



COUNTY OF PRINCE WILLIAM

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PLANNING
OFFICE

Stephen K. Griffin, AICP
Director of Planning

September 10, 2009

Jacob Frank
17040 Thousand Oaks Drive
Haymarket, VA 20169

RE: Proffer Interpretation Regarding Silver Lake Park Property Conveyance
(REZ #PLN2005-00197, Dominion Valley Country Club)

Dear Mr. Frank:

I am writing in response to your letter requesting a proffer interpretation, dated July 27, 2009. Your letter requests an interpretation that the approved rezoning and proffers associated with the above referenced rezoning case restrict the use of the Silver Lake property, recently conveyed to the Park Authority, to "passive recreation" uses. In addition, you have asked what is meant by the term "nature based park" referenced in the June 23, 2009 Board of County Supervisor's resolution (No. 09-527) conveying such property to the Park Authority.

Rezoning #PLN2005-00197 was approved by the Board of County Supervisors on July 11, 2006 and contains proffered conditions which regulate development of the subject property. Proffered condition #99 contains language which reads: *"The Applicant shall dedicate approximately 233 acres of land to the County for parks and recreation purposes, as said 233 acre site is generally shown on the Silver Lake GDP...to be used for parks and recreation purposes as agreed to by the County and the recipient of said property...."*

As you are aware, the Board of County Supervisors approved the conveyance of the subject 230.7796 acre Silver Lake property to the Prince William County Park Authority during their scheduled meeting on June 23, 2009. The Board Resolution #09-527 from the June 23, 2009 meeting is attached for your convenience.

Following review of the relevant proffer documents and rezoning background information, I offer the following observations which are the basis for the proffer determination. Proffered condition #99 outlines that the subject property shall be used for parks and recreation purposes as agreed to by the County and the recipient of the property. Since the approved Board Resolution (#09-527) conveying said property to the Park Authority included language that the 230-acre parcel will be used as a "nature based" park, this additional clarification is helpful in interpreting the proffer language since it qualifies as the "parks and recreation purposes as agreed

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to by the County and the recipient of said property". When a term is not defined in the Prince William County Zoning Ordinance, the Webster's Dictionary is the resource used for determining such definition. In this particular context, the Webster's Dictionary defines the word "nature" as "humankind's original or natural condition; natural scenery". The term "nature based" is clearly intended to be synonymous with "resource-based" which is a park type outlined in the Prince William County Comprehensive Plan under Linear and Resource-Based Parks. I have attached this information for your convenience. The Board has agreed to convey the subject property to the Park Authority on the understanding that it will be developed consistent with the Linear and Resource-Based Park concept. Passive recreation opportunities and facilities are listed as appropriate for Linear and Resource-Based Parks. The Comprehensive Plan defines "passive recreation" as:

"Passive Recreation: Uses that generally require or result in little or no alteration of the landscape and produce little or no light, noise or visual intrusion on their surroundings. Passive uses may require trails, small footprint buildings for restrooms or visitor centers, parking, etc. Examples may include hiking, jogging, birding, photography, nature study, fishing, canoeing or kayaking (depending on the access needs), biking, or horseback riding."

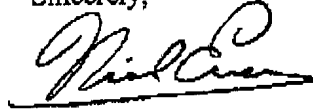
To conclude, the Board's Resolution conveying the subject Silver Lake Park property to the Park Authority is in compliance with the approved proffers associated with Rezoning #PLN2005-00197 and furthermore, such clarification that the property be restricted to use as a "nature-based" park is intended to be synonymous with "resource-based", as outlined in the Comprehensive Plan, and therefore is deemed proffer compliant since the proffered condition allowed for such "agreed upon purpose" in the proffer language of condition #99. A change in the desired use of the subject property would require reconsideration and formal decision resulting in another resolution by the Prince William County Board of Supervisors during one of their scheduled public meetings. Such process would allow public feedback from interested parties, similar to the proffer amendment process.

The Zoning Ordinance allows that anyone aggrieved by a proffer determination of the Zoning Administrator may appeal the decision to the Board of County Supervisors (BOCS). An appeal must be filed within 30 days of the date of this letter with the clerk to the board and the zoning administrator. The BOCS will schedule and advertise a public hearing to consider an appeal within 30 days unless there is no regular meeting scheduled, in which case the BOCS shall act at its next regular meeting. Appeal application forms are available in the Planning Office and on our web page and the filing fee is \$476. The determination contained within this letter shall be final if an appeal is not filed within 30 days.

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Should you have additional concerns relating this issue, feel free to contact the Zoning Office at 703-792-6830.

Sincerely,



Nick Evers, AICP
Zoning Administrator

Attachments: Board of County Supervisors Resolution #09-527
Excerpt from Comprehensive Plan – Linear and Resource-Based Parks

cc: Board of County Supervisors
Susan Roltsch, Acting County Executive
Angela Horan, County Attorney
Stephen Griffin, Director of Planning
Jay Ellington, Director of Park Authority

NE/LFB:profdet-silverlake.doc

MOTION: STIRRUP

**June 23, 2009
Regular Meeting
Res. No. 09-527**

SECOND: JENKINS

**RE: CONSIDER CONVEYANCE OF A COUNTY-OWNED PARCEL,
KNOWN AS SILVER LAKE, TO THE PRINCE WILLIAM COUNTY
PARK AUTHORITY FOR PARK PURPOSES PURSUANT TO THE
REQUIREMENT OF 15.2-1800.B AND 15.2-5702.D OF THE VIRGINIA
CODE, AS FOLLOWS - DOMINION VALLEY COUNTRY CLUB
SUBDIVISION - GAINESVILLE MAGISTERIAL DISTRICT -
GPIN7299-01-6357, 15800 TANNING HOUSE PLACE, 230.7796 ACRES**

ACTION: APPROVED

WHEREAS, the County's Design and Construction Standards Manual requires that all conveyances in real estate intended for use by the Park Authority shall first be conveyed to the Prince William County Board of County Supervisors as the grantee, and the Board may then further convey the interest to the Park Authority as it shall deem proper; and

WHEREAS, pursuant to Proffer 99(a) of that certain Proffer Statement for the Dominion Valley Country Club Rezoning No. 2005-00197, approximately 230 +/- acres, commonly referred to as the Silver Lake property, was dedicated to the Prince William Board of County Supervisors by deed recorded in Instrument #200612210177074; and

WHEREAS, the subject property is located at 15800 Tanning House Place (GPIN 7299-01-6357) in the Gainesville Magisterial District; and

WHEREAS, Proffer 99(a) of that certain Proffer Statement for the Dominion Valley Country Club indicates this property is to be used for parks and recreational purposes as agreed to by the County and the recipient of said property; and

WHEREAS, under the conditions of Proffer 99(a), no other agencies or organizations, particularly private nonprofit 501(c)(3) organizations, have made a formal request to the Prince William Board of County Supervisors to have the subject property transferred to them; and

WHEREAS, the Park Authority has requested that the Prince William Board of County Supervisors convey the 230 +/- acres to the Park Authority for use as a resource-based park; and

WHEREAS, Prince William County has no foreseeable need or use for the parcel other than for recreational purposes; and

June 23, 2009
Regular Meeting
Res. No. 09-527
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WHEREAS, the Prince William County Park Authority acknowledges that it will complete initial park development within 240 days of transfer of the property and, in turn, will open the 230-acre parcel to the public as a nature based park; and

WHEREAS, the Prince William County Park Authority has indicated the initial operating costs for this park will be absorbed by the Park Authority; and

WHEREAS, the Prince William Board of County Supervisors authorized a public hearing to be conducted on June 23, 2009, to consider the conveyance of the Silver Lake parcel to the Park Authority;

NOW, THEREFORE, BE IT RESOLVED that notice of the public hearing was duly advertised and held, and the Prince William Board of County Supervisors hereby authorizes the conveyance of the Silver Lake parcel (GPIN 7299-01-6357) to the Park Authority for parks and recreation purposes;

BE IT FURTHER RESOLVED that the County Attorney's Office is hereby directed to prepare deeds to transfer and convey the subject parcel to the Park Authority, and further authorizes the Chairman and Clerk to sign the documents to effectuate the transfer.

Votes:

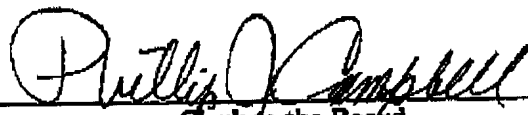
Ayes: Covington, Jenkins, May, Nohe, Principi, Stewart, Stirrup

Nays: None

Absent from Vote: None

Absent from Meeting: Caddigan

CERTIFIED COPY


Clerk to the Board

LINEAR AND RESOURCE-BASED PARKS

Purpose

This classification includes parks that primarily preserve, protect, and interpret natural and/or cultural resources.

Location and Access

The location for resource-based parks is determined by the location of the specific resources. Size and access can take many forms depending on the setting and type of resources. Access to stream valleys is primarily by trails; however, trailheads with parking should be strategically located along trail routes. Management plans should give consideration to the natural and cultural resource within the park; cultural resource protection could include entire landscapes or one small point feature, such as a cemetery on a few hundred square feet.

Character and Extent of Development

Resource-based parks are selected for inclusion in the park system because of their exemplary natural and/or cultural features and are acquired, identified and preserved for stewardship and protection. Protection and stewardship of unique natural and cultural resources provide a variety of public benefits. These parks provide educational and interpretative opportunities relative to environmental and cultural resources. These lands may offer opportunities to restore degraded areas and to protect, increase, and restore biodiversity of species that may inhabit these areas. In addition, passive recreation opportunities and facilities are also appropriate at these parks. Development that does not adversely affect resources and that enhances awareness of the resource values is appropriate. Development of public sites should include opportunities for public education and enjoyment. Interpretive (educational) facilities and structures may include visitor centers, nature centers, orientation kiosks, nature watching stations, demonstration areas, preserved buildings and gardens, and hiking, biking and equestrian trails as designated. To the extent that they do not adversely impact the resources themselves, support amenities may also be developed, such as picnicking areas, restrooms, signs, benches and parking. Trails and trail connections are a significant feature at these parks, especially along stream valleys and often serve as countywide trail connections.

Stream valleys are a predominant physiographic feature of Prince William County and are protected under the Chesapeake Bay Preservation Act as resource protection areas (RPAs). Parks located in and along the stream valleys encompass those segments of RPA planned for public parkland and comprise the core elements of a greenway network that links areas notable