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## MEMORANDUM

**TO:** Members of the Loudoun County Board of Supervisors  
**FROM:** Michael G. Romeo, AICP  
**DATE:** November 2, 2009  
**RE:** Washington Immanuel Presbyterian Church (SPEX 2007-0053) Response to the Planning Commission Findings for Denial

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In response to the Planning Commission's Findings for Denial, this memorandum has been drafted to clarify and respond to these findings. The Planning Commission vote to recommend denial did not reflect the sentiments of all planning commissioners as well as the 40 to 50 church members in attendance at the October 15<sup>th</sup> public hearing. Even though the Planning Commission, as a whole, chose not to review this application in further detail, the Applicant has continued to work with Staff to resolve as many outstanding issues as possible prior to the application appearing at a Board of Supervisors Public Hearing. For ease of reference, each Applicant response is listed in bold italics.

### Findings

The parcel of land where the Washington Immanuel Presbyterian Church proposes to locate their church does not perk. As a result, neither a conventional nor a non-conventional sewage disposal system is possible on this parcel. Extension of central sewer service is not permitted in the Rural Policy area except to serve County or Town owned and operated public facilities immediately adjacent to a Town or its JMLA.

To allow pump and haul as an INITIAL use is not consistent with our Revised General Plan Policies. Furthermore, there is no other instance in the Rural Policy area that the County has allowed this method of wastewater disposal as a permanent solution to establish a new church use.

### Applicant Response:

***Several churches in the rural policy area that have been established for quite some time have upgraded their wastewater systems through the approval of permanent pump and haul systems. Without these systems, churches would continue to operate with substandard wastewater conditions and would not likely be viable church uses. In the case of Washington Immanuel, the church use has not yet been established, but the pump and haul system has***

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*been in place on the property since 1998. The pump and haul system will remain on the property no matter what happens with the church use. The church has already upgraded the pump and haul system and will continue to upgrade the remainder of the property if the special exception is granted.*

*The statement, "...there is no other instance in the Rural Policy area that the County has allowed this method of wastewater disposal as a permanent solution to establish a new church use," is likely true, but misleading. A church use with 300 or fewer seats in the sanctuary is permitted by-right in the AR-1, AR-2, JLMA-1, JLMA-2, JLMA-3, JLMA-10, TR-10, TR-3, TR-2, TR-1, CLI, PD-TC, PD-CV, PD-TREC, PD-TRC, PD-RV, and PD-AAAR zoning districts. These zoning districts encompass the entire rural policy area, with the exception of the Red Hill Area, which encompasses Washington Immanuel and was rezoned from AR-1 to A-3 in 2005 as part of the Western Loudoun remapping. The A-3 zoning district is the only zoning district in the rural policy area that requires a special exception to establish a church use with 300 or fewer seats in the sanctuary (Washington Immanuel proposes 250 seats).*

1. Use of a permanent pump-and-haul as the sole means of sewage disposal is not consistent with the General Wastewater Policies of the Revised General Plan, which specifies such a system should be used only as a last resort in the event of a proven, public health emergency. Chapter 2 of our Revised General Plan states that "Pump and haul operations are not permitted in the Rural Policy Area, Existing Rural Villages or the Transition Policy Area except as a LAST RESORT and TEMPORARY wastewater disposal method to address a proven, public health EMERGENCY (which by definition is short-lived and not permanent).

**Applicant Response:**

*The permanent pump and haul system was approved on consent agenda by the Board of Supervisors on September 1, 2009, following a 3-0-1 recommendation for approval from the Transportation and Land Use Committee. As stated in the multiple committee meetings attended by the church, there is no other sewer option available for this previously disturbed property. The soils were found to be insufficient to accommodate a drain field and there is no opportunity to connect to water and sewer at the current time. It should be noted that the flow rates for a church use are actually less than a by-right residential use.*

*Even though community planning staff stated that the use is consistent with the rural economy policies of the Revised General Plan and health department staff has no further objections to the application considering that the Board of Supervisors has approved the use of a permanent pump and haul system, Staff has referenced the pump and haul issue as a means for being unable to support the application. The conditions of approval included in the staff report offer additional safeguards beyond the ample safeguards that will already be in place through the three-way agreement between the Owner, the State Health Department, and the Loudoun County Board of Supervisors, which allows monitoring of all permanent pump and haul systems in the county. This site has been monitored by the health department since the pump and haul system was installed in 1998.*

2. The Health Department has recommended denial of this application as such a system is in conflict with the General Wastewater Policies of the Revised General Plan. Pump-and-haul applications are generally reserved for existing occupied structures that have failing or substandard sewage disposal systems and should not be used to establish a new use.

**Applicant Response:**

*The health department recommended denial of the pump and haul application, which received a 3-0-1 approval vote from the Transportation and Land Use Committee and was approved on consent agenda by the Board of Supervisors since it is the only wastewater option available to the church. Even if extenuating circumstances present themselves, the health department has no other option but to recommend denial of the application due to existing policy. Following the Board of Supervisors' approval of the pump and haul application, health department staff now considers this issue resolved.*

3. VA Code 15.2-2283 –Purpose of Zoning is to promote health, safety or general welfare of the public. This proposed application with a permanent pump-and-haul for sewage disposal does not promote health, safety or general welfare of the public and specifically the surrounding rural residential community.

**Applicant Response:**

*The health, safety or general welfare of the public will be sufficiently protected through the safeguards of the three-way agreement. In addition to the three-way agreement, conditions of approval associated with the special exception application further limit the use of the pump and haul system. The church has already upgraded the existing pump and haul system to meet current health department standards. The pump and haul system, located on a 10 acre site that is surrounded by low density residential and agricultural uses, does not present a threat to the health, safety, or general welfare of the public given the safeguards that will be in place. At least five churches operate permanent pump and haul systems in the rural policy area, all of which include fewer safeguards than would be associated with this church.*

4. The application does not support the Rural Economic Polices #4 which states such uses in the Rural area should be compatible in scale, size, and intensity with the primary agricultural uses and the rural environment, and will be subject to performance standards. The fact that the Applicant is not willing to agree to the 250 person condition of approval leads to an intensity that is not consistent with this policy.

**Applicant Response:**

*This statement is contrary to the community planning staff referral, which states, "Staff finds that the proposed use of the subject property for a church is consistent with the planned land use for the area and is supported by the rural policies of the Revised General Plan." In regards to the 250 person condition of approval (#2, Capacity), the Applicant is now agreeable to this condition of approval.*