



## Legislation Text

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**File #:** 42706, **Version:** 1

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### Fiscal Note

This resolution updates the Urban Forestry Special Charge policy to address private medians and undeveloped platted parcels. The City of Madison's 2016 Adopted Operating Budget includes \$2,560,000 in revenue from the Urban Forestry Special Charge. The impact of the updated policy on City revenue is not currently known, as it is unknown how many private median parcels are in Madison and how many undeveloped stormwater-only parcels will seek reclassification. As the City conducts its annual reevaluation of the charge in future years, rate adjustments will be made to meet the annual revenue target.

### Title

Updating the Urban Forestry Special Charge apportionment policy to address private medians and undeveloped platted parcels.

### Body

WHEREAS, on October 21, 2014, the Common Council adopted Ordinance ORD-14-00162, file 35038, created Section 4.095 of the Madison General Ordinances, which ordinance established an urban forestry special charge in the City of Madison; and,

WHEREAS, on July 7, 2015, the Common Council adopted RES-15-00597, file 38644, which resolution approved the urban forestry special charge policy; and,

WHEREAS, since the implementation of the special charge, some issues have been brought to the City's attention, notably privately maintained medians and the treatment of undeveloped portions of platted lands;

WHEREAS, privately owned and maintained outlots within the public right-of-way have been created throughout the City and conveyed to subdivision homeowners associations, as a way for homeowners associations to provide medians that are maintained at a higher level than their City counterparts. Because the urban forestry charge applies to all parcels in the City, and some subdivisions have scores of these private medians, some homeowners associations are being charged significant amounts for the urban forestry special charge due to their private ownership of numerous noncontiguous street medians within platted subdivisions; and,

WHEREAS, private medians are individual tax parcels, no matter the size, that function more like part of the right-of-way than as a taxable parcel, and generally have no assessed value for property tax purposes, meaning the urban forestry charge, when imposed upon them, far exceeds the value of the property; and,

WHEREAS, the City generally no longer allows for the platting of privately maintained outlots within the public right-of-way, making the class of properties that would be excluded from the urban forestry apportionment calculations a closed one, significantly lessening any administrative burdens that would be associated with a change in the apportionment policy to equate private medians with their publicly owned counterparts;

WHEREAS, treating private medians like City owned and maintained medians for the purposes of the special charge recognizes the functionality of such parcels; and,

WHEREAS, when a plat is recorded, the individual parcels are formally created, even though municipal services will not be extended to the parcels for many years; and,

WHEREAS, because the platted parcels are undeveloped, the Water Utility classifies them as stormwater only parcels despite their future use, resulting in urban forestry charges on undeveloped platted residential lots, as an example, nearly 2.5 times higher than would be applicable if the lots were developed; and,

WHEREAS, the stormwater only urban forestry rate should apply to parcels whose end use will not be changed when the land, or the land around it, is developed; and,

WHEREAS, large neighborhood plats are in the City's interests, and charging a higher urban forestry special charge on undeveloped lots created by a plat until they develop creates a financial barrier to this manner of development; and,

WHEREAS, administratively reclassifying undeveloped lots based upon their end usage for the purposes of implementing the urban forestry special charge reasonably accounts for the true nature of these parcels and does not treat these parcels unfairly compared to other, developed parcels within the City.

NOW, THEREFORE, BE IT RESOLVED, that the Common Council approves the updated urban forestry special charge policy prepared in accordance with Sec. 4.095 that equates private medians with publicly owned medians and allows undeveloped platted parcels to be charged based upon their end usage rather than their temporary status, which policy is attached hereto; and,

BE IT FURTHER RESOLVED, that the urban forestry special charge shall be apportioned consistent with this approved policy.