Lorton Landfill Dispute Nearing Board of Supervisors' Review

Zachary Williams
BKK Construction & Land Use Newsletter
March 2014

A multiyear land use battle over the future of the EnviroSolutions, Inc. (ESI) landfill in Lorton, Virginia is set to culminate in the Fairfax Board of Supervisors’ consideration of the proposed extended operation of the landfill until 2040. In May 2013, ESI submitted an application for a special exception amendment, along with other related land use requests, to the Fairfax County Board of Supervisors. In this application, ESI set forth its proposals for the future operation of the landfill site. ESI’s application has created controversy in the Lorton community as residential, business and public advocacy groups have voiced strong and differing opinions as to the best course of action at the landfill site.

History of the Landfill

At issue is ESI’s proposal to extend the operation of the 30-year-old construction debris landfill until 2040. The landfill sits on property totaling approximately 250 acres and borders Interstate 95 to the west, just north of the Occoquan River. The current land use approvals for the site allow landfill disposal activities to continue until January 1, 2019. The 2019 closure date was a result of a development condition that ESI negotiated with the Lorton community as part of its application for a 2007 special exception amendment for the site. At the time ESI submitted its 2007 application, the Lorton community agreed to support the application given that a development condition required the landfill to be closed when the final elevation reached 412 feet above sea level, or by January 1, 2019, whichever came first. Another development condition required ESI to work with the Fairfax County Park Authority to develop the entire site into a public park following the closure of the landfill.

The New Plan for the Landfill

ESI now seeks to operate the landfill until 2040 and submitted a new special exception amendment in 2013 requesting the board’s approval to do so. Instead of developing a public park, ESI now proposes to develop the landfill into a Green Energy Park to include wind turbines, solar panels and geothermal piping. The ESI application states that the Green Energy Park will be developed over several phases, each phase lasting 4 to 6 years. In addition to special exception approval, the Green Energy Park proposals require a “15.2-2232 review” by the Planning Commission. Section 15.2-2232 of the Virginia Code requires the Planning Commission to determine if the location, character and extent of the proposal is substantially in accord with the adopted comprehensive plan. ESI also proposes to develop portions of the closed landfill site into a baseball hitting field, golf driving range and radio controlled aircraft field, each requiring its own special exception approval.
The Dispute

While many are touting the Green Energy Park proposals as a unique and important renewable energy project for Fairfax County, Lorton community groups, led by the South County Federation, remain fiercely opposed to ESI’s application. The dispute highlights the benefits and risks of negotiating development conditions as part of land use applications. The 2007 development conditions played an important role in fostering community support for ESI’s prior application. Now, those same community groups feel that ESI has reneged on its promises. ESI’s 2013 application has led to distrust in the community as to whether ESI will follow through on the Green Energy Park proposals. ESI’s proposed stormwater management at the landfill site and traffic concerns have also played a role in the ongoing debate on the application.

What’s Next?

Fairfax County released a staff report on February 13, 2014 recommending approval of the ESI application, including the special exception amendment and required 2232 reviews. The application next heads to the Planning Commission for review and then to the Board of Supervisors for a public hearing.