

**WINDING CREEK
SPOTSYLVANIA COUNTY, VA**

SB 549 PROFFER ANALYSIS

JANUARY 16, 2019

PREPARED BY:

MUNICAP, INC.
— PUBLIC FINANCE —

WINDING CREEK SPOTSYLVANIA COUNTY, VA

SB 549 PROFFER ANALYSIS

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I. Introduction

The purpose of this document is to satisfy portions of the SB 549 proffer analysis requirement (as subsequently described) for the proposed Winding Creek Residential Development (the “Development”) and its associated residential rezoning submission. More specifically, this document addresses legislative requirements and Spotsylvania County policy related to “proffers” (a one-time voluntary monetary commitment from a property owner related to a property that is subject to rezoning) for the Development.

LEGISLATION PERTAINING TO RESIDENTIAL PROFFERS

Section 15.2-2303.4 of the Code of Virginia (the “Residential Proffer Legislation”) places certain limitations on proffers for residential rezoning cases filed after July 1, 2016. As stipulated by the Residential Proffer Legislation, a local government may only request or accept a proffer if it is directly related to the impact on public facilities and services specifically attributable to the property subject to residential rezoning. Moreover, the Residential Proffer Legislation does not allow for the proffer to be unreasonable.

The Residential Proffer Legislation designates four categories of public improvements and facilities, which are as follows:

- **Public school facility improvements:** construction of new primary and secondary public schools or expansion of existing primary and secondary schools, to include all buildings, structures, parking, and other costs directly related thereto;
- **Public safety facility improvements:** construction of new law enforcement, fire, emergency, medical, and rescue facilities or expansion of existing public facilities, to include all buildings, structures, parking and other costs directly related thereto;
- **Public park facility improvements:** construction of public parks or improvements and/or expansion of existing public parks, with “public parks” including playgrounds and other recreational facilities;
- **Public transportation facility improvements:** construction of new roads and improvement or expansion of existing roads as required by applicable standards of the Virginia Department of Transportation, or the applicable standards of a locality, and construction, improvement, or expansion of buildings, structures, parking, and other costs directly related to transit.

According the Residential Proffer Legislation, no public facility improvement shall include any operating expense of an existing public facility, such as ordinary maintenance or repair, or any capital improvement to an existing public facility, such as a renovation or technology upgrade, that does not expand the capacity of such facility. In addition, all proffers will be deemed unreasonable unless the proffer addresses an impact on public facilities that is specifically attributable to the proposed residential development and for which there will not be adequate existing capacity for the proposed residential development.

This document includes calculations of the projected impact of the Development on public school facility improvements, public safety facilities improvements, and public park facility improvements, and public transportation facility improvements. A separate traffic impact analysis is being prepared that will address impacts to public transportation facility improvements.

SB 549 PROFFER ANALYSIS

In response to the Residential Proffer Legislation, Spotsylvania County adopted policies to ensure any proffer requested or accepted meets the standards mandated by the legislation.

This document focuses on the identification of potential impacts to public facility improvements resulting from the proposed Development. As subsequently discussed, calculations of proposed proffers will be reviewed after Spotsylvania County has had the opportunity to provide comments to this document.

Subsequent sections of this document provide a detailed description of the Development and its potential impacts on public facility improvements. This document also provides a detailed explanation of the methodology employed in calculating these impacts.

II. The Development

DEVELOPMENT SUMMARY

As proposed by ATFD, LLC (the “Developer,” or the “Applicant”), the Development is a residential community that includes 135 age-restricted apartment units, eighty age-restricted condominium units, eighteen age-restricted villas, and twenty-two age-restricted single-family detached units on an approximately 16.218-acre site within the Courtland Magisterial District in Spotsylvania County.

Existing development on the site includes a trailer and one single-family detached units, which will be retained on a newly subdivided parcel by the current owner. The remaining existing structures will be removed to facilitate the Development. As subsequently noted, the maximum residential development allowed by-right under current zoning is nine single-family detached units. Accordingly, impacts herein are estimated for those units net of the nine “by-right” units, or thirteen age-restricted single-family detached units (calculated as twenty-two proposed units – nine by-right units), 135 age-restricted apartment units, eighty age-restricted condominium units, and eighteen age-restricted villas.

THE SITE

The site of the proposed Development is generally bounded by Courthouse road to the south, the Hilltop Square Shopping Center to the east, and existing residential development to the north and west. The site includes the following GPINs:

35-A-8 35-A-9

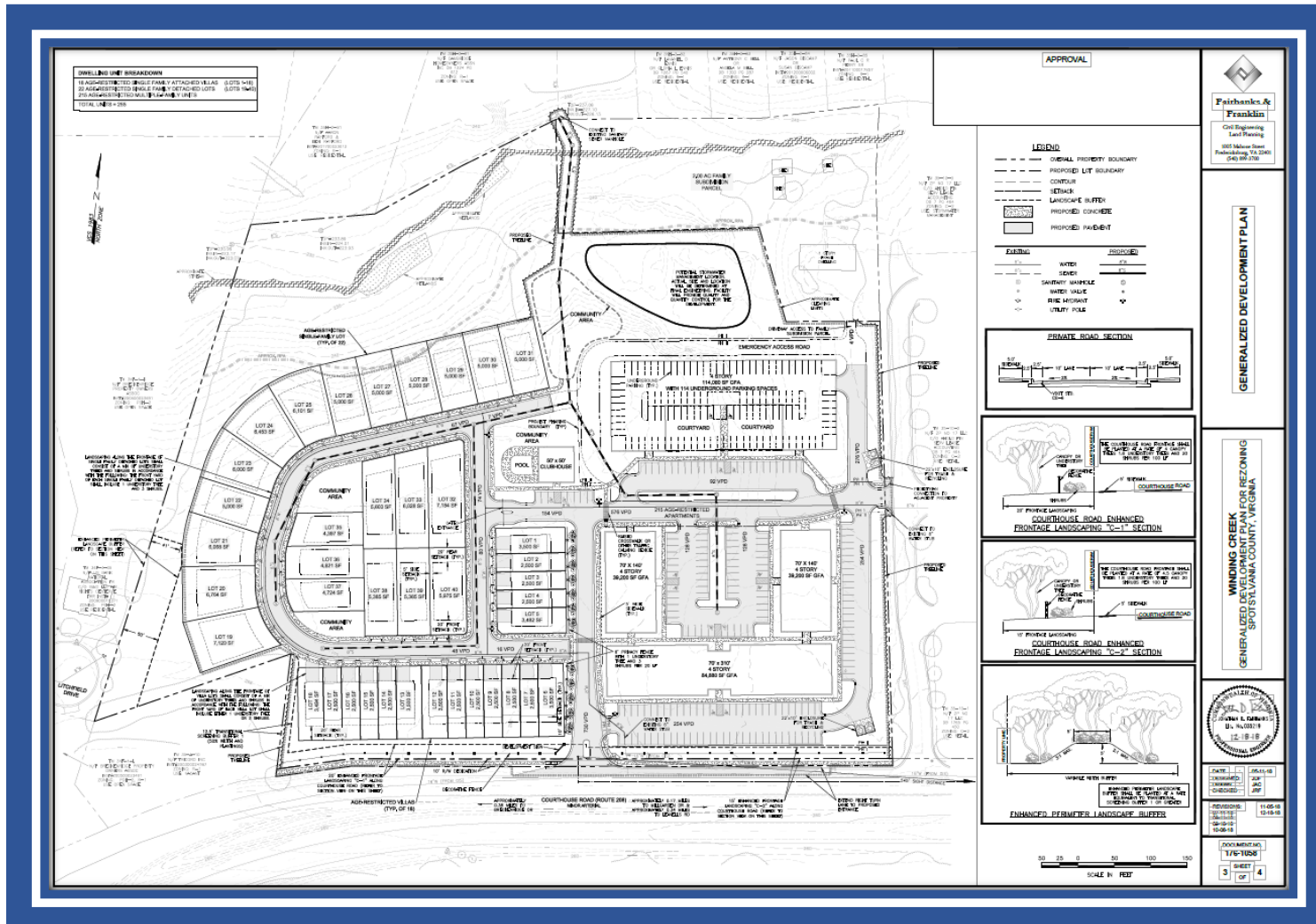
The total acreage of these two parcels is 16.218 acres.

The site (see Exhibit A) is contemplated as a Planned Development Housing 16 District (“PDH-16”), which allows for a maximum density of sixteen dwelling units per acre. According to the Spotsylvania County Code of Ordinances (the “County Code”), PDH Districts are established “to encourage innovative and creative design in the development of land for residential and other selected secondary uses.”

The parcels within the Development site are currently zoned as a Residential 1 District (“R-1”). According to the County Code, the purpose of R-1 zoning is “to provide for low-density, single-family detached residential uses in a suburban setting.” The Applicant seeks approval for the appropriate rezoning to facilitate the contemplated Development. Current zoning allows for the construction of nine single-family detached units at the site.¹

¹ Based on one dwelling unit per one and one-half gross acres in cluster subdivisions.

EXHIBIT A: DEVELOPMENT SITE PLAN



III. Public Facility Improvement Impacts

OVERVIEW

This document includes a calculation of public facility impacts, which are detailed in the subsequent sub-sections. Included in each section is a discussion of the methodology employed in estimating impacts. The included subsections are as follows:

- **Public school facility improvements** – In keeping with Spotsylvania County practices, impacts are calculated collectively for elementary, middle, and high schools, and are based on projected incremental additional students that will result from the Development.
- **Public safety facility improvements** – Also in keeping with County practices, impacts are calculated for Sheriff's Department as well as fire and rescue services and are based on projected incremental additional residents that will result from the Development.
- **Public park facility improvements** – Impacts are based on projected incremental additional residents that will result from the Development.

A separate traffic impact analysis has been prepared that addresses impacts to public transportation facility improvements.

III-A. Public School Facility Improvement Impacts

METHODOLOGY

To project impacts to public school facility improvements, MuniCap first researched the student generation factors used by Spotsylvania County Public Schools. These factors are calculated separately by school type (elementary, middle, and high school) and by unit type (single-family detached, townhouse, and multi-family). The student generation factors are shown below in Table III-A.1.

TABLE III-A.1
Current Student Generation Factors^(a)

<i>Unit Type</i>	<i>Elementary School</i>	<i>Middle School</i>	<i>High School</i>	<i>Total</i>
Single-family detached	0.2577	0.1307	0.1832	0.5716
Single-family attached	0.3072	0.1286	0.1453	0.5811
Multi-family	0.0940	0.0386	0.0507	0.1833
^(a) Source: Spotsylvania County Schools.				

These student generation factors are applied to proposed units that are in excess of development allowed under the current zoning designation and that are expected to generate students. As all units within the Development are age-restricted, it is assumed that none of the units will generate any additional students and thus will not impact County public school facilities.

PROJECTED NET STUDENT IMPACTS

As previously described, the Development consists of age-restricted units. No additional students are expected to be generated as a result of the Development.

MITIGATION STRATEGIES

The Residential Proffer Legislation stipulates that proffers can only provide for needs exceeding existing capacity. Since the Development is not expected to create an additional service demand for elementary, middle, and high school facilities, any proffer related to such school facilities would be inappropriate under the Residential Proffer Legislation. Accordingly, no proffer has been calculated for public school facility costs.

The Applicant will coordinate with appropriate Spotsylvania County staff after they have had the opportunity to review this document and provide comments. The Applicant will undertake efforts necessary to ensure that the proposed mitigation strategy is consistent with all applicable law, including, but not limited to, the Residential Proffer Legislation.

III-B. Public Safety Facility Improvement Impacts

METHODOLOGY

To estimate public safety facilities, MuniCap first estimated the total population that will reside within the proposed Development based on U.S. Census Bureau data. MuniCap then applied the level of service (“LOS”) standards for various public safety services as identified in the Spotsylvania County Comprehensive Plan to calculate the impact of the Development on public safety services. MuniCap then compared the existing capacity at the relevant public safety facilities to the forecasted increase in required services resulting from the proposed development and determined whether the projected demand exceeded current capacity.

PROJECTED NET RESIDENT IMPACTS

As previously described, the Development includes thirteen new for-sale age-restricted single-family detached units in excess of current zoning allowance. In addition, the Development includes 135 age-restricted apartment units, eighty age-restricted condominium units, and eighteen age-restricted villas. Based on projected development and the County’s resident generation factors, the proposed Development will house an estimated 400 total residents, including 373 in units exceeding the current zoning allowance, as shown below in Table III-B.1.

TABLE III-B.1
Projected Residents – Development

<i>Unit Type</i>	<i>Units^(a)</i>	<i>Residents Per Unit^(b)</i>	<i>Total Projected Residents</i>
Single-family detached (total)	22	2.00	44
Age-restricted apartments	135	1.49	201
Age-restricted condominiums	80	1.49	119
Age-restricted villas	18	2.00	36
Total (all units)	255		400
Less: SFD units allowed by-right	9	3.04	27
Total (above by-right)	246		373
(a) Source: ATFD, LLC.			
(b) Source: Spotsylvania County Planning Department			

CURRENT CAPACITY OF PUBLIC SAFETY FACILITIES

Sheriff's Department Facilities

According to the County's Comprehensive Annual Financial Report, the Sheriff's Department received 124,105 service calls in Fiscal Year 2018, although the percentage of these calls allocated to residential properties relative to other properties is not known at the time of this writing. Based on U.S. Census data, the current County population is 133,033; the projected 373 residents generated by the Development represent an increase of 0.28% to the current resident population (calculated as $373 \div 133,033$ current residents).

The County Capital Improvement Plan does not include any improvements that increase the current capacity of Sheriff's Department facilities. Accordingly, no proffers have been calculated for Sheriff's Department facilities.

The Applicant will coordinate with appropriate County staff to confirm that the Development does not create an impact on Sheriff's Department facility space that exceeds current capacity.

Fire and Rescue Facilities

According to the Spotsylvania County Fire Department, the Development will be served by Fire Station #4, located approximately 2.7 miles from the Development site.

As stated in the County Capital Improvement Plan, the County's call volume for Fiscal Year 2017 was 17,227. Based on the County's population of 133,033, the call volume per resident is 0.129 (calculated as 17,227 calls ÷ 133,033 residents).² Using this call volume per resident, the 373 projected residents at the Development would increase overall call volume by 48.30, as shown below in Table III-B.2.

TABLE III-B.2
Projected Fire and Rescue Facility Impacts

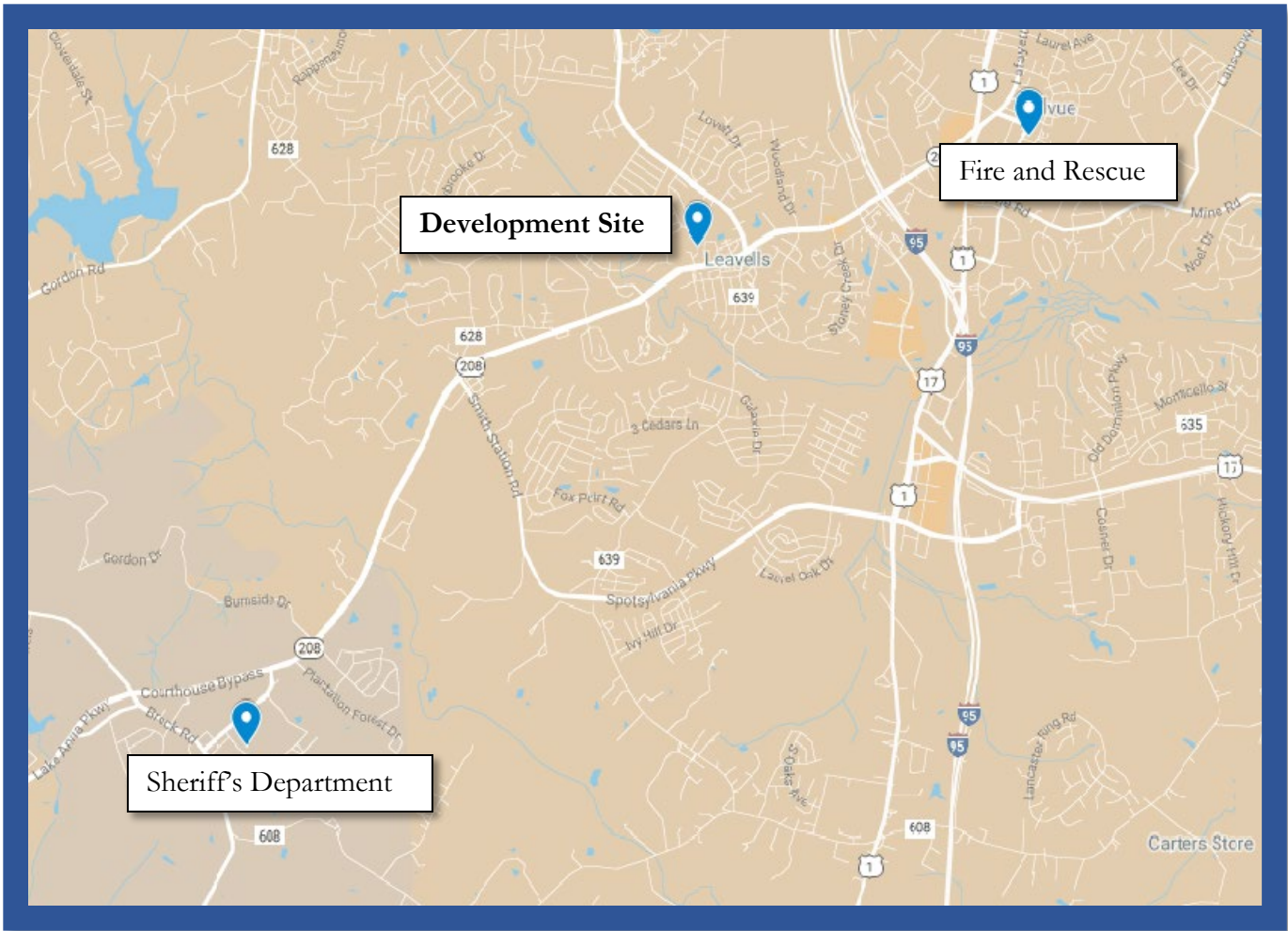
<i>Facility Type</i>	<i>Projected Resident Impact</i>	<i>Call Volume Per Resident</i>	<i>Projected Call Volume Increase</i>
Fire and rescue	373	0.129	48.30

The County Capital Improvement Plan states that the call volume capacity for Fire Station #4 is 2,500 per year, and the actual call volume for the station in Fiscal Year 2017 was 3,864, meaning the station had no excess call volume to absorb future development. Therefore, the estimated additional call volume attributable to the Development as shown in Table III-B.2 exceeds the capacity of the station. However, the County Capital Improvement Plan does not include any improvements that increase current call volume capacity within the service area of the Development.

The County Capital Improvement Plan includes an allocation for a new Fire Training and Logistics Center, which will serve all County fire stations. This study includes a proffer based on the cost of this facility on a per capita basis, in accordance with County policy.

² According to the County Fire Department, call volume is not tracked by residential vs. non-residential calls.

EXHIBIT E: AREA MAP (DEVELOPMENT SITE & PUBLIC SAFETY FACILITIES)



MITIGATION STRATEGIES

As mentioned, the Development creates impacts in excess of current County public safety facility capacity for Fire Station #4. However, the County Capital Improvement Plan does not include any capital improvements to Sheriff's Department, Emergency Communications, Fire and Rescue, or Animal Control facilities that increase capacity in the Development's service area, other than the aforementioned Fire Training & Logistics Center. As such, any proffer related to such facilities would be inappropriate under the Residential Proffer Legislation.

The capital costs of the Fire Training & Logistics Center are \$4,250,000. As this facility will serve the entire County, costs are apportioned based on a per resident basis.

- The current County population is 133,033.
- The projected resident increase from all units at the Development is 400 (as shown in Table III-B.1) and the total projected County population, including the Development, is 133,433 (calculated as 133,033 current residents + 400 new residents).
- The projected resident increase from the units above by-right at the Development site is 373 (as shown in Table III-B.1) and the total projected County population, including the Development in excess of the by-right units, is 133,406 (calculated as 133,033 current residents + 373 new residents).
- The per capita cost of the Fire Training & Logistics Center is \$31.85 (calculated as $\$4,250,000 \div 133,433$ total projected County residents).
- Accordingly, the calculated proffer amount for the Development is \$11,880.05 (calculated as $\$31.85 \times 373$ residents in units exceeding by-right units).
- The proffer amount per unit is \$46.59 (calculated as $\$11,880.05 \div 255$ total units).

This information is summarized in Table III-B.3 on the following page.

TABLE III-B.3
Projected Fire Training & Logistics Facility Impacts

<i>Fires Training & Logistics Facility</i>	
a) Total cost of new fire and rescue facility ^(a)	\$4,250,000
Residents	
b) Current County residents ^(b)	133,033
c) Total projected residents at Development	400
d) Total projected residents at Development above by-right ^(c)	373
e) Total projected County population (b + c)	133,433
f) Total projected County population above by-right (b + d)	133,406
Estimated Cost Per Home	
g) Total cost of new fire and rescue facility and equipment	\$4,250,000
h) Estimated cost per resident (g ÷ e)	\$31.85
i) Estimated cost related to Development (h × d)	\$11,880.05
j) Projected number of homes ^(d)	255
Estimated proffer cost per home -- Fire Training & Logistics Facility (i ÷ j)	\$46.59
^(a) Based on cost of a new fire and rescue facility as provided by Spotsylvania County staff. ^(b) Source: U.S. Census Bureau. ^(c) See Table III-B.2. ^(d) Source: ATFD, LLC.	

After appropriate Spotsylvania County staff has had the opportunity to review this document and provide comments, the Applicant will coordinate with the County to confirm the appropriate proffer amount necessary to mitigate the additional prorated costs of eligible public safety facility improvements. The Applicant will undertake efforts necessary to ensure that the proposed mitigation strategy is consistent with all applicable law, including, but not limited to, the Residential Proffer Legislation.

III-C. Public Parks Facility Improvement Impacts

METHODOLOGY

As with public safety facilities impacts, to project impacts on public park facilities, MuniCap first estimated the total population that will reside within the proposed Development based on U.S. Census Bureau data. MuniCap then applied the level of service standards for public parks as identified in the Spotsylvania County Comprehensive Plan to calculate the impact of the Development on public parks services. MuniCap then compared the existing capacity at the relevant public parks facilities to the forecasted increase in required services resulting from the proposed development and determined whether the projected demand exceeded current capacity.

PROJECTED NET RESIDENT IMPACTS

As previously described, the Development includes 255 new units, including age-restricted single-family detached units, apartments, condominiums, and villas. Based on projected development and the average occupancy of such residential units in the County, the proposed development will house an estimated 400 total residents, as shown in Table III-B.1 of the preceding section.

CURRENT CAPACITY OF PUBLIC PARKS FACILITIES

The County LOS standards for public parks and recreation as outlined in the Comprehensive Plan are shown below in Table III-C.

TABLE III-C.1
County Standards for Public Parks Facilities

Facility	Adopted LOS	Actual LOS	Applied Standard	Size (acre or SF)
Multi-Purpose Field	1 per 2000	1 per 2,088	1 per 2,088	2
Tennis Court	1 per 2000	1 per 1,355	1 per 2000	0.15
Baseball/Softball Diamond	1 per 3000	1 per 2,358	1 per 3000	2.5
Basketball Court	1 per 5000	1 per 2,449	1 per 5000	0.1
Playground	1 per 5000	> 1 per 5,000	1 per 5000	0.1
Community Center	1 per 15,000	1 per 18,193	1 per 18,193	5,696
Swimming Pool	1 per 20,000	1 per 4,898	1 per 20,000	0.5
Trails	1 mile per 1,000	1 mile per 5,585	1 mi per 5,585	n/a
Meeting Space	200 sf per 1,000	200 sf per 1,023	200 sf per 1,023	n/a

The Capital Improvement Plan includes the creation and/or expansion of the following parks facilities that are included in this analysis:

- *Marshall Center Auditorium Upgrades*, with total capital costs estimated at \$304,000 for renovations to accommodate future needs;

- *Ni River Park*, with total capital costs estimated at \$3,370,000 to provide playing fields, parking, restrooms, and access;
- *Belmont Passive Park*, with total capital costs estimated at \$420,000 to provide a passive park for walking and picnics;
- *Livingston Community Center*, with total capital costs estimated at \$715,000 for construction of a 3,000 square foot community center and adjacent parking;

For purposes of this analysis, these improvements are considered regional attractions and are allocated across the County population.

The Capital Improvement Plan includes additional public park facility improvements for other locations in the County. These facilities will primarily service other communities and will not directly benefit the residents at the Development. Accordingly, this analysis does not consider these park facility improvements.

MITIGATION STRATEGIES

Any proffer related to public parks must only mitigate the costs reasonably attributable to an increase in population.

In the case of the aforementioned public park improvements:

- Total estimated capital costs are \$4,809,000.
- The parks are considered to be of County-wide benefit. Therefore, costs are apportioned among the County's current and projected resident population.
- The current County population is 133,033.
- The projected resident increase from all units at the Development is 400 (as shown in Table III-B.1) and the total projected County population, including the Development, is 133,433 (calculated as 133,033 current residents + 400 new residents).
- The projected resident increase from the units above by-right at the Development site is 373 (as shown in Table III-B.1) and the total projected County population, including the Development in excess of the by-right units, is 133,406 (calculated as 133,033 current residents + 373 new residents).
- The per capita cost of the park improvements is \$36.04 (calculated as \$4,809,000 ÷ 133,433 total projected County residents).
- Accordingly, the calculated proffer amount for the Development is \$13,442.92 (calculated as \$36.04 × 373 residents in units exceeding by-right units).

- The proffer amount per unit is \$52.72 (calculated as \$13,442.92 ÷ 255 total units).

This information is summarized below in Table III-C.2.

TABLE III-C.2
Projected Proffer Costs – Public Parks Facility Improvements

<i>Public Park Facilities</i>	
a) Total cost of new public park facilities ^(a)	\$4,809,000
Residents	
b) Current County residents ^(b)	133,033
c) Total projected residents at Development	400
d) Total projected residents at Development above by-right ^(c)	373
e) Total projected County population (b + c)	133,433
f) Total projected County population above by-right (b + d)	133,406
Estimated Cost Per Home	
g) Estimated cost per resident (a ÷ e)	\$36.04
h) Estimated cost related to Development (g × d)	\$13,442.92
i) Projected number of homes ^(d)	255
Estimated proffer cost per home -- public park facilities (h ÷ i)	\$52.72
^(a) Based on cost of a new fire and rescue facility as provided by Spotsylvania County staff ^(b) Source: U.S. Census Bureau. ^(c) See Table III-B.2. ^(d) Source: ATFD, LLC	

The Applicant will coordinate with appropriate Spotsylvania County staff after they have had the opportunity to review this document and provide comments. The Applicant will undertake efforts necessary to ensure that the proposed mitigation strategy is consistent with all applicable law, including, but not limited to, the Residential Proffer Legislation.

III-D. Public Transportation Facility Improvement Impacts

METHODOLOGY

A separate traffic impact analysis has been prepared that addresses impacts to public transportation facility improvements.

IV. Conclusions

SUMMARY OF ANALYSIS

Based on MuniCap's analysis, the estimated cash proffer that may be collected from the Development is as shown below in Table IV-A.

TABLE IV-A
Summary of Analysis

<i>Public Facilities</i>	<i>Estimated Proffer per Dwelling Unit</i>
Public school facilities	\$0.00
Public safety facilities	\$46.59
Public parks facilities	\$52.72
Public transportation facilities	\$0.00
Estimated proffer per dwelling unit	\$99.31
Projected number of units	255
Total projected cash proffer	\$25,323

ASSUMPTIONS AND LIMITATIONS

The preceding narrative provides projections of impacts to public facility improvements as mandated by the Residential Proffer Legislation. This narrative is being submitted for review and comment by the appropriate Spotsylvania County staff. Upon receipt of such review and commentary, the Applicant will augment this submission with specific mitigation strategies as appropriate.

This narrative does not contemplate public transportation facility improvement impacts, which is addressed in a separate transit impact analysis.

In preparation of this narrative, MuniCap relied on multiple sources for the information presented and used herein. While these sources are believed to be reliable, MuniCap has not undertaken any efforts to independently verify the veracity of any such information.

While the methodology employed, and the content provided herein, are believed to be consistent with applicable law, including the Residential Proffer Legislation, none of the statements in this document should be construed as legal advice.