

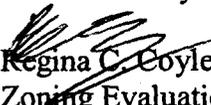


# County of Fairfax, Virginia

## MEMORANDUM

DATE: February 25, 2008

**TO:** Denise James, Director  
Office of Facilities Planning Services  
Fairfax County Public Schools

**FROM:**  Regina C. Coyle, Director  
Zoning Evaluation Division  
Department of Planning and Zoning

**SUBJECT:** RZ 2002-SP-033, Christopher Management, Inc.;  
Tax Map 66-2 ((1)) 11-14: School Contribution Proffer

This is in response to the letter of September 13, 2007, from former Director Gary Chevalier, and subsequent discussions with you, requesting an interpretation of Proffer #V.28 accepted by the Board of Supervisors (BOS) in conjunction with the approval of Rezoning RZ 2002-SP-033 on May 5, 2003. As I understand it, the question is whether Fairfax County Public Schools (FCPS) would be allowed to credit the proffered funds against the general Capital Improvement Project (CIP) funds previously expended to complete the identified CIP projects within the Fairfax High School pyramid. This determination is based on your letter, the proffers and a project spreadsheet dated November 15, 2007, prepared by FCPS. Copies of your letter and relevant exhibits are attached.

Proffer #V.28 states the following:

*A contribution of \$1,878.08 per unit or a total of \$31,927.50 shall be made to the Board of Supervisors of Fairfax County for a specific fund designated for schools impacted by the proposed development. In lieu of the cash contribution, if approved by the Board of Supervisors or an authorized agent of the same, the Applicant may make an in kind contribution consisting of good and/or services equal in value to the cash contribution as defined by the Board or its Agents. The contribution shall be made at the time of, or prior to, issuance of the first Residential Use Permit (RUP) for the approved units.*

The submitted FCPS spreadsheet shows that the proffered amount of \$31,928, which equates to \$1,878.08 per unit for 17 units, was paid to the County on February 7, 2006, and transferred to FCPS on May 24, 2007. You have indicated that the CIP project identified for the Fairfax High School pyramid was Willow Springs Elementary Retention Pond Repairs Project. The school project was paid from unrestricted CIP funds in anticipation of the proffered contribution, before

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Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035-5509  
Phone 703 324-1290  
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[www.fairfaxcounty.gov/dpz/](http://www.fairfaxcounty.gov/dpz/)

Denise James

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the proffered amount was received by FCPS. You are requesting that the proffered amount of \$31,928 be credited against the CIP funds previously expended and to allow the proffered funds to be used for other needed CIP projects within the Fairfax High School pyramid, as indicated on the spreadsheet. According to the Schools Impact Analysis dated November 21, 2002, prepared for the rezoning, the schools serving the property are Willow Springs Elementary, Lanier Middle and Fairfax High Schools.

It is my determination that the use of the proffered funds discussed above would be in substantial conformance with the proffers associated with RZ 2002-SP-033, as approved by the Board of Supervisors. This determination has been made in my capacity as the duly authorized agent of the Zoning Administrator. If you have any questions regarding this interpretation, please contact Carrie Lee at (703) 324-1290.

*RCC/CDL/O:\clee01\ActionAssignments\Interpretations\PI\School Proffers\RZ 2002-SP-033 proffer memo.doc*

Attachments: A/S

cc: Pat Herrity, Supervisor, Springfield District

Peter F. Murphy, Jr., Planning Commissioner, Springfield District

Diane Johnson-Quinn, Deputy Zoning Administrator, Permit Review Branch, ZAD, DPZ

Ken Williams, Chief, Plan and Document Control, Land Development Services, DPWES

Craig Carinci, Director, Environmental and Facilities Inspection Division, DPWES

Kevin J. Guinaw, Chief, Special Projects/Applications Management, ZED, DPZ

File: RZ 2002-SP-033, PI 0712 152, Imaging, Reading File

**Fairfax County Public Schools  
Office of Facilities Planning Services**

**RECEIVED**  
Department of Planning & Zoning

**SEP 13 2007**

**To:** Regina Coyle, Director,  
Zoning Evaluation Division  
Fairfax County Department of Planning and Zoning

**Zoning Evaluation Division**

**From:** Gary Chevalier, Director  
Office of Facilities Planning Services  
Fairfax County Public Schools

**Date:** September 13, 2007

**Re:** Interpretation Request – Distribution of School Proffer Money

On July 2, 2007, Fairfax County Public Schools (FCPS) requested a generalized proffer interpretation pertaining to the lump sum transfer of proffer money to schools that occurred on May 24, 2007. As previously explained, some of this funding is unrestricted and may be distributed as needed for school capital improvements; the remaining proffer funding is restricted based on the proffer text, to be distributed for a specific school, school pyramid or magisterial district.

The recently transferred money had been received by the County over the past several years, with some funding having been held in escrow since 2002. In the interim, capital improvements have continued in accordance with the approved FCPS Capital Improvement Plan (CIP) without benefit of receiving the proffered funding until this recent transfer. After discussions with Kevin Guinaw, it is my understanding that a blanket determination to allow restricted proffer funding to become unrestricted is not appropriate, but would require each case where CIP funding had been spent for a particular school or school pyramid in advance of receiving the lump sum cash proffer transfer to be reviewed on its own merits.

To that end, FCPS Facilities Planning Services has reviewed the proffered contributions for each case where the proffer is restricted to a specific school or school pyramid. The attached spreadsheet indicates the specific zoning cases where it has been determined that CIP funding was spent for capital improvements as referenced in the proffer. The spreadsheet also identifies the date of zoning approval, the date the proffer money was paid to the County (DPWES), the date of transfer to FCPS, the specific CIP improvement and the date of FCPS contract for the improvement. A summary statement of the proffer text is also provided as well as the impacted schools for each zoning case.

For example, the first rezoning case listed, RZ 2003-SU-061, proffered \$112,530 to the 'schools impacted by the proposed development', which in this case is the Centreville High School pyramid. The proffers were accepted with the approval of the zoning case on April 26, 2004 and the proffer was paid to the County on April 5, 2006. A modular addition was added to Centreville High School with the contract let on February 11, 2005. The funding for this CIP improvement was transferred as part of the lump sum proffer transfer to FCPS on May 24, 2007. We request that the proffer of \$112,530 be credited against the CIP funds spent to implement the modular addition, allowing the

**Fairfax County Public Schools  
Office of Facilities Planning Services**

proffer money to become available (unrestricted) in order to use the proffer money for the many other pressing CIP needs for schools.

We request that this same determination be made for each of the rezoning cases listed on the spreadsheet. Wherever possible, any such proffer funding that becomes 'unrestricted' would be disbursed either within the school pyramid, cluster or magisterial district as may be appropriate and enable FCPS to better 'pool' unrestricted proffer contributions in order to provide meaningful capital improvements needed within our schools. As a second example and to further illustrate this point, the school proffer money listed on the spread sheet for rezoning case RZ 2000-MV-045, Lorton Valley North, was also included in the lump sum cash proffer transfer. The funding is proffered to be spent on Lorton Station Elementary, a school which is now complete. By taking a credit, this funding could be directed to the planned new Laurel Hill Elementary School which will serve the same school population by providing capacity relief to Lorton Station Elementary School and other elementary schools in the area.

Please note that this one-time proffer interpretation request has become necessary due to the lump sum transfer of school proffer money that had been held in DPWES, in some cases, for several years. A formal process between DPWES and FCPS has been established which now transfers restricted cash proffers on a monthly basis and unrestricted cash proffers on a quarterly basis, allowing for timely FCPS disbursement of proffered funds for on-going and planned CIP expenditures.

Your timely response to this request is essential since FCPS is obligated under this same process to disburse funds quickly and efficiently and to report back to the Board of Supervisors. Although we believe the attached spread sheet provides the information needed to make the requested determination, FCPS staff would be happy to meet with you and Kevin Guinaw to review the spread sheet and answer any additional questions.

Thank you very much for your guidance which has helped to better frame this proffer interpretation request. Please contact me or Denise James at 703-246-6930 if you have questions or to schedule a meeting to discuss this interpretation request further.

**Attachment**

**cc: Dean A. Tistadt, Chief Operating Officer, Facilities and Transportation Services**

PROPERTY	DE #	RZ #	PLAN NUMBER	PLAN NAME	DEVELOPER	AMOUNT	PROFFER APPROVED	PAR TO COUNTY	TRANSFER TO FOPS	DESCRIPTION	CP PROJECT	PROFFER INTERPRETATION	NOTE
AYREDALE													
Centerville Liberty & Bull Run	SU	DE 50687	2003-SU-061	Old Mill Road Property	Surety Martin Companies	\$ 112,500	4/26/04	4/30/06	5/24/07	To BOS for Capital Equipment for development	Centerville HS Modular 205	Credit to Centerville HS Modular	Escalator #4, 5/14 Post Approval Condition
Centerville Library & Centre Ridge	SU	DE 50728	2002-SU-042	Centerville Ridge	Bowman Contracting Group	\$ 22,500	6/1/05	6/1/06	5/24/07	To BOS for capital improvements			
Charity Franklin & Newry	SU	DE 50714	2005-SU-013	Kensington Manor	Urban Engineering & Associates	\$ 247,500	1/27/05	2/7/06	5/24/07	For capital improvements for schools property located in the vicinity of the application	Charity HS Modular 405	Credit to Charity HS Modular Project	Escalator #4, 5/14 Post Approval Condition
Charity Franklin & Newry	SU	DE 50726	2005-SU-011	Kensington Parc	Urban Engineering & Associates	\$ 82,518	1/27/05	2/7/06	5/24/07	For capital improvements for schools property located in the vicinity of the application			
Charity Rocky Run, Pear Tree	SU	DE 50078	2004-SU-009	Poplar Trail/Lane Property	WJO Land Atlantic US Region Inc	\$ 82,500	1/11/04	2/7/06	5/24/07	For capital improvements for schools property located in the vicinity of the application			
Fairfax	SP	DE 50714	2004-SP-013	Fair Oaks	Surety Martin Companies Inc	\$ 203,870	1/11/04	6/27/06	5/24/07	BOS for capital improvements for FOPS	Engle View ES 405	Credit to Engle View Project	
Fairfax	PR	DE 14892	PCA 79-C-148	Oak Hill Courts Sec 2	Korstone LLC	\$ 14,190	9/25/03	9/2/04	5/24/07	To BOS for school property in the vicinity of property	Greenbrier East ES 1103	Credit to Greenbrier East ES Project	
Fairfax, Lake & Center of Fair	SP	DE 50688	2004-SP-004	Randon Hills LB 81	Reaper Edgeprose Randon Hills	\$ 158,574	9/27/04	3/31/06	5/24/07	To BOS for capital improvements to schools serving the property	Willow Springs Retention Pond Repairs	Credit to Willow Springs WJO #25089888 Retention Pond 1105	
Fairfax, Lane & Willow Spring	SP	DE 50688	2002-SP-033	Hampson Estates	Hampson Estates LLC	\$ 31,828	5/26/03	2/7/06	5/24/07	School impeded by development			
Falls Church	PR	DE 50686	2002-FR-047	Cedarcrest Assesments	BIE Emerald Contract	\$ 22,800	10/27/03	1/30/06	5/24/07	area of the subject property for capital improvement to nearby schools	Jackson HS Addition 0705	Credit to Jackson HS Addition Project	
Falls Church, Jackson & Farmington	PR	DE 50648	2004-FR-033	Cedar Creeks Sec 2	Village Creek LLC	\$ 48,000	4/26/05	1/22/06	5/24/07	for capital improvement to nearby schools			
Hayfield SS & Gunston	MV	DE 14863	02-MV-020	Summit Oaks Property	Summit Oaks Associates	\$ 74,000	1/11/02	4/24/07	5/24/07	located in the vicinity of the application	Lane ES, Gun floor replacement (paid 1/16/07, install from The Land 505)		
Hayfield SS & Hayfield ES	LEE	DE 50792	RZ 2005-LE-017	Kendrick	Christopher Land LLC	\$ 22,500	4/30/06	5/25/05	5/24/07	located in the vicinity of the application	Hayfield SS Elevator Summer 08	Credit to elevator project (#97,500)	
Hayfield SS & Lane	LEE	DE 50666	2003-LE-027	Windsor Knoll	Windsor Land Development LLC	\$ 97,500	2/9/04	1/27/06	5/24/07	located in the vicinity of the application			
Hayfield SS & Lorton Station	MV	DE 50771	2004-MV-022	Camford at Gunston Cove	TWQ Contract LLC	\$ 97,500	6/1/05	1/27/06	5/24/07	located in the vicinity of the application			
Lake Braddock	SP	DE 50600	2003-SP-018	Meadowbrook Drive	Raymond House LLC	\$ 201,504	2/26/04	8/18/04	5/24/07	To BOS for capital improvements for schools property located in the vicinity of the application	Lake Braddock New & Add 0304	Credit to Lake Braddock Project	
Lake Braddock Sec 2	SP	DE 50518	2003-SP-020	Chapel Bridge Estates	Morris Construction Co LLC	\$ 150,000	10/20/03	3/11/06	5/24/07	for school impeded by the development			
Linton HS	PR	DE 50717	2004-PR-018	Marywood Estates Formerly Saddle Ridge	Bedstone Communities LLC	\$ 22,500	1/10/07	7/12/06	5/24/07	within the grounds	Meady Woods ES Modular 205	Credit to Meady Wood Modular Project	
Meady Woods	MV	DE 50680	2003-MV-046	Lorton Valley North Section 2	MH Homes of DC LLC	\$ 16,000	7/9/01	5/28/07	5/24/07	adjacent to new secondary school	Planned Opening 9/20/08	Credit to Future Lane Hill ES (Serving Lorton Area)	
South County	MV	DE 50682	2003-MV-045	Lorton Valley North Section 3	MH Homes of DC LLC	\$ 13,200	7/9/01	9/29/07	5/24/07	\$800,000 to new secondary school	Planned Opening 9/20/08	Credit to Future Lane Hill ES (Serving Lorton Area)	28,000 to South County, 13,200 to Lorton Station
South County	MV	DE 50682	2003-MV-045	Lorton Valley North Section 3	MH Homes of DC LLC	\$ 13,200	7/9/01	9/29/07	5/24/07	\$800,000 to new secondary school	Planned Opening 9/20/08	Credit to Future Lane Hill ES (Serving Lorton Area)	
West Springfield, Irving & Hunt Valley	MV	DE 50720	2004-MV-019	Stream Valley Estates	Richmond American Homes of Virginia	\$ 37,500		7/27/06	5/24/07	To BOS for capital improvements	West Springfield HS on-going	Credit to West Springfield WJO #26084413 Visitor Side Bleachers (#289,748)	
West Springfield, Irving & Hunt Valley	MV	DE 50720	2004-MV-019	Stream Valley Estates	Richmond American Homes of Virginia	\$ 37,500		7/27/06	5/24/07	To BOS for capital improvements	West Springfield HS on-going	Credit to West Springfield WJO #26084413 Visitor Side Bleachers (#289,748)	
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