



## Legislation Details (With Text)

**File #:** 29173      **Version:** 1      **Name:** Jeffy Trail  
**Type:** Ordinance      **Status:** Passed  
**File created:** 2/19/2013      **In control:** PLAN COMMISSION  
**On agenda:** 3/19/2013      **Final action:** 3/19/2013  
**Enactment date:** 3/28/2013      **Enactment #:** ORD-13-00033

**Title:** Creating Section 20.08(11) of the Madison General Ordinances to establish the Jeffy Trail Sanitary Sewer Improvement Impact Fee and District, amending Section 4.081(2)(f) and 4.081(4)(b)4. to allow for deferred assessments for specified criteria, and amending Subsections 20.04(12) and 20.09(1) to bring the impact fee ordinance in line with State law.

**Sponsors:** Lisa Subeck, Paul E. Skidmore

**Indexes:**

**Code sections:**

**Attachments:** 1. Exh. A - Impact Fee Estimate, 2. Exh. B - Impact Fee District & Improvements, 3. Exh. C - Impact Fee District Location, 4. Legal Notice Proof, 5. Public Facilities Needs Assessment, 6. Memo re BPW changestoNeedsAssessmt3.8.13.pdf, 7. Exhibit B (Jeffy Trail Impact Fee District and Improvements) (Updated).pdf, 8. Public Facilities Needs Assessment (Jeffy Trail) (Updated).pdf

Date	Ver.	Action By	Action	Result
3/19/2013	1	COMMON COUNCIL	Adopt	Pass
3/11/2013	1	BOARD OF ESTIMATES (ended 4/2017)	Return to Lead with the Recommendation for Approval	Pass
3/6/2013	1	BOARD OF PUBLIC WORKS	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
3/4/2013	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
2/27/2013	1	BOARD OF PUBLIC WORKS	Refer	
2/27/2013	1	BOARD OF PUBLIC WORKS	Refer	
2/26/2013	1	COMMON COUNCIL	Referred	
2/19/2013	1	Attorney's Office/Approval Group	Referred for Introduction	

### Fiscal Note

For new development, sanitary impact fees are estimated to be \$13,239.99 per net acre, or \$303.95 per 1,000 square feet, in accordance with Exhibit A. A single-family, R2Z-zoned 3,500 sq ft lot would incur an additional \$1,063.83 in impact fees. A 10,000 sq ft lot would have an additional \$3,039.50. A medium-density, multi-family development in an R-4 general residential district, with a minimum lot size per unit of 2,000 square feet, would see an increase of \$607.90 per unit.

### Title

Creating Section 20.08(11) of the Madison General Ordinances to establish the Jeffy Trail Sanitary Sewer Improvement Impact Fee and District, amending Section 4.081(2)(f) and 4.081(4)(b)4. to allow for deferred assessments for specified criteria, and amending Subsections 20.04(12) and 20.09(1) to bring the impact fee ordinance in line with State law.

### Body

**DRAFTER'S ANALYSIS:** This ordinance creates the Jeffy Trail Sanitary Sewer Improvement Impact Fee and District along with a special assessment deferral criteria that will allow for equitable funding for the necessary sanitary sewer improvements in the Jeffy Trail drainage area. The portions of the drainage area that are

currently being served by a private lift station will be subject to deferred special assessments, while those undeveloped portions of the area will be subject to impact fees upon their development. This ordinance will allow the City to extend and construct a new sanitary sewer interceptor to serve the future needs of this area. Further information is available in the Public Facilities Needs Assessment for the Jeffy Trail Sanitary Sewer Improvement Impact Fee District prepared by staff, a copy of which is on file in the City Clerk's Office. This ordinance also makes changes to Sections 20.04(12) and 20.09(1) to update our impact fee language so that it is consistent with State law requirements in Wis. Stat. Sec. 66.0617(6)(g), as amended by 2005 Wis. Act 477 and 2007 Wis. Act 44. Currently, Section 20.09 contains numerous collection criteria that are no longer applicable, along with allowing for the collection of impact fees in ways no longer permitted under State law (e.g., in installment payments and upon the occurrence of something other than the issuance of a building permit). This ordinance cleans up this language to make it easier to understand, while bringing our impact fee ordinance in line with State law.

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

1. Subdivision (f) of Subsection (2) of Section 4.081 entitled "Deferred Assessments" of the Madison General Ordinances is created to read as follows:  
"(f) The property is part of a multi-unit development already served by City sanitary sewer through the use of an existing private lift station, where the assessable sanitary sewer improvements are meant to eventually relieve the private lift station."
2. Paragraph 4. of Subdivision (b) of Subsection (4) of Section 4.081 entitled "Deferred Assessments" of the Madison General Ordinances is created to read as follows:  
"4. The multi-unit development of which the property is a part of continues to use the private lift station relieved by the sanitary sewer improvements for which the assessments were levied."
3. Subsection (12) of Section 20.04 entitled "Definitions" of the Madison General Ordinances is amended to read as follows:  
"(12) IMPACT FEE shall mean a fee scheduled in this ordinance to be collected at the time a building permit is issued ~~in the case of improvement of an existing parcel, and as a condition of land division or final subdivision plat approval in the case of undeveloped land;~~ and calculated based upon the costs of facilities in proportion to development creating the need for such facilities."
4. Subsection (11) entitled "Jeffy Trail Sanitary Sewer 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:  
"(11) Jeffy Trail Sanitary Sewer Improvement Impact Fee.  
(a) In response to new and future Development demands in the Upper Badger Mill Creek watershed, in the area generally consisting of the 2<sup>nd</sup> Addition to Hawks Creek located to the northwest of Raymond Road, south of Flagstone Drive, east of Tail Water Drive, and along Jeffy Trail and Trevor Way extended, on the south west side of Madison, additional new public sanitary sewer 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. Therefore, the Common Council hereby establishes the Jeffy Trail Sanitary Sewer Improvement Impact Fee District as a mechanism to equitably charge all new Developments their proportional share of the cost for necessary sanitary sewer facilities in the drainage area.  
For purposes of the Sanitary Sewer Improvement Impact Fee imposed under this section, the said District shall be all existing undeveloped land that currently drains or is altered to drain to the Jeffy Trail Sanitary Sewer Improvement drainage area, and as more specifically described and identified as follows:  
Any and all undeveloped parcels (platted and/or metes and bounds), or portions thereof, that reside within, or are altered or pumped to discharge within the Jeffy Trail sanitary sewer improvement service area. These lands are located within the City of Madison and the Town of Verona as follows:  
Parts of the Southeast ¼ of the Northeast ¼ of Section 3, and part of the Southwest ¼ of the Northwest ¼ of Section 2, all within Town 6 North, Range 8 East, in the Town of Verona

and the City of Madison.

- (b) Calculation of the Impact Fee. The amount of the Sanitary Sewer Improvement Impact Fee to be imposed on individual properties shall be calculated based on the amount of Net Developable Area of the land being developed within the above-described District. 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.

In the undeveloped areas, the Jeffy Trail Sanitary Sewer Improvement Impact Fee shall be \$303.95 per 1000 square feet of Net Developed Area. In areas already developed without public sanitary sewer, or areas that will initially be served by a private lift station upon development, 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 \$303.95 per 1000 square feet. The said Impact Fee and connection fee rates are established in 2013 dollars and shall be indexed for inflation annually (January 1<sup>st</sup>) thereafter with March, 2013 as the base, using the Construction Cost Index as published by the Engineering News Record or equivalent successor index."

5. Subsection (1) entitled "Collection of Impact Fee" of Section 20.09 entitled "Administration of Impact Fee" of the Madison General Ordinances is amended to read as follows:

"(1) Collection of Impact Fee.

- (a) ~~For all unplatted lands, no final plat or certified survey map shall be certified as approved for recording unless the developer or land owner pays all impact fees in full, unless otherwise specified in this ordinance.~~
- (b) ~~Prior to June 14, 2006, for all developments not subject to subparagraph (a), (c) or (d) herein, impact fees shall be payable prior to the earliest issuance of any zoning, conditional use, or building permit under Chapter 10, 28 or 29 of the Madison General Ordinances.~~
- (c) ~~Prior to June 14, 2006, payment of Park Development Impact Fees shall be in one lump sum prior to recording. As an alternative, when the Park Development Impact Fee exceeds twenty thousand dollars (\$20,000), the subdivider may pay fifty percent (50%) of the total amount prior to said recording and either file with the City Clerk an agreement and performance bond or a letter of credit in a form approved by the City Attorney to guarantee payment of the unpaid balance of the fee to the City within three (3) years of the date of said recording. If the unpaid balance is paid within two (2) years, there shall be no interest due the City; however, interest, at a rate determined by the Finance Director based upon the greater of either an average or the most recent cost of borrowing during the second year, shall be paid on the unpaid balance during the third and final year in addition to payment of said unpaid balance. As a second alternative, when the park fee exceeds fifty thousand dollars (\$50,000), the subdivider may pay such fee in installments prior to execution of the subdivision improvement contract for each phase, with each such installment payment for the full amount of the respective phase.~~
- (d) ~~Prior to June 14, 2006, payment of any Sewer and Drainage Improvement or Stormwater Impact Fee shall be in one lump sum prior to recording. As an alternative, when the said Impact Fee exceeds twenty thousand dollars (\$20,000.00), the subdivider may pay such fee in installments prior to execution of the City's subdivision improvement contract for each phase, with each such installment payment for the full amount of the respective phase adjusted for inflation as provided in sub. 20.08(3)(b) above.~~
- (e) ~~Failure to pay the impact fees as provided herein subjects the developer or land owner to the penalties set out in Sec. 16.23(12), MGO and voids any final plat or certified~~

- survey map approvals given under Subdivision (a) or building permits, zoning permits or conditional use permits issued under Subdivision (b).
- (f) ~~On and after June 14, 2006, and prior to May 10, 2008, all impact fees imposed under this chapter that are not otherwise required to be paid by the developer or land owner as provided above in this subsection shall be imposed upon each buildable lot in a development and shall be payable in full, at the annually adjusted rate then in effect, within fourteen (14) days of issuance of any zoning, conditional use or building permit under Chapter 10, 28 or 29 of the Madison General Ordinances. After May 10, 2008, a~~  
All impact fees imposed under this chapter that are not otherwise required to be paid by the developer or land owner as provided above in this subsection shall be imposed upon each buildable lot in a development and shall be payable in full, at the annually adjusted rate then in effect, at the time of issuance of any zoning, conditional use or building permit under Chapter 10, 28 or 29 of the Madison General Ordinances. ~~No certificate of occupancy may be issued for buildings on any parcel for which there are unpaid impact fees.~~ Unpaid impact fees shall be special charges to the property owner at the time of permit issuance; and, if not so paid, shall become a lien as provided in Wis. Stat. § 66.0627(4), as of the date of such delinquency and shall be automatically extended upon the current or next tax roll as a delinquent tax against that real property parcel without further notice or hearing, and all proceedings in relation to the collection, return and sale of the property for delinquent real estate taxes shall apply to each such special charge. Alternatively, developers or land owners may, at their own option, elect to either pay any or all of the imposed impact fees at the time of recording, or pay any or all of the imposed impact fees or special charges at any other time prior to the issuance of the zoning, conditional use or building permit."