

**STATE OF GEORGIA**

**COUNTY OF CHEROKEE**

***ORDINANCE No. 2022-O-001***

**An Ordinance to amend the Cherokee County Code of Ordinances, Chapter 32 Land Development, Article II Impact Fees, Section 32-30 Fee Assessment and Payment – Fee Schedule and referenced as Appendix A; to promote the public health safety and welfare; and for other purposes.**

**WHEREAS**, the Constitution of the State of Georgia, approved by the voters of the State in November of 1982, and effective July 1, 1983, provides in article IX, Section II, Paragraph I thereof, that the governing authority of the county may adopt clearly reasonable ordinances, resolutions, and regulations; and

**WHEREAS**, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety, and welfare of the population of the unincorporated areas of the County; and

**WHEREAS**, the governing authority of Cherokee County, to wit, the Board of Commissioners (the “Board”), desires to exercise its authority in adopting this Ordinance; and

**WHEREAS**, the Board finds that it is in the public interest to amend the Impact Fee Ordinance to ensure consistency with state law, reflect changes to the appeals process and update Appendix A - Impact Fee Schedule dated August 1, 2013 based on the adopted 2021 Capital Improvement Element; and

**WHEREAS**, a notice of the public hearings was duly published as required by O.C.G.A. § 36-66-4; and

**WHEREAS**, the first public hearing by the Board of Commissioners was held on December 7, 2021 and the second public hearing on December 21, 2021, after public notice as required by law, at which time citizens of the county were given the opportunity to attend and comment;

**NOW, THEREFORE, BE IT ORDAINED** by the Cherokee County Board of Commissioners and it is hereby enacted to the authority of the same that The Code of Ordinances of Cherokee County, specifically Chapter 32 Land Development, Article II Impact Fees Section 32-30 is hereby repealed and replaced with Exhibit A, Exhibit B and Exhibit C, attached hereto, effective March 1, 2022.

**SO ORDAINED** this 4<sup>th</sup> day of January, 2022.

**CHEROKEE COUNTY BOARD OF COMMISSIONERS**

---

Harry B. Johnston, Chairman

---

Steve West, District 1 Commissioner

---

Richard Weatherby, District 2 Commissioner

---

Benny Carter, District 3 Commissioner

---

Corey Ragsdale, District 4 Commissioner

ATTEST:

---

Christy Black, County Clerk

---

## EXHIBIT A

---

### Chapter 32 LAND DEVELOPMENT

#### As Amended

#### **ARTICLE I. IN GENERAL**

**Secs. 32-1—32-25. Reserved.**

#### **ARTICLE II. IMPACT FEES**

##### **Sec. 32-26. Short title, authority, and applicability.**

- (a) *Short title.* This article shall be known and may be cited as the "Impact Fee Ordinance of Cherokee County, Georgia."
- (b) *Authority.*
  - (1) This article has been prepared and adopted by the Board of Commissioners of Cherokee County, Georgia, in accordance with the authority provided by Article 9, Section 2, Paragraph 3 of the Constitution of the State of Georgia, the Georgia Development Impact Fee Act (O.C.G.A. §§ 36-71-1 et seq., as amended), and such other laws as may apply to the provision of public facilities and the power to charge fees for such facilities.
  - (2) The provisions of this article shall not be construed to limit the power of Cherokee County, Georgia, to use any other legal methods or powers otherwise available for accomplishing the purposes set forth herein, either in substitution of or in conjunction with this article.
  - (3) This article shall apply to all areas under the regulatory control and authority of Cherokee County, Georgia, and such other areas as may be included by intergovernmental agreement.

##### **Sec. 32-27. Findings, purpose, and intent.**

- (a) *Findings.* The Board of Commissioners of Cherokee County, Georgia, finds and declares:
    - (1) That an equitable program for planning and financing public facilities to serve new growth and development is necessary in order to promote and accommodate orderly growth and development and to protect the public health, safety, and general welfare of the citizens of Cherokee County.
    - (2) That certain public facilities as herein defined have been and must be further expanded if new growth and development is to be accommodated at the same level of service available to existing development.
    - (3) That it is fair and equitable that new land development shall bear a proportionate share of the cost of such public facilities necessary to serve new growth and development.
  - (b) *Purpose.*
    - (1) The purpose of this article is to impose impact fees, as hereinafter set forth, for certain public facilities, as hereinafter defined.
    - (2) It is also the purpose of this article to ensure that adequate public facilities are available to serve new growth and development in Cherokee County and to provide that new growth and development bears a proportionate share of the cost of new public facilities needed to serve them.
  - (c) *Intent.* This article is intended to implement and be consistent with the Cherokee County Comprehensive Plan, as it may be adopted or amended in accord with the Georgia Comprehensive Planning Act (O.C.G.A. §§
-

## EXHIBIT A

---

50-8-1 et seq.) and the minimum standards and procedures for local comprehensive planning as adopted by the Georgia Board of Community Affairs and amended from time to time.

### **Sec. 32-28. Rules of construction and definitions.**

- (a) *Generally.* The provisions of this article shall be construed so as to effectively carry out its purpose in the interest of the public health, safety, and general welfare of the citizens of Cherokee County.
- (b) *Rules of construction.* Unless otherwise stated in this article, the following rules of construction shall apply to the text of this article:
- (1) In the case of any difference of meaning or implication between words or phrases as used in this article and as used in other codes, regulations or laws of Cherokee County, such difference shall not affect the meaning or implication of such words or phrases as used in this article.
  - (2) In the case of any difference of meaning or implication between the text of this article and any caption, illustration, summary table or illustrative table, the text shall control.
  - (3) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
  - (4) 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.
  - (5) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other legal or similar entity.
  - (6) The conjunction "and" indicates that all the connected terms, conditions, provisions, or events shall apply.
  - (7) The conjunction "or" indicates that the connected items, conditions, provisions, or events may apply singly or in any combination.
  - (8) The use of "either ... or" indicates that the connected items, conditions, provisions, or events shall apply singly and not in combination.
  - (9) The word "includes" shall not limit a term to the specific example but is intended to extend its meaning to all other instances or circumstances of like kind or character.
  - (10) The article, section, and paragraph headings and enumerations used in this article are included solely for convenience and shall not affect the interpretation of this article.
- (b) *Definitions.* As used in this article, the following terms shall have the meaning set forth below.

*Administrator* means the appointed designee of the board of commissioners, who is hereby charged with implementation and enforcement of this article.

*Board of commissioners* means the Board of Commissioners of Cherokee County, Georgia.

*Building permit* means the permit required for new construction, completion of construction, or an interior finish pursuant to the applicable building code. As used herein, the term shall not include permits required for remodeling; rehabilitation, or other improvements to an existing structure provided there is no increase in the demand placed on those public facilities as defined herein.

*Capital improvement* means an improvement with a useful life of ten years or more, by new construction or other action, which increases the service capacity of a public facility.

*Capital improvements element* means a component of the Cherokee County Comprehensive Plan that sets out projected needs for system improvements during the planning horizon established therein, a schedule of capital improvements that will meet the anticipated need for system improvements, and a description of anticipated funding sources for each required improvement.

## EXHIBIT A

---

*Code enforcement officer* means the employee or official who is designated and empowered to enforce the building codes of Cherokee County, Georgia.

*Commencement of construction*, for private development, means initiation of physical construction activities as authorized by a development permit and leading to completion of a foundation inspection or other initial inspection and approval by a public official charged with such duties; and for public projects, means expenditure or encumbrance of any funds, whether they be development impact fee funds or not, for a public facilities project, or advertising of bids to undertake a public facilities project.

*Completion of construction* means the issuance of the final certificate of occupancy by the appropriate governmental jurisdiction. The date of completion is the date on which such certificate is issued.

*Community Work Program* means the component of the Comprehensive Plan that lays out the specific activities the County plans to undertake during the five years following adoption of the Plan.

*Comprehensive plan* means the Cherokee County Comprehensive Plan as adopted or amended in accord with the Georgia Comprehensive Planning Act (O.C.G.A. §§ 50-8-1 et seq.) and the minimum standards and procedures for local comprehensive planning as adopted by the Georgia Board of Community Affairs.

*County* means Cherokee County, a legal subdivision of the State of Georgia.

*Day* means a calendar day, unless otherwise specifically identified as a "work" day or other designation when used in the text.

*Developer* means any person or legal entity undertaking development.

*Development* means any construction or expansion of a building, structure, or use; any change in use of a building or structure; or any change in the use of land; any of which creates additional demand and need for public facilities, as defined herein.

*Development approval* means any written authorization, such as issuance of a building permit, approval for connection to public utilities, or other forms of official action required by local law or regulation, which authorizes the commencement of construction or connection to public utilities.

*Development impact fee* means a payment of money imposed upon new development as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve new growth and development.

*Development impact fee appeals board* means the board who is appointed by the Board of Commissioners of Cherokee County to hear appeals or waiver requests.

*Encumber* means to legally obligate by contract or otherwise commit to use by appropriation or other official act of Cherokee County, Georgia.

*Excess capacity* means that portion of the capacity of a public facility or system of public facilities, which is beyond that necessary to provide adequate service to existing development at the adopted level-of-service standard.

*Fee payer* means that person or entity who pays a development impact fee, or his or her successor in interest where the right or entitlement to any refund of previously paid development impact fees which is required by this article has been expressly transferred or assigned to the successor in interest. In the absence of an express transfer or assignment of the right or entitlement to any refund of previously paid development impact fees, the right or entitlement shall be deemed "not to run with the land."

*Individual assessment determination* means a finding by the administrator that an individual assessment study does or does not meet the requirements for such a study as established by this article or, if the requirements are met, the fee calculated therefrom.

## EXHIBIT A

---

*Individual assessment study* means the engineering, financial, or economic documentation prepared by a fee payer or applicant to allow individual determination of a development impact fee other than by use of the applicable fee schedule.

*Level of service* means a measure of the relationship between service capacity and service demand for public facilities as established by the Board of Commissioners of Cherokee County, Georgia in terms of demand to capacity ratios or the comfort and convenience of use or service of such public facilities, or both.

*Present value* means the current value of past, present, or future payments, contributions, or dedications of goods, services, materials, construction, or money, as calculated using accepted methods of financial analysis for determination of "net present value."

*Project* means a particular development on an identified parcel of land.

*Project improvements* means site improvements and facilities that are planned, designed, or built to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project and that are not "system" improvements. The character of the improvement shall control a determination of whether an improvement is a project improvement or a "system" improvement, and the physical location of the improvement on-site or off-site shall not be considered determinative of whether an improvement is a "project" improvement or a "system" improvement. If an improvement or facility provides or will provide more than incidental service or facility capacity to persons other than users or occupants of a particular project, the improvement or facility is a system improvement and shall not be considered a project improvement.

*Property owner* means that person or entity that holds a majority interest in legal title to property.

*Proportionate share* means that portion of the cost of system improvements that is reasonably related to the service demands and needs of a project.

*Public facilities* means:

- (1) Roads, streets, and bridges, including rights of way, traffic signals, landscaping, and any local components of state or federal highways;
- (2) Parks, open space, and recreation areas and related facilities;
- (3) Public safety facilities, including police, fire, emergency medical, and rescue facilities; and
- (4) Libraries and related facilities.

*Service area* means a geographic area defined by the board of commissioners in which a defined set of public facilities provide service to development within the area. Service areas shall be designated on the basis of sound planning or engineering principles or both.

*System improvement costs* means costs incurred to provide additional public facilities capacity to serve new growth and development for planning, design, and construction, land acquisition, land improvement, design and engineering related thereto, including the cost of constructing or reconstructing system improvements or facility expansions. System improvement costs include but are not limited to the construction contract price, surveying and engineering fees, related land acquisition costs (including land purchases, court awards and costs, attorneys' fees, and expert witness fees); expenses incurred for qualified staff or any qualified engineer, planner, architect, landscape architect, or financial consultant for preparing or updating the Capital Improvements Element; and administrative costs, provided that such administrative costs shall not exceed 3 percent of the total amount of the costs. Projected interest charges and other finance costs may be included if the impact fees are to be used for the payment of principal and interest on bonds, notes, or other financial obligations issued by and on behalf of Cherokee County to finance the Capital Improvements Element. System improvement costs do not include routine and periodic maintenance expenditures, personnel training, and other operating costs.

*System improvements* means capital improvements that are public facilities designed to provide service to more than one project or to the community at large, in contrast to "project" improvements.

---

## EXHIBIT A

---

*Unit of development* means the standard incremental measure of land development activity for a specific type of land use upon which the rate of demand for public service and facilities is based. Such term includes but is not limited to, "housing unit," "acre of land," and "square feet of floor area."

*Unused or excess impact fee* means any individual impact fee payment from which no amount of money or only a portion thereof has been encumbered or expended according to the requirements of this article.

### **Sec. 32-29. Imposition of development impact fees.**

Any person who after the effective date of this article engages in development as defined in this article shall pay a development impact fee in the manner and amount set forth in this article.

- (a) *Construction not subject to impact fees.* The following projects and construction activities do not constitute "development" as defined in this article, and are therefore not subject to the imposition of impact fees:
- (1) Rebuilding no more than the same number of units of development as defined in this article that were destroyed by fire or other catastrophe on the same lot or property.
  - (2) Remodeling or repairing a structure that does not result in an increase in the number of units of development.
  - (3) Replacing a residential housing unit with another housing unit on the same lot or property.
  - (4) Placing a temporary transportable construction office or temporary transportable sales office on a lot during the period of construction or build-out of a development project.
  - (5) Constructing an addition to or expansion of a residential housing unit that does not increase the number of housing units.
  - (6) Adding uses that are typically accessory to residential uses and intended for the personal use of the residents, such as a deck or patio, satellite antenna, pet enclosure, or private recreational facilities such as a swimming pool.
- (b) Grand fathered projects.
- (1) Notwithstanding any other provision of this article, that portion of a project for which a valid building permit had been approved and issued prior to the effective date of the first and original impact fee ordinance approved and adopted by the board of commissioners shall not be subject to development impact fees so long as the project remains as to its original construction and land use as authorized according to the terms of such building permit.
  - (2) Any valid building permit approved and issued prior to the effective date of an amendment to this Ordinance may proceed without payment of additional impact fees otherwise imposed by this Ordinance, provided that:
    - a. All development impact fees in effect prior to the effective date of the amendment to this Ordinance shall have been paid in full; and,
    - b. Said construction shall be commenced and at least a first building inspection completed and approved within 180 days of the permit issuance. No extensions or renewals of the building permit will be allowed or approved, although a credit for the impact fee paid for the previously approved building permit will be applied to issuance of the new replacement building permit.
- (c) Method of calculation.
- (1) Any development impact fee imposed pursuant to this article shall not exceed a project's proportionate share of the cost of system improvements, shall be calculated on the basis of the establishment of service areas, and shall be calculated on the basis of levels of service for public facilities that are the same for existing development as for new growth and development.

## EXHIBIT A

---

- (2) Notwithstanding anything to the contrary in this article, the calculation of impact fees shall be net of the present value of ad valorem tax or other revenues, if any, which:
  - a. Are reasonably expected to be generated by new development; and
  - b. Are reasonably expected on the basis of historical funding patterns to be made available to pay for system improvements of the same category and in the same service area for which an impact fee is imposed.
- (3) The method of calculating impact fees for public facilities under this article shall be maintained for public inspection as a part of the official records of Cherokee County, Georgia, and may be amended from time to time by official act.
- (4) In addition to the cost of new or expanded system improvements needed to be built to serve new development, the cost basis of a development impact fee shall also include the proportionate cost of existing system improvements to the extent that such public facilities have excess service capacity and new development will be served by such facilities.
- (5) Development impact fees shall be based on actual system improvement costs or reasonable estimates of such costs, as set forth in the Capital Improvements Element of the Comprehensive Plan of Cherokee County, Georgia.

### **Sec. 32-30. Fee assessment and payment—Fee schedule.**

- (a) Payment of a development impact fee pursuant to the fee schedule incorporated into this article as Appendix A shall constitute full and complete payment of the project's proportionate share of system improvements and shall be deemed to be in compliance with the requirements of this article.
- (b) When a land development activity for which an application for a building permit has been made includes two or more buildings, structures or other land uses in any combination, including two or more uses within a building or structure, the total development impact fee shall be the sum of the fees for each and every building, structure, or use, including each and every use within a building or structure.
- (c) In the event that an applicant contends that the land use category of the proposed development is not shown on the fee schedule attached hereto as Appendix A, or fits within a different land use category, then the administrator shall determine the appropriate land use category as an individual assessment determination in accordance with Sec. 32-32, below. In the event that the administrator cannot make a determination or the applicant does not agree with such determination, then:
  - (1) The development impact fee appeals board shall make a determination as to the appropriate land use designation and the appropriate development impact fee as an appeal under Sec. 32-40.
  - (2) In making such determination, the development impact fee appeals board may require such additional information from the applicant or relevant documentation and determination of the administrator as necessary to form a logical fee determination relative to the impact fees shown on the adopted fee schedule (Appendix A) or based on the representations of the applicant or the administrator's documentation and determination.
  - (3) If a land use designation is not in a category contained in this article, then the board may add an appropriate new category.
- (d) Appeals from the determination of the development impact fee appeals board shall be made only to the Cherokee County Board of Commissioners in accordance with Sec. 32-40(b)(4).
- (e) Pursuant to the public policies contained in the Cherokee County Comprehensive Plan, the board of commissioners may waive, in whole or in part, development impact fees for projects, upon recommendation by the development impact fee appeals board as provided hereafter on a case-by-case basis.

---

## EXHIBIT A

---

### **Sec. 32-31. Timing of assessment.**

- (a) Development impact fees shall be assessed at the time of application for a building permit, as applicable.
- (b) If the final use of a building cannot be determined at the time of the initial building permit, the administrator shall have the authority to assess a development impact fee based on the most likely use of the building, and shall adjust the fee in accordance with the actual use prior to issuance of a certificate of completion or approval of a certificate of occupancy, as applicable and appropriate.

### **Sec. 32-32. Individual assessment determinations.**

Individual assessments of development impact fees may be established as follows:

- (a) At their option, an applicant for development approval may request an individual assessment determination of development impact fees due for their project by the administrator.
- (b) In the event that an applicant elects an individual assessment, the applicant shall submit an individual assessment study. Each individual assessment study shall:
  - (1) Be based on relevant and credible information from an accepted standard source of engineering or planning data;
  - (2) Be based on actual, relevant, and credible studies or surveys of facility demand conducted in Cherokee County or its region, carried out by qualified engineers or planners pursuant to accepted methodology; and
  - (3) Provide any other written specifications as may be reasonably required by the board of commissioners from time to time.
- (c) The administrator in his or her sole discretion shall determine whether the content of an individual assessment study satisfies the requirements of this article. Appeals from the administrator's determination may be made to the development impact fee appeals board in accordance with Sec. 32-30(c).
- (d) Any fee approved as an individual assessment determination shall have standing for 180 days following the date of approval. Payment of such an approved individual assessment determination shall constitute full and complete payment of the project's proportionate share of system improvements and shall be deemed to be in compliance with the requirements of this article.

### **Sec. 32-33. Timing of fee payment.**

- (a) All development impact fees shall be assessed and collected at the time of issuance of a building permit when the use of the property can be determined. For a multi-use property or speculative development when the final use of the property is not known, the administrator may assess the impact fee when the building permit is issued based on the most likely occupancy, and delay collection of the impact fee until a determination of the actual use is made prior to issuance of a certificate of completion or approval of a certificate of occupancy, as applicable and appropriate.
- (b) For projects not involving issuance of a building permit, all development impact fees shall be collected at the time of approval of the development permit or such other authorization to commence construction.

### **Sec. 32-34. Fee certification.**

Upon application to the administrator, a developer may receive a certified schedule of development impact fees for categories of development or a certified fee for a particular project, as applicable. Such certified schedule or fee shall establish the development impact fee due for a period of 180 days from the date of certification, even if new or revised rate schedules are adopted in the interim.

---

## EXHIBIT A

---

### Sec. 32-35. Deposit and expenditure of fees.

(a) *Maintenance of funds.*

- (1) All development impact fee funds collected for future expenditure on construction or expansion of facilities pursuant to this article shall be maintained in one or more interest-bearing accounts until encumbered or expended. Restrictions on the investment of development impact fee funds shall be the same that apply to investment of all such funds generally.
- (2) Separate accounting records shall be maintained for each public facility category of system improvements.
- (3) Interest earned on development impact fees shall be considered funds of the account on which it is earned and shall be subject to all restrictions placed on the use of development impact fees under this article. Interest earned each fiscal year shall be distributed among the various funds in proportion to their end-of-year balances on hand.

(b) *Expenditures; restrictions.*

- (1) Expenditures from the impact fee accounts shall be made only for the system improvements in the public facility category for which the development impact fee was assessed and collected.
- (2) Expenditures from the impact fee account for a particular public facility category shall be made only for projects that are listed for that category in the most recently adopted Capital Improvements Element.
  - a. Such expenditures for a specific project may be based on the amount of the actual cost of the project, but ...
  - b. Such expenditures may not exceed the percentage of impact fee eligibility established for such project in the Capital Improvements Element.
  - c. Expenditures for projects not listed in the Capital Improvements Element may be made only after they have been included in the Capital Improvements Element by amendment adopted by the board of commissioners.
- (3) Notwithstanding anything to the contrary in this article, the following shall be considered general revenue of the system, and may be expended accordingly:
  - a. Impact fees collected to recover the present value of excess capacity in existing system improvements;
  - b. Any portion of an impact fee collected as a repayment for expenditures made by Cherokee County for system improvements intended to be funded by such impact fee; and
  - c. Any portion of an impact fee collected for administration of the impact fee program, and any such additional amount assessed for repayment of the cost of preparing the Capital Improvements Element of the Comprehensive Plan or the required annual reports that are required to be submitted to the Atlanta Regional Commission.

(c) *Credits.*

When eligible, fee payers shall be entitled to a credit against impact fees due under the circumstances and in the manner set forth in this section.

(1) *Credits; restrictions.*

- a. Except as provided in subsection (2) below, no credit shall be given for construction, contribution, or dedication of any system improvement or funds for system improvements made before the effective date of this article.
- b. If the value of any construction, dedication of land, or contribution of money made by a developer (or his predecessor in title or interest) for system improvements to public facilities as

## EXHIBIT A

---

defined herein, prior to the effective date of this article, is greater than the impact fee which would otherwise have been paid for the project, then the developer shall be entitled to a credit for such excess construction, dedication, or funding. Notwithstanding anything to the contrary in this article, any credit due under this section shall not constitute a liability of Cherokee County, Georgia, and shall accrue to the developer to the extent of impact fees assessed for new development for the same category of system improvements within the same service area.

- c. In no event shall credit be given for project improvements.
- (2) *Granting of credits.*
- a. Credit shall be given for the present value of any construction of improvements, contribution or dedication of land, or payment of money by a developer or his predecessor in title or interest for system improvements of the same public facilities category and in the same service area for which a development impact fee is imposed, provided that the Cherokee County Board of Commissioners shall have explicitly approved said improvement, contribution, dedication, or payment and the value thereof prior to its construction, dedication, or transfer.
  - b. Developers, who construct system improvements, privately or in conjunction with Cherokee County for which impact fees would otherwise be imposed, shall be entitled to a credit. The credit allowed pursuant to this section shall be equal to the present value of the cost of construction of the system improvement, up to a maximum of the impact fee due for such system improvement. In the event that a developer enters into an agreement with Cherokee County to construct, fund, or contribute system improvements such that the amount of the credit created is in excess of the impact fee which would otherwise have been paid for the development project, the developer shall be reimbursed for such excess construction, funding, or contribution from impact fees paid by other development located in the service area which is benefitted by such improvements.

(3) *Guidelines for credit valuation.*

Credits under this section shall be valued using the following guidelines: For the construction of any system improvements by a developer or his predecessor in title or interest and accepted by Cherokee County, Georgia, the developer must present evidence satisfactory to the board of commissioners of the original cost of the improvement, from which present value may be calculated.

- a. For any contribution or dedication of land for system improvements by a developer or his predecessor in title or interest and accepted by Cherokee County, Georgia, the original value of the land shall be the same as that attributed to the property by the validated tax appraisal at the time of dedication, from which present value may be calculated.
  - b. For any contribution of capital equipment that qualifies as a system improvement by a developer or his predecessor in title or interest and accepted by Cherokee County, Georgia, the value shall be the original cost to the developer of the capital equipment or the cost that Cherokee County, Georgia would normally pay for such equipment, whichever is less.
  - c. For any contribution of money for system improvements from a developer or his predecessor in title or interest accepted by Cherokee County, Georgia, the original value of the money shall be the same as that at the time of contribution, from which present value may be calculated.
  - d. In making a present value calculation, the discount rate used shall be the net of the interest returned on a State of Georgia, AA rated or better municipal bond less average annual inflation, or such other discount rate as the board of commissioners in its sole discretion may deem appropriate.
-

## EXHIBIT A

---

- (4) Credits; application.
- a. Credits shall be given only upon written request of the developer to the board of commissioners. A developer must present written evidence satisfactory to the board of commissioners at or before the time of development impact fee assessment.
  - b. The board of commissioners, in its sole discretion, shall review all claims for credits and make determinations regarding the allowance of any claimed credit, and the value of any allowed credit.
  - c. Any credit approved by the board of commissioners shall be acknowledged in writing by the administrator and calculated at the time of impact fee assessment.
  - d. In the event that an impact fee is paid but the building permit is abandoned, credit shall be given for the present value of the impact fee against future impact fees for the same parcel of land, upon submission of adequate evidence to the administrator that an impact fee was received by Cherokee County, Georgia, the amount paid, and that the building permit was abandoned.

### **Sec. 32-36. Establishment of development impact fee appeals board.**

- (a) There is hereby created a development impact fee appeals board consisting of five individuals appointed by the board of commissioners with each commissioner making one appointment.
- (b) The term of the members of the development impact fee appeals board shall run concurrently with the term of the commissioner appointing. Said board shall hear appeals concerning the disputed amount of the impact fee and an individual assessment. Further, said board shall make recommendations to the Board of Commissioners of Cherokee County as to whether fee payer may be entitled to a waiver, in whole or in part of the impact fee.

### **Sec. 32-37. Refunds.**

- (a) *Refunds—Eligibility for a refund.*
    - (1) Upon the request of a fee payer or an owner of property on which a development impact fee has been paid, the development impact fee shall be refunded if:
      - a. Capacity is available in the public facility for which the fee was collected but service is permanently denied; or
      - b. The development impact fee has not been encumbered or construction has not been commenced within six years after the date the fee was collected, whichever first occurs.
    - (2) In determining whether development impact fees have been encumbered, development impact fees shall be considered encumbered on a first-in, first-out (FIFO) basis.
  - (b) *Notice of entitlement to a refund.* When the right to a refund exists due to a failure to encumber the development impact fees, the administrator shall provide written notice of entitlement to a refund to the fee payer who paid the development impact fee at the address shown on the application for development approval or to a successor in interest who has given adequate notice to the administrator of a legal transfer or assignment of the right to entitlement to a refund and who has provided a mailing address. Such notice shall also be published in Cherokee County within 30 days after the expiration of the six year period after the date that the development impact fee was collected and shall contain a heading "notice of entitlement to development impact fee refund." No refund shall be made for a period of 30 days from the date of said publication.
  - (c) *Filing a request for a refund.* All requests for refunds shall be made in writing to the administrator within one year of the time the refund becomes payable or within one year of publication of the notice of entitlement to a refund, whichever is later. Failure to make a claim for a refund within said time period shall result in a
-

---

## EXHIBIT A

---

waiver of all claims to said funds. Such funds together with the accrued interest thereon shall be transferred to the general revenue account of Cherokee County.

(d) *Payment of refunds.*

- (1) All refunds shall be made to the fee payer within 60 days after it is determined by the administrator that a sufficient proof of claim for refund has been made, but no sooner than 30 days after publication of the notice of entitlement to the refund.
- (2) A refund shall include a refund of a pro rata share of interest actually earned on the unused or excess impact fee collected.
- (3) In no event shall a fee payer be entitled to a refund for impact fees assessed and paid to recover the cost of excess capacity in existing system improvements, or to recover the amount of funds expended by Cherokee County for system improvements for which the impact fee was collected, or for that portion of the fee payment that was assessed for administration of the impact fee ordinance or for recovery of the cost of preparation of the capital improvements element of the comprehensive plan.

### **Sec. 32-38. Private contractual agreements.**

- (a) *Private agreements; authorized.* Nothing in this article shall prohibit the voluntary mutual approval of a private contractual agreement between Cherokee County, Georgia and any developer or property owner or group of developers and/or property owners in regard to the construction or installation of system improvements and providing for credits or reimbursement for system improvement costs incurred by a developer, including interproject transfers of credits or providing for reimbursement for project improvement costs which are used or shared by more than one development project.
  - (b) *Private agreements; provisions.* A private contractual agreement for system improvements may include, but shall not be limited to, provisions which:
    - (1) Modify the estimates of impact on public facilities according to the methods and provisions concerning the calculation of impact fees, provided that any such agreement shall allow Cherokee County, Georgia to assess additional development impact fees after the completion of construction according to schedules set forth in this article.
    - (2) Permit construction of, dedication of property for, or other in-kind contribution for specific public facilities of the type for which development impact fees would be imposed in the same service area in lieu of or with a credit against applicable development impact fees.
    - (3) Permit a schedule and method of payment appropriate to particular and unique circumstances of a proposed project in lieu of the requirements for payment under this article, provided that acceptable security is posted ensuring payment of the development impact fees. Forms of security that may be acceptable include a cash bond, irrevocable letter of credit from a bank authorized to do business within the State of Georgia, a surety bond, or lien or mortgage on lands to be covered by the building permit or other development approval.
  - (c) *Private agreements; procedure.*
    - (1) Any private agreement proposed by an applicant pursuant to this section shall be submitted to the administrator for review, negotiation, and submission to the board of commissioners.
    - (2) Any such agreement must be presented to and approved by the Board of Commissioners of Cherokee County, Georgia prior to the issuance of a building permit or other development approval.
    - (3) Any such agreement shall provide for execution by mortgagees, lien holders or contract purchasers in addition to the landowner, and shall require the applicant to submit such agreement to the clerk of superior court for recording.
-

## EXHIBIT A

---

### Sec. 32-39 Periodic review and amendments.

(a) *Amendments.*

- (1) This article may be amended from time to time as deemed appropriate or desirable. Any such amendment to this article, including an amendment to the development impact fee schedule attached hereto as Appendix A, shall follow the procedures for adoption of an ordinance imposing a development impact fee as set out and required under the Georgia Development Impact Fee Act (O.C.G.A. §§ 36-71-1 et seq., as amended).

(b) *Annual report.*

- (1) The administrator shall prepare an annual report to the board of commissioners as part of the annual audit or financial report describing the amount of any development impact fees collected, encumbered, and used during the preceding fiscal year by category of public facility and service area.
- (2) Such annual report shall be prepared following guidelines of the Georgia Department of Community Affairs (DCA), and submitted to the Atlanta Regional Commission in conjunction with the annual update of the Community Work Program of the Comprehensive Plan. The annual update of the Community Work Program shall maintain, at a minimum, a schedule of system improvements for each of the subsequent five years and may include changes in funding sources or project costs, or changes in the scheduling of projects than as otherwise shown in the most recently adopted Capital Improvements Element (CIE).
- (3) The annual report is to be closely tied to and updates the most recently adopted Capital Improvements Element (CIE) as approved by the Georgia Department of Community Affairs. No new projects that are not included within the CIE may be added to the annual report. Such additions must be made as an amendment of the CIE in accordance with the procedures contained in this Ordinance.

(c) *Capital improvements element amendment.*

- (1) As part of its annual capital improvement program review process or at any other time, the board of commissioners may review the capital improvements element and calculation of development impact fees, and may amend the capital improvements element, fee calculation methodology, or development impact fee schedule as deemed appropriate and necessary.
- (2) No less often than once each year, the board of commissioners may update the capital improvements element so as to maintain, at a minimum, a schedule of system improvements for each of the subsequent five years. The capital improvements element update may include changes in funding sources or project costs, or changes in the list or scheduling of projects. The capital improvements element update shall be submitted to the regional development center for their records, in accordance with the minimum standards and procedures for local comprehensive planning, as adopted by the Board of Community Affairs of the State of Georgia.
- (3) In conducting a periodic review of the capital improvements element and calculation of development impact fees, the board of commissioners may determine to amend the capital improvements element. Amendments to the capital improvements element shall comply with the procedural requirements of the minimum standards and procedures for local comprehensive planning as adopted by the Board of Community Affairs of the State of Georgia, and shall be required for any change to the capital improvements element that would:
  - a. Change the list of system improvement projects by adding, deleting, or substantially modifying the projects;
  - b. Redefine or extend growth projections, land development assumptions, or goals or objectives that would affect system improvements proposed in the capital improvements element;
  - c. Add new impact fee service areas or change the boundaries of existing impact fee service areas;

---

## EXHIBIT A

---

- d. Change service levels established for an existing impact fee public facility category; or
  - e. Make other revisions needed to keep the Capital Improvements Element up to date.
- (d) *Continuation of validity.* Failure of the board of commissioners to undertake a periodic review shall result in the continued use and application of the latest adopted development impact fee schedule and other data. The failure to review such data shall not invalidate this article.

### **Sec. 32-40 Administrative appeals.**

- (a) *Eligibility to file a waiver or appeal.* Only applicants or fee payers who have already been assessed an impact fee by Cherokee County, Georgia, or who have already received a written determination of refund or credit amount shall be entitled to file for a waiver or an appeal.
- (b) *Appeals and waiver process.*
- (1) The aggrieved applicant or fee payer may file a written appeal with the administrator within 15 days of the receipt of written determination of the amount of the development impact fee due, or entitlement to an amount of a refund or credit. Such written appeal shall be of sufficient content to clearly and unequivocally set forth the basis for the appeal and the relief sought.
  - (2) Such written appeal shall state the basis for the appeal and the relief sought, and shall include:
    - 1. The name and address of the aggrieved applicant or fee payer;
    - 2. The location of the affected property;
    - 3. A copy of any applicable written decision or determination made by the administrator from which the appeal is taken.
  - (3) Within 30 days after receipt of the appeal, the development impact fee appeals board shall make a written decision with respect to the appeal. Such decision shall be of sufficient content to set forth the basis for the determination.
  - (4) The board of commissioners may hear an appeal from the decision of the development impact fee appeals board, by filing such an appeal in writing within ten days after the decision of the development impact fee appeals board's decision. Should the board of commissioners determine to hear such appeal, it shall thereafter establish a reasonable date and time for a hearing on the appeal, give written notice thereof to the applicant or fee payer, and decide the issue within a reasonable time following the hearing. Any party making an appeal shall have the right to appear at the hearing to present evidence and may be represented by counsel.
  - (5) Requests for waiver of development impact fees, in whole or in part, shall be made to the development impact fee appeals board for a recommendation. The board may recommend a waiver of said fees, in whole or in part, upon a finding that a development project is determined to create extraordinary economic development and employment growth or encourage affordable housing. Upon such recommendation, the matter shall be referred to the Board of Commissioners of Cherokee County, who shall accept, reject or modify said recommendation. Upon acceptance of a waiver of fees, in whole or in part, the board shall then allocate from the general fund or from other sources other than the impact fee fund, the necessary funds to the impact fee program to provide for the fee so waived.
- (c) *Payment of impact fee during appeal.*
- (1) The filing of an appeal shall not stay the collection of a development impact fee as a condition to the issuance of a building permit or other development approval.
  - (2) A developer may pay a development impact fee under protest to obtain a building permit or other development approval, and by making such payment shall not be estopped from exercising this right of appeal or receiving a refund of any amount deemed to have been collected in excess.

## EXHIBIT A

---

- (d) *Enforcement and penalties.*
- (1) *Enforcement authority.*
- a. The enforcement of this article shall be the responsibility of the administrator and such personnel as the administrator may designate from time to time.
  - b. The administrator shall have the right to inspect the lands affected by this article and shall have the right to issue cease and desist orders and citations for violations. Refusal of written notice of violation under this article shall constitute legal notice of service.
  - c. The administrator may withhold the issuance of any building permit or other development approval if the owner or his assigns have violated the provisions of this article.
  - d. For any violation, the administrator shall have the authority to issue a citation. The citation shall be in the form of a written official notice issued in person or by certified mail to the owner of the property, or to his or her agent, or to the person performing the work. The receipt of a citation shall require that corrective action be taken within 30 working days unless otherwise extended at the discretion of the administrator. If the required corrective action is not taken within the time allowed, the administrator may use any available civil or criminal remedies to secure compliance, including revoking a permit.
- (2) *Violations.*
- a. Knowingly furnishing false information on any matter relating to the administration of this article shall constitute an actionable violation.
  - b. Proceeding with construction of a project that is not consistent with the project's impact fee assessment, such as the use category claimed or units of development indicated, shall constitute an actionable violation.
  - c. Failure to take corrective action following the receipt of a citation shall constitute an actionable violation.
  - d. A violation of this article shall be punishable as contained in section 1-12 of this Code and as according to state law. However, in addition to or in lieu of criminal prosecution, the board of commissioners shall have the power to sue in law or equity for relief in civil court to enforce this article, including recourse to such civil and criminal remedies in law and equity as may be necessary to ensure compliance with the provisions of this article, including but not limited to injunctive relief to enjoin and restrain any person from violating the provisions of this article and to recover such damages as may be incurred by the implementation of specific corrective actions.
- (e) *Repealer, severability, and effective date.*
- (1) *Repeal of conflicting laws.* Any and all ordinances, resolutions, or regulations, or parts thereof, in conflict with this article are hereby repealed to the extent of such conflict.
  - (2) *Severability.* If any sentence, clause, part, paragraph, section, or provision of this article is declared by a court of competent jurisdiction to be invalid, the validity of the article as a whole or any other part hereof shall not be affected.
  - (3) *Incorporation by reference of the Georgia Development Impact Fee Act, O.C.G.A. § 36-71.* It is the intent of the Board of Commissioners of Cherokee County, Georgia, that the "Impact Fee Ordinance of Cherokee County, Georgia" comply with the terms and provisions of the "Georgia Development Impact Fee Act," O.C.G.A. § 36-71. Therefore, O.C.G.A. § 36-71 is incorporated by reference into this article. To the extent that any provision of this article is inconsistent with the provisions of O.C.G.A. § 36-71, the latter shall control. Furthermore, to the extent that this article is silent as to any provision of O.C.G.A. § 36-71 that is otherwise deemed mandatory by law, such provision shall control and shall be binding upon the county.

## EXHIBIT A

---

(4) *Effective date.*

This article shall take effect March 1, 2022.

**EXHIBIT B**

**Appendix A: IMPACT FEE SCHEDULE** *(Effective March 1, 2022 to December 31, 2022)*

ITE Code*	Land Use Category	Library Services	Parks & Recreation	Sheriff's Office	Public Safety Facilities	Fire and EMS	Road Improvements	Total Impact Fee**	For Each***
<b>Residential</b>									
210	Single-Family Detached Housing	\$ 98.8427	\$ 1,270.9093	\$ 33.5829	\$ 13.4554	\$ 455.5047	\$ 136.3408	\$ 2,008.6357	dwelling
220	Apartment	\$ 98.8427	\$ 1,270.9093	\$ 33.5829	\$ 13.4554	\$ 455.5047	\$ 95.2380	\$ 1,967.5329	dwelling
230	Residential Condominium/Townhouse	\$ 98.8427	\$ 1,270.9093	\$ 33.5829	\$ 13.4554	\$ 455.5047	\$ 83.2080	\$ 1,955.5029	dwelling
<b>Port and Terminal</b>									
030	Intermodal Truck Terminal	\$ -	\$ -	\$ 0.0200	\$ 0.0100	\$ 0.2300	\$ 0.1300	\$ 0.3900	square foot
<b>Industrial/Agricultural</b>									
110	General Light Industrial	\$ -	\$ -	\$ 0.0288	\$ 0.0118	\$ 0.3773	\$ 0.0918	\$ 0.5097	square foot
120	General Heavy Industrial	\$ -	\$ -	\$ 0.0227	\$ 0.0094	\$ 0.2990	\$ 0.0197	\$ 0.3509	square foot
140	Manufacturing	\$ -	\$ -	\$ 0.0224	\$ 0.0093	\$ 0.2932	\$ 0.0503	\$ 0.3751	square foot
150	Warehousing	\$ -	\$ -	\$ 0.0114	\$ 0.0046	\$ 0.1496	\$ 0.0468	\$ 0.2124	square foot
151	Mini-Warehouse	\$ -	\$ -	\$ 0.0009	\$ 0.0004	\$ 0.0126	\$ 0.0329	\$ 0.0468	square foot
<b>Recreational</b>									
491	Racquet/Tennis Club	\$ -	\$ -	\$ 0.0038	\$ 0.0016	\$ 0.0501	\$ 0.1707	\$ 0.2262	square foot
495	Recreational Community Center	\$ -	\$ -	\$ 0.0155	\$ 0.0064	\$ 0.2029	\$ 0.4116	\$ 0.6363	square foot
<b>Institutional</b>									
520	Private Elementary School	\$ -	\$ -	\$ 0.0122	\$ 0.0050	\$ 0.1606	\$ 0.1767	\$ 0.3546	square foot
565	Day Care Center	\$ -	\$ -	\$ 0.0351	\$ 0.0144	\$ 0.4607	\$ 0.1134	\$ 0.6237	square foot
566	Cemetery	\$ -	\$ -	\$ 1.0162	\$ 0.4193	\$ 13.3139	\$ 60.9667	\$ 75.7161	acre
<b>Medical</b>									
620	Nursing Home	\$ -	\$ -	\$ 0.0290	\$ 0.0120	\$ 0.3812	\$ 0.0816	\$ 0.5038	square foot
630	Clinic	\$ -	\$ -	\$ 0.0490	\$ 0.0202	\$ 0.6420	\$ 0.3467	\$ 1.0579	square foot
<b>Office</b>									
710	General Office Building	\$ -	\$ -	\$ 0.0414	\$ 0.0171	\$ 0.5432	\$ 0.1453	\$ 0.7470	square foot
714	Corporate Headquarters Building	\$ -	\$ -	\$ 0.0428	\$ 0.0176	\$ 0.5599	\$ 0.1051	\$ 0.7254	square foot
715	Single-Tenant Office Building	\$ -	\$ -	\$ 0.0392	\$ 0.0162	\$ 0.5147	\$ 0.1534	\$ 0.7236	square foot
720	Medical-Dental Office Building	\$ -	\$ -	\$ 0.0506	\$ 0.0209	\$ 0.6630	\$ 0.4760	\$ 1.2105	square foot

## EXHIBIT B

### Appendix A: IMPACT FEE SCHEDULE *(Effective March 1, 2022 to December 31, 2022)*

ITE Code*	Land Use	Library Services	Parks & Recreation	Sheriff's Office	Public Safety Facilities	Fire and EMS	Road Improvements	Total Impact Fee**	For Each***
<b>Retail</b>									
812	Building Materials and Lumber Store	\$ -	\$ -	\$ 0.0175	\$ 0.0071	\$ 0.2299	\$ 0.5238	\$ 0.7784	square foot
816	Hardware/Paint Store	\$ -	\$ -	\$ 0.0120	\$ 0.0049	\$ 0.1575	\$ 0.2938	\$ 0.4682	square foot
820	Shopping Center	\$ -	\$ -	\$ 0.0208	\$ 0.0086	\$ 0.2731	\$ 0.4612	\$ 0.7637	square foot
826	Specialty Retail Center	\$ -	\$ -	\$ 0.0247	\$ 0.0102	\$ 0.3241	\$ 0.5140	\$ 0.8730	square foot
841	Automobile Sales	\$ -	\$ -	\$ 0.0191	\$ 0.0078	\$ 0.2498	\$ 0.3654	\$ 0.6420	square foot
843	Auto Parts Store	\$ -	\$ -	\$ 0.0119	\$ 0.0049	\$ 0.1569	\$ 0.3901	\$ 0.5638	square foot
850	Supermarket	\$ -	\$ -	\$ 0.0144	\$ 0.0060	\$ 0.1904	\$ 0.6295	\$ 0.8403	square foot
853	Convenience Market with Gas Pumps	\$ -	\$ -	\$ 0.0224	\$ 0.0093	\$ 0.2943	\$ 1.9376	\$ 2.2636	square foot
880	Pharmacy/Drugstore	\$ -	\$ -	\$ 0.0208	\$ 0.0086	\$ 0.2731	\$ 0.5158	\$ 0.8183	square foot
890	Furniture Store	\$ -	\$ -	\$ 0.0051	\$ 0.0021	\$ 0.0679	\$ 0.0144	\$ 0.0894	square foot
<b>Services</b>									
912	Drive-in Bank	\$ -	\$ -	\$ 0.0597	\$ 0.0246	\$ 0.7829	\$ 0.4667	\$ 1.3339	square foot
931	Quality Restaurant	\$ -	\$ -	\$ 0.0930	\$ 0.0384	\$ 1.2197	\$ 0.4894	\$ 1.8405	square foot
932	High-Turnover (Sit-Down) Restaurant	\$ -	\$ -	\$ 0.0930	\$ 0.0384	\$ 1.2197	\$ 0.6919	\$ 2.0430	square foot
934	Fast-Food Restaurant	\$ -	\$ -	\$ 0.1360	\$ 0.0561	\$ 1.7822	\$ 1.9183	\$ 3.8926	square foot
941	Quick Lubrication Vehicle Shop	\$ -	\$ -	\$ 26.2094	\$ 10.8144	\$ 343.3730	\$ 475.4742	\$ 855.8711	service bay

\* ITE Code means the land use code assigned in the Trip Generation manual published by the Institute of Transportation Engineers, 9th Edition.

\*\* Includes 1% administration fee.

\*\*\* "Square foot" means square foot of gross building floor area.

## EXHIBIT C

### Appendix A: IMPACT FEE SCHEDULE (Effective January 1, 2023)

ITE Code*	Land Use	Library Services	Parks & Recreation	Sheriff's Office	Public Safety Facilities	Fire and EMS	Road Improvements	Total Impact Fee**	For Each***
<b>Residential</b>									
210	Single-Family Detached Housing	\$ 126.0043	\$ 1,620.1505	\$ 42.8113	\$ 17.1529	\$ 580.6757	\$ 173.8067	\$ 2,560.6014	dwelling
220	Apartment	\$ 126.0043	\$ 1,620.1505	\$ 42.8113	\$ 17.1529	\$ 580.6757	\$ 121.4090	\$ 2,508.2037	dwelling
230	Residential Condominium/Townhouse	\$ 126.0043	\$ 1,620.1505	\$ 42.8113	\$ 17.1529	\$ 580.6757	\$ 106.0732	\$ 2,492.8679	dwelling
<b>Port and Terminal</b>									
030	Intermodal Truck Terminal	\$ -	\$ -	\$ 0.0225	\$ 0.0092	\$ 0.2949	\$ 0.1660	\$ 0.4926	square foot
<b>Industrial/Agricultural</b>									
110	General Light Industrial	\$ -	\$ -	\$ 0.0367	\$ 0.0151	\$ 0.4810	\$ 0.1170	\$ 0.6498	square foot
120	General Heavy Industrial	\$ -	\$ -	\$ 0.0290	\$ 0.0120	\$ 0.3812	\$ 0.0251	\$ 0.4473	square foot
140	Manufacturing	\$ -	\$ -	\$ 0.0285	\$ 0.0118	\$ 0.3738	\$ 0.0641	\$ 0.4782	square foot
150	Warehousing	\$ -	\$ -	\$ 0.0145	\$ 0.0059	\$ 0.1907	\$ 0.0597	\$ 0.2708	square foot
151	Mini-Warehouse	\$ -	\$ -	\$ 0.0012	\$ 0.0005	\$ 0.0160	\$ 0.0419	\$ 0.0596	square foot
<b>Recreational</b>									
491	Racquet/Tennis Club	\$ -	\$ -	\$ 0.0048	\$ 0.0020	\$ 0.0639	\$ 0.2176	\$ 0.2883	square foot
495	Recreational Community Center	\$ -	\$ -	\$ 0.0197	\$ 0.0081	\$ 0.2586	\$ 0.5247	\$ 0.8111	square foot
<b>Institutional</b>									
520	Private Elementary School	\$ -	\$ -	\$ 0.0156	\$ 0.0064	\$ 0.2047	\$ 0.2253	\$ 0.4520	square foot
565	Day Care Center	\$ -	\$ -	\$ 0.0448	\$ 0.0184	\$ 0.5873	\$ 0.1446	\$ 0.7951	square foot
566	Cemetery	\$ -	\$ -	\$ 1.2955	\$ 0.5345	\$ 16.9725	\$ 77.7201	\$ 96.5226	acre
<b>Medical</b>									
620	Nursing Home	\$ -	\$ -	\$ 0.0370	\$ 0.0153	\$ 0.4859	\$ 0.1040	\$ 0.6422	square foot
630	Clinic	\$ -	\$ -	\$ 0.0625	\$ 0.0257	\$ 0.8184	\$ 0.4420	\$ 1.3486	square foot
<b>Office</b>									
710	General Office Building	\$ -	\$ -	\$ 0.0528	\$ 0.0218	\$ 0.6925	\$ 0.1852	\$ 0.9523	square foot
714	Corporate Headquarters Building	\$ -	\$ -	\$ 0.0545	\$ 0.0225	\$ 0.7138	\$ 0.1340	\$ 0.9248	square foot
715	Single-Tenant Office Building	\$ -	\$ -	\$ 0.0500	\$ 0.0207	\$ 0.6562	\$ 0.1956	\$ 0.9225	square foot
720	Medical-Dental Office Building	\$ -	\$ -	\$ 0.0645	\$ 0.0266	\$ 0.8452	\$ 0.6068	\$ 1.5431	square foot

## EXHIBIT C

### Appendix A: IMPACT FEE SCHEDULE (Effective January 1, 2023)

ITE Code*	Land Use	Library Services	Parks & Recreation	Sheriff's Office	Public Safety Facilities	Fire and EMS	Road Improvements	Total Impact Fee**	For Each***
<b>Retail</b>									
812	Building Materials and Lumber Store	\$ -	\$ -	\$ 0.0223	\$ 0.0091	\$ 0.2931	\$ 0.6678	\$ 0.9923	square foot
816	Hardware/Paint Store	\$ -	\$ -	\$ 0.0153	\$ 0.0063	\$ 0.2008	\$ 0.3745	\$ 0.5969	square foot
820	Shopping Center	\$ -	\$ -	\$ 0.0265	\$ 0.0110	\$ 0.3481	\$ 0.5879	\$ 0.9735	square foot
826	Specialty Retail Center	\$ -	\$ -	\$ 0.0315	\$ 0.0130	\$ 0.4131	\$ 0.6553	\$ 1.1129	square foot
841	Automobile Sales	\$ -	\$ -	\$ 0.0243	\$ 0.0099	\$ 0.3184	\$ 0.4658	\$ 0.8184	square foot
843	Auto Parts Store	\$ -	\$ -	\$ 0.0152	\$ 0.0062	\$ 0.2000	\$ 0.4973	\$ 0.7187	square foot
850	Supermarket	\$ -	\$ -	\$ 0.0184	\$ 0.0076	\$ 0.2427	\$ 0.8025	\$ 1.0712	square foot
853	Convenience Market with Gas Pumps	\$ -	\$ -	\$ 0.0286	\$ 0.0118	\$ 0.3752	\$ 2.4700	\$ 2.8856	square foot
880	Pharmacy/Drugstore	\$ -	\$ -	\$ 0.0265	\$ 0.0110	\$ 0.3481	\$ 0.6576	\$ 1.0432	square foot
890	Furniture Store	\$ -	\$ -	\$ 0.0065	\$ 0.0027	\$ 0.0865	\$ 0.0183	\$ 0.1140	square foot
<b>Services</b>									
912	Drive-in Bank	\$ -	\$ -	\$ 0.0761	\$ 0.0314	\$ 0.9980	\$ 0.5949	\$ 1.7004	square foot
931	Quality Restaurant	\$ -	\$ -	\$ 0.1186	\$ 0.0489	\$ 1.5549	\$ 0.6239	\$ 2.3463	square foot
932	High-Turnover (Sit-Down) Restaurant	\$ -	\$ -	\$ 0.1186	\$ 0.0489	\$ 1.5549	\$ 0.8820	\$ 2.6044	square foot
934	Fast-Food Restaurant	\$ -	\$ -	\$ 0.1734	\$ 0.0715	\$ 2.2719	\$ 2.4455	\$ 4.9623	square foot
941	Quick Lubrication Vehicle Shop	\$ -	\$ -	\$ 33.4117	\$ 13.7862	\$ 437.7306	\$ 606.1328	\$ 1,091.0613	service bay

\* ITE Code means the land use code assigned in the Trip Generation manual published by the Institute of Transportation Engineers, 9th Edition.

\*\* Includes 1% administration fee.

\*\*\* "Square foot" means square foot of gross building floor area.