

CITY OF MADISON, WISCONSIN

AN ORDINANCE _____

PRESENTED October 6, 2009
REFERRED Board of Public Works; Board of
Estimates; Plan Commission; Comptroller

Creating Section 20.08(10) of the Madison
General Ordinances to establish the Lower
Badger Mill Creek Sewer and Drainage
Improvement Impact Fee and District.

Drafted by: Doran Viste

Date: September 8, 2009

SPONSORS: Ald. Skidmore

DRAFTER’S ANALYSIS: This is an ordinance to create the Lower Badger Mill Creek Sewer and Drainage Improvement Impact Fee and to establish the corresponding Impact Fee District. This ordinance will allow the City to extend and construct a new sanitary sewer interceptor, sanitary force main and pump station, greenways, storm water basins, and roadway culverts as part of the proposed sanitary sewer and drainage improvements for this watershed in order to serve new development in the Lower Badger Mill Creek Sewer and Drainage Improvement Impact Fee District. Further information is available in the Public Facilities Needs Assessment for the Lower Badger Mill Creek Sewer and Drainage Improvement Impact Fee District prepared by staff, a copy of which is on file in the City Clerk’s Office.

The Common Council of the City of Madison do hereby ordain as follows:

1. Subsection (10) entitled “Lower Badger Mill Creek Sewer and Drainage Improvement Impact Fee” of Section 20.08 entitled “Schedule and Calculation of Impact Fees” of the Madison General Ordinances is created to read as follows:

“(10) Lower Badger Mill Creek Sewer and Drainage Improvement Impact Fee.

- (a) In response to new and future Development demands in the Lower Badger Mill Creek watershed, in the area generally west of County Trunk Highway M and east of Pioneer Road (extended north and south), and north of County Trunk Highway PD and south of Blackhawk Road, on the far west side of Madison, additional new public sanitary sewer and stormwater management facilities must be constructed to allow such Developments to proceed. Specifically, to adequately serve this new and future Development, the City must extend and construct a new sanitary sewer interceptor, sanitary force main and lift station, greenways, storm water basins, and roadway culverts. Therefore, the Common Council hereby establishes the Lower Badger Mill Creek Sewer and Drainage Improvement Impact Fee District as a mechanism to equitably charge all new Developments their proportional share of the cost for necessary sanitary sewer and stormwater management facilities in the watershed. Because of the differing needs for sanitary sewer and stormwater management facilities in the District, the Common Council hereby establishes two impact fee zones within the District, the Lower Badger Mill Creek Sanitary Sewer Impact Fee Zone and the Lower Badger Mill Creek Stormwater Impact Fee Zone. The combined boundaries of the two Impact Fee Zones make up the boundary of the Impact Fee District. The Impact Fee Zones are established as follows:
 - 1. Lower Badger Mill Creek Sanitary Sewer Impact Fee Zone. For purposes of the Sanitary Sewer Impact Fee portion of the Lower Badger Mill Creek Sewer and Drainage Improvement Impact Fee imposed under this section, the Lower Badger Mill Creek Sanitary Sewer Impact Fee Zone shall be all existing undeveloped land that currently

Approved as to form:

drains or is altered to drain to the Lower Badger Mill Creek sanitary sewer drainage area, and as more specifically described and identified as follows:

Any and all parcels (platted and/or metes and bounds), or portions thereof, that reside within, or are altered to discharge sanitary sewer outflow within the Lower Badger Mill Creek Watershed. These lands are located within the City of Madison, Town of Middleton, and Town of Verona as follows:

Parts of the SE ¼ of Section 17, all of the East ½ of Section 20, parts of the West ½ and SE ¼ of Section 21, parts of the West ½ of Section 27, parts of all quarters of Section 28, all of the East ½ of Sections 29 and 32, and parts of all quarters of Section 33, all within Town 7 North, Range 8 East, located in the Town of Middleton and the City of Madison. Also parts of the North ½ of Section 4 within Town 6 North, Range 8 East, located in the Town of Verona and the City of Madison.

2. Lower Badger Mill Creek Stormwater Impact Fee Zone. For purposes of the Stormwater Impact Fee portion of the Lower Badger Mill Creek Sewer and Drainage Improvement Impact Fee imposed under this section, the Lower Badger Mill Creek Stormwater Impact Fee Zone shall be all existing undeveloped land that currently drains or is altered to drain to the Lower Badger Mill Creek stormwater drainage area, and as more specifically described and identified as follows:

Any and all parcels (platted and/or metes and bounds), or portions thereof, that reside within, or are altered to discharge stormwater within the Lower Badger Mill Creek Watershed. These lands are located within the City of Madison, Town of Middleton, and Town of Verona as follows:

Parts of the SW ¼ of Section 16, parts of the SE ¼ of Section 17, all of the East ½ of Section 20, parts of the West ½ and SE ¼ of Section 21, parts of the West ½ of Section 27, parts of all quarters of Section 28, all of the East ½ of Sections 29 and 32, and parts of all quarters of Section 33, all within Town 7 North, Range 8 East, located in the Town of Middleton and the City of Madison. Also parts of the NE ¼ of Section 4 within Town 6 North, Range 8 East, located in the Town of Verona and the City of Madison.

Both of said Zones, and said District, shall be shown on the Development Impact Fee District Map.

- (b) Calculation of the Impact Fee. The amount of the Sewer and Drainage Improvement Impact Fee to be imposed on individual properties under this Section shall be calculated based on the amount of Net Developable Area of the land being developed within the above-described District and Zones, as well as the number of dwelling units developed within the Sanitary Sewer Impact Fee Zone. The subject Impact Fee is based upon the estimated Cost to construct the necessary improvements. Prior to recording of any certified survey map or any final Subdivision Plat, or the issuance of building permits following approval of a rezoning or conditional use permit, the City shall calculate the amount of net area being developed, based on the proposed certified survey map, final Subdivision Plat, or other applicable public records, and, if in the Sanitary Sewer Impact Fee Zone, the amount of dwelling units, as defined in Sec. 28.03(2) of the Madison General Ordinances, to be developed. The Impact Fee shall consist of the following:

1. In the undeveloped areas of the Lower Badger Mill Creek Sanitary Sewer Impact Fee Zone, the Sanitary Sewer component of the Impact Fee shall be \$56.52 per 1000 square feet of Net Developed Area. In areas already developed without public sanitary sewer, the Impact Fee does not apply, but these parcels may be specially assessed or charged connection fees for sanitary sewer service at a rate of \$56.52 per 1000 square feet.
2. For the first one thousand (1,000) dwelling units within the Lower Badger Mill Creek Sanitary Sewer Impact Fee Zone that benefit from the new lift station and force main improvement prior to MMSD interceptor relief to the area, the Lift Station component of the Impact Fee shall be \$595.05 per dwelling unit.

3. In the undeveloped areas of the Lower Badger Mill Creek Stormwater Impact Fee Zone, the Stormwater component of the Impact Fee shall be \$126.16 per 1000 square feet of Net Developed Area.

The said Impact Fee, special assessment, and connection fee rates are established in 2009 dollars and shall be indexed for inflation annually (January 1st) thereafter with October, 2009 as the base, using the Construction Cost Index as published by the Engineering News Record or equivalent successor index.”