

## Chapter 44

### School Impact Fees

This chapter establishes a school impact fee that must be paid by most residential development projects.

#### 44.1. Purpose – Authority - Repeal

**44.1.1 Why does Williston charge a school impact fee?** The 2016-2024 Comprehensive Plan (see Chapter 10) and other plans and studies prepared for the town make it clear that numerous improvements to both Williston Schools (K-8) and Williston’s share of improvements to Champlain Valley Union High School (9-12) are needed to serve Williston’s anticipated population growth. This chapter establishes a school impact fee to help pay for those improvements and, specifically, to ensure that new residents bear a fair portion of the costs of those improvements.

**44.1.2 Does the town have the authority to impose impact fees?** Yes. 24 V.S.A. § 5200, et seq. gives Vermont municipalities the authority to charge school (and other) impact fees.

**44.1.3 Does this chapter replace the school impact fee Williston has been charging?** Yes. Adoption of this chapter repeals Section 3-A and Table S-6 of the *Williston Impact Fee Ordinance*, which was first adopted on November 29, 2001, and last amended on July 17, 2003.

**44.1.4 Can the Selectboard waive this impact fee for certain types of development?** Yes. 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 may vote to grant a partial or total discount of this impact fee to new development provided the developer:

- Is a community land trust, housing trust, or other nonprofit that provides or will provide affordable housing AND
- Provides evidence and written guarantee that new development shall be perpetually affordable for owners or renters making 80% or less than the Area Median Income (AMI) for the Burlington-South Burlington Metropolitan Statistical Area, as established annually by the US Department of Housing and Urban Development, by household size. AND
- To be “affordable”, the proposed housing must meet the following criteria:
  - Homes for sale must be sold to buyers whose total housing obligation (principal and interest repayments, taxes, hazard insurance, and mortgage insurance) does not exceed 30% of the buyer’s household income. The buyer’s total household income cannot exceed 80% of the area median income for the Burlington-South Burlington Metropolitan Statistical Area, as established annually by the US Department of Housing and Urban Development, by household size.
  - Rental units must be rented to households with incomes not exceeding 80% of the area median income for the Burlington-South Burlington Metropolitan Statistical Area, as established annually by the US Department of Housing and Urban Development, by household size, and rents must not exceed 30% of household income.

## 44.2 Payment - Calculation

**44.2.1 Who must pay the school impact fee?** Any development that results in an increase in the number of dwelling units must pay a school impact fee.

**44.2.2 When must the school impact fee be paid?** Payment of the school impact fee required by WDB 45.2.1 must accompany the application for the administrative permit that will allow work to begin on the proposed dwellings that will generate the additional population for which the fee is owed. Impact fee payments, like all other permit fees, will be made to the Town Clerk, based on a calculation provided by Williston Planning.

**44.2.3 Can one prepay school impact fees in order to avoid possible increases in these fees?** No. As provided in WDB 45.2.3, school impact fees may be paid only at the time an application for an administrative permit is filed.

**44.2.4 How was the school impact fee calculated?** The school impact fee was calculated based on a study entitled *School Impact Fee Analysis, Williston Vermont* prepared by Michael J. Munson, June 1, 2012. See Appendix I for an explanation of how the school impact fee was established.

**44.2.5 So, how much do I owe?** The school impact fees are:

44.2.5.1 Single Household Dwellings. The combined net school impact fee for each single-household dwelling for Fiscal Years 2012 through 2024 is listed in Table 44.A and varies from year to year.

44.2.5.2 Multiple Household Dwellings/Condominiums. The combined net school impact fee for each single-family dwelling for Fiscal Years 2012 through 2024 is listed in Table 44.A and varies from year to year.

**44.2.6 Are there lower school impact fees for affordable housing?** As provided under WDB 44.1.4.

**44.3 Use of the Fees.** School impact fees will be used to pay for the bonds used to finance the construction of the Allen Brook School in 1997, and the bonds used to finance the renovations to the Champlain Valley Union High School in 2005/6. School impact fees may not be used for other purposes, except that they may be used to support the update and revision of this chapter.

## 44.4 Management of the Fees

**44.4.1 How will I know that the school impact fees I paid were used for the projects listed in WDB 45.3?**

44.4.1.1 Separate Account. School impact fees will be placed in a separate interest bearing account: the "Williston School Impact Fee Account." The Town Manager will maintain a ledger for this account which indicates the date of payment of each fee, the amount paid, the name of the payer, and the date that the fee collected was spent on one or more of the school improvement projects listed in Table 44.A.

44.4.1.2 Annual Report. Once each year, the Town Manager shall prepare and submit to the Selectboard and Planning Commission an annual accounting of all fees paid into and withdrawn from the Williston School Impact Fee Account. This report shall show the amount

collected and their source, the amounts expended, and the projects for which expenditures were made.

**44.4.2 What happens if the town does not use the impact fee I paid in a timely fashion?** If the town does not expend an impact fee within six years of the date it is collected, the owner of the property at the end of the six-year time period may apply for and receive a refund of that fee. The request for a refund must be filed in writing within one year after the expiration of the six-year time period.

**44.4.3 What happens if the costs of the improvements supported by impact fees turn out to be less than estimated?** As provided by 24 V.S.A. § 5302(d), if the actual expense of the projects funded by the impact fees established in this chapter is less than anticipated in the *School Impact Fee Analysis*, the town will, upon request by the then owner of the property for which a fee was paid, refund that portion of the fee paid, with accrued interest, that was in excess of the amount that should have been charged. A request for this type of refund must be filed within one year of the completion of the last of the projects listed in Table 45.A.

**44.4.4 Suppose I paid an impact fee, and then decided not to build. Can I get a refund?** Anyone who pays a school impact fee may request and receive a refund of that fee if the proposed development was never begun. Where such a refund is requested, the approved administrative permit will be voided and accrued interest will be retained to offset the town's administrative expenses. A new administrative permit, and if necessary, a new discretionary permit, and payment of all required fees, including the school impact fee, will be required before any development activity is permitted on the site.

## 44.5 Appeals

**44.5.1 Is it possible to appeal an impact fee?** Yes. As required by 24 V.S.A. § 5203(f), anyone who must pay a school impact fee may challenge the imposition of that fee or the amount of the fee by filing a written notice of appeal with the Town Clerk. The notice of appeal must be filed within thirty days after payment of the impact fee (the fee must be paid before an appeal can be filed) and must state the basis of the appeal as required by WDB 45.6.3,

**44.5.2 Will there be a hearing on an appeal?** Yes. Within sixty (60) days after 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, staff, and other interested parties.

**44.5.3 On what basis could the Selectboard overturn the imposition of an impact fee and provide a refund?** The Selectboard's first concern in hearing a request to avoid the payment of impact fees must be equal treatment of all applicants. The appellant must, therefore, clearly demonstrate that it should not pay the fee, or pay a reduced fee, because its circumstances are unique, not shared by other applicants, and not adequately foreseen in the town's determination of the school impact fees adopted in this chapter.

**44.5.4 How will notice of the Selectboard's decision be reported?** The Selectboard will provide the appellant with a written notice of its decision within forty-five (45) days after the end of the hearing. If that decision is to overturn the imposition of the fee, the notice of decision will be accompanied by a refund check.

**TABLE 44.A**  
**COMBINED NET IMPACT FEES FOR EDUCATION FACILITIES**  
**Per Dwelling Unit**

Fiscal Year	Net Fees for K-8 facilities		Net Fees for 9-12 facilities		Combined Net Impact Fees	
	Single household	Multi-household	Single household	Multi-household	Single household	Multi-household
2015	\$7,148.21	\$2,473.14	\$4,061.18	\$1,381.45	<b>\$11,209.39</b>	<b>\$3,854.59</b>
2016	\$0.00	\$0.00	\$4,065.57	\$1,384.88	<b>\$4,065.57</b>	<b>\$1,384.88</b>
2017	\$0.00	\$0.00	\$4,069.56	\$1,388.00	<b>\$4,069.56</b>	<b>\$1,388.00</b>
2018	\$0.00	\$0.00	\$4,073.21	\$1,390.86	<b>\$4,073.21</b>	<b>\$1,390.86</b>
2019	\$0.00	\$0.00	\$4,076.56	\$1,393.48	<b>\$4,076.56</b>	<b>\$1,393.48</b>
2020	\$0.00	\$0.00	\$4,079.66	\$1,395.91	<b>\$4,079.66</b>	<b>\$1,395.91</b>
2021	\$0.00	\$0.00	\$4,082.78	\$1,398.35	<b>\$4,082.78</b>	<b>\$1,398.35</b>
2022	\$0.00	\$0.00	\$4,085.43	\$1,400.42	<b>\$4,085.43</b>	<b>\$1,400.42</b>
2023	\$0.00	\$0.00	\$4,087.90	\$1,402.35	<b>\$4,087.90</b>	<b>\$1,402.35</b>
2024	\$0.00	\$0.00	\$4,090.21	\$1,404.16	<b>\$4,090.21</b>	<b>\$1,404.16</b>
2025	\$0.00	\$0.00	\$4,090.21	\$1,404.16	<b>\$4,090.21</b>	<b>\$1,404.16</b>