



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
www.appleton.org

Meeting Agenda - Final City Plan Commission

*Any questions about items on this meeting are to be directed to
the Community and Economic Development Department,
920-832-6468.*

Wednesday, January 11, 2023

3:30 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting
[23-0009](#) City Plan Minutes from 12-14-22

Attachments: [City Plan Minutes 12-14-22.pdf](#)

4. Public Hearings/Apearances

- [23-0010](#) Text amendments to Chapter 17 Subdivision Ordinance of the Municipal Code relating to Sec. 17-3 General Provisions, Sec. 17-4 Preplatting Requirements, Sec. 17-29 Dedication of Public Sites and Open Spaces, Sec. 17-30 Identification of Dedicated Areas, Sec. 17-31 Reservation of Road Widths, Sec. 17-32 Reservation of Public Sites, Sec. 17-33 Private Reservations, Sec. 17-34 Right of Refusal, and Sec. 17-35 Accomplishment of Dedication, as identified in the attached document (Associated with Action Item #23-0011)

Attachments: [InformalPublicHearingNotice_SOTextAmendments_2022.pdf](#)

5. Action Items

- [23-0011](#) Request to approve text amendments to Chapter 17 Subdivision Ordinance of the Municipal Code relating to Sec. 17-3 General Provisions, Sec. 17-4 Preplatting Requirements, Sec. 17-29 Dedication of Public Sites and Open Spaces, Sec. 17-30 Identification of Dedicated Areas, Sec. 17-31 Reservation of Road Widths, Sec. 17-32 Reservation of Public Sites, Sec. 17-33 Private Reservations, Sec. 17-34 Right of Refusal, and Sec. 17-35 Accomplishment of Dedication, as identified in the attached document

Attachments: [StaffReport_TextAmendment_ParklandAndTrails_For01-11-23.pdf](#)

[FINAL 2022 Fee in Lieu Baker Tilly.pdf](#)

6. Information Items

7. Adjournment

Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.

Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
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Meeting Minutes - Final City Plan Commission

*Any questions about items on this meeting are to be directed
to the Community and Economic Development Department,
920-832-6468.*

Wednesday, December 14, 2022

3:30 PM

Council Chambers, 6th Floor

1. Call meeting to order

Meeting called to order by Chair Mayor Woodford at 3:30 p.m.

2. Roll call of membership

Present: 4 - Mayor Woodford, Fenton, Buetow and Uitenbroek

Excused: 3 - Palm, Robins and Dane

Others present:

Jim Fletcher, RE/MAX 24/7 Commercial Real Estate

Chip Gabbey, RE/MAX 24/7 Real Estate

Wade Steidl, RE/MAX 24/7 Real Estate

3. Approval of minutes from previous meeting

[22-1520](#)

City Plan Minutes from 11-9-22

Attachments: [City Plan Minutes 11-9-22.pdf](#)

Fenton moved, seconded by Buetow, that the Minutes be approved. Roll Call.

Motion carried by the following vote:

Aye: 4 - Mayor Woodford, Fenton, Buetow and Uitenbroek

Excused: 3 - Palm, Robins and Dane

4. Public Hearings/Appearances

[22-1521](#)

Rezoning #5-22 for the subject parcel located at 1208 N. Oneida Street (Tax Id #31-6-0329-00), including the adjacent one-half (1/2) right-of-way of N. Oneida Street, as shown on the attached maps, from C-2 General Commercial District to R-2 Two-Family District (Associated with Action Item #22-1522)

Attachments: [InformalPublicHearingNotice_1208NOneidaSt_Rezoning#5-22.pdf](#)

This public hearing was held, and Jim Fletcher spoke on the item.

[22-1523](#)

The street discontinuance to vacate portions of Appleton Street, Pacific Street, and Oneida Street public right-of-way, generally located north of Packard Street and south of Atlantic Street, subject to the condition in the attached staff report, and adopt the Initial Resolution and exhibit maps (Associated with Action Item #22-1524)

Attachments: [InformalPublicHearingNotice_AppletonStPacificStOneidaSt_StreetVacation.pdf](#)

This public hearing was held, and no one spoke on the item.

[22-1525](#)

Zoning Ordinance Text and Map Amendments to Article X Floodplain Zoning of Chapter 23 of the Municipal Code relating to Section 23-205(b) (2) General provisions; Official maps and revisions; Official maps based on other studies related to LOMR - Case #21-05-2374P, as identified in the attached staff report (Associated with Action Item #22-1526)

Attachments: [NoticeofInformalPublicHearing_AmendFloodplainOrd_LOMR_21-05-2374P_2022.pdf](#)

This public hearing was held, and no one spoke on the item.

5. Action Items

[22-1522](#)

Request to approve Rezoning #5-22 for the subject parcel located at 1208 N. Oneida Street (Tax Id #31-6-0329-00), including the adjacent one-half (1/2) right-of-way of N. Oneida Street, as shown on the attached maps, from C-2 General Commercial District to R-2 Two-Family District

Attachments: [StaffReport_1208NOneidaSt_Rezoning_For_12-14-22.pdf](#)

Proceeds to Council on January 18, 2023.

Fenton moved, seconded by Uitenbroek, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 4 - Mayor Woodford, Fenton, Buetow and Uitenbroek

Excused: 3 - Palm, Robins and Dane

[22-1524](#)

Request to approve the street discontinuance to vacate portions of Appleton Street, Pacific Street, and Oneida Street public right-of-way, generally located north of Packard Street and south of Atlantic Street, subject to the condition in the attached staff report, and adopt the Initial Resolution and exhibit maps

Attachments: [StaffReport AppletonStPacificStOneidaSt StreetVacation For12-14-22.pdf](#)

Uitenbroek moved, seconded by Fenton, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 4 - Mayor Woodford, Fenton, Buetow and Uitenbroek

Excused: 3 - Palm, Robins and Dane

[22-1526](#)

Request to approve Zoning Ordinance Text and Map Amendments to Article X Floodplain Zoning of Chapter 23 of the Municipal Code relating to Section 23-205(b)(2) General provisions; Official maps and revisions; Official maps based on other studies related to LOMR - Case #21-05-2374P, as identified in the attached staff report

Attachments: [StaffReport AmendFloodplainOrd NorthEdgewoodEst LOMR For12-14-22.pdf](#)

Proceeds to Council on January 18, 2023.

Fenton moved, seconded by Buetow, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 4 - Mayor Woodford, Fenton, Buetow and Uitenbroek

Excused: 3 - Palm, Robins and Dane

[22-1527](#)

Request to approve Certified Survey Map #30-22, which crosses a plat boundary, for 1201 Banta Court and 1100 E. South River Street (Tax Id #31-4-0279-00, 31-4-0279-01, 31-4-0805-00, 31-4-0819-00, 31-4-0820-00, 31-4-0823-00 & 31-4-0823-01) to combine the 7 existing parcels as shown on the attached map and subject to the conditions in the attached staff report

Attachments: [StaffReport Whiting Field-Banta Bowl CrossingPlatBoundary For12-14-22.pdf](#)

Fenton moved, seconded by Uitenbroek, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:

Aye: 4 - Mayor Woodford, Fenton, Buetow and Uitenbroek

Excused: 3 - Palm, Robins and Dane

6. Information Items

[22-1579](#)

Proposed Draft Text Amendments to Chapter 17 Subdivision Ordinance of the Municipal Code

Attachments: [StaffReport_DraftTextAmendment_ParklandAndTrails_For12-14-22.pdf](#)
[FINAL 2022 Fee in Lieu Baker Tilly.pdf](#)

This item was presented and discussed.

7. Adjournment

Buetow moved, seconded by Fenton, that the meeting be adjourned at 3:50 p.m. Roll Call. Motion carried by the following vote:

Aye: 4 - Mayor Woodford, Fenton, Buetow and Uitenbroek

Excused: 3 - Palm, Robins and Dane

NOTICE OF INFORMAL PUBLIC HEARING

OF THE

APPLETON CITY PLAN COMMISSION

NOTICE IS HEREBY GIVEN of an Informal Public Hearing to be held before the City Plan Commission in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, on Wednesday, January 11, 2023, at 3:30 P.M., or as soon thereafter as can be heard, for the purpose of considering the following text amendments to the Subdivision Ordinance, Chapter 17 of the Municipal Code:

The City of Appleton is considering amendments to Sec. 17-3 General Provisions, Sec. 17-4 Preplatting Requirements, Sec. 17-29 Dedication of Public Sites and Open Spaces, Sec. 17-30 Identification of Dedicated Areas, Sec. 17-31 Reservation of Road Widths, Sec. 17-32 Reservation of Public Sites, Sec. 17-33 Private Reservations, Sec. 17-34 Right of Refusal, and Sec. 17-35 Accomplishment of Dedication of Chapter 17 Subdivision Ordinance of the Municipal Code.

A copy of the proposed text amendments to Chapter 17 Subdivision Ordinance of the Municipal Code relating to the above-referenced Subdivision Ordinance sections is available in the Appleton Community and Economic Development Department or the Office of the City Clerk from 8:00 a.m. until 4:30 p.m., Monday through Friday.

All persons interested are invited to attend this meeting and will be given an opportunity to be heard. You may also address the Plan Commission by letter at the address below. The Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

Any questions regarding the proposed text amendments to Chapter 17 Subdivision Ordinance of the Municipal Code should be directed to David Kress, Principal Planner, in the Community and Economic Development Department at 920-832-6428 or by email at david.kress@appleton.org.

CITY PLAN COMMISSION

COMMUNITY & ECONOMIC DEVELOPMENT
CITY HALL - 100 NORTH APPLETON STREET
APPLETON, WISCONSIN 54911
920-832-6468

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Public Hearing Date: January 11, 2023

Common Council Public Hearing Date: February 1, 2023

Item: Subdivision Ordinance Text Amendments – Chapter 17 of the Municipal Code

Article I In General: Section 17-3

Article II Plats: Section 17-4

Article V Dedications and Reservations: Sections 17-29, 17-30, 17-31, 17-32, 17-33, 17-34, and 17-35

Case Manager: David Kress, Principal Planner

BACKGROUND AND PURPOSE

At the December 14, 2022 Plan Commission meeting, staff presented the proposed Subdivision Ordinance text amendments to the Commission for review and discussion. At the conclusion of the presentation, the Plan Commission directed staff to schedule an Informal Public Hearing at the January 11, 2023 Plan Commission meeting.

The Subdivision Ordinance (Chapter 17 of the Municipal Code) was last amended in 2010. Staff from multiple City departments have been working collaboratively to review and update various sections throughout this chapter. This will be an ongoing effort, and the information below/attached represents the first bundle of proposed text amendments. The primary objectives for these proposed amendments are listed below.

- Incorporate recommendations from the “Fee In Lieu of Land Dedication and Public Facility Needs Assessment” completed by Baker Tilly.
The Parks, Recreation, and Facilities Management Department contracted with Baker Tilly to prepare this report, which serves as the basis for the land dedication (square feet per dwelling unit) and fee in lieu of dedication (dollars per dwelling unit) numbers included in the proposed text amendments. This item was approved by Common Council on December 7, 2022.
- Simplify and clarify expectations for the land dedication process.
- Include trails in the dedication process and aid in the implementation of the Trails Master Plan.
- Comply with applicable requirements of 2017 Wisconsin Act 243, particularly Section 236.45(6) of the Wisconsin State Statutes.

In addition to the objectives outlined above, Community and Economic Development Department staff took into account recommendations from the City of Appleton *Comprehensive Plan 2010-2030*. Listed below are related excerpts.

OBJECTIVE 6.3 Transportation:

Create an environment that is safe and conducive to walking and bicycling throughout the entire city.

Policy 6.3.1 Continue to prioritize bicycle and pedestrian improvement projects that make destinations more accessible, including but not limited to greater connectivity between important destinations within the community, and to regional bicycle and pedestrian networks.

Policy 6.3.7 Support implementation of the City's Trail Master Plan in order to create a comprehensive network of well linked bike lanes and off-street trails.

OBJECTIVE 9.6 Economic Development:

Create a vibrant environment that is conducive to attracting and retaining talented people.

Policy 9.6.1 Continue the City's efforts to expand and improve its amenities such as trails, parks and recreation, the Fox Cities Performing Arts Center, the Appleton Public Library, Fox Cities Exhibition Center, sporting facilities, and other cultural or civic offerings.

OBJECTIVE 10.3 Land Use:

Support future changes to zoning and other regulatory tools which are necessary to achieve the type of urban form and development reflective of smart growth principles, including support for "complete" neighborhoods (neighborhoods where residents can meet the majority of their daily needs on foot and by bicycle) throughout the City and in growth areas.

Policy 10.3.5 Plan for park amenities in complete neighborhoods and integrate into existing neighborhoods.

OBJECTIVE 18.2 Park and Recreation:

Continue to work with land developers and municipalities to acquire new park land through dedication or other means, as new development occurs.

Policy 18.2.1 Continue park land and trail dedication, or fee-in-lieu-of land dedication requirements for all new residential development. Additional land should be required for new development in the north, far southeast, and southwest parts of Appleton and its future growth area.

OBJECTIVE 18.3 Park and Recreation:

Develop the City's park system as an interconnected network of sites linked by greenways and trails.

Policy 18.3.2 Implement the recommendations contained within the 2016 Appleton Trails Master Plan.

PROPOSED TEXT AMENDMENTS

Staff offers the following proposed text amendments. The text recommended to be added is underlined. The text recommended for deletion is identified by ~~strikethrough~~. Staff commentary is identified in *blue italics* to provide insight regarding that specific amendment/change.

Sec. 17-3. General provisions.

(d) ***Dedication and reservation of lands.*** Streets, Highways, Trails, Parks, Drainageways, Stormwater Facilities, and Floodplain. Whenever a tract of land to be divided or developed within the jurisdiction of this ordinance encompasses all or any part of a street, highway, trail, park, drainageway, stormwater facility, floodplain, or other public way which has been

designated on ~~the a duly adopted municipal or regional official map, comprehensive plan, or other plan officially adopted by is in any way determined to be such by the Plan Commission or Common Council, said public way shall be dedicated or reserved by the owner in the locations and dimensions indicated on said plan or component and as set forth in this ordinance.~~

Sec. 17-4. Preplatting requirements.

(a) **Preplatting conference.** Prior to submitting an application for the approval of a Preliminary Plat within the corporate limits, the subdivider shall schedule a preplatting conference with the City Engineer or ~~his or her~~ their designee. The purpose of the preplatting conference is to provide an opportunity for communication between the ~~developer~~ subdivider and City staff, regarding the purpose and objectives of these regulations, the Official Map, eComprehensive pPlan, Comprehensive Outdoor Recreation Plan, Trails Master Plan, zoning regulations, erosion control and stormwater management practices, neighborhood plans, and duly adopted plan implementation devices of the City, and to otherwise assist the subdivider in planning the development. The subdivider will receive information regarding required procedures.

(1) The City staff involved in the preplatting conference shall include, but not be limited to, representatives from the Department of Public Works, Community and Economic Development Department, Parks, Recreation and Facilities Management Department, and Fire Department.

(b) **Required information.** The following information shall be submitted to the City Engineer or ~~his or her~~ their designee prior to the preplatting conference:

(1) The scaled sketch plan shall show:

- a. The title, scale, north point, and date;
- b. The boundaries of the property to be subdivided;
- c. Natural characteristics such as drainage, wetlands, steep slopes, hills, ridges, floodplains, environmentally sensitive lands, and wooded areas;
- d. Development characteristics such as surrounding streets, existing structures, and available utilities;
- e. The proposed layout of streets, blocks, and lots;
- f. The proposed location of business, parkland, trails, and other nonresidential areas;
- g. Existing easements and covenants affecting the property; and
- h. Where site conditions permit, any tract subdivided into parcels containing one (1) or more acres shall be arranged to allow future resubdivision of any parcels into smaller lots.

(2) The scaled location sketch shall show the relationship of the proposed subdivision to:

- a. Traffic arterials;
- b. Schools, parks, playgrounds, trails, and other community facilities;
- c. Churches and retail facilities;
- d. Public transportation;
- e. Local zoning districts; and
- f. Existing plats.

(Code 1965, §21.16, Ord 200-01, §1, 12-24-01, Ord 140-06, §1, 12-26-06)

- (3) The subdivider shall indicate how they propose to accommodate parkland and/or trail needs in a manner that is consistent with §17-29.

Comments: Listed the City departments to be involved in preliminary platting discussions, as noted above. Clarified that park/trail needs are items to be evaluated during the pre-submittal process.

Sec. 17-29. Dedication of public parks and other public sites and open spaces.

~~(a) **Purpose.** In order~~ The requirements of this section are established to ensure that adequate parks, open spaces, and sites for other public uses may be properly located and preserved as the community develops, and in order This section has also been established to ensure that the cost of providing park and recreation sites and facilities necessary to serve the additional families people brought into the community by subdivision development may be most equitably apportioned on the basis of the additional need created by the individual subdivision or minor land division development, the following provisions are established: The requirements shall apply to all lands proposed for all residential development.

(b) **Applicability.** Any subdivision or minor land division (certified survey map) approval which enables the creation of additional dwelling units, and that has not already been subject to the requirements of this section, shall require compliance with the parkland and/or trail dedication and fee in lieu of dedication requirements included in this section.

(c) **Exception.** Reconfiguration of existing lots and redevelopment which does not create new, additional lots shall not be subject to the provisions of this section. Zoning districts not listed in the tables under §17-29(e)(1) and §17-29(f)(1) are exempt from the provisions of this section.

(d) **Conformance with adopted ordinances and planning documents.** The location, size, standards, and recommendations related to parkland and/or trail dedication and fee in lieu of parkland and/or trail dedication shall be consistent with the following adopted city documents: Official Map, Comprehensive Plan, Comprehensive Outdoor Recreation Plan, Trails Master Plan, and/or other document officially adopted by Common Council.

Comments: Created the paragraph above regarding consistency with municipal plans in order to comply with 2017 Wisconsin Act 243, particularly Section 236.45(6) of the Wisconsin State Statutes.

~~(a) **Reservation of potential sites.** In the design of the subdivision or minor land division, consideration shall be given to the adequate provision of and correlation with such public sites or open areas. Where it is determined by the Plan Commission that a portion of that subdivision or minor land division is required for such public sites or open spaces, the subdivider may be required to reserve such area for a period not to exceed three (3) years, after which the City shall either acquire the property or release the reservation.~~

~~(b) (e) **Dedication of sites Parkland and/or trail dedication.** Within the corporate limits of the City, the subdivider shall dedicate land to provide for park, trail, and/or recreation needs in accordance with the adopted ordinances and planning documents described in subsection (d) above.~~

~~(1) Within the corporate limits of the City, the subdivider shall provide and dedicate to the public either a minimum of five (5) acres of land to provide for park and recreation needs of the community as required by the adopted comprehensive plan or as determined by the Plan Commission in conjunction with the subdivider and in **Dedication area calculation.** The dedication to the public shall be a minimum of three (3) acres or an amount of land to be determined in accordance with the zoning classification intended for each lot in the subdivision as specified in the following table, whichever is greater.:~~

<i>Types of Dwelling Units and Zones</i>	<i>Percent Allocation of Total Gross Residential Acreage</i>
R-1A zone, one family	5
R-1B and R-1C zone, one family	6

R-2 zone, two-family	8
R-3 zone, apartment	12
PD (Planned Development Overlay—Residential)	12

<u>Zoning District</u>	<u>Land Dedication (per dwelling unit)</u>
R-1A, R-1B, R-1C, and R-2	800 square feet
R-3, PD, and TND	650 square feet

Comments: Changed the land dedication amount as shown above based on the “Public Facility Needs Assessment” completed by Baker Tilly and approved by Common Council on December 7, 2022. The Baker Tilly report included irregular numbers (789.11 square feet for single-family and 667.26 square feet for multi-family), so the numbers above were rounded up and down, respectively. Adjusted from a minimum of five acres to a minimum of three acres based on direction from the Parks, Recreation, and Facilities Management Department. Streamlined the table above to improve usability.

- (2) **Dedication consultation and land evaluation.** The location, suitability, and dimensions of the land to be dedicated shall be determined in consultation between the subdivider and appropriate City departments (see §17-4), prior to submission of the preliminary plat or certified survey map. The land to be dedicated must be free of wetlands, floodplain, or other limitations that would prevent the land from being used for parkland purposes, unless this requirement is waived by the Director of Parks, Recreation and Facilities Management or their designee.
- a. Factors used in evaluating the adequacy of land to be dedicated shall include, but not be limited to, size, shape, topography, geography, tree cover, access, and location of people to be served.
 - b. Stormwater ponds may be located within the land to be dedicated, but pond square footage shall not count toward the dedication requirement unless designed and constructed to serve as a park amenity, as determined by the Director of Parks, Recreation and Facilities Management or their designee.

Comments: Identified factors above to be considered when evaluating the feasibility of land for dedication, with the goal of having land dedicated that is usable for park development and programming purposes.

- (3) **Reservation of additional land.** Where the adopted ordinances and planning documents described in §17-29(d) call for a larger amount of land than the subdivider is required to dedicate, the land needed beyond the minimum amount shall be reserved for subsequent purchase by the City. Such acquisition must occur within three (3) years from the date of approval of the final plat or certified survey map, unless the timing or other details regarding the conveyance are modified by the development agreement. If such acquisition does not occur within the specified time period, the City shall release the reservation.
- (2) ~~Where such dedication is not feasible or is not compatible with the comprehensive plan, the subdivider shall in lieu thereof pay to the City a fee according to the zoning classification intended for each lot in the subdivision as specified in the following table:~~

<u>Types of Dwelling Units and Zones</u>	<u>In Lieu of Payment (per unit)</u>
R-1A zone, one family	\$300.00
R-1B zone, one family	\$300.00
R-1C zone, one family	\$300.00
R-2 zone, two family	\$200.00
R-3 zone, apartment	\$150.00
PD (Planned Development Overlay—Residential)	\$150.00

~~(3) Such fees shall be held in a nonlapsing fund to be used exclusively for immediate or future site acquisition or capital improvement.~~

(e) ~~(f) **Proportionate payment in lieu of parkland and/or trail dedication.** Where such dedication is not feasible or is not consistent compatible with the comprehensive plan adopted ordinances and planning documents described in subsection (d) above, the subdivider landowner shall, in lieu thereof, pay to the City a fee equivalent to the value of the required dedication. Such fee should be distributed and paid as follows:~~

~~(1) **Fee amount.** In lieu of parkland and/or trail dedication, the landowner shall pay to the City a fee according to the zoning classification of each lot as specified in the following table:~~

<u>Zoning District</u>	<u>In Lieu Payment (per dwelling unit)</u>
<u>R-1A, R-1B, R-1C, and R-2</u>	<u>\$1,100.00</u>
<u>R-3, PD, and TND</u>	<u>\$900.00</u>

Comments: Changed the fees as shown above based on the "Public Facility Needs Assessment" completed by Baker Tilly and approved by Common Council on December 7, 2022. The Baker Tilly report included irregular numbers (\$1,097.29 for single-family and \$927.83 for multi-family), so the numbers above were rounded up and down, respectively. Repositioned and streamlined the table above to improve usability.

~~(1) No payment shall be required for a lot created by the subdivision of land under this ordinance on which a residential structure already exists, or which is a residential parcel in excess of one hundred twenty (120) acres and not intended for immediate sale or other conveyance.~~

~~(2) (2) **Fee collection.** The required payment shall be made before the certification of approval may be affixed to the Final Plat by the landowner upon the issuance of a building permit for individual lots.~~

Comments: Revised the paragraph above regarding the timing for fee payment in order to comply with 2017 Wisconsin Act 243, particularly Section 236.45(6) of the Wisconsin State Statutes.

~~(3) **Fee deposit.** Such fees shall be deposited and held in a nonlapsing fund to be used exclusively for immediate or future site acquisition or capital improvement.~~

~~(3) (4) **Further division of land.** After the Final Plat has been recorded, no If a lot or parcel may be is further divided, by replat, or conveyance as defined in W.S.A. §706.01(3), and no building permit may be issued, unless: payment of the fee as specified in this section must be made, upon issuance of a building permit, for each additional undeveloped lot or parcel created by the land division.~~

~~a. Such further division has been approved by the Plan Commission as being in accordance with the purpose of this ordinance and with the purposes of W.S.A. Chapter 236;~~

~~b. Payment of the fee as specified in §17-28(3) shall be made for each additional lot or parcel created by the division; and~~

~~e. The proportionate payment in lieu of dedication as set forth in this section shall be paid for all certified survey maps, and the Register of Deeds of the county in which the land is located shall not accept a certified survey map for record unless the map has been approved by the Common Council.~~

~~(g) **Provision of land for trails.** The following requirements are included in this chapter to recognize the importance of trails within and between developments. Trails provide access to parks, open spaces, and other community destinations.~~

~~(1) Within the corporate limits of the City, the subdivider shall provide land for trail needs in accordance with the adopted ordinances and planning documents described in subsection (d) above. The location, suitability, and dimensions shall be determined in consultation between the subdivider and appropriate City departments (see~~

§17-4), prior to submission of the preliminary plat or certified survey map. The following factors and criteria shall be considered:

- a. A subdivision and/or minor land division adjacent to an existing trail shall provide connection(s) to said trail.
 - b. A subdivision and/or minor land division in an area identified with a proposed trail, per the Trails Master Plan, shall accommodate future trail placement using outlot(s) dedicated to the public and/or widened street right-of-way. In limited cases, the use of easements may also be considered.
 - c. Outlots dedicated to the public for trail purposes shall be exempt from any dimensional standards on lot width and lot area found in Chapter 23, Zoning of the Municipal Code and from lot design standards found in §17-26. These outlots must be noted as such on the Final Plat or Certified Survey Map.
 - d. Exact trail placement and configuration is adaptable, based on site features at the time of subdividing. The location and dimensions of land needed for a trail shall reasonably accommodate development of the property. To allow for trail pavement, clearances, and other amenities, a corridor width of twenty (20) feet will be considered typical.
 - e. Unless otherwise agreed upon, the City is responsible for design, construction, and maintenance of trails after the land is dedicated or transferred to the City.
 - f. Rules governing trail use are found in Chapter 13, Parks and Recreation of the Municipal Code.
- (2) The area of the outlot(s) and/or widened street right-of-way dedicated for trail purposes shall be counted toward the parkland dedication requirement as specified in §17-29(e).

Comments: Created the section above to include trails in the dedication process and aid in the implementation of the Trails Master Plan.

~~(d)~~ (h) **Determination of feasibility.** The determination as to the feasibility of dedication shall be made by the Common Council City Plan Commission. When dedication to the public is proposed for a certified survey map, the acceptance of the dedication must be approved by Common Council before administrative approval of the certified survey map. (Code 1965, §21.13(1)(c); Ord 55-94, §1, 4-20-94; Ord 67-94, §1, 6-18-94, Ord 200-01, §1, 12-24-01, Ord 140-06, §1, 12-26-06; Ord 44-09, §1, 3-10-09)

Sec. 17-30. Identification of dedicated areas.

All areas to be dedicated to the public for ~~except~~ streets shall be clearly identified as such on the Final Plat or Certified Survey Map. All other areas to be dedicated for public use shall be clearly identified on the Final Plat or Certified Survey Map, with its intended purpose noted. (Code 1965, §21.13(1)(d), Ord 200-01, §1, 12-24-01, Ord 140-06, §1, 12-26-06)

Sec. 17-31. Reservation of ~~road~~ street widths.

Minimum street right-of-way widths are identified in §17-25. Any street ~~Road~~ widths requested in excess of the minimum primary arterial rights of way established in this ordinance are required to requirements must be reserved as specified in §17-29(e)(3). (Code 1965, §21.13(2)(a), Ord 200-01, §1, 12-24-01, Ord 140-06, §1, 12-26-06)

Sec. 17-32. Reservation of public sites.

Where sites for parks, schools, playgrounds or other public uses ~~except streets, as shown in the comprehensive plan,~~ are located within the subdivision or minor land division area, the Common Council shall require that the sites be reserved by the

subdivider ~~for a period of two (2) years from the date of approval of the Final Plat as specified in §17-29(e)(3). If the a government agency, other than the City, concerned passes a resolution expressing its intent to acquire the land so to be reserved, the reservation process and time period specified in §17-29(e)(3) shall apply be extended for an additional six (6) months. Public reservations shall be clearly identified on the plat; e.g., “Reserved for Public School Site”. The Council may by resolution waive any reservation so required.~~

(Code 1965, §21.13(2)(b), Ord 200-01, §1, 12-24-01, Ord 140-06, §1, 12-26-06)

Sec. 17-33. Private reservations.

Reservation of areas for the exclusive use of the occupants of a subdivision may be permitted by the Common Council when such reservations will not be contrary to the public health, safety, morals or general welfare, and such areas shall be clearly identified on the preliminary and final plats or certified survey maps as private reservations.

(Code 1965, §21.13(2)(c), Ord 200-01, §1, 12-24-01, Ord 140-06, §1, 12-26-06)

Sec. 17-34. Right of refusal.

The number, size and location of all dedications, reservations or easements shall be subject to approval, and the Common Council shall ascertain that the proposed sites are suitable for the proposed uses. The Council retains the right to refuse any dedication. Upon refusal, an alternative parkland and/or trail dedication or payment in lieu of dedication shall occur.

(Code 1965, §21.13(3), Ord 200-01, §1, 12-24-01, Ord 140-06, §1, 12-26-06)

Sec. 17-35. ~~Accomplishment~~ Acceptance of dedication.

When a final plat of a subdivision located in the City has been approved by the Common Council and all other required approvals are obtained and the plat is recorded, that approval constitutes acceptance for the purpose designated on the plat of all lands shown in the plat as dedicated to the public, including street dedications. This also applies to certified survey maps following the process described in §17-29(h).

(Code 1965, §21.13(4), Ord 200-01, §1, 12-24-01, Ord 140-06, §1, 12-26-06)

RECOMMENDATION

Pending public comments, staff recommends the text amendments to Chapter 17 Subdivision Ordinance of the Municipal Code relating to Section 17-3 General Provisions, Section 17-4 Preplatting Requirements, Section 17-29 Dedication of Public Sites and Open Spaces, Section 17-30 Identification of Dedicated Areas, Section 17-31 Reservation of Road Widths, Section 17-32 Reservation of Public Sites, Section 17-33 Private Reservations, Section 17-34 Right of Refusal, and Section 17-35 Accomplishment of Dedication, as identified in this report, **BE APPROVED**.

CITY OF APPLETON

Appleton, Wisconsin

FEE-IN-LIEU OF LAND DEDICATION AND PUBLIC FACILITY NEEDS ASSESSMENT

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Dated: March 7, 2022

Table of Contents

	<u>Page No.</u>
Executive Summary	1 – 2
Introduction	3
Section A – Statutory Requirements	4
Section B – Compliance with Wisconsin Fee in Lieu of Land Dedication	5 – 6
Section C – Fee Calculation and Land Dedication Requirements	7 – 10
Appendix A	11 - 12

Executive Summary

The purpose of this project was to evaluate and update the City's current fee-in-lieu of land dedication under Wisconsin Statute, Chapter 236, and Section 236.45 Local Subdivisions Requirements. If a municipality charges a fee-in-lieu of land dedication in accordance with Wisconsin State Statute 236.45(6) (am), the municipality must follow the procedures under s. 66.0617 (3) to (5) and meet the requirements under s. 66.0617 (6) to (10).

According to the City of Appleton's (the "City") 2019-2023 Comprehensive Outdoor Recreation Plan (page 14), the City is expecting to have population growth of 3.0% every decade. This anticipated growth will require additions to the City's parkland and park facilities. A fee-in-lieu of land dedication will continue to assist in financing the acquisition or initial improvement of land for public parks.

The City currently charges a fee in lieu of land dedication as established by the following ordinance:

Appleton, WI Municipal Code, Sec. 17-29. Ordinance No. 44-09, 3-10-2009

Per the City, they have not updated the fee-in-lieu of land dedication since 2009.

This document serves as a summary of Baker Tilly's analysis of the City's existing fee-in-lieu of land dedication. It also serves to satisfy the statutory obligations as outlined in Wisconsin Statute 66.0617 and Wisconsin Statute 236.45 to update its existing fees and public facility needs assessment. The primary resources used in this development of this study include:

- > The City used the *The City of Appleton 2019-2023 Comprehensive Outdoor Recreation* (the Plan) as the facility needs assessment.
- > *The City of Appleton 2019-2023 Comprehensive Outdoor Recreation* (the Plan) as prepared by Rettler Corporation adopted on September 18, 2019. See the acknowledgements section of the Plan for those that were involved in its creation. The Plan is located on the City's website. <https://appletonparkandrec.org/wp-content/uploads/2020/03/FINAL-Appleton-CORP-2019.pdf>
- > *The park inventory listing as provided by the City*. This document was compiled by the City from the Plan. Refer to Appendix A.
- > *The land cost as provided by the City*. The land cost is based on the City-wide average cost of unimproved land acquisition based on recent land sales and the cost to improve the land for public parks. Per s. 236.45(6)(ac), "improvement for public parks" means grading, landscaping, installation of utilities, construction of sidewalks, installation of playground equipment, and construction or installation of restroom facilities on land intended for public park purposes." The average of four recent sales was used to determine an average cost per acre. The four sales include the following:

Tax Municipality	Close Date	Price	Acres Est	\$/Acre	Comments
City of Appleton	3/1/2021	\$149,900	2.81	\$53,345	single building site w/public water & sewer
City of Appleton	10/2/2020	\$161,405	2.74	\$58,907	single building site w/public water & sewer
City of Appleton	12/23/2020	\$158,500	2.68	\$59,142	single building site w/public water & sewer
City of Appleton	10/5/2020	\$142,500	2.01	\$70,896	single building site w/public water & sewer
			average	\$60,572	

Executive Summary (cont.)

- > *U.S. Census data 2019 5-year estimates* related to persons-per-household per dwelling unit type.

<https://data.census.gov/cedsci/table?t=Housing&g=1600000US5502375&tid=ACSDP5Y2019.DP04&hidePreview=true>

This study should be read in conjunction with these resources. We provide no assurance on the accuracy of the resources used to develop this study.

Introduction

As previously stated in the Executive Summary, the City expects to experience population growth through 2030. Planning responsibly for new growth within a community is one of many challenges facing local governments. Effective accommodation of this development requires additional park land to accommodate growth as well as the construction and upgrade of public facilities and infrastructure to serve new residents.

It is common that during the construction and upgrade of public infrastructure, many residents and businesses that will occupy the newly developed areas of the community may not yet be present. The purchase of land and the development of land often precedes the inhabiting of the property. While this may be an obvious fact, it holds important consequence for the public financing of new development. In order to apportion the public costs of new development fairly and responsibly, some measures must be undertaken to ensure that the entire cost of accommodating new development is not born solely by the current residents of the municipality. One such measure to accomplish this goal is the use of a fee-in-lieu of land dedication to offset the initial cost to local taxpayers of satisfying the additional demand on the public infrastructure and park land.

Section A – Statutory Requirements

A fee-in-lieu of land dedication must follow the requirements of Wisconsin State Statute Chapter 236 – Platting Lands and Recording and Vacating Plats. See the requirements below.

In addition, if a municipality charges a fee-in-lieu of land dedication in accordance with Wisconsin State Statute 236.45(6) (am), the municipality must follow the procedures under s. 66.0617 (3) to (5) and meet the requirements under s. 66.0617 (6) to (10). The City understands these requirements.

Wisconsin State Statute Chapter 236.45(6) – Requirements for Approval Conditions

- > *Per Subsection(6)(ac), “Improvement of land for public parks” means grading, landscaping, installation of utilities, construction of sidewalks, installation of playground equipment, and construction or installation of restroom facilities on land intended for public park purposes.*

Based on the definition above, only allowable costs are included in the fee-in-lieu of land dedication.

- > *Per Subsection (6)(b), any land dedication, easement, or other public improvement or fee for the acquisition or initial improvement of land for a public park that is required by a municipality, town, or county as a condition of approval under this chapter must bear a rational relationship to a need for the land dedication, easement, or other public improvement, parkland acquisition or initial improvement fee resulting from the subdivision or other division of land and must be proportional to the need.*

The City is meeting this requirement. The City is providing a service level of 6.99 acres per 1,000 residents. See Appendix A.

- > *Per Subsection (6)(c), If a subdivision ordinance of a municipality, town, or county requires, as a condition of approval under this chapter, that a subdivider dedicate land for public park, the municipality, town or county may offer the subdivider the option of either dedicating land consistent with the municipality’s, town’s or county’s park plan and comprehensive plan or paying a fee or other charge under par (am) in lieu of the dedication. If the subdivider elects to pay a fee or other charge under the paragraph, the fee or other charge is payable by the landowner to the municipality, town, or county upon issuance of a building permit by the municipality, town, or county. If the subdivider elects to dedicate land under this paragraph, unless the municipality, town, or county agrees otherwise, the subdivider only may dedicate land that is consistent with the municipality’s, town’s or county’s park plan and comprehensive plan.*

See Section C for the fee-in-lieu of land dedication fee calculation and the land dedication square footage requirements. If land dedication is selected, the City’s land dedication standard is 423.66 square feet per person. See the assumptions and calculations in Section C.

NOTE: The fee-in-lieu of land dedication requirements outlined in this section are subject to change by the legislature at any time. Refer to the state statute for the statutory requirements.

Section B – Compliance with Wisconsin Fee-in-lieu of Land Dedication Requirements

Fee-In-Lieu of Land Dedication Process

See Wisconsin State Statute 66.0617 for the detailed process. In addition, if a municipality charges a fee-in-lieu of land dedication in accordance with Wisconsin State Statute 236.45(6), the municipality must follow the procedures under s. 66.0617 (3) to (5) and meet the requirements under s. 66.0617 (6) to (10).

The process followed and information utilized in the development of the fee-in-lieu of land dedication is summarized below:

- Requires a Public Hearing (s. 66.0617 (3)):
 - Class 1 notice under Chapter 985
 - Provide copy of proposed ordinances
 - Provide public facilities needs assessment
- Based on a Public Facilities Needs Assessment (s. 66.0617 (4)):
 - Inventory of existing facilities, including deficiencies
 - Identification of new public facilities
 - Estimated (or actual) capital cost of new public facilities
 - Effect of recovering capital costs on affordable housing
 - Available for public inspection and copying in the office of the clerk at least 20 days before hearing
- Establish Accounting Requirements:
 - Use of funds restricted
 - Subject to refund
- Specify Appeal Procedure (s. 66.0617 (10))

Section B – Compliance with Wisconsin Fee-in-lieu of Land Dedication Requirements (cont.)

Imposition of the Fee-in-lieu of Land Dedication

The park fee-in-lieu of land dedication will be due upon issuance of a building permit.

Wisconsin State Statute Section 66.0617(7) – Low-Cost Housing

In general, the level of the fees in relation to average housing cost should not impede the affordability of low-cost housing. For example, including the proposed single-family fee-in-lieu of land dedication of \$1,115, in a typical 30-year mortgage at 3% interest would equate to an additional monthly payment of \$4.85. According to Zillow, the median home price in Appleton is \$204,832 (a). Assuming a down payment of 20%, the average monthly mortgage payment would be \$691. The fee-in-lieu would be 0.7% of the monthly payment. In addition, if the owner of a multifamily dwelling were to include the proposed multi-family fees of \$943 in a mortgage with the same terms, the additional monthly payment would be \$3.98 or 0.4% of the monthly payment.

Information from the 2015-2019 US Census showed that the City of Appleton's median household income was \$58,112 (2019 dollars). Wisconsin's median household income was \$61,747 (2019 dollars).

(a) <https://www.zillow.com/appleton-wi/home-values/>

Updates to the Report

The fee-in-lieu of land dedication should be evaluated for adjustment at least every five years to account for increases / decreases in raw land costs, grading and utilities. The City may also wish to adjust the fee periodically based on the Engineering News Record Municipal Cost Index. This will allow for changes in growth, project costs, estimates or other projects to be incorporated into the fees. See assumptions for recommendations.

Section C – Fee Calculation and Land Dedication Requirements

Assumptions

- > The fee in lieu of parkland dedication was last updated in 2009.

The City's current 2019-2023 Comprehensive Outdoor Recreation Plan (the Plan) was used as the basis for this study. This Plan was approved on September 18, 2019. As noted in the Plan, "A growing body of research provides evidence of the importance of parks, open space, and leisure programming to the environmental, social, and economic health of Communities." The plan also supports the guidelines established in the City of Appleton 2010-2030 Comprehensive Plan. Both plans can be found on the City website.

<https://appletonparkandrec.org/wp-content/uploads/2020/03/FINAL-Appleton-CORP-2019.pdf>

<https://www.appleton.org/government/planning/city-of-appleton-comprehensive-plan-2010-2030>
- > According to the City, 2020 Census data indicate the 2020 population estimate for the City is 75,644, which is an increase of approximately 3,021 since the 2010 U.S. Census (72,623 population) or a 4.1% increase. <https://www.census.gov/quickfacts/appletoncitywisconsin>
- > The City's fee-in-lieu of land dedication standard is based on 529.08 acres of parkland. This is comprised of 242.06 acres of community parks, 178.32 acres of neighborhood parks and 108.70 acres of special use parks such as Houdini Plaza and Reid Golf Course.
- > The land costs to calculate the fee-in-lieu of land dedication is based on the City-wide average cost of land acquisition and "improvements of land for public park costs" as allowed for under Chapter 236. Recent raw land sales with utility improvements show the average cost per acre is \$60,572. This is also referenced on Page 1.
- > Park development fees will not be assessed to nonresidential land uses as park usage is primarily residential in this community.
- > The Park & Open Space standards can be found in the City of Appleton 2019-2023 Comprehensive Outdoor Recreation Plan.
- > For purposes of this analysis, it is assumed that there will be an average of 2.59 persons per household for single-family housing units and 2.19 persons per household for duplex and multifamily housing units as per recent census data.

Section C – Fee Calculation and Land Dedication Requirements (cont.)

Assumptions (cont.)

- > The fee-in-lieu of land dedication standard used for consideration in this study is comprised of “active-parks” of 529.08 acres. While the type of land dedicated by developers is typically used for the development of active use parks, such use is not required. The city is currently providing 6.99 acres of parkland per 1,000 residents using the 2020 population of 75,644. The calculation is $(529.08 / 75,644) * 1,000 = 6.99$.
- > The City’s land dedication requirement is 304.67 square feet per person. This is computed as follows: $(6.99 \text{ acres} * 43,560 \text{ square feet in an acre}) / 1,000 = 304.67 \text{ square foot per person}$. This is then multiplied by the persons per household to determine the land dedication square footage.

Recommendation

The City should consider whether its existing fee-in-lieu of land dedication fee should be updated with the fees identified and explained on the following pages.

Section C – Fee Calculation and Land Dedication Requirements (cont.)

Fee Summary

Dwelling Unit Type	1 (A) Persons per Household	2 Cost per Person	3 (1*2) Fee
Single Family	2.59	\$ 423.66	\$ 1,097.29
Multi-Family	2.19	\$ 423.66	\$ 927.83
Standards:			
Cost standard per acre			<u>\$ 60,572</u> B
Parkland acres per 1,000 residents			<u>6.99</u> C
Cost per Person:			
	Cost standard per acre		\$ 60,572 B
	Multiplied by: acres per person		<u>0.0069943</u> per above
	Cost per person		<u>\$ 423.66</u>
A) Source: U.S. Census Bureau			
B) Per the City of Appleton - based recent land sales w/utilities			
C) Per the City of Appleton CORP			

Section C – Fee Calculation and Land Dedication Requirements (cont.)

Land Dedication

If land dedication is selected versus paying a fee-in-lieu of land dedication, the following land dedication square footage applies and will be applied prior to the Final Plat:

Land Dedication Requirement			
Dwelling Unit Type	1 (A) Persons per Household	2 Square Foot per Person	3 (1*2) Land Dedication Square Footage
Single Family	2.59	304.67	789.11
Multi-Family	2.19	304.67	667.26
Standards:			
Square feet per acre			<u>43,560</u>
Parkland acres per 1,000 residents			<u>6.99</u> B
Square Foot per Person:			
Parkland acres per person (7.11 / 1,000)			0.006994 B
Multiplied by: Square feet per acre			<u>43,560</u> per above
		Square feet per person	<u>304.67</u>
A) Source: U.S. Census Bureau			
B) Per the City of Appleton			

APPENDIX A

	<u>Park</u>	<u>Park Type</u>	<u>Acres</u>
<u>Included In Park Improvement Calculation</u>			
1	Appleton Memorial (AMP)	Community	140.10
2	Erb	Community	27.75
3	Pierce	Community	34.91
4	Telulah	Community	39.30
	Subtotal		<u>242.06</u>
1	Alicia	Neighborhood	12.00
2	Arbutus	Neighborhood	3.44
3	City	Neighborhood	8.00
4	Colony Oaks	Neighborhood	7.88
5	Derks	Neighborhood	9.07
6	Einstein	Neighborhood	6.60
7	Ellen Kort Peace	Neighborhood	3.38
8	Green Meadows	Neighborhood	5.60
9	Highview	Neighborhood	12.59
10	Hoover	Neighborhood	11.60
11	Jaycee	Neighborhood	4.00
12	Jones	Neighborhood	5.75
13	Kiwanis	Neighborhood	6.50
14	Linwood	Neighborhood	9.50
15	Lions	Neighborhood	4.40
16	Lutz	Neighborhood	2.70
17	Mead	Neighborhood	8.50
18	Lundgaard	Neighborhood	7.02
19	Peabody	Neighborhood	16.20
20	Pioneer	Neighborhood	0.52
21	Providence	Neighborhood	3.33
22	Schaefer	Neighborhood	6.40
23	Summit	Neighborhood	5.49
24	Veterans	Neighborhood	2.00
25	Vosters	Neighborhood	5.10
26	Vulcan Heritage	Neighborhood	2.05
27	Woodland	Neighborhood	8.70
	Subtotal		<u>178.32</u>
1	Houdini Plaza	Special Areas	1.00
2	Reid Golf Course	Special Areas	107.60
3	Union Springs	Special Areas	0.10
	Subtotal		<u>108.70</u>
	Total Park Acreage		<u>529.08</u>
	2020 Population		75,644
	Parkland per 1,000 residents		6.99