

**BOARD OF SUPERVISORS  
TRANSPORTATION AND LAND USE COMMITTEE  
ACTION ITEM**

**#2**

**SUBJECT:** Permanent Pump & Haul Request /Washington Immanuel  
Presbyterian Church  
LCTM : /91/////////8A PIN: 243498730

**ELECTION DISTRICT:** Dulles

**STAFF CONTACT(S):** Joe Lock, Rural Supervisor, Loudoun County Health  
Department  
Douglas R. Hubbard, Loudoun County Health  
Department

**CRITICAL ACTION DATE:** At the Board's Pleasure

**RECOMMENDATION:**

**Staff:** Staff recommends denial of Washington Immanuel Presbyterian Church's request that the Board of Supervisors enter into a contractual agreement with the Virginia Department of Health and the Washington Immanuel Presbyterian Church to provide permanent pump and haul services to its property located at 23219 Evergreen Mills Rd. Leesburg, Va. The proposal does not meet the Health Department's policy for pump and haul, the current Comprehensive Plan Policy regarding permanent pump and haul in the Rural Policy Area, nor the exceptions to Chapter 1067 of the Codified Ordinances of Loudoun County.

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**BACKGROUND:**

The Applicant, Washington Immanuel Presbyterian Church, is proposing to use the existing building on its recently purchased property at 23219 Evergreen Mills Rd. (Attachment 1) to accommodate the church. The existing building (constructed as an agricultural processing facility for American Produce Inc.) must be retrofitted to serve a 200-250 seat assembly area. The Applicant has submitted a Special Exception (SPEX 2007-0053) that would allow the Church in A-3 zoning. First referral submission comments were completed by the end of the first quarter of 2008, but no further applicant response has been received by the Planning Department.

As part of their application for the pump and haul permit, the Washington Immanuel Presbyterian Church submitted a document providing justification and reasons for approval (Attachment 2). These justifications and reasons includes a smaller membership that would meet primarily on

weekends than the previous request from another church in 2001. Also, the owner of the adjacent property to the north has been in discussion to sell the property as a school site. If the construction of a public school on the adjacent property were to become a reality, the extension of public sewer would be within close proximity to the church property.

A temporary pump and haul permit was issued to the agricultural processing facility in 1998 to bring the facility into compliance with the County's zoning ordinances while the owner was in the process of relocating the business to another area. The owner had requested a maximum time frame of less than one year for this purpose as part of his Special Exception (SPEX-1998-0029) application (Attachment 3). The temporary pump and haul system was installed in early 1999 to correct a potential health problem. An inspection of the property in August 2000 noted that the property was vacant. The temporary pump and haul permit became null and void as the time limits were exceeded and the property vacated. On November 13, 2001, a request similar to Washington Immanuel Presbyterian Church's request was presented to the Board of Supervisors' Land Use Committee. The Committee recommended that the request be denied. The Board of Supervisors at their December 3, 2001 meeting denied the request for a permanent pump and haul permit (Attachment 4). The property is located in the Rural Policy Area which currently precludes the extension of public sewer to serve such properties (Attachment 5). The Health Department has evaluated the soils on the property and has not found suitable soils for any type of on-site sewage disposal system. According to Loudoun Water, the closest existing location of public sewer in relation to the property is 3,675 feet to the East in a direct line crossing four private parcels (Attachment 6).

However, Staff recommends that if the Loudoun County Board of Supervisors approves the Washington Immanuel Presbyterian Church's request that the Board of Supervisors enter into a contractual agreement with the Virginia Department of Health and the Washington Immanuel Presbyterian Church to provide permanent pump and haul services to its property and that if the pending SPEX 2007-005 is denied<sup>3</sup>, the pump and haul approval is no longer valid.

## **ISSUES:**

### **1. Health Department Policy:**

The Health Department has historically recommended approval of permanent pump and haul applications only for existing occupied structures that have failing or substandard sewage disposal systems. This proposal is for a change of use that requires the retrofitting a structure that had a temporary permit which became null and void when the property became vacant in 2000. The temporary permit does not qualify as an exception of Chapter 1067 of the Codified Ordinances of Loudoun County in that the non-conventional onsite sewage disposal system was issued and installed as a temporary solution until the agricultural processing facility relocated to a new location outside of the County and was not intended to be permanent. (Attachment 7).

### **2. Comprehensive Plan Policy:**

The Revised General Plan, policies regarding pump and haul in the Rural Policy Area specify that pump and haul operations are permitted as a last resort and a temporary method to address a proven public health emergency (Attachment 5). As such, the Plan would not support permanent pump and haul in this case.

## **FISCAL IMPACT:**

The Health Department monitors permitted pump and haul facilities by conducting annual inspections to insure compliance as well as the monitoring of pump outs as required by State Code. These inspections are included in current staff workloads and will have no additional fiscal impact.

**ALTERNATIVES:**

1. The County **not** enter into a contractual agreement with the Washington Immanuel Presbyterian Church and the State Health Department to permit permanent pump and haul services to serve the property located at 23219 Evergreen Mills Rd.

**-OR-**

2. The County enter into a contractual agreement with the Washington Immanuel Presbyterian Church and the State Health Department to permit permanent pump and haul services to serve the property located at 23219 Evergreen Mills Rd.

**-OR-**

3. The Board could defer consideration of this matter until after the pending Special Exception is considered by the Board of Supervisors

**DRAFT MOTION(S):**

1. I move that the Transportation and Land Use Committee recommend to the Board of Supervisors that the County **not** enter into a contractual agreement with the Washington Immanuel Presbyterian Church and the Virginia Department of Health to permit permanent pump and haul services to serve the property located at 23219 Evergreen Mills Rd.

**-OR-**

2. I move an alternate motion

**ATTACHMENTS:**

1. Location map and pictures of the property
2. Applicant's Justification for Pump and Haul
3. American Produce, Inc Justification for Pump and Haul
4. Board of Supervisors Action Item 08.A, 2001-12-03 Meeting
5. General Plan - Rural Area Policy
6. Loudoun Water letter dated January 14, 2009
7. Chapter 1067 Exemptions