

ORDINANCE NO. 2021-1

**AN ORDINANCE PROVIDING FOR THE IMPOSITION OF A COUNTY  
ADMINISTRATIVE FACILITIES IMPACT FEE ON ALL NEW  
RESIDENTIAL DEVELOPMENT AND NON-RESIDENTIAL  
DEVELOPMENT; AND PROVIDING FOR AN EFFECTIVE DATE OF  
September 3, 2021**

**Amended April 3, 2025 With an Effective Date of June 1, 2025**

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 county administrative 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 an initial prerequisite to the imposition of impact fees; and

WHEREAS the county government of Jefferson County provides essential administrative related services (administrative office facilities : County Commission, County Clerk, County Assessor, Circuit Clerk, Courts, Magistrates, Prosecutor, Probation, Sheriff, Engineering, Planning & Zoning, Maintenance, Health Dept., Development Authority, Extension Service, 911, Emergency Medical Services, etc.) to all residents of the County, including citizens within the municipalities Bolivar, Charles Town, Harpers Ferry, Ranson, and Shepherdstown; and

WHEREAS administrative related services are defined by §7-20-3(b) as a County Service; and

WHEREAS the Jefferson County Commission (the County Commission) retained TischlerBise, 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 administrative related support buildings (administrative office facilities); and

WHEREAS the Consultants additionally reviewed the existing demand for administrative facilities; the existing administrative facilities available to meet that demand; and the method of financing the existing administrative facilities; and

WHEREAS the County has adopted the methodology used by the consultant for the purpose of establishing an impact fee to pay for the cost of administrative facilities demanded by new growth; which may include incremental expansion, and/or plan-based, and/or cost recovery methodologies, and

WHEREAS the County has reviewed the existing level of service standards; and

WHEREAS the County has relied upon the professionally estimated costs for administrative facilities and the actual costs of recent facilities for a determination of the costs of these facilities; and

WHEREAS the administrative facilities impact fee will be imposed only on new residential development and non-residential development in 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

WHEREAS at the initial adoption of impact fees by the County, 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 by an additional 12,040 persons in the entire county between 2024

and 2034; and (2) that housing units will increase from approximately 19,486 in the year 2004 to approximately 27,837 in the year 2022; and housing units will increase 2,584 between 2024 and 2034; and (3) that non-residential vehicle trips will increase approximately 12,149 trips per day between 2024 and 2034; and

WHEREAS the types of facilities and associated costs that are included in this impact fee cover building construction or purchase, site improvement costs, and land costs for administrative facilities;

WHEREAS the administrative facilities impact fee calculation methodology may include incremental expansion, and/or plan-based, and/or cost recovery methodologies (county administrative facilities) and cost recovery methodology, as described in the Impact Fees Report for Jefferson County, West Virginia (prepared by TischlerBise, formerly Tischler & Associates, Inc., dated July 16, 2021 and updated December 5, 2024) with costs fairly and rationally distributed to residential development and non-residential development; and

WHEREAS, in calculating the appropriate impact fee to be imposed on new residential development 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 or purchase of additional administrative facilities required by new residential and non-residential growth would be paid for in whole or in part by the administrative facilities impact fees; and

WHEREAS the County has prepared an Impact Fees Report (July 16, 2021 and updated June 1, 2025 and updated December 5, 2024) including the administrative facilities impact fee assumptions, population projections, residential development projections, capital improvements

and impact fee calculations; which Report has been submitted to and reviewed by County staff and officials; and

WHEREAS the Impact Fees Report has been presented to and reviewed by the County Commission, which has determined: (1) that the administrative facilities impact fee is necessary to offset the costs associated with meeting the demand of administrative services, pursuant to the development projections; (2) that the administrative facilities impact fee bears a reasonable relationship to the burden imposed upon the County to provide county government administrative services to new residents and non-residential development, and provides a benefit to such new residents reasonably related to the administrative facilities impact fee, per dwelling unit, by type for residential development; and to non-residential development reasonably related to the administrative facilities impact fee by type and size, for non-residential development; (3) that an essential nexus exists between the projected new residential development and the need for additional administrative facilities to be funded via the administrative facilities impact fee; and that an essential nexus exists between the projected new non-residential development and the need for additional administrative facilities to be funded via the administrative facilities impact fee; and (4) that the amount of the administrative facilities impact fee is roughly proportional to the pro rata share of the additional administrative facilities needed to provide adequate administrative services to new residential development 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 July 15, 2021 and updated on April 3, 2025 on the proposed administrative facilities impact fee; and

WHEREAS the administrative facilities impact fee adopted pursuant to this Ordinance shall be effective on September 3, 2021 and effectively updated on June 1, 2025.

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 ADMINISTRATIVE FACILITIES IMPACT FEE.**

(1) The applicable development/service area (the Service Area) for imposition of an Administrative Facilities Impact Fee is the entire County, including all incorporated Municipalities.

(2) All new residential dwelling units (this ordinance shall not apply to all commercial & industrial development) within the Service Area shall be subject to the payment of the Administrative Facilities 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:

<u>Residential Development</u>	<u>Impact Fee per Dwelling Unit</u>
Single Family	\$951
Town home	\$951
Duplex	\$951
Multi-family	\$671

<b>Commercial Development</b>	<b>Nonresidential Fees per 1,000 Square Feet</b>
Light Industrial	\$384
Business Park	\$754
Manufacturing	\$463
Warehousing	\$83
Commercial/Shopping Center	\$520
Office/Institutional	\$797
Hotel (per room)	\$136
Nursing Home (per bed)	\$499

[Adopted September 2, 2021 with an effective date of September 3, 2021 and Amended April 3, 2025 with an effective date of June 1, 2025]

(3) On April 1, 2022, and on April 1<sup>st</sup> of each year thereafter in which the Administrative Facilities 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 Administrative Facilities 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 June 1, 2025.

(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

*Jefferson County, West Virginia*

*Administrative Facilities Impact Fee Ordinance – Adopted 09/02/2021; AMENDED 4/03/2025*

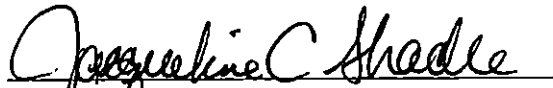
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has been given by publication of class II legal advertisement and publication area shall be the County.

The undersigned hereby certifies that this Ordinance was approved and adopted by the Jefferson County Commission on the 2<sup>nd</sup> day of September, 2021; amended on April 3, 2025 with an effective date of June 1, 2025.

**JEFFERSON COUNTY COMMISSION**

**ATTEST:**

  
County Clerk

By:   
Pasha Majdi  
County Commission President

