

## 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 – Land Use

- Add Plan Language to Objective 3 of the Public Facilities Policy Plan supporting developer commitments for buildings and land as allowed by law:

**Fairfax County Comprehensive Plan, 2017 Edition, Policy Plan, Public Facilities, Amended through 7-25-2017; Page 3**

#### **Objective 3: Balance the provision of public facilities with growth and development.**

- Policy a. Construct new facilities in size and quantity which is consistent with projected population needs.
- Policy b. Ensure that adequate facility space and services are available, programmed in the CIP, or provided by new development, before increasing planned intensities through revision of the Comprehensive Plan.
- Policy c. Assess the adequacy and need for public facilities in the rezoning process.
- Policy d. Phase increases in development intensity with the establishment of necessary facilities, when rezoning to higher intensities is to occur prior to the establishment or programming of adequate facilities.
- Policy e. Designate and reserve future public facility sites that will be required by future growth and development.
- Policy f. Ensure that when existing public facility sites are no longer needed for their original use, the land formerly used for that purpose is reserved, to the extent possible and prudent, for other public uses.
- Policy g. Acquire, as fiscally possible, sites for public facilities in advance of demand either through purchase or dedication.

Policy h. Encourage commitments of buildings or land for public facilities as allowed by law as part of the development review process.

**Suggested Planning Commission Recommendation - Non-Land Use**

- 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 followed by regular reviews should be examined. Capital improvement needs for schools resulting from new residential development are funded through a combination of proffers and the CIP.
- To encourage the production of affordable dwelling units (ADU), consider deducting/discounting ADUs from proffers to fund capital improvement needs for schools.

**Draft of suggested Planning Commission Motion**

- The current proffer formula is inadequate to fund the capital improvement needs of schools resulting from new residential development, making it appropriate to consider an in-depth review of the school proffer process. Other approaches to fund public schools in deference to state laws should also be considered. It is recommended that the Board of Supervisors and Fairfax Public Schools review the school proffer formula process and school funding mechanisms.
- The lack of affordable housing is a growing concern in Fairfax County and the entire Washington Metropolitan Area, and the Affordable Dwelling Unit (ADU) Program is one tool used to address this concern. Exempting ADUs from school proffer requirements may incentivize the creation of additional affordable housing. It is recommended that the Board consider deducting or discounting the ADU component of new residential developments from the proffers to fund capital improvement needs for schools.