

## Item 22-1579: Proposed Draft Text Amendments to Chapter 17 Subdivision Ordinance of the Municipal Code

City Plan Commission  
Wed, Dec 14, 2022 3:30PM

### Mayor Jake Woodford 10:27

Move on now to information items. We have one information item this afternoon. It's item 22-1579 proposed draft text amendments to chapter 17 subdivision ordinance of the municipal code. And Dave is going to tell us about that.

### Principal Planner David Kress (Planning) 10:42

Thank you, Mayor. Just to start us off, from a procedural standpoint, the reason that this item is here as an information item is really just to allow for open discussion among plan commission members and for us as staff to gather feedback from you all. Assuming at the end of this discussion, that you're comfortable with the language moving forward, we would then bring it back to an upcoming Planning Commission meeting for action purposes. So really meant to be more of a free form discussion for us to kind of explain how we arrived at the draft language that's before you this afternoon. My presentation today will really just kind of keep a high-level overview in terms of the background and purpose.

### Principal Planner David Kress (Planning) 11:26

This is a collaborative effort that took a lot of staff from various departments. So, Amanda, Karen, Don, and Tom feel free to jump in at any point. It was really, I thought, a really good collaborative effort among staff from like, I said, various city departments. This is also an ongoing effort, just want to make that clear plan commission that we're looking at revisiting and refreshing all of chapter 17. The amendments that are here today are really just the first bundle of text amendments that we wanted to bring forward because they're focused on a specific topic, and from a timeliness standpoint, we wanted to keep it tracking with a report that was approved at Common Council last week. So just a heads up there that there will likely be additional subdivision ordinance text amendments coming in the weeks and months ahead.

### Principal Planner David Kress (Planning) 12:17

In terms of, you know, primary objectives that we were looking to accomplish with the language that's drafted and before you today, had a bulleted list in the staff report, but I'll just revisit them quickly here and then happy to open it up for questions and commentary. So, like I referenced before, we're attempting to incorporate recommendations from a report that was prepared by Baker Tilly on behalf of Parks Recreation and facilities management department. That report really focuses primarily on our standards for parkland dedication and fee in lieu of dedication. That report was also attached to the plan commission agenda and like I said, was approved by Common Council last week and serves as the basis for the changes that you'll see in the draft code language for the dollar amount for the fee in lieu of dedication and then also the square footage amount that's included for the parkland dedication requirements. So that was one of the primary objectives.

### Principal Planner David Kress (Planning) 13:15

Another was to really emphasize the importance of trails and include trails in the overall dedication process and more broadly aid in the implementation of the trails Master Plan, which was approved by Council a few years back. So, there's now an entire section devoted to trails within the subdivision ordinance as proposed. Another primary objective was to comply with some changes in state statute. There's Wisconsin Act 243 that was approved a few years back that has language pertaining to parkland dedication and fee in lieu of dedication. Primarily, what that means for the drafted language today is we added some additional language that makes

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sure to make it clear that any require dedication must be consistent with municipal plans. So really emphasizing that that needs to occur and also listing which plans we take into account. So, Trails Master Plan being one of them, the Comprehensive Plan, the overall Comprehensive Outdoor Recreation Plan, among others.

**Principal Planner David Kress (Planning) 14:10**

The other really noteworthy piece from that Wisconsin Act 243 is it changes the way and the timing for payment of fee if. If ultimately, folks choose to go with a fee in lieu of land dedication route that would now be collected at the time of building permit. Has some impacts in terms of how we operate. I think we have a pretty good handle on how we'll handle that from a staff standpoint, but it is a change because up until this point that has been paid prior to final signatures being affixed to the to the plat and therefore the developer was making that payment. Now it'll happen at the time of building permanent meaning that whoever happens to own the land at that time, whether it's the private property owner or a contractor on behalf of a private property owner, that would be the individual paying the fee at that time.

**Principal Planner David Kress (Planning) 14:56**

And then last primary objective which is a little bit more broad brush, prop rush, excuse me, it's just to simplify and clarify expectations and just improve the overall usability of the report. And again, just to really emphasize that parks and trails are important amenities within our community, and we want the subdivision ordinance to reflect that importance. So, with that, I'll open it up for questions and comments.

**Mayor Jake Woodford 15:18**

Questions or comments from the Commission?

**Deputy Director Ross Buetow (Public Works) 15:20**

I think I think it's well done. I support both changes that went through this. I work on the CSM and platting process with the county so I'm a little jealous that you guys are making these changes. We'll get there. But yeah, it's pretty straightforward to me in understanding what you guys are looking to do—comply with state stats and then just upping the fees and making sure you make trails and your parks plan an important part of the development process. So well done.

**Principal Planner David Kress (Planning) 16:00**

Thank you.

**Deputy Director Ross Buetow (Public Works) 16:03**

Commissioner Fenton.

**Aldersperson Denise Fenton (District 6) 16:05**

Thank you, your honor. Just a question as regards the reasoning behind the timing change for the payment, moving, again, moving the liability more from the developer to the construction, and then possibly the, you know, an individual property owner—so can you kind of explain the reasoning behind that a little bit?

**Principal Planner David Kress (Planning) 16:30**

Sure. That's an excellent question. That's really driven by that Wisconsin Act 243, which was commonly called the developers' bill. And in this particular case, I think it's pretty obvious why it was called the developer's bill. It's advantageous to develop developers that they're not on the hook to make that payment. And instead, it would fall to the, like I said, contractor or homeowner, whoever happens to own a property at that particular time when pulling building permits.

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**Alderson Denise Fenton (District 6) 16:53**

So, this is—if I can follow up. So basically, this is being mandated by the state...

**Principal Planner David Kress (Planning) 17:00**

That's correct

**Alderson Denise Fenton (District 6) 17:00**

...to shift the burden from the developer to a contractor or an individual homeowner. Thank you.

**Mayor Jake Woodford 17:13**

I think it's safe to say though, that in, in reality, the, the initial purchaser of a property in a subdivision was paying this was paying this anyway. So yes, the sort of the optics of it are what they are, but I think the reality is likely that those fees were being absorbed by the—passed through to the purchaser anyhow.

**Mayor Jake Woodford 17:43**

No, I appreciate the work of staff on updating this section of the code. It has been a quite a process to work through, lots of consideration. I think at least a year of work, to, to work through these changes, and just really appreciate the effort of Parks Rec and Facilities, Community and Economic Development, Legal Services for the collaboration to move this forward. And I do think it underscores the importance of planning for park improvements and trail facilities as we continue to develop our city. Because as we see in already developed sections of the city, it is very difficult to go back and put parks into neighborhoods. It is very difficult to go back and put trail sections in if we don't have those in our in our plans on the front end. So, appreciate the efforts of staff to help facilitate that work for us as a city moving forward. And I will be supporting this recommendation. Sure, Ross. Feed off sorry.

**Deputy Director Ross Buetow (Public Works) 18:54**

Just one other, like, observation that that I see is a benefit to this is that it appears that this gives us a little more, as a city, a little more leverage to not only identify the size of the land to be dedicated but also the quality and the usable—how that land could be used that to the benefit of the community as well, not just square footage. So.

**Mayor Jake Woodford 19:18**

All right. Any other questions or comments from the Commission? All right, this being an information item, there's no action for us to take. So, with that, thank you again for the explanation, and we'll look forward to seeing this move its way through the process.

**Mayor Jake Woodford 19:36**

With that, I'll entertain a motion to adjourn.

**Deputy Director Ross Buetow (Public Works) 19:39**

Motion to adjourn.

**Mayor Jake Woodford 19:39**

Okay, we have motion is there a second? All those in favor, please signify by saying aye. Aye. Any opposed? We are adjourned. Thank you.