

**Report on Proffered
Cash Payments and Expenditures
By Virginia Counties, Cities, and Towns
2002-2003**



**Commission on Local Government
Commonwealth of Virginia**

November 2003

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of the
Virginia Commission
on
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Commission on Local Government

November 12, 2003

The Honorable Frederick M. Quayle, Chairman
Senate Local Government Committee

The Honorable Riley E. Ingram, Chairman
House Counties, Cities, and Towns Committee

On behalf of the Commission on Local Government, the attached report on proffered cash payments and expenditures by counties, cities, and towns for the 2002-2003 Fiscal Year is hereby submitted. This report has been prepared by the members of the Commission on Local Government pursuant to Section 15.2-2303.2 of the Code of Virginia.

Sincerely,

Bill Shelton

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REPORT OF THE COMMISSION ON LOCAL GOVERNMENT
DISCLOSURE OF PROFFERED CASH PAYMENTS AND EXPENDITURES
2002 – 2003

INTRODUCTION

Section 15.2-2303.2 of the Code of Virginia directs the Commission on Local Government to annually collect data concerning local government revenues and expenditures resulting from the acceptance of cash payments voluntarily proffered.¹ Cash payments voluntarily proffered, also referred to as cash proffers, are (i) any money voluntarily proffered in writing, signed by the owner of property subject to rezoning, and accepted by a locality pursuant to the authority granted by Section 15.2-2303 or Section 15.2-2298 of the Code of Virginia, or (ii) any payment of money made pursuant to a development agreement entered into under the authority granted by Section 15.2-2303.1 of the Code of Virginia.

Cash proffers are a form of conditional zoning in the Commonwealth. Conditional zoning involves "proffered" conditions voluntarily offered by a developer or property owner that limits or qualifies how the property in question will be used or developed. Such proffered conditions are in addition to the general, uniform regulations otherwise applicable to land within the same zoning district, and are made to lessen the possible negative effects of an unrestricted rezoning. Upon approval by the local governing body, the conditions (i.e., proffers) become part of the rezoning and remain in effect even if the property is sold.² In some instances, the conditions proffered by the developer or property owner may include cash contributions to the locality. Generally, cash proffers are used to offset the impacts of a particular development by providing a funding source for new roads, schools, or other public facilities and services. Depending on the statutory authority under which the locality is

¹See Appendix A for the text of Section 15.2-2303.2, Code of Virginia. The Commission is directed to collect and report by November 30 to the Chairmen of the Senate Committee on Local Government and the House Committee on Counties, Cities and Towns data on local government proffered cash payments and expenditures during the preceding fiscal year.

²Virginia Citizens Planning Association and the Virginia Department of Housing and Community Development, **The Language of Planning**, Community Planning Series, Vol. V, June 1986, p. 10.

eligible to accept the cash proffer, however, the impacts to be mitigated may or may not be directly related to the development at issue.³

While every Virginia jurisdiction has been authorized to employ some form of conditional zoning as part of its land use regulations since 1987, not all local governments may accept cash proffers. The localities that are eligible to accept cash proffers fall into one or more of the following categories:

- I. Pursuant to Section 15.2-2298, Code of Virginia:
 - A. Any locality which had a decennial Census growth rate of 10% or more;
 - B. Any city adjoining another city or county which had a decennial growth rate of 10% or more;
 - C. Any towns located within a county which had a decennial growth rate of 10% or more; and
 - D. Any county contiguous with at least three counties which had a decennial growth rate of 10% or more, and any towns located within that county.

- II. Pursuant to Section 15.2-2303, Code of Virginia:
 - A. Any county with an urban county executive form of government (i.e., Fairfax County);
 - B. Any city adjacent to or completely surrounded by a county with an urban county executive form of government;
 - C. Any county contiguous to a county with an urban county executive form of government;
 - D. Any city adjacent to or completely surrounded by a county contiguous to a county with an urban county executive form of government;
 - E. Any town within a county contiguous to a county with an urban county executive form of government; and

³John H. Foote, "Planning and Zoning," **Handbook of Virginia Local Government Law** , Edited by Susan Warriner Custer, 2001 Edition, pp. 1-11 - 1-14.

- F. Any county east of the Chesapeake Bay.
- III. Pursuant to Section 15.2-2303.1, Code of Virginia:
- A. Any county with a 1990 Census population between 10,300 and 11,000 persons through which an interstate highway passes (i.e., New Kent County).⁴

Based upon the statutory criteria cited above and data from the 2000 Census of Population, 254 Virginia localities (81 counties, 34 cities, and 139 towns) were eligible to accept cash proffers during FY2002-03.⁵

SURVEY ON THE USE OF PROFFERED CASH PAYMENTS

The 2003 Session of the General Assembly enacted House Bill 2600 that made two changes to the scope and content of the Commission's survey on the acceptance of cash proffers. First, the legislature exempted from the annual reporting requirement any locality having a resident population of less than 3,500 persons. Since that provision affected towns exclusively, only 27 of the 139 eligible towns were required to report on their acceptance of cash proffers during the 2003 fiscal year. The second statutory change mandated that a locality which accepted proffered cash payments must also report their expenditures of proffer revenue for any of eleven categories of public activity specifically enumerated in the statute.

As a result of the latter change, the Commission modified the survey instrument that

⁴See Appendix B for the statutory citations concerning the acceptance of cash proffers by Virginia localities.

⁵U. S. Department of Commerce, Bureau of the Census, **1990 Census of Population, Number of Inhabitants**, Table 4; and U. S. Department of Commerce, Bureau of the Census, 2000 Census of Population and Housing, "Population of Counties and Cities, Virginia." (Available: http://www.ccps.virginia.edu/Demographics/2000_Census/SF1/SF1cities.html), and "Population of Places, Virginia." (Available: http://www.ccps.virginia.edu/Demographics/2000_Census/SF1/SF1places.html). See Appendix C for the list of Virginia localities that were authorized by statute to accept cash proffers.

had been distributed to eligible localities in the prior fiscal year.⁶ On July 24, 2003, the revised survey instrument was mailed to the chief administrative officers of the 142 counties, cities, and towns which were required to report their acceptance of cash proffers during the 2003 Fiscal Year, and each locality was requested to return the completed survey by September 30, 2003. In an effort to obtain a maximum response, in early October a follow-up letter was sent to officials in those jurisdictions that had not responded to the initial request, and, subsequently, a series of personal contacts was made to obtain completion of the survey. As a result of those efforts, the final combined jurisdictional response rate to the survey was 100%, with all of the eligible counties, cities, and towns returning completed instruments to the Commission.

The results of the statewide survey of the acceptance of cash proffers reveal that only 33 out of the 142 localities (22 counties, 6 cities, and 5 towns) reported cash proffer activity for the 2003 Fiscal Year. During that period, the aggregate amount of cash proffers collected and expended by those jurisdictions was \$37,384,315 and \$18,085,540, respectively.⁷ The survey also revealed that the greatest expenditure of cash proffer revenue by local governments in that fiscal year went for schools (41.8% of total cash proffer expenditures) and roads and other transportation improvements (25.1% of total cash proffer expenditures). The summary survey results for individual local governments are reported in Appendix E.

⁶See Appendix D for a copy of the survey instrument. In 2001 the Commission developed a survey instrument to collect data concerning local government revenues and expenditures derived from cash proffers. General announcements of the survey, as well as the availability of the proposed survey instrument, were made by the Virginia Association of Counties and the Virginia Municipal League to their memberships. Further, the Commission solicited comments on the draft instrument directly from affected jurisdictions. Moreover, the Commission also conducted a public hearing for the purpose of receiving additional public comment with respect to the proposed survey. Following the close of the comment period, the Commission formally approved the survey instrument. That instrument, revised to reflect recent legislative changes, was used to collect data concerning cash proffer activity during FY2002-03.

⁷Depending on the total cost of the public facility or service to be supported by proffered cash payments, revenue from such proffers may not be expended during the fiscal year in which it was collected. Also, fiscal data reported by localities for the 2003 Fiscal Year is likely to be unofficial since local government audits are not published until the December following the end of the fiscal year.

APPENDIX A

Section 15.2-2303.2, Code of Virginia

§15.2-2303.2. Disclosure of proffered cash payments and expenditures. — A. The governing body of any locality accepting a cash payment voluntarily proffered pursuant to §§ 15.2-2298, 15.2-2303 or § 15.2-2303.1 shall by September 30, 2001, report to the Commission on Local Government the following information for the preceding two fiscal years, concluding with fiscal year 2001:

1. The aggregate amount of proffered cash payments collected by the locality;
2. The aggregate amount of proffered cash payments that have been pledged to but not collected by the locality and which pledges are not conditioned on any event other than time; and
3. The aggregate amount of proffered cash payments expended by the locality, and an aggregate list of all public improvements on which such money was expended.

B. The governing body of any locality eligible to accept any proffered cash payments pursuant to §§ 15.2-2298, 15.2-2303 or § 15.2-2303.1 but that did not accept any proffered cash payments during the preceding two fiscal years shall by September 30, 2001, so notify the Commission on Local Government.

C. The governing body of any locality with a population in excess of 3,500 persons accepting a cash payment voluntarily proffered pursuant to §§ 15.2-2298, 15.2-2303 or § 15.2-2303.1 shall within three months of the close of each fiscal year, beginning in fiscal year 2002 and for each fiscal year thereafter, report to the Commission on Local Government the following information for the preceding fiscal year:

1. The aggregate dollar amount of proffered cash payments collected by the locality;
2. The estimated aggregate dollar amount of proffered cash payments that have been pledged to the locality and which pledges are not conditioned on any event other than time; and
3. The total dollar amount of proffered cash payments expended by the locality, and the aggregate dollar amount expended in each of the following categories:

Schools	\$ _____
Road and other Transportation Improvements	\$ _____
Fire and Rescue/Public Safety	\$ _____
Libraries	\$ _____
Parks, Recreation, and Open Space	\$ _____
Water and Sewer Service Extension	\$ _____
Community Centers	\$ _____
Stormwater Management	\$ _____
Special Needs Housing	\$ _____
Affordable Housing	\$ _____
Miscellaneous	\$ _____
Total dollar amount expended	\$ _____

D. The governing body of any locality with a population in excess of 3,500 persons eligible to accept any proffered cash payments pursuant to §§ 15.2-2298, 15.2-2303 or § 15.2-2303.1 but that did not accept any proffered cash payments during the preceding fiscal year shall within three months of the close of each fiscal year, beginning in 2001 and for each fiscal year thereafter, so notify the Commission on Local Government.

E. The Commission on Local Government shall, by November 30, 2001, prepare and make available to the public and the chairmen of the Senate Local Government Committee and the House Counties, Cities and Towns Committee a report containing the information made available to it pursuant to subsections A and B.

F. The Commission on Local Government shall by November 30, 2001, and by November 30 of each fiscal year thereafter, prepare and make available to the public and the chairmen of the Senate Local Government Committee and the House Counties, Cities and Towns Committee an annual report containing the information made available to it pursuant to subsections C and D.

APPENDIX B

**Virginia Statutes Authorizing
The Acceptance of Proffered Cash Payments**

**EXCERPTS FROM VIRGINIA STATUTES AUTHORIZING
THE ACCEPTANCE OF PROFFERED CASH PAYMENTS
(Emphasis Added)**

§ 15.2-2298. Same; additional conditions as a part of rezoning or zoning map amendment in certain high-growth localities. — A. Except for those localities to which § 15.2-2303 is applicable, this section shall apply to (i) any locality which has had population growth of ten percent or more from the next-to-latest to latest decennial census year, based on population reported by the United States Bureau of the Census; (ii) any city adjoining such city or county; (iii) any towns located within such county; and (iv) any county contiguous with at least three such counties, and any town located in that county.

In any such locality, notwithstanding any contrary provisions of § 15.2-2297, a zoning ordinance may include and provide for the voluntary proffering in writing, by the owner, of reasonable conditions, prior to a public hearing before the governing body, in addition to the regulations provided for the zoning district or zone by the ordinance, as a part of a rezoning or amendment to a zoning map, provided that (i) the rezoning itself gives rise to the need for the conditions; (ii) the conditions have a reasonable relation to the rezoning; and (iii) all conditions are in conformity with the comprehensive plan as defined in § 15.2-2223. Once proffered and accepted as part of an amendment to the zoning ordinance, the conditions shall continue in effect until a subsequent amendment changes the zoning on the property covered by the conditions; however, the conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

No proffer shall be accepted by a locality unless it has adopted a capital improvement program pursuant to § 15.2-2239 or local charter. In the event proffered conditions include the dedication of real property or payment of cash, the property shall not transfer and the payment of cash shall not be made until the facilities for which the property is dedicated or cash is tendered are included in the capital improvement program, provided that nothing herein shall prevent a locality from accepting proffered conditions which are not normally included in a capital improvement program. If proffered conditions include the dedication of real property or the payment of cash, the proffered conditions shall provide for the disposition of the property or cash payment in the event the property or cash payment is not used for the purpose for which proffered.

§15.2-2303. Conditional zoning in certain localities. — A. A zoning ordinance may include reasonable regulations and provisions for conditional zoning as defined in § 15.2-2201 and for the adoption, in counties, or towns therein which have planning commissions, wherein the urban county executive form of government is in effect, or in a city adjacent to or completely surrounded by such a county, or in a county contiguous to any such county, or in a city adjacent to or completely surrounded by such a contiguous county, or in any town within such contiguous county, and in the counties east of the Chesapeake Bay as a part of an amendment to the zoning map of reasonable conditions, in addition to the regulations provided for the zoning district by the ordinance, when such conditions shall have been proffered in writing, in advance of the public hearing before the governing body required by § 15.2-2285 by the owner of the property which is the subject of the proposed zoning map amendment. Once proffered and accepted as part of an amendment to the zoning ordinance, such conditions shall continue in effect until a subsequent amendment changes the zoning on the property covered by such conditions. However, such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

§ 15.2-2303.1. Development agreements in certain counties. — A. In order to promote the public health, safety and welfare and to encourage economic development consistent with careful planning, any county with a population between 10,300 and 11,000 according to the 1990 United States Census through which an interstate highway passes may include in its zoning ordinance provisions for the governing body to enter into binding development agreements with any persons owning legal or equitable interests in real property in the county if the property to be developed contains at least one thousand acres.

APPENDIX C

**Localities Eligible by Statute to Accept
Proffered Cash Payments**

Localities Eligible to Accept Proffered Cash Payments in 2002-2003

Locality*	Principal Reason Eligible to Accept Cash Proffers
ACCOMACK COUNTY	County east of Chesapeake Bay
ALBEMARLE COUNTY	High growth locality (Decennial population growth of 10% or more).
ALLEGHANY COUNTY	County contiguous to three high growth counties.
AMELIA COUNTY	High growth locality (Decennial population growth of 10% or more).
AMHERST COUNTY	High growth locality (Decennial population growth of 10% or more).
APPOMATTOX COUNTY	High growth locality (Decennial population growth of 10% or more).
ARLINGTON COUNTY	County contiguous to Urban County Executive [UCE] locality.
AUGUSTA COUNTY	High growth locality (Decennial population growth of 10% or more).
BEDFORD COUNTY	High growth locality (Decennial population growth of 10% or more).
BOTETOURT COUNTY	High growth locality (Decennial population growth of 10% or more).
BRUNSWICK COUNTY	High growth locality (Decennial population growth of 10% or more).
BUCKINGHAM COUNTY	High growth locality (Decennial population growth of 10% or more).
CAMPBELL COUNTY	County contiguous to three high growth counties.
CAROLINE COUNTY	High growth locality (Decennial population growth of 10% or more).
CARROLL COUNTY	High growth locality (Decennial population growth of 10% or more).
CHARLES CITY COUNTY	High growth locality (Decennial population growth of 10% or more).
CHARLOTTE COUNTY	County contiguous to three high growth counties.
CHESTERFIELD COUNTY	High growth locality (Decennial population growth of 10% or more).
CLARKE COUNTY	County contiguous to three high growth counties.
CRAIG COUNTY	High growth locality (Decennial population growth of 10% or more).
CULPEPER COUNTY	High growth locality (Decennial population growth of 10% or more).
CUMBERLAND COUNTY	High growth locality (Decennial population growth of 10% or more).
DINWIDDIE COUNTY	High growth locality (Decennial population growth of 10% or more).
ESSEX COUNTY	High growth locality (Decennial population growth of 10% or more).
FAIRFAX COUNTY	Urban County Executive [UCE] form of government.
FAUQUIER COUNTY	High growth locality (Decennial population growth of 10% or more).
FLOYD COUNTY	High growth locality (Decennial population growth of 10% or more).
FLUVANNA COUNTY	High growth locality (Decennial population growth of 10% or more).
FRANKLIN COUNTY	High growth locality (Decennial population growth of 10% or more).
FREDERICK COUNTY	High growth locality (Decennial population growth of 10% or more).
GLOUCESTER COUNTY	High growth locality (Decennial population growth of 10% or more).
GOOCHLAND COUNTY	High growth locality (Decennial population growth of 10% or more).
GRAYSON COUNTY	High growth locality (Decennial population growth of 10% or more).
GREENE COUNTY	High growth locality (Decennial population growth of 10% or more).
GREENSVILLE COUNTY	High growth locality (Decennial population growth of 10% or more).
HANOVER COUNTY	High growth locality (Decennial population growth of 10% or more).
HENRICO COUNTY	High growth locality (Decennial population growth of 10% or more).
HENRY COUNTY	County contiguous to three high growth counties.
ISLE OF WIGHT COUNTY	High growth locality (Decennial population growth of 10% or more).
JAMES CITY COUNTY	High growth locality (Decennial population growth of 10% or more).
KING AND QUEEN COUNTY	County contiguous to three high growth counties.
KING GEORGE COUNTY	High growth locality (Decennial population growth of 10% or more).
KING WILLIAM COUNTY	High growth locality (Decennial population growth of 10% or more).
LANCASTER COUNTY	County contiguous to three high growth counties.
LOUDOUN COUNTY	County contiguous to UCE locality.
LOUISA COUNTY	High growth locality (Decennial population growth of 10% or more).
LUNENBURG COUNTY	High growth locality (Decennial population growth of 10% or more).
MADISON COUNTY	County contiguous to three high growth counties.
MATHEWS COUNTY	High growth locality (Decennial population growth of 10% or more).
MECKLENBURG COUNTY	High growth locality (Decennial population growth of 10% or more).
MIDDLESEX COUNTY	High growth locality (Decennial population growth of 10% or more).
MONTGOMERY COUNTY	High growth locality (Decennial population growth of 10% or more).
NELSON COUNTY	High growth locality (Decennial population growth of 10% or more).
NEW KENT COUNTY	High growth locality (Decennial population growth of 10% or more).

Localities Eligible to Accept Proffered Cash Payments in 2002-2003

Locality*	Principal Reason Eligible to Accept Cash Proffers
NORTHAMPTON COUNTY	County east of Chesapeake Bay
NORTHUMBERLAND COUNTY	High growth locality (Decennial population growth of 10% or more).
NOTTOWAY COUNTY	County contiguous to three high growth counties.
ORANGE COUNTY	High growth locality (Decennial population growth of 10% or more).
PAGE COUNTY	County contiguous to three high growth counties.
PATRICK COUNTY	High growth locality (Decennial population growth of 10% or more).
PITTSYLVANIA COUNTY	High growth locality (Decennial population growth of 10% or more).
POWHATAN COUNTY	High growth locality (Decennial population growth of 10% or more).
PRINCE EDWARD COUNTY	High growth locality (Decennial population growth of 10% or more).
PRINCE GEORGE COUNTY	High growth locality (Decennial population growth of 10% or more).
PRINCE WILLIAM COUNTY	County contiguous to UCE locality.
PULASKI COUNTY	County contiguous to three high growth counties.
RAPPAHANNOCK COUNTY	County contiguous to three high growth counties.
RICHMOND COUNTY	High growth locality (Decennial population growth of 10% or more).
ROANOKE COUNTY	County contiguous to three high growth counties.
ROCKBRIDGE COUNTY	High growth locality (Decennial population growth of 10% or more).
ROCKINGHAM COUNTY	High growth locality (Decennial population growth of 10% or more).
SHENANDOAH COUNTY	High growth locality (Decennial population growth of 10% or more).
SOUTHAMPTON COUNTY	County contiguous to three high growth counties.
SPOTSYLVANIA COUNTY	High growth locality (Decennial population growth of 10% or more).
STAFFORD COUNTY	High growth locality (Decennial population growth of 10% or more).
SURRY COUNTY	High growth locality (Decennial population growth of 10% or more).
SUSSEX COUNTY	High growth locality (Decennial population growth of 10% or more).
WARREN COUNTY	High growth locality (Decennial population growth of 10% or more).
WASHINGTON COUNTY	High growth locality (Decennial population growth of 10% or more).
WESTMORELAND COUNTY	County contiguous to three high growth counties.
YORK COUNTY	High growth locality (Decennial population growth of 10% or more).
TOTAL COUNTIES ELIGIBLE = 81	

Localities Eligible to Accept Proffered Cash Payments in 2002-2003

Locality*	Principal Reason Eligible to Accept Cash Proffers
ALEXANDRIA CITY	City adjacent to or surrounded by UCE locality.
BEDFORD CITY	City adjoining high growth city or county.
BRISTOL CITY	City adjoining high growth city or county.
BUENA VISTA CITY	City adjoining high growth city or county.
CHARLOTTESVILLE CITY	High growth locality (Decennial population growth of 10% or more).
CHESAPEAKE CITY	High growth locality (Decennial population growth of 10% or more).
COLONIAL HEIGHTS CITY	City adjoining high growth city or county.
DANVILLE CITY	City adjoining high growth city or county.
EMPORIA CITY	City adjoining high growth city or county.
FAIRFAX CITY	City adjacent to or surrounded by UCE locality.
FALLS CHURCH CITY	City adjacent to or surrounded by UCE locality.
FRANKLIN CITY	City adjoining high growth city or county.
FREDERICKSBURG CITY	City adjoining high growth city or county.
GALAX CITY	City adjoining high growth city or county.
HAMPTON CITY	City adjoining high growth city or county.
HARRISONBURG CITY	High growth locality (Decennial population growth of 10% or more).
HOPEWELL CITY	City adjoining high growth city or county.
LEXINGTON CITY	City adjoining high growth city or county.
LYNCHBURG CITY	City adjoining high growth city or county.
MANASSAS CITY	City adjacent to or surrounded by county contiguous to UCE locality.
MANASSAS PARK CITY	City adjacent to or surrounded by county contiguous to UCE locality.
NEWPORT NEWS CITY	City adjoining high growth city or county.
NORFOLK CITY	City adjoining high growth city or county.
PETERSBURG CITY	City adjoining high growth city or county.
POQUOSON CITY	City adjoining high growth city or county.
PORTSMOUTH CITY	City adjoining high growth city or county.
RADFORD CITY	City adjoining high growth city or county.
RICHMOND CITY	City adjoining high growth city or county.
STAUNTON CITY	City adjoining high growth city or county.
SUFFOLK CITY	High growth locality (Decennial population growth of 10% or more).
VIRGINIA BEACH CITY	City adjoining high growth city or county.
WAYNESBORO CITY	City adjoining high growth city or county.
WILLIAMSBURG CITY	City adjoining high growth city or county.
WINCHESTER CITY	City adjoining high growth city or county.
TOTAL CITIES ELIGIBLE = 34	

Localities Eligible to Accept Proffered Cash Payments in 2002-2003

Locality*	Principal Reason Eligible to Accept Cash Proffers
*ABINGDON TOWN	High growth locality (Decennial population growth of 10% or more).
ACCOMAC TOWN	High growth locality (Decennial population growth of 10% or more).
ALBERTA TOWN	Town located in high growth county
ALTAVISTA TOWN	Town located in county contiguous to three high growth counties
AMHERST TOWN	High growth locality (Decennial population growth of 10% or more).
APPOMATTOX TOWN	Town located in high growth county
*ASHLAND TOWN	High growth locality (Decennial population growth of 10% or more).
BERRYVILLE TOWN	Town located in county contiguous to three high growth counties
*BIG STONE GAP TOWN	High growth locality (Decennial population growth of 10% or more).
*BLACKSBURG TOWN	High growth locality (Decennial population growth of 10% or more).
*BLACKSTONE TOWN	Town located in county contiguous to three high growth counties
BLOXOM TOWN	High growth locality (Decennial population growth of 10% or more).
BOONES MILL TOWN	High growth locality (Decennial population growth of 10% or more).
BOWLING GREEN TOWN	High growth locality (Decennial population growth of 10% or more).
BOYCE TOWN	Town located in county contiguous to three high growth counties
BOYDTON TOWN	Town located in high growth county
BOYKINS TOWN	Town located in county contiguous to three high growth counties
BRANCHVILLE TOWN	High growth locality (Decennial population growth of 10% or more).
*BRIDGEWATER TOWN	High growth locality (Decennial population growth of 10% or more).
BROADWAY TOWN	High growth locality (Decennial population growth of 10% or more).
BRODNAX TOWN	Town located in high growth county
BROOKNEAL TOWN	Town located in county contiguous to three high growth counties
BUCHANAN TOWN	Town located in high growth county
BURKEVILLE TOWN	Town located in county contiguous to three high growth counties
CAPRON TOWN	High growth locality (Decennial population growth of 10% or more).
CHARLOTTE COURT HOUSE TOWN	Town located in county contiguous to three high growth counties
CHASE CITY TOWN	Town located in high growth county
CHATHAM TOWN	Town located in high growth county
*CHINCOTEAGUE TOWN	High growth locality (Decennial population growth of 10% or more).
*CHRISTIANSBURG TOWN	High growth locality (Decennial population growth of 10% or more).
CLAREMONT TOWN	Town located in high growth county
CLARKSVILLE TOWN	Town located in high growth county
CLIFTON TOWN	Town located in UCE locality
CLINCHPORT TOWN	High growth locality (Decennial population growth of 10% or more).
COLONIAL BEACH TOWN	Town located in county contiguous to three high growth counties
COLUMBIA TOWN	Town located in high growth county
COURTLAND TOWN	High growth locality (Decennial population growth of 10% or more).
CRAIGSVILLE TOWN	High growth locality (Decennial population growth of 10% or more).
CREWE TOWN	Town located in county contiguous to three high growth counties
*CULPEPER TOWN	High growth locality (Decennial population growth of 10% or more).
DAMASCUS TOWN	Town located in high growth county
DAYTON TOWN	High growth locality (Decennial population growth of 10% or more).
DENDRON TOWN	Town located in high growth county
DILLWYN TOWN	Town located in high growth county
DRAKES BRANCH TOWN	Town located in county contiguous to three high growth counties
DUBLIN TOWN	High growth locality (Decennial population growth of 10% or more).
DUFFIELD TOWN	High growth locality (Decennial population growth of 10% or more).
*DUMFRIES TOWN	Town located in county contiguous to UCE locality
DUNGANNON TOWN	High growth locality (Decennial population growth of 10% or more).
EDINBURG TOWN	Town located in high growth county
ELKTON TOWN	Town located in high growth county
*FARMVILLE TOWN	High growth locality (Decennial population growth of 10% or more).
FINCASTLE TOWN	High growth locality (Decennial population growth of 10% or more).
FLOYD TOWN	Town located in high growth county
FRIES TOWN	Town located in high growth county
*FRONT ROYAL TOWN	High growth locality (Decennial population growth of 10% or more).
GLADE SPRING TOWN	Town located in high growth county

Localities Eligible to Accept Proffered Cash Payments in 2002-2003

Locality*	Principal Reason Eligible to Accept Cash Proffers
GLASGOW TOWN	Town located in high growth county
GORDONSVILLE TOWN	High growth locality (Decennial population growth of 10% or more).
GOSHEN TOWN	High growth locality (Decennial population growth of 10% or more).
GRETNA TOWN	Town located in high growth county
GROTTOES TOWN	High growth locality (Decennial population growth of 10% or more).
HALIFAX TOWN	High growth locality (Decennial population growth of 10% or more).
HALLWOOD TOWN	High growth locality (Decennial population growth of 10% or more).
HAMILTON TOWN	Town located in county contiguous to UCE locality
HAYMARKET TOWN	Town located in county contiguous to UCE locality
*HERNDON TOWN	Town located in UCE locality
HILLSBORO TOWN	Town located in county contiguous to UCE locality
HILLSVILLE TOWN	High growth locality (Decennial population growth of 10% or more).
HURT TOWN	Town located in high growth county
INDEPENDENCE TOWN	Town located in high growth county
IRON GATE TOWN	Town located in county contiguous to three high growth counties
IRVINGTON TOWN	High growth locality (Decennial population growth of 10% or more).
IVOR TOWN	Town located in county contiguous to three high growth counties
JARRATT TOWN	Town located in high growth county
KENBRIDGE TOWN	Town located in high growth county
KEYSVILLE TOWN	High growth locality (Decennial population growth of 10% or more).
KILMARNOCK TOWN	High growth locality (Decennial population growth of 10% or more).
LA CROSSE TOWN	High growth locality (Decennial population growth of 10% or more).
LAWRENCEVILLE TOWN	Town located in high growth county
*LEESBURG TOWN	Town located in county contiguous to UCE locality
LOUISA TOWN	High growth locality (Decennial population growth of 10% or more).
LOVETTSVILLE TOWN	Town located in county contiguous to UCE locality
*LURAY TOWN	Town located in county contiguous to three high growth counties
MADISON TOWN	Town located in county contiguous to three high growth counties
McKENNEY TOWN	High growth locality (Decennial population growth of 10% or more).
MIDDLEBURG TOWN	Town located in county contiguous to UCE locality
MIDDLETOWN TOWN	Town located in high growth county
MINERAL TOWN	Town located in high growth county
MONTROSS TOWN	Town located in county contiguous to three high growth counties
MOUNT CRAWFORD TOWN	High growth locality (Decennial population growth of 10% or more).
MOUNT JACKSON TOWN	Town located in high growth county
NEW CASTLE TOWN	High growth locality (Decennial population growth of 10% or more).
NEW MARKET TOWN	High growth locality (Decennial population growth of 10% or more).
NEWSOMS TOWN	Town located in county contiguous to three high growth counties
OCCOQUAN TOWN	Town located in county contiguous to UCE locality
*ORANGE TOWN	High growth locality (Decennial population growth of 10% or more).
PAMPLIN CITY TOWN	Town located in high growth county.
PEARISBURG TOWN	High growth locality (Decennial population growth of 10% or more).
PHENIX TOWN	Town located in county contiguous to three high growth counties
PORT ROYAL TOWN	Town located in high growth county
*PULASKI TOWN	Town located in county contiguous to three high growth counties
*PURCELLVILLE TOWN	Town located in county contiguous to UCE locality
QUANTICO TOWN	Town located in county contiguous to UCE locality
REMINGTON TOWN	High growth locality (Decennial population growth of 10% or more).
RIDGEWAY TOWN	Town located in county contiguous to three high growth counties
*ROCKY MOUNT TOWN	Town located in high growth county
ROUND HILL TOWN	Town located in county contiguous to UCE locality
RURAL RETREAT TOWN	High growth locality (Decennial population growth of 10% or more).
SCOTTSVILLE TOWN	High growth locality (Decennial population growth of 10% or more).
SHENANDOAH TOWN	Town located in county contiguous to three high growth counties
*SMITHFIELD TOWN	High growth locality (Decennial population growth of 10% or more).
*SOUTH BOSTON TOWN	High growth locality (Decennial population growth of 10% or more).
*SOUTH HILL TOWN	Town located in high growth county

Localities Eligible to Accept Proffered Cash Payments in 2002-2003

Locality*	Principal Reason Eligible to Accept Cash Proffers
STANARDSVILLE TOWN	High growth locality (Decennial population growth of 10% or more).
STANLEY TOWN	High growth locality (Decennial population growth of 10% or more).
STEPHENS CITY TOWN	Town located in high growth county
STONY CREEK TOWN	Town located in high growth county
*STRASBURG TOWN	Town located in high growth county
STUART TOWN	Town located in high growth county
SURRY TOWN	High growth locality (Decennial population growth of 10% or more).
TAPPAHANNOCK TOWN	High growth locality (Decennial population growth of 10% or more).
THE PLAINS TOWN	High growth locality (Decennial population growth of 10% or more).
TIMBERVILLE TOWN	Town located in high growth county
TOMS BROOK TOWN	High growth locality (Decennial population growth of 10% or more).
TROUTVILLE TOWN	Town located in high growth county
URBANNA TOWN	Town located in high growth county
VICTORIA TOWN	Town located in high growth county
*VIENNA TOWN	Town located in UCE locality
*VINTON TOWN	Town located in county contiguous to three high growth counties
WAKEFIELD TOWN	Town located in high growth county
*WARRENTON TOWN	High growth locality (Decennial population growth of 10% or more).
WARSAW TOWN	High growth locality (Decennial population growth of 10% or more).
WASHINGTON TOWN	Town located in county contiguous to three high growth counties
WAVERLY TOWN	Town located in high growth county
WEST POINT TOWN	Town located in high growth county
WHITE STONE TOWN	Town located in county contiguous to three high growth counties
WINDSOR TOWN	Town located in high growth county
*WOODSTOCK TOWN	High growth locality (Decennial population growth of 10% or more).
TOTAL TOWNS ELIGIBLE = 139	

* = 2003 revisions to § 15.2-2303.2 limited the requirement for the reporting on the acceptance of proffered cash payments to only those localities with a population in excess of 3,500 persons or more. Thus, only 27 of the 139 eligible towns were surveyed for the 2002-2003 report.

I. Eligibility for acceptance of cash proffers under § 15.2-2298 (High-growth localities):

- A. any locality which had a decennial Census growth rate of 10% or more;
- B. any city adjoining another city or county which had a decennial Census growth rate of 10% or more;
- C. any towns located within a county which had a decennial Census growth rate of 10% or more; and
- D. any county contiguous with at least three counties which had a decennial Census growth rate of 10% or more, and any town located in that county.

II. Eligibility for acceptance of cash proffers under § 15.2-2303:

- A. any county with urban county executive form of government (i.e., Fairfax County);
- B. any city adjacent to or completely surrounded by Fairfax County;
- C. any county contiguous to Fairfax County;
- D. any city adjacent to or completely surrounded by a county contiguous to Fairfax County;
- E. any town within a county contiguous to Fairfax County; and
- F. any county east of the Chesapeake Bay

III. Eligibility for acceptance of cash proffers under § 15.2-2303.1:

- A. Any county with a 1990 Census population between 10,300 and 11,000 and through which an interstate highway passes (i.e., New Kent County)

APPENDIX D

**Survey Instrument for
Local Government Revenues and Expenditures
Derived from Proffered Cash Payments,
2002 – 2003**

Commission on Local Government 2003 Survey of Cash Proffers Accepted by Local Governments

Date: _____

Locality: _____ County City Town

Name: _____ Title: _____

Phone: _____ Fax: _____

E-mail: _____

YES	NO
<input type="checkbox"/>	<input type="checkbox"/>

Did your locality accept cash proffers at any time during the 2002-2003 Fiscal Year?

If you answered "No" for the 2002-2003 Fiscal Year, additional information is not needed. Please return the survey to the Commission on Local Government as indicated on the next page.

If you answered "Yes" for the 2002-2003 Fiscal Year, provide the following information concerning the cash proffers accepted by your locality: (See definitions on next page.)

1. Total Amount of Cash Proffer Revenue Collected by the Locality during the 2002-2003 Fiscal Year:

2. Estimated Amount of Cash Proffers Pledged during the 2002-2003 Fiscal Year and Whose Payment Was Conditioned Only on Time:

3. Total Amount of Cash Proffer Revenue Expended by the Locality during the 2002-2003 Fiscal Year:

	FY2002-03
	\$
	\$
	\$

4. Indicate the Purpose(s) and Amount(s) for Which the Expenditures in Number 3 Above Were Made:

Schools	\$
Roads and Other Transportation Improvements	\$
Fire and Rescue/Public Safety	\$
Libraries	\$
Parks, Recreation, and Open Space	\$
Water and Sewer Service Extension	\$
Community Centers	\$
Stormwater Management	\$
Special Needs Housing	\$
Affordable Housing	\$
Miscellaneous	\$

Total Dollar Amount Expended
(Should Equal Amount in Number 3 Above) \$

Comments: Use additional sheet if necessary.	
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**QUESTIONS? CONTACT LARRY McMILLAN AT THE
COMMISSION ON LOCAL GOVERNMENT (804) 371-8010**

Commission on Local Government 2003 Survey of Cash Proffers Accepted by Local Governments

Please complete this form and return it to the Commission on Local Government by September 30, 2003 using one of the following methods:

- By Mail: Commission on Local Government, Jackson Center, 501 North 2nd Street, Richmond, VA 23219-1321
- By Fax: (804) 371-7090
- By Electronic Mail: A Microsoft Word template of this form may be downloaded at www.clg.state.va.us; once completed, send it by e-mail to lmcmillan@dhcd.state.va.us.

DEFINITIONS

Cash Proffer: (i) any money voluntary proffered in a writing signed by the owner of property subject to rezoning, submitted as part of a rezoning application and accepted by a locality pursuant to the authority granted by Va. Code Ann. § 15.2-2303, or § 15.2-2298, or (ii) any payment of money made pursuant to a development agreement entered into under authority granted by Va. Code Ann. § 15.2-2303.1.

Cash Proffer Revenue Collected [§15.2-2303.2(A)(1), Code of Virginia]: Total dollar amount of revenue collected from cash proffers in the specified fiscal year regardless of the fiscal year in which the cash proffer was accepted. Unaudited figures are acceptable.

Cash Proffers Pledged and Whose Payment Was Conditioned Only on Time [§15.2-2303.2(A)(2), Code of Virginia]: Cash proffers conditioned only on time approved by the locality as part of a rezoning case. Unaudited figures for the specified fiscal year are acceptable.

Cash Proffer Revenue Expended [§15.2-2303.2(A)(3), Code of Virginia]: Total dollar amount of public projects funded with cash proffer revenue in the specified fiscal year. Unaudited figures are acceptable.

**QUESTIONS? CONTACT LARRY McMILLAN AT THE
COMMISSION ON LOCAL GOVERNMENT (804) 371-8010**

APPENDIX E

**Summary of Survey Responses from Localities
Accepting Proffered Cash Payments,
2002 – 2003**

**Summary of Survey Responses from Localities Accepting Proffered Cash Payments
Fiscal Year 2002-2003**

Purpose and Amount For Which Cash Proffer Expenditures Were Made														
Locality	Total Cash Proffer Revenue Collected	Total Pledged But Payment Conditioned Only on Time	Total Cash Proffer Revenue Expended	Schools	Roads and Other Transportation Improvements	Fire, Rescue, and Public Safety	Library	Parks, Recreation, and Open Space	Water and Sewer Service Extension	Community Centers	Stormwater Management	Special Needs Housing	Affordable Housing	Miscellaneous
Albemarle	\$ 147,518	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Caroline	16,000	-	21,500	-	21,500	-	-	-	-	-	-	-	-	-
Chesterfield	4,326,739	-	2,516,702	930,288	1,060,414	175,600	-	350,400	-	-	-	-	-	-
Clarke	4,067	-	-	-	-	-	-	-	-	-	-	-	-	-
Culpeper	3,500	-	-	-	-	-	-	-	-	-	-	-	-	-
Fairfax	6,761,874	10,887,414	4,886,589	959,750	1,697,393	-	-	692,145	-	-	-	1,340,806	196,495	-
Fauquier	352,683	-	88,758	-	88,758	-	-	-	-	-	-	-	-	-
Fluvanna	-	116,000	-	-	-	-	-	-	-	-	-	-	-	-
Frederick	434,811	-	610,000	610,000	-	-	-	-	-	-	-	-	-	-
Goochland	53,464	-	-	-	-	-	-	-	-	-	-	-	-	-
Hanover	2,234,215	2,234,215	1,588,230	1,393,728	14,144	80,358	-	100,000	-	-	-	-	-	-
Isle of Wight	302,800	27,500	405,000	-	-	405,000	-	-	-	-	-	-	-	-
James City	394,442	-	250,000	-	250,000	-	-	-	-	-	-	-	-	-
King William	50,596	1,607,544	-	-	-	-	-	-	-	-	-	-	-	-
Loudoun	10,396,500	135,000	2,220,465	231,751	210,523	592,522	-	1,010,421	-	-	-	162,956	-	12,292
New Kent	59,205	-	-	-	-	-	-	-	-	-	-	-	-	-
Powhatan	435,376	-	435,376	435,376	-	-	-	-	-	-	-	-	-	-
Prince George	-	175,000	-	-	-	-	-	-	-	-	-	-	-	-
Prince William	8,817,481	214,239	3,555,343	2,250,000	675,924	332,594	-	151,825	-	-	145,000	-	-	-
Spotsylvania	801,335	801,335	15,000	-	-	15,000	-	-	-	-	-	-	-	-
Stafford	332,870	-	380,290	380,290	-	-	-	-	-	-	-	-	-	-
Warren	6,000	158,000	-	-	-	-	-	-	-	-	-	-	-	-
Total Counties	\$ 35,931,477	\$ 16,356,247	\$ 16,973,253	\$ 7,191,183	\$ 4,018,656	\$ 1,601,074	\$ -	\$ 2,304,791	\$ -	\$ -	\$ 145,000	\$ 1,503,762	\$ 196,495	\$ 12,292
Chesapeake	\$ 237,459	\$ 60,000	\$ 237,459	\$ 237,459	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Fairfax	3,000	19,550	-	-	-	-	-	-	-	-	-	-	-	-
Fredericksburg	104,179	417,470	-	-	-	-	-	-	-	-	-	-	-	-
Manassas	85,000	-	-	-	-	-	-	-	-	-	-	-	-	-
Suffolk	16,500	-	-	-	-	-	-	-	-	-	-	-	-	-
Virginia Beach	112,672	-	-	-	-	-	-	-	-	-	-	-	-	-
Total Cities	\$ 558,810	\$ 497,020	\$ 237,459	\$ 237,459	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Herndon	\$ 3,600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Leesburg	809,967	-	809,967	128,641	510,329	47,868	-	123,129	-	-	-	-	-	-
Purcellville	41,462	-	37,862	-	11,200	3,840	-	-	21,000	-	-	-	-	1,822
Smithfield	12,000	-	-	-	-	-	-	-	-	-	-	-	-	-
Warrenton	27,000	130,900	27,000	-	-	-	-	27,000	-	-	-	-	-	-
Total Towns	\$ 894,028	\$ 130,900	\$ 874,828	\$ 128,641	\$ 521,529	\$ 51,708	\$ -	\$ 150,129	\$ 21,000	\$ -	\$ -	\$ -	\$ -	\$ 1,822
Grand Total	\$ 37,384,315	\$ 16,984,167	\$ 18,085,540	\$ 7,557,283	\$ 4,540,185	\$ 1,652,781	\$ -	\$ 2,454,920	\$ 21,000	\$ -	\$ 145,000	\$ 1,503,762	\$ 196,495	\$ 14,114
Percent of Total Cash Proffer Expenditures				41.79%	25.10%	9.14%	0.00%	13.57%	0.12%	0.00%	0.80%	8.31%	1.09%	0.08%