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SECTION 100

GENERAL INFORMATION AND POLICIES

101.00 POLICIES

101.01 Purpose:

A. This manual, fully named the PRINCE WILLIAM COUNTY DESIGN AND CONSTRUCTION STANDARDS MANUAL, has been developed and designed to assist the public in knowing the policies and regulations which apply to land development in Prince William County. The provisions contained herein relate primarily to the requirements which apply to the review and approval of site development plans and plats, and construction in accordance with those plans.

B. This manual effectuates or supplements requirements of the following:

- (1) Zoning Ordinance.
- (2) Subdivision Ordinance.
- (3) Health Laws of Virginia.
- (4) Code of the Commonwealth of Virginia.
- (5) State Soil Erosion and Sedimentation Control Law.
- (6) Virginia Uniform Statewide Basic Building Code (VUSBC).
- (7) Chesapeake Bay Preservation Area Designation and Management Regulations VR-173-02-01.
- (8) Virginia Department of Transportation Standards and Specifications.
- (9) Prince William County Administrative Procedures Manual (Administrative Procedures for the Management of Site Development Projects).

C. The laws and ordinances in Section 101.01(B) shall take precedence in the event of conflict between them and this manual.

D. This manual is an ordinance and shall have the force and effect of law. In the event any part or provision of this manual is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions of this manual, which shall remain effective.

E. The standards and specifications contained herein are the minimum acceptable standards. The director of Public Works and/or the director of Planning may, in certain circumstances, require higher standards if it is deemed necessary for the insurance of health, safety, and welfare of the citizens of the County.

101.02 Effective Date: The original effective date of this manual was February 1, 1981. The manual was last amended on February 15, 2000.

101.03 Amendments:

A. When this manual is amended by the Board of County Supervisors, such amendments shall take effect sixty (60) calendar days from the date of Board approval thereof. During the sixty (60) days after Board of County Supervisors' approval, an applicant may choose to have a site development project comply with the newly amended standards prior to their effective date. The applicant may do so if copies of the newly amended standards are available to the development community and if the applicant states in writing on the application which set of standards he chooses to comply with for the site development project.

B. The provisions of this manual are adopted as policies of the Board of County Supervisors. They are subject to review by a continuing Policy and Standards Committee which consists of the following members:

- (1) Representative of the Prince William Chapter of the Northern Virginia Building Industry Association.
- (2) Representative of the Northern Virginia Building Industry Association.
- (3) Representative of the Virginia Association of Surveyors, Bull Run Chapter.
- (4) Representative of the Virginia Society of Professional Engineers, Bull Run Chapter.
- (5) Representative of the American Society of Civil Engineers, Bull Run Branch.
- (6) Representative of the National Association of Industrial & Office Parks.
- (7) Director of Planning.
- (8) Director of Public Works.
- (9) Representative of the Prince William County Service Authority.
- (10) Representative of the Virginia Department of Transportation (VDOT).
- (11) Representative of the Heavy Construction Contractors Association.
- (12) Representative of the Prince William Bar Association.

(13) Representative of the Disability Services Board.

(14) Representative of the Chamber of Commerce.

(15) Eight representatives of the citizenry.

C. The director of Planning, or designee, shall act as the chairman of the Policy and Standards Committee and shall convene the committee as deemed necessary to review proposed amendments to the manual. Whenever amendments to the manual are being proposed which the chairman has not been able to review in advance with the committee, the proposed amendments shall be submitted to the committee, in writing, prior to the required public hearing. All amendments to the manual shall be considered by the Planning Commission and the Board of County Supervisors.

101.04 Administration:

A. The provisions of this manual shall be administered jointly and cooperatively by the Office of Planning and the Department of Public Works.

B. Generally, the Office of Planning shall be responsible for the formal approval, permitting and bonding processes while the Department of Public Works shall be responsible for the technical and engineering review of submissions in coordination with other review agencies.

C. The Department of Public Works shall be responsible for site inspections and related enforcement of regulations found in this manual.

101.05 Waivers:

A. The provisions of this manual shall be required unless specifically waived, where applicable, by either the director of Planning or the director of Public Works, according to their respective areas of administration, as cited in the manual. Waiver requests for fees, monetary contributions, escrows, and extensions of plan approval validity periods shall not be considered.

B. In considering and acting upon waivers and in consideration of the public health, safety, and welfare, the County may prescribe appropriate conditions and safeguards to further express the intent of this manual.

C. Waivers shall be a part of the official record of the submission.

101.06 Fees: The application fees for the review of plats, plans, other necessary documents, and construction permits are established by the Board of County Supervisors by resolution.

101.07 Appeal of Directors' Decisions: The decision of the director of Planning or the director of Public Works is final. If the director of Planning or the director of Public Works disapproves any plan submitted pursuant to all processing requirements identified in this section, and the applicant of such plan contends that such disapprovals were not properly based on applicable state and local ordinances and policies, he may appeal to the Circuit Court having jurisdiction over Prince William County. Such appeal must be filed with the Circuit Court within sixty (60) days of the written disapproval of the director of Planning or the director of Public Works.

101.08 Criminal Penalties - Emergency Orders:

A. Any person, including the owner of property on which construction subject hereto is occurring, who violates any provisions of this manual, or who fails to comply with a violation notice and stop work order, shall be guilty of a Class 1 misdemeanor. Each day on which a violation is found to exist shall constitute a separate offense.

B. Whenever the director of Public Works finds that any existing grading, drainage or other condition involving the application of these regulations constitutes or creates a public hazard, the owner of the property on which such condition is identified shall, upon receipt of notice in writing from the director of Public Works, perform or cause to be performed such remedial work, repairs, or maintenance as the director of Public Works deems necessary to abate the hazard. Any such work shall be done in conformance with the requirements of this manual and any orders issued by the director of Public Works. Failure to comply with an emergency order hereunder shall constitute a Class 1 misdemeanor.

101.09 Public Protection:

A. The following kinds of construction sites shall be deemed readily accessible to the public and shall require special safety measures:

(1) Sites within five hundred (500) feet (152.44 meters) of residential areas.

(2) Sites within five hundred (500) feet (152.44 meters) of public use areas such as schools, parks, churches, commercial areas.

(3) Any other sites which, in the determination of the director of Public Works, are readily accessible to the public due to prolonged time of construction, close proximity to public or private streets, or any other characteristics or conditions making the site particularly attractive to children.

B. The following safety measures shall apply to insure protection to the general public whenever construction areas are readily accessible:

(1) Danger signs on construction, excavation, or demolition projects shall be posted in a conspicuous manner.

(2) Excavations shall be conducted in accordance with the requirements of the Virginia Uniform Statewide Building Code (VUSBC) and the Virginia Occupational Safety and Health Standards (VOSH).

(3) Because temporary sediment basins and traps can be attractive to children and can be dangerous, they shall be fenced and posted, or otherwise made inaccessible to persons or animals, unless this is deemed unnecessary by the director of Public Works, due to the remoteness of the site or other circumstances. In general, temporary fencing shall be a minimum of five (5) feet (1.52 meters) high, woven-wire fabric or approved equal.

110.00 SUBDIVISION ORDINANCE AND SITE DEVELOPMENT PLANS IN GENERAL

110.01 Purpose:

A. The purpose of the Subdivision Ordinance is to implement the County Comprehensive Plan, encourage the orderly subdivision of land, and improve the public health, safety, convenience, and welfare of the citizens of the County, to insure that the County land records remain clear, and that certain basic requirements are met for development of building lots, and to provide for the construction of required public improvements. The recordation of an approved subdivision plat permits the landowner to effect a simple transfer of land created by the subdivision by reference to the recorded plat.

B. The purpose of the review and approval of site development plans is to insure that the requirements of the subdivision and zoning ordinances and state laws and this manual are met, and that public improvements, lawfully required by these laws and ordinances or proposed by the applicant, are constructed to appropriate standards.

C. The County shall consider the approval of site plans and subdivision plans and plats as part of the plan for the orderly, efficient, and economical growth and development of the County.

D. Land to be developed shall be of such a character that it can be used for building purposes without danger to health, peril from fire or flood, and to improve the health, safety, convenience, and general welfare.

E. Adequate provision shall be made for drainage, water and sewer supply.

F. All proposed lots and/or development shall be laid out and of such size to be in reasonable harmony with the development pattern of the neighboring properties.

G. The proposed streets and overall traffic pattern shall provide a convenient and safe system conforming to the Comprehensive Plan and shall be of such width, grade, and location as to accommodate the prospective vehicular, nonvehicular and pedestrian traffic and to facilitate fire protection and emergency services.

H. The economic development of the County shall be fostered and encouraged via the expeditious, fair, and quality review of site development plans.

I. Adequate provisions shall be made for open space, parks and recreation, and landscaping.

J. In considering and acting upon such site development plans, and in consideration of the public health, safety and welfare, the County may prescribe appropriate conditions and safeguards to further express the intent of this manual.

110.02 Plan Types in General: Based upon the specific request, the County requires various plan types, or a combination thereof, to be submitted for review and approval prior to issuing the appropriate site development permits: sketch plan, preliminary residential site plan, preliminary residential subdivision plan, final plan, final plat, minor site plan and an erosion and sediment control plan, where appropriate.

110.03 Site Development Plan Review:

A. Once a complete application for a site development plan has been submitted to the Office of Planning, and the appropriate fees paid, copies will be transmitted to a number of government agencies for their review and comment. Some of these reviews are necessary to meet County objectives. Other reviews are done to accommodate the applicant and expedite the process of development through coordination with state agencies.

B. Review of the aspects of the site development plans, beyond the auspices of internal County agencies, are circulated by the Office of Planning to appropriate agencies such as the Health Department, Virginia Department of Transportation (VDOT), and the Prince William County Service Authority (PWCSA) for review.

C. The basic review of a site development plan and subdivision plat is an analysis of the physical layout including the dimensions, the topography, the natural features of the site, proper erosion and sediment control provisions, and a determination of the use proposed in accordance with the law.

D. Although the erosion and sediment control plan review may be, and occasionally is performed separately from the site development plan review, the County's program has been approved by the state. The County administers this review jointly with the site development plan reviews and site inspections.

E. Every effort is made to insure that all comments made by the review agencies are satisfactorily addressed before the Office of Planning approves the plan. The Office of Planning's approval in no way affects the authority of external agencies to issue their own permits for those aspects of the land development process which are within their respective jurisdictions. The Office of Planning cannot disapprove plans based on decisions made by such external agencies with respect to their own permitting processes, but only in accordance with proper regulations adopted by the County. Applicants must understand, however, the importance of satisfying outside agency requirements.

F. Generally, the County shall make every effort to review sketch plans within a fifteen (15) day period, preliminary residential plans with a forty-five (45) day period, and final plans within a sixty (60) day period. Additionally, the procedures established by the Office of Planning are designed and intended to allow the County to review and approve sketch plans within one (1) review cycle, preliminary residential plans within two (2) review cycles, and final plans and plats within a maximum of three (3) review cycles.

G. Following approval of the site development plan and plat, and the completion of any additional administrative requirements, the applicant may obtain site development permits.

110.04 Plan Validity Periods:

110.04.01 Sketch Plan Validity Period: The results of the sketch plan summary letter conference shall remain in effect for twelve (12) months from the date of the meeting. If, during that period, no final plans are accepted for review, and being diligently pursued for approval, as determined by the director of Planning, the sketch plan shall be void. In such instances, no final plans shall be accepted for review until a new sketch plan has been submitted and reviewed, or the previous sketch plan has been revalidated for an additional twelve (12) month period by the director of Planning upon demonstration by the applicant that such plan meets all current standards. Additionally, major changes, corrections or adjustments to the sketch plan affecting project size, intensity, density, or internal or external traffic flow shall require submission of a new sketch plan. Consensus on a sketch plan does not constitute an approval of the final plans and plats, nor should the approval be considered a valid basis for the construction of site improvements.

110.04.02 Preliminary Residential Plan Validity:

A. All preliminary residential plan approvals are valid for two and one-half (2-1/2) years from their date of approval.

B. During that period, the following steps must be taken to maintain the validity: (a) final plans are accepted for review and are diligently pursued for approval; (b) final plans are approved; or (c) final plans are approved and permit issuance is being diligently pursued as demonstrated by bonding the plans and recording the plats. If a preliminary plan approval expires, no additional action shall be taken on the plan, or its subsequent final plans, without the submission of new preliminary plans and payment of all applicable fees.

C. If, during the two and one-half (2-1/2) year period of validity, a final plan for either the entire project, or one or more phases of a multiphased project, is approved and recorded, the preliminary plan will then be valid for five (5) years from the date of recordation of that final plat(s).

D. Revalidation of Approved Preliminary Residential Plans. Following the end of the initial two and one-half (2-1/2) year validity period or the subsequent five (5) year validity period of a preliminary residential plan, for those phases of the project that have either not been completed, are under construction, or have been accepted for final approval, the County will require that the remaining phase(s) undergo a cursory review to reestablish conformity with all current regulations.

(1) If the cursory review indicates the preliminary residential plan remains in conformity, its approval will be revalidated for an additional two and one-half (2-1/2) year period.

(2) If the cursory review indicates the preliminary residential plan is not in conformity with various regulations, those areas of nonconformity shall be enumerated in written form to the applicant and design professional. In such instances, no additional final plans will be accepted for review until the preliminary residential plan is brought into conformance. Any revisions necessary to the preliminary residential plan shall be processed and approved in accordance with either Section 4.04.2 or Section 4.04.3 of the Administrative Procedures for the Management of Site Development Projects, whichever is applicable.

110.04.03 Final Plan Validity Period:

A. All final site and subdivision plans and plats are valid for five (5) years from their date of approval, subject to the following:

(1) Posting of a construction performance bond in accordance with Section 130.00 of this manual, if applicable. This is a prerequisite to the release of plats and deeds for recordation, issuance of site development permits, building permits, occupancy permits, etc.

(2) Payment of any monetary and/or proffered contributions and/or obligations as established during the plan approval process, and referenced in the plan approval letter. This is a prerequisite to the release of the plats for recordation, or the issuance of site development permits, building permits, and/or occupancy permits.

(3) Recordation of all plats, along with the associated deeds. Following recordation of the plats and deeds, a copy of the recording receipt, a reproducible mylar of the plat(s), and a copy of the deed(s), will be returned to the Office of Planning by the applicant. This is a prerequisite to the issuance of site development permits, site preparation permits, building permits, and/or occupancy permits.

(4) Posting of erosion control escrow in accordance with Section 750.00. This is a prerequisite to the issuance of a site development permit.

(5) Signing a comprehensive inspection agreement by either the developer or his/her contractor, if the project includes any streets to be dedicated for public use and maintenance. This is a prerequisite to the issuance of site development permits.

(6) Posting of a landscaping escrow in accordance with Section 800.00, if applicable. This is a prerequisite to the issuance of site development permits.

(7) Completion of any other special items, agreements and/or posting of any other escrows enumerated in the plan approval letter. This is a prerequisite to the issuance of site development permits, building permits, and/or occupancy permits.

(8) Obtaining a site development permit, the fee for which is enumerated in the plan approval letter. This is a prerequisite to the issuance of building permits.

B. Following the completion of the above-enumerated items, the Office of Planning shall issue a building permit release letter. This letter shall indicate that all ordinance requirements have been satisfied and will recommend the issuance of building permits. The letter will also enumerate any additional specific items and/or requirements that must be completed prior to the issuance of building or occupancy permits, if applicable.

C. Failure to complete all the items enumerated in this section during the final plan validity period shall cause the approval to expire and void the final plans. If the final approval is voided, further consideration of the final plan will require a new plan submission, and payment of applicable fees.

D. Once the performance agreement has been executed, in accordance with Section 130.00, the plan approval shall remain valid and be coincident with the expiration of that performance agreement.

110.05 Permit Procedures for Final Site and Subdivision Plans:

A. Following the approval of final plans, permits must be obtained, and applicable fees paid, prior to commencement of any construction of site improvements which cumulatively exceed two thousand five hundred (2,500) square feet (232.26 square meters) of disturbed area.

B. Based upon the specifics of the project, the County requires various permits, or a combination thereof, to be issued prior to the commencement of land disturbing activities: flood hazard use permit, A-1 residential/agricultural and erosion control grading permit, site development permit, water and sewer installations permit, VDOT land use permit, underground utility line permit, right of entry permit and a grading/grading infrastructure permit.

110.06 Violation and Shutdown Notices and Procedures: Construction activity on any site shall be in strict accordance with and conducted within the limits of clearing and grading shown on plans approved by the director of Planning or designee. Construction activity shall also be conducted only on those items for which a permit has been obtained. Failure to obtain required permits, or develop the site in accordance with approved plans, will necessitate the County taking any and all necessary actions required to correct the situation.

110.07 Certificate of Use and Occupancy:

A. No new building, nor an addition to a previously constructed building, shall be occupied, nor shall a change of use of a property or any structure be permitted until a Certificate of Use and Occupancy has been issued by the building official in accordance with the Virginia Uniform Statewide Building Code (VUSBC), this manual and the provision of the Zoning Ordinance.

B. In addition, no Certificate of Use and Occupancy shall be issued for any residential, commercial, institutional or industrial uses until all required site improvements are installed in accordance with the approved plans, or in accordance with a phasing plan approved by the Department of Public Works, and inspected and approved by the director of Public Works, or the designee.

C. A Certificate of Use and Occupancy shall state that the use and/or structure(s) complies with all relevant provisions of this manual and the Zoning Ordinance, and that it has been inspected by appropriate public officials and meets all requirements of applicable building codes, fire codes, and other laws, ordinances, rules and regulations governing the construction and use of structures on property.

D. For other than life safety issues, the building official has the authority to issue a temporary Certificate of Use and Occupancy for a period not to exceed six (6) months, where factors beyond the applicant's control prevent completion of the required site improvements. Prior to the issuance of a temporary Certificate of Use and Occupancy, all site improvements (bondable and otherwise) required by this manual and the Zoning Ordinance not yet installed shall be bonded in accordance with Section 130.00 of this manual. For all developments, to include detached single-family dwellings, all nonbonded deficiencies shall be guaranteed by the submission of an irrevocable letter of credit or establishment of a cash escrow account.

E. A Certificate of Use and Occupancy shall only be issued by the building official, predicated on the following:

(1) The director of Public Works or designee's review and approval of all of the site improvements required by the approved site development plan or the approved phased site development plan.

(2) Approval of all safety related items (e.g., frontage improvements, ingress and egress, storm water management facilities, street lights, handicap parking signs, etc.).

(3) Approval of adequate additional amenities as may be required to serve that portion of the project (e.g., trails and sidewalks).

110.08 Priority Processing of Certain Plans:

A. Occasionally, plans are submitted for projects which are associated with a particular goal of the County or will create desirable employment opportunities in the County, as well as enhance the County's tax base. In these instances, it is beneficial to process the plans and permits of that project more expeditiously than normal processing would allow, and to allow construction to occur as soon as it is practical.

B. Furthermore, a Prince William County department or independent public agencies will occasionally undertake construction or improvement of a facility meant to serve the general public. These projects may also be processed more expeditiously than the normal processing would allow.

110.08.01 Project Eligibility: The following types of projects may be eligible for priority processing:

A. Any project lying in a transportation improvement district, adopted by the Board of County Supervisors, that enumerates priority processing as one of its benefits.

B. Any public project submitted by a County department or agency, or by an independent agency such as the Service Authority, Park Authority, or School Board.

C. "Targeted uses" as defined in the Economic Development Chapter of the Comprehensive Plan.

D. "Basic businesses" as defined in the Economic Development Chapter of the Comprehensive Plan.

E. Any project identified as desirable to the County, upon notification of the county executive to the Board of County Supervisors.

110.08.02 Request Processing:

A. The applicant must submit a written request for priority processing to the Office of Planning. Such request shall be made prior to application submittal.

B. Following the submittal of the request and the review by the director of Economic Development, the Office of Planning shall establish the project's eligibility and shall also evaluate the existing priority processing workload and the effect the proposed project will have on that workload. The Office of Planning, based on both eligibility and workload, shall take action to either approve or deny the request.

C. The director of Planning shall provide written notice to the property owner stating approval or denial of the request for priority processing. If plans have not been submitted within thirty (30) days of such notification, priority status shall be revoked.

110.09 Expedited Processing of Certain Plans:

A. The purpose of this separate review procedure is to provide a process which allows the County to expedite the review of certain qualified site development plans which have been certified by licensed professional engineers, architects, landscape architects or land surveyors who are licensed pursuant to Section 54.1-408 of the Code of Virginia, and which are certified by Designated Plans Examiners (DPE) as being complete and designed in compliance with all applicable County regulations.

B. This expedited review process has been developed in accordance with Section 15.2-2263 of the Virginia Code Ann. and Chapter 33 of the Prince William County Code.

110.09.01 Project Eligibility: The following projects shall be eligible for expedited processing:

- A. Any project that is a final site development plan; and
- B. Any final site development plan certified by a Designated Plans Examiner.

110.09.02 Processing:

A. The applicant must submit a copy of the letter of acceptance from the peer review system as part of the formal application package submitted to the Office of Planning for approval.

B. The review process will be conducted in accordance with the relevant sections of the Administrative Procedures Manual. The time frames utilized shall be those enumerated for "expedited processing."

110.10 As-Built Plans: As-built plans shall be required. The acceptance of as-built plans shall be a prerequisite to final construction acceptance, bond release, and the issuance of a final Certificate of Use and Occupancy. Copies of the as-built plans, prepared and certified by a registered land surveyor or professional engineer must be submitted to the County and to the Prince William County Service Authority at the time final inspections are conducted. Final inspections will not be made unless the as-built plans are available.

120.00 SURVEY REQUIREMENTS/SUBDIVISION NAMES/SITE PLAN NAMES

120.01 Purpose:

A. Subdivisions shall be referenced to the Virginia Coordinate System of 1983 (VCS 1983) by means of a field survey which ties the subdivision boundary to at least two (2) NGS or PWC geodetic control monuments that are acceptable to the Office of Information Technology (OIT)/Information Resources Management Division.

The surveyor may be required to submit his or her computations to the Office of Information Technology showing how coordinate values were obtained. At least two (2) property corners on each plat sheet shall be annotated with VCS 1983 coordinate pairs in international feet and converted to metric unless metric coordinates are available. If metric coordinates are available they are to be used computed from the field survey. This shall apply to the following subdivisions:

(1) More than ten (10) lots.

(2) Subdivisions with less than ten (10) lots, but greater than five (5) lots, if a geodetic control monument of second order, Class II is located within one-half (1/2) mile (804.67 meters) of any exterior subdivision boundary corner or segment.

(3) Subdivisions with five (5) lots or less, if the geodetic monument is within one-tenth (0.1) of a mile (160.93 meters) of any exterior subdivision boundary corner or segment.

B. The plat shall contain the following notes:

(1) "The subdivision shown hereon is referenced to the Virginia Coordinate System of 1983 as computed from a field survey which ties this subdivision boundary to (PWC or NGS) monuments (insert numbers and names of monuments)."

(2) "The mean grid factor (elevation factor x scale factor), which has been applied to the field distances to derive the referenced coordinates, is (insert complete grid factor). The plat distances shown are intended to be horizontal distances measured at the mean elevation of this subdivision."

(3) "The bearings shown are referenced to VCS 1983 Grid North. The foot definition used for conversion of the monument coordinates is the 'international foot' or 1 ft = 0.3048 meters."

C. Funding for geodetic control monuments, based on the global positioning system (GPS), as administered by the National Geodetic Survey, shall be required for each subdivision and/or site plan, at a rate of \$8.00 per acre (.4047 hectare), with a maximum of \$3,000.00 per development. Monuments will only be placed under the direction of the Office of Information Technology.

D. The surveyor shall be responsible for ascertaining the existence of geodetic control monuments of second order, Class II accuracy to be utilized in his or her surveys. Assistance shall be provided by the Office of Information Technology to the extent of granting access to its records on geodetic control data. Exceptions may be granted by the director of the Office of Information Technology, upon written request of the developer or surveyor.

E. After final grading and stabilization, steel pipes or rods, one-half (1/2) inch (15 millimeters) to one (1) inch (25 millimeters) in diameter and eighteen (18) inches (450 millimeters) or greater in length shall be placed at all lot corners, angle points of the subdivision boundary, and at angle points of curvature in the right-of-way for streets within the subdivision.

F. Iron pipes shall be identified with witness stakes, survey tape, etc. to assist inspectors in making a timely inspection.

G. Iron pipes are required for final building inspection and prior to issuance of an occupancy permit, unless approval has been given by the building official on a site modification request.

120.02 Subdivision Names:

A. New subdivisions shall be identified by the geographic subdivision identification number (GSIN) which is assigned by the OIT/Information Resources Management Division. The plat shall not contain any subdivision name by which the intended subdivision is to be known. This shall not be construed, however, to prohibit the use of sales or marketing names for subdivision or portions thereof.

B. Lot or unit numbers within a subdivision section shall be consecutive whole numbers starting with the number one (1). There shall be no prefix or suffix attached to the number, except in the case of resubdivision of lots.

120.03 Site Plan Names:

A. Names of site plans shall not duplicate or closely approximate names already in use or approved by the OIT/Information Resources Management Division. All site plan names are subject to approval by the OIT/Information Resources Management Division.

B. Site plans submitted for property, which is a recorded subdivision or a proposed subdivision under review by the County, shall use the same name as the subdivision for identification.

C. Site plan names shall not be changed subsequent to approval of the name during preliminary review.

125.00 CONVEYANCE OF REAL PROPERTY AND EASEMENTS IN GENERAL

125.01 Purpose:

A. Conveyance of interest in real property, required by the County to be granted, shall be made by appropriate plat and deed showing the Board of County Supervisors as grantee. Conveyances to the County, intended for ultimate use by another public entity, such as the Park

Authority or the School Board, shall also be made to the Board of County Supervisors as grantee, except that easements conveyed for park and recreation purposes may be conveyed directly to the Park Authority. The Board may then further convey the interest as it shall deem proper. All deeds shall be approved by the county attorney or designee, which approval shall be evidenced by appropriate signature on the face of the instrument.

B. In order to insure that the property rights dedicated to the County may be used for the purpose intended, all conveyances of fee simple title shall be free of conditions, restrictions, and encumbrances.

C. Conveyances of real property may be made subject to all easements, rights-of-way, and other restrictions which properly appear in the lawful chain of title to the property but only if a title report has been provided to, and approved by, the County.

D. All dedications of property shall be made without any restriction on use, but where properties are conveyed in compliance with a proffered condition of a rezoning and such proffer, as accepted by the Board of County Supervisors, expressly limits the use of the property conveyed, the deed may contain a reverter clause in a form acceptable to the county attorney.

E. Title to property shall ordinarily be conveyed in fee simple by general warranty deed with English covenants of title, provided that a special warranty deed shall be acceptable only when the grantor has received no better title to the subject property. Such lesser warranty of title may be accepted only upon the approval of the county attorney.

F. Deeds shall be submitted to the Office of Planning for review and approval when the plans and plats are submitted for signature approval. They shall be forwarded to the county attorney who shall note approval or disapproval of the documents.

G. Upon approval of deeds by the county attorney, the director of Planning or designee is authorized formally to accept the deed on behalf of the Board of County Supervisors, by appropriate notation on the plat or deed instrument, or both, without further action by the Board of County Supervisors. The signature of the chairman of the Board of County Supervisors is hereby expressly authorized in the event that a deed has been approved requiring such signature, but the signature of the director of Planning or designee, on an otherwise approved instrument, shall be sufficient to satisfy the requirements of this section, and to reflect legal approval and acceptance by Prince William County of all interests conveyed.

H. The director of Planning or designee shall be responsible for assuring that deeds and plats are recorded in the land records of Prince William County prior to final release of permits, if applicable, and shall file a copy of the recordation receipt with the appropriate deed book and page numbers in the project records.

I. Site/subdivision plans may show a common or shared easement for conveyance to franchised cable television operators furnishing cable television, and public service corporations furnishing cable television, gas, telephone, and electric service.

J. The Code of Virginia contains special provisions relating to property held for religious purposes. These provisions include the requirement that property for most churches and religious societies be held by trustees on behalf of the church congregation. These trustees have mere legal title to the property with no power to manage or control the use of the land. The Code of Virginia requires an order from the Circuit Court authorizing or approving any dedication of land or other conveyance of easements, etc., to the County. This requirement will apply to all churches of religious societies where the property is held by trustees.

K. Some churches have property held by ecclesiastical officers. In this case, the Code of Virginia provides for the appropriate ecclesiastical officer to have the power to convey real estate. In this limited instance, an order from the Circuit Court approving the dedication of land for public purposes or the conveyance of easements to the County, is not necessary.

130.00 BONDING POLICY

130.01 Purpose:

A. The purpose of bonding is to obtain an acceptable guarantee of performance to assure the timely construction and completion of legally required site improvements in accordance with approved plans and profiles, County standards and specifications, and County and State code requirements. A performance bond and agreement shall be posted for the following:

(1) Improvements required by the County in accordance with the Code of Virginia Section 15.1-466 (f) and identified in the Zoning Ordinance, Subdivision Ordinance and this manual.

(2) Improvements proffered during the rezoning process, and required by the zoning administrator in accordance with Section 15.1-491.3 of the Code of Virginia.

B. The director of Planning is responsible for all Prince William County land development bonding matters.

C. Upon receipt of a written request from an applicant, the director of Planning, after conferring with the county attorney, may waive elements of this bonding policy. The director of Planning's decision shall be final.

130.02 Performance Agreements and Guarantees:

A. An agreement supported by a form of guarantee shall be required on all projects. This agreement and guarantee shall obligate the developer to construct legally required improvements on approved site or subdivision plans in a timely manner and in accordance with applicable standards.

B. Corporate surety bonds, cash, letters of credit and set-aside agreements, in a form acceptable to the county attorney, are the only forms of guarantee (bond) acceptable to the County. The bond is designed to guarantee the County a fund for completion of required improvements in the event the developer fails to discharge the obligations of his or her performance agreement. The shared obligation of all bonds is by payment of the designated funds on demand.

C. The Office of Planning shall approve and may amend from time to time, after conferring with the county attorney, standard forms which may be used for any performance agreement and bond.

130.03 Bond Extensions and Reductions:

130.03.01 Bond Extensions:

A. When an applicant enters into an agreement with the County, the necessary physical improvements shall be completed in the period of time specified in the agreement (the performance date). If the noted improvements are not completed within this time period, and an extension has not been obtained, or a replacement agreement and bond have not submitted and approved with a new expiration date, the agreement is deemed in default.

B. Prior to the expiration of the performance date, the applicant may submit a written request to the Office of Planning for an extension of the expiration date. The Office of Planning will act to either approve, approve with conditions, or deny the request. If the extension is approved, the developer shall sign an addendum to the performance agreement reflecting the extension.

C. In the event the applicant does not request and gain approval of an extension, and the project is not completed by the expiration date, the matter shall be reviewed by the director of Planning for appropriate action, including the possibility of referral to the Board of County Supervisors for its action.

130.03.02 Bond Reductions:

A. Once at least thirty percent (30%) of the improvements covered by the guarantee are completed, any form of guarantee subject to this policy may be partially released periodically (i.e., reduced) to an amount not less than the actual cost of completion, plus permitted allowances.

B. Reduction requests shall not be approved if the performance agreement is in default.

C. An applicant seeking partial release of any bond or other form of guarantee shall submit a written bond reduction request to the director of Planning.

D. The director of Planning shall approve, approve with modification, or disapprove all reduction requests submitted within thirty (30) days of receipt. If a request is disapproved, the applicant shall be notified of the specific reasons for the disapproval.

130.04 Bond and Performance Agreement:

A. A final bond release shall be authorized by the director of Planning, provided the following criteria have been met:

- (1) Acceptance of all public facilities by the appropriate state or local government agency, or public authority.
- (2) Acceptance of as-built plans.
- (3) Payment by the applicant of all required fees.

B. In the event a dedicated road cannot be taken into the state highway system, for reasons other than quality of construction, the applicant may, nevertheless, seek release in accordance with the provisions of this section, provided that he shall comply with the requirements of Section 130.05 of this manual.

C. In appropriate circumstances, the obligations of a performance agreement may be suspended and the performance bond released in accordance with the provisions of Section 130.06 of this manual.

130.05 Maintenance Bonds: Whenever Prince William County has accepted the dedication of a street for reasons other than quality of construction, and which is not eligible for acceptance into the state highway system, the applicant may still, (1) request release of the performance agreement and bond; or (2) in the case of a successor developer, that successor developer may request to be excused from entry into a substitute performance agreement and posting a construction performance bond. In such instances, a maintenance and indemnifying bond, in a form acceptable to the county attorney, shall be proposed, providing that all additional requirements for release are met.

130.06 Moratorium/Bond Deferral Option:

A. The obligation of the applicant is to construct all public improvements in a timely manner and obtain their acceptance by the appropriate public body after construction. Similarly, it is the assumption and intention of Prince William County that the scheme approved be realized within a reasonable period of time, inasmuch as over time the Board of County Supervisors may amend ordinances and standards, and developments approved under one ordinance may become outdated or substandard under later ordinances or regulations. Nevertheless, the Board of County Supervisors is sensitive to the need for any option lying between the extremes of the following: (a) requiring completion of all required improvements and their ongoing maintenance under a maintenance bond until all standards for acceptance are met, and (b) requiring as a condition to the release of a performance bond and agreement that the plat be vacated for those portions of the development in which improvements are not installed. The bond deferral option is not intended to extend the validity of approved plans without the initiation of construction.

B. The bond deferral option is available only upon written request by all owners of the property affected, which must include the trustees on any deeds of trust and the beneficiaries for whom they act.

C. The owners of property for which the developer requests release of the performance agreement and bond, or deferral from posting a performance agreement and bond, under this section shall execute an agreement approved in form by the director of Planning and the county attorney. The agreement shall be recorded among the land records, by the County, at the applicant's expense.

130.07 Default and Evaluation Procedures: If the applicant fails to complete the required site improvements in the period of time specified in the agreement or any approved extension, the developer is in default. In such instances, the director of Planning shall forward a recommendation to the Board of County Supervisors that the project be formally declared in default, together with a recommendation for a course of action in response to default. Such recommendations may include, without limitation, using funds obtained from the guarantee of the defaulted performance agreement to complete required public improvements, vacation of all or a portion of the subdivision, subject to the defaulted performance agreement, requiring successors in interest to the original developer to provide a substitute performance agreement, and/or requiring lot owners to post a right of entry bond prior to the issuance of building permits.

130.08 Debarment of Surety:

A. Any person, otherwise qualified in accordance with the requirements of this policy to act as surety for any performance bond, may nevertheless be disqualified from acting in such capacity on any agreement to which the Board of County Supervisors is party for cause following a hearing. The Board of County Supervisors may initiate such an action either on its own vote, or following a recommendation of the director of Planning.

B. Any matter tending to establish that the surety will not perform in accordance with the terms of the surety's contract commitment shall be grounds for disqualification.

140.00 MINIMUM PLAN AND PLAT SUBMISSION REQUIREMENTS

140.01 Purpose: The minimum requirements shall be those cited in Section 4 of the Administrative Procedures Manual.

150.00 SITE DEVELOPMENT PLAN NOTIFICATION REQUIREMENTS

150.01 Access to Copies of Approved Subdivision Plans:

A. Sellers of new homes in projects with active site development permits obtained after November 14, 1998 shall provide home buyers with reasonable opportunity to inspect copies of the following:

(1) The approved sketch or preliminary plan for the section in which the property is located.

(2) The approved final subdivision plan and plat for the section in which the property for sale is located.

(3) Any proffered conditions accepted pursuant to Section 15.2-2303 Va. Code Ann. as part of the zoning approval for the development.

B. Copies of these documents shall be the most currently approved by the County as of the date access to such copies is provided and shall be located at the site on which the property for sale is located, or at the sales office.

150.02 Notification to Adjacent Property Owners:

A. Written notification to adjacent property owners shall be required with the submission of the following plan types:

(1) Residential preliminary plan.

(2) Residential sketch plan.

(3) Nonresidential sketch plan.

(4) Nonresidential final site plan where no sketch plan preceded such submission.

(5) Revisions of the above plan types that result in any of the following:

(a) Increased density

(b) Change in dwelling type.

(c) Relocation or substantial modification of buffers and/or tree save areas.

(d) Relocation of storm water management area, or change from a dry pond to a wet pond or vice versa.

(e) Change in external access points.

B. When written notification is required pursuant to Section 152.A, such notification shall be provided to the following owners of property located in the County:

- (1) Owners of property abutting the property to be subdivided and/or developed.
- (2) Owners of property located immediately across the street from the property to be subdivided and/or developed when the street is classified as a major collector or lower.
- (3) Any homeowners association(s) having jurisdiction over the property to be subdivided and/or developed.

C. A copy of the written notification, along with a list of the property owners notified, must be submitted to the Planning Office 15 calendar days prior to approval of the plan.

D. The required notification shall be sent by certified mail to the last known address of the owner(s), as shown in the current real estate assessment files and shall include the following information:

- (1) Description of the plan that has been accepted by the County for review, including type of plan, proposed use, and a summary of any proposed revisions if applicable.
- (2) Address and telephone number of the County office where a copy of the plan may be reviewed.
- (3) Address and telephone number of the applicant or applicant's representative.
- (4) Parcel reference number, street address and/or location of property.
- (5) Date accepted by the County for review.
- (6) Plan number assigned by County.

E. The applicant shall send a copy of the written notification to the members of the Board of County Supervisors and Planning Commission in whose district the site is located.