

## PROFFER STATEMENT

RE: REZ #PLN 2000-00115, Saratoga Hunt, A-1 to R-10

Applicant: Richmond American Homes of Virginia, Inc.

Record Owner: William E.S. Flory and Anne R.F. Naedele, Wesiko Partnership

Property: G.P.I.N.s 8092-80-3206 and 8091-76-9283  
130.17 acres; Coles Magisterial District (the "Property")

Date: December 4, 2000

The undersigned hereby proffers that the use and development of the subject Property shall be in strict conformance with the following conditions. In the event the above-referenced rezoning is not granted as applied for by Applicant, these proffers shall be withdrawn and are null and void.

The headings of the proffers set forth below have been prepared for convenience or reference only and shall not control or affect the meaning or be taken as an interpretation of any provision of the proffers. Any improvements proffered herein shall be provided at the time of development of that portion of the site adjacent to the improvement, unless otherwise specified. The term "Applicant" as referenced herein shall include within its meaning all future owners and successors in interest. The "Plan" shall refer to the plan entitled "Generalized Development Plan, Saratoga Hunt", prepared by Burgess & Niple, dated February 29, 2000 and last revised November 30, 2000.

1. USES AND SITE DEVELOPMENT. Dwelling type shall be limited to single family detached. No single family attached or townhouses shall be permitted. The maximum number of units shall be limited to 155 units. Lot sizes for all residential lots around the perimeter of the Bel Air Plantation shall be a minimum of 20,000 square feet, as shown on the Plan. The street layout for the project shall be as conceptually shown on the Plan, subject to changes as a result of final engineering at preliminary and final subdivision plan stages.
2. TRANSPORTATION.
  - A. Access to the Property shall be as shown on the Plan, except that the Applicant shall not construct a public street connection from Saratoga Lane to the proposed development spine road, but shall maintain a driveway connection to All Saints Episcopal Church as provided in Proffer 2N below.

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- B. The Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$3,500.00 for each residential dwelling unit constructed on the Property for improvements to Minnieville Road. Said contribution shall be paid for each such dwelling unit at the time a building permit is issued for said dwelling unit.
- C. Minnieville Road.
- i. At the time of submission of the final subdivision plan for the first section, the Applicant shall provide construction plans for a four lane divided section of Minnieville Road from Silverdale Drive to Cardinal Drive, subject to the direction, review and approval of the Prince William County Public Works Department ("Public Works") and VDOT. The Applicant's costs incurred in the design of the four lane section shall be applied as a credit against the monetary contributions made in Proffer 2B above.
- ii. At the time of submission of the final subdivision plan for the first section and subject to the review and approval of Public Works and VDOT, the Applicant shall design a 4-lane section of Minnieville Road from Silverdale Drive to the project entrance, provided that the Applicant's costs for said design shall be applied as a credit against the monetary contributions made in Proffer 2.B. above. Said design shall be bid to determine the actual cost. The Applicant has agreed to contribute an additional \$160,000, over and above the amount of Proffer 2B above, toward the construction described above provided the construction takes place during development of the first section of the development. If the amount of Proffer 2.B. and the additional foregoing monetary proffer of \$160,000 is sufficient to pay the cost of said construction either by itself or in combination with other proffered funds or funds from other sources, and subject to the review and approval of Public Works and VDOT, the Applicant shall, during development of the first section, construct the widening of Minnieville Road to a 4-lane section from Silverdale Drive to the project entrance, provided that the cost of the design and the cost of said improvements shall be applied as a credit against the monetary contribution for transportation improvements provided in Proffer 2.B. above. If sufficient funds are not available for the construction described in this proffer, then the Applicant's obligation shall be satisfied by the payment

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of the monetary contribution set forth in Proffer 2.B. above, subject to a credit for any design work approved by the Public Works.

- D. If for any reason the 4-lane section of Minnieville road referenced above is not constructed, the Applicant shall construct a right turn/deceleration lane for westbound Minnieville Road and a striped left turn lane for eastbound Minnieville Road at the Minnieville Road/Site Entrance Road intersection, as shown on that plan entitled "Proposed Improvements Minnieville Road, Saratoga Hunt", prepared by Burgess & Niple, dated February 29, 2000 and revised April 17, 2000 (the "Transportation Plan"), subject to Prince William County (the "County") and Virginia Department of Transportation ("VDOT") approvals.
- E. The Applicant shall dedicate right-of-way across the Minnieville Road frontage of the Property sufficient to provide the ultimate 118' section along Minnieville Road.
- F. The Site Entrance Road shall be constructed with a total of three (3) lanes at the Minnieville Road/Site Entrance Road intersection: two (2) exiting lanes leading out of the development and one (1) inbound lane leading into the development, all as shown on the Transportation Plan.
- G. The Applicant's obligation to construct the said Minnieville Road improvements as described above and/or the entrance improvements as shown on the Transportation Plan is subject to the availability of off-site right of way necessary for such improvements in accordance with the following:
  - i. The Applicant shall, with due diligence, make a good faith effort to acquire the off-site right of way for said improvements.
  - ii. In the event the Applicant is not able to acquire the off-site right of way, Prince William County shall initiate expedited condemnation of said right of way in accordance with adopted County policy and procedures. The Applicant shall assume all responsibility for the costs associated with such condemnation action in accordance with adopted County policy.
  - iii. In the event the County does not initiate and move forward with said condemnation to secure the necessary right of way, the Applicant shall be responsible only for the construction of improvements within the

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available right of way along the frontage of the Property and shall have no further responsibility with reference to said improvements.

- H. The Applicant shall provide interparcel/driveway access from the internal road network to those adjacent properties identified as G.P.I.N.s 8091-78-9128, 8091-76-1820, 8091-87-8555 and 8091-88-7371.
  - I. The Applicant shall pay the cost of a coordination-capable, fully actuated traffic signal at the Minnieville Road/Site Entrance Road intersection at such time that VDOT warrants for said signal are met. The Applicant shall submit a traffic signal warrant study at the time of final subdivision plan review, subject to the review and approval of VDOT and shall make best efforts to provide the traffic signal as early as possible in development of the project.
  - J. The Applicant shall construct or escrow the cost of construction of a Class I bike trail along the Minnieville Road frontage of the Property prior to final subdivision plan approval for the Property.
  - K. The Applicant shall consider at the time of subdivision plan review the use of "traffic calming" measures on the internal streets in the project.
  - L. Construction vehicles shall enter the Property from Minnieville Road and shall be prohibited from using Saratoga Lane (via Silverdale Drive). The Applicant shall provide flagmen as needed to direct heavy construction vehicle traffic at the construction entrance on Minnieville Road, during site development activities.
  - M. The Applicant shall provide street lights in accordance with County policy.
  - N. At the time the Saratoga Hunt spine road is completed and open for public usage from Minnieville Road to the All Saints Episcopal Church's driveway, the Applicant shall place a gate on said Church's driveway between Saratoga Lane and the Saratoga Hunt spine road to limit usage of the Church's driveway only for access to events at the Church. The gate shall remain closed except when events and/or activities are taking place at the Church. Provision will be made for emergency fire and rescue access.
3. WATER AND SANITARY SEWER. The Property shall be developed utilizing public water and sewer service.

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4. ENVIRONMENTAL.

- A. The Applicant shall make a monetary contribution to the Prince William County Board of County Supervisors in the amount of \$75.00 per acre for water quality monitoring studies in the Neabsco Creek watershed. Said contribution shall be made at the time of final plan approval for the Property.
- B. The Applicant shall provide "open space" areas on the Property as shown on the Plan, which areas shall remain undisturbed except for disturbance necessary for the construction and maintenance of utility crossings, stormwater management facilities, drainage facilities, roads, driveways and other infrastructure. The Applicant shall provide a courtesy consultation with the County Arborist, LOCCA/PELT and citizens for the purpose of identifying the buffer areas and other areas that will remain undisturbed, prior to the commencement of any land disturbing activities on the site.
- C. All areas containing steep slopes located within open space areas as shown on the Plan shall remain undisturbed, except for that disturbance necessary, as provided for in 4 B. above. The applicant shall 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. In areas outside of those open space areas provided for in 4 B. above, when clearing and/or grading is to occur on slopes of twenty-five percent (25%) or greater, the Applicant shall be subject to the following:
  - (i) Prior to any clearing or grading, all surface drainage will be routed away from the areas to be graded.
  - (ii) All fill materials and their subgrade must be approved by the Applicant's soils engineer prior to the placement of any fill or back fill materials to ensure slope stability.
  - (iii) In graded and/or cleared areas, slope stabilization will be required to protect soil from the erosion forces of raindrop impact and flowing water. Soil stabilization measures will be selected to be appropriate for the time of year, site conditions and estimated duration of use. Acceptable erosion and sediment control for this site shall be accomplished by both structural and vegetative practices as outline in the Virginia Erosion and Sediment Control Handbook, Third Edition, 1992.

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- (iv) The Applicant shall seek County approval during the subdivision plan process for the grading of said areas at a 2 to 1 slope (rather than a 3 to 1 slope), in accordance with Section 710.01(B) of the DCSM. Said request shall be made for the purpose of minimizing grading in said areas and providing for the maximum retention of existing trees.
  - (v) The Applicant shall utilize a “super silt fence” in areas where grading must occur on slopes adjoining Neabsco Creek or existing homes.
5. FIRE AND RESCUE. The Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$400.00 for each residential dwelling unit constructed on the Property. Said contribution shall be used for fire and rescue services. Said contribution shall be paid for each such dwelling unit at the time a building permit is issued for said dwelling unit.
  6. SCHOOLS. The Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$5,190.00 for each residential dwelling unit constructed on the Property for schools. Said contribution shall be paid for each such dwelling unit at the time a building permit is issued for said dwelling unit.
  7. PARKS AND RECREATION.
    - A. The Applicant agrees to dedicate that portion of the Property identified on the Plan and consisting of approximately 55 acres to the Prince William County Park Authority for use as a park. Said dedication shall be made at the time of final subdivision plan approval for the final portion of the project adjacent to said area. The Applicant shall retain the right to grant utility and stormwater management easements, dedicate streets and construct utility crossings, along with the necessary grading, provided that any such disturbance shall be kept to the minimum necessary to accommodate such improvements.
    - B. The Applicant shall provide an access connection between the internal street/sidewalk system for the development and the property dedicated to the Park Authority described above.
    - C. The Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$10,000 as the Applicant's contribution toward design of said park.

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8. LIBRARIES. The Applicant shall make a monetary contribution to the Prince William Board of County Supervisors in the amount of \$200.00 for each residential dwelling unit constructed on the Property for libraries. Said contribution shall be paid for each such dwelling unit at the time a building permit is issued for said dwelling unit.

9. BUFFERS/LANDSCAPING.

A. The Applicant shall provide a 25-foot wide open space strip around the boundary in those areas shown on the Plan, which open space strip shall remain undisturbed except for any disturbance necessary for the construction and maintenance of utility crossings, stormwater management facilities, drainage facilities and other infrastructure. Said open space strip shall not be required to be provided in addition to any Resource Protection Areas (RPAs) that exist on the Property. The Applicant shall provide supplemental plantings in any disturbed areas to replace any trees which must be removed. Where this open space strip adjoins existing homes, the Applicant shall also provide an additional 10 foot wide conservation easement adjacent to the 25 foot wide buffer of undisturbed open space, said easement to overlay the rear yards of individual lots. Within this conservation easement all clearing and grading shall be kept to the minimum necessary to accommodate the construction and maintenance of improvements to the lots. The Applicant shall provide supplemental plantings to provide screening in those areas which must be disturbed, except that replacement shall not be required within utility easements.

Said conservation area shall be subjected to a restrictive covenant which prohibits the clearing or cutting of mature hardwood and evergreen trees, except for dead or dying trees and routine pruning, and except for utility installation and/or maintenance as set forth above. Said covenant shall not prohibit the cutting of noxious weeds, or other undesirable vegetation such as poison ivy, poison oak or thorny plants. Said covenant shall be contained in the deed by which each lot created from that portion of the Property affected by said conservation area is conveyed to a home buyer and said covenant shall be binding on the Applicant and its successors in title to the said conservation area.

B. The Applicant shall provide a 50-foot wide buffer adjacent to portions of those properties identified as G.P.I.N. 8091-78-9128 (the Bel Air Plantation) and G.P.I.N. 8091-88-7371, as said buffer areas are shown on the Plan. Said

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buffer areas shall remain undisturbed, subject to any disturbance necessary for the construction and maintenance of utility crossings, drainage facilities and driveways. The Applicant shall provide supplemental plantings within said areas equivalent to the standard as necessary to achieve a screening effect equivalent to the standard set forth in the DCSM for a 50-foot buffer.

- C. The Applicant shall also provide an additional 50 foot wide conservation easement adjacent to the 50 foot wide buffer provided in 9(B) above, said easement to overlay the rear yards of individual lots. Within this conservation easement, no clearing and grading shall occur except clearing, grading, and other disturbance necessary for access to and/or construction of storm sewer lines, drainage improvements, water and sanitary sewer lines. All clearing and grading shall be kept to the minimum necessary to accommodate such stormwater management facilities and utility connections.

The Applicant shall provide supplemental plantings in disturbed areas to replace any trees which must be removed, except that replacement shall not be required within utility easements. Replacement trees shall be of species indigenous to the Northern Virginia area.

Said conservation area shall be subjected to a restrictive covenant which prohibits the clearing or cutting of mature hardwood and evergreen trees, except for dead or dying trees and routine pruning , and except for utility installation and/or maintenance as set forth above. Said covenant shall not prohibit the cutting of noxious weeds, or other undesirable vegetation such as poison ivy, poison oak or thorny plants. Said covenant shall be contained in the deed by which each lot created from that portion of the Property affected by said conservation area is conveyed to a home buyer, and said covenant shall be binding on the Applicant and its successors in title to the said conservation area. Said covenant shall be contained in the covenants, condition and restrictions for the subdivision and shall be enforceable by the homeowners' association as well as the Zoning Administrator in enforcement of these proffers.

- D. Buffers shall be provided on the Property as shown on the Plan.
- E. The Applicant shall preserve specimen trees where possible subject to minimum clearing and grading as necessary to accommodate the construction and maintenance of improvements to the lots, streets, utilities, stormwater management, etc. as shown on the Generalized Development Plan, and shall

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conduct a courtesy review with the County Arborist and citizens in order to identify the location of these trees prior to the commencement of grading activities on the site.

10. STREETSCAPE ADJACENT TO ROADWAYS.

- A. The Applicant shall provide a 20-foot landscape strip with 3-foot berm outside of the right-of-way along the Minnieville Road frontage of the Property, as shown on that plan entitled "Landscape Exhibit, Saratoga Hunt", prepared by Burgess & Niple and dated May 25, 2000 (the "Landscape Exhibit"). To further enhance the appearance of the project from Minnieville Road, the Applicant shall provide a minimum fifty-foot (50') setback from the southern property line for the house constructed on the first lot on the west side of the Site Entrance Road.
- B. Subject to Prince William County and VDOT approval, the Applicant shall provide a streetscape along all internal roads on the Property, as generally shown on the Plan. Said streetscape shall be provided and trees may be clustered at various locations along said roads for purposes of providing adequate sight distance. Tree species to be planted within said streetscape shall be a combination of the following: Red Maple, Seedless Green Ash, Pin Oak, London Planetree, Yoshino Cherry, Norway Spruce and Austrian Pine. The exact combination of plantings and location of plantings within the streetscape shall be determined at final subdivision plan review.

11. ENTRANCE FEATURE/SIGNAGE.

- A. The Applicant shall create a landscaped entrance feature incorporating monument or wall-mounted signage on both sides of the site entrance, as said entrance feature is shown on the Landscape Exhibit.
- B. Directional signage for All Saints Episcopal Church shall be located on the Property at the intersection of the Site Entrance Road and Minnieville Road, as generally shown on the Landscape Exhibit. Said signage shall be approximately six feet (6') in height and shall have approximately 9 square feet of sign area.

12. ARCHITECTURE. The architectural styling of all residential buildings shall be compatible and shall be based on a traditional architectural theme throughout. The traditional architectural theme shall be defined as including: Colonial, Victorian,

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Queen Anne, Early American, Federal, Georgian, Greek Revival and Classical Revival. The following architectural styles shall be considered incompatible with the traditional architectural theme and shall be prohibited: Modern, Post-Modern, Contemporary, International, Art Deco, Spanish, Italianate and Deconstructivist. Specific architectural elements allowable include, but are not limited to, peaked roofs, gables, chimneys, balconies or decks, porches and garages.

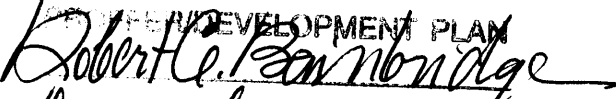
13. AFFORDABLE HOUSING. The Applicant shall make a monetary contribution to the County's Housing Development Fund in the amount of five-hundred dollars (\$500.00). Said contribution shall be paid at the time of issuance of a building permit for the first residential dwelling unit to be constructed on the Property.
14. CONVEYANCE OF LAND TO ALL SAINTS EPISCOPAL CHURCH. In the event any portion(s) of the Property adjacent to G.P.I.N. 8091-78-1243 (All Saints Episcopal Church property) is conveyed to All Saints Episcopal Church, then (i) the proffers contained herein, including monetary proffers on subdivided lots, shall no longer apply to said conveyed property, (ii) the 30-foot buffer adjacent to All Saints Episcopal Church shown on the Plan shall no longer be required if the area within said buffer is conveyed to said Church, and (iii) said conveyed property shall be permitted to be used for "church" and/or "religious institution" uses.
15. CONVEYANCE OF LAND TO GRACE BAPTIST CHURCH. In the event any portion of the Property adjacent to G.P.I.N. 8091-66-7724 (Grace Baptist Church property) is conveyed to Grace Baptist Church, then (i) the proffers contained herein shall no longer apply to said conveyed property, (ii) use of said conveyed property as open space for the development of the Property as shown on the Plan shall no longer be required, and (iii) said conveyed property shall be permitted to be used for "church" and/or "religious institution" uses.
16. ARCHEOLOGY
  - A. GRAVE SITE BUFFER AND ACCESS. The Applicant shall preserve the two existing grave sites located on the southeast portion of G.P.I.N. 8091-76-9283, as said sites are generally identified on the Plan. The Applicant shall provide a twenty-five foot (25') wide buffer around the perimeter of said grave sites and shall provide a pedestrian access easement to said grave sites. The immediate gravesite area shall be fenced with a material that is approved by the Historical Commission.

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- B. The Applicant shall perform a Phase I archeological survey of the area within the floodplain in the general location identified for road crossings to the extent such crossing remain applicable, with a width of 150 feet, as soon as reasonably practicable. The Applicant shall retain a qualified professional Archeologist to perform a Phase I archeological investigation as defined by the Virginia Division of Historic Resources (“VDHR”) of the road crossings in the floodplain,. A report documenting the result of the investigation shall be submitted to the County no later than with the approval of the first preliminary plan for development on the Property. In the event that potentially significant archeological sites are identified as a result of the Phase I survey, the Applicant shall conduct a Phase II archeological evaluation in connection with said sites to the extent that they are located on the Property. If recommended as the result of the Phase II evaluations, the Applicant shall additionally provide any necessary Phase III data recovery in the site(s) identified as National Register eligible in the Phase I evaluation to the extent that they are located on the Property, in consultation with the County, VDHR and, if appropriate, the Advisory Council on Historic Preservation. Alternatively, in consultation with the County, the Applicant may chose to avoid disturbance of any site(s) identified as National Register eligible. Reports of Phase I archeological identification, Phase II archeological evaluation and Phase III data recovery investigations shall be submitted prior to final subdivision plan approval for the section of the Property proposed to be developed.
- C. Archeological Monitoring. The Applicant shall provide an archeologist who will inspect areas of high and moderate potential in each section of the property as the topsoil is removed to identify any historically significant structures or graves (“features”) which might be uncovered. A member or designated representative of the Historical Commission shall be offered the opportunity to accompany the archeologist. Any graves discovered will be addressed in accordance with Virginia law and County guidelines. Any significant or unusual artifacts will be collected and either retained at the Bel Air house or offered to an appropriate museum in consultation with the Historical Commission. If any historically relevant structures are located, an appropriate marker will be placed at or near the location with the inscription developed in consultation with the Historical Commission. Any archeological features discovered will be evaluated in accordance with VDHR guidelines and in the event a National Register eligible site is discovered, the Applicant

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1 Draft Phase I Report submitted October 13, 2000. No additional archeological work recommended.

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will work with VDHR to mitigate any adverse effects that may result from the proposed development.

- D. The Applicant agrees to perform additional Phase I archeological work if requested by the Virginia Department of Historic Resources (VDHR) in conjunction with VDHR's review of the Applicant's June, 2000 Phase I archeological study of the Property.<sup>2</sup>
- E. The Applicant will provide the following additional information regarding its Phase I archeological report:
  - i. A map that identifies the entire project, areas of high, moderate and low probability (including justification for the designation), the areas surveyed by Michael Johnson, the areas surveyed by Thunderbird Archeological Associates on both investigations, areas of disturbance and soils maps (if possible) correlated with survey results to show areas of erosion and deflation where sites might once have existed, but have been destroyed because of natural forces<sup>3</sup>.
  - ii. Identify any areas on the maps that do not fall into the categories identified above and if they were not surveyed, a discussion of why those areas were not surveyed. Areas that require additional surveys should be identified and reviewed with the Historical Commission and/or the County's archeological consultant and Planning Office and plans made with all parties for the approach on any additional survey work<sup>4</sup>.
  - iii. If deemed necessary after the two previous products have been developed and reviewed, a final Phase I archeological/cultural resources survey will be conducted within the project area. The Applicant will indicate in advance the very specific and limited areas to be surveyed and the methodological approach for the surveys.

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<sup>2</sup> VDHR reviewed Applicant's June, 2000 Phase I archeological report and did not request any additional archeological work. See VDHR's letter of October 11, 2000.

<sup>3</sup> Additional maps and explanations were provided to the County's archeological consultant who determined that the Applicant's June, 2000 archeological study was sufficient and no additional archeological work was required.

<sup>4</sup> See Footnote 3

<sup>5</sup> See Footnote 3

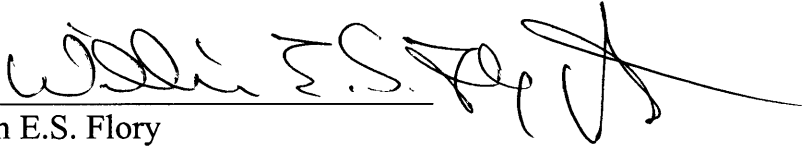
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*Robert C. Bainbridge*  
December 6, 2000  
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17. ESCALATOR. In the event the monetary contributions set forth in the Proffer Statement are paid to the Prince William County Board of County Supervisors within eighteen (18) months after final rezoning approval, said contributions shall be in the amounts as stated herein. Any monetary contributions set forth in this Proffer Statement which are paid to the Board after eighteen (18) months following final rezoning approval shall be adjusted in accordance with the Urban Consumer Price Index ("CPI-U") published by the United States Department of Labor, such that at the time contributions are paid they shall be adjusted by the percentage change in the CPI-U from that date eighteen (18) months after the final rezoning approval to the most recently available CPI-U to the date the contributions are paid, subject to a cap of 6 percent (6%) per year, noncompounded.

[SIGNATURES ON FOLLOWING PAGES]

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*December 6, 2000*  
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**SIGNATURE PAGE**



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William E.S. Flory

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Anne R.F. Naedele

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*December 6, 2000*

Date

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**SIGNATURE PAGE**

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William E.S. Flory

*Anne R.F. Naedele*  
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Anne R.F. Naedele

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**WESIKO PARTNERSHIP**

*Charles F. Westerman by Rudolf K. Simon*  
Charles F. Westerman, General Partner

By his attorney-in-fact Rudolf K. Simon

*Cheryl Westerman Drasler by Rudolf K. Simon*  
Cheryl Westerman Drasler, General Partner

By her attorney-in-fact Rudolf K. Simon

*Eula E. Cartwright by Rudolf K. Simon*  
Eula E. Cartwright, General Partner

By her attorney-in-fact Rudolf K. Simon

*Barbara Westerman Stager by Rudolf K. Simon*  
Barbara Westerman Stager, General Partner

By her attorney-in-fact Rudolf K. Simon

*Rudolf K. Simon 12-04-2000*  
Rudolf K. Simon, General Partner

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