

News & Alerts

December 27, 2016

Bah Humbug in Chesterfield

The holiday season started early this year when the Chesterfield County Board of Supervisors reduced its cash proffer. The Board's adoption of a new cash proffer policy set in motion efforts by County staff to determine how the new policy would be implemented. As we have unwrapped the details for implementation of this new policy, all we can say is Bah Humbug!

Applicants seeking to reduce their cash proffer under the Board's new policy must overcome several significant hurdles to do so:

- Most alarming is a new "requirement" that the applicant sign a certification in order to have its case heard by the Planning Commission and the Board of Supervisors. This certification negatively impacts an applicant's legal right to seek redress for violations of Virginia law by the County. This certification was foisted upon applicants at last Tuesday night's Planning Commission meeting and will be imposed on applicants going forward.
- All other proffers will be re-examined, not just the cash proffer.
- Applicants must have a community meeting before consideration of the cash proffer reduction.
- Notice of the community meeting must be mailed for a quarter of a mile around the boundaries of the property.
- No credit will be given for previously constructed or proffered road improvements.

The net effect appears to be a procedure to discourage cash proffer reductions or, at a minimum, drive up the cost of obtaining cash proffer reductions. Among the County's stated goals in adopting the new cash proffer policy was the elimination of barriers to land development and to reduce administrative burdens to improve the zoning and permitting process. The County wanted to create a fair process to enable previously approved cases to be re-submitted.

We are not sure from where in the County these procedural hurdles are originating, but we encourage you to let the Board of Supervisors and the County Administration know your thoughts. This approach is the type of local action that caused the General Assembly to act on proffers in the first place. We remain hopeful that the new year will bring modifications to this initial procedure in furtherance of the County's initial goals.

If you would like more information on the new "Proffered Conditions Certification" and Chesterfield County's new cash proffer policy, please feel free to call Jeff Geiger at 804-771-9557.

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