

STATE OF LOUISIANA  
PARISH OF ASCENSION

ORDINANCE

PURPOSE:

To amend Chapter 19, Roads, Bridges and Other Public Ways, to add Article IV, Transportation Impact Fee, of the Ascension Parish Code of Ordinances,

WHEREAS, Ascension Parish continues to be one of the fastest growing parishes within the State of Louisiana; and

WHEREAS, this rapid growth has negatively impacted the capacity of the transportation network within Ascension Parish; and

WHEREAS, it is the desire of the citizens of Ascension Parish to provide adequate roadway capacity as one component of the quality of life enjoyed by the citizens of the Parish; and

WHEREAS, the Parish of Ascension has determined that it is in the best interests of the citizens of Ascension Parish to establish transportation impact fees to assist in the mitigation of the Transportation Impact of the rapid growth on the transportation network within Ascension Parish.

WHEREAS, on July 22, 2005, Duncan and Associates completed a Transportation Impact Fee Study for Ascension Parish, Louisiana with a correction (Table 21) to that study on May 8, 2006; and

WHEREAS, the above study used a "consumption-based" model, which proposes to charge a new development cost of replacing the capacity that it consumes on the major roadway system; and

WHEREAS, now Ascension desires to implement a Transportation Impact fee that is based on the above study.

NOW THEREFORE, BE IT ORDAINED by the Ascension Parish Governing Authority of the Parish of Ascension, State of Louisiana, Chapter 19, Article IV, Transportation Impact Fee; be added as further described in Exhibit A attached hereto and made a part hereof:

SEVERABILITY: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency 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 hereof.

EFFECTIVE DATE: This ordinance shall be in full effect as permitted by law.

This ordinance having been submitted to a vote, the vote thereon was as follows:

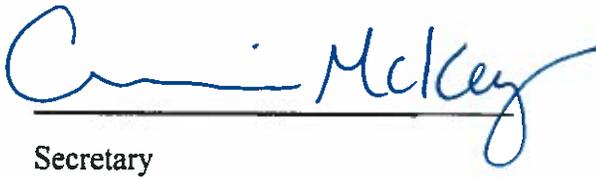
Yeas: Oliver Joseph, Bill Dawson, Travis Turner, Daniel Satterlee, Dempsey Lambert, Aaron Lawler, Teri Casso, Todd Lambert, John Cagnolatti, Benny Johnson

Nays: None

Not Voting: Chairman Randy Clouatre

Absent: None

And this ordinance was passed on this 7th day of April, 2016.

  
Secretary

  
President

## EXHIBIT A

### ARTICLE IV. TRANSPORTATION IMPACT FEE

#### **Section 19-46 Short title, authority and application**

- (a) **Title.** This Article IV, TRANSPORTATION IMPACT FEE may be known and cited as the "Ascension Transportation Impact Fee Ordinance". The Ascension Transportation Impact Fee Ordinance may be referred to herein as the "Ordinance".
- (b) **Authority.** The Parish Council has the authority to adopt the Ordinance set forth herein pursuant to the home rule charter of Ascension Parish and the Louisiana Constitution.
- (c) **Applicability.** The Ascension Transportation Impact Fee Ordinance shall apply to all of the territory within the limits of Ascension Parish; provided, however, that Impact Fees shall only be assessed in the unincorporated area of the Parish to account for Proportionate Shares of the cost of new infrastructure facilities required to serve the Impact-Generating Developments therein.

#### **Section 19-47 Purpose**

The intent of this Section is to ensure that Impact-Generating Development bears a Proportionate Share of the cost of improvements to the Parish's Major Roadway Systems required to address the Impact-Generating Development; to ensure that the Proportionate Share does not exceed the cost of providing improvements to roadways to the new Development that paid the Impact Transportation Impact Fee; to ensure that funds collected from Impact-Generating Development are actually used to construct Major Roadway System Improvements necessitated by new Development; and to ensure that adequate roadways are available to serve new growth and Development.

It is not the purpose and/or intent of this Ordinance to collect any money from any Impact-Generating Development in excess of the actual amount necessary to offset demands generated by that Development for Major Roadway System Improvements for which the Impact Transportation Impact Fee was paid.

#### **Section 19-48 Definitions**

- (a) **Accessory Building.** A Building which (1) is subordinate to and serves a principal Structure or Principal Use; (2) is subordinate in area, extent and purpose to the principal Structure or Principal Use; (3) is located on the same Lot as the principal Structure or Principal Use; and (4) is customarily incidental to the principal Structure or Principal

Use. Any portion of a Principal Building that is devoted to an Accessory Use is not an Accessory Building.

- (b) Accessory Use. A Use which (1) is subordinate to and serves a principal Structure or Principal Use, (2) is subordinate in area, extent, and purpose to the principal Structure or Principal Use served, (3) is located on the same Lot as the principal Structure or Principal Use served except as otherwise expressly authorized by provisions of this Ordinance, and (4) is customarily incidental to the principal Structure or Principal Use.
- (c) Alternative Fee Calculation. An individual assessment of a Transportation Impact Fee based on the provisions and formula set forth in Section 19-52 herein.
- (d) Appeal. A means for obtaining review of a decision, determination, order, or failure to act under the terms of this Ordinance.
- (e) Assessment District or Service Area. is the unincorporated area of Ascension Parish where Transportation Impacts Fees will be collected.
- (f) Building. A Structure built, maintained, or intended for Use as a shelter or enclosure of persons, animals, or property. The term includes any part of the Structure. Where independent units with separate entrances are divided by party walls, each unit is a Building.
- (g) Building Permit. A permit issued by the applicable governmental authority required to erect, construct, enlarge, alter, repair, remove, convert, or demolish any Building, Structure, swimming pool, or parking lot, or additions thereto, pursuant to the Ascension Parish Development Code.
- (h) Capacity. The maximum number of vehicles that have a reasonable expectation of passing over a given section of a Street during an hour, expressed in terms of vehicles per hour.
- (i) Certificate of Occupancy. The Certificate of Occupancy issued by the Parish to an owner, builder or renovator, indicating that the building is in proper condition to be occupied.
- (j) Commencement of Impact-Generating Development. Upon approval of a final planned unit development plan, final traditional neighborhood development plan, rezoning, special review use permit, final subdivision plat, minor subdivision plat or the issuance of a Building Permit.
- (k) Credit. The Credit defined in Section 19-53 of this Ordinance.
- (l) Developer. The legal or beneficial Owner(s) of a Lot or Parcel of any land proposed for inclusion in a Development, including the holder of an option or contract to purchase.
- (m) Development. The division of a Parcel of land into two (2) or more Parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any Buildings or Structures; any change in Use of any Buildings or land; or any extension of any Use of land or any clearing, grading, or other movement of land.

- (n) Development Code, or Ascension Parish Development Code. That collection of ordinances, rules and regulations of Ascension Parish adopted and enforced by the Parish Council.
- (o) Dwelling Unit. Any Building or portion of a Building that is designated or used for residential purposes by one household.
- (p) Existing Impact-Generating Development. The most intense Use of land within the twelve (12) months prior to the time of Commencement of Impact-Generating Development.
- (q) Expansion of the Capacity of a Street. Any widening, intersection improvement, signalization or other Major Roadway System Improvements designed to increase the existing Street's Capacity to carry vehicles.
- (r) Fee Payer. A Person commencing Impact-Generating Development who is obligated to pay a Transportation Impact Fee in accordance with the terms of this Ordinance, including without limitation a developer, owner and/or builder, regardless of the time during which such Fee Payer owns the land.
- (s) Floor area. The sum of the gross floor area for each of a Building's stories measured from the exterior limits of the faces of the Structure or Building expressed in square feet. The Floor Area includes the basement floor area. The Floor Area includes the attic only if it is habitable floor area. The floor area excludes parking and loading areas.
- (t) Impact Fee Schedule. That table of Transportation Impact Fees to be applied to Impact-Generating Developments set forth in Section 19-51 of this Ordinance.
- (u) Impact-Generating Development. Any Development designed or intended to permit a Use of the land that will contain, or convert to, more Dwelling Units or Floor Area than the most intensive Use of the Land as it existed immediately preceding an application for new Development in a manner that increases the generation of roadway traffic.
- (v) Level of Service (LOS). The system-wide ratio of vehicle-miles of Capacity to vehicle-miles of travel on the Major Roadway System.
- (w) Lot. A Parcel of land undivided by any Street or private road and occupied or intended for occupancy by, or designated to be developed for, one (1) Building or Principal Use and the Accessory Buildings or Uses customarily incidental to such Building, Use or Development, including such open spaces and yards as are designed and arranged or required by this Ordinance for such Building, Use or Development.
- (x) Major Roadway System. All State roads within Ascension Parish and major Parish roads that function as arterials in the judgment of the Parish Engineer, but excluding interstates and U.S. highways. The existing Major Roadway System is identified in Transportation Impact Fee Study.

- (y) Major Roadway System Improvements. Any improvement or facility (other than the Site-Related Improvements) which increases or improves the service Capacity of the Major Roadway System, including but not limited to:
- (1) The planning, preliminary engineering, engineering design studies, land surveys, and alignment studies;
  - (2) Right-of-Way acquisition; and
  - (3) The engineering, permitting and construction of all necessary features undertaken to accommodate additional traffic resulting from Impact-Generating Development on Major Roadway Systems, including but not limited to:
    1. new roads and lanes;
    2. widening of existing roads;
    3. new bridges;
    4. new drainage facilities in connection with new Street construction;
    5. purchase and installation of traffic signals and transportation control devices, including new and upgraded signalization;
    6. new curbs, gutters, sidewalks, medians and shoulders;
    7. reconstruction of intersections to increase Capacity;
    8. bus turnouts;
    9. new acceleration and deceleration lanes;
    10. new or improved interchanges;
    11. landscaping; and
    12. Street lighting.
    13. Notwithstanding the foregoing, incidental improvements such as drainage, curb, gutters, sidewalk, landscaping and lighting shall not be considered eligible unless they are part of a Capacity expanding Major Roadway System Improvements.
- (z) Owner. The Person or Persons having the right of legal title to, beneficial interest in, or a contractual right to purchase a Lot or Parcel of land.
- (aa) Parcel. The area within the boundary lines of a Development.
- (bb) Parish. Ascension Parish, State of Louisiana.
- (cc) Parish Council or Council. The governing body of Ascension Parish having the power to adopt and enforce ordinances.

- (dd) Person. An individual, firm, partnership, corporation, company, association, joint stock association or government entity, including a trustee, a receiver, an assignee, or a similar representative of any of them.
- (ee) Principal Building. A Building in which the Principal Use of the Lot on which the Building is located is conducted or intended to be conducted.
- (ff) Principal Use or Primary Use. The specific primary purpose for which land is used.
- (gg) Proportionate Share. That portion of the cost of Major Roadway System Improvements reasonably relating to the service demands and needs of the Impact-Generating Development.
- (hh) Refund Owner. The Owner of the land upon which the Impact-Generating Development is constructed eight (8) years after the Trigger Event or later date for a refund of the Transportation Impact Fee as provided in Section 19-56.
- (ii) Right-of-Way. A strip of ground dedicated by the Developer for public Use, title to which shall rest in the public for the purpose stated in the dedication.
- (jj) Shopping Center. Two (2) or more retail and service businesses that are located within the same Building or within Buildings that are connected and wherein tenants share private, off-street customer parking areas.
- (kk) Site-Related Improvements. All improvements not on the Major Roadway System, and all improvements on the Major Roadway System that function primarily to facilitate access to or from a particular development site to the Major Roadway System. Credit shall not be provided for Site-Related Improvements. A turn lane leading to or from an Impact Generating Development, if required by a State-required traffic study, shall be considered a Site-Related Improvement except as outlined in Section 19-53 (a)(2)(ii).
- (ll) Street. A way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, freeway, road, avenue, boulevard, lane, place, or however otherwise designated. A Street may be public or private.
- (mm) Structure. An object, including a mobile object, constructed or installed by man, including without limitation, Buildings, towers, cranes, and overhead transmission lines.
- (nn) Subdivision. Any division, subdivision, re-division, or re-subdivision of a subdivision, tract, Parcel, or Lot of land into two (2) or more Lots, plots, sites, parts, or other division of land by means of mapping, platting, conveyance, or change of rearrangement of boundaries for the purpose of sale, lease or Development, whether immediate or future. All Subdivisions are also Developments.
- (oo) Transportation Impact Fee Study. The *Transportation Impact Fee Study* for Ascension Parish, Louisiana, prepared by Duncan Associates in July 2005, and any updates and/or additions thereto.

- (pp) Transportation Impact Fee Administrator. The Person or Persons recommended by the Administration and ratified by the Parish Council primarily responsible for administering the provisions of this Ordinance, or his or her designee.
- (qq) Transportation Impact Fee District or Benefit District. Each Transportation Impact Fee benefit district created pursuant to Section 19-54 of this Ordinance.
- (rr) Transportation Impact Fee. The charge imposed upon new Impact-Generating Development by the Parish Council to fund all or a portion of the Roadway System Improvements affected by the new Development from which it is collected, and promulgated pursuant to, and described in, the provisions of this Ordinance, including without limitation the development of state highways.
- (ss) Transportation Impact Fee Trust. An account established to hold all Transportation Impact Fees and interest accrued on such fees and to disburse such funds for the exclusive purpose(s) outlined in this Ordinance.
- (tt) Trigger Event. The event that initiates the payment of Transportation Impact Fees. Application for a Building Permit or a Certificate of Occupancy for an Impact-Generating Development, or occupancy of an Impact-Generating Development where neither a Building Permit nor a Certificate of Occupancy is required or obtained. Payment of impact fees may be deferred until the issuance of a Certificate of Occupancy, if requested by the applicant.
- (uu) Trip. A one-way movement of vehicular travel from an origin (one trip end) to a destination (the other trip end).
- (vv) Trip Generation. The attraction or production of Trips caused by a certain type of land development.
- (ww) Use. The purpose or activity for which land or any Building thereon is designed, arranged, or intended, or for which it is occupied or maintained.
- (xx) Vehicle-Miles Capacity (VMC). The system wide capacity of the Major Roadway system in Ascension Parish expressed in Vehicle-Miles.
- (yy) Vehicle-Miles of Travel (VMT). The combination of the number of vehicles traveling during a given time period and the distance (in miles) that they travel.

**Section 19-49 Impositions of Transportation Impact Fees.**

- (a) Imposition
  - (1) Applicability. Any Fee Payer who causes a Trigger Event to commence, except those Fee Payers exempt under Section 19-50 herein and those Fee Payers requiring an Alternative Fee Calculation under Section 19-52 herein, shall pay a Transportation Impact Fee in accordance with the following provisions and the Transportation Impact Fee Schedule set forth in Section 19-51.

- (2) Level of Service Analysis. Within six months of the effective date of this Ordinance and also, coincident with the Transportation Impact Fee Study update, there shall be verification that the ratio of VMC to VMT is at least 1.00 for the Major Roadway System.
  - (3) Public Viewing. The data sources and methodology upon which needs assessments and Transportation Impact Fees are based shall be made available to the public upon request.
  - (4) Basis. The amount of the Transportation Impact Fee imposed for each Use shall be based upon the Proportionate Share of the actual cost of Major Roadway System Improvements, expansion of improvements, or reasonable estimates of the cost, to be incurred by the Parish as a result of Impact-Generating Development.
  - (5) Requirements: A Transportation Impact Fee shall meet the following requirements:
    - (i) The amount of the Transportation Impact Fee must be reasonably related to the Impact-Generating Development's share of the cost of Major Roadway System Improvements made necessary by the Impact-Generating Development; and
    - (ii) The Transportation Impact Fees imposed must not exceed a Proportionate Share of the costs incurred or to be incurred by the Parish in mitigating the Transportation Impact of the Impact-Generating Development.
- (b) Requirement
- (1) Except as provided in Section 19-50 (a), after the effective date of the Ordinance codified herein and after a Trigger Event, any Person shall pay a Transportation Impact Fee pursuant to the terms of this Ordinance for Impact-Generating Development regardless of the Commencement of the Impact-Generating Development, unless the type of Development is specifically exempted by the provisions of this Ordinance.
  - (2) If the Transportation Impact Fee is imposed for an Impact-Generating Development that increases transportation impact because of a change in Use, redevelopment of a site, expansion of an existing Building, or replacement of an existing Building with a larger Building, the Transportation Impact Fee shall be determined by computing the difference (in the Transportation Impact Fee Schedule) between the new Impact-Generating Development and the Existing Impact-Generating Development.
  - (3) The obligation to pay the Transportation Impact Fee shall run with the land.
- (c) Credits. If any Credits are due pursuant to Section 19-53, such Credits shall also be determined at the time of the Trigger Event.

(d) Payment.

- (1) The primary Trigger Event for payment of Transportation Impact Fees shall be the application for a Building Permit. The Building Permit shall not be issued if the Transportation Impact Fee has not been paid in accordance with this Ordinance. If a Building Permit is not required then a Certificate of Occupancy, or other permit, shall be the Trigger Event for Fee payment and shall be issued only after the Fee Payer thereof has paid the applicable Transportation Impact Fee imposed by this Ordinance unless otherwise exempted under Section 19-50 herein.
- (2) If the application for a Building Permit or a Certificate of Occupancy is for less than the entire Impact-Generating Development, the Transportation Impact Fee shall be computed and paid separately for the amount of the Impact-Generating Development covered by a Building Permit or a Certificate of Occupancy.
- (3) Any Building Permit or Certificate of Occupancy, or other such permit, issued without payment by the Fee Payer and collection by the Transportation Impact Fee Administrator of the required Transportation Impact Fee shall be null and void.
- (4) In the event the Impact-Generating Development does not require a Building Permit or Certificate of Occupancy, or other such permit, the Fee Payer shall pay the Transportation Impact Fee prior to the date when any part of the Impact-Generating Development opens for business.
- (5) For purposes of payment of the Transportation Impact Fee, a Fee Payer may be a Developer, a seller of land to a Developer, a builder of Structures on Lots, or a purchaser of improved Lots, as between the parties.

**Section 19-50 Exemptions.**

- (a) Pre-Ordinance Application. Section 19-49 shall not be applicable if a completed application for a Building Permit has been submitted to the applicable governmental authority of the Parish prior to the effective date of the Ordinance and if the construction proceeds according to the terms of the Building Permit. If such Building Permit expires, application for a new Building Permit shall be subject to this Ordinance.
- (b) Exemptions. The following types of Development shall be exempted from payment of all Transportation Impact Fees otherwise due pursuant to this Ordinance:
  - (1) Replacement of a destroyed or partially destroyed Building or Structure with a new Building or Structure of the same Use, and with the same, or a less number of residential units, provided that the rebuilding or replacement occurs no later than five (5) years after the demolition or removal of the previous Building or Structure, and provided that no additional vehicular Trips are produced in excess

of that produced by the original or existing Building or Structure, or original or existing Use.

- (2) Additions, remodeling, rehabilitation or other improvements to an existing Building, provided that there is no increase in the number of Dwelling Units for residential Use or in the amount of Floor Area for nonresidential Use.
  - (3) Construction of Accessory Buildings or Structures which are unoccupied, provided that no additional vehicular Trips are produced in excess of that produced by the original or existing Building or Structure, or original or existing Use, as a result of such construction.
  - (4) New Impact-Generating Development that the Fee Payer can demonstrate through the Alternate Fee Calculation will create no additional vehicular Trips in excess of that produced by the existing Use or Development.
- (c) Request for Exemption. If a Building Permit is required for the new Impact-Generating Development, any claim for exemption must be made no later than the date of the application for the Building Permit. If the issuance of a permit is not required for the new Impact-Generating Development, any claim for exemption must be made no later than the date when any part of the Development opens for business or goes into Use.
- (d) Determination of Validity. The Transportation Impact Fee Administrator shall determine the validity of any claim for exemption pursuant to the criteria set forth in this Ordinance.
- (e) Funding of Exemptions. The proportionate share of any Transportation Impact Fee costs directly related to the exemption granted pursuant to this subsection 19-50 above shall be funded from a revenue source other than Transportation Impact Fees.

#### **Section 19-51 Establishment of Transportation Impact Fee Schedule.**

- (a) Fee Schedule. The Transportation Impact Fee Schedule included in this ordinance shall be the Base Transportation Impact Fee Schedule, applicable to each of the Transportation Impact Fee Benefit Districts as shown in Appendix Map 1.
- a. Within six months of the effective date of this Ordinance, the Transportation Impact Fee Administrator or the Administration of Ascension Parish if no Administrator has been named shall commission an update of the Transportation Impact Fee schedule in order to account for variable changes since the Duncan report of 2005. As soon as possible after the completion of this update, the Administrator or the Administration shall submit the updated Fee Schedule to the Parish Council for adoption as the new Schedule.
  - b. After this initial adjustment the Fees in the Transportation Fee Schedule shall be adjusted each June based on the change in the in the cost of Roadway Construction in Ascension parish in the previous calendar year compared to the year preceding the previous year. The Transportation Impact Fee Administrator

shall present the proposed Fee changes to the Parish Council before June of each year.

- c. The Transportation Impact Fee Equation variables shall be updated at least every five (5) years to incorporate updates to the ITE manual and other variables used in the equation to calculate the Transportation Impact Fees. The Transportation Impact Fee Administrator shall initiate these updates on this frequency or sooner if he (she) witnesses substantial changes to the variable(s) used in the equation to calculate the Fees. These updates will also be used to incorporate new Land Uses in the Schedule. A new Transportation Impact Fee Schedule based on the updated equation shall be submitted to the Parish Council for adoption as the new Fee Schedule as soon as practicable.
- (b) Uses Not Listed. In the event that the type of Use proposed is not listed in the Transportation Impact Fee Schedule above, the Transportation Impact Fee for the most similar Use, in terms of Trip Generation, shall be used, or the Transportation Impact Fee shall be computed by an Alternative Fee Calculation, as set forth in Section 19-52 below. The description of land Use categories in the most current edition of the Institute of Transportation Engineers (ITE) Trip Generation manual shall be used as a guide in applying the land Uses in the Transportation Impact Fee Schedule. When the Transportation Impact Fee Study is updated at least every five (5) years, any new Land Uses will be recalculated.
- (c) Mixed Use. In the event of mixed Uses on a Lot, the Primary Use shall be the basis for the calculation of the Transportation Impact Fee. However, in the event that an Accessory Use accounts for more than thirty (30%) percent of the Uses on the Lot, and the Accessory Use is not assumed in the Trip Generation or other impact data for the Primary Use, then the Transportation Impact Fees may be assessed based on the square footage of the Primary Uses and Accessory Uses, calculated separately, but assessed as one (1) Transportation Impact Fee, in accordance with the provisions of this Ordinance.
- (d) Transportation Impact Fee Schedule. The following Transportation Impact Fees, based on the Transportation Impact Fee Study, are hereby adopted.

<b>Residential</b>		
Single Family Dwelling Detached		
Less than 1000 sq. ft.	Dwelling	\$1,489.00
1000-1999	Dwelling	\$1,726.00
2000-2999	Dwelling	\$1,933.00
3000-3999	Dwelling	\$2,057.00
4000 or more	Dwelling	\$2,169.00
Multi Family	Dwelling	\$1,141.00
Mobile Home Park	Pad	\$1,082.00
Hotel/Motel	Room	\$ 975.00
<b>RETAIL/COMMERCIAL</b>		
Shopping Center/General Retail	1000 sq. ft.	\$2,317.00

Bank	1000 sq. ft.	\$4,468.00
Convenience Store with Gas Station	1000 sq. ft.	\$4,841.00
Movie Theater	1000 sq. ft.	\$2,601.00
Restaurant, Quality	1000 sq. ft.	\$2,837.00
Restaurant, Fast Food	1000 sq. ft.	\$5,189.00
<b>OFFICE/INSTITUTIONAL</b>		
Office, General	1000 sq. ft.	\$2,737.00
Office, Medical	1000 sq. ft.	\$5,537.00
Hospital	1000 sq. ft.	\$1,756.00
Nursing Home	1000 sq. ft.	\$ 627.00
Church	1000 sq. ft.	\$ 739.00
Day Care Center	1000 sq. ft.	\$3,582.00
Elementary/Secondary School	1000 sq. ft.	\$ 266.00
<b>INDUSTRIAL</b>		
Industrial Park	1000 sq. ft.	\$1,578.00
Warehouse	1000 sq. ft.	\$ 862.00
Mini-Warehouse	1000 sq. ft.	\$ 290.00

**Section 19-52 Alternative Fee Calculations.**

- (a) Qualification for the Alternative Fee Calculation. The Transportation Impact Fee shall be computed by the use of an Alternative Fee Calculation of transportation impact if:
- (1) The type of Impact-Generating Development being commenced is not similar, in terms of Trip Generation, to any of the Land Uses listed on the Transportation Impact Fee Schedule;
  - (2) The Fee Payer chooses to have the amount of the Transportation Impact Fee determined by the use of an Alternative Fee Calculation; or
  - (3) The Transportation Impact Fee Administrator concludes that the nature, timing or location of the proposed Impact-Generating Development makes it likely to generate impacts costing substantially more to mitigate than the amounts of the Transportation Impact Fee that would be generated by the use of the Transportation Impact Fee Schedule.
- (b) Responsibility for Preparation and Cost.
- (1) The Fee Payer shall be responsible for preparation of the Alternative Fee Calculation if the Fee Payer chooses to conduct the analysis.
  - (2) The Transportation Impact Fee Administrator shall be responsible for preparation of the Alternative Fee Calculation if the type of Development being proposed is interpreted not to be one of those types listed in the Transportation Impact Fee Schedule or analysis of the proposed Impact- Generating Development concludes

that the nature, timing or location of the proposed Impact-Generating Development makes it likely to generate impacts costing substantially more to mitigate than the amounts of the Transportation Impact Fee that would be generated by the use of the Transportation Impact Fee Schedule. In any event, the Fee Payer shall be responsible for the cost of the Alternative Fee Calculation.

- (3) The Person who prepares the Alternative Fee Calculation shall be a Registered Professional Engineer qualified professional in the preparation of transportation impact analyses and shall be approved by the Transportation Impact Fee Administrator on the basis of professional training and experience.
- (c) **Computation: Formula.** The Alternative Fee Calculation for the Transportation Impact Fee shall determine if the proposed Impact-Generating Development is designed or located so that the Impact-Generating Development will place less demand on transportation infrastructure than that projected in the Transportation Impact Fee Schedule. The Transportation Impact Fees from an Alternative Fee Calculation shall be computed based on the following formula:

**ALTERNATIVE FEE CALCULATION FORMULA**

TRANSPORTATION IMPACT FEE = VMT x NET COST/VMT
VMT = PHT x % NEW x LENGTH / 2
PHT = Trip ends during the PM peak hour during an average weekday
% NEW = Percent of Trips that are primary Trips, as opposed to pass by or diverted-link Trips
LENGTH = Average length of a Trip on the Major Roadway System
/2 = Avoids double-counting Trips for origin and destination
NET COST/VMT = COST/VMT – CREDIT/VMT
COST/VMT = COST/VMC x VMC/VMT
COST/VMC = COST/LANE-MILE I AVG CAPACITY
VMC/VMT = The system-wide ratio of Capacity to demand in the Major Roadway System of 1.00.
COST/LANE-MILE = Average cost to add a new lane-mile to the Major Roadway System from the Transportation Impact Fee Study.
AVG CAPACITY = Average hourly Capacity per lane from the Transportation Impact Fee Study.
CREDIT/VMT = Revenue Credit per VMT from the Transportation Impact Fee Study.

- (d) **Basis.** The Calculation is based on the Transportation Impact Fee Study and variables should be from the same sources as in this study. The Alternative Fee Calculation shall be based on data, information or assumptions contained in the Impact Fee Study or independent sources, provided that:
- (1) The independent source is an accepted standard source of transportation or traffic engineering or planning data; or

- (2) The independent source is a local study on Trip characteristics carried out by a qualified transportation planner or engineer pursuant to an accepted methodology of transportation or traffic planning or engineering; or
  - (3) The percentage of new Trips factor used in the Alternative Fee Calculation is based on actual surveys prepared in the Parish.
  - (4) If a prior Fee Payer submitted, during a prior approval process, a Transportation Impact study consistent with the criteria required by this Section and if that study is determined by the Transportation Impact Fee Administrator to still be valid, the transportation impacts of the Impact-Generating Development shall be presumed to be as described in the prior study. There shall be a rebuttable presumption that a transportation impact study which is more than two (2) years old is invalid
- (e) Process for Review; Application.
- (1) A Fee Payer, at the Fee Payer's discretion, shall undertake an Alternative Fee Calculation through the submittal of an application to the Impact Fee Administrator. The Transportation Impact Fee Administrator shall submit an application for any proposed Impact- Generating Development which is not of a type, or Use, set forth on the Transportation Impact Fee Schedule and for any proposed Impact-Generating Development which, at the determination of the Transportation Impact Fee Administrator, the nature, timing or location of the proposed Development makes it likely to generate Transportation Impacts costing substantially more to mitigate than the amount of the Transportation Impact Fee that would be generated by the Use in the Transportation Impact Fee Schedule.
    - (i) If the Applicant is the Fee Payer, then the Applicant shall pay a temporary fee based on the Land Use in the Land Use Table that most closely matches the proposed Land Use. Upon a final decision on the Alternative Fee the Temporary Fee will be refunded to the payer.
  - (2) The application shall set forth all data, sources and information used in the computation of the proposed Transportation Impact Fee and the calculation of the Transportation Impact Fee through observance of the formula set forth above. The application shall comply with all provisions of this Section 19-52.
  - (3) Within ten (10) days of receipt of any application for an Alternative Fee Calculation, the Transportation Impact Fee Administrator shall determine if the application is complete; if not complete, a written notice shall be sent to the Fee Payer specifying the deficiencies. The application shall be deemed complete if no deficiencies are specified within the ten (10) day period or when the Fee Payer submits a revised application remedying the deficiencies. The Transportation Impact Fee Administrator shall take no further action on the application until it is deemed complete.

- (4) Upon a determination of completeness by the Transportation Impact Fee Administrator, the Transportation Impact Fee Administrator shall submit a written decision to the Fee Payer within thirty (30) days of the date the application is deemed complete on whether the proposed Transportation Impact Fee is acceptable or should be modified.
  - (5) If the Transportation Impact Fee should be modified, the written decision must contain the new Transportation Impact Fee amount and the reasons therefore.
  - (6) Any modification of the Transportation Impact Fee shall be set forth in an Transportation Impact Fee agreement between the Fee Payer and the Parish.
- (f) Standards. If the Transportation Impact Fee Administrator finds that the data, information and assumptions used by the Fee Payer to calculate the Alternative Fee Calculation satisfies the requirements of this Section, or if so modified by the Transportation Impact Fee Administrator, the Transportation Impact Fee determined in the Alternative Fee Calculation, or the modified Transportation Impact Fee, shall be deemed the Transportation Impact Fee due and owing for the proposed Impact-Generating Development.
- (g) Appeal of Transportation Impact Fee Administrator's Decision.
- (1) A Fee Payer may appeal the Transportation Impact Fee Administrator's decision on the Alternative Fee Calculation by filing a written notice with the Parish Council of the Parish Council appointed by the Parish Council to hear the appeal and the Transportation Impact Fee Administrator stating the grounds of the Appeal within ten (10) days of the date the Fee Payer receives the written decision by the Transportation Impact Fee Administrator.
  - (2) The Transportation Impact Fee Administrator shall set the Appeal on the Parish Council's agenda for its next regularly scheduled meeting. At such Parish Council meeting, the Parish Council shall set a date for hearing.
  - (3) The Parish Council, after hearing, shall affirm or reverse the decision of the Transportation Impact Fee Administrator and make written findings of fact and its conclusions of law and apply the standards in Section 19-52 (f) above. If the Parish Council reverses the decision of the Transportation Impact Fee Administrator, the Parish Council shall direct the Transportation Impact Fee Administrator to recalculate the Transportation Impact Fee in accordance with its findings.
  - (4) In no case shall the Parish Council negotiate the amount of the Transportation Impact Fee or waive the Transportation Impact Fee.
  - (5) The decision by the Parish Council shall be final and not subject to further administrative appeal

## **Section 19-53 Credits.**

### **(a) Qualification.**

- (1) Any Fee Payer commencing Impact-Generating Development may apply for Credit to the Transportation Impact Fee Administrator against Transportation Impact Fees otherwise due up to, but not exceeding, the full obligation of Transportation Impact Fees pursuant to the Ordinance for any contributions, construction, donation of additional land reviewed and accepted by Ascension Parish for Major Roadway System Improvements.**
- (2) The following are not eligible for Credit:**
  - (i) The value of land dedicated for required road Rights-of-Way, since required Right-of-Way costs were not included in calculating the Transportation Impact Fee. Credit may be given for additional road Rights of Way in an amount equal to the fair market value of the additional Rights of Way;**
  - (ii) Any Site-Related Improvements; including but not limited to a turn lane leading to or from an Impact Generating Development, if required by a State-required traffic study, shall be considered a Site-Related Improvement to the point that it does not improve the Level of Service (LOS) above the current LOS of the intersection or roadway; and/or**
  - (iii) Improvements for which reimbursement or direct funding are being provided for and constructed under an approved tax increment financing plan.**
- (3) Ascension Parish (through the Transportation Impact Fee Administrator) shall enter into a "Credit Agreement" with any Fee Payer initiating Impact-Generating Development who proposes to construct Major Roadway System Improvements on the Major Roadway System. To the extent that the fair market value of the construction of the Major Roadway System Improvements exceeds the obligation to pay Transportation Impact Fees for which a Credit is provided pursuant to this Section, the Credit Agreement may provide reimbursement for such excess Credit from Transportation Impact Fees paid by other Developments.**
- (4) Credit shall be in an amount equal to the fair market value of the construction at the time of its completion, or the value of the contribution or payment at the time it is made, for construction of Major Roadway System Improvements on the Major Roadway System. Formulas and/or procedures for determining the worth of proposed donations or constructions are established in subsection (b) below.**
- (5) Any Credit Agreement providing for credits in excess of One Hundred Fifty Thousand (\$150,000) Dollars shall be approved by the Parish Council and executed by the Parish President.**

(b) Procedure for Credit Review.

- (1) The Transportation Impact Fee Administrator shall determine the contents and requirements of the application for Credit, including without limitation appropriate checklists.
- (2) The determination of any Credit shall be undertaken through the submission of an "Application for Credit Agreement" (as used in this subsection (b), the "Application"), which shall be submitted to the Transportation Impact Fee Administrator.
- (3) If the proposed Application involves a Credit for any contribution or donation, the following documentation must be provided:
  - (i) A certified copy of the Development approval in which the contribution or donation was agreed;
  - (ii) If payment or donation has been made, proof of payment or donation; or
  - (iii) If payment or donation has not been made, the proposed method of payment or donation.
- (4) If the proposed Application involves construction:
  - (i) The proposed plan of the specific construction prepared and certified by a duly qualified and licensed Louisiana engineer; and
  - (ii) The projected costs for the suggested improvement, which shall be based on local information for similar improvements, along with the construction timetable for the completion thereof. Such estimated cost shall include the cost of construction or re-construction, the cost of all labor and materials, financing charges, interest prior to and during construction and for one (1) year after completion of construction, costs of plans and specifications, surveys of estimates of costs and of revenues, costs of professional services, and all other expenses necessary or incident to determining the feasibility or practicability of such construction or reconstruction.
  - (iii) The Transportation Impact Fee Administrator has the right to independently estimate the cost of the improvements and may require additional information that is reasonably necessary to support the Application for Credit.
- (5) Within ten (10) days of receipt of any Application, the Transportation Impact Fee Administrator shall determine if the Application is complete.
- (6) If not complete, a written notice shall be sent to the Fee Payer specifying the deficiencies. The Application shall be deemed complete if no deficiencies are

specified within the ten (10) day period or when the Fee Payer submits a revised Application remedying the deficiencies. The Transportation Impact Fee Administrator shall take no further action on the Application until it is deemed complete.

- (7) Once the Transportation Impact Fee Administrator determines that the proposed Application is complete, the Transportation Impact Fee Administrator shall submit a written decision to the Fee Payer within thirty (30) days of the date the Application is deemed complete on whether Credit is to be given and the amount of such Credit.
  - (8) If the Application is approved in accordance with all the provisions of this Ordinance including, but not limited to Section 19-53, (a), (5), the Transportation Impact Fee Administrator shall prepare the Credit Agreement outlining the contribution, construction, or donation, the time by which it shall be paid, completed or donated, any extensions thereof, the amount of the Credit given the Fee Payer, and the method of allocation of the Credit among affected land owners and/or tracts within the development. The credit for each land owner and/or tract shall be indicated on the final plat of the Development.
  - (9) Such Credit Agreement, its terms and conditions, and the Credit given thereunder shall be deemed to run with the land. An executed original of the Credit Agreement shall be filed in the Conveyance Records of the Clerk of Court for the Parish of Ascension.
  - (10) In instances where Developers have made improvements as a requirement of development approval, Credits for such improvements can be applied to the Transportation Impact Fees when the Developer or one or more subsequent landowners apply for an application for a Trigger Event.
- (c) Appeal of Credit Decision.
- (1) A Fee Payer affected by the decision of the Transportation Impact Fee Administrator regarding Credits may appeal such decision to a Committee of the Parish Council, by filing with the Transportation Impact Fee Administrator, within ten (10) days of the date of the written decision, a written notice stating and specifying briefly the grounds of the Appeal.
  - (2) The Transportation Impact Fee Administrator shall place such Appeal on the Parish Council's agenda for the next regularly scheduled meeting.
  - (3) The Parish Council, after a hearing, shall affirm or reverse the decision of the Transportation Impact Fee Administrator based on the standards in this Section.
  - (4) If the Parish Council reverses the decision, it shall direct the Transportation Impact Fee Administrator to readjust the Credit in accordance with its findings.

- (5) The Parish Council may not negotiate the Credit, such Credit being based on factual cost and valuation data.
- (6) The decision of the Parish Council shall be final.

**Section 19-54 Transportation Impact Fee Benefit Districts established.**

There are hereby established three (3) Transportation Impact Fee Benefit Districts as shown in Appendix Map A.

**Section 19-55 Trust Funds and Fee Expenditures.**

- (a) Trust Funds. Ascension Parish Council shall establish segregated "Transportation Impact Fee Trust Funds" (as used in this Ordinance, collectively, the "Trust Funds" or individually, a "Trust Fund") for each Transportation Impact Fee District for the purpose of ensuring that Fee Payers receive sufficient benefit for Transportation Impact Fees within each Transportation Impact Fee District.
- (b) Segregated. All Transportation Impact Fees collected by Ascension Parish from each Transportation Impact Fee District shall be immediately deposited into the individual segregated Trust Fund created for each of the Transportation Impact Fee Benefit Districts, which shall be distinct from the general fund of the Parish.
- (c) Interest Bearing Account. Each Trust Fund shall be a segregated interest-bearing account. All income derived from each Trust Fund shall be retained in such Trust Fund until transferred. Records of each Trust Fund account shall be available for public inspection.
- (d) Use of Funds. The funds each Trust Fund shall be used only:
  - (1) To acquire or construct Major Roadway System Improvements, as defined herein within the respective Transportation Impact Fee District from which the Transportation Impact Fees were collected or for Major Roadway System Improvements in other Transportation District Impact Fee Benefit Districts that are of direct benefit to the Transportation Impact Fee District from which the Transportation Impact Fees were collected.
  - (2) To retire bonds, or other obligations of indebtedness issued to fund the construction of Major Roadway System Improvements as described in subsection (1) above.
  - (3) To pay reasonable consultant fees to update the Transportation Impact Fees and to pay for the initial Impact Fee Study or subsequent updates; or
  - (4) To pay the expenses of collecting the Transportation Impact Fee or administering this Ordinance. In the case of refunds of Transportation Impact Fees under Section 19-56 or reimbursements under Section 19-53 herein, the Parish shall be entitled to retain a reasonable portion of the Transportation Impact Fee payments

made by the Fee Payer or the reimbursement due the Fee Payer as payment for the expenses of processing the refund or reimbursement request.

- (e) Allocation of Interest Earned. Interest earned on monies in each Trust Fund shall be considered part of such Trust Fund and shall be subject to the same restrictions on use applicable to the Transportation Impact Fees deposited in such Trust Fund.
- (f) Appropriations. Each year, at the time the Parish's annual budget is reviewed, the Transportation Impact Fee Administrator shall recommend appropriations to be spent from each Trust Fund to the Parish Council for specific Major Roadway System Improvements for each respective Transportation Impact Fee District. The recommendations shall provide sufficient and reasonable detail as to the nature of the expenditures for each specific Major Roadway System Improvement. After review of the recommendation, the Parish Council shall approve or modify the recommended expenditures of each Trust Fund's monies. Expenditures shall be made from each Trust Fund only for Non-Site-Related Improvements to the Major Road System in each respective Transportation Impact Fee District. Any amounts not appropriated from each Trust Fund, together with any interest earnings, shall be carried over to the following fiscal period for the respective Trust Fund, except as provided by the refund provisions of this Ordinance. No amounts held for a Trust Fund shall be expended without the approval of the Parish Council.
- (g) Annual Report. Each year, the Transportation Impact Fee Administrator shall prepare a report to the Parish Council identifying the expenditures of the previous year for the specific Major Roadway System Improvements for which the Parish Council approved funds and the balances in the Trust Funds.
- (h) FIFO Expenditures. Monies in each Trust Fund shall be considered to be spent in the order collected, on a first-in/first-out accounting basis.
- (i) Records. The Transportation Impact Fee Administrator shall maintain accurate records of the Transportation Impact Fees paid, including the name and address of the person paying such Transportation Impact Fees, the project for which the Transportation Impact Fees were paid, the date of payment of each Transportation Impact Fee, the amounts received in payment for each Transportation Impact Fee, the Transportation Impact Fee District for which the Transportation Impact Fees are attributable and any other matters that the Transportation Impact Fee Administrator deems appropriate or necessary for the accurate accounting and maintenance of such Transportation Impact Fees. Such records shall be available for review by the public during Parish business hours.

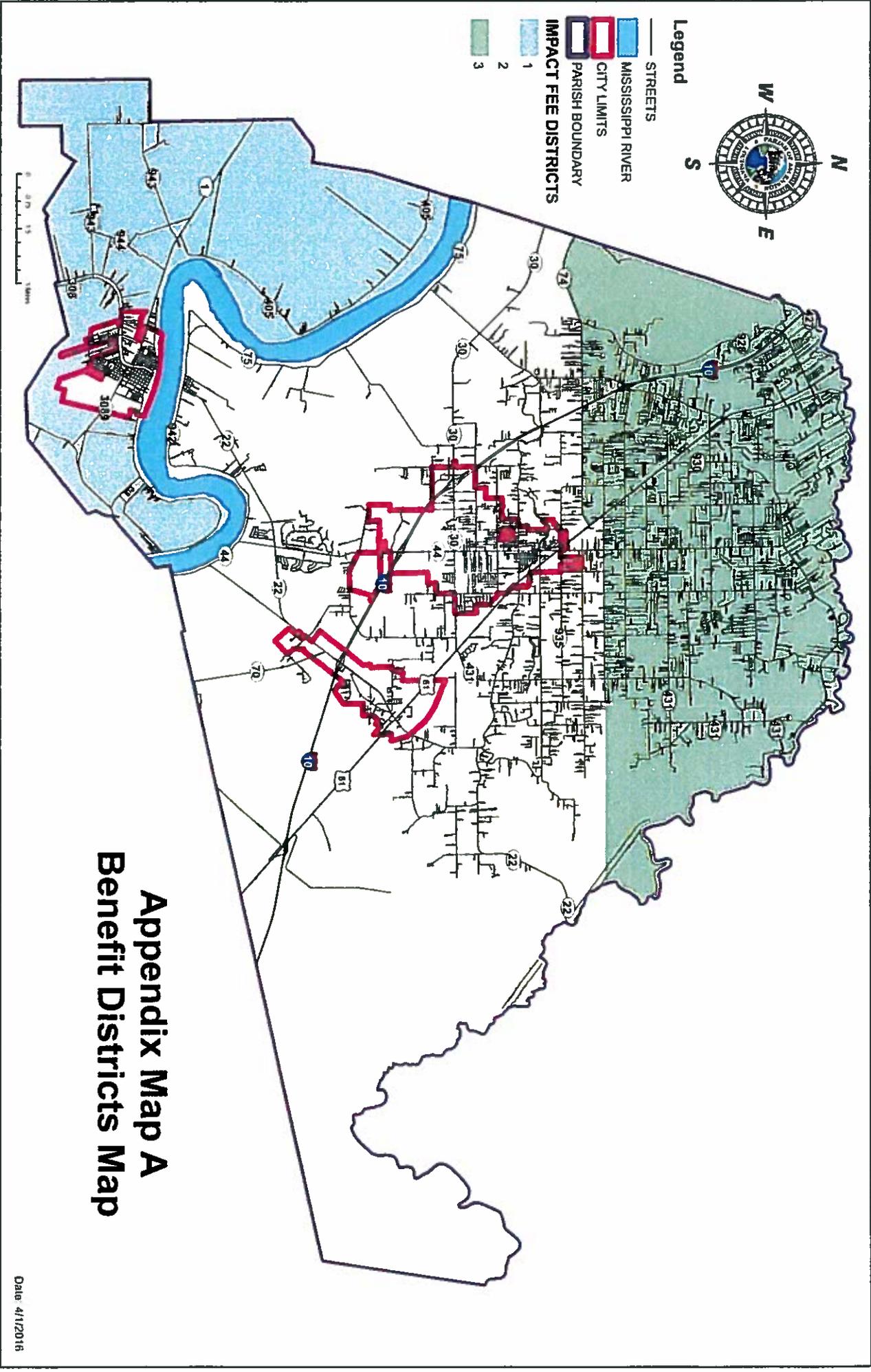
#### **Section 19-56 Refunds.**

- (a) Refund of Fees Not Spent. Any Transportation Impact Fees collected shall be refunded to the Refund Owner if the Transportation Impact Fees have not been spent or encumbered for the construction or acquisition of Major Roadway System Improvements of reasonable benefit to the Impact-Generating Development paying the Transportation

Impact Fee within eight (8) years from the date of the Trigger Event for the Development occurred, along with interest commensurate with the previous 8 year period for US Treasury Notes.

- (b) Exceptions. No refunds will be issued for an Impact-Generating Development for which the Transportation Impact Fee was paid, which is later demolished, destroyed or is altered, reconstructed or changed in Use so as to reduce the size or intensity of the Development or the number of residential units in the Development.
- (c) Refund Procedure. The refund shall be administered by the Transportation Impact Fee Administrator and shall be undertaken through the following process:
  - (1) A "*Refund Application*" shall be submitted within one (1) year following the end of the eighth (8th) year from the date the Trigger Event occurred. The Refund Application shall include the following information:
    - (i) A copy of the dated receipt issued for payment of the Transportation Impact Fee;
    - (ii) A copy of the Building Permit and Certificate of Occupancy; and
    - (iii) Evidence that the Refund Owner is the successor in interest to the Fee Payer, if applicable.
  - (2) If not complete, a written notice shall be sent to the Fee Payer specifying the deficiencies. The Refund Application shall be deemed complete if no deficiencies are specified within the ten (10) day period or when the Fee Payer submits a revised Refund Application remedying the deficiencies. The Transportation Impact Fee Administrator shall take no further action on the Refund Application until it is deemed complete.
  - (3) Once the Transportation Impact Fee Administrator determines that the proposed Refund Application is complete, the Transportation Impact Fee Administrator shall submit a written decision to the Fee Payer within thirty (30) days of the date the Refund Application is deemed complete on whether Credit is to be given and the amount of such Credit.
  - (4) When the Transportation Impact Fee Administrator determines that the Refund Application is complete, it shall be reviewed within thirty (30) days, and shall be approved if it is determined that the Fee Payer or a successor in interest has paid a Transportation Impact Fee which has not been spent within the period of time permitted under this Ordinance.
- (d) Appeal of Refund Decision.
  - (1) A Fee Payer affected by a decision of the Transportation Impact Fee Administrator may appeal such decision to the Parish Council appointed by the Parish Council to hear the appeal (Committee) by filing with the Transportation

Impact Fee Administrator, within ten (10) days of the date of the written decision, a written notice stating and specifying briefly the grounds of the Appeal.



**Appendix Map A**  
**Benefit Districts Map**