

BOARD OF SUPERVISORS
COUNTY OF STAFFORD
STAFFORD, VIRGINIA

ORDINANCE

At a regular meeting of the Stafford County Board of Supervisors (the Board) held in the Board Chambers, Stafford County Administration Center, Stafford, Virginia, on the 21st day of May, 2013:

<u>MEMBERS:</u>	<u>VOTE:</u>
Susan B. Stimpson, Chairman	No
Robert "Bob" Thomas, Jr., Vice Chairman	No
Jack R. Cavalier	Yes
Paul V. Milde III	Yes
Ty A. Schieber	Yes
Gary F. Snellings	Yes
Cord A. Sterling	Yes

On motion of Mr. Milde, seconded by Mr. Sterling, which carried by a vote of 5 to 2, the following was adopted:

AN ORDINANCE TO AMEND AND REORDAIN STAFFORD COUNTY CODE, CHAPTER 13.5, ARTICLE I, ENTITLED "ROAD IMPACT FEES"

WHEREAS, the Board desires to amend Stafford County Code, Chapter 13.5, Article I, entitled "Road Impact Fees;" and

WHEREAS, the Board's adoption of this ordinance will repeal the road impact fees for the Central West impact fee service area; and

WHEREAS, the Board's adoption of this ordinance will adopt a County-wide road impact fee service area; and

WHEREAS, the Board conducted a public hearing and carefully considered the recommendations of staff and the testimony, if any, at the public hearing; and

WHEREAS, the Board finds that the adoption of this ordinance promotes the public health, safety, and welfare of the County and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Stafford County Board of Supervisors on this the 21st day of May, 2013, that Stafford County Code be and it hereby is amended and reordained as follows, all other portions remaining unchanged:

Chapter 13.5 - IMPACT FEES

ARTICLE I. - ROAD IMPACT FEES

Sec. 13.5-1. - Short title, authority, and applicability.

- (a) This article shall be known and may be cited as the "Road Impact Fee Ordinance."
- (b) The board of supervisors has the authority to adopt this article pursuant to Virginia Code section 15.2-2317, et seq. Code of Virginia, (1950), as amended.
- (c) Except as specifically provided herein, this article shall apply, upon the effective date, ~~thereof~~ May 21, 2014, to new development of all land contained in a the designated impact fee service area in Stafford County to generate revenue to fund or recover the costs of reasonable road improvements necessitated by and attributable to benefitting new development.

Sec. 13.5-2. - Definitions.

- (a) *Cost* includes, those expenses attributable to completion of road improvement projects, in addition to all labor, materials, machinery, and equipment for construction; (i) acquisition of land, rights-of-way, property rights, easements, and interests, including the cost of moving or relocating utilities; (ii) demolition or removal of any structure on land so acquired, including acquisition of land to which such structure may be moved; (iii) survey, engineering, environmental, archeological, and architectural expenses; (iv) legal, administrative, and other related expenses; and (v) interest charges and other financing costs if impact fees are used for the payment of principal and interest on bonds, notes, or other obligations issued by the ~~locality~~ county to finance the road improvement.
- (b) *Impact fee* means a charge or assessment imposed against new development ~~contained~~ located within a the designated impact fee service area in order to generate revenue to fund or recover the costs of reasonable road improvements ~~necessitated by and attributable to~~ benefitting the new development in said 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.
- (c) *New development* means all new residential use and development of lands in a the designated impact fee service area except for ~~new development by religious organizations exempt from taxation under article X, section 6 of the Constitution of Virginia, 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.

(d) *Impact fee service area* means land ~~designated by ordinance~~ within this article and the comprehensive plan of the county, having clearly defined boundaries and clearly related traffic needs and within which development is to be subject to the assessment of impact fees.

(e) *Road improvement* includes construction of new roads or improvement or expansion of existing roads and related appurtenances as required by applicable construction standards of the Virginia Department of Transportation, or the applicable standards of the county, to meet increased demand attributable to new development. Road improvements do not include on-site construction of roads that a developer may be required to provide pursuant to Virginia Code sections 15.2-2241 through 15.2-2245. ~~[Code of Virginia 1950].~~

State law reference: Virginia Code § 15.2-2318.

Sec. 13.5-3. - Imposition of road impact fees.

(a) Except as provided in section 13.5-7 of this article, any person who, after the effective date of this article ~~[June 30, 2003],~~ May 21, 2014, seeks to engage in new development in a the designated impact fee service area, by applying to Stafford County for the approval of a subdivision plat or plan of development, or the issuance of a building permit shall be required to pay a road impact fee ~~in the manner and amount set forth in this article.~~ The amount of 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 to be imposed will be calculated at the time of final plat approval.

(b) ~~No occupancy permit~~ building permit for any activity requiring payment of a road impact fee in a the designated impact fee service area shall be issued unless and until the road impact fee has been paid as provided ~~herein~~ in this article.

(c) The county shall calculate and account for the required road impact fees for the development of any new non-residential site plan.

State law references: Virginia Code §§ 15.2-2317, 15.2-2319, and 15.2-2323.

Sec. 13.5-4. - Road impact service area.

~~There is hereby established a road impact fee service area in the western portion of the county as more particularly designated in exhibit A, attached to Ordinance No. O03-32, which is on file in the office of the county administrator. There is hereby established a~~ road impact fee service area that encompasses all land located in the county, except any land located within the boundary of Marine Corps Base Quantico, as shown within the county's comprehensive plan.

State law reference: Virginia Code § 15.2-2320.

Sec. 13.5-5. - Road impact fee schedule.

(a) The amount of the road impact fee shall be determined by the schedule attached to this article as Exhibit B ("Road Improvements Plan and Road Impact Fees"), dated January 2013, which is incorporated herein by reference.

~~(b) The amount of road impact fees to be imposed for a specific project or development shall be determined as provided by the schedule before or at the time the subdivision plat or site plan is approved. For projects or developments where the subdivision plat or the site plan was approved prior to the effective date of this article [June 30, 2003], or for specific projects for which no subdivision plat or site plan is required, the amount of the road impact fee or fees shall be determined as provided by the schedule at the time of issuance of any building permit or permits.~~

(b) The road impact fee schedule has been calculated using the road impact fee project list identified in Chapter 4 of the Comprehensive Plan and attached as Exhibit A (Road Impact Fee Project List), dated June 2012, which is incorporated herein by reference.

State law references: Virginia Code §§ 15.2-2322 and 15.2-2323.

Sec. 13.5-6. - When road impact fees to be paid.

Road impact fees shall be paid in full to the county at the time of issuance of a ~~certificate of occupancy~~ building permit unless the county administrator has agreed to accept installment payments at a reasonable rate of interest for a fixed number of years.

State law reference: Virginia Code § 15.2-2323.

Sec. 13.5-7. - Credits against road impact fees.

~~(a) An estimate of funds received by the county for fuel and highway user's taxes attributable to various types of development have been included as a credit against the road impact fees as set forth in exhibit B.~~

~~(b) Credit shall be given for the cost of any dedication, contribution or construction by a property owner for approved off-site road improvements within the impact fee service area. As a condition of receiving this credit, the property owner shall provide the county with an engineer's certificate of the cost for said offsite improvements with supporting documentation satisfactory to the county.~~

~~(c) To the extent that credits have not previously been considered under subsections (a) and (b) above, credits shall also be calculated and applied against road impact fees to the extent that (i) new development has already contributed to the cost of existing roads which will serve the development; (ii) new development will contribute to the cost of existing roads; and (iii) new development will contribute to the cost of road improvements in the future other than through impact fees.~~

The value, as calculated according to the county impact fee policy, of any dedication, contribution, or construction from the developer for off-site road or other transportation improvements benefiting the impact fee service area shall be treated as a credit against the impact fees imposed on the developer's project. The county shall treat as a credit any off-site transportation dedication, contribution, or construction, whether it is a condition of a rezoning or otherwise committed to the county.

The county also shall calculate and credit against impact fees the extent to which (i) other developments have already contributed to the cost of existing roads which will benefit the development, (ii) new development will contribute to the cost of existing roads, and (iii) new development will contribute to the cost of road improvements in the future other than through impact fees, including any special taxing districts, special assessments, or community development authorities.

The county may employ the transportation fund to complete road impact fee projects and credit the road impact fee trust fund for these expenses.

State law reference: Virginia Code § 15.2-2324.

Sec. 13.5-8. - Exemption from payment of road impact fees.

~~No road impact fee shall be assessed or imposed upon new development if the owner or developer has proffered conditions pursuant to sections 15.2-2298 or 15.2-2303, Code of Virginia, (1950), as amended, for off site road improvements, and the proffered conditions have been accepted by the county.~~

(a) Non-residential development is exempt from the imposition and collection of the road impact fees established under this article.

(b) The road impact fees associated with the future growth of non-residential development are incorporated in the road impact fee methodology and will be calculated and accounted for considering expenditures of qualified, non-road impact fee funding on road impact fee projects.

(c) In the event funding is insufficient to offset the exemption, the board of supervisors will either commit sufficient funds to the road impact fee trust fund or will repeal the exemption so that, in either case, the road improvement plan can be implemented at adopted levels of service and nonexempt development will not pay more than its proportionate share as a result of the exemption established in this section.

(d) Family Subdivisions shall be exempt from the imposition and collection of the road impact fees established under this article.

Sec. 13.5-9. - Road impact fee trust fund.

(a) There is hereby established a road impact fee trust fund for the impact fee service area as set forth above established under section 13.5-4 and designated within the county's comprehensive plan.

(b) All funds collected through road impact fees shall be deposited in an interest-bearing account for the benefit of the impact fee service area. Interest earned on each deposit shall become funds of the account.

(c) The expenditure of funds from the account shall be only for road improvements ~~within~~ benefitting the designated impact fee service area as set forth in this Ordinance ~~the road improvement plan for this area.~~

State law reference: Virginia Code § 15.2-2326.

Sec. 13.5-10. - Refund of road impact fees.

(a) The county shall refund ~~all or a pro-rata portion of~~ any road impact fee, or portion thereof, for which construction of a project is not completed within a reasonable period of time, not to exceed fifteen years. In the event that impact fees are not committed to road improvements benefiting the impact fee service area within seven years from the date of collection, the county may commit any such impact fees to the secondary or urban system construction program of the county for road improvements that benefit the impact fee service area. with any interest earned if construction of a project within the designated impact fee service area which was proposed at the time the fee was imposed is not substantially completed within fifteen (15) years after the time the fee was paid.

(b) Upon completion of a ~~major~~ project included in the road improvement plan, the county shall recalculate the road impact fee based on the actual cost of the improvements, ~~and~~. The county shall refund any difference if the road impact fee exceeds the actual costs by more than fifteen (15) percent.

(c) Any refunds shall be made to the record owner of the property at the time the refund is ~~required to be made.~~

State law reference: Virginia Code § 15.2-2327.

Sec. 13.5-11. - Appeals.

(a) There is ~~hereby~~ established ~~the~~ a road impact fee appeals board. The board shall consist of five (5) members including the county administrator or his designee, the county treasurer, the Virginia Department of Transportation (VDOT) resident engineer or his designee, and two (2) citizens appointed by the board of supervisors, one of whom shall be a representative from the development industry.

(b) Any person aggrieved by any administrative decision or determination regarding the imposition of road impact fees may appeal the administrative decision or determination to the road impact fees appeals board.

(c) The appeal to the road impact fee appeals board shall be taken within thirty (30) days after the administrative decision or determination appealed from by filing with the county administrator, or his designee, a written notice of appeal specifying the grounds thereof of the appeal. Upon receipt of a written notice of appeal, the county administrator, or his designee, or the road impact fee appeals board, may request additional documentation and information specifying the grounds and basis of the appeal.

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

State law reference: Virginia Code § 15.2-2323.

Sec. 13.5-12. - Updating plan and amending road impact fees.

(a) The county shall update the needs assessment and the assumptions and projections underlying the road impact fee schedule at least once every two (2) years.

(b) The road ~~improvement~~ impact fee project list plan shall be updated at least every two (2) years to reflect the current assumptions and projections.

(c) The road impact fee schedule may be amended to reflect any substantial changes in such assumptions and projections. Any impact fees not yet paid shall be assessed at the updated rate.

State law reference: Virginia Code § 15.2-2325.

Sec. 13.5-13. - Severability.

If any section, phrase, sentence, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof of this article.

Sec. 13.5-14. - Effective date.

This article assessing and imposing impact fees on new development shall become effective on ~~June 30, 2003~~ May 21, 2014.


Road Impact Fee Project List
June 2012

	From	To
Richards Ferry Road	Warrenton Road	Cotton Lane
Holly Corner Road	Warrenton Road	Hall Lane
Ramoth Church Road	Courthouse Road	Kellogg Mill Road
Embrey Mill Road	Winding Creek Road	Eustace Road
Courthouse Road	Austin Ridge Drive	Walpole Street
Enon Road	Hulls Chapel Road	Truslow Road
Enon Road	Porter Lane	Hulls Chapel Road
Enon Road	Cambridge Street	Porter Lane
Cambridge Street	City of Fredericksburg Line	Warrenton Road / Butler Road
Eustace Road	Embrey Mill Road	Garrisonville Road
Kellogg Mill Road	Poplar Road	Ramoth Church Road
Eskimo Hill Road	Jefferson Davis Highway	Potomac Run Road
Brooke Road	New Hope Church Road	Andrew Chapel Road
Jefferson Davis Highway	Garrisonville Road	Telegraph Road
Andrew Chapel Road	Courthouse Road	Brooke Road
Winding Creek Road	Courthouse Road	Shelton Shop Road
Staffordboro Boulevard	Sunningdale Drive	Pike Place
Staffordboro Boulevard	Garrisonville Road	Sunningdale Drive
Mine Road	Garrisonville Road	Settlers Way
Truslow Road	Cambridge Street	Poplar Road
Garrisonville Road	Rock Hill Church Road	Joshua Road
Plantation Drive	Lichfield Boulevard	Lyons Boulevard / Gladstone Drive
Joshua Road	Garrisonville Road	St. George's Drive

Road Improvements Plan and Road Impact Fees
Per Study Dated January 2013

Land Use Type	Unit	Impact Fee
Residential		
Single Family Detached	DU	\$2,999
Single Family Attached	DU	\$2,999
Multi-Family	DU	\$2,999
Non-Residential		
Industrial	1,000 SF	\$900
Retail	1,000 SF	\$7,450
Office	1,000 SF	\$2,800
Other	1,000 SF	\$2,800

A Copy, teste:



Anthony J. Romanello, ICMA-CM
County Administrator

