

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Enrolled

Senate Bill 530

By Senators Rucker and Karnes

[Passed March 7, 2024; in effect 90 days from
passage]

1 AN ACT to amend and reenact §7-20-6 of the Code of West Virginia, 1931, as amended, relating
2 to removing the requirement for counties to draft and adopt comprehensive zoning
3 ordinances.

Be it enacted by the Legislature of West Virginia:

ARTICLE 20. FEES AND EXPENDITURES FOR COUNTY DEVELOPMENT.

§7-20-6. Criteria and requirements necessary to implement collection of fees.

1 (a) As a prerequisite to authorizing counties to levy impact fees related to population
2 growth and public service needs, counties shall meet the following requirements:

3 (1) A demonstration that population growth rate history as determined from the most recent
4 base decennial census counts of a county, utilizing generally approved standard statistical
5 estimate procedures, in excess of one percent annually averaged over a five-year period since the
6 last decennial census count; or a demonstration that a total population growth rate projection of
7 one percent per annum for an ensuing five-year period, based on standard statistical estimate
8 procedures, from the current official population estimate of the county;

9 (2) Adopting a countywide comprehensive plan;

10 (3) Reviewing and updating any comprehensive plan at no less than five-year intervals;

11 (4) Drafting and adopting a subdivision control ordinance;

12 (5) Keeping in place a formal building permit and review system which provides a process
13 to regulate the authorization of applications relating to construction or structural modification. The
14 county shall adopt, pursuant to §7-1-3n of this code, the state building code into any such building
15 permit and review system; and

16 (6) Providing an improvement program which shall include:

17 (A) Developing and maintaining a list within the county of particular sites with development
18 potential;

19 (B) Developing and maintaining standards of service for capital improvements which are
20 fully or partially funded with revenues collected from impact fees; and

21 (C) Lists of proposed capital improvements from all areas, containing descriptions of any
22 such proposed capital improvements, cost estimates, projected time frames for constructing such
23 improvements and proposed or anticipated funding sources.

24 (b) Capital improvement programs may include provisions to provide for the expenditure of
25 impact fees for any legitimate county purpose. This may include the expenditure of fees for partial
26 funding of any particular capital improvement where other funding exists from any source other
27 than the county or exists in combination with other funds available to the county: *Provided*, That for
28 such expenditures to be considered legitimate, no county or other local authority may deny or
29 withhold any reasonable benefit that may be derived therefrom from any development project for
30 which such impact fee or fees have been paid.

31 (c) Capital improvement programs for public elementary and secondary school facilities
32 may include provisions to spend impact fees based on a computation related to the following: (1)
33 The existing local tax base; and (2) the adjusted value of accumulated infrastructure investment,
34 based on net depreciation, and any remaining debt owed thereon. Any such computation must
35 establish the value of any equity shares in the net worth of an impacted school system facility,
36 regardless of the existence of any need to expand such facility. Impact fee revenues may only be
37 used for capital replacement or expansion.

38 (d) Additional development areas may be added to any plan or capital improvements
39 program provided for hereunder if a county government so desires. The standards governing the
40 construction or structural modification for any such additional area shall not deviate from those
41 adopted and maintained at the time such addition is made.

42 (e) The county may modify annually any capital improvements plan in addition to any
43 impact fee rates based thereon, pursuant to the following:

44 (1) The number and extent of development projects begun in the past year;

45 (2) The number and extent of public facilities existing or under construction;

46 (3) The changing needs of the general population;

47 (4) The availability of any other funding sources; and

48 (5) Any other relevant and significant factor applicable to a legitimate goal or goals of any

49 such capital improvement plan.