a village police department or a career fire department. Eau Claire repeatedly stated, without support, that after incorporation Washington will be overly reliant on mutual aid agreements. Eau Claire’s parade of horrors is, again, unfounded. As noted, the proposed Village will continue to contract with the Eau Claire County Sheriff’s Department for police services, and those services will increase after incorporation. TFD will continue to provide the effective and efficient fire services it currently provides. Such arrangements are common, and are indeed statutorily permissible, even for incorporated municipalities. For example, the Village of Windsor in Dane County, a village of over 8,000 residents, contracts with the Dane County Sheriff’s Department for Police Services<sup>36</sup> and has a combined fire department with the Village of DeForest.<sup>37</sup> The Village of Rib Mountain in Marathon County, which incorporated in 2023 and has a population of over 7,000, similarly contracts with the Marathon County Sheriff’s Department for police services.<sup>38</sup> Further, according to the Department of Safety and Professional Services, there are 620 volunteer fire departments in Wisconsin compared to only 43 full-time career departments and 134 combination departments.<sup>39</sup> Notably, the Town of Campbell, which counsel for Eau Claire called the “best case” for meeting all incorporation requirements, has a volunteer fire department.<sup>40</sup> In short, Eau Claire’s concerns about the proposed Village’s safety services are overblown and not supported by any evidence. The City’s position in the end boils down to ignoring the realities of the situation and instead relies on fear mongering on the basis of extreme hypotheticals.

Finally, as has been stated repeatedly in this submission, the Town does not offer municipal water and sewer. However, that is not a service that the residents desire or need. Much like Richfield, Washington is “very committed to its current arrangement of private wells and on-site sanitary sewerage system[s].”<sup>41</sup> This commitment is evidenced by the subdivision ordinance’s requirement of community wastewater systems.

The City of Eau Claire argues that the core test in incorporation proceedings is pure output of municipal services, where more is always better. But this is not the test. Wisconsin villages vary considerably in size, purpose, spending, and revenue sources. They vary

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<sup>36</sup> <https://www.windsorwi.gov/police>

<sup>37</sup> <https://www.windsorwi.gov/index.asp?SEC=07ACED0C-B20A-4320-9256-32DF6C1C54D9>

<sup>38</sup> [https://www.ribmountainwi.gov/government/departments/law\\_enforcement.php](https://www.ribmountainwi.gov/government/departments/law_enforcement.php)

<sup>39</sup> <https://dsps.wi.gov/Documents/Programs/FirePrevention/WiDeptFirefighterCts.pdf>

<sup>40</sup> [Incorporation Submittal Village of French Island](#) at 121.

<sup>41</sup> Town of Richfield Incorporation Determination at 12.

widely both in the number of people they employ, in the amounts they spend and in the services they provide. The City takes the overly reductive view that development patterns are either “urban” – by which seems to mean served with a centralized water distribution and wastewater collection system or they are “rural” – which seems to mean scattered residential properties on well and septic with predominantly agricultural land uses. The reality and the fiscal necessity is that there is a continuum of densities that blend from rural to urban as the transition from rural to metropolitan community occurs. In most metro areas, there is a ring of municipalities that have been created that are **suburban** in nature – that is less than urban density, but also not close to being rural density. The Village would be one more example of a metropolitan community that reflects a suburban lifestyle and pattern of development.

Appropriate systems exist to address water and wastewater treatment in suburban settings with a plan for clustered rather than sprawling (meaning block after block of development with no interruptions for stretches of nature) development patterns.

Contracting for other public services such as fire, law enforcement, and planning is not unusual for villages in metropolitan areas and is actually encouraged by the State of Wisconsin. Wis. Stat. § 66.0301 et seq.

### **Summary and Conclusion**

Providing the level of services desired and needed by the residents of an incorporated municipality does not equate to providing **every** possible service under the sun. Incorporated municipalities consistently work together to provide services or contract with private companies, and the proposed Village of Washington will be no different. Perhaps Eau Claire’s residents are satisfied with the level of services that Eau Claire provides, but it does not follow that the proposed Village’s residents will feel the same way. In fact, several residents testified to the exact opposite desire—they **don’t** want to be Eau Claire and do not want to be governed by Eau Claire. The Town of Washington provides, and the proposed Village will provide, the level of services that its residents desire and need. This point was driven home by the hours of public testimony in support of incorporation. Accordingly, the Board should conclude that the Petition satisfies this factor.

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

Wis. Stat. § 66.0207(2)(c), 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 the well-being of those town residents who are not included within the proposed village area, safeguarding that incorporation will not negatively impact them by making continued governance of their remaining community difficult. To make this determination, the Board examines the Town Remnant’s boundary and shape, population, financial capacity, and relevant plans for the Town’s Remnant. The Petition also satisfies this factor.

### **Physical Remnant Boundary and Shape**

Map 58<sup>42</sup> shows the Town of Washington Remnant (the “Remnant”). The Remnant’s size and shape are ordinary. Importantly, the Remnant will be one complete territory—there are no town islands anticipated by this incorporation. The Town of Beloit Incorporation Determination is illustrative to this point. There, the Board indicated that the Beloit town remnant would include “a collection of town islands” that “would be isolated from the larger Town Remnant by the surrounding Proposed Village and City of Beloit.”<sup>43</sup> The Board concluded that “the two Town Remnant areas differ sharply in character, with the Town Islands being residential with higher service level needs, while the larger Town Remnant is agricultural and rural.”<sup>44</sup> The Board was “reluctant to create problematic areas like these for communities right at their outset.”<sup>45</sup>

Here, the inclusion of the current Town islands in the Proposed Incorporation territory avoids that exact problem. The current islands are more homogenous with the rest of the Proposed Incorporation territory than the Remnant.

### **Population**

Population is an essential factor in determining whether a community can continue to operate because sufficient population is needed to fill required town elective and appointive offices and sustain needed boards, committees, and commissions. The Remnant will have a population of 2,533. The Remnant will be one of the larger towns in the County (and have a larger population than the City of Augusta),<sup>46</sup> and it will have sufficient population to meet its governmental needs.

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<sup>42</sup> Incorporation Submission at 131.

<sup>43</sup> Town of Beloit Incorporation Determination at 39.

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> See [Official Final Estimates, 1/12025, Wisconsin Minor Civil Divisions](#), with Comparison to Census 2020 at 19-20.

## **Facilities**

While the current Town facilities will transfer to the proposed Village, the Remnant will continue to house its municipal services in the municipal complex. In turn, there will be no need for the Remnant to construct or acquire new municipal facilities. Additionally, the Remnant will maintain several pieces of equipment as evidenced by Figure 55.<sup>47</sup>

## **Financial Impact**

As noted above, the Remnant will have a tax rate of \$1.25 per \$1,000 of assessed value, increasing only slightly from \$1.10 per \$1,000 of assessed value and remaining the lowest of the surrounding municipalities. The Remnant will have an estimated equalized value of \$434,867,707. Like the proposed budget for the proposed Village, the proposed Budget for the Remnant demonstrates sufficient financial capabilities after incorporation. The Town currently has no debt, so neither the proposed Village nor the Remnant would be saddled with debt after incorporation. The Remnant would also have approximately \$21,743,000 in borrowing capacity to address any needs following incorporation. Consequently, the Remnant, like the proposed Village, will have sufficient funding to continue after incorporation.

## **Service Impact**

The Remnant and proposed Village will maintain existing services in both municipalities through a mutual services agreement. Additionally, the Remnant and proposed Village will share administrative staff, lessening the turnover and transition burden. Figure 54 demonstrates that there is little to no proposed change in the services in the Remnant after incorporation.

## **Summary and Conclusion**

The Remnant will be in a strong position to continue its operations and existence after incorporation. The Remnant has an ordinary shape, and there are no proposed islands. The Remnant will be able to maintain its own unique character and community. The Remnant will have one of the larger populations of towns in the County. It will have access to proposed Village services or its current service arrangements will remain unchanged. Finally, the Remnant will not have debt, will have a low tax rate, and will have a high equalized value, all ensuring that the Remnant can financially maintain operations. The Board should conclude this factor weighs in favor of incorporation.

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<sup>47</sup> Incorporation Submission at 124.

## SECTION 2(D), IMPACT ON THE METROPOLITAN COMMUNITY

Incorporation would have a positive effect on the metropolitan community. The standard to be applied is found in Wis. Stat. § 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.*

The term “metropolitan community” means:

*[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.*

Wis. Stat. § 66.013(2)(c). This standard evaluates how incorporation would impact the larger metropolitan area and region, and in particular how incorporation would impact the larger metropolitan area’s ability to resolve regional issues such as stormwater, transportation, groundwater, housing, and economic development, among other issues. The Board must make an express finding that the proposed incorporation will not substantially hinder the solution of governmental problems affecting the metropolitan community.

As a preliminary matter, Eau Claire is the only neighboring municipality that has objected to incorporation. The City of Altoona is not contesting incorporation, and Washington has received a multitude of letters in support of incorporation from the area towns and villages. Appendix H to the Incorporation Submission provides letters in support from Pleasant Valley, Union, Seymour, Lake Hallie, and Brunswick. Those letters highlight the region’s collective view that incorporation will serve as a benefit to the entire metropolitan community.

As noted in the Incorporation Submission, Washington has a long history of governmental cooperation within the metropolitan community. The creation and operation of TFD is a prime example of Washington cooperating with its neighbors to provide vital services. The service agreements that currently exist with Eau Claire County also serve as an important example. The agreement regarding incorporation with Altoona also serves as an example of Washington’s willingness and ability to work with its neighbors to find mutually beneficial solutions. Further, despite the current dispute over incorporation between Washington and Eau Claire, the two municipalities have historically been able to enter into

intergovernmental agreements. The EMS agreement is one such example of cooperation between Washington and Eau Claire. Incorporation will halt ETJ and annexation disputes and foster greater cooperation.

The continued development of the Proposed Incorporation territory and the addition of new businesses will also serve to benefit the entire metropolitan community with more residents becoming active participants in that community. Additionally, increased development in the Proposed Incorporation territory will provide more housing options to all members of the metropolitan community.<sup>48</sup> People who wish to move to Washington will have a wide array of housing options available to them, which also benefits the entire region.

While incorporation would add another annexing jurisdiction and add extraterritorial zoning jurisdiction into towns that were not previously subject to such, this change will not substantially harm the metropolitan community. For one, as the Board noted in Richfield, “Richfield does not currently provide municipal sewer and water service, which is often the motivation behind . . . annexation.”<sup>49</sup> So too here. Moreover, as explained throughout this submission, the Initial Submission, and testimony at the public hearing, *ending* those forms of aggressive expansion and control are primary drivers behind incorporation. It would be counterintuitive for the proposed Village to turn around and begin exercising the expansion and control measures it so desperately wants to avoid. As already mentioned, Washington is committed to working cooperatively, rather than aggressively or unilaterally, with the surrounding municipalities.

Additionally, the proposed Village of Washington would continue the Town’s tradition of active participation in regional planning efforts. The Town is active in the West Central Wisconsin Regional Planning Commission. Its representatives serve on the Chippewa-Eau Claire Municipal Planning Organization board and the technical advisory committee. These organizations provide regional economic development, transportation, environmental, and hazard mitigation planning services to the region.

## **Summary and Conclusion**

The proposed Village of Washington satisfies this final requirement for incorporation. It has strong support from nearly all of the communities in the metropolitan area, and Washington has a long history of intergovernmental cooperation. Not only will that cooperation continue into the future, but it will also be facilitated by becoming an equal partner with Eau Claire and Altoona. The increase in residential, social, and business opportunities will also benefit the metropolitan community by bringing more residents and businesses and thereby more participants in the community.

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<sup>48</sup> It is worth noting that the 10-acre minimum lot size imposed by the City effectively prohibits almost all housing development within the SSA area within the Town. Eliminating this will increase housing development and supply, which in turn aides in affordability.

<sup>49</sup> Town of Richfield Incorporation Determination at 62.

Based on the benefits that incorporation will bring to the metropolitan community, the Board should make the express finding that incorporation will not cause harm to that community. In so finding, the Board should conclude that Washington has met the final requirement for incorporation.

### **Conclusion**

The incorporation petition satisfies all statutory requirements and factors. The residents of the Proposed Incorporation territory strongly identify with Washington. Washington has a character that is unique and distinct from its neighboring cities. Nevertheless, Washington's ever growing suburban character is ideal for incorporation. The incorporation petition meets all six of the statutory requirements, and the petitioners respectfully requests that the Board grant the Petition as submitted.