

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 4779**

By Delegates Hite, Chiarelli, Hillenbrand, Willis, Kump  
and Hornby

[Introduced January 16, 2024; Referred  
to the Committee on the Political Subdivisions then  
Government Organization]

1 A BILL to amend and reenact §7-20-6 of the Code of West Virginia, 1931, as amended; relating to  
2 removing the requirement for counties draft and adopt comprehensive zoning 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 comprehensive zoning ordinance;~~

12 ~~(4)(5) Drafting and adopting a subdivision control ordinance;~~

13 ~~(5)(6) Keeping in place a formal building permit and review system which provides a~~  
14 ~~process to regulate the authorization of applications relating to construction or structural~~  
15 ~~modification. The county shall adopt, pursuant to section three-n, article one of this chapter, the~~  
16 ~~state building code into any such building permit and review system; and~~

17 ~~(6)(7) Providing an improvement program which shall include:~~

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

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

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

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

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

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

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

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

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

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

- 48 (4) The availability of any other funding sources; and
- 49 (5) Any other relevant and significant factor applicable to a legitimate goal or goals of any
- 50 such capital improvement plan.

NOTE: The purpose of this bill is to remove the requirement for a county to draft and adopt comprehensive zoning ordinances.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.