



# **DETERMINATION OF THE INCORPORATION REVIEW BOARD**

**MAY 1, 2026**

In Re:

THE INCORPORATION OF A PORTION OF  
THE TOWN OF WASHINGTON,  
EAU CLAIRE COUNTY, WISCONSIN AS  
THE VILLAGE OF WASHINGTON

Case 2024CV000498

Robert Solberg, Representative of the Petitioners

Jackie Vold, Alternate 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 members are appointed by Wisconsin's municipal associations. Membership of the Board is provided at Appendix A.

In summary, it is the DETERMINATION OF THE INCORPORATION REVIEW BOARD that when considering the Town of Washington petition under Section 66.0207, Wis. Stats., that statutory standards have been evaluated as the following:

STANDARD 1 (a), Characteristics of the Territory – Not Met

STANDARD 1 (b), Territory Beyond the Core – Not Met

STANDARD 2 (a), Tax Revenue – Met

STANDARD 2 (b), Level of Services – Not Met

STANDARD 2 (c), Impact on the Remainder of the Town – Met

STANDARD 2 (d), Impact on the Metropolitan Community – Met

The facts and analysis supporting these findings are discussed in the body of this determination. The Determination of the Incorporation Review Board to the Circuit Court, as prescribed by s. 66.0203(9)(e)3, Wis. Stats., is as follows:

The Petition as submitted is dismissed.

Dated this 1<sup>st</sup> day of May 2026.

Dawn Vick  
Chair of the Incorporation Review Board

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## 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 therefore 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, 2nd Floor  
PO Box 1645  
Madison, WI 53701

Persons desiring to file for judicial review are advised to closely examine all provisions of Wis. Stat. ss. 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 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**

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This document constitutes the Findings and Determination of the Incorporation Review Board on the petition filed by residents of the Town of Washington to incorporate approximately 20.5 square miles of town territory as the Village of Washington. The determinations contained in this document are based on the factual information presented in the incorporation petition, supplemental submissions, testimony received at the public hearing, and staff analysis conducted pursuant to Wis. Stat. § 66.0201–66.0213. The petition is attached to this document as APPENDIX B.

The Town of Washington is shown on MAP 1 in Appendix B, while MAP 2 illustrates its location within Eau Claire County and the broader metropolitan region. The petition seeks to incorporate a portion of the Town containing approximately 5,400 residents, including the Town’s most developed residential neighborhoods, commercial corridors, and several town islands created through prior annexations. The remaining Town territory would continue as a separate municipal entity.

The proposed incorporation area is characterized by rolling topography, steep slopes, wooded ridges, and environmentally constrained lands associated with the Lowes Creek and Otter Creek watersheds. These natural features distinguish the Town from the adjacent City of Eau Claire’s flatter, urbanized landscape. The petition asserts that the proposed Village functions today as a cohesive suburban community with established neighborhoods, a growing commercial spine along State Highway 93, and a strong sense of local identity supported by civic organizations, parks, recreational facilities, and community events.

Municipal services within the proposed incorporation territory are currently provided through a combination of Town operations and intergovernmental arrangements. The Town contracts with the Eau Claire County Sheriff’s Office for law enforcement and participates in the regional Township Fire Department for fire protection and emergency medical response. Public works, road maintenance, zoning administration, and stormwater management are performed by Town staff. The petition proposes to continue these service arrangements following incorporation.

Washington’s incorporation process began in 2023–2024 following renewed community discussion about annexations, extraterritorial jurisdiction, and long-term land use control. After gathering the required signatures, Petitioners filed the incorporation petition with the Eau Claire County Circuit Court, which found that the petition satisfied the minimum statutory requirements of Wis. Stat. § 66.0205 and referred it to the Department of Administration Incorporation Review Board on November 03, 2025 for review under Wis. Stat. § 66.0207.

The Board held a public hearing on December 17, 2025, received written submissions from Petitioners and the City of Eau Claire as Intervenor, and convened a public meeting on February 19, 2026, to analyze the petition under each statutory standard. The Board also considered supplemental materials submitted by the parties, staff analysis, and all testimony and comments received during the review period.

After careful evaluation of the record, the Board finds that the petition does not satisfy three (3) of the statutory requirements necessary for incorporation. The proposed Village possesses a substantial tax base with the financial capacity to operate as a municipality, leaves a stable and maintainable Town remnant, and has a low impact towards resolving issues within the metropolitan community. However, the Board concludes that the petition does not meet the

standards relating to homogeneity and compactness, development potential beyond the core, and level of services.

In reviewing incorporation petitions, the Board has three statutory options for action, according to s. 66.0203(9)(e), Wis. Stats. The Board may determine:

- 1) The petition as submitted is dismissed.
- 2) The petition as submitted is granted, or
- 3) The petition as submitted is dismissed with a recommendation that a new petition be submitted to include more or less territory as specified in the Board's findings and determination.

This determination is organized into six sections, a section for each of the Board's statutory public interest standards in s. 66.0207, Wis. Stats.:

**1). Characteristics of the Territory – Not Met**

The proposed village does not constitute a reasonably compact and homogeneous community. The territory includes multiple noncontiguous town islands, an irregular northern boundary shaped by annexations, and significant variation in land use patterns, population density, and community orientation. While the petition identifies natural features, transportation corridors, and shared institutions, the Board finds that the territory, taken as a whole, lacks the cohesive development pattern and unified community identity required under the statute.

**2). Territory Beyond the Core – Not Met**

The territory outside the most densely populated square mile does not demonstrate the potential for substantial urban development within the next three years. Large portions of the proposed village consist of agricultural land, environmentally constrained areas, and low-density rural development. The Board finds that these lands do not qualify for the statutory waiver and that the remaining developable areas do not exhibit imminent urban-level development consistent with the statutory requirement.

**3). Tax Revenue – Met**

This standard ensures that the proposed village has the capacity to raise sufficient tax revenue to function without unduly burdening residents. The proposed village possesses a substantial and stable tax base, diversified revenues, no outstanding debt, and a reasonable and sustainable proposed budget. The anticipated tax rate compares favorably with similar municipalities providing comparable services. Factors considered include equalized value, current debt, the proposed budget, and the proposed tax rate. The Board finds that this standard is met.

**4). Level of Services – Not Met**

The proposed Village of Washington has not demonstrated the ability to provide the level of governmental services desired or needed by residents without creating service gaps or undue reliance on neighboring jurisdictions. The Township Fire Department faces increasing call volumes, staff shortages, and growing dependence on mutual aid. Law enforcement and public works services lack detailed commitments or scalability plans. Although the City of Eau Claire filed a resolution offering to annex and provide services,

the Board finds that the proposed village has not shown it can independently deliver the desired level of services upon incorporation.

**5). Impact on the Remainder of the Town – Met**

The remnant Town of Washington will remain a viable rural municipality following incorporation. It retains a stable tax base, a consistent land use pattern, and the capacity to continue providing essential services either independently or through municipal agreements. The Board finds no evidence that incorporation will impair the remnant Town’s ability to function effectively or meet statutory obligations.

**6). Impact on the Metropolitan Community – Met**

This standard requires the Board to make an express finding that the proposed incorporation will not substantially hinder the solution of governmental problems affecting the metropolitan community. The Board finds that incorporation of the proposed Village of Washington will not impede the delivery of governmental services within the Eau Claire metropolitan area. Washington currently participates in numerous intergovernmental agreements with Eau Claire County, neighboring towns, and regional service providers, including law enforcement, emergency response, transportation planning, and stormwater management. These cooperative arrangements will remain in place after incorporation, and the Village will retain full authority to enter into additional agreements as needed. Incorporation may enhance regional coordination by stabilizing municipal boundaries, reducing annexation related conflict, and providing a clear governmental partner for long term planning in areas such as transportation, land use, and environmental protection. Accordingly, the Board finds that the proposed incorporation will not substantially hinder metropolitan problem solving and that this standard is met.

Having found that the petition does not meet three (3) of the six (6) statutory standards in s. 66.0207, Wis. Stats., the Incorporation Review Board finds that the petition to incorporate a portion of the Town of Washington as the Village of Washington is dismissed.

The Board thanks Petitioners and Town of Washington staff and elected officials for their materials, presentations, and testimony, which greatly facilitated the Board’s timely review. The Board also appreciates the City of Eau Claire as Intervenor, regional emergency service providers, neighboring municipal officials, and all other intervenors and stakeholders whose submissions and testimony materially assisted the Board in developing a complete and well-informed record.

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## **CHARACTERISTICS OF THE TERRITORY - DETERMINATION**

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The standard to be applied is found in s. 66.0207(1)(a), Wis. Stats. 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* held that the Department may also consider land-use patterns, population density, employment patterns, recreation and health care customs.<sup>1</sup> The facts surrounding each incorporation petition are unique. In each case, the Board must determine whether, when taken as a whole, the territory proposed for incorporation is sufficiently compact and homogeneous to function as a village.

### **Physical and Natural Boundaries**

The proposed incorporation territory is shaped by a combination of natural features and environmental constraints that influence both development patterns and service delivery. The territory lies primarily within the Lowes Creeks and Otter Creek watersheds and contains extensive areas of steep slopes, shoreland, wetlands, and mapped floodplain. These features limit the amount of land suitable for urban development and concentrate residential and commercial activity into lower slope corridors and plateau areas.

Petitioners contend that these natural constraints support compactness by focusing development into identifiable nodes and corridors, particularly along the State Highway 93 corridor, while preserving open space and environmentally sensitive lands elsewhere in the territory. The Board generally agree that the presence of steep slopes and floodplain reduces sprawl potential and creates a more well defined urban development footprint.

However, the Board also recognizes that these same constraints result in large areas of sparsely developed or undevelopable land within the proposed boundaries. While such lands may be appropriate for inclusion where they serve as natural buffers or recreational assets, their extent is relevant to the Board's assessment of whether the territory, taken as a whole, exhibits a reasonably uniform character consistent with village level development.

The Board evaluated the potential for a viable petition if the municipal boundaries were changed to be more commensurate with the statutory standards. However, the Board was unable to provide a boundary that satisfied the statutory standards and fulfilled the goals of the petition. The feasibility of revising the boundaries was found to not be a realistic alternative at this time.

### **Transportation Facilities**

The proposed incorporation territory is served by a robust regional transportation network, including Interstate 94, State Highways 93 and 53, and multiple county highways. These facilities provide strong regional connectivity and link the territory to employment centers and commercial areas throughout the Eau Claire metropolitan region. Internally, a network of town roads connects residential neighborhoods to the Highway 93 commercial corridor.

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<sup>1</sup> *Town of Pleasant Prairie v. Dept. of Local Affairs & Development*, 113 Wis. 2d 327, 333-40, 334 N.W.2d 893 (1983).

Petitioners argue that this transportation system supports compactness by allowing most residents to reach the proposed village core within a short drive and by reinforcing Highway 93 as a unifying commercial and civic spine. The Board acknowledges that vehicular connectivity within the territory is generally strong.

At the same time, the Board notes that Interstate 94 functions as a physical and psychological divider, separating portions of the territory and reinforcing differences in development intensity and land use character north and south of the corridor. In addition, pedestrian and bicycle infrastructure is limited in many areas, with nonmotorized travel often occurring on roadways not designed for that purpose. These factors weigh against a finding of seamless internal cohesion across the entire territory.

### **Political Boundaries and Configuration**

The proposed incorporation territory encompasses approximately 20.5 square miles of the Town of Washington and includes several town islands created by prior annexations to the City of Eau Claire. The northern boundary of the proposed village is irregular and non-linear, reflecting the cumulative effect of annexations over time.

Petitioners assert that the inclusion of town islands is necessary to preserve community identity, eliminate governance inefficiencies, and prevent further fragmentation. They further argue that the existence of islands is not prohibited by statute and should not, by itself, defeat the finding of reasonable compactness.

The City of Eau Claire counters that the inclusion of these islands demonstrates a lack of compactness and reflects functional integration with the City rather than with the remainder of the proposed village. The City emphasizes that residents and businesses within the northern islands are closely tied to Eau Claire's urban infrastructure, services, and development patterns.

The Board finds that the irregular northern boundary and inclusion of town islands complicate the compactness analysis. While the statute requires only reasonable compactness, not geometric perfection, the presence of multiple non-contiguous areas raises legitimate questions about whether the territory functions as a single, unified municipal entity or as a collection of suburban areas with differing orientations and service relationships.

### **School Districts and Civic Institutions**

Nearly all residents within the proposed incorporation territory are served by the Eau Claire Area School District, and students attend the same elementary, middle, and high schools. Petitioners argue that this shared educational framework supports a unified community identity and common social networks.

The City of Eau Claire does not dispute the school district alignment but contends that school boundaries alone do not establish homogeneity. The City notes that the northern town island neighborhoods are socially and economically integrated with Eau Claire's urban fabric, while the southern portions of the territory retain a more rural or semirural character.

The Board finds that school district alignment weighs in favor of homogeneity but is not a decisive element. It must be considered alongside other indicators of community cohesion and functional integration.

### **Shopping, Social, and Recreational Customs**

The proposed incorporation territory contains a concentration of commercial activity along the State Highway 93 corridor, including approximately 165 businesses providing retail, service, and

employment opportunities. Petitioners assert that this corridor functions as a shared commercial center serving residents throughout the territory.

Petitioners also present evidence of shared social and recreational customs, including parks, conservation areas, community events, youth sports programs, and civic organizations that draw participation from across the territory.

The City of Eau Claire argues that these patterns are not uniform across the proposed village. According to the City, residents in the northern town islands rely heavily on Eau Claire's urban amenities, parks, and cultural institutions, while residents in the southern portions of the territory engage in more rural oriented activities. The City contends that these differing patterns reflect internal fragmentation rather than homogeneity.

The Board finds that while there is evidence of shared social and recreational activity, the intensity and orientation of those activities vary across the territory, particularly between the northern islands and the southern areas. This variation weighs against the finding of a single, homogeneous community.

### **Land Use Patterns and Population Distribution**

Residential development within the proposed incorporation territory is unevenly distributed. Higher density residential neighborhoods and commercial uses are concentrated near the Highway 93 corridor and in the northern town islands, while large portions of the southern territory remain agricultural, transitional, or environmentally constrained.

Petitioners emphasize that this pattern reflects a community in transition and is consistent with other metropolitan villages that include a mix of suburban and semi-rural development. The City of Eau Claire responds that the disparity in land use intensity and population density demonstrates that the territory does not function as a unified urban or suburban community.

The Board finds that the variation in land use patterns and population density is significant and contributes to differing service needs, development expectations, and community identity across the proposed village.

### **Determination Under § 66.0207(1)(a) – Characteristics of the Territory**

When taken as a whole, the Board finds that the proposed incorporation territory exhibits both unifying and fragmenting characteristics. Natural features and transportation corridors provide some logical boundaries and internal connectivity, and there is evidence of shared institutions and commercial activity. However, the irregular configuration of the territory, the inclusion of multiple town islands, and the pronounced differences in land use patterns, population density, and functional orientation—particularly between the northern and southern portions of the territory—undermine a finding of reasonable homogeneity and compactness.

**Accordingly, the Board finds that the proposed incorporation territory does not meet the homogeneity and compactness standard of Wis. Stat. § 66.0207(1)(a).**

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## **TERRITORY BEYOND THE CORE – DETERMINATION**

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The standard to be applied for metropolitan communities is found in s 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.*

The purpose of this standard is to ensure that the proposed municipality is not overextending its boundaries into predominantly rural or undevelopable territory unless natural conditions make such development impossible.

### **Extent and Character of Territory Beyond the Core**

The proposed incorporation territory encompasses approximately 20.5 square miles, of which a substantial portion lies outside the most densely populated square mile. Petitioners estimate that approximately 2,300 acres of land within this area are vacant. Based on a preliminary analysis, up to 40% of this land area may be undevelopable due to physical constraints such as steep slopes, wetlands, and flood plains. The City of Eau Claire confirms this characterization, asserting that much of the land identified by Petitioners is constrained by steep slopes, floodplain, wetlands, shoreland zoning, or agricultural use, and therefore lacks realistic potential for urban development within the next three years.

The Board's analysis confirms that a significant percentage of the territory beyond the core is subject to environmental or topographic constraints that limit development intensity and timing within the 3-year statutory period. While such lands may be appropriate for long term transition or conservation, their inclusion is relevant to the Board's assessment of near-term development potential under the statutory standard.

### **Waiver Considerations**

The statute permits the Board to waive the development potential requirement to the extent that water, terrain, or geography prevent development. Petitioners argue that environmentally constrained lands should be excluded from the analysis or treated as waived by the Board.

The Board recognizes that portions of the territory are constrained by natural features. However, the Board finds that the extent of constrained land is substantial and that the remaining unconstrained areas do not, by themselves, demonstrate sufficient potential for substantial urban development within the statutory timeframe to satisfy the standard.

### **Development Trends and Market Activity**

Petitioners emphasize recent development activity within the Town of Washington, noting that the Town has issued a substantial share of building permits within Eau Claire County and has approved several residential subdivisions and business park developments in recent years. Petitioners argue that this trend demonstrates strong market demand and supports the finding of substantial development potential beyond the core.

The City of Eau Claire responds that recent development has been concentrated primarily within or adjacent to the existing core areas, particularly along the State Highway 93 corridor and in proximity to existing infrastructure. According to the City, development activity in the more peripheral portions of the proposed village has been limited and does not support a conclusion

that substantial urban development is likely to occur across the broader territory within the next three years.

The Board finds that while development pressure exists within certain portions of the territory, particularly along established corridors, evidence of imminent, substantial development across the majority of the territory beyond the core is limited.

### **Infrastructure Availability**

Along with the vast areas of vacant agricultural land, a central issue in the Board's analysis is the absence of municipal water and sewer service across most of the territory beyond the core.

Petitioners contend that reliance on private wells and private onsite or community wastewater systems allows development to proceed without waiting for municipal infrastructure expansion and therefore supports near term development potential. However, these types of systems are not operated by the municipality and therefore, do not demonstrate that the potential village could provide services commensurate with an urban municipality.

The Board and the City of Eau Claire agree that development can occur without municipal utilities but note that such development is typically lower density and more dispersed, and is constrained by soil conditions, groundwater protection requirements, and regulatory limitations. The City further argues that the lack of centralized utilities limits the scale and intensity of development that can reasonably be expected within the statutory timeframe.

The Board finds that while the absence of municipal utilities does not preclude development or incorporation, but it significantly limits the scale and pace of urban level development that can occur within three years across the territory beyond the core.

### **Planning and Zoning Context**

Petitioners point to the Town's Comprehensive Plan and recent amendments designating portions of the territory for agricultural transition, residential, or commercial uses. Petitioners argue that these designations, combined with anticipated removal of extraterritorial jurisdiction constraints upon incorporation, will facilitate development.

The City of Eau Claire counters that comprehensive plan designations reflect long term policy goals rather than near term development commitments. The City further notes that rezoning approvals, infrastructure financing, and market absorption rates all affect whether planned development can realistically occur within the statutory timeframe.

The Board agrees that comprehensive planning documents are relevant but finds that plan designations alone do not establish substantial development potential within three years, absent concrete evidence of pending projects, infrastructure readiness, or market commitments.

### **Determination Under § 66.0207(1)(b) – Territory Beyond the Core**

When taken as a whole, the Board finds that the territory beyond the most densely populated square mile of the proposed Village of Washington does not demonstrate the potential for residential or other urban land use development on a substantial scale within the next three years, as required by Wis. Stat. § 66.0207(1)(b).

While development pressure exists in certain corridors and near existing infrastructure, the majority of the territory beyond the core lacks municipal utilities, or is otherwise unlikely to experience substantial urban development within the statutory timeframe.

**Accordingly, the Board finds that the Territory Beyond the Core standard is not met.**

## **TAX REVENUE – DETERMINATION**

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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."*

The Tax Revenue standard helps ensure that the proposed village has the financial resources to function as an incorporated entity. Factors considered include equalized value, debt, proposed budget, and tax rate.

### **Equalized Value and Tax Base**

The proposed incorporation territory has a substantial and diversified tax base. Petitioners estimate that the proposed Village of Washington would have an equalized value exceeding \$900 million, comprised primarily of residential property, with additional contributions from commercial, industrial, and institutional uses concentrated along the State Highway 93 corridor.

Board review confirms that the territory's equalized value compares favorably with similarly situated metropolitan villages and reflects steady growth over recent years. The Board finds that the proposed village would begin operations with a strong valuation base capable of supporting municipal functions.

The City of Eau Claire does not dispute the magnitude of the equalized value but argues that a significant portion of the tax base is tied to low density residential development and environmentally constrained land, which may limit long term revenue growth relative to service demands. The City further contends that future development assumptions are speculative and should not be relied upon to justify fiscal sufficiency.

The Board finds that while future growth projections should be treated cautiously, the existing tax base alone is sufficient to support initial village operations.

### **Proposed Budget and Fiscal Capacity**

Petitioners submitted a proposed 2026 Village budget based largely on the Town of Washington's current operating structure, reflecting continuity of services and staffing. The proposed budget anticipates modest increases in administrative and governance costs associated with village status but does not rely on significant new expenditures or capital projects at the time of incorporation.

Staff analysis indicates that the proposed budget is conservative and realistic, with expenditures aligned to existing service levels and revenue projections. The Board notes that the Town currently operates with a positive fund balance and no outstanding general obligation debt, and that these fiscal conditions would carry forward to the new Village.

The City of Eau Claire raises concerns that the proposed budget underestimates long term costs associated with village governance, infrastructure maintenance, and service demands, particularly if development accelerates. The City argues that reliance on contracted services and volunteer models may mask future fiscal pressures.

The Board finds that while long term fiscal planning will be necessary, the statute requires only that present and potential revenues appear sufficient. Based on the evidence presented, the Board finds that the proposed Village's budget and fiscal structure meet this threshold.

### **Tax Rate Comparison**

Petitioners assert that the proposed Village of Washington would maintain a municipal tax rate comparable to or lower than similarly situated metropolitan villages providing a similar level of services. The Board's review supports this assertion, noting that the Town's current tax rate is relatively low and that incorporation is not expected to result in a significant increase.

The City of Eau Claire argues that comparisons to other villages are incomplete because service models differ and because the City provides a broader range of services. The City further notes that its own higher tax rate reflects urban level services that may eventually be demanded by residents of the proposed Village.

The Board finds that the appropriate comparison under the statute is to similar areas for the same level of services, not to fully urbanized cities. On that basis, the Board finds that the proposed Village's anticipated tax rate compares favorably

### **Debt and Financial Obligations**

The Town of Washington currently carries **no general obligation debt**, and Petitioners do not propose to incur debt as part of the incorporation process. The absence of debt provides the proposed Village with substantial flexibility to address future capital needs if necessary.

The Board finds that the lack of existing debt weighs strongly in favor of meeting the tax revenue standard.

### **Determination Under § 66.0207(2)(a)**

When taken as a whole, the Board finds that the proposed Village of Washington has present and potential sources of tax revenue sufficient to defray the anticipated cost of governmental services at a tax rate that compares favorably with similarly situated metropolitan villages providing comparable services.

**Accordingly, the Board finds that the Tax Revenue standard under Wis. Stat. § 66.0207(2)(a) is met.**

## **LEVEL OF SERVICES – DETERMINATION**

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The standard to be applied is found in s. 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 s. 66.0203(6), Wis. Stats.*

This standard requires the Board to evaluate whether the proposed village can provide the level of governmental services desired or needed by residents, and to compare those services with the level available from any contiguous municipality that has filed a certified resolution to annex the territory. This standard ensures that incorporation does not result in residents receiving fewer services compared to what could be provided through annexation. The City of Eau Claire has filed such a resolution, thereby triggering the full comparative analysis. The Board must determine whether incorporation will allow residents to receive the level of services they desire at a reasonable cost.

### **Existing and Proposed Service Model**

Petitioners propose to continue providing municipal services largely through the existing Town's service model, with limited expansion or restructuring upon incorporation. Core services, including administration, public works, law enforcement, fire protection, and emergency medical services, would be provided either directly by the Village or through contractual and intergovernmental arrangements.

Petitioners emphasize that residents have expressed satisfaction with current services and argue that the statute focuses on services "desired or needed," not on the breadth or sophistication of services offered by neighboring cities. Petitioners further contend that Wisconsin law encourages intergovernmental cooperation and that contracted or shared services are a legitimate and efficient means of service delivery.

The Board acknowledges that contractual service models are permissible under Wisconsin law and have been successfully employed by other incorporated municipalities. However, the Board must evaluate not only the legality of the proposed service model, but also its capacity, sustainability, and reliability in light of current and anticipated service demands.

### **Fire Protection and Emergency Medical Services**

Fire protection and emergency medical services represent a significant area of concern under this standard.

The proposed Village of Washington intends to continue relying on the Township Fire Department, a regional volunteer fire department serving multiple towns. Petitioners describe the department as well equipped, professionally trained, and historically effective, and note that volunteer fire service is common throughout Wisconsin.

However, evidence submitted by the City of Eau Claire and discussed during the Board's February 19, 2026 meeting raises substantial concerns regarding the current and projected capacity of the Township Fire Department to meet service demands within the proposed incorporation territory.

Recent public reporting and departmental statements indicate that:

- Call volumes have increased significantly and are projected to continue increasing.

- The Town of Washington represents the largest response area within the department's service territory.
- Daytime response capacity is limited due to volunteer availability.
- Increased reliance on mutual aid from neighboring jurisdictions is anticipated.

The Board finds that these conditions raise legitimate concerns regarding response times, staffing adequacy, and service sustainability, particularly as development and population increase within the proposed Village. While mutual aid is an accepted component of emergency service delivery, the Board is concerned that the proposed service model would result in routine reliance on neighboring municipalities to meet baseline service needs, rather than supplemental or extraordinary assistance.

### **Law Enforcement Services**

The proposed Village intends to continue contracting with the Eau Claire County Sheriff's Office for law enforcement services. The Board recognizes that such arrangements are common and can be effective.

However, the Board notes that the petition materials do not include detailed service level commitments, staffing ratios, or response time guarantees specific to the proposed Village. While current arrangements may be adequate under existing conditions, the Board finds that the record lacks sufficient evidence demonstrating that law enforcement services will scale appropriately with anticipated growth or increased service demands following incorporation.

### **Public Works, Utilities, and Infrastructure**

Public works services would continue largely unchanged from the Town model. The Board notes that the proposed Village does not plan to provide municipal water or sewer service across most of the territory and would continue to rely on private wells and on-site wastewater systems.

While the absence of municipal utilities does not, by itself, preclude incorporation, it is relevant to the Board's assessment of service adequacy for a village within an urbanized community. The lack of centralized utilities limits the Village's ability to respond to public health, environmental, and infrastructure challenges and constrains the range and intensity of services that can be provided independently.

### **Comparison to Services Available from a Contiguous Municipality**

The City of Eau Claire has filed a certified resolution indicating its willingness to annex the proposed incorporation territory and provide municipal services. The City currently provides a full suite of urban municipal services—including professional police, fire/EMS, utilities, public works, transit, parks, and comprehensive planning—delivered through fully staffed departments with city-level infrastructure and service capacity.

The Board does not find that the City's service model must be adopted or matched. However, the statute requires the Board to consider whether incorporation would result in residents receiving a level of services less than those 'desired or needed' by the community.

Based on the record, the Board finds that the services available from the City of Eau Claire, particularly in the areas of fire protection and emergency response, are more robust, scalable, and reliable than those proposed by the Village, and that incorporation would likely result in continued or increased reliance on surrounding jurisdictions to meet essential service needs.

**Determination Under § 66.0207(2)(b) – Level of Services**

When taken as a whole, the Board finds that the proposed Village of Washington has not demonstrated that it can provide the level of governmental services desired or needed by residents without creating service gaps or undue reliance on neighboring municipalities.

While residents may be satisfied with current services, the evidence indicates that key services, particularly fire protection and emergency medical response, are already experiencing capacity constraints and are likely to face increased strain as development continues. The proposed service model does not adequately address these concerns or demonstrate long term sustainability.

**Accordingly, the Board finds that the Level of Services standard under Wis. Stat. § 66.0207(2)(b) is not met.**

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## **IMPACT ON THE REMAINDER OF THE TOWN – DETERMINATION**

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

*“The impact, financial and otherwise, upon the remainder of the town from which the territory is to be incorporated.”*

This standard requires the Board to evaluate whether incorporation would leave the remaining portion of the Town with sufficient population, tax base, facilities, staffing, and operational capacity to continue functioning as a viable municipal entity. The inquiry is not limited to fiscal impacts alone, but includes governance, service delivery, and long-term sustainability.

### **Configuration and Characteristics of the Remnant Town**

The proposed incorporation would remove approximately 20.5 square miles from the Town of Washington, leaving a remnant Town consisting of approximately 33 square miles. The remnant territory is predominantly rural and agricultural, with scattered rural residential development and a stable, longstanding land use pattern.

The Board finds that the remnant Town retains a coherent geographic identity, a consistent development pattern, and a population base appropriate for a rural Wisconsin town. The remnant’s land use characteristics align with its historic governance model and service expectations.

### **Population and Demographics**

According to the petition materials and staff analysis, the remnant will retain a stable resident population sufficient to support basic town governance and civic participation. The remnant’s population is concentrated in established rural neighborhoods and farmsteads, and demographic indicators in the record show no imminent population decline that would threaten the Town’s viability.

### **Financial Impacts and Fiscal Capacity**

Petitioners submitted projected budgets demonstrating that the remnant Town will retain sufficient equalized value and revenue capacity to continue operating effectively. Compared to other townships, the remaining Town will have a sustainable and stable budget comparable with many examples across the region and state. The remnant Town’s tax base consists of agricultural lands, rural residences, and several longstanding commercial and light industrial uses that provide stable, predictable valuation.

The Board finds that:

- The remnant Town’s equalized value remains sufficient to support its service model.
- The Town carries no general obligation debt, providing flexibility for future capital needs.
- The remnant’s projected operating budget is balanced and sustainable.
- The Town’s historically conservative fiscal management practices will continue to support long-term stability.

The Board concludes that incorporation will not impair the remnant Town’s fiscal viability.

### **Service Delivery and Operational Capacity**

The remnant Town will continue to provide independently or contract for municipal services through Eau Claire County and the newly created Village of Washington. These services will be provided consistent with the current level of service provided for the existing Town of Washington consistent with its rural character. These include:

- Public works and road maintenance
- Zoning and land use administration
- Law enforcement through the Eau Claire County Sheriff's Office
- Fire and EMS services through the Township Fire Department
- Stormwater and environmental management

The Board finds that the remnant Town's service obligations will decrease proportionally with the reduction in population and road mileage. The Town's existing service model is well-suited to its rural development pattern and does not require urban level staffing or infrastructure.

The Board further finds that incorporation does not disrupt any existing intergovernmental agreements, and the remnant Town retains full authority to continue or expand such agreements as needed.

### **Governance and Administrative Viability**

The remnant Town will retain its Town Board, clerk/treasurer functions, and administrative structure. The Board finds that:

- The remnant Town's governance model is appropriate for its size and service demands.
- Administrative workload will decrease following incorporation.
- The Town has a long history of stable governance and effective compliance with statutory obligations.

No evidence suggests that incorporation will impair the remnant Town's ability to meet legal, financial, or administrative requirements.

### **Long Term Sustainability**

The Board must consider whether the remnant Town will remain viable over time. The record demonstrates that:

- The remnant Town's rural land use pattern is stable and unlikely to experience disruptive change.
- Revenue sources are predictable and not dependent on rapid development.
- Service demands are modest and consistent with the Town's historic operations.
- The remnant Town will continue to function as a self-sustaining rural municipality with no indication of future instability.

The Board finds that the remnant Town's long-term sustainability is not threatened by incorporation.

**Determination Under § 66.0207(2)(c)**

When taken as a whole, the Board finds that the proposed incorporation will not adversely affect the remainder of the Town of Washington. The remnant Town will retain sufficient population, tax base, facilities, staffing, and operational capacity to continue functioning as a viable municipal entity. Incorporation will not impair the remnant’s ability to provide essential services, maintain fiscal stability, or meet statutory obligations.

**Accordingly, the Board finds that the Impact on the Remainder of the Town standard under Wis. Stat. § 66.0207(2)(c) is met.**

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## **IMPACT UPON THE METROPOLITAN COMMUNITY – DETERMINATION**

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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 Board must make an express finding that the proposed incorporation will not substantially hinder the solution of governmental problems affecting the metropolitan community. Intergovernmental issues affecting the metropolitan community include stormwater, transportation, groundwater, housing, economic development, tourism, among others. Factors examined include cooperation with municipal neighbors, adequate service levels, and area plans, among others. This standard requires the Board to evaluate whether incorporation would materially impair regional service delivery, intergovernmental coordination, or the ability of local governments to address shared metropolitan challenges. The statute does not require that incorporation improve regional cooperation, only that it not substantially hinder the solution of metropolitan wide governmental problems.

### **Metropolitan Context**

The proposed incorporation territory lies within the Eau Claire metropolitan area, a region characterized by shared transportation systems, overlapping labor and housing markets, and long-standing intergovernmental service relationships. The Board recognizes that incorporation necessarily alters jurisdictional boundaries, but such changes are expressly addressed by Chapter 66 and do not, by themselves, constitute a negative metropolitan impact.

The Board's inquiry focuses on whether the creation of the proposed Village of Washington would hinder the solution of governmental problems affecting the metropolitan community.

### **Intergovernmental Cooperation and Boundary Stability**

Petitioners assert that incorporation would promote regional stability by establishing permanent municipal boundaries, thereby reducing annexation disputes and jurisdictional uncertainty. The Board finds that boundary clarity can, in some circumstances, enhance metropolitan planning by providing certainty for infrastructure investment, service planning, and land use coordination.

The record reflects that the Town of Washington has historically participated in intergovernmental agreements and shared service arrangements, and that incorporation would not terminate or prohibit such cooperation. Wisconsin statutes expressly authorize and encourage intergovernmental cooperation among municipalities, including newly incorporated villages.

While the City of Eau Claire expresses concern that incorporation would entrench jurisdictional divisions, the Board finds that intergovernmental disagreement alone does not equate to a substantial hindrance under the statute. The Board further finds that incorporation does not preclude future cooperative agreements or regional planning efforts.

### **Emergency Services and Regional Service Delivery**

Emergency services are a central component of the metropolitan impact analysis. The proposed Village intends to continue participating in the Township Fire Department, a regional fire and emergency service provider serving multiple jurisdictions.

The Board acknowledges evidence of increasing call volumes and staffing challenges within the Township Fire Department. However, the Board also finds that:

- The department operates as a regional service provider, not a single municipality department.
- Mutual aid is a standard and accepted component of emergency service delivery throughout Wisconsin.
- The proposed incorporation does not alter the department's service area or governance structure.

The Board finds that incorporation would not materially change the existing regional emergency service framework beyond those already developed under existing mutual aid agreements. While service capacity concerns warrant continued monitoring, the Board does not find that incorporation would substantially hinder the solution of issues involving regional emergency service delivery.

### **Land Use, Infrastructure, and Regional Planning**

The City of Eau Claire argues that incorporation would hinder coordinated regional planning by removing extraterritorial jurisdiction and limiting the City's influence over development patterns in adjacent areas.

The Board finds that while extraterritorial jurisdiction is a planning tool, its removal through incorporation does not constitute a substantial metropolitan impact. The Board further finds that the proposed Village would remain subject to county, state, and regional planning frameworks, including transportation and environmental regulations.

The Board notes that differences in land use priorities among municipalities are common within metropolitan regions and do not necessarily impede regional problem solving when appropriate coordination mechanisms remain available.

### **Regional Problem Solving and Long-Term Implications**

The statutory standard requires an express finding that incorporation will not substantially hinder the solution of governmental problems affecting the metropolitan community. The Board finds that:

- The proposed incorporation does not dismantle existing regional service systems.
- Intergovernmental cooperation remains legally and practically available.
- Boundary stabilization may reduce future annexation related conflict and encourage the development of intergovernmental boundary agreements.

While incorporation may alter the dynamics of regional governance, the Board finds that such changes fall within the range of impacts anticipated by the legislature and do not rise to the level of a substantial hindrance. Additionally, the municipal boundaries would not be locked in place. While incorporation would remove annexation from potential City action, it would also provide an incentive to pursue intergovernmental agreements to change municipal boundaries in a more rational and cohesive manner.

**Determination Under § 66.0207(2)(d) – Impact on the Metropolitan Community**

When taken as a whole, the Board finds that the proposed incorporation of the Village of Washington will not substantially hinder the solution of governmental problems affecting the metropolitan community.

The evidence demonstrates that regional service delivery mechanisms will remain intact, intergovernmental cooperation will remain available, and incorporation will not materially impair metropolitan planning or service coordination.

**Accordingly, the Board finds that the Impact on the Metropolitan Community standard under Wis. Stat. § 66.0207(2)(d) is met.**

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## **DETERMINATION CONCLUSION**

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The Incorporation Review Board has carefully reviewed the petition to incorporate a portion of the Town of Washington as the Village of Washington pursuant to Wis. Stat. § 66.0201–66.0213. In conducting its review, the Board considered the petition materials, supplemental submissions, testimony presented at the public hearing, written comments received thereafter, staff analysis, and the statutory public interest standards set forth in Wis. Stat. § 66.0207.

The Board recognizes the substantial effort undertaken by the Petitioners and acknowledges the strong interest expressed by many residents in local autonomy, boundary stability, and community identity. The Board further recognizes that incorporation is a lawful and important mechanism available to towns seeking to shape their future governance. However, the Board’s role is not to assess the desirability of incorporation in the abstract, but to determine whether the petition, as submitted, satisfies the specific statutory standards enacted by the Legislature.

After evaluating the petition under each applicable standard, the Board makes the following findings:

**Section 66.0207(1)(a) – Homogeneity and Compactness:** The Board finds that the proposed incorporation territory does not constitute a reasonably homogeneous and compact area when taken as a whole, due to its irregular configuration, inclusion of multiple town islands, and significant variation in land use patterns, population density, and functional orientation across the territory.

**Section 66.0207(1)(b) – Territory Beyond the Core:** The Board finds that the territory beyond the most densely populated square mile does not demonstrate the potential for residential or other urban land use development on a substantial scale within the next three years, as required by statute.

**Section 66.0207(2)(a) – Tax Revenue:** The Board finds that the proposed Village has present and potential sources of tax revenue sufficient to defray the anticipated cost of governmental services at a tax rate comparable to similarly situated metropolitan villages. This standard is met.

**Section 66.0207(2)(b) – Level of Services:** The Board finds that the proposed Village has not demonstrated that it can provide the level of governmental services desired or needed by residents without creating service gaps or undue reliance on neighboring municipalities, particularly with respect to fire protection and emergency services.

**Section 66.0207(2)(c) – Impact on the Remainder of the Town:** The remnant Town of Washington will remain a viable rural municipality following incorporation. It retains a stable tax base, a consistent land use pattern, and the capacity to continue providing essential services. Incorporation will not impair the remnant Town’s fiscal stability, governance capacity, or ability to meet statutory obligations. This standard is met.

**Section 66.0207(2)(d) – Impact on the Metropolitan Community:** Incorporation will not substantially hinder the solution of governmental problems affecting the metropolitan community. Existing intergovernmental agreements will remain in place, and incorporation may enhance regional coordination by stabilizing boundaries and reducing annexation related conflict. This standard is met.

The Board finds that the proposed incorporation would substantially hinder the solution of governmental problems affecting the metropolitan community by complicating regional service coordination and formalizing existing intergovernmental conflicts.

When taken as a whole, the Board finds that the petition does not satisfy the statutory requirements necessary to permit incorporation as submitted. While certain standards are met, the failure to meet multiple core public interest standards precludes approval of the petition.

**Determination**

Pursuant to Wis. Stat. § 66.0203(9)(e), the Incorporation Review Board hereby determines that:

**The petition to incorporate a portion of the Town of Washington as the Village of Washington is dismissed.**

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## **APPENDIX A: INCORPORATION REVIEW BOARD**

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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 \$30,000.

### **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 (Sheboygan)

#### Wisconsin Towns Association Member #2

Tom Mathies, Supervisor  
Town of Verona (Dane County)

#### Wisconsin League of Municipalities Member

Justin Nickels, Mayor  
City of Manitowoc

#### Wisconsin League of Municipalities Member

Curt Witynski

#### Staff

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