

**Report on Proffered
Cash Payments and Expenditures
By Virginia's Counties, Cities and Towns
2015-2016**



**Commission on Local Government
Commonwealth of Virginia**

November 2016

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REPORT OF THE COMMISSION ON LOCAL GOVERNMENT

DISCLOSURE OF PROFFERED CASH PAYMENTS AND EXPENDITURES

2015 – 2016

INTRODUCTION

Section 15.2-2303.2 of the Code of Virginia directs the Commission on Local Government to annually collect data concerning local government revenues and expenditures resulting from the acceptance of 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, a total of 298 Virginia localities (89 counties, 36 cities, and 173 towns) were eligible to accept cash proffers during FY

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.

2016.⁴ 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	<p>With the exception of localities eligible under the terms of § 15.2-2303:</p> <ul style="list-style-type: none"> • Any locality with a decennial census growth rate $\geq 5\%$; • Any city adjoining another city or county which had a decennial census growth rate $\geq 5\%$; • Any towns located within a county which had a decennial census growth rate $\geq 5\%$; • Any county contiguous with at least three counties which had a decennial census growth rate $\geq 5\%$; and • Any towns located within a county which was contiguous with at least three counties which had a decennial census growth rate $\geq 5\%$.
§15.2-2303	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • New Kent County.

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 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 be 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 2016, 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 2015-16. Each locality was requested to return the completed survey by September 30, 2016.⁵ In early October, follow-up phone calls were made 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 however; as of November 14, 2016, two localities have yet to respond to the survey. As a result of these efforts, the final combined jurisdictional response rate was 98% as of November 14, 2016.

The survey revealed that 43 (26.54%) of the 162 eligible localities (29 counties, 8 cities, and 6 towns) reported cash proffer collections during FY 2016. This represents an increase of four localities (9.30%) in the number of local governments accepting cash proffers compared to FY 2015. During the current period, the aggregate amount of cash proffers collected and expended by those jurisdictions was \$99,510,927 and \$72,861,164, respectively.⁶ This represents an 8% increase in cash proffer collections from the previous fiscal year. Cash proffer expenditures increased by 47.15% over the same time period. These percent increases are based on corrections made to the 2015 report as described below.

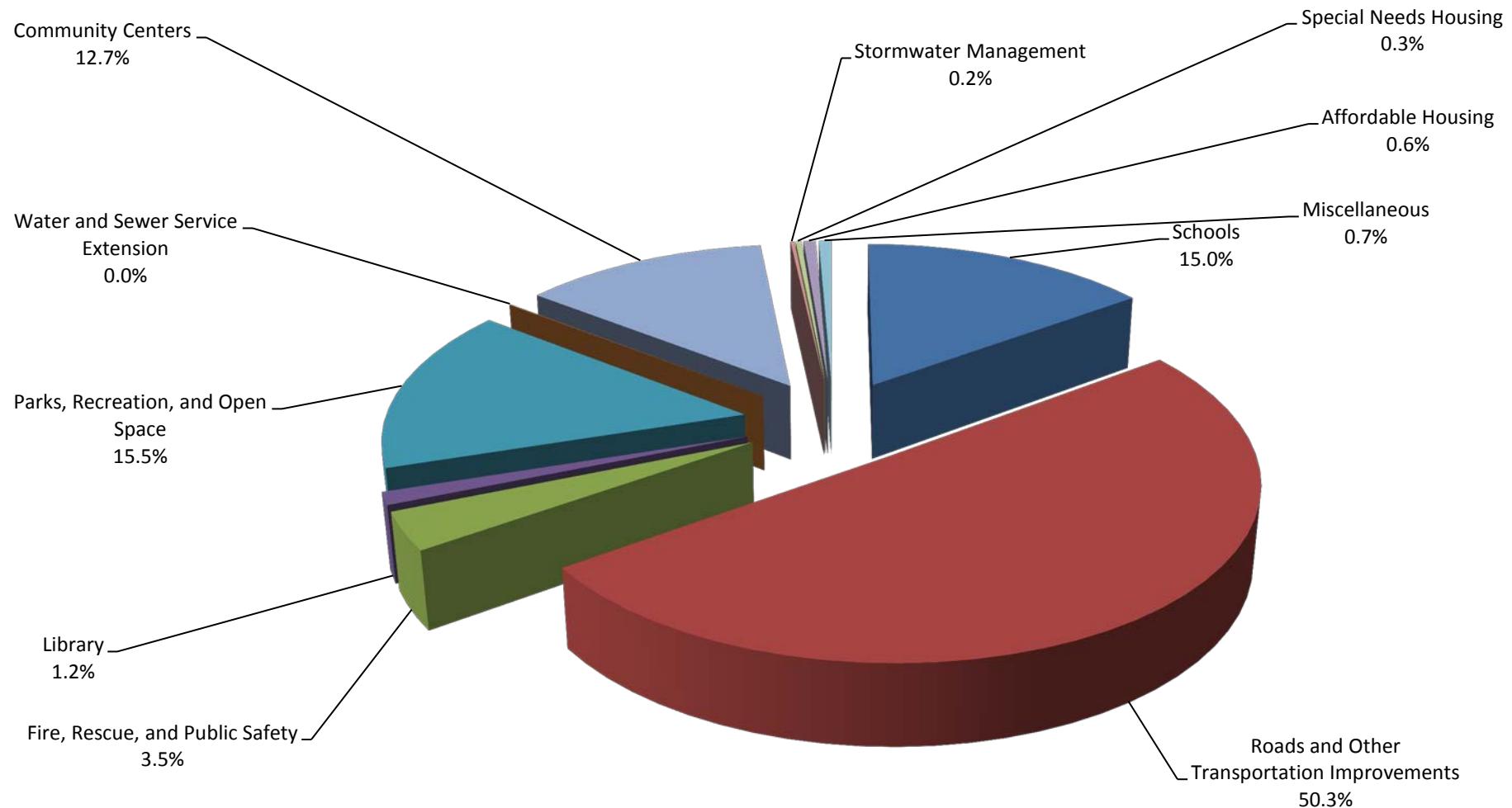
The survey also revealed that the largest share of cash proffer revenue expended in FY 2016 went towards roads and other transportation improvements (50.3% of total expenditures). A chart depicting the allocation of expenditures to various improvement categories is provided on the next page. The summary 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.

Note regarding the 2014 and 2015 reports: On August 12, 2016, the City of Fredericksburg provided a correction to their FY 2014 and FY 2015 data on cash proffer collections. The correct amount expended in FY 2014 is \$68,589. The total amount of cash proffers expended statewide for FY 2014 therefore is \$33,311,937 rather than \$33,243,348 as previously reported. The total for parks, recreation and open space cash proffer expenditures statewide for FY 2014 is now \$4,840,516 rather than \$4,771,927 as previously reported. For FY 2015, the City of Fredericksburg reported collecting \$6,896.54. The total amount collected for FY 2015 therefore is \$92,138,989 instead of \$92,132,092 as previously reported.

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 37 of the 173 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 2016 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 2015-2016



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	\$ _____

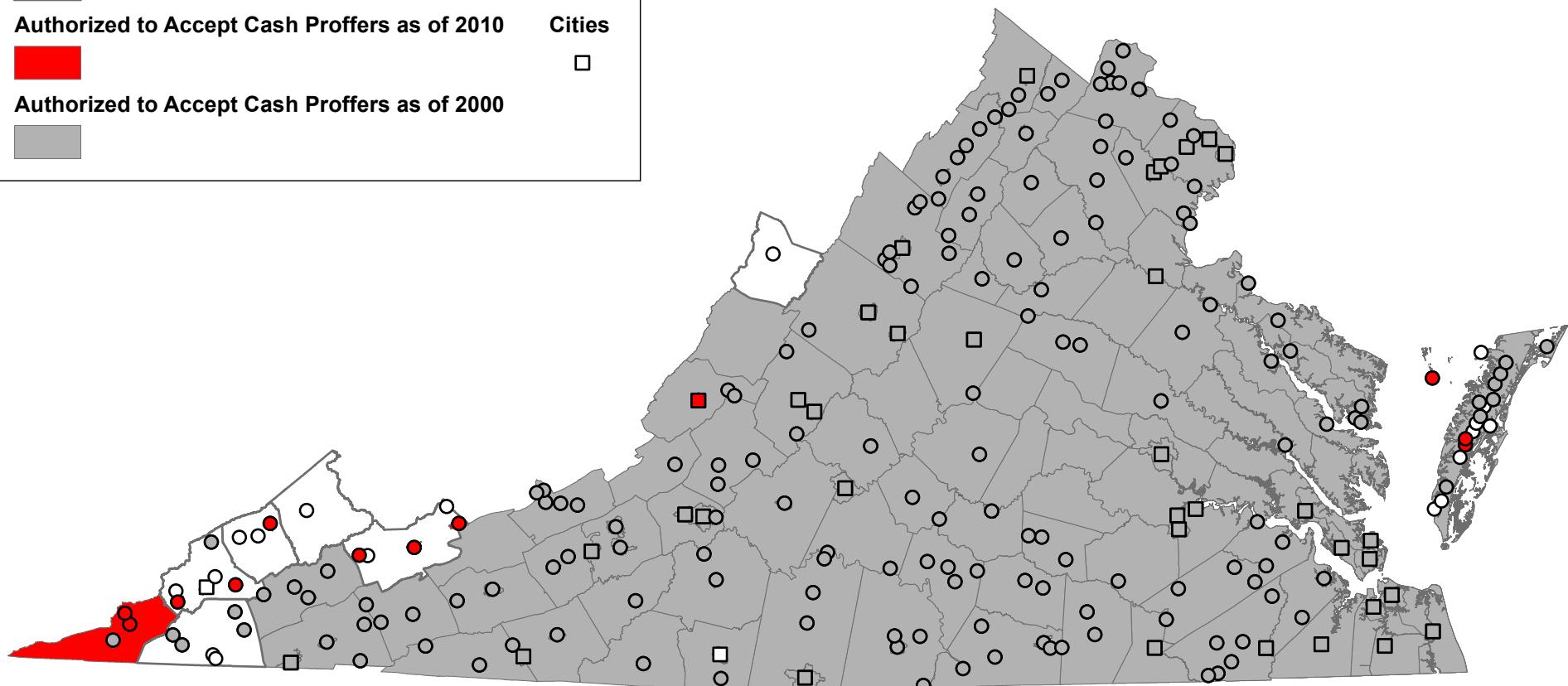
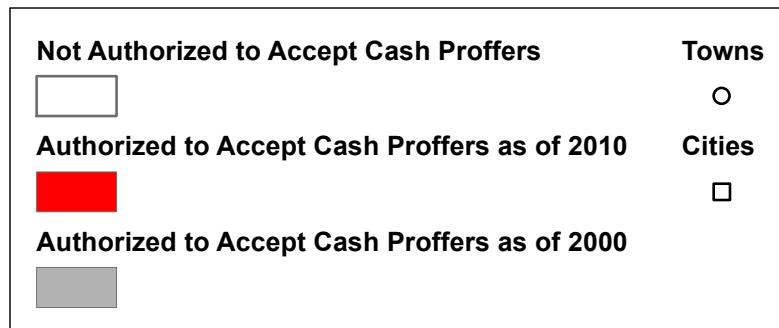
F. The governing body of any locality with a population in excess of 3,500 persons eligible to accept any proffered cash payments pursuant to § 15.2-2298, 15.2-2303, or 15.2-2303.1 but that did not accept any proffered cash payments during the preceding fiscal year shall within three months of the close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



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



5/25/2016

Principal Reason Eligible to			Principal Reason Eligible to			Principal Reason Eligible to		
Name	Accept Cash Proffers		Name	Accept Cash Proffers		Name	Accept Cash Proffers	
CITIES	2000	2010	CITIES (Cont'd)	2000	2010	COUNTIES (Cont'd)	2000	2010
Alexandria	IIC	IIC	Richmond	IB	IB	Charles City	IA	ID
Bristol	IB	IB	Roanoke	IB	IB	Charlotte	IA	ID
Buena Vista	IB	IB	Salem	IB	IB	Chesterfield	IA	IA
Charlottesville	IA	IB	Staunton	IB	IB	Clarke	ID	IA
Chesapeake	IA	IA	Suffolk	IA	IA	Craig	IA	ID
Colonial Heights	IA	IB	Virginia Beach	IA	IB	Culpeper	IA	IA
Covington		IB	Waynesboro	IA	IA	Cumberland	IA	IA
Danville	IB		Williamsburg	IB	IA	<i>Dickenson</i>		
Emporia	IA	IB	Winchester	IA	IA	Dinwiddie	IA	IA
Fairfax	IIC	IIC				Essex	IA	IA
Falls Church	IIC	IIC	COUNTIES			Fairfax	IIA	IIA
Franklin	IA	IB	Accomack	IIG	IIG	Fauquier	IA	IA
Fredericksburg	IB	IA	Albemarle	IA	IA	Floyd	IA	IA
Galax	IB		Alleghany	ID	IA	Fluvanna	IA	IA
Hampton	IA	IB	Amelia	IA	IA	Franklin	IA	IA
Harrisonburg	IA	IA	Amherst	IA	ID	Frederick	IA	IA
Hopewell	IB	IB	Appomattox	IA	IA	Giles	ID	
Lexington	IB	IB	Arlington	IID	IID	Gloucester	IA	IA
Lynchburg	IB	IA	Augusta	IA	IA	Goochland	IA	IA
Manassas	IIE	IIE	Bath	IA	ID	Grayson	IA	
Manassas Park	IIE	IIE	Bedford	IA	IA	Greene	IA	IA
<i>Martinsville</i>			Bland	IA		Greenville	IA	IA
Newport News	IA	IB	Botetourt	IA	IA	Halifax	IA	
Norfolk	IB	IB	Brunswick	IA		Hanover	IA	IA
<i>Norton</i>			<i>Buchanan</i>			Henrico	IA	IA
Petersburg	IB	IB	Buckingham	IA	IA	Henry	ID	
Poquoson	IA	IA	Campbell	IA	IA	<i>Highland</i>		
Portsmouth	IB	IB	Caroline	IA	IA	Isle of Wight	IA	IA
Radford	IB	IB	Carroll	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.

<u>Name</u>	<u>Principal Reason Eligible to Accept Cash Proffers</u>		<u>Name</u>	<u>Principal Reason Eligible to Accept Cash Proffers</u>		<u>Name</u>	<u>Principal Reason Eligible to Accept Cash Proffers</u>	
	<u>2000</u>	<u>2010</u>		<u>2000</u>	<u>2010</u>		<u>2000</u>	<u>2010</u>
COUNTIES (Cont'd)			COUNTIES (Cont'd)			TOWNS (Cont'd)		
King and Queen	IA	ID	Rockingham	IA	IA	Blacksburg	IA	IA
King George	IA	IA	Russell	IA		Blackstone	IA	ID
King William	IA	IA	<i>Scott</i>			Bloxom	*	IA
Lancaster	IA	ID	Shenandoah	IA	IA	Bluefield		IA
Lee		IA	Smyth	ID		Boones Mill	*	IA
Loudoun	IID	IID	Southampton	ID	IA	Bowling Green	*	IA
Louisa	IA	IA	Spotsylvania	IA	IA	Boyce	*	ID
Lunenburg	IA		Stafford	IA	IA	Boydtown	*	IC
Madison	ID	IA	Surry	IA	ID	Boykins	*	ID
Mathews	IA		Sussex	IA	ID	Branchville	*	IA
Mecklenburg	IA		<i>Tazewell</i>			Bridgewater		IA
Middlesex	IA	IA	Warren	IA	IA	Broadway		IA
Montgomery	IA	IA	Washington	IA	IA	Brodnax	*	IC
Nelson	IA	ID	Westmoreland	IA	ID	Brookneal	*	IC
New Kent	III	III	<i>Wise</i>			Buchanan	*	IC
Northampton	IIG	IIG	Wythe	IA	IA	Burkeville	*	ID
Northumberland	IA		York	IA	IA	<i>Cape Charles</i>	*	
Nottoway	ID	ID				Capron	*	IA
Orange	IA	IA	TOWNS			<i>Cedar Bluff</i>	*	
Page	IA	ID	Abingdon	IA	IA	Charlotte Court Ht	*	IC
Patrick	IA		Accomac	*	IA	Chase City	*	IC
Pittsylvania	IA	ID	Alberta	*	IC	Chatham	*	ID
Powhatan	IA	IA	Altavista	*	IC	<i>Cheriton</i>	*	
Prince Edward	IA	IA	Amherst	*	IA	Chilhowie	*	ID
Prince George	IA	IA	<i>Appalachia</i>	*		Chincoteague	*	IA
Prince William	IID	IID	Appomattox	*	IC	Christiansburg		IA
Pulaski	ID	ID	Ashland	IA	IA	Claremont	*	IC

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

Principal Reason Eligible to			Principal Reason Eligible to			Principal Reason Eligible to		
Name	Accept Cash Proffers		Name	Accept Cash Proffers		Name	Accept Cash Proffers	
Rappahannock	IA	IA	Bedford	IC	IC	Clarksville	*	IA
Richmond	IA	IA	Belle Haven	*	IA	Cleveland	*	IC
Roanoke	IA	IA	Berryville	ID	IA	Clifton	*	IIB
Rockbridge	IA	IA	Big Stone Gap		IA	Clifton Forge	ID	IC
TOWNS (Cont'd)	2000	2010	TOWNS (Cont'd)	2000	2010	TOWNS (Cont'd)	2000	2010
<i>Clinchco</i>	*		Glen Lyn	*	ID	Lovettsville	*	IIF
Clinchport	*	IA	Gordonsville	*	IA	Luray		IA
<i>Clintwood</i>	*		Goshen	*	IA	Madison	*	ID
Coeburn	*	IA	Gretna	*	IC	Marion		IA
Colonial Beach	IC	IA	Grottoes	*	IA	McKenney	*	IA
Columbia	*	IC	Grundy	*		Melfa	*	IA
Courtland	*	IA	Halifax	*	IA	Middleburg	*	IIF
Craigsville	*	IA	Hallwood	*	IA	Middletown	*	IC
Crewe	*	ID	Hamilton	*	IIF	Mineral	*	IC
Culpeper		IA	Haymarket	*	IIF	Monterey	*	
Damascus	*	IA	Haysi	*		Montross	*	IC
Dayton	*	IA	Herndon		IIB	Mount Crawford	*	IA
Dendron	*	IC	Hillsboro	*	IIF	Mount Jackson	*	IA
Dillwyn	*	IC	Hillsville	*	IA	Narrows	*	ID
Drakes Branch	*	IC	Honaker	*	IC	<i>Nassawadox</i>	*	
Dublin	*	IA	Hurt	*	IC	New Castle	*	IA
Duffield	*	IA	Independence	*	IC	New Market	*	IA
Dumfries		IIF	Iron Gate	*	ID	Newsoms	*	ID
Dungannon	*	IA	Irvington	*	IA	Nickelsville	*	IA
Eastville	*	IA	Ivor	*	ID	Occoquan	*	IIF
Edinburg	*	IC	Jarratt	*	IA	Onancock	*	IA
Elkton	*	IA	Jonesville	*	IA	<i>Onley</i>	*	
Exmore	*		Keller	*		Orange		IA
Farmville		IA	Kenbridge	*	IC	<i>Painter</i>	*	
Fincastle	*	IA	Keysville	*	IA	Pamplin City	*	IC

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

Principal Reason Eligible to			Principal Reason Eligible to			Principal Reason Eligible to		
Name	Accept Cash Proffers		Name	Accept Cash Proffers		Name	Accept Cash Proffers	
Floyd	*	IA	Kilmarnock	*	IA	Parksley	*	IA
Fries	*	IC	La Crosse	*	IA	Pearisburg	*	IA
Front Royal		IA	Lawrenceville	*	IC	Pembroke	*	IA
<i>Gate City</i>	*		Lebanon	*	IC	Pennington Gap	*	IC
Glade Spring	*	IC	Leesburg	IIF	IIF	Phenix	*	IC
Glasgow	*	IC	Louisa	*	IA	<i>Pocahontas</i>	*	
TOWNS (Cont'd)	2000	2010	TOWNS (Cont'd)	2000	2010	TOWNS (Cont'd)	2000	2010
Port Royal	*	IC	South Hill		IA	Victoria	*	IC
Pound	*	IA	St. Charles	*		Vienna		IIB
Pulaski		ID	St. Paul	*	IC	Vinton		IC
Purcellville		IIF	Stanardsville	*	IA	Virgiliina	*	IC
Quantico	*	IIF	Stanley	*	IA	<i>Wachapreague</i>	*	
Remington	*	IA	Stephens City	*	IC	Wakefield	*	IC
Rich Creek	*	ID	Stony Creek	*	IC	Warrenton		IA
Richlands			Strasburg		IA	Warsaw	*	IA
Ridgeway	*	ID	Stuart	*	IC	Washington	*	IC
Rocky Mount		IC	Surry	*	IA	Waverly	*	IC
Round Hill	*	IIF	Tangier	*		<i>Weber City</i>	*	
Rural Retreat	*	IA	Tappahannock	*	IA	West Point	*	IC
Saltville	*	IC	Tazewell			White Stone	*	IC
<i>Saxis</i>	*		The Plains	*	IA	Windsor	*	IA
Scottsburg	*	IC	Timberville	*	IA	Wise	*	
Scottsville	*	IA	Toms Brook	*	IA	Woodstock		IA
Shenandoah	*	IC	Troutdale	*	IA	Wytheville		IA
Smithfield		IA	Troutville	*	IC			
South Boston		IA	Urbanna	*	IC			

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.

APPENDIX C

**Survey Instrument for
Local Government Revenues and Expenditures
Derived from Proffered Cash Payments
2015 – 2016**

Commission on Local Government
2016 Survey of Cash Proffers Accepted by Local Governments

Date: _____

Locality: _____

County

City

Town

Name: _____

Title: _____

Phone: _____

Fax: _____

Email: _____

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

Did your locality accept cash proffers at any time during the 2015-2016 Fiscal Year?

If you answered "No" for the 2015-2016 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 2015-2016 Fiscal Year, provide the following information concerning the cash proffers accepted by your locality: (See definitions on next page.)

1. Total Amount of Cash Proffer Revenue Collected by the Locality during the 2015-2016 Fiscal Year:

FY2015-2016
\$
\$
\$

2. Estimated Amount of Cash Proffers Pledged during the 2015-2016 Fiscal Year and Whose Payment Was Conditioned Only on Time:

3. Total Amount of Cash Proffer Revenue Expended by the Locality during the 2015-2016 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)

\$

Comments:

Use additional sheet if necessary.

Comments: Use additional sheet if necessary.	
---	--

Please see other side for instructions.

Commission on Local Government

2016 Survey of Cash Proffers Accepted by Local Governments

Please complete this form and return it to the Commission on Local Government by September 30, 2016, using one of the following methods:

- By Mail: Kristen Dahlman
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: Kristen.Dahlman@dhcd.virginia.gov
- By Online Survey: Link to the survey was provided in a separate email.

Please ensure that only one response is generated for your locality; duplicate responses will require additional staff resources to determine which response is correct.

For any questions, please contact Kristen Dahlman at (804) 371-7017.

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

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 (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.

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.

APPENDIX D

**Summary of Survey Responses from Localities
Accepting Proffered Cash Payments
2015 – 2016**

Appendix D
Summary of Survey Responses from Localities Accepting Proffered Cash Payments
Fiscal Year 2015-2016

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		Parks, Recreation, and Open Space		Water and Sewer Service Extension		Community Centers		Stormwater Management		Special Needs Housing		Affordable Housing		Miscellaneous	
	Schools						Library															
Accomack	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Albemarle	\$ 1,101,505	\$ -	\$ 792,129	\$ 607,814	\$ 155,587	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 23,728	\$ 5,000				
Amelia	\$ 69,050	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Caroline	\$ 127,025	\$ -	\$ 267,127	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 261,627	\$ 5,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Chesterfield	\$ 6,820,051	\$ -	\$ 9,615,000	\$ 3,000,000	\$ 5,075,000	\$ 750,000	\$ 400,000	\$ 390,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Culpeper	\$ -	\$ 68,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Fairfax	\$ 16,353,480	\$ 1,500,000	\$ 1,502,771	\$ 411,093	\$ 299,106	\$ -	\$ -	\$ -	\$ 246,789	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 113,876	\$ 431,907	\$ -	\$ -				
Fauquier	\$ 825,753	\$ -	\$ 2,800	\$ -	\$ 2,800	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Frederick	\$ 1,797,355	\$ -	\$ 3,286,290	\$ 3,000,000	\$ -	\$ -	\$ -	\$ -	\$ 286,290	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Gloucester	\$ 43,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Goochland	\$ 727,873	\$ 285,000	\$ 281,600	\$ 281,600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Greene	\$ 20,000	\$ -	\$ 1,115	\$ -	\$ 1,115	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Hanover	\$ 1,170,854	\$ -	\$ 156,776	\$ -	\$ 156,776	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Henrico	\$ -	\$ -	\$ 160,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Isle of Wight	\$ 344,647	\$ -	\$ 227,580	\$ -	\$ 227,580	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
James City	\$ 763,403	\$ -	\$ 542,292	\$ 511,534	\$ -	\$ 6,771	\$ -	\$ -	\$ 7,608	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 16,379	\$ -	\$ -	\$ -				
King William	\$ 155,418	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Loudoun	\$ 42,051,672	\$ -	\$ 35,651,153	\$ -	\$ 19,807,295	\$ 840,304	\$ 12,081	\$ 5,625,991	\$ -	\$ 9,264,466	\$ -	\$ -	\$ 101,015	\$ -	\$ -	\$ -	\$ -	\$ -				
Louisa	\$ 17,160	\$ -	\$ 17,160	\$ -	\$ -	\$ 17,160	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Middlesex	\$ 5,000	\$ -	\$ 5,000	\$ 4,511	\$ -	\$ 489	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
New Kent	\$ 212,212	\$ -	\$ 296,991	\$ 67,350	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 229,641	\$ -				
Powhatan	\$ 410,204	\$ -	\$ 813,600	\$ 751,120	\$ -	\$ 62,480	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Prince George	\$ 49,176	\$ -	\$ 54,600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 54,600	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Prince William	\$ 15,116,081	\$ -	\$ 14,089,729	\$ -	\$ 8,804,649	\$ 471,842	\$ 188,824	\$ 4,492,052	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 132,362	\$ -	\$ -	\$ -				
Rockingham	\$ 90,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Shenandoah	\$ 7,858	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Southampton	\$ 2,260	\$ -	\$ 2,260	\$ 1,651	\$ -	\$ 213	\$ -	\$ 183	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 213				
Spotsylvania	\$ 1,368,762	\$ 200,000	\$ 801,471	\$ -	\$ 560,855	\$ 174,622	\$ -	\$ 405	\$ 25,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 40,589				
Stafford	\$ 2,742,131	\$ -	\$ 1,769,829	\$ 800,000	\$ 919,829	\$ -	\$ -	\$ 50,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Warren	\$ 221,812	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
York	\$ 69,400	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Total Counties	\$ 92,883,142	\$ 2,053,000	\$ 70,337,273	\$ 9,436,673	\$ 36,010,592	\$ 2,483,881	\$ 862,715	\$ 11,159,236	\$ 25,000	\$ 9,264,466	\$ 148,741	\$ 214,891	\$ 455,635	\$ 275,444								
Charlottesville	\$ 200,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Chesapeake	\$ 2,597,867	\$ 288,938	\$ 512,000	\$ 387,000.00	\$ 125,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Fairfax	\$ 191,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Fredericksburg	\$ 79,310	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Manassas	\$ 331,796	\$ -	\$ 871,378	\$ 751,378	\$ 20,000	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Manassas Park	\$ 1,278,970	\$ -	\$ 784,277	\$ 333,578	\$ 250,699	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 200,000				
Suffolk	\$ 300,248	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Virginia Beach	\$ 40,500	\$ 1,000	\$ 109,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 109,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Total Cities	\$ 5,020,191	\$ 289,938	\$ 2,276,655	\$ 1,471,956	\$ 395,699	\$ 100,000	\$ -	\$ 109,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 200,000					
Broadway	\$ 2,000	\$ -	\$ 2,000	\$ -	\$ 2,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Culpeper	\$ 94,500	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Herndon	\$ 104,000	\$ -	\$ 100,000	\$ -	\$ 100,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Leesburg	\$ 1,400,467	\$ -	\$ 144,726	\$ -	\$ 144,726	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Smithfield	\$ 510	\$ -	\$ 510	\$ -	\$ 510	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Strasburg	\$ 6,117	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -				
Total Towns	\$ 1,607,594	\$ -	\$ 247,236	\$ -	\$ 246,726	\$ 510	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -					
GRAND TOTAL	\$ 99,510,927	\$ 2,342,938	\$ 72,861,164	\$ 10,908,629	\$ 36,653,017	\$ 2,584,391	\$ 862,715	\$ 11,268,236	\$ 25,000	\$ 9,264,466	\$ 148,741	\$ 214,891	\$ 455,635	\$ 475,444								

Percent of Total Cash Proffer Expenditures 15.0% 50.3% 3.5% 1.2% 15.5% 0.0% 12.7% 0.2% 0.3% 0.6% 0.7%

APPENDIX E

**Summary of Statewide Cash Proffer Revenues and Expenditures
FY 1999 – 2000
through
FY 2015 – 2016**

Cash Proffer Revenues and Expenditures, FY2000-FY2016

