Report on Proffered Cash Payments and Expenditures By Virginia's Counties, Cities and Towns 2012-2013

Commission on Local Government
Commonwealth of Virginia

November 2013

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REPORT OF THE COMMISSION ON LOCAL GOVERNMENT
DISCLOSURE OF PROFFERED CASH PAYMENTS AND EXPENDITURES
2012 – 2013

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.[1] 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.[2] 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.[3]

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 census data from 1990 through 2010, 298 Virginia localities (89 counties, 37 cities, and 172 towns) were eligible to accept cash proffers during FY 2013.[4]

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[1] 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.

[2] 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.

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

[4] 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

The table below shows the statutory authority for and categories of localities eligible to accept cash proffers.

Statutory Authority	Types of Localities Eligible to Accept Cash Proffers
§15.2-2298	With the exception of localities eligible under the terms of § 15.2-2303: • Any locality with a decennial census growth rate ≥5%; • Any city adjoining another city or county which had a decennial census growth rate ≥5%; • Any towns located within a county which had a decennial census growth rate ≥5%; • Any county contiguous with at least three counties which had a decennial census growth rate ≥5%; and • Any towns located within a county which was contiguous with at least three counties which had a decennial census growth rate ≥5%.
§15.2-2303	• Any county with an urban county executive form of government (i.e., Fairfax County); • Any town within a county with an urban county executive form of government; • Any city adjacent to or completely surrounded by a county with an urban county executive form of government; • Any county contiguous to a county with an urban county executive form of government; • Any city adjacent to or completely surrounded by a county contiguous to a county with an urban county executive form of government; • Any town within a county contiguous to a county with an urban county executive form of government; and • Any county east of the Chesapeake Bay.
§15.2-2303.1	• New Kent County.

Housing, Summary File 1 (SF 1) 100-Percent Data; U.S. Department of Commerce, Bureau of the Census, 2010 Census Redistricting Data (Public Law 94-171) Summary File. Sec. 1-235, Code of Va. states that unless otherwise specified, unadjusted population statistics are to the used in determining the decennial growth rate. See Appendix B for the list of Virginia localities with statutory authority to accept cash proffers.

SURVEY ON THE USE OF PROFFERED CASH PAYMENTS

In July of 2013, Commission staff mailed a survey instrument to the chief administrative officers of the 162 localities that were required to report their acceptance of cash proffers during FY 2012-13. Each locality was requested to return the completed survey by September 30, 2013.[5] In early October, follow-up e-mails 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 ensure a complete response. As a result of these efforts, the final combined jurisdictional response rate was 100%.

The survey revealed that 37 (22.84%) of the 162 eligible localities (27 counties, 7 cities, and 3 towns) reported cash proffer collections during FY 2013. This represents a decrease of one locality (2.6%) in the number of local governments accepting cash proffers compared to FY 2012. During the current period, the aggregate amount of cash proffers collected and expended by those jurisdictions was $83,492,932 and $51,418,607, respectively.[6] This represents a 37.4% increase in cash proffer collections from the previous fiscal year. Cash proffer expenditures increased by 15.9% over the same time period.

The survey also revealed that the largest share of cash proffer revenue expended in FY 2013 went for roads and transportation improvements (31.3% of total expenditures), and schools (30.1% of total expenditures). A chart depicting the allocation of expenditures to various improvement categories is provided on the next page. The summary survey results for individual local governments are reported in Appendix D. Appendix E includes a chart of the revenues and expenditures for all localities for each fiscal year from FY 2000 through present.

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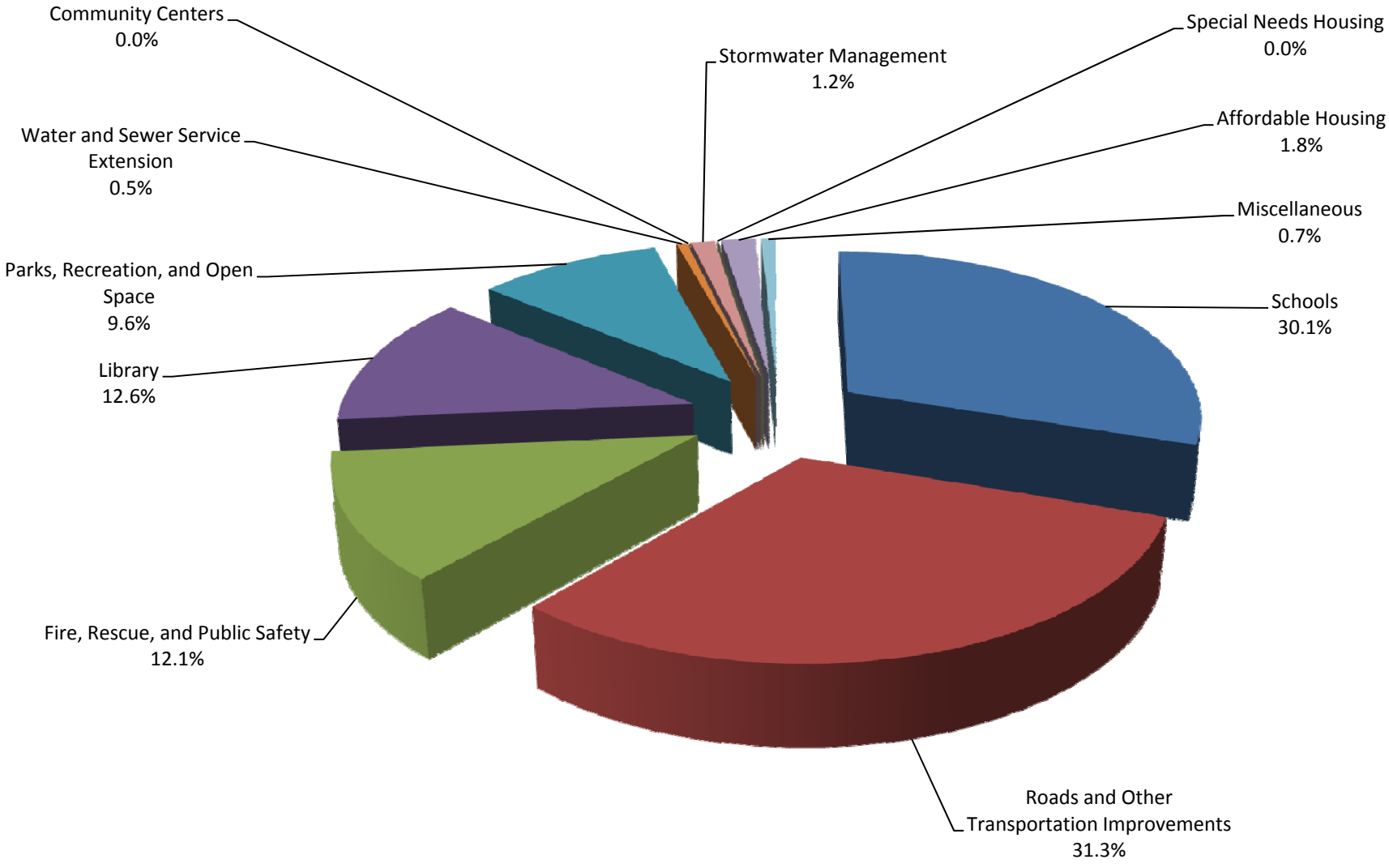
[5] Appendix C contains a copy of the survey instrument. In 2003, the General Assembly enacted HB 2600, which changed the scope of the Commission's survey on the acceptance of cash proffers. The legislature exempted localities with a resident population of less than 3,500 from the reporting requirement. Because of that provision, only 36 of the 172 eligible towns must report on their acceptance of cash proffers.

[6] 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. Also, fiscal data reported by localities for FY 2013 is likely to be unofficial because local government audits are not published until the December following the end of the fiscal year.

Proffered Funds Expended by Category of Use, FY 2012-13



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 12 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 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 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) (a) the improvements for which the cash payments were proffered cannot occur in a timely manner or the functional purpose for which the cash payment was made no longer

exists; (ii) the alternative improvements are within the vicinity of the proposed improvements for which the cash payments were proffered; (ii) (b) the alternative improvements are within the vicinity of the proposed improvements for which the cash payments were proffered; and (iii) (c) 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	$_____

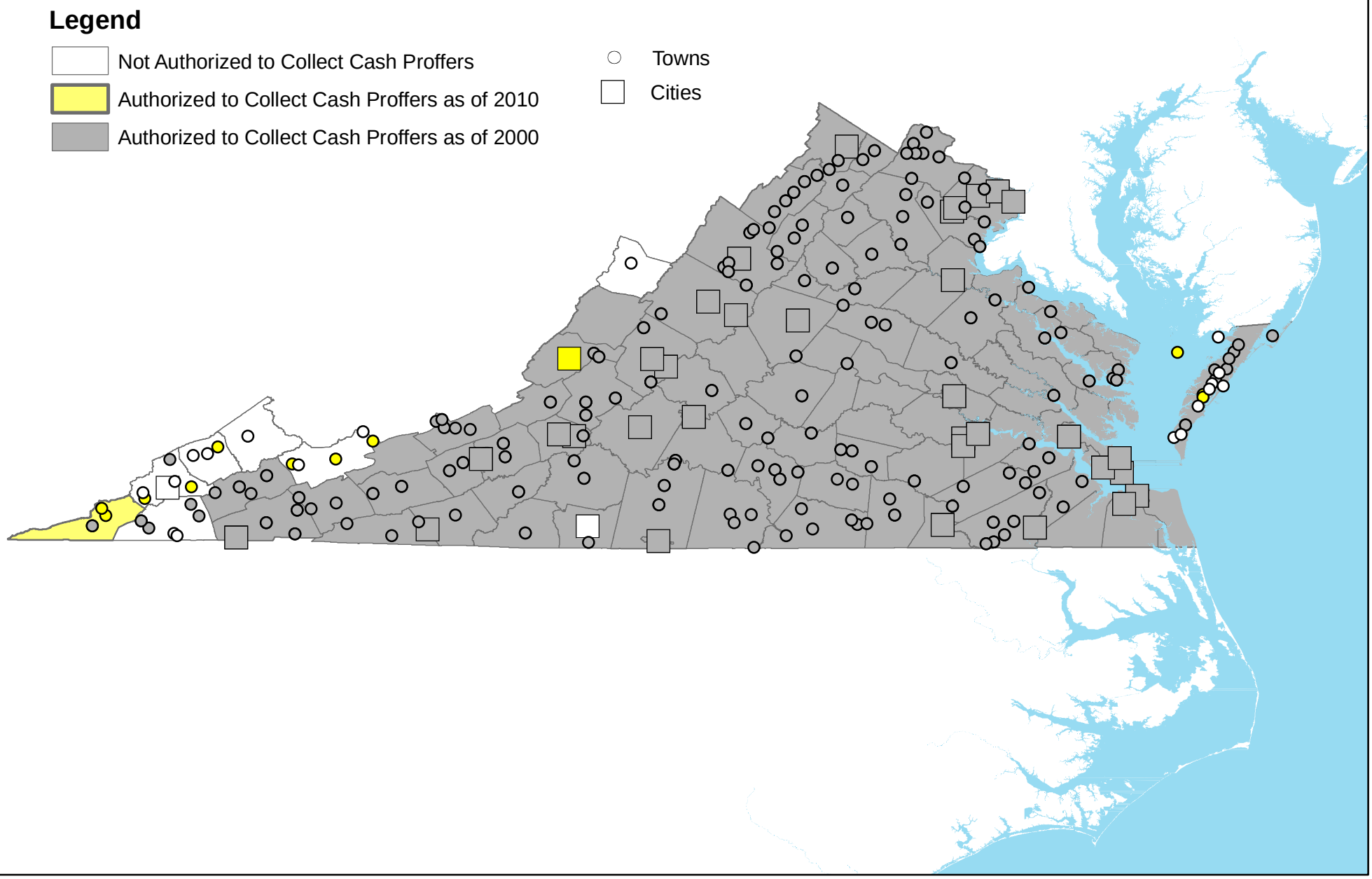
E. The governing body of any locality with a population in excess of 3,500 persons eligible to accept any proffered cash payments pursuant to § 15.2-2298, 15.2-2303, or 15.2-2303.1 but that did not accept any proffered cash payments during the preceding fiscal year shall within three months of the close 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

Localities Authorized to Collect Cash Proffers in Virginia



Name	Principal Reason Eligible to Accept Cash Proffers	
CITIES	**2000**	**2010**
Alexandria	IIC	IIC
Bedford	IB	IB
Bristol	IB	IB
Buena Vista	IB	IB
Charlottesville	IA	IB
Chesapeake	IA	IA
Colonial Heights	IA	IB
Covington		IB
Danville	IB	
Emporia	IA	IB
Fairfax	IIC	IIC
Falls Church	IIC	IIC
Franklin	IA	IB
Fredericksburg	IB	IA
Galax	IB	
Hampton	IA	IB
Harrisonburg	IA	IA
Hopewell	IB	IB
Lexington	IB	IB
Lynchburg	IB	IA
Manassas	IIE	IIE
Manassas Park	IIE	IIE
Martinsville		
Newport News	IA	IB
Norfolk	IB	IB
Norton		
Petersburg	IB	IB
Poquoson	IA	IA
Portsmouth	IB	IB

Name	Principal Reason Eligible to Accept Cash Proffers	
CITIES (Cont'd)	**2000**	**2010**
Radford	IB	IB
Richmond	IB	IB
Roanoke	IB	IB
Salem	IB	IB
Staunton	IB	IB
Suffolk	IA	IA
Virginia Beach	IA	IB
Waynesboro	IA	IA
Williamsburg	IB	IA
Winchester	IA	IA
COUNTIES		
Accomack	IIG	IIG
Albemarle	IA	IA
Alleghany	ID	IA
Amelia	IA	IA
Amherst	IA	ID
Appomattox	IA	IA
Arlington	IID	IID
Augusta	IA	IA
Bath	IA	ID
Bedford	IA	IA
Bland	IA	
Botetourt	IA	IA
Brunswick	IA	
Buchanan		
Buckingham	IA	IA
Campbell	IA	IA
Caroline	IA	IA

Name	Principal Reason Eligible to Accept Cash Proffers	
COUNTIES (Cont'd)	**2000**	**2010**
Carroll	IA	
Charles City	IA	ID
Charlotte	IA	ID
Chesterfield	IA	IA
Clarke	ID	IA
Craig	IA	ID
Culpeper	IA	IA
Cumberland	IA	IA
Dickenson		
Dinwiddie	IA	IA
Essex	IA	IA
Fairfax	IIA	IIA
Fauquier	IA	IA
Floyd	IA	IA
Fluvanna	IA	IA
Franklin	IA	IA
Frederick	IA	IA
Giles	ID	
Gloucester	IA	IA
Goochland	IA	IA
Grayson	IA	
Greene	IA	IA
Greensville	IA	IA
Halifax	IA	
Hanover	IA	IA
Henrico	IA	IA
Henry	ID	
Highland		
Isle of Wight	IA	IA

See "Notes" at end for explanation of "Principal Reason Eligible to Accept Cash Proffers."
Italicized localities have never qualified to collect cash proffers.

Name	Principal Reason Eligible to Accept Cash Proffers	
COUNTIES (Cont'd)	**2000**	**2010**
James City	IA	IA
King and Queen	IA	ID
King George	IA	IA
King William	IA	IA
Lancaster	IA	ID
Lee		IA
Loudoun	IID	IID
Louisa	IA	IA
Lunenburg	IA	
Madison	ID	IA
Mathews	IA	
Mecklenburg	IA	
Middlesex	IA	IA
Montgomery	IA	IA
Nelson	IA	ID
New Kent	IIIA	IIIA
Northampton	IIG	IIG
Northumberland	IA	
Nottoway	ID	ID
Orange	IA	IA
Page	IA	ID
Patrick	IA	
Pittsylvania	IA	ID
Powhatan	IA	IA
Prince Edward	IA	IA
Prince George	IA	IA
Prince William	IID	IID
Pulaski	ID	ID
Rappahannock	IA	IA
Richmond	IA	IA
Roanoke	IA	IA

Name		Principal Reason Eligible to Accept Cash Proffers	
COUNTIES (Cont'd)		**2000**	**2010**
Rockbridge		IA	IA
Rockingham		IA	IA
Russell		IA	
Scott			
Shenandoah		IA	IA
Smyth		ID	
Southampton		ID	IA
Spotsylvania		IA	IA
Stafford		IA	IA
Surry		IA	ID
Sussex		IA	ID
Tazewell			
Warren		IA	IA
Washington		IA	IA
Westmoreland		IA	ID
Wise			
Wythe		IA	IA
York		IA	IA
TOWNS			
Abingdon		IA	IA
Accomac	*	IA	
Alberta	*	IC	
Altavista	*	IC	IC
Amherst	*	IA	ID
Appalachia	*		
Appomattox	*	IC	IC
Ashland		IA	IA
Belle Haven	*		IA
Berryville		ID	IA
Big Stone Gap			IA

Name		Principal Reason Eligible to Accept Cash Proffers	
TOWNS (Cont'd)		**2000**	**2010**
Blacksburg		IA	IA
Blackstone		IA	ID
Bloxom	*	IA	
Bluefield			IA
Boones Mill	*	IA	IC
Bowling Green	*	IA	IA
Boyce	*	ID	IA
Boydton	*	IC	
Boykins	*	ID	IC
Branchville	*	IA	IC
Bridgewater		IA	IA
Broadway		IA	IA
Brodnax	*	IC	
Brookneal	*	IC	IC
Buchanan	*	IC	IC
Burkeville	*	ID	ID
Cape Charles	*		
Capron	*	IA	IC
Cedar Bluff	*		
Charlotte Court H	*	IC	IA
Chase City	*	IC	
Chatham	*	IC	ID
Cheriton	*		
Chilhowie	*	ID	
Chincoteague	*	IA	
Christiansburg		IA	IA
Claremont	*	IC	IA
Clarksville	*	IA	
Cleveland	*	IC	IA
Clifton	*	IIB	IIB
Clifton Forge		ID	IC

See "Notes" at end for explanation of "Principal Reason Eligible to Accept Cash Proffers."
Italicized localities have never qualified to collect cash proffers.

Name		Principal Reason Eligible to Accept Cash Proffers	
TOWNS (Cont'd)		**2000**	**2010**
Clinchco	*		
Clinchport	*	IA	
Clintwood	*		
Coeburn	*		IA
Colonial Beach		IC	IA
Columbia	*	IC	IA
Courtland	*	IA	IC
Craigsville	*	IA	IC
Crewe	*	ID	ID
Culpeper		IA	IA
Damascus	*	IA	IC
Dayton	*	IA	IA
Dendron	*	IC	ID
Dillwyn	*	IC	IC
Drakes Branch	*	IC	IA
Dublin	*	IA	IA
Duffield	*	IA	IA
Dumfries		IIF	IIF
Dungannon	*	IA	
Eastville	*	IA	IA
Edinburg	*	IC	IA
Elkton	*	IA	IA
Exmore	*		IA
Farmville		IA	IA
Fincastle	*	IA	IC
Floyd	*	IA	IC
Fries	*	IC	
Front Royal		IA	IA
Gate City	*		
Glade Spring	*	IC	IA
Glasgow	*	IC	IA

Name		Principal Reason Eligible to Accept Cash Proffers	
TOWNS (Cont'd)		**2000**	**2010**
Glen Lyn	*	ID	
Gordonsville	*	IA	IC
Goshen	*	IA	IC
Gretna	*	IC	ID
Grottoes	*	IA	IA
Grundy	*		
Halifax	*	IA	
Hallwood	*	IA	
Hamilton	*	IIF	IIF
Haymarket	*	IIF	IIF
Haysi	*		IA
Herndon		IIB	IIB
Hillsboro	*	IIF	IIF
Hillsville	*	IA	
Honaker	*	IC	IA
Hurt	*	IC	ID
Independence	*	IC	
Iron Gate	*	ID	IC
Irvington	*	IA	ID
Ivor	*	ID	IA
Jarratt	*	IA	IA
Jonesville	*	IA	IC
Keller	*		
Kenbridge	*	IC	
Keysville	*	IA	ID
Kilmarnock	*	IA	IA
La Crosse	*	IA	
Lawrenceville	*	IC	IA
Lebanon	*	IC	
Leesburg		IIF	IIF
Louisa	*	IA	IA

Name		Principal Reason Eligible to Accept Cash Proffers	
TOWNS (Cont'd)		**2000**	**2010**
Lovettsville	*	IIF	IIF
Luray		IA	ID
Madison	*	ID	IA
Marion		ID	
McKenney	*	IA	IA
Melfa	*	IA	
Middleburg	*	IIF	IIF
Middletown	*	IC	IA
Mineral	*	IC	IA
Monterey	*		
Montross	*	IC	IA
Mount Crawford	*	IA	IA
Mount Jackson	*	IA	IA
Narrows	*	ID	
Nassawadox	*		
New Castle	*	IA	ID
New Market	*	IA	IA
Newsoms	*	ID	IA
Nickelsville	*	IA	
Occoquan	*	IIF	IIF
Onancock	*	IA	
Onley	*		
Orange		IA	IA
Painter	*		
Pamplin City	*	IC	IA
Parksley	*	IA	
Pearisburg	*	IA	
Pembroke	*	IA	
Pennington Gap	*		IC
Phenix	*	IC	IA
Pocahontas	*		

See "Notes" at end for explanation of "Principal Reason Eligible to Accept Cash Proffers."
Italicized localities have never qualified to collect cash proffers.

Name		Principal Reason Eligible to Accept Cash Proffers	
TOWNS (Cont'd)		**2000**	**2010**
Port Royal	*	IC	IC
Pound	*	IA	
Pulaski		ID	ID
Purcellville		IIF	IIF
Quantico	*	IIF	IIF
Remington	*	IA	IC
Rich Creek	*	ID	IA
Richlands			IA
Ridgeway	*	ID	
Rocky Mount		IC	IA
Round Hill	*	IIF	IIF
Rural Retreat	*	IA	IA
Saltville	*	IC	IC
Saxis	*		
Scottsburg	*	IC	
Scottsville	*	IA	IC
Shenandoah	*	IC	IA
Smithfield		IA	IA
South Boston		IA	

Name		Principal Reason Eligible to Accept Cash Proffers	
TOWNS (Cont'd)		**2000**	**2010**
South Hill		IC	IA
St. Charles	*		IC
St. Paul	*	IC	
Stanardsville	*	IA	IC
Stanley	*	IA	IA
Stephens City	*	IC	IA
Stony Creek	*	IC	ID
Strasburg		IA	IA
Stuart	*	IC	IA
Surry	*	IA	ID
Tangier	*		IA
Tappahannock	*	IA	IA
Tazewell			IA
The Plains	*	IA	IC
Timberville	*	IA	IA
Toms Brook	*	IA	IC
Troutdale	*	IA	
Troutville	*	IC	IC
Urbanna	*	IC	IC

Name		Principal Reason Eligible to Accept Cash Proffers	
TOWNS (Cont'd)		**2000**	**2010**
Victoria	*	IC	
Vienna		IIB	IIB
Vinton		IC	IC
Virgilina	*	IC	
Wachapreague	*		
Wakefield	*	IC	ID
Warrenton		IA	IA
Warsaw	*	IA	IA
Washington	*	IC	IC
Waverly	*	IC	ID
Weber City	*		
West Point	*	IC	IA
White Stone	*	IC	ID
Windsor	*	IC	IA
Wise	*		
Woodstock		IA	IA
Wytheville		IC	IA

See "Notes" at end for explanation of "Principal Reason Eligible to Accept Cash Proffers."
Italicized localities have never qualified to collect cash proffers.

NOTES:
* = Localities not required to report cash proffer activity. 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 35 of the 177 eligible towns are required to report proffered cash payments.

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:

Localities in italics have never been authorized to accept cash proffers.

Staff, Commission on Local Government, 3/1/2011

APPENDIX C

Survey Instrument for
Local Government Revenues and Expenditures
Derived from Proffered Cash Payments
2012 – 2013

Commission on Local Government
2013 Survey of Cash Proffers Accepted by Local Governments

Date: _____

Locality: _____ County ☐ City ☐ Town ☐

Name: _____ Title: _____
Phone: _____ Fax: _____
Email: _____

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

YES	NO
☐	☐

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

Did your locality accept cash proffers at any time during the 2012-2013 Fiscal Year?

YES	NO
☐	☐

If you answered "No" for the 2012-2013 Fiscal Year, additional information is <u>not</u> needed. Please return the survey to the Commission on Local Government as indicated on the next page.

If you answered "Yes" for the 2012-2013 Fiscal Year, provide the following information concerning the cash proffers accepted by your locality: (See definitions on next page.)

	FY2012-2013
1. Total Amount of <u>Cash Proffer Revenue Collected</u> by the Locality during the 2012-2013 Fiscal Year:	$
2. Estimated Amount of <u>Cash Proffers Pledged</u> during the 2012-2013 Fiscal Year and <u>Whose Payment Was Conditioned Only on Time</u>:	$
3. Total Amount of <u>Cash Proffer Revenue Expended</u> by the Locality during the 2012-2013 Fiscal Year:	$

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)	$

QUESTIONS?
CONTACT ZACK ROBBINS AT THE COMMISSION ON LOCAL GOVERNMENT
Phone (804) 371-8010, Fax (804) 371-7090, or zachary.robbins@dhcd.virginia.gov

Commission on Local Government
2013 Survey of Cash Proffers Accepted by Local Governments

Please see other side.

Comments: Use additional sheet if necessary.	

Please complete this form and return it to the Commission on Local Government by September 30, 2013, using one of the following methods:

- By Mail: Zack Robbins
  Commission on Local Government
  600 E. Main Street, Suite 300
  Richmond, VA 23219

- By Fax: (804) 371-7090

- By Email: 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 email to:zachary.robbins@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 expended with cash proffer revenue in the specified fiscal year. Unaudited figures are acceptable.

QUESTIONS?
CONTACT ZACK ROBBINS AT THE COMMISSION ON LOCAL GOVERNMENT
Phone (804) 371-8010, Fax (804) 371-7090, or zachary.robbins@dhcd.virginia.gov

APPENDIX D

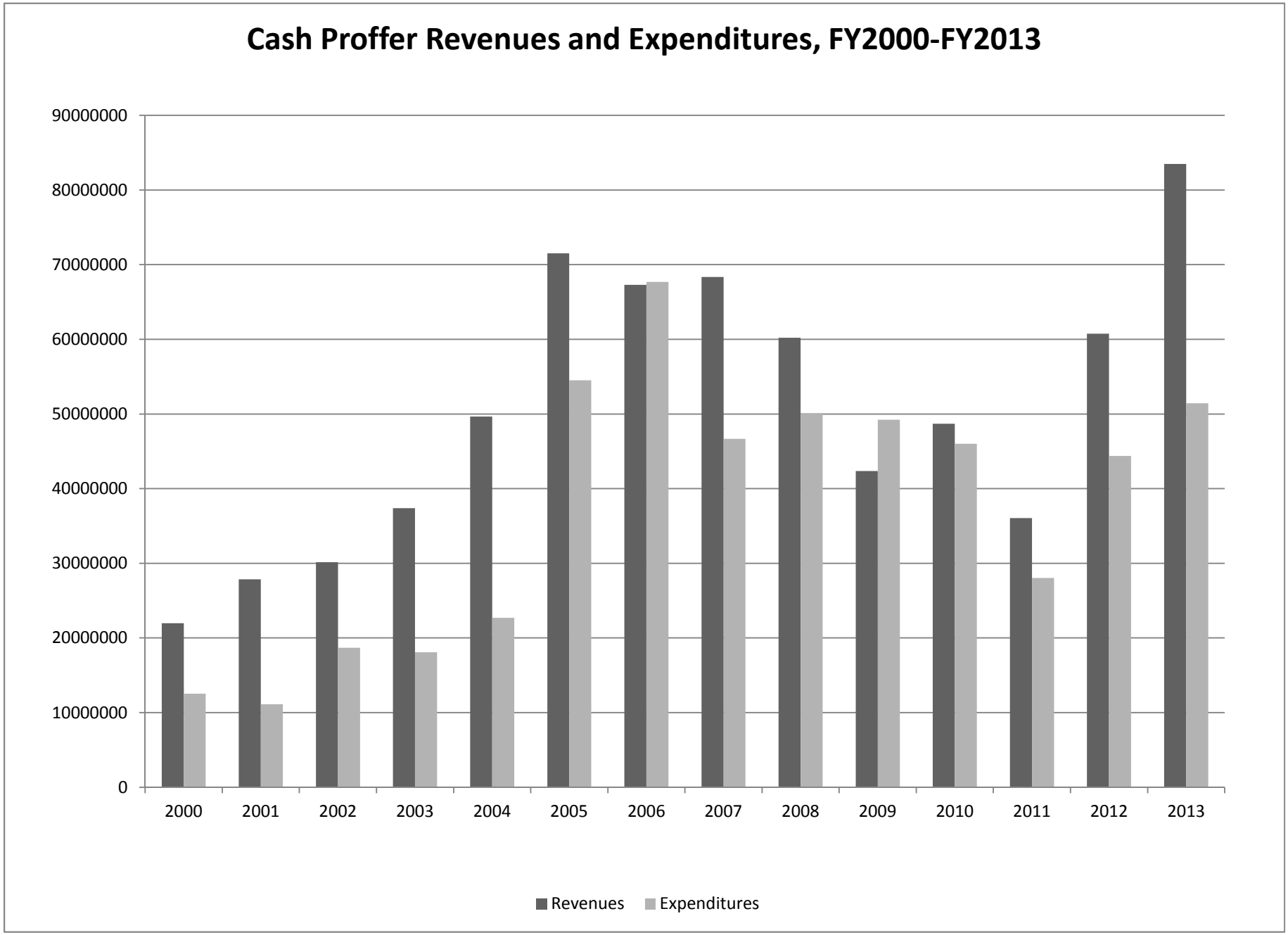
Summary of Survey Responses from Localities
Accepting Proffered Cash Payments
2012 – 2013

Appendix D
Summary of Survey Responses from Localities Accepting Proffered Cash Payments
Fiscal Year 2012-2013

				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	2,018,745	1,595,713	206,292	24,016	-	83,379	-	24,016	-	-	74,880	-	-	-
Amelia	10,440	25,746	134,240	-	134,240	-	-	-	-	-	-	-	-	-
Caroline	294,776	-	194,389	-	-	-	-	44,588	149,801	-	-	-	-	-
Chesterfield	8,775,275	-	4,512,127	50,057	3,734,369	164,700	175,000	388,001	-	-	-	-	-	-
Culpeper	40,000	-	-	-	-	-	-	-	-	-	-	-	-	-
Dinwiddie	-	-	17,595	17,595	-	-	-	-	-	-	-	-	-	-
Fairfax	6,815,588	11,968,505	6,256,177	1,415,294	3,164,311	-	-	764,313	-	-	-	-	912,259	-
Fauquier	120,430	-	9,665	-	9,665	-	-	-	-	-	-	-	-	-
Fluvanna	3,000	-	45,000	-	-	45,000	-	-	-	-	-	-	-	-
Frederick	1,185,263	-	765,211	-	650,000	40,211	-	75,000	-	-	-	-	-	-
Goochland	693,529	-	894,744	715,000	45,000	18,000	116,744	-	-	-	-	-	-	-
Greene	12,000	-	-	-	-	-	-	-	-	-	-	-	-	-
Hanover	1,060,653	30,493,119	121,830	121,830	-	-	-	-	-	-	-	-	-	-
Isle of Wight	1,276,773	-	-	-	-	-	-	-	-	-	-	-	-	-
James City	66,855	-	66,786	42,135	-	6,325	-	123	13,362	-	4,840	-	-	-
King and Queen	8,895	-	8,895	-	-	8,895	-	-	-	-	-	-	-	-
King William	37,343	-	817,922	642,225	-	175,697	-	-	-	-	-	-	-	-
Loudoun	38,799,298	-	16,095,090	76,251	3,816,702	5,351,060	5,420,000	1,351,012	80,064	-	-	-	-	-
Louisa	16,640	-	-	-	-	-	-	-	-	-	-	-	-	-
Middlesex	4,980	-	-	-	-	-	-	-	-	-	-	-	-	-
New Kent	210,853	-	202,112	202,112	-	-	-	-	-	-	-	-	-	-
Orange	155,000	-	-	-	-	-	-	-	-	-	-	-	-	-
Powhatan	199,582	88,861	-	-	-	-	-	-	-	-	-	-	-	-
Prince George	33,544	-	479,724	-	-	172,573	49,706	-	-	-	-	-	-	257,445
Prince William	16,265,422	-	17,932,332	10,954,217	3,773,915	136,026	553,913	2,017,454	-	-	496,807	-	-	-
Rockingham	17,500	-	-	-	-	-	-	-	-	-	-	-	-	-
Southampton	-	-	22,923	16,932	-	2,047	1,810	-	-	-	-	-	-	2,134
Spotsylvania	966,559	-	416,431	-	315,763	-	4,500	-	-	-	-	-	-	96,168
Stafford	966,630	2,813,000	572,083	198,105	150,000	-	-	211,000	-	-	-	-	-	12,978
Total Counties	$ 80,055,573	$ 46,984,944	$ 49,771,568	$ 14,475,770	$ 15,793,965	$ 6,203,914	$ 6,321,673	$ 4,875,508	$ 243,227	$ -	$ 576,527	$ -	$ 912,259	$ 368,725
Chesapeake	1,747,154	1,749,140	1,088,186	901,734	51,483	-	134,970	-	-	-	-	-	-	-
Fairfax	190,000	-	-	-	-	-	-	-	-	-	-	-	-	-
Fredericksburg	14,000	-	-	-	-	-	-	-	-	-	-	-	-	-
Manassas	836,016	-	325,268	123,000	167,668	-	-	-	34,600	-	-	-	-	-
Manassas Park	186,270	-	-	-	-	-	-	-	-	-	-	-	-	-
Suffolk	86,358	-	-	-	-	-	-	-	-	-	-	-	-	-
Williamsburg	10,000	-	10,000	-	10,000	-	-	-	-	-	-	-	-	-
Total Cities	$ 3,069,798	$ 1,749,140	$ 1,423,454	$ 1,024,734	$ 229,151	$ -	$ 134,970	$ -	$ 34,600	$ -	$ -	$ -	$ -	$ -
Culpeper	22,995	-	-	-	-	-	-	-	-	-	-	-	-	-
Leesburg	343,065	-	187,340	-	46,444	-	-	80,847	-	-	60,049	-	-	-
Smithfield	1,500	-	36,245	-	36,245	-	-	-	-	-	-	-	-	-
Total Towns	$ 367,560	$ -	$ 223,585	$ -	$ 82,689	$ -	$ -	$ 80,847	$ -	$ -	$ 60,049	$ -	$ -	$ -
Grand Total	$ 83,492,932	$ 48,734,083	$ 51,418,607	$ 15,500,504	$ 16,105,805	$ 6,203,914	$ 6,456,643	$ 4,956,355	$ 277,827	$ -	$ 636,576	$ -	$ 912,259	$ 368,725
		Percent of Total Cash Proffer Expenditures		30.1%	31.3%	12.1%	12.6%	9.6%	0.5%	0.0%	1.2%	0.0%	1.8%	0.7%

APPENDIX E

Summary of Statewide Cash Proffer Revenues and Expenditures
FY 1999 – 2000
through
FY 2012 – 2013


Cash Proffer Revenues and Expenditures, FY2000-FY2013
90000000
80000000
70000000
60000000
50000000
40000000
30000000
20000000
10000000
0
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
Revenues
Expenditures