Proposed Changes Key:

Blue, Bold, and Underlined Text – Added Text

~~Red and strikethrough text~~ – Deleted Text

Subdivision V. - Mandatory Impact Fees

Sec. 2-769. - Short title, authority and application.

(a) *Title.* This section shall be known and may be cited as the "St. Tammany Parish Impact Fee Ordinance."

(b) *Authority.* The parish council has the authority to adopt the ordinance codified herein pursuant to the parish Home Rule Charter and the state constitution of 1974.

(c) *Application.* The parish impact fee ordinance shall apply to all lands within the unincorporated portion of parish as follows:

(1) Any property that is located south of the urban growth boundary line, which is the area hereinafter defined as the ~~"service area."~~ **"South Service Area".**

(2) In addition, this subdivision shall apply to any property located north of the urban growth boundary line**, which is the area herein after defined as the "North Service Area"** and is zoned for nonresidential use or is zoned for an intensity of development of two dwelling units per acre or greater when said residential development requires the review and approval of the planning commission in accordance with the major subdivision process as defined in this section.

(Code 1998, § 2-009.00(B)IV.A; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013)

Sec. 2-770. - Purpose.

The establishment of a system or the imposition of road and drainage impact fees within the unincorporated area is intended to ensure that new development contributes its proportionate share of the cost of providing, and benefits from the provision of, improvements to the major road system and the major drainage system.

(Code 1998, § 2-009.00(B)IV.B; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013)

Sec. 2-771. - Definitions.

Certain words or phrases unique to this transportation impact fee ordinance shall be construed as herein set out unless it is apparent from the context that they have a different meaning:

Building permit means that permit required to be issued before any building or construction activity can be initiated on a parcel of land.

Commercial means retail, office or institutional uses as defined in this section.

Commencement of construction means scheduling of an on-site inspection by an employee of the parish for compliance with applicable development regulations. This status can be verified by a site visit as deemed necessary by the impact fee administrator.

Drainage capital improvement means an improvement to the major drainage system. It includes preliminary engineering, engineering design studies, land surveys, land acquisition, engineering, permitting, including use of mitigation bank projects, water quality permits, coastal and environmental projects, construction of all necessary features of regional stormwater systems, including regional retention and detention ponds and preservation of natural drainage systems, including land acquisition and wetland mitigation efforts ~~that are part of a parish-wide environmental mitigation plan and/or ten-year capital plan~~. Improvements required to meet parish ordinance requirements for on-site retention or detention shall not be considered drainage capital improvements.

Drainage impact fee study means the drainage impact fee study prepared by ~~Duncan Associates in July 2012~~ **Villavaso & Associates, LLC in 2026.**

Existing development means the most intense use of land within the 12 months prior to the time of commencement of impact-generating development.

Expansion of the capacity of a road includes any widening, intersection improvement, signalization or other capital improvement designed to increase the existing road's capacity to carry vehicles.

Fee payer means a person commencing impact-generating development who is obligated to pay a road or drainage impact fee in accordance with the terms of this impact fee subdivision.

***Ground floor area* means the total square footage of a building or structure, as measured by the total roof area.**

Impact fee administrator means the parish employee primarily responsible for administering the provisions of this impact fee subdivision or his designee.

Impact-generating development is an approved development of land to permit a use of land that will contain or convert to more dwelling units or floor space than the most intense use of the land within the 12 months prior to the commencement of impact-generating development in a manner that increases the generation of vehicular traffic or creates additional impervious cover.

Impervious cover means manmade surfaces that are impenetrable by water and do not allow percolation into the underlying natural surface, including the footprint of buildings and paved surfaces such as roads, sidewalks, driveways and parking lots.

Industrial means manufacturing, warehousing or mini-warehouse uses as defined in this section.

Institutional means a governmental, quasi-public or institutional use, or a nonprofit recreational use, not located in a shopping center. Typical uses include elementary, secondary or higher educational establishments, day care centers, hospitals, mental institutions, nursing homes, assisted living facilities, fire stations, city halls, court houses, post offices, jails, libraries, museums, places of religious worship, military bases, airports, bus stations, fraternal lodges, parks and playgrounds.

Major drainage system means the system of regional stormwater detention and retention ponds, natural and manmade stormwater conveyance systems, wetlands and water quality elements within the parish for flood prevention and to ensure adequate water quality.

Major road system means the system of ~~major~~ **publicly maintained** roadways within the **north and south** service area**s** that is comprised of those roads identified in the road impact fee study**.** ~~and the attached major road system list, including those roadways that are subsequently included in the major road system list by resolution of the governing authority. The major road system excludes Interstates and U.S. highways.~~

Major subdivision process means the process required by **Chapter 800** ~~chapter 125/Subdivision Ordinance No. 499~~ as outlined in **Sections 800-3.1**~~125-96~~ through **Section 800-3.6**~~125-215~~, specifically being the approval process for subdivisions which requires a hearing, review and approval of the planning commission in accordance with R.S. 33:101—33:120.

Manufacturing means an establishment primarily engaged in the fabrication, assembly or processing of goods. Typical uses include manufacturing plants, welding shops, wholesale bakeries, dry cleaning plants and bottling works.

~~*Miniwarehouse* means an enclosed storage facility containing independent, fully enclosed bays that are leased to persons for storage of their household goods or personal property.~~

Mobile home park means an area developed or intended to be developed for occupancy by two or more mobile homes that are used for dwelling purposes, and spaces are rented individually to residents.

Multifamily means a dwelling unit that is connected to one or more other dwelling units.

Nonsite-related improvements means road capital improvements and right-of-way dedications for improvements to the major road system that are not site-related improvements.

North Service Area **means the unincorporated area of the parish located north of the urban grown boundary line.**

Office means a building not located in a shopping center and exclusively containing establishments providing executive, management, administrative or professional services, and which may include ancillary services for office workers, such as a restaurant, coffee shop, newspaper or candy stand, or child care facilities. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, secretarial, data processing, telephone answering, telephone marketing, music, radio and television recording and broadcasting studios; professional or consulting services in the fields of law, architecture, design, engineering, accounting and similar professions; interior decorating consulting services; medical and dental offices and clinics, including veterinarian clinics and kennels; and business offices of private companies, utility companies, trade associations, unions and nonprofit organizations.

Person means an individual, corporation, governmental agency or body, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other entity.

Retail means establishments engaged in the selling or rental of goods, services or entertainment to the general public. Such uses include, but are not limited to, shopping centers, discount stores, supermarkets, home improvement stores, pharmacies, automobile sales and service, banks, movie theaters, amusement arcades, bowling alleys, barbershops, laundromats, funeral homes, vocational or technical schools, dance studios, health clubs and for-profit golf courses.

Road capacity means the maximum number of vehicles that have a reasonable expectation of passing over a given section of a road during an hour without exceeding level of service, expressed in terms of vehicles per hour.

Road capital improvement means a non-site related improvement that expands the capacity **and/or safety** of the major road system within the **north or south** service area. It includes the transportation planning, preliminary engineering, engineering design studies, land surveys, alignment studies, right-of-way acquisition, engineering, permitting and construction of all necessary features undertaken to accommodate additional traffic resulting from new traffic-generating development, including, but not limited to:

(1) Construction of new through lanes;

(2) Construction of new bridges;

(3) Construction of new drainage facilities in conjunction with new road construction;

(4) Purchase and installation of traffic signals, including new and upgraded signalization;

(5) Construction of curbs, gutters, sidewalks, medians and shoulders, landscaping and infrastructure to maintain the landscaping, and lighting of intersections, interchanges, and other roadway areas

as determined necessary for safe use of the roadway, when undertaken in conjunction with capacity-expanding road improvements;

(6) Relocating utilities to accommodate new road construction;

(7) The construction and reconstruction of intersections to increase capacity;

(8) The widening of existing roads;

(9) Bus turnouts;

(10) Acceleration and deceleration lanes;

(11) Interchanges;

(12) Traffic control devices;

(13) Roundabouts, including lighting landscaping and signage related to roundabouts; and

(14) Environmental mitigation of the impacts of road capital improvements, including land acquisition and wetland mitigation efforts that are part of a parish-wide environmental mitigation plan and/or payment of Army Corps of Engineers-mandated mitigation fees.

Road impact fee study means the road impact fee study prepared by ~~Duncan Associates in July 2012~~ **Villavaso & Associates, LLC in 2026.**

~~*Rural drainage impact fee* means those fees paid in accordance with these regulations on any property located outside **inside** of the **north** service area in accordance with section 2-769(c).~~

~~*Rural road impact fee* means those fees paid in accordance with these regulations on any property located outside **inside** of the **north** service area in accordance with section 2-769(c).~~

~~*Service area* means the unincorporated area of the parish located south of the urban growth boundary line.~~

Single-family detached means a building arranged or designed to be occupied by one family, including mobile homes not located in a mobile home park, the structure having only one dwelling unit and not attached to any other dwelling unit.

Site-related improvements mean those road capital improvements and right-of-way dedications that provide direct access to the development. The term "direct access improvements" include, but are not limited to, the following:

(1) Driveways and streets leading to and from the development;

(2) Right- and left-turn lanes leading to those driveways and streets;

(3) Traffic control measures for those driveways; and

(4) Internal streets. Credit is not provided for site-related improvements.

***South Service Area* means the unincorporated area of the parish located south of the urban grown boundary line.**

Trip means a one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end).

Urban growth boundary line means the line established by ~~chapter 125/Subdivision Ordinance No. 499~~ **Chapter 100-5**, which is described as follows:

(1) Beginning at the intersection of the Tangipahoa Parish line and the section corner common to sections 7 and 19, Township 6 south, Range 10 east, proceed east following the southern boundary of sections 7, 8, 9, 10, 11, 12, Township 6 south, Range 10 east and section 7, Township 6 south,

Range 11 east, to the section corner common to sections 7, 8, 17, and 18, Township 6 south, Range 11 east;

(2) Thence proceed in a southeasterly direction along the centerline of the Bogue Falaya River to the section corner common to sections 22, 27, and 45, Township 6 south, Range 11 east;

(3) Thence proceed east, following the southern boundary of sections 22, 23, and 24, Township 6 south, Range 11 east and sections 19, 20, and 21, Township 6 south, Range 12 east to the section corner common to sections 21, 22, 27, and 28, Township 6 south, Range 12 east;

(4) Thence proceed south to the section corner common to sections 27, 28, 33, and 34, Township 6 south, Range 12 east;

(5) Thence proceed east following the southern boundary of sections 26 and 27, Township 6 south, Range 12 east to the section corner common to sections 25, 26, 35, and 36, Township 6 south, Range 12 east;

(6) Thence proceed in a southerly direction along the common boundary of sections 35 and 36, Range 12 east, Township 6 south and subsequent section line boundaries to the intersection of said section lines and the centerline of Louisiana Highway 36;

(7) Thence proceed in a southeasterly direction along the centerline of Louisiana Highway 36 to the intersection of Louisiana Highway 36 and the centerline of Louisiana Highway 41;

(8) Thence proceed in a southeasterly direction along centerline of Louisiana Highway 41 to the intersection of Louisiana Highway 41 and the centerline of Louisiana Highway 41 Spur;

(9) Thence proceed in a southeasterly direction along the centerline of Louisiana Highway 41 Spur to the point where Louisiana Highway 41 Spur intersects with Interstate 59;

(10) Thence proceed in a northerly direction along the centerline of Interstate 59 to a point where it intersects with the old U.S. Highway 11 right-of-way;

(11) Thence proceed in an easterly direction following the centerline of the old U.S. Highway 11 right-of-way to the intersection of said line and the Mississippi State Line.

Vehicle-Miles of Travel (VMT) means the product of the average number of vehicles traveling during the afternoon peak hour of adjacent street traffic on a weekday and the distance (in miles) that they travel on the major road system.

Warehouse means an establishment primarily engaged in the display, storage and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. Typical uses include wholesale distributors, storage warehouses, moving and storage firms, trucking and shipping operations and major mail processing centers. **This use shall also include self-storage or mini-warehouse uses, which mean an enclosed storage facility containing independent, fully enclosed bays that are leased to persons for storage of their household goods or personal property.**

(Code 1998, § 2-009.00(B)IV.C; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013; **Ord. No. 24-5512,** § Exh. A, 7-11-2024)

Sec. 2-772. - Time of fee obligation and payment.

(a) Any person or government body that causes the commencement of impact-generating development within the unincorporated parish in the **south** service area, **or inside the north service area** ~~outside the **south** service area~~, but zoned for a residential density of two dwelling units per acre or more when

said development requires the review and approval of the planning commission in accordance with the major subdivision process as defined in this section or any nonresidential use, shall be obligated to pay a road and drainage impact fee, pursuant to the terms of this transportation impact fee subdivision. The fee shall be determined and paid in accordance with the impact fees schedule in effect at the time of the issuance of the final plat approval/building permit and the following schedule:

(1) *Residential subdivisions.* At the time of final plat approval or within 90 days of recordation of final plat if the appropriate security is posted as approved by the director of ~~public works~~ **engineering** and the director of finance. If deemed appropriate by the director of ~~public works~~ **engineering** and the director of finance, a second, third or fourth 90-day period may be granted.

(2) *Commercial subdivisions.* At the time of final plat approval if the size of the end user is known, else at the time of the issuance of a building permit. The payment at final plat approval may be deferred for a period of 90 days of recordation of final plat if the appropriate security is posted as approved by the director of ~~public works~~ **engineering** and the director of finance. If deemed appropriate by the director of ~~public works~~ **engineering** and the director of finance a second, third or fourth 90-day period may be granted. If the end user is unknown, or the square footage of the end user is altered, the balance of the fee shall be paid at the time of the issuance of a building permit.

(3) *Individual commercial or residential structures.* At the time of issuance of a building permit for the development.

(b) If any credits are due pursuant to section 2-776, they shall also be determined at the time of payment. The fee shall be computed separately for the amount of construction activity covered by the permit, if the building permit is for less than the entire development. If the fee is imposed for an impact-generating development that increases road or drainage impacts because of a change in use, replacement or redevelopment of an existing building or use, the fee shall be determined by computing the difference in the fee schedule between the new impact-generating development and the existing development. The obligation to pay the impact fee shall run with the land.

(Code 1998, § 2-009.00(B)IV.D; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013)

Sec. 2-773. - Exemptions.

(a) The following shall be exempt from the terms of this impact fee subdivision. An exemption must be claimed by the fee payer at the time of application for a building permit.

(1) Alterations or expansion of an existing building where no additional dwelling units are created, the use is not changed and:

a. For the purpose of road impact fees, no additional vehicular trips will be produced over and above that produced by the existing use; or

b. For the purpose of drainage impact fees, no additional ~~impervious cover~~ **ground floor area** is created.

(2) The construction of accessory buildings or structures which:

a. For the purpose of road impact fees, will not produce additional vehicular trips over and above that produced by the principal building or use of the land; or

b. For the purpose of drainage impact fees, will not result in additional ~~impervious cover~~ **ground floor area** being created.

(3) The replacement of a destroyed or partially destroyed building or structure with a new building or structure of the same size and use, provided that:

a. For the purpose of road impact fees, no additional trips will be produced over and above that produced by the original use of the land; or

b. For the purpose of drainage impact fees, no additional ~~impervious cover~~ **ground floor area** will be created.

(4) Any development for which a completed application for a building permit was submitted prior to January 1, 2005, provided that the construction proceeds according to the provisions of the permit and the permit does not expire prior to the completion of the construction.

(5) Any conditional use, PUD Planned Unit Development, or subdivision for which a public hearing has been held prior to January 1, 2005, provided that the construction proceeds according to the provisions of the conditional use or subdivision approval within specified time lines.

(6) Any development which has an approved voluntary developmental agreement in place as of January 1, 2005.

(7) Structures associated with uses recognized as agricultural by the state.

(8) Structures owned or maintained by St. Tammany Parish Government, as determined by the Impact Fee Administrator.

~~(8)~~ **(b)** If a manifestly unreasonable financial hardship is demonstrated by an applicant for a single-family residential building permit, as determined by the impact fee administrator, the impact fees relative to roads and drainage may be waived, subject to the following parameters:

~~a.~~ **(1)** A manifestly unreasonable hardship shall be defined as a situation where the demonstrated income of the property owner falls within the parameters set by the most recent U.S. Department of Housing and Urban Development—Public Housing and Section 8 Income Limits for ~~Very~~ Low income ~~(50 percent of regional median income)~~ **(80% of the Local Area Median Income).**

~~b.~~ **(2)** Adequate financial documentation shall be presented to the impact fee administrator to determine qualifications for said waiver.

~~c~~. **(3)** No individual may receive more than a single waiver of said fees.

~~(9)~~ **(c)** Procedure for exemption review.

~~a.~~ **(1)** The determination of any exemption shall be undertaken through the submission of an application for exemption, which shall be submitted to the impact fee administrator.

~~b.~~ **(2)** If the proposed application involves an exemption for any alteration, expansion or replacement of any existing structure, the following documentation must be provided:

~~1.~~ **(i)** A site survey showing the existing structures and the improvements being proposed; and

~~2~~. **(ii)** Documentation confirming no additional dwelling units are created, the use is not changed and no additional vehicular trips will be produced or ~~impervious cover~~ **ground floor area** created over and above that produced by the existing use.

~~c.~~ **(3)** If the proposed application involves another type of permitted exemption, the following documentation must be provided:

~~1.~~ **(i)** Documents evidencing a completed building permit application being submitted prior to January 1, 2005, and completion of construction prior to expiration of the building permit issued; or

~~2.~~ **(ii)** Documentation evidencing an approved voluntary developmental agreement in place as of January 1, 2005.

d. ~~The impact fee administrator shall notify the parish council chair of any application for exemption agreement within three days of receipt of said application.~~

~~e.~~ **(4)** Within ten days of receipt of the proposed application for exemption agreement, the impact fee administrator shall determine if the application is complete. If it is determined that the proposed agreement is not complete, the impact fee administrator shall send a written statement to the applicant outlining the deficiencies. The impact fee administrator shall take no further action on the proposed application for exemption agreement until all deficiencies have been corrected or otherwise settled.

~~f.~~ **(5)** Once the impact fee administrator determines that the proposed application for exemption agreement is complete, it shall be reviewed within 30 days. The application for exemption agreement shall be approved if it complies with the standards in subsections (1) through (~~8~~ **6**) of this section.

~~g.~~ **(6)** If the application for exemption agreement is approved by the impact fee administrator, an exemption agreement shall be prepared and signed by the ~~applicant and the~~ parish.

~~(10)~~ Appeal of exemption decision. A fee payer affected by the decision of the impact fee administrator regarding an exemption may appeal such decision to the parish council by filing with the impact fee administrator, within ten days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The impact fee administrator shall place such appeal on the council's agenda for the next regularly scheduled meeting. The parish council, after a hearing, shall affirm or reverse the decision of the impact fee administrator based on the standards in subsections (1) through (~~8~~ **6**) of this section. If the parish council reverses the decision, it shall direct the impact fee administrator to grant the exemption in accordance with its findings. The decision of the parish council shall be final.

(Code 1998, § 2-009.00(B)IV.E; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013)

Sec. 2-774. - Establishment of fee schedule.

(a) Any person who causes the commencement of impact-generating development, except those persons exempted or preparing an independent fee calculation study pursuant to section 2-775, shall pay a road and drainage impact fee in accordance with the following fee schedules. The definitions in this impact fee subdivision shall be used to determine the appropriate land use type.

(1) Road impact fee schedule—Revised schedule (Effective ~~January 4, 2013~~ **February 1, 2027**):

Single-family detached per dwelling unit	~~$1,077.00~~ **$1,588.00**
Multifamily per dwelling unit	~~$598.00~~ **$862.00**
~~Mobile home park per pad~~	~~$361.00~~

Retail/**Commerical** per 1,000 square foot	~~$1,681.00~~ **$2,375.00**
Office per 1,000 square foot	~~$2,078.00~~ **$3,776.00**
Public/Institutional per 1,000 square foot	~~$545.00~~ **$1,115.00**
~~Manufacturing per 1,000 square foot~~	~~$1,030.00~~
Industrial/Warehousing per 1,000 square foot	~~$444.00~~ **$353.00**
~~Mini-storage per 1,000 square foot~~	~~$201.00~~

(2) Drainage impact fee schedule—Revised schedule (Effective ~~January 4,~~ ~~2013~~ **February 1, 2027**):

Single-family detached per dwelling unit	~~$1,114.00~~ **$1,199.00**
Multifamily per dwelling unit	~~$441.00~~ **$523.00**
Mobile home park per pad	~~$622.00~~ **$665.00**
Commercial**/Institutional** per 1,000 square foot	~~$720.00~~ **$468.00**
Industrial**/Warehousing** per 1,000 square foot	~~$540.00~~ **$468.00**

(b) For the purposes of applying the impact fee schedules to nonresidential development, square feet shall be interpreted as follows:

(1) In the road impact fee schedule, square feet refers to gross floor area, defined as the gross floor area of all buildings, measured from the outside surface of exterior walls, but excluding enclosed parking and loading areas.

(2) In the drainage impact fee schedule, square feet refers to the ground floor area of all buildings, including enclosed parking structures, measured from the outside surface of exterior walls.

(c) If the type of impact-generating development for which a building permit is requested is not specified on the above fee schedule, the impact fee administrator shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule.

(Code 1998, § 2-009.00(B)IV.F; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013)

Sec. 2-775. - Independent fee calculation study.

(a) The impact fee may be computed by the use of an independent fee calculation study at the election of the fee payer, or upon the request of the impact fee administrator, for any proposed land development activity interpreted as not one of those types listed on the fee schedule, or as one that is not comparable to any land use on the fee schedule, or for any proposed land development activity for which the impact fee administrator concludes the nature, timing or location of the proposed development makes it likely to generate impacts costing substantially more or less to mitigate than the amount of the fee that would be generated by the use of the fee schedule.

(b) The preparation of the independent fee calculation study shall be the sole responsibility and cost of the fee payer.

(c) Any person who requests to perform an independent fee calculation study shall pay an application fee for administrative costs associated with the review and decision on such study.

(d) The independent fee calculation study for the road impact fee shall be calculated by the use of the following applicable formula:

(1) *Road impact fee formula.*

Fee = VMT x Net Cost/VMT.

VMT = PHT x % New x Length ÷ 2.

PHT = Trip ends during the PM peak hour during an average weekday.

% New = The percent of trips that are primary trips, as opposed to passerby or diverted-link trips.

Length = The average length of a trip on the major roadway system.

÷ 2 = Avoids double-counting trips for origin and destination.

Net cost/VMT = Cost/VMT-Credit/VMT, calculated to be ~~$592.00~~ **$727.14** per daily peak hour vehicle-mile of travel on the major roadway system in the road impact fee study.

(2) *Drainage impact fee formula.*

Fee = SF x Net Cost/SF.

SF = Square feet of ~~impervious cover~~ **ground floor area.**

Net cost/SF = Cost/SF - Grant/SF - ~~On-Site~~ **Fee-in-Lieu**/SF – ~~Rev~~ **Sales Tax**/SF, calculated to be ~~$0.36~~ **$0.47** per square foot of impervious cover in the drainage impact fee study.

Cost/SF = Cost per square foot of impervious cover for regional drainage improvements that eliminate the need for on-site retention, calculated to be ~~$1.02~~ **$1.21** in the drainage impact fee study.

Grant/SF = Grant funding credit per square foot of impervious cover, calculated to be ~~$0.11~~ **$0.10** in the drainage impact fee study.

~~On-Site~~ **Fee-in-Lieu**/SF = The cost per square foot of impervious cover for ~~on-site retention~~ **Fee-in-Lieu of Detention**, calculated to be $0.58 in the drainage impact fee study.

~~Rev~~ **Sales Tax**/SF = ~~Revenue~~ **Sales Tax** credit per square foot for drainage district or other taxes or fees used for improvements to the major drainage system, calculated ~~as the net present value of future payments over a 20-year period~~ **to be $0.07 in the drainage impact fee study.**

(e) For the purpose of road impact fees, the fee calculation shall be based on data, information or assumptions contained in the road impact fee study or independent sources, provided that:

(1) The fee calculation is based on the long-term impacts of the development, rather than the unique characteristics of the proposed initial occupant or user; and

(2) The independent source is an accepted standard source of transportation engineering or planning data, or a local study on trip characteristics carried out by a qualified traffic planner or engineer pursuant to an accepted methodology of transportation planning or engineering.

(f) Procedure.

(1) An independent fee calculation study shall be undertaken through the submission of an application for an independent fee calculation. A potential fee payer or the impact fee administrator may submit such an application.

(2) Within ten days of receipt of an application for independent fee calculation study from a fee payer, the impact fee administrator shall determine if the application is complete. If the impact fee administrator determines that the application is not complete, a written statement specifying the deficiencies shall be sent by mail to the person submitting the application. The application shall be deemed complete if no deficiencies are specified. The impact fee administrator shall take no further action on the application until it is deemed complete.

(3) When the impact fee administrator determines that the application is complete, the application shall be reviewed and the impact fee administrator shall render a written decision in 30 days on whether the fee should be modified and, if so, what the amount should be, based on the standards in subsection (g) of this section.

(g) Standards. If, on the basis of generally-recognized principles of impact analysis, it is determined that the data, information and assumptions used by the applicant to calculate the independent fee calculation study satisfy the requirements of this section, the fee determined in the independent fee calculation study shall be deemed the fee due and owing for the proposed impact-generating development. The adjustment shall be set forth in a fee agreement. If the independent fee calculation study fails to satisfy the requirements of this subsection, the fee applied shall be that fee established for the impact-generating development in section 2-774.

(h) Appeal of decision.

(1) A fee payer affected by the administrative decision of the impact fee administrator on an independent fee calculation study may appeal such decision to the parish council, by filing with the impact fee administrator within ten days of the date of the written decision a written notice stating and specifying briefly the grounds of the appeal. The impact fee administrator shall place the appeal on the council's agenda for the next regularly scheduled meeting.

(2) The parish council, after hearing, shall have the power to affirm or reverse the decision of the impact fee administrator. In making its decision, the council shall specify the reasons for its decision and apply the standards in subsection (g) of this section. If the council reverses the

decision of the impact fee administrator, it shall direct the administrator to recalculate the fee in accordance with its decision. In no case shall the council have the authority to negotiate the amount of the fee or waive the fee. The decision of the council shall be final and not subject to further administrative appeal.

(Code 1998, § 2-009.00(B)IV.G; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013)

Sec. 2-776. - Credits.

(a) Any person initiating impact-generating development may apply for credit against road or drainage impact fees otherwise due, up to, but not exceeding, the full obligation for impact fees proposed to be paid pursuant to the provisions of this impact fee subdivision, for any contributions, construction or dedication of land accepted or received by the parish for road capital improvements or drainage capital improvements, except as provided in subsection (c) of this section.

(1) Credit for road capital improvements shall only be used to offset road impact fees otherwise due from the impact-generating development for which the improvement was made.

(2) Credit for drainage capital improvements shall only be used to offset drainage impact fees otherwise due from the impact-generating development for which the improvement was made.

(3) Credit may be given for road or drainage capital improvements that are not located in the immediate vicinity of the impact-generating development.

(4) Credit may be given against drainage impact fees for wetland donation, preservation and/or improvements, addition of water quality elements, channel improvements, and other work that has a positive impact on the major drainage system.

(b) Credits for contributions, construction or dedication of land for road capital improvements or drainage capital improvements shall be transferable within the same development, but shall not be paid for other public facilities. The credit shall not exceed the amount of the applicable impact fees due and payable for the proposed impact-generating development.

(c) When deemed appropriate for the furtherance of necessary infrastructure improvements, the parish government may enter into development agreements, as authorized under R.S. 33:4780.21, as part of credit agreements established in accordance with this section, subject to all limitation of this section and the applicable statutes.

(d) Credit shall be in an amount equal to fair market value of the land dedicated for right-of-way at the time of dedication, the fair market value of the construction at the time of its completion, or the value of the contribution or payment at the time it is made for construction of a capital road improvement or a drainage capital improvement.

(e) Credits may include any dedication, construction, or contributions made by outside parties subject to the limitations of this section.

(f) Procedure for credit review.

(1) The determination of any credit shall be undertaken through the submission of an application for credit agreement, which shall be submitted to the impact fee administrator.

(2) If the proposed application involves a credit for any contribution, the following documentation must be provided:

a. A certified copy of the development approval in which the contribution was agreed;

b. If payment has been made, proof of payment; or

c. If payment has not been made, the proposed method of payment.

(3) If the proposed application involves credit for the dedication of land:

a. A drawing and legal description of the land;

b. The appraised fair market value of the land at the date a building permit is proposed to be issued for the impact-generating land development activity, prepared by a professional real estate appraiser who is a member of the member appraisal institute (MAI) or who is a member of senior residential appraisers (SRA), and if applicable, a certified copy of the development permit in which the land was agreed to be dedicated.

(4) If the proposed application for credit agreement involves construction:

a. The proposed plan of the specific construction prepared and certified by a duly qualified and licensed Louisiana engineer or contractor;

b. The projected costs for the suggested improvement, which shall be based on local information for similar improvements, along with the construction timetable for the completion thereof. Such estimated cost shall include the cost of construction or reconstruction, the cost of all labor and materials, the cost of all lands, property, rights, easements and franchises acquired, financing charges, interest prior to and during construction and for one year after completion of construction, costs of plans and specifications, surveys of estimates of costs and of revenues, costs of professional services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction.

(5) The impact fee administrator shall notify the parish council chair of any application for credit agreement within three days of receipt of said application.

(6) Within ten days of receipt of the proposed application for credit agreement, the impact fee administrator shall determine if the application is complete. If it is determined that the proposed agreement is not complete, the impact fee administrator shall send a written statement to the applicant outlining the deficiencies. The impact fee administrator shall take no further action on the proposed application for credit agreement until all deficiencies have been corrected or otherwise settled.

(7) Once the impact fee administrator determines that the proposed application for credit agreement is complete, it shall be reviewed within 30 days. The application for credit agreement shall be approved if it complies with the standards in subsections (1) through (5) of this section.

(8) If the application for credit agreement is approved by the impact fee administrator, a credit agreement shall be prepared and signed by the applicant and the parish. It shall specifically outline the contribution, payment, construction or land dedication, the time by which it shall be completed, dedicated or paid, and any extensions thereof and the dollar credit the applicant shall receive for the contribution, payment or construction.

(g) Appeal of credit decision. A fee payer affected by the decision of the impact fee administrator regarding credits may appeal such decision to the parish council by filing with the impact fee administrator, within ten days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The impact fee administrator shall place such appeal on the council's agenda for the next regularly scheduled meeting. The parish council, after a hearing, shall affirm or reverse the decision of the impact fee administrator based on the standards in subsections (f)(1) through (5) of this section. If the parish council reverses the decision, it shall direct the impact fee administrator to readjust the credit in accordance with its findings. The decision of the parish council shall be final.

(h) Amendments to credit agreement. Any amendments to a credit agreement must meet all standards and conditions of this section including the procedure for credit review outlined in subsection (f)(6) of this section.

(Code 1998, § 2-009.00(B)IV.H; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013)

Sec. 2-777. - Fee expenditures.

(a) The parish shall establish the following impact fee accounts:

(1) The parish shall establish the appropriate road impact fee escrow accounts, as deemed necessary by the director of finance, for the purpose of ensuring that fee payers receive sufficient benefit for road impact fees paid on projects in accordance with the standards of this section.

(2) The parish shall establish the appropriate drainage impact fee escrow accounts, as deemed necessary by the director of finance, for the purpose of ensuring that fee payers receive sufficient benefit for drainage impact fees paid on projects in accordance with the standards of this section.

(b) All road impact fees collected by the parish shall be immediately deposited into the appropriate road impact fee account. All drainage impact fees collected by the parish shall be immediately deposited into the appropriate drainage impact fee account.

(c) All proceeds in the road and drainage impact fee accounts not immediately necessary for expenditure shall be invested in an interest-bearing account. All income derived from these investments shall be retained in the applicable impact fee account. Records of the road and drainage impact fee accounts shall be available for public inspection.

(d) Each year, at the time the annual budget is reviewed, the impact fee administrator shall recommend appropriations to be spent from the impact fee accounts to the parish council. After review of the recommendation, the council shall approve or modify the recommended expenditures of the impact fee account monies. Amendments of the list of these projects during the course of the fiscal year may be made by resolution of the council. Any amount not appropriated from the impact fee accounts, together with any interest earnings, shall be carried over to the following fiscal period.

(1) Expenditures of the road impact fee fund shall be only for nonsite-related improvements to the major road system in the **south** service area, provided that funds collected prior to January 4, 2013, may be spent anywhere in the parish in accordance with the provisions of the prior impact fee subdivision.

(2) Expenditures of the drainage impact fee fund shall be only for drainage capital improvements that benefit the **south** service area, provided that funds collected prior to January 4, 2013, may be spent anywhere in the parish in accordance with the provisions of the prior impact fee subdivision.

(3) Expenditures shall be made from the ~~rural road~~ **north service area road** impact fee fund only for nonsite-related improvements to the major road system ~~outside of~~ **within** the **north** service area, but in such a manner as to address the road impacts of the development from which the funds were collected.

(4) Expenditures shall be made from the ~~rural~~ **north service area** drainage impact fee fund for drainage capital improvements ~~outside of~~ **within** the **north** service area, but in such a manner as to address the drainage impacts of the development from which the funds were collected.

(e) Each year, the impact fee administrator shall prepare a report to the parish council identifying the expenditures of the previous year for the projects for which the council approved funds.

(Code 1998, § 2-009.00(B)IV.I; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013)

Sec. 2-778. - Refunds.

(a) *Expiration of permit.* Effective January 4, 2013, if a building permit expires or is canceled without commencement of the construction, the fee payer shall be entitled to a refund, without interest, of the impact fee. The fee payer shall submit an application for the refund to the impact fee administrator within 90 days of the expiration of the permit. Failure to submit the application for refund within the time specified constitutes a waiver of any claim to such monies. Upon review of the completed application, the impact fee administrator shall issue the refund if it is clear the building permit has expired without the commencement of construction.

~~(b) *Refund of fees not spent.* Any fees collected may be returned to the fee payer or the fee payer's successor in interest if the fees have not been spent within ten years from the payment of the impact fee, along with interest of three percent a year. Fees shall be deemed to be spent on the basis of the first fee collected shall be the first fee spent. The refund shall be administered by the impact fee administrator, and shall be undertaken through the following process:~~

~~(1) A refund application shall be submitted within one year following the end of the tenth year from the date on which the building permit was issued on the proposed development. The refund application shall include the following information:~~

~~a. A copy of the dated receipt issued for payment of the fee;~~

~~b. A copy of the building permit; and~~

~~c. Evidence that the applicant is the successor in interest to the fee payer.~~

~~(2) Within ten days of receipt of the refund application, the impact fee administrator shall determine if it is complete. If the impact fee administrator determines that the application is not complete, a written statement specifying the deficiencies shall be forwarded by mail to the person submitting the application. Unless the deficiencies are corrected, the impact fee administrator shall take no further action on the refund application.~~

~~(3) When the impact fee administrator determines that the refund application is complete, it shall be reviewed within 30 days, and shall be approved if it is determined that the fee payer or a successor in interest has paid a fee which has not been spent within the period of time permitted under this impact fee subdivision. The refund shall include the fee paid plus interest.~~

(b ~~c~~) *Appeal of refund decision.* A fee payer affected by a decision of the impact fee administrator may appeal such decision to the parish council by filing with the impact fee administrator, within ten days of the date of the written decision, a written notice stating and specifying briefly the grounds of the appeal. The impact fee administrator shall place such appeal on the council's agenda. The council, after a hearing, shall affirm or reverse the decision of the impact fee administrator based on the standards in this section. If the parish council reverses the decision of the impact fee administrator, it shall direct the administrator to readjust the refund in accordance with its findings. In no case shall the council have the authority to negotiate the amount of the refund. The decision of the parish council shall be final.

(Code 1998, § 2-009.00(B)IV.J; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013)

Sec. 2-779. - Periodic review.

At least once every five years, the impact fee administrator shall recommend to the parish council whether any changes should be made to the road impact fee study or the drainage impact fee study and the ordinance codified herein. The purpose of this review is to analyze the effects of inflation on actual costs, to assess potential changes in needs, to assess any changes in the characteristics of land uses, and to ensure that the road and drainage impact fees will not exceed a proportionate share of the costs attributable to new development.

(Code 1998, § 2-009.00(B)IV.K; Ord. No. 04-0990, 11-4-2004; Ord. No. 05-1038, 1-6-2005; Ord. No. 05-1069, 3-3-2005; Ord. No. 06-1369, 9-7-2006; Ord. No. 13-2876, 1-3-2013)

Secs. 2-780—2-796. - Reserved.