



**Date of Council Meeting: December 8, 2014**

**TOWN OF LEESBURG  
TOWN COUNCIL WORK SESSION**

**Subject:** School Proffers

**Staff Contact:** Scott E. Parker, Assistant Town Manager

This informational memorandum outlines the process by which the Town of Leesburg is facilitating the distribution of proffer monies from developments within the Town that are specified for distribution to Loudoun County Public Schools (LCPS).

On July 12, 2005, the Town Council passed Resolution 2005-111, Approving a Proffer Policy for School Capital Costs (Attachment 1). Since then, the Town has collected proffer money from the PMW Farms development, and expects more from other developments that have been approved and may be approved in the future.

Resolution 2005-111 specifically states the following related to proffer dollars collected from certain rezoning applications:

*Any proffer money collected shall be used to provide school-related capital facilities that will serve the Leesburg residents who live in the new development resulting from the rezoning, as defined by the County's Leesburg Sub-Area or the appropriate School Board Cluster Designation.*

Section II of the resolution states that the Town Manager is authorized to establish accounting procedures to collect proffers in accordance with the capital intensity factor outlined in the resolution, and to transfer those funds.

The Town formalized its procedures for transfer of said proffer monies to Loudoun County in a November 19, 2014 letter to Loudoun County Administrator Tim Hemstreet (Attachment 2). It should be noted that LCPS has requested the transfer of the funds currently available (\$4,145,811.00) for two specific projects: The renewal of the Navy Junior ROTC (NJROTC) program facility at Loudoun County high School, and the preliminary design and engineering in FY 2017 for conversion of the C.S. Monroe Technology Center into an alternative high school.

Per the procedure outlined within the letter to the County Administrator, LCPS asked for a determination of compliance from the Zoning Administrator as to whether the projects outlined qualify as meeting the conditions of the Resolution, since collected proffers are related to rezonings. In a letter dated November 26, 2014 (Attachment 3), the Town Zoning Administrator determined that the projects did indeed qualify. This allows the Town to disperse the funds to Loudoun County.

School Proffers

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The Town will be reviewing its collection of school proffers on a yearly basis and stay in contact with LCPS for opportunities for funding.

**Attachments:**

- 1) Resolution 2005-111
- 2) November 19, 2014 letter to Tim Hemstreet
- 3) November 26 letter from Town Zoning Administrator to LCPS

The Town of  
**Leesburg,  
Virginia**

PRESENTED July 12, 2005

RESOLUTION NO. 2005-111

ADOPTED July 12, 2005

A RESOLUTION: APPROVING A PROFFER POLICY FOR SCHOOL CAPITAL COSTS

WHEREAS, the Section 15.2-2297.A of the Virginia State Code allows local zoning ordinances to include and provide for the voluntary proffering in writing, by the owner, of reasonable conditions to be applied to a proposed rezoning; and

WHEREAS, the Section 3.3.16 of the Zoning Ordinance of the Town of Leesburg provides for the voluntary proffering of such conditions to be applied to a proposed rezoning; and

WHEREAS, on February 15, 2005, the Loudoun County Board of Supervisors adopted by resolution new capital facility standards and capital intensity factor to assist the county in an equitable and uniform evaluation of developer proffers; and

WHEREAS, Loudoun County Public Schools has the following facility standards for schools—875 students per elementary school, 1,184 students per middle school, and 1,600 students per high school; and

WHEREAS, Loudoun County Public Schools has determined that on average each single-family detached dwelling unit generates 0.80 children, each single-family attached dwelling unit generates 0.42 children, and each multifamily dwelling unit generates 0.21 children; and

WHEREAS, the county's new capital intensity factor for school facilities, which was derived from facility standards and student-generation rates of Loudoun County Public Schools, is \$29,750 for single-family detached dwelling units, \$15,619 for single-family attached dwelling

**A RESOLUTION: APPROVING A PROFFER POLICY FOR SCHOOL CAPITAL COSTS**

units, and \$7,809 for multifamily dwelling units, with such factor applied to each dwelling unit approved in a rezoning above the number of units allowed under the existing zoning; and

WHEREAS, the Loudoun County Board of Supervisors, in a letter dated April 12, 2005, from Chairman Scott York to Mayor Umstadd, requested that the town consider adopting the county's proffer guideline, including the county's capital facility standards and capital intensity factor as uniform tools to negotiate with developers; and

WHEREAS, at a work session on June 13, 2005, Town Council received a staff report indicating that it would not be appropriate for the town to adopt the county's capital intensity factor for non-school-related costs without a study to determine if the factor accurately reflects the costs of those facilities within the town, but that it would be appropriate to adopt the county's capital intensity factor for school-related costs without further study.

THEREFORE, RESOLVED by the Council of the Town of Leesburg in Virginia as follows:

SECTION I. The town shall establish a proffer guideline for school capital costs according to the following:

1. The town shall use the following guideline when evaluating proffers for school facilities for proposed rezonings, including amendments to previously approved rezonings:
  - a. For a single-family detached dwelling unit, the school capital intensity factor shall be \$29,750.
  - b. For a single-family attached dwelling unit, the school capital intensity factor shall be \$15,619.

A RESOLUTION: APPROVING A PROFFER POLICY FOR SCHOOL CAPITAL COSTS

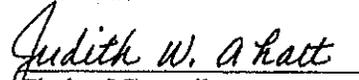
- c. For a multifamily dwelling unit, the school capital intensity factor shall be \$7,809.
2. The factor shall be applied to the difference between the number and type of dwelling units that could be built under the proposed zoning and the dwelling units that could be built under existing zoning. For a proposed amendment to a previously approved rezoning, the factor shall be applied to the additional dwelling units that could be built under the amendment.
3. Any proffer money collected shall be used to provide school-related capital facilities that will serve the Leesburg residents who will live in the new development resulting from the rezoning, as defined by the County's Leesburg Planning Sub-Area or the appropriate School Board School Cluster designation.

SECTION II. The Town Manager is authorized to establish accounting procedures to collect proffers in accordance with this capital intensity factor and to transfer those funds to Loudoun County Public Schools.

PASSED this 12<sup>th</sup> day of July 2005.

  
Kristen C. Umstatt, Mayor  
Town of Leesburg

ATTEST:

  
Clerk of Council

R5: proffer policy for school capital costs



KAJ H. DENTLER  
Town Manager

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25 West Market Street ■ Leesburg, Virginia 20176 ■ 703-771-2700 ■ kdentier@leesburgva.gov ■ www.leesburgva.gov

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November 19, 2014

Mr. Tim Hemstreet, County Administrator  
Loudoun County  
1 Harrison Street, S.E., MSC #2, 5<sup>th</sup> Floor  
P.O. Box 7000  
Leesburg, VA 20177-7000

Re: School Proffer Collections by the Town of Leesburg

Dear Mr. Hemstreet:

The Town of Leesburg has been collecting proffer money as a result of certain rezonings for the purpose of being applied to school-related capital facilities. Currently, the amount of money that the Town has collected is \$4,145,811.00, and we wish to distribute it. The Town's criteria for the dispersal and expenditure of these funds were outlined through Council Resolution 2005-111 (Attachment 1). Of particular note is Section I.3 that states "*Any proffer money collected shall be used to provide school-related capital facilities that will serve the Leesburg residents who will live in the new development resulting from the rezoning, as defined by the County's Leesburg Planning Sub-Area or the appropriate School Board Cluster designation.*"

It has come to our attention that LCPS would like to spend a portion of this money on renovations of the Loudoun County High School Naval JROTC building, and another part for the conversion of the C.S. Monroe Technology Center to an alternative high school. In order for us to complete this request, the following procedure has been established for disbursements, both current and future:

- LCPS will to submit a letter to the Town of Leesburg Zoning Administrator that requests funds for a specific project.
- The letter needs to detail the scope of the project and the timeframe for construction.
- The letter needs to provide a justification for the use of funds as it pertains to Resolution 2005-111, Section I.3.
- The Town Zoning Administrator will determine compliance with the proffers of the related rezonings, as well as compliance with Resolution 2005-111.
- If a positive determination is made, the amount requested for the specified project will be remitted to the Controller of Loudoun County for the use expressed.

As it pertains to the current funds available that are referenced above, LCPS has forwarded a letter to our Zoning Administrator (per our request) and it is under review (Attachment 2).

Mr. Tim Hemstreet  
November 19, 2014  
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It is our desire to disperse proffer money on a more regular basis, should there be funds available. The Town is proposing that any projects requesting proffer money be approved by the procedure above by the end of the calendar year preceding the start of the next fiscal year. We believe that this will allow the money to be accounted for and considered as part of budget deliberations for the coming fiscal year.

We realize that there are probably internal mechanisms within the County regarding the internal transfer of the money. The Town of Leesburg has the expectation that the money will be spent according to the guidelines established by the Resolution and the Zoning Administrator's determinations. We do recognize, however, that it is LCPS's responsibility to allocate and we trust that this will be accomplished in accord with this letter and the established Resolution.

If there are any questions, or you wish to discuss this further, please contact me.

Sincerely,



Kaj Dentler  
Town Manager

Attachments: Resolution 2005-111  
Request for proffer money, LCPS

cc: Dr. Eric Williams, LCPS  
Sam Adamo, LCPS  
Ben Mays, Loudoun County  
Penny Newquist, Loudoun County  
Janet Romanchyk, Loudoun County  
Joc Kroboth, Loudoun County  
Dan Csizmar, Loudoun County  
Scott E. Parker, Town of Leesburg  
Barbara Notar, Town of Leesburg  
Clark Case, Town of Leesburg  
Jason Cournoyer, Town of Leesburg  
Susan Berry Hill, Town of Leesburg  
Chris Murphy, Town of Leesburg

November 26, 2014

Sam Adamo, Executive Director  
Loudon County Public Schools  
Department of Planning & Legislative Services  
2100 Education Court  
Ashburn, VA 20148

**RE: Town of Leesburg Proffer Funds for School Capital Projects, Resolution No. 2005-111:  
Determination of Project Eligibility**

Dear Mr. Adamo:

In accordance with Town of Leesburg Resolution No. 2005-111, Approving a Proffer Policy for School Capital Costs, of July 12, 2005, (Attached) the Town of Leesburg has collected proffer dollars from certain rezoning applications for the expressed purpose of:

*Any proffer money collected shall be used to provide school-related capital facilities that will serve the Leesburg residents who live in the new development resulting from the rezoning, as defined by the County's Leesburg Planning Sub-Area or the appropriate School Board School Cluster Designation.*

Your letter of November 12, 2014 describes two LCPS projects, at facilities situated within Leesburg's Town Limits, to which the capital dollars the Town of Leesburg has collected through proffered rezonings in accordance with Resolution No. 2005-111 will be applied to when released to Loudoun County. Those projects include the following:

- 1.) The facility renewal of the Navy Junior ROTC (NJROTC) program facility at Loudoun County High School in FY 2016; and,
- 2.) Preliminary design and engineering in FY 2017 for the conversion of the C.S. Monroe Technology Center into an alternative high school.

The examination that must be made prior to authorization of the release of the proffered funds as spelled out in Resolution 2005-111 is whether the capital expenditure(s) are for, "...school-related capital facilities that will serve the Leesburg residents who live in the new development resulting from the rezoning...". To this, I offer the following analysis and determination:

**Analysis:**

**Loudoun County High School's NJROTC** program is open to, and currently enrolls, students residing throughout the Town of Leesburg, as well as, from across Loudoun County. Because the NJROTC Program is housed in only one location within the LCPS System, any student residing in any of the Resolution No. 2005-111 proffered rezonings will be served by the NJROTC facility at Loudoun County High School.

**C.S. Monroe Technology Center/New Alternative High School** will be added facility space to the existing alternative high school currently provided at the Douglass High School facility. The LCPS alternative high school program is open to, and currently enrolls, students residing throughout the Town of Leesburg, as well as, from across Loudoun County. Because this new alternative high school will expand the services currently only available at the Douglass High School and nowhere else in the LCPS System, any student residing in any of the Resolution No. 2005-111 proffered rezonings will be served by this new alternative high school at the C.S. Monroe Technology Center site.

**Determination:**

Because both the LCPS Navy Junior ROTC and C.S. Monroe Technology Center/New Alternative High School are facilities that are situated within the Town of Leesburg and will serve students who reside in communities developed under proffered rezonings subject to Resolution No. 2005-111, both of these projects are eligible for funding from the money collected by the Town of Leesburg in accordance with Resolution 2005-111.

In accordance with the letter of November 19, 2014 from Kaj Dentler, Town Manager to Tim Hemstreet, County Administrator, those funds collected by the Town will be remitted to the Controller of Loudoun County to be used for the uses expressed. I will work with Town staff to remit the funds accordingly.

Please feel free to contact me if you have any questions or wish to discuss this matter further. I may be reached by telephone at 703-737-7009 or by email at [cmurphy@leesburgva.gov](mailto:cmurphy@leesburgva.gov).

With kind regards,



Christopher Murphy, AICP  
Zoning Administrator

ATTACHMENTS: Resolution No. 2005-111

**Proffer Determination  
Resolution No. 2005-111  
LCPS Capital Facilities Projects  
November 26, 2014  
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November 19, 2014 Letter from Kaj Dentler, Town Manager

Cc: Kaj Dentler, Town Manager  
Scott Parker, Asst. Town Manager  
Clark Case, Director, Finance & Administrative Services.  
Susan Berry Hill, Director, Planning & Zoning