

NOTICE TO THE CITIZENS OF THE TOWN OF ST. ALBANS

You are hereby notified that on Wednesday January 23 2019, the Selectboard of the Town of St. Albans adopted an updated Capital Facilities and Equipment Impact Fee Ordinance. The purpose of the ordinance is to regulate the use and development of land in the Town of St. Albans, Franklin County, Vermont. This ordinance supersedes any and all previous ordinances of the same subject adopted by the Selectboard of the Town of St. Albans.

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The full text of the ordinance may be examined at the Planning office at the Town Hall of the Town of St. Albans. Please contact Rebecca Perron or Ned Connell for more information or to answer questions about this ordinance.

You are further notified that you may present to the Selectmen or the Town Clerk of the Town of St. Albans a petition signed by not less than five percent (5%) of the qualified voters of the Town of St. Albans within forty-five (45) days of the date of adoption, which was Wednesday January 23 2019, to vote at a special meeting on the question of disapproving this ordinance.

CAPITAL FACILITIES AND EQUIPMENT IMPACT FEE ORDINANCE

An ordinance relating to the regulation of the use and development of land in the Town of St. Albans, Franklin County, Vermont; imposing an impact fee on land development in the Town of St. Albans for providing capital facilities and equipment for each of the Town's cost centers: Fire and Public Safety; Transportation and Road Equipment; General Administration; Public Works; Library; and Parks and Recreation, stating findings that capital facilities and equipment are necessitated by that new development; state the authority for adopting of the ordinance; providing definitions; providing findings and declaration of the Selectboard of the Town of St. Albans; providing for the payment and time of payment of all impact fees; providing for review of all impact fees and the fee schedules; providing for the placement of revenue collected from each impact fee into separate impact fee exemptions, credits, and discounts; providing for refund of unexpended funds; providing for use of funds derived from all impact fees; providing that all impact fees may be pledged toward payment of bond issues and or similar debt instruments; providing for penalties for violating of this ordinance; providing for severability; and, providing an effective date.

Be it ordained by the Selectboard of the Town of St. Albans, Franklin County, Vermont.

Section One: Legislative Findings

The Selectboard of the Town of St. Albans finds, determines, and declares that:

1. The Town of St. Albans must expand its capital facilities and equipment in each of these cost centers: Fire Safety; Public Administration and General Government Facilities; Library; Parks and Recreation; and, Transportation in order to maintain the current service standards for each cost center as new development is to be accommodated without decreasing the actual service standards within each cost center. This must be done in order to promote and protect the public health, safety, and welfare.
2. The Vermont State Legislature through the enactment in 1988 and with subsequent revisions of 24 V.S.A. Chapter 117, Section (a)(3)(A) and 24 V.S.A. Chapter 131, Section 5203 (a) has enabled the Selectboard of the Town of St. Albans to enact impact fees.
3. The imposition of impact fees is a preferred method of ensuring that new development bears a proportionate share of the installation/construction cost of capital facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety, and welfare.
4. Each of the types of land development described in Section Seven hereof, will create demand for the acquisition of equipment, the expansion of related capital facilities, and the construction of capital facilities for each of the cost centers.
5. The fees established by Section Seven are derived from, are based upon, and do not exceed the costs of providing the proportionate share of the cost of equipment, the expansion of related facilities, and the construction of additional capital facilities necessitated by the new land developments for which the fees are levied.
6. The report entitled *Town of St. Albans Impact Fee Studies* dated October 30 2018, sets forth a reasonable methodology and the associated analyses for the determination of the impact of new development on the need for and costs of additional equipment and facilities for each of the cost centers in the Town of St. Albans.

7. The ordinance adopted herein replaces all prior ordinances relating to impact fees adopted by the Town of St. Albans as of the effective date per Section Eighteen.

Section Two: Short Title, Authority and Applicability

1. This ordinance shall be known and may be cited as the “Town of St. Albans Impact Fee Ordinance”.
2. The Selectboard of the Town of St. Albans, Franklin County, Vermont has the authority to adopt this ordinance pursuant to 24 V.S.A. Chapter 117, Section 4302 (a)(3)(A) and 24 V.S.A. Chapter 131, Section 5202 (a).
3. This ordinance shall apply in the Town of St. Albans to the extent permitted by 24 V.S.A. Chapter 117, Section 4302 (a)(3)(A) and 24 V.S.A. Chapter 131, Section 5202 (a).

Section Three: Intents and Purposes

1. This ordinance is intended to assist in the implementation of the Town Plan and the Capital Improvement Program.
2. The purpose of this ordinance is to regulate the use and development of land, so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary for each cost center to provide and maintain current service standards for public services in the Town of St. Albans.

Section Four: Rules of Construction

1. The provisions of this ordinance shall be liberally construed, so as to effectively carry out its purpose in the interest of the public health, safety, and welfare.
2. For the purpose of administration and enforcement of this ordinance, unless otherwise stated in this ordinance, the following rules of construction shall apply to the text of this ordinance:
 - a) In case of any difference of meaning or implication between the text of this ordinance and any caption, illustration, summary table, or illustrative table, the text herein shall control.
 - b) The word “shall” is always mandatory and not discretionary; the word “may” is permissive.
 - c) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
 - d) The phrase “used for” includes “arranged for”, “designed for”, “maintained for”, or “occupied for”.
 - e) The word “person” includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
 - f) Unless the context clearly indicates the contrary, where a regulation involves two (2) or more items, conditions, provisions, or events connected by the conjunction “and”, “or” or “either...or”, the conjunction shall be interpreted as follows:
 - 1) “And” indicates that all the connected terms, conditions, provisions, or events shall apply.
 - 2) “Or” indicates that the connected items, conditions, provisions, or events may apply individually or in combination.

- 3) "Either...or" indicates that the connected items, conditions, provisions, or events shall apply individually but not in combination.
- 4) The word "includes" shall not limit a term to the like kind specific examples and is intended to extend its meaning to all other instances or circumstances of.
- 5) "the Town Manager" means the Town officials or representatives that the Selectboard may designate to carry out the administration of this ordinance.

Section Five: Definitions

- A "Feepayer" is any person applying for the issuance of a building permit or building permit for the development of a mobile home installation site.
- A "Capital Improvement" includes planning, land acquisition, off-site improvements associated with new or expanded facilities site improvements, buildings, equipment improvement and equipment for each of the cost centers, but excludes maintenance and operation.
- A "Building Permit" means an official document or certification which is issued by the appropriate building official of the Town of St. Albans and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure. The meaning shall extend to permits for residential mobile home installation. In the case of a change in use or occupancy of an existing building or structure, the term shall specifically include Certificate of Compliance and Occupancy Permits, as those are defined or required by Town Ordinance.
- A "Dwelling Unit (DU)" is any structure utilized for or designed for or intended to be utilized for human habitation whether seasonally or year-round, including lodging establishments, assisted living, and skilled nursing facilities as those terms are defined or applied in the Town of St. Albans Unified Development Bylaws or as those terms are used and commonly applied in practice in the Town of St. Albans.
- "Capital Equipment" is equipment or machinery with an expected useful life span of three (3) years or more.
- "Capital Facilities" includes capital facilities improvements planning, preliminary engineering, engineering design studies, impact analyses, land survey, rights-of-way acquisition, land acquisition, and all necessary features for a project or projects.
- "Independent Fee Calculation Study" means the demographic, economic, or other appropriate analysis documenting the impact of development prepared by a feepayer to allow the determination of an impact fee other than by the use of tables in Section Seven of this ordinance.

Section Six: Imposition of Impact Fees

- A) Any person who, after the effective date of this ordinance, seeks to develop land within the Town of St. Albans, by applying for; a building permit for a residential building; for an extension of a building permit issued prior to that date; a permit for residential mobile home installation; an extension of a building permit for the development of a mobile home installation site prior to that date; or an improvement to land or buildings which may reasonably be expected to increase the demand for the public services provided by the cost centers is hereby

required to pay impact fees for each cost center in the manner and amount set forth in this ordinance.

- B) No new residential building permit or new permit for residential mobile home installation for any activity requiring payment of an impact fee pursuant to Section Seven of this ordinance shall be issued unless and until all impact fees hereby required have been paid in full.
- C) No extension of a residential building permit or permit for residential mobile home installation issued prior to the effective date of this ordinance for any activity requiring payment of an impact fee pursuant to Section Seven of this ordinance shall be granted unless and until all impact fees hereby required have been paid in full.

Section Seven: Fee schedule for each cost center

The following fees are the net fees for each year for each housing unit. The two categories include Single Family and Multi-Family units. These tables summarize the net fee charged based on the year that the permit will be granted. These tables have been developed as of the date of this ordinance was adopted on Wednesday January 23 2019.

As per Section Fourteen, these fees may be subject to annual escalation using adjustments from the Consumer Price Index.

Public Administration and General Government Facilities (Section 3.0 of Impact Fee Study report)

YEAR	SINGLE FAMILY DWELLINGS				MULTIPLE FAMILY DWELLINGS			
	Base Fee	Credit for Past taxes	Credit for Future taxes	Net Fee	Base Fee	Credit for Past taxes	Credit for Future taxes	Net Fee
2018	\$664.06	\$0.00	\$284.60	\$379.46	\$557.81	\$0.00	\$234.17	\$323.64
2019	\$664.06	\$0.00	\$298.83	\$365.23	\$557.81	\$0.00	\$245.88	\$311.93
2020	\$664.06	\$0.84	\$271.86	\$391.36	\$557.81	\$0.42	\$223.70	\$333.69
2021	\$664.06	\$1.71	\$244.37	\$417.98	\$557.81	\$0.85	\$201.08	\$355.88
2022	\$664.06	\$2.60	\$216.31	\$445.15	\$557.81	\$1.30	\$177.99	\$378.52
2023	\$664.06	\$3.52	\$187.64	\$472.90	\$557.81	\$1.76	\$154.40	\$401.65
2024	\$664.06	\$4.47	\$158.31	\$501.28	\$557.81	\$2.24	\$130.26	\$425.31
2025	\$664.06	\$5.46	\$128.27	\$530.33	\$557.81	\$2.73	\$105.54	\$449.54
2026	\$664.06	\$6.48	\$97.47	\$560.11	\$557.81	\$3.24	\$80.20	\$474.37
2027	\$664.06	\$7.53	\$65.87	\$590.66	\$557.81	\$3.77	\$54.20	\$499.85
2028	\$664.06	\$8.63	\$33.39	\$622.04	\$557.81	\$4.31	\$27.48	\$526.02

Public Works (Section 4.0 of Impact Fee Study report)

YEAR	SINGLE FAMILY DWELLINGS				MULTIPLE FAMILY DWELLINGS			
	Base Fee	Credit for Past taxes	Credit for Future taxes	Net Fee	Base Fee	Credit for Past taxes	Credit for Future taxes	Net Fee
2018	\$1,231.16	\$0.00	\$363.52	\$867.64	\$1,034.18	\$0.00	\$299.11	\$735.07
2019	\$1,231.16	\$0.00	\$381.70	\$849.46	\$1,034.18	\$0.00	\$314.07	\$720.11
2020	\$1,231.16	\$1.07	\$347.25	\$882.83	\$1,034.18	\$0.54	\$285.73	\$747.92
2021	\$1,231.16	\$2.18	\$312.14	\$916.84	\$1,034.18	\$1.09	\$256.84	\$776.25
2022	\$1,231.16	\$3.32	\$276.30	\$951.54	\$1,034.18	\$1.66	\$227.35	\$805.17
2023	\$1,231.16	\$4.50	\$239.68	\$986.99	\$1,034.18	\$2.25	\$197.21	\$834.72
2024	\$1,231.16	\$5.71	\$202.21	\$1,023.23	\$1,034.18	\$2.86	\$166.38	\$864.94
2025	\$1,231.16	\$6.97	\$163.84	\$1,060.35	\$1,034.18	\$3.49	\$134.81	\$895.88
2026	\$1,231.16	\$8.27	\$124.50	\$1,098.38	\$1,034.18	\$4.14	\$102.45	\$927.60
2027	\$1,231.16	\$9.62	\$84.13	\$1,137.41	\$1,034.18	\$4.81	\$69.23	\$960.14
2028	\$1,231.16	\$11.02	\$42.66	\$1,177.49	\$1,034.18	\$5.51	\$35.10	\$993.57

Parks and Recreation (Section 5.0 of Impact Fee Study report)

RECREATION CAPITAL IMPACT FEE TOTAL	IMPACT FEE PER HOUSEHOLD
Net Impact Fee Single Family HH	\$280.74
Net impact fee Multi-Family HH	\$236.40

Fire (Section 6.0 of Impact Fee Study report)

FIRE CAPITAL IMPACT FEE TOTAL	IMPACT FEE PER HOUSEHOLD
Net Impact fee Single Family HH	\$328.95
Net impact fee Multi-Family HH	\$276.43

Library (Section 7.0 of Impact Fee Study report)

LIBRARY CAPITAL IMPACT FEE TOTAL	IMPACT FEE PER HOUSEHOLD
Net Impact fee Single Family HH	\$343.72
Net impact fee Multi-Family HH	\$288.73

Transportation (Section 8.0 of Impact Fee Study report)

TRANSPORTATION CAPITAL IMPACT FEE TOTAL	IMPACT FEE PER HOUSEHOLD
Net Impact fee Single Family HH	\$281.44
Net impact fee Multi-Family HH	\$217.09

Example of impact fees to be paid by a single family dwelling in 2019

Cost Center	2019 Impact fees for a single family dwelling
Public & General Government (facilities and buildings)	\$365.23
Public Works (garages, buildings, and equipment)	\$849.46
Parks & Recreation	\$280.74
Fire	\$328.95
Library	\$343.72
Transportation (roads, bridges, and culverts)	\$281.44
Total	\$2,449.54

Section Eight: Alternative impact fee schedule

1. If a feepayer opts not to have the impact fee determined according to Section Seven and the feepayer chooses to submit an independent fee calculation, the Town shall in no way bear the cost of such a calculating, and the Town shall receive, not less than \$250 as payment, and may assess the feepayer all of the extraordinary administrative cost for each and every review of an independent fee calculation submitted to the Selectboard.
2. If a feepayer opts not to have the impact fee determined according to Section Seven, then the feepayer shall prepare and submit to the Zoning Administrator an independent fee calculation study for the land development activity for which a building permit or building permit for the development of a mobile home installation site is sought. The independent fee calculation study shall conform to acceptable professional practices and the demographic and economic documentation shall show both the method and basis upon which the independent fee calculation was made.
3. Independent fee calculation studies shall be prepared and presented by professionals qualified in a field appropriate to the requisite methodology used in the independent fee calculation studies. The Selectboard shall consider the documentation submitted by the feepayer, but is not required to accept such documentation as the Selectboard shall reasonably deem it to be inaccurate or not reliable and may, in the alternative, require the feepayer to submit additional or different documentation for consideration.
4. If an acceptable independent fee calculation study is not presented, the feepayer shall pay all impact fees based upon the schedules shown in Section Seven. The Selectboard shall render a written finding within twenty-one (21) days of the final presentation. Deliberations of the Selectboard may be made in Executive Session.

Section Nine: Payment of Fee

1. Payment of impact fees levied under this chapter shall be required by the Zoning department prior to issuance of any building/zoning permit under the Town of St. Albans Unified Development Bylaws.
2. The Zoning Administrator shall not issue any building/zoning permit for the construction of such development without first receiving payment of the required fees and confirmation from the Treasurer. The fees shall be payable to the "Town of St. Albans".
3. All funds collected shall be properly identified as impact fees and promptly transferred for deposit in the appropriate Impact Fee Trust Fund to be accounted for separately for each cost center as determined in Section Seven of this ordinance and used solely for the purposes specified in this ordinance.

Section Ten: Impact fee trust funds established

1. There is hereby continued the previously created Impact Fee Trust Fund.
2. There are hereby established six (6) separate interest bearing accounts within the Impact Fee Trust Fund, one for each of the cost centers as identified in Section One of this ordinance.
3. The Selectboard hereby authorizes the Treasurer to transfer all impact fee balances to the appropriate impact fee fund for the cost centers defined in Section One.
4. At least once each fiscal year the Town Manager and or Treasurer shall prepare an annual accounting of all fees paid into and withdrawn from each account, showing the source and amounts collected, and the amounts expended and the projects for which such expenditures were made.
5. The Treasurer or designee shall maintain a register for this account, indicating the date of payment of each fee, the amount paid, and the name of the payer.
6. Funds withdrawn from these accounts must be used in accordance with the provisions of Section Eleven of this ordinance.

Section Eleven: Use of Funds

1. The Selectboard of the Town of St. Albans hereby agrees to ensure proper use of the funds collected pursuant to this ordinance.
2. All impact fees collected pursuant to this ordinance, and accrued interest, shall be expended only for the specifically identified cost center which were the basis for the fees. Such fees and accrued interest shall be expended within six (6) years of the date they are received by the Treasurer.

3. The Treasurer shall pay, from the appropriate account, expenses associated with the designated projects as they become due and upon receipt of appropriate documentation regarding such expense.
4. Funds may be sued to provide refunds as described in Section Twelve.
5. The Town of St. Albans shall be entitled to assess and retain not more than ten percent (10%) of the funds collected as compensation for the expense of collecting these fees and administering this ordinance.

Section Twelve: Refund of Fees Paid

1. If a residential building permit or permit for residential mobile home installation expires without commencement of construction, then the feepayer shall be entitled to a refund, without interest, of the impact fee paid as a condition for its issuance except that the Town shall retain ten percent (10%) of the fee to offset a portion of the costs of collection and refund. The feepayer must submit written application for such a refund to the Zoning Administrator and Treasurer of the Town of St. Albans within 30 days of the expiration of the permit.
2. If the actual expense to the town of the projects funded at least in part by impact fees is less than anticipated in the analysis on which the fees were based, the Town shall refund to the then owner of the property for which the fee was paid, that portion of any impact fee, without interest, which is in excess of the appropriate amount due to the town. The Town shall provide this refund within one (1) year of the date it completes or terminates construction of the project(s).
3. Any funds not expended and or encumbered by the end of the calendar quarter immediately following six (6) years from the date the impact fee was paid shall, upon application of the feepayer with a receipt for payment of impact fees, be returned to the feepayer, provided that the feepayer submits an application for a refund to the Town Clerk/Treasurer of the Town of St. Albans within 365 days of the expiration of the six year period.
4. A person who receives a refund under this provision shall not commence construction of the development for which the refund was made without having again completed a new application and received a new zoning permit and paid the required impact fee.

Section Thirteen: Exemptions, Credits, and Discounts

1. The following shall be exempted from payment of one or all impact fees as appropriate:
 - a) Alterations or expansion of an existing building where no additional residential units are created and where the use is not changed.
 - b) The replacement of a destroyed or partially destroyed building or structure with a new building or structure with a new building or structure of the same size and use.
 - c) The installation of a replacement mobile home on a lot or other such site when impact fees for such mobile home site has previously been paid pursuant to this ordinance or where a mobile home legally existed on such a site on or prior to the original 1988 effective date of this ordinance.
 - d) The construction of any non-residential building or structure or the installation of a non-residential mobile home.
 - e) In accordance with the provisions of 24 V.S.A. Section 5205, the Selectboard may waive all

or part of the impact fees levied under this chapter for developments which advance policies or objectives clearly stated in the duly adopted Town Plan in effect at the time.

Any claims of exemption must be made no later than the time of application for a building permit or building permit for the development of mobile home installation site. Any claim not so made shall be deemed waived and void.

2. Credits:

a) Land and or capital improvements for any cost center may be offered by the feepayer as total or partial payment, in lieu of cash, of the required impact fee for that cost center. The offer must specifically request or provide for an impact fee credit for each and every cost center for which the feepayer proposes to provide improvements. If the Zoning Administrator receives such offer(s) and the offer(s) is(are) approved by the Selectboard such offer(s) whether the acceptance is before or after the effective date of this ordinance, the credit shall be determined and provided in the following manner:

1) Credit for the dedication of land shall be valued at: (i) 100% of the most recent assessed value by the Town of St. Albans Property Appraiser or Lister, or (ii) by such other appropriate method as the Selectboard of the Town of St. Albans may have accepted prior to the effective date of this ordinance for the particular cost center(s) in question(s), or (iii) by fair market value established by private appraisers acceptable to the Town. Credit for the dedication of land shall be provided when the property has been conveyed at no charge and accepted by the Town in a manner satisfactory to the Selectboard of the Town of St. Albans.

2) Applicants for credit for construction of facilities or improvements to existing facilities for a cost center shall submit acceptable engineering drawings and specifications, and construction cost estimates to the Zoning Administrator. The Zoning Administrator shall determine credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates, if the Zoning Administrator determines that such estimates submitted by the applicant are either unreliable or inaccurate. The Zoning Administrator shall upon the approval of the Selectboard provide the applicant with a letter of certificate setting forth the dollar amount of the credit, the reason for the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the terms of the letter or certificate and return such signed document to the Zoning Administrator before credit will be given. The failure of the applicant to sign, date, and return such document within sixty (60) days shall nullify the credit.

3) Applicants for credit for non-site related equipment and or other associated facilities and improvements to facilities shall provide model numbers, specifications, cost estimates, and any other identifying information to the Zoning Administrator. The Zoning Administrator shall determine credits for each cost center's equipment and or other associated facilities and improvements to facilities based upon either these cost estimates or upon alternative cost estimates if the Zoning Administrator determines that such estimates submitted by the applicant are either unreliable or inaccurate. The Zoning Administrator shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, reasons for the credit, and the legal description or other adequate description of the equipment or facilities. The applicant must sign and date a duplicate copy of such letter or certificate indicating his/her agreement to the

terms of the letter or certificate and return such signed document to the Zoning Administrator before credit will be given. The failure of the applicant to sign, date, and return such document within sixty (60) days shall nullify the credit.

4) Except as provided below in subparagraph (5), credit against impact fees otherwise due will not be provided until: (i) the construction is completed and accepted by the Town, or (ii) a title, deed, or other appropriate document of ownership is properly conveyed to the Town of St. Albans, or (iii) a suitable maintenance and warranty bond is received and approved by the Selectboard when applicable.

5) Credit may be provided before completion of specified capital improvements if adequate assurances are given by the applicant that the standards set out above in subparagraph (2) will be met and if the feepayer posts security as provided below for the costs of such construction. Security in the form of a performance bond, irrevocable letter of credit, or escrow agreement shall be posted with and approved by the Clerk of the Courts of Franklin County in an amount determined by the Zoning Administrator. If the capital construction project will not be constructed within one (1) year of the acceptance of the offer by the Zoning Administrator, the amount of the security shall be increased by ten percent (10%) compounded, for each year of the life of the security. The security shall be reviewed and approved by the Selectboard prior to acceptance of the security by the Clerk of the Courts of Franklin County. If the capital construction project is not to be completed within one (1) year of the date of the feepayer's offer, the Selectboard must approve the capital construction project and its scheduled completion date prior to the acceptance of the offer by the Zoning Administrator.

1. Any claim for credit must be made no later than the time of application for a building permit or permit for mobile home installation. Any claim not so made shall be deemed waived and void.
2. Credits shall not be transferable from one project or development to another without the approval of the Selectboard.
3. There shall be no credit given for improvements or construction outside of the Town of St. Albans against fees due hereunder.

B. Special Provisions Permitting the Discounting of Impact Fees for Affordable Housing:

1. Pursuant to 24 V.S.A. Chapter 117, Section 4302 (a)(E) Goal 1 and 24 V.S.A. Chapter 131, Section 5205, the Selectboard of the Town of St. Albans may grant a partial or total discount of impact fee to new development provided the developer:
 - a) Makes a specific request for such a discount subject to the provisions contained in this ordinance.
 - b) Protects and provides, in perpetuity, through deed restriction, covenants, and or other accepted legal mechanism that all affordable housing units shall not exceed the eligibility criteria established by the Vermont Housing Finance Agency for affordability of housing in Franklin County.
 - c) Provides a written guarantee that any and all new development granted a discount of the impact fees shall be publicly offered for sale or rent and such that it meets all eligibility criteria establish by the Vermont Housing Finance Agency for affordability of housing in Franklin County.

Section Fourteen: Review and Escalation

The fee schedule in Section Seven may be annually reviewed by the Selectboard of the Town of St. Albans.

The Selectboard shall determine if the impact fee(s) shall be increased by an annual escalation to account for inflation and cost increases in the anticipated capital expenditures. The fee escalation amount shall be informed by local conditions as well as the national Bureau of Labor Statistics (<https://www.bls.gov/>). The Consumer Price Index, (BLS Table 1) shall be used to provide the annual escalation factor.

Section Fifteen: Penalty Provision

1. A violation of this ordinance shall be prosecuted pursuant to 24 V.S.A. Sections 1972-1974.
2. In addition to the enforcement procedures set forth above, the Town Manager or designee is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

Section Sixteen: Appeals

1. An individual or entity required to pay an impact fee under this chapter may challenge the imposition of such fee or the amount of the fee, by filing a written notice of appeal with the Town of St. Albans Treasurer, which appeal shall not be filed later than thirty (30) days after payment of the impact fee. Said notice of appeal shall state the basis of the appellant's challenge to the fee. Within sixty (60) days of the filing of a notice of appeal, the Selectboard shall hold a public hearing to receive oral and written evidence and argument from the appellant and town representatives.
2. Within forty-five (45) days after the conclusion of the hearing, the Selectboard shall notify the appellant of its decision, in writing.

Section Seventeen: Severability

If any section, phrase, sentence, or portion of this is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section Eighteen: Effective Date

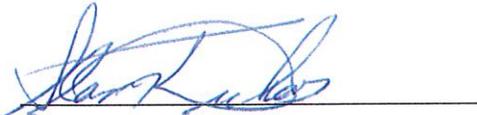
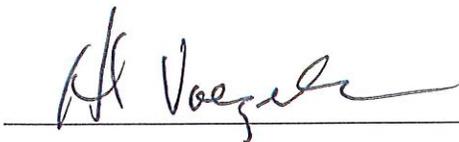
This ordinance shall become effective 60 days after passage by the Town of St. Albans Selectboard.

Passed and duly adopted on Wednesday January 23 2019.

Attest:


Town Clerk

Selectboard of the Town of St. Albans, Franklin County, Vermont



ST. ALBANS TOWN CLERK'S OFFICE
RECEIVED FOR RECORD / DISCHARGE
at March 29 A.D. 2019
at 10 o'clock 52 minutes A M.
and recorded in Book 0822 Pages 164-176
Attest: Watson Asst. Town Clerk