

Annual Report on Impact Fees

January 2011 – December 2011

**Department of Capital Planning and
Management – Office of Impact Fees**

Jefferson County Government

20 January 2012

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Executive Summary

1.1. Trends in Fee Collection

Permitting for new residential and commercial construction in Jefferson County in Calendar Year (CY) 2011 fell slightly relative to CY 2010, as indicated in Tables 1A and 1B. This resulted in a slightly lower fee revenue relative to last year. In CY 2011 there were 22 permits for replacement of existing dwelling units, which do not represent new growth and were exempt from impact fees. There was 1 exempt commercial building permit application during the same time period.

Table 1A. Total County Residential Building Permits (CY 2004-2011)

Year		Single Family			Town Home/Duplex			Grand Total
		Exempt	Fee	Total	Exempt	Fee	Total	
2004	Qtr1	16	16	32				32
	Qtr2	9	46	55				55
	Qtr3	13	122	135				135
	Qtr4	11	85	96		5	5	101
2004 Total		49	269	318		5	5	323
2005	Qtr1	6	65	71		6	6	77
	Qtr2	12	82	94		1	1	95
	Qtr3	6	89	95		12	12	107
	Qtr4	15	88	103		3	3	106
2005 Total		39	324	363		22	22	385
2006	Qtr1	11	129	140		15	15	155
	Qtr2	8	56	64		5	5	69
	Qtr3	12	37	49		27	27	76
	Qtr4	11	34	45		10	10	55
2006 Total		42	256	298		57	57	355
2007	Qtr1	8	64	72		16	16	88
	Qtr2	13	69	82		34	34	116
	Qtr3	7	54	61		9	9	70
	Qtr4	10	26	36		7	7	43
2007 Total		38	213	251		66	66	317
2008	Qtr1	5	31	36				36
	Qtr2	7	25	32		26	26	58
	Qtr3	4	28	32		7	7	39
	Qtr4	6	24	30		6	6	36
2008 Total		22	108	130		39	39	169
2009	Qtr1	5	12	17		13	13	30
	Qtr2	2	20	22		16	16	38
	Qtr3	8	30	38		5	5	43
	Qtr4	10	13	23		16	16	39
2009 Total		25	75	100		50	50	150
2010	Qtr1	2	20	22		16	16	38
	Qtr2	7	35	42		16	16	58
	Qtr3	9	16	25		7	7	32
	Qtr4	14	20	34				34
2010 Total		32	91	123		39	39	162
2011	Qtr1	3	16	19	1	20	21	40
	Qtr2	8	18	26		14	14	40
	Qtr3	7	26	33				33
	Qtr4	3	13	16		6	6	22
2011 Total		21	73	94	1	40	41	135
Grand Total		268	1409	1677	1	318	319	1996

Table 1B. Total County Non-Residential Building Permits (CY 2004-2011)

Year		Exempt	Fee	Total
2004	Qtr1		1	1
	Qtr2		2	2
	Qtr4		1	1
2004 Total			4	4
2005	Qtr2		4	4
	Qtr3		1	1
2005 Total			5	5
2006		0	0	0
2006 Total		0	0	0
2007	Qtr2	8	8	16
	Qtr3	2	2	4
	Qtr4		2	2
2007 Total		10	12	22
2008	Qtr1		2	2
	Qtr2	1	1	2
	Qtr3	1	4	5
	Qtr4	2	2	4
2008 Total		4	9	13
2009	Qtr1		1	1
	Qtr4	3	1	4
2009 Total		3	2	5
2010	Qtr1	5	1	6
	Qtr2		4	4
	Qtr3		1	1
	Qtr4	5	2	7
2010 Total		10	8	18
2011	Qtr1	1	3	4
	Qtr3		2	2
	Qtr4		6	6
2011 Total		1	11	12
Grand Total		28	51	79

1.2. Fees Collected

Jefferson County uses a fiscal year which starts in July and runs through June of the next year. The accounting of fees collected to date is based on a calendar year since this report is due to the Commission in January of each year. Thus, these values reported below span Fiscal Years 2011 and 2012 and run from 1 January 2011 through 31 December 2011. Table 2 presents the total fee collection data, while Tables 3 and 4 present the financial data categorized into county and municipal tax districts.

The financial transaction information for the Office of Impact Fees general account (which serves as the initial account of fee deposit) is presented in Table 5. Table 6 presents the financial data for each of the 4 long term impact fee holding accounts (Schools, Law Enforcement, Parks & Recreation and Fire & EMS).

Table 2. Fees Collected – Calendar Year 2011

Land Use	Type	Fire & EMS	Law	Parks & Rec	Schools	Grand Total
Commercial	Warehousing	600	65			665
	Casino	3,016	350			3,366
	Lt Ind/Office	3,849	408			4,257
	Church	755	87			842
	Training Facility	8,460	1,958			10,418
	Office10Less	3,294				3,294
	Warehouse	1,676				1,676
	Hotel	28,754				28,754
	Training Center	1,258	146			1,404
Commercial Total		51,662	3,014			54,676
Residential	Single Family	48,115	12,740	51,583	783,530	895,968
	Town Home/Duplex	21,688	4,200	23,398	348,162	397,448
Residential Total		69,803	16,940	74,981	1,131,692	1,293,416
Grand Total		121,465	19,954	74,981	1,131,692	1,348,092

Table 3. Fees Collected by County Tax District – Calendar Year 2011

Tax District	Land Use	Type	Parks &				Schools	Grand Total
			Fire & EMS	Law	Rec			
02 Charles Town	Commercial	Casino	3,016	350				3,366
		Training Center	1,258	146				1,404
	Commercial Total		4,274	496				4,770
	Residential	Single Family	15,356	5,764	16,544	249,876		287,540
		Town Home/Dup	11,193	4,200	12,075	179,760		207,228
	Residential Total		26,549	9,964	28,619	429,636		494,768
02 Charles Town Total			30,823	10,460	28,619	429,636		499,538
04 Harpers Ferry	Residential	Single Family	1,184	688	1,022	19,746		22,640
	Residential Total		1,184	688	1,022	19,746		22,640
04 Harpers Ferry Total			1,184	688	1,022	19,746		22,640
06 Kabletown	Commercial	Lt Ind/Office	3,849	408				4,257
		Training Facility	8,460	1,958				10,418
		Warehousing	600	65				665
	Commercial Total		12,909	2,431				15,340
	Residential	Single Family	9,074	3,406	9,776	147,654		169,910
	Residential Total		9,074	3,406	9,776	147,654		169,910
06 Kabletown Total			21,983	5,837	9,776	147,654		185,250
07 Middleway	Commercial	Church	537	62				599
	Commercial Total		537	62				599
	Residential	Single Family	698	262	752	11,358		13,070
	Residential Total		698	262	752	11,358		13,070
07 Middleway Total			1,235	324	752	11,358		13,669
09 Shepherdstown	Commercial	Church	218	25				243
	Commercial Total		218	25				243
	Residential	Single Family	6,980	2,620	7,520	113,580		130,700
	Residential Total		6,980	2,620	7,520	113,580		130,700
09 Shepherdstown Total			7,198	2,645	7,520	113,580		130,943
Grand Total			62,423	19,954	47,689	721,974		852,040

Table 4. Fees Collected by Municipal Tax District – Calendar Year 2011

Tax District	Land Use	Type	Parks &			Grand Total
			Fire & EMS	Rec	Schools	
03 Charles Town Corp	Commercial	Office10Less	3,294			3,294
	Commercial Total		3,294			3,294
	Residential	Single Family	9,074	9,776	147,654	166,504
	Residential Total		9,074	9,776	147,654	166,504
03 Charles Town Corp Total			12,368	9,776	147,654	169,798
08 Ranson Corp	Commercial	Hotel	28,754			28,754
		Warehouse	1,676			1,676
	Commercial Total		30,430			30,430
	Residential	Single Family	5,749	6,193	93,662	105,604
08 Ranson Corp Total		Town Home/Duplex	10,495	11,323	168,402	190,220
	Residential Total		16,244	17,516	262,064	295,824
			46,674	17,516	262,064	326,254
Grand Total			59,042	27,292	409,718	496,052

1.3. Financial Data

Table 5. Office of Impact Fees General Account (3111776)

Month	Starting Balance	Total Deposits	Total Checks	Interest	Ending Balance
January	91,023.11	84,686.00	91,023.11	72.04	84,758.04
February	84,758.04	210,328.00	142,766.04	66.16	152,386.16
March	152,386.16	123,358.00	152,386.16	92.59	123,450.59
April	123,450.59	94,680.00	123,450.59	84.31	94,764.31
May	94,764.31	51,494.00	94,764.31	52.86	51,546.86
June	51,546.86	193,634.00	51,546.86	104.34	193,738.34
July	193,738.34	77,709.00	193,738.34	56.11	77,765.11
August	77,765.11	90,966.00	77,765.11	28.33	90,994.33
September	90,994.33	151,121.00	90,994.33	52.46	151,173.46
October	151,173.46	60,417.00	164,243.46	34.59	47,381.59
November	47,381.59	127,542.00	47,381.59	26.73	127,568.73
December	127,568.73	82,157.00	127,568.73	39.90	82,196.90
Totals		1,348,092.00	1,357,628.63	710.42	
December 2011 Outstanding Credits					0.00
January 2012 Transfers					(82,196.90)
03 January 2012 Deposits					0.00
03 January 2012 Balance					0.00

Table 6. Impact Fee Holding Accounts

Category	Schools	Law	Parks	Fire & EMS
Account Number	3107582	3120120	3122808	3122816
Balance on 01 January 2011	\$1,206,857.50	\$52,963.64	\$189,225.40	\$469,079.41
Total Deposits	\$1,166,391.87	\$20,581.15	\$77,279.40	\$93,379.07
<i>Of which</i>				
<i>Transferred fees</i>	\$1,165,766.00	\$20,569.00	\$77,237.00	\$93,329.00
<i>Transferred interest</i>	\$625.87	\$12.15	\$42.40	\$47.21
Withdraws /1	(\$1,500,000.00)	(\$15,553.00)	(\$17,970.00)	(\$449,030.86)
Interest Accrued-CY 2011	\$9,881.18	\$378.58	\$1,672.80	\$2,832.45
Outstanding debits - 31 Dec 2011				
Balance on 31 December 2011	\$883,130.55	\$58,370.37	\$250,207.60	\$116,260.07
January Transfers /2	\$45,453.94	\$695.40	\$3,009.60	\$33,037.96
<i>Of which</i>				
<i>Transferred fees</i>	\$45,432.00	\$695.00	\$3,008.00	\$33,022.00
<i>Transferred interest</i>	\$21.94	\$0.40	\$1.60	\$15.96
Final Balance 03 January 2012	\$928,584.49	\$59,065.77	\$253,217.20	\$149,298.03

Notes

/1 See Table 7 for details.

/2 From fees collected in December 2011 and transferred in January 2012.

Table 7. Impact Fee Holding Account Withdraws

Account	Check Date	Statement Date	Debit	Note
School	3-Aug-11	31-Aug-11	1,500,000.00	Requisition 11R00063 Harpers Ferry MS
Law	10-Mar-11	31-Mar-11	15,553.00	Requisition 11R0062 Exchange Vehicle
Parks	04-Nov-11	31-Dec-11	1,250.00	Requisition 11R0071 Molton Park
	27-Nov-11	31-Dec-11	16,720.00	Requisition 11R0072 Molton Park
		Total	17,970.00	
Fire/EMS	11-Jan-11	31-Jan-11	2.86	Adjustment /1
	20-Jan-11	31-Jan-11	89,000.00	Requisition 11R0061 Independ Generator
	11-Aug-11	31-Aug-11	35,940.00	Requisition 11R0064 Shep Generator
	11-Aug-11	30-Sep-11	15,285.00	Requisition 11R0065 JCESA Autopulse
	11-Aug-11	30-Sep-11	15,285.00	Requisition 11R0066 Friendship Autopulse
	1-Sep-11	30-Sep-11	95,460.00	Requisition 11R0067 Citizens Generator
	7-Oct-11	31-Oct-11	17,970.00	Requisition 11R0068 Shep Generator
	27-Oct-11	30-Nov-11	47,730.00	Requisition 11R0069 Citizens Generator
	27-Oct-11	31-Dec-11	5,190.00	Requisition 11R0070 Shep Generator
	1-Dec-11	31-Dec-11	99,500.00	Requisition 11R0073 Middleway Station
	1-Dec-11	31-Dec-11	27,668.00	Requisition 11R0074 JCESA Vehicle
		Total	449,030.86	
		Grand Total	1,982,553.86	

Notes

/1 Required to correct a shortage of \$2.86 in account transfer check #785.

1.4. Fees Disbursed

Fees are disbursed from the long term accounts for only two reasons: refund and requisition. The transactional details for all fee disbursements are presented in Table 7.

1.4.1. Refunds

Refunds are only processed when a building permit is revoked and upon written request of the building permit applicant. There were no refunds processed in CY 2011.

1.4.2. Requisitions

Impact fee payments for projects listed on the FY 2012 Capital Improvement Plans are listed in Table 7. Projects eligible for funding by impact fees must be approved by the County Commission. The fee fundable projects approved for FY 2012 along with the approved funding amounts are listed in Table 8, below. Note that withdraws from some fee accounts as presented in Table 7 include projects listed on the FY 2011 CIP and which were approved in FY 2011.

Table 8. FY 2012 Approved Fee Fundable Projects

Category	Project (CIP line item)	Approved Impact Fee Funding
Schools	Blue Ridge Primary addition	500,000
Schools	Harpers Ferry Middle School addition	1,500,000
Schools	New Bus and Food Service Facility	4,500,000
Schools	County-wide expansion of schools	1,000,000
Law Enforcement	Purchase of Police Cruisers	\$70,000
Parks & Recreation	Weapons training qualifications range	\$10,000
Parks & Recreation	Mobile data terminal for police vehicle	\$19,800
Fire & EMS	Shepherdstown VFC Generator	\$59,900
Fire & EMS	Citizens VFC Generator	\$154,900
Fire & EMS	JCESA Zoll Autopulse Units	\$15,285
Fire & EMS	Friendship VFC Zoll Autopulse Units	\$15,285
Fire & EMS	Middleway VFC Acquisition of Station Land/Building	\$100,000
Fire & EMS	JCESA Additional chase vehicle	\$55,000
Parks & Recreation	Molton Park Improvements	\$45,000
Parks & Recreation	Hite Road Park	\$237,000

2. Annual Review

2.1. *Recommended Changes to Ordinances or Procedures*

In December 2011 all of the impact fee calculations were updated. For the categories of Law Enforcement, Parks & Recreation, and Fire & EMS the recalculation was part of the regularly scheduled recalculations that occur every three years. The School impact fee was scheduled to be recalculated last year, but funds were not available to engage a consultant at that time. A consultant was recommended for several reasons: (1) part of the new Washington High School was planned expansion, requiring a different calculation, (2) to ensure that the credit for the current school construction levy was calculated correctly, and (3) to recalibrate pupil generation rates, either by housing unit type or by housing unit size. These concerns have been addressed in the School Impact Fee study conducted by TischlerBise and presented in Appendix A.

2.1.1. Ordinance Changes During 2012

Changes to the four impact fee ordinances will be required in CY 2012 should the County Commission decide to adopt the results of the 4 recalculated impact fee schedules. In each ordinance, the findings section will require revision to document changes in the capital asset inventories as well as any changes in the demand generators. Also in each ordinance, the fee schedule table should be updated to reflect the most recent fee calculation. Ordinances affected include: School (2003-3), Law Enforcement (2005-1), Parks & Recreation (2005-2), and Fire & EMS (2005-3).

Should the County Commission move to adopt the updated School Impact Fee recalculation, the next decision is whether to adopt the current fee levy scheme, which is based on housing unit type, or the proposed scheme that for single family detached homes would be based on housing unit size. If the latter approach is adopted this change must also be reflected in the impact fee procedure ordinance (County Ordinance 2003-1).

Public hearings should be scheduled in February to permit sufficient time for public input prior to enabling any of the proposed changes. The proposed changes to ordinances are presented in Appendices H-L.

In addition to the fee recalculations, WV Code §7-20-7A was enacted during the CY 2011 Legislative Regular Session. This new code section requires the County to consider Affordable Housing as it relates to Impact Fees before 01 July 2012. In December 2011 the County Commission was presented with an interim report from the ad hoc Affordable Housing Committee. This report detailed several options for complying with §7-20-7A and a specific recommendation to address affordable housing as it relates to manufactured homes. That proposed change to the Impact Fee Procedure Ordinance (2003-1) is outlined in Appendix M.

2.2. *Identification of FY 2013 Impact Fee-Fundable Capital Projects*

The following projects appear on the FY 2013 Jefferson County Capital Improvement Plan and are listed because they have been identified by the Impact Fee Coordinator as being eligible for funding by impact fees, either in whole or in part. Projects so identified represent expansion of the current level of service. Exclusion of other projects, listed in the FY 2013 CIP but not included here, only indicates that they are not eligible for funding by impact fees and should not be taken as an indication of their overall merit.

Note that in all service categories, there are insufficient funds to approve all listed projects so Tables 9-12 list all potentially fundable projects with the knowledge that not all listed projects will be funded via impact fees.

2.2.1. Schools

Table 9. BOE Fee Fundable Projects

Project	Current Request	Funding Potential	Category
Blue Ridge Primary	\$1,000,000	\$1,000,000	Elementary
Harpers Ferry Middle School Addition	\$1,500,000	\$1,500,000	Middle
New Bus and Food Service Facility /1	\$7,500,000	\$1,600,000	Support/Administration
County-Wide Expansion of School Facilities	\$1,000,000	\$1,000,000	(Varies by project)
Totals	\$11,000,000	\$5,100,000	

Note \1. Request exceeds funds anticipated by beginning of FY 2013.

2.2.2. Law Enforcement

Table 10. Law Enforcement Fee Fundable Projects

Project	Current Request	Funding Potential	Category
Purchase of Police Cruisers x (18)	\$150,000	\$52,000	Vehicles
Weapons training qualifications range	\$20,000	\$10,000	Facilities
Mobile Data Terminal System for police vehicle - communications	\$26,000	\$26,000	Vehicles
Totals	\$196,000	\$88,000	

2.2.3. Parks & Recreation

Table 11. Park & Recreation Fee Fundable Projects

Project	Current Request	Funding Potential	Category
System Wide Needs Assessment Survey /1	\$40,000	\$10,000	Facilities and Improvements
Sam Michaels Park Improvements	\$15,000	\$15,000	Facilities and Improvements
Hite Road Park Improvements /2	\$618,120	\$260,000	Facilities and Improvements
Mowing Equipment /3	\$15,300	\$15,300	Equipment and Vehicles
Totals	\$688,420	\$300,300	

Notes

/1. Part of this project is assumed to be required due to new growth.

/2. Request exceeds funds anticipated by beginning of FY 2013.

/3. Part of this overall project is replacement of mowers. One unit is justified due to expansion of mowed acreage.

2.2.4. Fire & EMS

Table 12. Jefferson County Fire and EMS Projects

Company	Project	Current Request	Funding Potential	Category
Bakerton	Ambulance	\$ 180,000	\$ 180,000	Equipment
Blue Ridge	Generator	\$ 65,000	\$ 65,000	Equipment
Blue Ridge	Sub Station Generator	\$ 40,000	\$ 40,000	Equipment
	Emergency Medical Services - Transport Unit			
Citizens	(Ambulance, ALS Capable)	\$ 200,000	\$ 200,000	Equipment
Friendship	Generator for Building	\$ 75,000	\$ 75,000	Equipment
Friendship	NEW PRIMARY STATION	\$ 300,000	\$ 300,000	Stations/Land
Friendship	2 ADDITIONAL THERMAL IMAGERS	\$ 20,000	\$ 20,000	Equipment
Independent	Building Project	\$ 50,000	\$ 50,000	Stations/Land
Independent	Equipment Utility Pickup Truck	\$ 30,000	\$ 5,000	Equipment
Middleway	Stand By Generator	\$ 50,000	\$ 50,000	Equipment
Middleway	Auto Pulse	\$ 15,000	\$ 15,000	Equipment
Totals		\$1,025,000	\$ 1,000,000	

2.3. Proposed Fee Boundary Districts

Presently, the only fee category which utilizes fee districts is Law Enforcement. The boundaries of these districts are coincident with the current municipal boundaries. The Law Enforcement Impact Fee Ordinance defines the fee collection district as that portion of the county which is unincorporated. As various municipalities continue to annex portions of the county, this boundary automatically adjusts. Thus there are no specific recommendations to change fee boundaries.

2.4. Proposed Fee Schedule Changes

By County policy, fee studies are updated every three years. The School Impact Fee was up for recalculation in 2009 but was delayed due to funding considerations. In December

of 2011 all 4 impact fee categories underwent a recalculation. The School Impact Fee was recalculated by TischlerBise and included a study to update pupil generation rates. The results of that recalculation are presented in Appendix A. In summary, the study updates the school impact fee as well as recalibrates the pupil generation data. A clear trend emerges that indicates that smaller dwelling units have proportionately fewer school age children than larger dwelling units. This trend holds true for traditionally smaller dwelling units such as mobile homes, town homes and duplexes, and multifamily apartments. Because of the lack of variety in unit size for these structures, the consultant recommends separate, fixed fee schedules for all dwelling unit types except single family detached. In this case the consultant recommends a fee schedule that varies with dwelling unit size. These data and commentary concerning the methodology and findings are presented in Appendix A.

The Law Enforcement, Parks & Recreation, and Fire & EMS impact fees were recalculated using DCPM staff. In addition to updating capital asset inventories in these three service areas, staff recalibrated population estimates, non-residential vehicular trips, and rural land values as part of the studies. As a result of the recalculations, some fee schedules went up in both residential and non-residential arenas (Law Enforcement) while the Parks & Recreation fee schedule dropped markedly due to falling rural land prices. The Fire & EMS impact fee schedule rose for residential categories and fell for non-residential land uses, reflecting a shift in Fire & EMS responses with a greater percentage of calls coming from residences relative to the 2007 study.

The recalculated fee schedules for Law Enforcement, Parks & Recreation, and Fire & EMS are presented in Appendices B, C, and D, respectively.

2.4.1. Inflation Adjustments

It is generally recommended that all ordinance schedules not recalculated in any given calendar year be adjusted for inflation. By dictate of the Impact Fee Procedures Ordinance [2003-1], the Impact Fee Coordinator must use the Quantity and Price Indexes for Gross Government Fixed Investment by Type which is published by the United States Bureau of Economic Analysis¹. Consult Table 13 for the price index and Table 18 for an overview of the proposed inflation-adjusted fee schedule for residential construction.

This adjusted schedule would take effect on 1 April 2012 as per the Impact Fee Procedure Ordinance (2003-1). The Commission may choose to implement the inflation adjustment in one of two ways:

- If the Commission decides against adoption of any or all of the updated fee studies, the inflation adjustment for the current fee schedules are outlined in Tables 14-17 of the following section. The total inflation-adjusted fees for the three types of residential housing units is presented in Table 18.
- Should the Commission adopt any or all of the recent fee studies, an inflation index should apply since the financial data underlying these studies is now more than a year old. For each fee study the inflation-adjusted values are presented in

¹ Source is Table 5.8.4B, lines 35, 36 and 43.

Appendix F. The total inflation-adjusted fees for new residential construction are presented in Appendix G.

2.5. *Proposed Changes to Level of Service Standards*

2.5.1. Overview

West Virginia Code §7-20 requires that the County maintain, as part of its capital improvement program, level of service standards (LOS) for impact fee-applicable categories. The County maintains its LOS as the base data used to conduct impact fee calculations and these standards are documented in the various impact fee studies (see preceding section). Thus, the Level of Service Standards for the categories of Schools, Law Enforcement, Parks & Recreation, and Fire & EMS services have been updated in December of 2011 (refer to Appendices A through D). Regardless of whether the County Commission adopts any or all of the recalculated fee schedules, the recalculation exercise in effect recalibrates the Level of Service Standards for Jefferson County.

Generalized Level of Service Standards for selected parameters for each of the 4 service categories are presented in Appendix E. The next scheduled update to the Level of Service Standards should occur in the Fall of 2013 as that date represents the standard 3-year recalculation frequency.

2.6. *Proposed Changes to Base Data for Fee Calculation*

See Appendix A for discussion of pupil generation rates.

The Impact Fee Coordinator continues to recommend that the County solicit assistance from the 5 municipalities for the purpose of sharing residential building permit data from 2012 forward. The purpose of this data sharing exercise would be to better track population growth during the years between each decennial census. This is an outstanding time to initiate this data sharing as the 2011 decennial census data was released in CY 2011.

3. 2011 Inflation Adjustments

3.1. *Source Data*

The following table is extracted from the BEA data for price indexes, years 2009 and 2010². These represent the most recent price indices and were released on 08 August, 2011. These data constitute the source for the annual inflation adjustments for the 4 impact fee categories currently in effect. As per Ordinance 2003-1, the annual inflation adjustment will be applied on 01 April 2012 unless the County Commission acts to stay these adjustments. As previously discussed, the Impact Fee Coordinator recommends that these inflation adjustments be made to whatever fee schedules are in effect on 01 April 2012.

² Source: <http://www.bea.gov/national/nipaweb/SelectTable.asp>. Choose Table 5.8.4B.

The values in the columns titled 2012 Impact Fee (tables 14-17) are the fees in effect as of January 2012 and do not represent the values from the fee schedules recalculated in December 2011. Those fee schedules and any inflation adjustments are presented in Appendices F and G.

Table 13. Price Indices and Cost of Living Adjustment

Table Line	Fee Category	Structure Class	Price Index CY 09	Price Index CY 10	Differential (Inflation Adjustment)
35	School	State and Local – Educational	130.841	130.386	0.9965
36	Law	State and Local – Public Safety	111.315	106.348	0.9553
37	Parks	Conservation and Development	111.246	106.327	0.9557
36	Fire	State and Local – Public Safety	111.315	106.348	0.9553

Source: Bureau of Economic Analysis, US Department of Commerce.

3.2. Inflation Adjustment – Schools

Table 14. Inflation Adjustment - Schools

Residential Development	2012 Impact Fee	2012 Adjusted	Differential
Single Family	\$11,358	\$11,319	(\$39)
Town home/Duplex	\$8,560	\$8,530	(\$30)
Multi-family	\$6,306	\$6,284	(\$22)

3.3. ***Inflation Adjustment – Law Enforcement***

Table 15. Inflation Adjustment - Law Enforcement

Residential Development	2012 Impact Fee	2012 Adjusted	Differential
Single Family	\$262	\$250	(\$12)
Town home/Duplex	\$200	\$191	(\$9)
Multi-family	\$197	\$188	(\$9)
Non Residential Development (fees per 1,000 sq ft gross usable floor area)	2012 Impact Fee	2012 Adjusted	Differential
Commercial/Shopping Center 25,000 SF or less	\$126	\$120	(\$6)
Commercial/Shopping Center 25,001 – 50,000 SF	\$117	\$112	(\$5)
Commercial/Shopping Center 50,001 – 100,000 SF	\$101	\$96	(\$5)
Commercial/Shopping Center 100,001 – 200,000 SF	\$87	\$83	(\$4)
Commercial/Shopping Center over 200,000 SF	\$75	\$72	(\$3)
Office/Institutional 10,000 SF or less	\$58	\$55	(\$3)
Office/Institutional 10,001 – 25,000 SF	\$47	\$45	(\$2)
Office/Institutional 25,001 – 50,000 SF	\$40	\$38	(\$2)
Office/Institutional 50,001 – 100,000 SF	\$34	\$32	(\$2)
Office/Institutional over 100,000 SF	\$29	\$28	(\$1)
Business Park	\$33	\$32	(\$1)
Light Industrial	\$18	\$17	(\$1)
Warehousing	\$13	\$12	(\$1)
Manufacturing	\$10	\$10	\$0

3.4. ***Inflation Adjustment – Parks & Recreation***

Table 16. Inflation Adjustment - Parks & Recreation

Residential Development	2012 Impact Fee	2012 Adjusted	Differential
Single Family	\$752	\$719	(\$33)
Town home/Duplex	\$575	\$550	(\$25)
Multi-family	\$566	\$541	(\$25)

3.5. *Inflation Adjustment – Fire & EMS*

Table 17. Inflation Adjustment - Fire & EMS

Residential Development	2012 Impact Fee	2012 Adjusted	Differential
Single Family	\$698	\$667	(\$31)
Town home/Duplex	\$533	\$509	(\$24)
Multi-family	\$525	\$502	(\$23)
Non Residential Development (fees per 1,000 sq ft gross usable floor area)	2012 Impact Fee	2012 Adjusted	Differential
Commercial/Shopping Center 25,000 SF or less	\$2,353	\$2,248	(\$105)
Commercial/Shopping Center 25,001 – 50,000 SF	\$2,182	\$2,085	(\$97)
Commercial/Shopping Center 50,001 – 100,000 SF	\$1,909	\$1,824	(\$85)
Commercial/Shopping Center 100,001 – 200,000 SF	\$1,653	\$1,579	(\$74)
Commercial/Shopping Center over 200,000 SF	\$1,418	\$1,355	(\$63)
Office/Institutional 10,000 SF or less	\$1,098	\$1,049	(\$49)
Office/Institutional 10,001 – 25,000 SF	\$889	\$849	(\$40)
Office/Institutional 25,001 – 50,000 SF	\$758	\$724	(\$34)
Office/Institutional 50,001 – 100,000 SF	\$551	\$526	(\$25)
Office/Institutional over 100,000 SF	\$548	\$524	(\$24)
Business Park	\$618	\$590	(\$28)
Light Industrial	\$338	\$323	(\$15)
Warehousing	\$240	\$229	(\$11)
Manufacturing	\$185	\$177	(\$8)

3.6. **Residential Fee Totals – Inflation Adjusted**

The Impact Fee Procedure Ordinance (2003-1) indicates that unless the Commission act to prevent these adjustments from taking effect, they automatically apply on the first day of April (c.f. §6(B) *et seq*). If the County Commission does not act to prevent the inflation adjustments listed in Table 18 from going into effect, the fee schedule listed in the table below will apply on 01 April 2012 (if the County Commission adopts any of the updated fee schedules the values that apply are presented in Appendices F and G).

Commercial fee schedules are always determined by the Impact Fee Coordinator on a case by case basis and thus may not easily be condensed into a summary table. This fee schedule does not include any schedule resulting from the fee recalculations of December 2011 – those potential adjustments are presented in Appendices F and G.

Table 18. Maximum Fee Schedule - 01 April 2012

Residential Development	Impact Fee Category	Current Impact Fee per Dwelling Unit	01 April 2012 Impact Fee per Dwelling Unit
Single Family	Schools	\$11,358	\$11,319
	Law Enforcement	\$262	\$250
	Parks & Recreation	\$752	\$719
	Fire & EMS	\$698	\$667
	TOTAL	\$13,070	\$12,955
Town home/Duplex	Schools	\$8,560	\$8,530
	Law Enforcement	\$200	\$191
	Parks & Recreation	\$575	\$550
	Fire & EMS	\$533	\$509
	TOTAL	\$9,868	\$9,780
Multi-family	Schools	\$6,306	\$6,284
	Law Enforcement	\$197	\$188
	Parks & Recreation	\$566	\$541
	Fire & EMS	\$525	\$502
	TOTAL	\$7,594	\$7,515

SCHOOL IMPACT FEES - DRAFT

Prepared for:

Jefferson County, West Virginia

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EXECUTIVE SUMMARY

TischlerBise is under contract with Jefferson County to update its School Impact Fees. TischlerBise was the author of the County's 2003/2005 impact fees and has worked with the County's on impact fees since 1991. The County desires an update of its School Impact Fees to reflect the following:

1. Recent completion of Washington High School.
2. Determination of the need and calculation of credits for the bond issued to fund Washington High School.
3. Analysis of the feasibility of calculating a progressive school impact fee schedule based on housing unit size versus one fee by type of housing unit.

TischlerBise has included the new high school in the calculation of the current level-of-service (LOS). The general credit methodology has also been updated to reflect the outstanding debt service payments on the 2004 bond issue and associated bond levies.

TWO IMPACT FEE OPTIONS

The County's current School Impact Fees are assessed as a flat fee by type of housing unit. For example, a 1,500 square foot single family house pays the same School Impact Fee as a 3,500 square foot house. An emerging concept among impact fee academics and practitioners is a progressive impact fee schedule which varies by size of housing unit. Smaller housing units often have smaller household sizes and other demographics compared to larger homes. These differences have a direct relationship on the need for additional infrastructure capacity resulting in differences in impact fee amounts.

TischlerBise has designed two School Impact Fee options for the County Commission's consideration:

Option 1 – a flat fee schedule by type of housing unit similar to the County's current impact fee schedule (see Figure 1.A).

Option 2 - a progressive impact fee schedule under which the School Impact Fee for single family units vary by size (see Figure 1.B).

Note: impact fees for residential development are assessed per housing unit and collected when building permits are issued.

OPTION 1

Under this option, all single family housing units would be assessed the same impact fee amount regardless of size.

Figure 1.A: School Impact Fees – Option 1

<i>Housing Type</i>	<i>Elementary</i>	<i>Middle</i>	<i>High</i>	<i>All Grades</i>	<i>Credit</i>	<i>TOTAL</i>
Single Family Detached	\$5,554	\$3,210	\$5,040	\$13,805	(\$354)	\$13,451
Duplex/Townhome	\$3,326	\$1,571	\$2,324	\$7,220	(\$367)	\$6,854
Multi-family	\$2,419	\$785	\$1,394	\$4,598	(\$156)	\$4,442
Mobile Home	\$4,535	\$2,356	\$4,183	\$11,074	(\$135)	\$10,940

Pros:

- From an administrative perspective, this option is straightforward as new housing units are classified by type.
- The data, methodology, and calculations are the most clear-cut.
- Reduces opportunities to “game” the system as units are determined by type.

Cons:

- There is no variation in the fee amount to account for the different impacts of different sizes of single family units.
- No vertical equity which distributes burdens proportionately across homebuyers with different abilities to pay.

OPTION TWO

Under this option, single family detached housing units would be assessed based on the size of unit.

Figure 1.B: School Impact Fees – Option 2

<i>Housing Type</i>	<i>Elementary</i>	<i>Middle</i>	<i>High</i>	<i>All Grades</i>	<i>Credit</i>	<i>TOTAL</i>
Single Family Detached						
0-1,500 Square Feet	\$5,102	\$2,875	\$4,427	\$12,405	(\$237)	\$12,168
1,501-2,500 Square Feet	\$6,762	\$3,728	\$6,022	\$16,513	(\$337)	\$16,176
2,501-3,500 Square Feet	\$7,856	\$4,290	\$7,073	\$19,219	(\$466)	\$18,752
3,501 or more Square Feet	\$8,673	\$4,709	\$7,858	\$21,240	(\$590)	\$20,650
Duplex/Townhome	\$3,326	\$1,571	\$2,324	\$7,220	(\$367)	\$6,854
Multi-family	\$2,419	\$785	\$1,394	\$4,598	(\$156)	\$4,442
Mobile Home	\$4,535	\$2,356	\$4,183	\$11,074	(\$135)	\$10,940

Pros:

- A progressive fee structure as smaller units pay less and larger units pay more.
- More precise assessment of infrastructure demand using local data.
- Enhanced vertical equity which distributes burdens proportionately across homebuyers with different abilities to pay.

Cons:

- From an administrative perspective, this option is more complex as the number of square feet must be determined and verified.
- The data, methodology, and calculations are more complex.

- Increases opportunities to “game” the system by manipulating the definition and number of square feet.

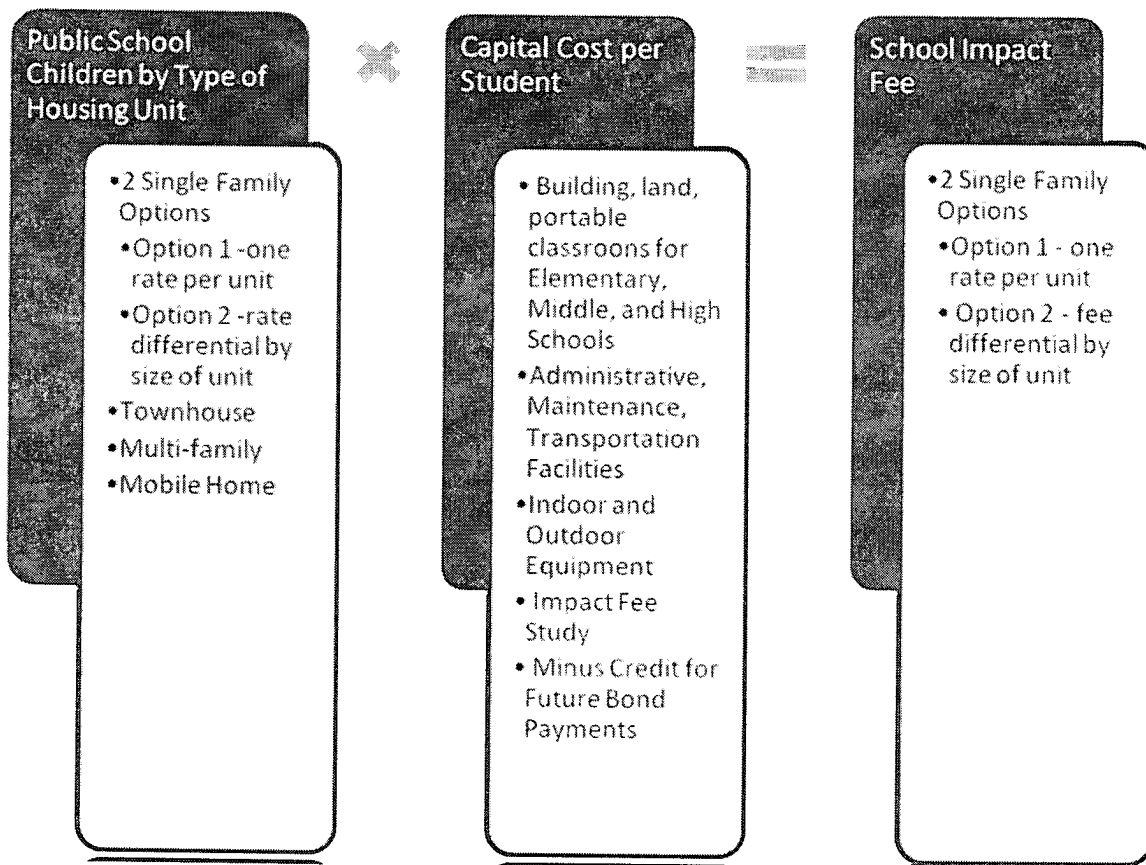
METHODOLOGY

The incremental expansion methodology is used for the calculation of the impact fee for Schools. This method documents the current levels-of-service (LOS) for each type of school facility being provided to existing development. This methodology will allow the County to provide new development the same LOS being provided to existing development. The impact fee is calculated using data from the current school year (2010-2011).

Figure 2 illustrates the formula used to derive the School Impact Fee. The impact fee includes costs for buildings, land, and portable classrooms, for elementary, middle, and high schools. In addition, costs for administrative, maintenance, and transportation buildings, indoor and outdoor equipment, and the impact fee study are also included.

To avoid potential double payment for school facilities, a credit for future bond payments on existing debt is subtracted from the capital cost per student and is reflected in the impact fees.

Figure 2 – School Impact Fee Methodology Chart



PUBLIC SCHOOL PUPIL GENERATION RATES

One of the fundamental requirements of impact fees is the concept of proportionate share. Proportionate share is the principle that impact fee amounts must correspond with the demand and cost for additional infrastructure capacity. This relationship is the critical difference which distinguishes impact fees from taxes. The County's current School Impact Fee is assessed as a flat fee by type of housing unit. Since the County's residential impact fee schedule differentiates the demand by different types of housing units (single family vs. townhouse vs. multi-family), this approach is defensible as it demonstrates the proportionate differences in demand created by these different types of residential development.

Smaller homes typically have smaller household sizes and fewer students compared to larger homes. These differences have a direct relationship on the need for additional infrastructure capacity resulting in differences in impact fee amounts. A flat impact fee schedule can have the adverse effect of smaller homes pay disproportionately larger share of costs, while larger homes disproportionately smaller shares. The result is that flat fees tend to have a regressive effect as those with lower incomes bear a larger percentage of these costs.

Progressive impact fees are designed to more accurately reflect the proportionate demand of different sizes of housing units. Under a progressive impact fee schedule, smaller houses which do not generate as much demand for additional infrastructure capacity pay a lower impact fee as larger houses which generate more demand for additional infrastructure capacity. This approach can reduce any potential regressive effects of impact fees.

STUDENT AND HOUSING DATA

A key variable in calculating School Impact Fees is the number of students generated by different types and sizes of housing unit. Data from the Schools, Assessor's Office, and GIS/Addressing were merged to form a database which contains information on number of students by grade by address, type of residential development, and square footage per unit. The creation of the database resulted in viable data for 21,613 housing units and 7,534 students. The summary of this data is shown in Figure 3.

Figure 3: Students by Grade Level by Type of Housing Unit

<i>Type of Housing Unit</i>	<i>Size Thresholds (sq ft)</i>	<i>Number of Units*</i>	<i>Average Size of Unit (sf)*</i>	<i>Elem. School Students**</i>	<i>Middle School Students**</i>	<i>High School Students**</i>	<i>Total Students</i>
Single Family	0-1,000	1,688	816	192	77	94	363
	1,001-2,000	8,582	1,469	1,292	607	788	2,687
	2,001-3,000	5,020	2,419	1,048	456	628	2,132
	3,001-4,000	1,900	3,409	535	241	299	1,075
	4,001+	903	4,730	257	98	153	508
	All Single Family	18,093	2,039	3,324	1,479	1,962	6,765
Townhouse		368	N/A	39	13	17	69
Multi-family		1,492	N/A	121	36	46	203
Mobile Home		1,660	N/A	245	105	147	497
TOTAL		21,613		3,729	1,633	2,172	7,534

* Jefferson County Assessor's Office

** Jefferson County Schools.

For each grade level, TischlerBise calculated two sets of student generation rates for single family housing units: one for all single family units regardless of size (used for Option 1) and a second by size of single family unit (used for Option 2). TischlerBise also included logarithmic trend lines and r squared values for student generation rates by size of housing unit to measure the strength of the relationship between size of housing unit and number of students. As shown in the figures below, there is a strong correlation between size of housing unit and number of students generated in Jefferson County.

Note that the analysis of students by size of housing unit is only for single family housing units. Single family housing units are the predominant type of housing unit in the County and come in a variety of sizes and forms. Townhouse, multi-family units, and mobile homes typically do not have the variety of characteristics as single family housing units. The data for townhouse, multi-family units, and mobile is used to calculate student generation rates for these types of housing units. As illustrated in the next section of the report, these types of housing units have lower student generation rates than single family housing units, thus their School Impact Fees will be lower.

ELEMENTARY STUDENT GENERATION RATES

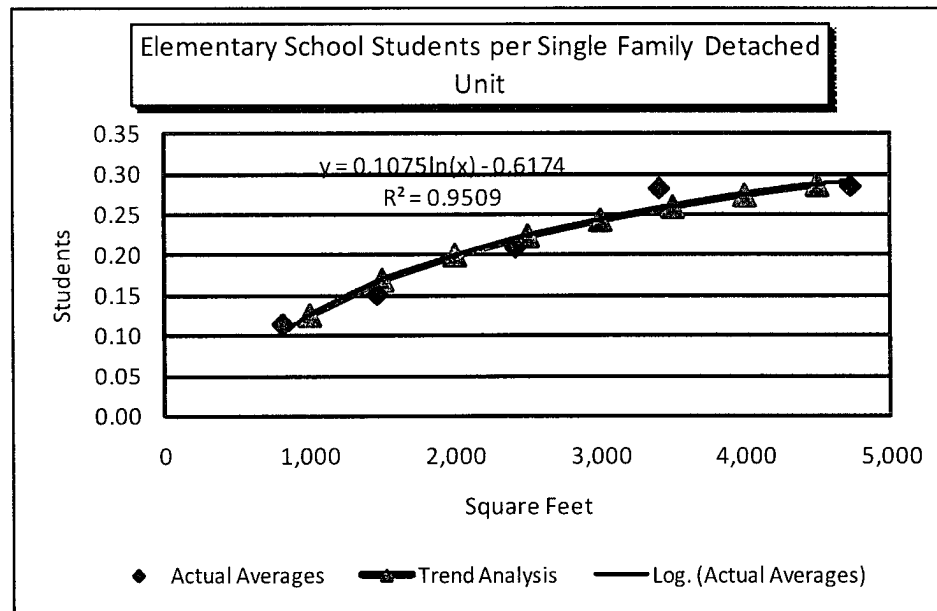
Data from Figure 3 is used to calculate elementary student generation rates for single family housing units. Generation rates by size of unit are calculated using 1,000 square foot intervals. A maximum threshold of 4,000 square feet is used given the small number of units of this size or larger in the County. Student generation rates by size of housing unit are shown at the top of Figure 4. The elementary student generation rate for all single family units is shown in the middle of Figure 4. The table at the bottom of Figure 4 illustrates the relationship of the number of elementary school students by size of single family housing unit including the formula for the logarithmic trend line and r^2 value. The r^2 value measures how well the trend line approximates actual data. The closer the r^2 value is to 1, the better the predictive value of the trend analysis. The r^2 value from Figure 4 is 0.9509.

Figure 4: Elementary School Student Generation Rates Trend Analysis by Size of Single Family Unit

<i>Actual Averages</i>		
<i>Size Range</i>	<i>Square Feet*</i>	<i>Pupils/Unit**</i>
0-1,000	816	0.11
1,001-2,000	1,469	0.15
2,001-3,000	2,419	0.21
3,001-4,000	3,409	0.28
4,001+	4,730	0.28

All Single Family Units

0.18



* Source: Jefferson County Assessor's Office.

** Source: Jefferson County Schools.

Data from Figure 3 is used to calculate elementary student generation rates for townhouse, multi-family, and mobile homes.

Figure 5: Elementary School Student Generation Rates for Townhouse, Multi-family, and Mobile Homes

<i>Type of Housing Unit</i>	<i>Elem. School Rate</i>
Townhouse	0.11
Multi-family	0.08
Mobile Home	0.15

MIDDLE SCHOOL STUDENT GENERATION RATES

Data from Figure 3 is used to calculate middle school student generation rates for single family housing units. Student generation rates by size of housing unit are shown at the top of Figure 6. The middle school student generation rate for all single family units is shown in the middle of Figure 6. The table at the bottom of Figure 6 illustrates the relationship of the number of middle school students by size of

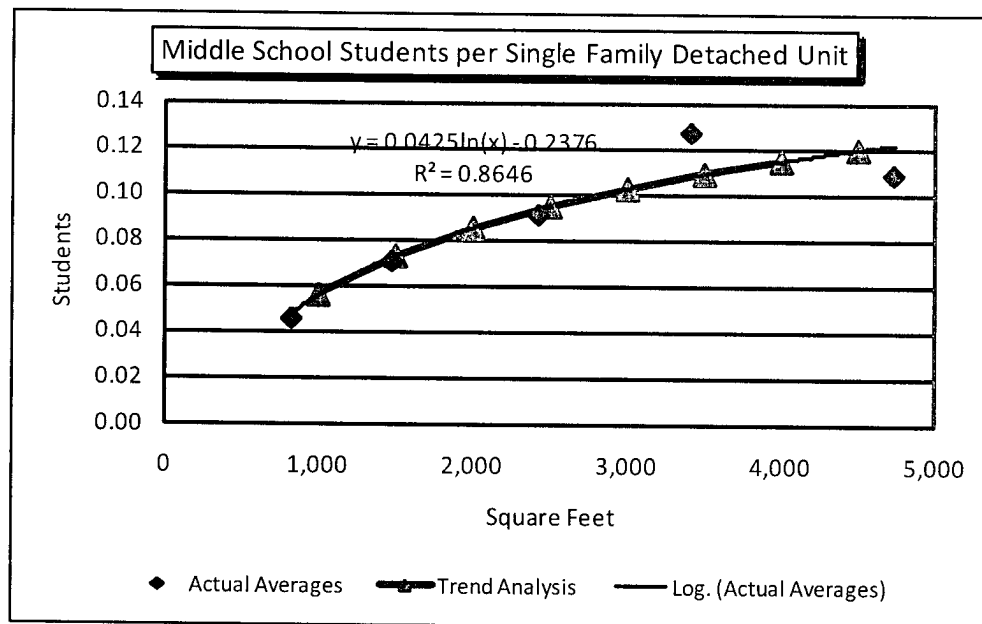
single family housing unit including the formula for the logarithmic trend line and r^2 value. The r^2 value from Figure 6 is 0.8646.

Figure 6: Middle School Student Generation Rates Trend Analysis by Size of Single Family Unit

<i>Actual Averages</i>		
<i>Size Range</i>	<i>Square Feet*</i>	<i>Pupils/Unit**</i>
0-1,000	816	0.05
1,001-2,000	1,469	0.07
2,001-3,000	2,419	0.09
3,001-4,000	3,409	0.13
4,001+	4,730	0.11

All Single Family Units

0.08



* Source: Jefferson County Assessor's Office.

** Source: Jefferson County Schools.

Data from Figure 3 is used to calculate middle school student generation rates for townhouse, multi-family, and mobile homes.

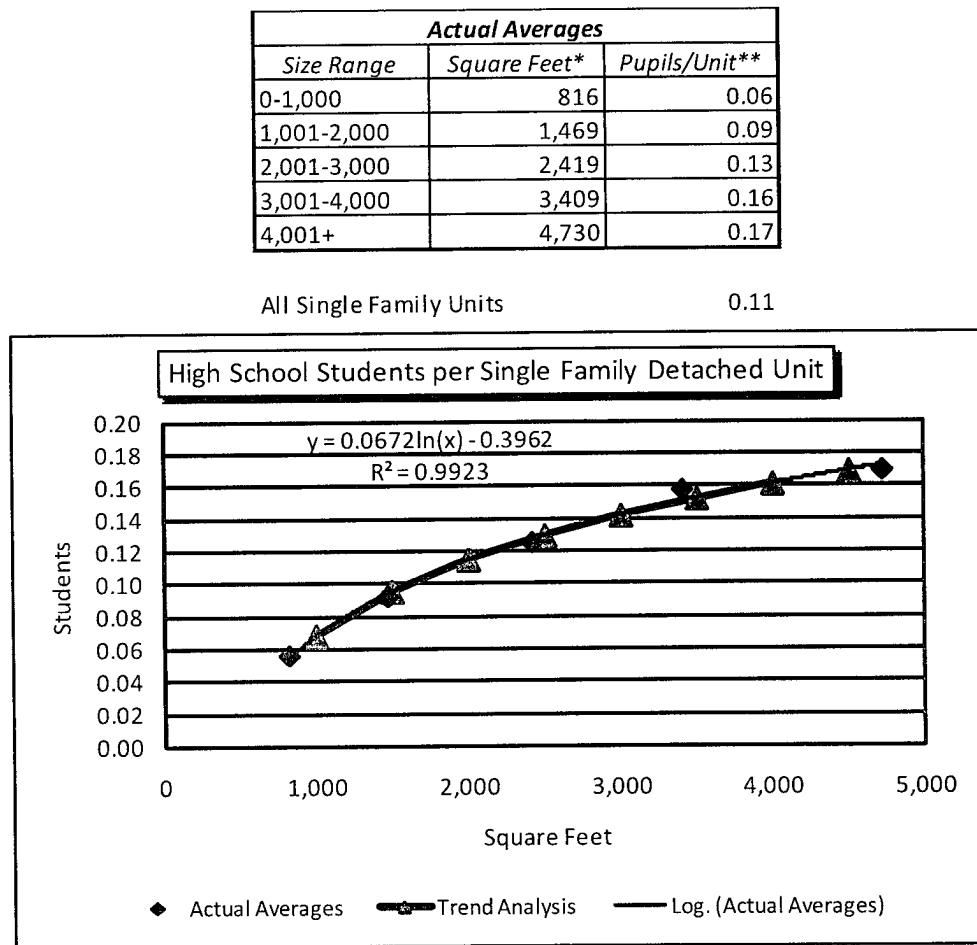
Figure 7: Middle School Student Generation Rates for Townhouse, Multi-family, and Mobile Homes

<i>Type of Housing Unit</i>	<i>Middle School Rate</i>
Townhouse	0.04
Multi-family	0.02
Mobile Home	0.06

HIGH SCHOOL STUDENT GENERATION RATES

Data from Figure 3 is used to calculate high school student generation rates for single family housing units. Student generation rates by size of housing unit are shown at the top of Figure 8. The high school student generation rate for all single family units is shown in the middle of Figure 8. The table at the bottom of Figure 8 illustrates the relationship of the number of high school students by size of single family housing unit including the formula for the logarithmic trend line and r^2 value. The r^2 value from Figure 6 is 0.9923.

Figure 8: High School Student Generation Rates Trend Analysis by Size of Single Family Unit



* Source: Jefferson County Assessor's Office.

** Source: Jefferson County Schools.

Data from Figure 3 is used to calculate high school student generation rates for townhouse, multi-family, and mobile homes.

Figure 9: High School Student Generation Rates for Townhouse, Multi-family, and Mobile Homes

<i>Type of Housing Unit</i>	<i>High School Rate</i>
Townhouse	0.05
Multi-family	0.03
Mobile Home	0.09

TWO OPTIONS FOR SINGLE FAMILY UNITS

TischlerBise has prepared two options for student generation rates for single family units. Option 1 includes a single student generation rate for single family units in addition to rates for townhouse, multi-family, and mobile homes. This option is similar to the structure of the County's current School Impact Fees.

Figure 10.A: Option 1 – Single Rate per Single Family Housing Unit

<i>Type of Housing Unit</i>	<i>Elem. School Rate</i>	<i>Middle School Rate</i>	<i>High School Rate</i>	<i>Total Rate</i>
Single Family	0.18	0.08	0.11	0.37
Townhouse ¹	0.11	0.04	0.05	0.19
Multi-family ²	0.08	0.02	0.03	0.14
Mobile Home	0.15	0.06	0.09	0.30

1. Includes single family attached and duplexes.
2. Includes 3 units or more.

Option 2 includes progressive student generation rates by size of single family housing units. Note the rates for townhouse, multi-family, and mobile homes are the same under both options. Based on analysis of the age of single family units and distribution of units among size categories, TischlerBise recommends the following size thresholds:

0 – 1,500 square feet
 1,501 – 2,500 square feet
 2,501 – 3,500 square feet
 3,501 + square feet

Using the trend line formulas for each grade level from the above figures, student generation rates are calculated for these size categories. These rates are shown in the figure below.

Figure 10.B: Option 2 – Progressive Rate by Size of Single Family Housing Unit

<i>Type of Housing Unit</i>	<i>Size Thresholds (sq ft)</i>	<i>Elem. School Rate</i>	<i>Middle School Rate</i>	<i>High School Rate</i>	<i>Total Rate</i>
Single Family	0 -1,500	0.17	0.07	0.10	0.34
	1,501 - 2,500	0.22	0.09	0.13	0.45
	2,501-3,500	0.26	0.11	0.15	0.52
	3,501 +	0.29	0.12	0.17	0.58
Townhouse ¹		0.11	0.04	0.05	0.19
Multi-family ²		0.08	0.02	0.03	0.14
Mobile Home		0.15	0.06	0.09	0.30

1. Includes single family attached and duplexes.

2. Includes 3 units or more.

CAPITAL COSTS PER STUDENT

The School Impact Fee includes components for buildings, land, and portable classrooms for elementary, middle, and high schools. The fee also includes components for central facilities, indoor and outdoor equipment, and impact fee study consultant costs. This section of the report details the current LOS and cost factors which are used in the impact fee calculations.

ELEMENTARY SCHOOL

The current inventory of elementary schools in Jefferson County is shown in the figure below. The elementary schools encompass 490,843 square feet and an enrollment of 4,495 students which yields a building LOS of 109.2 square feet per student (490,843 square feet/4,495 students = 109.2 square feet per student). There are 12,000 square feet of portable classrooms at the elementary schools, or 2.7 square feet per student (12,000 square feet/4,495 students = 2.7 square feet per student). These schools occupy 179.07 acres which results in an LOS of 0.04 acres per student (179.07 acres/4,495 students = 0.04 acres per student).

Figure 11: Elementary School LOS Standards

<i>Elementary Schools</i>	Building Square Footage	Portable Square Footage	Acreage	SY10-11 Enrollment	Building SF Per Student	Portable SF Per Student	Acres Per Student
Blue Ridge	49,155	4,480	41.25	433			
C W Shipley	42,674	1,440	15.00	385			
Driswood	58,800	0	15.00	504			
North Jefferson	44,891	1,440	12.00	273			
Page Jackson	58,699	800	12.38	474			
Ranson	35,401	3,840	4.46	388			
Shepherdstown	40,179	0	7.98	482			
South Jefferson	44,573	0	15.00	528			
T A Lowery	65,594	0	52.00	582			
Wright Denny	50,877	0	4.00	446			
Totals	490,843	12,000	179.07	4,495	109.2	2.7	0.04

The costs for buildings, portable classrooms, and land for elementary schools are shown in the figure below. These costs will be multiplied by the above LOS standards to determine the elementary school cost component of the impact fee. The cost per square foot for an elementary school is from the School Building Authority of West Virginia (SBA) and does not include land, furniture, fixtures, or equipment. Jefferson County Schools, in consultation with Williamson Shriver, Inc., provided cost factors for portable classrooms and land.

Figure 12: Elementary School Capital Costs

Construction Cost per Square Foot*	\$230
Land Cost per Acre**	\$41,000
Portable Classroom Cost per Square Foot**	\$60

* School Building Authority of West Virginia. Does not include land, furniture, fixtures, or equipment.

** Jefferson County Schools staff in consultation with Williamson Shriver, Inc.

MIDDLE SCHOOLS

Figure 13 lists the current inventory middle schools in Jefferson County. The schools total 273,576 square feet and an enrollment of 1,827 students which yields a building LOS of 146.1 square feet per student (273,576 square feet/1,827 students = 146.1 square feet per student). There are 10,240 square feet of portable classrooms at the middle schools, or 5.5 square feet per student (10,240 square feet/1,827 students = 5.5 square feet per student). These schools occupy 61.63 acres which results in an LOS of 0.03 acres per student (61.63 acres/1,827 students = 0.03 acres per student).

Figure 13: Middle School LOS Standards

<i>Middle Schools</i>	Building Square Footage	Portable Square Footage	Acreage	SY10-11 Enrollment	Building SF Per Student	Portable SF Per Student	Acres Per Student
Charles Town	82,231	0	13.53	592			
Harpers Ferry	48,970	7,360	10.00	395			
Shepherdstown	53,375	2,880	8.80	308			
Wildwood	89,000	0	29.30	577			
Totals	273,576	10,240	61.63	1,872	146.1	5.5	0.03

The costs for buildings, portable classrooms, and land for elementary schools are shown in the figure below. These costs will be multiplied by the above LOS standards to determine the middle school cost component of the impact fee. The cost per square foot for a middle school is from the School Building Authority of West Virginia (SBA) and does not include land, furniture, fixtures, or equipment. Jefferson County Schools, in consultation with Williamson Shriver, Inc., provided cost factors for portable classrooms and land.

Figure 14: Middle School Capital Costs

Construction Cost per Square Foot*	\$237
Land Cost per Acre**	\$30,000
Portable Classroom Cost per Square Foot**	\$60

* School Building Authority of West Virginia. Does not include land, furniture, fixtures, or equipment.

** Jefferson County Schools staff in consultation with Williamson Shriver, Inc.

HIGH SCHOOLS

The current inventory of high schools in Jefferson County is shown in the figure below. The high schools encompass 424,116 square feet and an enrollment of 2,477 students which yields a building LOS of 171.2 square feet per student (424,116 square feet/2,477 students = 171.2 square feet per student). There are 2,880 square feet of portable classrooms at the high schools, or 1.2 square feet per student (2,880 square feet/2,477 students = 1.2 square feet per student). These schools occupy 122.00 acres which results in an LOS of 0.05 acres per student (122.00 acres/2,477 students = 0.05 acres per student).

Figure 15: High School LOS Standards

<i>High Schools</i>	Building Square Footage	Portable Square Footage	Acreage	SY10-11 Enrollment	Building SF Per Student	Portable SF Per Student	Acres Per Student
Jefferson	211,000	2,880	64.00	1,367			
Washington	209,000	0	57.00	1,110			
Alternative Learning Center	4,116	0	1.00	0			
Totals	424,116	2,880	122.00	2,477	171.2	1.2	0.05

The costs for buildings, portable classrooms, and land for high schools are shown in the figure below. These costs will be multiplied by the above LOS standards to determine the high school cost component of the impact fee. The cost per square foot for a high school is from the School Building Authority of West Virginia (SBA) and does not include land, furniture, fixtures, or equipment. Jefferson County Schools, in consultation with Williamson Shriver, Inc., provided cost factors for portable classrooms and land.

Figure 16: High School Capital Costs

Construction Cost per Square Foot*	\$243
Land Cost per Acre**	\$30,000
Portable Classroom Cost per Square Foot**	\$60

* School Building Authority of West Virginia. Does not include land, furniture, fixtures, or equipment.

** Jefferson County Schools staff in consultation with Williamson Shriver, Inc.

ADMINISTRATION, MAINTENANCE, TRANSPORTATION FACILITIES

Figure 17 lists the inventory of existing facilities for administration, maintenance, and transportation. Jefferson County has 17,870 square feet of office facilities and a total enrollment of 8,844 students which yields a building LOS of 2.02 square feet per student (17,870 square feet/8,844 students = 2.02 per student).

Figure 17: Administration, Maintenance, Transportation Office LOS Standards

	Building Square Footage	SY10-11 Enrollment	Building SF Per Student
Board of Education Building	16,620		
Maintenance/Transportation Depts - Office	1,250		
Total	17,870	8,844	2.02

Figure 18 lists the inventory of existing shop facilities for maintenance, and transportation. Jefferson County has 10,300 square feet of shop facilities and a total enrollment of 8,844 students which yields a building LOS of 1.16 square feet per student (10,300 square feet/8,844 students = 1.16 per student).

Figure 18: Maintenance, Transportation Shop LOS Standards

	Building Square Footage	SY10-11 Enrollment	Building SF Per Student
Maintenance/Transportation Depts - Shop	10,300	8,844	1.16

The costs for these facilities are shown in Figure 19. These costs will be multiplied by the above LOS standards to determine the administration, maintenance, and transportation facilities component of the impact fee. The cost per square foot for office space is \$226 per square foot while the cost per square foot for shop space is \$217 per square foot. Jefferson County Schools, in consultation with Williamson Shriver, Inc., provided cost factors for portable classrooms and land.

Figure 19: Administration, Maintenance, Transportation Facility Capital Costs

Office Construction Cost per Square Foot*	\$226
Shop Construction Cost per Square Foot*	\$217

* Jefferson County Schools staff in consultation
with Williamson Shriver, Inc.

INDOOR AND OUTDOOR EQUIPMENT

Based on the School's insurance records, Jefferson County Public Schools currently have \$19,684,102 of building contents and \$2,634,500 of outdoor equipment for the total enrollment of 8,844 students. This results in a capital cost of \$2,226 per student for indoor equipment and \$298 per student for outdoor equipment.

Figure 20: Indoor and Outdoor Equipment Capital Costs

<i>Equipment</i>	Insurance* Value	SY10-11 Enrollment	Cost per Student
Building Contents	\$19,684,102	8,844	\$2,226
Outdoor Equipment	\$2,634,500	8,844	\$298

* Jefferson County Schools insurance records.

IMPACT FEE CONSULTANT STUDY COST

The cost of preparing the School Impact Fee is also included in the fee calculations. The County's current School Impact Fee also includes this component. This cost (\$26,200) is allocated to the projected increase in students over the next five years. On average, the County updates its impact fee methodologies and components every five years. This results in a consultant fee cost per demand unit of \$90.23 per student (\$26,200/290 students = \$90.23 per student).

GENERAL CREDITS

Credits must be evaluated to avoid potential double payment situations arising from the payment of a one-time impact fee plus payment of other taxes that may also fund growth-related capital improvements. The School Impact Fee methodology includes general credits for future property tax payments which will be used to retire the principal portion of General Obligation bonds issued in 2004 for school construction. These bonds will be retired in 2020.

The Jefferson County Assessor's Office provided the average market values and assessment rates shown in Figure 21. Due to the difficulty of projecting future market values and assessment and tax rates, TischlerBise recommends against including an inflation factor. For property tax purposes, West Virginia has several classes of property, each with a different levy. In the calculation of impact fee credits, single family, townhouses, and mobile homes are treated as Class II property. Multi-family units are assumed to be rental and thus Class III property. The FY2010-11 tax rates for retiring the principal portion of the 2004 bond issue are shown below.

Figure 21: General Credits Factors

Type of Housing Unit	Average Market Value*
Single Family Detached	
0-1,500 Square Feet	\$144,568.33
1,501-2,500 Square Feet	\$205,686.70
2,501-3,500 Square Feet	\$284,899.68
3,501 or more Square Feet	\$360,547.71
Single Family Detached (all units)	\$216,197.54
Duplex/Townhome	\$224,049.21
Multi-family	\$46,294.13
Mobile Home	\$82,155.20
Bond Levy	
Assessment Rate*	60%
Levy rate for bond purposes**	
Class II	0.000334
Class III	0.000688
Class IV	0.000688

* Jefferson County Assessor's Office.

** Jefferson County Schools.

The future stream of property tax revenues is projected over the remaining years of the 2004 bond and then discounted at a rate of 3.85% which is the weighted annual interest rate of the remaining bond payments. Figures 22.A and 22.B detail the calculation of the credits under the two pupil generation rate options.

Figure 22.A: General Credits under Option 1

<i>School Year</i>	<i>All Single Family</i>	<i>Duplex/Townhouse</i>	<i>Multi-family</i>	<i>Mobile Home</i>
2010-2011	\$43.33	\$44.90	\$19.11	\$16.46
2011-2012	\$43.33	\$44.90	\$19.11	\$16.46
2012-2013	\$43.33	\$44.90	\$19.11	\$16.46
2013-2014	\$43.33	\$44.90	\$19.11	\$16.46
2014-2015	\$43.33	\$44.90	\$19.11	\$16.46
2015-2016	\$43.33	\$44.90	\$19.11	\$16.46
2016-2017	\$43.33	\$44.90	\$19.11	\$16.46
2017-2018	\$43.33	\$44.90	\$19.11	\$16.46
2018-2019	\$43.33	\$44.90	\$19.11	\$16.46
2019-2020	\$43.33	\$44.90	\$19.11	\$16.46
Total	\$433.26	\$448.99	\$191.10	\$164.64
Discount Rate*	3.85%	3.85%	3.85%	3.85%
Net Present Value	\$353.98	\$366.84	\$156.13	\$134.51

* TischlerBise analysis of weighted average annual interest rates on remaining debt service.

Figure 22.B: General Credits under Option 2

<i>School Year</i>	<i>Single Family</i>				<i>Duplex/Townhouse</i>	<i>Multi-family</i>	<i>Mobile Home</i>
	<i>0-1,500 sf</i>	<i>1,501-2,500 sf</i>	<i>2,501-3,500 sf</i>	<i>3,501 + sf</i>			
2010-2011	\$28.97	\$41.22	\$57.09	\$72.25	\$44.90	\$19.11	\$16.46
2011-2012	\$28.97	\$41.22	\$57.09	\$72.25	\$44.90	\$19.11	\$16.46
2012-2013	\$28.97	\$41.22	\$57.09	\$72.25	\$44.90	\$19.11	\$16.46
2013-2014	\$28.97	\$41.22	\$57.09	\$72.25	\$44.90	\$19.11	\$16.46
2014-2015	\$28.97	\$41.22	\$57.09	\$72.25	\$44.90	\$19.11	\$16.46
2015-2016	\$28.97	\$41.22	\$57.09	\$72.25	\$44.90	\$19.11	\$16.46
2016-2017	\$28.97	\$41.22	\$57.09	\$72.25	\$44.90	\$19.11	\$16.46
2017-2018	\$28.97	\$41.22	\$57.09	\$72.25	\$44.90	\$19.11	\$16.46
2018-2019	\$28.97	\$41.22	\$57.09	\$72.25	\$44.90	\$19.11	\$16.46
2019-2020	\$28.97	\$41.22	\$57.09	\$72.25	\$44.90	\$19.11	\$16.46
Total	\$289.71	\$412.20	\$570.94	\$722.54	\$448.99	\$191.10	\$164.64
Discount Rate*	3.85%	3.85%	3.85%	3.85%	3.85%	3.85%	3.85%
Net Present Value	\$236.70	\$336.77	\$466.47	\$590.33	\$366.84	\$156.13	\$134.51

* TischlerBise analysis of weighted average annual interest rates on remaining debt service.

IMPACT FEES

Figures 23.A and 23.B summarize the variables for Option 1 and 2 that are used to calculate the School Impact Fee.

Figure 23.A: Option 1 School Impact Fee Variables

Students per Housing Unit

Type	Elementary	Middle	High
Single Family Detached	0.18	0.08	0.11
Duplex/Townhome	0.11	0.04	0.05
Multi-family	0.08	0.02	0.03
Mobile Home	0.15	0.06	0.09

Level of Service Standards

Component	Elementary	Middle	High
School square footage per student	109.2	146.1	171.2
Capital Cost per Square Foot	\$230.00	\$237.00	\$243.00
Cost per Student	\$25,115.44	\$34,635.42	\$41,606.86
Acreage per Student	0.04	0.03	0.05
Capital Cost per Acre	\$41,000.00	\$30,000.00	\$30,000.00
Cost per Student	\$1,633.34	\$987.66	\$1,477.59
Portable room square footage per student	2.7	5.5	1.2
Capital cost per square foot	\$60.00	\$60.00	\$60.00
Cost per Student	\$160.18	\$328.21	\$69.76
Admin Office Cost square footage per student	2.0	2.0	2.0
Capital cost per square foot	\$226.00	\$226.00	\$226.00
Cost per Student	\$456.65	\$456.65	\$456.65
Admin Shop Cost square footage per student	1.2	1.2	1.2
Capital cost per square foot	\$217.00	\$217.00	\$217.00
Cost per Student	\$252.73	\$252.73	\$252.73
Indoor Equipment cost per student	\$2,225.70	\$2,225.70	\$2,225.70
Outdoor Equipment cost per student	\$297.89	\$297.89	\$297.89
Cost per Student	\$2,523.59	\$2,523.59	\$2,523.59
Consultant Fee Cost per Student	\$90.23	\$90.23	\$90.23
Total Capital Cost per Student	\$30,232.15	\$39,274.48	\$46,477.41

Figure 23.B: Option 2 School Impact Fee Variables

Students per Housing Unit

Type	Elementary	Middle	High
Single Family Detached			
0-1,500 Square Feet	0.17	0.07	0.10
1,501-2,500 Square Feet	0.22	0.09	0.13
2,501-3,500 Square Feet	0.26	0.11	0.15
3,501 or more Square Feet	0.29	0.12	0.17
Duplex/Townhome	0.11	0.04	0.05
Multi-family	0.08	0.02	0.03
Mobile Home	0.15	0.06	0.09

Level of Service Standards

Component	Elementary	Middle	High
School square footage per student	109.2	146.1	171.2
Capital Cost per Square Foot	\$230.00	\$237.00	\$243.00
Cost per Student	\$25,115.44	\$34,635.42	\$41,606.86
Acreage per Student	0.04	0.03	0.05
Capital Cost per Acre	\$41,000.00	\$30,000.00	\$30,000.00
Cost per Student	\$1,633.34	\$987.66	\$1,477.59
Portable room square footage per student	2.7	5.5	1.2
Capital cost per square foot	\$60.00	\$60.00	\$60.00
Cost per Student	\$160.18	\$328.21	\$69.76
Admin Office Cost square footage per student	2.0	2.0	2.0
Capital cost per square foot	\$226.00	\$226.00	\$226.00
Cost per Student	\$456.65	\$456.65	\$456.65
Admin Shop Cost square footage per student	1.2	1.2	1.2
Capital cost per square foot	\$217.00	\$217.00	\$217.00
Cost per Student	\$252.73	\$252.73	\$252.73
Indoor Equipment cost per student	\$2,225.70	\$2,225.70	\$2,225.70
Outdoor Equipment cost per student	\$297.89	\$297.89	\$297.89
Cost per Student	\$2,523.59	\$2,523.59	\$2,523.59
Consultant Fee Cost per Student	\$90.23	\$90.23	\$90.23
Total Capital Cost per Student	\$30,232.15	\$39,274.48	\$46,477.41

The number of students per housing unit for each grade level is multiplied by the corresponding cost per student for that grade level. This is repeated for all three grade levels. The three cost factors are then added together. The general credit is then deducted from this amount, resulting in the School Impact Fee. This calculation is performed for each type of housing unit.

Figure 24 illustrates this calculation using single family detached under Option 1 as an example.

Figure 24: Example Impact Fee Calculation

	<i>Students per Housing Unit</i>	<i>Total Capital Cost per Student</i>		
Elementary	0.18 x	\$30,232.15 =	\$5,554	
Middle	0.08 x	\$39,274.48 =	\$3,210	
High	0.11 x	\$46,477.41 =	\$5,040	
Subtotal			\$13,805	
Minus General Credit			(\$354)	
IMPACT FEE			\$13,451	

Figures 25.A and 25.B list the School Impact Fee amounts for Options 1 and 2.

Figure 25.A: Option 1 School Impact Fees

<i>Housing Type</i>	<i>Elementary</i>	<i>Middle</i>	<i>High</i>	<i>All Grades</i>	<i>Credit</i>	<i>TOTAL</i>
Single Family Detached	\$5,554	\$3,210	\$5,040	\$13,805	(\$354)	\$13,451
Duplex/Townhome	\$3,326	\$1,571	\$2,324	\$7,220	(\$367)	\$6,854
Multi-family	\$2,419	\$785	\$1,394	\$4,598	(\$156)	\$4,442
Mobile Home	\$4,535	\$2,356	\$4,183	\$11,074	(\$135)	\$10,940

Figure 25.B: Option 2 School Impact Fees

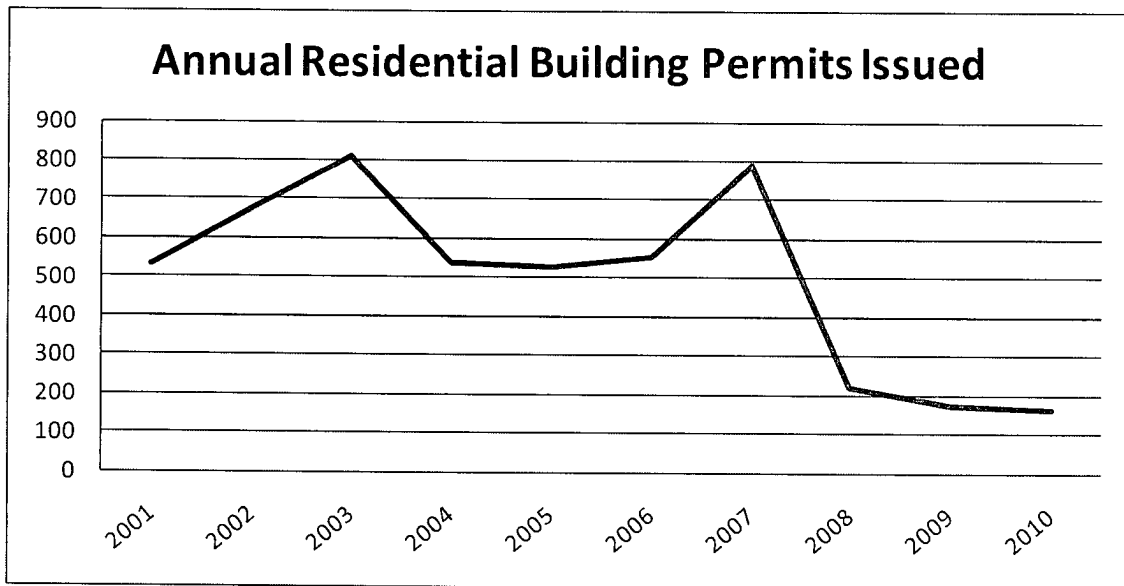
<i>Housing Type</i>	<i>Elementary</i>	<i>Middle</i>	<i>High</i>	<i>All Grades</i>	<i>Credit</i>	<i>TOTAL</i>
Single Family Detached						
0-1,500 Square Feet	\$5,102	\$2,875	\$4,427	\$12,405	(\$237)	\$12,168
1,501-2,500 Square Feet	\$6,762	\$3,728	\$6,022	\$16,513	(\$337)	\$16,176
2,501-3,500 Square Feet	\$7,856	\$4,290	\$7,073	\$19,219	(\$466)	\$18,752
3,501 or more Square Feet	\$8,673	\$4,709	\$7,858	\$21,240	(\$590)	\$20,650
Duplex/Townhome	\$3,326	\$1,571	\$2,324	\$7,220	(\$367)	\$6,854
Multi-family	\$2,419	\$785	\$1,394	\$4,598	(\$156)	\$4,442
Mobile Home	\$4,535	\$2,356	\$4,183	\$11,074	(\$135)	\$10,940

APPENDIX A – DEVELOPMENT PROJECTIONS

TischlerBise has prepared development projections for the purpose of having an understanding of the possible future pace of capacity need, capital expenditures, and impact fee revenues.

Based on data from the U.S. Census Bureau's *Manufacturing, Mining, and Construction Statistics*, Jefferson County has issued 4,988 residential building permits over the last ten years. However, the pace at which these permits have been issued has fluctuated dramatically from year to year. This is especially the case during the economic recession of the last several years. Figure A-1 illustrates these recent trends.

Figure A-1: Annual Residential Building Permits Issued 2001-2010



Given the depths of the recent economic recession and uncertain recovery period, TischlerBise recommends using a conservative growth projection. The County has averaged 186 residential building permits the last three years, of which 75% were for single family housing units with the remaining 25% being for multi-family units. TischlerBise recommends using these figures for short-term residential development projections.

Figure A-2: Residential Development Projection Assumptions

Average Annual Permits, Last 3 Years *	186
Single Family *	75.0%
Multi-family*	25.0%
Single Family	139
Multi-family	46
TOTAL	186

* U.S. Census Bureau, Manufacturing, Mining, and Construction Statistics.

Applying the student generation rates to these assumption, results in an additional 58 students per year from new residential development. Figure A-3 projects an additional 928 housing units and 290 students over the next five years.

Figure A-3: Residential Development and Student Projections 2011-2016

		2011	2012	2013	2014	2015	TOTAL
Projected Housing Units		186	186	186	186	186	928
	<u>Distribution</u>						
Single Family	75%	139	139	139	139	139	696
Multi-family	25%	46	46	46	46	46	232
<i>Elementary School Students</i>	<u>Pupil Gen. Rate</u>						
Single Family	0.18	26	26	26	26	26	128
Multi-family	0.08	4	4	4	4	4	19
Subtotal		29	29	29	29	29	146
<i>Middle School Students</i>	<u>Pupil Gen. Rate</u>						
Single Family	0.08	11	11	11	11	11	57
Multi-family	0.02	1	1	1	1	1	5
Subtotal		12	12	12	12	12	62
<i>High School Students</i>	<u>Pupil Gen. Rate</u>						
Single Family	0.11	15	15	15	15	15	75
Multi-family	0.03	1	1	1	1	1	7
Subtotal		16	16	16	16	16	82
TOTAL STUDENTS		58	58	58	58	58	290

APPENDIX B - CASH FLOW ANALYSIS

Based on the development projections, LOS, and cost factors, the County could collect a total of \$10.4 million of School Impact Fee over the next five years. Over the same time period, new development will require \$10.7 million of capital expenditures in order to maintain the current LOS being provided to existing development. The small annual and cumulative deficits shown at the bottom of Figure B-1 are the result of the general credit for future debt service payments.

Figure B-1: Projected Five Year Cash Flow Analysis for School Impact Fees

		2011	2012	2013	2014	2015	TOTAL
<i>Projected Housing Units</i>							
Single Family		139	139	139	139	139	696
Multi-family		46	46	46	46	46	232
<i>Impact Fee Revenues</i>							
	<u>Impact Fee</u>						
Single Family	\$13,451	\$1,872,087	\$1,872,087	\$1,872,087	\$1,872,087	\$1,872,087	\$9,360,433
Multi-family	\$4,442	\$206,093	\$206,093	\$206,093	\$206,093	\$206,093	\$1,030,467
TOTAL		\$2,078,180	\$2,078,180	\$2,078,180	\$2,078,180	\$2,078,180	\$10,390,900
<i>Projected Students</i>							
Elementary		29	29	29	29	29	146
Middle		12	12	12	12	12	62
High		16	16	16	16	16	82
<i>Projected Capital Expenditures</i>							
	<u>Cost per Student</u>						
Elementary	\$30,232.15	\$885,247	\$885,247	\$885,247	\$885,247	\$885,247	\$4,426,236
Middle	\$39,274.48	\$483,280	\$483,280	\$483,280	\$483,280	\$483,280	\$2,416,402
High	\$46,477.41	\$766,164	\$766,164	\$766,164	\$766,164	\$766,164	\$3,830,821
TOTAL		\$2,134,692	\$2,134,692	\$2,134,692	\$2,134,692	\$2,134,692	\$10,673,459
<u>Annual Surplus/(Deficit)</u>		(\$56,512)	(\$56,512)	(\$56,512)	(\$56,512)	(\$56,512)	
<u>Cumulative Surplus/(Deficit)</u>		(\$56,512)	(\$113,024)	(\$169,535)	(\$226,047)	(\$282,559)	

Note: because the School Impact Fees are calculated using the incremental expansion methodology based on the current inventory of facilities and enrollment, there will be no effect on the amount of the impact fees should these projections change. To the extent these projections change, the amount of impact fee revenues collected and resulting capital needs will change in a corresponding manner. For example, if development occurs at a more rapid pace than projected, additional impact fee revenues will be collected but additional capital expenditures will be needed to meet the demand of new development.

APPENDIX B

Law Enforcement Impact Fees

December 2010

**Department of Capital Planning and Management –
Office of Impact Fees**

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1.0 Executive Summary

This document updates the Jefferson County Law Enforcement Impact Fee from the impact fee study done in December of 2007. The maximum justifiable fee schedule for new residential and commercial land uses are presented in Table 1.

Table 1. CY 2010 Maximum Justifiable Impact Fees

Residential Impact Fee		
Housing Type	PPH	Fee /1
Single Family	2.63	\$279
Townhome/Duplex	2.01	\$213
Multi-family	1.98	\$210
Non Residential Impact Fee		
Commercial Use Category	Adj Trip Ends	Fee /2
Com/Shop Ctr 25,000 SF or less	24.60	\$383
Com/Shop Ctr 25,001 – 50,000 SF	22.70	\$354
Com/Shop Ctr 50,001 – 100,000 SF	19.77	\$308
Com/Shop Ctr 100,001 – 200,000 SF	17.03	\$265
Com/Shop Ctr over 200,000 SF	14.55	\$227
Office/Inst 10,000 SF or less	11.32	\$176
Office/Inst 25,001 – 50,000 SF	9.16	\$143
Office 25,001 – 50,000 SF	7.80	\$121
Office/Inst 50,001 – 100,000 SF	6.64	\$103
Office/Inst over 100,000 SF	5.65	\$88
Business Park	6.38	\$99
Light Industrial	3.49	\$54
Warehousing	2.48	\$39
Manufacturing	1.91	\$30

Notes

/1 Expressed as fee per dwelling unit

/2 Expressed as fee per 1,000 square feet usable space

1.1 Trends Driving the Fee Schedule

Relative to the 2007 fee study, the law enforcement impact fee schedule is higher for both residential and nonresidential development. There are a number of factors which serve to increase or decrease the fee schedules:

- The capitalization of the Sheriff's inventory is significantly higher than in 2007. There is \$1.28 million more invested in police cruisers and the equipment required to outfit them relative to the inventory in 2007.
- Commercial demand, as jobs within specific commercial categories, have increased in all sectors (refer to Appendix 1 and overall economic summaries from the West Virginia Bureau of Employment Programs). Beyond this increase, the number of calls for emergency law enforcement service to commercial establishments has increased relative to the 2004 study. Since the previous study, several major commercial ventures have

been completed in the county and these appear to have driven this increase in law enforcement calls to non-residential addresses.

Thus, although both residential population and non-residential vehicular trips have increased, the value of the Sheriff's assets increased at a greater pace, driving the fee calculations up relative to their place in 2007. There was also a shift in the calls to addressable locations, with more calls coming from non-residential addresses in 2010 relative to 2007. This fact shifted much of the increase toward the non-residential component while the residential fee saw only a modest rise relative to the 2007 fee calculation.

1.2 What are Impact Fees?

Impact fees are one-time payments that may be assessed by a locality to offset the costs associated with providing necessary public services. Impact fees for the County are proportionate and reasonably related to the capital facility service demands of new development. The fee methodologies establish that the fees will substantially benefit new development. The County's impact fee methodology also identifies the extent to which newly developed properties are entitled to various types of credits to avoid potential double payment of capital costs.

TischlerBise, Inc. (formerly Tischler & Associates) had previously evaluated possible methodologies and documented appropriate demand indicators by type of development, for each type of fee. Specific capital costs have been identified using local data and current dollars. The formula used to calculate each impact fee is diagrammed in Figure 1. Also, for each type of fee the report includes a summary table indicating the specific factors used to derive the impact fee. These factors are also referred to as Level-Of-Service (LOS) standards. This current study utilizes the same approach previously applied by TischlerBise.

1.3 How are Impact Fees Calculated?

There are three basic approaches used to evaluate the various components of Jefferson County's impact fees. A **plan-based method** is best suited for public facilities that have adopted plans or commonly accepted service delivery standards to guide capital improvements. This method is not used in the Law Enforcement Impact Fee.

The **incremental expansion** methodology documents the current Level-Of-Service (LOS) for each type of public facility in both quantitative and qualitative measures. LOS standards are determined in a manner similar to the current replacement cost approach used by property insurance companies. However, in contrast to insurance practices, Jefferson County will not use the funds for renewal and/or replacement of existing facilities. Rather the County's intent is to use impact fee revenue to expand or provide additional facilities, as needed to accommodate new development. An incremental expansion cost method is best suited for public facilities that will be expanded in regular increments, with LOS standards based on current conditions in the community. This methodology is used to calculate all components of the Law Enforcement Impact Fee.

A third method, known as the **buy-in approach**, is based on the rationale that new development will pay for its share of the useful life and remaining capacity of recently constructed facilities. This methodology is not used in this report.

Another general requirement that is common to impact fee methodologies is the evaluation of credits. There are several types of credits that have been considered. First, a **future revenue credit** has been evaluated to avoid potential double payment for capital facilities through on-going revenues that may fund system improvements. For example, this type of potential double payment may occur if facilities are bond financed.

The second type of credit is a **site-specific credit** for system improvements that have been included in the impact fee calculations. Policies and procedures related to site-specific credits for system improvements are addressed in the ordinance that establishes the County's fees. However, the general concept is that developers may be eligible for site-specific credits or reimbursements only if they provide system improvements that have been included in the impact fee calculations. Project improvements normally required as part of the development approval process are not eligible for credits against impact fees.

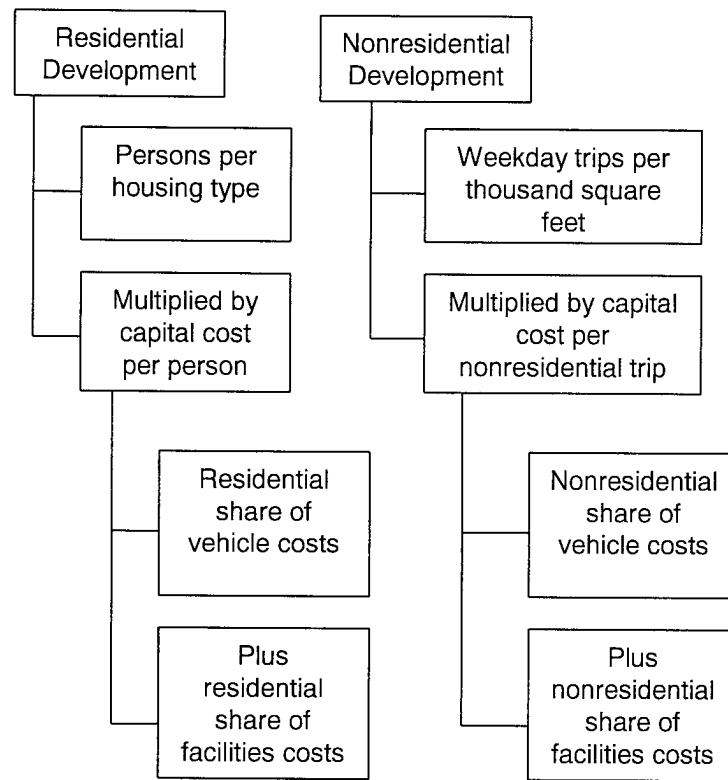
The Law Enforcement Impact Fee Calculations are entirely based on the incremental expansion approach. There are no general obligation bonds or excess levies for the benefit of Law Enforcement and all funding for law enforcement capital expenses has historically come from general revenue funds, thus there are no credits to consider in any of the fee calculations. The impact fees are based on a countywide service area, although the five incorporated municipalities presently maintain separate law enforcement agencies and by ordinance this fee only applies to the unincorporated portions of the county. Fees for residential development are assessed per housing unit and are collected prior to issuance of a building permit. For nonresidential development, the fees are assessed per thousand square feet of floor area and are also collected prior to issuance of a building permit.

2.0 Base Data

The incremental expansion methodology has been used to determine impact fees for law enforcement including facilities and vehicles for the Sheriff's Office. As shown in Figure 1, the Law Enforcement Impact Fee uses different demand generators for residential and nonresidential development. Residential impact fees are calculated on a per capita basis and then converted to an appropriate amount by type of housing using household size multipliers. To calculate nonresidential impact fees, TischlerBise had previously recommended using nonresidential vehicle trips as the best demand indicator for Sheriff facilities, vehicles, and communications equipment. That approach was continued in this study.

In addition to the demand generators, discussed above, the other set of base data are the capital inventories for law enforcement. This includes the Sheriff's vehicle and facilities inventories.

Figure 1. Law Enforcement Impact Fee Methodology Chart



2.1 Demand Generators

The demand generators for either residential or nonresidential construction are first determined and then proportioned in a manner which reflects the Sheriff's workload.

- Discussions with the Sheriff's office indicate that roughly 50% of all time and resources are spent responding to criminal and traffic calls for service, with the remaining 50% being spent on calls for service related to civil processing.
- Of all criminal and traffic calls (50% of total workload), 67% are spent on calls to residential addresses (down from 87% in 2007) while 33% are spent on calls to nonresidential addresses (up from 13% in 2007). This proportioning is of the total calls to physical addresses and omits calls for roadside service since these cannot be allocated to either residential or nonresidential development (a person could be on their way to work or home or passing through the county).

These proportions are outlined in Table 2.

Table 2. Law Enforcement Demand Breakdown

			multiplier	
Total Workload /1		100%		100.0%
Criminal/Traffic		50%		
	of which residential		67%	33.5%
	of which non-residential		33%	16.5%
Civil		50%		
	of which residential		100%	50.0%

References

/1 Memo from E. Maloney - Sheriff's Department. Analysis of January to Nov 2010 workload.

Table 3 lists the base generators for residential (number of residents) and nonresidential (number of nonresidential vehicular trips) for CY 2010. The methodology for calculating the nonresidential trips is presented in Appendix 1.

Table 3. Base Generators for 2010

Population Base Data	Value	Note
2009 County Population	52,750	/1
2010 Non Residential Trips	74,628	/2

References

/1 American Fact Finder - US Census. Accessed on 1 Dec 2010

/2 Appendix 1.

2.2 Law Enforcement Capital Inventory

The Sheriff's capital inventory includes two major groups: facilities and vehicles. Since 2007 there has been a significant increase both in the number of law enforcement vehicles and in the cost to replace them. Over time each law enforcement vehicle requires more sophisticated electronics and recording equipment, raising the vehicle replacement cost. The Sheriff's land and building inventory has remained unchanged relative to the 2007 study.

Table 4. Sheriff's Facilities Capital Inventory

	Square Feet	Cost/SF*	Cost	Notes
Sheriff's Building - Bardane	15,000	\$ 250	\$ 3,750,000	/1
Blue Ridge Community Facility	1,000	\$ 115	\$ 115,000	/2
Total Cost			\$3,865,000	/3

References

/1 Building sited on 2.51 acres. Cost is actual total acquisition and construction costs.

/2 Building replacement cost is an estimate

/3 Data verified by Lt. Hansen, JCSD, November 2010

Table 5. Sheriff's Vehicle Capital Inventory

<i>Vehicle</i>	<i># Units in Service FY 2011</i>	<i>2011 Replacement Cost /2</i>	<i>Total Cost FY 2011</i>	<i>Ref (A, B or C)</i>
Ford Crown Victoria	31	\$55,150.00	\$1,709,650.00	C
Ford Explorer	9	\$52,744.00	\$474,696.00	C
Jeep Cherokee	3	\$54,340.00	\$163,020.00	C
Chevrolet Motorhome	1	\$155,000.00	\$155,000.00	C
BMW 540i	1	\$6,500.00	\$6,500.00	C
Buick LeSabre	1	\$5,000.00	\$5,000.00	C
Chrysler Concorde	1	\$3,000.00	\$3,000.00	C
Ford Taurus	1	\$47,043.00	\$47,043.00	C
Dodge Durango	3	\$27,059.00	\$81,177.00	C

Total Vehicles	52		\$2,645,086.00	
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Additional Law Enforcement Items

<i>Item</i>	<i># Units in Service FY 2011</i>	<i>2011 Replacement Cost /2</i>	<i>Total Cost FY 2011</i>	<i>Ref (A, B or C)</i>
Traffic Monitoring Cam	6	\$24,100.00	\$144,600.00	A
Total equipment	6		\$144,600.00	

Total Asset Value		\$2,789,686.00
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References

2010 vehicle inventory provided by Lt. Hansen, Sheriff's office [CTS ID 3093]

(A) Recent purchase (within past year)

(B) Vendor quote

(C) Insurance estimate of replacement cost

2.2 Consultant Study

The current study as well as the previous fee study were conducted in-house using staff of the Jefferson County Commission. The current best practice is to engage a fee study consultant at some point in the fee update cycle in order to introduce any new best practices. Since nearly 7 years has passed since the last consultant-generated fee recalculation, it is appropriate to include that future cost at this time.

The cost for a study in three years is estimated to be \$10,000. This amount is allocated to the projected increase in population and non-residential trips over the next three years. The US Census Bureau estimated the 2006 population of Jefferson County at 52,750 and the population estimate for 2009 was 50,960. Assuming the past 3-year trend continues for the next three years, this yields a 3-year population increase of 2,060 persons. During the same time, staff project an additional 6,607 non-residential vehicular trips. Taken

together, these additional increments (8,667) divided by the estimated future study cost of \$10,000 result in a study cost per person or non-residential vehicular trip to be \$0.86.

3.0 Fee Calculations

Fees are calculated by relating the demand generators to the capitalized costs for facilities and vehicles. The results of these calculations are presented in Table 6. The data from Table 6 serves as the source for the final calculated maximum justifiable fees, expressed per housing unit type or commercial use category. Those data are presented in Table 7, which is a duplicate of the data in Table 1. A detailed explanation of the methodology follows these tables.

Table 6. Fee Calculations – Demand Unit Costs

Category	Demand Unit Cost		Demand Unit Break Down		
	Per Person	Per Trip	Civil	Criminal/Traffic	
			Residential	Residential	Non Residential
Facilities	\$61.18	\$8.55	\$36.64	\$24.55	\$8.55
Vehicles	\$44.16	\$6.17	\$26.44	\$17.72	\$6.17
Consultant Study	\$ 0.86	\$ 0.86			
Totals	\$106.20	\$15.57			

Table 7. Fee Calculations - Maximum Justifiable Impact Fees

Residential Impact Fee

Housing Type

	PPH	Fee /1
Single Family	2.63	\$279
Townhome/Duplex	2.01	\$213
Multi-family	1.98	\$210

Non Residential Impact Fee

Commercial Use Category

	Adj Trip Ends	Fee /2
Com/Shop Ctr 25,000 SF or less	24.60	\$383
Com/Shop Ctr 25,001 – 50,000 SF	22.70	\$354
Com/Shop Ctr 50,001 – 100,000 SF	19.77	\$308
Com/Shop Ctr 100,001 – 200,000 SF	17.03	\$265
Com/Shop Ctr over 200,000 SF	14.55	\$227
Office/Inst 10,000 SF or less	11.32	\$176
Office/Inst 25,001 – 50,000 SF	9.16	\$143
Office 25,001 – 50,000 SF	7.80	\$121
Office/Inst 50,001 – 100,000 SF	6.64	\$103
Office/Inst over 100,000 SF	5.65	\$88
Business Park	6.38	\$99
Light Industrial	3.49	\$54
Warehousing	2.48	\$39
Manufacturing	1.91	\$30

Notes

/1 Expressed as fee per dwelling unit

/2 Expressed as fee per 1,000 square feet usable space

3.1 Fee Calculation Methodology

The **Demand Unit Cost** expressed as *Per Person* for facilities and vehicles constitutes the total *per person* cost of law enforcement. These values serve to ultimately calculate the Law Enforcement Impact Fee for each residential dwelling unit type, based on the average persons per household for those dwelling types. Conversely, the *Per Trip* costs for facilities and vehicles constitute the total *per nonresidential vehicular trip* cost of law enforcement. These values serve to calculate the Law Enforcement Impact Fee for each commercial use category (for a set of predefined uses) and also serve as the base of any custom commercial fee calculations. The commercial fee schedule is calculated by relating the per vehicular trip cost to the number of weekday vehicular trips associated with each commercial use. The trip numbers are adjusted since traffic engineers count entry and exit to a property as two separate trips, thus the minimum trip adjustment is 50%. For commercial land uses that tend to capture on-property trips, such as large shopping centers, the adjustment is higher.

3.1.1 Residential Fee Calculations

The per person costs of \$61.81 for facilities and \$44.16 for vehicles presented in Table 6 are derived as follows:

- The per person cost for vehicles or facilities is the sum of the residential civil component plus the residential criminal component. These are the third and fourth columns, respectively, in Table 6.
- The residential civil component (third column, Table 6) is the total capitalization of either facilities or vehicles (from Table 4 and Table 5) multiplied by the value of 50% as presented in Table 2 (recall that half of the Sheriff's work load is in responding to civil matters and that all of those calls are residential). Finally, this value is divided by the total county residential population from Table 3 to yield the cost per person for the civil component of facilities or of vehicles.
- The residential criminal component (fourth column, Table 6) is calculated in a similar manner with the exception that it is the product of the total capitalization of either facilities or vehicles multiplied by the value of 33.5% (from Table 2). This product is again divided by the total residential population to yield the cost per person for the criminal component of either facilities or of vehicles.

3.1.2 Nonresidential Fee Calculations

- For the nonresidential criminal component, the values in the fourth column of Table 6 are derived by multiplying the total capital costs for either vehicles or facilities (from Table 4 and Table 5) by the value of 16.5% from Table 2 (this is the product of the ratio of civil calls to commercial vs. residential addresses times the 50% workload for criminal vs. civil calls). This value is divided by the total number of nonresidential vehicular trips expressed in Table 3.
- There is no nonresidential civil component as previously discussed.

Appendix 1. Non-Residential Weekday Trips

Table 8. Base Data for Non Residential Weekday Trips - Projected for 2010

Land Use	Knowns			Calculated Values				
	Wkly Trip Ends Per 1000 sq ft	Square Feet per employee	2010 Jobs	Total		Trip Adjustment	Total Daily Trips	
				Total Floor Area (lxJ)	Floor Area per 1000 (J)			
Comm Shop Ctr (820)								
100K gross leasable area	68.17	450	6,610	2974500	2974.5	202771.665	32%	64887
General Office (710)								
10K gross leasable area	22.64	228	2,786	635106.67	635.1067	14378.8149	50%	7189
Light Industrial (110)								
	6.97	433	1,691	732251.11	732.2511	5103.79024	50%	2552
			11,087					
	/1	/2	/3	/4	/5	/6	/7	/8
								74628

References

- /1 Wkdy Trip Ends Per 1,000 sq ft - Table 1 - memo dated 3 June 2004 from Chris Cullinan, T&A.
- /2 From ITE Trip Generation, 7th edition.
- /3 Data from CY2010 Q1 worksheet using First Quarter FY 2010 BEP data
- /4 Calculated value - product of Square feet per employee and 2010 Jobs.
- /5 Calculated value - Total Floor Area divided by 1000.
- /6 Calculated value - product of Total Floor Area per 1000 and Weekly Trip Ends per 1000 sq ft.
- /7 Trip Adjustment - Table 2 - memo dated 3 June 2004 from Chris Cullinan, T&A. Original source data from ITE Trip Generation, 6th Edition.
- /8 Calculated value - Total Trips per floor area divided by trip adjustment.

Table 8 data source is Microsoft Excel Workbook 2010 12 03 BEP Data.xls

Appendix 2. Fee Schedule History

Table 9. Law Enforcement Impact Fee Schedule History.

Residential Impact Fee Housing Type	2005 /1	2006 /2	2007 /2	2008 /1	2011 /3
	Impact Fee per Dwelling Unit				
Single Family	\$120	\$127	\$135	\$262	\$279
Town home/Duplex	\$92	\$105	\$112	\$200	\$213
Multi-family	\$90	\$105	\$112	\$197	\$210
Non Residential Impact Fee Commercial Use Category	Impact Fee per 1,000 square feet gross usable floor area				
Com/Shop Center 25,000 SF or less	\$214	\$226	\$241	\$126	\$383
Com/Shop Center 25,001 – 50,000 SF	\$198	\$209	\$223	\$117	\$354
Com/Shop Center 50,001 – 100,000 SF	\$172	\$182	\$194	\$101	\$308
Com/Shop Center 100,001 – 200,000 SF	\$148	\$156	\$166	\$87	\$265
Com/Shop Center over 200,000 SF	\$127	\$134	\$143	\$75	\$227
Office/Inst 10,000 SF or less	\$99	\$105	\$112	\$58	\$176
Office/Inst 10,001 – 25,000 SF	\$80	\$84	\$89	\$47	\$143
Office/Inst 25,001 – 50,000 SF	\$68	\$72	\$77	\$40	\$121
Office/Inst 50,001 – 100,000 SF	\$58	\$61	\$65	\$34	\$103
Office/Inst over 100,000 SF	\$49	\$52	\$55	\$29	\$88
Business Park	\$56	\$59	\$63	\$33	\$99
Light Industrial	\$30	\$32	\$34	\$18	\$54
Warehousing	\$22	\$23	\$25	\$13	\$39
Manufacturing	\$17	\$18	\$19	\$10	\$30

Note:

/1 Fee Study.

/2 Annual Inflation Adjustment.

/3 Proposed new fee schedule for CY 2011 –this study.

APPENDIX C
Parks & Recreation Impact Fees
December 2010

Department of Capital Planning and Management –
Office of Impact Fees

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1.0 Executive Summary

This document updates the Jefferson County Parks & Recreation Impact Fee from the impact fee study conducted in December of 2007. The maximum justifiable fee schedule for new residential and commercial land uses are presented in Table 1.

Table 1. CY 2011 Maximum Justifiable Impact Fees

Housing Unit Type	PPH	Fee/Unit Type	
Single Family Detached	2.63	\$	587
Townhome/Duplex	2.01	\$	449
Multifamily Apartment	1.98	\$	442

1.1 Trends Driving the Fee Schedule

Relative to the 2007 fee study, the parks & recreation impact fee is lower. There are a number of factors which serve to increase or decrease the fee schedules:

- The capitalization of the Parks & Recreation inventory has increased relative to the values from 2007.
- The total residential population of the count has increased relative to 2007.
- The system gained one large parcel for use as a new park (Hite Road).
- The cost per acre of large parcel, undeveloped land in Jefferson County has declined relative to 2007. This single fact serves as the biggest factor in the reduction of the calculated fee schedule relative to the study conducted in 2007.

1.2 What are Impact Fees?

Impact fees are one-time payments that may be assessed by a locality to offset the costs associated with providing necessary public services. Impact fees for the County are proportionate and reasonably related to the capital facility service demands of new development. The fee methodologies establish that the fees will substantially benefit new development. The County's impact fee methodology also identifies the extent to which newly developed properties are entitled to various types of credits to avoid potential double payment of capital costs.

TischlerBise, Inc. (formerly Tischler & Associates) had previously evaluated possible methodologies and documented appropriate demand indicators by type of development, for each type of fee. Specific capital costs have been identified using local data and current dollars. The approach used to calculate the impact fee is diagrammed in Figure 1. Also, for each type of fee the report includes a summary table indicating the specific factors used to derive the impact fee. These factors are also referred to as Level-Of-Service (LOS) standards. This current study utilizes the same approach previously applied by TischlerBise.

1.3 How are Impact Fees Calculated?

There are three basic approaches used to evaluate the various components of Jefferson County's impact fees. A **plan-based method** is best suited for public facilities that have adopted plans or commonly accepted service delivery standards to guide capital improvements. This method was formerly used in the Parks & Recreation Impact Fee to accommodate the planned community center at Sam Michael's Park. Since 2004 that facility has been completed and is now incorporated as a regular inventory item using the incremental expansion method as discussed below.

The **incremental expansion** methodology documents the current Level-Of-Service (LOS) for each type of public facility in both quantitative and qualitative measures. LOS standards are determined in a manner similar to the current replacement cost approach used by property insurance companies. However, in contrast to insurance practices, Jefferson County will not use the funds for renewal and/or replacement of existing facilities. Rather the County's intent is to use impact fee revenue to expand or provide additional facilities, as needed to accommodate new development. An incremental expansion cost method is best suited for public facilities that will be expanded in regular increments, with LOS standards based on current conditions in the community. This methodology is used to calculate all components of the Parks & Recreation Impact Fee.

A third method, known as the **buy-in approach**, is based on the rationale that new development will pay for its share of the useful life and remaining capacity of recently constructed facilities. This methodology is not used in this report.

Another general requirement that is common to impact fee methodologies is the evaluation of *credits*. There are several types of credits that have been considered. First, a **future revenue credit** has been evaluated to avoid potential double payment for capital facilities through on-going revenues that may fund system improvements. For example, this type of potential double payment may occur if facilities are bond financed.

The second type of credit is a **site-specific credit** for system improvements that have been included in the impact fee calculations. Policies and procedures related to site-specific credits for system improvements are addressed in the ordinance that establishes the County's fees. However, the general concept is that developers may be eligible for site-specific credits or reimbursements only if they provide system improvements that have been included in the impact fee calculations. Project improvements normally required as part of the development approval process are not eligible for credits against impact fees.

The Parks & recreation impact fee calculations are entirely based on the incremental expansion approach. There are no general obligation bonds or excess levies for the benefit of the parks and recreation system and all funding for parks and recreation capital expenses has historically come from general revenue funds or operating revenues, thus there are no credits to consider in any of the fee calculations. The impact fees are based on a countywide service area, as the county parks are generally large facilities used by all residents of the county, including the incorporated municipalities. Fees for residential development are assessed per housing unit and are collected prior to issuance of a building permit. There is

no nonresidential parks & recreation fee as there is no rational nexus between this type of development and a demand for Parks & recreation services.

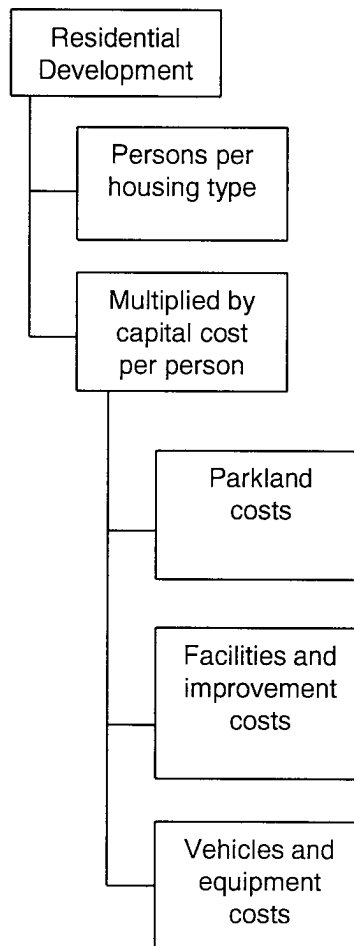
The history of the Park & Recreation Impact Fee schedule is presented in Appendix 1.

2.0 Base Data

The incremental expansion methodology has been used to determine impact fees for parks & recreation including parkland, facilities and improvements, and vehicles and equipment for the Parks and Recreation Commission as shown in Figure 1. Residential impact fees are calculated on a per capita basis and then converted to an appropriate amount by type of housing using household size multipliers. Thus, the total residential population of the county, as well as the persons per household multipliers constitute the demand generators for these calculations.

In addition to the demand generators, discussed above, the other set of base data are the capital inventories for parks & recreation. This includes the parkland, improvements, and equipment owned by the Parks & Recreation Commission.

Figure 1. Parks & Recreation Impact Fee Methodology Chart



2.1 Demand Generators

The demand generator for parks & recreation are presented in Table 2.

Table 2. Parks & Recreation Demand Breakdown

Level of Service		
Number of persons (2009 est)	52,750 /1	
Housing Unit Type	PPH	Fee/Unit Type
Single Family Detached	2.63	\$ 587
Townhome/Duplex	2.01	\$ 449
Multifamily Apartment	1.98	\$ 442

Source: US Census Bureau

2.2 Parks & Recreation Capital Inventory

The capital inventory of the Parks & Recreation Commission includes three major groups: (1) parkland, (2) facilities and improvements, and (3) vehicles and equipment. Table 3 lists the parkland inventory, Table 4 lists the facilities and improvements inventory and Table 5 lists the vehicles and equipment inventory.

Table 3. Parkland Inventory

Park	Acres
Bolivar Park	6.8
Harvest Hills Park	11
Heather Marriott Park	13
Hite Road Park	119
Mount Mission Park	3.5
South Jefferson Park	71
Leetown Park	10
Moulton Park	1
Sam Michaels Park	138

Total Acreage 373.3

Cost per acre \$10,200

Total Acreage Value \$3,807,660

Table 4. Facilities and Improvements Inventory

Improvements	Replacement Cost
Bolivar Park	
Gazebo	\$30,000
Picnic Tables	\$3,000
Sign	\$1,000
Nature Trail	\$1,000
Landscaping	\$2,000
Infrastructure	\$2,100
TOTAL	\$39,100

Moulton Park	
Boat Ramp	\$20,000
Parking Lot	\$20,000
Sign	\$1,000
Infrastructure	\$5,000
TOTAL	\$46,000

Mount Mission Park	
Community Building	\$100,000
Pavillion w/ Kitchen, Restrooms	\$150,000
Playground Equipment	\$75,000
Baseball Field	\$50,000
Perimeter Fencing	\$12,000
Picnic Tables	\$6,000
Sign	\$1,000
Landscaping	\$2,100
Horseshoe Pits	\$1,000
Infrastructure*	
TOTAL	\$397,100

South Jefferson Park	
Baseball Fields (6) With Lights	\$370,000
Basketball Courts	\$30,000
Tennis Courts (2)	\$60,000
Concession/Restroom Facility	\$120,000
Pavillion	\$50,000
Volleyball Court	\$5,000
Playground Equipment	\$75,000
Perimeter Fencing	\$100,000
Maintenance Facility	\$75,000
Picnic Tables	\$6,000
Sign	\$1,000
Soccer Field	\$50,000
Landscaping	\$3,000
Infrastructure*	\$100,000
TOTAL	\$1,045,000

Sam Michaels Park	
Pavillions (2)	\$100,000
Kitchen/Restrooms	\$150,000
Maintenance Facility	\$200,000
Baseball Fields w/ Lights (3)	\$310,000
Playground Equipment	\$75,000
Perimeter Fencing	\$100,000
Community Center	\$2,500,000
Soccer Field Complex	\$150,000
Walking Trail	\$150,000
Picnic Tables	\$6,000
Horseshoe Pits	\$1,000
Volleyball Courts	\$5,000
Cross Country Trail	\$30,000
Sign	\$1,000
Landscaping	\$3,000
Infrastructure	\$300,000
TOTAL	\$4,081,000

Improvements	Replacement Cost
Harvest Hills Park	
Sign	\$1,000
Infrastructure*	
TOTAL	\$1,000

Morgan's Grove Park	
Kitchen/Restroom	\$150,000
Pavillion w/ Grills	\$50,000
Playground Equipment	\$75,000
Volleyball Court	\$5,000
Soccer Fields (4)	\$200,000
Walking Trail	\$50,000
Picnic Tables	\$6,000
Perimeter Fencing	\$50,000
Horseshoe Pit	\$1,000
Maintenance Building	\$75,000
Sign	\$1,000
Landscaping	\$50,000
Infrastructure*	\$200,000
TOTAL	\$913,000

Leetown Park	
Storage Buildings (2)	\$50,000
Concession/Restroom Facility	\$120,000
Lighted Ballfields (2)	\$200,000
Picnic Tables	\$6,000
Pavillion	\$50,000
Playground Equipment	\$75,000
Fenced Tennis Courts	\$35,000
Horseshoe Pits	\$1,000
Perimeter Fencing	\$100,000
Sign	\$1,000
Landscaping	\$6,000
Infrastructure*	\$100,000
TOTAL	\$744,000

Hite Road Park	
Sign	\$1,000
Infrastructure*	
TOTAL	\$1,000

Total Improvements Value	\$7,267,200
---------------------------------	--------------------

*Infrastructure includes site preparation, utilities, parking, internal road improvements.

Table 5. Vehicles and Equipment Inventory

<i>Equipment</i>	<i># Units in Service</i>	<i>Cost/ Unit</i>	<i>Total Cost</i>
Tractors & Mowers	13	\$22,020	\$286,260
Ford F150 Pickup	1	\$22,155	\$22,155
Dodge 2500 Pickup	1	\$32,153	\$32,153
GMC Pickup	2	\$32,153	\$64,306
Misc. Equipment		\$45,370	\$45,370
Total Vehicles and Equipment			\$450,244

2.3 Consultant Study

The current study as well as the previous fee study were conducted in-house using staff of the Jefferson County Commission. The current best practice is to engage a fee study consultant at some point in the fee update cycle in order to introduce any new best practices. Since nearly 7 years has passed since the last consultant-generated fee recalculation, it is appropriate to include that future cost at this time.

The cost for a study in three years is estimated to be \$10,000. This amount is allocated to the projected increase in population over the next three years. The US Census Bureau estimated the 2006 population of Jefferson County at 52,750 and the population estimate for 2009 was 50,960. Assuming the past 3-year trend continues for the next three years, this yields a 3-year population increase of 2,060 persons. The future fee study results in a consultant fee cost per demand unit of \$4.85 per person ($\$10,000/2,060$ persons).

3.0 Fee Calculations

Fees are calculated by relating the demand generators to the capitalized costs for parkland, facilities and improvements, and vehicles and equipment. The results of these calculations are presented in Table 6. The data from Table 6 serves as the source for the final calculated maximum justifiable fees, expressed per housing unit type or commercial use category. Those data are presented in

Table 7, which is a duplicate of the data in Table 1. A detailed explanation of the methodology follows these tables.

Table 6. Fee Calculations – Demand Unit Costs

Category	Asset Value (2010)	Cost/person
Acreage	\$ 3,807,660	\$ 72.18
Improvements	\$ 7,267,200	\$ 137.77
Vehicles & Equipment	\$ 450,244	\$ 8.54
Fee Study	\$ 10,000	\$ 4.85
TOTALS	\$ 11,535,104	\$ 223.34

Table 7. Fee Calculations - Maximum Justifiable Impact Fees

Housing Unit Type	PPH	Fee/Unit Type
Single Family Detached	2.63	\$ 587
Townhome/Duplex	2.01	\$ 449
Multifamily Apartment	1.98	\$ 442

3.1 Fee Calculation Methodology

The **Demand Unit Cost** expressed as *Per Person* for parkland, improvements, and vehicles and equipment constitutes the total *per person* cost of parks & recreation. These values serve to ultimately calculate the parks & recreation impact fee for each residential dwelling unit type, based on the average persons per household for those dwelling types.

3.1.1 Residential Fee Calculations

The per person costs of \$72.18 for parkland, \$137.77 for improvements, \$8.54 for vehicles and equipment and \$4.85 for the next fee study are presented in Table 6 are derived as follows:

- The total capitalization per category is divided by the total residential population to derive the per person costs. These values are totaled, resulting in the \$223.34.06 per person.
- The total cost per person is multiplied by the persons per household generators for each housing unit type to derive the calculated fee schedule.
- The future fee study is based on an estimated population growth of 2,060 persons and across that pool the estimated \$10,000 study cost is spread.

Appendix 1. Fee Schedule History

Table 8. Park & Recreation Impact Fee Schedule History.

	2005	2006	2007	2008	2011
Residential Impact Fee	/1	/2	/2	/1	/3
Housing Type	Impact Fee per Dwelling Unit				
Single Family	662	696	751	752	587
Town home/Duplex	506	532	574	575	449
Multi-family	498	524	565	533	442

Note:

/1 Fee Study.

/2 Annual Inflation Adjustment.

/3 Proposed new fee schedule for CY 2011 –this study.

APPENDIX D
Fire & EMS Impact Fees
December 2010

Department of Capital Planning and Management –
Office of Impact Fees

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1.0 Executive Summary

This document updates the Jefferson County Fire & EMS Impact Fee from the impact fee study done in December of 2007. The maximum justifiable fee schedule for new residential and commercial land uses are presented in Table 1.

Table 1. CY 2011 Maximum Justifiable Impact Fees

Residential Impact Fees		
Housing Type	PPH	Cost
Single Family	2.63	\$770
Townhome/Duplex	2.01	\$588
Multi-family	1.98	\$580
Non Residential Impact Fees		
	Adj Trip Ends	Cost
Com/Shop Ctr 25,000 SF or less	24.27	\$2,000
Com/Shop Ctr 25,001 – 50,000 SF	22.51	\$1,854
Com/Shop Ctr 50,001 – 100,000 SF	19.69	\$1,623
Com/Shop Ctr 100,001 – 200,000 SF	17.05	\$1,405
Com/Shop Ctr over 200,000 SF	14.63	\$1,205
Office/Inst 10,000 SF or less	11.33	\$934
Office/Inst 10,001 – 25,000 SF	9.18	\$756
Office/Inst 25,001 – 50,000 SF	7.83	\$645
Office/Inst 50,001 – 100,000 SF	5.69	\$468
Office/Inst over 100,000 SF	5.65	\$466
Business Park	6.38	\$526
Light Industrial	3.49	\$287
Warehousing	2.48	\$204
Manufacturing	1.91	\$157

1.1 Trends Driving the Fee Schedule

Relative to the 2007 fee study, the Fire & EMS Impact Fee schedule is slightly higher for both residential development and slightly lower for non-residential development. There are a number of factors which serve to increase or decrease the fee schedules:

- The capitalization of the Fire & EMS inventory is higher than in 2010. This coupled with the fact that residential growth grew at a lower rate than the increased replacement costs for equipment and the fact that more Fire & EMS calls were directed to residences relative to 3 years ago explains why the residential impact fee for Fire & EMS increased.
- The number of Fire & EMS calls to non-residential addresses decreased as a percentage of all calls to addressable spaces. This decrease was sufficient, despite an overall increase in the capital asset inventory of the Fire & EMS entities, to drive the non-residential fees down slightly.

1.2 What are Impact Fees?

Impact fees are one-time payments that may be assessed by a locality to offset the costs associated with providing necessary public services. Impact fees for the County are proportionate and reasonably related to the capital facility service demands of new development. The fee methodologies establish that the fees will substantially benefit new development. The County's impact fee methodology also identifies the extent to which newly developed properties are entitled to various types of credits to avoid potential double payment of capital costs.

TischlerBise, Inc. (formerly Tischler & Associates) had previously evaluated possible methodologies and documented appropriate demand indicators by type of development, for each type of fee. Specific capital costs have been identified using local data and current dollars. The formula used to calculate each impact fee is diagrammed in Figure 1. Also, for each type of fee the report includes a summary table indicating the specific factors used to derive the impact fee. These factors are also referred to as Level-of-Service (LOS) standards. This current study utilizes the same approach previously applied by TischlerBise.

1.3 How are Impact Fees Calculated?

There are three basic approaches used to evaluate the various components of Jefferson County's impact fees. A **plan-based method** is best suited for public facilities that have adopted plans or commonly accepted service delivery standards to guide capital improvements. This method is not used in the Fire & EMS Impact Fee.

The **incremental expansion** methodology documents the current Level-of-Service (LOS) for each type of public facility in both quantitative and qualitative measures. LOS standards are determined in a manner similar to the current replacement cost approach used by property insurance companies. However, in contrast to insurance practices, Jefferson County will not use the funds for renewal and/or replacement of existing facilities. Rather the County's intent is to use impact fee revenue to expand or provide additional facilities, as needed to accommodate new development. An incremental expansion cost method is best suited for public facilities that will be expanded in regular increments, with LOS standards based on current conditions in the community. This methodology is used to calculate all components of the Fire & EMS Impact Fee.

A third method, known as the **buy-in approach**, is based on the rationale that new development will pay for its share of the useful life and remaining capacity of recently constructed facilities. This methodology is not used in this report.

Another general requirement that is common to impact fee methodologies is the evaluation of credits. There are several types of credits that have been considered. First, a **future revenue credit** has been evaluated to avoid potential double payment for capital facilities through on-going revenues that may fund system improvements. For example, this type of potential double payment may occur if facilities are bond financed.

The second type of credit is a **site-specific credit** for system improvements that have been included in the impact fee calculations. Policies and procedures related to site-specific credits

for system improvements are addressed in the ordinance that establishes the County's fees. However, the general concept is that developers may be eligible for site-specific credits or reimbursements only if they provide system improvements that have been included in the impact fee calculations. Project improvements normally required as part of the development approval process are not eligible for credits against impact fees.

The Fire & EMS Impact Fee Calculations are entirely based on the incremental expansion approach. There are no general obligation bonds or excess levies for the benefit of Fire & EMS and all county contributions for Fire & EMS capital expenses have historically come from general revenue funds, thus there are no credits to consider in any of the fee calculations. Although there are multiple fire companies (in addition to the Emergency Services Agency), the impact fees are based on a countywide service area. For many emergency calls, multiple companies respond or serve to fill in for responding companies if additional calls are received during an emergency event.

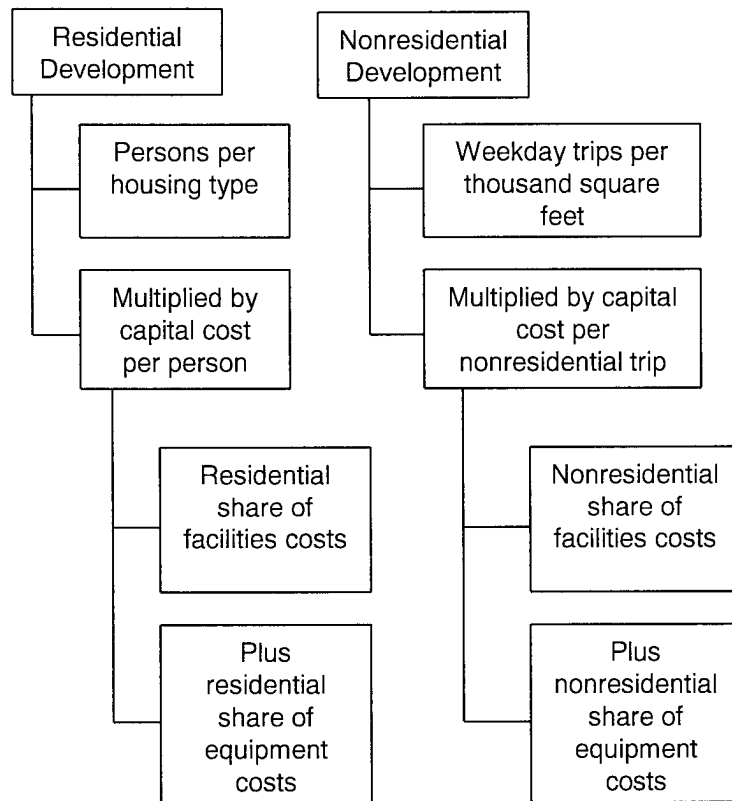
Fees for residential development are assessed per housing unit and are collected prior to issuance of a building permit. For nonresidential development, the fees are assessed per thousand square feet of floor area and are also collected prior to issuance of a building permit.

2.0 Base Data

The incremental expansion methodology has been used to determine impact fees for Fire & EMS including facilities (stations and land) and apparatus and equipment for the fire companies, the Jefferson County Emergency Services Agency, and the Jefferson County Fire & Rescue Association. As shown in Figure 1, the Fire & EMS Impact Fee uses different demand generators for residential and nonresidential development. Residential impact fees are calculated on a per capita basis and then converted to an appropriate amount by type of housing using household size multipliers. To calculate nonresidential impact fees, TischlerBise had previously recommended using nonresidential vehicle trips as the best demand indicator for the Fire & EMS category. That approach was continued in this study.

In addition to the demand generators, discussed above, the other set of base data are the capital inventories for Fire & EMS. This includes the stations, land, apparatus and equipment, ambulances, and the training facility maintained by the Jefferson County Fire & Rescue Association.

Figure 1. Fire & EMS Impact Fee Methodology Chart



2.1 Demand Generators

The demand generators for either residential or nonresidential construction are first determined and then proportioned in a manner which reflects the workload of the Fire & EMS services.

- Of all Fire and Emergency Medical calls which may be clearly attributed to a physical address or residential or non-residential use (50% of total workload), 71% are spent on calls to residential addresses (up from 67% in 2007) while 29% are spent on calls to nonresidential addresses (down from 33% in 2007). This proportioning is of the total calls to physical addresses and omits calls for roadside service since these cannot be allocated to either residential or nonresidential development (a person could be on their way to work or home or passing through the county). The 50% of the remaining total workload were calls to roadsides, open fields, or forested land. These proportions are outlined in Table 2.

Table 2. Fire & EMS Demand Breakdown

		Multiplier	
<hr/>			
Total Workload /1 /2			
	Residential	282	71%
	Non-Residential	116	29%
		<hr/>	
		398	100%

References

- /1 Report of call activity (Jan-Oct 2007), State Fire Marshall's Office
/2 There were 431 calls which did not involve specific addresses.

Table 3 lists the base generators for residential (number of residents) and nonresidential (number of nonresidential vehicular trips) for CY 2007. The methodology for calculating the nonresidential trips is presented in Appendix 1.

Table 3. Base Generators for 2007

Population Base Data

2009 County Population	50,690 /1
2010 Non Residential Trips	74,628 /2

References

- /1 US Census - American Fact Finder. Accessed 1 Dec 2010
/2 See Appendix 1.

2.2 Fire & EMS Capital Inventory

The capital inventory for Fire & EMS includes two major groups: Stations and Land, and Apparatus and Equipment. Table 4 lists the Stations and Land inventory and Table 5 lists the Apparatus and Equipment inventory.

Table 4. Fire & EMS Stations and Land Capital Inventory

<i>Company Name</i>	<i>Acreage</i>	<i>Cost per Unit</i>	<i>Land Cost</i>	<i>Sq Ft Building</i>	<i>Cost/ Sq Ft</i>	<i>Building Cost</i>	<i>Total Facility Cost</i>	<i>Ref</i>
Friendship Fire Company	2	\$100,000	\$200,000	7,448	\$65	\$484,120	\$684,120	/2
Blue Ridge Mountain Fire Company	7.5	\$18,000	\$135,000	11,360	\$65	\$738,400	\$873,400	/5
Citizen's Fire Company	7.5	\$70,000	\$525,000	13,000	\$65	\$845,000	\$1,370,000	/2
Citizen's Fire Company - vacant lot	1.1		\$120,000					
Independent Fire Company	1.15	\$50,000	\$57,500	16,410	\$65	\$1,066,650	\$1,124,150	/2
Shepherdstown Fire Company	10	\$10,000	\$1,000,000	22,368	\$45	\$1,000,000	\$2,000,000	/2
Bakerton Fire Company	1.85	\$18,000	\$33,300	7,000	\$60	\$420,000	\$453,300	/3
Middleway Fire Company								
Jefferson County ESA	0					\$1,400,000	\$1,400,000	/1
Jefferson County Fire & Rescue Association	48.5			1,104			\$40,000	/1 /4
Total Stations and Land							\$7,944,970	

References

- /1 Purchase price from 2009
- /2 2006 Building Construction Cost Data. 64th Annual Edition. RSMeans.
- /3 Actual construction cost - December 2007
- /4 Land not included as it exceeds standard LOS.

Table 5. Apparatus and Equipment Capital Inventory

<i>Company Name</i>	<i>Equipment Description</i>	<i>Cost</i>
Friendship Fire Company	2002 Engine/Ladder (Pumper)	\$480,000
	1998 Tanker	\$140,000
	2010 Ambulance	\$150,000
	1994 Brush Truck	\$33,000
	1990 Engine (Pumper)	\$200,000
	2003 Ambulance	\$140,000
	2007 GMC Yukon	\$60,000
	1999 GMC Yukon	\$60,000
	Extrication Equipment	\$57,000
	Total Equipment	\$1,320,000
Citizen's Fire Company	Air Compressor	\$125,000
	Brush Truck	\$65,000
	Rescue Truck	\$300,000
	Engine (4WD)	\$500,000
	Engine/Tanker	\$550,000
	Ladder Truck	\$1,000,000
	Duty Vehicle	\$60,000
	Total Equipment	\$2,600,000
Independent Fire Company	Tanker	\$260,000
	Engine 1	\$410,000
	Engine 2	\$410,000
	Heavy Duty Rescue	\$650,000
	Ambulance 1	\$140,000
	Ambulance 2	\$160,000
	Utility Vehicle	\$35,000
	Boat, Motor, Trailer	\$20,000
	Total Equipment	\$2,085,000
Blue Ridge Mountain Fire Company	Engine 5	\$450,000
	Engine 5-1	\$450,000
	Tanker 5	\$180,000
	Tanker 5-1	\$350,000
	Brush 5	\$100,000
	Forestry 5	\$10,000
	Duty 5	\$30,000
	Utility 5	\$30,000
	Ambulance 5-1	\$180,000
	Ambulance 5-2	\$180,000
	EMS Chief's Vehicle	\$30,000
	Fire Chief's Vehicle	\$30,000
	Total Equipment /1	\$2,020,000

Table 5 Continued

Company Name	Equipment Description	Cost
Shepherdstown	Ladder truck (truck 3)	\$850,000
	Tanker/Tender (tanker 3)	\$400,000
	Engine (engine 3)	\$650,000
	Rescue Engine (rescue engine 3)	\$650,000
	Brush 3	\$100,000
	Duty 3	\$100,000
	Engine (engine 3-1)	\$300,000
	Ambulance (ambulance 3)	\$200,000
	Ambulance (ambulance 3-1)	\$200,000
	EMS 3	\$75,000
	Total Equipment	\$3,525,000
Jeff Co Emergency Services Agency	Lifepak heart monitors (3)	\$75,000
	Zoll Autopulse CPR units (3)	\$48,000
	Veh 11 - director	\$50,000
	Veh 11-1 ALS Chase	\$50,000
	Veh 11-2 ALS Chase	\$50,000
	MCU 11 GMC Truck	\$42,000
	Amb 11	\$125,000
	Reserve 11	\$125,000
	Total Equipment	\$565,000
Bakerton Fire Company	Engine 7	\$200,000
	Engine 7-1	\$100,000
	Duty 7	\$20,000
	Air 7	\$65,000
	Utility 7	\$7,500
	Serv 7	\$10,000
	Mobile 7	\$10,000
	Hurst Jaws of Life	\$20,000
	Thermal Imager	\$7,000
	Fire Hose	\$25,000
	SCOTT Air Paks	\$150,000
	Turn out fire gear	\$62,500
	Total Equipment	\$677,000
Middleway Fire Company	Engine 6-1	30000
	Engine 6-2	30000
	Tanker 6	30000
	Rescue 6	40000
	Utility 6	10000
	Total Equipment	\$140,000
TOTAL EQUIPMENT ALL COMPANIES		\$12,932,000

References

All costs based on Insurance replacement estimates or recent purchases

2.3 Consultant Study

The current study as well as the previous fee study were conducted in-house using staff of the Jefferson County Commission. The current best practice is to engage a fee study consultant at some point in the fee update cycle in order to introduce any new best practices. Since nearly 7 years has passed since the last consultant-generated fee recalculation, it is appropriate to include that future cost at this time.

The cost for a study in three years is estimated to be \$10,000. This amount is allocated to the projected increase in population and non-residential trips over the next three years. The US Census Bureau estimated the 2006 population of Jefferson County at 52,750 and the population estimate for 2009 was 50,960. Assuming the past 3-year trend continues for the next three years, this yields a 3-year population increase of 2,060 persons. During the same time, staff project an additional 6,607 non-residential vehicular trips. Taken together, these additional increments (8,667) divided by the estimated future study cost of \$10,000 result in a study cost per person or non-residential vehicular trip to be \$0.86.

3.0 Fee Calculations

Fees are calculated by relating the demand generators to the capitalized costs for stations, land, and apparatus and equipment. The results of these calculations are presented in Table 6. The data from Table 6 serves as the source for the final calculated maximum justifiable fees, expressed per housing unit type or commercial use category. Those data are presented in Table 7, which is a duplicate of the data in Table 1. A detailed explanation of the methodology follows these tables.

Table 6. Fee Calculations – Demand Unit Costs

Total Capital Costs			
Land and Buildings	\$	7,944,970	
Equipment	\$	12,932,000	

Category	Proportionate Share	2010 Demand Units	Cost Per Demand
Stations and Land			
Residential	71%	50,690	\$111
Non-Residential	29%	74,628	\$31
Apparatus and Equipment			
Residential	71%	50,690	\$181
Non-Residential	29%	74,628	\$51
Consultant Study			\$0.86
Totals			
Residential		per person	\$293
Non-Residential		per non-residential trip	\$82

Table 7. Fee Calculations - Maximum Justifiable Impact Fees

Residential Impact Fees

Housing Type	PPH	Cost
Single Family	2.63	\$770
Townhome/Duplex	2.01	\$588
Multi-family	1.98	\$580

Non Residential Impact Fees

	Adj Trip Ends	Cost
Com/Shop Ctr 25,000 SF or less	24.27	\$2,000
Com/Shop Ctr 25,001 – 50,000 SF	22.51	\$1,854
Com/Shop Ctr 50,001 – 100,000 SF	19.69	\$1,623
Com/Shop Ctr 100,001 – 200,000 SF	17.05	\$1,405
Com/Shop Ctr over 200,000 SF	14.63	\$1,205
Office/Inst 10,000 SF or less	11.33	\$934
Office/Inst 10,001 – 25,000 SF	9.18	\$756
Office/Inst 25,001 – 50,000 SF	7.83	\$645
Office/Inst 50,001 – 100,000 SF	5.69	\$468
Office/Inst over 100,000 SF	5.65	\$466
Business Park	6.38	\$526
Light Industrial	3.49	\$287
Warehousing	2.48	\$204
Manufacturing	1.91	\$157

3.1 Fee Calculation Methodology

The **Demand Unit Cost** expressed as *Per Person* for stations and land and for apparatus and equipment constitutes the total per person cost of Fire & EMS. These values serve to ultimately calculate the Fire & EMS Impact Fee for each residential dwelling unit type, based on the average persons per household for those dwelling types. Conversely, the *Per Trip* costs for facilities and vehicles constitute the total per nonresidential vehicular trip cost of Fire & EMS. These values serve to calculate the Fire & EMS Impact Fee for each commercial use category (for a set of predefined uses) and also serve as the base of any custom commercial fee calculations. The commercial fee schedule is calculated by relating the per vehicular trip cost to the number of weekday vehicular trips associated with each commercial use. The trip numbers are adjusted since traffic engineers count entry and exit to a property as two separate trips, thus the minimum trip adjustment is 50%. For commercial land uses that tend to capture on-property trips, such as large shopping centers, the adjustment is higher.

3.1.1 Residential Fee Calculations

The per person costs for Facilities and Land and for Equipment presented in Table 6 are derived as follows:

- The total cost of Stations and Land are first proportioned using the data from Table 2 (in this case 71% of these costs are attributable to the residential demand for Fire & EMS services) and then divided by the total population as expressed in Table 3. This yields the per person share for Facilities and Land. In a similar manner, the per person costs for Apparatus and Equipment is calculated.

- These per person costs are totaled and presented in Table 6. To determine the final fee for each housing unit type, the total per person cost is multiplied by the Persons per Household values (reported by the US Bureau of the Census) to obtain the final costs per residential housing type expressed in Table 7.

3.1.2 Nonresidential Fee Calculations

- For the nonresidential component, the values in Table 6 are derived by multiplying the total capital costs for either Stations and Land or for Apparatus and Equipment (from Table 4 and Table 5) by the value of 29% from Table 2. That product is divided by the estimated total nonresidential daily vehicular trips from Table 3 to obtain the total Fire & EMS costs for each nonresidential vehicular trip as presented in Table 6. Finally, for selected nonresidential uses, the cost per trip is multiplied by the adjusted average daily trips (as determined by the Institute of Traffic Engineers) to yield the values outlined in Table 7.

Appendix 1. Non-Residential Weekday Trips

Table 8. Base Data for Non Residential Weekday Trips - Projected for 2007

Land Use	Knowns			Calculated Values				
	Wkly Trip Ends Per 1000 sq ft	Square Feet per employee	2010 Jobs	Total Floor Area (IxJ)	Floor Area per 1000 (J)	Total Trips/Floor Area (J*F)	Trip Adjustment	Total Daily Trips
Comm Shop Ctr (820)								
100K gross leasable area	68.17	450	6,610	2974500	2974.5	202771.665	32%	64887
General Office (710)								
10K gross leasable area	22.64	228	2,786	635106.67	635.1067	14378.8149	50%	7189
Light Industrial (110)								
	6.97	433	1,691	732251.11	732.2511	5103.79024	50%	2552
	/1	/2	/3	/4	/5	/6	/7	74628
			11,087				/8	

References

- /1 Wkdy Trip Ends Per 1,000 sq ft - Table 1 - memo dated 3 June 2004 from Chris Cullinan, T&A.
- /2 From ITE Trip Generation, 7th edition.
- /3 Data from CY2010 Q1 worksheet using First Quarter FY 2010 BEP data
- /4 Calculated value - product of Square feet per employee and 2010 Jobs.
- /5 Calculated value - Total Floor Area divided by 1000.
- /6 Calculated value - product of Total Floor Area per 1000 and Weekly Trip Ends per 1000 sq ft.
- /7 Trip Adjustment - Table 2 - memo dated 3 June 2004 from Chris Cullinan, T&A. Original source data from ITE Trip Generation, 6th Edition.
- /8 Calculated value - Total Trips per floor area divided by trip adjustment.

Table 8 data source is Microsoft Excel Workbook *2010 12 03 BEP Data.xls*

Appendix 2. Fee Schedule History

Table 9 Fire & EMS Impact Fee Schedule History.

Residential Impact Fee Housing Type	2005 /1	2006 /2	2007 /2	2008 /1	2011 /3
	Impact Fee per Dwelling Unit				
Single Family	\$536	\$566	\$603	\$698	\$770
Town home/Duplex	\$409	\$432	\$460	\$533	\$588
Multi-family	\$403	\$426	\$454	\$525	\$580
Non Residential Impact Fee					
Commercial Use Category					
Com/Shop Center 25,000 SF or less	\$1,808	\$1,909	\$2,034	\$2,353	\$2,000
Com/Shop Center 25,001 – 50,000 SF	\$1,677	\$1,771	\$1,887	\$2,182	\$1,854
Com/Shop Center 50,001 – 100,000 SF	\$1,467	\$1,549	\$1,650	\$1,909	\$1,623
Com/Shop Center 100,001 – 200,000 SF	\$1,270	\$1,341	\$1,429	\$1,653	\$1,405
Com/Shop Center over 200,000 SF	\$1,090	\$1,151	\$1,226	\$1,418	\$1,205
Office/Inst 10,000 SF or less	\$844	\$891	\$949	\$1,098	\$934
Office/Inst 10,001 – 25,000 SF	\$684	\$722	\$769	\$889	\$756
Office/Inst 25,001 – 50,000 SF	\$583	\$616	\$656	\$758	\$645
Office/Inst 50,001 – 100,000 SF	\$497	\$525	\$559	\$551	\$468
Office/Inst over 100,000 SF	\$424	\$448	\$477	\$548	\$466
Business Park	\$475	\$502	\$535	\$618	\$526
Light Industrial	\$260	\$275	\$293	\$338	\$287
Warehousing	\$185	\$195	\$208	\$240	\$204
Manufacturing	\$142	\$150	\$160	\$185	\$157

Note:

- /1 Fee Study
- /2 Annual Inflation Adjustment
- /3 Proposed new fee schedule – this study.

APPENDIX E

Selected Level of Service Standards: 2011

Category		Metric	Value
Schools	Elementary	Building SQ/Student	109.20
		Portable SQ/Student	2.77
		Students/Acre	43.61
	Middle	Building SQ/Student	146.10
		Portable SQ/Student	5.50
		Students/Acre	34.38
	High	Building SQ/Student	171.00
		Portable SQ/Student	1.20
		Students/Acre	13.61
Law Enforcement		Residents/Vehicle	1028
		Residents/Deputy	2229
		Building SQ/resident	0.209
Parks		Acres/1000 residents	6.97
Fire & EMS		Residents/Station	7643
		Sq Miles/Station	30

Appendix F. Inflation Adjustments for updated fee studies

Table F1. Inflation Adjustment - Schools

Residential Development	2011 Fee Study	2012 Adjusted	Differential
Single Family	\$13,451	\$13,404	(\$47)
Town home/Duplex	\$6,854	\$6,830	(\$24)
Multi-family	\$4,442	\$4,426	(\$16)
Manufactured Home (Single wide)	\$10,940	\$10,902	(\$38)

Residential Development	2011 Fee Study	2012 Adjusted	Differential
Single Family 0-1,500 sq ft	\$12,168	\$12,125	(\$43)
Single Family 1,501-2,500 sq ft	\$16,176	\$16,119	(\$57)
Single Family 2,501-3,500 sq ft	\$18,752	\$18,686	(\$66)
Single Family 3,501 or more sq ft	\$20,650	\$20,578	(\$72)
Town home/Duplex	\$6,854	\$6,830	(\$24)
Multi-family	\$4,442	\$4,426	(\$16)
Manufactured Home (Single wide)	\$10,940	\$10,902	(\$38)

Table F2. Inflation Adjustment - Law Enforcement

Residential Development	2011 Fee Study	2012 Adjusted	Differential
Single Family	\$279	\$267	(\$12)
Town home/Duplex	\$213	\$203	(\$10)
Multi-family	\$210	\$201	(\$9)

Non Residential Development (fees per 1,000 sq ft gross usable floor area)	2011 Fee Study	2012 Adjusted	Differential
Commercial/Shopping Center 25,000 SF or less	\$383	\$366	(\$17)
Commercial/Shopping Center 25,001 – 50,000 SF	\$354	\$338	(\$16)
Commercial/Shopping Center 50,001 – 100,000 SF	\$308	\$294	(\$14)
Commercial/Shopping Center 100,001 – 200,000 SF	\$265	\$253	(\$12)
Commercial/Shopping Center over 200,000 SF	\$227	\$217	(\$10)
Office/Institutional 10,000 SF or less	\$176	\$168	(\$8)
Office/Institutional 10,001 – 25,000 SF	\$143	\$137	(\$6)
Office/Institutional 25,001 – 50,000 SF	\$121	\$116	(\$5)
Office/Institutional 50,001 – 100,000 SF	\$103	\$98	(\$5)
Office/Institutional over 100,000 SF	\$88	\$84	(\$4)

Non Residential Development (fees per 1,000 sq ft gross usable floor area)	2011 Fee Study	2012 Adjusted	Differential
Business Park	\$99	\$95	(\$4)
Light Industrial	\$54	\$52	(\$2)
Warehousing	\$39	\$37	(\$2)
Manufacturing	\$30	\$29	(\$1)

Table F3. Inflation Adjustment - Parks & Recreation

Residential Development	2011 Fee Study	2012 Adjusted	Differential
Single Family	\$587	\$561	(\$26)
Town home/Duplex	\$449	\$429	(\$20)
Multi-family	\$442	\$422	(\$20)

Table F4. Inflation Adjustment - Fire & EMS

Residential Development	2011 Fee Study	2012 Adjusted	Differential
Single Family	\$770	\$736	(\$34)
Town home/Duplex	\$588	\$562	(\$26)
Multi-family	\$580	\$554	(\$26)

Non Residential Development (fees per 1,000 sq ft gross usable floor area)	2011 Fee Study	2012 Adjusted	Differential
Commercial/Shopping Center 25,000 SF or less	\$2,000	\$1,911	(\$89)
Commercial/Shopping Center 25,001 – 50,000 SF	\$1,854	\$1,771	(\$83)
Commercial/Shopping Center 50,001 – 100,000 SF	\$1,623	\$1,550	(\$73)
Commercial/Shopping Center 100,001 – 200,000 SF	\$1,405	\$1,342	(\$63)
Commercial/Shopping Center over 200,000 SF	\$1,205	\$1,151	(\$54)
Office/Institutional 10,000 SF or less	\$934	\$892	(\$42)
Office/Institutional 10,001 – 25,000 SF	\$756	\$722	(\$34)
Office/Institutional 25,001 – 50,000 SF	\$645	\$616	(\$29)
Office/Institutional 50,001 – 100,000 SF	\$468	\$447	(\$21)
Office/Institutional over 100,000 SF	\$466	\$445	(\$21)
Business Park	\$526	\$502	(\$24)
Light Industrial	\$287	\$274	(\$13)
Warehousing	\$204	\$195	(\$9)
Manufacturing	\$157	\$150	(\$7)

Appendix G

Maximum Justifiable Impact Fees – New Residential Construction

If the results of all 4 updated fee studies are adopted, and the inflation adjustments as presented in Appendix F are applied, the following table lists the possible fee schedule(s) for new residential construction. As the School Impact Fee rate will depend upon whether the County Commission adopts option 1 (fee asses by dwelling unit type) or option 2 (fee assessed by housing unit size for single family detached), both possible fee schedules are presented.

Table G1. Maximum Justifiable Fees – New Fee Schedules with Inflation Adjustments.

Option 1	2012		
	Current	Proposed	Differential
Single Family	\$13,070	\$14,968	\$1,898
Town home/Duplex	\$9,868	\$8,024	(\$1,844)
Multi-family	\$7,594	\$5,603	(\$1,991)
Manufactured Home (Single wide)	\$13,070	\$14,968	\$1,898

Option 2			
Single Family 0-1,500 sq ft	\$13,070	\$13,102	\$32
Single Family 1,501-2,500 sq ft	\$13,070	\$17,096	\$4,026
Single Family 2,501-3,500 sq ft	\$13,070	\$19,663	\$6,593
Single Family 3,501 or more sq ft	\$13,070	\$21,555	\$8,485
Town home/Duplex	\$9,868	\$7,890	(\$1,978)
Multi-family	\$7,594	\$5,285	(\$2,309)
Manufactured Home (Single wide)	\$13,070	\$14,968	\$1,898

Notes:

Option 1: Assess residential fees by housing unit type. Manufactured homes are the same as single family detached.

Option 2. Assess single family homes by housing unit size. Manufactured homes are treated separately.

In both options, all other fee schedules recognize residential construction by housing unit type.

Maximum Justifiable Impact Fees – Selected New Non-residential Construction

The data below calculate the total fees due for law enforcement and fire & EMS impact fees for select new construction for the current fee schedule and for the proposed fee schedule if the 2010 fee recalculation studies are adopted (with inflation adjustments from Appendix G applied).

Table G2. Maximum Justifiable Fees – New Fee Schedules with Inflation Adjustments for Select Commercial Development.

Development	2012		
	Current	Proposed	Differential
Shopping Center - 10,000 sq ft	\$24,790	\$22,770	(\$2,020)
Office/Professional - 20,000 sq ft	\$18,720	\$17,180	(\$1,540)
Warehouse - 300,000 sq ft	\$75,900	\$69,600	(\$6,300)

Jefferson County, West Virginia

Impact Fee Procedures Ordinance

ADOPTED

November 6, 2003

Amended July 8, 2004

Amended January 20, 2005

Amended February 22, 2007

Amended XX XXXX, 2012

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WHEREAS, pursuant to the Local Powers Act, West Virginia Code § 7-20-1 *et seq.*, Jefferson County, West Virginia (the "County") is authorized to establish and impose impact fees on new development to offset costs to the County associated with providing necessary public facilities and services, the demand for which is created by new development; and

WHEREAS the Jefferson County Commission (the "County Commission") has studied the necessity for and implications of the adoption of impact fees for various public facilities and retained Tischler & Associates, Inc. to prepare an impact fees report to consider impact fees, and Tischler & Associates, Inc. has prepared an Impact Fees Report, dated June 11, 2003; and

WHEREAS

(1) The residents, taxpayers and users of County facilities and services have contributed significant funds in the form of taxes and user charges toward the cost of existing County facilities and services, which represent a substantial and incalculable investment;

(2) The County is experiencing an increased demand for development which is causing a strain on tax revenues and user charges at existing levels and impairing the ability of taxpayers, residents and users to bear the cost of increased demand for County facilities and services; and

(3) Sound fiscal policy in the efficient administration of County government requires that the imposition of taxes and user charges be commensurate to the actual yearly cost of County facilities and services; and

WHEREAS the County Commission adopted a comprehensive plan in 1994 which is currently being updated; and

WHEREAS the County has adopted a comprehensive zoning ordinance and a subdivision control ordinance, and has adopted the state building code as part of the County building permit review system; and

WHEREAS the population growth rate of the County has exceeded one percent (1%) annually, averaged over the years between 1990 and 2000; and

WHEREAS the Impact Fees Report has determined that the population of the County is expected to grow from approximately 44,367 in 2002 to approximately 54,091 in 2012, with a growth in the number of housing units from 18,558 units to 23,198 units over the same period; and

WHEREAS the County Commission has developed a Capital Improvements Program in order to more definitively project the specific public service demands that will be imposed upon the County by the projected growth, and maintains a list of sites within the County with development potential; and

WHEREAS, based on the population, housing units, commercial square footage, and land use projections as well as the public service needs associated with the projected level of growth, the County Commission has determined that impact fees are an appropriate and necessary technique, to be used in conjunction with other available public service financing techniques, to ensure that adequate public facilities are provided to new growth while the County maintains the level of service (LOS) standards for existing County residents; and

WHEREAS the County Commission has determined that impact fees will be necessary for construction of public schools and related facilities and may, in the future, determine that impact fees will be necessary for other public facilities; and

WHEREAS the County Commission has found and determined that impact fees for public facilities, all enacted pursuant to the authority granted by the Local Powers Act, will have certain common characteristics and that the County will, therefore, benefit from the adoption and use of a uniform procedure for the imposition, calculation, collection, expenditure and administration of all of the adopted impact fees; and

WHEREAS the use of uniform procedures, to the extent possible, will be more efficient and expedient for both the County and applicants for development permits than separate procedures for each impact fee; and

WHEREAS the use of uniform procedures will simplify the implementation and administration of impact fees; and

WHEREAS the use of uniform procedures will best ensure that impact fees are earmarked and expended for the public facilities for which they were imposed and collected; and

WHEREAS all monies collected from impact fees shall be deposited in interest-bearing accounts which clearly identify the category, account, fund and public service for which such fee was imposed; and

WHEREAS each such category, fund or account shall be accounted for separately; provided, however, that the determination as to whether the accounting requirement shall be by category, account or fund and whether by aggregate or individual development shall be within the discretion of the County; and

WHEREAS any interest or other income earned on monies deposited in said interest-bearing accounts shall be credited to the applicable account; and

WHEREAS the County Commission has found and determined that impact fees are an appropriate technique for funding public facilities; and

WHEREAS the County Commission has determined that the impact fee amounts to be imposed bear a reasonable relationship and are “roughly proportional” to the impact on public services created by new development; and

WHEREAS the County Commission has found that the public services for which impact fees are collected are necessary to protect the health, safety, and general welfare of the citizens of Jefferson County; and

WHEREAS the County Commission recognizes its obligation and authority to provide the public services for which impact fees are collected;

WHEREAS the County has or will, for each impact fee, determine that the payment of the impact fee and its expenditure for needed public facilities will result in a direct beneficial use to the development on which it is imposed; and

WHEREAS the County has or will develop and adopt a schedule of impact fees for each public service; and

WHEREAS the County has provided a credit (offset) mechanism in cases where the proposed development has been subject to the required dedication of public sites and/or public improvements, or payment in lieu thereof, for which impact fees are also being imposed; and

WHEREAS the County has determined that the impact fee amounts bear a reasonable relationship to the burden imposed upon the County to provide the additional public facilities to serve the new development at the appropriate level of service (LOS) standard; and

WHEREAS the County has developed fee calculation methodologies which will be imposed in an equitable and non-discriminatory manner.

NOW, THEREFORE, BE IT ORDAINED by the County Commission of Jefferson County, West Virginia as follows:

Section 1. IN GENERAL

(A) Purpose and Intent

The purposes and intent of these Impact Fee procedures are:

(1) To establish uniform procedures for the imposition, calculation, collection, expenditure and administration of impact fees imposed on new development;

(2) To ensure that new development contributes its fair share towards the costs of public facilities reasonably necessitated by such new development;

(3) To ensure that new development reasonably benefits from the provision of the public facilities provided with the proceeds of impact fees;

(4) To ensure that all applicable legal standards and criteria are properly incorporated in these procedures.

(B) Rules of Construction

(1) The word “shall” is always mandatory and not discretionary and the word “may” is permissive.

(2) Words used in the present tense shall include the future; and words used in the singular shall include the plural and the plural the singular, unless the context clearly indicates the contrary; use of the masculine gender shall include the feminine gender.

(3) The phrase “used for” includes “arranged for,” “designed for,” “maintained for,” or “occupied for.”

(4) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and,” “or” or “either ... or,” the conjunction shall be interpreted as follows:

(a) “And” indicates that all the connected terms, conditions, provisions or events shall apply.

(b) “Or” indicates that the connected items, conditions, provisions or events may apply singly or in any combination.

(c) “Either ... or” indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.

(5) The words “includes” and “including” shall not limit a term to the specific example but are intended to extend its meaning to all other instances or circumstances of like kind or character.

(6) Words not defined in this Ordinance shall have the meaning ascribed to them in the Jefferson County Zoning Ordinance, as amended. Definitions of land use not defined in this ordinance or in the Jefferson County Zoning Ordinance shall have the meaning as defined in the Impact Fee Calculation Methodology Report.

[Amended by Act of the County Commission, effective January 20, 2005]

(C) Definitions

(1) **Applicant:** any person who files an application with the County for a building permit, or for property that is located within a municipality which issues building permits, or any person who files an application with the County for the payment of impact fees.

[Amended by Act of the County Commission, effective November 6, 2003]

(2) **Appropriation or to appropriate:** an action by the County to identify specific public facilities for which impact fee funds may be utilized. Appropriation shall be limited to: Capital Improvements Program; execution of a contract or other legal encumbrance for construction of a public service using impact fee funds in whole or in part; and/or actual expenditure of impact fee funds through payments made from a impact fee account.

(3) **Building Permit:** the official document or certificate issued by the County or any Municipality under the authority of ordinance or law authorizing the commencement of construction of any building or other structure or part thereof, or authorizing a change in use.

(4) **Business Park:** a group of flex-type buildings served by a common roadway system. The tenant space includes a variety of uses with an average mix of 20-30% office/commercial and 70-80% industrial/warehousing.

(5) **Capital Improvement:** as defined in West Virginia Code §7-20-3 (a).

(6) **Commercial (use):** an establishment that engages in the buying and/or selling of commodities and/or services. A shopping center is a subset of this category and is typified as an integrated group of commercial establishments that is planned, developed, owned, and managed as a unit. A shopping center provides on-site parking facilities sufficient to serve its own parking demands.

[Amended by Act of the County Commission, effective January 20, 2005]

(7) **County:** Jefferson County, West Virginia. and/or its County Government.

[Amended by Act of the County Commission, effective November 6, 2003]

(8) **County Attorney:** the Prosecuting Attorney of the County.

(9) **County Commission:** the County Commission of Jefferson County, West Virginia.

(10) **County Government:** the County Commission and all staff of the County.

(11) **Development:** the subdivision of land; or the construction,

reconstruction, conversion, structural alteration, relocation or enlargement of any structure.

(12) **Development Agreement:** a written agreement between the County and a developer regarding the development of a specific parcel of property.
[Amended by Act of the County Commission, effective November 6, 2003]

(13) **District or Impact Fee District:** a defined geographic area or subarea of the County within which particular public facilities are provided and in which impact fees will be collected, appropriated, and expended for public facilities serving new development within such area or subarea.

(14) **Dwelling Unit:** one room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and containing independent cooking, plumbing and sleeping facilities. Dwelling Unit does not include recreational vehicles propelled by an engine on the same chassis.
[Amended by Act of the County Commission, effective November 6, 2003]

(15) **Extreme Hardship** - For the purposes of this ordinance, any one of the following conditions shall qualify as extreme hardship cases and such qualifying cases may be considered by the County Commission as eligible for an extreme hardship exemption:

(1) Cases where the total household income is less than or equal to the Poverty Guidelines applicable to Jefferson County, West Virginia and which are defined by the United States Department of Health and Human Services, and which Poverty Guidelines are adopted by the United States Department Housing and Urban Development. In determining total household income, the Impact Fee Coordinator shall use methods as outlined by the United States Department of Housing and Urban Development; or

(2) Cases where the householder, as defined by the United States Bureau of the Census, has been classified as being totally and/or permanently disabled and is receiving disability payments from the Social Security Administration; or

(3) Cases where at least fifty per cent (50%) of the cost of the applicant's new or replacement home is being funded by a Community Housing Development Organization as recognized by the State of West Virginia Housing Development Fund, or other comparable grant or public funding mechanism. [Amended (by deleting the original Clause 15 and renumbering as Clauses 16-33), by Act of the County Commission, effective February 23, 2007.]

(16) **Impact Fee Calculation Methodology Report:** a report titled Impact Fees prepared by Tischler & Associates, Inc., dated June 11, 2003, and subsequently ammended, which sets forth the methodology and basis for the calculation of the impact

of new development and the proper and proportional amount of the impact fee to be assessed against new development.

[Amended (by deleting the original Clause 15 and renumbering as Clauses 15-32), by Act of the County Commission, effective November 6, 2003.]

[Amended by Act of the County Commission, effective January 20, 2005]

(17) **Impact Fee:** the charge or fee levied or imposed on new development on a *pro rata* basis in connection with and as a condition of the issuance of a building permit to fund a portion of the costs of capital improvements for a public facility or service in accordance with the provisions of this Ordinance and the applicable specific Impact Fee Ordinance. [see note clause 15]

(18) **Impact Fee Agreement:** an agreement entered into by and between an applicant and the County Commission at the time the impact fee is paid.[see note clause 15]

(19) **Impact Fee Coordinator:** the person appointed by the County Commission to administer the collection, imposition, management and all other aspects of Impact Fees.[see note clause 15]

(20) **Manufacturing:** any use involving the use of mechanical power and machinery to produce products from raw materials, to prepare or alter materials for use in a finished product, or to assemble parts into products. Light industrial facilities are considered a subset of this category and usually employ fewer than 500 persons and have an emphasis on activities other than manufacturing. Typical light industrial activities include, but are not limited to printing plants, material-testing laboratories, and assembling of data processing equipment. As defined in the Institute of Transportation Engineers *Trip Generation* manual, light industrial facilities generate more vehicular traffic than general manufacturing facilities.

[see note clause 15]

[Amended by Act of the County Commission, effective January 20, 2005]

(21) **Multifamily:** a single building or structure containing three or more dwelling units. but excluding any structure defined as a townhouse.[see note clause 15]

(22) **Municipality:** any and all of the following: Corporation of Charles Town, Corporation of Ranson, Corporation of Bolivar, Corporation of Harpers Ferry, and Corporation of Shepherdstown, or any municipal corporation hereafter established in the County.[see note clause 15]

(23) **New Development:** any new construction, reconstruction, redevelopment, rehabilitation, structural alteration, structural enlargement, structural extension, or new use which requires a building permit; any change in use of an existing non-residential building, structure or lot requiring any form of County approval, and which increases the demand for one (1) or more public facilities or services as herein defined. [see note clause 15]

(24) **Non-Residential:** any use or development that is not a residential use, and includes commercial, industrial and institutional uses.[see note clause 15]

(25) **Office (use):** a building used primarily for offices that may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper, or candy stand.[see note clause 15]

(26) **Offset:** a credit of certain required impact fees in exchange for the provision by the applicant of, among other things, monetary contributions, dedication of land, or actual construction of all or part of a public service consistent with the County's Capital Improvement Program.[see note clause 15]

[Amended twice by Act of the County Commission, effective November 6, 2003.]

~~(27) **Planning Director:** the Executive Director of Planning, Zoning and Engineering, or his designee.[see note clause 15]~~

~~(2827) **Public Facility or Service:** public improvements and facilities provided by the County and necessary to accommodate new development and necessary to protect the health, safety and general welfare of the citizens of the County; which public services include, but are not limited to, public schools.[see note clause 15] Ammended by an Act of the County Commission by deleting item 27 and renumbering items 28 through 32, effective XXXX 2012.~~

~~(2928) **Public Service Expenditures:** amounts appropriated in connection with the planning, design, engineering and construction of public facilities; including planning, legal, appraisal and other costs related to the acquisition of land, financing and development costs; the costs of compliance with purchasing procedures and applicable administrative and legal requirements; and all other costs necessarily incident to provision of public facilities.[see note clause 15].[see note clause 27, effective XXXX 2012]~~

~~(3039) **Residential:** any use or development that includes or results in the creation of a Dwelling Unit.[see note clause 15].[see note clause 27, effective XXXX 2012]~~

~~(3130) **Single-Family Detached Dwelling:** a detached building designed or used exclusively for only one dwelling unit. For Impact Fee Studies that further distinguish single family detached dwellings by square footage, such methods to determine square footage of the dwelling unit shall be consistent with the methods used by the Assessor of Jefferson County. [see note clause 15].[see note clause 27, effective XXXX 2012]. [Ammended by an Act of the County Commission, effective XXXX 2012]~~

~~(3231) **Townhouse:** a dwelling unit which is located in a structure which is attached by one or more vertical party walls to one or two other structures, each designed for and occupied exclusively by only one dwelling unit.[see note clause 15].[see note clause 27, effective XXXX 2012]~~

~~(3332) **Warehousing:** a use engaged in bulk storage of wholesale or distribution materials, inventory, equipment, supplies, or other materials not stored for immediate, on-site retail sale.[see note clause 15].[see note clause 27, effective XXXX 2012]~~

(33) **Manufactured Home:** has the same meaning as Chapter 21, article 9, section 2 of the West Virginia Code. [Amended by an Act of the County Commission, effective XXXX 2012]

(D) General Provisions; Applicability

(1) **Term.** This Ordinance and the procedures established herein shall remain in effect unless and until repealed, amended or modified by the County Commission in accordance with applicable state law and the County's code, ordinances and resolutions.

(2) **Affected Area.**

(a) **County Wide Application.** This Ordinance shall apply to all new development within the County, including new development which takes place within the boundaries of any Municipality. Impact fees for particular public facilities may apply to less than the entire County, as set forth in the ordinance adopting each specific Impact Fee.

(b) **Impact Fee District.** Impact fees for certain public facilities shall be collected and spent within a defined geographical area which may be all or less than all of the County, as set forth in the ordinance adopting a specific impact fee.

(c) **Identification.** The affected area, including Impact fee Districts, if applicable, shall be described and/or mapped in the particular impact fee ordinance.

(d) **Change in Boundaries of Impact Fee Districts.** The County Commission may amend the boundaries of the Impact fee Districts at such times as may be deemed necessary to carry out the purposes and intent of this Ordinance and applicable legal requirements for use of the impact fees.

[Amended by Act of the County Commission, effective November 6, 2003]

(3) **Type of Development Affected.** This Ordinance shall apply to all development after the effective date of this Ordinance.

(4) **Type of Development Not Affected.** This Ordinance shall not apply to:

(a) **Previously-Issued Building Permits.** No impact fee shall be imposed on new development for which a building permit has been issued prior to the effective date of this Ordinance.

[Amended by Act of the County Commission, effective November 6, 2003]

(b) **No Net Increase in Habitable Dwellings.** No impact fee shall be imposed on any new residential development that does not result in the creation of one or more additional habitable dwelling units. No impact fee shall be imposed on the replacement of a mobile home or a single-family dwelling unit by another mobile home or single-family dwelling unit, provided: that there is no increase in the square footage of the dwelling unit where such increase would place the

replacement structure into a new size class as recognized by any Impact Fee Ordinance in effect at the time. The applicant must demonstrate that the dwelling to be replaced was in habitable condition within 36 months of the date of application for a building permit for the replacement dwelling. [Amended by Act of the County Commission, effective February 23, 2007.] [Ammended by Act of the County Commission, effective XXXX 2012.]

(c) **No Net Increase in Non-Residential Square Footage.** No impact fee shall be imposed on any new non-residential development that does not result in the creation of new square footage, unless the new non-residential development is to a different category of development, as defined herein, which results in an increase in the demand for public facilities for which impact fees are being imposed.

(d) **Other Uses.** No impact fee shall be imposed on a use, development, project, structure, building, fence, sign or other activity, whether or not a building permit is required, which does not result in an increase in the demand for public facilities.

(e) **Public Facilities Provided By Government.** No impact fees shall be imposed on building permits issued for the construction of public facilities by the State of West Virginia, the County Government or any municipality.

(f) **Development Agreements:** No impact fees shall be imposed on development projects that are the subject of a development agreement containing provisions in conflict with this Ordinance, but only to the extent of the conflict or inconsistency.

[Amended by Act of the County Commission, effective November 6, 2003]

(g) **Extreme Hardship Exemption** – The County Commission may agree to consider exemptions from residential impact fee payments for extreme hardship as defined in Section (1)(C)(15) of this ordinance. An applicant for an extreme hardship waiver shall:

(1) Complete the Hardship Exemption Form available in the Department of Impact Fees;

(2) Provide all documentation requested in the Hardship Exemption Form; and

(3) Be entitled to a Hardship Exemption hearing before the County Commission during which hearing the County Commission shall hear the merits of an exemption application and shall act to:

(a) Grant the exemption;

(b) Deny the exemption based on the evidence provided; or

(c) Direct that the hearing be postponed for the purpose of acquiring additional information and/or documentation.

The County Commission may grant any number of exemptions for extreme hardship *provided* that the total amount of impact fees deferred by such grants in any given fiscal year does not exceed the interest accrued by the appropriate impact fee accounts during that same fiscal year. [Amended by Act of the County Commission, effective February 23, 2007]

(5) Effect of Payment of Impact Fees on Other Applicable County Land Use, Zoning, Platting, Subdivision or Development Regulations.

[Amended by Act of the County Commission, effective November 6, 2003]

(a) The payment of impact fees shall not entitle the applicant to a building permit unless all of the applicable land use, zoning, planning, platting, subdivision or other related requirements, standards and conditions of the County Government have been met. Such other requirements, standards and conditions are independent of the requirement for payment of a impact fee.

(b) Neither this Ordinance nor the specific impact fee ordinances for particular public facilities shall affect, in any manner, the permissible use of property, density/intensity of development, design and improvement standards or other applicable standards or requirements of the County zoning, subdivision or building ordinances or other development regulations, which shall be operative and remain in full force and effect without limitation.

(6) **Amendments.** This Ordinance, and any ordinance adopting impact fees for any particular public facility pursuant to this Ordinance, may be amended from time to time by the County Commission; provided, however, that no such amendment shall be adopted without a written report detailing the reasons and need for the impact fee revision nor without proper notice and public hearing. [Amended by Act of the County Commission, effective November 6, 2003]

Section 2. PROCEDURES FOR IMPOSITION, CALCULATION AND COLLECTION OF IMPACT FEES

(A) In General

An applicant shall be notified by the County Government of the applicable impact fee requirements at the time of application for a building permit via the issuance of an Impact Fee Calculation Form to the applicant. Impact fees shall be calculated by the County at the time of application for a building permit and shall be paid by the applicant prior to the issuance of a building permit.

(B) Calculation

(1) Upon receipt of an application for a building permit, the Impact Fee Coordinator shall determine (a) whether it is a residential or non-residential use, (b) the specific category of residential or non-residential development, if applicable, (c) if residential, the number of new dwelling units, and the square footage of such dwelling unit(s) in cases where an Impact Fee Ordinance in effect at the time recognizes dwelling units by classes of square footage, (d) if non-residential, the number of new or additional square feet of gross floor area of the proposed use, and, (e) the Impact Fee District in which the new development is located, if applicable. [Amended by an Act of the County Commission, effective XXXX 2012.]

(2) Upon receipt of an application for a building permit, the Impact Fee Coordinator shall determine whether the development involves a change in use. In such cases, the impact fee due shall be based only on the incremental increase in the fee for the additional public facilities needed for the change in use. An applicant shall not be entitled to a refund where the change of use is to a category of development which imposes a lower demand on public facilities.

(3) After making the determinations described in Section 2(B)(1) or (2), the Impact Fee Coordinator shall calculate the impact fee by multiplying the amount of the applicable impact fee times the units of development, incorporating any applicable offset as defined in this procedures ordinance.

[Amended by Act of the County Commission, effective November 6, 2003]

(4) If the type of land use proposed for new development is not expressly listed in the particular impact fee ordinance and schedule, the County Government shall:

(a) identify the most similar land use type listed and calculate the impact fee based on the impact fee for the land use identified; or

(b) identify the broader land use category within which the specified land use would apply and calculate the impact fee based on the impact fee for that land use category; or

(c) at the option of the applicant or Impact Fee Coordinator, determine the basis used to calculate the fee pursuant to an independent impact analysis for impact fee calculation. When initiated by the applicant, this option shall be requested on a form provided by the Impact Fee Coordinator for such purpose. Whether initiated by the applicant or the Impact Fee Coordinator, the following shall apply:

1. The applicant shall be responsible, at its sole expense, for preparing the independent impact analysis, which shall be reviewed for approval by the Impact Fee Coordinator, and, if appropriate, other County staff or officials, prior to payment of the fee.

2. The independent impact analysis shall measure the impact that the proposed development will have on the particular public service at issue, and shall be based on the same methodologies used in the Impact Fee Calculation Methodology Report, and shall be supported by professionally acceptable data and assumptions.

3. After review of the independent impact analysis submitted by the applicant, the Impact Fee Coordinator shall accept or reject the analysis and provide written notice to the applicant of its decision on a form provided for such purpose within forty-five (45) days. If the independent impact analysis is rejected, the written notice shall provide an explanation of the insufficiencies of the analysis.

4. The final decision of the Impact Fee Coordinator may be appealed pursuant to Section 4.

5. An applicant may request a non-binding estimate of impact fees due for a particular new development at any time by filing a request on a form provided for such purpose by the Impact Fee Coordinator; provided, however, that such estimate may be subject to change when a formal application for a building permit for new development is made. Such non-binding estimate is solely for the benefit of the prospective applicant and shall in no way bind the County nor preclude it from making amendments or revisions to any provisions of this Ordinance, the specific impact fee implementing ordinances, or the impact fee schedules.

6. The calculation of impact fees due from a multiple-use new development shall be based upon the aggregated demand for each public service generated by each land use type in the new development.

7. The calculation of impact fees due from a phased new development shall be based upon the demand generated by each specific land use within the phase of development for which a separate building permit is requested.

8. Impact fees shall be calculated based on the impact fee amount in effect at the time of application for a building permit.

(C) Offsets/Credits

(1) Offsets or credits against the amount of an impact fee due from a new development shall be provided for, among other things, contributions made concurrently or to be made in the future in cash; or made, prior to the effective date of this ordinance, pursuant to a written agreement entered into with the County Government; or by dedication of land; or by actual construction of all or part of a public service by the affected property owner for public services meeting or exceeding the demand generated by the new development, and the contribution is determined by the Impact Fee

Coordinator to be a reasonable substitute for the cost of public facilities which are included in the methodology set forth in the Impact Fee Calculation Methodology Report. Any agreement to make future payments in cash shall be accompanied by a cash bond, letter of credit, or other surety in a form satisfactory to the County Attorney in an amount equal to the offset or credit as laid forth in the written agreement entered into with the County Government. Offsets shall be adjusted for time-price differentials in accordance with the requirements of W.Va. Code § 7-20-5.

[Amended by Act of the County Commission, effective July 8, 2004.]

(2) The amount of the excess contribution shall be determined by the Impact Fee Coordinator upon receipt of an application form requesting an offset; provided, however, that (a) the County Government will make no reimbursement for excess contributions unless and until the particular public service fund has sufficient revenue to make the reimbursement without jeopardizing the continuity of the County's Capital Improvements Program and further provided that (b) the excess contribution may not be transferred or credited to any other types of impact fees calculated to be due from that development for other type of public facilities. The determination of the eligibility for and the amount of the credit shall be made by the County on a form provided for such purposes by the Impact Fee Coordinator. If the applicant contends that any aspect of the Impact Fee Coordinator's decision constitutes an abuse of discretion, the applicant shall be entitled to appeal pursuant to Section 4 of this Ordinance.

[Amended by Act of the County Commission, effective November 6, 2003]

(3) After the effective date of this Ordinance, no offset shall be allowed unless the County Commission has approved and accepted the contribution, dedication or expenditure before it is made.

(4) Where an applicant has dedicated land to the County or constructed a public facility in accordance with the provisions of this Section, the amount of offset or credit shall be determined in accordance with the following:

(a) In order for a credit or offset to be applied for the construction of a public facility or the dedication of land, the applicant must demonstrate that the dedicated land or constructed public facility will reduce the need for the specific public facility, and that the public facility is consistent with the County's adopted capital improvement plan and the comprehensive plan.

(b) Applications for an offset must be made on a form provided by the Impact Fee Coordinator for such purposes. Upon receipt of a completed application, the Impact Fee Coordinator and other appropriate staff and/or consultants shall review the application, as well as such other information and evidence as may be deemed relevant, and the Impact Fee Coordinator shall forward a report as to whether an offset is proper based on the provisions of this Ordinance to the County Commission.

(c) Based on the report of the Impact Fee Coordinator, the provisions of this Ordinance, the capital improvement plan, comprehensive plan, and the

impact fee calculation methodology report, the Impact Fee Coordinator shall make a recommendation to the County Commission whether to accept, reject, or modify the proposed offset/credit.

[Amended by Act of the County Commission, effective July 8, 2004.]

(d) The amount of the offset is to be calculated as follows:

1. For construction of public facilities, the offset shall be equal to the cost of construction as determined by the County using Standard Unit Costs or other such standards-based methodology, or the amount of Impact Fees due, whichever is less.

[Amended by Act of the County Commission, effective July 8, 2004.]

2. Where the applicant has dedicated land to the County, the offset is to be based on either the assessed value of the proffered land, based on the most recent County property appraisal, or the fair market value of the land as determined by a certified property appraiser hired and paid for by the applicant. If the latter option is chosen, the Impact Fee Coordinator may reject the applicant's appraisal, in which case the County shall hire and pay for a second appraiser to appraise the property. If either party rejects the second appraisal, a third appraisal shall be performed by an appraiser chosen by the first and second appraisers, the costs of which are to be shared equally by the County and the applicant. The third appraisal is binding on both parties. All appraisals must be consistent with generally-accepted appraisal techniques and the date of valuation must be the date of transfer to the County.

[Amended by Act of the County Commission, effective November 6, 2003]

3. Only the original applicant or the applicant's legal successor in title to the real estate shall be entitled to the offset.

[Amended by Act of the County Commission, effective November 6, 2003]

(5) Offsets for dedication of land or provision of public facilities shall be applicable only as to impact fees imposed for the same types of public facilities that are proposed to be dedicated or provided. Even if the value of the dedication of land or provision of a public service exceeds the impact fee due for the type of public service, the excess value may not be transferred to impact fees calculated to be due from the applicant for other types of public facilities for which impact fees may be imposed. Offsets may, however, be transferred to the same applicant or to other applicants for new development that are proposed within the final approved platted area of the same development and for the same type of public service.

(D) Collection

(1) The date on which impact fees may first be collected shall not be sooner than the sixty-first (61st) day after the adoption of any impact fee ordinance.

[Amended by Act of the County Commission, effective November 6, 2003]

(2) The County shall collect all applicable impact fees prior to issuance of a

building permit, or, for new development on property which is located in a Municipality which issues its own building permits, prior to the issuance of a building permit by such Municipality, and shall issue a receipt to the applicant for such payment unless:

[Amended by Act of the County Commission, effective November 6, 2003]

- (a) the applicant is entitled to a full offset;
- (b) the applicant is not otherwise subject to the payment of a impact fee; or
- (c) the applicant has filed an appeal, and a bond or other surety in the amount of the impact fee, as calculated by the Impact Fee Coordinator and approved by the County Attorney, has been posted with the County.

(3) The County Government shall collect an impact fee prior to issuance of a building permit even if the applicant has paid impact fees at an earlier time in the development approval process, if the amount of the impact fees has increased since such prior payment. The applicant shall only be liable for the difference between the impact fees paid earlier and those in effect at the time of issuance of the subsequent building permit. Upon receipt of payment for an impact fee, the impact fee coordinator, or a designee chosen by the impact fee coordinator shall issue a receipt for impact fee payment.

[Amended by Act of the County Commission, effective November 6, 2003]

[Amended by Act of the County Commission, effective July 8, 2004.]

(4) No building permit shall be issued unless the applicant has complied with the provisions of this Ordinance.

(E) Impact Fee Agreements

(1) The County Attorney shall prepare a form of Impact Fee Agreement which shall contain such provisions of this Ordinance related to the collection and use of impact fees as the County Attorney determines is necessary to comply with the provisions of §7-20-8(c), West Virginia Code.

(2) At the time of payment of Impact Fees, the Impact Fee Coordinator shall prepare an Impact Fee Agreement for the specific development for which impact fees are being paid, and the applicant shall execute such Agreement.

(3) Within thirty (30) days after an Impact Fee Agreement is executed by an applicant, such Agreement shall be executed by the Impact Fee Coordinator, who shall send a copy of the fully executed Impact Fee Agreement to the applicant and retain the original executed Impact Fee Agreement.

Section 3. ESTABLISHMENT OF IMPACT FEE ACCOUNTS; APPROPRIATION OF IMPACT FEE FUNDS; AND REFUNDS

(A) Impact Fee Accounts

The County shall establish an impact fee account for each category of public facility for which impact fees are imposed. Such account shall clearly identify the category, account, or fund for which the impact fee has been imposed. Subaccounts may be established for individual Impact Fee Districts. All impact fees collected by the County Government shall be deposited into the appropriate impact fee account or subaccount, which shall be interest bearing. All interest earned on monies deposited to such account shall be credited to and shall be considered funds of the account. The funds of each such account shall be capable of being accounted for separately from all other County Government funds. The County Government shall establish and implement necessary accounting controls to ensure that the impact fee funds are properly deposited, accounted for and appropriated in accordance with this Ordinance Chapter and any other applicable legal requirements.

(B) Appropriation of Impact Fee Funds

(1) **In General.** Impact fee funds may be appropriated for capital improvements and for the payment of principal, interest and other financing costs on contracts, bonds, notes or other obligations issued by or on behalf of the County Government to finance such public facilities and public service expenditures. All appropriations from impact fee accounts shall be detailed on a form provided for such purposes and filed in the Jefferson County Sheriff's Tax Collection Office.

(2) **Restrictions on Appropriations.** Impact fees shall not be appropriated for maintenance or repair of public facilities or for operational or personnel expenses associated with the provision of public facilities or for funding any expenditure that would be classified in accounting as a maintenance or repair expense. Impact fees shall be appropriated only:

- (a) for the particular public service for which they were imposed, calculated and collected;
- (b) within the Impact Fee District where collected; and
- (c) within six (6) years after the date of collection, unless such time period is extended as provided herein.

(3) **Appropriation of Impact Fee Funds Outside of District Where Collected.** Where the County is divided into impact fee districts for a particular category of impact fees, impact fee funds may be appropriated for a public service located outside of the District where collected only if the demand for the public service is

generated in whole or in part by the new development or if the public service will actually serve the new development.

(4) Expenditure of Impact Fee Funds Beyond Six (6) Years of Collection.

Notwithstanding paragraph 2 of this subsection (B), impact fee funds may be expended more than six (6) years from the date of collection if there are extraordinary and compelling reasons for the extension beyond six (6) years. An extraordinary and compelling reason may be found by the County Commission where the appropriation is for a public facility that requires more than six (6) years to plan, design and construct, and the demand for the public facility is generated in whole or in part by the new development, or if the public facility will actually serve the new development. The County Government shall document compliance with the provisions of this paragraph.

(C) Procedure for Appropriation of Impact Fee Funds

(1) Each year the County shall identify public facility projects anticipated to be funded in whole or in part with impact fees. The public facilities shall be so identified based upon the impact fee annual review set forth in Section 6 of this Ordinance, and such other information as may be relevant, and shall be part of the County's capital improvements planning process and may be part of the County's annual budget. Impact fees shall only be collected for projects identified in the County's Capital Improvements Plan.

[Amended by Act of the County Commission, effective July 8, 2004.]

(2) Such identification of public facilities shall be consistent with the provisions of this Ordinance, the particular impact fee ordinances, other applicable legal requirements, and any guidelines adopted by the County Commissioners.

(3) The County Commissioners may include public facilities funded with impact fees in the County's annual budget and Capital Improvements Program. If included, the description of the public facility shall specify the nature of the facility, the location of the public facility, the capacity to be added by the public facility, the service area of the public facility, the need/demand for the public facility and the anticipated timing of completion of the public facility.

(4) The County Commissioners shall verify that adequate impact fee funds are or will be available from the appropriate impact fee account for the particular public facility.

[Amended by Act of the County Commission, effective November 6, 2003]

(D) Refunds

(1) Eligibility for Refund.

(a) Expiration or Revocation of Building Permit. An applicant who has paid an impact fee for a new development for which the necessary building permit has expired or for which the building permit has been revoked prior to construction shall be eligible to apply for a refund of impact fees paid. The refund application shall be made on a form provided by the County Government for such purposes.

(b) Failure of County to Appropriate Impact Fee Funds Within Time Limit. The current property owner may apply for a refund of impact fees paid by an applicant if the County Government has failed to appropriate the impact fees collected from the applicant within the time limit established in subsection 3(B)1. The refund application shall be made on a form provided by the County for such purposes. If the County Commission has failed to expend any impact fee within the time limits set forth in subsection 3(B)1, the County Commission shall notify the payor of such impact fee, by first class mail in accordance with the provisions of West Virginia Code §7-20-9, at the last known address of such payor, of the right to apply for a refund in accordance with the provisions of this Section 3(D).

(c) Abandonment of Development After Initiation of Construction. An applicant who has paid a impact fee for a new development for which a building permit has been issued and pursuant to which construction has been initiated, but which construction is abandoned prior to completion and issuance of a certificate of occupancy, shall not be eligible for a refund unless the uncompleted building is completely demolished.

(2) To Whom Refunds Paid. Except as provided in paragraph 1(a) and 1(c) of this subsection, refunds shall be made only to the current owner of property for which impact fees were paid, credited or offset.

[Amended by Act of the County Commission, effective November 6, 2003]

(3) Processing of Applications for a Refund. Applications for a refund shall be made on a form provided by the Impact Fee Coordinator for such purposes and shall include all information required in paragraphs 5 or 6 of this subsection, as appropriate. Upon receipt of a complete application for a refund, the Impact Fee Coordinator shall review the application and documentary evidence submitted by the applicant as well as such other information and evidence as may be deemed relevant, and make a determination as to whether a refund is due. Refunds by direct payment shall be made following an affirmative determination by the Impact Fee Coordinator.

(4) Refunds Because of Abandonment. Applications for refunds due to abandonment of a new development prior to completion shall be made on forms provided by the Impact Fee Coordinator and shall be made within sixty (60) days following

expiration or revocation of the building permit. The applicant shall submit the following: (a) evidence that the applicant is the property owner or the duly designated agent of the property owner, (b) the amount of the impact fees paid by public facility category and receipts evidencing such payments, and (c) documentation evidencing the expiration or revocation of the building permit or approval of demolition of the structure pursuant to a valid County Government-issued demolition permit. Failure to apply for a refund within sixty (60) days following expiration or revocation of the building permit or demolition of the structure shall constitute a waiver of entitlement to a refund. No interest shall be paid by the County Government in calculating the amount of the refunds.

(5) **Refunds Due to Failure to Appropriate Funds.** Applications for refunds due to the failure of the County Government to appropriate impact fees collected from the applicant within the time limits established in subsection 3(B)1 shall be made on forms provided by the Impact Fee Coordinator and shall be filed within one (1) year following the expiration of such time limit. The applicant shall submit: (a) evidence that the applicant is the property owner or the duly designated agent of the property owner, (b) the amount of the impact fees paid by public service category and receipts evidencing such payments, and (c) description and documentation of the County's Government failure to appropriate impact fee funds for relevant public facilities.

(6) **Methods of Refunds.** Pursuant to Section 3 (D)(2), the County Government may, at its option, make refunds of impact fees by (a) direct payment, (b) offsetting such refunds against other impact fees due for the same category of public facilities for new development on the same property, or (c) other means subject to agreement with the property owner.

[Amended by Act of the County Commission, effective November 6, 2003]

Section 4. APPEALS

(A) Initiation

(1) An appeal from any decision of a County official pursuant to this Ordinance shall be made to the County Commission by filing a written appeal on the appropriate County Government form with the County Clerk within thirty (30) days following the decision which is being appealed. The County Commission may appoint a hearing officer to hear the appeal, in which case the hearing officer shall have the authority to conduct hearings as required by this Ordinance. The hearing officer shall take sworn testimony, receive evidence and exhibits, rule on evidentiary objections, cause the testimony to be taken by stenographic reporter or electronic recording device and make proposed findings of fact which the County Commission may adopt or the County Commission may substitute its own findings of fact in support of its decision.

(2) If the notice of appeal is accompanied by a cash bond, letter of credit or other surety in a form satisfactory to the County Attorney in an amount equal to the impact fee calculated by the Impact Fee Coordinator to be due, a building permit may be issued to the new development.

(3) The filing of an appeal shall not stay the imposition or the collection of the impact fee as calculated by the County Government unless a cash bond or other sufficient surety has been provided.

(B) Burden of Proof

The decision of a County official or County Commission pursuant to this ordinance shall enjoy the presumption of correctness. The burden of proof shall be on the appellant to demonstrate that the decision of the County official or County Commission is clearly erroneous or contrary to law.

(C) Contents

All appeals shall detail the specific grounds therefor and all other relevant information and shall be filed on a form provided by the County Government for such purposes.

(D) Decision

(1) The County Commission shall:

(a) determine whether there is an error in an order, requirement or decision made by a County official in the enforcement of this Ordinance, and/or

(b) determine whether the fee would amount to a taking of private property or otherwise violate the State and federal constitutional rights of the applicant.

(2) Based on the information provided at the hearing, the County Commission shall reverse or affirm, in whole or in part, or modify, the order, requirement or decision of the County official appealed from, and make such order, requirement, decision or determination as the County Commission considers necessary.

[Amended by Act of the County Commission, effective November 6, 2003]

(3) **The County Commission shall render a decision on the appeal within ninety (90) days after the filing of the appeal.**

[Amended by Act of the County Commission, effective November 6, 2003]

(E) APPEAL OF COUNTY COMMISSION DECISION

The applicant may appeal any decision of the County Commission pursuant to this Ordinance, by Writ of Certiorari filed within thirty (30) days of the decision of the County Commission.

Section 5. EXEMPTIONS/WAIVERS

(A) Filing of Application

Petitions for exemptions from the application of the provisions of this Ordinance or for waivers from specific impact fees shall be filed with the Impact Fee Coordinator.

(B) Effect of Grant of Exemption/Waiver

(1) **Grant of Waiver.** If the County Commission grants a waiver in whole or in part of impact fees otherwise due, the amount of the impact fees waived shall be provided by the County from non-impact fee funds, and such funds shall be deposited in the appropriate impact fee account within a reasonable period of time consistent with the applicable County Capital Improvements Program.

(2) **Effect of Exemption.** If an exemption from the application of the provisions of this Ordinance is authorized by the terms of a specific impact fee ordinance, the County Government shall not be required to provide any funds to cover the cost of the impact fee which would have been due without such exemption.

(C) Development Agreements

Nothing herein shall be deemed to limit the County's Government authority or ability to enter into development agreements with applicants for new development who may provide for dedication of land, payments in lieu of impact fees, or actual infrastructure improvements. Such development agreements may allow offsets against impact fees for contributions made concurrently or to be made in the future in cash, or by assessments or dedication of land or by actual construction of all or part of a public facility by the affected property owner.

[Amended by Act of the County Commission, effective November 6, 2003]

Section 6. ANNUAL REVIEW AND ADJUSTMENTS

(A) Annual Review

(1) At least once every year not later than January 31st of each year, beginning in the year 2005, and prior to County Commission's adoption of the Annual Budget and Capital Improvements Program, the Impact Fee Coordinator or a designee chosen by the Impact Fee Coordinator shall coordinate the preparation and submission of an Annual Report to the County Executive and County Commission on the subject of impact fees.

[Amended by Act of the County Commission, effective July 8, 2004.]

(2) The Annual Report may include any or all of the following:

- (a) recommendations for amendments, if appropriate, to these procedures or to specific ordinances adopting impact fees for particular public facilities;
- (b) proposed changes to the County Capital Improvements Program, including the identification of additional public facilities anticipated to be funded wholly or partially with impact fees;
- (c) proposed changes to the boundaries or creation of Impact Fee Districts, if applicable;
- (d) proposed changes to impact fee schedules as set forth in the ordinances imposing and setting impact fees for particular public facilities;
- (e) proposed changes to level of service standards for particular public facilities;
- (f) proposed changes to any impact fee calculation methodology;
- (g) proposed changes to the population, housing, land use, persons per household or non-residential development projections included in the Impact fee Calculation Methodology Report and upon which the impact fee amounts have been determined; or
- (h) other data, analysis or recommendations as the Impact Fee Coordinator or appropriate designee may deem appropriate, or as may be requested by the County Commission.

(3) **Submission of Impact Fee Annual Report and County Commission Action.** The Impact Fee Coordinator or the Impact Fee Coordinator's designee shall submit the Annual Report to the County Commission, who shall receive the Annual Report and which may take such actions as they deem appropriate, including, but not limited to, requesting additional data or analyses and holding public workshops and/or public hearings.

(B) Annual Adjustments

(1) On April 1, 2005, and on April 1 of each year thereafter in which this Ordinance is in effect, the amount of any impact fee may be automatically-adjusted to account for inflationary increases in the cost of providing public facilities utilizing the most recent Quantity and Price Indexes for Gross Government Fixed Investment by Type, published by the United States Bureau of Economic Analysis, using the most appropriate type of New Building construction for each specific Impact Fee. [Amended by an Act of the County Commission, effective XXXX 2012.]

(2) ~~The Impact Fee Coordinator shall make the automatic annual adjustment unless the County Commission, in its Annual Review, determines an alternate adjustment~~

~~is appropriate.~~ The County Commission shall act, prior to the 1st day of April of each year, to adopt any proposed inflation adjustment as outlined in the Annual Review delivered to the County Commission in January of that same year. Failure to Act by the County Commission shall have the effect of not adopting the automatic annual adjustment. [Ammended by an Act of the County Commission, effective XXXX 2012.]

(3) Nothing herein shall prevent the County Commission from electing to retain existing impact fees, from electing to waive the inflation adjustment for any given fiscal year, or from making any other adjustment in the amount of the impact fee which conforms with the law.

Section 7. ENFORCEMENT

(A) It is unlawful for any person or entity to enlarge, alter or change any use of property or to erect, construct, enlarge, alter, repair, move, improve, make, put together or convert any building in the County, or attempt to do so, or cause the same to be done, without first paying all impact fees imposed by this Ordinance.

(B) In the event a fee is not paid as required hereunder, the County Attorney may institute an action to recover the fee and enjoin the use of the property until the fee is paid. The person who fails so to pay shall be responsible for the costs of such suit, including reasonable attorney's fees.

(C) In the event that a Municipality issues a permit for a development for which the payment of an impact fee is required, without evidence of the payment of such impact fee to the County Government, the County Government may institute an action to recover the fee.

Section 8. SEPARABILITY AND CONSTRUCTION

(A) Liberal Construction

The provisions of this Ordinance shall be liberally construed to effectively carry on its purposes in the interest of further promoting and protecting the public health, safety and welfare.

(B) Separability

(1) If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed to be a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining provisions of this Ordinance

nor impair or nullify the remainder of this Ordinance, which shall continue in full force and effect.

(2) If the application of any provision of this Ordinance to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the County Commissioners is that such decision shall be limited only to the specific new development expressly involved in the controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify this Ordinance as a whole or the application of any provision of this Ordinance to any other new development.

The undersigned hereby certifies that this Ordinance was approved and adopted by the Jefferson County Commission on the 20th of January, 2005, and as amended subsequently.

JEFFERSON COUNTY COMMISSION

ATTEST:

By: /S/
President

ORDINANCE NO. 2003-3

**AN ORDINANCE PROVIDING FOR THE IMPOSITION OF A PUBLIC
SCHOOL IMPACT FEE ON ALL NEW RESIDENTIAL
DEVELOPMENT; AND PROVIDING FOR AN EFFECTIVE DATE OF
NOVEMBER 24, 2003.**

**AMENDED March 16th, 2006 with an Effective Date of April 1st, 2006
AMMENDED XXXX 2012 with an immediate Effective Date**

WHEREAS, pursuant to the Local Powers Act, W.Va. Code § 7-20-1 *et seq.*, counties in West Virginia have been authorized to adopt impact fees to fund capital improvements, including public primary and secondary school facilities, required to accommodate new development projects, subject to compliance with the provisions of the Local Powers Act; and

WHEREAS Jefferson County, West Virginia (the "County"), has satisfied all of the requirements set forth in W.Va. Code § 7-20-6 as a prerequisite to the imposition of impact fees; and

WHEREAS the Jefferson County Commission (the "County Commission") retained Tischler & Associates, Inc. (the "Consultants") to analyze and assess growth and development projections for the County to determine the additional demand anticipated to be placed on the County for public schools and Board of Education support buildings, vehicles and equipment; and

WHEREAS the Consultants additionally reviewed the existing demand for public schools and education related support buildings and equipment; the existing public school system available to meet that demand; and the method of financing the existing public school system; and

WHEREAS the County has adopted the methodology used by the consultant for the purpose of conducting updates to the school impact fee; and [amended by an Act of the County Commission, March 16th, 2006]

WHEREAS the County has reviewed the existing level of service standards; and [amended by an Act of the County Commission, March 16th, 2006]

WHEREAS the County has relied upon the actual costs of recent school projects for a determination of the costs of public schools and education related support buildings; and [amended by an Act of the County Commission, March 16th, 2006]

WHEREAS the public school impact fee will be imposed only on new residential development in the County; and

WHEREAS the County has reviewed and relied upon the County Comprehensive Plan which was revised in March of 2004, and the County's six-year Capital Improvements Program; and [Amended by Act of the County Commission, effective October 20, 2005] [amended by an Act of the County Commission, March 16th, 2006]

WHEREAS the population and new residential development projections for the County indicate: (1) that the population of the County will increase from approximately 44,367 persons in the year 2002 to approximately 71,820 persons in the year 2022; and (2) that housing units will increase from approximately 18,558 in the year 2002 to approximately 27,837 in the year 2022; and

WHEREAS the types of facilities and associated costs that are included in this impact fee cover land acquisition for school buildings and education related support buildings; construction of schools and other buildings; construction of relocatable classrooms; and construction of certain indoor and outdoor equipment; and

WHEREAS the public school impact fee calculation methodology is an incremental expansion methodology, as described in the Impact Fees Report for Jefferson County, West Virginia (prepared by Tischler & Associates, Inc., June 11, 2003, and subsequently updated by the County in January of 2006, and again updated by TischlerBise, Inc on January 21st, 2011) with all costs attributable 100% to residential development, and excluding non-residential development; and [amended by an Act of the County Commission, March 16th, 2006].~~[amended by an Act of the County Commission, XXXX 2012.]~~

WHEREAS, in calculating the appropriate impact fee to be imposed on new residential development, the County assumed that the existing level of service standards would be maintained in the future and that the cost of the construction of new public elementary and secondary schools to serve the demand imposed by new growth would be paid for entirely by the public school impact fees; and [amended by an Act of the County Commission, March 16th, 2006]

~~WHEREAS the replacement cost for Board of Education support buildings is \$465 per student, and the replacement cost of Board of Education equipment is \$933 per student; and~~

~~WHEREAS the net capital cost per student for new schools, including land and facilities, is \$19,640 per student for elementary schools, \$19,424 per student for middle schools, and \$21,946 per student for high schools; and~~ [amended by an Act of the County Commission, March 16th, 2006]

~~WHEREAS the County has determined that residents are entitled to a credit of \$214 per single family home, \$162 per townhouse, and \$120 per multi family unit for future real payments of that portion of real property taxes which pays for principal payments on public school bonds; and~~ [amended by an Act of the County Commission, March 16th, 2006]

WHEREAS the County has ~~prepared~~ received an updated an Impact Fees Report (February ~~January 21st, 2011~~, 2006), created by TischlerBise, Inc., -including the public school

impact fee assumptions, population and residential development projections, capital improvements and impact fee calculations, which Report has been reviewed by County staff and officials; and [amended by an Act of the County Commission, March 16th, 2006] [amended by an Act of the County Commission, XXXX 2012.]

WHEREAS the Impact Fees Report details the net capital costs attributed to each student, by grade level and by housing unit type (and in the case of single family detached homes, by housing using square footage), for school and administrative buildings, including land and facilities, AND [amended by an Act of the County Commission, XXXX 2012.]

WHEREAS the value of any credits due to future payments of that portion of real property taxes which pay for principal payments on public school bonds, if applicable, have been accounted for in the Impact Fees Report, AND [amended by an Act of the County Commission, XXXX 2012.]

WHEREAS the Impact Fees Report has been presented to and reviewed by the County Commission, which has determined: (1) that the public school impact fee is necessary to offset the costs associated with meeting the demand for future public schools and education related support buildings, pursuant to the development projections; (2) that the public school impact fee bears a reasonable relationship to the burden imposed upon the County to provide new public schools and education related support buildings to new residents, and provides a benefit to such new residents reasonably related to the public school impact fee, per dwelling unit, by type; (3) that an "essential nexus" exists between the projected new residential development and the need for additional public schools and education related support buildings to be funded via the public school impact fee; and (4) that the amount of the public school impact fee is "roughly proportional" to the pro rata share of the additional public schools and education related support buildings needed to provide adequate public schools to new residential development, while

maintaining not less than the existing level of service (LOS) standard currently provided to County residents; and

WHEREAS the County Commission has adopted an Impact Fees Procedures Ordinance setting forth the procedures for the imposition and collection of impact fees; and

WHEREAS the County Commission has conducted a public hearing on the proposed public school impact fee; and

WHEREAS the public school impact fee adopted pursuant to this Ordinance shall be effective on November 24, 2003.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the County Commission of Jefferson County, West Virginia, that:

SECTION 1. ADOPTION OF PUBLIC SCHOOL IMPACT FEE.

(1) The applicable development/service area (the "Service Area") for imposition of a Public School Impact Fee is the entire County, including all incorporated Municipalities.

(2) All new dwelling units in the Service Area shall be subject to the payment of a Public School Impact Fee payable at the time of issuance of a building permit by the County or a Municipality, as applicable, pursuant to this Section and the Impact Fee Procedures Ordinance, as follows:

Residential Development**Impact Fee Per Dwelling Unit**

Single Family Detached,	\$ 9,877.00
—including mobile homes	
Townhouse/Duplex	\$ 7,444.00
Multi-family unit	\$ 5,484.00

Single Family Detached	
1-1,500 Square Feet	\$12,168
1,501-2,500 Square Feet	\$16,176
2,501-3,500 Square Feet	\$18,752
3,501 or more Square Feet	\$20,650
Duplex/Townhome (per unit)	\$6,854
Multi-Family (per unit)	\$4,442
Manufactured Home (per unit)	\$10,940

[Amended by an Act of the County Commission on October 20th, 2005 and with an effective date of December 1st, 2005; Amended by an Act of the County Commission on March 16th, 2006 and with an effective date of April 1st, 2006] [Amended by an Act of the County Commission, effective XX July 2011]

(3) On April 1, 2004, and on April 1st of each year thereafter in which the Public School Impact Fee is in effect, the amount of the development impact fee, per dwelling unit, shall be adjusted pursuant to the Annual Review process as set forth in Section 6 of the Impact Fee Procedures Ordinance.

(4) Nothing herein shall prevent the County Commission from electing to retain the existing Public School Impact Fee or from electing to waive the adjustment for any given fiscal year, or years.

SECTION 2. LIBERAL CONSTRUCTION.

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes in the interest of further promoting and protecting the public health, safety and welfare.

SECTION 3. SEPARABILITY.

(1) If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Ordinance nor impair or nullify the remainder of this Ordinance which shall continue in full force and effect.

(2) If the application of any provision of this Ordinance to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the County Commissioners is that such decision shall be limited only to the specific new development expressly involved in the controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify this Ordinance as a whole or the application of any provision of this Ordinance to any other new development.

SECTION 4. EFFECTIVE DATE; ELECTION.

(1) This Ordinance shall be effective on November 24, 2003; however, no Public School Impact Fee shall be collected by the County until the sixty-first (61st) day after the date of the adoption of this Ordinance.

(2) In the event that, within forty-five days after the effective date of this Ordinance, fifteen percent (15%) of the qualified voters of the County file with the County Commission a petition, duly signed by them in their own handwriting, the fee or levy protested may not become effective until it is ratified by a majority of the legal votes cast thereon by the qualified voters of the County at any primary, general or special election as the County Commission directs. Voting

thereon may not take place until after notice of the subcommission of the fee or levy on the ballot has been given by publication of class II legal advertisement and publication area shall be the County.

The undersigned hereby certifies that this Ordinance was approved and adopted by the Jefferson County Commission on the 24th day of November, 2003. This ordinance was subsequently amended by an Act of the County Commission on October 20th, 2005, ~~and again on March 16th, 2006,~~ and again on XXXX 2012.

JEFFERSON COUNTY COMMISSION

ATTEST:

President

ORDINANCE NO. 2005-1

**AN ORDINANCE PROVIDING FOR THE IMPOSITION OF A LAW
ENFORCEMENT IMPACT FEE ON ALL NEW RESIDENTIAL AND
NON-RESIDENTIAL DEVELOPMENT; AND PROVIDING FOR AN
EFFECTIVE DATE OF JANUARY 20, 2005.**

AMENDED March 13, 2008 with an Effective Date of April 1st, 2008

AMENDED XXXX 2012 with an Immediate Effective Date

WHEREAS, pursuant to the Local Powers Act, W.Va. Code § 7-20-1 *et seq.*, counties in West Virginia have been authorized to adopt impact fees to fund capital improvements, including law enforcement facilities and equipment, required to accommodate new development projects, subject to compliance with the provisions of the Local Powers Act; and

WHEREAS Jefferson County, West Virginia (the "County"), has satisfied all of the requirements set forth in W.Va. Code § 7-20-6 as a prerequisite to the imposition of impact fees; and

WHEREAS the Sheriff of Jefferson County is the chief law enforcement officer of the County and provides law enforcement services primarily to the residents and businesses of the County, and

WHEREAS the municipalities of Bolivar, Charles Town, Harpers Ferry, Ranson, and Shepherdstown each maintain police departments which are funded and staffed by their respective municipalities and not by Jefferson County nor by the Sheriff of Jefferson County, and

WHEREAS the Jefferson County Commission (the "County Commission") retained Tischler & Associates, Inc. (the "Consultants") to analyze and assess growth and development

projections for the County to determine the additional demand anticipated to be placed on the County for law enforcement support buildings, vehicles and equipment; and

WHEREAS the Consultants additionally reviewed the existing demand for law enforcement facilities, vehicles, and equipment; the existing law enforcement facilities, vehicles, and equipment available to meet that demand; and the method of financing the existing law enforcement component of the Sheriff's Department; and

WHEREAS the County has adopted the methodology used by the consultant for the purpose of conducting updates to the law enforcement impact fee, and [amended by the County Commission, March 13, 2008]

WHEREAS the County has reviewed the existing level of service standards; and [Amended by the County Commission, March 13, 2008]

WHEREAS the County has relied upon the actual costs of recent law enforcement facilities, vehicle acquisition, and equipment for a determination of the costs of law enforcement facilities, vehicles, and equipment; and [Amended by the County Commission, March 13, 2008]

WHEREAS the law enforcement impact fee will be imposed only on new residential and non-residential development in the unincorporated portions of the County; and

WHEREAS the County has reviewed and relied upon the County Comprehensive Plan, and the County's six-year Capital Improvements Program; and [Amended by the County Commission, March 13, 2008]

WHEREAS the population and new residential development projections for the County indicate: (1) that the population of the County will increase from approximately 46,184 persons in the year 2004 to approximately 71,820 persons in the year 2022; and (2) that housing units will increase from approximately 19,486 in the year 2004 to approximately 27,837 in the year 2022;

and (3) that non-residential vehicle trips will increase from approximately 73,416 per day in 2004 to approximately 126,206 in the year 2022, and

WHEREAS the types of facilities and associated costs that are included in this impact fee cover land acquisition and construction for law enforcement facilities; and the acquisition of law enforcement vehicles and related support equipment; and

WHEREAS the law enforcement impact fee calculation methodology is an incremental expansion methodology, as described in the Impact Fees Report for Jefferson County, West Virginia (prepared by Tischler & Associates, Inc., June 11, 2003, updated by Tischler & Associates, Inc on December 8th, 2004) ~~and updated again by the County in December of 2007,~~
and updated again by the County in December of 2010, with costs fairly and rationally distributed between residential and non-residential development; and [Amended by the County Commission, March 13, 2008]
[Amended by the County Commission, XXXX 2012]

WHEREAS, in calculating the appropriate impact fee to be imposed on new residential and non-residential development, the Consultants (and subsequently the County) assumed that the existing level of service standards would be maintained in the future and that the cost of the construction of new law enforcement facilities and the acquisition of new law enforcement vehicles and support equipment would be paid for entirely by the law enforcement impact fees (in other words that new growth will pay to maintain the existing level of service standard); and
[Amended by the County Commission, March 13, 2008]

WHEREAS the County has prepared an Impact Fees Report (updated in December of ~~2007~~2010) including the law enforcement impact fee assumptions, population projections, residential development projections, non-residential vehicle trip projections, non-residential

development projections, capital improvements and impact fee calculations, which Report has been submitted to and reviewed by County staff and officials; and [Amended by the County Commission, March 13, 2008] [Amended by the County Commission, XXXX 2012]

WHEREAS the Impact Fees Report has been presented to and reviewed by the County Commission, which has determined: (1) that the law enforcement impact fee is necessary to offset the costs associated with meeting the demand of law enforcement, pursuant to the development projections; (2) that the law enforcement impact fee bears a reasonable relationship to the burden imposed upon the County to provide law enforcement services to new residents and to new businesses, and provides a benefit to such new residents and new businesses reasonably related to the law enforcement impact fee, per dwelling unit, by type for residential development and per commercial use and usable gross floor area for non-residential development; (3) that an “essential nexus” exists between the projected new residential and non-residential development and the need for additional law enforcement facilities, vehicles, and support equipment to be funded via the law enforcement impact fee; and (4) that the amount of law enforcement impact fee is “proportional” to the pro rata share of the additional law enforcement facilities, vehicles, and support equipment needed to provide adequate law enforcement services to new residential and non-residential development, while maintaining not less than the existing level of service (LOS) standard currently provided to County residents; and

WHEREAS the County Commission has adopted an Impact Fees Procedures Ordinance setting forth the procedures for the imposition and collection of impact fees; and

WHEREAS the County Commission has conducted a public hearing on the proposed law enforcement impact fee; and

WHEREAS the law enforcement impact fee adopted pursuant to this Ordinance shall be effective on January 20, 2005 with amendments to take effect on April 1st, 2008 ~~XXXX~~ 2012.

[Amended by the County Commission, March 13, 2008] [Amended by the County Commission, XXXX 2012]

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the County Commission of Jefferson County, West Virginia, that:

SECTION 1. RULES OF CONSTRUCTION

(1) Unless otherwise defined within this ordinance, the words used have the meanings given to them in the Impact Fee Procedures Ordinance for Jefferson County.

SECTION 2. ADOPTION OF LAW ENFORCEMENT IMPACT FEE.

(1) The applicable development/service area (the "Service Area") for imposition of a Law Enforcement Impact Fee is the entire County, exempting all incorporated Municipalities which maintain separate and independent law enforcement services. *Provided* that each municipality continue to maintain and provide its citizens with a law enforcement service and that in the event a municipality within Jefferson County should abandon its law enforcement service and request that Jefferson County provide law enforcement service for that municipality then Jefferson County may act to impose this ordinance within the municipality's boundaries.

(2) All new residential dwelling units and all new commercial development, including increases in existing commercial floor area and/or changes in commercial use within the Service Area shall be subject to the payment of a Law Enforcement Impact Fee payable at the time of issuance of a building permit by the County or a Municipality, as applicable, pursuant to this Section and the Impact Fee Procedures Ordinance, as follows:

Residential Development	Impact Fee per Dwelling Unit
Single Family (includes manufactured homes)	\$262 279
Town home/Duplex	\$200 213
Multi-family	\$197 210

Non Residential Development	Impact Fee per 1,000 square feet gross usable floor area
Commercial/Shopping Center 25,000 SF or less	\$126 378
Commercial/Shopping Center 25,001 – 50,000 SF	\$117 350
Commercial/Shopping Center 50,001 – 100,000 SF	\$101 307
Commercial/Shopping Center 100,001 – 200,000 SF	\$87 266
Commercial/Shopping Center over 200,000 SF	\$75 228
Office/Institutional 10,000 SF or less	\$58 176
Office/Institutional 10,001 – 25,000 SF	\$47 143
Office/Institutional 25,001 – 50,000 SF	\$40 121
Office/Institutional 50,001 – 100,000 SF	\$34 104
Office/Institutional over 100,000 SF	\$29 89
Business Park	\$33 99
Light Industrial	\$18 54
Warehousing	\$13 28
Manufacturing	\$10 30

[Amended by the County Commission, March 13, 2008] [amended by the County Commission, XXXX 2012]

(3) On April 1, 2005, and on April 1st of each year thereafter in which the Law Enforcement Impact Fee is in effect, the amount of the development impact fee, per dwelling unit or per 1,000 square feet gross usable non-residential floor area, ~~shall~~may be adjusted pursuant to the Annual Review process as set forth in Section 6 of the Impact Fee Procedures Ordinance.

[amended by the County Commission, XXXX 2012]

(4) The County Commission may elect to retain the existing Law Enforcement Impact Fee or waive the adjustment for any given fiscal year, or years.

SECTION 3. SEPARABILITY.

(1) If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Ordinance nor impair or nullify the remainder of this Ordinance which shall continue in full force and effect.

(2) If the application of any provision of this Ordinance to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the County Commissioners is that such decision shall be limited only to the specific new development expressly involved in the controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify this Ordinance as a whole or the application of any provision of this Ordinance to any other new development.

SECTION 4. EFFECTIVE DATE; ELECTION.

(1) This Ordinance shall be effective on January 20, 2005; however, no Law Enforcement Impact Fee shall be collected by the County until the sixty-first (61st) day after the date of the adoption of this Ordinance.

(2) In the event that, within forty-five days after the effective date of this Ordinance, fifteen percent (15%) of the qualified voters of the County file with the County Commission a petition, duly signed by them in their own handwriting, the fee or levy protested may not become effective until it is ratified by a majority of the legal votes cast thereon by the qualified voters of the County at any primary, general or special election as the County Commission directs. Voting

thereon may not take place until after notice of the subcommission of the fee or levy on the ballot has been given by publication of class II legal advertisement and publication area shall be the County.

The undersigned hereby certifies that this Ordinance was approved and adopted by the Jefferson County Commission on the 20th of January, 2005 and amended on ~~March 13,~~ 2008XXXX 2012.

JEFFERSON COUNTY COMMISSION

ATTEST:

By: _____

President

ORDINANCE NO. 2005-2

**AN ORDINANCE PROVIDING FOR THE IMPOSITION OF A PUBLIC
PARKS AND RECREATION IMPACT FEE ON ALL NEW
RESIDENTIAL DEVELOPMENT; AND PROVIDING FOR AN
EFFECTIVE DATE OF May 12th, 2005.**

AMENDED March 13, 2008 with an Effective Date of April 1st, 2008

AMENDED XXXX 2012 with an Immediate Effective Date

WHEREAS, pursuant to the Local Powers Act, W.Va. Code § 7-20-1 *et seq.*, counties in West Virginia have been authorized to adopt impact fees to fund capital improvements, including public parks and recreation facilities, required to accommodate new development projects, subject to compliance with the provisions of the Local Powers Act; and

WHEREAS Jefferson County, West Virginia (the "County"), has satisfied all of the requirements set forth in W.Va. Code § 7-20-6 as a prerequisite to the imposition of impact fees; and

WHEREAS the Jefferson County Commission (the "County Commission") retained TischlerBise, formerly, (the "Consultants") to analyze and assess growth and development projections for the County to determine the additional demand anticipated to be placed on the County for park land and recreation improvements and related equipment; and

WHEREAS the Consultants additionally reviewed the existing demand for public parks and recreation and associated land, improvements, and equipment, the existing parks and recreation system available to meet that demand; and the method of financing the existing public parks and recreation facilities; and

WHEREAS the County has adopted the methodology used by the consultant for the purpose of conducting updates to the parks and recreation impact fee, and [amended by the County Commission, March 13, 2008]

WHEREAS the County has reviewed the existing level of service standards; and [amended by the County Commission, March 13, 2008]

WHEREAS the County has relied upon the actual costs of recent parks and recreation projects for a determination of the costs of park land and recreation related improvements and equipment; and [amended by the County Commission, March 13, 2008]

WHEREAS the parks and recreation impact fee will be imposed only on new residential development in the County; and

WHEREAS the County has reviewed and relied upon the County Comprehensive Plan which was amended on July 8th, 2004, and the County's six-year Capital Improvements Program; and [amended by the County Commission, March 13, 2008]

WHEREAS the population and new residential development projections for the County indicate: (1) that the population of the County will increase from approximately 44,184 persons in the year 2004 to approximately 71,820 persons in the year 2022; and (2) that housing units will increase from approximately 19,486 in the year 2004 to approximately 27,837 in the year 2022; and

WHEREAS the types of facilities and associated costs that are included in this impact fee cover land acquisition for park land and for the construction or acquisition of recreation related improvements and equipment; and

WHEREAS the parks and recreation impact fee calculation methodology is an incremental expansion methodology as described in the Park and Recreation Impact Fee Report for Jefferson County, West Virginia (prepared by Tischler & Associates, Inc., June 11, 2003, updated for Parks and Recreation on October 5th, 2004, subsequently updated by County Staff on April 20th, 2005, ~~and again in December of 2007~~, and again in December of 2010, with all costs attributable 100% to residential development, and excluding non-residential development; and

[amended by the County Commission, March 13, 2008] [amended by the County Commission, XXXX 2012]

WHEREAS, in calculating the appropriate impact fee to be imposed on new residential development, the County assumed that the existing level of service standards would be maintained in the future and that the acquisition of new park land and the cost of the construction of new recreation facilities and to serve the demand imposed by new growth would be paid for entirely by the parks and recreation impact fees; and [amended by the County Commission, March 13, 2008]

WHEREAS the net capital costs for park land, improvements, vehicles, equipment and constant cost have been calculated and are reported in the Parks & Recreation Impact Fee Study, dated December ~~2007~~2010, and serve as the basis for the maximum supportable impact fee for Parks & Recreation, and [amended by the County Commission, March 13, 2008] [amended by the County Commission, XXXX 2012]

WHEREAS the County has prepared an Impact Fees Report (December ~~2007~~2010) including the park and recreation impact fee assumptions, population and residential development projections, capital improvements and impact fee calculations, which Report has been submitted to and reviewed by County staff and officials; and [amended by the County Commission, March 13, 2008] [amended by the County Commission, XXXX 2012]

WHEREAS the County Parks are generally large and generally offer facilities and services not offered by any municipality and therefore represent a regional park system; and

WHEREAS it is reasonable to assume that all residents of Jefferson County, including the residents of each of the incorporated municipalities use the parks and recreational facilities which are supported and maintained by Jefferson County, and

WHEREAS the County did not incorporate any park land or park facilities owned by any municipality or private concern into the impact fee calculation and therefore the Parks and Recreation impact fee is only calculated with the consideration, and for the benefit, of the County park system, and therefore this fee does not preclude any municipality from levying proffers or other fees to benefit their local park and recreation services; and

WHEREAS the Impact Fees Report has been presented to and reviewed by the County Commission, which has determined: (1) that the parks and recreation impact fee is necessary to offset the costs associated with meeting the demand for future parks and recreational facilities, pursuant to the development projections; (2) that the parks and recreation impact fee bears a reasonable relationship to the burden imposed upon the County to provide new park and recreation facilities to new residents, and provides a benefit to such new residents reasonably related to parks and recreation impact fee, per dwelling unit, by type; (3) that an “essential nexus” exists between the projected new residential development and the need for additional park land and recreation facilities to be funded via the parks and recreation impact fee; and (4) that the amount of the parks and recreation impact fee is “roughly proportional” to the pro rata share of the additional park land and recreational facilities needed to provide adequate recreational opportunities to new residential development, while maintaining not less than the existing level of service (LOS) standard currently provided to County residents; and

WHEREAS the County Commission has adopted an Impact Fees Procedures Ordinance setting forth the procedures for the imposition and collection of impact fees; and

WHEREAS the County Commission has conducted a public hearing on the proposed parks and recreation impact fee; and

WHEREAS the parks and recreation impact fee adopted pursuant to this Ordinance shall be effective on May 12th, 2005 with amendments to take effect on ~~April 1st, 2008~~ XXXX 2012

[amended by the County Commission, March 13, 2008] [~~amended by the County Commission, XXXX 2012~~].

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the County Commission of Jefferson County, West Virginia, that:

SECTION 1. RULES OF CONSTRUCTION

(1) Unless otherwise defined within this Ordinance, the words used have the meanings given to them in the Impact Fee Procedures Ordinance for Jefferson County.

SECTION 2. ADOPTION OF A PARKS and RECREATION IMPACT FEE.

(1) The applicable development/service area (the "Service Area") for imposition of a Parks and Recreation Impact Fee is the entire County, including all incorporated Municipalities.

(2) All new dwelling units in the Service Area shall be subject to the payment of a Parks and Recreation Impact Fee payable at the time of issuance of a building permit by the County or a Municipality, as applicable, pursuant to this Section and the Impact Fee Procedures Ordinance, as follows:

Residential Development	Impact Fee Per Dwelling Unit
Single Family Detached, including mobile-manufactured homes	\$ 752 <u>587</u>
Townhouse/Duplex	\$ 575 <u>449</u>
Multi-family unit	\$ 566 <u>442</u>

[amended by the County Commission, March 13, 2008] [~~amended by the County Commission, XXXX 2012~~]

(3) On April 1, 2006, and on April 1st of each year thereafter in which the Parks and Recreation Impact Fee is in effect, the amount of the development impact fee, per dwelling unit, ~~shall~~may be adjusted pursuant to the Annual Review process as set forth in Section 6 of the Impact Fee Procedures Ordinance. [amended by the County Commission, XXXX 2012]

(4) Nothing herein shall prevent the County Commission from electing to retain the existing Parks and Recreation Impact Fee or from electing to waive the adjustment for any given fiscal year, or years.

(5) Nothing in this ordinance shall prevent any municipality from establishing or maintaining a municipal Park & Recreation system using municipal funds. In the event a municipality does establish and/or maintain municipal-owned parks, then that municipality may submit evidence to the Impact Fee Coordinator indicating that the Park & Recreation fee as set forth in Section 2 (2), above, is not appropriate for that municipality. Based upon evidence that the municipality is providing all or a portion of the types of facilities for which the park and recreation impact fees are imposed, the County Commission may eliminate or adjust the fee for that municipality. Such adjustment or elimination of the Parks & Recreation Impact Fee shall be in accordance with §7-20-1 *et seq* of the West Virginia Code.

SECTION 3. LIBERAL CONSTRUCTION.

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes in the interest of further promoting and protecting the public health, safety and welfare.

SECTION 4. SEPARABILITY.

(1) If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Ordinance nor impair or nullify the remainder of this Ordinance which shall continue in full force and effect.

(2) If the application of any provision of this Ordinance to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the County Commissioners is that such decision shall be limited only to the specific new development expressly involved in the controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify this Ordinance as a whole or the application of any provision of this Ordinance to any other new development.

SECTION 5. EFFECTIVE DATE; ELECTION.

(1) This Ordinance shall be effective on May 12th, 2005; however, no Parks and Recreation Impact Fee shall be collected by the County until the sixty-first (61st) day after the date of the adoption of this Ordinance.

(2) In the event that, within forty-five days after the effective date of this Ordinance, fifteen percent (15%) of the qualified voters of the County file with the County Commission a petition, duly signed by them in their own handwriting, the fee or levy protested may not become effective until it is ratified by a majority of the legal votes cast thereon by the qualified voters of the County at any primary, general or special election as the County Commission directs. Voting

thereon may not take place until after notice of the subcommission of the fee or levy on the ballot has been given by publication of class II legal advertisement and publication area shall be the County.

The undersigned hereby certifies that this Ordinance was approved and adopted by the Jefferson County Commission on the 12th day of May, 2005 and amended on ~~(March 13, 2008)~~ XXXX 2012.

JEFFERSON COUNTY COMMISSION

ATTEST:

By:

President

ORDINANCE NO. 2005-3

**AN ORDINANCE PROVIDING FOR THE IMPOSITION OF A FIRE AND
EMERGENCY MEDICAL SERVICES (EMS) IMPACT FEE ON ALL
NEW RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENT; AND
PROVIDING FOR AN EFFECTIVE DATE OF May 12th, 2005**

AMENDED March 13, 2008 with an Effective Date of April 1st, 2008

AMENDED XXXX 2012 with an Immediate Effective Date

WHEREAS, pursuant to the Local Powers Act, W.Va. Code § 7-20-1 *et seq.*, counties in West Virginia have been authorized to adopt impact fees to fund capital improvements, including fire and emergency medical services (EMS) facilities and equipment, required to accommodate new development projects, subject to compliance with the provisions of the Local Powers Act; and

WHEREAS Jefferson County, West Virginia (the "County"), has satisfied all of the requirements set forth in W.Va. Code § 7-20-6 as a prerequisite to the imposition of impact fees; and

WHEREAS the Volunteer fire Companies of Jefferson County and the Ambulance Authority of Jefferson County provide essential emergency services to all residents and businesses of the County, and

WHEREAS fire-fighting service and ambulance service are defined by §7-20-3(b) as a County Service, and

WHEREAS the municipalities of Bolivar, Charles Town, Harpers Ferry, Ranson, and Shepherdstown each lack specific municipal fire and emergency medical services and rely upon

the services of the volunteer fire companies of Jefferson County and of the Ambulance

Fire & EMS Impact Fee Ordinance /1

(Appendix L1)

Authority Emergency Services Agency of Jefferson County, and [amended by the County Commission, XXXX 2012]

WHEREAS the Jefferson County Commission (the “County Commission”) retained Tischler & Associates, Inc. (the “Consultants”) to analyze and assess growth and development projections for the County to determine the additional demand anticipated to be placed on the County for fire and EMS support buildings, vehicles and equipment; and [amended by the County Commission, XXXX 2012]

WHEREAS the Consultants additionally reviewed the existing demand for fire and EMS facilities, vehicles, and equipment; the existing fire and EMS facilities, vehicles, and equipment available to meet that demand; and the method of financing the existing fire and EMS services; and

WHEREAS the County has adopted the methodology used by the consultant for the purpose of conducting updates to the parks and recreation impact fee, and [amended by the County Commission, March 13, 2008]

WHEREAS the County has reviewed the existing level of service standards; and [amended by the County Commission, March 13, 2008]

WHEREAS the County has relied upon the actual costs of recent fire and EMS facilities, vehicle acquisition, and equipment for a determination of the costs of fire and EMS facilities, vehicles, and equipment; and [amended by the County Commission, March 13, 2008]

WHEREAS the fire and EMS impact fee will be imposed only on new residential and non-residential development in the County; and

WHEREAS the County has reviewed and relied upon the County Comprehensive Plan which is currently being revised, and the County's six-year Capital Improvements Program; and [amended by the County Commission, March 13, 2008]

WHEREAS the population and new residential development projections for the County indicate: (1) that the population of the County will increase from approximately 44,184 persons in the year 2004 to approximately 71,820 persons in the year 2022; and (2) that housing units will increase from approximately 19,486 in the year 2004 to approximately 27,837 in the year 2022; and (3) that non-residential vehicle trips will increase from approximately 73,416 per day in 2004 to approximately 126,206 in the year 2022, and

WHEREAS the types of facilities and associated costs that are included in this impact fee cover land acquisition and construction for fire and EMS facilities; and the acquisition of fire and EMS vehicles and related support equipment; and

WHEREAS the fire and EMS impact fee calculation methodology is an incremental expansion methodology, as described in the Impact Fees Report for Jefferson County, West Virginia (prepared by TischlerBise, formerly Tischler & Associates, Inc., June 11, 2003, updated on April 8th, 2005, ~~and~~ updated by the County in December 2007, and again updated by the County in December 2010) with costs fairly and rationally distributed between residential and non-residential development; and [amended by the County Commission, March 13, 2008] [amended by the County Commission, XXXX 2012]

WHEREAS, in calculating the appropriate impact fee to be imposed on new residential and non-residential development, the County assumed that the existing level of service standards would be maintained in the future and that the cost of the construction of fire and EMS facilities

and the acquisition of new fire and EMS vehicles and support equipment would be paid for entirely by the fire and EMS impact fees; and [amended by the County Commission, March 13, 2008]

WHEREAS the County has prepared an Impact Fees Report (December ~~2007~~2010) including the fire and EMS impact fee assumptions, population projections, residential development projections, non-residential vehicle trip projections, non-residential development projections, capital improvements and impact fee calculations, which Report has been submitted to and reviewed by County staff and officials; and [amended by the County Commission, March 13, 2008] [amended by the County Commission, XXXX 2012]

WHEREAS the Impact Fees Report has been presented to and reviewed by the County Commission, which has determined: (1) that the fire and EMS impact fee is necessary to offset the costs associated with meeting the demand of fire and EMS emergency services , pursuant to the development projections; (2) that the fire and EMS impact fee bears a reasonable relationship to the burden imposed upon the County to provide fire and EMS emergency services to new residents and to new businesses, and provides a benefit to such new residents and new businesses reasonably related to the fire and EMS impact fee, per dwelling unit, by type for residential development and per commercial use and usable gross floor area for non-residential development; (3) that an “essential nexus” exists between the projected new residential and non-residential development and the need for additional fire and EMS facilities, vehicles, and support equipment to be funded via the fire and EMS impact fee; and (4) that the amount of the fire and EMS impact fee is “roughly proportional” to the pro rata share of the additional fire and EMS facilities, vehicles, and support equipment needed to provide adequate fire and EMS emergency

services to new residential and non-residential development, while maintaining not less than the existing level of service (LOS) standard currently provided to County residents; and

WHEREAS the County Commission has adopted an Impact Fees Procedures Ordinance setting forth the procedures for the imposition and collection of impact fees; and

WHEREAS the County Commission has conducted a public hearing on the proposed fire and EMS impact fee; and

WHEREAS the fire and EMS impact fee adopted pursuant to this Ordinance shall be effective on May 12th, 2005 with amendments to take effect on April 1st, 2008 XXXX 2012

[amended by the County Commission, March 13, 2008] [amended by the County Commission, XXXX 2012].

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the County Commission of Jefferson County, West Virginia, that:

SECTION 1. RULES OF CONSTRUCTION

(1) Unless otherwise defined within this ordinance, the words used have the meanings given to them in the Impact Fee Procedures Ordinance for Jefferson County.

SECTION 2. ADOPTION OF FIRE & EMS IMPACT FEE.

(1) The applicable development/service area (the "Service Area") for imposition of a Fire and EMS Impact Fee is the entire County, including all incorporated Municipalities.

(2) All new residential dwelling units and all new commercial development, including increases in existing commercial floor area and/or changes in commercial use within the Service Area shall be subject to the payment of a Fire and EMS Impact Fee payable at the time of issuance of a building permit by the County or a Municipality, as applicable, pursuant to this Section and the Impact Fee Procedures Ordinance, as follows:

Residential Development	Impact Fee per Dwelling Unit
Single Family (<u>includes manufactured homes</u>)	\$ 698 <u>770</u>
Town home/Duplex	\$ 533 <u>588</u>
Multi-family	\$ 525 <u>580</u>

Non Residential Development	Impact Fee per 1,000 square feet gross usable floor area
Commercial/Shopping Center 25,000 SF or less	\$ 2,353 <u>2,000</u>
Commercial/Shopping Center 25,001 – 50,000 SF	\$ 2,182 <u>1,854</u>
Commercial/Shopping Center 50,001 – 100,000 SF	\$ 1,909 <u>1,623</u>
Commercial/Shopping Center 100,001 – 200,000 SF	\$ 1,653 <u>1,405</u>
Commercial/Shopping Center over 200,000 SF	\$ 1,418 <u>1,205</u>
Office/Institutional 10,000 SF or less	\$ 1,098 <u>934</u>
Office/Institutional 10,001 – 25,000 SF	\$ 889 <u>756</u>
Office/Institutional 25,001 – 50,000 SF	\$ 758 <u>645</u>
Office/Institutional 50,001 – 100,000 SF	\$ 551 <u>468</u>
Office/Institutional over 100,000 SF	\$ 548 <u>466</u>
Business Park	\$ 618 <u>526</u>
Light Industrial	\$ 338 <u>287</u>
Warehousing	\$ 240 <u>204</u>
Manufacturing	\$ 185 <u>157</u>

[amended by the County Commission, March 13, 2008] [amended by the County Commission, XXXX 2012]

(3) On April 1, 2006, and on April 1st of each year thereafter in which the Fire and EMS Impact Fee is in effect, the amount of the development impact fee, per dwelling unit or per 1,000 square feet gross usable non-residential floor area, ~~shall~~ may be adjusted pursuant to the Annual Review process as set forth in Section 6 of the Impact Fee Procedures Ordinance. [amended by the County Commission, XXXX 2012]

(4) Nothing herein shall prevent the County Commission from electing to retain the existing Fire and EMS Impact Fee or from electing to waive the adjustment for any given fiscal year, or years.

SECTION 3. LIBERAL CONSTRUCTION.

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes in the interest of further promoting and protecting the public health, safety and welfare.

SECTION 4. SEPARABILITY.

(1) If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Ordinance nor impair or nullify the remainder of this Ordinance which shall continue in full force and effect.

(2) If the application of any provision of this Ordinance to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the County Commissioners is that such decision shall be limited only to the specific new development expressly involved in the controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify this Ordinance as a whole or the application of any provision of this Ordinance to any other new development.

SECTION 5. EFFECTIVE DATE; ELECTION.

(1) This Ordinance shall be effective on May 12th, 2005; however, no Fire and EMS Impact Fee shall be collected by the County until the sixty-first (61st) day after the date of the adoption of this Ordinance.

(2) In the event that, within forty-five days after the effective date of this Ordinance, fifteen percent (15%) of the qualified voters of the County file with the County Commission a petition, duly signed by them in their own handwriting, the fee or levy protested may not become effective until it is ratified by a majority of the legal votes cast thereon by the qualified voters of the County at any primary, general or special election as the County Commission directs. Voting thereon may not take place until after notice of the subcommission of the fee or levy on the ballot has been given by publication of class II legal advertisement and publication area shall be the County.

The undersigned hereby certifies that this Ordinance was approved and adopted by the Jefferson County Commission on the 12th day of May, 2005 and amended on ~~March 13,~~
2008XXXX 2012.

JEFFERSON COUNTY COMMISSION

ATTEST:

By: _____
President

Proposed Modifications to Ordinance 2003-1: Impact Fee Procedures Ordinance (Affordable Housing Waiver Program).

New: Insert at end of current Legislative Findings section:

WHEREAS the County has determined that a small number of manufactured homes, designated annually as Affordable Housing, using methods outlined in this Ordinance, should be permitted based on a partial offset of the cost to expand capital facilities by accounting for interest accrued in each of the impact fee accounts. Furthermore, any remaining unfunded, growth related expansion of capital facilities, as accounted for annually, and due to the recognition of Affordable Housing, is to be kept to such a minimum number as to not effectively impact the County's ability to maintain the current Level of Service in each of the categories for which impact fees are collected.

New Definition: 1(C)(1) **Affordable Housing Waiver:** Shall apply only to manufactured housing units as defined in West Virginia Code §17-1A *et seq* and specifically refer to housing units with a chassis and a vehicular title as issued by the West Virginia Division of Motor Vehicles. Further, affordable housing waivers shall be administered as laid forth in §2(F) of this Ordinance.

Modify: Definitions 1(C)1 through (33) by incrementing each number by one (to manage insert of 1(C)(1) above.

New Section: 2(F) Affordable Housing Waiver

(1) On an annual basis the Impact Fee Coordinator shall review the prior year interest receipted in all impact fee accounts as well as the amount of prior year new residential construction. The Impact Fee Coordinator shall issue a projection of new residential construction and estimate the amount of interest to be receipted into each of the impact fee accounts. These projections shall appear in the Annual Report as described in section 6(A) of this Ordinance.

(2) The Impact Fee Coordinator shall, annually, using the most recent pupil generation data available to the county, determine the number of new manufactured homes that would not exceed 10% of the projected number of new school aged children for that calendar year. This number, published in the Annual Report, shall be the total number of affordable housing waivers available on a first-come basis through the regular building permit application process. Each of the manufactured homes designated as one of the permitted affordable housing units shall pay 50% of all applicable impact fees.

(or)

(2) The Impact Fee Coordinator shall, annually, using the most recent pupil generation data available to the county, determine the number of new manufactured homes that would not exceed 5% of the projected number of new school aged children

for that calendar year. This number, published in the Annual Report, shall be the total number of affordable housing waivers available on a first-come basis through the regular building permit application process. Each of the manufactured homes designated as one of the permitted affordable housing units shall be exempt from any applicable impact fees.

(3) Any parcel, associated with a dwelling unit which was granted an affordable housing waiver, shall be so identified for a period of 10 years following the initial waiver. During this time period the replacement of a manufactured home with another manufactured home on that parcel shall be treated as a regular exemption as defined in section 1(D)(4)(b) of this ordinance. However, should the dwelling unit on that parcel be replaced with a regular single family dwelling which is not a manufactured home then the exemption outlined in 1(D)(4)(b) shall not be granted. In such cases the Impact Fee Coordinator shall determine the impact fees due based on the fee schedule in effect at the time minus any impact fees which may have been paid when the initial affordable housing waiver was granted. At the end of said 10 year period the replacement of a habitable dwelling shall continue to be granted in a manner consistent with section 1(D)(4)(b) of this ordinance and any other applicable sections of this ordinance as they may be adopted by the County Commission.

Note that the paragraphs bracketing the or clause are choices for the County Commission to decide upon. Only one of the two proposed paragraphs will survive and the or will be removed from the text.