



July 18, 2011

Town of New Glarus  
c/o Keith Seward, Chair  
1101 Highway 69  
New Glarus, WI 53574

Re: Exemptions from Impact Fees

Dear Keith,

I am writing this letter in response to your request to address a recent question of the Plan Commission regarding charging impact fees within the Town. It's my understanding that discussion was held about the ability of the town to waive impact fees for residents that owned large tracts of farmland, had been residents of the Town prior to the enactment of the land division ordinance in 1997, and had not yet divided their property. This would, in effect, exempt long-time farmers or landowners of the town from having to pay impact fees if they would choose to divide a parcel for their own use or that of a family member.

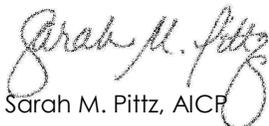
I have not experienced or heard of this policy being used in any other communities within Wisconsin. After conducting some follow up research, I haven't been able to locate any examples of this being successfully incorporated into any impact fee ordinances. In considering this, I would question what the legal ramifications of such a revision to the ordinance would be. This seems to be an inequitable approach to imposing fees within the town. I would recommend that the town request a formal opinion from the town's attorney before proceeding. Also, I would question the impact of the revision and how it affects the long-term goals of the town to provide quality public services. Depending on the amount of people and land affected by this rule, it may have a substantial impact on the town's ability to raise funds for these services.

The intent of impact fees is to "compensate the municipality for off-site capital costs incurred to accommodate development" within the town, as identified in the Public Facilities Needs Assessment document adopted in 2008. While retired farmers moving into a new home do not necessarily mean expanded growth for the town, or additional residents to serve, there are typically people moving into the home that the farmer has vacated. Whether those residents are the farmer's family or not, they represent an additional household that did not previously exist. If the farmer or property owner builds a new house, and proceeds to demolish the old one, then there may be justification to waive the impact fees because no new additional households are being created.

The services that impact fees are established for are utilized by the town's entire population and are not limited in use to a particular age or demographic. If the impact fees were oriented towards a particular portion of the population, there may be reason to re-evaluate how they are imposed. However, public amenities and services such as parks and trails, libraries, municipal buildings and infrastructure serve everyone. Therefore, the impact fees associated with these services should be paid by the entire population, not just certain households.

If you have any additional questions regarding this matter, or would like to discuss further, please feel free to contact me at (608) 768-4812 or by e-mail at [smpit@vierbicher.com](mailto:smpit@vierbicher.com).

Sincerely,



Sarah M. Pittz, AICP

cc: Dale Hustad, Town Attorney