

2004 SESSION

HOUSE SUBSTITUTE

042000396

SENATE BILL NO. 110

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate Marshall, R. G.
on March 5, 2004)

(Patron Prior to Substitute—Senator Williams)

A BILL to amend and reenact the second enactment of Chapter 227 of the Acts of Assembly of 2003, relating to effective date of water supply plan regulations.

Be it enacted by the General Assembly of Virginia:

1. That the second enactment of Chapter 227 of the Acts of Assembly of 2003 is amended and reenacted as follows:

2. That the State Water Control Board shall promulgate regulations necessary to carry out the provisions of this act, including criteria for the development of local and regional water supply plans. Such regulations shall not become effective prior to July 1, 20042005. Draft criteria for the development of local and regional water supply plans shall be prepared and submitted to the Governor, the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Agriculture, Chesapeake and Natural Resources, and the State Water Commission by December 1, 2003.

2. That such regulations shall also include provisions permitting local adoption of a residential impact fee ordinance to help offset the costs of capital improvements reasonably related to the public sewer or water needs generated by additional residential development. Such ordinance shall provide for the payment of impact fees no later than at the time of issuance of a building permit for construction of a residential unit. No locality shall assess impact fees unless such locality's comprehensive plan clearly identifies the public sewer or water needs in the area of the locality that shall serve the proposed residential development. Prior to adoption of any ordinance providing for impact fees, the locality shall have adopted a capital improvement program pursuant to § 15.2-2239 or local charter. No impact fee shall be assessed unless the capital improvements related to the additional development have been included in the locality's capital improvement program. All impact fees collected shall be used by the locality for the purpose of completing capital improvements specified in the capital improvement program. The impact fee ordinance shall provide that the developer shall be given a pro rata credit for cash contributions for capital costs of public facilities specified in the impact fee ordinance where such contributions were proffered, accepted, and paid pursuant to § 15.2-2298 or § 15.2-2303. However, nothing herein shall preclude a developer from proffering and the locality from accepting conditions, including the payment of cash, designed to address any impacts related to a specific development that are not addressed by a locality's impact fee ordinance.

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