

STAFFORD
Virginia



STAFFORD COUNTY

TRANSPORTATION IMPACT FEE POLICY

May 21, 2014



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TRANSPORTATION IMPACT FEES POLICY

DEFINITIONS

For the purpose of this policy, terms used herein shall be interpreted and defined as follows.

AGENT: The Stafford County Administrator or his designee.

APPEAL BOARD: The Road Impact Fee Appeal Board shall consist of five members including the County Administrator or his designee, the County Treasurer, VDOT residency administrator or his designee, and two citizens appointed by the BOARD, one of whom shall be a representative from the development industry.

BOARD: Stafford County Board of Supervisors.

DEVELOPER: An individual, corporation, trustee, joint venture, partnership, or other entity having legal or equitable title to any tract or parcel of land to be developed or improved or the successor(s) in interest to such individual corporation, trustee, joint venture, partnership or other legal entity who submits plans pursuant to the Zoning Site Plan, Subdivision, Erosion and Sediment Control, Stormwater Management, and/or the Utility Ordinances of Stafford County,.

TRANSPORTATION IMPACT FEE (or IMPACT FEE): A charge or assessment imposed against NEW DEVELOPMENT located within the IMPACT FEE SERVICE AREA in order to generate revenue to fund or recover the costs of reasonable road improvements necessitated by and attributable to benefiting the NEW DEVELOPMENT in the IMPACT FEE SERVICE AREA. IMPACT FEES may not be assessed and imposed for road repair, operation, and maintenance, nor to expand existing roads to meet demand which existed prior to the NEW DEVELOPMENT.

IMPACT FEE SERVICE AREA: Land designated under County Code Chapter 13.5, Article I, and the County Comprehensive Plan, having clearly defined boundaries and clearly related traffic needs and within which development is to be subject to the assessment of IMPACT FEES.

NEW DEVELOPMENT: All new development of lands in the IMPACT FEE SERVICE AREA and new development designated in the County's capital improvements program to be financed and constructed with public funds. NEW DEVELOPMENT shall not include additions to existing residential buildings and/or replacement of existing residential buildings

OFF-SITE IMPROVEMENT: Which is eligible for an IMPACT FEE credit under County Code Sec. 13.5-7, (i) is a transportation dedication, contribution, or construction , (ii) that is located outside of the property limits of, and is not abutting, the property that is subject of the subdivision plat or site plan, (iii) improves the transportation network by adding travel capacity exceeding the impact that is attributable to the development, (iv) is

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not a requirement of VDOT as a condition for approval of a PROJECT, and (v) benefits the transportation network outside of the development. An OFF-SITE IMPROVEMENT shall be eligible for an IMPACT FEE credit, whether it is a condition of rezoning or otherwise committed to the County.

PROJECT: Shall include all subdivisions, site plans, utility plans, erosion and sediment control plans, and storm water management plans, infrastructure or sections thereof required to be submitted for approval under the Stafford County Code. The term PROJECT shall not include individual house site plans submitted for the issuance of building permits.

ROAD IMPROVEMENT: Includes the construction of a new road(s) or improvement(s), or the expansion of existing roads and related appurtenances, as required by applicable VDOT construction standards or the applicable County standards, to meet increased demand attributable to NEW DEVELOPMENT. A ROAD IMPROVEMENT does not include on-site construction of roads that a DEVELOPER may be required to provide pursuant to Virginia Code §§ 15.2-2241 through 15.2-2245.

VDOT: The Virginia Department of Transportation.

SECTION 100.00 PURPOSE

This Impact Fee Policy (Policy) outlines the procedures for assessing, imposing, calculating, collecting, and accounting for the IMPACT FEES and IMPACT FEE credits.

SECTION 100.02 IMPOSITION OF ROAD IMPACT FEES

The amount of the IMPACT FEES to be imposed on a specific development or subdivision shall be determined before or at the time of construction site plan or subdivision construction plan approval. For Minor subdivisions, which do not have a construction approval stage, the amount of the IMPACT FEE will be calculated at the time of final plat approval. The determination will be based on the number of planned dwelling units for residential development or planned square footage for non-residential development minus transportation proffers and OFF-SITE IMPROVEMENTS (if any exist for the development).

The IMPACT FEE will not be collected until the issuance of the building permit. The IMPACT FEE estimated at the time of the construction site plan or subdivision construction plan approval may be subject to change depending on any adjustments to the development plan and/or updates to the ROAD IMPROVEMENT plan and schedule of fees as approved by the BOARD.

The IMPACT FEE schedule has been calculated using the road IMPACT FEE project list identified in Chapter 4 of the County Comprehensive Plan.

The amount of the IMPACT FEE has been determined by the schedule titled, “Road Improvements Plan and Road Impact Fees”, dated January 2013. The County shall calculate and account for the IMPACT FEES of any new non-residential construction site plan for the difference in the amount of residential fees determined from those approved by the BOARD. The County will account for these fees with expenditures from qualified non-road impact fee funding on road IMPACT FEE projects. If the amount owed is greater than that expended, the County will use the Transportation Fund or other County funds to pay the IMPACT FEES. These IMPACT FEES and expenditures shall be calculated and accounted for in the IMPACT FEE Trust Fund (Trust Fund).

SECTION 100.03 CREDITS AGAINST ROAD IMPACT FEES

DEVELOPERS will be eligible for a credit against the IMPACT FEES for any OFF-SITE IMPROVEMENT. The DEVELOPER is responsible for requesting a credit for OFF-SITE IMPROVEMENTS, with the submission of an Impact Fee Credit Application (Application). The Application shall be filed with the Principal Planner responsible for review of the development plan and shall include an engineer’s estimate for any OFF-SITE IMPROVEMENTS. The Application will be reviewed by County staff to determine whether the project is eligible for OFF-SITE IMPROVEMENT credits. The AGENT will determine the eligibility and amount of credits to be applied.

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When a construction site plan or subdivision construction plan is submitted to the County, County staff assigned to the review of the development plan will determine if proffers or OFF-SITE IMPROVEMENTS are associated with the proposed development. If there are no proffers or OFF-SITE IMPROVEMENTS associated with the development, the IMPACT FEES shall be assessed and imposed per dwelling unit for residential development and per square foot for non-residential development, and County staff will input the IMPACT FEE amount into the County's permit tracking system.

If proffers or OFF-SITE IMPROVEMENTS are associated with the proposed development, the County's Transportation Planner will review the development plan, in conjunction with an engineer's cost estimate provided by the DEVELOPER, to determine the credits and the estimated IMPACT FEES. The County staff will input the estimated IMPACT FEE into the County's permit tracking system for reference at the time of building permit issuance.

See APPENDIX A for calculation details

SECTION 100.04 APPEAL OF IMPACT FEE DETERMINATION

Any person aggrieved by any administrative decision or determination regarding the imposition of the road IMPACT FEES may appeal the administrative decision or determination to the APPEAL BOARD. The appeal shall be submitted within thirty (30) days after the administrative decision or determination by filing with the AGENT, a written notice of appeal specifying the grounds of the appeal. Upon receipt of a written notice of the appeal, the AGENT, or the APPEAL BOARD, may request additional documentation and information specifying the grounds and basis of the appeal.

Upon receipt of a written notice of appeal, the APPEAL BOARD shall set and hold a hearing to consider the appeal within sixty (60) days of the date that the APPEAL BOARD receives notice of the appeal. During a hearing, the person(s) appealing the administrative or determination, and the AGENT, may present oral testimony and documents to the board for its consideration. The APPEAL BOARD shall issue its decision on the appeal within thirty (30) days following the completion of the hearing.

SECTION 100.05 ROAD IMPACT FEE TRUST FUND

Any expenditure for road improvements, included on the IMPACT FEE project list, shall be paid for by the Trust Fund in a proportion as calculated in the report entitled, "Road Improvements Plan and Road Impact Fees", dated January 2013. If there are insufficient funds in the Impact Fee Trust Fund, "other" County funds may be used on the PROJECTS with reimbursements from the Impact Fee Trust Fund when funds are available.

The County may employ the Transportation Fund to complete IMPACT FEE projects and credit the road Impact Fee Trust Fund for these expenses.

SECTION 100.06 UPDATING ROAD IMPACT FEES

The County shall update the needs assessment, projections and assumptions underlying the impact fee schedule and the road impact fee project list from the “Road Improvements Plan and Road Impact Fees”, dated January 2013, at least once every two years. This update will consist of a review of the projections and assumptions by County staff. Staff will present this information to the AGENT along with a recommendation for action.

If the projections and assumptions in the “Road Improvements Plan and Road Impact Fees”, dated January 2013 remain valid, staff will recommend maintaining the current impact fee schedule. If the AGENT concurs with this recommendation, the impact fee schedule will remain unchanged, and Board action will not be required. If the assumptions and projections from the previous analysis are no longer current, staff will recommend a new study to determine recommended changes to the Road Improvement Plan and the impact fee schedule. If changes to either of these are required, the recommended changes will be presented to the Stafford County Board of Supervisors for consideration.

A full analysis including growth projections and modeling of the transportation system shall be completed at least once every ten years.

APPENDIX A

Board Approved Amount Per Dwelling Unit:

- Single Family Detached (SFD) = \$2,999
- Single Family Attached (SFA) = \$2,999
- Multi Family (MF) = \$2,999

Proffer Credit:

If the development includes Transportation Proffers, then the proffer amount per dwelling unit will be subtracted from the BOARD approved IMPACT FEE amount to determine the required IMPACT FEE. If the Proffer is equal to or greater than the BOARD approved IMPACT FEE amount, then the IMPACT FEE will be zero (0).

Example: 89 Total Units Cash Proffer to be applied- \$640 per Single Family Dwelling (SFD), \$600 per Single Family Attached (SFA), \$510 per Multi Family (MF).

(SFD- 640 per unit credit 2,999-640=\$2,359 per unit)

(SFA- 600 per unit credit 2,999-600=\$2,399 per unit)

(MF- 510 per unit credit 2,999-510=\$2,489 per unit)

Residential Dwelling Type	# Of Units	Board Approved Impact Fee Per Unit	Cash Proffer Per Unit	Amount Due Per Unit
SFD	25	\$2,999	\$640	\$2,359
SFA	15	\$2,999	\$600	\$2,399
MF	49	\$2,999	\$510	\$2,489

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Off-site Credit:

If off-site credits are submitted to the AGENT and approved then the IMPACT FEE will be reduced by the total off-site credit/divided by the number of units in the development to determine a credit per unit. The credit per unit will then be subtracted from the BOARD approved amount to determine the impact fee. If the Off-site Credit is equal to or greater than the BOARD approved amount then the IMPACT FEE will be zero (0).

Example: 89 Total Lots Total Off-site Credit to be applied \$210,369

(210,369/89=2,364 per unit credit 2,999-2,364=\$635 per unit)

Residential Dwelling Type	# Of Units	Board Approved Impact Fee Per Unit	Off-site Credits Per Unit	Amount Due Per Unit
SFD	25	\$2,999	\$2,364	\$635
SFA	15	\$2,999	\$2,364	\$635
MF	49	\$2,999	\$2,364	\$635

Proffer and Off-site Credit:

If off-site credits and cash proffers are submitted to the AGENT and approved then the IMPACT FEE will be reduced by the sum of both the off-site credit per unit and the cash proffer per unit and that total will be subtracted from the Board approved amount to determine the impact fee. If the sum of the Proffer Credit and the Off-site Credit is equal to or greater than the BOARD approved amount then the IMPACT FEE will be zero (0).

Example: 89 Total Units Cash Proffer to be applied- \$640 per Single Family Dwelling (SFD), \$600 per Single Family Attached (SFA), \$510 per Multi Family (MF). Total Off-site Credit to be applied \$210,369

Use the same calculations as above to determine the Off-site and Cash Proffer Credits.

Residential Dwelling Type	# Of Units	Board Approved Impact Fee Per Unit	Off-site Credits Per Unit	Cash Proffer Per Unit	Total Credit (Off-site Credit + Cash Proffer Credit)	Amount Due Per Unit
SFD	25	\$2,999	\$2,364	\$640	\$3,004	\$0
SFA	15	\$2,999	\$2,364	\$600	\$2,964	\$35
MF	49	\$2,999	\$2,364	\$510	\$2,874	\$125

IMPACT FEE CREDIT APPLICATION

DATE OF SUBMITTAL: _____

Submitted By: _____

Phone Number: _____ Email: _____

Planning Project Name: _____

Planning Application Number: _____

Approved Resolution Number: _____

Residential Dwelling Type	# Of Units	Board Approved Impact Fee Per Unit	Off-site Credits Total	Cash Proffer Per Unit
SFD		\$2,999		
SFA		\$2,999		
MF		\$2,999		

** An engineer's cost estimate shall be provided in conjunction with this form for all Off-site Credits. Also, a written narrative must be provided addressing all applicable Off-site improvements and any future funding the development will supply for Transportation, such as: special taxing districts, special assessments, or community development authorities.*

This form shall be submitted to the Planning Department

Example

IMPACT FEE CREDIT APPLICATION

DATE OF SUBMITTAL: _____

Submitted By: _____

Phone Number: _____ Email: _____

Planning Project Name: _____

Planning Application Number: _____

Approved Resolution Number: _____

Residential Dwelling Type	# Of Units	Board Approved Impact Fee Per Unit	Off-site Credits Total	Cash Proffer Per Unit
SFD	25	\$2,999	\$210,369	\$640
SFA	15	\$2,999		\$600
MF	49	\$2,999		\$510

** An engineer's cost estimate shall be provided in conjunction with this form for all Off-site Credits. Also, a written narrative must be provided addressing all applicable Off-site improvements and any future funding the development will supply for Transportation, such as: special taxing districts, special assessments, or community development authorities.*

This form shall be submitted to the Planning Department