

8 September 2016

TO: City Council, Board of Estimates, & Board of Park Commissioners

FROM: Susan Thering, PhD, Executive Director, Design Coalition Institute

**RE: Accessory Dwelling Units & Park and Open Space Dedication and Fees**

A proposed update to the current park impact fee ordinance will be before the Board of Park Commissioners on 14 September 2016, before the Board of Estimates on 26 September 2016, and before the City Council on 4 October 2016. Design Coalition Institute has been one of the leading advocates for reducing the barriers homeowners face when adding an "Accessory Dwelling Unit" (ADU, or "granny flat" or in-law apartment, etc.) for an aging or vulnerable family member.

Our analysis finds that the proposed update violates both the spirit and the letter of city, state, and federal fair housing reports and statutes. The brief review below substantiates our concerns and outlines our recommendations.

**1. City of Madison Common Council's Intentions RE: ADUs:**

"Accessory dwelling units give neighborhoods the opportunity to provide affordable housing opportunities, to provide housing opportunities for elderly or other family members, and to utilize their land base more efficiently." (<http://legistar.cityofmadison.com/attachments/fc49f027-6d83-4606-b483-3491e6a20c58.pdf>).

**2. City of Madison Department of Planning, Community & Economic Development & ADUs**

The 2016 housing report recognizes the importance of ADUs and recommends systematic review of ordinances to "remove barriers to these alternate forms of housing."

(<http://www.cityofmadison.com/cdbg/documents/2016housingreport-marketrateownershipfinal6-15-16.pdf> pg 28)

**3. Department of Planning, Community & Economic Development, ADUs, & Fair Housing**

A recent report commissioned by the City of Madison DPCED identifies impediments to fair housing and recommends actions, including addressing administrative and financial barriers, to maintain compliance with federal Fair Housing Act. ADUs are specifically mentioned in this report as an example of positive impact on fair housing

([http://www.cityofmadison.com/cdbg/documents/madisonai\\_2013\\_final\\_w\\_maps.pdf](http://www.cityofmadison.com/cdbg/documents/madisonai_2013_final_w_maps.pdf) pg 45).

**4. Federal Fair Housing Act**

All municipalities that receive funding from the US Department of Housing and Urban Development (HUD) are required to comply with the Fair Housing Act. Fair housing impediments include both direct and indirect discriminatory actions, omissions, or decisions that have the effect of restricting housing choices for members of a protected class (see footnote #3 above, pg 1).

## 5. State Statutes and Impact Fees

The proposed ordinance and fee schedule is based on an updated “facilities needs assessment” (2016) that purports to demonstrate how the proposed impact fees have a “rational relationship to the need,” and do “not exceed the proportionate share” of the cost, as required by State Statute [§ 66.0167(4) and (6)(a) and (b)].<sup>1</sup> That report not only fails to demonstrate this basic requirement, it substantiates our concern by relying on one single data point, i.e. “average persons per household” to calculate impact for all types of dwellings, while explicitly stating “No data are available on occupancies for accessory dwelling units.” With no data, no analysis, and no discussion, the report suggests “It is reasonable to use the multi-family rate for this category” (pg 16). It is particularly important to note that this “multi-family” category includes three bedroom apartments, regardless of square footage, while the maximum size of ADUs allowed by the City of Madison is 700 square foot (for comparison, a three-bedroom apartment in the new “Galaxy” building is 1710 square foot).

The 2016 facilities needs assessment was commissioned by the Parks Division in 2014, after we filed an appeal with the Dane County Circuit Court on behalf of residents who wanted to build an ADU for a family member with a disability. In addition to the reasons outlined above, that appeal was based on the fact that the facilities needs assessment that was current at the time did not mention ADUs. This is because ADUs were not legal before 2013. The current fee schedule does not mention ADUs because it is based on that old needs assessment. Since ADUs became legal the Parks Division staff have set and imposed park impact fees ranging from \$2,353 to \$4,007. The proposed updates will set Park Impact fees for ADUs at \$3,410.

On behalf of the residents of the City of Madison who have requested our assistance with an ADU project for an ageing or vulnerable family member, but have found both the cost and the bureaucratic process of obtaining the required permits prohibitive, we respectfully request that you send the proposal back to the Parks Division with a request that they investigate these concerns with representatives from the local disability rights and fair housing organizations, the City of Madison Department of Planning and Community Economic Development, and the City of Madison Civil Rights Department (cc).

Thank you for your continuing efforts on behalf of the residents of Madison.

Susan Thering



NOTE: Copies of the proposed documents, with relevant sections highlighted are attached. See <https://madison.legistar.com/LegislationDetail.aspx?ID=2823330&GUID=6B67D38C-30A5-41FE-B2EB-3AD0EC4FF5A4&Options=&Search=for.originals>.

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<sup>1</sup> See requirements for “Public Facilities Needs Assessment” in Sections 4 and 6(a) and (b) at <https://docs.legis.wisconsin.gov/statutes/statutes/66/VI/0617>.



# Park Impact Fee and Land Dedication Policy and Public Facility Needs Assessment

City of Madison, Wisconsin

**duncan** associates  
The Lakota Group

June 2016

# EXECUTIVE SUMMARY

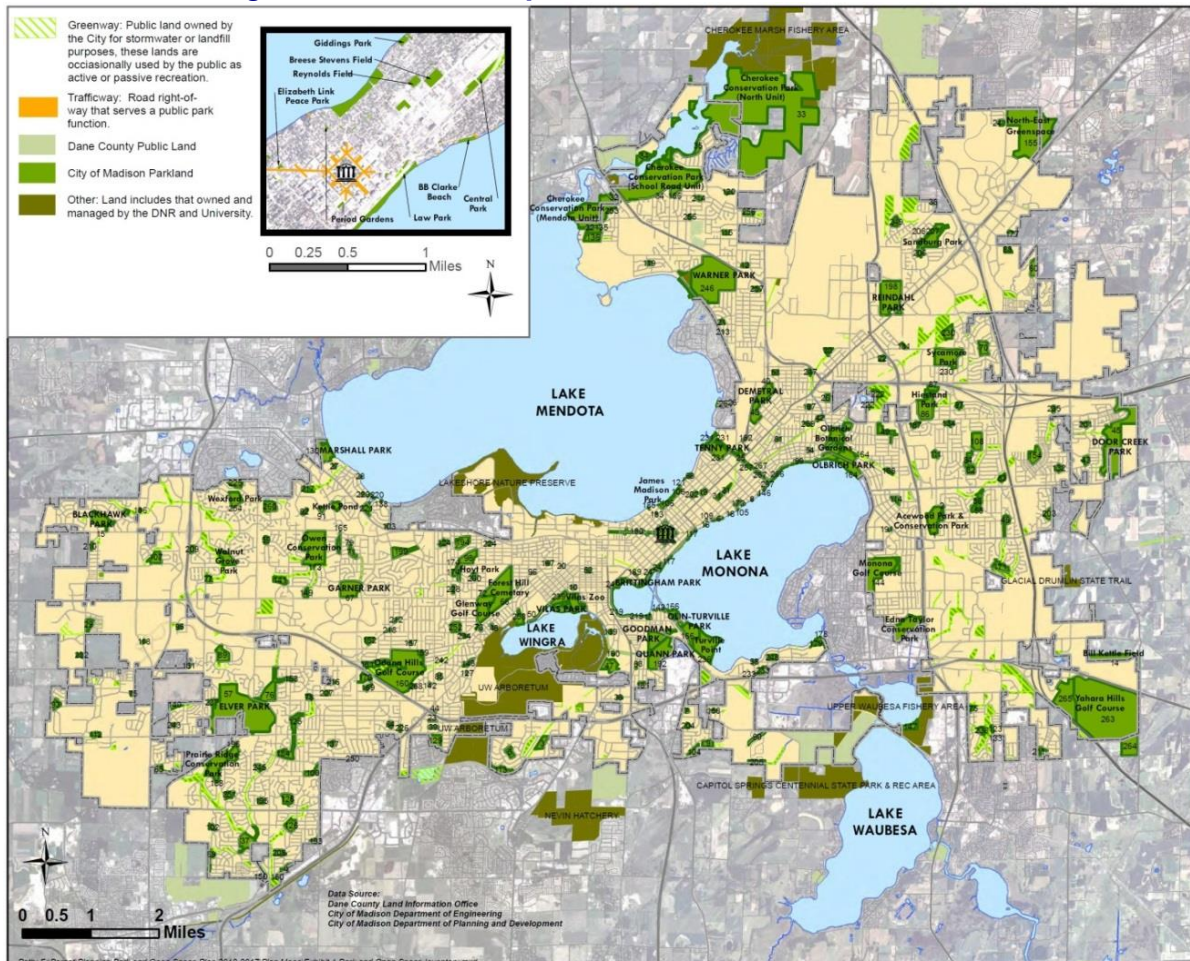
The purpose of this project is to prepare an evaluation of the City’s park impact fee/land dedication system, and to prepare a public facility needs assessment study. This document provides both.

The policy evaluation includes a review of the City’s existing impact fees and land dedication requirements, park impact fee policies used by other municipalities, the assessment of multiple bedroom and accessory dwelling units, and park development impact fee benefit districts. **The needs assessment calculates current proportionate fair-share dedication requirements and fees by housing type to address new residential development’s impact on the need for park land dedication and park development.**

## Background

Madison is the capital of the State of Wisconsin and the second largest city in the state. The layout of the incorporated area and locations of existing parks are illustrated in Figure 1.

**Figure 1. Madison City Limits and Park Locations, 2012**



Source: City of Madison, 2012-2017 Park and Open Space Plan, 2012.

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## Land Use Categories

The definitions of the land use categories to be included in the fee schedules have important implications for the amounts of the fees assessed on different land uses and the ease or difficulty of impact fee administration.

The 2002 needs assessment study calculated park land dedication requirements and park development impact fees for two types of residential development – single-family/duplex and multi-family. However, the park land dedication requirements and the park development impact fee ordinance apply to three residential categories – single-family/duplex, multi-family, and rooming house/age-restricted multi-family unit. The dedication requirement and fees for a lodging unit (bedroom) and an age-restricted multi-family unit are one-half the rate for a multi-family unit.

### Group Quarters

The application of the park impact fees and dedication requirements to rooming houses introduces a degree of uncertainty related to whether the requirements also apply or should apply to other types of transient or even institutional living arrangements.

Transient group quarters. Rooming houses (called lodging houses in the zoning code) are defined as a “house where more than five (5) paying guests are provided with meals and lodging, on a monthly or longer-term basis.” Applying these requirements to a somewhat transient living arrangement begs the question as to whether they should also apply to other transient housing types, which may also provide lodging for as long as a month, such as hotels, hostels and tourist rooming houses. There are a number of jurisdictions in the country that assess at least some portion of park impact fees on transient, seasonal, and tourist-oriented lodging facilities such as hotels, motels, bed and breakfast inns, and hostels. This is most commonly done for regional facilities that attract many tourists.

Longer-term group quarters. Other types of group quarters living arrangements where residents do not occupy separate dwelling units may also generate demand for public park facilities. These include community living arrangements, convents, dependency living arrangements, dormitories, fraternities and sororities, and housing cooperatives.

Institutional group quarters. Institutional living arrangements are another potential category. Hospitals are generally not assessed park impact fees, because of the limited term of occupancy, but other types of medical institutions, including nursing homes, assisted living facilities, congregate care facilities, mental institutions or psychiatric hospitals, could generate some demand for public park facilities.

### Dwelling Units

The ordinance is clear that dwelling units should be assessed, although it is not always clear how some types of dwelling units should be treated. A consideration in evaluating these categories is the need to quantify the demand from existing residential units. This can best be done by preparing an inventory of the number of existing units in each category, as well as a determination of the average number of residents in each dwelling unit by category.

The residential categories that are available from the Census Bureau are single-family detached, single-family attached (townhouse), duplex, other multi-family, and mobile home. Persons per dwelling unit for the various housing types are summarized in Table 7 below.

**Table 7. Census Housing Categories**

Housing Type	Persons/ Unit
Single-Family Detached	2.45
Single-Family Attached	2.00
Duplex	2.48
Other Multi-Family	1.62
Mobile Home	2.55
<b>Total</b>	<b>2.04</b>

Source: See Table 8.

Single-family/duplex. The current single-family/duplex category applies to single-family detached units, duplexes, and twin homes (side-by-side attached units on separate lots). The Census Bureau does not have a twin-home category – this housing type may be classified as duplex or single-family attached. Single-family detached and duplex units in Madison do appear to have similar occupancy characteristics, although the sample size for duplexes is relatively small. Consequently, combining these two Census categories into a single assessment category would appear to be reasonable.

Multi-family. The multi-family category includes rental apartments, single-family attached units (townhouses), and residential condominiums.

Accessory dwelling units. The zoning code allows accessory dwelling units to be created, whether within an existing single-family home or as a separate structure on the same lot. No data are available on occupancies for accessory dwelling units. It would be reasonable to use the multi-family rate for this category.

Mobile home parks. Mobile home parks and manufactured home developments are currently treated the same as single-family detached homes. This is appropriate for a mobile home located on a residential lot, but may be administratively cumbersome for mobile home parks, where mobile homes may come and go frequently. However, due to higher land costs, the City is not likely to see any new mobile home parks being developed in the future, although some existing parks outside the current city limits may be annexed. According to the Census Bureau, mobile homes account for only about 0.7% of Madison’s housing units. A reasonable approach would be to exempt the placement of a mobile home in an existing mobile home park space. Mobile homes placed on a single-family lot should continue to be assessed at the single-family rate.

Age-restricted housing. The current ordinance assesses multi-family units that are deed restricted to occupancy by persons 55 years of age or older for at least 30 years at one-half the multi-family rate. The assumption appears to be that age-restricted units either have fewer persons per unit or otherwise have less impact on the need for parks than unrestricted units. Such a differential should be based on some data showing less impact on the need for parks. The American Community Survey data from the Census Bureau could be used for this purpose – those data contain information on the presence of residents 60 years and older, which could be a proxy for age-restricted units.

Large multi-family units. The City has been experiencing significant growth in the number of new multi-family units with four or more bedrooms, primarily geared toward college student housing. Census data from the American Community Survey are available on occupancies for multi-family units by number of bedrooms. These data could be used to support a higher fee for large multi-family units.

Lodging houses. Requirements for lodging or rooming houses, such as dormitories, are currently based on one-half the multi-family rate. These requirements should be based on some data related to the need for parks. The American Community Survey data from the Census Bureau could be used for this purpose, with the requirement per lodging unit (bedroom) based on the average number of persons per bedroom for multi-family units.

### Recommendations

- The City's current land use categories – single-family detached/duplex, multi-family, lodging house and age-restricted multi-family – appear to be reasonable. The lodging house category should continue to apply to rooming and boarding houses, dormitories, and fraternity/sorority houses. It should also continue to exclude transient and institutional group quarters.
- Requirements for age-restricted multi-family units and lodging units should be based on available data on persons per bedroom for large multi-family units.
- A recent local development trend is the construction of multi-family units with four or more bedrooms, which tend to be used for student housing and function much like dormitories. A potential fee for such units is calculated in the needs assessment.
- **Accessory units should be treated the same as multi-family units.**

## NEEDS ASSESSMENT STUDY

This portion of the report calculates updated park land dedication requirements, fees-in-lieu of park land dedication, and park development impact fees. First, however, it is necessary to address the topic of service units.

### Service Units

Analyzing the impact of new development on the need for park facilities requires the definition of a common unit of demand, referred to as a “service unit.” This needs assessment study uses residents as the service unit for the park impact fees and dedication requirements. The need for, usage of and benefit from public parks and recreational facilities are primarily attributable to residential development. Residents include those living in households (i.e., occupants of dwelling units such as single-family units, apartments, etc.), and those living in group quarters (such as college dormitories, rooming and boarding houses, group homes, orphanages, monasteries and convents). Excluded from the residential population for the purposes of this analysis are institutionalized persons residing in group quarters, such as adult correctional facilities, juvenile detention facilities, skilled nursing facilities, psychiatric hospitals, and residential schools for people with disabilities. The park service unit is a person residing in a dwelling unit or in non-institutionalized group quarters.

### Person per Unit Multipliers

The multipliers used in calculating the fees by housing type are “persons per unit,” rather than “average household size.” Persons per unit is the ratio of household population to the total number of dwelling units, while average household size is the ratio of household population to the number of occupied units. Persons per unit takes into account that not all units are occupied at any point in time. Persons per unit and average household size by housing type for Madison are presented in Table 8.

**Table 8. Persons per Unit by Housing Type**

Housing Type	Sample Units	Weighted Estimates				
		Total Units	Occup. Units	Household Residents	Avg. HH Size	Persons/ Unit
Single-Family Detached	890	45,743	44,643	111,929	2.51	2.45
Single-Family Attached	117	6,791	6,438	13,581	2.11	2.00
Duplex	61	3,875	3,713	9,625	2.59	2.48
Multi-Family	697	47,636	43,846	77,043	1.76	1.62
Mobile Home	19	1,093	1,093	2,789	2.55	2.55
<b>Total</b>	<b>1,784</b>	<b>105,138</b>	<b>99,733</b>	<b>214,967</b>	<b>2.16</b>	<b>2.04</b>
SF Det./Duplex/Mobile Home	970	50,711	49,449	124,343	2.51	2.45
Multi-Family/SF Attached	814	54,427	50,284	90,624	1.80	1.67
<b>Total</b>	<b>1,784</b>	<b>105,138</b>	<b>99,733</b>	<b>214,967</b>	<b>2.16</b>	<b>2.04</b>
2010 100% Count	n/a	108,843	102,516	222,469	2.17	2.04

Source: U.S. Census Bureau, American Community Survey, 2009-2011 3% sample microdata file for Madison; 2010 100% count data for Madison from U.S. Census Bureau, 2010 Census.



Table 27. Existing Active Park Inventory (continued)

Park Name	Acres	Ballfield	Backstop	Baseball	Basketball	Beach	Bench	Bike Polo Field	Bike Rack	Boat Launch	Canoe/Kayak Rental	Canoe/Kayak Storage	Cricket	Disc Golf	Dog On Leash Area	Dog Park	Fishing	Football	Hiking	Horseshoe/Bocce	Ice Rink	
Stevens Street Park	0.42			1			3		1													
Sugar Maple Park	2.28																					
Sunridge Park	2.36			1			3															
Sunset Park	1.50			1			3															
Swallowtail Park	3.51	1		1																		
Town Center Park	2.46																					
Village Park	3.22			1																		
Waldorf Park	1.79																					
Washington Manor Park	2.47			1																		
Western Hills Park	0.47																					
Westport Meadows Park	1.68			1			1															
Wheeler Heights Park	1.62	1		1			2															
Windom Way Park	2.84	1		1			2															
Wirth Court Park	1.85	1		1			7															
Zook Park	1.63	1					2															
<b>Subtotal, Mini Parks</b>	<b>194.51</b>	<b>26</b>	<b>0</b>	<b>42</b>	<b>5</b>	<b>155</b>	<b>1</b>	<b>10</b>	<b>2</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>2</b>	
Acer Park	6.72																					
Acewood Park	4.26	1		1			3															
Aldo Leopold Park	11.09	1		1			4															
Arbor Hills Park	7.90			1			4															
Baxter Park	9.84			1			4		1													
Bordner Park	6.47	1		1			3															
Burr Jones Park	4.68			2											1		1					
Burrows Park	10.56	1					6					3					1					
Cardinal Glenn Park	8.92			1			2															
Carpenter - Ridgeway Park	3.95	1					9															
Cherokee Park	18.00	1		1			5		1			3					1					
Dominion Park	6.03			1			2															
Droster Park	10.01	1		1			2															
Eastmorland Park	13.81	1		1			4															
Elvehjem Park	5.39	1					4															
Felland Park	13.52																					
Flagstone Park	14.02			1			1		1													
Glacier Hill Park	15.50			1			2															
Glen Oak Hills Park	7.72						1								1							
Greentree - Chapel Hills Park	38.97	1		1																		
Haen Family Park	4.29	1		1			2															
Heritage Heights Park	8.11	2		1			4															1
High Crossing Park	5.74			1			1															
High Point Park	19.47	2		1			2															
Highland Manor Park	4.66			1			1		1													
Hill Creek Park	10.68	1		1			3															
Huegel Park	12.98						1															1

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Table 27. Existing Active Park Inventory (continued)

Park Name	Lacrosse	Light Pole (athletic)	Light Pole (other)	Open Play Field	Parking Lot	Playground	Pool	Restroom	Scenic Overlook	Sun Shelter	Shelter w/Restroom	Skate park	Ski Trail	Sledding Hill	Reservable Soccer	Reservable Softball	Spray Park	Tables	Tennis	Ultimate Frisbee	Volleyball	
Stevens Street Park						2												3				1
Sugar Maple Park																						
Sunridge Park						1													1			
Sunset Park						1													1			
Swallowtail Park				1		1				1									2			
Town Center Park																						
Village Park				1		1													2			
Waldorf Park																						
Washington Manor Park			3	1		1													1			
Western Hills Park				1		1																
Westport Meadows Park				1		1																
Wheeler Heights Park			1	1		1													1			
Windom Way Park				1		1													2			
Wirth Court Park				1		1				1									2			
Zook Park						1																
<b>Subtotal, Mini Parks</b>	<b>0</b>	<b>1</b>	<b>37</b>	<b>50</b>	<b>2</b>	<b>68</b>	<b>0</b>	<b>6</b>	<b>1</b>	<b>13</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>104</b>	<b>7</b>	<b>0</b>	<b>0</b>	<b>4</b>
Acer Park																						
Acewood Park				1		1				1									2			
Aldo Leopold Park			8	1		1													4			
Arbor Hills Park		1	1			1			1	1				1					2			
Baxter Park			1	1		1									1				3			
Bordner Park				1		1				1									2	2		
Burr Jones Park			4	1	1																1	
Burrows Park			2	1	1	1		1	1		1				1				18			
Cardinal Glenn Park				1		1									1				3			
Carpenter - Ridgeway Park			4	1		1													1			
Cherokee Park			1	1		1									1				4			
Dominion Park				1		1													3			
Droster Park				1		1									1				1			
Eastmorland Park			2	1		2				1									2			
Elvehjem Park		3	2	1		1		1			1								13	2		
Felland Park																						
Flagstone Park			13	1		1									1				1			
Glacier Hill Park				1		1									2				2			
Glen Oak Hills Park						1													1			
Greentree - Chapel Hills Park			1			1				1									2			
Haen Family Park				1		1				1					1				3			1
Heritage Heights Park			1	1		1				1									6	2		
High Crossing Park				1		1													1			
High Point Park	1			1		1									3				2			
Highland Manor Park						1																
Hill Creek Park				1		1													2			
Huegel Park			1	1		1				1									1	2		

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Table 27. Existing Active Park Inventory (continued)

Park Name	Acres	Ballfield	Backstop	Baseball	Basketball	Beach	Bench	Bike Polo Field	Bike Rack	Boat Launch	Canoe/Kayak Rental	Canoe/Kayak Storage	Cricket	Disc Golf	Dog On Leash Area	Dog Park	Fishing	Football	Hiking	Horseshoe/Bocce	Ice Rink	
Westchester Gardens Park	7.08	1		1			2															
Westhaven Trails Park	5.55	1		1			4															
Westmorland Park	11.69	1		1			9		1													1
Wexford Park	20.60	2		1			8															1
Whitetail Ridge Park	9.55	1		1			1															
Wingra Park and Boat Livery	11.76	1		1			14		2	2	1	2					1					
Woodland Hills Park	15.13	1		1																		
Worthington Park	5.09	1		2			5															
Yahara Place Park	6.08			1			7										1				1	
<b>Subtotal, Neighborhood Parks</b>	<b>796.18</b>	<b>49</b>	<b>0</b>	<b>69</b>	<b>0</b>	<b>218</b>	<b>0</b>	<b>12</b>	<b>4</b>	<b>1</b>	<b>12</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>2</b>	<b>6</b>	<b>2</b>	<b>1</b>	<b>5</b>	<b>5</b>	<b>5</b>	
Blackhawk Park	28.71			1																		
Brittingham Park	25.81			2	1	11		2			13				1	1	1					
Central Park	5.80					16		5														
Country Grove Park	31.49	1		1				1														
Demetral Park	49.18			1		1									1	1						
Door Creek Park	159.97			2		4																
Elver Park	250.82			3		7		2						1	1				1			1
Garner Park	41.83	1		1		3																1
Goodman Park	29.11			2		9		1														1
Hiestand Park	46.27	2		1		9		4						1								
Hoyt Park	22.63	1		1		9									1				1			
James Madison Park	12.63			2	1	14		1			7						1					
Kennedy Park	22.72	2		1		4																
Law Park	4.66					2			3						1		1					
Marshall Park	37.07				1	5			2		19						1					
North-East Park	237.76			1																		
Olbrich Park	66.85	5			1	23		1	2		3						1					2
Olin Park	47.12	1			1	8		3	2								1					
Quann Park	55.43					14										1						
Reindahl (Amund) Park	90.74	1		1		9		1					1									
Sycamore Park	71.42	2		2		2										1						
Tenney Park	37.07	1		2	1	24		2	2		12						1					1
Vilas (Henry) Park	45.67	2		1	1	10		5	1	1							1	2				2
Warner Park	213.49		1	2	1	36		1	1						1	1	1	2	1			1
Yahara Hills Park (South)	43.59																					
Yahara Hills Park (West)	82.20																					
<b>Subtotal, Community Parks</b>	<b>1,760.04</b>	<b>19</b>	<b>1</b>	<b>27</b>	<b>8</b>	<b>220</b>	<b>0</b>	<b>29</b>	<b>13</b>	<b>1</b>	<b>54</b>	<b>1</b>	<b>2</b>	<b>6</b>	<b>5</b>	<b>9</b>	<b>4</b>	<b>3</b>	<b>0</b>	<b>9</b>	<b>9</b>	
Breese Stevens Athletic Field	4.53					4																
Duane F. Bowman Park	23.36	4	1																			
<b>Subtotal, Sports Complexes</b>	<b>27.89</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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Table 27. Existing Active Park Inventory (continued)

Park Name	Lacrosse	Light Pole (athletic)	Light Pole (other)	Open Play Field	Parking Lot	Playground	Pool	Restroom	Scenic Overlook	Sun Shelter	Shelter w/Restroom	Skate park	Ski Trail	Sledding Hill	Reservable Soccer	Reservable Softball	Spray Park	Tables	Tennis	Ultimate Frisbee	Volleyball	
Westchester Gardens Park				1		1												1				
Westhaven Trails Park				1		1				1					1			4	2			1
Westmorland Park		5	1	1		1		1			1							14	2			1
Wexford Park		1	2	1		1				1					2			8	2			1
Whitetail Ridge Park				1		1									1			2				
Wingra Park and Boat Livery				1	1	1		1							1			12				
Woodland Hills Park				1		1									1			1				
Worthington Park			13	1		1				1								2				
Yahara Place Park				1		1												3				1
<b>Subtotal, Neighborhood Parks</b>	<b>2</b>	<b>18</b>	<b>76</b>	<b>70</b>	<b>5</b>	<b>74</b>	<b>0</b>	<b>8</b>	<b>3</b>	<b>25</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>44</b>	<b>0</b>	<b>0</b>	<b>267</b>	<b>30</b>	<b>4</b>	<b>4</b>	<b>8</b>
Blackhawk Park				1		1				1					3			2				
Brittingham Park			10	1	1	3		1			1							45	4	1		2
Central Park		5	26					1				1						5				
Country Grove Park				1		1				1					3			4				
Demetral Park		22	17	1		1		1			1					4		23			1	2
Door Creek Park				1		1									2			3	4			
Elver Park			17	1	1	1		1	1		3		1	1	4	4	1	34	3			
Garner Park	1	5	4	1	1	1		1	1		1			1	3			25	2			1
Goodman Park		10	20		1	1	1	1		1						2		9				1
Hiestand Park			1	1		1			1	1				1	2			17				
Hoyt Park			1	1	1	1		1	1		2							29				
James Madison Park			18	1	1	2		1			1							8				1
Kennedy Park				1		1				1					2			10	2			1
Law Park					1													2				
Marshall Park			11	1	2	1		1	1		1							21				1
North-East Park				1		1												2				
Olbrich Park		29	28	1	5	3		1	1					1	3	5		40	2	1		4
Olin Park			33	1	3	1		1	1		1				1			19				
Quann Park			1	1	1					1					1			10	12			
Reindahl (Amund) Park			1	1	4	1		1	1		1				9		1	26	8			
Sycamore Park			7	1	1	3				1					2			12				
Tenney Park		12	8	1	3	2		1			1				2			20	3			1
Vilas (Henry) Park		11		1	4	2		1			1				1			68	6			
Warner Park		31	33	1	7	1		1		2	1			1	5	5		72	3	1		2
Yahara Hills Park (South)			3																			
Yahara Hills Park (West)																						
<b>Subtotal, Community Parks</b>	<b>1</b>	<b>125</b>	<b>239</b>	<b>21</b>	<b>37</b>	<b>30</b>	<b>1</b>	<b>15</b>	<b>8</b>	<b>9</b>	<b>15</b>	<b>1</b>	<b>1</b>	<b>5</b>	<b>43</b>	<b>20</b>	<b>2</b>	<b>506</b>	<b>49</b>	<b>4</b>	<b>4</b>	<b>16</b>
Breese Stevens Athletic Field								1							1			6				
Duane F. Bowman Park		19	3		1			1								3		2				
<b>Subtotal, Sports Complexes</b>	<b>0</b>	<b>19</b>	<b>3</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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Table 27. Existing Active Park Inventory (continued)

Park Name	Acres	Ballfield	Backstop	Baseball	Basketball	Beach	Bench	Bike Polo Field	Bike Rack	Boat Launch	Canoe/Kayak Rental	Canoe/Kayak Storage	Cricket	Disc Golf	Dog On Leash Area	Dog Park	Fishing	Football	Hiking	Horseshoe/Bocce	Ice Rink	
Bear Mound Park	1.60																					
Cypress Spray Park	0.66								1													
Yahara Boat & Storage Ramp	0.87																					
<b>Subtotal, Special Parks</b>	<b>3.13</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
Baldwin Street End	0.12						1															
Blount St S Street End	0.10						3										1					
Brearily St S Street End	0.12						2										1					
Capital Avenue Street End	0.20																					
Dickinson Street S Street End	0.09						1										1					
Edgewood Pleasure Drive	2.43																					
Few Street S Street End	0.10						1										1					
Ingersoll Street S Street End	0.12						2										1					
Livingston Street N Street End	0.13																					
Livingston Street S Street End	0.12																					
Monona Bay Open Spaces	0.66																					
Paterson Street N Street End	0.08																					
Pinckney N Street End	0.21																					
<b>Subtotal, Trafficways</b>	<b>4.48</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>10</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total, Active Parks</b>	<b>2,786.23</b>	<b>98</b>	<b>2</b>	<b>138</b>	<b>13</b>	<b>607</b>	<b>1</b>	<b>52</b>	<b>19</b>	<b>2</b>	<b>73</b>	<b>1</b>	<b>2</b>	<b>11</b>	<b>7</b>	<b>26</b>	<b>6</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>16</b>	

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Table 27. Existing Active Park Inventory (continued)

Park Name	Lacrosse	Light Pole (athletic)	Light Pole (other)	Open Play Field	Parking Lot	Playground	Pool	Restroom	Scenic Overlook	Sun Shelter	Shelter w/Restroom	Skate park	Ski Trail	Sledding Hill	Reservable Soccer	Reservable Softball	Spray Park	Tables	Tennis	Ultimate Frisbee	Volleyball		
Bear Mound Park																							
Cypress Spray Park			1			1				1							1	3					
Yahara Boat & Storage Ramp																							
<b>Subtotal, Special Parks</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
Baldwin Street End																							
Blount St S Street End			1															1					
Brearily St S Street End																							
Capital Avenue Street End																							
Dickinson Street S Street End																							
Edgewood Pleasure Drive																							
Few Street S Street End																							
Ingersoll Street S Street End																							
Livingston Street N Street End			1																				
Livingston Street S Street End																							
Monona Bay Open Spaces																							
Paterson Street N Street End																							
Pinckney N Street End																							
<b>Subtotal, Trafficways</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	
<b>Total, Active Parks</b>	<b>3</b>	<b>163</b>	<b>358</b>	<b>141</b>	<b>45</b>	<b>173</b>	<b>1</b>	<b>31</b>	<b>12</b>	<b>48</b>	<b>19</b>	<b>1</b>	<b>1</b>	<b>7</b>	<b>91</b>	<b>23</b>	<b>3</b>	<b>889</b>	<b>86</b>	<b>8</b>	<b>28</b>	<b>0</b>	

Source: City of Madison Parks Division, December 15, 2015.

## **LEGISTAR #43500 - Body**

**DRAFTER'S ANALYSIS:** This ordinance repeals and recreates the City's park impact fees under a combined ordinance and updates the park and open space land dedication requirements based upon the findings and conclusions of a new Public Facility Needs Assessment, and brings the City's impact fee ordinance more in line with the current state statutes. The effective date of this ordinance is being set at January 1, 2017, and the fees will be fully implemented over a three-year period (80% in 2017, 90% in 2018 and 100% in 2019 and beyond). This will make administration of the new impact fee and land dedication requirements to be more straightforward and will give developers time to adjust to and plan for the increases in land dedication requirements and impact fee payments.

The City's existing park and open space land dedication requirements and park-related impact fees are supported by a public facility needs assessment that was prepared internally by Parks Division staff in 2002. The Park Development Impact Fee, Sec. 20.08(2), was created in 2002 as a means to require all land development to pay for off-site parks infrastructure improvements necessary to accommodate land development. The Parkland Impact Fee, Sec. 20.08(6), was created in 2006 to work in combination with the land subdivision park and open space land dedication requirements in Sec. 16.23(8)(f) to ensure that all development either provided sufficient park and open space dedications to serve the development or a fee in lieu of this land dedication so that additional park land could be acquired by the City. Under Wis. Stat. Sec. 66.0617, impact fees should be updated approximately every 10 years. Hence, both of the City's park-related impact fees are due to be updated. Indeed, since the existing impact fees were created, there have been multiple changes to the State impact fee law (Wis. Stat. Sec. 66.0617) and new development trends have arisen in Madison, specifically the construction of 4 or larger bedroom apartments and the allowance of accessory dwelling units on existing zoning lots. In order to examine the City's current park land and infrastructure needs, the City hired an outside consultant to prepare a new public facility needs assessment. Looking at data gathered from around the nation and within Wisconsin, the City's Park and Open Space Plan, and the City's existing park inventory, a new needs assessment has been prepared, as required by State statute. This ordinance would enact the recommendations of this document, the Park Impact Fee and Land Dedication Policy and Public Facility Needs Assessment (June 2016) (the "Needs Assessment"), currently available for public inspection and copying in the offices of the City Clerk and the Parks Division.

For starters, the City's existing park-related impact fees will be repealed and replaced by a combined "Park Impact Fee." This new Park Impact Fee will continue to apply to all development in the City, and will consist of two parts: the Park-Land Impact Fee (replacing the Parkland Impact Fee) and the Park-Infrastructure Impact Fee (replacing the Park Development Impact Fee). The Park Impact Fees will be based upon a service unit of residents per dwelling, using data compiled locally, statewide and nationally as described in the Needs Assessment. The current impact fees were based upon a similar methodology--however the underlying data has changed over time and the Needs Assessment is based upon a better set of data. In addition, in light of recent development trends in the City, it was necessary to differentiate between 1-3 bedroom multi-family dwellings and 4 or more bedroom multi-family dwellings. The latter, which are becoming more prevalent, have more residents and place a greater demand on park infrastructure than a standard multi-family dwelling unit, such that a new category was warranted. **Also, a new class of housing became permissible with the enactment of the new zoning code in 2013. Accessory dwelling units, small dwelling units located on existing single-family or two-family zoning lots, were previously categorized as single-family/duplex units for impact fee purposes. However, the Needs Assessment concluded that the multi-family rate would be reasonable to apply to these new forms of housing.** Additionally, the existing "lodging houses" category is being subsumed by a broader category of similar types of group living housing arrangements, making it clear where these other types of housing choice fit within the City's impact fee and land dedication requirements. Finally, the rates on age-restricted housing have been adjusted to accurately reflect the amount of residents who reside in these dwelling types based upon the available data.

The Park-Land Impact Fee will continue to operate in tandem with the dedication requirements of Sec. 16.23(8)(f), and those requirements are being updated as well by this

given based on existing dwelling units, such payments and credits shall be noted on the face of the instrument.

4. Park-Land Impact Fee Determination.

- a. Determining the Land Dedication Requirements. The required land dedication and authorized credits to meet the community's park and open space needs shall be as provided in Sec. 16.23(8)(f), MGO. Under that subdivision, the land dedication requirements are as follows:

Type of Development	Square Feet/Unit or Lodging Room
Single-Family/Duplex	1,081
Multi-Family	734
Large Multi-Family	1,424
Age Restricted Multi-Family	573
Group Living Quarters	410

- b. Fee in Lieu of Land Dedication. In the event that land dedication would result in sites too small to be usable, or if the Comprehensive Plan calls for such public sites or open spaces to be located elsewhere, or if such sites would not otherwise be suitable as determined by the Plan Commission, after recommendation of the Park Superintendent or Board of Park Commissioners, a payment of the Park-Land Impact Fee in lieu of land dedication shall be required for each parcel proposed for development.
- c. Park-Land Impact Fee. The Park-Land Impact Fee shall be the product of the above-noted land dedication requirement, less any land dedications or credits, and the city-wide average assessed value of land per square foot, as of January 1 of each year.

5. Park-Infrastructure Impact Fee Determination.

- a. General. This impact fee is based upon the estimated cost to provide park facilities for new residents at a comparable level to park facilities which have traditionally been provided for existing residents, as detailed in the Needs Assessment.
- b. Park-Infrastructure Impact Fee. The Park-Infrastructure Impact Fee shall be as follows:

Type of Development	Fee/Unit or Lodging Room
Single-Family/Duplex	\$1,520
Multi-Family	\$1,032
Large Multi-Family	\$2,003
Age Restricted Multi-Family	\$806
Group Living Quarters	\$577

The impact fee is charged in Year 2016 dollars and shall be indexed for inflation on January 1 of every year using 2016 as the base year with the Construction Cost Index as published by the Engineering News Record or equivalent successor index.

- c. Park-Infrastructure Impact Fee Benefit Districts. There are hereby created five benefit districts for administration of the Park-Infrastructure Impact Fee, as follows:
- i. City-Wide District. This District consists of all land within the City.