

From: Rutledge, Kay
Sent: Monday, December 20, 2010 4:52 PM
To: Viste, Doran; Bidar-Sielaff, Shiva
Cc: May, Michael; Brassler, Dean; Briski, Kevin; Knepp, Eric; Murphy, Brad
Subject: RE: Mullins proposal/Impact fees

Dear Alder Bidar-Sielaff – I concur with Doran’s assessment that it will be problematic for the Parks Division to account for and track these park impact fees so that they can only be used within the area defined by the Regent Neighborhood Association. The intent of the Park Development Impact Fee is to provide funding for development of park improvements at various parks within each impact fee district or general service area (i.e., Vilas-Brittingham). Not only would the Parks Division have to track the park impact fees associated with 11 different impact fee districts, we would then also have to track park impact fees associated with multiple development projects that have been restricted to a number of sub-districts within each park impact fee district based on neighborhood designations for these uses. This system would quickly become very cumbersome and difficult to monitor and maintain compliance with, not to mention that those neighborhoods who do not have development projects in their area may then not have funding made available to them for improvements to their parks.

Most importantly, the impact fee districts were established to provide a means to distribute the park development fees to a General Service Area for parks within that district. Restricting the use of the park development impact fees as part of the approval of a development project also restricts the Common Council’s process to approve the use of those impact fees for future park development projects, which occurs as part of the Capital Budget process. Adding a restriction like this to the development would in essence put the cart before the horse; these two processes should be and remain separate, so that the public has the opportunity to weigh in on how these funds should be spent as well, as part of the capital budget process.

I think Doran was clear that the Citywide Parkland Impact Fees that are paid (fees in lieu of dedication) are by ordinance intended to be used citywide, to allow the Parks Division to identify and pursue opportunities for additional parkland across the city. These cannot and should not be restricted to the RNA nor can they be used for park development.

I don’t believe this is a precedent that we want to set as it would be detrimental to our city park system overall. Please let me know if you have any questions regarding our position on this, either Kevin or I would be happy to discuss this with your further.

Kay

From: Viste, Doran
Sent: Monday, December 20, 2010 9:58 AM
To: Bidar-Sielaff, Shiva
Cc: May, Michael; Brassler, Dean; Briski, Kevin; Knepp, Eric; Rutledge, Kay
Subject: RE: Mullins proposal/Impact fees

Ald. Bidar-Sielaff,

In response to your question regarding whether the park impact fees imposed against the Mullins development could be directed to be spent solely within the borders of the Regent Neighborhood

Association (RNA), generally the answer is that there are no barriers to restricting the outlay of these fees to this area. However, it is my opinion that it may not be prudent to restrict the use of the Parkland Impact Fees to this area.

There are two park impact fees imposed upon new development: the Park Development Impact Fee under MGO 20.08(2) and the Parkland Impact Fees under MGO 20.08(6). The Park Development Impact Fee is assessed against all development citywide to pay for park infrastructure (the playgrounds, equipment, etc.). Under MGO 20.09(3), the fees collected are placed into 11 separate accounts for each park district, and can only be used for park infrastructure in that park district. Hence, any Park Development Impact Fees imposed against the Mullins development could only be used within the Vilas-Brittingham District (Parks District 7). The RNA borders are entirely within this District. Hence, as the fees must be used within the district, and the RNA is entirely within the district, I do not see any problems with directing that the fees be used within the specified boundaries of the RNA. While this may be done at the time of approving the proposal, the challenge will lie in accounting and tracking of these expenditures by the Parks Division.

As for the Parkland Impact Fees, these fees are assessed against all development citywide as an alternative/complementary mechanism for the required dedication of land for parks and open spaces under the planning provisions of the Ordinances. This impact fee provides developers another mechanism to allow the City to acquire parkland if there is insufficient, or unsuitable, land in the development to dedicate for park or open space purposes. Given the lot limitations to the Mullins proposal, this fee will likely be the sole mechanism for the City to apply the open space requirements to this development. Under this impact fee, the amount received can be expended by the City *only* for public acquisition of parkland (to allow for the City to make up for that which the developer could not provide) and it cannot be used for any other purpose. Because of the limited land available for new park purposes in the RNA, it might be difficult to find land to acquire for park purposes within these boundaries. Hence, while I think that this fee may be directed to this area, it may tie up the fees for a significant period of time, significantly delaying the benefit to the City as a whole that these fees are meant to provide.

In conclusion, I do not see any restrictions to directing that the park impact fees imposed against the Mullins development be spent within the borders of the RNA, however I do not think it would be wise for the City to restrict the outlay of the Parkland Impact Fees to this area given the unlikelihood of land being made available for park purposes therein.

Please let me know if you have any questions.

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