

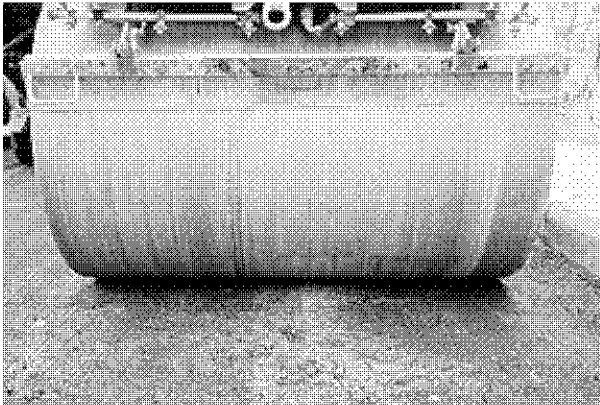
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## Paying for paving



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By [NATE DELESLINE III](#)

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The decision on whether to generate local transportation funding through impact fees applied to new construction may come before the Board of Supervisors as early as next month.

With federal and state transportation funding continuing to disappear, county officials say they're left with few options to ensure that important local transportation projects are taken care of. But others say that longtime landowners would bear an unfair burden, while professional developers would simply absorb the cost by passing it on to buyers.

Last week, the county's planning commission recommended the supervisors approve implementation of the transportation impact fee. The matter will now go to the supervisors at their Dec. 2 regular meeting. A public hearing is also set for that date.

### Background

Transportation impact fees are permitted under House Bill 3202, which was passed in 2007. The goal of the legislation, which also included the recently repealed, controversial, so-called abusive driver fees, is to allow high-growth areas to recoup money spent on transportation projects necessitated by development. So far, no other communities have implemented the fees and Culpeper might be the first.

In accordance with the legislation, the county has taken the steps to implement the fee. First, the county established an advisory committee, which met for the first time in March. Next, the fee service area — which includes all areas of the county outside town limits — and a road improvement program were adopted into the county's comprehensive plan.

A public hearing is required before the fee may be put into place. County officials have proposed a local fee of about \$2,100, however that figure would vary depending on exactly what kind of usage the new building would have. Farm facilities, churches, public schools, libraries, hospitals and other buildings used by emergency workers would be exempt.

As part of the preliminary process, three priority road projects have been identified. They are a U.S. 29-Route 666 interchange, a connector road from Ira Hoffman Lane to Keyser Road and an extension of Ira Hoffman Lane from Keyser Road to U.S. 29. All three projects have a price tag of about \$60 million, according to a study prepared by the fee committee.

If a builder agrees to include transportation improvements in their overall plan, the county has the authority to reduce the impact fee or not charge one at all. For example, if a developer plans to build a 20-lot subdivision, the impact fee would be about \$40,000. The developer could then promise to spend \$250,000 on transportation improvements and the county would have the power to reduce part of the impact fee or eliminate it entirely.

The legislation also specifies that impact fees may not be assessed for road repairs, maintenance, or to address traffic issues that existed before development.

Cedar Mountain District Supervisor Larry Aylor is chairman of Culpeper's impact fee committee. The other members are Walter Cheatle, Kenton Dunn, John Coates and Francis Toomey. County planning department staff members also assisted the committee.

#### **Aylor: Flexibility built into plan**

"When they did away with the car tax, there's just no money for transportation, and this is really a great tool," said Aylor. "I think the fee is very, very reasonable and that money can go towards prioritized projects."

Aylor says impact fees address the concerns of people who complain that they're paying for improvements and projects that they'll never use.

The committee's report calculates anticipated trips that a type of residential or commercial building generates based on a formula used nationwide. A single family residence would pay \$2,176 dollars, while a fast food restaurant with a drive-thru window would pay an impact fee of than \$54,000.

But Aylor reiterated that the fees may be waived if the business and the county can negotiate an agreement that leaves both sides satisfied.

"If they want to do (road) improvements and offer those as proffers then we can turn around give them credit," he said. "We want businesses to know that Culpeper County is here and open for business and business friendly and that we have the tools and the means to work with those applicants," he said.

Finally Aylor said that the county would also have the ability to revisit the impact fees every two years and adjust them based on the most recent trends and growth figures.

### **Impact on individuals questioned**

Supervisor Steve Nixon said he likes the idea, but would like to see some accommodations in the ordinance to take some of the pressure off longtime local landowners.

“I think that an impact fee is probably a good thing that we can recoup some of the costs of development,” said Nixon.

However, Nixon said he’s also concerned about the impact on those who want to build a house on land that they or their family has owned for generations.

“I’m really uncomfortable with that,” said Nixon on the impact to private landowners. And as for builders being impacted, “if you’re a developer or a builder, you’re just going to tack it on the price (of the house) and pass it on.”

Finally, Nixon also questioned if imposing the fee would encourage state officials to cutback on their transportation funding once they realize that the county is generating its own money for transportation.

“At this point, I’m leaning toward not supporting it,” Nixon said. Supervisor Tom Underwood said he shares the same concerns.

Underwood said that he’s not trying to protect developers from paying more to ensure that roads are adequate to serve growing areas. Instead, he suggested that the county should adopt the impact fees but establish a density threshold that takes the size and nature of the project into consideration. He said he would have difficulty explaining how to a longtime landowner who wants to build a single residence on their property why they must pay an additional fee on property they’ve owned for generations and don’t intend to subdivide or sell.

“To tell that landowner that despite having paid and contributed to the county for a long time, there is a new tax for you that applies to you, even though you’re not a developer...doesn’t flow logically — it doesn’t make any sense to me.”

In the meantime, Aylor said state and federal funding cuts to transportation don’t bode well for local governments.

“I can see it coming down the track,” he said. “It’s going to fall back on the local government. The state can’t handle it. This is something we need to take care of business right at home”

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## **Reader Reactions**

Posted by ( [cul\\_peper](#) ) on November 16, 2008 at 8:17 am

More tax and spend rhetoric from the BOS. Good idea make new housing more expensive in a depressed market. They have dug such a deep whole they can’t seem to get out of it. Developers can afford this because it is a pass through. People with a lot to build their own home get screwed....again. And look at most of the people on the so-called advisory committee, Aylor, Dunn and Cheatle. They are builders, who will pass along the fees. Underwood is right and Nixon finally woke up.

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Page 1 of 1