

**GUIDELINES FOR THE FAIRFAX CENTER AREA ROAD FUND, Adopted November 22, 1982,
Amended through March 19, 2019**

ANNUAL REVIEW PROCESS FOR THE FAIRFAX CENTER AREA

The following guidelines will be used to establish, implement, and operate the Fairfax Center Area Road Fund. These procedures were adopted by the Board of Supervisors on November 22, 1982, and have been revised periodically since their adoption. Guidelines for the monitoring of development in the Area as well as a procedure for reviewing the roadway contribution formula are included herein. Nothing in these guidelines is to be construed as a suggestion, request, or requirement for a proffer that may be deemed unreasonable under Va. Code § 15.2-2303.4, as amended.

A. MAINTENANCE / REVIEW OF LAND USE DATA

It is the intent of the Board of Supervisors that the target or goal for development intensity of the Fairfax Center Area be Level B, as recommended by the Planning Commission. The annual review process will be utilized to assure the achievement of this goal. In addition, the Department of Planning and Zoning and the Department of Land Development Services will collect and maintain the following information with respect to land use development in the Fairfax Center Area:

- o the development status of parcels, land development units and unit groups (including acreage, existing zoning, existing land use, planned land use, number and type of dwelling units, and amount and type of non-residential floor area); and
- o the identification of activity in the development pipeline for each parcel, land development unit and unit group (including the following stages of development: rezonings pending, rezonings granted, site plans submitted, site plans approved, building permits issued, and projects under construction).

Staff will prepare an annual summary document of this information for presentation to the Board of Supervisors.

B. ROADWAY CONTRIBUTION FORMULA REVIEW PROCESS

The following excerpt from the Comprehensive Plan identifies the intention of the Board of Supervisors to review the method by which the private sector contributes to funding of roadway improvements in the Fairfax Center Area:

The proportional share of the transportation improvements provided by the private sector will be established by the Board of Supervisors and reviewed periodically through an established public process such as the Annual Plan Review.

The paragraphs that follow specify the review process to be undertaken by the Board and County staff. Clarification on the Contribution Formula, Roadway Improvements Prioritization, and the Road Fund Account are also provided.

An appraisal of funding and implementation of roadway improvements in the Fairfax Center Area will be made annually and presented to the Board. The appraisal will include but not be limited to the following items:

- o identification of total funds contributed by the private sector and the funds contributed over the previous year(s);
- o review of trends in roadway construction costs reflecting inflation (or deflation) rates;
- o listing of right-of-way dedications, roadway construction, and other commitments/contributions provided in previous year(s);
- o examination of the development pipeline toward re-assessment of programming of roadway projects; and
- o discussion regarding the ability of current funding mechanisms to satisfactorily provide for necessary roadway improvements.

This annual appraisal will not be conducted as a full-scale traffic analysis and roadway needs study. Rather, it will evaluate the suitability of roadway project implementation with respect to specific site developments and the overall Fairfax Center Area development. In addition to these items, staff will make recommendations with respect to the prioritization of roadway projects. An examination of the funding formula will also be presented for reconsideration by the Board.

C. CONTRIBUTION FORMULA

The Contribution Formula is designed to represent the participation of the private sector in the funding and implementation of 'off-site' roadway projects and provision of land and facilities for 'transit-related' purposes. Off-site roadway projects are defined for the purposes of this document as:

- o Those projects which include major improvements to non-interstate primary facilities such as Routes 29 and 50.
- o Improvements to secondary roadways functioning as arterial roadways, including Fairfax County Parkway, Waples Mill Road, Shirley Gate Road, West Ox Road, Stringfellow Road, and Clifton Road.
- o Bridges and interchanges on interstate and primary roadways.
- o Traffic signals that are not otherwise required within the boundaries of or adjacent to sites subject to development.
- o Those portions of roads internal to the Fairfax Center Area that are not within the boundaries of or adjacent to sites subject to development.

These off-site roadway improvements are identified in the next section titled "Prioritization of Roadway Improvements."

This formula does not relate to the dedication of right-of-way for, or the construction of, local and collector roads traversing the Fairfax Center Area where such roads lie within or adjacent to sites being developed. In addition, this formula does not apply to those

improvements necessary for site access (i.e., turn lanes, traffic signals or service drives)¹. It is expected that these improvements will be provided solely by the owner/developer of the site. These improvements are referred to as 'on-site' projects.

Transit-related purposes are defined as the following:

- o Rail stations and facilities peripheral to their function.
- o Park-n-ride lots.
- o Bus transit transfer stations and facilities peripheral to their function.

The formula does not apply to facilities or activities designed to address site-specific needs to reduce the number of single-occupant vehicle (SOV) trips, such as construction of bus shelters and implementation of TDM programs.

The recommended contribution formula approved by the Board of Supervisors at the initial adoption of these guidelines is as follows²:

- o For any application requesting a level of development above the baseline, the contribution will be \$2.50 per gross square foot (GSF) of building structure of the total proposed non-residential space and \$577 per dwelling unit of the total proposed residential uses.
- o Up to one-third of the total recommended contribution can be credited by the dedication of right-of-way for off-site roadway projects or transit-related projects, if no density credits have been granted for the same right-of-way.
- o The total recommended contribution can be provided in part or in total by the construction of major portions of off-site roadway projects or transit-related projects.

For the purpose of interpreting these guidelines, development 'above the baseline' shall be construed to mean any uses that generate peak-hour traffic volumes higher than those generated by baseline development levels, regardless of the type of Land Use Action (rezoning, Special Exception, or other).

The contribution formula does not apply to GSF of public facilities.

The need for a contribution for each application will be identified prior to development approval. The contribution rate at the time of development approval will remain effective for a period of 2 years. If a site plan or subdivision plan (i.e. preliminary or final plat) is not submitted within 2 years from the development approval date, the contribution rate in effect at the time of site plan submission or final subdivision plat submission will be used to identify the total recommended contribution. The total contribution will then be adjusted to reflect the deduction of any applicable credit and/or 'in-kind' contribution (collectively Creditable Improvements). In-kind contributions are defined as those commitments made by the private

¹ Turning lanes and traffic signals provided on non-interstate primary facilities (e.g. Route 29) are considered to be off-site improvements.

² Contribution amounts to the fund have subsequently been modified. A track record of previous revisions is provided at the end of the document.

sector towards the provision, in part or in total, of the construction of off-site roadways, or transit-related purposes as defined previously.

Credit for land dedicated for the described purposes will be based upon the property's existing County assessment in effect at the time of site plan submission or final subdivision plan submission. The applicant will have the opportunity to receive credit, based upon right-of-way dedication, for either density of development or partial satisfaction of the total recommended contribution. Prior to development approval, the applicant, should indicate its intent with regard to the credit opportunities for land dedicated in accordance with these guidelines. Dedication of land for site access improvements will not be eligible for consideration as Creditable Improvements.

If an applicant elects to construct or provide sufficient funds to construct a portion or portions of off-site roadway projects and/or transit-related projects, a cost estimate will be provided by the applicant and reviewed by the Department of Land Development Services (LDS) consistent with bonding practice prior to plan or subdivision plat approval. These costs, once verified and accepted by the LDS, will be applied against the applicant's total contribution with any applicable land credits as illustrated in Appendix A of these Guidelines. The roadway construction projects will be completed before the respective off-site roadway or transit-related project construction bonds are released.

For non-residential development, the applicant will be asked to contribute 10 percent of the total recommended financial contribution, less any Creditable Improvements, to be paid before or at the time of site plan approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is the subject of a rezoning, unless the applicant has proffered to make an earlier payment. The applicant will be asked to contribute the remaining 90 percent of the total financial contribution less applicable credits, to be paid before issuance of occupancy permits. This contribution approach is intended to facilitate the construction of Fairfax Center Area transportation improvements.

For residential development, the applicant will be asked to contribute 100 percent of the total recommended financial contribution, less Creditable Improvements, to be paid before issuance of Residential Use Permits, subject to the provisions in Virginia Code §15.2-2303.1:1 as it relates to cash proffers that are made on a per-dwelling-unit or per-home basis.

If the value of the Creditable Improvements is less than the total recommended contribution, the applicant will pay 10 percent of the difference before or at the time of site plan or subdivision plat approval. No payment must be made, however, until after the applicant pays any fees for the issuance of a building permit for construction on property that is subject of a rezoning, unless the applicant has proffered to make an earlier payment. If the value of the Creditable Improvements meets or exceeds the projected contribution, then the applicant's commitment to the Fairfax Center Area Road Fund has been met.

As the Fairfax Center Area develops, a schedule of roadway improvements will be established. However, rights-of-way dedications or monetary contributions will not be conditioned on a specific roadway project or the completion of a project by a specified date.

D. PRIORITIZATION OF ROADWAY IMPROVEMENTS

The timing of the roadway improvements is crucial to the manner in which the Fairfax Center Area develops. The following improvements are considered as high priority and should be scheduled for implementation as closely as possible to the order in which they are listed. Physical, fiscal, and developmental constraints may shift the priorities of the projects as identified through the annual analysis of road improvement needs. The improvement priorities were adopted by the Board of Supervisors on January 9, 2001. (Note: strikethrough indicates completed project.)

- o Advanced right-of-way acquisition for:
 - ~~_____ Monument Drive west of Fields Brigade Road~~
 - ~~_____ Stringfellow Road relocation~~
- o At-grade improvements/construction:
 - ~~_____ West Ox Road / Route 29 at-grade improvements~~
 - ~~_____ Completion of Monument Drive west of Fields Brigade Road~~
 - ~~_____ Stringfellow Road widening between Fair Lakes Parkway to Route 29~~
 - ~~_____ Widen Route 50 to 6 lanes east of Stringfellow Road~~
 - ~~_____ Waples Mill Road / Route 50 at-grade improvements~~
 - ~~_____ Widening of Waples Mill Road to six lanes between Route 50 and Route 29~~
 - ~~_____ Widening of Rugby Road to four lanes between Fairfax County Parkway and Route 50~~
 - Widening of Route 50 to 8 lanes between Waples Mill Road and I-66
 - Construction of local and collector roads internal to the Fairfax Center Area which are not within the boundaries of or adjacent to sites under development
- o Interchanges:
 - ~~_____ Fairfax County Parkway / Route 29 / West Ox Road~~
 - ~~_____ Fairfax County Parkway / Route 50~~
 - Waples Mill Road / Route 50
 - ~~_____ Fairfax County Parkway / Fair Lakes Parkway / Monument Drive with widening of the Parkway to 6 lanes between I-66 and Route 50~~
- o Route 29 reconstruction:
 - East of West Ox Road, including interchanges at Shirley Gate Road Monument Drive, and Legato Road
 - West of West Ox Road, including an interchange at Clifton Road/Stringfellow Road
- o Fairfax County Parkway widening:
 - ~~_____ Construction of 4 lanes between Route 29 and Braddock Road~~
 - ~~_____ Widening to 6 lanes between I-66 and Route 50 in conjunction with the construction of an interchange at Fair Lakes Parkway / Monument Drive~~
 - Construction of 6 through lanes between I-66 and Route 29

This priority listing will change due to development and financial considerations. It is important that development not occur without the availability of sufficient roadway access and capacity. This is especially important in the development of those parcels that would utilize the sub-connectors traversing or adjoining their property.

Roadway construction and/or right-of-way dedication by either the private or public sector will not necessarily follow the aforementioned priority listing. However, construction of

development projects by the private sector may be predicated upon the completion of adjacent roadways in order that the roadway system can satisfactorily accommodate the change in travel patterns resulting from additional development.

E. ROAD FUND ACCOUNT

A road fund account will be established and maintained by the County. Monies received for the Fairfax Center Area Road Fund, will be placed in the account. Interest on monies in the account will accrue to the account at the prevailing interest rate earned by the County less one-half of one percent for administration.

The monies in this account will be utilized to help fund and implement roadway projects in the Fairfax Center Area as closely as possible to the order in the aforementioned priority list. The widening of I-66 and the construction of sub-connector roads (unless included in the listing of priorities) will not be funded from this account.

Any monies from previous proffers and specified for off-site roadway improvements will go into the road fund account unless otherwise designated in the proffers.

APPENDIX A

A GUIDE TO CALCULATING CONTRIBUTIONS TO THE FAIRFAX CENTER AREA ROAD FUND IN ACCORDANCE WITH THE GUIDELINES ADOPTED BY THE FAIRFAX COUNTY BOARD OF SUPERVISORS ON NOVEMBER 22, 1982, AS AMENDED

STEP 1: Total Recommended Contribution:

gsf (or # dwelling units) multiplied by the appropriate rate =
total recommended contribution amount.

STEP 2: Anticipated Land Credits (If Applicable):

sq. feet of land dedicated for off-site and/or transit-related projects
multiplied by the per foot assessed value of the land at time of site plan
submission or final subdivision plan submission*.

STEP 3: Anticipated In-Kind Contributions:

Cost to construct a portion or portions of off-site roadway and/or transit-
related projects consistent with bonding practices and verified and accepted
by DPWES prior to plan or subdivision plat approval.

STEP 4: Total Contribution less Approved Creditable Improvements

Dollar value in Step 1 minus the sum of Creditable Improvements (Steps 2 + 3)
will result in the net contribution due the Fairfax Center Area Road Fund.
(Note: if the sum of Creditable Improvements meets or exceeds the value of
Step 1, then the commitment to the fund is met with dedication of right-of way
and in-kind construction.)

***NOTE:** This value cannot exceed one-third of the total contribution calculated in Step
1 and cannot include land for which density credits have been granted.

APPENDIX B

A GUIDE TO APPLY FOR A REFUND/CREDIT FOR CREDITABLE IMPROVEMENTS

It is recommended that developers adhere to the following guidance to seek a credit or refund of road fund contributions for Creditable Improvement expenses. Upon completion of Creditable Improvement projects approved by FCDOT and LDS, the developer may submit documentation for reimbursement or credit of project expenditures. The package should be assembled according to the guidelines directly below and submitted to FCDOT.

The package should include the following:

- Cover Letter - This letter should be from the original applicant or legal entity acting on their behalf addressed to the FCDOT director. The letter should outline the nature of the request for refund and the work that has been completed.
- Site Plan - This should be the site plan used in the construction of this project. Other plans such as signal, signage and striping plans may be requested as the application is reviewed.
- Invoices - All invoices that are directly related to the construction of the approved Creditable Improvement project should be submitted. If construction is done simultaneously with other parts of the development, then the applicant must provide a separate accounting of the portion that applies to the Creditable Improvement project. FCDOT staff will review the invoices for relevance to the project.
- A copy of the approved Land Use Action case with approved Creditable Improvement project cost estimates and exhibits depicting the Creditable Improvement(s).
- Any documents recording the release of bond or acceptance of the project into the public right of way.

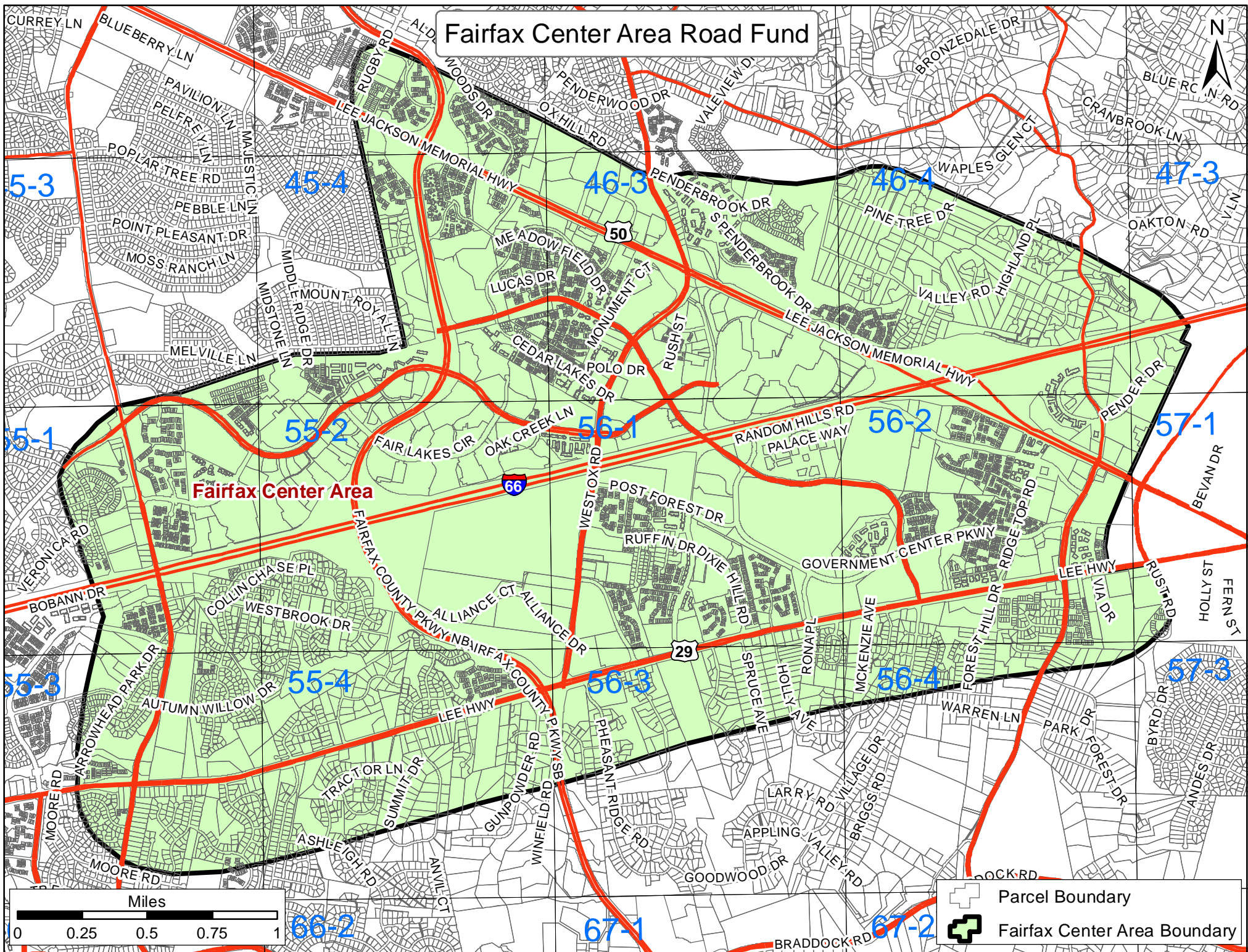
After submission, FCDOT staff will review the credit or refund request. When the review is completed, and approved by the department director or his designee, the applicant will receive notification in writing. The applicant will be notified of the appropriate credit or receive the refund shortly after approval.

APPENDIX C**FAIRFAX CENTER AREA RATE ADJUSTMENT HISTORY**

Effective Date	Percent Increase	Non-Residential Rate per square foot	Residential Rate per unit
January 27, 1992	0	\$3.97	\$883
March 1, 1993	1.75	\$4.04	\$898
March 1, 1994	0.5	\$4.06	\$902
April 1, 1995	0.5	\$4.08	\$906
June 28, 1999	0	\$4.08	\$906
January 8, 2001	2.5	\$4.18	\$928
March 18, 2002	2	\$4.26	\$946
March 24, 2003	3	\$4.39	\$974
March 15, 2004	2	\$4.48	\$993
February 28, 2005	6	\$4.75	\$1,053
September 24, 2007	3.2	\$5.07	\$1,124
October 1, 2008	3.6	\$5.25	\$1,164
December 1, 2010	1.3	\$5.32	\$1,179
January 1, 2012	3.89	\$5.53	\$1,225
January 1, 2013	2.88	\$5.69	\$1,260
February 1, 2014	1.98	\$5.80	\$1,285

February 1, 2015	2.18	\$5.93	\$1,313
February 3, 2016	0.25	\$5.94	\$1,316
March 1, 2017	2.04	\$6.06	\$1,342
March 1, 2018	2.50	\$6.21	\$1,376
April 1, 2019	1.90	\$6.33	\$1,402

Fairfax Center Area Road Fund



- Parcel Boundary
- Fairfax Center Area Boundary