

Attachment 2 – Comparison of Town Staff and Planning Commission Findings

Description/Topic	Town Staff Conclusion	Planning Commission Finding of Fact
	#1 – 6 were staff conclusions in February 13, 2023 staff report. #7 – 10 are staff conclusions that may differ from Planning Commission Resolution 23-03-23 and are in <i>green italics</i> .	#1-6 include Planning Commission modifications to Staff Conclusions. #7 -10 are Planning Commission Findings in Resolution 23-03-23.
1. Open Space Requirements. Zoning Ordinance, Article 7. – Landscaping, Buffering, and Open Space Regulations.	The requested right-of-way will decrease Parcel A to less than the current open space requirements for a similar sized subdivision based on today's requirements. However, since there were no open space requirements when Catoctin Meadows was platted, this is not a violation of the Town's open space requirements.	Planning Commission had no changes to Staff's Conclusion.
2. Stream and Creek Buffer, Zoning Ordinance, Article 14.	<p>The project construction encroaches into the streamside buffer in certain locations, but does not violate the permitted uses within the buffer. Possible mitigation – Stream side forested buffer should be re-established if necessary.</p> <p>Effects on wetlands will be mitigated, through stormwater management, purchase of wetland credits, or other means, prior to the initiation of construction activities. Possible mitigation – request USACE final jurisdictional determination prior to construction.</p>	<p>Planning Commission modifications show in red text.</p> <p>The project construction encroaches into the streamside buffer in certain locations, but does not violate the permitted uses within the buffer. Possible mitigation – Stream side forested buffer should be re-established if necessary. Article 14. Section 2. - Stream and Creek Buffer established, #4, wetlands <u>Conclusion</u>: Effects on wetlands will be mitigated, through stormwater management, purchase of wetland credits, or other means, prior to the initiation of construction activities. Possible mitigation – request US Army Corps of Engineers final jurisdictional determination prior to construction, <u>with acceptance of the March 2023 Route 7 & 690 Interchange Tree Removal Exhibit.</u></p>

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<p>3. Steep Slope. Zoning Ordinance, Article 13.</p>	<p>The 7/690 Project has been reviewed and approved by the Loudoun County Building and Development Department as is required by the Town's Ordinance. It appears that the requirements for steep slope have been met.</p>	<p>Planning Commission had no changes to Staff's Conclusion.</p>
<p>4. Floodplain Overlay District</p>	<p>The 7/690 Interchange Project is not causing an increase in the Base Flood Elevation ("no rise"), as proven by the hydrologic and hydraulic analysis provided to the Town by the County and reviewed by the Town's consultant. The Project has conformed with the requirements of the Town's Floodplain Ordinance. Possible mitigation – increase size of 21st Street stream culverts; stream modeling performed by Loudoun County would decrease Town costs for modeling to update the FEMA floodplain maps.</p> <p><i>4/11/2023: additional conclusion based on Planning Commission modification. The modeling regression model is dated 2013. It was adopted by FEMA and Loudoun County for the S. Fork of the Catoclin Creek and has shown an increase in the flows. The FPAL (floodplain alteration permit) that was submitted regarding the 7/690 project was completed in 2022. Loudoun County has offered to increase the size of the 21st Street culvert which would avoid the overtopping of N. 21st Street.</i></p>	<p>Planning Commission modifications show in red text.</p> <p>The 7/690 Interchange Project is not causing an increase in the Base Flood Elevation ("no rise"), as proven^{suggested} by the 2013 hydrologic and hydraulic analysis provided to the Town by the County and reviewed by the Town's consultant. The Project has conformed with the requirements of the Town's Floodplain Ordinance. Possible mitigation – increase size of 21st Street stream culverts; stream modeling performed by Loudoun County would decrease Town costs for modeling to update the FEMA floodplain maps. The Planning Commission is concerned about an apparent large increase in flow and wishes the County to undertake a study to account for current modeling and flow rate to address root causes and find mitigative solutions to avoid the overtopping of North 21st Street should a large-scale water event occur.</p>
<p>5. Historic Overlay District. Zoning Ordinance, Article 14A.</p>	<p>Staff has reviewed the Historic Overlay District rules to determine if the potential</p>	<p>Planning Commission had no changes to Staff's Conclusion.</p>

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	demolition of the house at 601 N. 21st Street (lot 74) is prohibited by the zoning ordinance Article 14A. The house at 601 N. 21st Street was built in 1999, and is not a historically significant structure. A review by the Board of Architectural review is not required.	
6. ESMT 20-06 Three party easement between Loudoun County, Town of Purcellville and Catoctin Meadows HOA	<p>Of the easements noted above, permanent drainage easements for sub-areas 2B, 2C and 2D (a total of 1,677 SF or 0.038 acres) are proposed to be dedicated to the Town. The remainder are dedicated to Loudoun County Board of Supervisors. The Town has reviewed the proposed dedications to the Town; legal review is still needed. The dedications from Catoctin Meadows HOA (CMHOA) to Loudoun County are to be negotiated privately.</p> <p><i>4/11/2023: additional information. Loudoun County has requested the Town vacate a portion of the floodplain easement that is shown in the deed and on the plat for Catoctin Meadows, Phase 2. These are recorded as Bk1502Pg1216 (deed) & Bk1502Pg1216 (plat). In ESMT 20-06 the following easements are requested:</i></p> <p><i>Total Temporary Construction easements from CMHOA: 0.397544 AC</i></p> <p><i>Total Permanent easements to Loudoun County BOS: 0.022199 AC</i></p> <p><i>Total Permanent easements to the Town: 0.038499 AC</i></p> <p><i>Right of Way dedication to LCBOS: 1.1688 AC</i></p> <p><i>Right of Way dedication to Town: 0.011 AC</i></p>	<p>Planning Commission modifications show in red text.</p> <p>According to the County's Land Development Application, Of the easements noted above, permanent drainage easements for sub-areas 2B, 2C and 2D (a total of 1,677 SF or 0.038 acres) and permanent right of way easements (479 square feet or 0.011 acres) are proposed to be dedicated to the Town. The remainder of land (a total of 557,313 square feet or 12.794 acres) is are dedicated to Loudoun County Board of Supervisors. The Town has reviewed the proposed dedications to the Town; legal review by the Town has not been started and is still needed. The dedications from Catoctin Meadows HOA to Loudoun County are to be negotiated privately. The County has requested vacation of the floodplain easement where the eastbound offramp is to be located.</p>

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	<p><i>Remaining acreage of Parcel A (14.2231 – 1.1688 - .011)= 13.04 AC</i></p> <p><i>The remaining acreage is still owned by CMHOA.</i></p>	
7. Traffic Issues	<p><i>4/11/2023: The Planning Commission was looking only at the level of service “letters”, but failed to acknowledge that 8 of 10 intersections with the same LOS for build vs. no build have less delay with build compared to no build.</i></p> <p><i>Build condition eliminates two LOS “E” and “F” conditions and does not introduce and deteriorations to LOS E or F.</i></p> <p><i>Further, the study indicates that traffic on Main Street in 2040 is reduced by 10% with build vs. no build.</i></p> <p><i>At their public information meeting on March 24, 2023, the County’s Traffic Engineer gave an excellent presentation stating 13 of the 18 traffic intersection points improve (meaning you would sit at a signal for less time). They studied 9 intersections in Town during morning and evening rush hour traffic. All are a Level of Service (LOS) of “D” or better. Without the interchange project 5 other intersection points would become worse and one of the Rt. 7/287 intersections would become an “F”. Other salient points noted are:</i></p> <p><i>-They design to a LOS of “D” NOT to a LOS of an “A”. If they designed to a LOS of an A everything would be covered in concrete. A LOS “D” is not a failing intersection. The traffic study was done using noise projections to year 2040.</i></p>	<p>For the seven significant intersections in town, assuming the Rt. 7/690 is built: (1) in the AM period, the traffic at one intersection and one lane of a three-lane intersection is improved while one intersection and one lane of a two-lane intersection get worse; and (2) in the PM period, the traffic at one lane of a two-lane intersection is improved and two intersections get worse. This is hardly a significant improvement for Purcellville’s traffic.</p>

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	<p><i>-Route 690 bridge over Route 7 will not be closed during construction. They will always have one or two lanes open on the bridge at all times. Of course there may be times traffic is stopped for a few minutes but no long term closures.</i></p> <p><i>-Route 7 will not be closed during construction except for possibly 15 minutes during night time hours when dropping a section of bridge.</i></p>	
8a. Fiscal Issues	<p><i>4/11/2023: Staff does not agree with the Planning Commission's conclusion that the interchange is not designed to be of service to the Town. The Town has worked in partnership with the County and has requested this interchange for many years to help alleviate traffic issues on Main Street. While the interchange is not designed solely for the benefit of the Town, the traffic analyses show that it will benefit the Town. Plan Purcellville, the Town's 2030 Comprehensive Plan shows this interchange as a recommended roadway improvement.</i></p>	<p>However, the interchange is not designed or intended to be of service to the Town of Purcellville. The information in the aforementioned report makes it clear there is more negative impact than positive impact to the Town's traffic intersections levels of service.</p>
8b. Fiscal Issues	<p><i>4/11/2023. Staff agrees that this is a true statement.</i></p>	<p>The Rt. 7/690 interchange was planned before the County purchased 143 acres of land immediately west of the Town for the Western Loudoun recreational facility and pool complex.</p>
8c. Fiscal Issues	<p><i>4/11/2023. The Town's resistance and lack of cooperation with Loudoun County are not unobserved by VDOT and the Commonwealth Transportation Board. This reputation could not only affect future cooperation with</i></p>	<p>Regarding fiscal impact, the County's February 14, 2023 <u>Update on Town of Purcellville Projects</u> states the Rt. 7/690 and Rt. 7/287 interchanges "are partially funded using SMART SCALE funds." The report goes on to say: "Future SMART SCALE</p>

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	<i>Loudoun County but also with the Town's ability to secure funding through the State.</i>	<p>fund allocations are dependent on a jurisdiction's past performance. If delays continue, County staff will recommend to either delay these projects or replace the SMART SCALE funding with other sources to ensure that the County's ability to obtain future SMART SCALE awards is not jeopardized."</p> <p>Finding: It may be in the interest of the County to use this project to ensure a future stream of funds, but it is not in the interest of Purcellville to permit a project that does nothing to help our town - and in fact, may be harmful.</p>
9a. Floodplain Issues	<i>4/11/2023. Staff agrees that ESMT 20-06 requests that the Town vacate a portion of the floodplain easement that is show on the plat for Catoctin Meadows Phase 2.</i>	<p>On May 14, 1997, Catoctin Meadows L. C., The Catoctin Meadows Homeowners Association, and the Town of Purcellville entered into a Deed of Dedication, Subdivision, Easement and Annexation.</p> <p>Finding: The Town agreed to maintain the floodplain on the HOA property adjacent to the proposed Rt. 7/690 interchange. For the Rt. 7/690 interchange to be built as proposed, a portion of the floodplain easement in the proposed right of way needs to be vacated by the Town.</p>
9b. Floodplain Issues	<i>4/11/2023. The Town's consultant provided the Town with a detailed study showing the upstream watershed, curve numbers, time of concentration. Because the methodology used by Loudoun County is approved by FEMA, Loudoun County declined to take a chance that any change in the modeling may not be approved by FEMA.</i>	<p>Analyses of the floodplain by the County's consultant and the Town's consultant used different methodologies and came to different conclusions.</p> <p>Finding: In a meeting on January 3, 2023 between County staff and the County's consultant (engineer of record), "the County's consultant declined to utilize the</p>

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		floodplain analysis method suggested by the Town for technical and liability reasons.”
9c. Floodplain Issues	<i>4/11/2023. The Town consultant’s hydrologic analysis showed that the HEC-HMS modeling calculated 6,180 cfs 100-yr (Q100) peak flow to the point of analysis at the intersection of N. 21st Street and the South Fork of Catoctin Creek. This analysis used current information for the sub-basins, updated time-of-concentration, and current 24-hour rainfall depth of 7.87 inches. Changes in the flows may be due to changed methodology, changed land use, more detailed topographic information, updated rainfall depth.</i>	Finding: The Town’s hydrology consultant says there may be a doubling of the floodplain flow from 3,617 cubic feet per second to 7,447 cubic feet per second. This may be due to upstream changes in land use in future years and not directly as a result of the Rt. 7/690 interchange construction. Note that a flow rate of 7,447 cubic feet per second is equal to 232 tons of water per second - or four freight train locomotives.
9d. Floodplain Issues	<i>4/11/2023. This assertion is that the construction of the 7/690 interchange does not in itself change the predicted base flood elevations. Changes in the base flood elevation are due to updated modeling.</i>	Finding: The February 14, 2023 <u>Update on Town of Purcellville Projects</u> asserts: “the Route 7 and Route 690 interchange does not increase the water surface elevation of the existing floodplain.”
9e. Floodplain Issues	<i>4/11/2023. A portion of the project is within the mapped floodplain.</i>	Finding: The Rt. 7690 Revised Environmental Assessment, December 26 2018, Section 3.0, Table 3.1 states: “The project is within the floodplain of South Fork Catoctin Creek, a mapped 100-year floodplain.”
9f. Floodplain Issues	<i>4/11/2023. Using accepted engineering modeling and procedures, the analysis provided by Loudoun County showed that the project does not cause an increase in the base flood elevation.</i>	Finding: The County used their Floodplain Alteration analysis to claim that the Rt. 7/690 project would not cause any increase in the Base Flood Elevation (“no-rise”),
9g. Floodplain Issues	<i>4/11/2023. This is not stated correctly. The requested floodplain vacation is based on the</i>	Finding: The County did not use the Floodplain Alteration FPAL-2019-0013 but

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	<i>floodplain easement that is shown on the plat for Catoctin Meadows Phase 2. A different floodplain vacation request would not accurately reflect what is shown on the plat for Catoctin Meadows Phase 2.</i>	rather used the outdated and lower FEMA floodplain flow rates of 3,617 in their ESMT-20-06 PLAT RPA-987-LC to determine the requested floodplain vacation area from the Town.
9h. Floodplain Issues	<p><i>4/11/2023. Although the regression modeling that was adopted by Loudoun County is dated 2013, a comprehensive remodeling of the S. Fork of Catoctin Creek has not been completed. This is not unusual, since many updates to floodplains are driven by development in the area.</i></p> <p><i>Because of the significant change in flow in the existing FEMA modeling in the Town compared to the FEMA 2013 regression model, as well as the results of the modeling prepared by the Town’s consultant, Town Staff recommends re-modeling the floodplain within the Town limits. The cost of remodeling can be significant, and Loudoun County has already performed part of the work.</i></p> <p><i>Staff suggests that Loudoun County treat this as a conditional letter of map revision, provide elevation certificates to owners of affected structures, and submit and “own” all Letter of Map Revision information to FEMA.</i></p>	<p>Finding: The County stated at the March 16, 2023 Planning Commission meeting they have been aware of the flowrate and changes to the floodplain from these rates since 2013. The County Floodplain Alteration states that there are 24 different property owns affected by their Floodplain Alteration. To date, neither the County nor the Town has taken action to alert these property owners or FEMA of the floodplain flow, elevation, and horizontal changes in the floodplain west of North Hatcher Avenue. These floodplain flows were described by Town Staff as a “dramatic”.</p>
9i. Floodplain Issues	<i>4/11/2023. The requested floodplain vacation is based on the floodplain easement that is shown on the plat for Catoctin Meadows Phase 2. A different floodplain vacation request would not accurately reflect what is shown on the plat for Catoctin Meadows Phase 2.</i>	<p>Finding: The County’s application appears to be in conflict with their accepted Floodplain Alteration analysis resulting in a larger floodplain area to be vacated by the Town</p>

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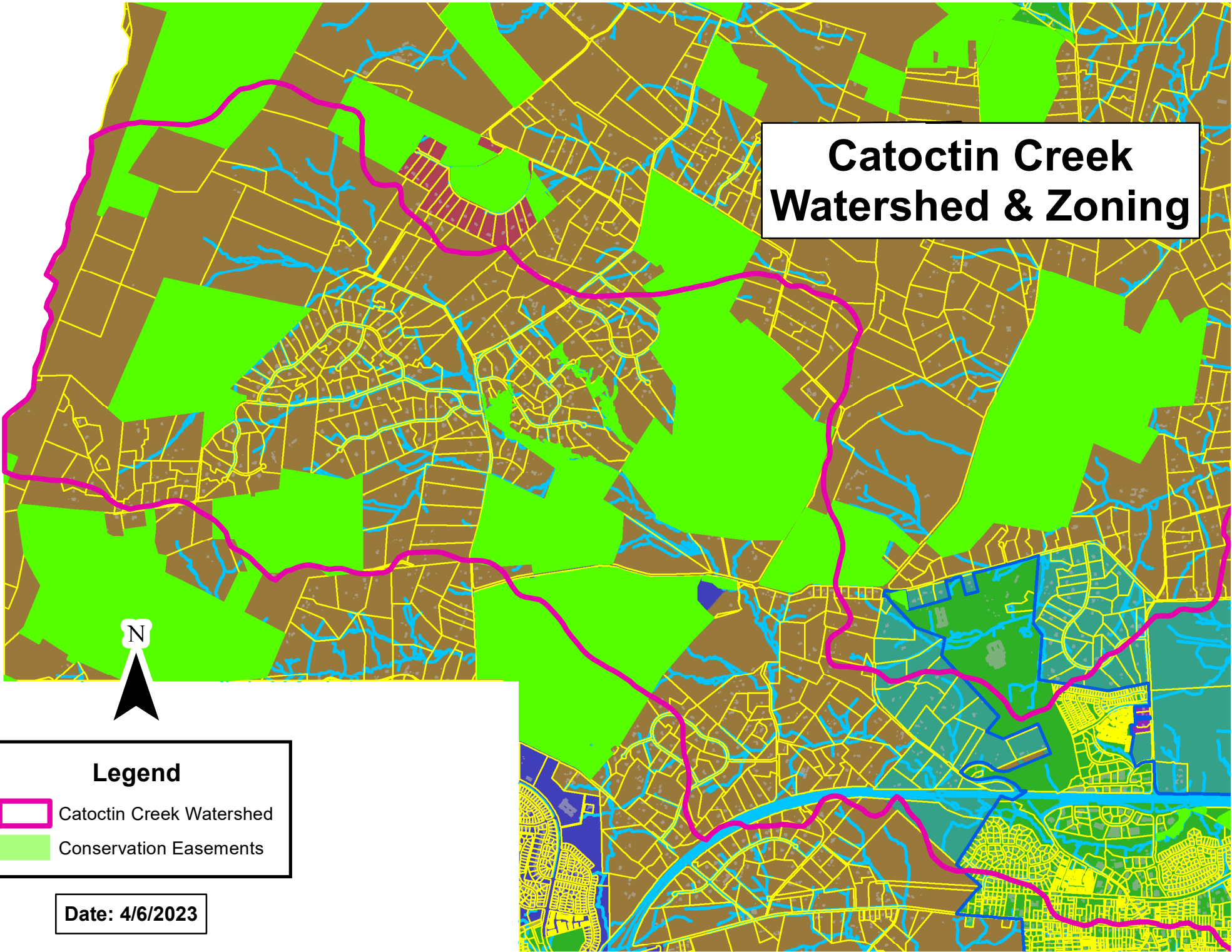
10a. Environmental Issues	<p><i>4/11/2023. The referenced table states that the impacts from past and present Actions are: Degraded quality and decrease extent from urbanization of the surrounding area and past roadway widening; and increased noise levels from traffic and development. Impact from the proposed action is approximately 0.25 acres of wetland impacts, and approximately 250 linear feet of stream impact. The reasonably foreseeable action is the build out of most to all available land in accordance with local zoning and future widening of Route 7, which then causes the potential impacts noted in the Planning Commission Report. Staff has looked at the upstream areas within the watershed. The map attached at the end of this table shows the existing zoning and conservation easements upstream of the project. Green areas are conservation easements; brown areas are AR-1 zoning, which allows 1 house per 20 acres. This watershed appears to be largely built out already. The effect on the 35 residential sites is specific to noise. The potential impact states “increased noise from trucks during construction. However, this project does not warrant noise abatement.”</i></p>	<p>Finding: The Revised Rt. 7/690 Environmental Assessment, Section 3.12 Indirect and Cumulative Effects Table 3.3 states that the prominent environmental resources in the study area for this project of water and wetlands will reasonably foresee increase the degradation of streams and wetlands from stormwater runoff and loss of habitat and forested areas. Additionally, the Cumulative Effects Table 3.3 also suggested 35 residential units will be impacted from this project and reasonable action to widen Route 7 is foreseeable.</p>
10b. Environmental Issues	<p><i>4/11/2023. The 7/690 interchange project includes the replacement of a culvert for the S. Fork of Catoctin Creek under bypass Route 7. The eastbound off ramp is north of the S. Fork of Catoctin Creek, and encroaches into the streamside forested buffer in some locations, but does not violate the Town Ordinances governing the uses in the buffer.</i></p>	<p>Finding: The proposed Rt. 7/690 interchange is directly over and beside the South Fork of the Catoctin Creek.</p>

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10c. Environmental Issues	<i>4/11/2023. Erosion and sediment controls will be in place during construction. These controls consist of sediment traps, and silt fence which limit the amount of sediment that will reach the stream. After construction, much of the runoff from the interchange will be captured by stormwater management ponds, which mitigate both water quantity and water quality effects of the project.</i>	Finding: There will be construction debris, silt, etc. during construction. After construction, oil, salt and road debris will flow off the road and downhill into the creek. There is no place for it to go except into the water.
10d. Environmental Issues	<i>4/11/2023. While not found to be critical habitat for the Northern Long-eared Bat, enforce time of year restrictions associated with tree removal.</i>	Finding: The area around the creek is habitat for endangered long-eared bats. This has not been found to be critical habitat.
10e. Environmental Issues	<i>4/11/2023. While not found to be critical habitat for the Northern Long-eared Bat, enforce time of year restrictions associated with tree removal.</i>	Finding: About 12 to 15 acres of trees would be cleared.
10f. Environmental Issues	<i>4/11/2023. This language is typically found in easements; the Town makes every effort to work within the easements dedicated.</i>	Finding: The County provided an update to the Environmental Assessment's expected 15.5 acres of tree removal to the Planning Commission on March 16, 2023. However, the expected land disturbance is still that about 12 to 15 acres of trees would be cleared. The County Deed of Conveyance, if approved, allows the County the right to trim, cut and remove trees in or near the easements conveyed, deemed by the County to interfere with the proper and efficient construction, operation and maintenance of said easements. The Deed also provides the Town the same authority for the permanent drainage easements to be conveyed to the Town for this project.

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Catoctin Creek Watershed & Zoning



Legend

-  Catoctin Creek Watershed
-  Conservation Easements

Date: 4/6/2023