

**Report on Proffered  
Cash Payments and Expenditures  
By Virginia's Counties, Cities and Towns  
2008-2009**



**Commission on Local Government  
Commonwealth of Virginia**

**November 2009**

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# **REPORT OF THE COMMISSION ON LOCAL GOVERNMENT DISCLOSURE OF PROFFERED CASH PAYMENTS AND EXPEDITURES 2008 – 2009**

## **INTRODUCTION**

Section 15.2-2303.2 of the Code of Virginia directs the Commission on Local Government to collect annually data concerning local government revenues and expenditures resulting from the acceptance of voluntarily proffered cash payments.<sup>1</sup> These voluntarily proffered payments, also referred to as cash proffers, comprise either (1) 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 §15.2-2298 or §15.2-2303 of the Code of Virginia; or (2) any payment of money made pursuant to a development agreement entered into under the authority granted by §15.2-2303.1 of the Code of Virginia.

Cash proffers are a form of conditional zoning in Virginia. Conditional zoning involves “proffered” conditions voluntarily offered by a developer or property owner that limit or qualify how the property subject to the conditions will be used or developed. These conditions are in addition to the general, uniform regulations otherwise applicable to land within the same zoning district, and they are made to lessen the potential negative effects of an unrestricted rezoning. Upon approval by the local governing body, the conditions become part of the rezoning and pass with the ownership of the property.<sup>2</sup> In some instances, the condition proffered by the developer or property owner may include cash contributions to the locality. Cash proffers generally are used to offset the impacts of a particular development by providing funding for new roads, schools, or other public facilities and services. Depending on the statutory authority under which the locality is eligible to accept the cash proffer, the development impacts being mitigated may or may not be directly related to the development at issue.<sup>3</sup>

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<sup>1</sup> See Appendix A for the text of § 15.2-2303.2, Code of Virginia, which directs the Commission to collect data on local government proffered cash payments and expenditures for the preceding fiscal year and report by November 30 of each year to the Chairmen of the Senate Committee on Local Government and the House Committee on Counties, Cities and Towns.

<sup>2</sup> Virginia Citizens Planning Association and the Virginia Department of Housing and Community Development, *The Language of Planning*, Community Planning Series, V (June, 1986), p. 10.

<sup>3</sup> John H. Foote, “Planning and Zoning,” *Handbook of Virginia Local Government Law*, ed. by Susan Warriner Custer, 2001 Edition, pp. 1-11 – 1-14.

Although the Code of Virginia has authorized every jurisdiction to use some form of conditional zoning since 1987, only localities meeting specific criteria may accept cash proffers. On the basis of these criteria and data from the 2000 Census of Population, 281 Virginia localities (88 counties, 36 cities, and 157 towns) were eligible to accept cash proffers during FY 2009.<sup>4</sup> The table below shows the statutory authority for and categories of localities eligible to accept cash proffers.<sup>5</sup>

<b>Statutory Authority</b>	<b>Types of Localities Eligible to Accept Cash Proffers</b>
§15.2-2298	With the exception of localities eligible under the terms of § 15.2-2303: <ul style="list-style-type: none"> <li>• Any locality with a decennial census growth rate <math>\geq 5\%</math>;</li> <li>• Any city adjoining another city or county which had a decennial census growth rate <math>\geq 5\%</math>;</li> <li>• Any towns located within a county which had a decennial census growth rate <math>\geq 5\%</math>; and</li> <li>• Any county contiguous with at least three counties which had a decennial census growth rate <math>\geq 5\%</math>,</li> </ul>
§15.2-2303	<ul style="list-style-type: none"> <li>• Any county with an urban county executive form of government (i.e., Fairfax County);</li> <li>• Any town within a county with an urban county executive form of government;</li> <li>• Any city adjacent to or completely surrounded by a county with an urban county executive form of government;</li> <li>• Any county contiguous to a county with an urban county executive form of government;</li> <li>• Any city adjacent to or completely surrounded by a county contiguous to a county with an urban county executive form of government;</li> <li>• Any town within a county contiguous to a county with an urban county executive form of government; and</li> <li>• Any county east of the Chesapeake Bay.</li> </ul>
§15.2-2303.1	<ul style="list-style-type: none"> <li>• New Kent County.</li> </ul>

<sup>4</sup> U.S. Department of Commerce, Bureau of the Census, 1990 Census of Population, Number of Inhabitants, Table 4; U.S. Department of Commerce, Bureau of the Census, 2000 Census of Population and Housing, Summary File 1 (SF 1) 100-Percent Data for counties (includes Virginia cities) and places (includes towns). Sec. 1-235, Code of Va. states that unless otherwise specified, unadjusted population statistics are to be used in determining the decennial growth rate. See Appendix B for the list of Virginia localities with statutory authority to accept cash proffers.

<sup>5</sup> HB 1506, enacted by the General Assembly in 2006, became effective on July 1, 2006 and amended § 15.2-2298 to permit a locality to accept proffered conditions if such locality has had population growth of five 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. Prior to the passage of HB 1506, the statute required population growth of ten percent or more. As a result of this change, seven additional counties, two additional cities and 16 additional towns became eligible to accept cash proffers in FY 2007.

## **SURVEY ON THE USE OF PROFFERED CASH PAYMENTS**

On July 15, 2009, Commission staff mailed a survey instrument to the chief administrative officers of the 153 localities that were required to report their acceptance of cash proffers during FY 2009. Each locality was requested to return the completed survey by September 30, 2009.<sup>6</sup> In early October follow-up e-mails and letters were sent to officials in those jurisdictions that had not responded to the initial request. A subsequent series of personal contacts was then made to assure a complete response. As a result of these efforts, the final combined jurisdictional response rate was 100%.

The survey found that 45 (29.4%) of the 153 eligible localities (30 counties, 8 cities, and 7 towns) reported cash proffer activity during FY 2009. This represents a decrease of 1 locality (2.2%) in the number of local governments accepting cash proffers over FY 2008. During the current period, the aggregate amount of cash proffers collected and expended by those jurisdictions was \$42,354,973 and \$49,233,663, respectively.<sup>7</sup> This represents a 29.6% decrease in cash proffer collections from the previous fiscal year. Cash proffer expenditures decreased by 1.7% over the same time period.

The survey also revealed that the largest share of cash proffer revenue expended in FY 2009 went for schools (45.5% of total expenditures) and road and other transportation improvements (26.1% of total expenditures). A chart showing the allocation of expenditures to various improvement categories is located on the next page. The summary survey results for individual local governments are reported in Appendix D.

**Note regarding the 2006 report:** Due to a data entry error on the part of the Commission's staff, Loudoun County's cash proffer expenditures were reported as \$13,291,918.

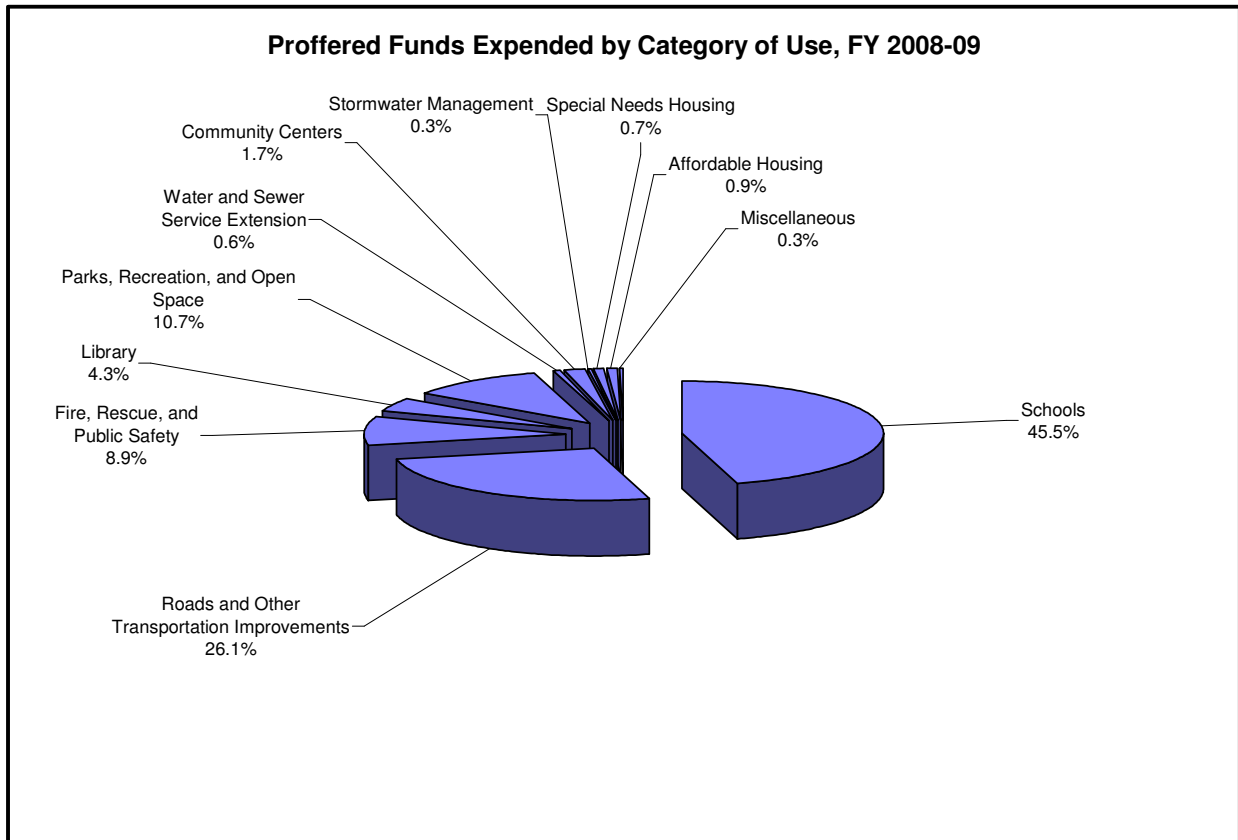
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<sup>6</sup> Appendix C contains a copy of the survey instrument. In 2003, the General Assembly enacted HB 2600, which changed the scope of the Commission's survey on the acceptance of cash proffers. The legislature exempted localities with a resident population of less than 3,500 from the reporting requirement. Because of that provision, only 29 of the 157 eligible towns must report on their acceptance of cash proffers.

<sup>7</sup> Depending on the total cost of the public facility or service to be supported by proffered cash payments, revenue may not be expended during the fiscal year in which it was received. For FY 2009, the excess of cash proffers expenditures over collections means that revenues retained from previous years were expended. Also, fiscal data reported by localities for FY 2009 is likely to be unofficial because local government audits are not published until the December following the end of the fiscal year.

The correct figure is \$13,921,918. This correction increases the 2006 figure for total expenditures in the state from \$67,684,130 to \$68,314,130. Accordingly, the 2006 percentages of proffer funds expended by category of use should change as follows:

<u>Category of Use</u>	<u>Previous</u>	<u>Corrected</u>
Roads and Other Transportation Improvements	35.3%	35.0%
Schools	31.2%	30.9%
Fire, Rescue, and Public Safety	7.0%	6.9%
Parks, Recreation, and Open Space	8.7%	8.6%
Miscellaneous	0.7%	0.6%



# **APPENDIX A**

**Section 15.2-2303.2, Code of Virginia**

**§15.2-2303.2. Proffered cash payments and expenditures.** — A. The governing body of any locality accepting cash payments voluntarily proffered on or after July 1, 2005 pursuant to §15.2-2298, 15.2-2303 or 15.2-2303.1 shall, within seven years of receiving full payment of all cash proffered pursuant to an approved rezoning application, begin, or cause to begin (i) construction, (ii) site work, (iii) engineering, (iv) right-of-way acquisition, (v) surveying, or (vi) utility relocation on the improvements for which the cash payments were proffered. A locality that does not comply with the above requirement, or does not begin alternative improvements as provided for in subsection C, shall forward the amount of the proffered cash payments to the Commonwealth Transportation Board no later than December 31 following the fiscal year in which such forfeiture occurred for direct allocation to the secondary system construction program or the urban system construction program for the locality in which the proffered cash payments were collected. The funds to which any locality may be entitled under the provisions of Title 33.1 for construction, improvement, or maintenance of primary, secondary, or urban roads shall not be diminished by reason of any funds remitted pursuant to this subsection by such locality, regardless of whether such contributions are matched by state or federal funds.

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 shall, for each fiscal year beginning with the fiscal year 2007, (i) include in its capital improvement program created pursuant to §15.2-2239, or as an appendix thereto, the amount of all proffered cash payments received during the most recent fiscal year for which a report has been filed pursuant to subsection D, and (ii) include in its annual capital budget the amount of proffered cash payments projected to be used for expenditures or appropriated for capital improvements in the ensuing year.

C. Regardless of the date of rezoning approval, unless prohibited by the proffer agreement accepted by the governing body of a locality pursuant to §15.2-2298, 15.2-2303, or 15.2-2303.1, a locality may utilize any cash payments proffered for any road improvement or any transportation improvement that is incorporated into the capital improvements program as its matching contribution under 33.1-23.05. For purposes of this section, “road improvement” includes construction of new roads or improvement or expansion of existing roads as required by applicable construction standards of the Virginia Department of Transportation to meet increased demand attributable to new development. For purposes of this section, “transportation improvement” means any real or personal property acquired, constructed, improved, or used for constructing, improving, or operating any (i) public mass transit system or (ii) highway, or portion or interchange thereof, including parking facilities located within a district created pursuant to this title. Such improvements shall include, without limitation, public mass transit systems, public highways, and all buildings, structures, approaches, and facilities thereof and appurtenances thereto, rights-of-way, bridges, tunnels, stations, terminals, and all related equipment and fixtures.

Regardless of the date of zoning approval, unless prohibited by the proffer agreement accepted by the governing body of a locality pursuant to §15.2-2298, 15.2-2303, or 15.2-2303.1, a locality may utilize any cash payments proffered for capital improvements for alternative improvements of the same category within the locality in the vicinity of the improvements for which the cash payments were originally made. Prior to utilization of such cash payments for the alternative improvements, the governing body of the locality shall give at least 30 days' written notice of the proposed alternative improvements to the entity who paid such cash payment mailed to the last known address of such entity, or if proffer payment records no longer exist, then to the original zoning applicant, and conduct a public hearing on such proposal advertised as



provided in subsection F of §15.2-1427. The governing body of the locality prior to the use of such cash payments for alternative improvements shall, following such public hearing, find: (i) the improvements for which the cash payments were proffered cannot occur in a timely manner; (ii) the alternative improvements are within the vicinity of the proposed improvements for which the cash payments were proffered; and (iii) the alternative improvements are in the public interest. Notwithstanding the provisions of the Virginia Public Procurement Act, the governing body may negotiate and award a contract without competition to an entity that is constructing road improvements pursuant to a proffered zoning condition or special exception condition in order to expand the scope of the road improvements by utilizing cash proffers of others or other available locally generated funds. The local governing body shall adopt a resolution stating the basis for awarding the construction contract to extend the scope of the road improvements. All road improvements to be included in the state primary or secondary system of highways must conform to the adopted standards of the Virginia Department of Transportation.

D. 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	\$ _____

E. 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.

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 D and E.

## **APPENDIX B**

**Localities Eligible by Statute to Accept  
Proffered Cash Payments  
2008 – 2009**

## Localities Eligible to Accept Proffered Cash Payments in 2008-2009

Locality*	Principal Reason Eligible to Accept Cash Proffers
ACCOMACK COUNTY	County east of Chesapeake Bay.
ALBEMARLE COUNTY	High growth locality (Decennial population growth of 5% or more).
ALLEGHANY COUNTY	County contiguous to three high growth counties.
AMELIA COUNTY	High growth locality (Decennial population growth of 5% or more).
AMHERST COUNTY	High growth locality (Decennial population growth of 5% or more).
APPOMATTOX COUNTY	High growth locality (Decennial population growth of 5% or more).
ARLINGTON COUNTY	County contiguous to Urban County Executive [UCE] locality.
AUGUSTA COUNTY	High growth locality (Decennial population growth of 5% or more).
BATH COUNTY	High growth locality (Decennial population growth of 5% or more).
BEDFORD COUNTY	High growth locality (Decennial population growth of 5% or more).
BLAND COUNTY	High growth locality (Decennial population growth of 5% or more).
BOTETOURT COUNTY	High growth locality (Decennial population growth of 5% or more).
BRUNSWICK COUNTY	High growth locality (Decennial population growth of 5% or more).
BUCKINGHAM COUNTY	High growth locality (Decennial population growth of 5% or more).
CAMPBELL COUNTY	High growth locality (Decennial population growth of 5% or more).
CAROLINE COUNTY	High growth locality (Decennial population growth of 5% or more).
CARROLL COUNTY	High growth locality (Decennial population growth of 5% or more).
CHARLES CITY COUNTY	High growth locality (Decennial population growth of 5% or more).
CHARLOTTE COUNTY	High growth locality (Decennial population growth of 5% or more).
CHESTERFIELD COUNTY	High growth locality (Decennial population growth of 5% or more).
CLARKE COUNTY	County contiguous to three high growth counties.
CRAIG COUNTY	High growth locality (Decennial population growth of 5% or more).
CULPEPER COUNTY	High growth locality (Decennial population growth of 5% or more).
CUMBERLAND COUNTY	High growth locality (Decennial population growth of 5% or more).
DINWIDDIE COUNTY	High growth locality (Decennial population growth of 5% or more).
ESSEX COUNTY	High growth locality (Decennial population growth of 5% or more).
FAIRFAX COUNTY	Urban County Executive [UCE] form of government.
FAUQUIER COUNTY	High growth locality (Decennial population growth of 5% or more).
FLOYD COUNTY	High growth locality (Decennial population growth of 5% or more).
FLUVANNA COUNTY	High growth locality (Decennial population growth of 5% or more).
FRANKLIN COUNTY	High growth locality (Decennial population growth of 5% or more).
FREDERICK COUNTY	High growth locality (Decennial population growth of 5% or more).
GILES COUNTY	County contiguous to three high growth counties.
GLOUCHESTER COUNTY	High growth locality (Decennial population growth of 5% or more).
GOOCHLAND COUNTY	High growth locality (Decennial population growth of 5% or more).
GRAYSON COUNTY	High growth locality (Decennial population growth of 5% or more).
GREENE COUNTY	High growth locality (Decennial population growth of 5% or more).
GREENSVILLE COUNTY	High growth locality (Decennial population growth of 5% or more).
HALIFAX COUNTY	High growth locality (Decennial population growth of 5% or more).
HANOVER COUNTY	High growth locality (Decennial population growth of 5% or more).
HENRICO COUNTY	High growth locality (Decennial population growth of 5% or more).
HENRY COUNTY	County contiguous to three high growth counties.
ISLE OF WIGHT COUNTY	High growth locality (Decennial population growth of 5% or more).
JAMES CITY COUNTY	High growth locality (Decennial population growth of 5% or more).
KING AND QUEEN COUNTY	High growth locality (Decennial population growth of 5% or more).
KING GEORGE COUNTY	High growth locality (Decennial population growth of 5% or more).
KING WILLIAM COUNTY	High growth locality (Decennial population growth of 5% or more).

## Localities Eligible to Accept Proffered Cash Payments in 2008-2009

Locality*	Principal Reason Eligible to Accept Cash Proffers
LANCASTER COUNTY	High growth locality (Decennial population growth of 5% or more).
LOUDOUN COUNTY	County contiguous to UCE locality.
LOUISA COUNTY	High growth locality (Decennial population growth of 5% or more).
LUNENBURG COUNTY	High growth locality (Decennial population growth of 5% or more).
MADISON COUNTY	County contiguous to three high growth counties.
MATHEWS COUNTY	High growth locality (Decennial population growth of 5% or more).
MECKLENBURG COUNTY	High growth locality (Decennial population growth of 5% or more).
MIDDLESEX COUNTY	High growth locality (Decennial population growth of 5% or more).
MONTGOMERY COUNTY	High growth locality (Decennial population growth of 5% or more).
NELSON COUNTY	High growth locality (Decennial population growth of 5% or more).
NEW KENT COUNTY	High growth locality (Decennial population growth of 5% or more).
NORTHAMPTON COUNTY	County east of Chesapeake Bay.
NORTHUMBERLAND COUNTY	High growth locality (Decennial population growth of 5% or more).
NOTTOWAY COUNTY	County contiguous to three high growth counties.
ORANGE COUNTY	High growth locality (Decennial population growth of 5% or more).
PAGE COUNTY	High growth locality (Decennial population growth of 5% or more).
PATRICK COUNTY	High growth locality (Decennial population growth of 5% or more).
PITTSYLVANIA COUNTY	High growth locality (Decennial population growth of 5% or more).
POWHATAN COUNTY	High growth locality (Decennial population growth of 5% or more).
PRINCE EDWARD COUNTY	High growth locality (Decennial population growth of 5% or more).
PRINCE GEORGE COUNTY	High growth locality (Decennial population growth of 5% or more).
PRINCE WILLIAM COUNTY	County contiguous to UCE locality.
PULASKI COUNTY	County contiguous to three high growth counties.
RAPPAHANNOCK COUNTY	High growth locality (Decennial population growth of 5% or more).
RICHMOND COUNTY	High growth locality (Decennial population growth of 5% or more).
ROANOKE COUNTY	High growth locality (Decennial population growth of 5% or more).
ROCKBRIDGE COUNTY	High growth locality (Decennial population growth of 5% or more).
ROCKINGHAM COUNTY	High growth locality (Decennial population growth of 5% or more).
RUSSELL COUNTY	High growth locality (Decennial population growth of 5% or more).
SHENANDOAH COUNTY	High growth locality (Decennial population growth of 5% or more).
SMYTH COUNTY	County contiguous to three high growth counties.
SOUTHAMPTON COUNTY	County contiguous to three high growth counties.
SPOTSYLVANIA COUNTY	High growth locality (Decennial population growth of 5% or more).
STAFFORD COUNTY	High growth locality (Decennial population growth of 5% or more).
SURRY COUNTY	High growth locality (Decennial population growth of 5% or more).
SUSSEX COUNTY	High growth locality (Decennial population growth of 5% or more).
WARREN COUNTY	High growth locality (Decennial population growth of 5% or more).
WASHINGTON COUNTY	High growth locality (Decennial population growth of 5% or more).
WESTMORELAND COUNTY	High growth locality (Decennial population growth of 5% or more).
WYTHE COUNTY	High growth locality (Decennial population growth of 5% or more).
YORK COUNTY	High growth locality (Decennial population growth of 10% or more).
<b>TOTAL COUNTIES ELIGIBLE =</b>	
<b>88</b>	

## Localities Eligible to Accept Proffered Cash Payments in 2008-2009

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 5% or more).
CHESAPEAKE CITY	High growth locality (Decennial population growth of 5% or more).
COLONIAL HEIGHTS CITY	High growth locality (Decennial population growth of 5% or more).
DANVILLE CITY	City adjoining high growth city or county.
EMPORIA CITY	High growth locality (Decennial population growth of 5% or more).
FAIRFAX CITY	City adjacent to or surrounded by UCE locality.
FALLS CHURCH CITY	City adjacent to or surrounded by UCE locality.
FRANKLIN CITY	High growth locality (Decennial population growth of 5% or more).
FREDERICKSBURG CITY	City adjoining high growth city or county.
GALAX CITY	City adjoining high growth city or county.
HAMPTON CITY	High growth locality (Decennial population growth of 5% or more).
HARRISONBURG CITY	High growth locality (Decennial population growth of 5% 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	High growth locality (Decennial population growth of 5% or more).
NORFOLK CITY	City adjoining high growth city or county.
PETERSBURG CITY	City adjoining high growth city or county.
POQUOSON CITY	High growth locality (Decennial population growth of 5% or more).
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.
ROANOKE CITY	City adjoining high growth city or county.
SALEM 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 5% or more).
VIRGINIA BEACH CITY	High growth locality (Decennial population growth of 5% or more).
WAYNESBORO CITY	High growth locality (Decennial population growth of 5% or more).
WILLIAMSBURG CITY	City adjoining high growth city or county.
WINCHESTER CITY	High growth locality (Decennial population growth of 5% or more).
<b>TOTAL CITIES ELIGIBLE = 36</b>	

## Localities Eligible to Accept Proffered Cash Payments in 2008-2009

Locality*	Principal Reason Eligible to Accept Cash Proffers
*ABINGDON TOWN	High growth locality (Decennial population growth of 5% or more).
ACCOMAC TOWN	High growth locality (Decennial population growth of 5% or more).
ALBERTA TOWN	Town located in high growth county.
ALTAVISTA TOWN	Town located in high growth county.
AMHERST TOWN	High growth locality (Decennial population growth of 5% or more).
APPOMATTOX TOWN	Town located in high growth county.
*ASHLAND TOWN	High growth locality (Decennial population growth of 5% or more).
BERRYVILLE TOWN	Town located in county contiguous to three high growth counties.
*BLACKSBURG TOWN	High growth locality (Decennial population growth of 5% or more).
*BLACKSTONE TOWN	High growth locality (Decennial population growth of 5% or more).
BLOXOM TOWN	High growth locality (Decennial population growth of 5% or more).
BOONES MILL TOWN	High growth locality (Decennial population growth of 5% or more).
BOWLING GREEN TOWN	High growth locality (Decennial population growth of 5% 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 5% or more).
*BRIDGEWATER TOWN	High growth locality (Decennial population growth of 5% or more).
BROADWAY TOWN	High growth locality (Decennial population growth of 5% or more).
BRODNAX TOWN	Town located in high growth county.
BROOKNEAL TOWN	Town located in high growth county.
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 5% or more).
CHARLOTTE COURT HOUSE TOWN	Town located in high growth county.
CHASE CITY TOWN	Town located in high growth county.
CHATHAM TOWN	Town located in high growth county.
CHILHOWIE TOWN	Town located in county contiguous to three high growth counties.
*CHINCOTEAGUE TOWN	High growth locality (Decennial population growth of 5% or more).
*CHRISTIANSBURG TOWN	High growth locality (Decennial population growth of 5% or more).
CLAREMONT TOWN	Town located in high growth county.
CLARKSVILLE TOWN	High growth locality (Decennial population growth of 5% or more).
CLIFTON TOWN	Town located in UCE locality.
*CLIFTON FORGE TOWN	Town located in county contiguous to three high growth counties.
CLINCHPORT TOWN	High growth locality (Decennial population growth of 5% or more).
COLONIAL BEACH TOWN	Town located in high growth county.
COLUMBIA TOWN	Town located in high growth county.
COURTLAND TOWN	High growth locality (Decennial population growth of 5% or more).
CRAIGSVILLE TOWN	High growth locality (Decennial population growth of 5% or more).
CREWE TOWN	Town located in county contiguous to three high growth counties
*CULPEPER TOWN	High growth locality (Decennial population growth of 5% or more).
DAMASCUS TOWN	High growth locality (Decennial population growth of 5% or more).
DAYTON TOWN	High growth locality (Decennial population growth of 5% or more).
DENDRON TOWN	Town located in high growth county.
DILLWYN TOWN	Town located in high growth county.
DRAKES BRANCH TOWN	Town located in high growth county.

## Localities Eligible to Accept Proffered Cash Payments in 2008-2009

Locality*	Principal Reason Eligible to Accept Cash Proffers
DUBLIN TOWN	High growth locality (Decennial population growth of 5% or more).
DUFFIELD TOWN	High growth locality (Decennial population growth of 5% or more).
*DUMFRIES TOWN	Town located in county contiguous to UCE locality.
DUNGANNON TOWN	High growth locality (Decennial population growth of 5% or more).
EASTVILLE TOWN	High growth locality (Decennial population growth of 5% or more).
EDINBURG TOWN	Town located in high growth county.
ELKTON TOWN	High growth locality (Decennial population growth of 5% or more).
*FARMVILLE TOWN	High growth locality (Decennial population growth of 5% or more).
FINCASTLE TOWN	High growth locality (Decennial population growth of 5% or more).
FLOYD TOWN	High growth locality (Decennial population growth of 5% or more).
FRIES TOWN	Town located in high growth county.
*FRONT ROYAL TOWN	High growth locality (Decennial population growth of 5% or more).
GLADE SPRING TOWN	Town located in high growth county.
GLASGOW TOWN	Town located in high growth county.
GLEN LYN TOWN	Town located in county contiguous to three high growth counties.
GORDONSVILLE TOWN	High growth locality (Decennial population growth of 5% or more).
GOSHEN TOWN	High growth locality (Decennial population growth of 5% or more).
GRETNA TOWN	Town located in high growth county.
GROTTOES TOWN	High growth locality (Decennial population growth of 5% or more).
HALIFAX TOWN	High growth locality (Decennial population growth of 5% or more).
HALLWOOD TOWN	High growth locality (Decennial population growth of 5% 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 5% 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 5% or more).
IVOR TOWN	Town located in county contiguous to three high growth counties
JARRATT TOWN	High growth locality (Decennial population growth of 5% or more).
JONESVILLE TOWN	High growth locality (Decennial population growth of 5% or more).
KENBRIDGE TOWN	Town located in high growth county.
KEYSVILLE TOWN	High growth locality (Decennial population growth of 5% or more).
KILMARNOCK TOWN	High growth locality (Decennial population growth of 5% or more).
LA CROSSE TOWN	High growth locality (Decennial population growth of 5% 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 5% or more).
LOVETTSVILLE TOWN	Town located in county contiguous to UCE locality.
*LURAY TOWN	High growth locality (Decennial population growth of 5% or more).
MADISON TOWN	Town located in county contiguous to three high growth counties
*MARION TOWN	Town located in county contiguous to three high growth counties
McKENNEY TOWN	High growth locality (Decennial population growth of 5% or more).
MELFA TOWN	High growth locality (Decennial population growth of 5% or more).

## Localities Eligible to Accept Proffered Cash Payments in 2008-2009

Locality*	Principal Reason Eligible to Accept Cash Proffers
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 high growth county.
MOUNT CRAWFORD TOWN	High growth locality (Decennial population growth of 5% or more).
MOUNT JACKSON TOWN	High growth locality (Decennial population growth of 5% or more).
NARROWS TOWN	Town located in county contiguous to three high growth counties.
NEW CASTLE TOWN	High growth locality (Decennial population growth of 5% or more).
NEW MARKET TOWN	High growth locality (Decennial population growth of 5% or more).
NEWSOMS TOWN	Town located in county contiguous to three high growth counties.
NICKELSVILLE TOWN	High growth locality (Decennial population growth of 5% or more).
OCOQUAN TOWN	Town located in county contiguous to UCE locality.
ONANCOCK TOWN	High growth locality (Decennial population growth of 5% or more).
*ORANGE TOWN	High growth locality (Decennial population growth of 5% or more).
PAMPLIN CITY TOWN	Town located in high growth county.
PARKSLEY TOWN	High growth locality (Decennial population growth of 5% or more).
PEARISBURG TOWN	High growth locality (Decennial population growth of 5% or more).
PEMBROKE TOWN	High growth locality (Decennial population growth of 5% or more).
PHENIX TOWN	Town located in high growth county.
PORT ROYAL TOWN	Town located in high growth county.
POUND TOWN	High growth locality (Decennial population growth of 5% or more).
*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 5% or more).
RICH CREEK TOWN	Town located in county contiguous to three high growth counties.
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 5% or more).
SALTVILLE TOWN	Town located in county contiguous to three high growth counties.
SCOTTSBURG TOWN	Town located in high growth county.
SCOTTSVILLE TOWN	High growth locality (Decennial population growth of 5% or more).
SHENANDOAH TOWN	Town located in high growth county.
*SMITHFIELD TOWN	High growth locality (Decennial population growth of 5% or more).
*SOUTH BOSTON TOWN	High growth locality (Decennial population growth of 5% or more).
*SOUTH HILL TOWN	Town located in high growth county.
STANARDSVILLE TOWN	High growth locality (Decennial population growth of 5% or more).
STANLEY TOWN	High growth locality (Decennial population growth of 5% or more).
STEPHENS CITY TOWN	Town located in high growth county.
STONY CREEK TOWN	Town located in high growth county.
*STRASBURG TOWN	High growth locality (Decennial population growth of 5% or more).
STUART TOWN	Town located in high growth county.
SURRY TOWN	High growth locality (Decennial population growth of 5% or more).
TAPPAHANNOCK TOWN	High growth locality (Decennial population growth of 5% or more).
THE PLAINS TOWN	High growth locality (Decennial population growth of 5% or more).



## Localities Eligible to Accept Proffered Cash Payments in 2008-2009

Locality*	Principal Reason Eligible to Accept Cash Proffers
TIMBERVILLE TOWN	High growth locality (Decennial population growth of 5% or more).
TOMS BROOK TOWN	High growth locality (Decennial population growth of 5% or more).
TROUTDALE TOWN	High growth locality (Decennial population growth of 5% 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 high growth county.
VIRGILINA TOWN	Town located in high growth county.
WAKEFIELD TOWN	Town located in high growth county.
*WARRENTON TOWN	High growth locality (Decennial population growth of 5% or more).
WARSAW TOWN	High growth locality (Decennial population growth of 5% or more).
WASHINGTON TOWN	Town located in high growth county.
WAVERLY TOWN	Town located in high growth county.
WEST POINT TOWN	Town located in high growth county.
WHITE STONE TOWN	Town located in high growth county.
WINDSOR TOWN	Town located in high growth county.
*WOODSTOCK TOWN	High growth locality (Decennial population growth of 5% or more).
*WYTHEVILLE TOWN	Town located in high growth county.
<b>TOTAL TOWNS ELIGIBLE = 157</b>	

**NOTES:**

\* = 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 29 of the 157 eligible towns were surveyed for the 2008-2009 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 5% or more;
- B. any city adjoining another city or county which had a decennial Census growth rate of 5% or more;
- C. any towns located within a county which had a decennial Census growth rate of 5% or more; and
- D. any county contiguous with at least three counties which had a decennial Census growth rate of 5% 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 town within Fairfax County;
- C. any city adjacent to or completely surrounded by Fairfax County;
- D. any county contiguous to Fairfax County;
- E. any city adjacent to or completely surrounded by a county contiguous to Fairfax County;
- F. any town within a county contiguous to Fairfax County; and
- G. any county east of the Chesapeake Bay

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

- A. New Kent County

# **APPENDIX C**

**Survey Instrument for  
Local Government Revenues and Expenditures  
Derived from Proffered Cash Payments  
2008 – 2009**

## Commission on Local Government 2009 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"/>

**Does your locality have an adopted cash proffer ordinance or policy?**

If "Yes," please enclose a copy with completed survey or provide a web link to the document.

Web link: \_\_\_\_\_

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

**Did your locality accept cash proffers at any time during the 2008-2009 Fiscal Year?**

If you answered "No" for the 2008-2009 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 2008-2009 Fiscal Year, provide the following information concerning the cash proffers accepted by your locality: (See definitions on next page.)**

- Total Amount of Cash Proffer Revenue Collected by the Locality during the 2008-2009 Fiscal Year:
- Estimated Amount of Cash Proffers Pledged during the 2008-2009 Fiscal Year and Whose Payment Was Conditioned Only on Time:
- Total Amount of Cash Proffer Revenue Expended by the Locality during the 2008-2009 Fiscal Year:

FY2008-2009
\$
\$
\$

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) \$

**Please see other side.**

**QUESTIONS? CONTACT MATTHEW BOLSTER AT THE  
COMMISSION ON LOCAL GOVERNMENT, (804) 371-8010 or  
Matthew.Bolster@dhcd.virginia.gov**

**Commission on Local Government  
2009 Survey of Cash Proffers Accepted by Local Governments**

Comments: Use additional sheet if necessary.	
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Please complete this form and return it to the Commission on Local Government by September 30, 2009, using one of the following methods:

•By Mail: Matthew Bolster  
Commission on Local Government  
600 E. Main Street, Suite 300  
Richmond, VA 23219

•By Fax: (804) 371-7090

•By Electronic Mail: A Microsoft Word template of this form may be downloaded at

<http://www.dhcd.virginia.gov/CommissiononLocalGovernment/pages/cashproffersurvey.htm>  
Once completed, send it by e-mail to: [Matthew.Bolster@dhcd.virginia.gov](mailto:Matthew.Bolster@dhcd.virginia.gov)

**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(D)(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(D)(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(D)(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 MATTHEW BOLSTER AT THE  
COMMISSION ON LOCAL GOVERNMENT, (804) 371-8010 or  
[Matthew.Bolster@dhcd.virginia.gov](mailto:Matthew.Bolster@dhcd.virginia.gov)**

## **APPENDIX D**

**Summary of Survey Responses from Localities  
Accepting Proffered Cash Payments  
2008 – 2009**

**Appendix D**  
**Summary of Survey Responses from Localities Accepting Proffered Cash Payments**  
**Fiscal year 2008-2009**

Locality	Purpose and Amount For Which Cash Proffer Expenditures Were Made													
	Total Cash Proffer Revenue Collected	Total Pledged But Payment Conditioned Only on Time	Total Cash Proffer Revenue Expended	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
				Schools	Improvements	Public Safety	Library	Open Space	Extension	Centers	Management	Housing	Housing	Miscellaneous
Albemarle	441,748	-	7,000		7,000									
Amelia	32,820	-	-											
Caroline	80,467	-	-											
Chesterfield	4,757,892	-	3,340,216	1,018,700	1,333,316		587,700	400,500						
Culpeper	10,000	-	-											
Dinwiddie	11,776	-	-											
Fairfax	2,472,870	1,135,374	7,592,157	5,798,048	478,299	15,000		804,985			350,142	145,683		
Fauquier	49,163	-	-											
Fluvanna	55,000	-	-											
Frederick	882,922	-	12,000											12,000
Goochland	200,281	-	252,557	241,132				11,425						
Greene	-	237,800	-											
Hanover	1,054,786	-	2,029,170	588,002	961,162	250,000	220,839	9,167						
Henrico	160,000	-	-											
Isle of Wight	105,710	483,565	722,817			722,817								
James City	575,007	-	575,007	317,911	10,583	83,146	2,099	6,859	154,410					
King William	58,844	-	-											
Loudoun	14,143,290	5,000	11,588,140	5,741,132	1,596,856	1,870,714	873,801	1,505,637						
Louisa	21,240	50,000	40,560	40,560										
New Kent	172,664	-	236,600	232,500		4,100								
Powhatan	107,860	-	-											
Prince George	35,000	-	-											
Prince William	12,363,589	5,000	21,225,264	8,018,018	7,979,730	1,263,910	402,042	2,206,824		832,800	161,240	300,000	60,700	
Rockingham	-	1,456,200	-											
Shenandoah	23,574	-	-											
Southampton	5,184	6,912	5,184											5,184
Spotsylvania	52,961	-	614,541	58,819	345,453	150,000		10,369						49,900
Stafford	110,299	-	83,432	14,517		27,184	28,870		1,607					11,254
Warren	84,000	-	45,200					45,200						
Westmoreland	750	-	-											
<b>Total Counties</b>	<b>\$ 38,069,695</b>	<b>\$ 3,379,851</b>	<b>\$ 48,369,845</b>	<b>\$ 22,069,339</b>	<b>\$ 12,712,399</b>	<b>\$ 4,386,871</b>	<b>\$ 2,115,351</b>	<b>\$ 5,000,965</b>	<b>\$ 156,017</b>	<b>\$832,800</b>	<b>\$ 161,240</b>	<b>\$ 350,142</b>	<b>\$ 445,683</b>	<b>\$ 139,038</b>
Charlottesville	-	50,000	-											
Chesapeake	2,532,964	647,499	-											
Fredericksburg	30,600	50,000	42,323					42,323						
Manassas	-	-	311,966	311,966										
Suffolk	89,730	3,715,770	-											
Virginia Beach	3,439	-	-											
Williamsburg	13,500	-	10,000		10,000									
Winchester	7,000	-	7,000	4,000				3,000						
<b>Total Cities</b>	<b>\$2,677,233</b>	<b>\$4,463,269</b>	<b>\$371,289</b>	<b>\$315,966</b>	<b>\$10,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$45,323</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
Blacksburg	\$25,000	-	-											
Culpeper	2,000	-	-											
Herndon	200,000	-	21,472					21,472						
Leesburg	1,211,079	-	318,286		117,729			200,557						
Purcellville	9,000	-	9,000						9,000					
Smithfield	146,771	50,269	143,771						143,771					
Strasburg	14,195	-	-											
<b>Total Towns</b>	<b>\$1,608,045</b>	<b>\$50,269</b>	<b>\$492,529</b>	<b>\$0</b>	<b>\$117,729</b>	<b>\$0</b>	<b>\$0</b>	<b>\$222,029</b>	<b>\$152,771</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Grand Total</b>	<b>\$ 42,354,973</b>	<b>\$ 7,893,389</b>	<b>\$ 49,233,663</b>	<b>\$ 22,385,305</b>	<b>\$ 12,840,128</b>	<b>\$ 4,386,871</b>	<b>\$ 2,115,351</b>	<b>\$ 5,268,317</b>	<b>\$ 308,788</b>	<b>\$ 832,800</b>	<b>\$ 161,240</b>	<b>\$ 350,142</b>	<b>\$ 445,683</b>	<b>\$ 139,038</b>
				123.77%	71.00%	24.26%	11.70%	29.13%	1.71%	4.60%	0.89%	1.94%	2.46%	0.77%
				<b>Percent of Total Cash Proffer Expenditures</b>										
				45.5%	26.1%	8.9%	4.3%	10.7%	0.6%	1.7%	0.3%	0.7%	0.9%	0.3%