

2007 SESSION

INTRODUCED

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SENATE BILL NO. 1356

Offered January 16, 2007

A *BILL to amend the Code of Virginia by adding in Chapter 22 of Title 15.2 an article numbered 9, consisting of a section numbered 15.2-2328, relating to impact fees for public facilities related to residential development.*

Patron—O'Brien

Referred to Committee on Local Government

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 22 of Title 15.2 an article numbered 9, consisting of a section numbered 15.2-2328, as follows:

Article 9.

Public Facilities Impact Fees.

§ 15.2-2328. *Impact fees for public facilities related to residential development.*

A. Any locality 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 only be used 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.

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.

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