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SENATE BILL NO. 185

Offered January 9, 2008

Prefiled January 7, 2008

A BILL to amend the Code of Virginia by adding in Chapter 22 of Title 15.2 an article numbered 10, consisting of a section numbered 15.2-2330, relating to impact fees.

Patron—Herring

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 10, consisting of a section numbered 15.2-2330 as follows:

§ 15.2-2330. Impact fees for residential development.

A. This section shall apply to (i) any locality that has had population growth of 5% or more from the next-to-latest to latest decennial census year, based on population reported by the United States Bureau of the Census; (ii) any city adjoining such city or county; (iii) any towns located within such county; and (iv) any county contiguous with at least three such counties, and any town located in that county.

B. Definitions:

"Public facilities" means:

1. Water supply production, treatment, and distribution facilities;
2. Wastewater collection, treatment, and disposal facilities;
3. Roads, streets, and bridges, including rights-of-way, traffic signals, landscaping, and any local components of state or federal highways;
4. Stormwater collection, retention, detention, treatment, and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements;
5. Parks, open space, and recreation areas and related facilities;
6. Public safety facilities, including police, fire, emergency medical, and rescue facilities;
7. Primary and secondary schools and related facilities; and
8. Libraries and related facilities.

C. 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 sufficient to defray all or part of the capital costs of public facilities related to residential development.

D. Impact fees imposed and collected pursuant to this section shall only be used for public facilities that are impacted by a particular development project; however, the fees may be used in the general area of the project.

E. No impact fees shall be assessed or imposed upon a development or subdivision if the subdivider or developer has proffered conditions pursuant to §§ 15.2-2298 or 15.2-2303 for offsite road improvements, or the proffered conditions include the dedication of real property or payment of cash, and the proffered conditions have been accepted by the local government.

F. A locality's impact fee ordinance may exempt all or part of a development project from impact fees if such project is determined to create extraordinary economic development and employment growth or affordable housing and the locality can demonstrate one or more separate sources to provide the exempt project's proportionate share of the costs attributable to the development.

INTRODUCED

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