

Technical and Procedural Newsletter

December 15, 2020

TO: Members of the Land Development and Engineering Design Community

FROM: Alan Brewer, Director 

The purpose of this correspondence is to inform the Land Development and Engineering Design Community of technical and procedural updates that have recently transpired. Please distribute this information to applicable personnel within your organization.

IN THIS EDITION:

1. Reconnaissance level ("walkover") survey
2. Phase I Archaeological Survey
3. Parcels subject to previously approved Phase I Archaeological Surveys

On November 21, 2019, the Board of Supervisors approved ZOAM-2017-0005 and DOAM-2018-0001 Amendment of the Revised 1993 Loudoun County Zoning Ordinance and the Loudoun County Facilities Standards Manual in Regard to Setbacks, Buffers, Screening, and Related Landscaping (To Include Cemetery, Burial Ground, and Grave Buffer Standards), effective January 1, 2020, subject to Transition Rules (the "Amendments"). Since the implementation of the Amendments, it has become apparent that clarification is needed on the scope of the Reconnaissance level ("walkover") survey and circumstances where the Phase I Archaeology Survey may not be required. In order to address these issues, the following procedures are **effective immediately, and until further notice:**

1. Reconnaissance level ("walkover") survey:

Section 7.810.C of the Facilities Standards Manual (FSM) states:

"A reconnaissance level ("walkover") survey of any area of the property not subject to the Phase I Archaeological Survey shall be conducted to identify potential cemeteries, burial grounds, and/or graves. The results of the reconnaissance level survey shall be provided with the Phase I archaeological report."

The reconnaissance level survey is conducted outside of the disturbed areas associated with the application, which are subject to the Phase I Archaeological Survey. It is required at the time of initial submission for applications referenced in Chapter 8 (i.e., Preliminary Plat of Subdivision, Site Plan, Construction Plans and Profiles) that require an archaeological survey report prepared in accordance with

Chapter 7. It is also required for Site Plan Amendments (SPAM) and Revisions to Previously Approved Construction Plans and Profiles (CPAR).

The requirement for the reconnaissance level survey may not be waived per FSM Section 7.810.F, which states:

“Variations (WAIV) of the requirement for the reconnaissance level survey shall not be permitted.”

Reconnaissance Level Survey:

The intent of the reconnaissance level survey is to identify the presence/absence of cemeteries/human burials as well as other visible historic sites or features on the subject parcel(s). For parcels that previously have been developed entirely (graded, paved, filled, landscaped, or otherwise altered), such that there are no undeveloped areas remaining on the parcel, the reconnaissance level survey shall: 1) consist of a narrative description of the parcel (existing conditions and history of development) with accompanying aerial photographs and maps and review of Loudoun County's *Cemeteries and Burial Grounds* spatial database; 2) be prepared by the licensed Professional Engineer or Land Surveyor who prepared the plat or plan under review or a qualified professional as described below; and 3) be subject to review and approval by the County Archaeologist. The narrative description shall be submitted as a dated (month, year) stand-alone document with clear indication of authorship and corporate affiliation.

For parcels that do not conform with the above criteria, the reconnaissance level survey shall be conducted by a qualified professional meeting the Qualification Standards as set forth in “the Secretary of the Interior’s [Standards and Guidelines for Archaeology and Historic Preservation](#)” as defined in 36 CFR 61, Appendix A, in accordance with the Loudoun County Reconnaissance Level Survey Procedures attached to this memo.

Scope of the Reconnaissance Level Survey:

Section 7.810.C of the FSM requires “A reconnaissance level (“walkover”) survey of **any area of the property** not subject to the Phase I Archaeological Survey . . .”

For telecommunication applications requiring a reconnaissance level survey, such as monopoles and towers, the “area of the property” shall coincide with the easement or lease area, if applicable. The easement or lease area, as applicable, shall be shown on the associated plan.

For public water, public sewer, electric utility, and natural gas utility applications requiring a reconnaissance level survey, the “area of the property” shall coincide with the easement, if applicable. The easement area shall be shown on the associated plan.

For land development applications involving only road construction and associated infrastructure, which are not pursuant to a Preliminary Plat of Subdivision or a Preliminary Record Subdivision, that require a reconnaissance level survey, the "area of the property" shall coincide with the boundaries of the dedicated right-of-way and any associated easements. The right-of-way dedication and any associated easement area shall be shown on the associated plan.

In the event the boundaries of the easement or lease area are expanded from what was previously shown on the plan, the area of the reconnaissance level survey also may need to be expanded.

APPLICABLE STANDARDS:

Loudoun County Facilities Standards Manual (FSM), Section 7.810 Archaeological Survey and FSM Chapter 8.

2. Phase I Archaeological Survey:

Similar to the reconnaissance level survey, the Phase I Archaeology Survey is required at the time of initial submission for applications referenced in Chapter 8 (i.e., Preliminary Plat of Subdivision, Site Plan, Construction Plans and Profiles) that require an archaeological survey report prepared in accordance with Chapter 7 of the FSM. FSM Section 7.810.F states:

"The Director may waive or modify the requirement for Phase I archaeological survey and reporting after determining that a site has little or no potential for cultural resources based on a finding such as (a) the site has been subject to prior significant grading or ground disturbance beyond normal agricultural use, or (b) the site contains environmental characteristics (such as slopes, wetlands, hydric soils) that would have rendered previous human occupation reasonably unlikely."

The County Archaeologist may determine that the Phase I Archaeological Survey is not required (i.e., without the submission of a Variation (WAIV) request to the Director of Building and Development) under one of the following circumstances:

- 1) All areas located within the limits of disturbance previously have been developed (paved, filled, landscaped, and/or otherwise improved with buildings) under a previously approved application such that there are no undeveloped areas remaining.

- 2) The application is a Revision to a Previously Approved Construction Plans and Profiles (CPAR) or a Site Plan Amendment (SPAM) that only proposes improvements located within the approved Limits of Disturbance shown on the most recently approved Construction Plans and Profiles, Site Plan, CPAR, or SPAM for the project. An exhibit shall be provided depicting the prior Limits of Disturbance and proposed Limits of Disturbance.

The request for such determination by the County Archaeologist shall be included in the reconnaissance level survey submitted for the project and shall identify which of the above circumstances has been met. A Phase I Archaeological Survey or a Variation (WAIV) approved by the Director of Building and Development will be required for all other applications.

APPLICABLE STANDARDS:

Loudoun County Facilities Standards Manual (FSM), Section 7.810 Archaeological Survey and FSM Chapter 8.

3. Parcels subject to previously approved Phase I Archaeological Surveys:

If a Phase I Archaeological Survey was previously reviewed and approved, and no new areas of ground disturbance are proposed, the requirement for the Phase I Archaeological Survey will be deemed to be met for a subsequent application. The reconnaissance level survey will still have to be conducted for the undisturbed areas of the property not addressed by the previously approved Phase I Archaeological Survey. If the Phase I Archaeological Survey was completed for the entire parcel, including undisturbed areas of the property, a reconnaissance level survey is not required. The applicant shall provide the application number associated with all previous Phase I Archaeological Surveys applicable to the parcel at the time of submission of the current application.

APPLICABLE STANDARDS:

Loudoun County Facilities Standards Manual (FSM), Section 7.810 Archaeological Survey and FSM Chapter 8.

If you have any questions regarding this Newsletter, please contact Gary Clare, Land Engineering Division Manager, at Gary.Clare@loudoun.gov or (703) 777-0231. For technical assistance pertaining to archaeology requirements, please contact Steve Thompson, County Archaeologist, at Stephen.Thompson@loudoun.gov or (703) 771-5083.

Loudoun County Reconnaissance Level Survey Procedures – 10/8/20

The reconnaissance survey shall consist of an examination of the area performed in sufficient detail to allow for a reliable assessment of the presence/absence of cemeteries, burial areas, or human graves within that area on the basis of documentary and surface/landscape evidence. The examination should include careful inspection of historic maps, aerial photographs, and an up-to-date version of Loudoun County's *Cemeteries and Burial Grounds* spatial database. The examination must also entail inspection of all terrain within the area for the presence of landscape features potentially indicative of cemeteries or human graves, including but not limited to such features as fencing or other enclosures; circumscribed clusters of mature trees; mounds, depressions, or other surface irregularities; marker stones; non-native ground cover such as periwinkle; and/or the presence of other ornamental or non-native plants outside of expected settings. Desktop review of historic and contemporary aerial imagery may satisfy the requirements for terrain inspection in certain instances, such as properties comprised of heavily developed land; however, in most cases in-field inspection of all undeveloped parts of the property via systematic pedestrian reconnaissance at regular intervals will be required.

All reconnaissance surveys shall be conducted by qualified professionals meeting the same qualifications as required for Phase I archaeological surveys. The results of all reconnaissance surveys shall be conveyed in a written report, either stand-alone or as a discrete section within an encompassing Phase I archaeological survey report, that:

- 1) details the documentary sources examined,
- 2) provides thorough description (including the interval used between pedestrian transects) and justification of the methods of terrain inspection employed,
- 3) includes representative ground-level photographs of the field conditions at the time of inspection,
- 4) presents the findings of the reconnaissance survey including all non-funerary cultural landscape features that may have been identified,
- 5) accurately locates all identified landscape features on a scaled map of the surveyed area, and
- 6) provides recommendations concerning the need for additional research.