STATE OF WISCONSIN	CIRCUIT COURT	BROWN COUNTY
In Re:		
THE INCORPORATION OF TO BELLEVUE, BROWN COWISCONSIN AS THE VILLABELLEVUE	OUNTY,	Case No. 00-CV-1016
DANIEL KATERS, Represent he petitioners for the Incorpor Village of Bellevue,		
Petition	are	

DETERMINATION OF THE WISCONSIN DEPARTMENT OF ADMINISTRATION

September 3, 2002

It is the function of the Department of Administration to prepare findings and to make a determination as to whether the territory petitioned for incorporation meets the applicable standards prescribed in Section 66.0207, Wis.Stats. Having completed that task, the analysis and findings are attached.

In summary, it is the DETERMINATION OF THE DEPARTMENT OF ADMINISTRATION that, when considering the petition submitted to the Circuit Court by the petitioners, under Section 66.0207, Wis. Stats.:

STANDARD 1 (a), Homogeneity and Compactness - met

STANDARD 1 (b), Territory Beyond the Core - met

STANDARD 2 (a), Tax Revenue - met

STANDARD 2 (b), Level of Services - not applicable

STANDARD 2 (c), Impact on the Remainder of the Town - not applicable

STANDARD 2 (d), Impact on the Metropolitan Community - met

All of the above is discussed in the body of the Determination. The Determination of the Department to the Circuit Court, as prescribed by §66.0203(9)(e)2, Wis. Stats., is as follows:

Having met the applicable standards for incorporation as set forth in §66.0207, Wis. Stats., the Department finds that the petition as submitted is granted.

Dated this Say of September, 2002.

By the Wisconsin Department of Administration:

George Hall

Director of Municipal Boundary Review

Wisconsin Department of Administration

Mark Saunders

Deputy Counsel

Wisconsin Department of Administration

cc. The Honorable Kendall M. Kelley, Brown County Circuit Court

Daniel Katers, Petitioners' Representative

Robert Schlag, Chairman, Town of Bellevue

Todd Taves, Administrator, Town of Bellevue

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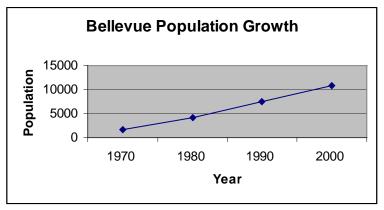
INTRODUCTION

The Town of Bellevue is located immediately south of the City of Green Bay in Brown County. The Town is bounded to the east by the Town of Eaton, to the south by the Town of Ledgeview, and to the west by the Village of Allouez. Map 1, at page 2, shows the Town of Bellevue relative to these other jurisdictions. The territory proposed for incorporation includes the entire Town of Bellevue, an area of 14.5 square miles.

As with the other municipalities immediately surrounding the City of Green Bay, the Town of Bellevue is profoundly influenced by the City and by the metropolitan area as a whole. The Green Bay metropolitan area is the hub of Northeastern Wisconsin in terms of business, transportation, government services, education, culture, entertainment and others. The synergies and opportunities made possible by being part of such a metropolitan hub create a demand for land for commercial, residential, recreational, industrial, and institutional uses. As a result of this pressure, less intense land uses, such as agriculture, transition to these more intense land uses.

The Town of Bellevue has experienced this pressure, particularly over the past 10 years as land has transitioned from agricultural use to residential and commercial use. This phenomenon was

apparent from the Department's site visit to the Town. Construction equipment and activity were visible, and private structures and public infrastructure such as roads and sewer and water lines were in various stages of completion. Also, this development was occurring simultaneously throughout the town; not just in one or two places.

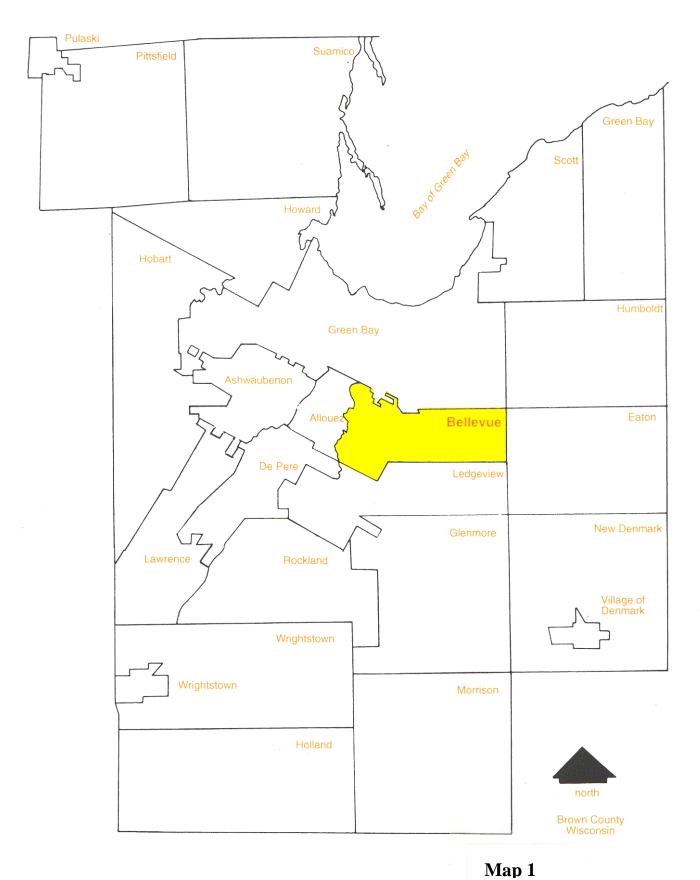


Population increase is another indication of growth pressure in the Town of Bellevue. From 1970-2000, Bellevue's average dicennial population growth is 88%. This was the most of any Brown County municipality. In fact, the Wisconsin Department of Administration's (DOA) population estimates for Bellevue for 2010 (10,470) and 2015 (11,010) have already been exceeded by Bellevue's current population of 12,028. Bellevue's population is expected to continue to grow into the future. Brown County's Division of Planning & Development estimates that Bellevue will grow to 12,364 residents by 2010 and 15,098 by 2015.

Bellevue's transition from a rural to an urban community without any substantial change in town boundaries has led many residents to desire incorporation of their community. To study the issue of incorporation, the town created the *Town of Bellevue Incorporation Study Committee*. The committee met six times in the first half of 2002 and developed a draft informational report that will be distributed to residents in the event that the Department approves the petition and a referendum is held.²

¹ Brown County Year 2020 Land Use and Transportation Plan. August 1996, pg. 3-2.

² Town of Bellevue Resolution #T-5-02, January, 2001.



Town of Bellevue, Wisconsin
Location in relation to
county

SECTION 1(A) HOMOGENEITY AND COMPACTNESS

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

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

In addition to the statutory factors cited above, <u>Pleasant Prairie v. Department of Local Affairs & Development</u>³ also allows the Department to consider land-use patterns, population density, employment patterns, recreation and health care customs. Thus, <u>Pleasant Prairie</u> gives the Department flexibility. However, this flexibility applies to consideration of additional non-enumerated factors rather than flexibility in elimination, removal or reduction of an enumerated factor.

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

Physical and Natural Boundaries

Topography

Map 2, on page 4, shows the topography for the Town of Bellevue. The western portion of the Town, the East River Valley, is generally flat due to submergence by glacial and post-glacial lakes. To the east, the land surface rises over a portion of the Niagara escarpment.⁵

Further east, the terrain is gently rolling. Local relief is provided by fairly deep-cut intermittent streams constituting the East River Watershed. These ravines run generally east to west and tend to be wooded. Overall, Bellevue's topography is consistent throughout, gently sloping from the Town's eastern boundary to the East River, descending 230 feet over a distance of six miles. ⁶

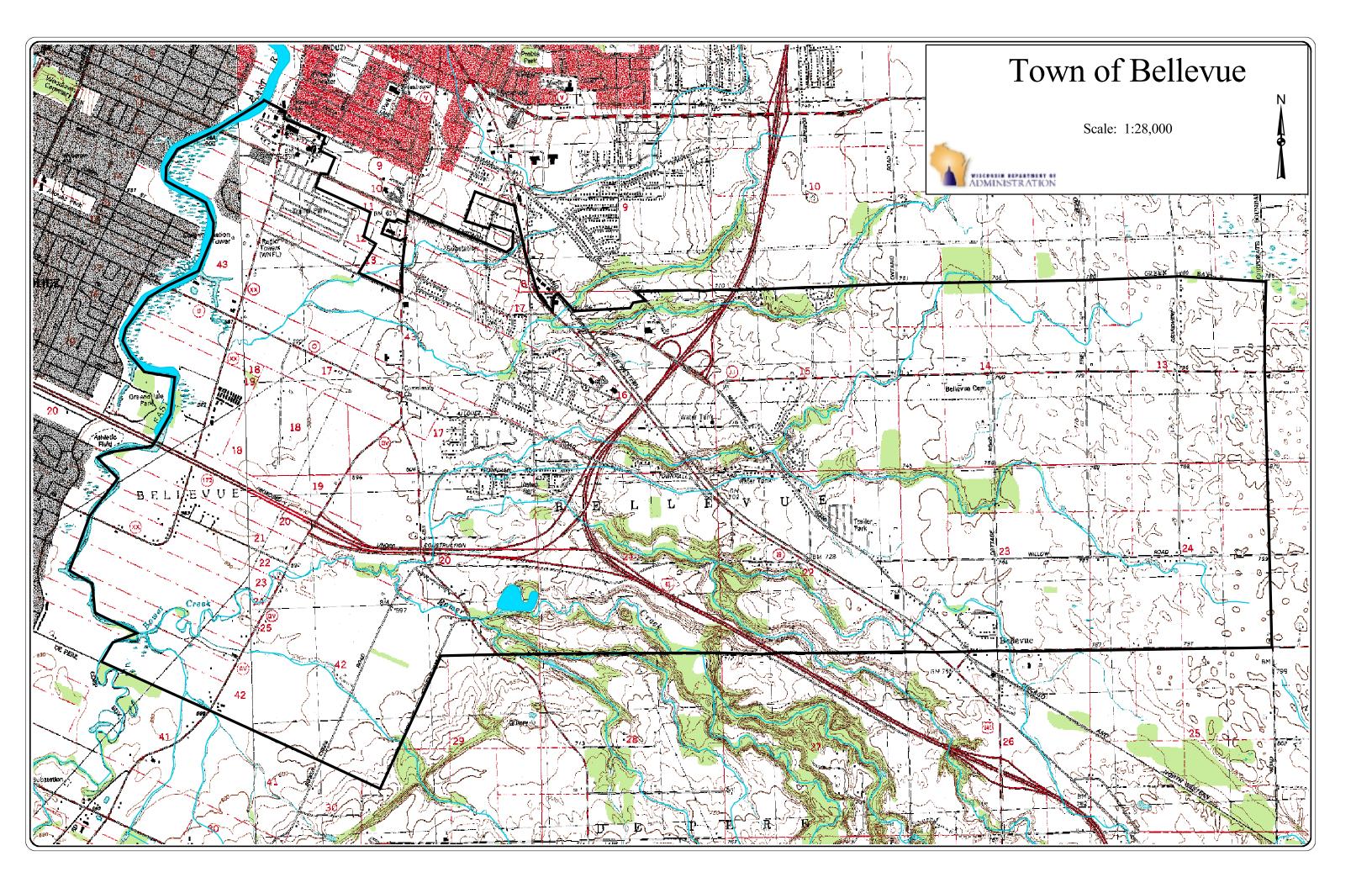
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³ <u>Pleasant Prairie v. Department of Local Affairs & Development</u>, 108 Wis.2d 465 (Ct.App. 1982), affirmed, 113 Wis.2d 327 (1983).

⁴ Ibid, at pg. 337.

The Niagara Escarpment is a ridge of erosion resistant dolomite rock that passes through the eastern 1/3 of Wisconsin, from Door County down through southeast Wisconsin. Once leaving Wisconsin, the escarpment continues North of several of the Great Lakes, sometimes under water, into Canada and down to Niagara Falls. From there, it enters the Appalachians, goes South into Pennsylvania, Ohio, Indiana, though Illinois and back into Wisconsin. Because the dolomite rock is harder than other surrounding sandstone, limestone, and shale layers, the dolomite rock has eroded more slowly. The Niagara Escarpment is this remaining ridge of dolomite rock. It ranges in height from 40 to 100 feet high.

6 Town of Bellevue Comprehensive Outdoor Recreation Plan (1996), page 6.



Drainage Basins

Bellevue is located within the East River basin, which is part of the larger Fox River basin. Water quality is generally good, however, there are some stormwater management issues being faced area-wide. These are described in this section under Environmental Corridors, Wetlands, and Natural Areas on page 13. Town of Bellevue lands are drained by Bower Creek and its tributaries, and by Willow Creek and its tributaries. Map 3, at page 7, shows these creeks and tributaries and maps the Willow Creek and Bower Creek sub-basins, as well as the numerous sub-sub-basins within Bower Creek and Willow Creek sub-basins. The Willow Creek basin also extends into a portion of the City of Green Bay, while the Bower Creek Basin also extends into the Town of Ledgeview.

Physical boundaries

The East River marks Bellevue's western boundary. This constitutes the Town's only natural or physical boundary; the Town's boundaries to the north, east and south are politically-based. Bower Creek and Willow Creek also cut through the town, along with their extensive network of tributaries. These waterways do not present physical, psychological, or social barriers as sufficient bridge crossings have been constructed to allow residents to move freely one part of the town to another.

A number of major transportation facilities cut through the town. Specifically, these are:

- United States Highway (USH) 43
- USH 141
- State Highway (STH) 172
- Railroad line owned by the Canadian National Railway Company.

These major transportation facilities do not fragment the Town or present psychological or social barriers for residents because a sufficient number of streets cross these major facilities to allow residents to move throughout the town. This is described in greater detail later in this section under transportation at page 18.

Soils

Map 4, on page 8, shows area soils. An examination of soils is important for a number of reasons. Soils determine the vegetation and wildlife. They determine how much rainfall or snow melt will flow directly into rivers, lakes and wetlands and how much will infiltrate into the ground. They also determine the feasible location of residential and commercial development. The area proposed for incorporation consists mainly of two soil types, both of which are predominated by a clayey subsoil. The two primary soil types are:

- a) Kewaunee-manawa deep, well-drained to somewhat poorly drained, nearly level to steep soils that have a dominantly clayey subsoil; found on glacial till plains and ridges
- b) Oshkosh-Allendale-Tedrow deep, well drained to somewhat poorly drained, nearly level to steep soils that have clayey and sandy subsoil; found on glacial lake plains dissected by narrow V-shaped valleys.

As seen by Map 4, the Kewaunee-manawa soil association is primarily found in the eastern two-thirds of the Town. Its boundary with the other major association generally approximates a line from USH 141 at the north town limits to a point slightly west of CTH V at the town's southern limits. Kewaunee-Manawa soils tend to have an eight inch surface layer consisting of a sandy loam, silt loam or clay. Subsoils are characterized by a 19-22 inch layer of reddish-brown clay loam, silty clay loam, or silty clay. The Kewaunee-manawa association is generally well suited for agriculture, as is evidenced by Bellevue's farming heritage, which until recently was the dominant land use. Because of the clayey subsoil, more intensive land uses may be difficult because on-site sewage disposal systems may be limited in places. The slow permeability of the soils does not permit the adequate functioning of conventional on-site disposal systems.

As can be seen by Map 4, the Oshkosh-Allendale-Tedrow soil association lies in the western sector of Bellevue, bordering the East River. On a countywide basis it occupies only about 4% of the area. Oshkosh-Allendale-Tedrow soils are generally well to moderately well drained and have a seven inch sandy to fine sandy loam, silt loam, or silty clay loam surface layer. Subsoils tend to be 22-25 inches thick and range from fine sand to dark reddish-gray and reddish-brown silty clay. This association is slightly more desirable for development when compared with the Kewaunee-manawa association.

In addition to presenting challenges for on-site sewage disposal, the low permeability of soils in Bellevue means that rainfall and snow melt flow more readily into Bellevue's rivers and creeks. This makes addressing stormwater more difficult. Managing stormwater has been, and continues to be, a major challenge for the Town. It is an issue that is discussed in more detail in this section of the Determination under environmental corridors, wetlands, and natural areas, at page 13.

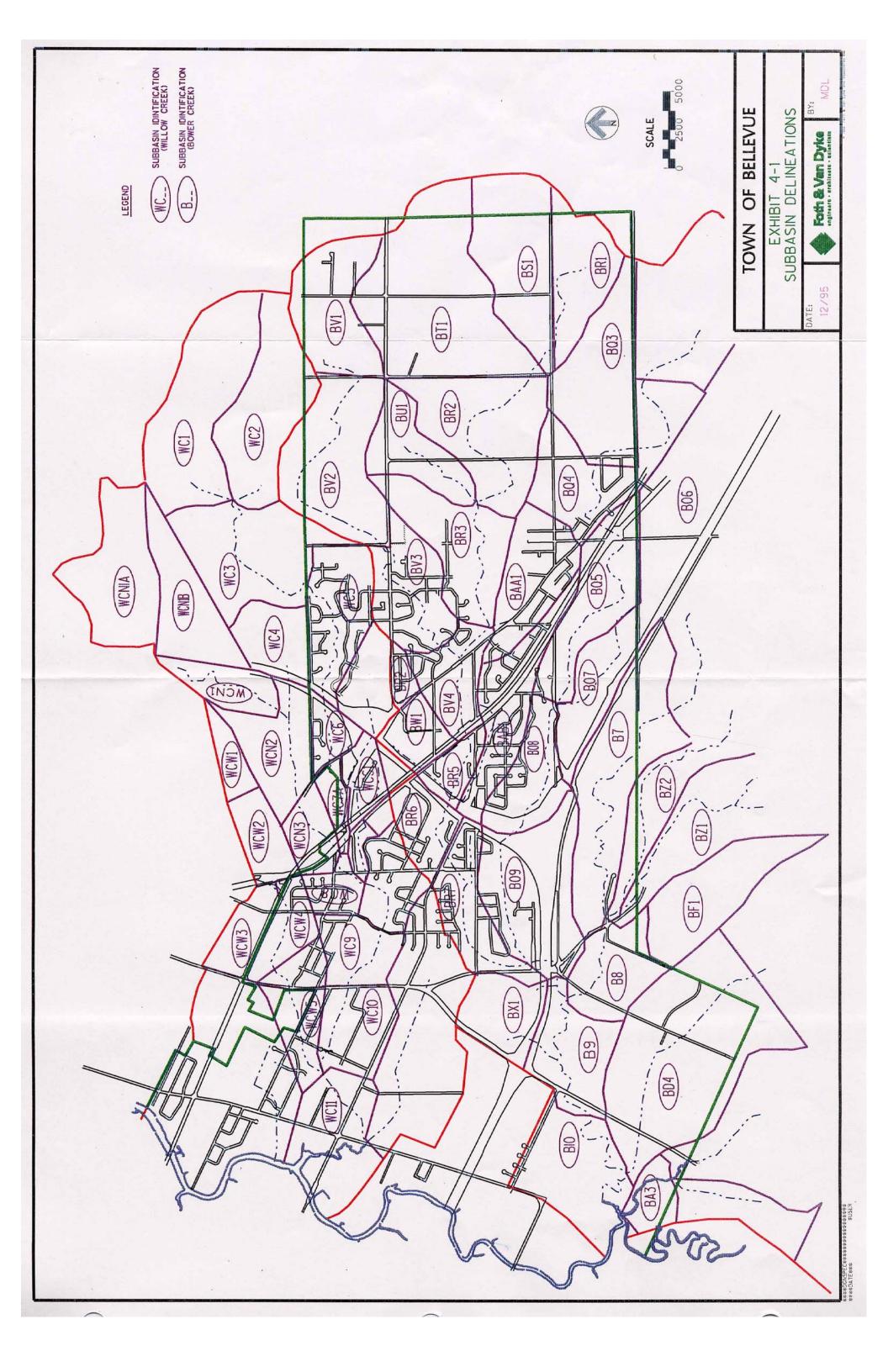
Map 5, on page 9, shows in general the areas of the town with soils suitable for conventional onsite septic systems. The map shows that most parts of the town are suitable, with the exception of southwest parts of the town and areas adjacent to Bower Creek, Willow Creek, and their tributaries. However, the unsuitability of areas may not be an issue because of the town's policy of discouraging on-site sanitary systems and instead encouraging hook-up to municipal sewer. This will be discussed further in this section under land use at page 38.

Another factor of concern to development is a soil association's high shrink-swell potential which can create problems for building foundations. Map 6, at page 10, shows the suitability of Bellevue's soils for single-family homes with basements. The map shows that most parts of the town are favorable for these dwellings. The areas with limitations are mainly along Bower Creek, Willow Creek, and their tributaries.

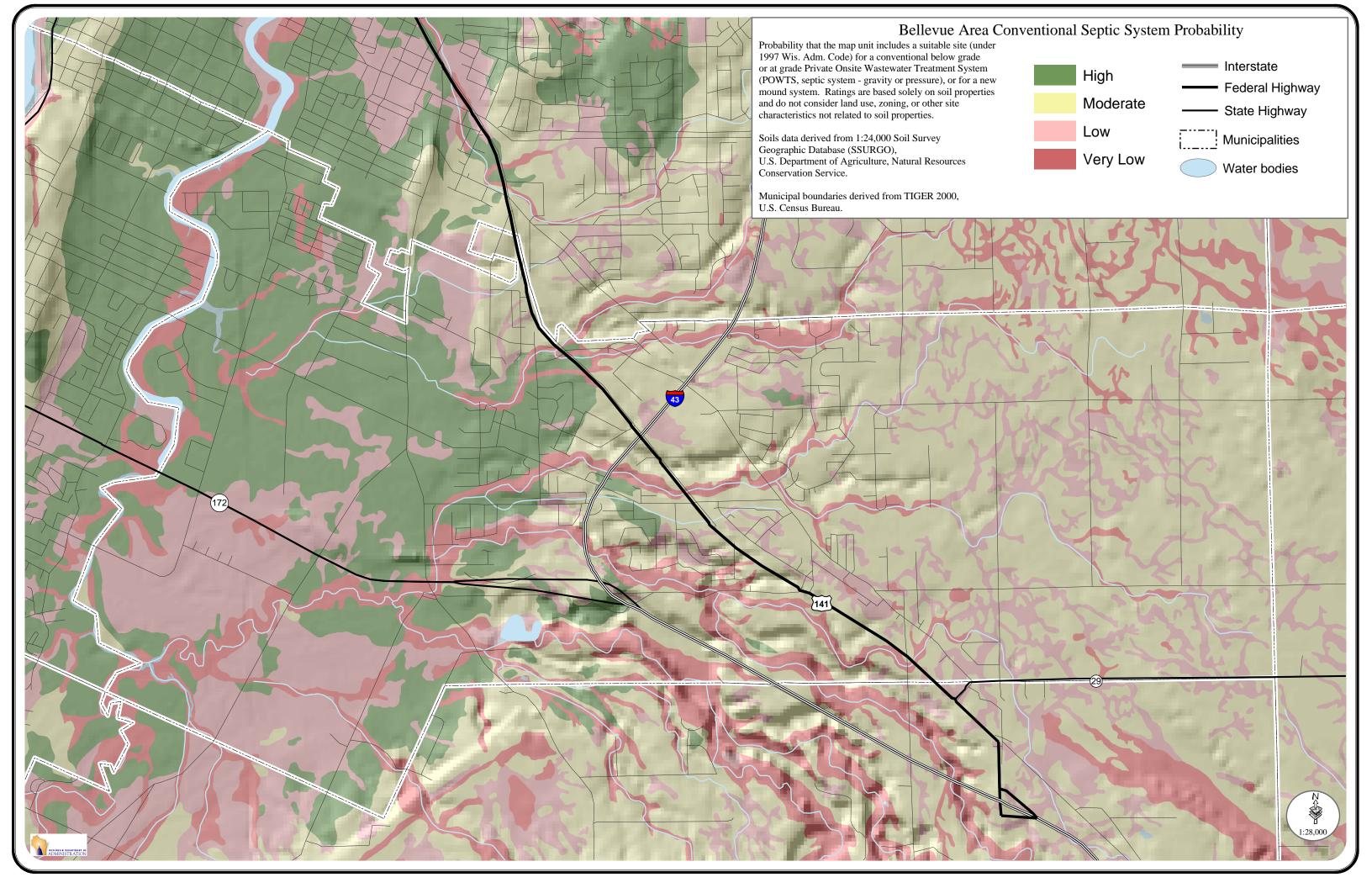
Critical Species

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

Under the provisions of §29.608, Wis.Stats., Wisconsin assumes responsibility for conserving native wild animals and plants, and for taking steps to enhance their continued survival and propagation for the aesthetic, recreational and scientific benefits for future generations. The Wisconsin Legislature has found that the activities of both individual persons and governmental



MAP 4 Bellevue Soils



Map 6 Suitability of Soils for dwellings

agencies are tending to destroy the few remaining plant-animal communities in the state. Therefore, the legislature has urged "all persons and agencies to fully consider all decisions in this light."⁷

The Wisconsin Department of Natural Resources (WisDNR) has established by administrative rule an endangered species and threatened species list. "Endangered species" means any species whose continued existence as a viable component of this state's wild animals or wild plants as determined by the WisDNR to be in jeopardy on the basis of scientific evidence. "Threatened species" means any species of wild animals or wild plants which appears likely, within the foreseeable future, on the basis of scientific evidence to become endangered. "Special Concern species" means species with suspected problems of either abundance or distribution, and about which more information will be gathered.8

The following are the endangered resources that are known or suspected to be rare that occur within or near the project site. They include species that are legally designated as endangered or threatened, as well as those species in the special concern category.

- 1) Lepomis megalotis (longear sunfish), a fish listed as Threatened in Wisconsin. This species prefers clear, sahllow, moderately warm, still waters of streams, rivers, or lakes with moderate aquatic vegetation over substrates of gravel or rubble. Spawning occurs from June through early August.
- 2) Moxostoma valenciennesi (greater redhorse), a fish listed as Threatened in Wisconsin. This species prefers clear water of large rivers, river reservoirs, and large lakes over bottoms of sand, gravel, or boulders. Spawning occurs from early May through late June.
- 3) Acipenser fulvescens (lake sturgeon), a fish presently listed as a Special Concern species by the US fish and Wildlife Service and currently listed as State Special Concern in Wisconsin. This species prefers large rivers and lakes. It also lives in the shoal waters of the Great Lakes. Inland it shows a preference for the deepest mid-river areas and pools. Spawning occurs from late April through early June in cold, shallow fast water.
- Terrestial Snails (species most often associated with the Niagara Escarpment): 4) Vertigo hubrichti (midwest Pleistocene vertigo), a State Endangered snail. This species is often associated with glacial sediments but also occurs on cool limestone talus slope and cliff habitats along the Niagara Escarpment in eastern Wisconsin and on cliffs in the Driftless Area of southwest Wisconsin.
 - 5) Hendersonia occulta (cherrystone drop), a State Threatened snail. This species occurs on algific slopes in the Driftless Area of southwest Wisconsin, along the Niagara Escarpment in eastern Wisconsin, and other bluff areas of the state. It is restricted to cool limestone talus slopes, cliffs, and algific slopes, often occurring with other glacial relect
 - 6) Catinella gelida (land snail), a State Special Concern snail. This species occurs on cliffs and talus slopes.

⁷ Bohners Lake Determination (1999) ⁸ §29.604, Wis.Stats.

- 7) *Paravitrea multidentata* (dentate supercoil), a State Special Concern snail. This species occurs primarily in deciduous forests in proximity to Lake Michigan and on cliffs along the Niagara Escarpment in eastern Wisconsin.
- 8) Succinea bakeri (land snail), a State Special Concern snail. This glacial endemic species occurs only along the Niagrara Escarpment in eastern Wisconsin. It is restricted to cool limestone talus slopes, cliffs, and algific slopes, often occurring with other glacial relict taxa. This species is under consideration for listing as state threatened/endangered.
- 9) Vertigo tridentata (honey vertigo), a State Special Concern snail. This species prefers upland woods and prairies.

Herptiles

10) *Clemmys insculpta* (wood turtle), a turtle listed as Threatened in Wisconsin. This species prefers deciduous forests and open meadows

Birds

- 11) *Pandion haliaetus* (osprey), a bird listed as Threatened in Wisconsin. This species prefers large trees in isolated areas in proximity to large areas of surface water, large complexes of deciduous forest, coniferous forest, wetland, and shrub communities. Large lakes and rivers with nearby tall pine trees are preferred for nesting. The breeding season extends from late April through August.
- 12) *Bartramia longicauda* (upland sandpiper), a State Special Concern bird. This species prefers tallgrass prairies, sedge meadows, unmowed alfalfa/timothy fields and scattered woodlands. The breeding season extends from early May through late September.
- 13) *Nycticorax nycticorax* (black-crowned night heron), a State Special Concern bird. This species prefers freshwater wetlands dominated by bulrush and cattail with small groves of alder, willow, or other brush. Their breeding season occurs from mid-April through mid-September.
- 14) *Spiza americana* (dicksissel), a bird of special Concern in Wisconsin. This species prefers open pasture and fields of clover and alfalfa. Grasslands, meadows, and savanna are also important nesting areas. Breeding occurs from late May to early August.

Invertibrates

- 15) *Euphyes bimacula* (two-spotted skipper), a State Special Concern butterfly. This species prefers sedge meadows. Their flight period is in mid-July.
- 16) *Euphyes dion* (sedge skipper), a State Special Concern butterfly. This species prefers open marshes, bogs, swamps, and wet meadows with tussock sedges. Caterpillar host plants include sedges and bulrushes. Their flight times are in mid-May.

Plants

17) *Trillium nivale* (snow trillium), a plant listed as Threatened in Wisconsin. This species prefers rich, moist calcareous hardwood forests, sometimes second-growth. Blooming occurs from mid-March through late April. Optimal identification period is from mid-March through late April.

Communities (areas that are native to Wisconsin and which contain prime habitat, including habitat for endangered resource species)
 18) Northern Dry-Mesic Forest, a forest community where mature stands are dominated by *Pinus strobus* and *P. resinosa* (white and red pines), sometimes mixed with *Quercus_rubra* (red oak) and *Acer rubrum* (red maple). Common understory shrubs are *Corylus spp*. (hazelnuts), *Vaccinium angustifolium* and *V. myrtilloides* (blueberries), *Gaultheria procumbens* (wintergreen), *Mitchella repens* (partridge-berry); among the dominant herbs are Aralia nudicaulis (wild sarsaparilla), *Maianthemum canadense* (Canada mayflower), and *Melampyrum lineare* (cow-wheat). Stands usually occur on sandy loams, sands or sometimes rocky soils.

Because a comprehensive endangered resource survey has not been completed for this area, there may be other endangered species present in addition to those listed above.

Environmental Corridors, Wetlands and Natural Areas

Natural Areas, Wetlands, and Environmental Corridors

The Town's natural resources consist primarily of land along the East River and its adjacent wetlands and tributaries, such as Bower Creek, Willow Creek, and several intermittent streams. Extensive areas in western parts of the Town are within floodplains.¹⁰

Map 7, at page 14, shows the wetlands that exist in Bellevue. The largest of these is located along Willow Creek, at the intersection of Bellevue Street (CTH XX) and Allouez Avenue (CTH O). The map shows roughly a dozen other wetlands, all of them small in size, and all of them located along Bower Creek, Willow Creek, and their tributaries, and all of them dispersed throughout the town.

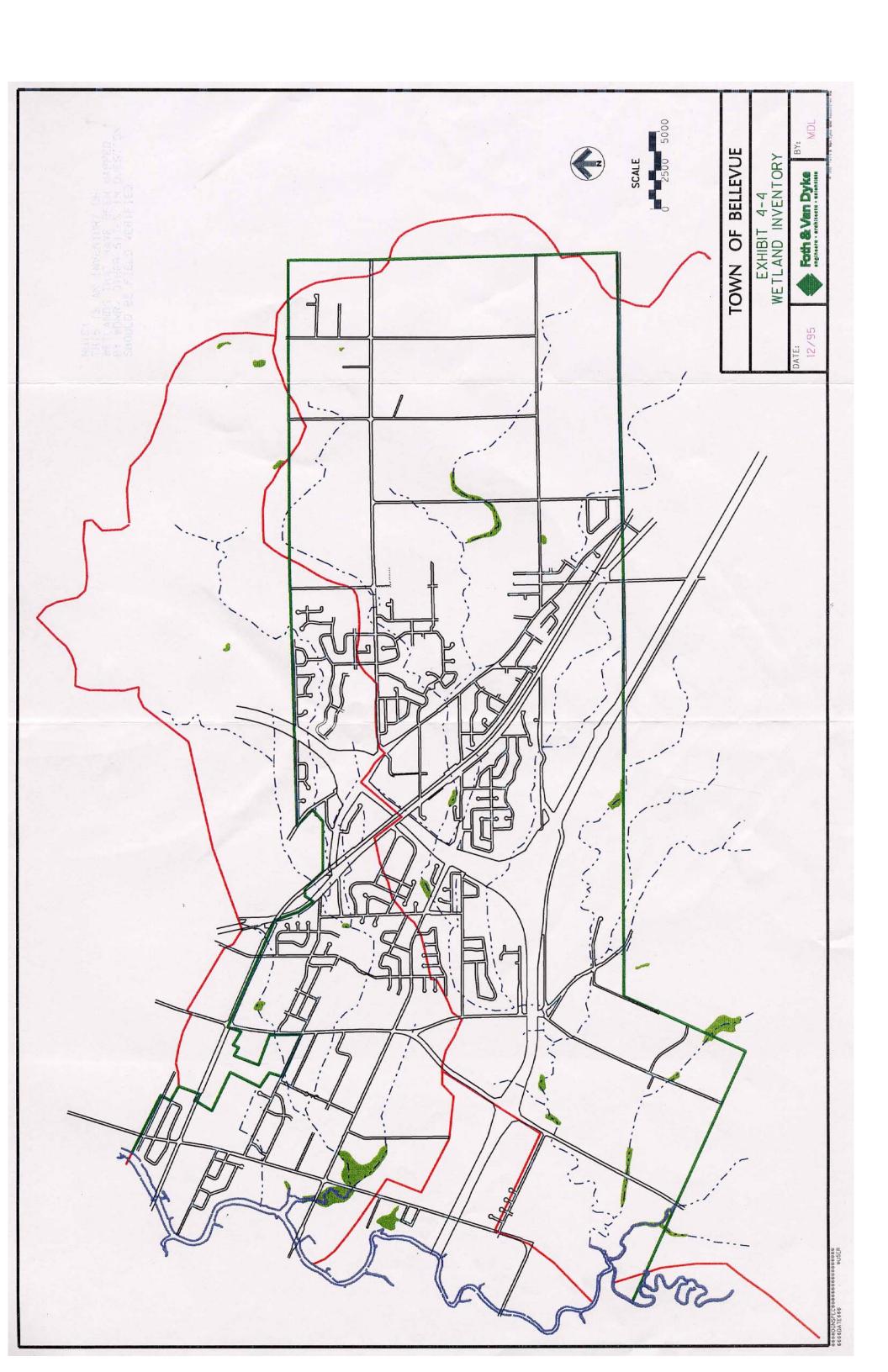
A 1985 water quality study jointly conducted by United States Geological Survey (USGS) and Fox Valley Water Quality Planning Agency found the East River plagued with severe sediment and phosphorus loading problems. ¹¹ The *Lower Green Bay Remedial Action Plan* (1985) provided a long-range strategy to improve water quality of the river basin. Two years later, the Wisconsin Department of Natural Resources designated the East River as a 'Priority Watershed'. This designation makes area local governments eligible for cost-sharing and technical assistance from WisDNR. The Town of Bellevue, Cities of Green Bay and De Pere, and the Village of Allouez are included in this watershed project. ¹²

In response to the *Lower Green Bay Remedial Action Plan*, the Priority Watershed designation and funding eligibility, and property damage from several major floods, a plan was developed specifically for the East River and adjacent lands. *The East River Parkway Plan* was completed in 1991 and recommended that land adjacent to the East River be preserved for parkway use in order to improve stormwater management and increase natural areas and open space. In addition to acquiring land outright for a parkway, the plan recommended such strategies as official

¹⁰ Comprehensive Outdoor Recreation Plan, Town of Bellevue (1996), p. 10. See also, Brown County Land Use and Transportation Plan, August 1996, Exhibit ES-2.

¹¹ East River Parkway Plan, Town of Bellevue (1991), Brown County Planning Commission, Staff Report No. 118, page 9.

¹² Ibid., at page 10.



mapping, zoning, construction site erosion control ordinances, easements, leases, and subdivision regulations. The Plan also called for parkway land to be reserved adjacent to Bower Creek, which has in the past experienced severe stream-bank erosion. Stormwater management is a particularly challenging issue in Bellevue because of the extensive network of rivers, streams, and creeks running through it, because of the low permeability of its clayey soils, and because of the residential and commercial development that has occurred, and is expected to continue to occur in the town. The impermeable surfaces of residential and commercial development (concrete, asphalt, roofing tile, etc.) result in a greater quantity of stormwater, moving more quickly, and collecting more sediments and pollutants. The volume of stormwater passing has in past instances been so great as to wash out bridges and flood neighborhoods.

In order to address its stormwater challenges, Bellevue has developed the *Town of Bellevue Stormwater Management Plan* (1996), with assistance from Foth & Van Dyke and Associates, Inc. of Green Bay. The plan provides an inventory of information, detailed analysis of alternatives, and recommended strategies. Recommended steps include upgrading identified deficient culverts and bridges, utilize existing wetlands and constructing town and regional detention basins, adopt stormwater management ordinances, repair stream banks damaged by eroision, and restrict herbicide and pesticide use.¹⁵

Bellevue has made considerable progress in implementing recommendations related to repairing eroded stream banks. Projects completed include stabilization of eroded streambanks (using riprap, geo-textile fabric, and metal pilings) along Willow Creek east of Lime Kiln road, Bower Creek west of Monroe Road, and also near Town Hall Road and in Josten Park, and the East River at Manderly Way. Future projects include ¹⁶:

- Stabilization of eroded streambanks along Bower Creek in the vicinity of Hazen Road, Jen Rae Road, and within Josten Park;
- Stabilization of eroded streambanks along Willow Creek between hazen Road and Main Street (STH 141), along Spring Creek in DeBroux Park, and by Klondike Road west of Vail Court.
- Stabilization of eroded streambanks along Bower Creek and its tributaries between 1)
 Monroe Road (CTH GV) and Bower Creek Road, 2) Between Allouez Avenue and I-43
 (Merry Creek Court area) and 3) east of Manitowoc Road at its intersection with Allouez
 Avenue
- Stablization of eroded streambanks along Bower Creek between I-43 and Glenmore Road
- Stabilization of eroded streambanks along Bower Creek and its tributaries between I-43 and Ontario Road.
- Stabilization of eroded streambanks along Bower Creek and its tributaries between I-43 and Ontario Road in the vicinity of Little Creek Lane, Allouez Avenue, DeBroux Park and Perret Village
- Construct water quality Best Management Practices (BMP's) to serve the planned commercial and industrial district located north of STH 172 and south of Allouez Avenue

¹³ East River Parkway Plan, Town of Bellevue (1991), Brown County Planning Commission, Staff Report No. 118, page 19.

¹⁴ Town of Bellevue Stormwater Management Plan (1996), at page 5-4.

¹⁵ Ibid., at page 6-26.

¹⁶ See *Town of Bellevue Capital Improvements Plan* (2001-2005), *Town of Bellevue Capital Improvements Plan* (2002-2006), and *Town of Bellevue Capital Improvements Plan* (2003-2007).

- (CTH), including construction of ditches and settlement ponds, among other improvements.
- Construct water quality BMP's to serve the planned office park district located north of Kewaunee Road (STH 29) on the east end of Town.

Cost of these future projects will exceed \$3 million dollars. Over one-third of these costs will be covered by the WisDNR Targeted Runoff Management (TRM) and Local Assistance Grants (LAG).

Bellevue has also created a stormwater management utility. The Town of Bellevue Stormwater Management Utility was created by ordinance on March 13, 2002 and became effective on April 1, 2002. The utility is empowered to build and operate facilities such as retention ponds, underground drainage systems, sewers, watercourses, and retaining walls and to charge a fee for these services.

The Brown County shoreland-floodplain ordinance also has an important role in protecting the integrity of Bellevue's waterways. The ordinance requires a buffer adjacent to these waterways. This vegetative buffer helps to reduce the amount of stormwater that enters waterways and also improves the quality of the water that does enter by removing sediment and pollutants. Currently Brown County Division of Planning & Development administers the shoreland-floodplain ordinance. However, incorporation will result in Bellevue taking over this responsibility, either by contracting with Brown County or adding it onto the tasks currently performed by the Town of Bellevue Building Inspection and Zoning Department. Because this will allow Bellevue to be more closely involved with shoreland-floodplain zoning, and to have the ability to develop a more restrictive ordinance than the county's ordinance, incorporation may result in better protection of Bellevue's waterways and improved water quality area-wide.

Ambient Air Quality

Brown County is classified as an attainment area for all pollutants listed under the Clean Air Act Amendments of 1990.¹⁷ Because of this, neither the county nor Bellevue is not subject to any transportation control measures. Nonetheless, Bellevue is encouraging compact development that facilitates transportation alternatives to driving such as transit, walking, and bicycling. This is described further in this section under transportation and land use.

Historical, Archaeological or Architecturally significant resources

Search of Wisconsin State Historical Society (WiSHS) databases revealed no historic places in Bellevue on the state or national register of historic places. The types of properties that are eligible for listing on the state and national register of historic places include historic districts, individual buildings, parks, bridges, locomotives, and archaeological sites.

However, the WiSHS also collects information on Wisconsin structures and archeological sites that although they have no "official" historic status, may potentially have historic value and warrant further examination.

¹⁷ Communication from Ralph Patterson, air specialist, WisDNR, June 25, 2002.

Table 1, below, shows the structures that are documented within the WiSHS database.

Table 1: Possible historic structures in Bellevue

Use	Address	Bld. Material	Constr. Date	Survey Date
Former car	3222 Manitowoc	Concrete Block	1905	1998
showroom &	Road			
garage				
Residence	CTH "GV", south of HWY 172	Stucco (Colonial Style), stone foundation, roof dormers	N/A	1975
Residence	2799 Cottage Road	Brick, gabled	1890	1998
Barn	2799 Cottage Road	Wood	1890	1998
Residence	3325 Buddy Lane	Drop Siding	1870's	1998
Bellevue Feed Mill	Wall Street	Metal siding	1905	1998
Residence	3215 Wall Street	Bungalow Style	1920	1998
William Fontaine Residence	3207 Wall Street	Clapboard	1921	N/A
Tavern converted to antique store	STH 29 and Manitowoc Road	N/A	N/A	1998
Residence	3163 Manitowoc Road	Clapboard, American 4- square house	1915	1998
Residence	Whisper Lane and CTH	Richardson Romanesque Style	N/A	1976
Former Spring Creek School	SW corner of intersection of Town Hall Road and Manitowoc Road	Brink, front gabled	N/A	1977
Former Wilson School	East side of Erie Road	Symmetrical Façade, arched entry	N/A	1975
Burknick Residence	Klondike Road and USH 141	Gabled Ell	1895	1975
Burdnick Barn	Klondike Road and USH 141	Small Sq. Cupola	N/A	1975

Also, eight archaeological and burial sites have been reported for the Town of Bellevue. 18 The Wisconsin Historical Society records do not include all of the archaeological sites, mounds,

¹⁸ Correspondence from John Broihahn, State Historical Society of Wisconsin, 8/26/02.

unmarked cemeteries, marked cemeteries, and cultural sites that are present in the state, only those sites that have been reported. Undoubtedly other sites are present but unreported because only small portion of the Town of Bellevue area has been investigated.

Transportation

Map 8, at page 19, shows Bellevue's transportation system. This system includes a network of state, county, and town roads, freight rail service, an airport, and transit service provided by Green Bay Metro.

Highways

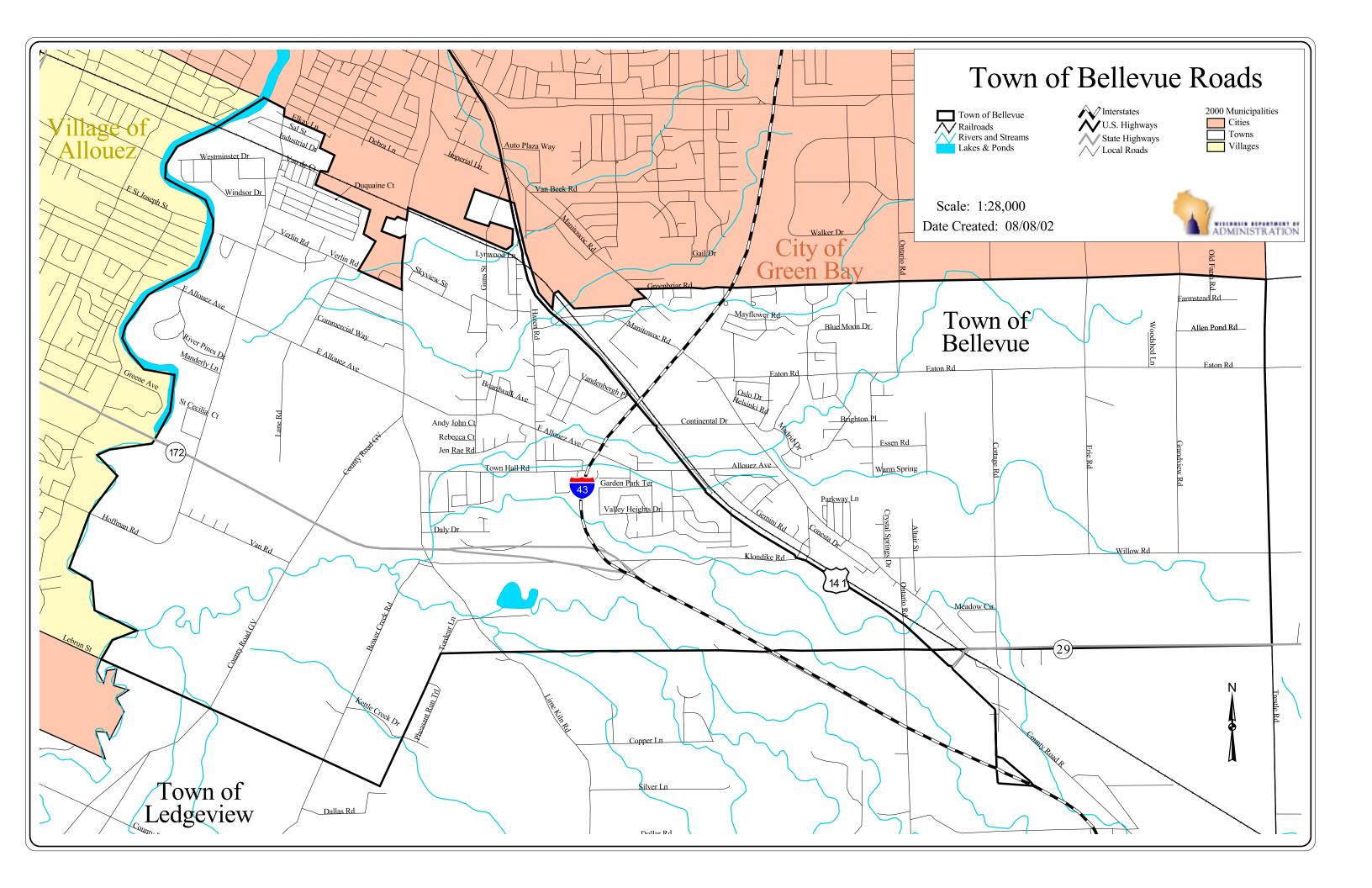
The Green Bay Metropolitan area's highway system has the only complete beltline in Wisconsin. Bellevue lies at the southern extent of this beltline and therefore has several major transportation routes that pass through it. USH 43 runs north-south through the center of the town, connecting with STH 172 which runs east-west. USH 141 cuts diagonally through the town. These major transportation facilities are designed to facilitate movement through the region and the state rather than through the Town of Bellevue. In fact, these facilities have the potential to do just the opposite – to inhibit movement throughout the town and to present psychological and social barriers between Bellevue's residents. However, it is apparent from Map 8, and also from the Department's visual inspection of the town, that sufficient local roads exist to cross these major highways and connect various parts of the town. Table 2, below, lists those streets and highways that facilitate internal movement across USH 43, USH 141, and STH 172 and ensure that no residents or areas of the town are left isolated.

Table 2: Local access roads

Local Road	Crosses
Bellevue Street	STH 172
Monroe Road (CTH GV)	STH 172
Lime Kiln Road (CTH V)	STH 172
Verlin Road (CTH JJ)	USH 43
Klondike Road	USH 43
	USH 141
Allouez Avenue	USH 43
	USH 141
Ontario Road	USH 141

The Town's Capital Improvements Plan for 2003-2007 calls for a significant number of street improvements. Some improvements will provide access to areas of the Town where development is occurring, or is anticipated to occur. Other improvements are designed to improve access to areas that are already developed. All of the improvements will result in enhanced internal connectivity, as well as connectivity to external destinations. Because the improvements will improve traffic movement throughout the Green Bay metro area, Brown County and WisDOT are contributing substantial financial assistance towards their cost. Specific improvements include:

• Construction of a new .76 mile segment of Verlin Road between Lime Kiln Road and Hazen Road. The road will be reconstructed from existing 22' rural section to a 48' wide urban section with three travel lanes, 2 bike lanes, and curb and storm sewers. This new segment will alleviate traffic on Allouez Avenue and improve connectivity. The project is on Brown County's Six-Year Highway Improvement Plan and will be financed 50% by the county.



- Reconstruction of Hazen Road between Skyview Street and Keehan Lane. This
 reconstruction will connect Pintail Street, Mallard Street and Lynwood Lane with
 Verlin Road.
- Construction of a new segment to Guns Road south of the Willow Creek Heights
 plat. This segment will improve north-south traffic flow through this part of the
 town, and provide access to the Willow Creek Heights subdivision, Willow Creek
 Park, and the future elementary school site.
- Reconstruction of 1.25 miles of Lime Kiln Road (CTH V) from Debra Lane in the
 City of Green Bay south to Allouez Avenue (CTH O). The road will be expanded
 from its existing 22' wide rural section to a 48' wide urban section with four travel
 lanes and storm sewers. The reconstruction will improve north-south traffic flow
 through the town and into the City of Green Bay. This project is on Brown County's
 Six-year Highway Improvement Plan and will be financed 72% by the county and
 City of Green Bay.
- Construction of a new .70 mile segment to S. Huron Road (Cottage Road) from Yeager Drive in the City of Green Bay south to Eaton Road (CTH JJ). The road is proposed as a 58' wide, four lane, concrete street section with bike lanes and storm sewer. The new segment will improve north-south access through the Town and into the City of Green Bay, and by connecting STH 57 in the City of Green Bay to STH 29 on the Bellevue/Ledgeview border, will improve traffic movement throughout the Green Bay metropolitan area. The project is on Brown County's Six-Year Highway Improvement Plan and will be financed 64% by the county and the City of Green Bay.
- Construction of a new bridge from Main Street to future Big Creek Road area subdivisions. This will improve access to this area and also provide a second outlet from the area south of Main Street.
- Reconstruction of 1.53 miles of Eaton Road (CTH JJ) between Manitowoc Road and South Huron Road (CTH EA/Cottage Road). The road is proposed to be widened from the present 22' wide rural section to a 48' wide three lane urban section with storm sewer and bike lanes. Reconstruction will improve east-west traffic movement through the town. The project is on Brown County's Six-Year Highway Improvement Plan and will be financed 10% by the county and 80% by the State of Wisconsin.
- Reconstruction of 1.01 miles of Allouez Avenue (CTH O) between Bellevue Street (CTH XX) and Lime Kiln Road (CTH V). The road is proposed to be widened from the present 24' wide rural section to a 48'wide urban section with storm sewers and bike lanes. Reconstruction will improve east-west movement through the town, accommodate existing and projected traffic counts, and improve safety through the installation of traffic signals. The project is on Brown county's Six-Year Highway Improvement Plan and will be financed 50% by the county.

- Reconstruction of Klondike Road between Lime Kiln Road (CTH V) and the Green Bay Country Club. The road would be improved as a 37' wide urban section.
 Reconstruction will provide access to residential development that is anticipated for this area.
- Construction of a bridge to connect the existing segment of Commercial Way/Fire
 Lane Drive and Donbea Street industrial areas to a future southerly extension of
 Leona Street. This will improve access to both areas and promote more effective
 traffic distribution.
- Reconstruction of Ontario Road between Eaton Road (CTH JJ) and the existing
 urban section in the City of Green Bay. The road would be reconstructed from its
 present 21' foot wide rural section to a 41' urban section with curb, gutter, and storm
 sewer. Reconstruction will improve north-south movement through the town,
 accommodate higher traffic loads, and improve safety.
- Reconstruction of .33 miles of Monroe Road (CTH GV) from STH 172 south to
 Hoffman Road. The road will be reconstructed from the existing two lane rural
 section to a four lane, divided urban section, and traffic signals will be installed. The
 project will improve safety and access to the Millennium Park subdivision. The
 project is on Brown County's Six-Year Highway Improvement Plan and will be paid
 for 69% by the county and the City of Green Bay.

Rail

Freight rail service by the Canadian National Railway Company (CN) is currently available to businesses and shippers in the Town of Bellevue and the larger Green Bay metropolitan area. The rail line runs from the City of Green Bay to the Village of Denmark, cutting diagonally through the Town of Bellevue, from the southeast corner of the town to the northwest corner. For much of this distance, the rail line parallels Main Street (USH 141). Prior to CN's ownership, the line was owned and managed by the Fox Valley & Western Rail Company, a Class III railroad and a subsidiary of the Wisconsin Central Rail Company. In 2001, Wisconsin Central, a Class II railroad, was acquired by CN, an multinational Class I railroad. Approval of the acquisition was required by the United States Department of Transportation's Surface Transportation Board (STB). CN assured STB that it would continue providing service on Wisconsin Central lines, including the line that passes through Bellevue. However, it is possible some point in the future a smaller Class II or III railroad may acquire the line.¹⁹ The Town has also identified this rail corridor as a possible recreational trail.²⁰

Passenger rail service in northeastern Wisconsin is currently not available. However, the *Midwest Regional Rail Initiative* (MWRRI), a multi-state effort to create a high-speed passenger rail system, currently includes a route from Milwaukee to Green Bay. A task force convened by former Governor Thompson – The *Governor's Task Force on High Speed Rail* – generally endorsed MWRRI and recommended that Wisconsin implement high-speed rail. Development of this rail system would provide Green Bay area residents with passenger rail service to Appleton, Milwaukee, Madison, Chicago, Minneapolis, and other U.S. cities. The timeframe for developing MWRRI will depend on the *State Rail Plan 2020* currently being developed by the Wisconsin Department of Transportation (WisDOT).

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¹⁹ Communication with Frank Huntington, WisDOT Bureau of Railroad & Harbors, 7/10/02.

²⁰ Comprehensive Outdoor Recreation Plan (1996), page 17.

Air

Bellevue residents have easy access to Austin Straubel International Airport, only 10 minutes via STH 172. Austin Straubel is the regional airport that serves northeastern Wisconsin. It offers connecting flights to larger airports that offer national and international flights.

Transit

Green Bay Metro provides fixed-route bus transportation throughout the Green Bay metropolitan area. It serves all, or parts of, the Cities of Green Bay and De Pere, the Villages of Allouez, Ashwaubenon, and the Town of Bellevue. The bus route serving Bellevue is Route 1, which travels along Bellevue Street as far south as Westminster Drive, located in the northwest corner of the town. This is Bellevue's most densely populated area. The service is made possible through an agreement between the Town and Green Bay Metro under which the Town's annual net cost (excluding state and federal grants) is \$20,000. Additionally, Green Bay Metro's Route 14 bus provides service for Bellevue residents living in the north central part of the Town. This bus does not actually enter the Town of Bellevue, but stops just north of CN's rail line at the Green Bay — Bellevue boundary. Because this route does not enter Bellevue, there is no cost-sharing agreement between Bellevue and Green Bay Metro.

Pedestrian and bicycle

The automobile accounts for the overwhelming majority of trips for residents in Brown County communities such as Bellevue. For example, ninety percent of work trips made are in automobiles, either driving alone (81.6%) or in a carpool (8.8%). Only 1.3% use transit, .4% bicycle, 4.2% walk, and 3.3% work at home. Nevertheless, facilities do currently exist in Bellevue to encourage walking and biking.

- <u>Pedestrian opportunities</u>. Sidewalks exist on portions of Bellevue Street and along the streets surrounding McAuliffe School. Additionally, the *Town of Bellevue Capital Improvements Plan* (2003-2007) calls for sidewalks along Limekiln Road and along other segments of Bellevue Street.
- Bicycling opportunities. The East River Parkway Trail provides bicyclists with a carfree travel corridor along the East River. The trail goes from the northwest corner of the town to St. Cecilia Court and then crosses the East River into Allouez where it continues south along the river. CN's rail line, if abandoned, could potentially provide another travel corridor exclusive to bicycles and pedestrians that would cut diagonally through the town and tie together many existing neighborhoods to each other to the East River Parkway Trail. In addition to trails, the town also provides on-street bike lanes such as the USH 43 overpass on Hazen Road. Bike lanes will also be added to Verlin Road, Huron Road, Eaton Road, and Allouez Avenue as part of reconstruction projects to these roads. These roads are designated as bicycle routes by the Brown County Pedestrian & Bicycle Plan (1998) and will provide an east-west travel corridor for bicyclists that links to the East River Parkway Trail.

²¹ Brown County Year 2020 Land Use and Transportation Plan (1996), pg. 3-16.

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In addition to specific facilities, the town's road network also facilitates and enables pedestrian and bicycle use. The town's road network offers travelers the choice of multiple routes to reach their destination, rather than just one route. This has the effect of dispersing automobile traffic and making local roads safer and more pleasant for walkers and bicyclists.

Political Boundaries

Map 1, at page 2, shows Bellevue's boundaries in relation to those of neighboring jurisdictions. The area proposed for incorporation comprises the entire town. The town is as nearly complete and intact as upon its creation in 1874.²² Only territory along the town's northwest boundary, adjacent to the City of Green Bay, has been removed from the town. That territory was annexed by the City in 1977.²³ Since then, Bellevue's boundaries have remained stable and intact. This has enabled the town to develop physically and socially into a compact and homogenous community.

As shown by Map 9, at page 24, there are a mix of land uses along Bellevue's boundary with the City of Green Bay, north of Bellevue. Generally, these land uses are more intensive along the western edge of the Bellevue/Green Bay boundary, becoming progressively less intense moving eastward along the boundary. Examples of land uses, from west to east along this boundary are: a light industrial district, a mobile home park, apartment buildings, a light industrial district, a general business district, single-family housing, and agricultural lands and natural areas. The land uses along Bellevue's boundary with the Town of Eaton, located east of Bellevue, are agricultural. The land uses along Bellevue's boundary with the Town of Ledgeview, located south of Bellevue, are a mix of agricultural and residential.

The following paragraphs describe the boundaries of the school districts and sanitary district that serve Bellevue residents. Although these jurisdictions are politically separate from the Town of Bellevue, they have a significant affect on Bellevue and its residents. School districts help shape community social patterns and influence where people choose to live and municipal sewer and water service is a significant factor in the location and density of development.

Schools

Map 10, on page 25, shows the two school districts that serve Bellevue residents and also the specific schools. About 85% of Bellevue's land mass is located within the Green Bay Area Public School District. The remaining 15% - the far southwestern portion of the Town south of STH 172 and west of Lime Kiln Rd (CTH V) - is located within the De Pere Unified School District.

From an attendance standpoint, the actual student breakdown is closer to 98% and 2%, respectively. This is due to the fact that the southwestern portion of Bellevue is still largely undeveloped. Approximately twenty-nine students from the Town of Bellevue attend schools located within the boundaries of the De Pere Unified School District²⁴ while 3,120 students from the Town of Bellevue attend schools located with the boundaries of the Green Bay Area Public School District.²⁵

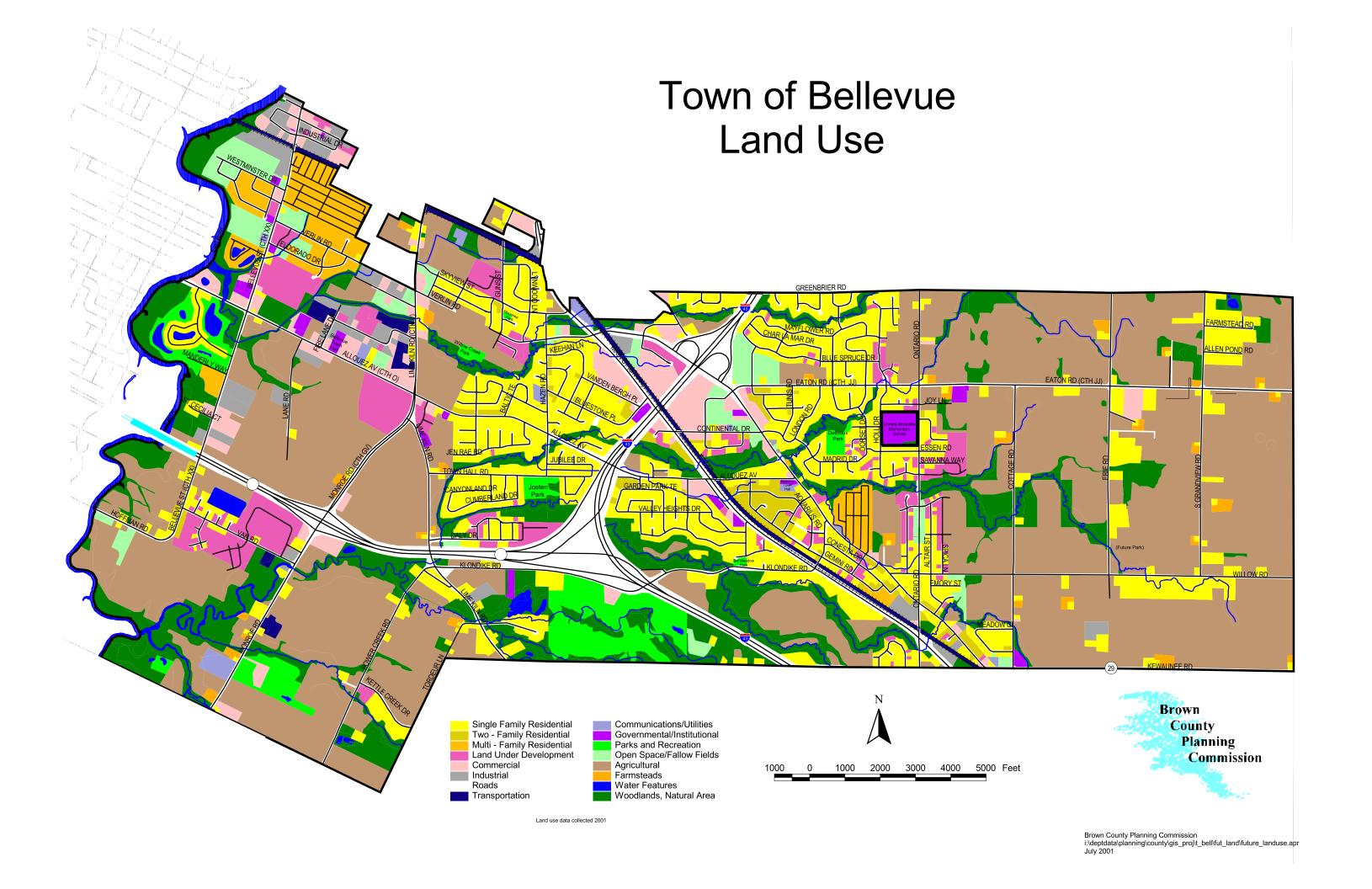
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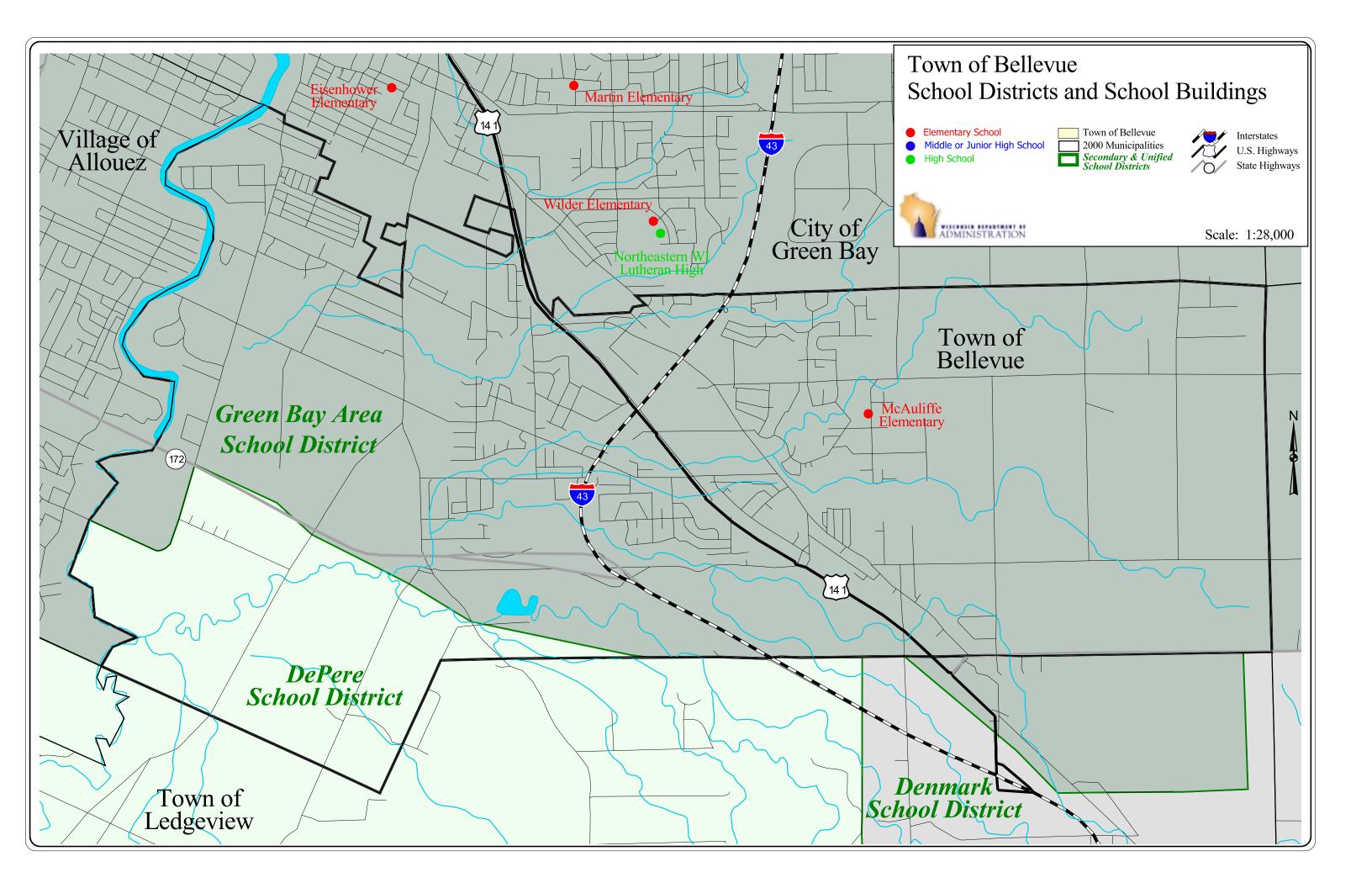
²² 'The Good Old Days' by Ken Baumgart (2002), brief history of the town submitted by Petitioners.

²³ Communication with Todd Taves, Town of Bellevue Administrator, 7/22/02.

²⁴ Correspondence from Janine Rasmussen of the Unified School District of De Pere, 7/30/02.

²⁵ Communication from Mike Donart, Green Bay Area School District, 8/15/02.





Town of Bellevue children are served by a total of 5 elementary schools, 3 middle schools, and 3 high schools. Table 3, below, provides a breakdown of these schools.

Table 3: Schools Serving Bellevue Residents

School Name	Grades	School District	Location
Langlade Elementary 400 Broadview Drive Green Bay, WI 54301	K-5	Green Bay Area Public School District	Village of Allouez
McAuliffe Elementary 2071 Emerald Drive Green Bay, WI 54311	K-5	Green Bay Area Public School District	Town of Bellevue
Webster Elementary 2101 S. Webster Green Bay, WI 54301	K-5	Green Bay Area Public School District	Village of Allouez
Wilder Elementary 2590 Robinson Avenue Green Bay, WI 54311	K-5	Green Bay Area Public School District	City of Green Bay
Edison Middle School 442 Alpine Drive Green Bay, WI 54302	6-8	Green Bay Area Public School District	City of Green Bay
Washington Middle School 314 S. Baird Street Green Bay, WI 54301	6-8	Green Bay Area Public School District	City of Green Bay
East High School 1415 E. Walnut Street Green Bay, WI 54301	9-12	Green Bay Area Public School District	City of Green Bay
Preble High School 2222 Deckner Avenue Green Bay, WI 54302	9-12	Green Bay Area Public School District	City of Green Bay
Heritage School 1250 Swan Road DePere, WI 54115-8266	K-5	DePere Unified School District	Town of Ledgeview
DePere Middle School 700 Swan Road DePere, WI 54115-8207	6-8	DePere Unified School District	City of DePere
DePere High School 1700 Chicago Street DePere, WI 54115-1020	9-12	DePere Unified School District	City of DePere

McAuliffe Elementary is currently the only school serving Bellevue residents that is located within the Town of Bellevue. It is located at the center of Bellevue, but along the eastern edge of the developed portion of the Town.

Anticipated future residential growth in the eastern and southwestern parts of the town means that additional school buildings in the town will be needed. To this end, the Green Bay Area Public School District has purchased several parcels of land in Bellevue. One of these is a 15 acre parcel adjacent to the future Willow Creek Park along Guns Road. The other is a 10 acre parcel adjacent to the future East Side Park along Erie Road. Elementary schools, and perhaps a middle school, will be built on these parcels. Because both parcels are located adjacent to lands owned by the Town (the Town owns 10 acres at the Willow Creek site and 10 acres at the East Side Park

site), they are expected to be operated as joint school/park sites. ²⁶ Map 11, on page 29, shows the location of these proposed schools.

The determination of school district boundaries is an entirely separate process from municipal governance. Whether or not the Town of Bellevue incorporates will have no effect on school district boundaries. However, as the Department noted in its determination in Pewaukee (1991), schools nonetheless have an impact in molding community allegiance through scholastic, social, and recreational activities. The vast majority of Bellevue students attend Green Bay Area School District schools located the City of Green Bay, the Village of Allouez, and the Town of Bellevue. This tends to indicate that community allegiance related to school activities is not limited solely to Bellevue but also to these neighboring communities. However, the fact that Bellevue has one school within its boundaries, with plans for more schools, provides a sufficient level of community social interaction and allegiance. McAuliffe School has an active PTO, many family-oriented events such as fall festival, academic fair, and space night.²⁷

Sanitary District

The Belleview Sanitary District provides both sanitary sewer and municipal water. The district boundaries are congruent with the town boundaries, including a small portion of the Town of Ledgeview running along the south side of STH 29 and both sides of STH 141 up to CTH MM. The sanitary district also serves part of the City of Green Bay – the area west of Lime Kiln Road up to the railroad tracks - through an intergovernmental agreement.

District infrastructure includes 4 wells capable of producing 5.2 million gallons of water per day, two above-ground storage tanks with 900,000 gallons capacity, 321,222 feet of watermain and approximately as much sewer line, and 643 fire hydrants. Although the district's boundaries include the entire town, sewer lines are confined to areas within the *Brown County Year 2015 Sewer Service Area* (described below). Far eastern and southern parts of the Town currently outside this sewer service area have neither sewer lines nor substantial development.

The district transports its waste to the Green Bay Metropolitan Sewerage District (GBMSD) for treatment. GBMSD is located at the southern shore of Green Bay in the City of Green Bay. Municipal members of GBMSD are: the City of Green Bay, the Villages of Allouez, Ashwaubenon, Howard, Luxemburg, and Pulaski, and the Towns of Bellevue, Green Bay, Hobart, Lawrence, Ledgeview, Pittsfield, Red River, Scott, and Suamico. Member municipalities are billed according to the amount and strength of wastewater coming from within their boundaries. Member municipalities in turn bill their residents for individual usage of the system. The Bellevue Sanitary District has about 3,900 customers (i.e. households or businesses) with sewer and water. It has another 15 sewer-only customers in the portion of the district that serves Ledgeview. These Ledgeview customers do not receive municipal water from Bellevue.

Sanitary district employees are considered Town employees, with portions of certain employee's wages charged back to the district. The labor equivalent charged back is equal to about 6 full-time employees. These employees work in the Town of Bellevue Public Works and Water Department. The department operates out of two garage facilities located at 2828 Allouez Avenue (town offices) and 1811 Allouez Avenue (Town Hall). Because Bellevue has no sewage treatment plant of its own, sanitary sewer operations make up a relatively small part of the

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²⁶ *Town of Bellevue Comprehensive Plan Update* (1995), pg. 6. Also communication with Todd Taves, Town of Bellevue Administrator (7/22/02).

²⁷ http://www.greenbay.k12.wi.us/01/info/schools/mcauliff.html

department's operations as compared to water. This enables the water superintendent to oversee both functions.

As indicated above, *Brown County Year 2015 Sewer Service Area* ("sewer service area"), includes less than the entire Town. The areas in the Town of Bellevue that are excluded from this area are:

- Sections 13 and 24, east of Erie Road, and parts of Sections 14 and 24, east of Cottage Road;
- Parts of Sections 20, 21, and 22 south of STH 172 and USH 43 in the southern part of the Town.

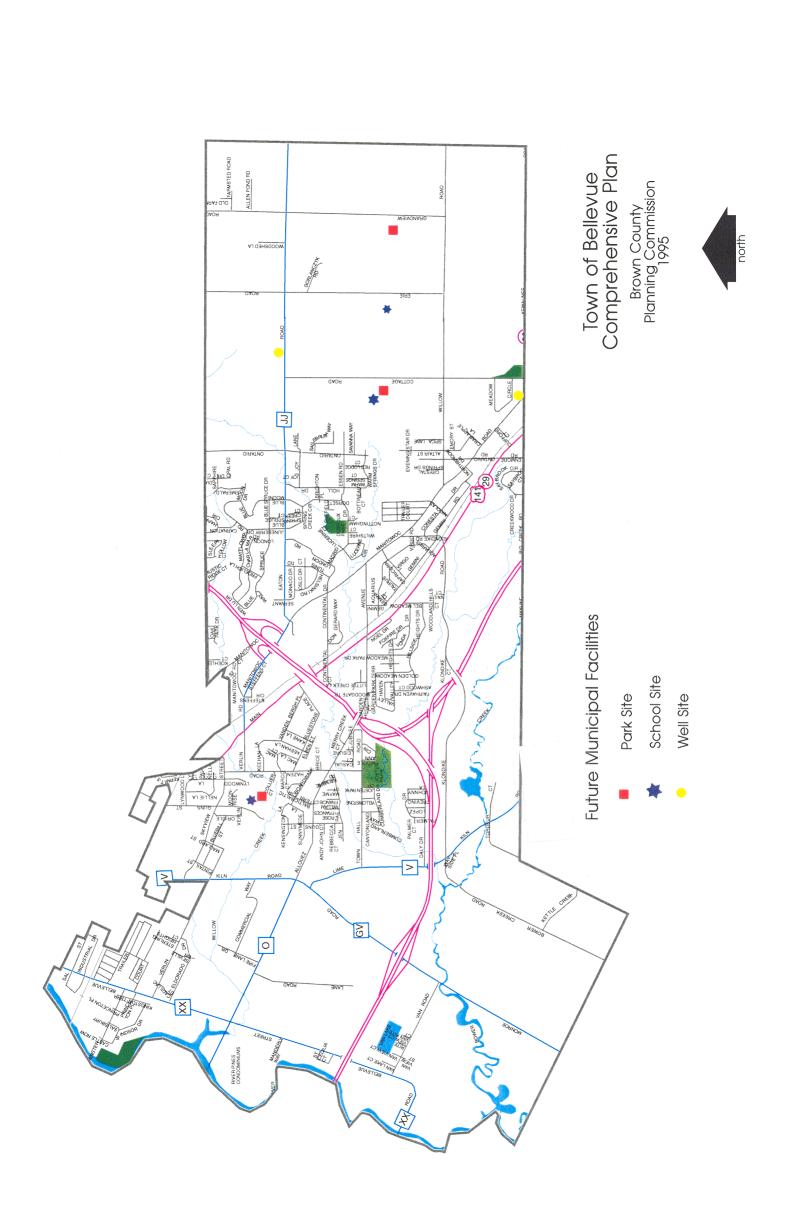
These areas comprise roughly 30% of the town. However, they may not be excluded from the sewer service area much longer. On July 22, 2002, the Brown County Planning Department's Board of Directors approved an amendment to the area that could, if approved by the Wisconsin Department of Natural Resources (WiDNR), result in all of these excluded areas being brought into the sewer service area. The WiDNR's approval decision, which is required in order for an amendment to the sewer service area to become effective, is expected within the next several months. Map 12, at page 30, shows the extent of the proposed amended sewer service area. Inclusion of these areas will mean that all parts of the Town can be served with municipal sewer. Although development could still potentially occur in the excluded areas, it would need to utilize on-site sanitary systems and this would conflict with Bellevue's policy of discouraging on-site systems. This policy is described further in this section under land use at page 38.

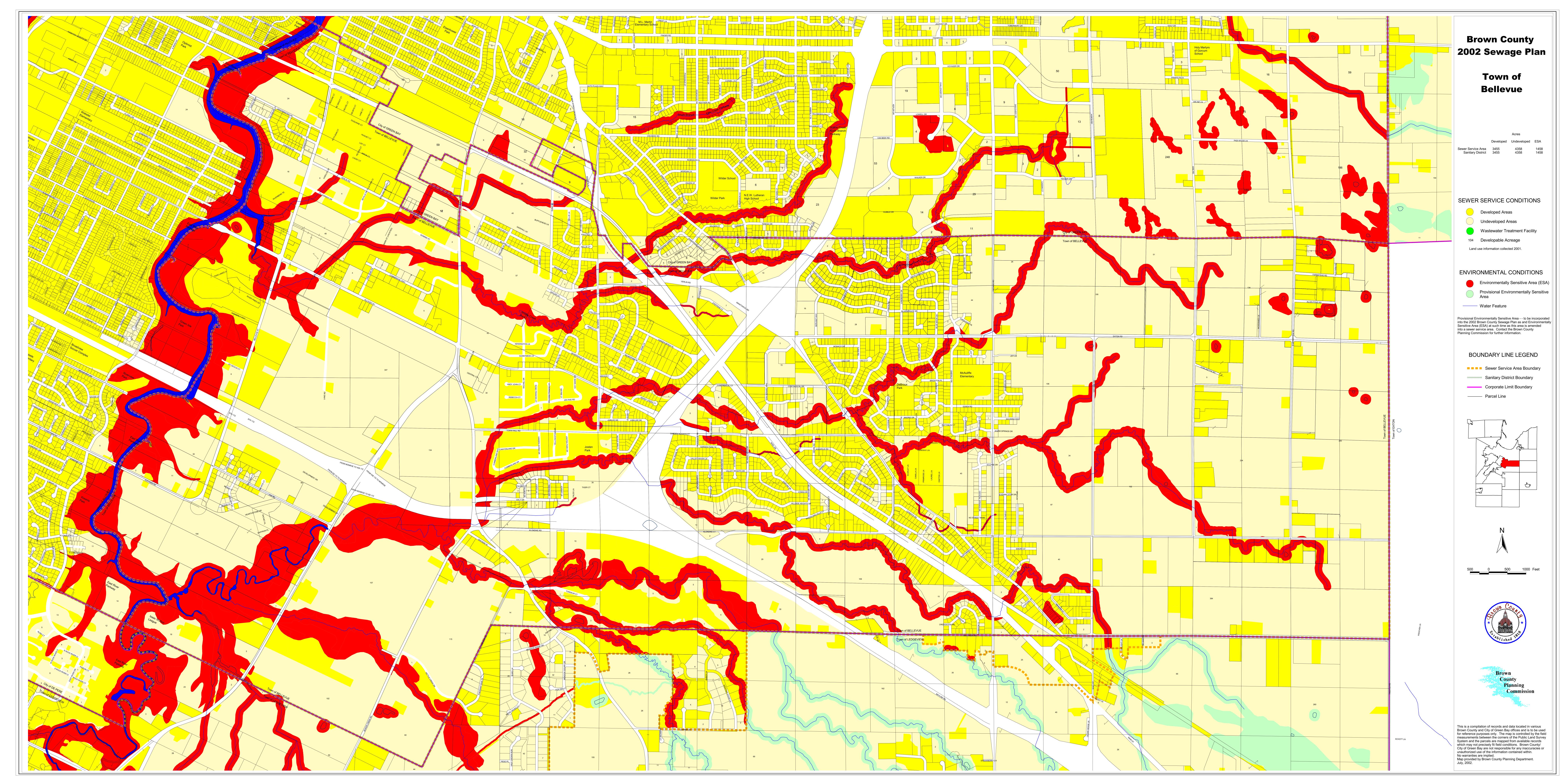
The significant development occurring throughout the Town of Bellevue means that the Sanitary District anticipates expanding its infrastructure. The projects below are listed on the *Town of Bellevue Capital Improvement Plan* (2003-2007):

- Sewer and water main extensions on Guns Road between Verlin Road and Willow Creek:
- Sewer and water main extensions on Hoffman Road between the East River and Bellevue Street:
- Installation of lift station and forcemain to serve existing and future residential areas between Big Creek Road and Main Street;
- Construct one million gallon elevated tank to be located at the east side park site²⁸;
- Sewer and water main extensions on Klondike Road between Lime Kiln Road (CTH V) and the Green Bay Country Club;
- Sewer and water main extensions on Ontario Road from Eaton Road (CTH JJ) north to the Green Bay city limits;
- Sewer and water main extensions on Verlin Road between Lime Kiln Road (CTH GV) and Hazen Road;
- Replace water main on Lime Kiln Road between Allouez Avenue and Green Bay city limits. Watermain is made of materials that are old and obsolete;
- Extend water main on Main Street (USH 141/29);
- Install 15-inch interceptor sanitary sewer on Main Street (USH 141/29) from Verlin Road south to Allouez Avenue;

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²⁸ The District's two existing elevated tanks provide a total storage capacity of 900,000 gallons. This is already insufficient to meet the Town's peak demand, which is in excess of 1.4 million gallons per day. A third tank is needed to provide storage required for the present and the future, and to create a third pressure zone on the east side of Town.





- Install 18-inch interceptor sanitary sewer under USH 43 (near Dorsch Ford) west to Steffen's Court, then north on Steffen's Way to Verlin Road, then west on Verlin Road to the GBMSD metering station;
- Sewer and water main extension on Willow Road from the end of the developed area east to Cottage Road;
- Extension of sewer and water main to St. Cecelia Court;

Many of these improvements will be done in conjunction with the street improvements listed on pages 18-22.

Water quality and quantity is a concern of many area municipalities, and has been for some time. As early as 1976, a water study commissioned by Brown County, called the *Brown County Water Plan* found that the St. Peter Sandstone aquifer, the deep water aquifer which provides the water for all municipal wells in Brown County, would not be able to meet the area's long-term drinking water needs. A second study done in 1992 confirmed the earlier study and specifically found that while the aquifers are naturally replenished with approximately 6.5 million gallons of water daily, approximately 13 million gallons per day is being used by municipal and private well use. This has led to a decline in the water level within the aquifer. The study projected that area water need and usage will continue to grow over the next 20 years, and that therefore the aquifer will continue to decline. The United States Geologic Survey (USGS) has found the water level to be dropping at a rate of five feet per year since 1990 and may drop 200 feet in the cone of depression (area of most concentrated water use) by the year 2015.

Lower water levels have resulted in poorer water quality. Municipal wells in the area do not meet water quality standards set by the Environmental Protection Agency (EPA) for radium and the WiDNR is expected to begin enforcing this radium standard. While water may be successfully treated for radium, the treatment process is very expensive – in the millions of dollars.

In addition, a survey of Bellevue residents in 2000 found that 9/10 residents are dissatisfied with the current quality of municipal drinking water provided by the Town of Bellevue Sanitary District.³¹

In order to resolve these problems, the Central Brown County Water Commission was created and introduced state legislation in 1998 that would allow the formation of multi-jurisdictional water authorities to tackle regional water problems. With passage of the law in 1999, the commission was reformulated under the new state law as the Central Brown County Water Authority (CBCWA). CBCWA is comprised of the following communities: De Pere, Allouez, Ashwaubenon, Howard, Bellevue, Ledgeview, Hobart, Lawrence, and Scott. The authority considered two options: 1) Buying water from the City of Green Bay, and 2) Building an independent Lake Michigan water supply system. Continuing to rely on groundwater was not chosen because of concerns about water quality (and the high costs of treatment) and quantity. Also, there are other municipalities that utilize the St. Peter Aquifer that are not members of CBCWA and that therefore cannot be controlled.

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²⁹ http://www.cbcwaterauthority.com/

http://www.cbcwaterauthority.com/

³¹ http://www.bellevue-wi.com

The Authority has completed a Water Purchase Agreement with each municipal member that binds that community to purchase water from the Authority. The Authority is currently negotiating with the City of Green Bay over purchasing water from its system. If an agreement cannot be reached, then the Authority will build its own system. The cost to build a separate system is estimated at \$150 million.

Shopping and Social Customs

Bellevue provides shopping, employment, and social and recreational opportunities for its residents and also for residents of the broader region.

Shopping and employment

Map 13, at page 33, shows the locations and types of businesses located in the Town of Bellevue. Also, table 4, below, shows the largest employers in Bellevue. These businesses tend to indicate that although Bellevue may be inextricably linked together with the rest of the Green Bay metropolitan area, it does have sufficient economic opportunity to make it a community in its own right.

A mix of services and businesses that meet the needs of residents is a consideration in the incorporation of metropolitan villages. Services and businesses need not duplicate those of larger metropolitan communities, however, basic services should be available. In its Weston (1995) Determination, the Department found that Weston met basic needs and noted the following:

Much more than just convenience retail establishments are present in Weston, a characterization important for contributing to a separate identity for a community within a metropolitan area.³²

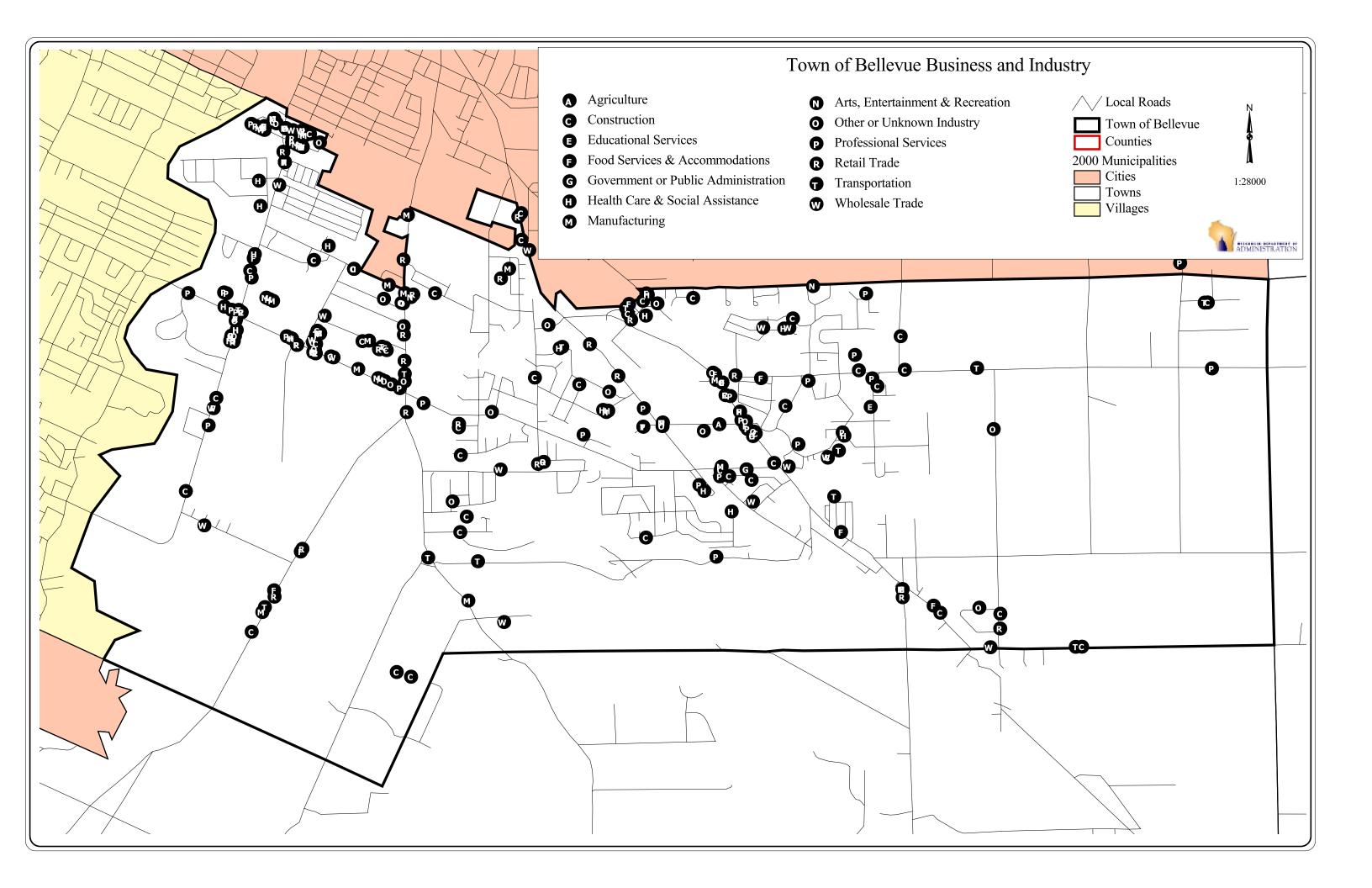
Table 4: Largest employers in Bellevue

Firm	Type of Business/Product	Number of Employees
Wal Mart	Retail	282
Festival Foods	Grocery	200
Krueger International	Manufacture of office	200
	furniture	
Fleet Farm	Retail	172
Konop companies	Vending, food catering	165
DeLeers Construction and Millwork	Construction related work	155
Home Depot	Retail home improvement	110
Waste Management	Trash disposal, recycling	97
Wilco Cabinets	Manufacture custom cabinets	72
School District of Green Bay Area	Education	47
Town of Bellevue	Municipal government	31

Source: 2001 Wisconsin Manufacturers Register

Additionally, petitioners submitted to the Department a complete list of businesses located in the Town of Bellevue. The list includes over 350 businesses. Most are located along Allouez Avenue, Bellevue Street, Commercial Way, Fire Lane, Industrial Drive, Lime Kiln Road, Kewaunee Road, Main Street, Manitowoc Road, Monroe Road, and Sal Street. There is a wide

³² Weston (1995), page 42.



range of business types, including doctors offices, insurance, furniture manufacturers, photo studios, jewelers, hair shops, plumbing, car repair, heating and cooling, car wash, upholstery, printing, cleaning, sign shop, grocery, restaurants, sewing, water care, florist, child care, catering, bank, convenience center, recording studios, laundromat, health club, landscaping, sheet metal, storage, assessors, pet center, retail, Dorsch Ford, investments, chemicals, dance studio, veterinarian, roofing, hotels, welding, bowling. These businesses provide Bellevue residents with employment and shopping opportunities.

In order to build on this economic base, Bellevue has developed the *Bellevue Strategic Plan* (2001) which includes as one of its goals, promoting economic development in the town. To achieve this goal, the plan recommends tasks such as:

- assembling a directory of Bellevue businesses;
- investigating why businesses choose not to locate in Bellevue;
- surveying current businesses to better understand benefits and challenges of doing business in Bellevue and to obtain input on issues;
- investigating successful economic development methods used elsewhere;
- identify opportunities for development in Bellevue;
- identifying resources, including the chamber of commerce, state resources, grant programs;
- preparing statistical data that is helpful to potential businesses;
- preparing an economic development plan for Bellevue, and
- preparing economic development promotional materials such as a web site, and pamphlets and brochures.

These efforts will help to further improve economic opportunities in Bellevue, including employment and shopping opportunities that will continue to make Bellevue a community in its own right.

Social and recreation opportunities

Bellevue has a wide variety of well-established social and recreational opportunities to indicate that it is a community in its own right, with an identity distinct from other Green Bay area communities.

The Town maintains a web site to keep residents apprised of community events and information. The web address is: www.bellevue-wi.com. Examples of the kinds of information the web site are community events, projects, and activities, required licenses (dogs, bikes), announcements, garbage collection and recycling, overnight street parking, yard waste disposal, curbside brush pickup, voter registration and elections, minutes of governmental meetings, elected officials and staff, town ordinances, employment and volunteer opportunities in Bellevue, and Town of Bellevue departments such as the fire department, parks and recreation, public works and water, administration, town assessor, building inspection and zoning, clerk-treasurer, and municipal court. The web site also provides links to other sites that are important, or potentially of interest to Green Bay area residents.

Newsletters also keep Bellevue residents connected. The town distributes newsletters to every residence and business in the Town. The content of newsletters is similar to the information provided on the web site.

Table 5, below, lists a number of social organizations, clubs and churches that are active within the Town.

Table 5: Social Organizations in Bellevue

Organization	Membership	Members residing	
Bellevue Business &	65	in Bellevue 58	
Professional Association	0.5	36	
Bellevue Lions Club	40	31	
Bellevue East Town Optimists	29	8	
Bellevue Fire Department	50	45	
Association			
4-H	21	7	
VFW	213	31	
American Legion	No response	No response	
Messiah Ev Lutheran Church	405	205	
Victory Tabernacle Church	No response	No response	
Spring Lake Church	No response	No response	
Green Bay Southeast Ministry	No response	No response	
Bethel Baptist*	n/a	n/a	
Episcopal Church of Fond du	n/a	n/a	
Lac*			
Catholic Diocese*	n/a	n/a	

^{*}future planned churches

Bellevue residents may also participate in the life and affairs of the community through local government. These include town board, the boards of the two school districts, the Citizens Study Committee on Incorporation, and Bellevue's park commission, plan commission, board of appeals, site plan review commission, and ethics board.

Bellevue residents may also take advantage of a whole range of year-round recreational programs and opportunities provided by Bellevue's Parks, Recreation and Forestry Department. Programs offered in winter are youth basketball, youth open gym, skating lessons, tumbling, adult open gym, adult cardiovascular training, yoga, and computer courses. Programs offered in summer include a summer park program for kids, a program for pre-school age children, T-Ball, golf, tennis, gardening, horseback riding, and Tae Kwon Do. The Town publishes a brochure that describes the available programs and distributes this to each Bellevue household.

Residents may also recreate in a number of Town parks. Map 14, at page 37, provides the location of Bellevue's parks. They are also listed in Table 6, on the next page, along with acreages and facilities.

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³³ See http://www.bellevue-wi.com/departments/dept_parkandrec/recreation.html

³⁴ Correspondence from Marty Kosobucki, Director of Bellevue Parks, Recreation and Forestry Department, 8/14/02.

³⁵ Correspondence from Todd Taves, Town of Bellevue Administrator, 8/14/02.

Table 6: Bellevue Parks

Park	Acres	Description
DeBroux Park	12.5	Playground, shelter, lighted softball diamond, tennis courts, nature area, picnic area, ice rink, basketball court
Josten Park	35.5	Playground, shelter, lighted softball diamond, tennis courts, nature area, picnic area, ice rink, hockey rink, sand volleyball court
East River	17.8	Walking trail, boat launch, picnic
parkway		area, nature area
Bell Meadow Park	3.0	Playground, nature area, picnic area
Moonrise Park	.8	Playground, picnic area
Willow Creek	25	Undeveloped
Park*		
East Side Park*	33	Undeveloped
Bethal Park	5	Undeveloped
Izzak Walton	40	Natural area
League		
property**		

^{*}Joint park/school sites

In total, there are approximately 80 acres of parkland, with 60 acres being developed and suitable for public use. Community groups and parties may rent out park shelter facilities. Josten Park has two shelters and DeBroux Park has one. Pictures of these facilities, along with rental and contact information is available on Bellevue's website.

Bellevue residents may also utilize the *East River Parkway Trail*, described at page 22 of this section.

Bellevue's parks are managed by the Town of Bellevue Parks, Recreation, and Forestry Department. This department was created in April 1999 in order to develop parks and recreation for the rapidly growing town. A parks commission, consisting of seven-members is responsible for planning, development, and oversight of the park and recreation programs. The commission meets on the second Monday of each month at the Town Office or at one of the park shelters.

To guide the development of parks in Bellevue, the *Comprehensive Outdoor Recreation Plan – Town of Bellevue* (1996) was created. The plan recommends future park projects and also fulfills eligibility requirements for state and federal recreation aid programs. Recommendations include:

1) Willow Creek Park

This 25 acre parcel, along Gunns Road and bounded to the south by Willow Creek, is expected to be jointly used as a park and school. The Green Bay Area School District has purchased 15 of the 25 acres and anticipates building an elementary school or a middle school (or both) on this site. By jointly developing an integrated facility, the school district and town will avoid duplicative features such as soccer fields, ball diamonds, restrooms, playground equipment, etc. This will result in savings for both jurisdictions.

^{**}Although not owned by the town, this property is open to the public

Map 14 Bellevue Parks

From Bellevue's standpoint, Willow Creek Park will eventually provide residents with a centrally located community park.

2) East Side Park

This 33 acre parcel, located at the northeast corner of Erie Road and Willow Road, is also expected to be jointly used as a park and school. The Green Bay Area School District has purchased 10 of the 33 acres and anticipates building an elementary school or a middle school (or both). As with Willow Park, the school district and town will both benefit by cooperating to develop an integrated site. From the Town's standpoint, the East Side Park will provide recreational opportunities to new residents of planned east side residential developments.

3) Implementation of East River Parkway Plan (1991)

This plan recommends preserving public access to the East River by providing a continuous green buffer of parkland along the East River. In addition to recreation, a green buffer will have environmental benefits, including: providing natural flood control, improving water quality by filtering out pollutants and sediments, replenishing groundwater supplies, minimizing shoreline erosion. The recommendations of this plan have been implemented. A green buffer has been preserved and the East River Parkway Trail is built and being used by area residents.

Map 14, at page 37, shows that Bellevue's parks are, or will be, distributed so that all residents have good access. These park facilities, along with the organizations and opportunities for community participation described above, demonstrate an internal sense of community within Bellevue. They demonstrate that Bellevue has an identity independent to that of neighboring communities such as the City of Green Bay.

Summary of Current Land Uses

For the majority of Bellevue's history, it has existed as a rural community in the City of Green Bay's shadow. However, as the City of Green Bay has grown, and as adjacent communities such as Allouez, De Pere, and Ashwaubenon also became urbanized and grew, the Green Bay metropolitan area as a whole came to include Bellevue – first the northwestern part of the town, and now the rest of it. As a result, market pressure is dictating that lands in Bellevue transition to higher intensity of use – for example, from agriculture to residential, business, industrial, school, and park uses. This phenomenon was apparent from the Department's site visit to the Town. Construction equipment and activity were frequently visible, and structures and infrastructure such as roads and sewer and water lines were in various stages of completion. Also, development was occurring simultaneously throughout the town; not just in one or two places.

Bellevue's rapid growth can also be seen by the number of rezonings. Since 1997, there have been 58 rezonings approved, the majority of these being rezones of agricultural lands to more intensive uses. The Town has two agricultural zoning districts: Transitional Agriculture (A-2) and Exclusive Agriculture (A-1). Between 1997-2000, there were 28 rezones from A-2 to more intensive residential, business, and industrial uses, and 8 rezones from A-1 to more intensive uses. ³⁶

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³⁶ Rezoning table submitted by Petitioners, 5/21/01.

Bellevue's rapid growth can also be seen by the number of building permits that have been issued. See Table 7, below.

Table 7: Bellevue building permits (1991 – 2000)

Year	R1 ³⁷	R2 ³⁸	R3 ³⁹	Commercial
	Units	Units	Units	Buildings
1991	105	46	16	0
1992	161	86	80	0
1993	106	70	24	0
1994	94	42	82	0
1996	67	48	147	20
1997	70	30	108	13
1998	85	0	42	19
1999	112	2	0	14
2000	91	10	68	13
Total	425	90	365	79

Map 9, at page 24, shows current land use in the town, and also those areas that are under development (those areas shaded in purple). However, because the map is over one year old, the construction and development that was occurring in these areas has been completed and new areas are now under development. Table 8, below, shows an estimate of the existing land use in Bellevue.

Table 8: Existing Land Use in Bellevue⁴⁰

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Residential	43 %
Commercial	8 %
Manufacturing	12 %
Agricultural & Transitional ⁴¹	25 %
Marginal/Floodplain Lands	6 %
Public Use (including parks)	2 %
Conservation	2 %
Golf Course (Green Bay	2 %
Country Club)	

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³⁷ 'R1' refers to single family residential units.

³⁸ 'R2' refers to 2-family residential units.

³⁹ 'R3' refers to multi-family residential buildings (greater than 2-family).

⁴⁰ Correspondence from Todd Taves, Town of Bellevue Administrator, 8/15/02.

⁴¹ 'Transitional', as used here, means vacant lands for which area development plans have been created and adopted but which are not yet developed. About 1/3 of the 25% would fall in this category. These lands may be cropped, but are not part of viable agricultural operations within the Town.

Map 9, at page 24, gives an indication for the compactness of development in Bellevue. Development is compact in large part because of the town's policy of channeling development to areas served with public sewer and water and other infrastructure. The rationale for compact development is explained in Bellevue's *Comprehensive Plan Update* (1995):

It will be easier to plan for and service compact development, as compared to allowing pockets of non-sewered growth to occur randomly in the rural parts of Bellevue. In viewing this from a long term perspective, it is most beneficial, as it will allow the eventual urbanization of the existing undeveloped lands of the town to be achieved more easily, less costly and more efficiently. It is more difficult to work around existing development, as compared to working with raw land without the encumbrances of existing structures... Certainly, scattered random development should not be allowed.⁴²

This policy has applied to all of the higher intensity land uses, including residential (single-family, duplex, and multi-family), commercial, industrial, and institutional land uses and has resulted in development that exhibits urban characteristics. Examples of the urban characteristics noted by the Department in its site visit include such things as municipal sewer and water, fire hydrants, neighborhood parks, bike trails, and design-related things such as higher density and streets with curb, gutter, sidewalks, and storm sewer. The urban-type land uses in Bellevue, and the urban design of development in Bellevue, result in compatibility with the land uses of the neighboring communities of Green Bay, Allouez, and De Pere.

Determination

The territory proposed for incorporation meets the compact and homogenous standard of 66.0207(1)(a), Wis.Stats.

Topography, soils, and natural features all tend to support the petition. The East River forms a logical natural boundary to the west. Bellevue's boundaries to the north, south, and east are politically-based but have been stable for past 25 years. With respect to previous political boundaries, the town is as nearly complete as upon its creation over one hundred years ago. The stormwater management utility boundaries are synonymous with those of the town, and the sanitary district's boundaries are essentially so. The current sewer service area includes almost the entire town and the proposed amendment to the sewer service area does include the entire town. School district boundaries also tend to support the petition. Although both of the school districts serving Bellevue also serve other communities as well, Bellevue does have one school within its boundaries that acts as a hub for community social, recreational, and education activity. With plans for as many as 3 other schools in Bellevue, focal points for community activity will surely increase.

Despite having several major highway corridors and a rail corridor cutting through it, Bellevue's transportation system features sufficient streets that cross these major corridors so as to facilitate travel to all parts of the town. No residents or areas are left isolated. The numerous improvements planned will further improve internal connectivity.

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⁴² Town of Bellevue Comprehensive Plan Update (1995), page 29. This plan updates the Town of Bellevue Comprehensive Plan Update (1988), which was an update to the earlier Town of Bellevue Comprehensive Plan (1978), the original comprehensive plan.

The businesses listed on pages 32-33, and the social and recreational opportunities outlined on pages 34-37, demonstrate that Bellevue is a distinct community within the Green Bay area. The web page and newsletter are indicative of Bellevue's highly developed social network and are a means by which the town conveys information to residents and brings them together as one community.

The land uses also show that the petitioned territory is compact and homogenous. From 1970-2000, Bellevue's population growth rate has been the highest of any Brown County community. As a result, it has rapidly transitioned from a primarily rural community to a largely urban one. This can be seen in rezoning and building permit data, and in the land use percentages. Already, developed land uses such as housing, commercial, manufacturing, and parks and recreation comprise 67% of total land use. In addition to the extent of urban land uses, the fact that Bellevue's developed areas have urban characteristics is significant. It means that the land uses and development in Bellevue are compatible with those of Green Bay, Allouez, and De Pere.

SECTION 1(B), TERRITORY BEYOND THE CORE

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

The territory beyond the most densely populated one-half square mile specified in s. 66.0205 (1) or the most densely populated square mile specified in s. 66.0205 (2) shall have an average of more than 30 housing units per quarter section or an assessed value, as defined in s. 66.0217 (1) (a) for real estate tax purposes, more than 25% of which is attributable to existing or potential mercantile, manufacturing or public utility uses. The territory beyond the most densely populated square mile as specified in s. 66.0205 (3) or (4) shall have the potential for residential or other land use development on a substantial scale within the next three years. The Department may waive these requirements to the extent that water, terrain or geography prevents such development.

This standard imposes different tests depending upon whether or not the territory is intended to be incorporated either as an "isolated" or "metropolitan" city or village. The first part of this standard pertains only to "isolated" villages or cities, and permits one of two criteria to satisfy the standard: 30 housing units average per quarter section; or 25 percent or greater assessed value which is attributable to "existing or potential mercantile, manufacturing, or public utility uses." Neither of these criteria apply in the instant action because Petitioners have filed as a "metropolitan village."

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

Although identification is not necessary, the most densely populated square mile of the territory proposed for incorporation, as specified in §66.0205(3), Wis.Stats. is the area in the northwest corner of the town bounded by Allouez Avenue (CTH O), Lime Kiln Road, and the East River. This area includes high density residential dwellings such as apartments, townhouses, and a mobile home park.

Much of the Town of Bellevue beyond this most densely populated core is also developed. As indicated on Table 8 on page 39, 43% of lands in Bellevue are in residential use, 20% in commercial and manufacturing use, and 4% is used as developed parkland or recreational space. This means that well over half of Bellevue is already developed.

Of the remaining undeveloped lands, some are not developable due the East River, and Bower and Willow Creek and their network of tributaries, wetlands, and shoreland-floodplains. These areas, shown by map 9, at page 24, are protected from development by federal and state law and local ordinances. Other areas may also be undevelopable because of soils. Map 6, at page 10, shows generally areas with soils unsuitable for some types of development. Many of these soils are along the East River, and Bower and Willow Creek and their tributaries. Lands that are not developable are not included in the 'Territory Beyond the Core' standard because the Department may waive these requirements to the extent that water, terrain, or geography prevents such development."

The remaining territory that is developable has the potential for development on a substantial scale within the next three years. This is apparent from Bellevue's comprehensive plan, the sewer service area, rezoning and building permit data, and from ownership records.

Comprehensive Plan

Map 15, on the next page, shows the future land uses recommended by Bellevue's Comprehensive Plan Update (1995). The map shows that compact urban development is anticipated for the entire town, including residential (single-family, duplex, high density and possibly mobile homes), commercial, industrial, office, business, and parks uses. Agricultural land use is not anticipated to continue in the long-term.

In addition to Bellevue's plan, the Brown County Year 2020 Land Use and Transportation Plan (1996) also anticipates that Bellevue will become fully developed with urban land uses at urban densities.43

Sewer Service Area

As indicated in the sewer service area discussion at page 21, the current area includes almost the entire town. Only portions of Sections 13, 20,21,22, and 24 are excluded. Areas within the sewer service area may be developed with municipal sewer, a characteristic of urban development. Areas beyond may still be developed but must utilize on-site sanitary systems. Although Bellevue's policy has been, and continues to be, to discourage on-site systems, market demand for higher intensity land uses exists (described below). This creates the potential for development, as required by §66.0207(1(b), Wis.Stats.

As also indicated in the sewer service area discussion, on July 22, 2002, the Brown County Planning Department's Board of Directors approved an amendment that could, if approved by the WisDNR, result in all of Bellevue's excluded areas being brought into the sewer service area. This would allow developable lands within Bellevue to be provided with municipal sewer and would likely lead to increased market pressure, and an accelerated timeframe, for development.

Rezoning & Building Permit Data

Rezoning and building permit data are evidence of the rapid transition of Bellevue from a rural to an urban community, and also of the market demand for higher intensity land uses. As indicated on page 39, from 1997-2001, there have been 58 rezonings approved, the vast majority of these being rezones of agricultural lands to more intense uses. As indicated by Table 7, page 39, between 1991-2000 959 building permits have been issued in Bellevue. These permits have been issued for single-family housing, as well as for duplex and multi-family dwelling units. A large number of permits have been issued for commercial buildings. The equalized value of commercial property in the town is \$157 million, almost 25% of the total equalized value.⁴⁴ It is reasonable to expect that the market demand that has accelerated in Bellevue for the past 30 years, and as evidenced by recent rezoning and building permit data, will continue to remain strong into the future.

⁴³ Brown County Year 2020 Land Use and Transportation Plan (1996), Exhibit ES-2.

⁴⁴ Communication with Karen Simons, Town of Bellevue Clerk-Treasurer, 8/23/02.

Brown County Planning Commission i'deptdatalplanning/county/gis_proj\t_bell\fut_jand\future_landuse.apr May 2001

Ownership of undeveloped parcels

Another indication that agricultural in Bellevue will soon be developed is the ownership of undeveloped lands. Information provided by Petitioners shows that the majority of vacant lands east of Ontario Road are owned by development companies, by individual speculators, or by original farm owners who are now holding the land for investment purposes. Specifically, 58/71 parcels are being held solely for development purposes. Only 10 parcels are currently being farmed, and it is possible that even the owners of these parcels intend to develop in the future.

Determination

Undeveloped land in Bellevue that is located beyond the most densely populated core area, and that is developable, has the potential to become developed on a substantial scale within the next three years. This is apparent from the high rate of development in Bellevue over the past 30 years, as well as current development activity. Construction equipment and related activities were clearly visible during the Department's site visit, and private structures and public infrastructure such as roads and sewer and water lines were in various stages of completion. Also, this development was occurring simultaneously throughout the town; not just in one or two places. It is reasonable to expect that this trend will continue, given the market demand for higher intensity development of Bellevue lands, the fact that Bellevue's comprehensive plan calls for total buildout of the town, the fact that the sewer service area could include the entire town (and includes nearly all of it already), and also given that the vast majority of remaining agricultural lands in Bellevue are owned by development companies and speculators.

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⁴⁵ Correspondence from Daniel Katers, Petitioner's representative, 8/16/01

SECTION 2(A) TAX REVENUE

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

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

Local service expenditures vary greatly across Wisconsin communities and are determined by the needs and expectations of the local populace. For this reason, the Department recognizes the need for a range of service levels and does not hold communities to fixed standards. With this consideration in mind, the Department does compare municipalities sharing similar characteristics to determine whether a proposed budget is generally reasonable and able to support the desired level of municipal services.

Revenues

Table 9, on page 47, shows the Bellevue's revenue's for 2000. The table shows that the town receives considerable revenue from intergovernmental sources and from permits, fines, fees, and assessments. Only 15%, or \$531,500, of Bellevue's general revenues comes from the property tax. This enables the town to have a very low mill rate, as described later in this section.

By cooperating with other jurisdictions Bellevue has been able to benefit from the financial assistance of other jurisdictions, and will continue to benefit. For example, as indicated at pages 15-16, in order to improve the quality of stormwater runoff in Bellevue, the WisDNR will be providing TRM and LAG grants to help fund streambank stabilization projects. Another example is roads. A significant number of the road improvements listed on Bellevue's capital improvements plan, and summarized on pages 20-21, will be funded by Brown County and also by the City of Green Bay.

The town collects fees from its two mobile home parks and also from services provided by the Town of Bellevue Sanitary District. Assessments are collected from property owners adjacent to street improvements such as sidewalks, curb and gutter, and stormsewer.

The amount collected from fines and forfeitures would increase if Bellevue incorporates. As will be discussed in the 'Metropolitan Impact' section of this Determination, incorporation would require the town to provide public police protection instead of continuing to rely on the Brown County Sheriff's department for service. This would also enable the town to enforce its own ordinances and collect the resulting fines and forfeitures, something it cannot currently do. The town conservatively estimates that this would result in \$45,000 additional revenue.⁴⁶

⁴⁶ Town of Bellevue 1999 Budget, page 75, 10/27/98.

Table 9: Town of Bellevue Revenues - 2000

Intergovernmental		
State Shared Revenues	654,000	
State Aid Police Training	0	
State Aid Recycling	0	
Highway aids	403,000	
Other state aid	170,600	
Other local government aids	53,400	
Subtotal	1,282,000	
Licenses & Permits	158,800	
Fines & Forfeitures	10,000	
Public Charges for Services*	495,700	
Intergovernmental Charge for	21,600	
Services		
Subtotal	686,100	
Miscellaneous Revenues		
Interest Income	307,000	
Other*	179,900	
Subtotal	486,900	
Taxes		
General Property Taxes	531,500	
Tax Increments	0	
In Lieu of Taxes	0	
Other**	147,600	
Subtotal taxes	679,100	
Special assessments***	395,200	
Subtotal General Revenues	3,529,700	
Other Financing Sources	617,900	
Total Revenue 4,147		
* Includes filing fees, street construction	and maintanan	

^{*} Includes filing fees, street construction and maintenance, garbage collection, and parks

Expenditures

Table 10, on page 48, shows Bellevue's projected expenditures. Petitioners have not prepared a proposed village budget. Instead, they rely on past expenditure amounts as a guide to anticipated future expenditures. The table shows that Bellevue spends a significant amount on general government, as well as highway construction and maintenance, and parks and recreation. It also shows that Bellevue has a very low mill rate, and very low debt compared to its equalized value.

^{**} Includes rental income, sale of property, insurance recoveries, donations, and refunds.

^{***} Includes mobile home fees

Table 10: Town of Bellevue Expenditures - 2000

General Government Operations & Capital		
General Government	1,216,900	
Law Enforcement	25,600	
Fire	321,400	
Ambulance	82,400	
Other public safety*	124,400	
Highway Maintenance & Administration	341,100	
Highway Construction	1,211,500	
Road-related Facilities	36,000	
Other transportation	65,400	
Solid Waste Collection & Disposal	257,300	
Other Sanitation	8,900	
Health & Human Services	6,300	
Culture & Education	0	
Parks & Recreation	310,800	
Conservation & Development	900	
Subtotal	4,009,300	
Debt Service		
Principal	447,500	
Interest & fiscal Charges	312,900	
Subtotal	760,400	
Total Expenditures	4,769,000	
Other Financing Uses**	597,600	
Total Expenditures & Other Financing Use	5,367,400	
Total General Obligation Debt	7,394,500	
Percentage of Debt to Equalized Value	1.41%	
Estimated Equalized Value (1999)	524,154,800	
Estimated Local Mill Rate	1.01	
* Includes inspections, amargancy communication		

^{*} Includes inspections, emergency communication, correction and detention, civil defense, civil air patrol, and others.

In the event that Bellevue incorporates, expenditures will likely increase in a few areas. One area is police protection, which the town has estimated to be \$344,000 for 24-hour protection.⁴⁷ Another area is implementation of shoreland–floodplain zoning. Currently, Brown County administers shoreland-floodplain zoning. However, incorporation would require that Bellevue either provide this service itself or contract with the county to provide this service. The town has estimated a cost of \$5,000 for this service, either by contracting with the county or by hiring additional staff time.⁴⁸ Another area is costs for elected officials. Bellevue's town board current

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^{**} Includes interfund transfer of funds, payments to refunding bond escrow agents, and funds applied to reduce tax levies of other taxing jurisdictions.

⁴⁷ Town of Bellevue 1999 Budget, page 75, 10/27/98.

⁴⁸ Communication with Todd Taves, Town of Bellevue Administrator, 8/23/02.

has five members, each receiving \$6,000 for their service. Incorporation as a village would allow Bellevue to add 2 additional elected positions, at a potential cost increase of \$12,000, assuming that compensation costs remain the same. Combined, the estimated cost of police protection, shoreland-floodplain zoning, and 2 additional elected officials is \$361,000. Added to its existing expenditures, these costs would increase Bellevue's mill rate to \$1.70. Another effect of incorporation would be the merging of the Town of Bellevue Sanitary District with the new village pursuant to \$60.79, Wis.Stats, including all of the district's assets and liabilities. The district's combined book value (assets less liabilities) as of January 1, 2002 was \$16,6878. These assets would become Village assets upon the dissolution of the sanitary district. This also means that the district's long-term debt of \$1.5 million⁴⁹ would become the responsibility of the new village. However, this debt would only increase Bellevue's total debt to \$8,894,500, 1.69% of its equalized value and well below the 5% constitutional maximum.

Property tax base

The total estimated equalized value of property in the area proposed for incorporation in 1999 was \$524,124,800. Figure 1, on page 50, compares this value with that of other towns and villages in Brown County. The graph shows that Bellevue's equalized value is substantially greater than most of the other selected Brown county towns and almost as great as the Villages of Allouez and Howard. Figure 2, on page 51, compares 1999 per capita equalized value to that of other Brown County towns and villages.

Property tax rates

Bellevue's local mill rate in 2000 was 1.01. Figures 3 and 4 at pages 52 and 53, compares this mill rate with those of other towns and villages in Brown County. The graph shows that Bellevue's rate is the lowest of any of the selected towns and far lower the Villages of Allouez and Howard. Specifically, Bellevue's mill rate is six times lower than Allouez' and more than four times lower than Howard's, despite the fact that all three communities are similar in terms of population and equalized value. Figures 3 and 4 also shows the estimated mill rate (\$1.71) if Bellevue were to incorporate, based on the costs of providing police protection, shoreland-floodplain zoning, and additional potential elected official costs. However, even with adding in these costs, Bellevue's mill rate is still far lower than most Brown County communities.

Determination

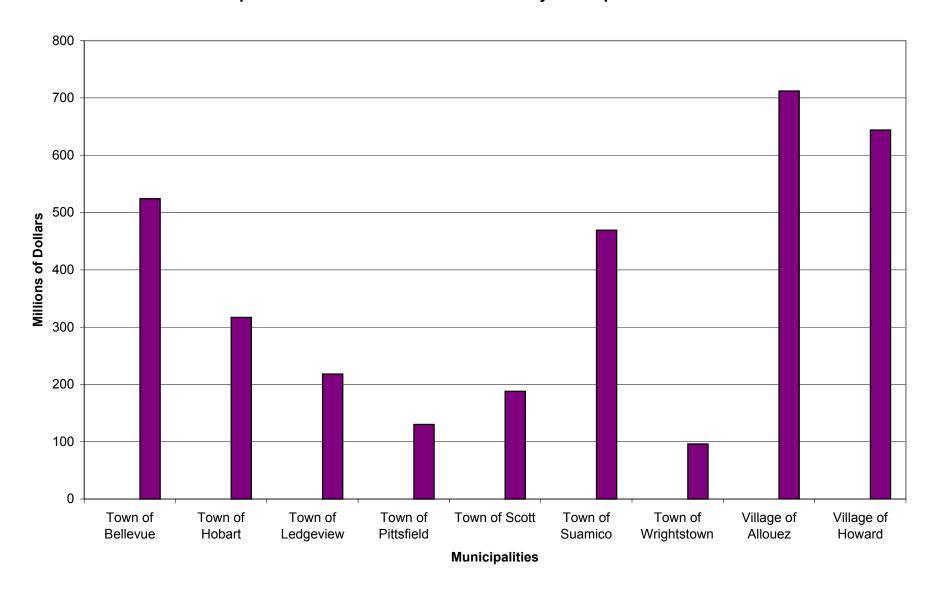
The transition of Bellevue from a rural community to an urban one will continue to require expenditures for construction and maintenance of infrastructure such as roads, sewer and water pipes, stormsewers, sidewalks, curbs and gutters, and services such as parks, recreational programs, police and fire protection, and planning and zoning. Admittedly, many of these things can occur, and have been occurring, without incorporation. While incorporation of Bellevue would result in certain costs, as outlined above, these costs and those associated with urban development in general are well within Bellevue's means. The town has managed to transition into an urban community and to provide services to a growing population of residents while still maintaining a low tax rate and a very manageable amount of debt. It is reasonable to expect that this trend can continue. This is especially true given Bellevue's large equalized value in 1999, its low general obligation debt and low tax rate. Additionally, the Department was just recently made aware that the town's estimated 2002 equalized value is \$677 million, and increase of over \$150 million in just two years.⁵⁰

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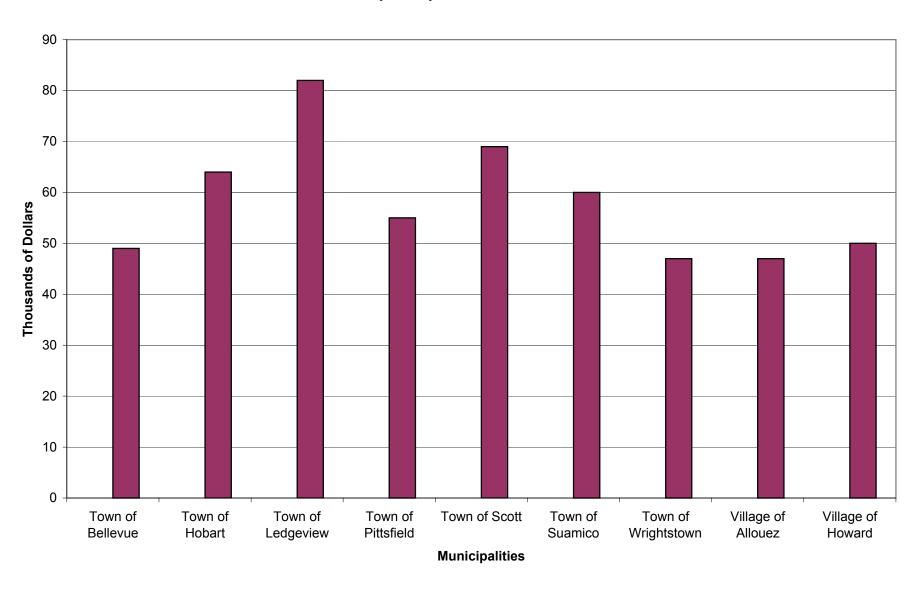
⁴⁹ Bellevue Sanitary District No. 1 Financial Statements with Independent Auditors' Report (December 31, 2000).

⁵⁰ Communication with Karin Simons, Town of Bellevue Clerk-Treasurer, 8/23/02. 2001 data was not used in the analysis for this determination because it is not yet available in complete form.

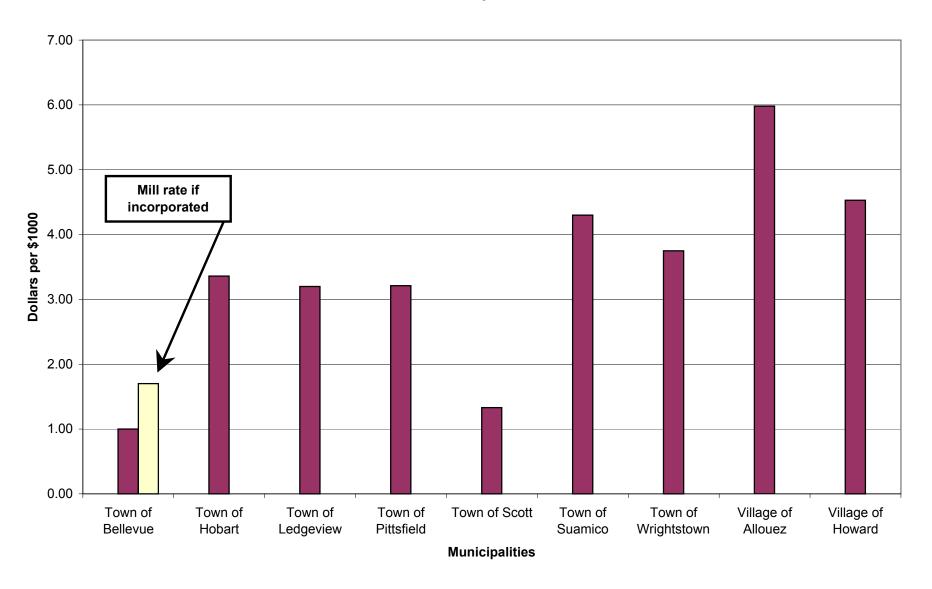
Equalized Value of Selected Brown County Municipalities - 1999



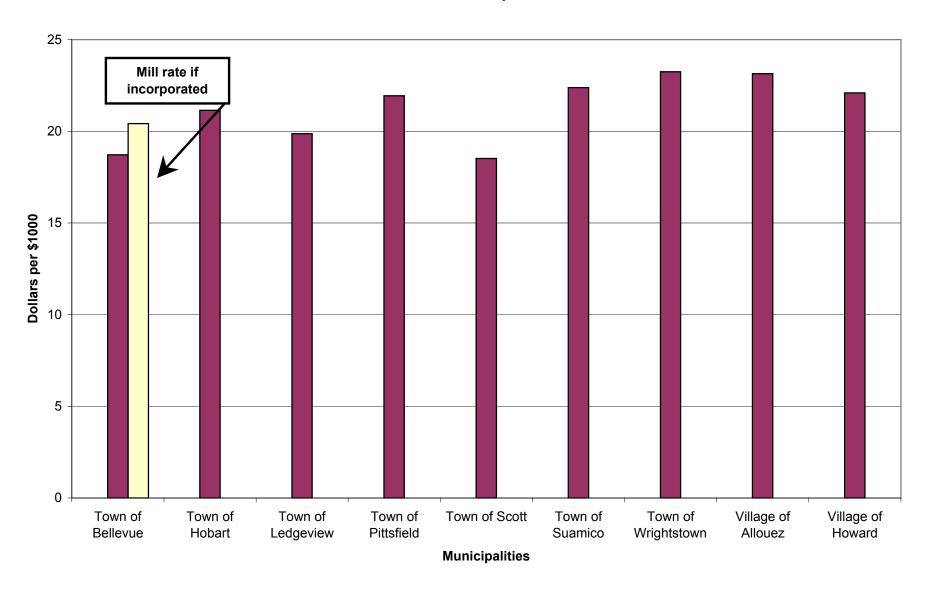
Per Capita Equalized Value - 1999



Local Millrate Comparison - 2000



Total Millrate Comparison



SECTION 2(B) LEVEL OF SERVICES

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

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

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

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

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

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

SECTION 2(D), IMPACT UPON THE METROPOLITAN COMMUNITY

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

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

"Metropolitan community" is defined to mean;

[T]he territory consisting of any city having a population of 25,000 or more, or any two incorporated municipalities whose boundaries are within 5 miles of each other whose populations aggregate 25,000, plus all the contiguous area which has a population density of 100 or more persons per square mile, or which the department has determined on the basis of population trend and other pertinent facts will have a minimum density of 100 persons per square mile within 3 years.⁵¹

The metropolitan community for this determination includes the Town of Bellevue, the Cities of Green Bay and De Pere, and the Villages of Allouez and Ashwaubenon, and the Town of Ledgeview. These communities share many of the same infrastructure systems and natural features as the Town. This includes a regional sanitary sewer service system, a transportation system of interconnecting roads and highways, overlapping school districts, a proposed regional municipal water system, and a natural drainage basin system that creates metropolitan-wide recreational opportunities as well as policy challenges such as stormwater runoff.

The Department is required by statute to consider the impact of the proposed incorporation on the ability of local governments to address issues affecting the resources of the metropolitan community, and the infrastructure and services available to the residents of the metropolitan community. In addition, an examination into the legislative history also underscores the importance of considering the metropolitan impact, as indicated by the court in <u>Westring v. James</u>, 71 Wis.2d 462 (1975).

The legislative note attached to Assembly Bill No. 226, A, of the 1959 legislative session reads in part: 'the impact of an incorporation on a metropolitan community must also be considered. To prevent fragmentation of an urban area the director is required to make "an express finding that the proposed incorporation will not substantially hinder the solution of governmental problems affecting the metropolitan community of which the territory is a part.⁵²

A "metropolitan impact standard" review includes consideration of the existence of land use plans, adopted either by the county or by neighboring jurisdiction that may suggest how the territory petitioned for incorporation would be otherwise developed and served. Existing planning implementation mechanisms should be reviewed for potential conflicts in the community visions reflected by these plans. The Department must also determine whether the petitioners have established that the proposed incorporation will not have a negative impact on,

⁵¹ §66.0201(2)(c), Wis.Stats.

⁵² From 396-397 of the legislative note attached to Assembly Bill No. 226, A, of the 1959 legislative session and cited in <u>Westring v. James</u>, 71 Wis.2d 462 (1975).

service provision, infrastructure and environmental resource protection for the metropolitan community.

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

The statute is peculiarly worded, in that the incorporation can proceed only if there is a finding that it will not substantially hinder the solution of governmental problems. Obviously, this requirement for a finding places a very substantial burden on the proponent of incorporation.⁵³

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

It must be conceded that the very strictures placed upon incorporation in metropolitan areas makes such incorporation difficult. The characteristics that naturally evolve in areas bordering upon a major metropolitan community almost dictate facts and physical circumstances that tend to give some support to a logical conclusion that the outlying areas do not have an independent viability, but a viability that is dependent upon the adjacent metropolis.⁵⁴

The Town of Bellevue is inextricably linked to its metropolitan region. Its economic, social, and environmental success is, and will continue to be, directly related to the success of neighboring municipalities. None of the municipalities in the Green Bay metropolitan area have intervened to oppose Bellevue's incorporation petition. There are other indications as well, such as Bellevue's history of cooperating with area jurisdictions, its leadership with the issue of stormwater management, its provision of a wide range of housing – including affordable housing - for area residents, and the fact that incorporation will require Bellevue to provide for public police protection instead of continuing to rely upon the county sheriff's department, all support the finding that incorporation of Bellevue will not pose a problem for other communities or for the region as a whole.

Cooperation with area jurisdictions

Current land use and development in Bellevue is compatible with the plans and activities of neighboring and regional jurisdictions. Specifically, the Town of Bellevue Comprehensive Plan Update (1995) is consistent with the *Brown County Year 2020 Land Use and Transportation Plan* (1996), the *City of Green Bay Comprehensive Plan* (1979), the *Village of Allouez Master Plan* (1969), the *Town of Eaton Comprehensive Plan* (1997), and the *Town of Ledgeview Comprehensive Plan* (1993). The Town meets regularly with some neighbors, and when necessary with others, to ensure that compatible land uses and activities occur at boundary areas. For example, Bellevue meets monthly with the Town of Ledgeview, and at least annually with the City of Green Bay. Bellevue has cooperated with its neighbors and other area jurisdictions on recreational trails, parks, and municipal sewer and water. The following are specific examples of Bellevue's cooperate efforts with other jurisdictions:

1) <u>Agreement for Sewer and Water Services (February 7,1980)</u>. Agreement between the City of Green Bay, the Town of Bellevue, and Sanitary District No. 1, of the Town of Bellevue to resolve litigation over responsibility for furnishing sewer and water services to areas previously annexed

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

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⁵³ Pleasant Prairie v Local Affairs Dept., 108 Wis.2d 465 (1982), pg 481.

⁵⁵ Communication with Todd Taves, Town of Bellevue Administrator, 8/23/02.

by the City from the Town of Bellevue but still within the boundaries of Sanitary District #1 of the Town of Bellevue. The agreement provides that the sanitary district will provide service for most of the disputed parcels (with reimbursement from the City), that the City will provide service for one of the parcels, and that another parcel will obtain service from a private source.

- 2) Agreement between the City of Green Bay and the Town of Bellevue to jointly study stormwater management problems along willow Creek (November 21, 1990). Because Willow Creek lies both in the City of Green Bay and Bellevue, and because resolution of the problem requires cooperation between both, both municipalities agree to fund the study 30% by the Town and 70% by the City. The study will: a) set floodplain elevations and delineate floodplain and floodway areas; b) evaluate regional detention ponds and other storm water management techniques to reduce flooding.
- 3) Agreement between the City of Green Bay and the Town of Bellevue regarding street and stormsewer improvements (June 15, 1998). The City and Town agree to participate jointly in street and storm sewer improvements required on Manitowoc Road along the Green Bay/Bellevue boundary. Both municipalities agree to share equally in the cost to install storm sewer and to each pay a proportionate share of the street reconstruction based on the proportionate share of street frontage. The Town will be responsible for street maintenance.
- 4) Agreement between the City of Green Bay and the Town of Bellevue regarding street and stormsewer improvements (August 19, 1992). The City and Town agree to participate jointly in street and storm sewer improvements required on Greenbriar Road, Elkay Lane, Guns Road, and Verlin Road along the Green Bay/Bellevue boundary. Both municipalities agree to pay costs based on the proportionate share of frontage. The City will maintain portions of Guns Road and Elkay Lane, while the Town will maintain Greenbrier Road and Verlin Road.
- 5) Agreement between the City of Green Bay and the Town of Bellevue regarding the extension of an existing storm sewer (January 22, 1980). The proposed storm sewer would be located in Elkay Lane between Abrams Street and Irene Street and in an easement along the Green Bay/Bellevue boundary. The Town will construct and maintain the storm sewer while the City will pay 85% for a portion of the sewer and 67% for another portion. The sewer is needed to eliminate a severe flooding problem.
- 6) <u>Agreement between the City of Green Bay, the Green Bay Water Utility and the Town of Bellevue regarding mutual use of fire hydrants</u> (February 12, 1996). Agreement providing for sharing of fire hydrants. City hydrants located on Elkay Street and Main Street may be shared and Town hydrants located on Greenbrier Road and Verlin Road may be shared.
- 7) Agreement between the City of Green Bay and the Town of Bellevue regarding improvements to Greenbrier Road (March 24, 1999). The Town will be responsible for building the street improvements and the City is responsible for designing and installing watermains, sanitary sewers, and stormwater management systems. Costs will be shared and plans and specifications exchanged for review and comment. The agreement also establishes a system for dispute resolution.
- 8) Agreement between the City of Green Bay and the Town of Bellevue regarding bus service (December 18, 1990). The Town contracts with the City for the provision of public transit

service from Green Bay to, and within, Bellevue. Cost to the Town, excluding state and federal grants, is \$20,000 annually. ⁵⁶ The City of Green Bay owns and operates the service.

- 9) Agreement between the City of Green Bay and the Town of Bellevue regarding improvements to Verlin Road (March 27, 2000). The Town agrees to construct street and stormwater improvements, with the City sharing the costs and providing review and input. The agreement also establishes a dispute resolution process.
- 10) <u>Agreement between Brown County Solid Waste Board and the Town of Bellevue regarding solid waste disposal (1998)</u>. Brown County agrees to accept solid waste collected from Town of Bellevue residents into its landfill.
- 11) Agreement between Brown County, Bellin hospital, St. Mary's hospital, St. Vincent's hospital, BFI of Wisconsin, Inc., John Sexton Corporation of Wisconsin, Waste Management Northeast, area health organizations, and municipalities (1996). Agreement to establish and fund a program for handling and disposing of sharps (lancets, needles, and syringes) in order to improve public safety.
- 12) <u>Agreement between Brown County Solid Waste Management Board and Town of Bellevue</u> (1992). Agreement regarding recyclables. Bellevue agrees to facilitate municipal recycling pick-up program and county agrees to provide a facility to sort these materials.
- 13) Agreement between Brown County and Town of Bellevue regarding 911 emergency system (2000). Town agrees, along with other Green Bay area municipalities, to provide emergency service if dispatched from the 911 system regardless of whether the vehicle is operating within its municipal boundaries.
- 14) <u>Town of Bellevue and Bellevue Sanitary District (1996)</u>. Lease agreement to allow the Bellevue Sanitary District to use certain Town facilities
- 15) Agreement between Allouez Fire Department and Bellevue Fire Department (1995). The Allouez Fire Department agrees to provide its groundwater protection services for ILHR 10 (pertaining to underground storage tanks) and Bellevue Fire Department agrees to compensate the Allouez Fire Department for this service.
- 16) Agreement between Town of Bellevue and Town of Ledgeview regarding snowplowing (2000). Agreement clarifies an existing verbal agreement to cooperate with snowplowing of certain roads along the Bellevue/Ledgeview boundary.
- 17) <u>Agreement between Town of Bellevue and Town of Ledgeview regarding road maintenance</u> (1996). Agreement to share in the costs of maintenance to Big Creek Road and Tordeur Lane, both roads being along the Bellevue/Ledgeview boundary.
- 18) Agreement between the Town of Bellevue/Bellevue Sanitary District and the Town of Ledgeview/Ledgeview Sanitary District (Jan. 2, 2002). Agreement for provision of sanitary sewer and water by Bellevue to Ledgeview for an area of approximately 40 acres located immediately south of "Big Creek Road" in Ledgeview.

⁵⁶ Communication from Todd Taves, Town of Bellevue Administrator (8/15/02).

These agreements indicate that Bellevue has a demonstrated propensity for working with its neighbors to resolve problems and meet area needs. These agreements support the notion that Bellevue will continue to be an effective municipal partner and that incorporation of Bellevue as a village will not alter this.

Police protection

If incorporated, the Town of Bellevue would need to have a higher level of police protection than it currently has. This is because section 61.65(1)(a), Wis.Stats. requires villages with a population of 5,000 or more to provide police protection services by:

- 1. Creating its own police department
- 2. Contracting with police protective services with a city or town, with another village or with the county in which the village is located.
- 3. Creating a joint police department with a city or town or another village.

Because the Town of Bellevue's current population of 12,028 is well in excess of the statutory threshold and because incorporation would make Bellevue a village, it falls squarely within the statute. However, this may actually improve police protection in the region.

Currently the Brown County Sheriff's Office provides police protection services to Bellevue residents and businesses. The Sheriff's office provides the Town with *routine patrol service*. This is the service that is provided to every municipality in Brown County that does not have a police department (if a community has a police department, then the Sheriff's office does not provide routine patrol service even though the community pays for it through the county levy). The Sheriff's office also provides some communities with *contract service*. This is service that the community pays for that is in addition to the level of service already routinely provided to every municipality. For example, the Villages of Howard and Allouez, and the Town of Suamico have contracted with the Sheriff's office for service in addition to routine service. In addition to enabling these communities to have a higher level of police protection, contract service also enables them to enforce their local ordinances. With routine patrol service, on the other hand, the Sheriff's office is only able to enforce state and county ordinances.

The Town of Bellevue currently relies only on routine patrol service. Because Bellevue's population (12,028 persons) is larger than most of the Brown County communities that utilize routine patrol service, Bellevue requires more of the Sheriff's office time and resources than do these other communities. This can be seen by Table 11, on the next page, which shows that the number of incidents to which Sheriff's deputies respond as part of routine patrol service is three times higher in Bellevue than in other communities. Because the costs of routine patrol service are not pro-rated according to use – instead costs are from the county's general levy – Bellevue may be unfairly benefiting. The Town is aware of this inequity. In a 1997 report examining the issue of increased police protection in Bellevue, Town administrator Todd Taves writes:

Despite being the sixth largest and fastest growing community in Brown County, we are not given the same level of respect and credibility as our other incorporated metropolitan partners. This is largely due to a belief that we are not pulling our own weight as an urban community and are taking advantage of the system by relying on the county for police protection. The addition of local police protection would represent another step

towards maturation as an urban community and a statement that we are willing to accept the responsibilities associated with growth and development.⁵⁷

Table 11: Comparison of Incident Activity - 2001⁵⁸

	Bellevue	Ledgeview	Scott	Eaton	Rockland	County
Incidents	5,269	1,632	1,277	406	328	47,464
Total %	11.10%	3.44%	2.69%	.86%	.69%	100%

For reasons of equity, and others, Bellevue has in the past considered either contracting for additional police protection service from the county⁵⁹ or forming a police department of its own. The Public Safety Committee, a citizen's group, was created in the early 1990s to study the need for local law enforcement. The result of the committee's efforts led to the placement of an advisory referendum question on the ballot of the fall general election in November of 1992. The results were 1013 voting for increased police protection and 2739 voting against. Although the referendum was advisory, the Town Board dropped the issue due to the significant opposition to increasing taxes for law enforcement. Also, Bellevue residents may feel that the current level of police protection is sufficient because of the number of squad cars they see and because of the short response times. The Town's central location in the county means that Sheriff's patrol routes to northern, southern, eastern, and western communities in the county tend to go through Bellevue. This means that squad cars are frequently seen by Bellevue residents in their community, even though these squad cars are merely traveling through the community to get someplace else. Because of Bellevue's central location, Bellevue residents may benefit from better than average response times from the Sheriff's office.⁶⁰ Again, the Town is aware of its unique position. The 1997 report states:

From a local perspective, we probably do not suffer from a lack of adequate police protection with regard to enforcement of county ordinances. From a more regional perspective, the increase in police calls in Bellevue has forced the county to draw resources away from the more outlying areas of the county. Therefore, while we still enjoy adequate service, it can be argued that this occurs at the expense of others.⁶¹

Another advantage of the higher-level of police protection that incorporation would require is that it would allow Bellevue to enforce its ordinances. While certain Town staff are empowered to write municipal citations, staff cannot command the level of respect that a uniformed law enforcement officer does. This means that the worst offenders are not prosecuted due to a

⁵⁸ Correspondence from Captain Tom Hermsen, Brown County Sheriff's Department, 8/8/02. Incidents include sexual offenses, robbery, burglary, larceny, vehicle theft, liquor violations, controlled substance violations, disorderly conduct, traffic accidents, citations, and warnings, rescues, forgery, fraud, property damage, and threats. The column with 'Entire County' refers to areas that are patrolled by the Brown County Sheriff's Department. The Cities of Green Bay and De Pere and the Village of Ashwaubenon are not included in this area.

⁵⁷ Town of Bellevue Staff Report, pages 2-3, 8/14/97.

⁵⁹ Correspondence from Brown County Sheriff Thomas Hinz to Town of Bellevue Administrator Todd Taves in which the sheriff proposed an 8-hour shift/7 days per week for the town for the first year of service and then expanding to 16 hours of coverage the second year. Also, the county sent the Town a fax on July 27, 1998 which calculated costs for 24-hour/7 days per week police protection service, 9/5/97. ⁶⁰ Communication with Captain Tom Hermsen of the Brown County Sheriff's Department, 8/6/02.

⁶¹ Town of Bellevue Staff Report, pages 2-3, 8/14/97.

concern for the safety of town employees. ⁶² Enforcement of local ordinances would also begin to undo the perception that currently exists that people can 'get away with things' in Bellevue. Complaints such as loose dogs, uncut grass, illegal dumping, snowmobile trespass, junked or illegally parked vehicles and unkept property complaints are not well enforced. This affects resident's perception of the competency and responsiveness of the local government.

Stormwater management

The water quality of surface water in the Green Bay area in the Fox River and East River basins, and in their sub-basins has been found to need improvement. Bellevue has taken the lead on this issue, and based on its capital improvements plan, will continue to take the lead. The town has developed a stormwater management plan, spent millions of dollars stabilizing eroded streambanks, will develop Best Management Practices (BMP's) for its business developments, and has created a stormwater management utility. In addition, incorporation will allow the town to become more closely involved with shoreland-floodplain ordinances, which are currently administered by Brown County.

Housing

Bellevue provides a range of housing types and ownership options for residents. Types of housing include single-family, duplexes, mobile homes, apartments, townhouses, and retirement complexes. The zoning classifications for these are: single-family residential (R-1), two-family residential (R-2), multiple family residential (R-3), and mobile home park (conditional use of parcels zoned R-3). Ownership options also vary. They include owner-occupied, rental, condominium, and leased housing. The variety of housing-related choices mean that people of all ages and incomes can live in Bellevue. This is benefits not only the community, but the region as well.

Determination

The proposed incorporation will not have a negative effect upon Bellevue's neighbors or the larger metropolitan area and will not hinder the solution of governmental problems affecting the metropolitan area. This is indicated by Bellevue's past intergovernmental efforts and agreements to resolve area problems and needs, and by the fact that Bellevue's comprehensive plan is consistent with the plans of neighboring and area jurisdictions.

In addition to not being a hindrance, incorporation may actually improve the resolution of metropolitan problems. Incorporation would require Bellevue to provide for public police protection instead of relying on the Brown County Sheriff's Department. Incorporation would allow the town exercise extraterritorial jurisdiction and to administer shoreland-floodplain zoning. Finally, and more generally, incorporation as a village will provide Bellevue with a form of governance which is more well suited to its increasingly urban qualities. This will allow for increased efficiency and effectiveness, not only in how Bellevue can to respond to its residents, but also in how it can respond to neighboring and regional jurisdictions.

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⁶² Town of Bellevue Staff Report, pgs. 2-3, 8/14/97.

DEPARTMENT CONTACTS MADE DURING RESEARCH AND ANALYSIS

(includes contacts cited in footnotes within the document)

John Broihahn, State Historical Society of Wisconsin

Mike Donart, Green Bay Area School District

Captain Tom Hermsen, Brown County Sheriff's Department

Tomas Hinz, Brown County Sheriff's Department

Frank Huntington, Wisconsin Department of Transportation

Daniel Katers, Petitioner's representative

Marty Kosobucki, Director of Bellevue Parks, Recreation and Forestry Department

Ralph Patterson, Wisconsin Department of Natural Resources

Janine Rasmussen, Unified School District of De Pere

Jamelle Schlangen, Wisconsin Department of Natural Resources

Karen Simons, Town of Bellevue Clerk-Treasurer

Todd Taves, Town of Bellevue Administrator

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