

VILLAGE OF WESTON  
NOTICE OF PUBLIC HEARINGS



NOTICE IS HEREBY GIVEN that public hearings will be held before the Village of Weston Plan Commission, on Monday, August 8, 2022, and before the Village Board on Monday, August 15, 2022, both at approximately, or shortly after, 6:00 p.m., at the Weston Municipal Center, 5500 Schofield Avenue, Weston, WI 54476, to take testimony relative to the following:

- 1. A public facilities needs assessment that supports a Village park and recreation impact fee on new residential development, replacing the Village's current park fee, to correspond with requirements of Sections 66.0617 and 236.45(6)(am) of Wisconsin Statutes.**
- 2. An ordinance to amend Chapters 74 (Subdivision Regulations) and 94 (Zoning Ordinance) of the Code of Ordinances, to make technical changes and respond to State law changes, including to adjust the park and recreation impact fee on new residential development within the Village limits.**

The hearing notice and applicable application materials are also available for public inspection on the Village of Weston website located at <http://westonwi.gov/421/Public-Hearing-Notices>. The proposed public facilities needs assessment and amendatory ordinance can be found on the Village's website at <http://www.westonwi.gov>.

Written testimony may be forwarded to the Village of Weston Plan Commission, Jennifer Higgins, Director of Planning & Development, 5500 Schofield Avenue, Weston, WI 54476, or emailed to [plandev@westonwi.gov](mailto:plandev@westonwi.gov), by noon, on Tuesday, August 2 and August 9, 2022, to be included in the meeting packets. All interested persons will be given an opportunity to be heard. Any person with questions or planning to attend needing special accommodations in order to participate should call 715-241-2613 or email [plandev@westonwi.gov](mailto:plandev@westonwi.gov).

Dated this 21st day of July, 2022

Pamela Brehm  
Village Clerk



To: Village of Weston Plan Commission

From: Mark Roffers, AICP, Village Planning Consultant, Keith Donner, Administrator & Jennifer Higgins, Director of Planning & Development

Date: July 11, 2022

Re: Proposed Park Fee Revisions and Subdivision Ordinance Amendments

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**Future Requests:** Recommendation from the Plan Commission and approval by the Village Board of (1) a “public facilities needs assessment” in support of amended park and recreational impact fee and (2) ordinance text amendments, mainly to the Village’s subdivision regulations, related to this fee and other matters. Pursuant to different statutory requirements, the Village will notice public hearings on these requests before the Plan Commission and the Village Board.

**Background:** Weston has required a fee in lieu of parkland dedication on new residential development since prior to its incorporation as a village in 1996, which is specified in its Subdivision Regulations (Chapter 74). This fee is charged where no or reduced dedicated public park land is included within the development. That fee amount has been \$244 per single family residential lot, \$446 per duplex lot, \$138 per one bedroom multiple-family unit, \$204 per two bedroom multiple-family unit, and \$244 per 3+ bedroom unit.

In 2018, the State adopted a new law that requires the village to re-adopt its park fee as an impact fee(s) under Section 66.0617 of Statutes. This State law requires that the fee amount be based on a “public facilities needs assessment,” and has other limitations that the village has to follow. Notably, these require collection of an impact fee at the time a building permit for a new residence is issued, rather than when a residential subdivision plat is approved or recorded (unless the developer agrees otherwise).

Meanwhile, the village has had a few years of experience with its fully updated Subdivision Regulations (Chapter 74), including over past few years with the Misty Pines subdivision. The State has adopted other law changes over this period. These have suggested the need for other minor amendments to Chapter 74.

**Proposal Overview:** The replacement “park and recreation impact fee” would be charged on a new residence where the subdivision or other development did not include any or sufficient improved public parkland to meet ordinance requirements. Therefore, this impact fee may not be required of every new residence in the village, or may be reduced, depending on the history of the development within which the residence is located.

The following park land and park improvement impact fees are smaller and differently focused than the fees suggested in 2020. In May 2020, the general direction we received from the Plan Commission was to reanalyze fee amounts and to shift the focus from fees to acquire parkland to fees to develop parkland already in the village’s possession. Development of the Prohaska Family Nature Center was specifically mentioned.

Following more recent guidance from the Plan Commission in June 2022, the proposed ordinance now includes a park and recreation impact fee of \$300 per single family residential unit and \$250 per duplex or multiple family unit.

The fee amounts are different because different types of housing units, on average, have different numbers of occupants (e.g., park users). These fees in the proposed ordinance are lower than the amounts the revised Impact Fee Needs Assessment would enable the village to charge, which is a policy decision of the village. That policy decision does not change the technical analysis in the Assessment that would have allowed for higher fees.

The proposed amendatory ordinance would make other changes to Chapter 74. Some of these changes are in response to other State law changes over the past few years. Other proposed changes address minor issues discovered with experience over the past few years. These are all minor and tend to add more flexibility to existing regulations.

The attached amendatory ordinance contains all of the proposed ordinance amendments. Language that is underlined would be new language in the zoning or subdivision code and language that is ~~crossed out~~ would be removed from the code. Language that is neither underlined or crossed out is existing code language that would remain, except where an entire section is proposed for repeal and replacement.

# PUBLIC FACILITIES NEEDS ASSESSMENT

This report supports a Village park and recreation impact fee on new residential development, replacing the Village's current fee in lieu of parkland dedication, to correspond with requirements of Sections 66.0617 and 236.45(6)(am) of Wisconsin Statutes

Village of Weston  
Marathon County,  
Wisconsin

Adopted by Village  
Board: DATE PENDING

Prepared with Assistance  
from MDROffers Consulting

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# I. Introduction

## Purpose of Report

This report serves as the “public facilities needs assessment” (“Needs Assessment”) for a park ~~land impact fee and a park improvement~~ and recreation impact fee on new residential development in the Village of Weston, as described in Section 66.0617(4) of Wisconsin Statutes (see Appendix A). This Needs Assessment:

- Includes an evaluation of existing public park and recreation facilities in the ~~v~~illage.
- Assesses projected future housing growth in Weston.
- Suggests capital improvements to the Village park and recreational system.
- Allocates the cost of these projected improvements to existing residents versus residents that will occupy new development.
- Arrives at a maximum per housing unit park ~~land and park improvement~~ and recreation impact fees for ~~public park land and for public recreational~~ associated improvements.
- Assesses the impact of imposing that impact fee on housing affordability.

This park ~~land impact fee and park improvement~~ and recreation impact fee would replace the village’s current fee in lieu of parkland dedication.

## Village Overview

The Village of Weston is located in Marathon County, Wisconsin, immediately southeast of the City of Wausau and east of the City of Schofield and Village of Rothschild. Weston is a suburban community with a mix of residential, commercial, industrial, health care, and institutional development. ~~The Wisconsin Department of Administration (DOA) estimates~~ Per the decennial U.S. Census, the village’s 2020 population ~~at was~~ 15,646,723 residents, an increase of ~~855,778~~ 855,778 residents (5.42%) ~~since~~ from 2010. The village’s land area is approximately 21.55 square miles.

## Weston Comprehensive Plan/Comprehensive Outdoor Recreation Plan

The Village of Weston’s Comprehensive Plan is the primary policy guide for future change in the community. The Comprehensive Plan is divided into three volumes. Volume 2–Vision and Directions includes the vision statement on the following page. To execute this vision, the Village enables residential development in planned locations and densities, as described by maps and policies in Volume 2 and elsewhere in its Comprehensive Plan.

Volume 2 includes a detailed Parks and Recreation chapter, which doubles as the Village’s comprehensive outdoor recreation plan under Wisconsin Department of Natural Resources (DNR) guidelines.

# The Village of Weston's Vision

The Village of Weston – It's Right Here. In Weston, it's time to welcome families, businesses, and sustainable new growth to the right kind of place in central Wisconsin. Weston's assets and opportunities include superior transportation access, recreational offerings, quality schools, available land base, business mix, and a growing population.

The Parks and Recreation chapter includes advice that the village will pursue the acquisition and development of neighborhood parks when new neighborhoods develop, as described in greater detail later in this Needs Assessment. That chapter also includes advice that the village will make improvements to its existing parks and -develop and maintain an all-season multi-use trail network. This include trails for hiking, biking, paddling, and snowmobiles, and at times will necessitate the acquisition of additional corridors and other lands for trails and support facilities (e.g., boat launches).

## Current Village Park Fee

Weston has required a fee in lieu of parkland dedication on new residential development since prior to its incorporation as a village in 1996 where no or reduced dedicated park land is included within the development. That fee amount has been \$244 per single family residential lot, \$446 per duplex lot, \$138 per one bedroom multiple-family unit, \$204 per two bedroom multiple-family unit, and \$244 per 3+ bedroom unit.

In 2018, the State legislature adopted 2017 Wisconsin Act 243, which amended Section 236(6)(am) of Wisconsin Statutes to read as follows:

“...a municipality, town, or county may not, as a condition of [subdivision plat or certified survey map] approval under this chapter, impose any fees or other charges to fund the acquisition or improvement of land, infrastructure, or other real or personal property, except that a municipality or town may impose a fee or other charge to fund the acquisition or initial improvement of land for public parks if the fee or other charge is imposed under a subdivision ordinance enacted or amended in accordance with the procedures under s. [66.0617 \(3\)](#) to [\(5\)](#) and meets the requirements under s. [66.0617 \(6\)](#) to [\(10\)](#).”

Weston must now follow the process and meet the substantive requirements in Section 66.0617 to continue to charge any type of park fee on new development. Also, per legal requirements, the amount of the fee, its coverage, and the timing of its collection may have to change. Finally, all newly-collected fees must be expended within eight years of their collection or returned. Section 66.0617 is reproduced in Appendix A.

## II. Inventory of Existing Parks and Recreation Facilities

### Inventory of Village-owned and Operated Parks

#### **Neighborhood Parks**

Neighborhood parks are areas for multiple recreation activities, such as field games, court games, crafts, playground apparatus, skating, and picnicking. Desirable size is between 3 to 10 acres, per the Parks and Recreation chapter of Volume 2 of the village's Comprehensive Plan. The following are existing neighborhood parks in the village:

##### *Williams Park*

Williams Park is a 2.5 acre neighborhood park located approximately 400 feet north of Schofield Avenue in the central section of the village. Williams Park has few facilities, but receives moderately heavy use from the surrounding neighborhood.

##### *Sandhill Meadows Park*

Sandhill Meadows Park is a 2 acre park that is located at the corner of Shorey Avenue and Alderson Street in the southwest part of the village. It was built in 2001 and is currently the only park serving this part of the village.

##### *Robinwood Park*

Robinwood Park is a 5.1 acre neighborhood park located south of Schofield Avenue in the east central section of the village. It was built in 1996 and named for the Robinwood subdivision.

#### **Community Parks**

Community parks are areas of diverse environmental quality and may include areas suited for intense recreational facilities, such as athletic complexes and large swimming pools. Desirable size is 10+ acres, but size may vary depending on facilities offered. The following are existing community parks in the village:

##### *J.F. Kennedy Park*

Kennedy Park is a 38.8 acre community park located in the older developed section of the village. It is the most developed and heavily used park in the village's system. It has a wide variety of active uses, passive uses, and support facilities that provide residents with year-round opportunities. Kennedy Park is home to the village's outdoor swimming facility—the Weston Aquatic Center. Kennedy Park also has a variety of organized athletic fields that receive heavy use from the public and nearby D.C. Everest High School and Junior High School students.

##### *Kellyland Park*

Kellyland Park is a 105.6 acre complex located near Rogan Lane and Heather Street in the east central section of the Village. Kellyland Park, which was formerly known as Rogan Park, is also located adjacent to, and west of, the Eau Claire River Nature Center, and is adjacent to, and north of the Weston Dog Park. Active use facilities at Kellyland Park include an open play area, a children's play equipment area, a basketball court, horseshoe pits and four soccer fields that are primarily used by the Wausau Area Home Educators. Passive recreation facilities at Kellyland Park include an open

shelter, picnic tables, benches, and grills. Support facilities include a restroom, two unpaved parking lots, and a paved parking lot that also services the Weston Dog Park.

#### *Machmueller Park*

Machmueller Park is a 32.1 acre community park acquired in 2002. The park is located in the northeastern section of the village adjacent to a heavily developed residential area. Machmueller Park is the only park serving this section of the village. Active use facilities include children's play equipment, a Little League baseball field, 3 tee ball fields, one regulation sized soccer field, a large open play area, a 10-station "born learning" trail for children, and a ¾ mile walking path with fitness course. Passive use facilities include an open shelter, picnic tables, and grills.

#### *Yellowbanks Park*

Yellowbanks Park is located on the Eau Claire River; west of, and adjacent to Camp Phillips Road, in the northwest section of the village. Park facilities include a disc golf course, restrooms, two open-sided shelters, a drinking fountain, picnic tables, grills, children's playground equipment, a sand volleyball court, a canoe/kayak launch, and horseshoe pits.

#### **Special Use Parks**

Special use parks are typically areas for specialized or single purpose recreational activities. The following are existing special use parks in the village:

#### *Dale E. Smith Waterfowl Refuge*

The refuge is a 30 acre area in the Weston Business and Technology Park-South that the village acquired in 2007. The land largely undevelopable due to wetlands.

#### *Prohaska Family Nature Center*

The village acquired approximately 90 acres east of Ryan Street and north of Weston Avenue in 2016, most of which had been known as the Prohaska Tree Farm. This property is wooded and has six ponds. Ideas for this site are put forward in [the Volume 2 of the Weston Comprehensive Plan](#), [Volume 2](#), [the 2021 Weston Avenue Corridor Plan](#), and ~~in~~ Section IV of this Needs Assessment.

#### *Weston Dog Park*

The Weston Dog Park at Kellyland Park was developed in 2005 through the help of donations and volunteers. The park is a completely fenced in an approximately 40 acre area and contains picnic tables, benches and a small dog exercise area.

#### **Trail and Environmental Corridors**

A linear park, trail corridor, or public environmental corridor are often available for one or more modes of recreational travel such as hiking and biking. The following are the main trails in Weston:

#### *The Mountain-Bay Trail*

The Mountain-Bay Trail is one of the longest rails-to-trails in Wisconsin and is operated and maintained by Marathon, Shawano, and Brown counties. The trail, which is along the former

Chicago Northwestern Railroad right-of-way, is managed by the Wisconsin Department of Natural Resources (DNR). The trail extends 83 miles from Howard Memorial Park in Green Bay to Weston.

### *The Eau Claire River Trail*

The Eau Claire River Trail is a 1.3-mile walking/biking trail located on the south bank of the Eau Claire River in the east central section of the village. The trail extends from the north end of Ryan Street northwest to access points at Brook Court and Tricia Street at the north end of the park.

### *Other Paths and Trails*

The village has an asphalt multi-use path along Camp Phillips Road from the northern edge of the village at Northwestern Avenue to Concord Avenue. There is a gap along Camp Phillips Road for approximately 1.5 miles to the south until Camp Phillips Road and Westview Boulevard, where the multi-use path then extends south to Howland Avenue.

There is a concrete multi-use path along Weston Avenue to the west, which services the St. Clare's Hospital area. The path was extended north of Weston Avenue along Birch Street to the intersection with Highway 29. In 2011, a pedestrian bridge was constructed across Highway 29 to connect with the multi-use path along Birch Street.

A multi-use path was added along Ross Avenue in 2010. The path begins at the intersection with Fuller Street and ends at River Bend Road. This bike/multi-use path also runs a few blocks away from the Eau Claire River Trail.

### **Analysis of Village-owned and Operated Park and Recreational System**

The National Recreation and Park Association (NRPA) generally recommends 10.5 acres of public park space for every 1,000 persons. By this standard, the village should have about ~~143.5~~<sup>165</sup> acres of overall park acreage. ~~As of 2018, t~~The village actually has approximately 238.7 acres of park land. However, almost 100 acres of the Village's current parkland is undeveloped or acts as a conservancy area. These places require very little to no maintenance and often, in the case of the natural area at Kellyland Park, are in the floodplain. The opportunities for recreational use at these places is therefore limited. As a result, the total park land acreage in the village is likely right around to slightly below the NRPA gross park acreage standard.

The NRPA further recommends that this 10.5 acres/1000 be distributed as follows:

- Mini Parks: 0.5 acres/1,000 population
- Neighborhood Parks: 2 acres/1,000 population
- Community Parks: 8 acres/1,000 population

The village has no acres in mini parks, which is below the 7.5 acres advised by the NPRA for a community of its population.

The village has 9.6 acres of neighborhood parks, which is below the 30.1 acres recommended by the NPRA.

The village has 229.1 acres of community parks, which is above the 120.5 acres recommended by the NPRA. Most of the undevelopable wetland and floodplain mentioned above is in the village's community parks, particularly Kellyland. Therefore, the village's usable community park space is considerably less than 229.1 acres.

The location and accessibility of parks to the population is also very important. At time of writing, the combined park service areas (mini, neighborhood, and community) provide coverage to most of Weston's currently populated areas. However, some of the village's southwestern and northeastern neighborhoods lack nearby park and recreation facilities.

The village also currently has several gaps in its planned path system, as documented above, in the Parks and Recreation chapter of Volume 2 of the Comprehensive Plan, and in Section IV below. Broadly speaking, the plan is to complete and interconnect the Mountain-Bay State Trail with the proposed Wausau to Weston trail, proposed trails north of the Eau Claire River, and proposed trails extending east and west of the existing multi-use trail along Camp Phillips Road south of Highway 29. The 2021 Weston Avenue Corridor Plan also advised a path system in that planning area to be built as adjacent land develops, adjacent street projects are undertaken, or otherwise as opportunities present themselves.

## **Other Public Park and Recreational Facilities in Weston**

### **D.C. Everest School District Facilities**

Although not village-provided parks and open space, school facilities in Weston also offer community residents with outdoor recreation activities, for the most part with structured play equipment and playing fields. The village is served by the D.C. Everest School District, which contains six elementary schools, one middle school, one junior high school, and one senior high school.

Two of the six elementary schools (Mountain Bay Elementary and Weston Elementary) are located within Weston. The middle school, junior high school, and senior high school are all located within the village.

### **Eau Claire River Nature Center**

The Eau Claire River Nature Center is a 48 acre conservancy area located east of, and adjacent to, Kellyland Park. The nature center is operated by the School District mainly as an environmental-interpretive center for students.

### **Greenheck Field House**

The Greenheck Field House is located at the D.C. Everest High School. Activities include ice skating, hockey, basketball, volleyball, soccer, racquetball, fitness center, and multi-use field house.

### III. Growth Projections and Implications

Projected population and household growth in the Village of Weston helps to determine future public park needs. Growth projections allow for the generation of an impact fee that will be attributed to new housing growth and allocated on a “per housing unit” basis. Projections through the year 2040 (20+ years) correlate with a reasonable lifespan for most park facilities.

Through the Weston Comprehensive Plan, and now this Needs Assessment, the village has generally relied upon the DOA for population and household growth projections. Figure 1 includes the latest DOA projections, prepared in 2013. These suggest a significant population increase in Weston through 2040, with the population projected to increase by almost 35 percent from 2020 to 2040. The household projections suggest an average of 97 new households each year through 2040.

**Figure 1: Village of Weston’s Growth Trends and Projections**

Projection Source and Method	1990	2000	2010	2018	2020	2030	2040	2018-2040 # Change	2018-2040 % Change
DOA Population	9,714	12,079	14,868	15,068	16,770	18,890	20,330	5,262	34.9%
DOA Households	4,236	4,806	5,772	6,190	6,632	7,596	8,333	2,143	34.6%

Sources: 1990, 2000, and 2010 are U.S. Census Bureau; 2018 estimates and 2020, 2030, and 2040 projections are Department of Administration. [2020 projection differs from 2020 U.S. Census population.](#)

Between 2008 and 2021, the village authorized the construction of an average of 647 new housing units per year. This included an average of 21 new single family homes, 4 duplex units, and 42-39 multiple family units per year.

Based on a combination of the above information, this Needs Assessment is premised on the assumption that there will be an average of 80 new housing units built per year in Weston from 2020 to 2040, or 1,701 total new housing units. Therefore, the Village may have approximately 8,300 housing units in 2040, with 20 percent of housing units built between 2021 and 2040. These figures are relevant in the [maximum impact](#) fee calculations in Section V of this Needs Assessment.

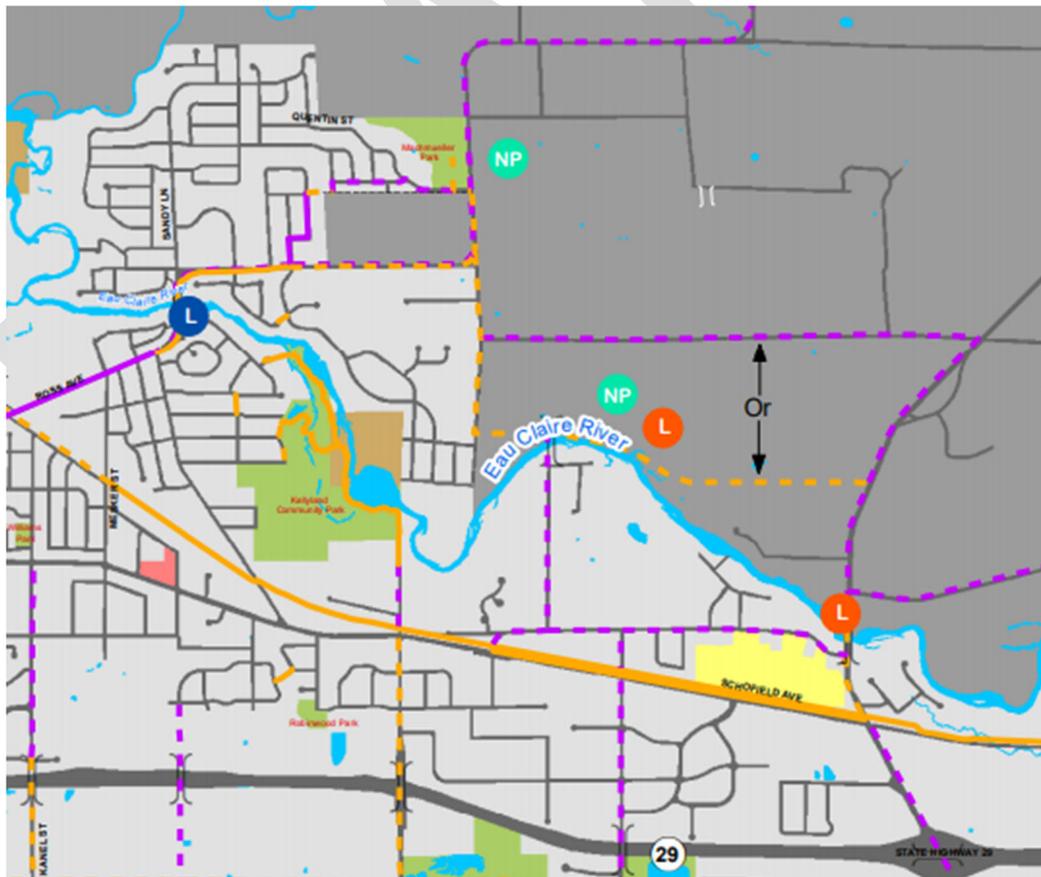
## IV. Projected Park and Recreational Improvements

To accommodate both the existing population and projected growth, improvements to existing park facilities and new park and recreational facilities will be needed in Weston. Based on a conservative read of adopted Village plans described above, the following are the Village’s projected land acquisition and park and recreational improvement projects over the next 20 years that relate to the impact fees described in this Needs Assessment. All costs in this section are in 2020 dollars.

### Projected Neighborhood Park Land Acquisition

Through its Comprehensive Plan, the village identifies the need for additional neighborhood parks within planned residential development areas over the next 20 years. Two potential neighborhood parks are identified within the village’s eastern growth area—north of the Eau Claire River and east of the current village limits. General locations are indicated by the “NP” labels in Figure 2 below; actual locations may vary.

**Figure 2: Recommendations for Future Neighborhood Parks in Comprehensive Plan**



Additionally, the ~~pending-2021~~ Weston Avenue Corridor Plan suggests the potential for two future neighborhood or mini parks to serve planned residential growth in the southern part of the village. One may be located south of ~~near~~ Weston Avenue between County Road X and Von Kanel~~Ryan~~ Street and the second north of Weston Avenue and west of Ryan Street.

For the purposes of this Needs Assessment, the village anticipates that it will require only one neighborhood park over the next 20 years, either in the eastern growth area of the Village or in the south near Weston Avenue. The assumed park size is 7.5 acres, which is the midpoint of recommended 5-10 acre range. In Figure 3, recent land sales in the village suggest a purchase price in 2020 dollars of \$23,000 per acre. This suggests an estimated acquisition price of \$172,500 (7.5 acres x \$23,000) for this future neighborhood park, in 2020 dollars.

**Figure 3: Recent-Significant Land Sales in the Village of Weston, 2016-2020**

Site	Location	Year	Sale Price	Acres	Price per Acre
Eastgate Apartments	6905 Schofield Avenue	2018	\$181,500	7.1	\$25,563
Misty Pines Site	SW Corner of Ross and Birch	2018	\$300,000	19.02	\$15,773
Prohaska Site	7403 Ryan Street	2016	\$490,000	74.2	\$6,604
Swiderski Apartment Site	7569 Callon Avenue	2020	\$83,500	4.57	\$18,271
New Village Hall Site	4707 Camp Phillips Road	2020	\$673,035	13.49	\$49,895
<b>AVERAGE:</b>					<b>\$23,221</b>

Source: Village of Weston

### Other Projected Recreational Land Acquisition

Based on the Parks and Recreation chapter of Volume 2 of its Comprehensive Plan, the village has identified several other planned recreational facilities for future residents that may require village land acquisition. These include future canoe/kayak launches, future environmental/trail corridors, and a north-south snowmobile route trail between Camp Phillips Road and Von Kanel Street. Total anticipated acreage and land costs for such facilities, in 2020 dollars, are indicated in Figure 4, along with anticipated neighborhood park acquisition costs from the previous section. The assumption is that some of this environmental corridor land will be less buildable than neighborhood park land; hence the lower assumed per-acre cost for trail/environmental corridor acquisitions.

**Figure 4: Cost Estimates for Projected Park and Recreational Land Acquisitions, 2021-2040**

Item	Acres	Cost per Acre	Total Cost
Planned Neighborhood Park(s)	7.5	\$23,000	\$172,500
Projected Trail/Environmental Corridor Land Acquisition, including for snowmobile trail	10	\$15,000	\$150,000
<b>TOTAL</b>			<b>\$322,500</b>

Note: Estimated costs are in 2020 dollars. "Planned Neighborhood Park" acreage may consist of one park, or more than one park, and may include acquisition of different types of park space instead (e.g., mini park).

## Projected Improvements to Existing Community-wide Recreational Facilities

The village has identified several potential improvements to existing community-wide recreational facilities to serve current residents and projected 20-year growth in population and households. These projected improvements are located within community and special use parks and other recreational facilities which have a village-wide service area and which attract users from the entire village. These include improvements in and along the Eau Claire River Water Trail, Kellyland Park, Kennedy Park, Machmueller Park, Prohaska Family Nature Center, and Yellowbanks Park.

The projected cost of improvements at each of these community-wide recreational facilities, in 2020 dollars, is provided in Figure 5. The types of improvements within each park or recreational facility upon which these cost estimates are based are included in the list that follows. The village may utilize collected park improvement fees on these listed park improvements, or on other improvements to these parks and recreational facilities of comparable benefit. Also, the village may choose to construct only some of the listed improvements. Listing these anticipated recreational improvements is not a commitment to build every listed improvement.

**Figure 5: Cost Estimates for Projected Recreational Improvements, 2021-2040**

<b>Improvement</b>	<b>Cost of Improvements</b>
<b>Projected 20-year Community &amp; Special Use Park Improvements</b>	
Kellyland Park	\$447,000
Kennedy Park	\$1,325,000
Machmueller Park	\$354,500
Prohaska Family Nature Center	\$1,550,000
Yellowbanks Park	\$420,000
Eau Claire River Water Trail	\$100,000
<b>Community &amp; Special Use Park Improvements Subtotal</b>	<b>\$4,196,500</b>
<b>Add: 10% Engineering</b>	<b>\$419,650</b>
<b>Subtotal including Engineering</b>	<b>\$4,616,150</b>
<b>Less: 20% Anticipated Grants</b>	<b>\$923,230</b>
<b>Community &amp; Special Use Park Improvements Total</b>	<b>\$3,692,920</b>
<b>Projected 20-year Recreational Trail Network Improvements</b>	
Eau Claire River Trail Bridge at Ryan Street to North side	\$420,000
Eau Claire River Trail Extension on Heather Street	\$90,400
Southwest Off-Road Trail Extensions	\$1,098,240
Northwestern Avenue Rail Corridor Trail	\$840,000
Mountain-Bay Trail Extension (Mesker to CR-X)	\$372,400
<b>Recreational Trail Improvements Subtotal</b>	<b>\$2,821,040</b>
<b>Add: 10% Engineering</b>	<b>\$282,104</b>
<b>Subtotal including Engineering</b>	<b>\$3,103,144</b>
<b>Less: 40% Anticipated Grants</b>	<b>\$1,241,258</b>
<b>Recreational Trail Improvements Total</b>	<b>\$1,861,886</b>
<b>TOTAL</b>	<b>\$5,554,806</b>

Notes: Though these are projected costs over a 20-year horizon, estimated costs are in 2020 dollars.

The village anticipates receiving some money for these improvements through grant programs from the Department of Natural Resources (DNR), Department of Transportation (DOT), or other sources. These anticipated grants are reduced from the totals in Figure 5, as the village cannot charge impact fees for improvements for which it expects to receive grants. Such grants most often support passive recreation improvements including trails. Grants for active recreation improvements, such as new diamonds, fields, or playground equipment, are more difficult to come by. Therefore, Figure 5 was built on the assumptions that approximately 40 percent of the cost of projected recreational trail improvements will be covered by grants and approximately 20 percent of cost of projected community and special use park improvements will be covered by grants.

The above cost estimates are based on the following projected improvements to the associated park or trail, though park improvement and recreation impact fees may be utilized for other improvements not listed, and some of the listed facilities or improvements may be shifted to a different park or facility. This list does not represent a commitment to construct all of the listed facilities:—.

#### **Kellyland Park**

- Addition of playground equipment
- Addition of pickleball courts
- Improved parking lot
- New shelter and bathrooms

#### **Kennedy Park**

- Addition of playground equipment
- Addition of a new restroom
- New fences on diamond #1 and #2
- Improvements to the ice rink
- Addition of an outdoor fitness court
- Addition of tee ball fields
- Addition of Little League field
- Improvements to the maintenance shop/warming house
- Aquatic Center roof replacement
- Insulating and heating the mechanical room at the Aquatic Center
- Addition of a play structure at the Aquatic Center

#### **Machmueller Park**

- Addition of a play structure
- Addition of pickleball courts
- Addition of a basketball court
- Addition of bathrooms and a shelter at the northern end of the park

### **Prohaska Family Nature Center**

- Addition of walking trails
- Addition of biking trails
- Addition of baseball fields
- Addition of a parking lot
- Addition of a shelter and restrooms

### **Yellowbanks Park**

- Improving and/or expanding the disc golf course
- Addition of a new park shelter
- Improved launch
- Improved parking
- Improved trails and landscaping
- Addition of playground equipment

### **Eau Claire River Water Trail**

- Addition of a launch at Ryan Street

### **Trail Improvements**

- Eau Claire River trail bridge at Ryan Street to North side
- Eau Claire River Trail Extension on Heather Street
- Southwest Off-Road Trail Extensions:
  - Birch Street to Shorey Avenue
  - Birch/Shorey Intersection to Howland Avenue
  - Birch/Shorey Intersection to Camp Phillips Road
  - Birch/Shorey Intersection to Alderson Street
- Northwestern Avenue rail corridor: connection from Wausau to Weston
- Mountain Bay Trail Extension (Mesker Street to County Road X)

### **Projected Improvements to Future Neighborhood Park**

As indicated earlier in Section IV, the Weston Comprehensive Plan identifies the need for two additional neighborhood parks just beyond the current Village limits to serve projected future residential growth (see Figure 2). The ~~pending-2021~~ Weston Avenue Corridor Plan also suggests two neighborhood or mini parks in future residential growth areas in southern areas of the village near Weston Avenue. For the purposes of this Needs Assessment, the village assumes that one of these neighborhood parks will be acquired and developed by 2040. Projected neighborhood park improvements—per the CORP and recent Village practice—are listed with costs in Figure 6.

**Figure 6: Cost Estimate for Projected Village of Weston Neighborhood Park Improvements**

<b>Item</b>	<b>Quantity</b>	<b>Unit Cost</b>	<b>Total Cost</b>
Grading, including for sport fields and stormwater	1	\$50,000	\$50,000
Seeding and Landscaping	1	\$10,000	\$10,000
Shelter	1	\$80,000	\$80,000
Concrete Pads	1	\$20,000	20,000
Picnic Table	2	\$1,500	\$3,000
Bench	2	\$500	\$1,000
Playground Equipment	1	\$60,000	\$60,000
Playground Border Edging	1	\$3,000	\$3,000
Playground Mulch	1	\$3,000	\$3,000
Backstop or Goals for Field Sport(s)	2	\$1,600	\$3,200
Sports Court	1	\$20,000	\$20,000
Trash Receptacle	1	\$500	\$500
Bike Rack	1	\$300	\$300
Trail	150 lf	\$80	\$12,000
Park Entrance Sign	1	\$500	\$500
Lighting	2	\$6,000	\$12,000
		<b>Subtotal</b>	<b>\$278,500</b>
		<b>Add: 10% Engineering</b>	<b>\$27,850</b>
		<b>Total</b>	<b>\$306,350</b>

Note: Estimated costs are in 2020 dollars.

## V. Cost Allocation and Fee Calculation

The maximum park and recreation land impact fee is based on a combination of projected costs to improve the village's existing parks and recreational facilities, and secondarily to acquire and improve one neighborhood park between 2021 and 2040. The actual impact fee amount will be as approved by the Village Board by ordinance. ~~will be applicable when a residential development has not dedicated public park and recreation land meeting Village ordinance requirements.~~

Figure 7 includes the calculations used to determine the component of the a maximum park and recreation land impact fee on new residential development in the Village of Weston that is associated with park land acquisition. The park improvement impact fee will be applicable when a residential development has not improved public parks or public recreational facilities within the development. Figure 8 includes the calculations to determine the component of the maximum park improvement and recreation impact fee on new residential development in the Village of Weston associated with park and recreation capital improvements not including land acquisition. Again, the actual impact fee amounts will be established by Village Ordinance, and may be less than the total of the maximum potential fee listed below.

**Figure 7: Calculations to Arrive at Maximum Per Housing Unit Park Land Impact Fee Component Associated with Park Land Acquisition**

1	Projected recreational land and park acquisition cost 2021-40 (see Sec. IV of this Needs Assessment)	\$322,500
2	/ Years to collect for costs between 2021 and 2040	20
3	Average amount to collect each year between 2021 and 2040	\$16,125
4	/ Projected number of housing units per year (See Sec. III)	80
<b>= Maximum Per Housing Unit <u>Park Land</u> Impact Fee <u>Component Associated with Park Land Acquisition</u></b>		<b>\$202</b>

**Figure 8: Calculations to Arrive at Maximum Impact Fee Component Associated with Per Housing Unit Recreation Improvements Impact Fee**

		Cost per Section IV of Needs Assessment	% Assigned to Future Housing per Section III	Cost Assigned to Future Housing	
1	Improvements to Existing Recreational Facilities	\$5,554,806	20%	\$1,110,961	
2	Neighborhood Park Improvements	\$306,350	100%	\$306,350	
3	Totals of Lines 1-2			\$1,417,311	
4	/ Years to collect (2021-2040)				20
5	Amount to collect each year between 2021 & 2040			\$70,866	
6	/ Projected number of new housing units per year				80

Therefore, combining the results of Figures 7 and 8, the village may charge a maximum park and recreation impact fee of \$1,088 per housing unit (\$202 + \$886).

The above calculations are conservative. They are based on 2020 dollars, which are likely to depreciate substantially as 2040 approaches. The calculations are also based on an assumption of 80 new housing units per year, which is above the ~~67-64~~ per year that the village averaged between 2008 and ~~2019~~2021. The calculations are also based on assumptions that the village will be successful in obtaining state and federal grants to cover some improvement project costs.

The village has historically charged a different park fee for single family, two family (duplex), and multiple family units. Further, the village's fee has differed depending on the number of bedrooms in each multiple family unit.

In an attempt to provide a statistical basis for a differential ~~park land~~park and recreation impact fee by housing unit type and park improvement impact fee, the consultant investigated various data sources. With assistance from the UW-Madison Applied Population Laboratory using data from the U.S. Census' American Community Survey, the consultant estimates that each single family residence in the village has 2.75 persons on average, each duplex unit has 2.03 persons on average (74% of each single family residence), and each multiple family unit has 1.79 persons on average (65% of each single family residence).

The consultant was unable to find any modern data source that provided persons per housing unit based on the number of bedrooms in the unit, which will challenge continuing to charge a differential park fee based on the number of bedrooms in a housing unit.

Were the village to impose the maximum allowable a park land and recreation impact fee of ~~\$202-1,088~~ per single family unit/lot, a fee of ~~\$805-149~~ per duplex unit (74% x ~~\$1,088-202~~), and a fee of ~~\$707-131~~ per multiple family unit (65% x ~~\$1,088-202~~) would be supported. ~~Additionally, were the village to impose a park improvement impact fee of \$886 per single family unit/lot, a fee of \$656 per duplex unit (74% x \$886) and a fee of \$576 per multiple family unit (65% x \$886) would be supported. Duplex and multiple family housing units for senior citizens often have less than 2.03 and 1.79 persons per unit, respectively. Further, some senior citizens utilize village parks less than the average citizen. Therefore, the village could consider even lower per unit fees for senior-restricted housing.~~

## VI. Effect of Impact Fees on Availability of Affordable Housing

Wisconsin Statute 66.0617 requires a needs assessment to address the effect of recovering capital costs through impact fees on the availability of affordable housing within the village.

The maximum impact fee amount reported in Section V will result in a small impact on affordable housing in Weston. In general, ~~the proposed even the maximum~~ fee authorized under Section V is are unlikely to affect households seeking to purchase or build a new home in Weston—especially since the village has historically had a fee in lieu of parkland dedication fee that this park and recreation impact fee is replacing.

Developments with recent new home construction include Misty Pines (located south of Ross Avenue between Birch Street and Fox Street), Fieldcrest (located north of Callon Avenue), and Stone Gate (located in the southern portion of the Village off Howland Avenue). The average 2018 assessed value of a home and lot by development was as follows: Misty Pines, \$267,950; Fieldcrest, \$248,400; Stone Gate, \$302,117. The maximum impact fee amount supported by this Needs Assessment is 0.36% to 0.44% of these values.

The village has no other existing or proposed impact fees, which also aids when considering affordability impacts.

This being said, the Village will consider including a potential modification of impact fees for truly affordable (“low-cost”) housing as part of its impact fee ordinance, particularly if the adopted fee approaches the maximum authorized fee. In addition, as described above, the village will consider a lower fee for duplex, multiple family, and senior housing compared to single family detached housing.

## Appendix A: Wisconsin's Impact Fee Law (Section 66.0617, Wisconsin Statutes)

### 66.0617 Impact fees.

(1) DEFINITIONS. In this section:

- (a) "Capital costs" means 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 percent of capital costs may consist of legal, engineering and design costs unless the municipality 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 percent of capital costs. "Capital costs" does not include other noncapital costs to construct, expand or improve public facilities, vehicles; or the costs of equipment to construct, expand or improve public facilities.
- (b) "Developer" means a person that constructs or creates a land development.
- (c) "Impact fees" means cash contributions, contributions of land or interests in land or any other items of value that are imposed on a developer by a municipality under this section.
- (d) "Land development" means the construction or modification of improvements to real property that creates additional residential dwelling units within a municipality or that results in nonresidential uses that create a need for new, expanded or improved public facilities within a municipality.
- (e) "Municipality" means a city, village, or town.
- (f) "Public facilities" means all of the following:
  - 1. Highways as defined in s. [340.01 \(22\)](#), 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 fields, 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.
  - 2. Notwithstanding subd. [1.](#), with regard to impact fees that were first imposed before June 14, 2006, "public facilities" includes other recreational facilities that were substantially completed by June 14, 2006. This subdivision does not apply on or after January 1, 2018.
- (g) "Service area" means a geographic area delineated by a municipality within which there are public facilities.
- (h) "Service standard" means a certain quantity or quality of public facilities relative to a certain number of persons, parcels of land or other appropriate measure, as specified by the municipality.

**(2) GENERAL.**

- (a) A municipality may enact an ordinance under this section that imposes impact fees on developers to pay for the capital costs that are necessary to accommodate land development.
- (b) Subject to par. (c), this section does not prohibit or limit the authority of a municipality to finance public facilities by any other means authorized by law, except that the amount of an impact fee imposed by a municipality shall be reduced, under sub. (6) (d), to compensate for any other costs of public facilities imposed by the municipality on developers to provide or pay for capital costs.
- (c) Beginning on May 1, 1995, a municipality may impose and collect impact fees only under this section.

**(3) PUBLIC HEARING; NOTICE.** Before enacting an ordinance that imposes impact fees, or amending an existing ordinance that imposes impact fees, a municipality shall hold a public hearing on the proposed ordinance or amendment. Notice of the public hearing shall be published as a class 1 notice under ch. 985, and shall specify where a copy of the proposed ordinance or amendment and the public facilities needs assessment may be obtained.

**(4) PUBLIC FACILITIES NEEDS ASSESSMENT.**

- (a) Before enacting an ordinance that imposes impact fees or amending an ordinance that imposes impact fees by revising the amount of the fee or altering the public facilities for which impact fees may be imposed, a municipality shall prepare a needs assessment for the public facilities for which it is anticipated that impact fees may be imposed. The public facilities needs assessment shall include, but not be limited to, the following:
  - 1. An inventory of existing public facilities, including an identification of any existing deficiencies in the quantity or quality of those public facilities, for which it is anticipated that an impact fee may be imposed.
  - 2. An identification of the new public facilities, or improvements or expansions of existing public facilities, that will be required because of land development for which it is anticipated that impact fees may be imposed. This identification shall be based on explicitly identified service areas and service standards.
  - 3. A detailed estimate of the capital costs of providing the new public facilities or the improvements or expansions in existing public facilities identified in subd. 2., including an estimate of the cumulative effect of all proposed and existing impact fees on the availability of affordable housing within the municipality.
- (b) A public facilities needs assessment or revised public facilities needs assessment that is prepared under this subsection shall be available for public inspection and copying in the office of the clerk of the municipality at least 20 days before the hearing under sub. (3).

**(5) DIFFERENTIAL FEES, IMPACT FEE ZONES.**

- (a) An ordinance enacted under this section may impose different impact fees on different types of land development.
  - (b) An ordinance enacted under this section may delineate geographically defined zones within the municipality and may impose impact fees on land development in a zone that differ from impact fees imposed on land development in other zones within the municipality. The public facilities needs assessment that is required under sub. (4) shall explicitly identify the differences, such as land development or the need for those public facilities, which justify the differences between zones in the amount of impact fees imposed.
- (6) STANDARDS FOR IMPACT FEES.** Impact fees imposed by an ordinance enacted under this section:
- (a) Shall bear a rational relationship to the need for new, expanded or improved public facilities that are required to serve land development.
  - (am) May not include amounts for an increase in service capacity greater than the capacity necessary to serve the development for which the fee is imposed.
  - (b) 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 municipality.
  - (c) Shall be based upon actual capital costs or reasonable estimates of capital costs for new, expanded or improved public facilities.
  - (d) Shall be reduced to compensate for other capital costs imposed by the municipality with respect to land development to provide or pay for public facilities, including special assessments, special charges, land dedications or fees in lieu of land dedications under ch. [236](#) or any other items of value.
  - (e) Shall 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 fees are imposed.
  - (f) May not include amounts necessary to address existing deficiencies in public facilities.
  - (fm) May not include expenses for operation or maintenance of a public facility.
  - (g) Except as provided under this paragraph, shall be payable by the developer or the property owner to the municipality in full upon the issuance of a building permit by the municipality. Except as provided in this paragraph, if the total amount of impact fees due for a development will be more than \$75,000, a developer may defer payment of the impact fees for a period of 4 years from the date of the issuance of the building permit or until 6 months before the municipality incurs the costs to construct, expand, or improve the public facilities related to the development for which the fee was imposed, whichever is earlier. If the developer elects to defer payment under this paragraph, the developer shall maintain in force a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the name of the municipality. A developer may not defer payment of impact fees for projects that have been previously approved.
- (7) LOW-COST HOUSING.** An ordinance enacted under this section may provide for an exemption from, or a reduction in the amount of, impact fees on land development that provides low-

cost housing, except that no amount of an impact fee for which an exemption or reduction is provided under this subsection may be shifted to any other development in the land development in which the low-cost housing is located or to any other land development in the municipality.

- (7r) IMPACT FEE REPORTS.** At the time that the municipality collects an impact fee, it shall provide to the developer from which it received the fee an accounting of how the fee will be spent.
- (8) REQUIREMENTS FOR IMPACT FEE REVENUES.** Revenues from each impact fee that is imposed shall be placed in a separate segregated interest-bearing account and shall be accounted for separately from the other funds of the municipality. 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, unless the fee is refunded under sub. [\(9\)](#).
- (9) REFUND OF IMPACT FEES.** Except as provided in this subsection, impact fees that are not used within 8 years after they are collected to pay the capital costs for which they were imposed shall be refunded to the payer of fees for the property with respect to which the impact fees were imposed, along with any interest that has accumulated, as described in sub. [\(8\)](#). Impact fees that are collected for capital costs related to lift stations or collecting and treating sewage that are not used within 10 years after they are collected to pay the capital costs for which they were imposed, shall be refunded to the payer of fees for the property with respect to which the impact fees were imposed, along with any interest that has accumulated, as described in sub. [\(8\)](#). The 10-year time limit for using impact fees that is specified under this subsection may be extended for 3 years if the municipality adopts a resolution stating that, due to extenuating circumstances or hardship in meeting the 10-year limit, it needs an additional 3 years to use the impact fees that were collected. The resolution shall include detailed written findings that specify the extenuating circumstances or hardship that led to the need to adopt a resolution under this subsection. For purposes of the time limits in this subsection, an impact fee is paid on the date a developer obtains a bond or irrevocable letter of credit in the amount of the unpaid fees executed in the name of the municipality under sub. [\(6\) \(g\)](#).
- (10) APPEAL.** A municipality that enacts an impact fee ordinance under this section shall, by ordinance, specify a procedure under which a developer upon whom an impact fee is imposed has the right to contest the amount, collection or use of the impact fee to the governing body of the municipality.



**VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN**

**ORDINANCE NO. 22-017**

**AN ORDINANCE TO AMEND CHAPTERS 74 (SUBDIVISION REGULATIONS) AND 94 (ZONING ORDINANCE) TO MAKE TECHNICAL CHANGES AND RESPOND TO STATE LAW CHANGES, INCLUDING TO ADJUST THE PARK RECREATION IMPACT FEE FOR NEW RESIDENTIAL DEVELOPMENT WITHIN THE VILLAGE LIMITS**

WHEREAS, the Village of Weston is authorized to adopt and amend subdivision regulations under Wis. Stats. § 236.45 and impact fees under Wis. Stats. § 66.0217; and

WHEREAS, the Village repealed and recreated Chapter 74 in May 2016, to serve as the village's subdivision regulations, and at such time carried forward its requirements for park fees on new residential developments from the prior version of Chapter 74; and

WHEREAS, 2017 Wisconsin Act 243 now requires that any park fee on new residential development may be imposed only under the requirements and procedures of Wisconsin's impact fee law (Section 66.0617, Wis. Stats.), including the preparation and adoption of a public facilities needs assessment; and

WHEREAS, the Village's park fee on new development in place prior to adoption of this ordinance did not comply with the new requirements under 2017 Wisconsin Act 243; and

WHEREAS, 2017 Wisconsin Act 243 and experience gained through land division activity over the past few years have prompted the need for other minor amendments to the village's subdivision regulations; and

WHEREAS, the Village Plan Commission held a public hearing on the proposed amendments to the Municipal Code included in this ordinance, and have favorably recommended Village Board adoption of the same; and

WHEREAS, the Village Board held a second public hearing on this ordinance to conform with various statutory requirements; and

WHEREAS, following such hearing the Village Board considered public comments and the recommendation of the Plan Commission; and

WHEREAS, the Village Board finds the proposed amendments contained herein are reasonable, consistent with the Village Comprehensive Plan, and in the public interest.

NOW, THEREFORE, the Village Board of Weston, Marathon County, Wisconsin, does ordain that the following amendments to Chapter 74 of the Village Code of Ordinances are hereby adopted:

SECTION 1: Section 74.1.02 is hereby amended to provide as follows:

This Chapter is enacted pursuant to the authority granted by Wisconsin Statutes, including but not limited to Chapters 61, 62.23, 66, 80.08, 236, and 703. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive, may not always be up to date, and shall in no manner be construed so as to limit the application or interpretation of this Chapter.

SECTION 2: Section 74.1.04(1)(b) is hereby amended to provide as follows:

- (b) This Chapter shall not apply to condominium developments that existed as of May 16, 2016, except to the extent that such condominium developments are expandable pursuant to Wis. Stat. § 703.26, and except that the provisions in subsection (5) to all condominium developments regardless of when they were first established.

SECTION 3: Section 74.3.05: Subdivider's Statement is hereby renumbered as Section 74.2.05.

SECTION 4: Section 74.3.04(4) is hereby amended to provide as follows:

- (4) **Preliminary Covenants.** The subdivider shall submit a model or draft of protective covenants to be recorded against the affected land with the preliminary plat application, including the following provisions:
  - (a) Methods for the proper maintenance and management of any common open space, stormwater management facility, drainageway, private road, or other required improvement intended for private ownership, maintenance, and/or protection. A separate stormwater management maintenance agreement may substitute for including such provisions in the general protective covenants for the subdivision, if approved or required by the Director of Public Works.
  - (b) A method to effectively minimize monotony in the design of single-family and two-family residences, as required under Section 94.10.02(2) of the zoning ordinance.
  - (c) Methods to ensure the construction and maintenance of any noise mitigation measures if the subdivision is adjacent to an arterial street.
  - (d) In all cases where the Village requires that provisions of this Chapter or other Village ordinance shall be satisfied or guaranteed by private covenants or restrictions, provisions making such covenants enforceable by the Village and prohibiting the repeal or amendment of such covenants or restrictions without the written approval of the Village Board. In all other cases, it is not the Village's responsibility to enforce protective covenants.
  - (e) In any other case as determined necessary by the Village to satisfy the requirements of this Chapter

SECTION 5: Section 74.3.04(5)(d) is hereby repealed and Sections 74.3.04(5)(e) to 74.3.04(5)(g) are re-lettered accordingly.

SECTION 6: Section 74.4.02(1) Final Plat Submittal to Village is hereby amended to provide as follows:

- (1) **Final Plat Submittal to Village.** Following the submittal of the preliminary plat, the subdivider may submit to the Zoning Administrator an application for final plat approval. The submittal shall include hard copies in quantities specified on the application form and a digital PDF copy of the completed application, the final plat, and all supplemental materials under Section 74.4.04. A complete final plat application shall be required at least ~~14~~21 days prior to the date of the Plan Commission or Extraterritorial Zoning Committee meeting at which a recommendation is expected. Upon the submittal of a final plat for lands within the Village or requiring Village infrastructure, the subdivider and Village shall begin negotiations on a development agreement specifying responsibilities of both parties, as described in greater detail in Section 74.7.03.

SECTION 7: Section 74.4.04(2)(c) [Technical Requirements for Final Plat] is hereby amended to provide as follows:

- (c) Location, ~~approximate~~ dimensions, and proposed ownership of any sites to be reserved or dedicated for parks, playgrounds, drainageways, environmental corridors, or other public and/or permanent open space uses.

SECTION 8: Section 74.4.04(3)(g) [Other Required Information] is hereby amended to provide as follows:

- (g) Whenever a subdivider proposes that any common open space, stormwater management facility, drainageway, private road or other required development component is to be privately managed by a property owners' association, ~~revised~~ legal instruments and rules for the property owners' association.

SECTION 9: Section 74.5.04(2)(c) [Technical Requirements for CSM] is hereby amended to provide as follows:

- (c) Location, ~~approximate~~ dimensions, and proposed ownership of any sites to be reserved or dedicated for parks, playgrounds, drainageways, environmental corridors, or other public and/or permanent open space uses.

SECTION 10: Section 74.6.03 is hereby amended to provide as follows:

**Section 74.6.03: Street and Utility Extensions**

Proposed street rights-of-way and streets and associated utilities actually constructed by the subdivider shall extend to the boundary lines of the tract being subdivided or developed unless prevented by topography or other physical conditions or unless, in the opinion of the appropriate Village approval authority, such extension is not necessary or desirable for the coordination of the

layout of the subdivision, land division, or condominium development or for the advantageous development of the adjacent tracts.

SECTION 11: Section 74.6.06(2)(d) is hereby amended to provide as follows:

- (d) The Village may require on-street bike lanes on arterial streets and on collector streets with current or expected heavy traffic volumes, and/or where advised within the Comprehensive Plan. Where on-street bike lanes are required, the width of each bike lane shall not be less than 4 feet, not including the gutter section. Such width shall be in addition to the width required by Figure 6.06(1). Placement of bike lanes shall be in accordance with the AASHTO Guide for the Development of Bicycle Facilities.

SECTION 12: Section 74.6.13(1) Generally is hereby amended to provide as follows:

- (1) **Generally.** The size, shape, and orientation of lots or condominium building sites shall be appropriate for the location of the land division, subdivision, or condominium development and for the type and intensity of development and use contemplated in the Comprehensive Plan and zoning ordinance. ~~The-Each~~ lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building(s) contemplated.

SECTION 13: Section 74.7.02(2) is hereby amended to provide as follows:

- (2) **Required Data from Subdivider.** With or following the submittal of any preliminary plat, condominium plat, final plat, or certified survey map, the subdivider shall furnish any data requested by the Director of Public Works related to the adequacy of public facilities and public services. The Director of Public Works shall work with the Zoning Administrator to transmit this information to appropriate Village staff, commissions, committees, and boards for review. The Zoning Administrator shall act as coordinator for their reports to the appropriate Village approval authority on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space, recreation facilities, and transportation facilities. Failure to submit such data as requested may be grounds for denial of the preliminary plat, condominium plat, final plat, or certified survey map.

SECTION 14: Section 74.7.03 is hereby amended to provide as follows:

**Section 74.7.03: Development Agreement**

- (1) **Generally.** The subdivider and the Village shall enter into a development agreement which identifies all public improvements the subdivider is required to complete and the timeline for completion. Said agreement shall be in a form and content approved by the Village Administrator and shall bind the subdivider to comply with the requirements of this Chapter and any specification, plans or conditions imposed or approved pursuant thereto. ~~As a condition of the approval of any final plat and (where applicable) certified survey map or condominium plat located within the Village or served by Village infrastructure, the subdivider shall install 100% of the public improvements required by the development agreement or provide a letter of credit in an amount equal to 120% of the cost of the public improvements required by the development agreement.~~

(2) **Performance Guarantee.** The subdivider or condominium developer shall file with said development agreement, a letter of credit or performance bond, at the option of the developer, or other surety approved by the Zoning Administrator or Director of Public Works, in an amount equal to 120% of the estimated total to complete the public improvements required by the development agreement. The cost shall be calculated per the procedure in Wis. Stat. § 236.13(2)(am)1~~estimated or approved by the Director of Public Works.~~ When a letter of credit is posted as security, the Village must be the beneficiary. When a performance bond is posted, the requirements of Wis. Stat. § 236.13(2)(am)1 m., apply. Such surety shall have a term not exceeding 14 months after substantial completion of the public improvements. For purposes of this Section, substantial completion occurs at the time the binder coat is installed on the roads to be dedicated or, if the required public improvements do not include a road to be dedicated, at the time that 90% of the public improvements by cost are completed. Upon substantial completion of the public improvements, the amount of security the subdivider is required to provide shall be equal to the total cost to complete any uncompleted public improvements plus 10% of the total cost of the completed public improvements. The subdivider may construct the project in such phases as the Village Board approves. If the subdivider's project will be constructed in phases, the amount of any surety required shall be limited to 120% of the cost of the phase of the project that is currently being constructed and any remaining surety obligations from previous phases.

(3) **Required Development Agreement Contents.** Each development agreement shall:

- (a) Specify the public improvements required for the land division, subdivision, or condominium plat, and require their construction according to approved engineering plans and specifications.
- (b) Provide that all required improvements shall be completed by the subdivider or condominium developer or his contractors no later than 18 months from the date of Village approval of the engineering plans and specifications for the land division, subdivision, or condominium development, unless otherwise specified in the development agreement or extended by the Village Board. This shall include all required park, recreational, and multiuse path improvements.
- (c) Provide for guarantees by the subdivider of all public improvements for not less than one year following final acceptance by the Village, and an additional one year after each replacement of any guaranteed work.
- (d) Provide adequate supervision, inspection, testing, and regulation of construction schedules and methods.
- (e) Outline requirements for acceptance of public improvements by the Village.
- (f) Require that contractors engaged in work on public improvements be adequately insured for liability, including workers' compensation liability.
- (g) Assure that the subdivider and all contractors agree to indemnify the Village and its professional consultants for any liability arising out of the construction of public improvements.

- (h) Provide for the payment of required fees and the dedication of required lands and improvements.
- (i) Provide for the reimbursement of the Village for staff time, professional consultant's fees, and other costs incurred in connection with the development of the property.
- (j) Provide for the surety to guarantee completion of the public improvements and the other obligations of the subdivider under the agreement ~~or~~ and this Chapter.
- (k) Require the subdivider to submit ~~second~~ record drawings in a digital format specified by the Director of Public Works following the completion and acceptance of all public improvements.
- (l) Require the subdivider to control weeds and all growth of natural vegetation in a manner consistent with Village ordinances on each lot, outlot, or publicly dedicated parcel until such time as that land is transferred to another entity.
- (m) Require that the subdivider be responsible for clearing all soil, vegetation, gravel, and similar construction site debris that is tracked onto public streets during the day on which such tracking occurs.
- (n) Require the construction and maintenance of street trees, landscaped buffer yard landscaping, and arterial street noise mitigation measures as approved to meet any applicable requirements under this Chapter.
- (o) Require the subdivider's compliance with all other Village ordinances, including Chapter 70 (Streets, Sidewalks, and Other Public Places), Chapter 71 (Street Access Controls), and Chapter 86 (Utilities), conditions of approval, and other applicable regulations.
- ~~(p)~~ (p) Provide for all required easements, restrictions, and other encumbrances to be property prepared, recorded, and maintained.
- ~~(q)~~ (q) Include such other provisions as deemed necessary or appropriate by the Zoning Administrator to carry out the intent of this Chapter and other provisions of the Weston Municipal Code applicable to the development. Nothing in this section shall be construed to limit the authority of the Zoning Administrator to require additional or alternative provisions to meet the approval standards contained therein.

SECTION 15: Section 74.7.04(3) is hereby amended to provide as follows:

- (3) **Responsibility.** Except as indicated in this Section or otherwise required by development agreement, the subdivider shall be responsible for all costs for installation of all public infrastructure necessary to serve the land division, subdivision, or condominium development, including the bringing of such infrastructure from where it exists to the division in question as well as providing all infrastructure within the division.

SECTION 16: Sections 74.7.04(4)(i) and (n) are hereby amended to provide as follows:

- (i) **Curb and Gutter.** After the installation of the above improvements, the subdivider shall construct concrete curb and or gutter at pavement edges in accordance with Village ordinance and design requirements available from the Director of Public Works. This

requirement may be waived at the discretion of the Director of Public Works in areas designated for permanent rural use as reflected in the Comprehensive Plan and any Village-adopted stormwater management plan. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts in accordance with Chapter 71. The breaking or cutting of curbs will only be allowed for driveway aprons.

(n) Street Trees. The subdivider shall install at least one street tree at a rate of per lot or one tree per 100 feet for every 50 lineal feet, or fraction thereof, of frontage a property has on a public street right-of-way, whichever is greater. Trees shall be located within the terrace area wherever possible, midway between the sidewalk and curb. Street trees shall be installed in accordance with Section 94.11.02(3)(a) of the zoning ordinance, and placed so as to not conflict with utility installation or traffic visibility. The development agreement may alternatively specify that the subdivider pay a fee to the Village, which in such case the Village shall be responsible for street tree installation.

SECTION 17: Section 74.7.04(4)(q) Park Improvements is hereby created to provide as follows:

(q) Park Improvements. Per Section 74.9.03, where a public park is included in the development.

SECTION 18: Section 74.8.02 is hereby amended to provide as follows:

**Section 74.8.02: Commencement**

Initial site preparation shall meet the applicable provisions of this Article and Chapter 86, Article 5, Division 3 of the Weston Municipal Code. Except for initial site preparation, no construction or installation of improvements shall commence in a proposed land division, subdivision, or condominium development until (a) the certified survey map, final plat, or condominium plat has been approved and recorded, ~~and~~ (b) the Director of Public Works has approved associated engineering plans and given written authorization, and (c) where required, a development agreement has been executed.

SECTION 19: Section 74.8.03 is hereby amended to provide as follows:

**Section 74.8.03: Relationship to Building Permits**

No Village building or zoning permit associated with a land division, subdivision, or condominium development shall be issued until the associated plat or certified survey map is recorded. No Village building permit within the Village shall be issued within a land division, subdivision, or condominium development before the construction and Village acceptance of curb and gutter, binder street pavement, and sidewalks, or other improvement ~~if~~ specified in the development agreement, unless otherwise provided within the development agreement or approved by the Village Board.

SECTION 20: Section 74.9.01(3) is hereby amended to provide as follows:

(3) **Park Dedication and Fees, Generally.** The need and location of park and recreation sites to be dedicated shall be determined by the appropriate Village approval authority, following a recommendation from the Parks & Recreation Committee if the division is in the Village.

~~Where such authority determines that park and recreation site dedication is not compatible with the Comprehensive Plan or official map, or for other reasons is not advised by the Village, the subdivider shall, in lieu thereof, pay a fee to the Village to meet this requirement in whole or on a pro-rata basis. Where park and recreation site dedication is required, the subdivider shall be responsible for improving the park and recreation site under the terms of Section 74.9.03(2). Park and recreation impact fees shall be as specified in Section 74.9.04. Where park and recreational site dedication is not required, the subdivider shall be responsible for paying a fee to acquire other public park and recreational lands that will benefit the future residents of the division.~~

SECTION 21: Sections 74.9.02(2), (3), and (5) [Park and Recreational Site Dedication] are hereby amended to provide as follows:

- (2) **Relationship to Comprehensive Plan and Official Map.** Whenever a public park or recreation site proposed in the Comprehensive Plan, Comprehensive Outdoor Recreation Plan, or official map is embraced, in whole or in part, in a tract of land to be divided, that proposed public park or recreation site shall be dedicated and credited toward the requirements of subsection (1). Where a public park and recreation site as shown on ~~the Comprehensive Plan~~ one or both of these plans or official map within the tract is greater in area than required by dedication under subsection (1), the Village Board may require that the subdivider reserve for acquisition by the Village, through agreement, purchase, or condemnation, the remaining greater park area for a period of 2 years of plat or certified survey map approval unless extended by mutual agreement. Such reserved lands shall be kept in one or more outlots to be held by the subdivider. Over that period, the Village shall have the ability to negotiate the purchase of said land at undeveloped land prices.
- (3) **Other Locational Criteria.** The dedicated site shall be located so as to serve the recreation and open space needs of the division or condominium development from which the dedication was made. Consideration shall be given in the location of existing natural and cultural features as documented on the preliminary plat, as required by Section 74.3.01(2)(b). All lands proposed to be dedicated for park purposes shall be demonstrated to present no environmental hazard, and that they will not require environmental mitigation or remediation measures, through a phase one environmental assessment provided by the subdivider or as otherwise may be approved by the Director of Public Works.
- (5) **Usability.** The dedicated land for recreation shall be usable, as defined in Article 13. Lands dedicated for stormwater management shall not be credited towards the park and recreation site dedication requirement. Wetlands or sloped areas may be considered usable for recreational purposes at the discretion of the approval authority. The shape of the dedicated parcel of land shall be sufficiently square or round to be usable for recreational activities planned for the area or the type of park intended. If the Village Board determines that a proposed dedication meets some but not all of the usability criteria in this subsection, it may approve acceptance of that land with partial credit to the parkland dedication requirement in subsection (1) in proportion to the extent of usability.

SECTION 22: Section 74.9.03(2)(c) [Improvement of Dedicated Park and Recreational Sites] is hereby amended to provide as follows:

- (c) Cover areas to be seeded with a minimum of 6 inches of quality topsoil, seed ~~as specified by the Director of Public Works, fertilizer with 16-6-6 at a rate of 7 pounds per 1,000 square feet,~~ and mulched as specified in the “[Standard Specifications for Highway and Structure Construction, Sections 627 and 629](#)” ~~or by the Director of Public Works.~~ The topsoil furnished for the park or recreational site shall consist of the natural loam, sandy loam, silt loam, silty clay loam, or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within 18 months following execution of the development agreement, unless otherwise authorized by the Village Board. The improved area shall not be deemed officially accepted until a uniform groundcover to a minimum 2-inch height has been established.

SECTION 23: Section 74.9.04 is hereby repealed and recreated to provide as follows:

**Section 74.9.04: Park and Recreation Impact Fee**

- (1) **Purpose.** This section is intended to impose a park and recreation impact fee for new dwelling units constructed within the Village limits. Such fee is intended to finance the acquisition and improvement of park and recreational facilities, the demand for which is generated by new dwelling units. Collected fees shall be used to finance capital costs for new, enlarged, or improved capital improvements that substantially benefit those dwelling units that pay the fees. The park and recreation improvement impact fee described in this section has been imposed under, and are authorized by, Wis. Stat. § 66.0617, which is Wisconsin’s authorizing legislation for development impact fees.
- (2) **Timing.** The impact fee described in this section shall be paid at the time of issuance of each building permit, except where a development agreement specifies fee payment at an earlier date. As used in this subsection, the term “building permit” shall not include permits required for remodeling, rehabilitation, or other improvements to an existing structure, or for rebuilding or replacing a removed, damaged, or destroyed structure, where no increase in the number of dwelling units results.
- (3) **Fee Amounts.** The park and recreation impact fee shall be \$300 per single family residential unit and \$250 per duplex or multiple family unit.
- (4) **Basis.** The fee amounts in subsection (3) are within the maximum allowable amounts calculated in a public facility needs assessment adopted pursuant to Resolution 2022-015 and on file with the Village Clerk. The adopted needs assessment shall also be used as the basis for expenditure of collected impact fees pursuant to this section. At the time the Village collects the impact fee, it shall provide to the applicant from which it received the fee an accounting of how the fee will be spent, which may consist of the needs assessment or a summary thereof.
- (5) **Accounting.** The Village Treasurer shall place all collected impact fees in a segregated interest-bearing account, which shall be accounted for separately from other Village funds. Each collected fee shall be identified by parcel number and date paid within the fund. 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, unless the fee is refunded under subsection (8).

(6) **Potential Waiver or Reduction.** Apart from the waiver process in Article 12, the fee amounts under subsection (3) may be waived or reduced by the Zoning Administrator, following authorization from the Village Board, in one or more of the following circumstances:

- (a) Where the development that includes the dwelling unit improved public park land pursuant to the requirement in Sections 74.9.02 and 74.9.03, with the reduction proportionate to the extent that the full park and recreation impact fee requirement was met by such improvements.
- (b) Where the development within which the dwelling unit is located provided private recreational improvements as described in Section 74.9.05, to any extent the Village Board approved a park and recreation impact fee credit for such provision.

For any waiver or reduction associated with a development approved after September 1, 2022, the Village Board shall have first entered into a development agreement with the developer, which shall specify the recreation improvements to be provided, the cost thereof, and the amount of credit granted against the total impact fee. In no event shall the Village provide a credit that is greater than either the total impact fee otherwise due or the value of the improvements provided. Any decision to allow a developer to provide recreation improvements in lieu of or to reduce the impact fee shall rest in the sole discretion of the Village Board.

(7) **Refunds.** Any collected impact fee that is not used within 8 years after it is collected to pay the capital costs for which it was imposed shall be refunded to the payer of such fee, along with any interest that has accumulated.

(8) **Appeals.** A developer or an applicant for a building permit may appeal the amount, collection, or use of the impact fee, and any property owner may appeal a decision on a claim for refund of unexpended impact fees, under the provisions of Wis. Stats. Chapter 68. If the notice of appeal challenges the imposition of an impact fee, or the amount imposed, the developer or applicant may pay the fees imposed under protest and the building inspector shall issue any building permits withheld solely due to the nonpayment of the fees. If the applicant prevails on appeal, the Village Treasurer shall refund that portion of the fees so paid as finally determined in the appeal process.

SECTION 24: Section 94.16.18(5) is hereby repealed and recreated to provide as follows:

(5) **Park and Recreation Impact Fee.** Where the appropriate Village approval authority determines that park and recreation impact fee shall be paid, such fee shall be determined and paid pursuant to Section 74.9.04 of this Code.

SECTION 25: SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. If an application of this Ordinance to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an

authorization given under this Ordinance is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 26: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Dated the \_\_\_ day of \_\_\_\_\_, 2022

WESTON VILLAGE BOARD

By: \_\_\_\_\_  
Mark Maloney, President

Attest:

\_\_\_\_\_  
Pamela Brehm, Clerk

APPROVED: \_\_\_\_\_

PUBLISHED: \_\_\_\_\_