



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

WISCONSIN DEPARTMENT OF ADMINISTRATION

**APPROVAL of the COOPERATIVE PLAN
under Section 66.0307, Wis. Stats.**

between the

**TOWN OF SALEM and
VILLAGE OF SILVER LAKE,
KENOSHA COUNTY**

November 21, 2016

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**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

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Municipal Boundary Review

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This determination constitutes the Department's review of the proposed cooperative plan between the Town of Salem and Village of Silver Lake under s. 66.0307 Wis. Stats. The Department is charged with reviewing cooperative plans for compliance with public interest standards set forth in s. 66.0307(5)(c) Wis. Stats.

In summary, it is the DETERMINATION OF THE DEPARTMENT OF ADMINISTRATION that when considering the proposed cooperative plan under Section 66.0307(5), Wis. Stats.:

Standard 1, Content of Cooperative Plan Sufficiently Detailed – Met

Standard 2, Cooperative Plan Consistent with Comprehensive Plans and State and Local Laws and Regulations – Met

Standard 3, Adequate Provision for Municipal Services – Met

Standard 4, Provision for Affordable Housing – [Repealed & Inapplicable]

Standard 5, Compactness of Plan Territory – Met

Standard 6, Planning Period is Consistent with Cooperative Plan - Met

The facts and analysis supporting these findings are discussed in the body of this determination. The Department of Administration hereby determines pursuant to s. 66.0307(5)(d) Wis. Stats. that the proposed cooperative plan is APPROVED.

Dated this 21 day of November 2016,

Dawn Vick

Administrator, Division of Intergovernmental Relations

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 Department. Per s. 66.0307(9), Wis. Stats., decisions of the Department are subject to judicial review under s. 227.52. Per s. 227.53 any person aggrieved by a decision of the Department is entitled to review. Per s. 227.53 (1) (a) 1., proceedings for review are instituted by serving a petition therefore upon the agency, either personally or by certified mail, and by filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. Per s. 227.53 (1) (a) 2m., an appeal must be filed within 30 days after mailing of the decision by the agency. Per s. 227.53 (1) (b), the petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.57 upon which petitioner contends that the decision should be reversed or modified. Any petition for judicial review shall name the Department of Administration as the Respondent. Petitions for review should be served on the Department's Secretary, Scott A. Neitzel. The address for service is:

c/o DOA, 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. s. 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.

Introduction

In accordance with s. 66.0307(5) of the Wisconsin Statutes, the Wisconsin Department of Administration (Department) approves the *Town of Salem & Village of Silver Lake Cooperative Plan* (Cooperative Plan).

The Town of Salem and Village of Silver Lake (Communities) developed this Cooperative Plan to bring about their eventual consolidation into a single jurisdictional entity. This Cooperative Plan is a positive step for both Communities because it enables Silver Lake to cease being a separate jurisdiction and it enables Salem to achieve village status.

Both Communities believe this Cooperative Plan will greatly increase governmental efficiency due to sharing and eliminating the duplication of services. The Cooperative Plan will also assure more orderly and planned future development. The Communities already cooperate with law enforcement and fire protection services, among others, so this Cooperative Plan represents a continuation and progression of this existing level of cooperation.

Public Hearing, Resolutions, Referenda and other Procedural Matters

Before a cooperative plan is submitted to the Department, a number of procedural steps must occur. These are:

- Joint initiating resolutions passed by each participating municipality authorizing its governing body to work to negotiate and develop the plan;
- A joint public hearing to receive comments from the public and other governmental bodies; and
- Resolutions adopted by each municipality to approve a final version of the cooperative plan and forward it to the Department for review.

The following procedural steps may occur:

- An advisory referendum; and
- A public hearing held by the Department.

No area residents requested that an advisory referendum on the Cooperative Plan be held, and no area residents requested that the Department hold a public hearing.

Authorizing resolutions were passed by the Town on May 2, 2016 and Village on May 5, 2016. As required by s. 66.0307(4)(a) Wis. Stats., these resolutions were distributed to neighboring municipalities and other area jurisdictions.

The required joint public hearing was held on July 6, 2016. Feedback from residents was overwhelmingly positive. In response to concerns about protection of Silver Lake, language was added to facilitate formation of a Silver Lake protection district. Prior to its required joint public hearing on July 6, the Communities also held two public informational meetings on June 16 and 21, 2016 which were also well attended.

Both the Town and Village adopted resolutions approving the Cooperative Plan on July 27, 2016. The Communities forwarded the Cooperative Plan to the Department for its statutory review on September 6, 2016.

Approval Criteria Applicable to the Department

A cooperative plan shall be approved by the Department if the Department determines that each of the criteria in s. 66.0307(5)(c), Wis. Stats., is met. The following paragraphs describe how the Communities' Cooperative Plan relates to these criteria. It is important to understand that this approval document is not a complete restatement of the plan. Those wanting to learn specific details, provisions, and conditions should look to the text of the Cooperative Plan itself, which is available from the Communities, and also at the Department of Administration's website at: <http://doa.wi.gov/municipalboundaryreview>.

(1) The content of the plan under sub. S. 66.0307(3)(c) to (e) is sufficient to enable the Department to make the determinations under subds. 2 to 5m. s. 66.0307(5)(c)1, Wis. Stats.

Information required by statute, and provided in a clear manner by the parties, includes the following fundamental details about the Cooperative Plan:

- **Territory subject to the Plan** – the territory affected by the Cooperative Plan is the entire territory within the Town of Salem and Village of Silver Lake.
- **Territory to Transfer** – the Cooperative Plan primarily transfers two areas of territory:
 - **Town of Salem Attachment** – on February 14, 2017 (Consolidation Date), the Village of Silver Lake agrees to attach all Town of Salem lands. The name for the new consolidated village will be 'Salem Lakes'.
 - **Village of Paddock Lake Detachment** – the Town is party to an existing cooperative plan, the *Village of Paddock Lake/Town of Salem Cooperative Plan* (2006) which anticipates the transfer of certain Town territory to the Village of Paddock Lake. The Communities agree that the newly consolidated Village of Salem Lakes will be bound by all provisions of the *Village of Paddock Lake/Town of Salem Cooperative Plan* (2006). When requested to do so, the new Village of Salem Lakes agrees to detach territory to Paddock Lake pursuant to s. 66.0227 Wis. Stats. in conformance with both cooperative plans.

- **Transition Period** – the period between the Cooperative Plan’s adoption and the first meeting of the newly elected Village of Salem Lakes board in Spring of 2017 is referred to as the Transition Period. During this period, both Communities voluntarily agree to NOT:
 - Incur new debt
 - Authorize new expenditures
 - Enter into new contracts
 - Hire new staff
 - Discharge existing staff
 - Annex territory
 - Exercise extraterritorial zoning or plat approval authority
 - Approve zoning amendments

- **Transition Committee** – a Transition Committee will help manage the Transition Period. Members are the existing Town Board and Village President.

- **Ordinance Committee** – during the Transition Period the Village and Town will each appoint 3 members to serve on an Ordinance Committee which will review existing Village and Town ordinances and propose a revised ordinance code that retains both Communities’ existing provisions but eliminates conflicting or redundant provisions.

- **Comprehensive Planning** – prior to the Consolidation Date, the Village agrees to amend its comprehensive plan to include the Town’s comprehensive plan provisions.

- **Zoning** – prior to the Consolidation Date, the Village agrees to repeal its zoning ordinance and adopt Kenosha County’s ordinance. The Village will also negotiate with Kenosha County to provide zoning administration and enforcement services to the new Village of Salem Lakes after the Consolidation Date.

- **Law Enforcement** – the Communities intend that law enforcement will be provided by the Kenosha County Sheriff’s Department via a contract, and supplemented by a public safety department that enforces ordinances and patrols area lakes. The new Village of Salem Lakes will be greater than 5000 persons, s. 61.65(1) Wis. Stats. requires that it provide police protection service. The Village agrees to retain current Town Public Safety Department staff.

- **Fire and Rescue** – the Town Fire/Rescue Department currently provides fire and rescue services to both the Town and Village. The Communities intend that this Department will continue providing service. The Village agrees to appoint the Department’s current fire chief as chief of the new Village of Salem Lakes Fire/Rescue Department and agrees to hire all of the Department’s current staff.

- **Public Works** – the Village agrees to hire current Town of Salem Highway Department and Town of Salem Utility District staff for the same positions in the new Village.

- **Lake Protection Districts** – three lake protection districts currently exist within the Town. The Village agrees to reappoint the same representatives previously appointed by the Town to each of the lake protection districts.

- **Administrator & Staff Positions** – prior to the Consolidation Date, the Village agrees to create an Administrator position and employ the Town’s administrator to this position during the Transition Period. Similarly, the Village will employ the Town clerk, treasurer, assessor, and legal counsel, and will continue to employ all Town staff for at least a 1-year period following the Consolidation Date.
- **Term** – the Cooperative Plan’s effective date is the date of Department of Administration approval. On February 14, 2017, the Consolidation Date, the Village will adopt an ordinance attaching the entire Town territory. This will have the effect of creating a newly consolidated village to be called Salem Lakes. This Cooperative Plan primarily outlines tasks and responsibilities between the Communities during the Transition Period between the Cooperative Plan’s effective date and the Consolidation Date. After the Consolidation Date, only a few Cooperative Plan provisions remain, namely the eventual detachment of territory to Paddock Lake pursuant to this Plan and the *Village of Paddock Lake/Town of Salem Cooperative Plan (2006)*, as well as continued employment of Town staff for at least 1-year following the Consolidation Date.

The above information, along with other information included in the Cooperative Plan, provides sufficient detail to enable the Department to find that the standards in s. 66.0307(3)(c)1. Wis. Stats. have been met.

(2) *Is the cooperative plan consistent with each participating municipality’s comprehensive plan and with current state laws, municipal ordinances and rules that apply to the territory affected by the plan? s. 66.0307(5)(c)2 Wis. Stats.*

In 2010 both the Town and Village participated in Kenosha County’s multi-jurisdictional comprehensive planning process. The Village chose to adopt the resulting multi-jurisdictional comprehensive plan as their local comprehensive plan, while the Town chose to prepare and adopt a separate local comprehensive plan which was based on the multi-jurisdictional plan.

The Cooperative Plan is consistent with the Village’s *Multi-Jurisdictional Comprehensive Plan for Kenosha County: 2035 (2010)* in the following respects:

- Goal, pages 273, 630 – encourage intergovernmental cooperation by sharing services with municipal neighbors in order to save costs and improve service quality. The Town and Village have already been sharing services. This Cooperative Plan will combine the two communities, resulting in yet more cost savings and service improvement.
- Goal, page 632 - continue cooperative planning efforts between local governments, as well as coordinating efforts related to planning and ordinances. This Cooperative Plan requires the Communities to coordinate their plans and ordinances prior to the Consolidation Date.

The Cooperative Plan is consistent with the Town's *A Comprehensive Plan for the Town of Salem: 2035* (2010) in the following respects:

- Land Use Element, page 141 – utilize boundary agreements to resolve land use conflicts between the Town and the adjacent Villages of Silver Lake and Paddock Lake.
- Utilities & Community Facilities Element, page 215 – cooperate and share services with other jurisdictions to provide cost-effective government services.
- Intergovernmental Cooperation Element, page 244 – develop boundary agreements to resolve annexation and land use conflicts. Contact Silver Lake officials to determine the Village's interest in developing a boundary agreement for future land use and shared services.

The development of this Cooperative Plan indicates that these recommendations have been completed.

The Communities agree that prior to the Consolidation Date the Village will amend its Village comprehensive plan to incorporate by reference all provisions of the Town's comprehensive plan. This further ensures comprehensive plan consistency.

The Communities indicate they have reviewed all applicable federal, state and local laws, as well as area plans and have not identified any conflicts, inconsistencies, or adverse effects with their Cooperative Plan. Also, the comment letters from Kenosha County's Department of Planning & Development and Southeastern Wisconsin Regional Planning Commission (SEWRPC) do not indicate any conflicts or inconsistencies. SEWRPC comments that consolidation of the Communities will improve and enhance services for area residents, and that the Cooperative Plan helps implement the SEWRPC's regional plan. Kenosha County had no comments but offered its assistance and support to the new Village of Salem Lakes.

Additionally, none of the Communities municipal neighbors have voiced any comments or issues of concern.

For the foregoing reasons, the Department finds that the Cooperative Plan is consistent with each community's comprehensive plan and with all current state laws, municipal regulations and administrative rules and that the standard in s. 66.0307(5)(c)(2) Wis. Stats. is therefore met.

(3) Adequate provision is made in the cooperative plan for delivery of necessary municipal services to the territory covered by the plan. s. 66.0307(5)(c)(3), Wis. Stats.

The Cooperative Plan includes extensive provisions and discussion for how services will be provided to the new village, both prior to and after the Consolidation Date.

The Cooperative Plan provides specifics on law enforcement, fire protection and rescue services, public works, streets and highways, sewer & water service, parks, ordinances & regulations, planning and zoning, lake protection, municipal judge, legal services, elections, property assessment, clerk, treasurer, and administrator.

A Town of Salem resident submitted comments to the Department questioning the Cooperative Plan because of cost concerns. Due to Silver Lake's higher mill rate, its existing debt, and the requirement that the new community provide police protection service, this Cooperative Plan may in fact impact residents' taxes. Analysis by the Communities indicates that Village of Silver Lake residents may experience a slight decrease in property taxes while Town of Salem residents may experience a slight increase. Despite these cost impacts, both Communities' governing bodies and most residents at the public hearings support the Cooperative Plan and believe it will benefit area residents over the long term.

For the foregoing reason, the Department finds that adequate provision has been made for the delivery of necessary municipal services to the agreement territory, and that the standard in s. 66.0307(5)(c)3, Wis. Stats., is met.

(4) The shape of any boundary maintained or any boundary change under the cooperative plan is not the result of arbitrariness and reflects due consideration for compactness of area. Considerations relevant to the criteria under this subdivision include quantity of land affected by the boundary maintenance or boundary change and compatibility of the proposed boundary maintenance or boundary change with natural terrain including general topography, major watersheds, soil conditions and such features as rivers, lakes and major bluffs. s. 66.0307(5)(c)(5), Wis. Stats.

This Cooperative Plan establishes an orderly and predictable process for combining Village and Town territory to result in a new Village of Salem Lakes. Elimination of Silver Lake territory will result in an ultimate boundary that is more compact, rational, and uniform than it currently is.

Furthermore, this Cooperative Plan expressly recognizes the Town's existing cooperative plan with Paddock Lake and incorporates the provisions of that agreement. This will result in the boundary between Paddock Lake and the new Village of Salem Lakes ultimately being compact and rational.

For the foregoing reasons, the Department finds that this Cooperative Plan is compatible with the surrounding community and will result in compact municipal boundaries. Therefore, the standard in s. 66.0307(5)(c)5, Wis. Stats., is met.

(6) Any proposed planning period exceeding 10 years is consistent with the plan. s. 66.0307(5)(c)6 Wis. Stats.

The planning term for this Cooperative Plan is less than 10 years.

Approval

This Cooperative Plan meets the statutory criteria of s. 66.0307, Wis. Stats. Pursuant to authority found in s. 66.0307(5), Wis. Stats., the Wisconsin Department of Administration hereby approves the *Town of Salem & Village of Silver Lake Cooperative Plan*.

Henceforth, amendments or revisions to the plan can only occur with the approval of the communities, and with the concurrence of the Wisconsin Department of Administration or any successor agency granted the authority to administer the provisions of s. 66.0307(8), Wis. Stats.