

# COUNTY OF ALBEMARLE

## EXECUTIVE SUMMARY

<b>AGENDA TITLE:</b> CPA 2016-01 Repeal of Cash Proffer Policy	<b>AGENDA DATE:</b> May 10, 2016
<b>SUBJECT/PROPOSAL/REQUEST:</b> Repeal of Cash Proffer Policy	<b>ACTION:</b> X <b>INFORMATION:</b>
<b>STAFF CONTACT(S):</b> Bill Fritz, Greg Kamptner	<b>CONSENT AGENDA:</b> <b>ACTION:</b> <b>INFORMATION:</b>
<b>PRESENTER (S):</b> Bill Fritz	<b>ATTACHMENTS:</b> Yes

### BACKGROUND:

The Cash Proffer Policy for Public Facilities was originally adopted in 2007 as a component of the Comprehensive Plan. It was readopted into the updated Comprehensive Plan as Appendix A.3.3 in 2015 (Attachment A). The policy establishes maximum per unit cash proffer amounts for residential rezonings.

### STRATEGIC PLAN:

Goal 2. Critical Infrastructure. Prioritize, plan and invest in critical infrastructure that responds to past and future changes and improves the capacity to serve community needs.

### DISCUSSION:

During the most recent session of the General Assembly a bill (Senate Bill 549) was passed and ultimately signed by the Governor that substantially impacts the way that the County may accept proffers. The new provision, which will be codified as Virginia Code § 15.2-2303.4, (Attachment B) goes into effect on July 1, 2016. The current Cash Proffer Policy is not consistent with this new law. The Cash Proffer Policy uses countywide averages to determine the net cost per dwelling unit on a public facility. The law that goes into effect on July 1 does not permit the use of averages to determine the impacts of residential development. In part, the new law requires that proffers address impacts that are "specifically attributable" to a proposed new residential development; off-site proffers, including all cash proffers, must provide a "direct and material benefit" to the development. SB 549 also narrows the subject matter of proffers to four areas: public safety, transportation, schools, and parks and recreation. Instead of using a Cash Proffer Policy that uses averages, the new law will require the use of a case by case analysis of the impacts of any proposed residential rezoning. Prior to the adoption of a Cash Proffer Policy, the impact of rezoning applications was done on a case by case basis. The County will return to that process.

### BUDGET IMPACT:

The budget impact of repealing the Cash Proffer Policy are uncertain at this time. The County may still collect cash proffers based on the impacts of the development. However, these impacts must be addressed on a case by case basis and will vary from project to project. Overall however, staff opinion is that cash proffers will be more difficult to accept in the future which will have a negative impact on the County budget.

### RECOMMENDATIONS:

Staff recommends repealing the Cash Proffer Policy and requests that the Planning Commission forward a recommendation to repeal to the Board of Supervisors.

### ATTACHMENTS:

Attachment A – Existing Cash Proffer Policy  
Attachment B – Virginia Code § 15.2-2303.4