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# HOUSE BILL NO. 2679

Offered January 10, 2007

Prefiled January 10, 2007

*A BILL to amend the Code of Virginia by adding a section numbered 10.1-2109.1, relating to Chesapeake Bay Preservation Act; imposition and collection of certain fees.*

Patrons—Frederick, Athey and Landes

Referred to Committee on Counties, Cities and Towns

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 10.1-2109.1 as follows:**

*§ 10.1-2109.1. Impact fees.*

*A. Any locality that has designated Chesapeake Bay Preservation areas pursuant to § 10.1-2109 and that includes within its comprehensive plan a calculation of the capital costs of public facilities necessary to serve residential uses may impose and collect impact fees to cover the costs of issuing permits for residential uses in amounts consistent with the methodologies used in its comprehensive plan to defray the capital costs of public facilities related to the residential development.*

*B. Impact fees imposed and collected pursuant to this section shall be used only for public facilities that are impacted by development; however, the fees may be used generally in the areas of development in the locality.*

*C. A locality imposing impact fees pursuant to this section shall allow credit against the impact fees for cash proffers collected for the purpose of defraying the capital costs of public facilities related to the residential development. A locality imposing impact fees as provided in this section shall also include within its comprehensive plan a methodology for calculating credit for the value of proffered land donations to accommodate public facilities and for the construction cost of any public facilities or public improvements whose construction is required by proffer.*

*D. A locality imposing impact fees pursuant to this section may require that such impact fees be paid prior to and as a condition of the issuance of any necessary building permits for residential uses.*

*E. For the purposes of this section, "public facilities" shall be deemed to include: (i) roads, streets, transit and rail facilities, bridges, including rights-of-way, traffic signals, landscaping, and any local components of federal or state highways; (ii) stormwater collection, retention, detention, treatment, and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements; (iii) parks, open space, and recreation areas and related facilities; (iv) public safety facilities, including police, fire, emergency, medical, and rescue facilities; (v) primary and secondary schools and related facilities; and (vi) libraries and related facilities.*