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**Public Facilities
Needs Assessment**

**Town of Algoma
Winnebago County, WI**

April 18, 2007

Martenson & Eisele, Inc.

Town of Algoma Public Facilities Needs Assessment

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Town of Algoma Public Facilities Needs Assessment

Background

When land is developed for residential use, it creates a need for many kinds of public facilities and utility services. Historically, public facilities in the Town of Algoma have been financed by a combination of general property taxes or donations from private organizations or citizens.

As an example, the Town Subdivision Ordinance required either a dedication of parkland or a fee in lieu of dedication, paid at the time of the final plat. The fee was charged to help defray the cost of acquiring and developing additional park land resulting from the increase in demand from new residences. A park fee has been in effect since 2000 when the Town of Algoma adopted their own Subdivision Ordinance. Fees are deposited into a separate, segregated park fee account.

In 2006, Wisconsin law on impact fees was amended to require communities to more clearly document their impact fees. A municipality is also no longer authorized to impose a park fee in its subdivision ordinance as a condition of subdivision plat approval. *# matched*

The Town of Algoma's Subdivision Ordinance requires a fee as a condition of plat approval, which will need to be amended to collect an impact fee at the time of a building permit. A study was done to justify the existing park fee, but the study was not based on a Needs Assessment Analysis as required under Section 66.0617 of the Wisconsin Statutes. This section authorizes a municipality to enact an impact fee ordinance and impose a fee on new development for the capital costs to construct, expand or improve public facilities, including the cost of land for, among other things, parks, playgrounds, athletic fields, and fire and law enforcement facilities needed as a result of new development (Section 66.0617(1)(a) and (f)).

Introduction

Growth occurring in the Town of Algoma is continually placing more demands on the Town's public services, especially in the areas of parks and recreational facilities. Future residents should be expected to assist the Town with land purchase and development of these amenities.

For this reason, A Public Facilities Needs Assessment analysis is being conducted to determine an equitable share of the costs to offset public facilities directly related to community growth. This Public Facilities Needs Assessment will identify the total costs associated with providing greater services and facilities, and prorate an amount to new users that will become the Town's impact fee.

This Assessment will first inventory existing facilities, identify deficiencies and costs associated with each one, project future growth, and calculate a portion of those costs that can be directly related to growth.

Impact Fee Requirements

According to the Wisconsin State Statutes 66.0617(4) (a-g) as recently amended in 2006 Wisconsin Act 477, impact fees imposed by ordinance are required to meet the following standards:

- Shall bear a rational relationship to the need identified for new, expanded or improved public facilities that are required to serve land development.
- May not exceed the proportionate share of the capital costs that are required to serve land development, as compared to existing uses of land within the Town.
- Shall be based upon actual capital costs or reasonable estimates of costs for new, expanded, or improved public facilities.
- Shall be reduced to compensate for other capital costs imposed by a town with respect to land development to provide or pay for public facilities, including special assessments, special charges, or any other items of value.
- Shall be reduced to compensate for monies received from the federal or state government specifically obtained to provide or pay for the public facilities for which the impact fees are imposed.
- May not include amounts necessary to address existing deficiencies in public facilities.
- Shall be payable by a petitioner to a town in full within 14 days of the issuance of a building permit or within 14 days of the issuance of an occupancy permit.

Existing Inventory of Public Facilities

The Town of Algoma owns most of the following public facilities listed below. Other facilities, such as most (but not all of) the Sheldon Nature Preserve and the Oakwood School playground, is owned by the Oshkosh Area School District.

Table 1
Existing Parks & Open Space

Name of Facility	Public Ownership	Quasi-Public Ownership	Total
Kewanee Street Park	1.7 Acres		1.7 Acres
Town Hall Park	3.46 Acres		3.46 Acres
Boat Landing & Dock: Oakwood Road	(ROW)		(ROW)
Sheldon Nature Preserve		12.5 Acres	12.5 Acres
Paved Biking/Hiking Lanes-Omro Road	(ROW)		(ROW)
John Walsh Walking Trail (5.2 miles)	(ROW)		(ROW)
Steinhilber Wetland Preserve	32.8 Acres		32.8 Acres
Oakwood School Playground		7.0 Acres	7.0 Acres
Hunters Court Wetlands Area*	32.6 Acres		32.6 Acres
Total Acreage	70.56 Acres	19.5 Acres	90.06 Acres

Source: Town of Algoma

*Hunters Court Subdivision parkland dedication to occur in the in the spring of 2007

Kewaunee Street Park

The Town of Algoma has built a small "pocket park" on Kewaunee Street (1.7 acres). This park includes a playground and a passive area with trails and plantings. The park is planned to be an entrance point to a pedestrian walkway extending through the Town of Algoma's Steinhilber Wetland Preserve.

Town Hall Park

For years, the Town of Algoma has had a large open area next to its Town Hall that includes playground equipment and a wooded area to the west and north. The Town Hall Park also has standards for a volleyball court and a trail through the wooded area to the west and north.

Steinhilber Wetland Preserve

A 32.84 acre wetland in the northeast corner of the Town was donated to the Town of Algoma in 2004. It is currently a natural area. In the future, the Town of Algoma plans to allow limited access by means of a raised boardwalk through the wetlands, two overlook areas, and a canoe launch.

Sheldon Nature Center

The Sheldon Nature Center is located on Oshkosh Area School District property (Oakwood School), with the exception of a .43 acre Town-owned lot on the north side of the Center. This Town parcel, located at 2885 Sheldon Drive, provides off-street parking and is one of the northern access points to the Sheldon Nature Center.

This nature center came into existence by a 14.4-acre donation from Ann Sheldon, a neighbor to Oakwood School, in 1991. From that point, parents of Oakwood School children and neighbors joined together to build an environmental education facility that is utilized by all of the elementary schools in the Oshkosh Area District. The initial construction began with the help of a \$100,000 U.S. Environmental Protection Agency grant.

Since 1992, hundreds of businesses and environmental organizations have donated funds, and many hours of volunteer labor have gone into building and developing the center. Today, the Sheldon Nature Center includes nearly a mile of pedestrian trails, two bridges that cross Honey Creek, a storm water detention basin with a "floating classroom", numerous plantings and wild flowers, and a 40' x 48' pavilion.

The Nature Center has been designed to attract wildlife and is meant to be utilized as an outdoor environmental classroom for school age children. In 2006, a 20' diameter gazebo and a bathroom/storage facility was built for better use of the facility as an outdoor classroom. The Oshkosh Area School District has also converted a classroom in Oakwood School into an environmental education charter school to complement the Sheldon Nature Center.

Oakwood Elementary School (Oshkosh Area School District)

Located on the northwest corner of Omro Road and Oakwood Road, the Oakwood Elementary School has a large playground (approximately seven acres) that offers recreational amenities to students and the community, including playground equipment, a softball field and a soccer field. The Town and its residents made a \$55,000 donation and labor to install new playground equipment on school property. On-site parking is available.

The projected 2010-2012 reconstruction of Oakwood Elementary School will likely absorb a major portion of the playground area.

N Hunters Court Wetlands Area

- The final plat of Hunters Court shows two wetland areas (totaling 32.6 acres) being dedicated to the Town of Algoma for passive park areas. This parkland would only be used through the development of mowed pedestrian trails.

Growth Projections

The Town of Algoma has annually averaged 57 new housing units over the last seven years (Table 2). The Town will continue to grow due to its excellent location on the westerly fringe of the City of Oshkosh and its access to STH 21 and USH 41.

In the last two years, the Town Sanitary District drilled two deep wells and erected a water tower, and now provides a public water system. This new service, public sewer, and low taxes, makes the Town of Algoma an attractive place to live.

Table 2
Housing Starts in the Town of Algoma, 2000-2006

Town of Algoma	2000	2001	2002	2003	2004	2005	2006	Total	Avg.
Single-Family	55	50	48	51	66	50	48	368	53
Two-Family Units	8	4	2	4	2	2	0	22	3
Multi-Family Units	0	0	0	0	0	0	8	8	1
TOTAL	63	54	50	55	68	52	56	398	57

Source: Town of Algoma Clerk's office

Based on present and future phases of existing plats, the Town of Algoma has 179 lots available for development. This is about a three year supply, given the past seven year building permit average. If the market demand for lots in Algoma continues, it is likely that some developers will seek to purchase and develop new subdivisions in the near future.

Table 3
Existing Vacant Platted Lots in the Town of Algoma (2007 and beyond)

No.	Name of Subdivision	Single Family Lots in 2007
1	Bellhaven	38
2	Sunray	5
3	Bell Ridge	19
4	Apple Acres	49
5	Jones Plat	4
6	2 nd Addition to Butte Des Morts	34
7	Bellhaven 4 th	30
Total		179

Source: Research done by Martenson & Eisele, Inc.

Projections are that the Town of Algoma will continue to see residential development. Some land has been acquired for platting purposes, but the amount of land and when it will be developed is uncertain from 2008 into the future. Table 4 anticipates 941 additional lots to be developed over a twenty year period. When combined with what now exists, the Town could see 1,140 more lots in twenty years, or an average of 57 more housing units per year.

Table 4
Potential Vacant Platted Lots in the Town of Algoma (2008 and beyond)

No.	Name of Subdivision	Future Platted Single Family Lots
1	Bellhaven CSM's	7
2	Hunters Court	45
3	Multiple Developers	889
Total		941

Source: Research done by Martenson & Eisele, Inc.

Procedure for Dedication

When a developer wants to plat vacant land in the geographic area of future parkland or the proposed trail network, as shown on the Town's Future Land Use Plan Map, the Town of Algoma can ask for dedication of such future parkland or trail system during the platting process. However, the Park Committee has gone on record recommending that the Town collect a park fee and acquire land rather than ask for dedication of parkland.

A fee in lieu of parkland dedication can no longer be collected (based on a 2005 Wisconsin Act 477) after June 14, 2006. However, the Town of Algoma has an agreement with a developer to make a payment in lieu of dedication. Since the agreement predates the law change, the Town will collect such fees until the agreement expires. Any future park fees will need to be collected at the time of a building permit, based on this or future amendments to a public facility needs assessment.

Land Costs

Table 5 shows the history of land sales in the Town of Algoma. Based on the raw land sales over the last four years, land values in the Town of Algoma are about \$16,000 per acre. However, by the time land is purchased in the next seven years, land costs are going to be more realistically \$20,000 per acre if no improvements are available. If parcels are adjacent to a public street with public sewer and water improvements, the cost could be \$40,000 per acre. This average land value can give the Town an idea what the cost might be if additional parkland needs to be purchased within the Sanitary District.

Table 5
Recent Land Sales

Street	Date	Acres	Price	\$ Per Acre	Name of Developer/Owner
Highway 21	2003	83.20	\$1,250,000	\$15,204	Jones Farm
Waukau Rd.	2003	75.71	\$1,000,000	\$13,208	Midwest Real Estate
W. of CTH K	2005	40.00	\$432,000	\$10,800	Rockton Properties
N. of CTH K	2006	80.00	\$800,000	\$10,000	Rockton Properties
CTH K & Clairville	2006	130.74	\$1,692,900	\$12,949	Lyle Beck
CTH K	2006	74.30	\$1,050,000	\$14,132	Spring Valley Estates
E. of Clairville	2006	17.31	\$377,000	\$21,781	Dumke Management
Jackson Dr	2003	14.36	\$220,000	\$15,300	Creative Custom Homes
Clairville and 9 th	2007	80.00	\$1,280,000	\$16,000	Mike Hagen
Market Rate	2007			\$16,000	

Source: Research done by Martenson & Eisele, Inc.

Identification of New Public Facilities

As the Town grows, new residents will use the park system, and will expect the Town to provide more athletic fields, open space, and trails where public recreation can take place. The potential costs of park facilities rightfully need to be shared between existing and future residents. The following projects (listed in time sequence) are anticipated to provide park and open space facilities to existing and future residents.

1. West Breeze Pedestrian Boardwalk and Observation Deck

A pedestrian connection between two neighborhoods, now separated by a navigable stream, is needed as the population in this area of the Town grows. The pedestrian bridge will consist of a main connecting elevated boardwalk that is 10 feet wide and 232 feet long, and limestone screening approaches that are a combined length of about 100 feet long.

Another boardwalk that takes off from the main boardwalk, being 6 feet wide and 168 feet long, would terminate in a 16 foot by 16 foot observation deck overlooking a pond in the midst of surrounding wetland. This park-like feature would provide not only a pedestrian connection between two residential neighborhoods, but would also allow the public to have access to view nature in an abutting wetland area. Construction is likely to happen in 2007-2008. The estimated costs of this project are as follows:

Table 6
Estimated Boardwalk Costs

Project Expenses	Phase 1	Phase 2	Total Cost
Limestone Trails	\$2,000		\$2,000
Boardwalk Connection	\$30,000		\$30,000
Boardwalk to and incl. Observation Deck		\$30,000	\$30,000
Total Costs	\$32,000	\$30,000	\$62,000

2. Parkland Purchase with Sanitary District

The Algoma Sanitary District is considering the purchase of a third well site west of Clairville Road, north of Witzel Avenue and south of STH 21. The general vicinity of this well site is also in the general location of a future park shown on the Future Land Use Plan.

The Town of Algoma might be able to work with the Algoma Sanitary District to secure a combined future well site and Town Park that would total twenty acres. Assuming the Sanitary District would need approximately five acres, the other fifteen acres could be purchased for a park. The estimated cost of land acquisition (based on an inflation rate plus market rate, or \$20,000 per acre) may cost approximately \$300,000 near the end of 2007.

3. Town Hall Park Pavilion

The Town Hall Park with the associated Town Hall facilities has been a popular venue for social gatherings of all kinds. The construction of a park pavilion in the next five years would generate even more interest, and would lessen the need to keep the Town Hall open during certain events. A pavilion would have a covered area for picnic tables and possibly bathrooms and availability of water and electricity. The cost of a pavilion would be approximately \$150,000. The timeframe for construction is likely to occur between 2008 and 2010.

4. Parkland Development Next to Sanitary District Property

Once the land is purchased, the Town would develop the park to provide active recreational facilities. This park could replace some of the athletic fields that may be lost in the future due to the reconstruction of Oakwood School within the next seven years. The costs associated with park development is identified in Table 7 below. Figures include an inflation factor, assuming park development occurs after 2010:

Table 7
Park acquisition and Development Costs

Project Expenses	Phase 1	Phase 2	Total Costs.
Landscaping and Seeding	\$13,000		\$13,000
Playground Equipment	\$170,000		\$170,000
Athletic Fields		\$90,000	\$90,000
Park Pavilion and Bathrooms		\$170,000	\$170,000
Total Costs	\$183,000	\$260,000	\$443,000

5. Park Dedication/Acquisition/Development on Jones Property

The Town's Comprehensive Plan shows a five acre neighborhood park just north of the Butte Des Morts 2nd Subdivision, east of Leonard Point Road. Rather than waiting for this parcel to be platted, the Town may want to consider the purchase of a five acre park in the near future to assure the most ideal location in this developing neighborhood.

This parcel is a logical growth area of Algoma, so it is being assumed that the land will be platted in the near future. Improvements to the park are likely to follow within five years of purchase. It is assumed that this land may develop at the end of the seven year period, or 2015, and that parkland should be purchased within that timeframe.

Table 8
Park acquisition and Development Costs

Project Expenses	Phase 1	Phase 2	Total Costs.
Land Costs*	\$100,000		\$100,000
Landscaping and Seeding	\$10,500		\$10,500
Playground Equipment		\$150,000	\$150,000
Athletic Fields		\$40,000	\$40,000
Park Pavilion and Bathrooms		\$150,000	\$150,000
Total Costs	\$110,500	\$340,000	\$450,500

6. Steinhilber Wetland Boardwalk

The 32.84 Steinhilber Wetland Preserve is a passive recreational area owned by the Town of Algoma. To make the preserve accessible to the public, several improvements were recommended by a consultant, based on a study done in 2005. The study identified the following phased projects and associated costs. This project may get funded and built in 2010 to 2015.

Table 9
Estimated Boardwalk Costs

Project Expenses	Costs
Phase 1: Topographic survey, wetland delineation, invasive species control, 960 ft. of boardwalk & canoe launch/overlook deck, parking, signage	\$80,200
Phase 2a: 4,920 ft. of boardwalk & limestone path, bike rack, privacy landscaping, signage	\$179,350
Phase 2b: Easement acquisition, bike rack, 600 ft. of boardwalk, limestone path, landscaping, and signage	\$30,050
Phase 3: 9,350 ft. of boardwalk and signage	\$310,400
Total Costs	\$600,000*

*Estimated costs are in 2005 dollars.

The Town could be eligible for a variety of matching grants, which could lower the cost by fifty-percent. The cost could also be lowered if private monies or volunteer labor is applied

7. Linear Parks (Trails)

On Map 3 of the Algoma Comprehensive Plan, a series of public trails is shown on vacant land that will eventually be platted. These future linear parks (trails) would be designed to provide new residents with access to wetlands, woodlands and future parkland, as well as transportation from one neighborhood to the next, public facilities, and commercial areas, without using the automobile.

The Town is recommended to require a developer to set aside a linear park in appropriate locations, acquire the land, and build linear parks. The estimated cost for trails is estimated to be \$20,900 in an average year (as land is platted), or \$418,000 over a twenty year period. This amount is based on the purchase of about one-half acre of linear parkland (30' wide by 726' long) based on \$20,000 per acre, plus the cost of constructing a trail at \$15 per foot.

Allocation of Costs

Future park facilities, the need for which is generated partly by residents that move to the Town of Algoma, can legitimately be charged a proportionate park impact fee. For purposes of this Assessment, an additional 1,120 housing units occupied by 2,979 people (2.66 people per household) are projected for the next twenty years. New residents, when combined with the 2006 Town estimate of 6,283, would result in a population of 9,262 in this time period. New families moving into the Town would constitute a 32% of the Town's population.

The following table is a summary of all possible park and recreation projects that are projected to happen in a twenty-year timeframe. The costs are spread out over this period of time. Impact fees collected from the date of building permit issuance over a rolling seven year period will help fund these projects over the twenty-year period.

Table 10
Project Summary of Public Facilities

Project No.	Name of Parkland Project	Estimated Cost	Expenditure Timeframe	32% of Costs
1.	Westbreeze Boardwalk & Observation Deck	\$62,000	2007-2008	\$19,840
2	Parkland Purchase with Sanitary District	\$300,000	2007-2008	\$81,600
3	Town Hall Pavilion	\$150,000	2008-2010	\$48,000
4	Parkland Development next to San. District P.	\$443,000	2010-2015	\$144,160
5	Town Park Purchase/Development-Jones P.	\$450,500	2010-2015	\$121,760
6	Steinhilber Wetland Boardwalk	\$600,000	2015-2026	\$191,936
7	Linear Parks (Trails)	\$418,000	2008-2026	*\$334,400
Total		\$2,423,500		\$941,696

*Allocation of linear parks (Trails) is allocated more heavily to new residents who will use such facilities. The estimated cost division is 80% to new residents and 20% to existing Town residents.

Park Standards

The national standard for park space in a community is ten acres for every 1,000 people. Based on the 2006 State estimated population, the Town of Algoma had 6,283 people, which equates to 63 acres needed to meet the needs of the citizens of the Town. The total acreage of park and open space land in the Town is about 90 acres, which would appear to meet the standard. However, the vast total (approximately 65 acres) of this acreage is passive parkland, marsh or wetland areas. The Town of Algoma may have more acreage than the national standard, but it will not be sufficient for active recreational parkland in the form of athletic fields and playground areas as the Town grows.

Determination of Park Impact Fee

Based on the calculations of potential costs for park and recreation facilities (Table 10) over the next twenty years, it is estimated that \$2,423,500 will need to be spent to meet the park and recreational needs of Town residents. Of that amount, \$941,696 could be collected by way of an impact fee, leaving the balance to come from the Town's general fund, which would be \$1,481,804, or 74,090 annually.

The \$941,696, when distributed over the 1,140 new housing units, would produce a fee of \$826.05 per living unit, rounded to \$825. This fee would apply to all building permits on vacant lots of record after the adoption of an Impact Fee Ordinance. This means that any platted lots in past years where no impact fee was collected, and any newly created lots in future subdivisions, will be assessed a park fee prior to building permit issuance.

Keeping Needs Assessment Current

This Public Facilities Needs Assessment for park and open space is based on past, present, and future park and open space planning done by the Algoma Park Committee, Plan Commission and Town Board. As park plans are modified, or if land development circumstances change, this needs assessment may require modifications that would result in an adjustment of the Park Impact Fee. Inflationary adjustments to land values and cost of park development are another reason for adjusting the findings of this Public Facilities Needs Assessment.

Effect of Fee on Availability of Affordable Housing

The affect of an \$825 impact fee on housing affordability is analyzed in Table 11 below:

Table 11
Effect of Impact Fee on Affordability of Housing

Categories	Calculations Before Impact Fee	Data Sources & Assumptions	Calculations After Impact Fee
Median Home Value Estimate	\$147,700	2000 Census	\$147,700
Estimated Housing Mortgage	\$140,315	Assumes 5% down payment	\$141,140 (with Impact Fee)
Annual Cost of Housing:			
Annual Mortgage Payment	\$9,426	30 year mortgage at 6.75% interest	\$9,481
Estimate of Property Taxes	\$2,496	(Based on 2006 levy)	\$2,496
Estimate of Insurance	\$400.00		\$400.00
Annual Cost of Housing	\$12,322		\$10,377
Median Household Income	\$57,868	2000 Census	\$57,868
Housing Cost as % of Income	18.5%		18.6%
Increase due to Impact Fee			0.1%

For a median priced home of \$147,700, the impact fee will only increase the cost of owning a home by 0.1%. This amount is negligible. Therefore, the impact fee being proposed will not have an adverse affect on affordable housing in the Town of Algoma.

**Public Facilities Needs Assessment Study
for Park and Open Space
Town of Algoma**

WHEREAS, the Town of Algoma has deemed it in its best interest and that of its citizens to prepare a Public Facilities Needs Assessment Study to equitably charge new residents with the added cost of providing park and recreational facilities in the Town, and;

WHEREAS, the Town has requested the assistance of Martenson & Eisele, Inc. to assist in the writing of the Public Facilities Needs Assessment Study, and;

WHEREAS, input was obtained from the Town Board, the Town Plan Commission, the Park Committee, and interested residents of the Town of Algoma, and;

WHEREAS, a copy of the Public Facilities Needs Assessment was made available to the residents of the Town of Algoma at the Town Hall, and;

WHEREAS, the Public Facilities Needs Assessment Study addresses and complies with Section 66.0617 of the State of Wisconsin's Public Facilities Needs Assessment Legislation, and;

WHEREAS, a Public Hearing with a Class 1 notice was published prior to the hearing held on March 21, 2007, and the Study was on file 20 days prior to public hearing, as specified by State Statutes, and;

WHEREAS, the Town of Algoma Plan Commission and Park Committee has recommended that the Town Board adopt the Public Facilities Needs Assessment Study done to establish a park impact fee.

THEREFORE, BE IT RESOLVED by the Town Board to accept the findings of the Public Facilities Needs Study and adopt an ordinance to establish a Park and Recreation Impact Fee based on the recommendations of the study.

Approved by the Algoma Town Board on April 18, 2007

ORDINANCE NO 127
AN ORDINANCE OF THE TOWN OF ALGOMA
AS IT RELATES TO PARK AND RECREATION IMPACT FEES

The Town Board of the Town of Algoma, Winnebago County, Wisconsin, does ordain as follows:

- 1.01 Authority
- 1.02 Purpose
- 1.03 Definitions
- 1.04 Public Facilities Needs Assessment
- 1.05 Imposition of Impact Fees
- 1.06 Parks and Recreation Facilities Impact Fee
- 1.07 Fee Reduction
- 1.08 Administration and Review
- 1.09 Appeal
- 1.10 Severability
- 1.11 Adoption
- 1.12 Effective Date

1.01 AUTHORITY This Ordinance is authorized under §66.0617, Wis. Stats. The provisions of this Ordinance shall not be construed to limit the authority of the town to finance public improvements by any other means, nor to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this Ordinance.

1.02 PURPOSE The purpose of this Ordinance is to promote the public health, safety, and general welfare of the community and to facilitate the adequate provision of parks, playgrounds, and land for athletic facilities by imposing impact fees upon developers or property owners to pay for the capital costs of public facilities that are necessary to accommodate land development.

1.03 DEFINITIONS As used in this Ordinance, the following terms shall have the meanings indicated:

- A. CAPITAL COST** The capital costs to construct, expand, or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than 10% of capital costs may consist of legal, engineering and design costs unless the Town can demonstrate that its legal, engineering and design costs which relate directly to the public improvement for which the impact fees were imposed exceed 10% of capital costs. Capital costs does not include other non-capital costs to construct, expand or improve public facilities, vehicles; or the costs of equipment to construct, expand or improve public facilities.
- B. DEVELOPER or PROPERTY OWNER.** A person that constructs or creates land development.
- C. HOUSING UNITS** are defined as a one-family housing unit, and each unit of a duplex, apartment or condominium project.

D. LAND DEVELOPMENT The construction or modification of improvements to real property that creates additional residential dwelling units that create a need for new, expanded or improved public facilities within the Town.

E. PUBLIC FACILITIES Means highways, as defined in s. 340.01 (22) Wisconsin Statutes, and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing and distributing water, parks, playgrounds, and land for athletic facilities, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries. "Public facilities" does not include facilities owned by a school district.

1.04 PUBLIC FACILITIES NEEDS ASSESSMENT New public facilities or improvements, or expansions of existing public facilities as it relates to park and recreation that are required because of land development for which impact fees will be imposed are those which are identified in the public facilities needs assessment study prepared prior to the adoption of this Ordinance and any amendments hereto. The public facilities needs assessment study that forms the basis of any impact fees imposed by the Town by this Ordinance shall be kept on file in the office of the Town Clerk at least twenty (20) days prior to any public hearing to be held on the creation of this Ordinance and any amendments. A Class 1 notice is required prior to any public hearing. The park and recreation public facilities needs assessment report shall remain on file in the office of the Town Clerk for the entire period during which impact fees are collected.

1.05 IMPOSITION OF IMPACT FEES Impact fees are hereby imposed on all developments and land divisions within the Town of Algoma and shall be calculated pursuant to this Ordinance. For developments, impact fees shall be payable by the developer or property owner to the Town in full within 14 days of the issuance of a building permit. The building permit is issued on a conditional basis with the condition being payment of the impact fee within 14 days. If the impact fee is not paid in 14 days of issuance of the permit, the building permit is then null and void.

1.06 PARKS AND RECREATION FACILITIES IMPACT FEE

Any developer or property owner constructing new residential housing units within the Town shall pay an \$825 Impact Fee per housing unit.

Said fee collected by the Town shall be placed in a separate segregated, interest bearing account and shall be accounted for separately from other funds of the Town. The Town shall keep an account of all impact fees paid by date, tax parcel number and amount. Impact fee revenues and interest earned on impact fee revenues may be expended only for the particular capital costs for which the impact fee was imposed.

Such fees shall be expended by the Town for the aforesaid purpose within seven (7) years after they were collected, or such fee amount paid shall be refunded by the Town to the current owner of the property with respect to which the impact fee was imposed, along with any interest that has accumulated. Under extenuating circumstances, the Town of Algoma may, and reserves the right to, extend this period to ten (10) years with the adoption of a resolution. The resolution shall specify the extenuating circumstances or hardship that led to the need for extending the period.

1.07 FEE REDUCTION Any impact fee imposed under this Ordinance shall be reduced to compensate for other capital costs imposed by the Town with respect to land development to provide or pay for public facilities, including special assessments, or special charges under ch. 236, Wis. Stats. or any other items of value. Impact fees imposed under this Ordinance shall also be reduced to compensate for moneys received from the federal or state government specifically to provide or pay for the public facilities for which the impact fee was imposed.

1.08 ADMINISTRATION AND REVIEW All fees collected and special accounts maintained under this Ordinance shall be subject to administration by the Town Treasurer. The Treasurer shall report annually to the Town Board with regard to all deposits, withdrawals and fund balances in these accounts. The purpose of the annual report is to provide the Town Board with information necessary to determine that all funds collected are spent within the time required for the purpose intended and that the amount of fees imposed continues to represent an equitable and reasonable apportionment of the cost of public improvements and requirements generated by land development. Upon such considerations and for such purposes, the Town Board may determine where there exists any reasonable need for refund of fees previously collected. The Town Board shall, as part of its annual budget process, review the impact fee imposed under this Ordinance.

1.10 APPEAL Any developer or property owner upon whom an impact fee is imposed under this Ordinance shall have the right to contest the amount, collection or use of the impact fee to the Town Board, provided the developer or property owner files a written notice of appeal in the Town Clerk's office within 15 days of the building permit approval upon which the impact fee is imposed. Such notice of appeal shall be entitled "Notice of Appeal of Impact Fee" and shall state the developer's or property owner's name, address, telephone number, and legal description or tax parcel identification number of the land development upon which the impact fee is imposed, and a statement of the nature of and, reasons for the appeal. The Town Clerk shall schedule the appeal for consideration by the Town Board at a regular meeting as soon as reasonably practicable under the circumstances, but within 45 days of receipt of written notice of appeal, and shall notify the developer or property owner of the time, date and place of such meeting, in writing, by regular mail, deposited in the mail no later than at least three days before the date of such meeting. Upon review of such appeal, the Town Board may adjust the amount, collection or use of the impact fee upon just and reasonable cause shown.

1.11 SEVERABILITY If any provision of this Ordinance is found to be illegal, the remaining provisions shall remain in effect.

1.12 ADOPTION The schedule of impact fees above are based upon the Public Facilities Needs Assessment study done for the Town of Algoma dated April 12, 2007, and adopted by the Town Board by resolution dated April 18, 2006.

1.13 EFFECTIVE DATE This Ordinance shall take effect upon adoption this 18th day of April, 2007, and upon posting in three public places as required by law.

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