

MEETING NOTES



Loudoun County, Virginia Department of Construction & Waste Management

Woods Road Alignment Committee Meeting

Wednesday, January 27, 2010 • 6:00 p.m.
215 Depot Court SE, Leesburg

ATTENDEES:

Loudoun County Participation

Mike Fairbanks, DCWM
Matt Kitchen, DCWM
Lewis Rauch, DCWM
Jane Tatum, DCWM
Naomi Lithgow-Foidl

Citizen Participation

Bruce McGranahan
Dave McCarthy
Ed Gorski
Erika Richardson
James O'Connor
Lance Christensen
Mike Friedman
Pat Rhodes
Stephanie Manning
Travis Miller
Troy McLean

MEETING SUMMARY

Lewis Rauch, Director of the Loudoun County Department of Construction and Waste Management, welcomed everyone to the meeting and introductions made around the table. Attendees were asked to sign in.

Mr. Rauch introduced Erika Richardson from the Virginia Outdoors Foundation (VOF). Ms. Richardson indicated that VOF is the main holder of conservation easements in the Commonwealth. She explained VOF's authority and mission as a quasi-governmental agency of the Commonwealth with a Board appointed by the Governor. She stated that the Foundation is partially funded by the Commonwealth and there are tax benefits for landowners who wish to protect land through conservation easements. She discussed the Banshee Reeks easement, as it was executed in the 1980's as a result of the former property owner's will and estate which assumed the land would be in agricultural use. The easement is typical of that era and would contain more stringent restrictions if executed today. Erika provided maps with 2 different views (Attachment 1 is from 2006/2007 and Attachment 2 is from 2009) of the Banshee Reeks property.

Ms. Richardson also explained the two processes by which easements can be altered. The first, the only option when land may need be removed from a VOF easement, is

MEETING NOTES

authorized by the Open Space Lands Act (§ [10.1-1704](#).) and is rarely used. The jurisdiction requesting the release of land from easement must demonstrate essentiality, compliance with the Comprehensive plan and must provide an easement on comparable land where the quality and quantity of the alternate land is considered. The process is long and rigorous and requires surveys, title searches and appraisals. The 1704 application is reviewed by the VOF Board. The second process is to amend an existing easement. The amendment process is only done to strengthen an easement (i.e. add acres, reduce division rights or add additional restrictions) as there cannot be a negative impact to the conservation values protected by the easement.

There was a discussion of the requirements for the road relocation which may not be needed for ten to fifteen years and VOF has known about the possible need for relocation since 1994. Mr. Torpy discussed some of the limits to making Banshee Reeks more usable and accessible due to the existing easement restrictions. Because of the current activity on Banshee Reeks, an updated easement reflecting the current and future use of Banshee Reeks as a public access nature preserve may benefit all parties.

The County Board of Supervisors identified \$750,000 in funding for engineering and design in FY 2011. At present, the funding remains in the Capital Improvement Program budget that the County Administrator is recommending to the Board of Supervisors. Should the funds remain in the budget, which will be decided during March deliberations with an early April final decision, the goal is to complete work in FY2011 to send a concept design to VDOT, to identify the exact right of way for the road and to complete the 1704 process and easement amendments. Erika clarified that the parties involved in amending the easement will be the County and VOF. The amendment for Banshee Reeks and Woods Road realignment may be done in one easement or perhaps two separate deeds.

Stephanie Manning expressed interest in the road for both transportation and access to Banshee Reeks. She would like to see more momentum and action as the Courtland community has over 100 homes and more are being built. There was a discussion of road maintenance requirements for the existing Woods Road under current law (Byrd Act). Courtland area residents expressed concern over the lack of maintenance and Erika said that if VDOT says they are waiting for approval by VOF to do maintenance on the existing road, they should call her directly.

Troy McLean expressed his concern for the condition of the Special Exception (1992-0027) which required the realignment of the road only when the landfill needs it. Mr. Gorski explained that the landfill does not need it yet. The Courtland community was built and not a consideration at the time of the SPEX in the early 1990's.

Mr. Rauch explained the current timelines, assuming that funding remains in the FY 2011 budget. Funds will be available for expenditure on July 1. The concept plan can be in place within 4 to 5 months with an easement amendment 6 to 8 months out.

MEETING NOTES

Pat Rhodes asked about multiple parcels of the VOF easement. Ms. Richardson explained that VOF has approximately 519 acres under easement with another 180 acres having a 300 foot setback from The Woods Rd. and a 1,000 foot setback from Goose Creek. Erika provided a special conditions map highlighting different aspects of the easement restrictions (Attachment 3).

Mr. Rauch reviewed a memorandum that was provided as part of the meeting packet that summarizes the buffering and setback requirements for the landfill. There was a question about placing signs for Banshee Reeks on Rt. 621 and Mr. Torpy noted that PRCS has been in touch with VDOT regarding placement and funding of the signs and has made an official requests for signage.

Mr. Rauch also discussed the Marcum Property. He had a discussion with the County Attorney regarding use of the Marcum Property. Because it was acquired with bond funds designated for landfill use, the property use is limited to that until the bond funds are paid off in about 2017.

He quickly reviewed the remaining agenda items, noting that the road alignment will be dealt with in the study, a Request for Proposal will be developed and work should begin in July. The next milestone is the budget appropriation.

The meeting adjourned at 7:30 pm.

AGENDA



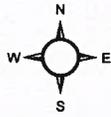
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AGENDA ITEMS

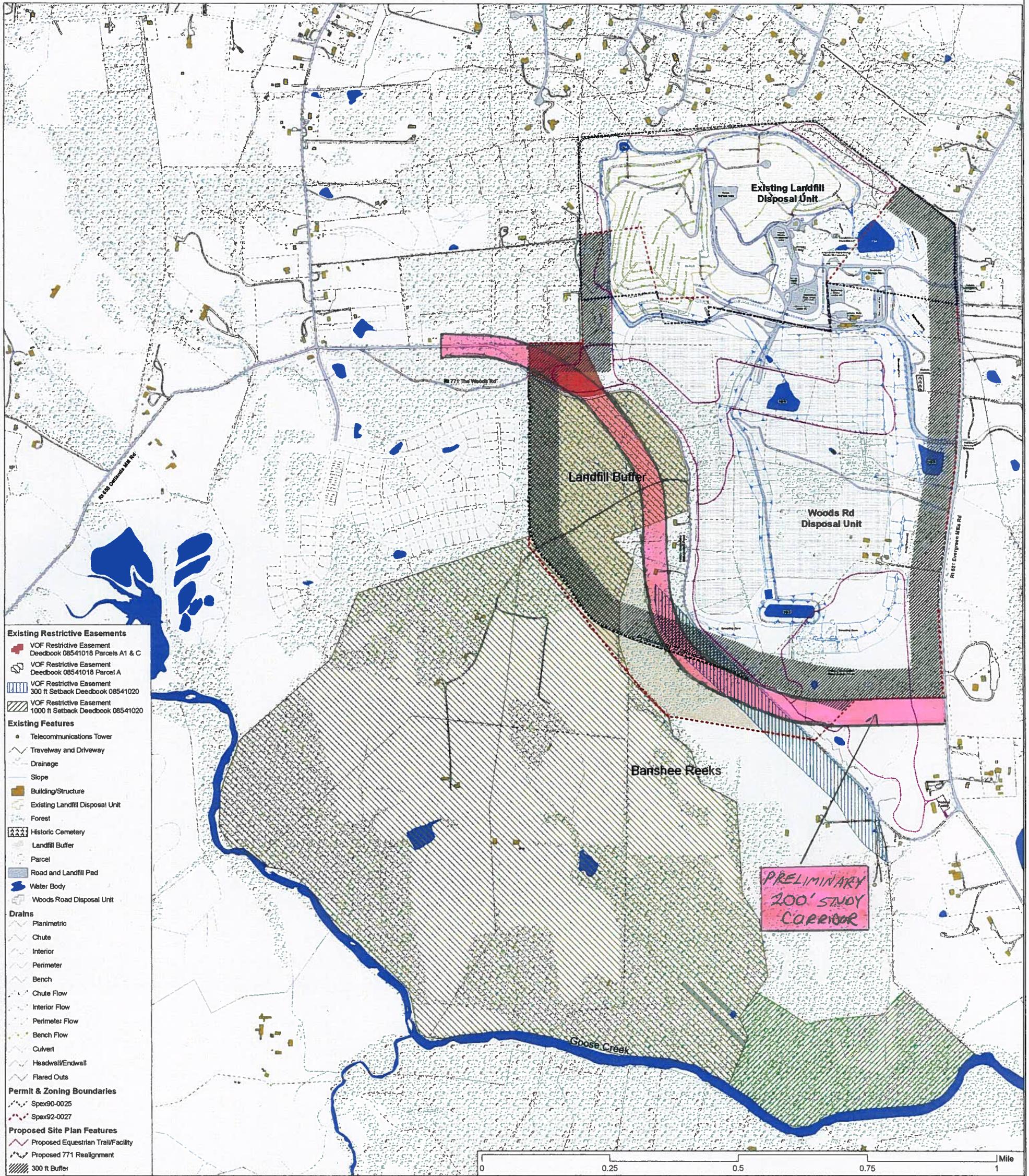
- I. Introductions
- II. Virginia Outdoors Foundation (VOF)
 - a. Presentation/Discussion
 - b. VOF Delineated Easements (Attachment 1 – Map)
 - c. 10.1-1704 Application Process
- III. Buffer/Setback Requirements (Attachment 2 – Memorandum)
- IV. VDOT Update
 - a. Maintenance of Route 771/Woods Road
 - b. Signage for Banshee Reeks
- V. Road Alignment
 - a. Environmental (wetlands, seepage swamp)
 - b. Marcum Property
 - c. Buffers
 - d. Easements
 - e. Evergreen Mills Road
- VI. Planning Steps
 - a. Title Search
 - b. Request for Proposal – Concept Design Scope
- VII. Other Business



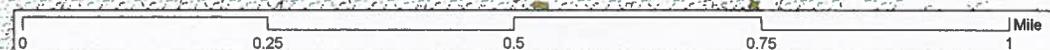
Loudoun County Solid Waste Management Facility and Banshee Reeks

Notes:

All area within both SPEX-90-0025 and SPEX92-0027 are under Virginia Solid Waste Permit No. 1
Map created 3/8/2008; Map No. 2008-025
Map prepared by Office of Mapping & Geographic Information



- Existing Restrictive Easements**
- VOF Restrictive Easement Deedbook 08541018 Parcels A1 & C
 - VOF Restrictive Easement Deedbook 08541018 Parcel A
 - VOF Restrictive Easement 300 ft Setback Deedbook 08541020
 - VOF Restrictive Easement 1000 ft Setback Deedbook 08541020
- Existing Features**
- Telecommunications Tower
 - Travelway and Driveway
 - Drainage
 - Slope
 - Building/Structure
 - Existing Landfill Disposal Unit
 - Forest
 - Historic Cemetery
 - Landfill Buffer
 - Parcel
 - Road and Landfill Pad
 - Water Body
 - Woods Road Disposal Unit
- Drains**
- Planimetric
 - Chute
 - Interior
 - Perimeter
 - Bench
 - Chute Flow
 - Interior Flow
 - Perimeter Flow
 - Bench Flow
 - Culvert
 - Headwall/Endwall
 - Flared Outs
- Permit & Zoning Boundaries**
- Spex90-0025
 - Spex92-0027
- Proposed Site Plan Features**
- Proposed Equestrian Trail/Facility
 - Proposed 771 Realignment
 - 300 ft Buffer



MEMORANDUM

TO: Rick Weber, Director
FROM: Monica Gorman, Compliance Specialist
DATE: April 30, 2008
RE: Setback/Buffer Requirements for the Loudoun County SWMF

Following is a summary of the County land use actions, as well as the local and state regulations that govern the setback and buffer requirements for the Loudoun County Solid Waste Management Facility.

Special Exception SPEX-1992-0027 for the Woods Road Solid Waste Management Facility

- Condition No. 28 requires a continuous 300-foot buffer around the facility that is planted with a mixture of deciduous and evergreen trees and groundcover. This condition cannot be modified; however, the County could seek a new Special Exception for the facility that eliminates this condition. Note that the SPEX conditions are also shown on the approved site plan for the facility, STPL-1995-0028.

Chapter 1080 of the Loudoun County Codified Ordinances, "Solid Waste Management Facilities"

- §1080.16(c) specifies that the edge of the waste footprint may be no closer than 300 feet from any residential property line and 200 feet from any commercial property line. A reduction of this setback is prohibited for a sanitary landfill.
- §1080.16(d) requires that within the setback specified in §1080.16(c), there must be an adequate screen and/or buffer from all adjacent properties and streets. The buffer may include trees or other natural screening or approved man-made structures.

9 VAC 20-80, Virginia Solid Waste Management Regulations

- 9 VAC 20-80-250.A.7.b states that no sanitary landfill disposal unit may extend closer than 50 feet from the facility boundary.
- 9 VAC 20-80-250.A.7.d states that no sanitary landfill disposal unit may extend closer than 500 feet from the nearest edge of the right-of-way of a non-primary highway or city street, except if the unit is not visible from the roadway or is screened by natural objects or fences to minimize the visibility from the roadway. This requirement is based on Section 33.1-348 of the Code of Virginia, and the regulatory responsibility for this standard belongs to the Commonwealth Transportation Board.

Title 33.1 of the Code of Virginia, "Highways, Bridges and Ferries"

- §33.1-348 states that any "junkyard," which includes garbage dumps and sanitary fills, may not be established within 500 feet of the nearest edge of the right-of-way of any non-primary highway or city street, except if the junkyard is not visible or is screened so as to not be visible from the roadway.