Loudoun County, Virginia
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Department of Building and Development
Zoning Administration / MSC# 60
1 Harrison Street, S.E., P.O. Box 7000, Leesburg, VA 20177-7000
Administration: 703-777-0220 • Fax: 703-771-5215

December 20, 2013

Bowman Consulting
Patrick D. Quante, P.E.
101 South Street, SE
Leesburg, Virginia 20175

Re: Noise standards related to condition of approval #5 associated with Green Energy

Tax Map/MCPI:	/60/////////38A	193-49-0539
	/61/////////14/	193-29-6778
	/61/////////12/	193-39-3665
	/60/////////38/	193-38-4362
	/60/////////39/	194-48-6020

Dear Mr. Quante:

I am writing in response to your letter dated November 5, 2013, which requested a zoning determination regarding the applicability of SPEX-2009-0009 Condition of Approval #5 for noise as it pertains to non-stationary construction equipment. I have researched your request and offer the following.

The referenced parcels are zoned Planned Development-General Industry (PD-GI) subject to the Revised 1993 Loudoun County Zoning Ordinance (the "Ordinance"). The parcels are subject to the proffers and concept development plan associated with rezoning ZMAP-2009-0005, Green Energy Partners/Stonewall Hybrid Energy Park, as well as special exception plat and conditions of approval associated with SPEX-2009-0009. Condition of Approval #5 associated with SPEX-2009-0009 states, "The noise standards of Section 5-1507 of the Revised 1993 Zoning Ordinance shall also apply to any non-stationary noise source."

The applicant has requested a determination that the construction equipment is similar to power equipment such as power lawn movers, chain saws, and similar equipment, which are exempted from the noise standards between the hours of 7 a.m. and 9 p.m. pursuant to Section 5-1507(C)(2). I find that construction equipment is not similar to the power equipment listed in Section 5-1507(C)(2), therefore this section of the Ordinance is not applicable. However, in reviewing this request, it is noted the Board of Supervisors Action Item dated April 6, 2010, Attachment A includes staff responses to the Board of Supervisors questions regarding the legislative application ZMAP-2009-0005 and SPEX-2009-0009 for Green Energy Partners/Stonewall Hybrid Energy Park. Question #9 speaks to the Ordinance noise standards and how they apply to the site. The staff response clarified the concern with construction noise was regarding construction which could occur between the hours of 11:00 p.m. and 6:00 a.m. As the intent of Condition of Approval #5 of SPEX-2009-0009 is to regulate construction noise

during these hours, it is hereby determined the noise standards of Section 5-1507 will only apply to construction equipment between 11:00 p.m. and 6:00 a.m.

The required noise study as part of Condition of Approval #5 shall include an analysis of the predicted noise contours for the construction equipment detailing the limits of construction between the hours of 11:00 p.m. and 6:00 a.m. to demonstrate compliance with Section 5-1507.

This determination applies solely to the referenced property and is not binding upon the County, the Zoning Administrator or any other official with respect to any other property. No person may rely upon this determination with respect to any property other than the referenced property.

Please be advised that any person aggrieved, or any officer, department or agency of Loudoun County affected by an order, requirement, decision or determination made by an administrative officer in the administration or enforcement of the provisions of the Zoning Ordinance may appeal said decision within thirty days to the Board of Zoning Appeals in strict accordance with Section 15.2-2311 of the Code of Virginia. This decision is final and unappealable if not appealed within 30 days. An application package for an appeal to the Board of Zoning Appeals may be obtained by visiting the Loudoun County Government Center, 1 Harrison Street S.E., Second Floor, Customer Service, Leesburg, VA. Two copies of the completed application must be submitted to the Department of Building and Development Customer Service counter with the fee payment of $350.00 within 30 days from the date of this letter.

PLEASE NOTE: This opinion is valid only as of this date, and this opinion does not and shall not relieve the owner or any occupant of the property in question from the obligation to comply with all applicable Zoning Ordinance and other County Ordinance requirements. This opinion is based upon text of the Zoning Ordinance as it exists today, December 20, 2013, and such text is subject to change.

Should you require any additional information regarding this correspondence, please contact me at (703) 737-8787.

Yours truly,

Teresa H. Miller

Teresa H. Miller, CZA
Planner, Zoning Administration

cc: Scott York, Chairman, Board of Supervisors
Robin Bartok, Aide to Chairman York
Geary M. Higgins, Catoctin Election District Supervisor
Michelle M. Lohr, Deputy Zoning Administrator
Property Owners of Record: Evergreen Loudoun – One Ltd Partnership
LTI Limited Partnership
John A. Andrews, Trustee