



COUNTY OF PRINCE WILLIAM

4379 Ridgewood Center Drive, Prince William, Virginia 22192-5308
(703) 792-7018 Metro 631-1703 Fax(703) 792-5969

DEPARTMENT OF
PUBLIC WORKS

PROPERTY CODE
ENFORCEMENT GROUP

Robert W. Wilson
Director

December 8, 2003

Richmond American Homes of
Virginia, Inc

Washington Homes of Virginia, Inc

C/O:
William L. Matson
Suite 700
1650 Tysons Blvd.
McLean, Virginia 22102

C/O:
Commonwealth Legal Services,
Corp., Suite 301
4701 Cox Road
Glenn Allen, Virginia 23060

RE: Saratoga Hunt Proffer Violation Notice, Stop Work Order, and Correction
Order

To whom it may concern:

Prince William County has concluded our courtesy review of the reforestation plan submitted to address the proffer violations as outlined in the violation notice and correction order dated October 16, 2003.

This correspondence is being sent to provide the appropriate feedback regarding that plan. It also serves to put you on notice of many other violations of the proffered conditions regarding the Saratoga Hunt development project. Finally, it is an official **STOP WORK ORDER** affecting all construction and development within entire project's perimeter boundary lines.

The attached letter from Sherman Patrick, Prince William County Zoning Administrator, is an official interpretation of the conditional zoning (proffers) attached to rezoning 1994-00006 and rezoning 2000-00115, and outlines deficiencies and corrective actions required for each proffer that has been violated.

Richmond American Homes of Virginia, Inc and Washington Homes of Virginia are hereby ordered to correct the attached deficiencies and violations within sixty (60) days of receipt of this notice and order. You are further ordered to incorporate and address all comments/interpretations on a final site plan to be submitted to the County for comprehensive review. Once this final site plan is approved the site will be released from the stop work order.

An Equal Opportunity Employer

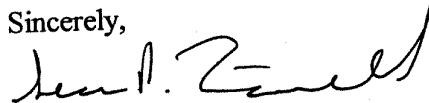
Saratoga Hunt
December 8, 2003
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If you have any questions concerning this notice and order, or would like further information, please contact this office immediately.

Failure to correct the violations may result in one or all of the following: criminal charges being filed against you in General District Court or an injunction being filed by the County against you.

Any person aggrieved by the issuance of this notice and order may appeal to the Board of Zoning Appeals, in accordance with Section 900.20 of Chapter 32. Such an appeal must be in writing stating the reasons for the appeal, must be filed with the Zoning Administrator within 30-days from receipt of this notice, and must be accompanied by a filing fee of four hundred twenty-five dollars (\$425). If the appeal is not made within 30-days, this notice shall be final and unappealable.

Sincerely,



Sean P. Farrell
Property Code Enforcement Manager

Attachments: As stated

C: BOCS
County Executive
County Attorney
Public Works Director
Planning Director



COUNTY OF PRINCE WILLIAM
1 County Complex Court, Prince William, Virginia 22192-9201
(703) 792-6830 Metro 631-1703, Ext. 6830 FAX (703) 792-4758
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**PLANNING
OFFICE**

Stephen K. Griffin
Director of Planning

December 8, 2003

TO: Sean P. Farrell
Property Code Enforcement Manager

FROM: Sherman Patrick
Zoning Administrator

RE: PLN2002-00217 (Approved December 13, 2002) Proffered Conditions

The following recital is to enumerate issues that must be resolved with regard to Saratoga Hunt proffered conditions accepted by the Board of County Supervisor at the time of rezoning. The issues raised here primarily pertain to the apparent violation of those proffers, although some issues involving Design and Construction Standard manual (DCSM) compliance are included as well. Resolution is required through a revision to the approved site plan.

Regarding proffers – Proffered Conditions for two re-zonings apply to this overall site plan:

A. For Rezoning Case #94-006:

1. Proffer 3. Requires a “50-foot Protection Area” wherein all use and development is restricted. (See sheets 6 and 45 of subdivision plan):
 - a. Lots 121-122 have houses proposed with little or no distance between the house and proffered protection area. Plantings are proffered within this area to be consistent with the DCSM buffer standard for a 50-foot buffer.
 - b. Show landscaping within the “50-foot Protection Area” that meets the buffer equivalent described in Section 802.12. You are required to use Native species only.
 - c. Sanitary manhole SS54 must be relocated out of the proffered 50-foot protection area.

B. For REZ 00-00115:

1. Proffer 2L. This proffer prohibits construction traffic from using Saratoga Lane. The intent of this proffer is to assure that no traffic from the development of Saratoga Hunt would access the site from Silverdale.
 - a. Ensure that no construction vehicles access the site from Saratoga Lane.

2. Proffer 4B. This proffer establishes undisturbed open space. Grading for lots and house sitting within this open space are not allowed. The proffered GDP shows open space on each side of the intermittent stream. The approved site plan clears and grades for lots into the stream, wetland and the adjacent proffered open space for lots 18-22, 28-32, 37-39, 101, and 103-106. In at least two locations houses are sited within the proffered open space (lots 30 and 101).
 - a. Revise the site plans and all associated sheets to show the overlay of the proffered open space as depicted on Engineering Groupe exhibit dated 10/15/03. Shading is not necessary.
 - b. Revise the limits of clearing and grading and proposed grading to remove all disturbances from within the proffered open space, with the exception of clearing and grading necessary for construction of the storm water management pond behind lots 103-106.
 - c. Relocate two houses out of proffered undisturbed open space.
 - d. Provide and perform a restoration plan for all disturbed areas of the proffered undisturbed open space. See below for additional comments on and specific requirements for this plan.

3. Proffer 4B. A courtesy consultation with the County Arborist, citizens, and LOCCA/PELT initiated by the Applicant for the purpose of identifying the areas to remain undisturbed was to occur prior to any land disturbing activities. No consultation has occurred.

Proffer 4C. requires that the applicant provide a courtesy consultation with surrounding neighbors for the purpose of identifying areas with slopes of 25% or greater that will be developed as home sites. Apparently, this has not been done.

Since clearing and grading has been performed in violation of these proffers the following action is required prior to approval the required revision to rectify this situation:

- a. The applicant must contact by letter LOCCA/PELT, the arborist, and appropriate neighboring citizens inviting them to a site walk, to be hosted by the applicant at a specified date convenient to all parties. The walk itself is to occur prior to approval of the required revision.
- b. The applicant must provide the County with copies of the letters.
- c. The site walk will view the areas in question and provide for a discussion between the applicant and invitees regarding site work already done and the restoration measures to be performed by the applicant.

4. Proffer 9A. This proffer prohibits encroachment of lot grading into a 25-foot wide open space strip and creates an additional 10-foot conservation easement. Revise the plan to correct the following problems:
 - a. Grading for lots 14-15 encroaches upon the 25-foot strip.
 - b. The full extent of the 25-foot open space strip and 10-foot conservation easement are not provided north of existing Saratoga Lane.
 - c. This proffered 25-foot buffer is shown on this site plan but is not platted with the plat for this site plan.
 - d. Supplemental landscaping required by the proffer is not provided within the 10-foot conservation easement.
 - c. Provide plantings to replant areas disturbed in violation of this proffer.
5. Proffer 9B. Requires supplemental plantings per the appropriate DCSM standard to be provided within the proffered 50-foot buffer. These have not been provided anywhere on-site. Revise the plan to provide the required plantings.
6. Proffer 9C. This prohibits clearing and grading for lots within the proffered 50-foot conservation easement. Revise the plan to correct the following violations of this proffer:
 - a. Lots 81-90. Limits of clearing and grading for most of these lots completely clear the conservation easement with yard grading. Revise the grading and limits of clearing to remove yard grading from the 50-foot conservation easement.
 - b. Replacement landscaping will be necessary and is required where clearing is necessary immediately adjacent to proposed storm outfall easements. Provide restoration consistent with other areas of restoration.
 - c. Clearly labeled the 50-foot conservation easement behind lots 81-82.
7. Proffer 10A. (See sheet 3 of site plan) regarding the site entrance:
 - a. A 20-foot wide landscape strip with a 3-foot berm is required by this proffer. Revise the plan to show the required berm.
 - b. The proffered "Landscape Exhibit" provides a typical detail for the landscaping to be on the berm. Provide landscaping in keeping with this detail.
8. Proffer 10 B. The proffered streetscape is not provided in all the areas shown on the GDP. A long stretch of streetscape is missing near All Saints Church and the main entrance, as well as other areas. Additionally, the design is not of a consistency and regularity that is needed to define it as a streetscape. Spacing is too close at 22-feet and irregular. The minimum spacing recommended is 30-feet. Revise the landscaping plan to provide a streetscape in keeping with the GDP.

9. Proffer 11A. The proffered "Landscape Exhibit" provides a typical detail for the landscaping to be incorporated into the entrance sign. Provide landscaping in keeping with the proffered entrance sign detail.
10. Proffer 16A. 25-foot buffer is required around the two existing grave sites located adjacent to proposed lots 177 and 178. This buffer has not been provided. Initial indications are that the boundaries of the buffer will overlap onto the adjacent lots unless those lots are modified.
11. Proffer 16B.
12. Proffer 16C.

C. Regarding the Required "Restoration Plan":

1. A restoration plan shall be provided for all areas that have been disturbed within proffered undisturbed open space, except for those areas associated with storm water management facilities (behind lots 103-106), road crossings (General Washington Drive) and utilities, as allowed. The restoration plan shall include the following elements:
 - a. The boundaries of the proffered undisturbed open space shall be accurately shown as depicted on Engineering Groupe exhibit dated October 15, 2003, although shading is not needed.
 - b. All grades shall be returned to original grades. Verification of original grades shall be provided by a surveyor prior to planting.
 - c. Slopes created outside of the open space shall be graded so as to provide sheet flow of runoff into the open space.
 - d. The soils that have been disturbed shall be restored by providing a minimum of 6-inches of clean topsoil throughout all areas where leaf litter has been removed. Topsoil shall have a minimum of 5% organic content, shall be free of rocks and debris, and shall be similar in pH to surrounding undisturbed soils. A layer of natural leaf mulch, 4-inch in depth, shall be laid over the topsoil. The topsoil layer shall be spread evenly and smoothly prior to planting. The leaf mulch layer may be spread after planting and likewise shall be spread evenly and smoothly. If there are locations where the original grade will not permit leaf mulch as a top dressing, then shredded hardwood bark mulch or other suitable native ground cover shall be used to stabilize the soil subject to the approval of the County.
 - e. The applicant shall obtain confirmation of the restoration of original grades and addition of topsoil from the Watershed Management Site Inspector and/or County Arborist prior to proceeding with planting.
 - f. Reforestation shall be provided as follows:

- (1) A minimum of 650 seedling trees and 1 gallon container shrubs per acre will be planted in the proportions of 250 overstory trees, 200 understory trees and 200 shrubs per acre.
 - (2) All plantings shall be indigenous to Virginia and suitable for the specific location disturbed. Species chosen shall reflect the species removed.
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- (3) All tree seedlings shall be a minimum of 18" – 24" in height. All shrubs shall be a minimum of 18" – 24" in height.
 - (4) Four feet high protective tree shelters shall be used for all trees.
 - (5) All plantings shall be watered the day of planting to a depth of 2 inches, unless otherwise authorized by the County.
 - (6) Watering shall be provided throughout the first growing season within 3 days of each period in which natural rainfall has not occurred within 7 consecutive days. Watering shall be provided to wet the soil (below the leaf mulch) to a depth of 2".
 - (7) If more than 25% of the plants from any category (overstory tree, understory tree or shrub) have died within one year of planting, then all dead plants within that category shall be replaced.
 - (8) Maintenance shall be provided to remove the protective tubes and stakes once the trees have reached 1 ½" in caliper or after 4 years, whichever occurs first.
 - (9) Additional specifications shall be required consistent with standard reforestation practices and the practices of Prince William County. (for assistance see "General Reforestation Specifications for Prince William County" available from the Watershed Management Branch)
- g. A cash escrow shall be posted to cover 100% of the cost of implementing the restoration plan.
- h. Informational signs shall be posted approximately every 50' and along the uphill edge of the restoration area. Said signs shall be able to remain in place and be legible for a minimum of 5 years and shall provide information on the intent of the planting.

D. Regarding DCSM / Zoning Issues:

1. Sheet 6. A storm easement is proposed running parallel within the 30-foot buffer behind lots 134-136. Relocate the easement out of the 30-foot buffer. (DCSM 802.10C)
2. Sheet 43: Clearing within the 30-foot buffer abutting the Elks property is not replanted per standards (DCSM 802.12, Table 8-2). Provide plantings to meet the DCSM standard for a 30-foot buffer.
3. Sheets 6 & 45: Show where the Elks property abuts Saratoga Hunt. Landscaping provided appears to be inadequate.

4. Sheet 45: Storm water management pond landscaping does not "surround" the basin. (DCSM 802.45) Provide landscaping that surrounds the basin within the easement.
5. Sheet 46: Provide landscaping within the 30-foot buffer. (DCSM 802.12, Table 8-2)

E. Regarding the Plat:

Demonstrate that all proffered undisturbed open space, conservation areas, buffers and tree protection areas are platted as required. Provide language on the plats that clearly explains restrictions as to use within areas covered by proffers.

F. Miscellaneous:

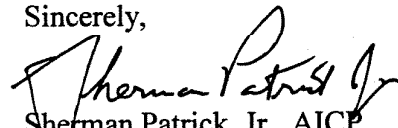
A conservation easement is shown for the proffered open space; however it does not encompass the entirety of the open space proffered via the GDP. (See sheets 4-5 of site plan). Any conservation areas proposed shall include all of the proffered undisturbed open space, except those areas which may require maintenance for utilities, roads and the storm water management pond.

If you have any questions concerning this notice and order, or would like further information, please contact this office immediately.

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Sincerely,


Sherman Patrick, Jr., AICP
Zoning Administrator

cc: BOCS

Craig S. Gerhart, County Executive
Sharon Pandak, County Attorney
Robert Wilson, Public Works Director
Stephen K. Griffin, Planning Director