

MEMORANDUM

DATE: June 9, 2020

TO: The Board of Supervisors

FROM: Paul D. Holt, III, Director of Community Development and Planning

SUBJECT: An Ordinance to Amend and Reordain the Code of James City County by Amending Appendix A - Fee Schedule for Development Related Permits to Increase Certain Fees to Defray the Costs Incurred by the County and for Additional Resources to Administrate Each Program

As part of the Fiscal Year 2021-2022 Budget process, staff are proposing several amendments to Appendix A of the County Code. These amendments generally fall into one of several categories:

1. Formatting. Several formatting changes are proposed that are intended to accomplish the following:
 - a. Staying consistent with corresponding references in the Code of Virginia. For example, in the Chapter 4 references (Building Safety and Permits), changing “Kiddie Ride” to “Small Mechanical Ride or Inflatable Amusement Device” would ensure the County Code remains consistent with references in the Virginia Uniform Statewide Building Code.
 - b. Clarifying how the fees are administered to minimize confusion and ensure consistency in implementation. For example, in the Chapter 4 references (Building Safety and Permits), the current Code states that no certificate of occupancy shall be issued until all inspection fees have been paid. Staff is proposing to include clarifying language that this language applies to both non-residential and residential permit types.

In another Chapter 4 reference example, additional language has been added clarifying that Building Permit Plan review fees are due at the beginning of the process versus at the end of the process (i.e., after the plan review has already occurred). This would ensure plan review staff are not reviewing plans where ultimately no fee is paid.

- c. Other general formatting changes. For example, in the Chapter 4 references (Building Safety and Permits), there is a plan review and inspection fee for the “erection, placement or removal” of a building or structure to another location. Staff is proposing simplifying the language to simply be the “Relocation” of a building or structure.

In another example, staff has provided a cross-reference to the pass-through levy on building permits that is required by State Code. This is revenue that the state collects (i.e., 2% is added to each permit fee).

2. Changes to some existing fees. While the changes described above may affect the timing of when certain fees are collected and help to ensure consistency in applying fees between all of the various permit types, the changes listed in Item No. 1 do not change any existing fee amounts. However, staff is proposing changes to some existing fees. These include:
 - a. Increasing the fees for exception requests to the Chesapeake Bay Ordinance and reviews by the Wetlands Board, primarily to cover the significantly increased costs of advertising requirements in the local newspaper.

An Ordinance to Amend and Reordain the Code of James City County by Amending Appendix A - Fee Schedule for Development Related Permits to Increase Certain Fees to Defray the Costs Incurred by the County and for Additional Resources to Administrate Each Program

June 9, 2020

Page 2

- b. Increasing the fees for multiple reinspections. Under the current Code, there is no fee associated with a first inspection and the existing fee for a reinspection is \$52.50. To cover the costs of multiple reinspections, staff proposes increasing the fee for a second reinspection and third and subsequent reinspections.
 - c. For legislative review of land use cases (i.e., Rezoning, Special Use Permits (SUPs), Height Waivers, Master Plans, Amendments, Wireless applications), staff is proposing to amend the fee schedule to include the postage costs necessary to notify adjacent property owners as required by State Code. The additional revenue will help cover increased costs of advertising requirements.
3. New fees. To help defray the costs incurred by the County to administrate each program, several new fees are proposed. These include the following for which no fee is currently charged:
- a. For amusement device and tent inspections that occur on weekends or after-hours;
 - b. Electrical inspections for generators used exclusively with amusement devices;
 - c. For temporary Certificate of Occupancy inspections;
 - d. Additional plan review when work is proposed in the floodplain;
 - e. Administrative review of Wetlands Permits;
 - f. Certificate of Occupancy site inspections and multiple site reinspections by the Stormwater and Resource Protection Division;
 - g. Fees for the Stormwater and Resource Protection Division to review and administer the as-built plan process; and
 - h. Requests for Exceptions to the Subdivision Ordinance, which include a requirement for staff to notify adjacent property owners.

Further, under the current Code, fees for building permits “shall be double for any construction that has commenced before a permit is obtained.” A similar fee structure is proposed if land disturbing occurs prior to the issuance of a permit or if development occurs within wetlands or Chesapeake Bay Preservation Areas prior to the issuance of a permit.

Most significantly, staff is proposing a new fee structure that is designed to provide additional resources to more proactively administer and manage the development surety process. For each development, the current County Code requires the developer provide a surety (e.g., bond, letter of credit, etc.) to ensure the completion of Ordinance requirements and the infrastructure needed for the proposed development. Such improvements could include water/sewer lines, streets and sidewalks, stormwater systems, etc. The additional resources will assist in getting projects completed and turned over for ongoing maintenance. The additional resources can also be used to complete annual reevaluations to ensure the County is holding an appropriate amount of surety. The additional resources can also be invaluable in working to clear the most aged sureties and ensuring sureties do not become aged in the first place if there are only minor items needing to be resolved (especially in instances where a developer may be choosing to renew the surety annually rather than completing the necessary work). To allow for such a fee structure to be created in Appendix A, a subsequent minor change to Chapter 8 of the Code setting forth the charges is also required.

An Ordinance to Amend and Reordain the Code of James City County by Amending Appendix A - Fee Schedule for Development Related Permits to Increase Certain Fees to Defray the Costs Incurred by the County and for Additional Resources to Administrate Each Program

June 9, 2020

Page 3

Recommendation

Staff recommends the Board of Supervisors adopt the attached Ordinances. If adopted, these proposed fee changes would take effect on January 1, 2021.

PDH/md

AppA-FeeSched-mem

Attachments:

1. Proposed Ordinance Amendments to Appendix A of the County Code, Strikethrough Version
2. Proposed Ordinance Amendments to Chapter 8 of the County Code, Strikethrough Version
3. Proposed Ordinance Amendments to Appendix A of the County Code, Clean Version
4. Proposed Ordinance Amendments to Chapter 8 of the County Code, Clean Version