



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Kathy Blumenfeld, Secretary-designee
Dawn Vick, Division Administrator

November 9, 2022

Honorable Michael Aprahamian
Waukesha County Courthouse
Courtroom C278
515 W Moreland Blvd
Waukesha, WI 53188

RE: Incorporation of the Town of Lisbon, Waukesha County, Case #22-CV-416

Dear Judge Aprahamian,

The Incorporation Review Board has completed its review of the petition to incorporate the Town of Lisbon. The Board was established to review petitions for compliance with standards set forth by the legislature in s. 66.0207 Wis. Stats.

According to s. 66.0203(9)(e) Wis. Stats., the Board has three options upon reviewing the petition against the statutory standards. The Board may find that:

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

The Board finds that this petition meets all of the required standards in s. 66.0207 Wis. Stats. Therefore, the Board grants the petition.

Sincerely,

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

Enclosure: Determination of the Incorporation Review Board

cc:

Bill Goehring, Incorporation Review Board
Justin Nickels, Incorporation Review Board
Rich Eggleston, Incorporation Review Board

Matt Gehrke, Petitioners' Representative
Kathy Nicklaus, Lisbon Administrator
Stan Riffle, Town of Lisbon Attorney

(The following entities are not receiving a full determination document. However, the determination document is available upon request, and may also be viewed at:

<http://doa.wi.gov/municipalboundaryreview>

Elisa Cappozzo, Lisbon Clerk	Jason Fruth, Waukesha County Planning
Joe Osterman, Lisbon Chair	Benjamin McKay, SEWRPC
Jim Healy, Village of Richfield Clerk	Donna Hann, Town of Merton
Jacob Balkowski, Village of Merton Clerk	Jennifer Moore, Village of Sussex
Cassie Smith, Village of Pewaukee Clerk	Kelly Tarczewski, City of Pewaukee Clerk
Amy Dishinger, Menomonee Falls Clerk	Brenda Klemmer, Village of Lannon Clerk
Michelle Luedtke, City of Brookfield Clrk	Georgia Balcerowski, Town of Brookfield Clerk
Christine Snyder, City of Waukesha Clerk	Gina Kozlik, City of Waukesha Clerk
Dan Green, Town of Delafield Clerk	Molly Schneider, City of Delafield Clerk
Darlene Igl, Village of Hartland Clerk	Susan Kjell, Town of Germantown Clerk
Deanna Braunschweig, Village of Germantown Clerk	



DETERMINATION OF THE INCORPORATION REVIEW BOARD

November 9, 2022

In Re:

THE INCORPORATION OF THE TOWN OF LISBON,
WAUKESHA COUNTY, WISCONSIN AS A VILLAGE

Case 2022-CV-416

Matt Gehrke and Joe Osterman, Representative and Alternate Representative of the
Petitioners

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TONY EVERS
GOVERNOR

KATHY BLUMENFELD
SECRETARY - DESIGNEE

Municipal Boundary Review

PO Box 1645, Madison WI 53701

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It is the function of the Incorporation Review Board to prepare findings and determine whether the territory petitioned for incorporation meets the applicable standards prescribed in Section 66.0207, Wis. Stats. The Incorporation Review Board members are appointed by Wisconsin's municipal associations. Membership of the Board is provided at Appendix A.

In summary, it is the DETERMINATION OF THE INCORPORATION REVIEW BOARD that when considering the petition under Section 66.0207, Wis. Stats.:

STANDARD 1 (a), Characteristics of the Territory –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

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

The Petition as submitted is granted.

Dated this 9th day of November 2022,

Dawn Vick

Chair of the Incorporation Review Board

NOTICE OF RIGHT TO APPEAL

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

c/o Municipal Boundary Review
101 East Wilson Street, 9th Floor
PO Box 1645
Madison, WI 53701

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

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EXECUTIVE SUMMARY

This document constitutes the Findings and Determination of the Incorporation Review Board on the petition that was filed by residents of the Town of Lisbon to incorporate as a village.

The Town of Lisbon is shown on **MAP 1** in **APPENDIX C**, while **MAP 2** shows Lisbon in relation to its location within Waukesha County. The entire Town of Lisbon is proposed to be a village and includes approximately 10,731 residents.

Lisbon has attempted to incorporate the entire Town, in 1979 and 2011, but neither effort met all the required statutory standards. Following its failed 2011 petition, Lisbon focused on improving the community with respect to the incorporation standards. For example, Lisbon developed intergovernmental agreements with the Villages of Sussex and Merton in large part to improve under the Characteristics of the Territory and Impact on the Metropolitan Community statutory standards.

Lisbon's incorporation process began with a newspaper notice on February 11, 2022, indicating Petitioners' intent to circulate an incorporation petition. After gathering sufficient signatures, a court hearing on the petition was held in Waukesha County Circuit Court on May 2, 2022, where Judge Michael Aprahamian found the petition met the minimum area and population standards required by s. 66.0205, Wis. Stats.

On May 16, 2022, Petitioners submitted their materials and review fee to the Department which commenced the Incorporation Review Board's 180-day review period.

As part of its review, the Board held a public hearing on July 20, 2022, to hear from Petitioners, residents, and others. The Board also held meetings on September 26, 2022, and November 2, 2022, to discuss and analyze how the petition relates to the statutory standards.

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

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

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

- 1). Characteristics of the Territory – Met.
This standard requires the petitioned territory to be sufficiently compact and homogenous to function as a city or village. Factors include natural boundaries,

the transportation network, employment, business, social and recreational opportunities, population distribution, and land use patterns.

The intergovernmental agreements Lisbon developed with the Villages of Merton and Sussex in 2020 and 2022 respectively has greatly improved compactness of the proposed village boundaries. Accessibility of the proposed village is very good, Lisbon has distinct social and economic opportunities, population is high, and land use has become mainly developed with little agricultural lands remaining.

2). Territory Beyond the Core – Met.

This standard requires that vacant and developable territory beyond the most densely populated square mile have the potential for substantial urban development within the next 3 years.

The proposed village has only 2459 acres of vacant and developable territory subject to this statutory standard, which constitutes only 14% of the total proposed village's size. Given strong past development and population trends, the fact that Lisbon provides a high level of services, and the extensive development presently occurring, Lisbon's remaining developable territory has the potential for substantial development within the next three years.

3). Tax Revenue – Met.

This standard ensures that the proposed village has the capacity to raise sufficient tax revenue to function as a village without unduly burdening residents. Factors considered include the proposed village's equalized value, current debt, the proposed budget, and the proposed tax rate.

Lisbon has a high equalized value, low debt, and low tax rate. It already provides a high level of services and has kept up with capital equipment and facility needs. Petitioners' proposed budget appears reasonable.

4). Level of Services – Not Applicable

This standard does not apply to this petition because no contiguous city or village filed a resolution with Waukesha County Circuit Court indicating a willingness to annex and provide services to the proposed village territory.

5). Impact on the Remainder of the Town – Not Applicable.

This standard does not apply to this petition because there is no Town of Lisbon remaining after incorporation. Instead, the entire Town of Lisbon is proposed to become a village.

6). Impact on the Metropolitan Community – Met.

This standard required the Board to make an express finding that the proposed incorporation will not substantially hinder the solution of governmental problems affecting the metropolitan community.

Lisbon has prioritized cooperating with its municipal neighbors, going from an independent go-it-alone community with little interest in regional issues to

becoming a valuable member of its metropolitan community by taking a lead in resolving regional-type issues. For example, Lisbon developed intergovernmental agreements with its municipal neighbors to resolve boundaries and improve services.

Having found that the petition meets all four of the applicable statutory standards in s. 66.0207, Wis. Stats., the Incorporation Review Board finds that the petition is granted.

The Board thanks Petitioners, and Town of Lisbon staff and elected officials for all their materials, presentations, testimony, and requested information, which greatly facilitated the Board's review. The Board congratulates Lisbon on meeting the required statutory standards for incorporation, along with the work and accomplishments of many individuals within the community over the decades which have finally led to this result.

FACTUAL BACKGROUND

Physical and Natural Boundaries

MAPS 1 and **3** show that Lisbon's boundaries are based entirely on political boundaries as they were created by the Public Lands Survey System (PLSS) in the mid-1800s. As a result, Lisbon's boundaries are not based on physical or natural features or geography such as rivers, lakes, wetlands, or ridges, among others. Lisbon has many areas of wetlands and active quarries, however none of these define Lisbon's municipal boundaries.

Political Boundaries

MAP 2 shows Lisbon's regional context, and how Lisbon is primarily surrounded by incorporated cities and villages, with the Village of Richfield to the north, the Village of Germantown to the northeast, the Villages of Lannon and Menomonee Falls to the east, the City and Town of Brookfield to the southeast, the City and Village of Pewaukee to the south, the Village of Hartland to the southwest, the Village of Merton to the west, and the Village of Sussex which lies within Lisbon.

MAPS 1 and **2** show the impact Sussex and Merton have had on Lisbon's municipal boundaries. Lisbon's historical 6-mile by 6-mile square shape as it appeared in 1887 has been dramatically altered by the Village of Sussex incorporating in 1924 from town territory roughly in Lisbon's geographic center, and then growing via dozens of annexations since 1924. Similarly, the Village of Merton incorporated in 1922 from territory along Lisbon's west side and has also grown in the ensuing years via annexation. Due to these incremental annexations, Lisbon's boundaries with Sussex and Merton became jagged and irregular in places with isolated town island and peninsula areas. Irregular boundaries were a factor in the 1979 and 2011 incorporation attempts lacking compactness and homogeneity.

Since its 2011 attempt, Lisbon developed a cooperative plan boundary agreement with Merton in 2020 and with Sussex in 2022. Both agreements enabled the transfer of specific parcels and territory which improved the compactness of municipal boundaries.

MAP 4 shows Lisbon's boundaries following some of these territory transfers. The Lisbon-Sussex agreement transferred 66 parcels and 550 acres to Sussex, while transferring numerous road segments and a quarry to Lisbon. As a result, most isolated and irregular areas have been eliminated. Sussex still occupies the center of Lisbon's territory, which is not ideal in terms of compactness. However, the cooperative plan did improve compactness of the communities' shared municipal boundaries to the extent possible. The Lisbon-Merton agreement will transfer two small town island parcels to Merton eventually, either at the landowners' request or automatically on December 31, 2029.

Economic Activity

Economic activity is examined to determine whether the proposed village area has these opportunities or whether residents must go elsewhere for them. Also, the presence of businesses, shopping, and economic activity tends to show an urban character rather than rural. **APPENDIX B** lists 107 businesses, among them gas station and convenience stores, a liquor store, dental care, a fitness club, pizza, landscaping and auto and boat

repair services, salon and spa services, martial arts, music and dance instruction, jewelry, auto sales, pet care, carpenters, masons, contractors, sewer system technicians, HVAC repair and maintenance, appraisers, graphic design, quarries and a variety of transportation and manufacturing operations related to Lisbon's numerous quarries.

Many of Lisbon's businesses and organizations are based on the Town's natural resources. These include three golf courses, a golf driving range, a downhill ski club, a rod & gun club, an archery club, a dog training operation, and several riding and polo stables. These businesses and organizations draw outdoor sports enthusiasts from throughout southeast Wisconsin. Lisbon decided many years ago not to duplicate economic activity in neighboring communities such as Sussex, Brookfield, Menomonee Falls, and Waukesha and other southeast Wisconsin communities. As a result, Lisbon does not have chain stores or big box retail stores or other signs of duplication. Instead, Lisbon has strategically focused on utilizing its wooded rolling hills and natural resources for economic development, not only for its own residents' benefit but for the entire region.

Quarrying is another business benefitting from Lisbon's natural resources. 10,000 years ago, melting glaciers left vast amounts of sand and gravel in Waukesha County and what is now Lisbon, among the highest quality deposits in Wisconsin. Records from early settlement days show that quarrying was already a major aspect of Lisbon's economy. For example, an early settler's quarry provided the stone to construct the Lisbon Plank School in 1846.

Today four limestone quarries and three sand and gravel pits continue to operate. **MAP 1** shows their location in light Grey color. These operations cut and crush stone, manufacture concrete building blocks, ready-mixed concrete, asphalt, and also recycle asphalt and concrete. Totaling 1845 acres in size, quarries constitute over 11% of Lisbon's total land area. However, their economic impact is even more significant. Lisbon's quarries supply stone to major regional projects, such as I-94 improvements, the county zoo, UW Milwaukee, and General Mitchell Airport expansion, among many others. Lisbon's quarries also produce many local support businesses such as trucking companies, specialized equipment manufacturers and rentals, electricians, ironworkers, fuel, legal, accounting, engineering, IT, marketing, and environmental specialists. In total, of the 107 businesses in Lisbon, 56 are either quarries or businesses that support the quarries. Lisbon's quarries add \$18.7 million to Lisbon's assessed value and generated \$56,000 of tax revenue in 2021, while supporting businesses added another \$51.2 million of assessed value and generated \$153,000 of tax revenue.

Lisbon's quarries also support the local community in other ways, such as sponsoring community events. The Lannon Stone company recently agreed to provide over \$13 million to help fund extension of Sussex's water system as part of the Lisbon-Sussex Cooperative Plan boundary agreement.

Business activity tends to occur throughout the Town; however, a number of commercial centers exist, and several new commercial areas are being developed which will further add to Lisbon economic activity.

Social Activity

Social patterns are examined to see whether the proposed village has a distinct social identity or whether residents go elsewhere to adjacent communities for social opportunities. Lisbon has many recreational activities and facilities within the Town.

Recreation Facilities

Lisbon maintains seven parks:

- Town Hall Park – 6-acre park includes a playground, softball fields, a soccer field, football field, volleyball courts, picnic shelter, and restrooms
- Stone Family Park – 10-acre park includes a playground, picnic area, softball and baseball field, football field, and restrooms
- Stoney Halquist Park – 10-acre park includes a playground, picnic shelter, football field, and restrooms
- Fred Keller Field – 4-acre park includes a softball and baseball field, a small sledding hill, and restrooms
- Lisbon Oaks Park – 10-acre park includes a playground, a picnic area, a softball and baseball field, a football field, a soccer field, a volleyball court, and restrooms
- Community Park – 123-acre park includes playgrounds, 3 picnic shelters, piers to river access, softball fields, a soccer field, a football field, a volleyball court, hiking and cross-country ski trails, sledding hills, an ice-skating rink, and restrooms
- Plainview Parkway – 17-acre park offers greenspace

Lisbon maintains seven parks totaling approximately 207 acres. Lisbon's 5-Year Parks Plan additionally proposes development of 3 new parks.

Ryan/McKerrow Park, owned and maintained by Waukesha County straddles the boundaries of Lisbon and Pewaukee. 119 acres of the park are within Lisbon, with another 18 acres proposed to be purchased and added to the park to bring Lisbon's total to 137 acres. The Park is an undeveloped natural area which provides hiking, equestrian trails, bird watching and general conservation activities.

As mentioned above, numerous Lisbon organizations and businesses are based on recreation, such as golf courses, saddle clubs, and hunting clubs, among others. These entities' facilities total 721 acres.

Lisbon's four public schools additionally provide almost 200-acres of playgrounds and open space which both students and residents may use. For example, the Hamilton High School's 81-acre complex includes athletic fields, tennis courts, and a swimming pool.

Organized Social Events & Celebrations

Lisbon has a great many organized activities. Examples include:

- Winterfest - horse drawn sleigh rides, sledding, snowboard, ice skating, a bonfire, kids crafts, and food
- Easter Eggstravaganza, jointly held event with Sussex, attended by hundreds of children and their families from Lisbon/Sussex area
- Earth Day Event - Parks Department gives away 300 tree saplings for planting throughout the community
- Lisbon Community Festival - live music, car show, activities, food
- 5k run/walk fundraiser
- Blood Drive
- Lisbon Fire Department Auxiliary Pancake Breakfast
- National Night Out with Police Department
- Christmas Love Lights Tree Lighting & Caroling Party
- Lisbon's Christmas Party and Volunteer Appreciation Dinner
- Seniors and Students Program - connecting older adults in the community with students to make intergenerational connections, help students strengthen their reading and writing skills.

Community Groups, Social Clubs, and Churches

Lisbon has many churches, social clubs, and groups that provide opportunities for worship, community service, and other social and recreational opportunities for Lisbon residents as well as other area residents. Examples include:

- Lisbon Presbyterian Church – founded in 1846
- Lisbon Presbyterian Church Gospel Fellowship of Sussex
- Redeemer United Church of Christ
- Menomonee Falls Saddle Club
- Ausblick Ski Club - local ski hill
- Menomonee Falls Rod & Gun Club
- Sherwood Forest Bowmen Club
- Lannon Baseball association
- Sussex-Lisbon Youth Baseball Association
- Sussex Softball Association
- Kickers of Wisconsin
- Sussex Soccer Club

Many of these groups include residents from Sussex and other communities.

Finally, the Bugline Trail, a Waukesha County-owned and maintained recreational trail runs through Lisbon and Sussex, providing recreation and alternative transportation options for area residents. The Bugline Trail and other trails are discussed further under the Transportation section.

Topography

Lisbon's terrain is gently rolling, varying in elevation about 300 feet from high points in the southwest corner of the Town to low points in the southeast corner. Differences in elevation tend to be influenced by the depth of glacial deposits across the surface of the Town, principally sand, gravel, and stone.

Drainage Basins

Almost all Lisbon territory drains into two watersheds: the Bark River Watershed which is part of the Rock River Basin and the Upper Fox River Watershed which is part of the Fox River Basin. Both watersheds have degraded water quality due to development and agricultural runoff. Lisbon has enacted policies and ordinances to protect environmentally sensitive lands and limit impervious surfaces to improve the water quality of stormwater. Lisbon's watersheds tend not to relate to the proposed village of Lisbon's boundaries. As mentioned, Lisbon's boundaries are based on the Public Lands Survey created in the 1800s, and not based on natural features.

Transportation

Lisbon's transportation system provides access to all parts of the proposed village and access to the wider region. Lisbon is part of the Milwaukee Metropolitan Urbanized region, a designation by the Federal Highway Administration. As a result of its location Lisbon has great proximity and access to the larger southeast Wisconsin region.

MAP 5 shows specific highways in Lisbon, including State Highway (STH) 164 and STH 74 and County Highways (CTH) W, K, J, V, VV, KF, and Q.

Lisbon maintains 101 miles of roads in the Town. **MAP 5** shows that these local roads tend to serve individual subdivisions and provide connectivity within each particular subdivision rather than providing connectivity between subdivisions and throughout the larger Town. The lack of connectivity of Lisbon's local roads stems from how the Town has historically developed over time, larger lot subdivisions with farmland in-between.

There are no new highways recommended within Lisbon. A section of STH 164 is recommended to be widened. The recently developed Lisbon-Sussex Cooperative Plan boundary agreement transferred various roadway segments between the communities to improve service and maintenance.

Lisbon's busy state and county highways provide good access throughout the Town and region via automobiles but lack connectivity about Lisbon via other modes such as bicycle and pedestrian modes, eBikes, electric skateboards, push scooters and electric scooters, among the other alternate modes of travel. Lisbon does have the Bugline Trail, a county multi-modal trail running east-west through Lisbon and Sussex as shown by **MAP 6**. The map shows both the existing Bugline Trail and the many future trails the county plans to develop in Lisbon. Future proposed trails are relevant to the Board's analysis because the statutory language in s. 66.0207(1)(a), Wis. Stats. says "present and *potential* transportation system". When completed, these future trails could greatly help access all parts of the proposed village via alternative modes of transportation.

Schools

Boundaries of school districts are examined to determine how school district boundaries relate to the boundaries of the proposed village. **MAP 7** shows that four school districts serve Lisbon's 2163 students. These are: Richmond School District, Merton District, the Sussex-Hamilton School District, and the Arrowhead High School District. Four public schools are located in Lisbon, including Richmond School, Hamilton High School, Templeton Middle School, and Silver Spring Intermediate School. Lisbon students also travel to schools in Merton for elementary and middle school, to Hartland for Arrowhead High School, to Lannon for elementary school, or to Menomonee Falls for pre-school. Lisbon students may also attend a number of private schools located in adjacent communities.

Lisbon's proposed incorporation has no impact on schools.

Sanitary District

Most Lisbon residents rely on private wells and wastewater treatment systems. However, Lisbon does have a sanitary district, Lisbon Sanitary District No. 1, which provides sewer service to some parts of Lisbon, including Richmond Elementary School, Lisbon Fire Station No. 1, a Tax Increment Finance District (TID No. 1), Hamilton High School, Templeton Middle School, and the Willow Springs Mobile Home Park, among others. Lisbon has developed numerous intergovernmental agreements over the past several decades which has enabled this municipal sewer service to be possible by utilizing Sussex infrastructure and capacity. The recent Lisbon-Sussex Cooperative Plan boundary agreement further expands the areas within Lisbon which may receive municipal sewer and water service. The agreement also extends water service to several Lisbon areas. Incorporation is unlikely to impact existing sewer and water service, except that Lisbon Sanitary District No. 1 would be dissolved into the new village. The sanitary district's boundaries are entirely within the proposed village.

Stormwater Management Utility

Lisbon formed a stormwater utility to operate and maintain the Town's stormwater ditches, culverts, detention ponds and other infrastructure. The utility also does monitoring, planning, and educational work to limit and improve the quality of stormwater runoff. The utility's boundaries are entirely within the proposed village.

Population

Population is examined to determine whether population density is high or low, and whether population is scattered unevenly or located in a more compact fashion.

Lisbon contains 10,731 residents, which is the 2nd most populous town in Wisconsin trailing only Town of Grand Chute in Outagamie County. With its incorporation as a village, Lisbon's population will place it within the top 7% among Wisconsin villages and in the top 1/3 of Wisconsin cities.

Lisbon's population density is 402 persons per square mile. **TABLE 1** shows how Lisbon compares with past petitions reviewed by the Incorporation Review Board which met this statutory standard. Lisbon's density is higher than some but less than others. The reason for this is because of its style of land use requiring large lot sizes, as explained in the following section on land use.

TABLE 1: Population Density

Community	Population Density (sq. mi.)
Harrison	1,572
Brookfield	1,482
Fox Crossing	1,174
Greenleaf	859
Somers	581
Greenville	570
Bloomfield	474
Lisbon	402
Summit	316
Richfield	316
Bristol	254

Land Uses

Land uses are examined to determine whether the type of land uses within the proposed village tend to be urban or rural in nature. Wisconsin Caselaw holds that to be considered compact and homogenous Land Uses should be Urban rather than Rural.

TABLE 2 shows Lisbon’s land uses. The most prevalent developed uses are quarries and rural-type residential. The most prevalent undeveloped uses are open lands, which means primary environmental Corridors, Secondary Environmental Corridors, Isolated Natural Resource Areas, Wetlands, Floodplains, and Surface Water.

TABLE 2: Existing Land Use

Category	Area	% of Town
Rural density Agricultural	327	1.9%
Low density residential	4,058	23.8%
Suburban density residential	814	4.8%
Medium density residential	95	0.5%
Commercial	54	0.3%
Mixed Use	69	0.4%
Industrial	191	1.1%
Quarries	1,893	11.1%
Governmental and Institutional	185	1.1%
Total Developed Uses	7686	45.0%
Recreational	510	3.0%
Open Lands	3,918	22.9%
Other Open Lands*	1,279	7.5%
Rights of Way	1,218	7.1%
Agricultural	2,459	14.4%
Total Undeveloped Uses	9,384	54.9%

MAP 1 shows Lisbon’s land uses. The map shows substantial rural subdivisions in yellow color, light grey the quarries, green being open lands and white agricultural lands. A block of agricultural land is found in Lisbon’s northwest corner, otherwise remaining agricultural lands tend to exist in smaller pockets between subdivisions, quarries, and open space. Lisbon historically began as a collection of farm fields, a dozen quarries, and a smattering of houses and hamlets. However, while the quarries remain, Lisbon’s farm fields have gradually undergone a conversion to residential subdivisions. This process has been ongoing gradually since World War II. However, since Lisbon’s 2011 incorporation attempt this conversion process has accelerated. Only one farm remains in operation and Lisbon’s zoning code has no exclusive agricultural zoning.

Regarding business activity, a number of commercial areas are located throughout Lisbon. Additionally, the Lisbon-Sussex Cooperative Plan boundary enables extension of sewer and water service to more areas of Lisbon and will result in higher intensity

commercial and multi-family residential land uses. For example, the Town Center development, the STH 164 commercial area and the TID No. 1 development, among others.

Lisbon has regulated land use for many decades, developing zoning and subdivision regulations as early as 1960. Since that time Lisbon has been remarkably consistent in its approach to land use and encouraging that development occur on larger lot sizes. The reason for this has been both to preserve the character of the community and also to preserve groundwater resources. Lisbon's groundwater is unique in that it occurs in a shallow aquifer where residents draw water from shallow wells whose recharge is derived almost entirely from precipitation that has fallen and infiltrated from a close radius. This unique situation resulted from the most recent Ice Age 10,000 years ago when glacier activity deposited massive amounts of sand and gravel over top existing layers of permeable limestone and impenetrable shale. The shallow aquifer lies underneath the sand and gravel and limestone and above the layer of shale. However, because this aquifer is shallow, contamination is a major threat. Lisbon planners' solution to this has consistently been to limit lot size to ensure larger lots with ample permeable natural surfaces to enable stormwater to infiltrate directly into the aquifer. The zoning code offers zoning categories of A10, A5, and A3, which require 10-acre minimum lot size, five acre minimum and three acre minimum, respectively. These zoning categories result in landowners operating their property more as residential farmettes rather than commercial farms. Lisbon homes tend to be set into the natural environment and landscaped to blend into surrounding wooded areas. During its site visit, Department staff oftentimes could not see home structures, although plat maps indicated that behind the dense vegetation a home was in fact located there. For residents, part of the appeal of living in Lisbon lies in its landscape with rolling hills and large wooded home sites. Lisbon added an additional layer of protection for the shallow aquifer by creating the Lisbon Groundwater Protection Ordinance.

Lisbon planners have also historically recognized the value of the Town's wetlands as water recharge areas for the shallow aquifers that supply well water to Lisbon residents and businesses. Even today most of these extensive wetlands, floodplains, and related natural recharge areas remain intact.

Lisbon undertook a 2010 groundwater study, *Shallow Groundwater Quantity Sustainability Analysis Demonstration for the Southeastern Wisconsin Region*, to investigate the effectiveness of its approach to managing groundwater. The study concluded that Lisbon's large lot approach allows space for water percolation back into the water table at individual home sites, recharging the aquifer in a sustainable manner.

Lisbon's large lot approach to land use also results in population being less dense and more spread out. As mentioned, Lisbon's population density of 402 persons/sq.mi. is less than some recent incorporation petitions which met this standard. Summit and Richfield, two successful petitions with less density than Lisbon, also shared Lisbon's groundwater situation, lying in the same region of glacial outwash.

Financial Information

The Board examines financial information to ensure that the proposed village has the capacity to successfully operate as governmental entities.

Equalized Value

TABLE 3 shows Lisbon's equalized value was \$1,551,041,800 in 2021, the vast majority (93%) being from residential land uses, with commercial uses being a distant second (5%) and all other property uses being minimal. Equalized value has grown by more than \$386 million (33%) since 2016, roughly one-fourth due to new construction.

TABLE 3: Equalized Value (2021)

Property Class	Value	% of Total
Residential	\$1,439,748,900	93%
Commercial	\$74,308,400	5%
Manufacturing	\$18,257,500	1%
Agricultural	\$1,139,800	>1%
Undeveloped	\$2,192,200	>1%
Ag Forest	\$3,169,800	>1%
Forest	\$1,944,000	>1%
Other	\$4,703,600	>1%
Personal Property	\$5,577,600	>1%
Total	\$1,551,041,800	100%

TABLE 4 below shows that Lisbon has a greater equalized value than all but two villages in Waukesha County.

TABLE 4: Comparison of Equalized Value

Municipality	Equalized Value
V. Menomonee Falls	\$6,150,246,600
V. Sussex	\$1,661,648,200
T. Lisbon	\$1,551,041,800
V. Hartland	\$1,535,906,500
V. Elm Grove	\$1,299,350,800
V. Summit	\$1,267,150,100
V. Waukesha	\$1,236,613,000
V. Pewaukee	\$1,128,782,800
V. Vernon	\$1,104,662,300
V. Mukwonago	\$1,037,875,100
V. Chenequa	\$562,835,600
V. Merton	\$523,328,000
V. Wales	\$482,931,600
V. Oconomowoc Lake	\$429,558,000
V. North Prairie	\$290,238,300
V. Butler	\$272,554,800
V. Dousman	\$234,700,500
V. Eagle	\$233,587,300
V. Nashotah	\$230,523,300
V. Big Bend	\$210,770,500
V. Lannon	\$180,513,900
V. Lac La Belle	\$132,426,500

Comparing Lisbon's equalized value with municipalities statewide, Lisbon falls within the top 1% of all towns, within the top 4%, and within the top 22% of all cities. In fact, Lisbon's equalized value is similar to the City of Marshfield's.

Despite most land use categories increasing in value between 2016 and 2021, undeveloped land uses decreased in value, dropping from \$3,245,200 to \$2,192,200. This is another indication that Lisbon continues in its historical transition from undeveloped to developed land uses.

Debt

Lisbon has only \$8 million in debt. Given its high equalized value, the Town is only utilizing .5% of its statutorily allowed debt capacity which means that it may potentially borrow up to \$66 million.

Proposed Budget

TABLE 5 shows the Town's proposed 2022 Budget amounts, with annual revenues and expenditures totaling \$6,142,252. Since the entire Town of Lisbon is proposed for incorporation, all revenues and expenditures, and assets and liabilities will be the same for the new village.

**TABLE 5:
General Fund Revenues and Expenses 2022**

Revenues	
Property Taxes	\$3,047,167
Other Taxes	\$100,815
Intergovernmental	\$766,979
Regulation & Compliance	\$718,281
Charges for Services	\$1,417,410
Intergovernmental Charges for Service	\$55,000
Miscellaneous	\$36,600
Total Revenues	\$6,142,252
Expenditures	
General Government	\$1,029,549
Public Safety	\$2,658,493
Public Works	\$1,380,862
Sanitation	\$897,810
Culture & Recreation	\$175,539
Conservation & Development*	
Interest & Fiscal Charges	\$1,452,233
Total Expenditures	\$6,142,253

*Although Conservation & Development expense category is \$0 from general fund budget, \$2,000,000 is allocated from TID No. 1's budget

Lisbon's service level tends to be much higher than most towns, with many full-time staff providing full services not only to Lisbon residents but also to neighboring municipalities pursuant to intergovernmental agreements. Specifically, Lisbon provides the following core services:

- Administration – includes full-time staff in positions of administrator, clerk, deputy clerk, treasurer, deputy treasurer, and a social media/marketing manager who maintains Lisbon's website, Facebook page, a municipal newsletter, and a TV channel.
- Police – Lisbon contracts with Waukesha County Sheriff's Department for full-time police services, with a dedicated deputy and two dedicated Lisbon squad cars.
- Fire department – includes 7 full-time staff and 42 part-time paid- on-call staff working out of two fire stations. The departments ISO rating has improved since Lisbon's previous incorporation attempt in 2011, improving from a Class 6 ISO rating to a Class 4 rating. Lisbon's 5-year capital improvement budget includes funds to acquire land and build a new fire station in the central part of the Town to replace Fire Station No. 1.
- Public Works Department – includes 6 full-time staff
- Parks & Recreation Department – includes 2 full-time staff maintaining seven parks and helps host numerous events.
- Planning & Zoning & Development - Lisbon contracts for comprehensive planning, zoning and subdivision ordinances and conditional use permits, engineering, and building inspection.

Because Lisbon already provides a high level of services, becoming a village is unlikely to result in any new service needs. It will assume responsibility over shoreland-floodplain zoning from Waukesha County, however Lisbon appears readily capable of doing this.

Incorporation is also unlikely to result in any capital improvement needs. Lisbon has already been replacing vehicles and equipment on a regular basis. For example, much of the Town's public works vehicles and equipment were just recently replaced. Planned projects for 2022 include construction of a new salt storage shed that will triple the Town's amount of salt storage space and replacement of all playground equipment at Stone Family Park. As mentioned, within the next 5 years the Town will building a new fire station.

Incorporation would result in Lisbon Sanitary District No. 1 dissolving and becoming part of the new village, with the new village also receiving the sanitary district's debts and liabilities. However, this is unlikely to present any problems because the sanitary district appears to be in good financial condition. Annual operating expenses for 2021 were only \$324,000 and the district has no outstanding debt.

Tax Rate

Lisbon's 2021 tax rate was \$3.00, which represented a decrease from previous years due to increases in equalized property value.

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CHARACTERISTICS OF THE TERRITORY - DETERMINATION

The standard to be applied is found in s. 66.0207(1)(a), Wis. Stats. and is as follows:

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

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

Lisbon failed to meet this standard in its 1979 and 2011 incorporation petitions. However, since 2011 Lisbon has focused a great deal of resources and attention on improving how the Town relates to the incorporation standards in s. 66.0207, Wis. Stats., particularly the *compactness and homogeneity* and *metropolitan impact* standards. As a result of its efforts Lisbon has become significantly more compact and homogenous. Sussex would still occupy a large area at the center of the proposed village, which is a situation beyond Petitioners' control. However, the Lisbon-Sussex cooperative plan boundary agreement has greatly improved the communities' shared municipal boundary line by eliminating existing islands, peninsulas, and other irregular and isolated areas by transferring territory between them. **MAPs 1 and 4** shows the before and after effects of these transfers and how the boundaries are now much more regular, square and rational.

The Wisconsin Supreme Court, in *Pleasant Prairie*, notes that "homogenous" is not defined in the incorporation statutes so it observes common definitions of the term which support the finding that Lisbon meets this requirement. "'Homogeneous' is defined, however, by Webster's *Third New International Dictionary* as being 'of a similar kind or nature.' A second definition is 'of uniform structure or composition throughout.' Another dictionary meaning, given specifically in respect to the term, 'community,' is that it consists of 'uniform elements' throughout."² The Court also noted that complete or absolute homogeneity is not the standard, only that "reasonable homogeneity" is present which "shows a legislative concern that the area to be incorporated have a reasonably consistent and uniform composition."³

Transportation

Accessibility of the proposed village is very good in terms of automobile travel. Lisbon lies within the Milwaukee Metropolitan Urbanized region and its busy state and county highways move residents and visitors throughout the Town and throughout southeast Wisconsin.

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

² *Id.* at 334.

³ *Id.* at 333.

Lisbon's 101 miles of roads tend to serve individual subdivisions rather than providing connectivity between subdivisions. This presents problems for residents utilizing alternative transportation modes to move throughout the Town. **MAP 6** shows the existing Bugline Trail and many other county trails which are proposed to be developed, which will greatly improve on the current situation and help make alternative modes of travel more viable. This is a relevant because the statutory language says the Board is to consider both the "present and *potential* transportation system".

Social Opportunities

Lisbon has many public parks and many private recreational facilities for residents to utilize, along with many community organizations and events and activities which draw not only Lisbon residents but also people from throughout southeast Wisconsin. While Lisbon cooperates closely with Sussex to provide many of the area's social activities, clearly Lisbon does have a unique social identity of its own.

Economic Opportunities

APPENDIX B shows 107 businesses. Many of these businesses are quarries or businesses that support the quarries. Lisbon's quarries support construction projects throughout southeast Wisconsin. Many of Lisbon's businesses, like the quarries, utilize Lisbon's natural resources and tend to serve not only Lisbon residents but also people from throughout southeast Wisconsin. Many Lisbon residents work and shop elsewhere because Lisbon has little retail business activity. However, its unique economy, based on its natural resources, is clearly evident and of regional importance.

Other Jurisdictional Boundaries

The incorporation of Lisbon does not appear to impact or conflict with boundaries of existing jurisdictions such as school districts and Lisbon Sanitary District No. 1. While Lisbon's 2163 students are served by four different school districts, this is true of many southeast Wisconsin communities where school district boundaries may overlap with a variety of municipal boundaries. Also, the fact that four public schools are physically located in Lisbon means that a large amount of social activity and homogeneity related to schools are anchored in Lisbon, even drawing residents from other communities to Lisbon.

Population Distribution

Lisbon contains 10,731 residents, which makes it the second most populous town in Wisconsin. Lisbon's population would even place it within the top 7% among Wisconsin Villages and in the top 1/3 of Wisconsin cities. Lisbon's population density of 402 persons per square mile is greater than the density of several recent petitions which met this standard but less than others. Lisbon has high overall population but lower population density because of its large-lot style of development.

Land Use

Lisbon's historical conversion from agricultural to residential land uses has accelerated since its 2011 attempt to incorporate. Much of the remaining farmland existing in 2011 is now developed, or under development, as evidenced by the earth-moving equipment, new streets, foundations of structures and other signs of construction activity which Department staff observed during its site visit. **MAP 1** shows that only one block of

farmland remains, the rest being small remnants of farmland scattered here and there and pinched between existing development, active quarries, environmental lands, and recreational lands. Given Lisbon's large lot design for development, it appears that most Lisbon lands are as developed as they will be.

Finding

For the reasons discussed above, the Board finds that the Characteristics of the Territory standard in s. 66.0217(1)(a), Wis. Stats. is met.

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TERRITORY BEYOND THE CORE - DETERMINATION

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

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

Territory Subject to Standard

Petitioners identify 2459 acres subject to the statutory standard. These areas are currently agricultural lands, primarily rented out for crops. **MAP 8** shows these developable agricultural lands in white, mainly located in Lisbon's northwest corner but also scattered throughout the Town in between developed residential areas, natural areas, and quarries.

TABLE 6 shows that Lisbon's 2459 developable acres is less than other petitions which met this standard. Lisbon falls roughly in the middle in terms of acres but is the lowest in terms of the percentage of developable acres to the total proposed village area.

TABLE 6: Developable Acres Comparison

Petition	Developable Acres	% of Total Village
Mount Pleasant	13,513	60%
Greenville	4,095	38%
Bristol	3,171	55%
Lisbon	2,459	14%
Summit	2,367	14%
Somers	1,991	25%
Fox Crossing	1,132	19%
Harrison	887	29%

Waiver of Territory from Standard

The statute permits the Incorporation Review Board to waive certain territory from the standard to the "extent that water, terrain or geography *prevents* such development."

In this case, Petitioners have requested waiver of substantial amounts of territory from the standard due to their being either quarries or environmentally sensitive natural areas.

Regarding quarries, these are shown in grey color at **MAP 1** and total 1893 acres or over 11% of the total Town. Because Lisbon's quarries have existing for many years they

consist of expansive holes in the landscape and involve heavy machinery and trucks coming and going. These are not suitable for residential or other urban development any time soon, and not until they reach reclamation phases in their business operations many years from now. As a result, the Board considers these quarries to be already developed uses and not territory subject to the standard.

Regarding environmentally sensitive natural areas, these are shown in green color at **MAP 1** and total 5,197 acres or 30% of the total Town. These areas include wetlands, floodplains, surface water, and other lands to be preserved due to slopes, soil conditions, or other limitations to development. Most of these lands are associated with rivers and streams and their adjacent wetlands and floodplains. Planning documents of Lisbon, Waukesha County, and SEWRPC indicate that these lands are to be preserved.

Applying the Petition to the Standard

The amount of vacant and developable territory subject to the standard is 2,459 acres. To determine whether this territory has the potential for substantial urban development within the next 3 years the Board examines a variety of factors, including recent building activity, population growth trends and forecasts, accessibility, availability of services, and whether plans and studies anticipate development.

Recent Building Activity

A community's recent past development activity is often an indication of likely future development activity. To gauge recent past development activity, data such as building permits, new subdivisions, rezoning's, and variances are examined.

TABLE 7 shows during 2011 through 2021, the Town issued building permits for 401 new single-family homes, an average of 40 per year. More recently, in 2020-21 Lisbon's average climbed to 71 new single-family homes per year.

TABLE 7: Lisbon Building Permits

Year	New Homes	Commercial	Total Permits
2012	19	2	669
2013	28	1	651
2014	40	1	698
2015	29	1	657
2016	30	1	831
2017	33	0	803
2018	31	1	751
2019	32	1	746
2020	52	1	985
2021	90	2	1,100
Total	401	11	8,466

TABLE 8 compares Lisbon’s historical average of 40 new residential units with past incorporation petitions that met the statutory standard. The table shows that Lisbon’s historical average falls roughly in the middle. However, Lisbon’s more recent 90 permits in 2021 places it among the top petitions such as Harrison, Bellevue, and Mount Pleasant. In 2022 Lisbon has already issued 82 permits through September, which means that it will again place among the top petitions. Building permit data indicates that Lisbon may be entering a period of increased development activity.

TABLE 8: Building Permit Comparison

Petition	New Residential Units
Harrison	133
Bellevue	99
Mount Pleasant	98
Richfield	80
Greenville	74
Kronenwetter	55
Fox Crossing	55
Lisbon	40
Bristol	31
Summit	23
Somers	5

TABLE 9 shows subdivisions currently being developed in Lisbon. These subdivisions will create 374 lots across 573 acres when completed. Having so many lots becoming available is another indication that Lisbon may be entering a period of high growth. **MAP 8** shows how these new subdivisions are located throughout Lisbon, including the Town’s northwest corner where the last remaining block of agricultural land is located. In their site visit Department staff saw many of these subdivisions listed in **TABLE 9**, with new homes, streets, stormwater facilities, and other infrastructure being actively under construction.

TABLE 9: Subdivisions Currently in Process

Development	Developer	Lots
Boyd property	Neumann Development	18
Hillside Ridge III	Neumann Development	27
Meissner property	Kaerek Homes	46
Twin Pine III	MLG	38
Hickory Hill	Neumann Development	28
Arrowhead Highlands Addition No. 3	Carl Schultz	82
Pheasant View	Kaerek Homes	31
The Preserve at Harvest Ridge Addition No. 2	Neumann Development	27
Bark River	Kaerek Homes	19
Total		374

Since 2011 over 428 acres of new residential development has occurred, as well as 157 acres of new nonresidential development including nine commercial or manufacturing developments and construction of the Silver Spring Intermediate School.

Population

Population trends are examined because increased numbers of people coming into a community is often correlated with increased urban development, for example houses for the newcomers to live in, businesses to serve their needs, schools to educate children, etc.

Lisbon has historically been among Waukesha County’s fastest growing communities, as it has gradually transitioned from an agricultural community to an urban community. Specifically, over the past 50 years from 1970 to 2020, Lisbon has grown 122%, almost twice Waukesha County’s 76% growth rate.

More recently, Lisbon’s growth rate appears to be accelerating. For example, Lisbon’s comprehensive plan adopted in 2009 predicted a 2035 population of 10,770 for the Town based on data from the Wisconsin Department of Administration’s Demographics Service Center. However, Lisbon’s 2021 population of 10,731 has already nearly matched the comprehensive plan’s 2035 prediction, 15 years ahead of time.

Development Projects Currently Ongoing

The Board examines development projects which are currently ongoing because the fact that they are ongoing means they will likely be completed within the next 3 years.

Table 9 lists numerous subdivisions currently under construction, as discussed above, and **MAP 8** shows the location of these developments. Numerous commercial

developments are currently under construction as well throughout the Town. Examples are the new ‘Town Center’ which would include higher-density residential development, commercial uses, a new Village Hall and park and the TID No. 1 commercial development and the STH 164 Commercial Center.

Accessibility

The Board examines accessibility to the proposed village territory, because the ease with which residents can come and go to employment, school, and other daily activities can influence whether people choose to move to an area. As noted previously, accessibility within Lisbon and beyond Lisbon to other southeast Wisconsin communities is excellent.

Services

Municipal services can have a bearing on whether people choose to move into an area, particularly municipal sewer and water service because that controls the type and density of new development. Lisbon provides a high level of services at a favorable tax rate. Residents primarily utilize private wells and sewer systems, however municipal sewer and water are available in some parts of the Town via intergovernmental agreements between Lisbon and Sussex, and this service is set to expand into further areas as described previously. This means that those newcomers to Lisbon who desire municipal sewer and water service can choose to live in those parts of the proposed village.

Plans and Studies

Local plans, comprehensive plans, TID plans, and consultant studies, among others, can also help assess the potential for future development and whether development is anticipated and actively being prepared for. In Lisbon’s case, planning and preparing for development has been ongoing for over the past decade.

Finding

The agricultural lands and farms which historically were so important in Lisbon have gradually transitioned to urban development. The agricultural lands which currently remain tend to be isolated and located between quarries, large lot residential subdivisions, and natural areas. In fact, the proposed village has only 2459 acres of vacant and developable territory subject to this statutory standard, which constitutes only 14% of the total proposed village’s size. Given how strong past development and population trends are, the fact that Lisbon provides a high level of services, and the extensive amount of development, which is presently ongoing, Lisbon’s remaining developable territory clearly have the potential for substantial development within the next three years. Therefore, the Board finds that the Territory Beyond the Core standard in s. 66.0217(1)(b), Wis. Stats. is met.

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TAX REVENUE - DETERMINATION

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

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

The Tax Revenue standard helps ensure that proposed incorporated communities have the financial resources to function as a city or village. Factors considered include the proposed village's equalized value, debt, proposed budget, and tax rate.

Equalized Value

TABLE 3 shows Lisbon's equalized value was \$1,551,041,800 in 2021, with the majority of that value (93%) being residential. Commercial is a distant second (5%) and all other property classes have minimal value comparatively. Lisbon's equalized value has grown by more than \$386 million (33%) since 2016, roughly one-fourth due to new construction.

TABLE 4 shows that Lisbon has a greater equalized value than all but two villages within Waukesha County, just behind Sussex. In fact, comparing Lisbon statewide, its equalized value places in the top 1% of all Wisconsin towns. Among Villages, Lisbon ranks in the top 4%, and among cities in the top 22%.

Debt

Lisbon has only \$8 million in debt. Given its high equalized value, the Town is only utilizing .5% of its statutorily allowed debt capacity. This means that Lisbon may potentially borrow \$66 million.

Proposed Budget

TABLE 5 shows the Town's proposed 2022 general fund budget amounts, annual revenues and expenditures of \$6,142,252. Since the entire Town of Lisbon is proposed for incorporation, all revenues and expenditures, and assets and liabilities will be the same for the new village.

Lisbon provides a higher service level than most Wisconsin towns, and not just to its own residents but also to residents of neighboring municipalities such as Sussex, Lannon, and Merton pursuant to intergovernmental agreements developed with these communities. These specific shared services and intergovernmental agreements will be discussed under the *Metropolitan Impact* standard.

The following are some Lisbon services:

- Administration - Full-time administrator, clerk, deputy clerk, treasurer, deputy treasurer, and social media/marketing professional who maintains Lisbon's

website, Facebook page, a municipal newsletter called the Lisbon Gazette, and a TV channel.

- Police – Lisbon contracts with Waukesha County Sheriff’s Department for full-time police services, with a dedicated deputy and two dedicated Lisbon squad cars. On top of this contract the Sheriff’s Department provides additional 24-hour coverage as it does with all the Towns in the County.
- Fire Department – includes 7 full-time staff and 42 part-time ‘paid on call’ staff working out of two fire stations. At its last incorporation attempt in 2011 the department had a Class 6 ISO rating, today it has improved to Class 4 ISO rating. Lisbon’s Capital Improvement Budget includes funds to acquire land and build a new fire station in the central part of the Town to replace Fire Station No. 1 within the next five years.
- Public Works Department – includes 6 full-time employees
- Parks & Recreation Department – includes 2 full-time staff maintaining seven town parks, sports fields, in addition to hosting numerous community events.
- Planning & Zoning & Development - Lisbon contracts for comprehensive planning, zoning, subdivision ordinances and conditional use permits, engineering, and building inspection.
- Lisbon Sanitary District No. 1 – Lisbon contracts for needed engineering and accounting work.

Lisbon has been replacing vehicles, equipment, and making other capital improvements on a regular basis. For example, much of the Town’s public works vehicles and equipment were replaced in 2021. Current capital improvement projects include construction of a new salt storage shed which will triple the Town’s salt storage space and replacement of all playground equipment at Stone Family Park. Within the next 5 years the Town will construct a new fire station.

Incorporation is unlikely to result in any additional capital improvement needs.

Because Lisbon already provides such a high level of service, it is unlikely that becoming a village will result in new service needs or impact existing services. Incorporation would mean that Lisbon Sanitary District No. 1 would dissolve and become part of the new village. It would also mean that the new village would receive all the sanitary district’s debts and liabilities. However, the sanitary district appears in good financial condition. Annual operating expenses for 2021 were only \$324,000 and the district has no outstanding debt.

Tax Rate

Lisbon’s 2021 tax rate was \$3.00, which was a decrease from previous years due to increases in equalized property value. No change in the tax rate is anticipated due to incorporation.

Finding

Lisbon has a high equalized value, low debt, and low tax rate. It already provides a high level of services and has kept up with capital equipment and facility needs. Petitioners' proposed budget appears reasonable. For these reasons the Board finds that Lisbon clearly has "*the present and potential sources*" of revenue needed to function as a village at a favorable tax rate and that the Tax Impact standard in s. 66.0207(2)(a), Wis. Stats. is met.

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LEVEL OF SERVICES - DETERMINATION

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

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

This standard does not apply because no contiguous municipality filed a resolution with Waukesha County Circuit Court indicating a willingness to annex and provide services to the proposed village territory.

IMPACT ON THE REMAINDER OF THE TOWN -DETERMINATION

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

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

This standard does not apply because there is no Town of Lisbon remaining after incorporation. Instead, the entire Town of Lisbon is proposed to become a village.

IMPACT UPON THE METROPOLITAN COMMUNITY - DETERMINATION

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

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

The Board must make *an express finding* that the proposed incorporation will not substantially hinder the solution of governmental problems affecting the metropolitan community.

Factors examined include cooperation with municipal neighbors, adequate service levels, and area plans, among others.

MAP 2 shows Lisbon and its municipal neighbors comprising the metropolitan area. The map shows that Lisbon remains among the only unincorporated areas within its metropolitan area, despite Lisbon's having among the highest equalized values and population.

This Metropolitan Impact standard is perhaps the standard on which Lisbon elected officials and staff worked the hardest. In its 2011 petition the Board found that Lisbon failed to meet this standard because it was not functioning as a good member of its metropolitan community and instead took an independent go-it-alone strategy of not contributing to regional-type issues. Lisbon's failure to cooperate with its municipal neighbors was reflected by the strong opposition to its 2011 petition.

Since 2011 Lisbon has developed cooperative plans with Sussex and Merton and has developed numerous service sharing agreements, including the following:

- Lisbon – Sussex Cooperative Plan (2022) – agree to boundaries and sewer and water services, among other issues;
- Lisbon – Village of Merton Cooperative Plan (2020) – agree to boundaries and services, among other issues;
- Compost Site – agreements with Village and Town of Merton for their residents to also use Lisbon's compost facility;
- Bark River Emergency Services Group - provides leadership and facilities for training exercises in cooperation with Village of Merton;
- Sussex-Lisbon Historical Society Museum – provides support for this joint museum;
- Salting and snowplowing – Lisbon agrees to provide salting and snowplowing services to the Village of Merton;

- Police Citations - Lisbon developed an administrative support contract with Sussex where Sussex enters Lisbon police citations into its TRACS software system for an arranged fee.
- EMT Agreement with Hartland – Lisbon developed an agreement the Hartland Fire Department for automatic response for EMT responses and conducting joint training sessions.
- Mutual Aid - Lisbon Fire Department participates in the Waukesha County Countywide Mutual Aid Agreement and the Wisconsin Mutual Aid Box Alarm System (MABAS). The Department also has additional aid agreements with fire departments in Hartland, Merton, Richfield, Stone Bank, and Sussex.

As a result of Lisbon’s efforts, its neighboring municipalities support this incorporation. Eight of its municipal neighbors passed resolutions expressing support for Lisbon’s incorporation, including Sussex which was the community most stridently opposed to the 2011 petition.

Lisbon provides such a high level of services to its residents that it is unlikely municipal neighbors will need to step in to provide needed services should incorporation occur. In fact, Lisbon already provides some services to residents of neighboring communities via service-sharing agreements.

In 2021-2022, Lisbon updated its comprehensive plan, including the plan’s Intergovernmental Element, to add numerous specific goals, objectives, and policies related to further improving its intergovernmental relationships with municipal neighbors.

Finding

As a result of Lisbon’s efforts over the past decade, Lisbon has dramatically changed how it relates to its metropolitan community. Lisbon is now a good and valuable member of its metropolitan community, working closely with municipal neighbors on regional-type issues. As a result, the Board expressly finds that incorporation will not substantially hinder the solution of governmental problems affecting the metropolitan community and that the standard in s. 66.0207(2)(d), Wis. Stats. is met.

APPENDIX A: INCORPORATION REVIEW BOARD

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

Members

Department of Administration Member and Chair

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

Wisconsin Towns Association Member #1

William Goehring, Chairperson
Town of Sherman

Wisconsin Towns Association Member #2

Sharon Leair, Chair
Town of Genesee

Wisconsin League of Municipalities Member

Justin Nickels, Mayor
City of Manitowoc

Wisconsin League of Municipalities Member

Rich Eggleston

Staff

Renee Powers
Erich Schmidtke

APPENDIX B: LISBON BUSINESSES

Business Name	Description
Retail and Personal Services	
Casey's	Gas station and convenience store
County Line Liquor	Retail liquor sales
Funky Farmhouse Studio	Hair Salon
J.K. Lee's Black Belt Academy	Martial Arts Academy
Kwik Trip	Gas station and convenience store
Lake Jewelers	Watch repair, custom jewelry
Lake Five Dentistry	Dentist office
Music Dynamics of Sussex	Music lessons
Quarry Mart	Gas station and convenience store
Red Wing Kennel	Dog and cat boarding facility
Skin Tight Medi-Spa	Skin care spa
Snap Fitness	Fitness club
Zabrowski Family Trees	Christmas trees
Construction and Contracting	
Affordable Signs & Lighting	Sign and lighting contractor
All-Ways Contractors	Contractor
Anytime Garage Doors	Garage door installation and repair
Bernklau Surveying	Surveyor
Custom Masonry Restoration	Masonry
D.F. Tomasini	Water, sewer, stormwater contractors
Demlang Builders	Residential contractor
Express Building Systems LLC	Residential contractor
Ferguson Waterworks	Parts and supplies for water and sewer systems
Forston Construction	Concrete and masonry work
Globe Contractors	Sewer, water, storm sewer contractors
Gordy's Concrete Pumping Services	Parts and service for concrete placing equipment
Hilbert Company LLC	Custom cabinetry

Hilsenbeck Roofing & Construction	Residential construction
J.P. Anthony Inc	Concrete contractor
Lietzau, Inc.	Septic tank and mounds installation
Mark Schneider Plumbing	Residential contractor
MJS Machinery Installation, Inc	Machinery erectors
Pat Bruch Excavators	Excavating contractors
PLM Paving & Concrete LLC	Pavement construction and repair
Squared Away Builders, Inc	Framing and trim carpentry contractors
Visu-Sewer Clean & Seal, Inc.	Sewer inspection and maintenance
Weber Homes	Residential contractor
Landscaping	
ASP Landscape Service	Landscaping and snow removal
Associated Landscape Services	Landscaping
Blaze Landscape	Landscaping and snow removal
Frankfurth & Associates Landscape Contractors	Landscaping and snow removal
Hazelwood Tree Service	Tree trimming and removal
Helmricks Landscaping and Handyman Services	Landscaping and snow removal
Landworks, Inc	Landscaping
The Rock Stone & Landscape Supply	Landscape product and stone suppliers
Waukesha Lime & Stone Co.	Agricultural lime for gardeners and farmers
Transportation	
Corky's Trucking LLC	General freight trucking
Craters and Freighters Greater Milwaukee	Specialty crating, packaging, and transportation
National Liner	Freight trucking
Paul J Schmit Trucking	Freight trucking
S.J. Stanley Trucking	Freight trucking
Tremmel-Anderson Trucking	Freight trucking, dispatcher, and supplier
Self-Storage	
Colgate Storage	Self-storage rental
Hwy Q Self Storage	Self-storage rental
Indian Grass Storage LLC	Self-storage rental

Mary's Custom Storage	Self-storage rental
Storage Werks	Self-storage rental
Recreation	
Ausblick Ski Club	Ski club
Fairways of Woodside Golf Course	18-hole golf course
Goetz's Country View Driving Range	Driving range
Iron Horse Polo Stables	Horse breeding, training, and boarding stable
Ironwood Course	27-hole golf course, with leagues, lessons, club house, golf shop, bar and grill, meeting and banquet facilities
Menomonee Falls Rod & Gun Club	Sportsmen's club
Menomonee Saddle Club	Riding club, with show grounds and events
Sherwood Forest Bowmens Club	Archery club & equipment, shooting leagues
Songbird Hills Golf Course	18-hole golf course, with leagues, lessons, club house, golf shop, bar and grill, and banquet facilities.
Quarrying and Building Materials	
Genesee Aggregate	Fine Sand, gravel, and aggregate quarry and processing
Halquist Stone	Processing stone and concrete building materials
Halquist Stone	Processing stone and concrete building materials
La Farge North America	Building materials, cement, concrete, aggregates, and gypsum
Lannon Stone, Inc	Quarry, construction aggregates
Lannon Stone, Inc.	Quarry, construction aggregates
Lannon Stone, Inc.	Quarry, construction aggregates
Payne & Dolan	Aggregate, asphalt, and concrete manufacturing
Manufacturing/Machining	
Allegis	Distributor and manufacturer of computer enclosures, HVAC, agriculture, and transportation sectors

Brezinszki Racing Products	Manufacture cast iron performance cylinder heads for race cars.
DVG Manufacturing	Machining and milling; tool, die, and molds
Lerch Tool & Die	Manufacturing of dies, tools, jigs, fixtures
Merbeth Sheet Metal Products	Manufacturing of sheet metal products
Quality Welding, Inc.	Custom welding and products for manufacturers
QuickFab Welding & Erecting LLC	Commercial and industrial equipment and machinery repair and maintenance
Resource Machining & Welding Corp.	Manufacture of industrial machinery
Techni-Turn, Inc.	Machined components, grindings, coatings/platings, heat treating
Wikoff Color Corporation	Manufacturer of custom inks, coatings, and packaging.
Automotive and Boat Sales and Service	
Big City Limousine and Detail	Automobile detailing and limousine services
Boat Care & Services	Boat repair, winterizing, and storage
Grant's Service	Automotive repair
H & H Auto Parts	Auto parts recycler
Insurance Auction	Auto auction house
J.A. Equities	Car dealership
JM Motorsports	Automobile performance modifications, restoration, and storage
Joe's Car Care Inc	Automotive repair
The Boat Repair Shop	Boat repair
Total Car Care	Automotive repair
Professional Services	
David Holzhauer Appraisal Service	Residential, commercial, and industrial appraisals
Kaleidoscope Graphics	Graphic design
The Metal Minion	Engineering design for tools, plastics, silicon, and die cast
Property Management	
American Mobile Home Community	Mobile home park

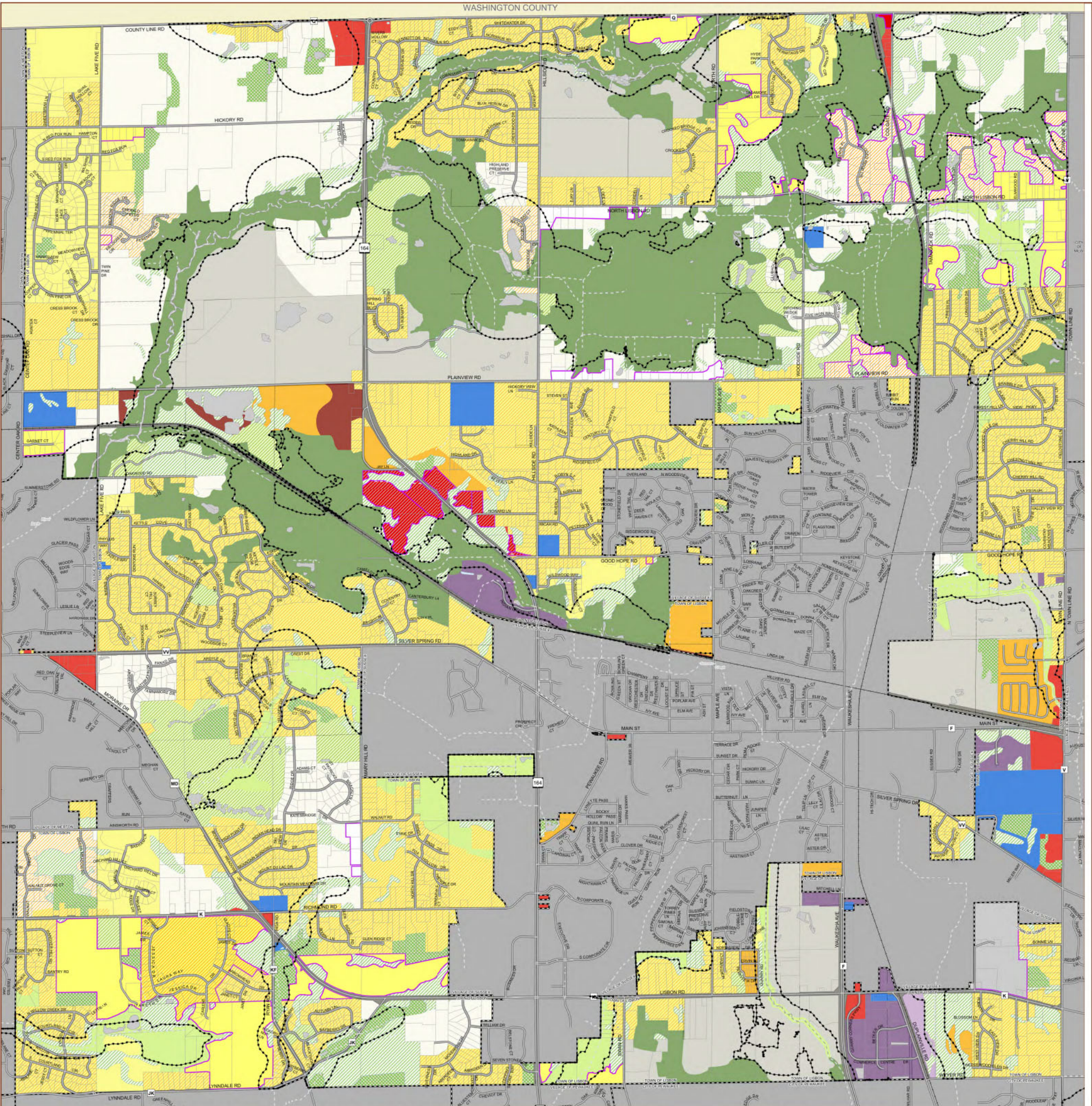
Other Businesses	
Advanced Communications Specialists	Residential and commercial cabling and technology specialists
Air Maintenance, Inc	Air conditioning, heating, HVAC systems, ventilation cleaning
Air Plus, LLC	Air conditioning, heating, HVAC duct cleaning
Brandt Innovative Technologies, Inc	Security control equipment and systems
Controlled Pressure Hydraulic Sales & Service	Hydraulic sales and service
Financial Systems Corporation	Sales and service of security systems for banks
Light Force of Wisconsin, Inc.	Lighting services and equipment rentals
Piranha Promotions, Inc	Specialty advertising and promotional materials
The James Group	Custom displays for bicycles & bicycling products
Water Blasting LLC	Water clean-up services

APPENDIX C: MAPS

MAP 1	Proposed Village Boundaries
MAP 2	Lisbon's Metropolitan Community
MAP 3	Historical Lisbon Boundaries
MAP 4	Post Cooperative Plan Agreement Boundaries
MAP 5	Transportation
MAP 6	Current and Proposed Trails
MAP 7	School Districts
MAP 8	Lisbon Development Activity

MAP 1 Proposed Village Boundaries

Map 17



WAUKESHA COUNTY LAND USE PLAN- TOWN OF LISBON

Request 1A, Proposed 2022 Land Use Plan Amendments

Proposed Changes in Land Use Category

County Development Plan

Land Use Category

- High Density Residential
- Medium Density Residential
- Low Density Residential
- Suburban I Density Residential
- Suburban II Density Residential

- Rural Density and Other Agricultural Land
- Farmland Preservation (>35 acres of area per dwelling unit)
- Farmland Preservation w/ EC Overlay (>35 acres of area per dwelling unit)
- Other Open Lands to be Preserved
- Primary Environmental Corridor

- Recreational
- Secondary Environmental Corridor
- Isolated Natural Resource Area
- Governmental & Institutional
- Commercial and Office Park
- Mixed Use

- Industrial
- Transportation, Communication & Utilities
- Highway and Railway Rights of Way
- Landfill
- Extractive
- Surface Water

Land Base

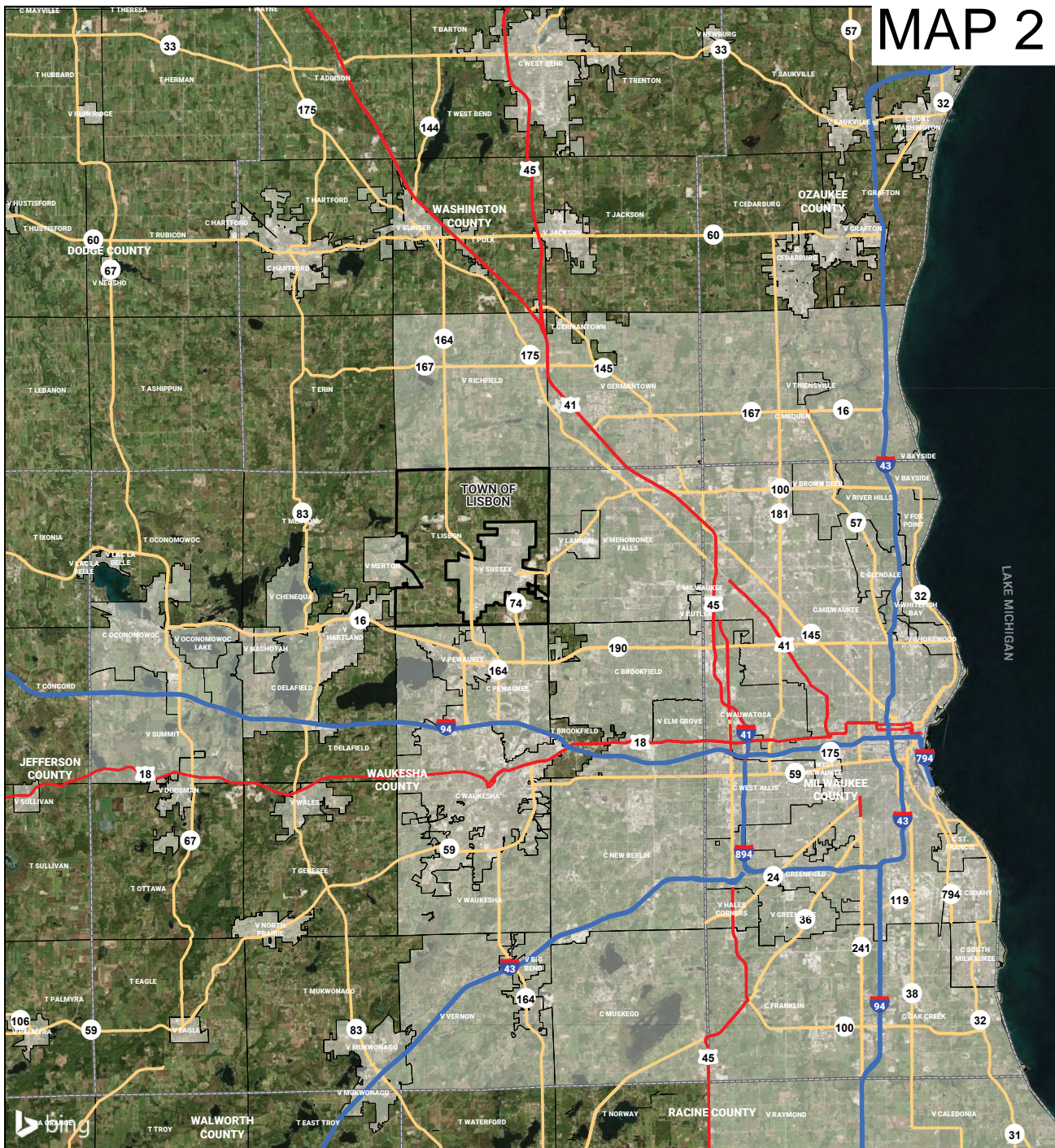
- Shoreland Jurisdictional Boundary
- Parcel Lot Line
- Street Centerlines
- Civil Division
- Railroad

0 1 Miles









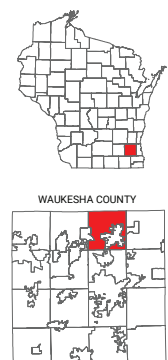
Prepared by Waukesha County Dept. of Parks and Land Use: 3/10/2022 11:52 AM

MAP 2



TOWN OF LISBON REGIONAL CONTEXT - METRO AREA

-  Town of Lisbon Boundary
-  Municipalities
-  County Boundaries
-  Interstate Highway
-  US Highway
-  State Highway



Outline Map of
WAUKESHA CO WIS

MAP 3

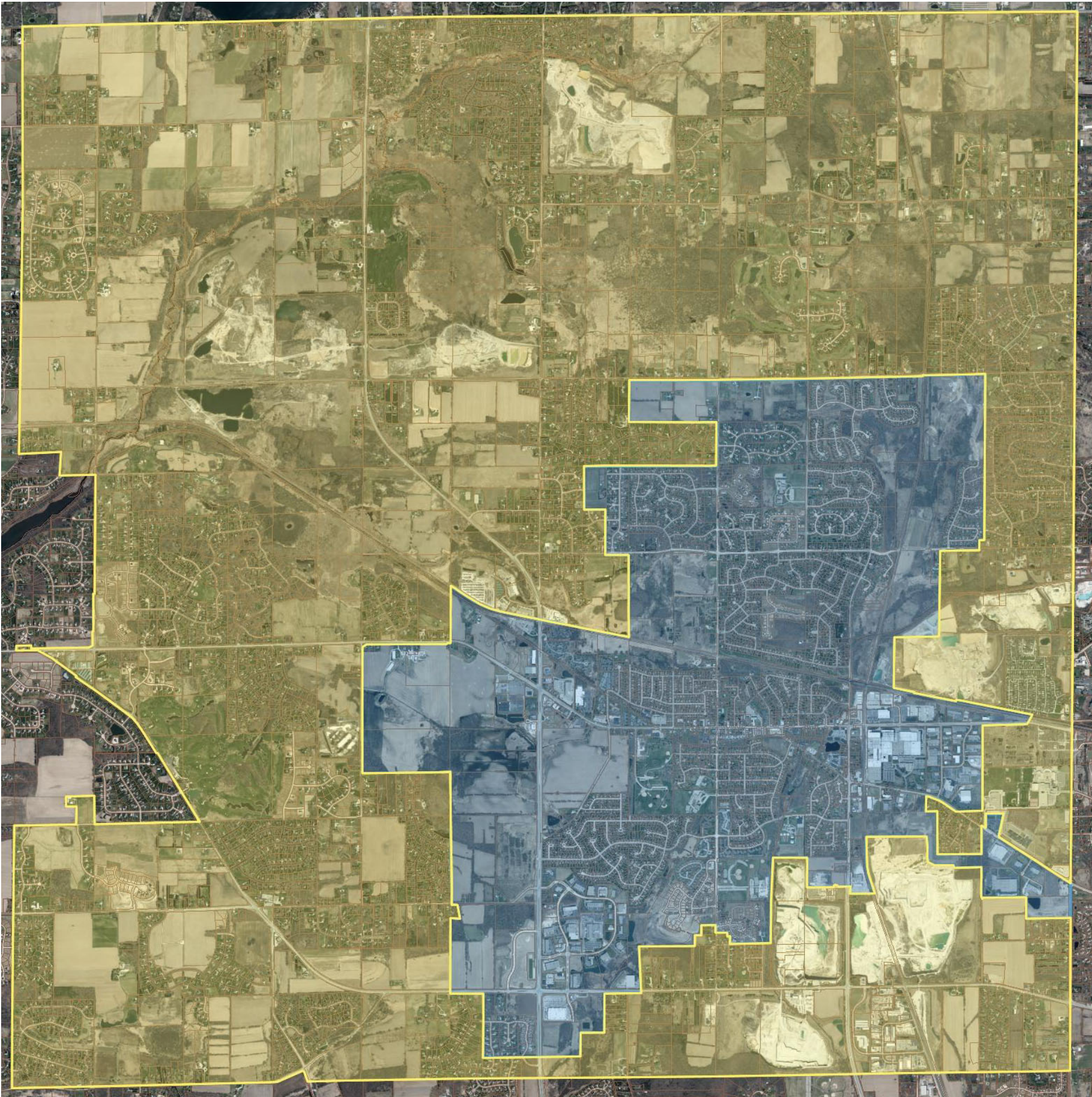
OCONOMOWOC <div>oconomowoc city</div>	MERTON	LISBON	MENOMONEE
SUMMIT	DELAFIELD	PEWAUKEE	BROOKFIELD
OTTAWA	GENESEE	WAUKESHA	NEW BERLIN
EAGLE	MUKWONAGO	VERNON	MUSKEGO

I, C. F. Hepp, County Clerk of Waukesha County, Wis. hereby certify that the foregoing is a correct outline map of said county.

*In witness whereof I have hereunto set my hand and official seal
this 24th day of January A.D. 1897*

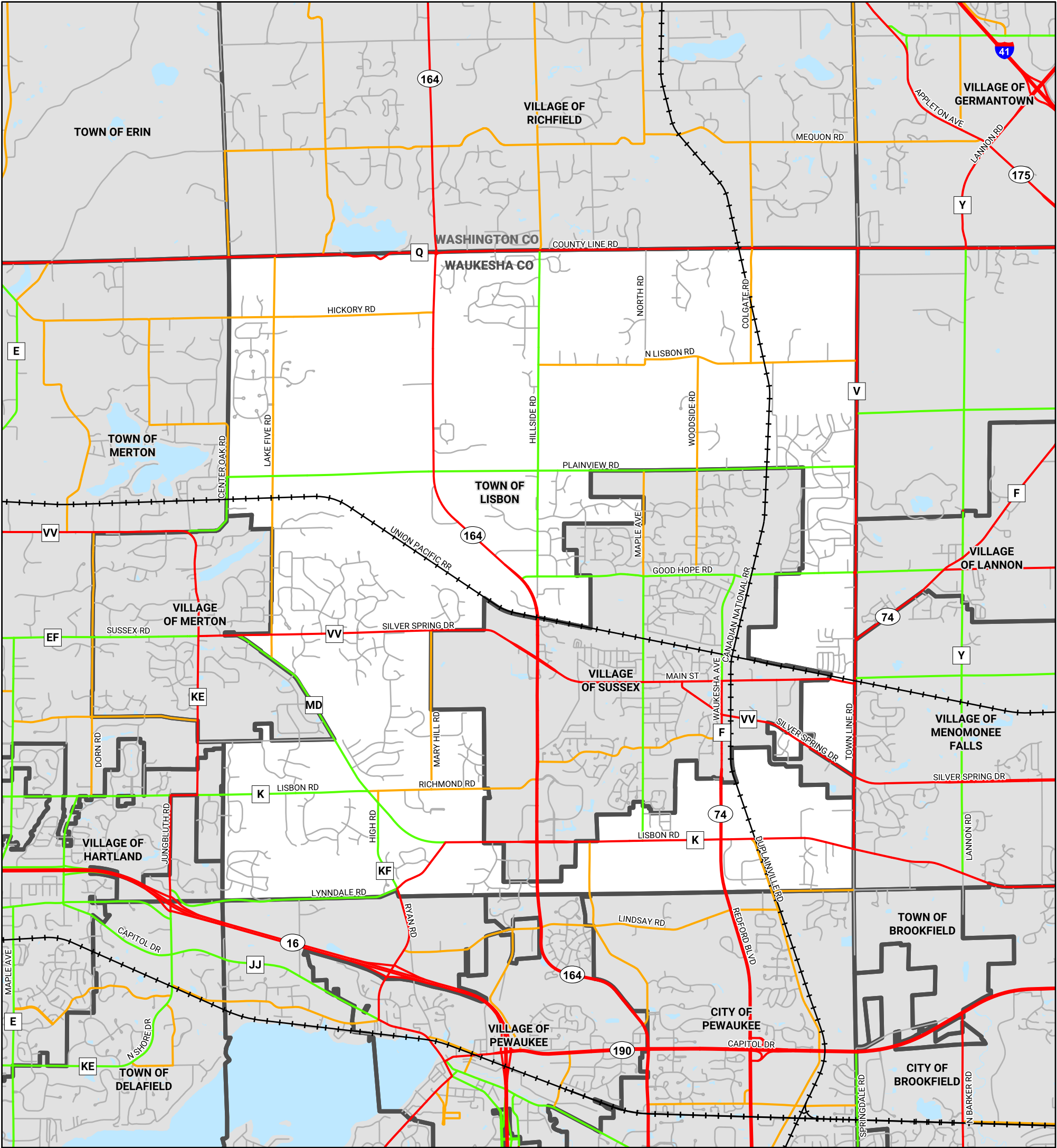
*C. F. Hepp
County Clerk*

MAP 4 Map of Common Boundaries Post Plan



 Post Plan Town of Lisbon Boundaries

 Post Plan Village of Sussex Boundaries

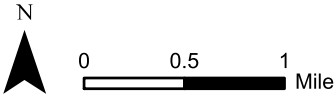
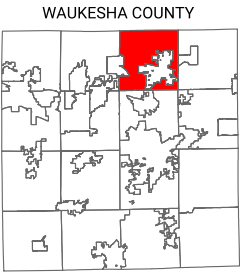


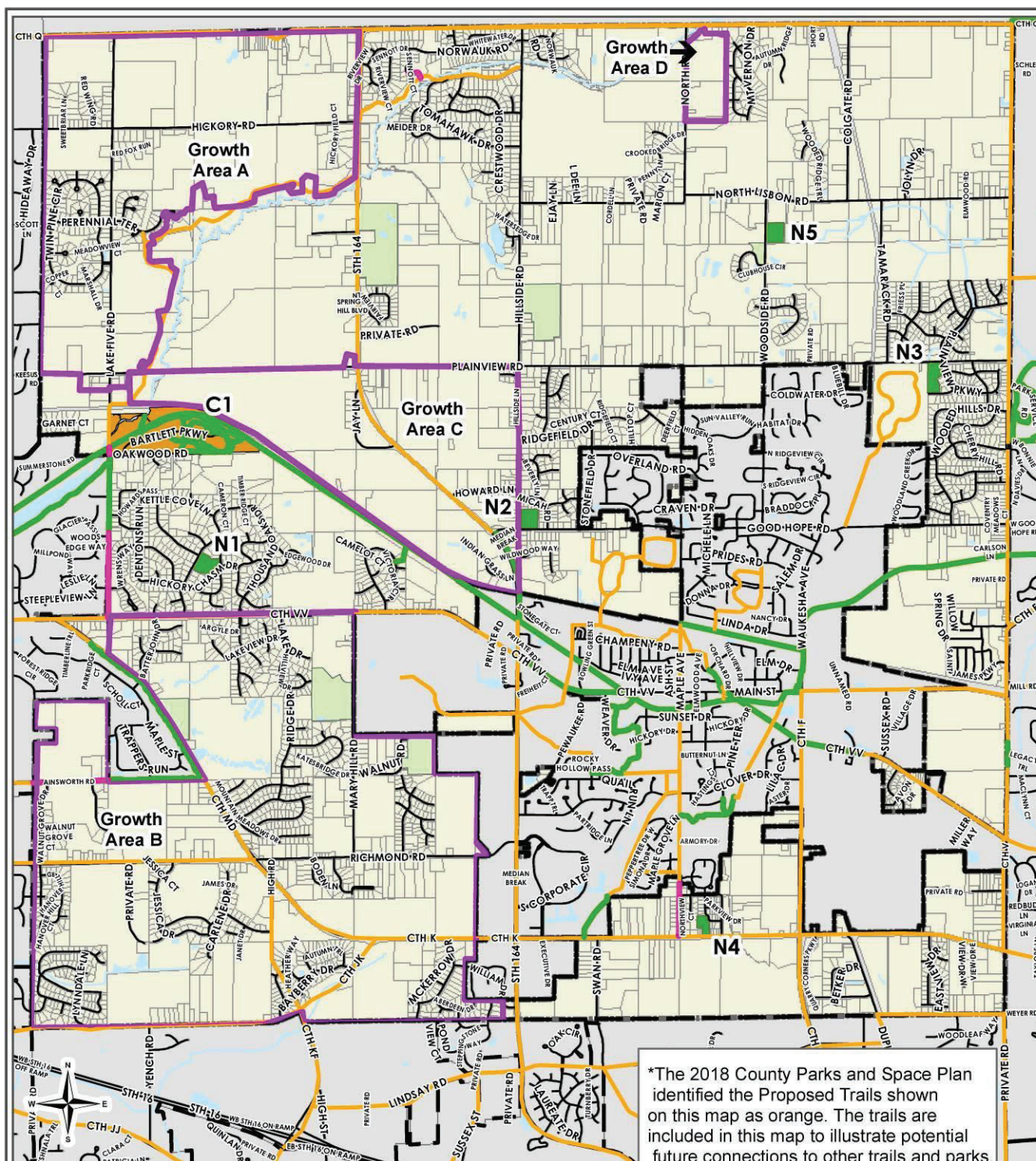
TOWN OF LISBON FUNCTIONAL STREET CLASSIFICATION

WDOT Functional Classification

- Principal Arterial
- Minor Arterial
- Collector
- Local

- Municipal Boundaries
- Railroads
- Surface Water





*The 2018 County Parks and Space Plan identified the Proposed Trails shown on this map as orange. The trails are included in this map to illustrate potential future connections to other trails and parks.

Parks & Trail Connections

- Town of Lisbon**
- C1 - Community Park
 - N1 - Oaks Park
 - N2 - Fred Keller Park
 - N3 - Stone Family Park
 - N4 - Stoney Halquist Park
 - N5 - Town Hall Park

0 0.25 0.5 Miles

Municipal Boundaries

- Growth Areas
- Town Proposed Trails for Impact Fee
- Active Trails
- County Plan Proposed Trails
- Community Park
- Neighborhood Parks
- Private Recreation Facility
- Lisbon Parcels

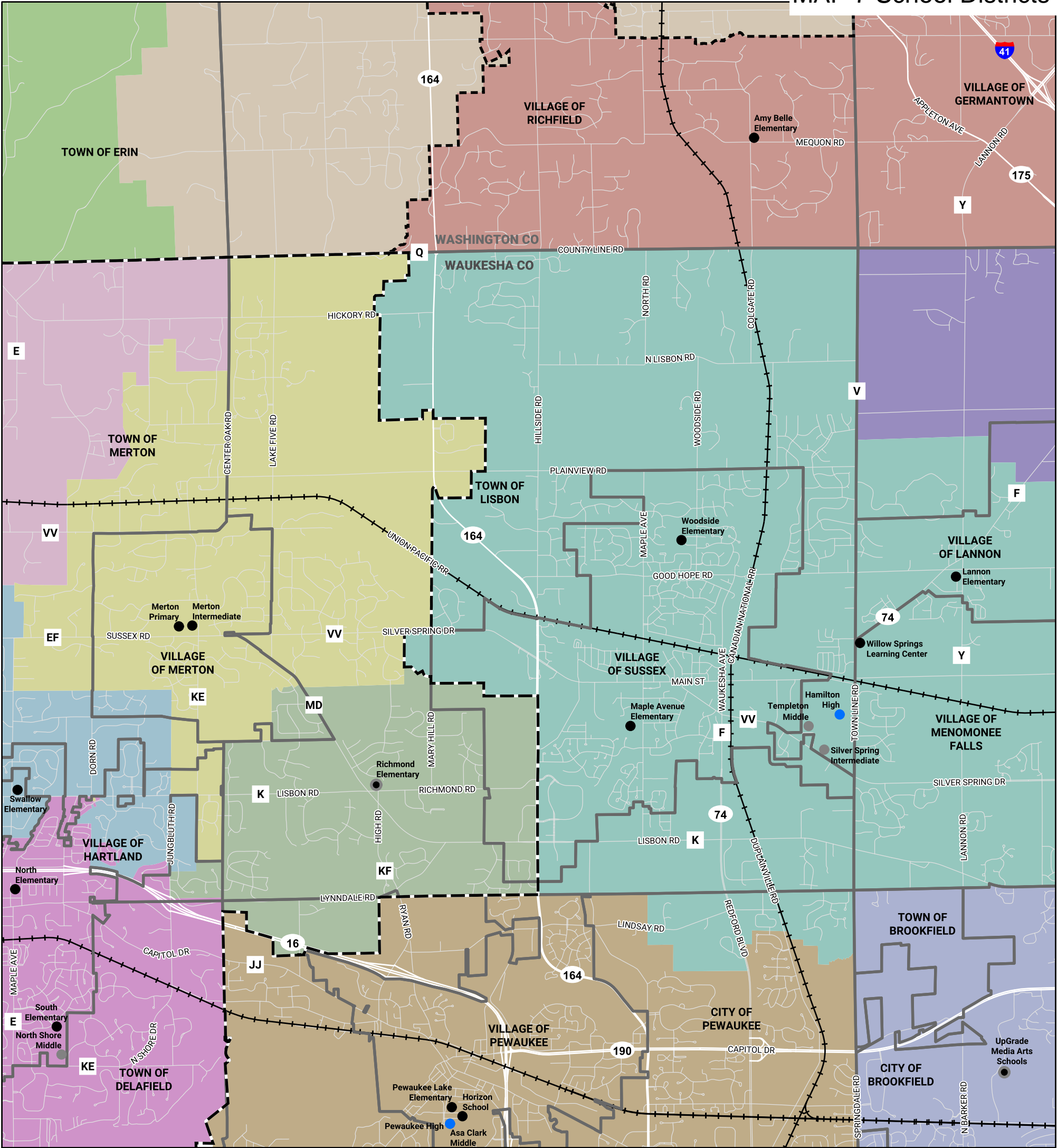
vierbicher
planners | engineers | advisors



REEDSBURG - MADISON - PRAIRIE DU CHIEN - MILWAUKEE METRO
999 Fourrier Drive, Suite 201, Madison, WI 53717
Phone: (608) 826-0532 Fax: (608) 826-0530

File Path: M:\Lisbon, Town of\190047 - 2019 Town Planning Services\General Tasks\2019.07 - Impact Fee Needs Assessment\Planning\Mapping\MXDs

Data Sources: Town of Lisbon, Waukesha County, Vierbicher



TOWN OF LISBON AREA PUBLIC SCHOOLS & DISTRICTS

School Districts

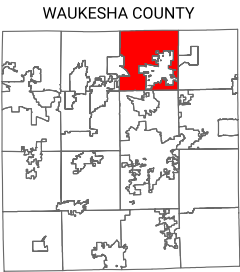
- | | |
|----------------------------------|------------------------------|
| <div></div> Elmbrook | <div></div> Menomonee Falls |
| <div></div> Erin | <div></div> Merton Community |
| <div></div> Germantown | <div></div> North Lake |
| <div></div> Hamilton | <div></div> Pewaukee |
| <div></div> Hartland-Lakeside J3 | <div></div> Richmond |
| <div></div> Holy Hill Area | <div></div> Swallow |

- Arrowhead UHS
- Hartford UHS

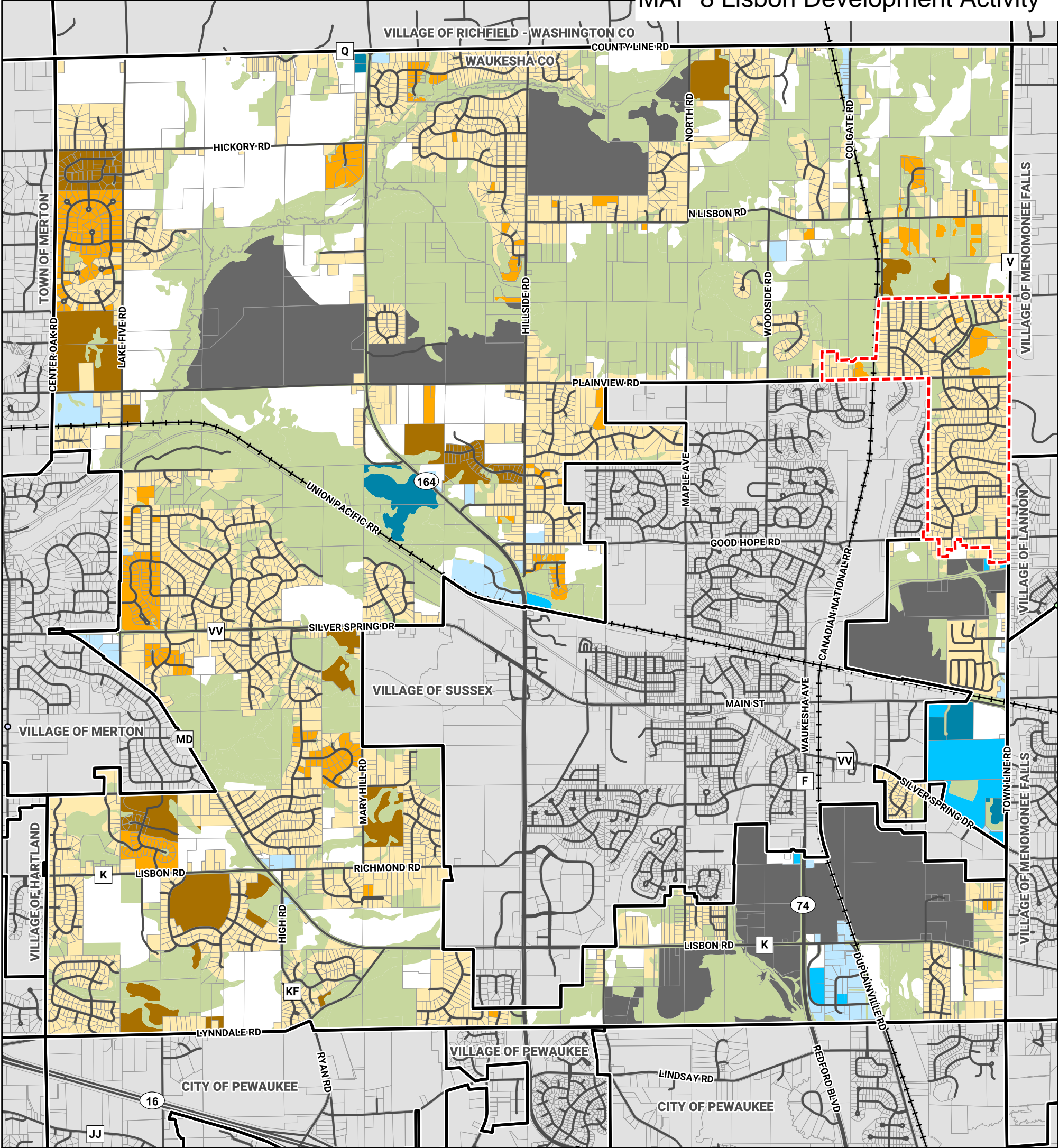
Public Schools

- Elementary School
- Middle School
- High School
- Combined Elementary/Secondary School

- Municipal Boundaries



MAP 8 Lisbon Development Activity



TOWN OF LISBON DEVELOPMENT MAP

Residential Development

- Developed Prior to 2011
- Developed 2011 to Present
- Development Approved/In Process - Not Yet Constructed

Parcels 10 acres or greater in area that include a residence are not considered to be developed for the purpose of this analysis.

Non-Residential Development

- Developed Prior to 2011
- Developed 2011 to Present
- Development Approved/In Process - Not Yet Constructed

Includes Mixed Use category

- Extractive Uses
- Recreational, Environmentally Sensitive Areas, Rights-of-Way

Environmentally sensitive areas include environmental corridors, isolated natural resource areas, surface water, wetlands, floodplain and other open land to be preserved.

Environmental corridors and isolated natural resource areas contain some existing development.

- Roads
- Parcels
- Other Municipalities

One (1) square mile:
528 housing units with 2.57 persons per unit per 2020 US Census estimate (1,356 total population)

