

**BOARD OF SUPERVISORS  
FINANCE/GOVERNMENT OPERATIONS  
AND ECONOMIC DEVELOPMENT COMMITTEE  
ACTION ITEM**

**SUBJECT:** FY 2017 Capital Improvement Program Amendment/ Cash Proffers for Route 9 Traffic Calming and Pedestrian Safety Improvements

**ELECTION DISTRICT:** Blue Ridge

**CRITICAL ACTION DATE:** July 12, 2016

**STAFF CONTACTS:** Peter Malgieri, Transportation and Capital Infrastructure  
Susan Glass, Transportation and Capital Infrastructure  
Joe Kroboth, Transportation and Capital Infrastructure

**PURPOSE:** To amend the FY 2017 Capital Improvement Program (CIP) and budget by approving a budget adjustment to appropriate and transfer \$482,332.62 in cash proffers in the Public Facilities Fund, through the Transportation District Fund, to the Capital Fund for the Route 9 Traffic Calming and Pedestrian Safety capital project.

**RECOMMENDATIONS:** Staff recommends that the Finance/Government Operations and Economic Development Committee recommend that the Board of Supervisors (Board) amend the FY 2017 CIP and budget to appropriate and transfer \$482,332.62 in cash proffers in the Public Facilities Fund, through the Transportation District Fund, to the Capital Fund for the Route 9 Traffic Calming and Pedestrian Safety capital project in FY 2017.

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**BACKGROUND:** Each year, the County solicits capital project funding requests from Towns within the County for facilities owned by, or located within, the Town but operated by the County, or for local pedestrian and transportation related improvements that benefit the County.

The Town of Hillsboro submitted a request to the County for funding to support the Route 9 Traffic Calming and Pedestrian Safety Project for inclusion in Loudoun County's FY 2017 – FY 2022 CIP. The request would provide funding to construct "interior" traffic calming and pedestrian safety improvements along Route 9 in the Town of Hillsboro between Route 690 and Stony Point Road. The entire project is planned to include complete reconstruction of Route 9 in Hillsboro, two roundabouts and the addition of underground storm water drainage facilities and burial of overhead utilities – which must be constructed within the same narrow right-of-way as the water lines and wastewater pipes.

As part of the FY 2017 budget development process, the Board approved the use of \$1,900,000 in State Revenue Sharing and \$2,900,000 in NVTA 30% Local funding for a total \$4,800,000 in FY 2018 for construction of the “interior” traffic calming and pedestrian improvements along Route 9 between Route 690 and Stony Point Road.

With the requested funding, the County, Town and the Virginia Department of Transportation (VDOT) and working together to develop a funding plan and project schedule to provide for the installation of utilities, storm water facilities and drinking water and wastewater pipe installation beneath Route 9, simultaneously along with the installation of surface traffic calming measures, sidewalks, and safe on-street parking at one time. This will allow for Route 9 construction activities to occur at one-time, rather than several different times that would cause continued disruptions to traffic along Route 9 and the Town’s residents.

To date, the County has provided a total of \$3,345,000 to the Town of Hillsboro to assist in the Town’s efforts on the aforementioned drinking water and wastewater pipe installation, exclusive of the road funding to be provided in FY 2018. The water and wastewater funding includes the following prior appropriations:

- In FY 2011, the County allocated \$200,000 in local tax funding for a feasibility study for the wastewater project, preliminary engineering for the Town’s water project, and funding to draw a new well. Of this amount, \$158,175.83 has been transferred to the Town, and \$9,824.17 is encumbered to be transferred to the Town. \$32,000 was budgeted for engineering services and has not been spent.
- In FY 2015, the County provided \$1,145,000 from the proceeds from the sale of the Sterling Annex facility to help pay for an infrastructure project in coordination with the Virginia Department of Health to address the significant public health risk associated with the Town’s water system.
- In FY 2016, the County provided \$2,000,000 in local tax funding to assist in the construction of wastewater lines along Route 9 in conjunction with VDOT road project.

VDOT is working in conjunction with County staff and the Town’s consultant to develop the total cost estimate for the water/wastewater line installation and the road improvement project along Route 9. A new Standard Project Agreement is being developed for the project by VDOT. VDOT and the Town have requested that the County review available cash proffers that could be provided for the project to help fund the combined water/wastewater and road improvements. County staff has identified the following proffers totaling \$482,332.62 that may be applied to the Route 9 project in the Town of Hillsboro:

**Table 1. Cash Proffer Funding for the Route 9 Improvements Project**

APPLICATION #	APPLICATION NAME	SEQ #	PROFFER/CONDITION DESCRIPTION	BALANCE
SPEX-2006-0022	WESTERN HIGH SCHOOL AT FIELDS FARM	99068651	\$136,407 FOR REGIONAL ROAD CONTRIBUTIONS - RT 690 / RT 9 ROUNDABOUT	\$138,359.97
SBRD-2002-0122	WINDING CREEK	99064422	\$261,000.00 CASH FOR RT. 9 IMPROVEMENTS	\$319,492.65
ZMAP-1996-0010	SCHMIDT FARM	98011714	TRANSPORTATION IMPROVEMENTS	\$24,480.00
				<b>\$482,332.62</b>

Zoning Administration issued ZCOR-2016-0055 on May 24, 2016, authorizing the use of the cash proffers related to Schmidt Farm for the Route 9 project, and ZCOR-2016-0057 on May 17, 2016, authorizing the use of cash proffers related to the Western High School Transportation Cash Contributions.

Staff obtained confirmation from the Department of Building and Development that the Winding Creek funds can be used for improvements to Route 9, but paragraph 6 of the cash contribution agreement states that the Director of Building and Development must certify that a contract for improvements has been awarded by VDOT or that the improvements are already complete before the funds can be released. Staff believes that a Standard Project Agreement for the Route 9 project developed by VDOT would suffice as a contract being awarded by VDOT to release these funds for the Route 9 project.

**ISSUES:** An amendment to the FY 2017 CIP and budget is required in order to transfer additional funds from the Public Facilities Fund through the Transportation District Fund to the Capital Fund for the Route 9 Traffic Calming and Pedestrian Safety project. If the Board chooses to not appropriate the use of proffer funding for the project, then the County will not be able to provide additional funding to the Route 9 Traffic Calming project, which may result in a funding shortfall for the overall project.

**FISCAL IMPACT:** Zoning Administration staff issued a cash proffer determinations (ZCOR 2016-0055 and ZCOR-2016-0057) indicating the cash proffers requested are appropriate for the proposed use. If approved by the Board, staff will prepare a budget adjustment to appropriate \$482,332.62 in cash proffers in the Public Facilities Fund, as shown in Table 1, and transfer that amount through the Transportation District Fund to the Capital Fund for the Route 9 Traffic Calming and Pedestrian Safety project.

**ALTERNATIVES:** The Board may choose to recommend the transfer of some, none or all of the requested \$482,332.62 funding for the road capital project. If the Board does not fully fund the request, staff, VDOT and the Town would have to identify other sources of proposed funding for the

project.

**DRAFT MOTIONS:**

1. I move the Finance/Government Operations and Economic Development Committee recommend that the Board of Supervisors amend the FY 2017 Capital Improvement Program and budget by appropriating \$482,332.62 in cash proffers in the Public Facilities Fund, as shown in Table 1 of the July 12, 2016 Action Item, and transfer that amount through the Transportation District Fund to the Capital Fund to fund the construction of Route 9 Traffic Calming and Pedestrian improvements in the Town of Hillsboro.

OR

2. I move an alternate motion.

**ATTACHMENTS:**

1. ZCOR 2016-0055, Cash Proffer Determination Regarding the Use of Cash Proffer Funds for Design and Construction of Improvements to Route 9 in Hillsboro.
2. ZCOR 2016-0057, Cash Proffer Determination Regarding the Use of Western High School Transportation Cash Contributions for Design and Construction of Improvements to Route 9 in Hillsboro.

## CORRESPONDENCE SUMMARY

**DATE:** May 24, 2016  
**CORRESPONDENCE NUMBER:** ZCOR-2016-0055  
**SUBJECT:** **Cash Proffer Funds for Design and Construction of Improvements to Route 9 in Hillsboro**

**1993 Ordinance Reference Numbers:**

**1972 Ordinance Reference Numbers:**

**Other Applicable Reference Numbers:** ZMAP-1996-0010\*

**Correspondence Summary:**

It is appropriate to use the requested cash proffer (LMIS Sequence #98011714, Oracle Award #Y00639) that was contributed by the developer of Schmidt Farm for the design and construction of improvements to Route 9 in Hillsboro.

**PROPERTY OWNERS:**

Richard & Katherine Borowski R/S  
15976 Charter House Ln  
Purcellville, VA 20132

Peter & Mary Cantrell-Kehoe R/S  
15971 Charter House Ln  
Purcellville, VA 20132

Terrance & Kathleen Shaughnessy R/S  
15932 Charter House Ln  
Purcellville, VA 20132

Mark W Nicolini  
15933 Charter House Ln  
Purcellville, VA 20132

Norman D & Deanne L Weinberg R/S  
37575 Chartwell Ln  
Purcellville, VA 20132

Rhett Rudolph Krulla ET UX  
37481 Chartwell Ln  
Purcellville, VA 20132

David D & Sheila G VanVleet  
37433 Chartwell Ln  
Purcellville, VA 20132

Michael Goggin & Deirdre Shupe R/S  
37390 Chartwell Ln  
Purcellville, VA 20132

James J & Lois A Sippel R/S  
37430 Chartwell Ln  
Purcellville, VA 20132

Diane & Daniel Fisher R/S  
37488 Chartwell Ln  
Purcellville, VA 20132

Milton E & Maryann Koerner  
37576 Chartwell Ln  
Purcellville, VA 20132

Christopher & Kristen Gilbert R/S  
37601 Chartwell Ln  
Purcellville, VA 20132

Torrance & Margaret Shelton R/S  
37594 Chartwell Ln  
Purcellville, VA 20132

Roger C & Rosemarie B Reinhardt  
37491 Koerner Ln  
Purcellville, VA 20132

Jerry S & Lina T Lamora  
37449 Koerner Ln  
Purcellville, VA 20132

John E & Valerie B McCormick  
37431 Koerner Ln  
Purcellville, VA 20132

Author: Marisa Whitacre

\*Indicates where to file

Is this a determination? Check one: Yes  No

**COUNTY OF LOUDOUN**  
**DEPARTMENT OF PLANNING AND ZONING**  
**MEMORANDUM**

**DATE:** May 24, 2016

**TO:** Susan Glass, Program Manager, Department of Transportation and Capital Infrastructure (DTCI)

**FROM:** Marisa Whitacre, Proffer Specialist MW

**SUBJECT:** ZCOR-2016-0055, Cash Proffer Funds for Design and Construction of Improvements to Route 9 in Hillsboro

I am writing in response to your memo, dated April 12, 2016, in which you requested the use of \$24,480 in cash proffer contributions made by the developer of Schmidt Farm to partially fund the design and construction of improvements to Route 9 in Hillsboro between Hillsboro Road (Route 690) and Stony Point Road (Route 719). The project includes roundabouts where Route 9 intersects with Hillsboro Road and Stony Point Road (see attached Vicinity Map). I reviewed the requested proffer contribution and find that it is appropriate to use the funds for the proposed project.

The Zoning Map Amendment application for Schmidt Farm, ZMAP 1996-0010, was approved by the Board of Supervisors on September 17, 1997 subject to the rezoning plat dated November 6, 1996, and revised through August 18, 1997, and the proffer statement dated August 18, 1997.

Proffer 2 of ZMAP 1996-0010 requires the Applicant to provide a cash contribution in the amount of \$1,500 for each residential dwelling unit constructed to be used by the County for transportation improvements in the vicinity of the Subject Property.

*2. The Applicant shall contribute \$1,500.00 for each residential dwelling unit constructed on the Subject Property. The residential unit contribution shall be made at such time as zoning permits are issued for the construction of each residential unit. Such contribution shall be held and administered by the County and shall be used for transportation improvements in the vicinity of the Subject Property. The cash contribution shall escalate on a yearly basis based on the Consumer Price Index (CPI). The "base year" shall be 1998 with adjustment each January 1 thereafter.*

To date, \$24,480 has been collected pursuant to Schmidt Farm Proffer 2; the proffer is fulfilled. \$0.00 has been distributed. Thus, the current balance of this proffer account is \$24,480 (LMIS sequence #98011714, Oracle Award #Y00639).

The proffer text states that the contributions shall be used for transportation improvements in the vicinity of the Subject Property. The phrase "in the vicinity" has been defined in previous proffer determinations to mean within the same Planning Subarea as the development from which the funds were contributed. Schmidt Farm is located in the Route 7 West Planning Subarea. The improvements

to Route 9 are located within two subareas—the Route 7 West and Northwest Planning Subareas. As the proposed improvements to Route 9 include design and construction of a roundabout at the Route 690/Route 9 intersection partially within the

Route 7 West Planning Subarea, it is appropriate to use the current balance of the Schmidt Farm Proffer 2 account for design and construction of improvements to Route 9 in Hillsboro.

Please be advised that the requested funds may be eligible for use on other County projects and final appropriation of proffer funds shall be as directed by the Board of Supervisors.

PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the proffers as they exist the date of this letter, and such proffers may be amended by a subsequent Zoning Concept Plan Amendment.

This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the proffer conditions attached to a rezoning or amendment to the zoning map, may appeal said decision within thirty (30) days to the Board of Supervisors in strict accordance with Section 15.2-2301 of the Code of Virginia. This decision is final and unappealable if not appealed within 30 days. An application package for an appeal to the Board of Supervisors may be obtained by visiting the Loudoun County Government Center, 1 Harrison St. S.E., Second Floor, Customer Service, Leesburg, VA. Two copies of the completed application must be submitted to the Department of Building and Development Customer Service counter with the fee payment of \$350.00 within 30 days from the date of this letter.

If you have any questions regarding this correspondence, please contact me at (703) 737-8211 or by email at [marisa.whitacre@loudoun.gov](mailto:marisa.whitacre@loudoun.gov).

Attachment: Vicinity Map

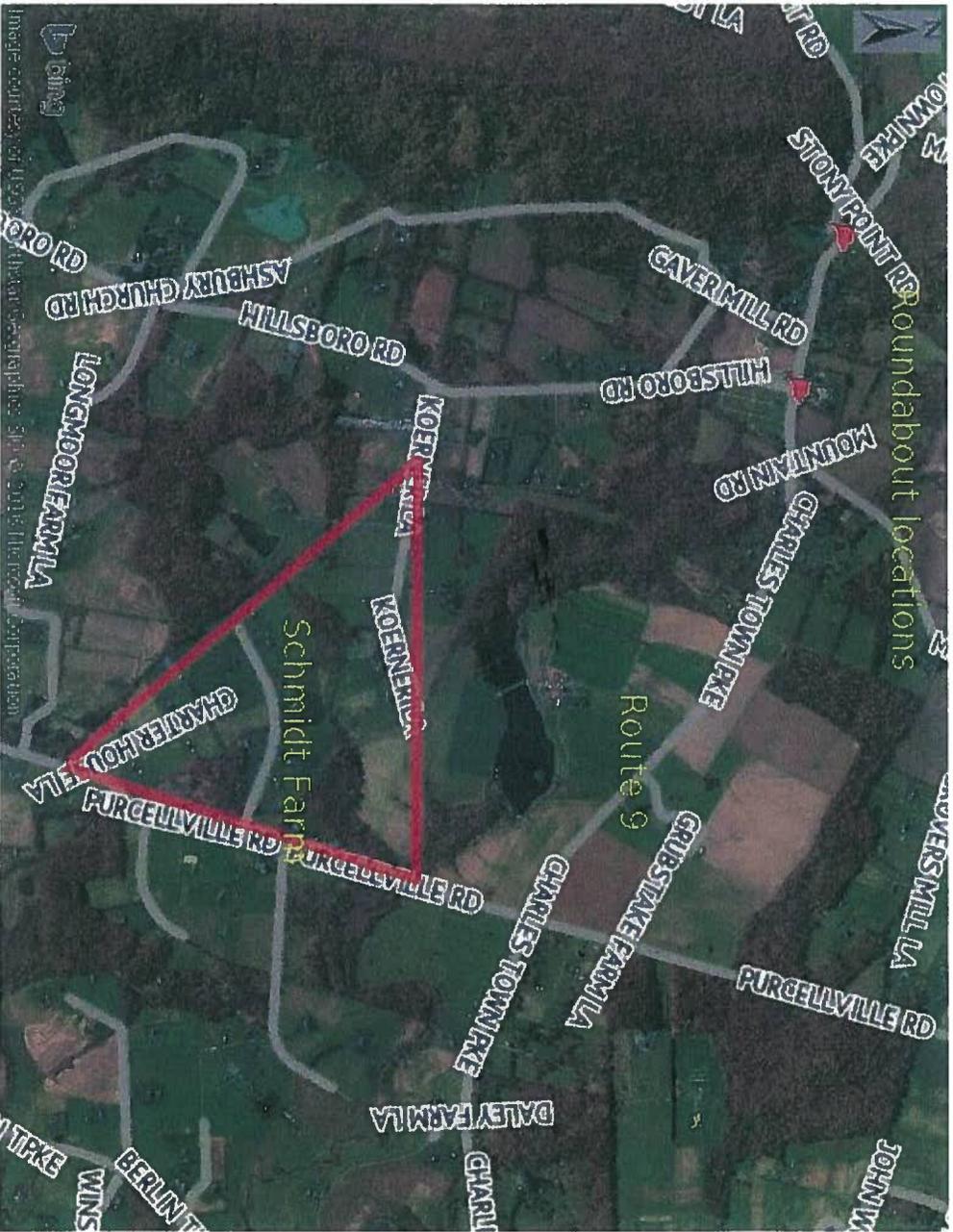
cc via email: Phyllis J. Randall, Chair, Board of Supervisors  
Tony Buffington Jr., Blue Ridge District Supervisor  
Charles Yudd, Assistant County Administrator  
Kenny Young, Assistant County Administrator  
Ricky W. Barker, AICP, Director, Planning and Zoning  
Mark Stultz, Zoning Administrator, Planning and Zoning  
Joe Kroboth, Director, Transportation and Capital Infrastructure  
Dan Csizmar, Capital Budget Manager, Transportation and Capital Infrastructure  
Amy Kresge, Proffer Program Manager, Planning and Zoning

cc via U.S. Mail: Property Owners

# Schmidt Farm

ZCOR 2016-0055

## Vicinity Map



**CORRESPONDENCE SUMMARY**

**DATE:** May 17, 2016  
**CORRESPONDENCE NUMBER:** ZCOR-2016-0057  
**SUBJECT:** Use of Western High School Transportation Cash Contributions for Design and Construction of Improvements to Route 9 in Hillsboro

**1993 Ordinance Reference Numbers:**

**1972 Ordinance Reference Numbers:**

**Other Applicable Reference Numbers:** SPEX-2006-0022\*

**Correspondence Summary:**

It is appropriate to use the requested cash contributions (LMIS Sequence #99068650, Oracle Award #Y00766 and LMIS Sequence #99068651, Oracle Award #Y00767) contributed by Loudoun County Public Schools in accordance with SPEX-2006-0022, Western High School at Fields Farm, for the design and construction of improvements to Route 9 in Hillsboro.

**PROPERTY OWNERS:**

Loudoun County Board of Supervisors  
PO Box 7000 MSC 01  
Leesburg, VA 20177

Town of Purcellville  
221 S Nursery Avenue  
Purcellville, VA 20132

Author: Marisa Whitacre

\*Indicates where to file

Is this a determination? Check one: Yes  No

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**COUNTY OF LOUDOUN**  
**DEPARTMENT OF PLANNING AND ZONING**  
**MEMORANDUM**

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**DATE:** May 17, 2016

**TO:** Susan Glass, Program Manager, Department of Transportation and Capital Infrastructure (DTCI)

**FROM:** Marisa Whitacre, Proffer Specialist *MW*

**SUBJECT:** ZCOR-2016-0057, Use of Western High School Transportation Cash Contributions for Design and Construction of Improvements to Route 9 in Hillsboro

I am writing in response to your memo, dated April 12, 2016, in which you requested the use of \$237,066.60 total in cash contributions from two accounts under SPEX 2006-0022, Western High School at Fields Farm, to partially fund the design and construction of improvements to Route 9 in Hillsboro between Hillsboro Road (Route 690) and Stony Point Road (Route 719). The project includes roundabouts where Route 9 intersects with Hillsboro Road and Stony Point Road. I reviewed the requested cash contributions and find that it is appropriate to use these funds for the proposed project.

The Special Exception application for the Western High School at Fields Farm, SPEX 2006-0022, was approved by the Board of Supervisors on June 5, 2007 subject to the Special Exception Conditions of Approval dated June 5, 2007.

Condition 3 of SPEX 2006-0022 requires the Applicant to provide a cash contribution in the amount of \$97,500 as a Fair Share Contribution for the Route 690/Route 9 roundabout or other intersection improvement and \$136,407 as a Regional road contribution, anticipated for use with the Route 690/Route 9 roundabout.

**3. *Transportation Improvements.***

*Roadway improvements to occur prior to issuance of a Certificate of Occupancy are:*

- *Allder School Road and school entrance – Westbound left turn lane*
- *Allder School Road and Route 611 – Eastbound right turn lane*
- *Allder School Road and Route 690 – Single Lane Roundabout*
- *Route 690 and Route 9 – Contribute \$97,500 as a Fair Share Contribution for roundabout or other intersection improvement*
- *Regional road contribution (\$136,407) – anticipated for use with Route 690/Route 9 roundabout.*

The County received both transportation cash contributions on May 12, 2009, fulfilling the cash contribution portions of Condition 3. The Fair Share Contribution of \$97,500.00 has accrued \$1,356.46 in interest and \$0.00 has been distributed. Thus, the current balance of this condition account is \$98,856.46 (LMIS sequence #99068650, Oracle Award #Y00766).

The Regional road contribution of \$136,407.00 has accrued \$1,897.76 in interest and \$0.00 has been distributed. Thus, the current balance of this condition account is \$138,304.76 (LMIS sequence #99068651, Oracle Award #Y00767).

As noted above, the condition text states that the Fair Share Contribution is to be used for the Route 690/Route 9 roundabout or other intersection improvement and the Regional road contribution is anticipated for use with the Route 690/Route 9 roundabout. As the Route 9 improvement project in Hillsboro includes the Route 690/Route 9 roundabout specified in Condition 3, it is appropriate to use the current balances, plus future accrued interest, in the Western High School Condition 3 accounts for the design and construction of improvements to Route 9 in Hillsboro.

Please be advised that the requested funds may be eligible for use on other County projects and final appropriation of special exception condition funds shall be as directed by the Board of Supervisors.

PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon the special exception conditions as they exist as of the date of this letter, and such special exception conditions may be amended by a subsequent Special Exception.

This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the special exception conditions attached to a special exception application, may appeal said decision within thirty (30) days to the Board of Zoning Appeals in strict accordance with Section 15.2-2311 of the *Code of Virginia*. This decision is final and unappealable if not appealed within 30 days. An application package for an appeal to the Board of Zoning Appeals may be obtained by visiting the Loudoun County Government Center, 1 Harrison St. S.E., Second Floor, Customer Service, Leesburg, VA. Two copies of the completed application must be submitted to the Department of Building and Development Customer Service counter with the fee payment of \$350.00 within 30 days from the date of this letter.

If you have any questions regarding this correspondence, please contact me at (703) 737-8211 or by email at [marisa.whitacre@loudoun.gov](mailto:marisa.whitacre@loudoun.gov).

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Amy Kresge, Proffer Program Manager, Planning and Zoning

cc via U.S. Mail: Loudoun County Board of Supervisors  
Town of Purcellville