

DEPARTMENT OF PLANNING
STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

DATE OF HEARING: November 19, 2009

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

DECISION DEADLINE: Extended to December 10, 2009

ELECTION DISTRICT: Catoctin

PROJECT PLANNER: Nicole Steele

EXECUTIVE SUMMARY

The Northern Virginia Regional Park Authority of Fairfax Station, Virginia has submitted applications for a Commission Permit to establish a by-right park called White's Ford Park and a Special Exception to permit boat rentals and incidental structures, within the FOD (Floodplain Overlay District - Major Floodplain). This application is subject to the Revised 1993 Zoning Ordinance and the proposed boat rental use is listed as a Special Exception use under Section 4-1506 and the park itself 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

Staff finds that the applications conform with the policies outlined in the Revised General Plan and as conditioned by Special Exception within this report. Staff recommends approval of the Commission Permit and Special Exception to develop a regional park with a boat rental facility and launch, subject to the Conditions of Approval and based on staff's Findings for approval. However, the applicant currently does not agree with the staff suggested transportation improvements contained within condition #3 that specifies the installation of a right-turn lane with adequate turning radius from Route 15 onto Limestone School Road and necessary improvements to Hibler Road. Staff cannot support the proposal without these improvements. While staff can support a recommendation of approval for the Commission Permit assuming that the general character and location is appropriate for a park use, reasonable transportation safety improvements should ultimately be considered to mitigate the impact of the park uses.

SUGGESTED MOTIONS

- 1. I move that the Planning Commission forward CMPT 2008-0020 & SPEX 2008-0061 – White’s Ford Park, to a work session for further discussion.

OR,

- 2a. I move that the Planning Commission approve CMPT 2008-0020, White’s Ford Park, and forward it to the Board of Supervisors for ratification based on the Findings contained in the November 19, 2009 Staff Report and based on the Commission Permit Plat dated October 1, 2009 prepared by Christopher Consultants.

AND,

- 2b. I move that the Planning Commission 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 November 4, 2009 and with the Findings contained in the November 19, 2009 Staff Report.

OR,

- 3a. I move that the Planning Commission deny CMPT 2008-0020, White’s Ford Park, and forward it to the Board of Supervisors for ratification based on the following Findings:

AND,

- 3b. I move that the Planning Commission forward SPEX 2008-0061, White’s Ford Park, to the Board of Supervisors with a recommendation of denial, based on the following Findings:

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.

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I. APPLICATION INFORMATION

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APPLICANT’S REQUEST

- Application accepted on February 20, 2009
- Commission Permit to allow a regional park
- 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, at the time the October 15, 2009 staff report was released, the Applicant had not provided information from VOF acknowledging and/or supporting the proposal. Since that time, the applicant has provided two letters supporting the current proposal and are attached to this report. • Forest Management Plan. Status: Resolved, at the time the October 15, 2009 staff report was released, staff recommended 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. Since that time, 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, Unresolved, the Applicant has agreed to provide the right-turn lane at the time trailers will access the park. At this time, OTS has not reviewed this proposed condition. An update will be provided at the public hearing. • Improvements to Hibler Road. Status: Unresolved, no commitment to provide any improvements to Hibler Road. • Signage at one-lane bridge on Limestone School Road and to direct exiting park traffic 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: Unresolved.

Policy or Ordinance Sections Subject to Application
<u>Revised General Plan</u>
Chapter 3, Public Facilities Map
Chapter 3, Parks, Recreation, and Community Services Policies, Policy 4
Chapter 5, Scenic Rivers and Potomac River, text and Policy 8
Chapter 5, Green Infrastructure Policies, Policy 1
Chapter 5, Forest, Tree and Vegetation Policy 1 & 3
Chapter 5, Lighting and Night Sky, Policy 1
Chapter 5, River and Stream Corridor Resources Policies, Policy 2, 4, & 18
Chapter 5, Historic and Archaeological Resources Policies, Policy 9 & 11
Chapter 7, Rural Economy Policies, Policy 1
Chapter 7, Land Use Pattern and Design Strategy Policies, Policy 3 & 6
<u>Heritage Preservation Plan</u>
Chapter 9, Land Development Policies, Policy 1
Chapter 9, Historic Standing Structures and Their Setting Polices, Policy 9
<u>Revised Countywide Transportation Plan</u>
Chapter 2, Pedestrian and Bicycle Facilities Policy 11
Chapter 3, County Road Networks
<u>Revised 1993 Zoning Ordinance</u>
Section 4-1506(A) Boat rentals and incidental structures

III. FINDINGS

Commission Permit

1. The proposal 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.

4. With the assumption that reasonable transportation safety improvements, including the installation of a right-turn lane from Route 15 onto Limestone School Road and improvements to Hibler Road as approved by VDOT, will be provided to mitigate the impact of the park site, the proposal is consistent with the policies of the Revised Countywide Transportation Plan.

Special Exception

1. The proposal 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 rentals 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.

IV. CONDITIONS OF APPROVAL *dated November 4, 2009*

1. Special Exception Plat. The proposed boat rental facility and incidental structures within the Floodplain Overlay District shall be developed in substantial conformance with the Special Exception Plat (“White’s Ford Park Special Exception” SPEX 2008-0061), 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. Approval of this Special Exception application (SPEX 2008-0061) grants approval for a boat rental facility with incidental structures in a regional park, as defined by the Revised 1993 Loudoun County Zoning Ordinance, in the AR-1 (Agricultural Rural-1) zoning district, on the subject property as depicted on the Plat.

- a. Use of the boat launch shall be restricted to non-motorized and motorized vessels with 10 horsepower engines or less.
 - b. Jet skis shall be prohibited.
3. Transportation Improvements.
- a. Right Turn Lane Northbound Route 15 and Turning Radius Improvements. Prior to first Site Plan approval, if not previously constructed by others, the applicant shall construct a northbound right turn lane from Route 15 onto Limestone School Road with an adequate turning radius as determined and subject to approval by VDOT.
 - b. Frontage Improvements. Prior to first Site Plan approval, if not previously constructed by others, Hibler Road shall be improved per VDOT standards and approval.
 - c. Hibler Road. Prior to first Site Plan approval, if not previously constructed by others, the entire length of Hibler Road from the entrance of the park site to the intersection of Limestone School Road shall be improved per VDOT standards and approval.
 - d. Internal Travelways and Parking. The Applicant shall utilize a pervious surface, 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.
 - e. Larger Vehicles and Trailers. The Applicant shall prohibit all Recreational Vehicles (RVs) with the exception of camping trailers less than 22 feet in length and camping shells mounted on pickup trucks. The length of the towing vehicle shall not be counted towards the overall length.
 - f. One-lane Bridge. Subject to VDOT approval, the Applicant shall install cautionary signs (i.e. yield signs) proximate to the one-lane bridge on Limestone School Road.
 - g. Spinks Ferry Road. Subject to VDOT approval, the Applicant shall install a sign encouraging park visitors to exit via Spinks Ferry Road.
4. 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.
5. Noise. General park operations (uses other than camping) shall be limited to daylight hours.

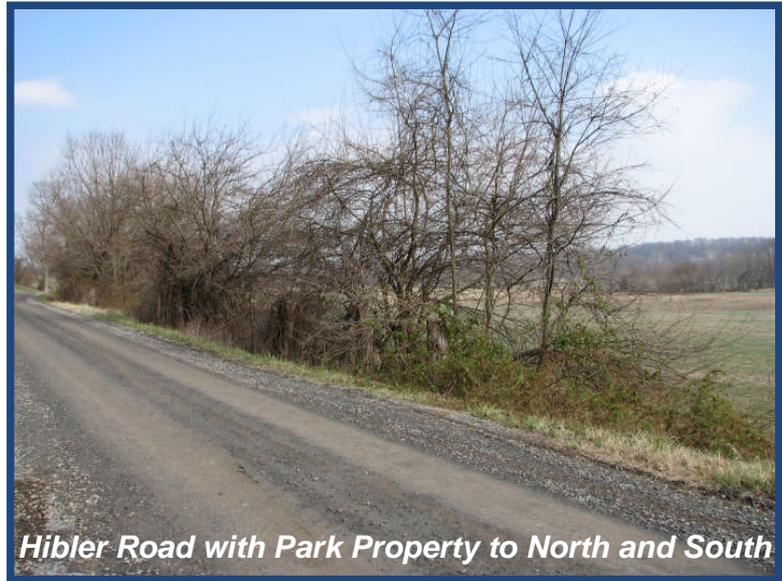
6. Signage. The Applicant shall install signage, consistent with the Zoning Ordinance, at appropriate locations along the Property boundary to alert patrons as to the limits of the Park.
7. Jurisdictional Waters. To minimize impacts to jurisdictional waters, all trail stream crossings shall be constructed as raised wooden boardwalks and/or footbridges, except for equestrian and vehicular crossings, subject to approval by the Virginia Outdoors Foundation.
8. Fire & Rescue. The Applicant shall provide Fire & Rescue details regarding the internal roadway network at the time of site plan review.
9. 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.
10. Restroom Facilities. The Applicant shall install low flow toilets and waterless urinals in all constructed restrooms on-site, except the Colonel White House.
11. 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, except the Colonel White House.
12. 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.

V. 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



Hibler Road with Park Property to North and South

require a Minor Special Exception (SPEX 2008-0062), which is processed concurrently with these Commission Permit and Special Exception requests. The Minor Special Exception for the camping facilities will be presented and reviewed by the Board of Supervisors.

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.

B. SUMMARY OF OUTSTANDING ISSUES

At this time, the Applicant does not agree with the staff suggested transportation improvements contained within condition #3 of this report. These conditions specify the installation of a right-turn lane with adequate turning radius from Route 15 onto Limestone School Road and safety improvements to Hibler Road. Staff cannot support the proposal without these improvements.

However, staff has continued to work with the applicant to determine whether or not safety improvements can be appropriately applied. In the October 15, 2009 staff report, it was suggested that pull-outs at sight distance breaks along Hibler Road could be an option without requiring the entire length to be constructed to VDOT GS-4 rural standard. Since that time, it was determined by VDOT that such improvements could not be permitted because there are no established VDOT standards describing these improvements. Staff has continued to work with the Applicant to determine other possible solutions. The most cost-effective approach to improve Hibler Road would be to enter Hibler Road into the County's Secondary 6-Year Plan as part of the Rural Road Program. Under this program, the Applicant would cover the cost to pave-in-place Hibler Road from Limestone School Road to the end of state maintenance and the County would construct the improvements. However, the process to accept roads into the Secondary 6-Year Plan involves a Public Hearing that typically takes place in February or March of each year. The Applicant has not currently agreed to provide any improvements to Hibler Road. Either way, staff continues to suggest that Hibler Road be improved to provide safe access to the site while maintaining its rural character and welcomes creative solutions acknowledging the cost of these improvements.

While staff can support a recommendation of approval for the Commission Permit assuming that the general character and location is appropriate for a park use, reasonable transportation safety improvements as stated above should ultimately be considered to mitigate the impact of the park site.

The entire property is encumbered by a Virginia Outdoors Foundation conservation easement. In the October 15, 2009 staff report, it was noted that the Applicant had not provided documentation from VOF acknowledging the contract to purchase and whether or not VOF supports the proposal. Since that time, the Applicant has provided two letters from VOF acknowledging and supporting the current proposal.

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 should be considered. 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 create an intensity that may not be appropriate for this location due to the inadequate road network accessing the site as envisioned per Plan policy. In response, the applicant has committed to limit the by-right equestrian facilities from a possible 48,000 square feet to 15,000 square feet in order to balance the impact of the by-right uses and proposed special exception uses.

Again, staff can support the Commission Permit assuming 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).



Specimen Tree On-site

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*).

The applicant intends on preserving 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. The applicant has committed to remove invasives 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 NVPRA purchases the property for a regional park, VOF and NVPRA will be required to negotiate the details for the transfer of the easement. The applicant has stated that they are in discussions with VOF; however, staff has not received documentation from VOF acknowledging the contract to purchase and if VOF supports the proposal.

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 generators, motorboats, 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 committed to limit horsepower of boat motors using the launch to mitigate the noise pollution effects of larger watercraft.

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.

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 NVPRAs 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 335 weekend day trips are generated, 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.

The proposed boat launch will promote the use of trailers for boats, a proposed minor special exception for campgrounds will promote the use of pop-up campers, and a by-right equestrian facility will promote the use of horse trailers. Based on these uses, the applicant

has committed to limit the length of trailers to a maximum of 22-feet. While this will limit the size of boats and preclude RVs from using the site, staff remains concerned about the condition of Hibler Road to service this type of traffic. VDOT has requested that the applicant provide frontage improvements along Hibler Road to GS-4 standards, which is a rural, unpaved road standard of 18-feet in width with 7-foot shoulders. The applicant has not committed to these improvements at this time; however, VDOT would require these frontage improvements at the time of site plan for the park uses.

VDOT and OTS maintain that improvements must also be made off-site along Hibler Road from the entrance of the park site to Limestone School Road, which is approximately 1 ½ miles. Ideally, the applicant should upgrade this entire length of Hibler to a GS-4 standard to create safe access to the park site.

In the October 15, 2009 staff report, it was suggested that pull-outs at sight distance breaks along Hibler Road could be an option without requiring the entire length to be constructed to VDOT GS-4 rural standard. This would allow for adequate passing of larger vehicles and eliminate potential conflict based on the current condition of the road. Since that time, it was determined by VDOT that such improvements could not be permitted because there are no established VDOT standards describing these improvements.

Staff has continued to work with the Applicant to determine other possible solutions. The most cost-effective approach to improve Hibler Road would be to enter Hibler Road into the County's Secondary 6-Year Plan as part of the Rural Road Program. Under this program, the Applicant would cover the cost to pave-in-place Hibler Road from Limestone School Road to the end of state maintenance and the County would construct the improvements. However, the process to accept roads into the Secondary 6-Year Plan involves a Public Hearing that typically takes place in February or March of each year. Again, the Applicant has not currently agreed to provide any improvements to Hibler Road. Staff continues to suggest that Hibler Road be improved to provide safe access to the site while maintaining its rural character and welcomes creative solutions acknowledging the cost of these improvements.

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 has also committed to a right turn taper northbound on Route 15 onto Limestone School Road. However, upon further discussions with VDOT, due to the type of vehicle use in the park, VDOT has requested the applicant commit to provide a 340-foot turn lane with a 150-foot taper. VDOT has also requested that the applicant provide an adequate turning radius of 50-feet at this intersection. The applicant has not committed to provide these improvements at this time.

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.

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 restrict the use of any boat motor greater than 10 horsepower.

- 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 is willing to work with the applicant to both promote the County's goal of preserving the rural road network while still proving a safe access to the proposed 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. These suggested improvements are contained within the Conditions of Approval; however, the applicant is not willing to commit to these improvements at this time.

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.

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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.

VI. 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. Special Exception Plat dated September 29, 2009 <i>(Available Electronically)</i>	
6. Commission Permit Plat dated October 1, 2009 <i>(Available Electronically)</i>	