

ORANGE COUNTY REVIEW



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Proffer Policy Repeive

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Last year, county officials wanted to update the proffer policy so it more accurately reflected current process, and the county's future infrastructure needs. But after a bill was introduced to the Virginia General Assembly which threatened to do away with the practice of proffers altogether, local government officials just want to protect their prerogative to collect proffers.

Earlier this year, the state senate looked like it might put an end the practice by passing a bill that replaced proffers with a capped impact fee. County officials in the process of rewriting the proffer policy had to put the project on hold. But when the House of Delegates deferred the bill, the proffer policy revision began anew.

Orange County Director of Strategic Planning Debbie Kendall said the House Rules Committee adopted a substitute bill that is serving as a basis for discussions and negotiations between a number of agencies, representing both municipal associations who oppose the original bill and special interest groups that back it.

"This period of study and discussion gives Orange County until at least July 1, 2009 to continue receiving cash proffers related to residential development," Orange County Director of Strategic Planning Debbie Kendall said. "Delegate Howell, the speaker of the house, is expected to send a letter to local governments asking them not to increase their proffer amounts during the year of study and discussion in this legislation."

Kendall wants to make sure that if a cap is placed on localities' proffer policies, Orange County's is as up to date as possible.

"That gave us some time to finish the revision of our proffer policy. In the event that a cap is placed on our proffer policy, at least ours is current and reflects today's prices," she said.

And at a March 11 board of supervisors meeting, the supervisors agreed that when it came to updating the policy, time was of the essence.

"The board decided for us to continue our revision of the proffer policy as quickly as possible," Kendall said.

The most recent revision of the Orange County's proffer policy—the one that county officials are scrambling to update—is not representative of the inflationary spiral that has caused the cost of consumer goods and services to skyrocket recently.

Harvey Gold addressed county officials at last week's Orange County Board of Supervisors meeting on behalf of the Fredericksburg Area Home Builders Association, and urged them not to oppose Senate Bill 768.

Gold said an unregulated proffer system caused builders to place prohibitively high price tags on new construction.

“The cash proffer system was going out of control and affecting the price of homes,” he said. “Proffers are constantly increasing because there’s no control of how high they can rise.”

According to Gold, a capped impact fee system is a far more equitable means by which developers can realize financial profit and still contribute to communities’ infrastructure.

“The building industry believes it should pay its fair share,” he said.

County officials agree that developers should pay their fair share. But according to Orange County Administrator Bill Rolfe, county officials want developers’ fair share to be determined on a local level, not by state legislators.

Last week, representatives of Orange County government attended a multi-county meeting of the Virginia Association of Counties (VaCO) where local land use control—including proffers--was identified as one of the most important issues currently facing localities.

“In general,” Rolfe said, “we don’t want local land use control decisions being made on a statewide basis.”

That sentiment was echoed by other counties who sent representatives to the recent VaCO meeting, including Louisa, Rappahannock, Culpeper, Spotsylvania, Stafford and King George, Rolfe added.

And local counties are not the only ones who are engaged in the proffer policy vs. impact fee debate.

“They’re doing this all over the state,” Rolfe said.

Local VaCO member committees will meet again in August to take up the topic once more and start work drafting legislative proposals, Rolfe said.