

**Report on Proffered  
Cash Payments and Expenditures  
By Virginia's Counties, Cities and Towns  
2004-2005**



**Commission on Local Government  
Commonwealth of Virginia**

**November 2005**

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# **REPORT OF THE COMMISSION ON LOCAL GOVERNMENT DISCLOSURE OF PROFFERED CASH PAYMENTS AND EXPEDITURES 2004-2005**

## **INTRODUCTION**

Section 15.2-2302.2 of the Code of Virginia directs the Commission on Local Government to collect annually data concerning local government revenues and expenditures resulting from the acceptance of voluntarily proffered cash payments.<sup>1</sup> These voluntarily proffered payments, also referred to as cash proffers, comprise either (1) any money voluntarily proffered in writing, signed by the owner of property subject to rezoning, and accepted by a locality pursuant to the authority granted by §15.2-2298 or §15.2-2303 of the Code of Virginia, or (2) any payment of money made pursuant to a development agreement entered into under the authority granted by §15.2-2303.1 of the Code of Virginia.

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

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

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

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

Although the Code of Virginia has authorized every jurisdiction to use some form of conditional zoning since 1987, only localities meeting specific criteria may accept cash proffers. On the basis of these criteria and data from the 2000 Census of Population, 254 Virginia localities (81 counties, 34 cities, and 139 towns) were eligible to accept cash proffers during FY 2005.<sup>4</sup> 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: <ul style="list-style-type: none"> <li>• Any locality with a decennial census growth rate <math>\geq 10\%</math>;</li> <li>• Any city adjoining another city or county which had a decennial census growth rate <math>\geq 10\%</math>;</li> <li>• Any towns located within a county which had a decennial census growth rate <math>\geq 10\%</math>; and</li> <li>• Any county contiguous with at least three counties which had a decennial census growth rate <math>\geq 10\%</math>,</li> </ul>
§15.2-2303	<ul style="list-style-type: none"> <li>• Any county with an urban county executive form of government (i.e., Fairfax County);</li> <li>• Any city adjacent to or completely surrounded by a county with an urban county executive form of government;</li> <li>• Any county contiguous to a county with an urban county executive form of government;</li> <li>• Any city adjacent to or completely surrounded by a county contiguous to a county with an urban county executive form of government;</li> <li>• Any town within a county contiguous to a county with an urban county executive form of government; and</li> <li>• Any county east of the Chesapeake Bay.</li> </ul>
§15.2-2303.1	<ul style="list-style-type: none"> <li>• Any county with a 1990 census population between 10,300 and 11,000 through which an interstate highway passes (i.e., New Kent County).</li> </ul>

### SURVEY ON THE USE OF PROFFERED CASH PAYMENTS

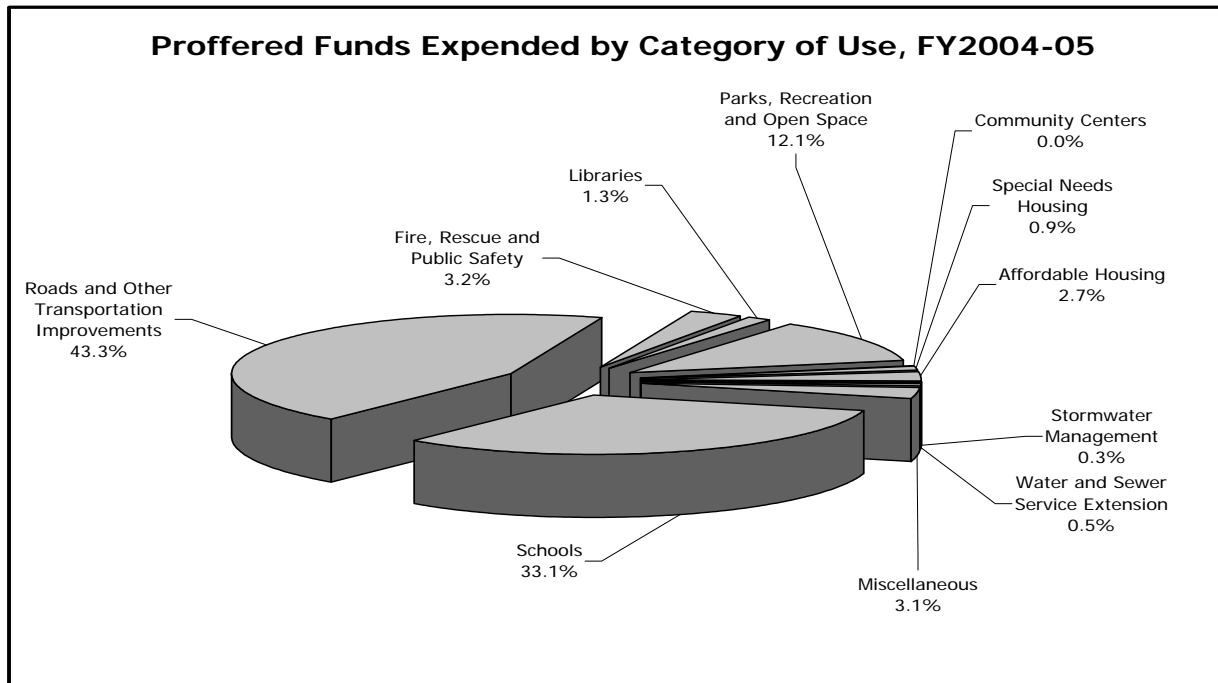
On July 6, 2005 a survey instrument was mailed to the chief administrative officers of the 142 localities that were required to report their acceptance of cash proffers during FY 2005.

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<sup>4</sup> U.S. Department of Commerce, Bureau of the Census, 1990 Census of Population, Number of Inhabitants, Table 4; U.S. Department of Commerce, Bureau of the Census, 2000 Census of Population and Housing, "Population of Counties and Cities, Virginia" ([http://www.ccps.virginia.edu/Demographics/2000\\_Census/SF1/SF1cities.html](http://www.ccps.virginia.edu/Demographics/2000_Census/SF1/SF1cities.html)) and "Population of Places, Virginia." ([http://www.ccps.virginia.edu/Demographics/2000\\_Census/SF1/SF1places.html](http://www.ccps.virginia.edu/Demographics/2000_Census/SF1/SF1places.html)) See Appendix B for the list of Virginia localities with statutory authority to accept cash proffers.

Each locality was requested to return the completed survey by September 30, 2005.<sup>5</sup> In early October a follow-up letter was sent to officials in those jurisdictions that had not responded to the initial request. A subsequent series of personal contacts was then made to assure a complete response. As a result of these efforts, the final combined jurisdictional response rate was 100%.

The survey found that only 38 (26.8%) of the 142 eligible localities (25 counties, 8 cities, and 5 towns) reported cash proffer activity during FY 2005, and the total number of jurisdictions accepting cash proffers was unchanged since FY 2004. During the current period, the aggregate amount of cash proffers collected and expended by those jurisdictions was \$71,508,482 and \$54,500,952, respectively.<sup>6</sup> The survey also revealed that the largest share of cash proffer revenue expended in FY 2005 went for roads and other transportation improvements (43.3% of total expenditures) and schools (33.1% of total expenditures). The summary survey results for individual local governments are reported in Appendix D.



<sup>5</sup> Appendix C contains a copy of the survey instrument. In 2003, the General Assembly enacted HB 2600, which changed the scope of the Commission's survey on the acceptance of cash proffers. The legislature exempted localities with a resident population of less than 3,500 from the reporting requirement. Because that provision affected towns exclusively, only 27 of the 139 eligible towns must report on their acceptance of cash proffers.

<sup>6</sup> Depending on the total cost of the public facility or service to be supported by proffered cash payments, revenue may not be expended during the fiscal year in which it was received. Also, fiscal data reported by localities for FY 2005 is likely to be unofficial because local government audits are not published until the December following the end of the fiscal year.

# **APPENDIX A**

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

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

B. The governing body of any locality eligible to accept any proffered cash payments pursuant to §15.2-2298, 15.2-2303 or 15.2-2303.1 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, 15.2-2303.1 or 15.2-2304, a locality may utilize any cash payments proffered for capital improvements for alternative improvements of the same category within the locality in the vicinity of the improvements for which the cash payments were originally made. Prior to utilization of such cash payments for the alternative improvements, the governing body of the locality shall give at least 30 days' written notice of the proposed alternative improvements to the entity who paid such cash payment mailed to the last known address of such entity, or if proffer payment records no longer exist, then to the original zoning applicant, and conduct a public hearing on such proposal advertised as provided in subsection F of §15.2-1427. The governing body of the locality prior to the use of such cash payments for alternative improvements shall, following such public hearing, find: (i) the improvements for which the cash payments were proffered cannot occur in a timely manner; (ii) the alternative improvements are within the vicinity of the proposed improvements for which the cash payments were proffered; and (iii) the alternative improvements are in the public interest.

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 Eligible to Accept Proffered Cash Payments in 2004-2005

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

## Localities Eligible to Accept Proffered Cash Payments in 2004-2005

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

## Localities Eligible to Accept Proffered Cash Payments in 2004-2005

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

## Localities Eligible to Accept Proffered Cash Payments in 2004-2005

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

## Localities Eligible to Accept Proffered Cash Payments in 2004-2005

Locality*	Principal Reason Eligible to Accept Cash Proffers
ELKTON TOWN	Town located in high growth county
*FARMVILLE TOWN	High growth locality (Decennial population growth of 10% or more).
FINCASTLE TOWN	High growth locality (Decennial population growth of 10% or more).
FLOYD TOWN	Town located in high growth county
FRIES TOWN	Town located in high growth county
*FRONT ROYAL TOWN	High growth locality (Decennial population growth of 10% or more).
GLADE SPRING TOWN	Town located in high growth county
GLASGOW TOWN	Town located in high growth county
GORDONSVILLE TOWN	High growth locality (Decennial population growth of 10% or more).
GOSHEN TOWN	High growth locality (Decennial population growth of 10% or more).
GRETNA TOWN	Town located in high growth county
GROTTOES TOWN	High growth locality (Decennial population growth of 10% or more).
HALIFAX TOWN	High growth locality (Decennial population growth of 10% or more).
HALLWOOD TOWN	High growth locality (Decennial population growth of 10% or more).
HAMILTON TOWN	Town located in county contiguous to UCE locality
HAYMARKET TOWN	Town located in county contiguous to UCE locality
*HERNDON TOWN	Town located in UCE locality
HILLSBORO TOWN	Town located in county contiguous to UCE locality
HILLSVILLE TOWN	High growth locality (Decennial population growth of 10% or more).
HURT TOWN	Town located in high growth county
INDEPENDENCE TOWN	Town located in high growth county
IRON GATE TOWN	Town located in county contiguous to three high growth counties
IRVINGTON TOWN	High growth locality (Decennial population growth of 10% or more).
IVOR TOWN	Town located in county contiguous to three high growth counties
JARRATT TOWN	Town located in high growth county
KENBRIDGE TOWN	Town located in high growth county
KEYSVILLE TOWN	High growth locality (Decennial population growth of 10% or more).
KILMARNOCK TOWN	High growth locality (Decennial population growth of 10% or more).
LA CROSSE TOWN	High growth locality (Decennial population growth of 10% or more).
LAWRENCEVILLE TOWN	Town located in high growth county
*LEESBURG TOWN	Town located in county contiguous to UCE locality
LOUISA TOWN	High growth locality (Decennial population growth of 10% or more).
LOVETTSVILLE TOWN	Town located in county contiguous to UCE locality
*LURAY TOWN	Town located in county contiguous to three high growth counties
MADISON TOWN	Town located in county contiguous to three high growth counties
McKENNEY TOWN	High growth locality (Decennial population growth of 10% or more).
MIDDLEBURG TOWN	Town located in county contiguous to UCE locality
MIDDLETOWN TOWN	Town located in high growth county
MINERAL TOWN	Town located in high growth county
MONTROSS TOWN	Town located in county contiguous to three high growth counties
MOUNT CRAWFORD TOWN	High growth locality (Decennial population growth of 10% or more).
MOUNT JACKSON TOWN	Town located in high growth county
NEW CASTLE TOWN	High growth locality (Decennial population growth of 10% or more).
NEW MARKET TOWN	High growth locality (Decennial population growth of 10% or more).
NEWSOMS TOWN	Town located in county contiguous to three high growth counties
OCOCOQUAN TOWN	Town located in county contiguous to UCE locality
*ORANGE TOWN	High growth locality (Decennial population growth of 10% or more).
PAMPLIN CITY TOWN	Town located in high growth county.
PEARISBURG TOWN	High growth locality (Decennial population growth of 10% or more).
PHENIX TOWN	Town located in county contiguous to three high growth counties

## Localities Eligible to Accept Proffered Cash Payments in 2004-2005

Locality*	Principal Reason Eligible to Accept Cash Proffers
PORT ROYAL TOWN	Town located in high growth county
*PULASKI TOWN	Town located in county contiguous to three high growth counties
*PURCELLVILLE TOWN	Town located in county contiguous to UCE locality
QUANTICO TOWN	Town located in county contiguous to UCE locality
REMINGTON TOWN	High growth locality (Decennial population growth of 10% or more).
RIDGEWAY TOWN	Town located in county contiguous to three high growth counties
*ROCKY MOUNT TOWN	Town located in high growth county
ROUND HILL TOWN	Town located in county contiguous to UCE locality
RURAL RETREAT TOWN	High growth locality (Decennial population growth of 10% or more).
SCOTTSVILLE TOWN	High growth locality (Decennial population growth of 10% or more).
SHENANDOAH TOWN	Town located in county contiguous to three high growth counties
*SMITHFIELD TOWN	High growth locality (Decennial population growth of 10% or more).
*SOUTH BOSTON TOWN	High growth locality (Decennial population growth of 10% or more).
*SOUTH HILL TOWN	Town located in high growth county
STANARDSVILLE TOWN	High growth locality (Decennial population growth of 10% or more).
STANLEY TOWN	High growth locality (Decennial population growth of 10% or more).
STEPHENS CITY TOWN	Town located in high growth county
STONY CREEK TOWN	Town located in high growth county
*STRASBURG TOWN	Town located in high growth county
STUART TOWN	Town located in high growth county
SURRY TOWN	High growth locality (Decennial population growth of 10% or more).
TAPPAHANNOCK TOWN	High growth locality (Decennial population growth of 10% or more).
THE PLAINS TOWN	High growth locality (Decennial population growth of 10% or more).
TIMBERVILLE TOWN	Town located in high growth county
TOMS BROOK TOWN	High growth locality (Decennial population growth of 10% or more).
TROUTVILLE TOWN	Town located in high growth county
URBANNA TOWN	Town located in high growth county
VICTORIA TOWN	Town located in high growth county
*VIENNA TOWN	Town located in UCE locality
*VINTON TOWN	Town located in county contiguous to three high growth counties
WAKEFIELD TOWN	Town located in high growth county
*WARRENTON TOWN	High growth locality (Decennial population growth of 10% or more).
WARSAW TOWN	High growth locality (Decennial population growth of 10% or more).
WASHINGTON TOWN	Town located in county contiguous to three high growth counties
WAVERLY TOWN	Town located in high growth county
WEST POINT TOWN	Town located in high growth county
WHITE STONE TOWN	Town located in county contiguous to three high growth counties
WINDSOR TOWN	Town located in high growth county
*WOODSTOCK TOWN	High growth locality (Decennial population growth of 10% or more).
<b>TOTAL TOWNS ELIGIBLE = 139</b>	

## Localities Eligible to Accept Proffered Cash Payments in 2004-2005

Locality*	Principal Reason Eligible to Accept Cash Proffers
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### NOTES:

\* = 2003 revisions to § 15.2-2303.2 limited the requirement for the reporting on the acceptance of proffered cash payments to only those localities with a population in excess of 3,500 persons or more. Thus, only 27 of the 139 eligible towns were surveyed for the 2003-2004 report.

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

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

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

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

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

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



# **APPENDIX C**

**Survey Instrument for  
Local Government Revenues and Expenditures  
Derived from Proffered Cash Payments  
2004 – 2005**

## Commission on Local Government 2005 Survey of Cash Proffers Accepted by Local Governments

Date: \_\_\_\_\_

Locality: \_\_\_\_\_ County  City  Town

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

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

**Did your locality accept cash proffers at any time during the 2004-2005 Fiscal Year?**

If you answered "No" for the 2004-2005 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 2004-2005 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 2004-2005 Fiscal Year:

2. Estimated Amount of Cash Proffers Pledged during the 2004-2005 Fiscal Year and Whose Payment Was Conditioned Only on Time:

3. Total Amount of Cash Proffer Revenue Expended by the Locality during the 2004-2005 Fiscal Year:

FY2004-2005
\$
\$
\$

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

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

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

Comments: Use additional sheet if necessary.	
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**QUESTIONS? CONTACT TED McCORMACK AT THE  
COMMISSION ON LOCAL GOVERNMENT (804) 786-6508**

**Commission on Local Government  
2005 Survey of Cash Proffers Accepted by Local Governments**

Please complete this form and return it to the Commission on Local Government by September 30, 2005, using one of the following methods:

- By Mail: Ted McCormack  
Commission on Local Government  
The Jackson Center  
501 North 2nd Street  
Richmond VA 23219-1321
- By Fax: (804) 371-7090
- By Electronic Mail: A Microsoft Word template of this form may be downloaded at <http://www.clg.state.va.us/>; once completed, send it by e-mail to: [Ted.Mccormack@dhcd.virginia.gov](mailto:Ted.Mccormack@dhcd.virginia.gov)

**DEFINITIONS**

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

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

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

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

**QUESTIONS? CONTACT TED McCORMACK AT THE  
COMMISSION ON LOCAL GOVERNMENT (804) 786-6508**

## **APPENDIX D**

**Summary of Survey Responses from Localities  
Accepting Proffered Cash Payments  
2004 – 2005**

**Summary of Survey Responses from Localities Accepting Proffered Cash Payments  
Fiscal Year 2004-2005**

Locality	Total Cash Proffer Revenue Collected	Total Pledged But Payment Conditioned Only on Time	Total Cash Proffer Revenue Expended	Purpose and Amount For Which Cash Proffer Expenditures Were Made												
				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	284,759	59,000	100,774	100,774	-	-	-	-	-	-	-	-	-	-	-	-
Amelia	\$ 14,900	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Arlington	-	534,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Caroline	505,151	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Chesterfield	6,575,536	-	6,519,766	2,604,800	3,405,166	-	227,400	282,400	-	-	-	-	-	-	-	-
Culpeper	587,747	5,031,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Fairfax	5,455,536	3,305,290	8,500,214	947,863	5,167,940	-	-	446,406	-	-	-	-	480,796	1,457,209	-	-
Fauquier	501,535	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Frederick	1,057,684	-	403,659	-	175,000	78,659	-	150,000	-	-	-	-	-	-	-	-
Gloucester	-	77,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Goochland	218,733	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Hanover	1,809,191	5,057,246	1,252,158	770,581	280,003	109,949	-	91,625	-	-	-	-	-	-	-	-
Isle of Wight	737,974	40,378	-	-	-	-	-	-	-	-	-	-	-	-	-	-
James City	2,752,167	-	587,890	38,644	210,000	85,843	-	44,524	-	-	-	-	-	-	-	208,879
King George	200,000	-	200,000	-	-	-	-	-	-	-	-	-	-	-	-	200,000
King William	256,728	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Loudoun	19,470,266	-	15,520,730	1,048,306	8,289,379	660,510	-	4,514,568	-	-	46,136	-	-	-	-	961,831
New Kent	243,902	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Orange	47,301	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Powhatan	703,263	-	703,263	624,304	-	43,439	16,245	5,639	3,299	-	-	-	-	-	-	10,337
Prince George	-	414,648	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Prince William	23,135,471	330,333	16,950,520	9,600,000	5,444,022	623,902	438,627	699,473	-	-	106,546	-	-	-	-	37,950
Spotsylvania	1,568,786	-	575,091	575,091	-	-	-	-	-	-	-	-	-	-	-	-
Stafford	1,699,769	-	1,136,732	442,090	205,000	-	-	66,000	199,418	-	-	-	-	-	-	224,224
Warren	44,400	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<b>Total Counties</b>	<b>\$ 67,870,799</b>	<b>\$ 14,848,895</b>	<b>\$ 52,450,797</b>	<b>\$ 16,752,453</b>	<b>\$ 23,176,510</b>	<b>\$ 1,602,302</b>	<b>\$ 682,272</b>	<b>\$ 6,300,635</b>	<b>\$ 202,717</b>	<b>\$ -</b>	<b>\$ 152,682</b>	<b>\$ 480,796</b>	<b>\$ 1,457,209</b>	<b>\$ 1,643,221</b>	<b>\$ -</b>	<b>\$ -</b>
Charlottesville	\$ 130,000	\$ 155,000	\$ 130,000	\$ -	\$ 60,000	\$ -	\$ -	\$ 70,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Chesapeake	124,288	123,616	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Fairfax	24,050	221,500	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Fredericksburg	171,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Manassas	83,000	745,191	453,000	253,000	200,000	-	-	-	-	-	-	-	-	-	-	-
Manassas Park	2,369,384	-	1,118,835	1,018,835	100,000	-	-	-	-	-	-	-	-	-	-	-
Suffolk	9,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Virginia Beach	400	-	4,395	-	-	-	-	-	-	-	-	-	-	-	-	4,395
<b>Total Cities</b>	<b>\$ 2,911,122</b>	<b>\$ 1,245,307</b>	<b>\$ 1,706,230</b>	<b>\$ 1,271,835</b>	<b>\$ 360,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 70,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 4,395</b>	<b>\$ -</b>
Herndon	\$ 65,000	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Leesburg	413,486	3,435,615	128,000	-	78,000	50,000	-	-	-	-	-	-	-	-	-	-
Purcellville	58,360	-	58,360	-	-	6,360	-	-	52,000	-	-	-	-	-	-	-
Smithfield	35,600	1,013,400	3,450	-	-	-	-	-	-	-	-	-	-	-	-	3,450
Warrenton	154,115	-	154,115	-	8,000	76,115	-	70,000	-	-	-	-	-	-	-	-
<b>Total Towns</b>	<b>\$ 726,561</b>	<b>\$ 4,449,015</b>	<b>\$ 343,925</b>	<b>\$ -</b>	<b>\$ 86,000</b>	<b>\$ 132,475</b>	<b>\$ -</b>	<b>\$ 70,000</b>	<b>\$ 52,000</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 3,450</b>	<b>\$ -</b>
<b>Grand Total</b>	<b>\$ 71,508,482</b>	<b>\$ 20,543,217</b>	<b>\$ 54,500,952</b>	<b>\$ 18,024,288</b>	<b>\$ 23,622,510</b>	<b>\$ 1,734,777</b>	<b>\$ 682,272</b>	<b>\$ 6,440,635</b>	<b>\$ 254,717</b>	<b>\$ -</b>	<b>\$ 152,682</b>	<b>\$ 480,796</b>	<b>\$ 1,457,209</b>	<b>\$ 1,651,066</b>	<b>\$ -</b>	<b>\$ -</b>
<b>Percent of Total Cash Proffer Expenditures</b>				33.1%	43.3%	3.2%	1.3%	11.8%	0.5%	0.0%	0.3%	0.9%	2.7%	3.0%		