



Legislation Details (With Text)

**File #:** 52061      **Version:** 1      **Name:** Establish impact fees  
**Type:** Ordinance      **Status:** Passed  
**File created:** 6/12/2018      **In control:** FINANCE COMMITTEE  
**On agenda:** 7/24/2018      **Final action:** 7/24/2018  
**Enactment date:** 8/4/2018      **Enactment #:** ORD-18-00079

**Title:** Creating Sections 20.08(1) and 20.08(6) of the Madison General Ordinances to establish the West Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee and the Westside Drainage Improvement Impact Fee.

**Sponsors:** Paul E. Skidmore

**Indexes:**

**Code sections:**

**Attachments:** 1. Public Notice (West Elderberry and Westside Drainage Impact Fees).pdf, 2. West Elderberry Needs Assessment.pdf, 3. Westside Drainage Needs Assessment.pdf

Date	Ver.	Action By	Action	Result
7/24/2018	1	COMMON COUNCIL	Adopt	Pass
7/16/2018	1	FINANCE COMMITTEE	RECOMMEND TO COUNCIL TO ADOPT - REPORT OF OFFICER	Pass
7/11/2018	1	BOARD OF PUBLIC WORKS	Return to Lead with the Recommendation for Approval	Pass
7/2/2018	1	PLAN COMMISSION	Return to Lead with the Recommendation for Approval	Pass
6/19/2018	1	FINANCE COMMITTEE	Referred	
6/19/2018	1	FINANCE COMMITTEE	Referred	
6/19/2018	1	COMMON COUNCIL	Refer For Public Hearing	Pass
6/12/2018	1	Attorney's Office/Approval Group	Referred for Introduction	

**Fiscal Note**

The proposed ordinance establishes two impact fees and corresponding impact fee districts: the West Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee and the Westside Drainage Improvement Impact Fee. Impact fee districts are established to impose impact fees on developers to pay for the capital costs that are necessary to accommodate land development. No City appropriation is required with the establishment of impact fee districts. A companion resolution (File ID 51978) amends the Sewer budget to cover staff time in advance of the West Elderberry district being established, but this amendment is funded by reserves and not impact fees.

In the undeveloped areas of the West Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee District, the Impact Fee shall be \$109.26 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 \$109.26 per 1000 square feet. The Westside Drainage Improvement Impact Fee District will initially include two impact fee zones to address specific development needs: the Bear Claw Way Drainage Improvement Impact Fee Zone and the Mineral Point Road Drainage Impact Fee Zone. In the undeveloped areas of the Bear Claw Way Drainage Improvement Impact Fee Zone, the Impact Fee shall be \$390.04 per 1000 square feet of Net Developed Area.

In the undeveloped areas of the Mineral Point Road Drainage Impact Fee Zone, the Impact Fee shall be \$169.91 per 1000 square feet of Net Developed Area. All easement acquisition and construction for the West Elderberry Neighborhood Sanitary Sewer district will occur in 2019 and projects in the Westside Drainage district will be in 2019 at the earliest.

**Title**

Creating Sections 20.08(1) and 20.08(6) of the Madison General Ordinances to establish the West Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee and the Westside Drainage Improvement Impact Fee.

**Body**

DRAFTER'S ANALYSIS: This ordinance creates two impact fees: the West Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee and the Westside Drainage Improvement Impact Fee. The Westside Drainage Improvement Impact Fee is a large stormwater improvement district that will consist of impact fee zones established over time. This District is meant to serve the particular demands of new and future development in the large area west of Pleasant View Road and east of Pioneer Road that will be attached to and/or developed within the City of Madison over time. Initially, two impact fee zones are being established to address specific development needs: the Bear Claw Way Drainage Improvement Impact Fee Zone and the Mineral Point Road Drainage Impact Fee Zone. Public facilities needs assessments will need to be separately prepared for any future zones created within this District. Further information is available in the Public Facilities Needs Assessments for each impact fee prepared by staff, a copy of which is on file in the City Clerk's Office. This ordinance is being enacted under the City's authority set forth in Wis. Stat. Sec. 66.0617 to impose impact fees on developers to pay for the capital costs that are necessary to accommodate land development.

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

1. Subsection (1) entitled "West Elderberry Neighborhood 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:

"(1) West Elderberry Neighborhood Sanitary Sewer 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 Schewe Road and Bear Claw Way, and east of Pioneer Road (extended north and south), and north of Mineral Point Road and south of Old Sauk Road, on the far 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 new sanitary sewer interceptors. Therefore, the Common Council hereby establishes the West Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee District as a mechanism to equitably charge all new Developments in this District their proportional share of the cost for necessary sanitary sewer improvements in the watershed.

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 West Elderberry Neighborhood Sanitary Sewer Improvement drainage area, as more specifically described and identified as follows:

Any and all undeveloped parcels (platted and/or metes and bounds), or portions thereof, located within, or that are altered or pumped to discharge sewer outflow within the West Elderberry Neighborhood Sanitary Sewer Improvement service area. These lands are located within the City of Madison and the Town of Middleton as follows: Parts of the NE ¼ of Section 20, all of the SE ¼ of Section 20, and parts of the SW ¼ of Section 21, all within Town 7 North, Range 8 East, located in the Town of Middleton and the City of Madison.

- (b) The said District shall also be shown on the Development Impact Fee District Map. Calculation of the Impact Fee. The amount of the West Elderberry 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 public improvements. Prior to the 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 of the West Elderberry Neighborhood Sanitary Sewer Improvement Impact Fee District, the Impact Fee shall be \$109.26 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 \$109.26 per 1000 square feet.

The said Impact Fee, special assessment, and connection fee rates are established in 2018 dollars and shall be indexed for inflation annually (January 1st) thereafter with June, 2018 as the base, using the Construction Cost Index as published by the Engineering News Record or equivalent successor index.”

2. Subsection (6) entitled “Westside 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:

“(6) Westside Drainage Improvement Impact Fee.

- (a) In response to new and future Development demands on the far west side of Madison, in the area generally west of Pleasant View Road and east of Pioneer Road (extended north and south), and north of McKee Road and south of Blackhawk Road, additional public stormwater management facilities will need to be constructed to allow such Developments to proceed. Specifically, to adequately serve this new and future Development, the City must extend and construct new storm sewer improvements. Therefore, the Common Council hereby establishes the Westside Drainage Improvement Impact Fee District as a mechanism to equitably charge all new Developments in this District their proportional share of the cost for necessary stormwater management facilities in the watershed.

Because the stormwater management needs of a particular development area will vary depending upon the location throughout the District, impact fee zones will be created within the District as a way for the Common Council to impose impact fees on developers to pay for the capital costs that are necessary to accommodate land development within the particular zone.

- (b) Westside Drainage Improvement Impact Fee Zones. The Common Council hereby establishes the following impact fee zones within the District:

1. Bear Claw Way Drainage Improvement Impact Fee Zone. The Bear Claw Way Drainage Improvement Impact Fee Zone of the Westside Drainage Improvement Impact Fee District shall be all existing undeveloped land that currently drains or is altered to drain to the to the Bear Claw Way stormwater drainage area, as more specifically described and identified as follows:

Any and all parcels (platted and/or metes and bounds), or portions thereof, located within, or that are altered to discharge storm sewer outflow within the Bear Claw Way drainage area. These lands are located within the City of Madison and Town of Middleton as follows: Parts of the SE ¼ of the NW ¼ of Section 21 within Town 7 North, Range 8 East, located in the Town of Middleton and the City of Madison.

The said Zone shall also be shown on the Development Impact Fee District Map.

2. Mineral Point Road Drainage Impact Fee Zone. The Mineral Point Road Drainage Impact Fee Zone of the Westside Drainage Improvement Impact Fee District shall be all existing undeveloped land that currently drains or is altered to drain to the Mineral Point Road stormwater drainage area, as more specifically described and identified as follows:

Any and all parcels (platted and/or metes and bounds), or portions thereof, located within, or that are altered to discharge stormwater within the Mineral Point Road drainage area. These lands are located in the Town of Middleton and the City of Madison as follows: Parts of the NE  $\frac{1}{4}$  of Section 28, parts of the SE  $\frac{1}{4}$  of Section 21, part of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 21, and part of the NW  $\frac{1}{4}$  of Section 28 all within Town 7 North, Range 8 East, located in the Town of Middleton and the City of Madison.

- The said Zone shall also be shown on the Development Impact Fee District Map.
- (c) Calculation of the Impact Fee. The amount of the Westside Drainage 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 and Zones. The subject Impact Fee is based upon the estimated Cost to construct the necessary public improvements within the specific zones. 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. The Impact Fee shall consist of the following:
    1. In the undeveloped areas of the Bear Claw Way Drainage Improvement Impact Fee Zone, the Impact Fee shall be \$390.04 per 1000 square feet of Net Developed Area.
    2. In the undeveloped areas of the Mineral Point Road Drainage Impact Fee Zone, the Impact Fee shall be \$169.91 per 1000 square feet of Net Developed Area.The said Impact Fee rates are established in 2018 dollars and shall be indexed for inflation annually (January 1st) thereafter with June, 2018 as the base, using the Construction Cost Index as published by the Engineering News Record or equivalent successor index.”