Report on Proffered Cash Payments and Expenditures By Virginia's Counties, Cities and Towns 2018-2019

Commission on Local Government
Commonwealth of Virginia

November 2019

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Commission on Local Government (CLG)

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REPORT OF THE COMMISSION ON LOCAL GOVERNMENT
DISCLOSURE OF PROFFERED CASH PAYMENTS AND EXPENDITURES
2018 – 2019

INTRODUCTION

Frequently, where competing and incompatible uses conflict, traditional zoning methods and procedures are inadequate. Section 15.2-2296 of the Code of Virginia authorizes governing bodies to accept proffers through conditional zoning. Localities under §15.2-2296 through §15.2-2300 have been authorized to accept proffers, and the number of localities authorized to collect proffers as a form of conditional zoning has expanded over the years. A proffer is a voluntary offer from a property owner as implied by §15.2-2296 Code of Virginia and can be an act, donation of money, a product, or services[1] 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. Upon approval by the local governing body, the conditions become part of the rezoning and pass with the ownership of the property.[2] Cash proffers are a form of conditional zoning that are generally used to offset the impacts of a particular development by providing funding for new roads, schools, or other public facilities and services. Cash proffers can be used for onsite or offsite improvements to offset impacts from a new commercial or residential development.[3]

In 2016, the General Assembly passed new legislation addressing residential developments and cash proffers; stipulating that onsite or offsite proffers must be specifically attributable to a proposed new residential development and must directly address an impact to an offsite facility. A voluntary cash proffer is considered unreasonable unless the residential development created a need for one or more public facility improvements and the new development would receive a direct benefit from those improvements. Localities are only allowed to accept cash proffers for roads, schools, public safety or parks and recreation that would need improvements or a brand new facility as a direct impact of a new residential development. This limits how cash proffers can be used for residential developments, however; localities can still accept cash proffers for commercial developments for 11 different types of uses as listed under §15.2-2303.2 Code of Virginia.[4]

Section 15.2-2297 of the Code of Virginia stipulates that 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 regulations provided for in the zoning district or zone by the ordinance, as part of a rezoning or amendment to a zoning map. Furthermore, (1) the rezoning itself must give rise for the need for the conditions; (2) the conditions shall have a reasonable relation to the rezoning; (3) the conditions shall not include a cash contribution to the locality; (4) the conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in 15.2-2241; (5) the conditions shall not include a requirement that the applicant create a property

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[1] Kamptner, Greg, *The Albemarle County Land Use Law Handbook.(June 2017)* Chapter 11, Page 11-1
[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] Appendix A

owners association under Chapter 26 (55-508) of Title 55 which includes an express further condition that members of a property owners association pay an assessment for the maintenance of public facilities not otherwise provided for in 15.2-2241; however such facilities shall not include sidewalks, special street signs or markers, or special street lighting in public rights-of-way not maintained by the Department of Transportation; (6) the conditions shall not include payment for or construction of off-site improvements except those provided for in 15.2-2241; (7) no condition shall be proffered that is not related to the physical development or physical operation of property; and (8) all such conditions shall be in conformity with the comprehensive plan as defined in 15.2-2223.

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 voluntarily proffered cash payments. These cash proffers, comprise either (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 no conditioned on any event other than time; and (3) the total dollar amount of proffered cash payments expended by the locality in each of the following categories: 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, and miscellaneous.

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, a total of 298 Virginia localities (89 counties, 36 cities, and 173 towns) were eligible to accept cash proffers during FY2019.[5] The table below shows the statutory authority for and categories of localities eligible to accept cash proffers.

[5] 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; 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.

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.

SURVEY ON THE USE OF PROFFERED CASH PAYMENTS

In July of 2019, Commission staff sent by electronic mail a survey[6] to the chief administrative officers of the 162 localities that were required to report their acceptance of cash proffers during FY 2018-19. Each locality was requested to complete the survey by September 30, 2019. In October, additional follow up was made to the jurisdictions that had not responded to the initial request. All localities responded to the survey; and, as a result, there is a 100% response rate for FY2019.

The survey revealed that 33 (20%) of the 162 eligible localities (26 counties, 4 cities, and 3 towns) reported cash proffer collections during FY2019. In FY2018 36 localities reported collecting and expending cash proffers, a drop by three localities over the past year. During the current period, the aggregate amount of cash proffers collected and expended by those jurisdictions was $83,376,382.41 and $49,574,414.50, respectively. Cash proffer collections increased by 4.9% from FY2018, and expenditures decreased by 35.5%.

The survey results revealed that the majority of cash proffers expended for FY2019 were for roads and other transportation improvements (31%), schools (31%) and Parks, Recreation, and Open Space (25%). These top three categories for expenditures are compliant with section §15.2-2303.4 of the Code of Virginia, which allows cash proffers to be proffered and expended towards schools, public safety, parks and recreation, or roads and other transportation improvements. A chart depicting the allocation of expenditures to various improvement categories is provided on the next page. The chart still depicts the 11 categories authorized for cash proffers as seen in §15.2-2303.2 Code of Virginia due to code provisions that allow localities to hold cash proffers for up to twelve years before they need to be expended.[7] Localities must start the process however (engineering, site construction, etc.) if they are to hold onto the proffered cash payments for up to 12 years. In addition, localities can still collect cash proffers for any of the categories listed in §15.2-2303.2 Code of Virginia for commercial developments.[8]

All responses from the FY2019 survey for individual local governments are reported in Appendix D. Appendix E include a chart of the revenues and expenditures for all localities for each fiscal year from FY 2000 through present.

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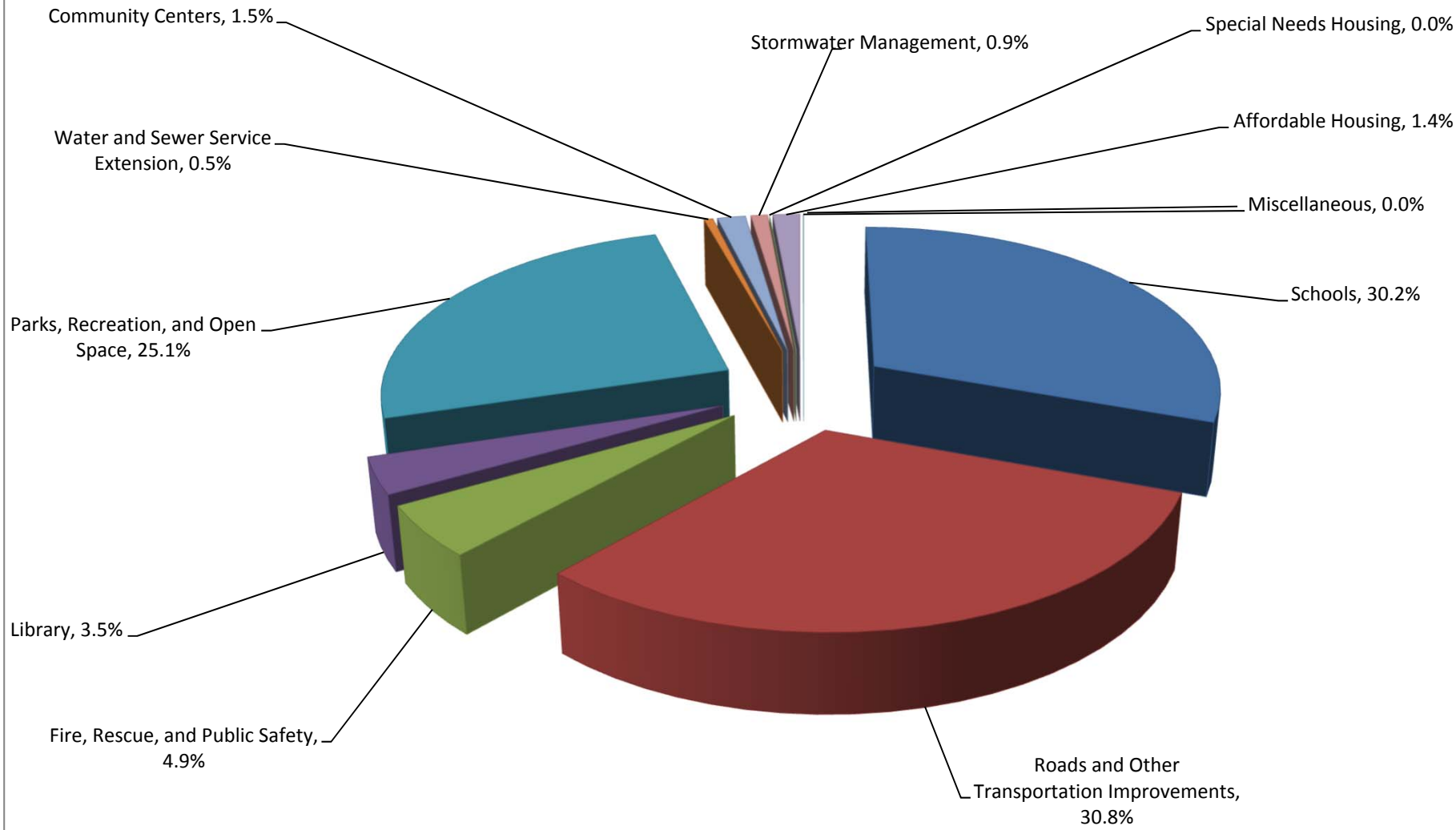
[6] Appendix C contains a copy of the electronic survey instrument. In 2003, the General Assembly enacted HB 2600, which changed the scope of the Commission's survey on the acceptance of cash proffers. The legislature exempted localities with a resident population of less than 3,500 from the reporting requirement. Because of that provision, only 37 of the 173 eligible towns must report on their acceptance of cash proffers

[7] § 15.2-2303.2 section A of the Code of Virginia

[8] Appendix A

Proffered Funds Expended by Category of Use, FY 2018-2019



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 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 33.2 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 E, 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 § 33.2-357. 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: (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; (b) the alternative improvements are within the vicinity of the proposed improvements for which the cash payments were proffered; and (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. Notwithstanding any provision of this section or any other provision of law, general or special, no cash payment proffered pursuant to § 15.2-2298, 15.2-2303, or 15.2-2303.1 shall be used for any capital improvement to an existing facility, such as a renovation or technology upgrade, that does not expand the capacity of such facility or for any operating expense of any existing facility such as ordinary maintenance or repair.

E. 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	$_____

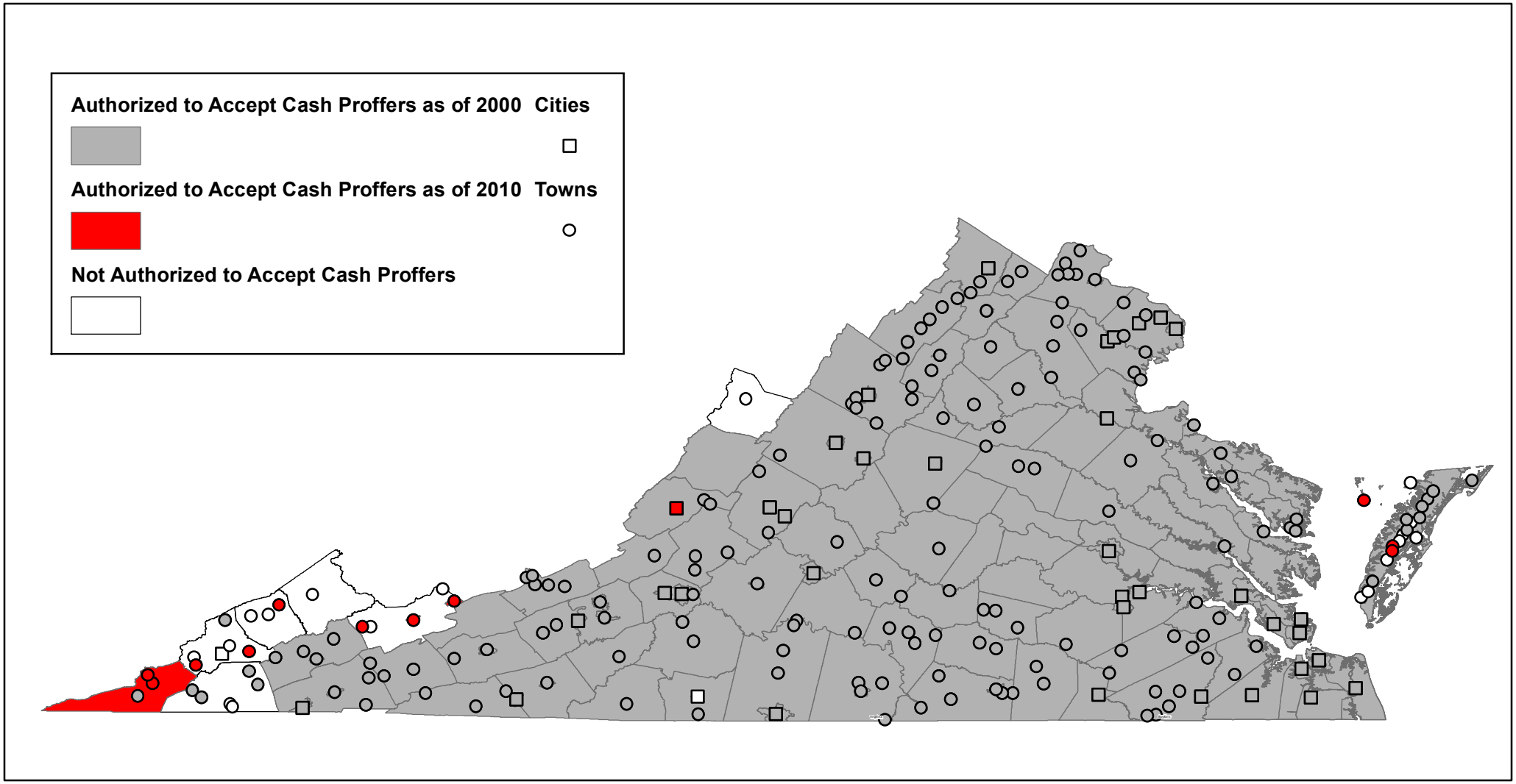
F. The governing body of any locality with a population in excess of 3,500 persons eligible to accept any proffered cash payments pursuant to § 15.2-2298, 15.2-2303, or 15.2-2303.1 but that did not accept any proffered cash payments during the preceding fiscal year shall within three months of the close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

G. 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 E and F.

APPENDIX B

Localities Eligible by Statute to Accept Proffered Cash Payments

Localities Authorized to Accept Cash Proffers in Virginia



N

0 15 30 60 90 120 Miles

Source: Virginia Department of Housing & Community Development, Commission on Local Government

12/7/2016

Name	Principal Reason Eligible to Accept Cash Proffers	
CITIES	**2000**	**2010**
Alexandria	IIC	IIC
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
Radford	IB	IB

Name	Principal Reason Eligible to Accept Cash Proffers	
CITIES (Cont'd)	**2000**	**2010**
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
Carroll	IA	

Name	Principal Reason Eligible to Accept Cash Proffers	
COUNTIES (Cont'd)	**2000**	**2010**
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
James City	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**
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	III	III
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
Rockbridge	IA	IA

Name		Principal Reason Eligible to Accept Cash Proffers	
COUNTIES (Cont'd)		**2000**	**2010**
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
Bedford		IC	IC
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:

A. New Kent County

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

Staff, Commission on Local Government, 10/18/2019

APPENDIX C

Survey Instrument for
Local Government Revenues and Expenditures
Derived from Proffered Cash Payments
2018– 2019

FY2018-2019 Cash Proffer Survey

Virginia Commission on Local Government: Fiscal Year 2018-2019 Cash Proffer Survey

1. Please provide your contact information: *

Locality Name

Contact Name

Position/Title

Phone Number:

Email Address

2. Is your locality a City, County or Town? *

City
County
Town

3. **Did your locality accept cash proffers at any time during the 2018-2019 Fiscal Year?**

If you answered "No" for the 2018-2019 Fiscal Year, additional information is not needed. *

A cash proffer is (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. This does NOT include cash contributions imposed through conditional/provisional/special use permits as authorized by § 15.2-2286 (A)(3).

Yes
No

4. Enter the total amount of cash proffer revenue collected by the locality during the 2018-2019 fiscal year:

This is the 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.

5. Enter the estimated amount of cash proffers pledged during the 2018-2019 fiscal year by which payment is conditioned only on time:

These are cash proffers conditioned only on time (i.e. linked to a specific date or specified time following rezoning approval but NOT an unknown date such as at the time of certificate of occupancy) approved by the locality as part of a rezoning case. Unaudited figures for the specified fiscal year are acceptable.

6. Enter the total amount of cash proffer revenue expended by the locality during the 2018-2019 fiscal year:

This is the total dollar amount of public projects expended with cash proffer revenue in the specified fiscal year.

Unaudited figures are acceptable.

7. Indicate the purpose(s) and amount(s) (in whole numbers) for which the expenditures in the previous question were made: *

The Total amount at the bottom should equal the amount reported in question #6.

	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 : 0

8. Please share any additional comments regarding any unique circumstances surrounding the information you provided in this survey.

APPENDIX D

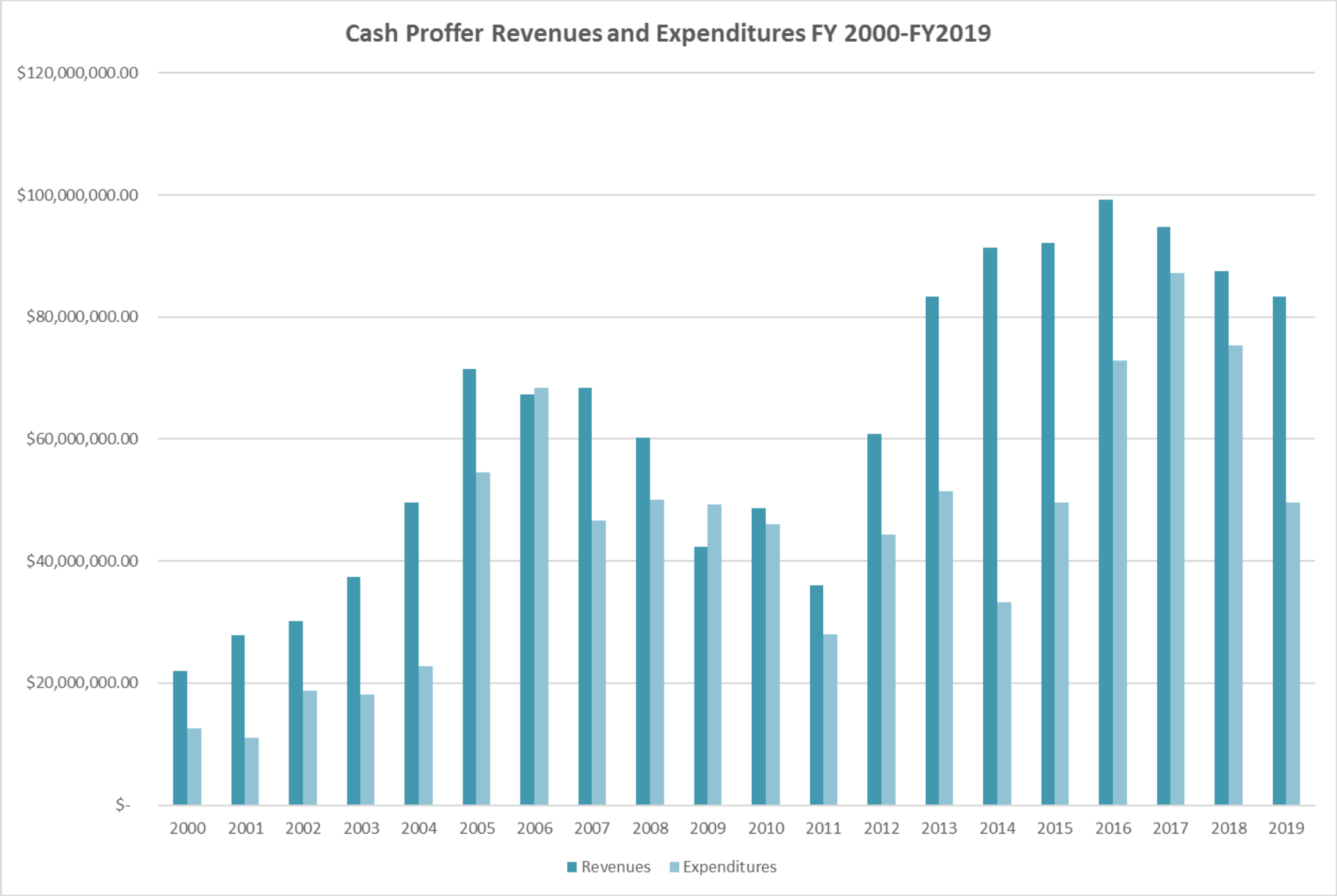
Summary of Survey Responses from Localities
Accepting Proffered Cash Payments
Fiscal Year 2018 – 2019

Appendix D
Summary of Survey Responses from Localities Accepting Proffered Cash Payments
Fiscal Year 2018-2019

Locality	Total Cash Proffer Revenue Collected	Total Pledged but Payment Conditioned Only on Time	Total Cash Proffer Revenue Expended	Schools	Roads and Other Transportation	Fire, Rescue and Public Safety	Library	Parks, Recreation, and Open Spaces	Water and Sewer Service Extension	Community Centers	Stormwater Management	Soecial Needs Housing	Affordable Housing	Miscelaneous
Albemarle	$ 1,285,839.23	$ -	$ 746,908.58	$ -	$ 705,524.00	$ -	$ -	$ 41,384.58	$ -	$ -	$ -	$ -	$ -	$ -
Amelia	$ 650,495.67	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Caroline	$ 101,536.23	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Chesterfield	$ 4,042,045.64	$ -	$ 11,525,149.94	$ 6,600,000.00	$ 2,959,072.05	$ 42,363.22	$ 639,370.80	$ 1,284,343.87	$ -	$ -	$ -	$ -	$ -	$ -
Culpeper	$ 77,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Fairfax	$ 19,298,669.00	$ -	$ 6,109,551.00	$ 2,199,131.00	$ 1,299,599.00	$ 188,308.00	$ -	$ 1,662,316.00	$ -	$ -	$ 56,500.00	$ -	$ 703,697.00	$ -
Fauquier	$ 394,878.98	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Frederick	$ 1,270,075.58	$ -	$ 215,785.00	$ -	$ -	$ -	$ -	$ 215,785.00	$ -	$ -	$ -	$ -	$ -	$ -
Gloucester	$ 12,100.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Goochland	$ 730,444.00	$ 1,646,394.00	$ 392,000.00	$ -	$ 42,000.00	$ 350,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Greene	$ 4,000.00	$ -	$ 17,500.00	$ 17,500.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Hanover	$ 792,278.00	$ -	$ 362,067.79	$ -	$ 362,067.79	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Isle of Wight	$ 393,900.00	$ -	$ 2,779,800.00	$ 2,520,000.00	$ 259,800.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
James City	$ 868,045.22	$ -	$ 868,045.22	$ 555,335.92	$ 15,381.81	$ 18,148.15	$ 2,948.82	$ 23,646.39	$ 213,824.89	$ 15,381.81	$ 23,377.43	$ -	$ -	$ -
King William	$ 304,224.58	$ -	$ 26,697.78	$ -	$ -	$ 26,297.78	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 3,400.00
Loudoun	$ 20,674,591.70	$ -	$ 16,456,167.52	$ -	$ 6,834,727.54	$ 1,276,974.30	$ 292,199.00	$ 7,331,863.28	$ -	$ 720,403.40	$ -	$ -	$ -	$ -
Louisa	$ 19,250.00	$ -	$ 19,250.00	$ -	$ -	$ 19,250.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
New Kent	$ 662,014.00	$ -	$ 392,824.00	$ 152,762.00	$ -	$ 240,062.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Powhatan	$ 202,841.40	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Prince William	$ 16,144,511.01	$ -	$ 3,249,094.05	$ -	$ 343,680.92	$ -	$ 761,758.08	$ 1,788,213.05	$ -	$ -	$ 352,442.00	$ -	$ -	$ 3,000.00
Rockingham	$ 21,000.00	$ -	$ 161,500.00	$ 77,000.00	$ -	$ 84,500.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Southampton	$ 2,360.00	$ -	$ 2,360.00	$ 1,742.39	$ -	$ 204.37	$ 190.69	$ -	$ -	$ -	$ -	$ -	$ -	$ 222.55
Spotsylvania	$ 992,291.29	$ -	$ 1,818,777.00	$ -	$ 1,798,777.00	$ -	$ -	$ -	$ 20,000.00	$ -	$ -	$ -	$ -	$ -
Stafford	$ 6,906,662.00	$ -	$ 104,998.15	$ -	$ -	$ -	$ -	$ 104,998.15	$ -	$ -	$ -	$ -	$ -	$ -
Warren	$ 187,168.00	$ -	$ 162,748.14	$ 133,891.00	$ -	$ 28,857.14	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
York	$ 1,243,676.95	$ -	$ 137,000.00	$ -	$ 137,000.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total Counties	**$ 77,281,898.48**	**$ 1,646,394.00**	**$ 45,548,224.17**	**$ 12,257,362.31**	**$ 14,757,630.11**	**$ 2,274,964.96**	**$ 1,696,467.39**	**$ 12,452,550.32**	**$ 233,824.89**	**$ 735,785.21**	**$ 432,319.43**	**$ -**	**$ 703,697.00**	**$ 6,622.55**
Chesapeake	$ 1,796,398.57	$ -	$ 806,583.38	$ 744,478.38	$ 37,200.00	$ -	$ 24,905.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Fredericksburg	$ 610,060.00	$ -	$ 59,914.00	$ -	$ 59,914.00	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Manassas	$ 1,377,436.00	$ -	$ 1,704,612.75	$ 1,135,410.00	$ 411,850.00	$ 157,352.75	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Suffolk	$ 828,402.38	$ -	$ 828,402.38	$ 828,402.38	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total Cities	**$ 4,612,296.95**	**$ -**	**$ 3,399,512.51**	**$ 2,708,290.76**	**$ 508,964.00**	**$ 157,352.75**	**$ 24,905.00**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**
Herndon	$ 217,740.00	$ -	$ 31,601.27	$ -	$ 25,419.64	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 6,181.63
Leesburg	$ 1,137,703.08	$ 181,806.00	$ 595,076.55	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ 455.98	$ -	$ -	$ -
Purcellville	$ 126,743.90	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -	$ -
Total Towns	**$ 1,482,186.98**	**$ 181,806.00**	**$ 626,677.82**	**$ -**	**$ 25,419.64**	**$ -**	**$ -**	**$ -**	**$ -**	**$ -**	**$ 455.98**	**$ -**	**$ -**	**$ 6,181.63**
Grand Totals	**$ 83,376,382.41**	**$1,828,200.00**	**$49,574,414.50**	**$14,965,653.07**	**$15,292,013.75**	**$2,432,317.71**	**$1,721,372.39**	**$12,452,550.32**	**$233,824.89**	**$735,785.21**	**$432,775.41**	**$0.00**	**$703,697.00**	**$12,804.18**

APPENDIX E

Summary of Statewide Cash Proffer Revenues and Expenditures FY 1999 – 2000 through FY 2018 – 2019


Cash Proffer Revenues and Expenditures FY 2000-FY2019
$120,000,000.00
$100,000,000.00
$80,000,000.00
$60,000,000.00
$40,000,000.00
$20,000,000.00
$-
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009
2010
2011
2012
2013
2014
2015
2016
2017
2018
2019
Revenues
Expenditures