

WHITE'S FORD PARK

CMPT 2008-0020, SPEX 2008-0061 & SPEX 2008-0062

STATEMENT OF JUSTIFICATION REVISED APRIL 21, 2010

I. APPLICATION OVERVIEW

The Northern Virginia Regional Park Authority (the "Applicant" or "NVRPA") proposes to establish a park on approximately 275 acres of land north of Leesburg. The property, adjacent to the Potomac River, is ideally situated for a passive park planned for public hiking trails, camping and cabin facilities, a boat ramp and picnic pavilions. The creation of a passive park and many of the uses the Applicant envisions on the property are permitted under the existing AR-1 zoning. To further enhance the park, the Applicant plans to provide much sought-after access to the Potomac River with a boat ramp and provide campgrounds for overnight stays, two amenities that require legislative approval. Therefore, the Applicant is seeking a Special Exception to permit a boat ramp to allow access to the Potomac River and a Minor Special Exception to allow camping facilities. In addition, the Applicant is requesting approval of a Commission Permit to establish the park.

II. PROPERTY LOCATION

The property is north and west of the Potomac River and accessed by Hibler Road. The property is zoned Agricultural Rural-1 ("AR-1") under the Revised 1993 Loudoun County Zoning Ordinance (the "Zoning Ordinance") and is further identified as Tax Map 31 Parcel 5 (MCPI: 077-36-5320) (the "Property"). At present, the Property is approximately 294.6 acres; however, the current owner would like to retain 20 acres and has filed a Subdivision Application. Pending the successful approval of that subdivision, the Property would be approximately 275 acres, all of which would be incorporated into the proposed passive park.

The Property is located between Leesburg and Lucketts in the Catoclin Election District and is planned for Rural-20 uses pursuant to the Revised General Plan (the "RGP"). All abutting properties are similarly planned for Rural-20 uses and similarly zoned for AR-1 development.

III. BACKGROUND AND APPLICATION PROPOSALS

NVRPA was organized in 1959 under the Virginia Park Authorities Act to plan, acquire and develop a system of parks throughout Northern Virginia. Today, NVRPA represents the counties of Fairfax, Arlington and Loudoun and the cities of Falls Church, Fairfax and Alexandria and has protected and made available more than 10,000 acres of rolling and wooded countryside through the creation and operation of 21 parks across Northern Virginia.

In Loudoun alone, NVRPA has nine parks, including Algonkian, Ball's Bluff, Red Rock, Temple Hall, Brambleton, Blue Ridge, Aldie Mill, Seneca and the W&OD Trail. These properties, along with NVRPA's parks across Northern Virginia, provide the public a wide range of recreational activities, including trails, river access, golf, picnicking and camping, and serve to protect and conserve sensitive land. The current proposal to create White's Ford Park would augment those offerings by providing a much-coveted access point to the Potomac River.

Although much of the Property is vacant, there is an existing home on the Property. NVRPA would retain and maintain the existing home to complement the park uses described below.

The Applicant plans to develop a passive park, which is permitted by right under the existing AR-1 zoning. To further enhance the park, the Applicant is requesting a Minor Special Exception, pursuant to Section 5-646 of the Zoning Ordinance, to establish several camping areas as well as an area with cabins.

The site's adjacency to the Potomac River offers the public a rare opportunity to gain access to the river from Loudoun County. To provide that access, as well as a facility from which boats can be rented and concessions sold, the Applicant is requesting a Special Exception pursuant to Section 4-1506 (A) of the Zoning Ordinance, to erect a boat ramp and concession stand in the floodplain of the Potomac River.

These uses will contribute to the park's overall offerings and complement the planned walking trails, picnic pavilions, playgrounds and event areas that will create the bucolic setting that will become White's Ford Park.

The Applicant also is requesting a commission permit be granted to allow a park on the Property. As discussed below, the proposed park enhances the goals of the Rural Policy Area that are defined in the Revised General Plan ("RGP"), and the Applicant seeks approval from the Planning Commission for the commission permit.

IV. COMPLIANCE WITH THE REVISED GENERAL PLAN

The overall park development adheres to the goals of the Rural Policy Area of the RGP by retaining nearly 300 acres as rural landscape. "The preservation of the Rural Policy Area's unique Green Infrastructure includes the preservation of the physical environment of public open space and trails, stream valleys, floodplains, wetlands, and mountainsides as well as the scenic byways and vistas, historic and archaeological sites. The rural economy directly benefits from the protection and enhancement of the Green Infrastructure and it contributes to the quality of life of all of Loudoun's citizens." (Chapter 7 of the RGP)

Loudoun County has established policies documented in the RGP that protect stream corridors and scenic rivers, including the Potomac River, through the creation of

riparian buffers and acquisition and management of open space corridors along these streams and rivers. The proposed park furthers this goal of the County's, at no cost to the County, by protecting a large swath of riverfront property. (Chapter 5 of the RGP)

In addition, the County's Tourism Policies state that the County will protect, expand, and enhance Loudoun's historic, cultural and natural resource-based tourism industry, which the proposed project will do. "A major concentration of visitor attractions are located in the Rural Policy Area and Towns; the preservation and nurturing of which is fundamental to the future of the tourism industry and its contribution to the rural economy." (Chapter 4 of the RGP)

V. TRANSPORTATION

A Traffic Impact Analysis for the proposed park has been prepared by Gorove/Slade Associates. The Analysis confirms that the park will have a minimal traffic impact. The study determined the intersection of US Route 15 and Limestone School Road, to the west of the Property, currently operates at unacceptable levels of service in the westbound direction during weekday morning and afternoon periods and will continue to do so. However, the proposal will contribute less than 1% of trips generated at this intersection. Further, based on a warrant analysis, neither a right turn lane or traffic signal would be warranted at this intersection. The Traffic Impact Analysis concludes that no safety issues have been identified at the intersections of Limestone School Road and Hibler Road and Limestone School Road and US Route 15.

It is important to note that the Applicant is committed to promoting the rural characteristics of not only the Property, but also the site's access, Hibler Road. "Protecting the rural character and scenic quality of rural roads is fundamental to the rural strategy. ... As such, the County will not support the destruction of the scenic, rural roads, or the negative impact that such destruction would have on the rural economy to increase road capacity." (Chapter 7 of the RGP) The Applicant is committed to leaving Hibler Road as a two-lane, dirt road.

VI. SUMMARY

This project offers Loudoun County a rare and much-desired opportunity to provide public passive recreational activities for its residents while offering a connection to the Potomac River for river enthusiasts, and for preserving open space for watershed protection. In addition, the proposed park project enables the preservation and visitation of a historic home and property that held significant value during the Civil War. The majority of the envisioned uses are permitted by right in the AR-1 district: trails, picnic pavilions, event areas. To further enhance those offerings, the Applicant is requesting a Special Exception to build a boat ramp to provide Potomac River access and a Minor Special Exception to provide campgrounds, cabins and associated facilities. All of the envisioned uses will work in harmony with the rural landscape and economy.

ISSUES FOR CONSIDERATION

1993 ZONING ORDINANCE SECTION 6-1310

Issue A: *Whether the proposed special exceptions are consistent with the Comprehensive Plan.*

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 and campgrounds will enhance the permitted passive park that is envisioned for the Property and provide much-desired recreation activities for Loudoun residents. In addition, the proposed special exceptions meet two needs identified in the 2006 Virginia Outdoors Survey, conducted by the Virginia Department of Conservation and Recreation for its 2007 Virginia Outdoors Plan. The survey showed that the two highest needs for outdoor recreation in the next five years are access to recreational waters of the state and trails close to home.

Issue B: *Whether the proposed special exceptions will adequately provide for safety from fire hazards and have effective measures of fire control.*

The proposed campgrounds and boat ramp will be constructed to comply with all applicable fire safety and building requirements.

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

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.

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

All lighting for the campgrounds and boat ramp will be designed to minimize glare on adjacent uses.

Issue E: *Whether the proposed uses are compatible with other existing or proposed uses in the neighborhood, and adjacent parcels.*

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

Issue F: *Whether [there is] sufficient existing or proposed landscaping, screening and buffering on the site and in the neighborhood to adequately screen*

surrounding uses.

The Property benefits from existing tree lines along its boundaries and waterways that will buffer the uses from each other and from adjacent properties. Notwithstanding that, the Applicant will comply with the landscaping and screening requirements of Section 5-653.

Issue G: *Whether the proposed special exceptions will result in the preservation of any topographic or physical, natural, scenic, archaeological or historic feature of significant importance.*

The creation of the park will be done 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.

Issue H: *Whether the proposed special exceptions will damage existing animal habitat, vegetation, water quality (including groundwater) or air quality.*

The proposed uses will be implemented as much as possible to not degrade existing habitat, vegetation, or water or air quality. Existing tree buffers are protected by the Virginia Outdoors Foundation ("VOF") easement and will not be disturbed. The required setbacks, existing tree buffers and use of proper erosion and sediment controls during the development of the park facilities will protect the water quality. The VOF that holds a conservation easement on the Property has determined that the boat launch is allowed along the Potomac.

Issue I: *Whether the proposed special exceptions at the specified location will contribute to or promote the welfare or convenience of the public.*

The envisioned park would provide a true 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.

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

A Traffic Impact Analysis prepared by Gorove/Slade Associates confirms that the proposed park will have a minimal traffic impact within the study area agreed with Staff from the Office of Transportation. The Applicant

intends to honor the County's goal of maintaining rural roads such as Hibler in its current condition.

Issue K: *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.*

Not applicable.

Issue L: *Whether the proposed special exception will be served adequately by essential public facilities and services.*

The proposed special exception uses need very little in the way of public facilities and services. Camping will be served by on-site well and septic, no public water/sewer service anticipated.

Issue M: *The effect of the proposed special exceptions on groundwater supply.*

The proposed special exception uses will not adversely impact groundwater supplies.

Issue N: *Whether the proposed uses will affect the structural capacity of the soils.*

The proposed special exception uses will not adversely impact the structural capacity of the soils.

Issue O: *Whether the proposed uses will negatively impact orderly and safe road development and transportation.*

The proposed project will not negatively impact orderly and safe road development and transportation.

Issue P: *Whether the proposed special exception uses will provide desirable employment and enlarge the tax base by encouraging economic development activities consistent with the Comprehensive Plan.*

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.

Issue Q: *Whether the proposed special exceptions consider the needs of agriculture, industry, and business in future growth.*

The proposed special exceptions are designed to complement the uses permitted by right on the Property.

Issue R: *Whether adequate on and offsite infrastructure is available.*

The proposed special exception uses need very little in the way of onsite and offsite infrastructure; however, everything necessary to operate this as a passive park as proposed is available or will be available at the Property.

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

There are no anticipated odors.

Issue T: *Whether the proposed special exception uses provide sufficient measure to mitigate the impact of construction traffic on existing neighborhoods and school areas.*

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

1993 ZONING ORDINANCE SECTION 4-1507

Issue 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. The campsites will be created on flat surfaces, no platforms or other structures will be used and therefore the land remains pervious. And the boat ramp's size will be insignificant in respect to the Property's 3,250 linear feet of river frontage.

Issue 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 campgrounds or boat ramp, i.e.: the concession stand or trash receptacles, will be secured or removed 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.

Issue 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.

Issue 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 campgrounds will be designed to limit their susceptibility to flooding.

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

The uses will enhance the planned park by providing amenities that allow visitors to camp on the Property and gain access to the river. Located toward the interior of the Property, both uses are compatible with the rural environment.

Issue 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.

Issue 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.

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

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* The only change made to this Statement of Justification on April 21, 2010, was to update the date at the top of Page 1 and to add this note explaining that change. The content remains unchanged.