



SPECIAL ASSESSMENT POLICY

Drafted by Town Staff
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TOWN OF BUCHANAN

SPECIAL ASSESSMENT POLICY

SECTION 1. PRIMARY PURPOSE OF SPECIAL ASSESSMENTS

Special Assessments are used as a method to finance certain local public improvement projects and services which may not be appropriate to finance by the general tax levy. Special assessments are flexible and can be used to pay for streets, sewer and water facilities, condemnation, street lights, or other public improvements. Special Assessments, and/or charges, can also be used for public services such as tree care, snow and ice removal, street maintenance, sewer services, weed cutting, and refuse collection. In the case of such special charges for current services rendered, the provisions of Sec.66.0627, shall apply. Special Assessments are only to be used in instances where the public improvements or services have benefits to certain specific properties as opposed to public improvements or services benefiting the Town as a whole. In some instances there may be benefit to both the community and the property, and in these cases apportionment of assessments may be made.

I. PURPOSE OF POLICY

The purpose of this Policy Document is to describe the policies and procedures which promote the fair and equitable sharing of the costs for public improvements or special services for those properties specially benefiting from the public improvements or services in accordance with statutory provisions and Town of Buchanan Ordinances. This document is presented to provide written guidelines to be considered in the policies and procedures of levying of special assessments in the Town of Buchanan. These assessment policies are designed to serve as a general guide for the Town Board of the Town of Buchanan in allocating benefit to properties for the purpose of defraying the cost of public improvements or services. These policies may be waived or modified by the Town Board if the policies create hardships or inequities when the assignment of benefits to a particular property is difficult because of an extreme situation. At no time shall this document prohibit the Town Board from acting outside of the policies identified in this document, provided such action is in the best interest of the Town and within the limits of the law. Where allowed by law, the Town Board may utilize an additional or alternative assessment method.

II. POLICY REVISIONS

It is anticipated that the requirements of this policy will, from time to time, be updated to reflect the conditions appropriate for the time period. Such changes, revisions, or modifications may not be made retroactive to special assessments and proceedings previously implemented, except in the event of changes, reconstruction, relocation, or other such reasons requiring the consideration of the levying of new or additional special assessments, when determined by the Town Board to be in the best interest of the Town.

III. AUTHORITY TO SPECIALLY ASSESS

The Town of Buchanan may proceed to special assess property under either of two optional powers granted them by the special assessment Statutes Wisconsin. Statutes 66.0703: the police power, and the taxing power. In addition to other methods provided by law, the Town has adopted a local Ordinance under the authority granted in Statutes 66.0701, which permits

the Town to specially assess the installation or construction costs of any public work or improvement by alternative procedures identified in the local Ordinance. This Ordinance permits the Town to levy special assessments subsequent to the completion of the public work or improvement. This document is intended to establish the procedures for the Town to undertake special assessments by local Ordinance, as authorized in Wisconsin Statutes 66.0701, in addition to the procedures established in Wisconsin Statutes 66.0703, or pursuant to other authorizing Wisconsin Statutes.

IV. GENERAL STATEMENT OF INTENT

In full accordance with the provisions of law, and when in the best interest of the Town, it is the Town of Buchanan's intent to special assess for the costs of those specific public improvements and public services which are of benefit to certain limited, definable properties. This policy shall not be interpreted as conflicting with the Town's Ordinances including the special assessment Ordinances or the land division Ordinance, but is intended to be interpreted as a guideline in the application of special assessment proceedings. In the event of a direct and irreconcilable conflict between this policy and Town Ordinance, the Ordinance shall control.

V. DETERMINATION OF ASSESSABLE ITEMS

This determination is not intended to be applied to the requirements for installing public improvements determined necessary by the Town Board due to land divisions unless the subdividers are not required to install such improvements or provide these as part of the land division review and approval process. On major projects that provide benefit to the entire community as a whole, a portion of the project costs shall be borne by the community as a whole.

VI. WHAT MAY BE INCLUDED AS COST

The cost of any work or improvement to be paid in whole or in part by a special assessment on a property may include the direct and indirect cost thereof, the damages occasioned thereby, the interest on bonds or notes issued in anticipation of the collection of the assessments, a reasonable charge for the services of the administrative staff of the Town and the cost of any architectural, engineering, construction and legal services, and any other items of direct or indirect cost which may reasonably be attributed to the proposed work or improvement. The amount to be assessed against all property for any such proposed work or improvement may be apportioned among the individual parcels in the manner designated by the Town Board.

VII. DEFINITIONS

Actual Cost: The cost the Town pays the contractor in labor, materials, equipment, and the administrative cost of Town staff, and any architectural, engineering, construction and legal services, and any other items of direct or indirect cost which may reasonably be attributed to the proposed work or improvement

Addressed Side: Street with the house number.

Administrative Costs: A reasonable charge for services of the administrative, engineering, preparation of bid documents, and legal staff of the Town.

Assessable Footage: Assessable footage is equal to the total number of developable feet that a parcel of land fronts upon the right-of-way or easement in which the public work or improvement is to be installed and property benefited or minimum frontage, whichever is greater.

Assessable Costs: Costs to be included in the assessment can include any of the following: administrative costs, construction, inspection, right-of-way or easement acquisition, landscaping, restoration, permit fees, legal and engineering fees.

Assessed at Percentage: Percentage of the assessable costs charged to property owners.

Benefiting Parcel: A benefit may include grading, paving, resurfacing, rebuilding, installation/reconstructing of storm sewers and ditches, landscaping, or other improvements.

Developer: Any person, partnership, corporation or other similar entity who requests that the Town extend or install public works or improvements for the purpose of developing one or more parcels of land under their control or ownership.

Driveway Aprons: Driveway approach within the street right-of-way, which is typically up to 21' in rural areas and 19' in urban areas from where the road surface ends.

Intersection: Where two public streets connect which each have unique names.

Lot Definitions:

1. Corner Lot. A lot located at the intersection of two public streets where the interior angle of such intersection does not exceed 135 degrees.
2. Standard Lot. A lot having only one lot line along a public street.
3. Double Sided Lot. A lot having a pair of opposite lot lines along two parallel public streets and which is not a corner lot.
4. Triple Sided Lot. A lot having three lot lines along a public street.

Public Improvement: Any improvement upon public property, a right-of-way or easement, which results in a benefit to the real property in the vicinity of such improvement. The cost of the public improvement will be reasonably spread among the “benefiting” real property in proportion to the benefit each parcel receives from the project.

Road Construction Methods

Reconstruction: Generally consists of the following steps:

1. Excavating the entire roadway including pavement and gravel.
2. Placing and compacting gravel underneath the roadway.
3. Placing and compacting asphalt.
4. Completing restoration work.

Reclamation: Generally consists of the following steps:

1. Grind and mixing the existing pavement surface with the existing gravel.
2. Place and compact the recycled (reclaimed) pavement material.
3. Placing and compacting asphalt.
4. Completing restoration work.

Rehabilitation: Generally consists of the following steps:

1. Removal or milling of asphalt surface and depth to be determined.
2. Replacement of asphalt surface.
3. Placing and compacting asphalt.
4. Completing restoration work.

Rural Area: Town land mass east of State Trunk Highway 55.

Right-of-Way (ROW): A strip of land subject to public use usually 66 feet in width.

Street Improvement: See Public Improvement.

Stormwater Management and Conveyance Facilities: Stormwater facilities collect, convey, and manage surface runoff from a property.

- Stormwater management facilities include structural and non-structural practices intended to manage the volume, rate, and quality of stormwater runoff.
- Stormwater collection and conveyance facilities include general site grading, inlets, pipes, and swales or channels that are designed to move stormwater to stormwater management facilities or to discharge points at the property boundary.

Town Road Specifications (“Town Road Specs.”): See current “Town Road Standard Specification Policy.” A project may make it necessary for the Town to modify these specifications due to conditions within a project area.

Useful Life of Facilities:

1. Asphalt – 35 years
2. Concrete – 70 years
3. Curb and gutter – 35 years
4. Storm sewers – 75 years
5. Reconstructed streets
 - i. Rehabilitation – 15 years
 - ii. Reclamation – 20 years
 - iii. Reconstruction – 35 years

Urbanized Area: Town land mass west of State Trunk Highway 55.

Zoning Districts –

- AED – Exclusive Agricultural District
- AGD – General Agricultural District
- RSF – Single-Family Residential District
- RTF – Residential Two-Family District

RMF – Multifamily Residential District
CL – Local Commercial District
CR – Regional Commercial District
CP – Planned Commercial District
IND – Industrial District

SECTION 2. ROAD CONSTRUCTION

The Town will use the following criteria for special assessments levied for road construction.

- A. During replacement, repair and maintenance of public improvement projects, the road base and surface may be paid at 100% by the Town, up to the maximum width of the current road specifications (“Town Road Spec”).
- B. All public improvement projects undertaken by the Town shall be constructed by the Town in accordance with the current version of road specifications established by the Town or specifications completed for a specific project.
- C. The initial cost of the roadway, including the stormwater management and conveyance facilities, in a new subdivision will be paid in full by the Developer.
- D. If one person owns a double lot as one parcel and the block is zoned RSF or RTF, the shortest side may be assessed in full. The remaining sides may be assessed at 50%.
- E. The cost of improving intersections within the project will be divided equally among all properties benefited.
- F. Driveway aprons shall be constructed at property owner’s expense.

SECTION 3. STORMWATER MANAGEMENT AND CONVEYANCE FACILITIES

The Town will use the following criteria for calculating special assessments levied for stormwater management and conveyance facilities.

- A. During the installation, replacement, repair and maintenance of stormwater conveyance facility (storm sewers, ditches and curb and gutter) projects, the stormwater conveyance facilities may be paid at 100% by the benefiting parcels. When a stormwater conveyance facility is upgraded beyond a 24” storm sewer the portion of the public improvement above and beyond may be a Town cost.
- B. During the installation, replacement, repair and maintenance of stormwater management facility projects, the stormwater management facilities may be paid at 100% by the Town.
- C. Public improvements will be assessed on a lot or connection basis since each connection to sewers is receiving a similar benefit. The allocation is based on the assumption that every lot or every connection to the improvement receives the same benefit from the improvement regardless of the differences in the size or shape of the lot.

$$\text{Formula: Rate} = (\text{Total Project Costs}) / (\text{Number of Assessable Units}) = \text{Cost/Connection or Lot}$$
$$\text{Assessment} = (\text{Cost/Connection or Lot}) * (\text{Connection or Lot})$$

- D. Stormwater management facilities may be constructed differently dependent on the facilities needed to serve an area. The scope of projects will define the means and methods for construction of facilities.
- E. The extraordinary expense of installing a stormwater management or conveyance facility in an unusual manner at the request of the property owner in order to accommodate an obstacle will be 100% charged to the requesting property owner.
- F. For side street improvements and corner lots there are many alternatives to assessing the side footage of a corner lot depending on its depth and the type of improvement. Generally, two basic methods are accorded corner lots when determining assessment charges.
 - a. A corner lot which can be subdivided and a second building erected on it does in fact benefit and should be assessed as if it was two lots.
 - b. If a corner lot cannot be subdivided and a second building erected the shortest side shall be assessed in full. The remaining sides shall be assessed at 50%.
 - c. There are instances where the length of the lot should be assessed in full, i.e., where the long side is the only means of serving the property, such as on a dead end street.

SECTION 4. STREET LIGHTING

The Town will use the following criteria for calculating special assessments levied for street lighting.

- A. Special assessments for street lighting will only be used for the installation of new street lights where such facilities were previously not available and generally in conjunction with the construction or reconstruction of a street.
- B. Assessments will be for 100% in new developments or installations.

SECTION 5. SIDEWALKS

The Town will use the following criteria for calculating special assessments levied for sidewalks.

- A. The replacement, repair and maintenance of sidewalks may be paid at 100% by the Town.
- A. Service walks between the curb/street and sidewalk are the complete responsibility of the property owner.
- B. The extraordinary expense of installing a sidewalk in an unusual manner at the request of the owner in order to accommodate an obstacle will be charged to the abutting property owner.
- C. Assessments may be 100% for new sidewalks in new developments or installations.

SECTION 6. EXCEPTIONS AND DEFERRALS

The Town Board may grant an exception or deferral from this policy in any specific case where the Board considers that there is an emergency, hardship, or urgent need for granting such exception or deferral. Other exceptions are as follows:

- A. Farmland Exception. Land zoned “exclusive agriculture” or for which a farmland preservation agreement is in existence, is exempt from special assessments, unless the assessments were imposed prior to filing for exclusive agriculture status or the owner of the land chooses to use the improvements created by the assessment. At such time, the assessments, together with all interest accrued shall be charged to the owner for use of the improvements.

- B. Wetlands and Environmentally Sensitive Areas.
 - 1. Any portion of a property that is designated as a Wetlands area or carries some other designation as an environmentally sensitive area may be eligible for an exception of the special assessment for that portion of property that is in the designated area.
 - 2. Any portion of a property that is designated as a Wetlands area or carries some other designation as an environmentally sensitive area may be eligible for an exception of the special assessment for overbuild of a public improvement for that portion of land that is in the designated area.
 - 3. For purposes of this section, the property must be designated as Wetlands or environmentally sensitive by the Outagamie County Zoning Office, the State of Wisconsin Department of Natural Resources (DNR), or the Army Corps of Engineers. The property must be ineligible for construction of any kind. Proof of such designation shall be required.
 - 4. Property owners will be notified of the special assessment proposed for their entire property. If the property owner provides proper proof of wetlands or environmentally sensitive designation, only that portion that carries such designation will be eligible for exception.
 - 5. On lands designated AGD under the Zoning Code of the Town, assessments shall be eligible for deferment on the unused portion of contiguous tax parcels in common ownership aggregating 10 acres or more which are not essential to or used in connection with a business operated on the property. Deferral shall be until the property is sold, or transferred or developed.

For AGD zoned areas, the agricultural lot with a dwelling shall be assessed based upon the lesser of the actual frontage or the average frontage of residential use within the project. No AGD parcel shall be assessed for less than 90 feet. The remainder of a parcel’s frontage above the average frontage of residential use within the project or the entire frontage of an AGD parcel with no dwelling shall be assessed and the Town Board will consider a deferment. The deferment shall extend only while the property remains unplatted and is used by the owner for farming or agricultural purposes. During the deferral period, the property owner shall accrue an annual charge equal to the bond interest from the bond issuance for the project on the unpaid balance of the cumulative assessment and interest noted in Section 8, 1a.

SECTION 7. SPECIAL ASSESSMENT PAYMENTS

I. METHOD OF PAYMENT

- A. Assessments may be partially or in whole prepaid after the installment method has been selected. The following is a payment schedule:
 - 1. Payments not received by December 31 of the year the project was completed will start accruing interest on January 1 of the following year.
 - 2. One (1) annual installment if the assessment is less than \$500.00.
 - 3. Two (2) annual installments if the assessment is at least \$500.00 but less than \$999.00.
 - 4. Five (5) annual installments if the assessment is at least \$1,000.00, but less than \$4,999.00.
 - 5. Ten (10) annual installments if the assessment is greater than \$5,000. In no event shall the assessment installments be greater than ten (10) years.

- B. Separate current year special assessments may be combined to establish eligibility for the limits identified in the payment schedule. Town must be notified within two weeks of the certified letters being sent to a property owner notifying them of special assessment.

- C. The rate of interest on outstanding balances shall be at least 2.0% greater than the rate of interest the Town paid on the debt obligations which were issued to finance the project, or in the event no debt obligations were issued, then at least 1.5% greater than the average rate of interest on all debt issued in the previous calendar year.