

Section 25

Cash Proffers, FY 2006

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). 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.¹

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 2006. In that period, the Commission reports a total of 256 localities eligible to receive cash proffers. Of those 256, only 42 reported cash proffer activity. The total amount of cash proffer revenue expended was \$68.3 million, with two-thirds spent for road/transportation improvements and schools. **Table 25.1** lists fiscal year 2006 cash proffers by locality and type.

Relative Importance of Various Types of Cash Proffers Expended in FY 2006

Type of Proffer	Percent of Total
Road/transportation improvements	35.0%
Schools	30.9
Affordable housing	10.7
Parks, recreation, and open space	8.6
Fire and rescue/public safety	6.9
Special needs housing	5.2
Libraries	1.1
Water and sewer service extension	0.6
Miscellaneous	0.6
Storm water management	0.4
	100.0



¹ Commission on Local Government, *Report on Proffered Cash Payments and Expenditures by Virginia’s Counties, Cities and Towns, 2005-2006* (November 2006), Appendix B, <http://www.dhcd.virginia.gov/CommissiononLocalGovernment/PDFs/proffrpt1206.pdf>, (11/13/07).

**Table 25.1
Total Cash Proffer Revenue Collected and Expended by Purpose, by Locality, FY 2006**

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	Library	Parks, Recreation, and Open Space	Water and Sewer Service Extension	Storm-water Mgmt.	Special Needs Housing	Affordable Housing	Misc.		
Counties															
Albemarle	41,400	3,421,012	337,851	51.1	48.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Amelia	68,560	0	0	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	1,487,475	0	0	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	6,842,511	0	6,510,914	48.0	34.2	4.7	2.3	10.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Clarke	3,000	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Culpeper	454,000	668,000	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Dinwiddie	0	962,559	0	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	8,281,108	9,617,162	15,060,619	20.9	24.8	0.0	0.0	2.8	0.0	0.0	1.0	5.3	45.2	0.0	0.0
Fauquier	452,863	0	0	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	956,832	0	37,646	0.0	0.0	68.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	31.9	0.0
Gloucester	0	66,000	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Goochland	270,482	0	0	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	1,777,150	0	2,033,921	58.8	6.2	21.3	13.5	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Isle of Wight	875,747	286,558	525,000	0.0	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
James City	1,260,754	0	1,438,159	31.3	34.8	3.5	0.0	2.4	0.0	28.1	0.0	0.0	0.0	0.0	0.0
King & Queen	29,908	0	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
King William	153,584	0	0	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	13,280,014	0	13,921,918	0.5	50.4	10.5	0.0	17.3	0.0	0.0	0.0	19.7	1.6	0.0	0.0
Louisa	31,720	445,500	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
New Kent	311,085	0	0	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	945,551	0	0	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	377,400	0	377,400	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Prince George	0	478,440	0	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	25,170,900	255,000	22,252,095	44.0	38.1	7.6	1.4	6.7	0.0	0.0	0.5	0.0	1.1	0.0	0.5
Shenandoah	0	649,327	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Spotsylvania	576,078	50,000	933,665	96.5	0.0	3.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Stafford	833,021	2,524,514	1,718,332	41.7	14.4	0.0	0.0	28.8	0.0	0.0	0.0	0.0	0.0	0.0	15.1
Warren	67,200	98,820	0	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	64,548,343	19,522,892	65,147,520	30.6	34.5	7.0	1.1	8.5	0.0	0.6	0.4	5.4	11.2	0.0	0.6
Cities															
Charlottesville	0	2,000	0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Chesapeake	134,468	3,504,062	0	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	18,750	0	0	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	212,500	0	24,482	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	100.0	0.0
Manassas	58,461	730,708	453,000	55.8	44.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Manassas Park	1,951,616	3,000,000	1,706,717	44.6	55.4	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Suffolk	3,000	515,000	106,500	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Virginia Beach	2,200	0	295,705	0.0	0.0	0.0	0.0	100.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Cities	2,380,995	7,751,770	2,586,404	43.4	44.3	0.0	0.0	11.4	0.0	0.0	0.0	0.0	0.0	0.0	0.9

