

## **CHESTERFIELD COUNTY, VIRGINIA ROAD CASH PROFFER POLICY**

This road cash proffer policy is effective as of September 28, 2016. This policy applies to all zoning applications filed on or after September 28, 2016 as well as any pending zoning case which has not received final action from the Board of Supervisors. Cases approved prior to September 28, 2016 which contain cash proffers will continue to be governed by the earlier cash proffer policy which was reaffirmed by the Board on June 24, 2015.

### **A. General Guidelines**

1. New residential development has an impact on the health, safety and welfare of county citizens, especially with respect to use of the county's public facilities. For rezoning requests that permit residential uses, the Board will evaluate and accept proffers for transportation facilities in accordance with this policy. In its review of zoning requests, the Board will consider health, safety and welfare issues and measures taken by zoning applicants to address impacts on transportation facilities in accordance with this policy; however, an application containing proffers that satisfactorily mitigate the impact on transportation facilities may not necessarily satisfy all health, safety and welfare issues.
2. In accordance with Virginia Code § 15.2-2303.4, any cash proffer must be reasonable to be accepted by the Board. A reasonable proffer is offered to address an impact that is specifically attributable to the proposed new residential development. Moreover, the proposed residential development must create a need or a portion of a need for the transportation facility improvement(s) in excess of existing transportation facility capacity at the time of the rezoning, and the proposed development receives a direct and material benefit from a proffer made with respect to such transportation facility improvement(s).
3. Staff determines the cost of transportation facilities generated by new growth by relying on the assumption that any revenue derived from growth (residential and commercial real estate taxes, sales taxes, fees, etc.) will pay all the normal operating costs for services to residents of new developments with no funds remaining to pay for the cost of transportation facilities needed to serve these residents. State and county laws permit the Board to accept cash proffers to fund certain public facility needs generated by any new residential development.
4. Transportation facilities may be funded by cash proffers. Cash proffers will not be accepted to fund other public facilities.
5. A development proposal's impact on transportation facilities will be evaluated based on the gross number of proposed dwelling units and transportation needs related to the proposed development.

## B. Methodology and Policy Terms

1. There are eight steps involved in calculating the impact of a new residential dwelling unit on the transportation network. The components are as follows:
  - a. Demand Generators: Using the County's Land Use Plan parcel-level database for build-out, the transportation model generates and assigns trips to the County's road network, as identified in the Thoroughfare Plan, per Institute of Transportation Engineers (ITE) standards.
  - b. Typical Improvement Costs: Typical road improvement costs are based on actual construction costs derived from recently completed projects in the county.
  - c. Capacity Improvements: The model calculates the capacity improvements necessary to maintain a Level of Service E network-wide, but the Board could adopt a different Level of Service standard for a particular development, area, or region of the County or for the entire County.
  - d. Gross Cost of Improvements: The model uses the typical road improvement costs and the capacity improvements to calculate the gross cost of the improvements to the network required to maintain a Level of Service E at build-out.
  - e. Credit: The credit is calculated using the average annual amount of funding assigned to network improvements over the upcoming six years and applying that each year until build-out.
  - f. Net Cost of Improvements: The net cost of improvements is calculated by subtracting the credit from the gross cost of improvements.
  - g. Trip Cost: The net cost of improvements is divided by the total number of trips generated.
  - h. The transportation proffer for a dwelling unit is calculated by multiplying the number of trips generated by a typical single family dwelling unit by the trip cost.
2. In order to ensure that money proffered by an applicant is used to fund the transportation facilities necessitated, in whole or in part, by the applicant's development, geographic service areas or districts are established across the County. For road cash proffers, rezoning requests are analyzed based on two geographic service districts, one north of Route 360 and one south of Route 360, to determine costs and impact. These service districts are used to calculate a road cost per dwelling unit. The Transportation Department has identified traffic sheds across the County and money collected from a development within a particular shed will be spent on road improvements within that shed or on roads that provide relief to that shed.
3. An applicant may choose to mitigate the development's calculated impact on public facilities by dedicating property or doing in-kind improvements in lieu of all or a portion

of the maximum road cash proffer of \$9,400 as established by the Board of Supervisors. For property designated for dedication (excluding roads) staff will follow the County's procedure for "Acquisition of Private Property for Public Use". The value of donated land generally will be based on the current assessed value of the property, not to exceed the cost per acre used in the calculation of the proffer. The value of improvements shall be the estimated cost as determined by the County and calculated as if constructed by a governmental entity. Generally, onsite work will not be considered unless it provides additional travel lanes beyond what is required of the development. Consideration can be given to improvements that have been constructed within five years as part of an overall development, prior to the traffic impact of the entire development being present. If the dedication or in-kind improvement does not fully mitigate the development's calculated impact on transportation facilities, then the dedication and/or improvement's value may be applied as an offset against, but not more than, the development's calculated impact on the applicable transportation facility. The offset cannot exceed the development's calculated impact on the applicable transportation facility. If the value of the dedication or improvement is more than the calculated impact for the applicable transportation facility, the County may pay the difference. An offset for roads may be allowed if the Transportation Department determines that the impact on roads created by development will be affected by off-site land dedication or improvements.

4. The County will continue to consider any circumstances about a proposed development that: (i) mitigate the development's projected impact on transportation facilities; and (ii) create a demonstrable reduction in transportation facility needs. The County, the zoning applicant, or any other person may identify and demonstrate such mitigating circumstances.
5. The County will consider unique circumstances of areas surrounding a proposed development that will benefit adjacent areas in need of revitalization, based upon revitalization criteria tracked annually by the county. For development proposals considered under these circumstances, a road cash proffer will not be accepted.
6. Notwithstanding the provisions of any proffer for a dwelling unit calculated on a per unit basis and accepted in any zoning case, the County will accept the road cash proffer payment on such unit after final inspection but before issuance of a certificate of occupancy, whether temporary or final. Under no circumstances shall the County issue a certificate of occupancy for such dwelling unit until the road cash proffer for the unit has been paid in full to the County. Other proffered cash contributions, the payment of which is tied in the proffer to a particular time or event, shall continue to be payable in accordance with the terms of the proffer. Timing for dedication of property or in-kind improvements should be specified in the proffer.
7. Transportation proffers, land dedications and in-kind improvements must be used for projects identified in the Capital Improvement Program. The Capital Improvement Program is based in part on the County's Public Facilities Plan, which projects long-term facility needs. Transportation proffer payments shall be used to fund transportation facilities. Payments shall be expended in accordance with state law.

8. The Board of Supervisors has established \$9,400 as the maximum per dwelling unit road cash proffer that it will accept in a zoning case to address the transportation impacts of a proposed new residential development on the County's transportation facilities. For the purpose of applying this policy, any reduction in impact shall be applied to the maximum per dwelling unit road proffer of \$9,400 established by the Board of Supervisors.

Revised: September 18, 2013

*Policy reaffirmed June 24, 2015*

Revised: September 28, 2016

Revised: April 26, 2017