

JEFFERSON COUNTY, WEST VIRGINIA
IMPACT FEE
FREQUENTLY ASKED QUESTIONS

What is an impact fee?

The charge or fee levied or imposed on new development 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.

How much are the impact fees?

Presently there are four impact fee categories in effect: Schools, Law Enforcement, Parks & Recreation, and Fire & EMS. The actual fee amount varies depending on type of residential dwelling unit or type and overall size of commercial development. Please contact the Office of Impact Fees at (304) 728-3331 to obtain the current fee schedule.

Has the impact fee ordinance been passed and by whom?

The impact fee procedures ordinance was passed on November 6, 2003. The following table lists the effective dates of the various fee ordinances.

School Impact Fee Ordinance (2003-3)	November 24, 2003
Law Enforcement Impact Fee Ordinance (2005-1)	January 20, 2005
Parks & Recreation Impact Fee Ordinance (2005-2)	May 12, 2005
Fire & EMS Impact Fee Ordinance (2005-3)	May 12, 2005

Why are we using impact fees?

Impact Fees are imposed to offset costs to the County associated with providing necessary public facilities and services, the demand for which is created by new development.

What can impact fees be used for?

Fees may only be expended on capital items (costing more than \$20,000 and with life expectancies of 3 or more years). Fees may only be spent for construction projects and items which represent expansion of a particular service, not for improvements in the overall quality of that service.

Are impact fees on both residential and commercial development?

It depends upon the fee category. Schools and Parks & Recreation are only levied on new residential development. Law Enforcement and Fire & EMS fees are levied on both residential and commercial development.

Are there impact fees other than for schools? Currently, Impact Fees are collected for Schools, Law Enforcement, Parks & Recreation, and Fire & EMS.

Do I have to pay impact fees for an addition to my house or business?

Impact fees are not imposed for additions such as a deck, porch, garage, addition or deletion of a room or other similar type changes. An impact fee will be imposed for an additional room or rooms connected together, constituting a separate, independent housekeeping establishment for occupancy.

When do I have to pay impact fees?

Prior to issuance of a building permit.

Can I get an offset or credit for donated land, facilities etc? If so, how do I obtain the credits or offsets?

Yes, the determination is made by the Impact Fee Coordinator.

How are credits or offsets applied?

By the Impact Fee Coordinator and other County staff for recommendation to the County Commission as determined by an agreement with the County Commission.

How long before the fee must be spent on improvements?

Within six (6) years after the date of collection, unless such time period is extended for extraordinary or compelling reasons.

If the impact fee collected is not used within the six years, do I get a refund? If so, how?

The current property owner may apply for a refund. The County will notify the current property owner of the right to apply for a refund. The applicant for refund must file for a refund within one (1) year and submit evidence that the applicant is the property owner.

I live in a municipality and am going to build a dwelling; do I have to pay impact fees? If so, where do I pay and where do I get my building permit?

Yes, residential development within a municipality pays each of the fee categories except law enforcement. This is because the municipalities each maintain separate police departments. You pay at the Jefferson County Impact Fee Office and file your permit application with the municipality.

I was issued a building permit before impact fees but now have to change my house plans, do I have to pay an impact fee?

No.

What is being done about low income housing and affordable housing?

The Jefferson County Commission is working to provide a mechanism to provide assistance for affordable housing.

If I disagree with the fee calculation, can I appeal? If so, how and where?

Appeals are made to the County Commission of Jefferson County on forms provided by the Impact Fee Coordinator.

What methods are available for me to pay the impact fee?

Cash or check prior to issuance of a building permit.

Can impact fee payments be made in installments?

No, impact fees must be paid in full prior to issuance of a building permit.

Where can I find additional information about impact fees?

Impact fee ordinances and related material may be reviewed on the Jefferson County Website at www.jeffersoncountywv.org, by calling the Impact Fee Coordinator at 304.728.3331, or by visiting the Office of Impact Fees at 114 E. Washington Street, Charles Town, West Virginia.

Can I get an impact fee exemption/waiver? If so, what is eligible?

You would file a petition according to Section 5 (A) of the Impact Fee Procedures Ordinance. Such petition may or may not be granted by the County Commission of Jefferson County.

Where is the impact fee office located?

The Impact Fee Coordinator Office is located at 114 E. Washington Street, Charles Town, West Virginia.

Who or what determines where the impact fee will be spent and for what public services?

Impact fee funds may be appropriated for capital improvements and for the payment of principal, interest and other financing costs on obligations of County Government to finance public facilities and public service expenditures. Impact fees may not be appropriated for maintenance or repair of public facilities or for operation or personnel expenditures. Impact fees shall only be appropriated for projects identified in the County Capital Improvement Plan.

Do the fees include the cost for building permits and inspections?

No, all other fees are imposed and collected separately.

Will the fee build all of the new schools?

No, other funding will be necessary in conjunction with impact fees.

If we have impact fees, do we still need a school bond?

Impact fees may only fund capacity expansion which is in concert with growth. For quality improvements in the school system, other funding sources must be identified.

Will the fees be reduced if the school bond is passed or the State provides more funding for new schools?

If a school bond is passed, the fees must be adjusted for future real payments of that portion of real property taxes which pays for principal payments on public school bonds. This credit only applies if the building or buildings funded by a bond are included in the current school impact fee calculation.

Will the fees increase the cost of housing or property taxes?

The cost of housing will most likely increase. As properties are assessed, property taxes may increase with the increase in the assessed value of the property.

When do wells have to be drilled before the impact fee gets charged?

Health Department approval for well permits and septic permits must be submitted at the time of application for a building permit. The well also must be drilled prior to the application for a building permit. Impact fees are paid prior to issuance of a building permit.

How long is the process for a building permit and when does the impact fee get charged?

A building permit must be issued within 21 day of application. The impact fee must be paid prior to the issuance of a building permit.

If a building permit has been applied for but not issued, does the impact fee still get charged?

Fee collection for any fee category must, by State law, be delayed 60 days from the fee ordinance enactment date. If you apply for a building permit during this delay period and *do not receive* your building permit until after the end of this period, you will be responsible for payment of that impact fee.

If you have applied for a building permit but something comes up during the process and the permit is not issued until after the date the impact fee starts, will an impact fee be charged?

See the previous answer.

If a house burns down and a new house is built in its place, is an impact fee charged?

No impact fee will be charged if a house burns down or is destroyed if a house is built on the same lot. However, a building permit will still be required. Reconstruction must meet all other applicable local, state and federal laws.

If a mobile home is being replaced by another mobile home or double wide, will the impact fee be charged?

No impact fee will be charged if replaced within 3 years. Some evidence will need to be submitted showing that the mobile home was habitable.

If a mobile home is being replaced by a house rather than a mobile home, will the impact fee be charged?

No impact fee will be charged if replaced within 3 years. Some evidence will need to be submitted showing that the mobile home was habitable.

Who is responsible for paying the fee?

The impact fee must be paid prior to the issuance of a building permit. It is required that appropriate arrangements be made to remit the fees.

Where should I go to pay the impact fee?

Jefferson County Office of Impact Fees located at 114 E. Washington Street, Charles Town, West Virginia.

How will I know where the money is being spent?

Annual reports provided by the County Commission. A fee payer may also contact the Office of Impact Fees. In this case, please have your 7-digit process number available. This number appears in the upper right of Forms 100, 170, and 190.

What is the impact fee based on?

The impact fees were derived from analysis performed by a consultant who is an expert in the field of impact fee calculation.

Will I have to go to several locations to complete the process of filing a permit application?

Yes, although the Department Engineering and the Office of Impact Fees are both on the Court House block in downtown Charles Town.

If a mobile home is moved from a parcel of land prior to a permit being filed for a new/different mobile home, does the impact fee apply?

No impact fee will be charged if replaced within 3 years. Some evidence will need to be submitted showing that the mobile home was habitable.