



## COMPREHENSIVE PLAN / ZONING & ORDINANCES AUDIT: [LANDFILLS/STOCKPILING](#)

Use form to provide key audit information: 1) Review both the 2001 and 2019 Comp Plan to note policy gaps and issues not addressed. 2) Review three ordinance documents (Zoning, FSM, LSDO) to determine existence or levels of enforcement for policies/issues. Use Section (§) references where applicable. 3) Describe Issue and Recommendations. Links to key documents: [2019 Comp Plan](#), [2001 Comp Plan \(RGP\)](#), [CPAM Revisions to the 2001 RGP](#), [Facilities Standards Manual \(FSM\)](#), [Land Subdivision & Development Ordinance \(LSDO\)](#).

1. Comp Plan Policy or Issue Area (2001 & 2019)	2a. Zoning Ordinance § Reference or N/A (Brief text or summary)	2b. Facilities Standards Manual § Reference or N/A (Brief text or summary)	2c. Land Subdivision & Dev. Ordinance § Reference or N/A (Brief text or summary)	3. Issue Description / Recommendations
<p><b><u>APPLIES TO ENTIRE AUDIT:</u></b></p> <p><b>NEHR Policy 1: Provide protection for natural, environmental, and heritage resources.</b>  <b>Strategy 1.1.</b> Support mechanisms to further the goals of conservation, preservation, restoration, recapture, and education to protect the health, safety, and welfare of Loudoun residents.</p> <p><b>Actions</b>            C. Adopt zoning regulations and development standards that implement a process identifying natural, environmental, and heritage resources worthy of preservation and developing around those resources as part of all land development.</p>	<p>Section 2-102            Table 2-102, Recreation &amp; Entertainment, Rural recreational establishment, outdoor</p> <p>Section 6-1001            Section 6-1002</p>			<p style="text-align: center;"><b>SEE FULL ISSUES IN CHRONOLOGY ATTACHMENT</b></p> <p><b>Background Information. 4.28.2015.</b> The Gable Farm “Personal Recreational Field” Site Plan is submitted to County showing a design for a polo field. There is no formal record of a pre-application meeting. Site plan states the use as: “Rural Recreation Establishment, Outdoor.” (In final site plan, the polo field is removed from the plan and the “use” is changed.)</p> <p><b>RECOMMENDATIONS:</b></p> <ul style="list-style-type: none"> <li>• The term used to describe this project is “personal recreation field” and was suggested by the county, but it is not defined in county regulations or listed as a use in county regulations.</li> <li>• A rural economy plan to be approved by the county must be for a use that is defined. Only defined uses should be approved by the county.</li> </ul>
	<p>Article 8 - Definitions</p>			<p><b>ISSUE: COUNTY REGULATIONS LACK DEFINITIONS.</b></p> <p><b>RECOMMENDATION:</b>            The following terms should be defined in the county ordinance:</p> <ul style="list-style-type: none"> <li>• “excessive fill”, “fill”, “dirt”, “construction debris” and “commercial”.</li> </ul>

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See above	<p>AR-1 Zoning for “Personal Recreation Field”</p> <p>Use is by right. No notices to neighbors are required. No public hearings are required. No screening of the site is required. No monitoring of water quality is required</p> <p>§ 5-657 A1b</p> <p>§ 5-657 A1c</p> <p>§ 5-650 Landscaping</p> <p>§ 5-649(B)</p>	<p>FSM § 7.600. C, D, E Erosion &amp; Sediment Control</p> <p>FSM § 8.000 Administrative Procedures</p> <p>FSM § 8.111 Grading Permit application requirements</p>		<p><b>ISSUES: REGULATORY STANDARDS</b></p> <ul style="list-style-type: none"> <li>There is no evidence of regulatory standards applied by the county to the stockpiling example, REST-2015-0003 project. Determination by staff was subjective and arbitrary.</li> <li>The fundamental problem with “excessive fill”, as described in the BOS action plan for the new (2017) and old (2010) excessive fill policies, is that there are no objective standards regulating “technically necessary” excessive fill, unlike the standards for dirt stockpiles. There is no evidence of a “stringent review”. Therefore, determination by staff is subjective.</li> </ul> <p><u>See attached Gable Farm chronology and below for details.</u></p> <p>Even with 2010 “policy,” of “stringent review” the “personal recreational field” rose to more than 30 feet at the top of the Watershed over 18 acres and consist of more than 220,000 cubic yards of waste and be constructed without public notice or public hearings. No “stringent review” was performed and no criterion for regulation of excessive fill established or followed.</p> <p>A “dirt stockpile” having exactly the same physical characteristics as the “personal recreational field” would not be permissible on this site without a special exception. Dirt stockpiles having an area greater than <b>2 acres</b> are prohibited in AR districts by Loudoun County zoning ordinance, Section 5-657 A1b. (The Gable “personal recreational field” or landfill is 18 acres.)</p> <p>If the “personal recreational field” was called a “dirt stockpile”, the zoning ordinance (5-657 A1c) would require that it not be visible above the existing tree line as viewed from any property line.</p> <p>Additionally, landscaping and screening would be required in accordance with Section 5-650. Noise created by the activity at the stockpile of dirt would comply with Section 5-649 (B).</p> <p>If the “personal recreational field” was called a “dirt stockpile” the waste could only be “comprised of uncontaminated dirt and natural occurring rock”. Because no manifests are required by the County for “personal recreational fields”, contamination cannot be determined. If the field was called a “landfill” even more stringent restrictions would apply.</p>

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				<p><b>RECOMMENDATIONS:</b></p> <ul style="list-style-type: none"> <li>Standards for “dirt stockpile” should apply to a “personal recreational field”.</li> <li>Current regulations and policies regarding “excessive fill” will not prevent future activities of this kind and should be significantly revised to achieve that end.</li> <li>The revisions should provide for public notice, public hearings, clearly defined physical standards that are not subjective, manifesting of waste, and careful monitoring and regulation.</li> </ul>
See above	Section 6-701, A, B, H	FSM § 8.000		<p><b>ISSUE:</b> Information provided on “plan sheets” is not binding/definition of commercial</p> <p>Although plan sheets state operation is “not open to the public or used for commercial purposes,” the process of creating the “personal recreational field” is a highly commercial and lucrative business. At Gable Farm it is estimated that over a three-year period, 28,000 truckloads of waste (420,000 cubic yards) have been dumped and that this dumping has generated potentially millions of dollars.</p> <p><b>RECOMMENDATIONS:</b></p> <ul style="list-style-type: none"> <li>Plan sheet descriptions for “use” should be binding.</li> <li>The county should define “commercial” and reevaluate its definition for “commercial use.”</li> <li>Commissioner of Revenue office should have direct notification of all “commercial” for notice and collection of appropriate business taxes.</li> </ul>
See above				<p><b>ISSUE: PROPER NOTICE TO NEIGHBORS</b></p> <p>Criteria for notification to neighbors appears to be inconsistent for uses in county regulations.</p> <p>For example, neighbors to home day-care centers receive County notices. However, an 18-acre “personal recreational field” that rises more than 30 feet and dominates a quarter-mile-long boundary with neighboring land, does not. Neighbors have the right to peace and tranquility on their property.</p>

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				<p><b>RECOMMENDATION:</b></p> <ul style="list-style-type: none"> <li>• Specific by-right uses” known to abuse or to cause severe impacts to adjacent property owners should require public notice and public participation prior to approval.</li> <li>• Owners of a “personal recreational field” or rural by-right dumps should be required to give notice to their neighbors and local jurisdictions.</li> </ul>
See above				<p><b>ISSUE: LACK OF REGULATORY TOOLS.</b> Examples:</p> <ul style="list-style-type: none"> <li>• Liquid dumping of waste were photographed and reported.</li> <li>• Manifests (reports of content and origin) were requested and should be required of all truck operators.</li> <li>• County declined to test soil after liquid dumping</li> <li>• County declined request to stop work and test, but later asks them to stop. The County did not respond to the need for manifests.</li> </ul> <p><b>RECOMMENDATIONS:</b></p> <ul style="list-style-type: none"> <li>• County approved the landfill but currently lacks regulatory tools to properly monitor the landfill to protect the public.</li> <li>• County regulations need to incorporate new tools (manifests, testing of soil, etc.) To properly monitor “personal recreational fields/rural dumps.</li> </ul>