

## Goochland County

### PROFFER POLICY

**Purpose.** Applicants may choose to address the specifically attributable impacts of proposed development on county infrastructure and facilities through proffers. This policy is intended to guide applicants through the proffer submission process for rezoning applications. All proffers are voluntary.

#### A. General Guidelines for Residential Projects

**1. Introduction.** Goochland County continues to experience residential growth which increases demand for and measurably impacts the capacity of county infrastructure and facilities, including schools, public safety, parks and recreation, and roads. As properties are rezoned to permit additional residential development, the impacts of new dwelling units should be ascertained and may be addressed through on-site and off-site proffers.

To address off-site impacts that are specifically attributable to new residential development, the Board of Supervisors may accept reasonable proffers in accordance with state law and this policy. Proffers may include cash, land, and/or in-kind improvements to mitigate impacts on infrastructure and facilities. In its review of rezoning requests, the Board will consider issues that affect the health, safety, and welfare of the county and its citizens, and will evaluate measures proposed by applicants to address impacts on infrastructure and facilities in accordance with this policy. An application that mitigates impacts on infrastructure and facilities does not necessarily adequately address all health, safety, and welfare issues.

**2. Reasonable proffers.** Notwithstanding any other provision of law, general or special, the County will neither (i) request nor accept any unreasonable proffer in connection with any rezoning or proffer condition amendment as a condition of approval of a new residential development or new residential use; nor (ii) deny any rezoning application or proffer condition amendment for a new residential development or new residential use based, in whole or in part, on an applicant's failure or refusal to submit an unreasonable proffer or proffer condition amendment.

Applicants who propose cash proffers to address, in whole or in part, the impacts of proposed development must provide sufficient information for the Board to determine whether the cash proffer proposed is reasonable and in compliance with state law. Cash proffers are voluntary and the amount per dwelling unit is to be determined by the applicant. The Board cannot accept an applicant's proffer unless there is sufficient information, analysis, and data to conclude the proffer is reasonably related to addressing an impact from the proposed development.

**3. Development Impact Statement.** Residential use applicants may choose to submit a Development Impact Statement which includes all of the following:

- a. Identification of all impacts of the proposed rezoning and/or proffer amendment;

b. Analysis of all impacted capital projects (funded and unfunded) including CIP projects, new capital projects for schools, public safety, parks and recreation, and transportation, as identified in the following documents: Capital Improvement Program; 2035 Comprehensive Plan, Capital Impacts Study; and Secondary Six-Year Plan (SSYP); and other applicable reports which address infrastructure and/or facilities;

c. A detailed traffic impact analysis covering not only the roads immediately adjacent to the proposed development, but also the county's planned road corridors and roadway network;

d. Specific and detailed mitigation strategies and measures to address all of the impacts of the proposed rezoning and/or proffer amendment;

e. Certification that all of the mitigation strategies and measures are consistent with applicable law, including, but not limited to, Virginia Code § 15.2-2303.4; and

f. The sufficiency and validity of mitigation strategies using professional best accepted practices and criteria, including all data, records, and information used by the applicant or its agents in identifying impacts and developing any proposed mitigation strategies and measures.

**4. *Capital Impacts Model.*** Staff will analyze the impacts from a proposed development by using the Capital Impacts Model developed by TischlerBise. The Capital Impacts Model is based on the analysis and calculations in the accompanying Capital Impacts Study dated February 2, 2018. The analysis in the Capital Impacts Study includes determining the capacity of the county's capital facilities, deriving the cost of future capital improvements, categorizing capital facilities as serving citizens countywide or regionally, and dividing the county into three service areas (West, Central, and East). Based on all the data and analysis in the Capital Impacts Study, the Capital Impacts Model then allows staff to input, for a particular development proposal, the type of land use being proposed (e.g., single family, multifamily, and/or age-restricted) the location, and the number of residential units. Then the Capital Impacts Model analyzes a proposed development's impact on the County's cash-proffer eligible capital facilities, including a capacity-needs analysis, and determines a cash proffer amount that would be reasonable for the County to accept.

After a pre-application meeting with staff and submittal of a pre-application, if an applicant requests it, staff will provide an applicant with the information derived from the Capital Impacts Model based on the applicant's proposed development. The applicant, if it independently analyzes the data and calculations underlying the Capital Impacts Study Model and finds them to be reasonable, may choose to rely on the Capital Impacts Study and Model as support for a cash proffer amount it chooses to offer.

**5. *Transportation improvements.*** Each proposed residential development will be reviewed to determine its impact on the county's road network, especially the safe and efficient movement of traffic within, through, and to-and-from the proposed development. A traffic impact analysis may be required to determine specific road impacts and needs such as turn lanes. Staff's consideration of proffers related to road dedication, construction, or proportionate contributions to road projects will include both development anticipated in the Comprehensive Plan and improvements needed to implement the Major Thoroughfare Plan, AMP Study, regional transportation plans, traffic impact analysis, Access Management

standards, and the SSYP.

**6. *One residential lot.*** The County has made a policy decision that applicants filing rezoning cases for only one additional residential lot do not need to evaluate and address any potential impacts.

**7. *Operating costs.*** In determining the impacts to public infrastructure and facilities generated by new residential development, the County assumes that any revenue derived from the proposed new development (real estate taxes, personal property taxes, increased sales tax, fees, etc.) will pay the County's normal operating costs, but not the capital costs related to the proposed new development. Cash proffers may only be used for capital costs, not operating costs.

**8. *Public facilities to be funded.*** The following public infrastructure and facilities are legally allowed to be funded by cash proffers: schools, parks and recreation, roads, and public safety (which includes Fire & Rescue, Sheriff & Emergency Communications, and Animal Protection).

**9. *Timing of contribution.*** In accordance with Code of Virginia, § 15.2-2303.1:1, cash proffers offered on a per dwelling unit basis will be accepted or collected by the County only after the final inspection and prior to the issuance of any certificate of occupancy for the specific dwelling unit. Timing for the dedication of property or in-kind improvements should be specified in the proffer.

## **B. General Guidelines for Commercial and Industrial Projects**

**1. *Introduction.*** Goochland County continues to experience growth which increases demand for and measurably impacts the capacity of county infrastructure and facilities. As properties are rezoned to permit additional development, the impacts of new development need to be adequately ascertained and the onsite and offsite impacts of the proposed development mitigated.

**2. *Impacts on certain categories.*** For commercial and industrial development, each proposed development will be reviewed individually to identify public infrastructure and facilities that are needed, such as roads, traffic signals, and public safety. It is not anticipated that these types of development will contribute directly to a need for any schools or parks facilities.