

## Section 25

### Cash Proffers, FY 2005

In Virginia proffers are permitted for conditional zoning, “whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned.” (*Code of Virginia*, §§ 15.2-2296 through 15.2-2302). These proffers may be offered in cash, property, or property improvements. The *Code* § 15.2-2297 authorizes zoning ordinances to include voluntary proffers “in writing, by the owner, of reasonable conditions, prior to a public hearing before the governing body, in addition to the regulations provided for the zoning district or zone by the ordinance, as a part of a rezoning or amendment to a zoning map” provided that the rezoning itself gives rise to the needed conditions.

Eligibility requirements are listed in § 15.2-2298 and § 15.2-2303. Section 15.2-2298 gives localities the authority to accept proffers if 1) the locality’s decennial census growth rate met or exceeded 10 percent; 2) the locality is a city which adjoins another city or county that had a decennial census growth rate that met or exceeded 10 percent; 3) any towns located within counties that had a decennial growth rate that met or exceeded 10 percent; and 4) any county contiguous with at least three counties that had a decennial census growth rate that met or exceeded 10 percent.

Eligibility requirements listed in § 15.2-2303 permit proffers for 1) any county with an urban county executive form of government; 2) any city next to or surrounded by a county with an urban county executive form of government; 3) any county next to a county with an urban county executive form of government; 4) any city next to or surrounded by a county contiguous to a county with an urban county executive form of government; 5) any town within a county contiguous to a county with an urban county executive form of government; and 6) any county east of the Chesapeake Bay. Finally, § 15.2-2303.1 permits any

county with a 1990 census population between 10,300 and 11,000 through which an interstate highway passes. This section was meant to include New Kent County. A detailed list of the localities meeting these criteria is available.<sup>1</sup>

Proffers may entail the giving of property, property improvements, or cash. Proffers of cash payments are required to be disclosed to the Commission on Local Government in accordance with § 15.2-2303.2. There is no requirement for reporting non-cash proffers, a category that may be significant. Cash proffers are reported in the Commission’s publication. The latest report covers fiscal year 2005. In that period, the Commission reports a total of 142 localities eligible to receive cash proffers. Of those 142, only 38 reported cash proffer activity. The total amount of cash proffer revenue expended was \$54.5 million, with more than three-fourths spent for road/transportation improvements and schools. **Table 25.1** lists fiscal year 2005 cash proffers by locality and type.

#### Relative Importance of Various Types of Cash Proffers

Type of Proffer	Percent of Total Expended FY 2005
Road/transportation improvements	43.3%
Schools	33.1
Parks, recreation, and open space	11.8
Fire and rescue/public safety	3.2
Affordable housing	2.7
Libraries	1.3
Special needs housing	0.9
Water and sewer service extension	0.5
Storm water management	0.3
Miscellaneous	3.0
	100.0*

\* Details do not add to total due to rounding.



<sup>1</sup> Commission on Local Government, *Report on Proffered Cash Payments and Expenditures by Virginia’s Counties, Cities and Towns, 2004-2005* (November 2005), Appendix B, <http://www.dhcd.virginia.gov/CD/CLG/PDFs/proffrpt1105.pdf>, (8/30/06).

**Table 25.1  
Total Cash Proffer Revenue Collected and Expended by Purpose, by Locality, FY 2005**

Locality	Total Cash Proffer Revenue Collected (\$)	Total Pledged but Payment Conditioned Only on Time (\$)	Total Cash Proffer Revenue Expended (\$)	Purpose for Which Cash Proffer Revenue Expended, Percent of Total (%)											
				Schools	Roads and Other Transportation Improvements	Fire, Rescue, and Public Safety	Libraries	Parks, Recreation, and Open Space	Water and Sewer Service Extension	Storm-water Mgmt.	Special Needs Housing	Affordable Housing	Misc.		
<b>Counties</b>															
Albemarle	284,759	59,000	100,774	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Amelia	14,900	-	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Arlington	-	534,000	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Caroline	505,151	-	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Chesterfield	6,575,536	-	6,519,766	40.0	52.2	0.0	3.5	4.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Culpeper	587,747	5,031,000	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Fairfax	5,455,536	3,305,290	8,500,214	11.2	60.8	0.0	0.0	5.3	0.0	0.0	0.0	5.7	17.1	0.0	0.0
Fauquier	501,535	-	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Frederick	1,057,684	-	403,659	0.0	43.4	19.5	0.0	37.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Gloucester	-	77,000	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Goochland	218,733	-	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Hanover	1,809,191	5,057,246	1,252,158	61.5	22.4	8.8	0.0	7.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Isle of Wight	737,974	40,378	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
James City	2,752,167	-	587,890	6.6	35.7	14.6	0.0	7.6	0.0	0.0	0.0	0.0	0.0	35.5	0.0
King George	200,000	-	200,000	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0
King William	256,728	-	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Loudoun	19,470,266	-	15,520,730	6.8	53.4	4.3	0.0	29.1	0.0	0.0	0.3	0.0	0.0	6.2	0.0
New Kent	243,902	-	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Orange	47,301	-	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Powhatan	703,263	-	703,263	88.8	0.0	6.2	2.3	0.8	0.0	0.5	0.0	0.0	0.0	1.5	0.0
Prince George	-	414,648	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Prince William	23,135,471	330,333	16,950,520	56.6	32.1	3.7	2.6	4.1	0.0	0.0	0.6	0.0	0.0	0.2	0.0
Spotsylvania	1,568,786	-	575,091	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Stafford	1,699,769	-	1,136,732	38.9	18.0	0.0	0.0	5.8	0.0	17.5	0.0	0.0	0.0	19.7	0.0
Warren	44,400	-	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total counties	67,870,799	14,848,895	52,450,797	31.9	44.2	3.1	1.3	12.0	0.0	0.4	0.3	0.9	2.8	3.1	0.0
<b>Cities</b>															
Charlottesville	130,000	155,000	130,000	0.0	46.2	0.0	0.0	53.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Chesapeake	124,288	123,616	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Fairfax	24,050	221,500	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Fredericksburg	171,000	-	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Manassas	83,000	745,191	453,000	55.9	44.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Manassas Park	2,369,384	-	1,118,835	91.1	8.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Suffolk	9,000	-	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Virginia Beach	400	-	4,395	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0
Total cities	2,911,122	1,245,307	1,706,230	74.5	21.1	0.0	0.0	4.1	0.0	0.0	0.0	0.0	0.0	0.3	0.0
<b>Towns</b>															
Herndon	65,000	-	-	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Leesburg	413,486	3,435,615	128,000	0.0	60.9	39.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Purcellville	58,360	-	58,360	0.0	0.0	10.9	0.0	0.0	0.0	89.1	0.0	0.0	0.0	0.0	0.0
Smithfield	35,600	1,013,400	3,450	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0
Warrenton	154,115	-	154,115	0.0	5.2	49.4	0.0	45.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total towns	726,561	4,449,015	343,925	0.0	25.0	38.5	0.0	20.4	0.0	15.1	0.0	0.0	0.0	1.0	0.0
Grand total	71,508,482	20,543,217	54,500,952	33.1	43.3	3.2	1.3	11.8	0.0	0.5	0.3	0.9	2.7	3.0	0.0

Source: Commission on Local Government, Report on Proffered Cash Payments and Expenditures by Virginia's Counties, Cities, and Towns, 2004-2005 (November 2005). The report is on the web at: <http://www.dhcd.virginia.gov/CD/CLG/PDFs/proffrpt1105.pdf> (9/11/2006).