

## PLANNING COMMISSION SCHOOLS COMMITTEE - POLICY RESEARCH

**Topic:** School Proffers

### Summary of Planning Commission Schools Committee Discussion

New proffer legislation was adopted by the General Assembly in 2016 and places restrictions on the proffers a locality can request or accept related to new residential development and the residential component of mixed use development. This legislation requires that proffers offsetting these impacts must be specifically attributable to the impact of the new development and can only address capacity need. These needs are determined by the existing capacity of the impacted facilities and must provide a direct and material impact to the new development. However, new residential development occurring within a small area plan that is approved as part of the Comprehensive Plan and meets certain criteria set out in the statute is exempt from the 2016 proffer legislation, and includes transit station areas, as well as some community business centers and suburban centers.

#### Exemption Categories

- Category A – An approved small area comprehensive plan in which the delimited area is designed as a revitalization area, encompasses mass transit as defined in Va. Code §32.2-100, includes mixed use development, and allows a density of at least 3.0 FAR in a portion thereof.
- Category B – An approved small area plan that encompasses an existing or planned Metrorail Station and allows additional density within the vicinity of such existing or planned station.
- Category C – An approved service district created pursuant to Va. Code § 15.2-2400 that encompasses an existing or planned Metrorail station.

One measure to determine if a residential development will have a direct impact on schools is to determine if the school is over capacity. Capacity is measured in two ways, design capacity and program capacity. Design capacity is based on the number of students a building can support per the original design of the building. Program capacity, the measure used by Fairfax County Public Schools (FCPS) to determine if a residential development will have an impact, is based on the number of existing core classrooms and the specific unique programs assigned to a school which require specific facility space utilization that goes beyond the original design of the building. Modular classrooms are included in the calculation of school design and capacity; however, trailers are not included in the calculation of capacity.

Proffer contributions for schools are typically monetary contributions used for capital improvements that enhance capacity and do not offset the operating costs of schools. As of 2016 the most recent recommended proffer contribution is \$12,262 per pupil as determined by the FCPS Public Facilities Impact Formula. The formula was adopted by the Board of Supervisors in 2003 and updates and adjustments are made to the formula to reflect changes in student yield ratios by unit type and construction costs. However, construction costs do not include land acquisition. FCPS has received approximately \$20.6 million in proffer contributions since 2002. During this same time period, FCPS spent approximately \$2.43 billion on capital programs, and proffers only accounted for .73 percent. Proffer formulas (Table 1) for determining the student yield rate from new residential development are based on housing type and developed from countywide averages. Proffer formulas use a different methodology to determine student yields than the Capital Improvement Program (CIP), which utilizes a

methodology to determine area specific student generation rates and is more accurate than the yield rates for proffers.

Table 1

Countywide Student Yield Ratios for Proffer Formula					
Single Family detached	Elementary	.266	Low-rise Multi-family	Elementary	.188
	Middle	.088		Middle	.047
	High	.179		High	.094
	Total	.533		Total	.329
Single Family Attached	Elementary	.258	Mid/High Rise Multi-family	Elementary	.062
	Middle	.067		Middle	.019
	High	.137		High	.031
	Total	.462		Total	.112

### Suggested Planning Commission Recommendation

- The revenue generated from the proffer formula is inadequate to offset the impacts of new residential development on schools and a change to the proffer formula and regular reviews should be examined. (Non-land use recommendation, incorporate study/review of process)
- It may be more effective to fund capital improvement needs for schools resulting from new residential development through proffers and the long-term CIP than proffers.
- ~~Follow proposed state proffer legislation in the General Assembly.~~
- In the calculation of the amount of proffers, consider deducting/discounting the amount of ADUs.

### Potential follow-on motion

- Current proffer formula is inadequate.
- It may be appropriate to consider collaborative in depth review of school proffer process and other approached that may be more effective (deference to state process).
- Consider excluding affordable dwelling units (ADU) from proffers to fund capital improvement needs for schools.

Adding Plan Language to Objective 3 of the Public Facilities Policy Plan supporting developer commitments for buildings and land within mixed-use developments in exempt areas should be considered.

- Suggested Plan Language: Proffer buildings or land for Fairfax County Public School facilities per developer commitments within mixed-use developments in exempt areas.
- Consider Plan Language encouraging the consideration of proffers for consolidation of underutilized space as a proffer.

### Policy Idea:

- Developer consolidating/obtaining space as proffer to expand beyond monetary contributions and land/and or building contributions.