

10

DEPARTMENT OF PLANNING
STAFF REPORT

BOARD OF SUPERVISORS PUBLIC HEARING

DATE OF HEARING: March 8, 2010

CMPT 2008-0020, SPEX 2008-0061, & SPEX 2008-0062 – WHITE'S FORD PARK

DECISION DEADLINE: Extended to March 10, 2010

ELECTION DISTRICT: Catoctin

PROJECT PLANNER: Sophia Fisher

EXECUTIVE SUMMARY

The Northern Virginia Regional Park Authority of Fairfax Station, Virginia has submitted applications for a Special Exception, a Minor Special Exception and Commission approval to permit boat rentals and incidental structures within the FOD (Floodplain Overlay District - Major Floodplain) and a campground at White's Ford Park. These applications are subject to the Revised 1993 Zoning Ordinance and the proposed boat rental use is listed as a Special Exception use under Section 4-1506, the proposed campground use is listed as a Minor Special Exception use under Table 2-102 subject to Section 6-646, and the entire park site requires a Commission Permit in accordance with Section 6-1101. The subject property is zoned AR-1 (Agricultural Rural-1), is adjacent to the New Lucketts Agricultural and Forestal District, is approximately 294.6 acres in size, and is located on the west side of the Potomac River, along the north and south sides of Hibler Road (Route 656), approximately 1 mile east of Limestone School Road (Route 661), at 43646 Hibler Road, Leesburg, Virginia in the Catoctin Election District. The area is governed by the policies of the Revised General Plan, (Rural Policy Area (Northern Tier)) and the Heritage Preservation Plan, which designate this area for rural economy uses and limited residential development.

RECOMMENDATION

Planning Commission: At the Planning Commission Worksession on February 18, 2010, the Commission voted to approve CMPT 2008-0020 with the Findings dated February 16, 2010. The Commission also voted to forward SPEX 2008-0061 to the Board of Supervisors with a recommendation of approval subject to the Conditions of Approval dated February 18, 2010, and with the Findings dated February 16, 2010. Both votes were 8-1 (Robinson opposed). SPEX 2008-0062 was not heard or discussed by the Planning Commission as it is a Minor Special Exception and does not require Commission recommendation.

Staff: Staff concurs with the Planning Commission's recommendation and recommends approval of SPEX 2008-0062, as well. The final Conditions of Approval are under review with the County Attorney's office. An update will be provided at the public hearing.

SUGGESTED MOTIONS

1. I move that the Board of Supervisors forward CMPT 2008-0020, SPEX 2008-0061, and SPEX 2008-0062 to the April 6, 2010 Business Meeting for action. **[**A timeline extension is required**]**

OR,
2. I move an alternate motion.

VICINITY MAP



Directions: From Leesburg: Route 15 north to Limestone School Road. Turn right onto Limestone School Road and travel approximately two miles and turn right onto Hibler Road. Travel approximately 1.5 miles and the site will be on the north and south sides of Hibler Road.

TABLE OF CONTENTS

I.	Application Information.....	5
II.	Summary of Discussion; Issues Examined & Status	6
III.	Planning Commission Review and Recommendation.....	7
IV.	Findings.....	7
V.	Conditions of Approval	8
VI.	Project Review.....	15
	A. Context.....	15
	B. Summary of Outstanding Issues	16
	C. Overall Analysis	16
	D. Zoning Ordinance Criteria for Approval.....	22
VII.	Attachments	26

I. APPLICATION INFORMATION

APPLICANT Northern Virginia Regional Park Authority
 Thaddeus E. Hafner, Planning & Development
 5400 Ox Road
 Fairfax Station, VA 22039
 703-352-5900
thafner@nvpra.org

OWNER QDP LLC
 c/o Barbara Clougherty
 3043 Jeannie Anna Court
 Oak Hill, VA 20171
 703-925-9899

REPRESENTATIVE Cooley Godward Kronish, LLP
 Molly Novotny
 11951 Freedom Drive
 Reston, VA 20190
 703-456-8105
mnovotny@cooley.com

APPLICANT’S REQUEST

- Application accepted on February 20, 2009
- Commission Permit to allow a regional park
- Special Exception (minor) to allow camping
- Special Exception to allow a boat rental facility with a launch into the Potomac River per the requirements of the Floodplain Overlay District within the Revised 1993 Zoning Ordinance

LOCATION 43646 Hibler Road, Leesburg, VA
 East of Route 15, adjacent to the Potomac River

TAX MAP/PARCELS: Tax Map - /31/////////5/ PIN: 070-36-5320

ZONING AR-1 (Agricultural Residential -1)

ACREAGE OF SITE 294.6 for CMPT, 275 acres for SPEX

SURROUNDING ZONING / LAND USES

	ZONING	PRESENT LAND USES
North	AR-1	Rural Residential
South	Potomac River	Potomac River & Maryland
East	AR-1	Rural Residential
West	AR-1	Rural Residential

II. SUMMARY OF DISCUSSION	
Issue Area	Issues Examined and Status
Comprehensive Plan	<ul style="list-style-type: none"> • Consistency with the <u>Revised General Plan</u> which designates this area for rural economy uses and limited residential development. Status: No issues assuming that reasonable transportation safety improvements are considered for the Commission Permit and mitigated through conditions for the boat rental facility and launch. • Virginia Outdoors Foundation conservation easement. Status: Resolved—the applicant has provided two letters from VOF supporting the current proposal, which are attached to this report. • Forest Management Plan. Status: Resolved—The Applicant has provided additional information regarding the habitat restoration plan for the site. Staff would continue to suggest that the Applicant further commit to these techniques on the Commission Permit plat. • Historic and Archaeological Resources. Status: Resolved, commitment to Phase II study, protection of the Colonel White House, cow barn and drive-through corn crib, and provide a sign/gate at the entrance to the Colonel White House to discourage use of driveway. • Noise and lighting. Status: Resolved, commitment to limit horsepower of boat motors using the launch and hours of operation. • Green Building. Status: Resolved, commitment to energy efficiency and water conservation in any new construction.
Zoning	<ul style="list-style-type: none"> • Section 4-1506(A) – Boat rentals and incidental structures – Floodplain Overlay District. Status: Resolved, permitted by Special Exception and regulations in the Zoning Ordinance. • Compliance with <u>Revised 1993 Zoning Ordinance</u>. – Status: Resolved, structures in the FOD cannot exceed 840 square feet.
Transportation	<ul style="list-style-type: none"> • Right turn lane from Route 15 onto Limestone School Road. Status, Resolved—the Applicant has agreed to provide the turn lane from Route 15. • Improvements to Hibler Road. Status: Resolved—the applicant has agreed to upgrade Hibler Road to a rural rustic road standard prior to the opening of Phase II of the park. • Signage at one-lane bridge on Limestone School Road and to direct exiting park traffic to travel via Spinks Ferry Road. Status: Resolved.
Emergency Services	<ul style="list-style-type: none"> • A one-time contribution equally distributed between the fire and rescue companies in the area subject to the Board of Supervisors adopted Fire & Rescue Policy for Proffer Guidelines, Standard Guidelines. Status: Resolved. • F&R has requested to review the internal road network at the time of site plan. Status: Resolved.
Conditions of Approval	<ul style="list-style-type: none"> • Applicant does not agree to the Conditions of Approval specifically regarding the transportation improvements. Status: Resolved.

III. PLANNING COMMISSION REVIEW AND RECOMMENDATION

At the November 19, 2009 Planning Commission Public Hearing, staff recommended denial of both the Commission Permit and Special Exception applications. After the staff and applicant's presentations, there were a few clarification questions by the Planning Commission regarding splitting the applications and moving the Commission Permit forward separately, the condition of Hibler Road, and preservation of on-site Historic Resources. Following a short discussion, thirty-three members of the public spoke on the application; twenty-seven (27) were opposed to the park in its proposed state and six (6) supported the park in general. The general issues that were raised by the public include the lack of adequate transportation facilities accessing the site, potential shoreline erosion caused by motorboats, impact of camping trailers on-site, status of historic preservation on-site, water safety, police patrol and staffing, general environmental degradation, and the need for wildlife protection. The Planning Commission commented individually on the major transportation concerns regarding accessing the site, the potential impact to the Potomac River, and limiting motorized boats and trailers from the site. The Planning Commission voted 8-0-1 (Ruedisueli absent) to forward both applications to a worksession for further discussion.

At the December 10, 2010 Planning Commission Worksession, the Commission expressed concerns with the condition of Hibler Road. At the worksession, the Commission was given an update that VDOT would possibly consider permitting spot improvements, but that there was no definitive answer at the time. The Commission forwarded the application to a future worksession with the hope that the Hibler Road issue could be resolved.

The Planning Commission held a second worksession on February 18, 2010. At the worksession, the Commission gave representatives of the White's Ford Neighbors Association (WFNA) an opportunity to express their opposition to the park. The general issues discussed were the same as raised during the public hearing regarding transportation, police patrol and park staffing, emergency response, and the potential for environmental degradation caused by park activities. After the presentation from the WFNA, the Commission discussed their concerns and the ways in which the application has been modified in order to address both staff and neighbor concerns. As is discussed later in the report, the applicant has agreed to reduce the original programming for the park and prohibit motorized boats, recreational vehicles, and popup campers. The applicant has also agreed to upgrade the entire length of Hibler Road from Limestone School Road to the park entrance, and to provide a right turn lane from northbound Route 15 to Limestone School Road prior to the opening of any park activities. The applicant has also proposed a phased approach to the park. The applicant has also provided a Memorandum of Understanding with the Commission Permit that outlines the improvements they have agreed to make prior to opening the park. During the discussion at the worksession, the applicant agreed to make three changes to the Memorandum of Understanding. Those changes include: adding language agreeing to provide the Route 15 turn lane prior to the opening of Phase I of the park; clarifying that the Virginia Outdoors Foundation (VOF) may amend the easements on the park property (item 4), and clarifying that if there is any conflict between the Memorandum of Understanding and the Special Exception Conditions of Approval, the MOU will prevail. These additions are reflected in the MOU attached to this report.

The Commission voted 8-1 (Robinson opposed) to approve CMPT 2008-0020 with the Findings of Approval dated February 16, 2010. The Commission also voted 8-1 (Robinson opposed) to forward SPEX 2008-0061, White’s Ford Park, to the Board of Supervisors with a recommendation of approval subject to the Conditions of Approval dated February 18, 2010 and with the Findings dated February 16, 2010. SPEX 2008-0062 was not acted upon by the Commission as it is a Minor Special Exception and is not subject to a recommendation of the Planning Commission.

IV. FINDINGS

Commission Permit

1. The proposal for Phased development as depicted and described on the Commission Permit Plat revised through February 19, 2010 is in substantial accordance with the policies of the Revised General Plan, which provides guidance to determine whether the general location, character, and extent are appropriate for a public facilities use.
2. The proposal is consistent with the policy guidance of the Revised General Plan (Rural Policy Area), which designate this area for rural economy uses such as regional parks and limited residential development at a density of 1 dwelling unit per 20 acres.
3. The proposal is consistent with the policy guidance of the Revised General Plan that recognizes “Open Space Assets” such as regional and county parks as important man-made open space assets of the Green Infrastructure that not only serve their passive and active recreational purposes, but also provide a link between communities and other Green Infrastructure elements.

Special Exception 2008-0061

1. The proposal for a regional park is consistent with the policy guidance of the Revised General Plan (Rural Policy Area), which supports the designated area as rural economy uses and limited residential development at a density of 1 dwelling unit per 20 acres.
2. The proposal for boat rental facility with incidental structures is consistent with the policy guidance of the Revised General Plan that recognizes “Open Space Assets” such as regional and county parks as important man-made open space assets of the Green Infrastructure that not only serve their passive and active recreational purposes, but also provide a link between communities and other Green Infrastructure elements.
3. The conditioned proposal is consistent with the policies of the Revised Countywide Transportation Plan.
4. The proposed use is consistent with the applicable requirements of the Revised 1993 Zoning Ordinance.

5. The Conditions of Approval, particularly those regarding transportation improvements and environmental sensitivity mitigate the impacts of the proposed use on surrounding properties and will help ensure compatibility with the other uses in the vicinity.

Special Exception 2008-0062

1. The proposal for a campground is consistent with the Rural Economic Policies of the Revised General Plan.
2. The conditioned proposal is consistent with the policies of the Revised Countywide Transportation Plan.
3. The proposed campground use is consistent with the applicable requirements of the Revised 1993 Zoning Ordinance.
4. The Conditions of Approval, particularly those regarding transportation improvements and environmental sensitivity mitigate the impacts of the proposed use on surrounding properties and will help ensure compatibility with the other uses in the vicinity.

V. CONDITIONS OF APPROVAL

SPEX 2008-0061 *dated February 23, 2010*

1. Special Exception Plat. The proposed boat launch ramp, rental facility and incidental structures shall be developed in substantial conformance with the Special Exception Plat (“White’s Ford Park Special Exception Plat SPEX 2008-0061 and 2008-0062”), Sheets 1, 4 and 5, prepared by Christopher Consultants, dated January 30, 2009 as revised through September 28, 2009, (the “Plat”), as well as the Revised 1993 Loudoun County Zoning Ordinance. Approval of this application for Tax Map #: /31/////////5/ (PIN# 077-36-5320) (the “Property”) shall not relieve the Applicant or the owners of the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.
2. Uses Permitted (SPEX 2008-0061). Approval of this Special Exception application grants approval for a boat launch ramp and boat rental facility with incidental structures in a regional park, as defined by the Revised 1993 Loudoun County Zoning Ordinance, in the Floodplain Overlay District (FOD) zoning district, on the subject property as depicted on the Plat.
 - a. Use of the boat launch ramp shall be restricted to non-motorized vessels.
 - b. Jet skis shall be prohibited.
 - c. The boat rental facility shall rent only non-motorized boats.
3. Transportation.

- a. Hibler Road Improvements. Subject to VDOT approval and prior to the introduction of Phase II uses which includes a concrete boat launch ramp or boat rental facility in the floodplain on the Property, the Applicant shall improve Hibler Road from Limestone School Road to the main park entrance using VDOT's Rural Rustic Road Standards with the width of the road to be 18 feet, the surface gravel, and with all work to be completed within existing VDOT right of way and prescriptive easement offsite of the Property, and shall improve the vertical sight distance on Hibler Road near the Limestone School Road intersection based on a 25 mph operating speed by either lowering the grade and/or increasing the road width in this area. Once the Hibler Road improvements described herein are bonded, the Applicant may begin construction on the Phase II uses, but shall not open said uses to the public until the Hibler Road improvements are constructed and open to traffic. Where the applicant owns property on both sides of Hibler Road it shall grant 50 feet of right-of-way centered on the existing centerline of the travelway along Hibler from the western property boundary to the main park entrance. Where the applicant owns property only on one side of the roadway it will grant 25 feet of right-of-way from said centerline. The Applicant shall provide an area adequate for vehicles, including recreational vehicles, to turn around on Park property at the main entrance to the Park. If any of the improvements described herein have been completed by others prior to Phase II, NVRPA will be relieved of those road improvement responsibilities. Notwithstanding the above, the Park may open to Phase I uses which allow birders, hikers, boaters (who launch from the shore), rental house tenant and general visitors prior to any work on Hibler Road.

- b. Right Turn Lane Northbound Route 15 and Turning Radius Improvements. Subject to VDOT approval and prior to first Site Plan approval, construct a northbound right turn lane from Route 15 onto Limestone School Road. If this turn lane has been constructed by others prior to first Site Plan approval, NVRPA shall be relieved of such construction obligation. If additional right of way is needed to construct the turn lane, and the Applicant is unable to acquire the necessary right-of-way or easements at fair market value, then the Applicant shall request the Board of Supervisors initiate condemnation proceedings to acquire the necessary land and/or easements. If the Board of Supervisors chooses not to initiate condemnation proceedings, the Applicant shall be relieved of the obligation to construct a northbound right turn lane from Route 15 to Limestone School Road. Notwithstanding the foregoing, if VDOT approves a roundabout at the intersection of Route 15 and Limestone School Road prior to the installation of the turn lane, NVRPA shall contribute the money it would have spent on the turn lane (as verified by a third party cost estimate) to Loudoun County to be applied to the construction of the roundabout, but in no event shall NVRPA be responsible for constructing the roundabout. Should the permitting or construction of the turn lane be delayed by VDOT or Loudoun County in order to consider traffic alternatives, including but not limited to roundabouts, NVRPA shall be allowed to develop and open the park including the uses permitted by SPEX 2008-0061, subject to the conditions of paragraph 4a above, prior to the construction of said turn lane. Furthermore, in the event VDOT approves the construction of a roundabout, NVRPA shall be permitted to develop and open the uses permitted by SPEX 2008-0061, subject to the

conditions of paragraph 4a above, within 6 months of such decision by VDOT, independent of whether the roundabout has been completed.

- c. Internal Travelways and Parking. The Applicant shall utilize a pervious surface, such as gravel, where possible for all non-ADA vehicular travelways and parking areas internal to the site. If a gravel surface is to be used, stormwater management techniques and best management practices shall be employed to reduce the peak rate of runoff and reduce the volume of pollutants created by proposed impervious surfaces. Proposed facilities may include infiltration swales, bioretention basins with underdrains, or other low impact development techniques, which will treat and contain the first inch of storm runoff from proposed impervious surfaces.
 - d. Boat Trailers. Motorized boats shall be prohibited from utilizing the boat launch ramp at White's Ford Park and users of the Park shall be prohibited from using trailers to bring boats to the Property. Notwithstanding the foregoing, NVRPA may trailer non-motorized boats to and from the Park.
 - e. One-lane Bridge. Subject to VDOT approval and prior to first Site Plan approval, the Applicant shall install cautionary signs (i.e. yield signs) proximate to the one-lane bridge on Limestone School Road.
 - f. Spinks Ferry Road. Subject to VDOT approval and prior to first Site Plan approval, the Applicant shall install signs directing park visitors to exit via Spinks Ferry Road.
5. Lighting. Lighting on the subject property shall be designed and constructed to preclude light trespass onto adjoining properties, glare to passersby, skyglow, and deterioration of the nighttime environment. Any lighting installed as part of the boat launch ramp or boat rental facility shall be adjacent to the use or attached to a related building and shall have fixtures that are fully shielded.
 6. Noise. General park operations (uses other than camping) shall be limited to daylight hours.
 7. Signage. The Applicant shall install signage in appropriate locations along the Property's boundary to alert patrons as to the limits of the Park, prior to first Site Plan approval.
 8. Jurisdictional Waters. To minimize impacts to jurisdictional waters, all trail stream crossings shall be constructed as raised wooden boardwalks and/or footbridges, except for equestrian and vehicular crossings, subject to approval by the Virginia Outdoors Foundation.
 9. Fire & Rescue. The Applicant shall provide Fire & Rescue details regarding the internal roadway network at the time of site plan review.

10. Friends Group. The Applicant shall invite Park patrons and neighbors to join a Friends Group that will meet regularly (at least twice a year) to discuss general park operations.
11. Restroom Facilities. The Applicant shall install low flow toilets and waterless urinals in all constructed restrooms on-site. This condition shall not apply to the Colonel White House.
12. Trashcan. The Applicant shall install a trash receptacle proximate to the boat launch ramp.
13. Riparian Buffer. The Virginia Outdoors Foundation easement establishes a 100-foot riparian buffer along the Potomac. The Applicant shall apply those same limitations to an additional 100 feet of land to create a 200-foot riparian buffer, provided that trails, the boat launch ramp, access road, and temporary facilities are all permitted within the expanded buffer.
14. Energy Efficiency – As part of the submission for Zoning Permit, the Applicant shall provide a details sheet demonstrating that all possible appliances, lighting and thermostats have received an "Energy Star" label, as provided by the U.S. Department of Energy and U.S. Environmental Protection Agency's joint program referred to as the Energy Star program. This condition shall not apply to the Colonel White House.
15. Historic and Archaeological Resources.
 - a. The Applicant shall maintain a sign or gate at the existing driveway entrance leading to the Colonel White House to discourage general park traffic from using that driveway.

NOTE: The Applicant has agreed to provide a one-time fire and rescue contribution to the County in the amount of \$0.10 per square foot of non-residential floor area construction for equal distribution between the primary servicing fire and rescue companies. This contribution shall be made at the time of issuance of the first zoning permit for the boat rental facility and incidental structure use. The contribution shall escalate annually on January 1 of each year following County approval of the Special Exception Applications, in accordance with the Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted), base year of 1988, as published by the Bureau of Labor Statistics, U.S. Department of Labor.

SPEX 2008-0062 dated February 23, 2010

1. Special Exception Plat. The proposed campground shall be developed in substantial conformance with the Special Exception Plat ("White's Ford Park Special Exception Plat SPEX 2008-0061 and 2008-0062"), Sheets 1, 3 and 5, prepared by Christopher Consultants, dated January 30, 2009 as revised through September 28, 2009, (the "Plat"), as well as the Revised 1993 Loudoun County Zoning Ordinance. Approval of this application for Tax Map #: /31/////////5/ (PIN# 077-36-5320) (the "Property") shall

not relieve the Applicant or the owners of the Property from the obligation to comply with and conform to any other Zoning Ordinance, Codified Ordinance, or applicable regulatory requirement.

2. Uses Permitted (SPEX 2008-0062). Approval of this Special Exception application grants approval for an individual/family campground with up to sixty (60) campsites, of which up to ten (10) may be cabins. In addition, up to twenty-five (25) group camping events each with an attendance of up to one hundred (100) people shall be permitted per calendar year.
 - a. Campsite rentals shall be limited to no more than 14 consecutive nights by the same user.
 - b. An employee of the Northern Virginia Regional Park Authority shall be on-site from dusk until dawn when the campground is occupied.
3. Transportation.
 - a. Hibler Road Improvements. Subject to VDOT approval and prior to the introduction of Phase II uses which includes camping on the Property, the Applicant shall improve Hibler Road from Limestone School Road to the main park entrance using VDOT's Rural Rustic Road Standards with the width of the road to be 18 feet, the surface gravel, and with all work to be completed within existing VDOT right of way and prescriptive easement offsite of the Property, and shall improve the vertical sight distance on Hibler Road near the Limestone School Road intersection based on a 25 mph operating speed by either lowering the grade and/or increasing the road width in this area. Once the Hibler Road improvements described herein are bonded, the Applicant may begin construction on the Phase II uses, but shall not open said uses to the public until the Hibler Road improvements are constructed and open to traffic. Where the applicant owns property on both sides of Hibler Road it shall grant 50 feet of right-of-way centered on the existing centerline of the travelway along Hibler from the western property boundary to the main park entrance. Where the applicant owns property only on one side of the roadway it will grant 25 feet of right-of-way from said centerline. The Applicant shall provide an area adequate for vehicles, including recreational vehicles, to turn around on Park property at the main entrance to the Park. If any of the improvements described herein have been completed by others prior to Phase II, NVRPA will be relieved of those road improvement responsibilities. Notwithstanding the above, the Park may open to Phase I uses which allow birders, hikers, boaters (who launch from the shore), rental house tenant and general visitors prior to any work on Hibler Road.
 - b. Right Turn Lane Northbound Route 15 and Turning Radius Improvements. Subject to VDOT approval and prior to first Site Plan approval, construct a northbound right turn lane from Route 15 onto Limestone School Road. If this turn lane has been constructed by others prior to first Site Plan approval, NVRPA shall be relieved of such construction obligation. If additional right of way is needed to construct the turn lane, and the Applicant is unable to acquire the necessary right-of-way or easements at fair market value, then the Applicant shall request the Board of

Supervisors initiate condemnation proceedings to acquire the necessary land and/or easements. If the Board of Supervisors chooses not to initiate condemnation proceedings, the Applicant shall be relieved of the obligation to construct a northbound right turn lane from Route 15 to Limestone School Road. Notwithstanding the foregoing, if VDOT approves a roundabout at the intersection of Route 15 and Limestone School Road prior to the installation of the turn lane, NVRPA shall contribute the money it would have spent on the turn lane (as verified by a third party cost estimate) to Loudoun County to be applied to the construction of the roundabout, but in no event shall NVRPA be responsible for constructing the roundabout. Should the permitting or construction of the turn lane be delayed by VDOT or Loudoun County in order to consider traffic alternatives, including but not limited to roundabouts, NVRPA shall be allowed to develop and open the park including the uses permitted by SPEX 2008-0062, subject to the conditions of paragraph 3a above, prior to the construction of said turn lane. Furthermore, in the event VDOT approves the construction of a roundabout, NVRPA shall be permitted to develop and open the uses permitted by SPEX 2008-0062, subject to the conditions of paragraph 4a above, within 6 months of such decision by VDOT, independent of whether the roundabout has been completed.

- c. Internal Travelways and Parking. The Applicant shall utilize a pervious surface, such as gravel, where possible for all non-ADA vehicular travelways and parking areas internal to the site. If a gravel surface is to be used, stormwater management techniques and best management practices shall be employed to reduce the peak rate of runoff and reduce the volume of pollutants created by proposed impervious surfaces. Proposed facilities may include infiltration swales, bioretention basins with underdrains, or other low impact development techniques, which will treat and contain the first inch of storm runoff from proposed impervious surfaces.
 - d. Larger Vehicles and Trailers. All Recreational Vehicles (RVs) and trailed campers shall be prohibited.
 - e. One-lane Bridge. Subject to VDOT approval and prior to first Site Plan approval, the Applicant shall install cautionary signs (i.e. yield signs) proximate to the one-lane bridge on Limestone School Road.
 - f. Spinks Ferry Road. Subject to VDOT approval and prior to first Site Plan approval, the Applicant shall install signs directing park visitors to exit via Spinks Ferry Road.
5. Lighting. Lighting on the subject property shall be designed and constructed to preclude light trespass onto adjoining properties, glare to passersby, skyglow, and deterioration of the nighttime environment. Any lighting installed as part of the campground shall be adjacent to the use or attached to a related building and shall have fixtures that are fully shielded.
 6. Noise. General park operations (uses other than camping) shall be limited to daylight hours.

7. Signage. The Applicant shall install signage in appropriate locations along the Property's boundary to alert patrons as to the limits of the Park, prior to first Site Plan approval.
8. Jurisdictional Waters. To minimize impacts to jurisdictional waters, all trail stream crossings shall be constructed as raised wooden boardwalks and/or footbridges, except for equestrian and vehicular crossings, subject to approval by the Virginia Outdoors Foundation.
9. Fire & Rescue. The Applicant shall provide Fire & Rescue details regarding the internal roadway network at the time of site plan review.
10. Friends Group. The Applicant shall invite Park patrons and neighbors to join a Friends Group that will meet regularly (at least twice a year) to discuss general park operations.
11. Restroom Facilities. The Applicant shall install low flow toilets and waterless urinals in all constructed restrooms on-site. This condition shall not apply to the Colonel White House.
12. Riparian Buffer. The Virginia Outdoors Foundation easement establishes a 100-foot riparian buffer along the Potomac. The Applicant shall apply those same limitations to an additional 100 feet of land to create a 200-foot riparian buffer, provided that trails, the boat launch ramp, access road, and temporary facilities are all permitted within the expanded buffer.
13. Energy Efficiency – As part of the submission for Zoning Permit, the Applicant shall provide a details sheet demonstrating that all possible appliances, lighting and thermostats have received an "Energy Star" label, as provided by the U.S. Department of Energy and U.S. Environmental Protection Agency's joint program referred to as the Energy Star program. This condition shall not apply to the Colonel White House.
14. Historic and Archaeological Resources.
 - a. The Applicant shall maintain a sign or gate at the existing driveway entrance leading to the Colonel White House to discourage general park traffic from using that driveway.

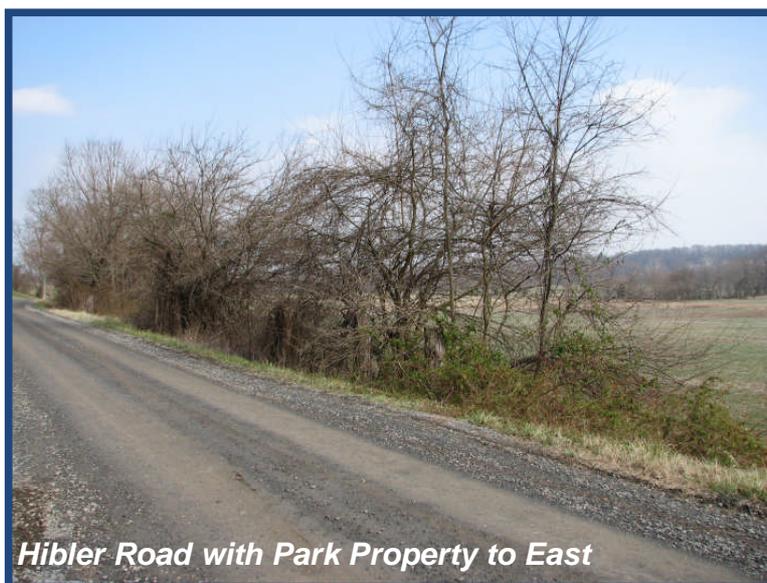
NOTE: The Applicant has agreed to provide a one-time fire and rescue contribution to the County in the amount of \$0.10 per square foot of non-residential floor area construction for equal distribution between the primary servicing fire and rescue companies. This contribution shall be made at the time of issuance of the first zoning permit for the campground. The contribution shall escalate annually on January 1 of each year following County approval of the Special Exception Applications, in accordance with the Consumer Price Index for all urban consumers (CPI-U), 1982-1984=100 (not seasonally adjusted), base year of 1988, as published by the Bureau of Labor Statistics, U.S. Department of Labor.

VI. PROJECT REVIEW

A. CONTEXT

The applicant, Northern Virginia Regional Park Authority (NVRPA), is requesting a Commission Permit and a Special Exception for the establishment of a public park with a boat rental and launch facility on a property with Potomac River frontage approximately 6 miles northeast of the Town of Leesburg and 2 ½ miles southeast of Lucketts. Many of the proposed passive uses are permitted by-right within the zoning district; however, the proposed camping facilities require a Minor Special Exception (SPEX 2008-0062), which is processed concurrently with these Commission Permit and Special Exception requests. The Minor Special Exception is discussed in greater detail below.

A Commission Permit is required for all public facilities to determine if the general location, character, and extent of the use is in substantial accord with the Comprehensive Plan. The proposed park is currently not shown as a public facility site on the Public Facilities Map (Revised General Plan, Chapter 3, Public Facilities Map); therefore, the



Commission Permit request is required. The applicant has listed the potential by-right uses on the CMPT plat that include an equestrian facility and trails (limited to 15,000 sq ft), hiking trails, playground areas, interpretive area, camping and cabin facilities (per minor SPEX), picnic pavilions, and a boat rental with launch (per SPEX). The applicant has committed to preserve environmental elements and historic resources on the CMPT plat to meet Plan policies.

The 294.6-acre subject property is bisected by Hibler Road (Route 656), 1.5 miles east of the intersection of Limestone School Road (Route 661), at 43646 Hibler Road. Approximately 275 acres of the property is subject to the Special Exception requests. The proposed regional park would be programmed for passive recreational uses and, as stated above, will feature hiking trails, equestrian trails, camping and cabin facilities, picnic pavilions, and a boat ramp with concessions. The proposed park will be served by previously approved on-site well and drainfields.

The subject property is zoned AR-1 (Agriculture Rural-1) and is governed under the provisions of the Revised 1993 Zoning Ordinance.

The majority of the subject property is open grass-covered pasture used for cattle grazing, with some small wooded areas along drainages and fence lines and around the historic farm complex located near the center of the property north of Hibler Road. A review of County

GIS identified a small unnamed tributary, wetlands, floodplain, steep slopes and forest cover on the subject property.

A Phase I Archaeological Survey identified several prehistoric and historic sites on the subject property. All the existing nineteenth and twentieth-century houses and farm buildings on the subject property have been documented and included with the Virginia Landmarks Inventory. The subject property is also a contributing element within the Catoctin Rural Historic District which is recognized by the state as a Virginia Historic Landmark District.

Lastly, the entire property is encumbered by a Virginia Outdoors Foundation conservation easement.

The applicant has agreed to significantly reduce the programming for the park. Specifically, there will be no motorized boats, no trailers (except for horse trailers), and no RVs or popup campers permitted in the campground. This reduction both limits the number of anticipated trips and means that the park will have a lower overall impact on the road network than previously calculated.

In addition, the applicant is now proposing to develop the park in two phases. Phase I would be limited to general park visitation, for purposes such as hiking and wildlife viewing, shore launching of canoes and kayaks from a sand or gravel launch area, and tenant occupancy of the existing house. Phase II could include boat rental facilities in the floodplain (which could include the construction of a poured concrete boat ramp), picnic shelters, a 60-site campground with up to 10 cabins, a group camping area (limited to 25 group camping events per year), horse trail riding, and special events (voluntarily limited to a maximum of 5 events per year).

B. SUMMARY OF OUTSTANDING ISSUES

There are no remaining issues as identified by staff. The final conditions of approval are under review by the County Attorney's office.

C. OVERALL ANALYSIS

COMPREHENSIVE PLAN POLICIES

The subject property is governed under the policies of the Revised General Plan. The Revised General Plan places the property within the northern tier of the Rural Policy Area. The area is planned for rural economy uses and limited residential development (Revised General Plan, Chapter 7, Land Use Pattern and Design Strategy Policies, Policy 3). The Rural Policies, Public Facilities Policies and Environmental Policies of the Revised General Plan were reviewed to evaluate the application. Additionally, the Development Review and Guidelines for the Preservation of Historic Standing Structure policies of the Heritage Preservation Plan were also reviewed to evaluate the application.

LAND USE – COMMISSION PERMIT

Staff finds that the proposed use of the subject property as a regional park is consistent with the land use and rural economic policies of the Revised General Plan, assuming that reasonable transportation safety improvements will be provided to mitigate the impact of the park site.

The scale and intensity of the proposed public use site were considered by the Planning Commission. The general location is determined to be appropriate for a park use; however, the potential by-right uses in conjunction with the special exception requests initially created an intensity that may not have been appropriate for this location due to the inadequate road network accessing the site as envisioned per Plan policy. In response, the applicant agreed to remove the proposed by-right equestrian facility from the Commission Permit plat.

Again, staff can support the Commission Permit request that the general character and location is appropriate for a regional park use assuming that reasonable transportation safety improvements will be ultimately considered to mitigate the impact of the park site.

Forests, Trees, and Vegetation

The Plan supports the conservation of forest resources and natural vegetation during the site development process for the various economic and environmental benefits that they provide (Revised General Plan, Chapter 5, Forest, Tree and Vegetation Policy 1). The County's forests and trees improve air and water quality, offer important habitat for birds, small mammals and other wildlife. They also redirect airflow and reduce wind speed, stormwater runoff, and soil erosion (Revised General Plan, Chapter 5, Forest, Tree and Vegetation Policy, text).

Furthermore, existing vegetation is a superior habitat resource for new tree plantings because it retains essential ecosystem components that support tree and forest re-growth (Revised General Plan, Chapter 5, Forest, Tree and Vegetation Policy, text).



Specimen Tree On-site

The applicant intends to preserve much of the existing vegetation and trees as possible through preservation on the site. Staff recommended that the existing forest cover and hedgerows be designated as tree conservation areas. In response to staff's comment, the applicant added Sheet 5 to the Special Exception Plat, and has agreed to a condition requiring substantial conformance to the plan (Condition 1 for both SPEX 2008-0061 & SPEX 2008-0062). The applicant has committed to remove invasive vegetation from the existing hedgerows and, when possible, supplement with native vegetation. Staff would recommend that the applicant commit to the long-term maintenance of these areas through the development of a Forest Management Plan in consultation with the County Urban Forester.

Historic and Archaeological Resources

Plan policies recommend that “an archaeological and historical resources survey be submitted as part of all land development applications” (*Revised General Plan, Chapter 5, Historic and Archaeological Resources Policies, Policy 11*). Based on staff’s review of the survey reports, the applicant has committed to initiate a Phase II study prior to impacting areas determined to have high probability of artifacts in the Phase I study. The applicant has also committed to protect the Colonel White House,



cow barn and drive-through corn crib by erecting a cattle fence around each structure. The applicant will further protect the Colonel White House by securing all windows and openings and maintain a sign or gate at the existing entrance to the driveway to discourage general park traffic from using that driveway.

LAND USE – BOAT RENTAL FACILITY WITH LAUNCH

Staff finds that the proposed special exception use for a boat rental facility and launch is consistent with the land use and rural economic policies of the Revised General Plan provided that the recommended transportation improvements to the road network accessing the site are constructed.

The parcel is within an Open Space Easement (200712060084868 OSE) granted to the Virginia Outdoors Foundation. The Virginia Outdoors Foundation ultimately approves the allowable uses on the property as the entire site is encumbered by the conservation easement. If NVPRPA purchases the property for a regional park, VOF and NVPRPA will be required to negotiate the details for the transfer of the easement. The applicant has provided documentation that VOF is in support of the application, and that the easement will be transferred to NVRPA.

River and Stream Corridor Resources

The preservation and protection of the scenic character and quality of the shoreline of the Potomac River is a County priority (*Revised General Plan, Chapter 5, Scenic Rivers and Potomac River, text*). Staff finds that the passive uses and development plan for the proposed regional park comply with the river and stream corridor resource policies of the Plan. No structures located in the flood plain may exceed 840 square feet.

The proposed boat ramp location crosses an area of very steep slopes along the bank of the Potomac. Section 5-1508(D) of the Zoning Ordinance does not allow disturbance in areas where the very steep slopes are greater than 5,000 contiguous square feet. Only passive

recreation is allowed in very steep slopes, such as trails for non-motorized vehicles. A trail for launching non-motorized boats could conform to this allowed use. Since the topography of the river bank has not yet been assessed as to suitability, the applicant has proposed an envelope where the boat launch is to be located at the time of site plan in order to avoid the very steep slopes.

Staff notes that there are no proposed stormwater management facilities serving the property. The applicant has committed to providing pervious surfaces for all travelways and parking lots to ensure that impervious surface areas are minimized, steep slopes are not eroded by stormwater runoff, and available areas of permeable soil are used for infiltration.

Lighting

The Plan promotes sound night-lighting standards that will “reduce light pollution such as glare, energy waste, light trespass, and the deterioration of the natural nighttime environment” (*Revised General Plan, Chapter 5, Lighting and Night Sky, Policy 1*). The applicant has committed to provide site lighting which is the minimum intensity of lighting necessary for the operation of the proposed uses within the park. The proposed site lighting should be shielded and directed downward to reduce glare and spillage of light onto adjoining properties and the night sky.

Noise

Noise generating activities, such as and the use of generators and other similar machinery, will be limited from dawn to dusk to protect the rural character of the area and to decrease the likelihood of disturbance to present and future neighboring residences. The applicant has also agreed to prohibit all motorized boats from using the boat launch.

Green Building

The applicant stated that sustainable building design, water conservation measures, and other environmentally friendly actions are always considered with any new development, resulting with the applicant's commitment to on-site energy efficiency and water conservation.

LAND USE—CAMPGROUND

The applicant is proposing to develop a campground with 60 individual/family campsites. These campsites may include up to 10 cabins. In addition, the applicant is proposing group camping for up to 100 attendees. The group camping events shall be limited to 25 per year. On average, group events are likely to occur once per week during the summer months, although they could occur more frequently with a maximum of 25 per year.

This use is permitted by minor special exception in the AR-1 zoning district, and as such was not evaluated in the Planning Commission staff report. However, the vehicular trips anticipated with the use have been incorporated into the transportation section of both staff reports. As part of the commission permit discussion about what improvements needed to be made to Hibler Road, the applicant agreed to prohibit all recreational vehicles (RVs) and popup campers from the campground.

The applications for the campground and the boat launch ramp and rental facility were reviewed in conjunction with the Commission Permit. The majority of the issues raised regarding the campground were previously addressed through review of the other two

applications co-processed with the minor special exception and discussed at the Planning Commission, including trip generation and environmental impacts. No issues remain regarding the minor special exception request for the proposed campground use.

The Conditions of Approval for SPEX 2008-0062 are largely identical to the Conditions of Approval for SPEX 2008-0061. The differences are found in Conditions 1, 2, and 3d of SPEX 2008-0062.

TRANSPORTATION

The site will have access from Hibler Road, which will connect to James Monroe Highway (US Route 15) via Limestone School Road (Route 661) and Spinks Ferry Road (Route 657).

Existing, Planned and Programmed Roads

US Route 15 (James Monroe Highway) is a two-lane rural highway. It serves heavy commuter traffic during weekday peak hours. The proposed main entrance for the White’s Ford Park at Route 15 and Limestone School Road has recently been improved by the Virginia Department of Transportation (VDOT). There is a left-turn lane for southbound traffic on Route 15 turning onto Limestone School Road and a paved shoulder for northbound traffic on Route 15 turning onto Limestone School Road. According to the most recent data provided by VDOT (2007) this section of Route 15 carried 21,000 vehicles per day. The Countywide Transportation Plan (CTP) makes no mention of Limestone School Road or Hibler Road. The CTP states that there are no planned improvements to this section of Route 15.

Limestone School Road (Route 661) is a narrow unpaved road that is approximately 20 feet wide with no shoulders. According to the most recent data provided by VDOT (2005), this section of Route 661 carries 520 vehicles per day. There is a one-lane bridge on Limestone School Road approximately 0.4 of a mile from the intersection of Route 15 and Limestone School Road.

Hibler Road (Route 656) is a narrow unpaved road that is approximately 15 feet wide with no shoulders. According to the most recent data provided by VDOT, this section of Route 656 carries 150 vehicles per day.



Initially, staff was concerned regarding the methodology used for the traffic impact based on the number of employees rather than the acreage of the park site. However, the applicant has provided background information from similar NVPRA park sites to determine that the methodology for calculating the traffic volume is adequate. While the total volume is considered off-peak and relatively low (per the applicant's traffic analysis a total of 329 weekend day trips are generated), staff was concerned about the safety of the road network to access the site especially due to the types of vehicles proposed to use the park, which initially included trailers for motorized boats, recreational vehicles, and popup campers. Those three types of vehicles have now been prohibited. The only trailers that will be allowed on the site are trailers used by NVRPA to transport non-motorized boats. According to Condition 3d of SPEX 2008-0061, no trailer may be used to bring boats to the site. Non-motorized boats are typically transported on rooftop carriers, and there is no restriction on park patrons from transporting their own non-motorized boats in that manner.

The applicant has been working with staff and VDOT to determine what improvements to Hibler Road would be most appropriate. VDOT had initially taken the position that Hibler would need to be both widened and paved in order to accommodate the anticipated traffic generated by the proposed uses. The proposal to pave Hibler Road conflicts with the policies of both the Revised General Plan and the Countywide Transportation Plan which call for rural roads to remain unpaved. On January 14, 2010, VDOT made the determination that Hibler Road could be improved using the Rural Rustic Road Standards, which would allow the road to remain unpaved and thus would be in accordance with Plan policies. VDOT recommended the following and noted that all recommendations are subject to final site engineering:

- Widen Hibler Road to an 18 foot travelway, with some locations slightly wider (such as the intersection with Limestone School Road) to address vertical sight distance problems
- Provide appropriate signage for one-lane bridges
- Extend cross culverts as necessary

According to the traffic data submitted on February 3rd (attached), the uses proposed in Phase I of the park will generate an average of 59 daily trips on the weekend and 29 daily trips on weekdays. Staff notes that the potential by-right development of five single-family detached homes would be expected to generate 50 daily trips during the week. The applicant is proposing to make the improvements to Hibler Road before Phase II comes online. Phase II would bring the total anticipated peak weekend trips to 254 (non-special event) and 329 (special event). The peak anticipated weekday trips are approximately half of the peak weekend trips. The applicant notes that peak trips are likely to occur during the summer; a significant reduction would be anticipated during the winter months.

The applicant has committed to signage at the one-lane bridge on Limestone School Road to warn of on-coming traffic and signage to direct exiting park traffic down Spinks Ferry Road, a paved roadway, to minimize conflict on Limestone School Road.

The applicant's traffic study shows that under the existing conditions, without any additional traffic from the park, a right taper from Route 15 is required. However, staff is advised that Route 15 is part of the National Highway System (NHS), and that improvements made to roads

in the NHS are required to meet certain standards. One of the standards is that all turn lanes must be full length, not just a taper. Therefore, staff is recommending that the applicant commit to providing a full right turn lane from Route 15 northbound onto Limestone School Road prior to the opening of Phase I of the park. After further discussions with the Planning Commission, the applicant has agreed to provide the turn lane prior to the opening of Phase I of the park.

EMERGENCY SERVICES

During the legislative review process, staff requested more details regarding the internal road network. While the applicant stated that the roadways will meet FSM specifications, Fire and Rescue requested an opportunity to review the site plan to ensure adequate emergency vehicle access and circulation throughout the parcel. Review of the site plan will also allow the Fire & Rescue Staff to learn more specifics of the proposed structures and pre-plan emergency response to the facility. The applicant has committed to provide Fire & Rescue this information at the time of site plan review.

D. ZONING ORDINANCE CRITERIA FOR APPROVAL

Section 6-1310 of the Loudoun County Zoning Ordinance states, "In considering a Special Exception application, the following factors shall be given reasonable consideration. The applicant shall address all the following in its statement of justification or Special Exception plat unless not applicable, in addition to any other standards imposed by this Ordinance".

A. Standard *Whether the proposed Special Exception is consistent with the Comprehensive Plan.*

Analysis The Property is subject to the Revised General Plan’s Rural Policy Area land use recommendations. The Planned Land Use Map designates the Property for Rural uses. The proposed boat ramp will enhance the permitted passive park that is envisioned for the Property and provide much-desired recreation activities for Loudoun residents.

B. Standard *Whether the proposed Special Exception will adequately provide for safety from fire hazards and have effective measures of fire control.*

Analysis The proposed boat rental facility with launch will be constructed to comply with all applicable fire safety and building requirements, as will any structures associated with the campground use.

C. Standard *Whether the level and impact of any noise emanating from the site, including that generated by the proposed use, negatively impacts the uses in the immediate area.*

Analysis There will be very little stationary noise produced by the passive park or the special exception uses. Noise from park visitors is not expected to negatively impact adjacent properties. Furthermore, the park will establish quiet hours between 10 p.m. and 7 a.m.

D. Standard *Whether the glare or light that may be generated by the proposed use negatively impacts uses in the immediate area.*

Analysis All lighting for the boat rental facility with launch will be designed to minimize glare on adjacent uses.

- E. Standard *Whether the proposed use is compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.*

Analysis The Property is surrounded by rural lots. The proposed park will maintain the bucolic setting and complement the existing uses.

- F. Standard *Whether sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen surrounding uses.*

Analysis Adjacent properties are greater than four (4) acres in size and therefore the landscaping requirements are not required. Notwithstanding that, the Property benefits from existing tree lines along its boundaries and waterways that will buffer the uses from each other and from adjacent properties.

- G. Standard *Whether the proposed Special Exception will result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.*

Analysis The creation of the park will be constructed in such a manner to minimize the impacts to the natural, scenic and physical features of the Property. The Applicant is working within the confines of the existing Virginia Outdoor Foundation's easement on the property, which established four no-build zones to protect the scenic values and archaeological resources of the Property, as well as established 35-foot riparian buffers around all unnamed streams on the Property and a 100-foot vegetated buffer along the Potomac River to protect water quality. Applicant has conducted Phase I archeological surveys and will preserve features identified therein.

- H. Standard *Whether the proposed Special Exception will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.*

Analysis The applicant has worked with DCR to study and protect any threatened animal habitat, has committed to maintain the existing tree buffers and commits to prohibit the use of all motor boats.

- I. Standard *Whether the proposed Special Exception at the specified location will contribute to or promote the welfare or convenience of the public.*

Analysis The envisioned park would provide an amenity to Loudoun residents by providing public open space, walking trails, picnic and play facilities, public river access and overnight accommodations in a convenient location just north of Leesburg.

- J. Standard *Whether the traffic expected to be generated by the proposed use will be adequately and safely served by roads, pedestrian connections and other transportation services.*

Analysis While the total traffic volume impact is considered off-peak and relatively low, staff is concerned about the safety of the road network to access the site especially due to the types of vehicles proposed to use the park. Staff finds that the applicant's proposal to upgrade Hibler Road is acceptable, but maintains that the applicant should provide a full right hand turn lane from northbound US Route 15 onto Limestone School Road prior to the opening of any park uses.

- K. Standard *Whether, in the case of existing structures proposed to be converted to uses requiring a Special Exception, the structures meet all code requirements of Loudoun County.*

Analysis Not applicable.

- L. Standard *Whether the proposed Special Exception will be served adequately by essential public facilities and services.*

Analysis The proposed special exception will have minimal impact on public facilities and services. The applicant has also agreed to work with Fire & Rescue at the time of site plan to determine whether the internal road network can be appropriately served.

- M. Standard *The effect of the proposed Special Exception on groundwater supply.*

Analysis Not applicable.

- N. Standard *Whether the proposed use will affect the structural capacity of the soils.*

Analysis The proposed Commission Permit has committed to provide a soils report at the time of site plan.

- O. Standard *Whether the proposed use will negatively impact orderly and safe road development and transportation.*

Analysis The proposal generates a relatively low traffic impact; however, staff is concerned about the safety of the road network especially due to the types of vehicles proposed to use the park.

- P. Standard *Whether the proposed Special Exception use will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.*

Analysis Convenient access to parks and open space has been linked to increased property values, spurring recreation-oriented businesses and attracting visitors and tourists to an area who would then support local businesses such as lodging and

restaurants during their visit. Although the park itself is not designed to be an economic generator, it adds another desired amenity to attract tax-paying businesses and residents to the County.

- Q. Standard *Whether the proposed Special Exception considers the needs of agriculture, industry, and businesses in future growth.*

Analysis The proposed special exception is designed to complement the uses permitted by right on the Property.

- R. Standard *Whether adequate on and off-site infrastructure is available.*

Analysis The proposed special exception use will have minimal impact to onsite and offsite infrastructure. Staff recommends that the applicant provide improvements to the road network accessing the park. The applicant has agreed to provide upgrades to Hibler Road and to Route 15.

- S. Standard *Any anticipated odors which may be generated by the uses on site, and which may negatively impact adjacent uses.*

Analysis There are no anticipated odors.

- T. Standard *Whether the proposed Special Exception uses sufficient measures to mitigate the impact of construction traffic on existing neighborhoods and school areas.*

Analysis Traffic associated with the creation of the park will be limited and will not impact any schools.

.....

Section 4-1507 (Floodplain Overlay District) of the Loudoun County Zoning Ordinance states, “In considering applications for a special exception, the Board of Supervisors must be satisfied that the following standards and those of Section 6-1300 have been met”.

- A. *The proposed use will not increase the danger to life and property due to increased flood heights or velocities.*

The special exceptions being requested will add limited impervious surfaces to the Property and therefore will not increase dangerous flooding on the Property.

- B. *The proposed use will not increase the danger that materials may be swept downstream to the injury of others.*

Any amenities associated with the boat ramp, i.e.: the concession stand or trash receptacles, will be secured or located outside from the floodplain to avoid them being swept downstream. The Applicant has a policy that prior to dangerous storms, it removes any amenities that are not secured to the ground.

C. *The proposed water supply and sanitation systems are designed to prevent disease, contamination, and unsanitary conditions.*

The Applicant will meet all County Health Department standards.

D. *The proposed use or structure must be located and designed to limit its susceptibility to flood damage, and available alternative locations, not subject to flooding, for the proposed use must be considered.*

The boat ramp and rental facility will be designed to limit their susceptibility to flooding.

E. *The proposed use is compatible with existing and planned development.*

The proposed use will enhance the planned park by providing amenities that allow visitors to gain access to the river.

F. *The proposed use is in harmony with the comprehensive plan.*

Yes. The proposed park and its amenities meet the Rural Policy Area's goals of preserving and providing open space to Loudoun's citizens.

G. *The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site should not cause significant damage.*

The development is minimal and therefore is not expected to cause any damage.

VII. ATTACHMENTS	PAGE NUMBER
1. Review Agency Comments	
a. Community Planning (08/18/09, 07/13/09)	A-1
b. Zoning Administration (08/18/09, 03/20/09)	A-15
c. Environmental Review Team (08/14/09, 03/18/09)	A-19
d. VA Department of Conservation & Recreation (03/26/09, 05/11/09)	A-25
e. Office of Transportation Services (09/11/09, 04/13/09)	A-33
f. Virginia Department of Transportation (08/17/09, 03/27/09)	A-47
g. Health Department (02/20/09)	A-51
h. General Services (03/19/09)	A-53
i. Fire & Rescue (08/11/09, 04/01/09)	A-55
j. Parks & Recreation (08/20/09, 03/25/09)	A-59
2. Disclosure of Real Parties in Interest	A-85
3. Applicant's Statement of Justification	A-99
4. Applicant's Response to Referral Agency Comments	A-109
5. Applicant's response to Planning Commission Questions	A-173
6. Virginia Outdoors Foundation letter	A-201
7. Memorandum of Understanding dated February 19, 2010	A-205
7. Special Exception Plat dated September 29, 2009 (Available Electronically)	
8. Commission Permit Plat dated February 19, 2010 (Available Electronically)	