

LOUDOUN COUNTY RURAL USE ZONING COMPARISONS

March 16, 2017

Updated: June, 2017

Update: May, 2018



For
LCPCC/REDC/Adhoc
Working Group

OVERVIEW

A. RECAP:

1. Rural Use ZOAM Status
2. Ad-Hoc Committee

B. REVIEW

1. Rural Uses and Related Impacts
2. Rural Use Intensity and related impacts
3. Problems with Permits and other "P's"

C. CONCLUSIONS & NEXT STEPS



Rural Use ZOAM 2015-0006

(Zoning Ordinance Amendment)

ZOAM
2015-
0006

- Amend ZO for text errors/ "fixes," encourage economic development,
- "incorporate revisions recommended by the public;"
- "Make rural use performance standards equitable." (Volpe, Clarke)



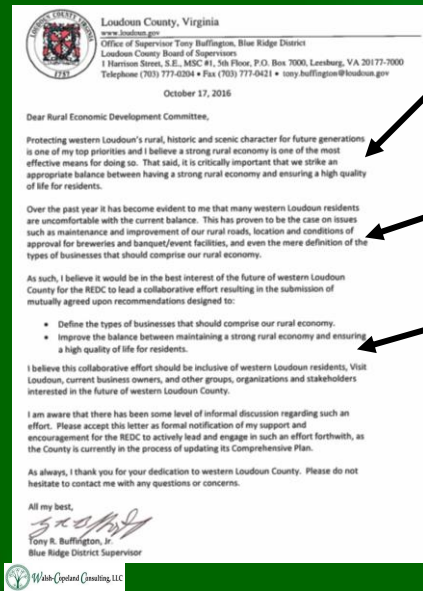
INITIATION – Ad Hoc Committee

BOS
Sept., 2016
Strategic
Planning
Retreat:

- Economic Development –
"Improving the rural economy in a way that maintains the quality of life for current residents;"
- And
- New Comprehensive Plan (Envision Loudoun) *"Seek a balance between preserving rural areas . . . and revitalizing other areas."*



SCOPE: Supervisor Buffington (Oct., 2016)



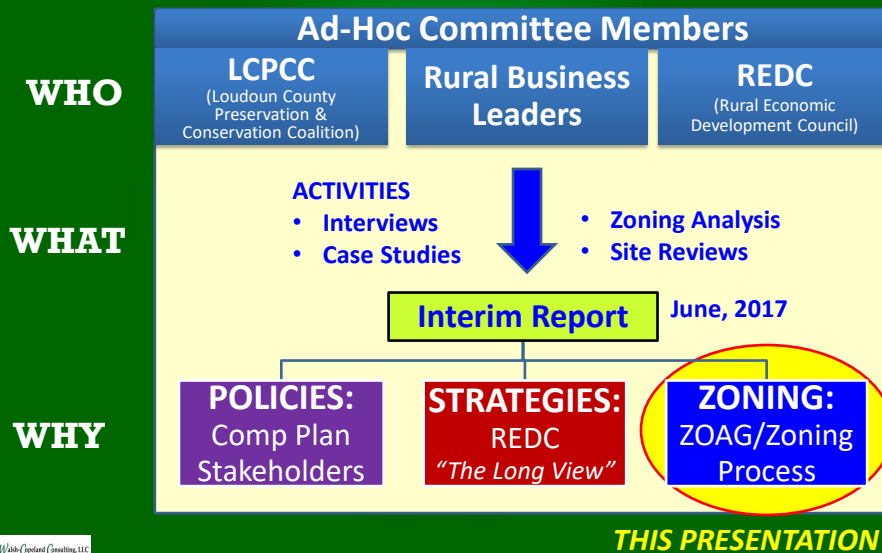
• “Critically important that we strike an appropriate balance between having a strong rural economy and ensuring a high quality of life for residents.”

• Evident that “many western Loudoun residents are uncomfortable with the current balance.”

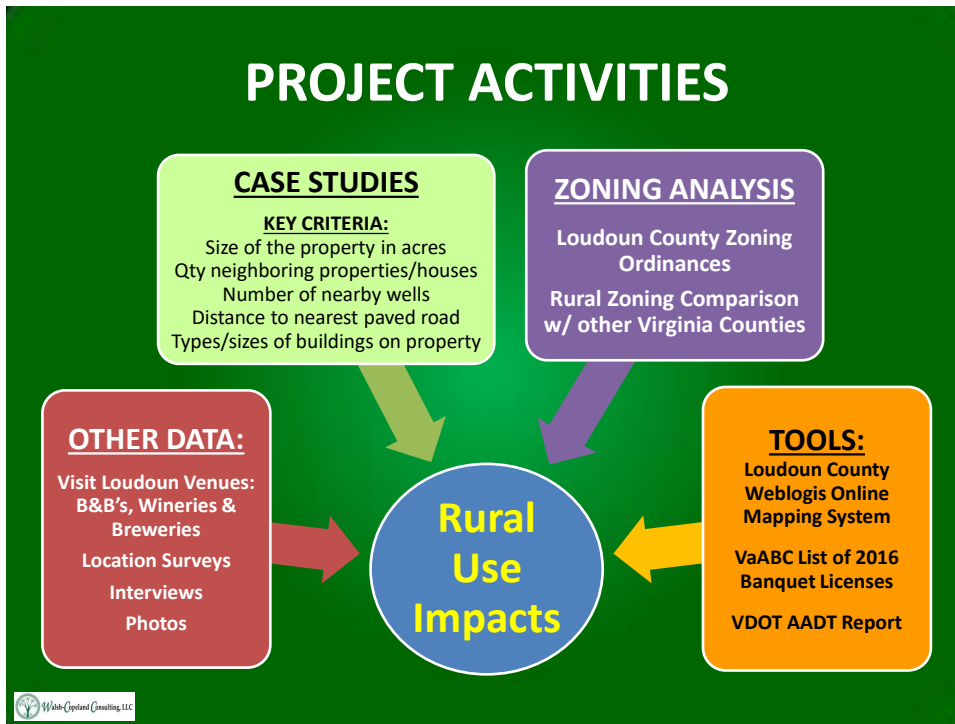
• “Recommendations designed to:

- Define types of businesses that should comprise our rural economy.
- Improve the balance between maintaining a strong rural economy and ensuring a high quality of life for residents.”

PROJECT Timeline: Dec. 2016 – June, 2017



PROJECT ACTIVITIES



LCPCC ZONING: ACTIVITIES TO DATE

TIMEFRAME	ACTIVITIES / PRESENTATIONS
Dec, 2016-Mar, 2017	CASE STUDIES: Identify primary factors impacting "balance between Rural Economy and Quality of Life for residents" (BOS Strategic Plan, Sept., 2016)
June, 2017	Interim report to REDC PIC / Rural Business Owners
Feb., 2018	Final Ad-Hoc Committee report
March, 2018	ZOAG request for information (Requested Dec. 2017)
April, 2018	<ul style="list-style-type: none"> Heritage Commission: permits/complaints primer LCPCC Zoning Committee Kick-off

SITUATIONAL AWARENESS:

What “Hats” are YOU wearing today?

- Organization Representative?
- Property Owner/Resident?
- Rural Business Owner?
- County Staff?
- Consultant?
- Other?



COUNTY ZONING

Purpose, Standards, Status

ZONING ORDINANCE - REVIEW

Section 1-100: GOALS, PURPOSE, INTENT

Section 1-102: Promote the health, safety and welfare of the residents of Loudoun County:

- A. Guide/regulate orderly growth
- B. Protect character, social/economic well being of private & public property
- C. Promote best utilization of land
- D. Provide light, air and safety from fire, flood & other dangers
- E. Reduce/prevent congestion in public streets
- H. Protect against destruction/encroachment upon historic areas
- J. Encourage economic development with desirable employment
- L. Provide for preservation of agricultural and forestal land for protection of natural environment



A SUSTAINABLE RURAL COMMUNITY

in  *requires* **BALANCE** *between:*

Environment & Heritage

- Heritage & Archaeology
- Parks, Greenways & Trails
- Plant & Wildlife Habitats
- Forests, Trees & Vegetation
- Surface & Groundwater
- Open space easements
- Air, Dark Skies & Noise
- Farm & Historic assets
- Mountainsides
- Rivers & Streams
- Agricultural Soils

Social Interests

- Residents (Rural & Suburban, new & long term)
- Land Stewards / Property Owners
- Towns and Villages
- Patrons & Visitors

Rural Economy

- Traditional farming & farm leasing
- Equine/Animal Husbandry
- Wineries/Breweries/Craft Beverages
- Direct FYO Fruits/Veges
- Horticulture/Ornamentals
- Arts/Recreation/Tourism
- B&B's/Rural Lodging
- Commercial Restaurants & Event Centers
- Professional/Home Businesses & Services
- Education/Public & Institutional Uses



 Walsh-Capland Consulting, LLC
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IMPORTANCE

Loudoun 2040 General Plan
Draft Version: May, 2018

Rural Economy

The County's land development approach for the RPA is to limit residential development so that land will remain available for the continued operation, expansion, and establishment of agricultural and rural economy uses that preserve the rural character of the landscape and support the County's environmental goals. Loudoun's rural economy has grown to become a collection of business uses that currently include crop and livestock production, forestry, horticulture and specialty farm

CHAPTER 2-70

products, farm markets and wayside stands, the equine industry, orchards, vineyards, farm wineries, cideries, and breweries, hospitality services such as farm-to-table restaurants, rural resorts, bed and breakfasts, country inns, banquet/event facilities, private camps and parks, and other similar uses which are dependent on the rural land base for its agricultural productivity, scenic quality, and rural character to derive income to sustain business activities. The importance of these business to the Loudoun County has led to the implementation of a business development plan for the County's rural economy that aims to double the growth of the County's rural economic sectors within the next decade.



Chapter 2:

"The importance of these businesses to Loudoun County has led to the implementation of a business development plan for the County's rural economy that aims to double the growth of the County's rural economic sectors within the next decade."

COUNTY PERFORMANCE STANDARDS -- 2017 REVIEW

CONCLUSIONS – UP FRONT

**ZONING
INCONSISTENCY**
Inconsistent &/or
Non-existent Rural Use
performance standards



**LOCATION/
INTENSITY IMPACTS:**
Noise, Traffic, &
Enforcement

**PRIMARY FACTORS
IMPACTING**
*“balance between
Rural Economy and
Quality of life for
residents.”*



P&Z Original 2014 Rural Use Zoning Comparison (by Mark Depo, P&Z)

Daily/Yearly Parties/Attendees	UNLIMITED? (Allow 50 to 300 people, 3-5 days/week, 52 weeks/year — regardless of location or site/road conditions?)	Based on # Rooms: People: Max 20 — 10 X/year to Max 100 — 20 X/year	Employees: Max 3 — 3-10 acres Max 4 — 10-50 acres Max 10 — 50+ acres	Unlimited? (Allow 50 to 300 attendees, 3-5 x per week, 52 weeks/year — regardless of location or site/road conditions?)	# People: Max 200 — 5-25 acres Max 400 — 25-50 acres Max 600 — 50-100 acres	# People: Max 300/day — 5 acres. More than 300/day > 40 acres	# People: Max 200 — 20 acres Max 260 — 50 acres Max 310 — 75 acres	
	Limited Brewery (Proposed Section 5-667)	Bed and Breakfast Inn (Section 5-601)	Small Based Business (Section 634)	Commercial Winery (Section 5-623)	Agricultural Support Uses (Section 5-627)	Farm Based Tourism (Section 5-628)	Banquet/Event Facilities (Section 642)	Restaurant in AR (Section 5-643)
Intensity/Size of Use	Max. 12,000 sq. ft. structures & 5,000 square feet storage areas.	Minimum 5 acres. 0.04 FAR. Hours of Operation 7 am-12 midnight.	10+ acres 5,000 sq. ft. structure or storage yard plus 1,000 sq. ft. for each add. 10 acres, not to exceed 15,000 sq. ft.	Minimum 10 acres. Hours of Operation 10 am-10 pm.	Minimum 5 acres. Level I: 12,000 sq. ft. structures & 5,000 sq. ft. storage areas. Hours of Operation 6 am-9 pm.	Minimum 5 acres. Level III: max. 7,500 sq. ft. with 80+ acres. Storage — max. 25% of structure. Hours of Operation 8 am-6 pm.	Minimum 20 acres. 0.04 FAR. Hours of Operation 7 am-12 midnight	Minimum 20 acres and 0.01 FAR. (except for adaptive reuse) Hours of Operation 6 am-12 midnight.
Yards	60' for structures and storage areas. 40' for parking. (Initially Proposed: 60' for structures, parking, & storage areas.)	40' for parking.	100' for 2,000 sq. ft. structure and yard. 300' for 2,000+ sq. ft. structure and yard. 500' adjacent to residential. No parking in required yard/setback.	125' for use.	60' for structures & storage areas.	Level I: 100' for 5,000 sq. ft. structure. Level II: 150' for 7,500 sq. ft. structure. Level III: 200' for 10,500 sq. ft. structure.	100' for use and parking. 200' for outdoor private parties.	100' for 1,500 sq. ft. structure. 150' for 1,500 to 4,000 sq. ft. structure. 175' for 4,000+ sq. ft. structure.
Landscaping/Buffering/Screening	Section 5-653(A). May waive/modify req. per Section 5-1409. Section 5-653(B) for parking.	Section 5-653(A). May waive/modify req. per Section 5-1409. Section 5-653(B) for parking.	Section 5-653(C) for storage.	Section 5-653(A) for use. Section 5-653(B) for parking.	Section 5-653(A) for use. Section 5-653(C) for storage.	Section 5-653(A) for use. Section 5-653(B) for parking. Section 5-653(C) for storage.	Section 5-653(A) for use. Section 5-653(B) for parking. Section 5-653(C) for storage.	Section 5-653(A) for use. Section 5-653(B) for parking. Section 5-653(C) for storage.
Parking	Section 5-1102.	Section 5-1102.	Section 5-1102.	Section 5-1102. Dust-free surfacing material.	Section 5-1102. Dust-free surfacing material.	Section 5-1102. Dust-free surfacing material.	Section 5-1102.	Section 5-1102.
Road/Access	Section 5-654. 2-access points; & access location.	Section 5-654. 2-access points; & access location.	N/A	Section 5-654.	Section 5-654.	Section 5-654.	Section 5-654. 2-access points; & access location.	Section 5-654. 1-access point; & access location.
Vehicle/Equipment	N/A (Initially Proposed: Paved road access for heavy equipment.)	N/A	Paved road access for heavy equipment.	Paved road access for heavy equipment.	Paved road access for heavy equipment.	N/A	N/A	
Exterior Lighting	Section 5-652(A)(1)-(3) & 12' maximum height for parking lot lighting.	Section 5-652(A)(1)-(3) & 12' maximum height for parking lot lighting. Shall not exceed 55 dB(A). No outdoor music 11PM-10AM on Fri, Sat, & preceding a Holiday & 10PM-10AM other days.	Section 5-652(A).	Section 5-652(A).	Section 5-652(A).	Section 5-652(A).	Section 5-652(A)(1)-(3) & 12' maximum height for parking lot lighting.	Section 5-652(A).
Noise	Section 5-652(B).		Section 5-652(B).	Section 5-652(B).	Section 5-652(B).	N/A	Section 5-652(B).	N/A
Water/Wastewater	Health Department approval.			Health Department approval.				
	Sketch Plan	Sketch Plan (under 5,000 sq. ft. disturbance)	Sketch Plan	Site Plan	Site Plan	Site Plan	Site Plan	Site Plan

Red Text: Identifies standards that are required by similar uses that are being proposed for Limited Breweries.

ZOAM 2014-0003 (Loudoun County Land Use Comparison)

2017 UPDATED Zoning Comparison—II Inconsistent Standards between Rural Uses

RuralZoningComparison.xlsx

Loudoun County Rural Use Zoning Comparison*

3/15/2017

Craft Beverage Manuf. / Section 5-66B	Small Based Bus / Section 5-614	Commercial Winery / Section 5-625	Agri Support Uses w/ Ag / Section 5-627	Farm Based Tourism / Section 5-628	Agri Support Uses w/o Ag / Section 5-630	Eco-Tourism / Section 5-647	Virginia Farm Winery	NEW Rural Uses (2016)
N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Tasting Rm 48% of floor or 5K sq.ft.	10+ acres. 5K sqft structure or storage plus 1K sq.ft. for each add'l 10 ac, not to exceed 15K sq.ft.	Minimum 10 acres.	Min 5 acres. Level I: 12K sq.ft. structures & 5K sq.ft. storage areas.	Min 5 acres. Level III: max 7.5K sq.ft. w/ 80+ ac. Storage Max 25% of structure.	Research: 25 ac min. Farm Distrib: 25 ac min. Equestrian Event Fac: 25ac min. Stable, Livery: 25 ac min	Minimum 5 acres. Structures not exceed 5K sq.ft. Storage not exceed 1K sq.ft.	LC Wineries as of 2015: 88% > 10 acres 69% > 15 acres 62% > 20 acres	
	Hours of operation 10am - 10pm	Hours of operation 10am - 10pm	Hours 6am-9pm (incl deliveries)	Hours 6am-9pm (incl deliveries)	Hours 6am-10pm (incl deliveries)	Hours 6am-9pm (incl deliveries)		
	Employees: Max 3: 3-10ac Max 4: 10-50ac Max 10: 50+ ac	Unlimited?	# People: Max 200: 5-25ac; Max 400: 25-50ac; Max 600: 50-100 ac	# People: Max 300/day up to 5 ac; > 300/day = +40 ac > 600/day = +80 ac	Level I: <200 on 5-25 ac; Level II: >200-400, 25-50ac; Level III: >400-600, 50-100 ac			
Outdoor seating 50' from lot lines of adj. ag or residential, paved access only. No outdoor storage.	100' for 2K sq.ft. bldg. 800' for 2K sq.ft. bldg. 800' adjacent to residential. No parking in req'd yard/ setback.	125' for use.	60' for structures & storage areas	Level I: 100' for 5K sq.ft. Level II: 150' for 7.5K sq.ft. Level III: 200' for 10.5K sq.ft.	Level I: 5-25 ac, 60R Level II: 25-50ac, 110R Level III: 50-100 ac, 175R			
	Section 5-653(C) for storage	Section 5-653(a) for use. Section 5-653(B) for parking	Section 5-653(a) for use. Section 5-653(C) for storage	Section 5-653(A) for use. Section 5-653(B) for parking. Section 5-653(C) for storage	Section 5-653(A) for use. Section 5-653(B) for parking. Section 5-653(C) for storage			
	Section 5-1102	Section 5-1102. Dust-free surfacing material	Section 5-1102. Dust-free surfacing material	Section 5-1102. Dust-free surfacing material	Section 5-1102. Dust-free surfacing material	Section 5-1102. Dust-free surfacing material		
	N/A	Section 5-654	Section 5-654	Section 5-654	Section 5-654	Section 5-654. No more than 1 access point to public road.		
	Paved road access for heavy equipment	Paved road access for heavy equipment	Paved road access for heavy equipment	Paved road access for heavy equipment	Paved road access for heavy equipment			
Section 5-652(A)(1) & (2)	Section 5-652(A)	Section 5-652(A)	Section 5-652(A)	Section 5-652(A)	Section 5-652(A)	For security purposes only		
	Section 5-652(B)	Section 5-652(B)	Section 5-652(B)	N/A	Section 5-652(B)			
Shall be served by central water and central sewer	Health Department Approval?	Health Department Approval	Health Department Approval?	Health Department Approval?	Health Department Approval?	Health Department Approval?	Health Department Approval?	
Not stated	Sketch Plan	Site Plan	Site Plan	Site Plan	??	??	?	
							Zoning/HDI/ VDACs/ODW	

* Update to "Loudoun County Land Use Comparison" chart prepared by LC Staff for ZOAM 2014-0003

Wash-Capeland Consulting, LLC

RURAL USE PERFORMANCE STANDARDS

• Identify inconsistencies between Rural Uses for

- Intensity / Size of Use (Min. Lot Size)
- [Hours of Operation](#)
- Daily/Yearly Parties/Attendees
- [Yard distances](#)
- Landscaping/buffering/screening
- [Parking / Road Access](#)
- Vehicle/Equipment
- Exterior Lighting
- Noise
- Water / Wastewater
- Application requirements
- Permits

ZONING ORDINANCE -- EXAMPLES:

Standards	Minimum	Maximum
Hours of Operation - Noise Impacts	<ul style="list-style-type: none"> • 8a-6p: Farm Based Tourism • 6a-9p: Ag Support • 10a-10p: Commercial Wineries 	<ul style="list-style-type: none"> • 7a-12midnight: B&B's • ? - 2am: Farm Wineries, Distilleries, Limited Breweries • No Restrictions: Rural retreats
Yard Distances	<ul style="list-style-type: none"> • 60' Ag Support Uses • 125' Commercial wineries 	<ul style="list-style-type: none"> • 200' Inns, Retreats, Banquet Event Centers • No Restrictions: Farm Wineries, Distilleries, Limited Breweries
Parking/Road Access	<ul style="list-style-type: none"> • Section 5-1102 – Defining number of spaces/loading • Section 5-654 – Road Access Standards 	Not applied to: Rural corporate Retreats, Farm Wineries, Distilleries, Limited Breweries

RESULT: Inconsistent zoning impacts to adjacent property owners and residents.



OUTDOOR SOUND/MUSIC



OUTDOOR TENT USE



NOISE COMPLAINTS/ENFORCEMENT

NOISES

- Music
- Shouting
- Truck delivery
- Car horns
- Drones
- Motorcycle revving
- Gun Shots



Mr./Ms. Loudoun
County Resident

WHO YA GONNA CALL?

- Zoning Dept. ?
- Zoning Enforcement ?
- Sheriff ?
- VaABC ?



NOISE IMPACTS: *Who Ya Gonna Call?*

ZONING:

Zoning Ordinance Section 5-652 – B

Excessive Sound: Residential, Commercial Industrial Uses. Measured by Sound Level Meter (SLM)

(1) Location in Relation to Residential Use.

No loading/unloading activities or other noise-producing activities shall be allowed **within 250 feet** of an existing single family residential use.

(2) Maximum dB(A).

- Measured at property line of adjacent single family residential lot, shall **not exceed 55 dB(A)**.
- Outdoor music **not allowed after 11:00 PM**.

LAW ENFORCEMENT:

Codified Ordinance--Offenses Against Public Peace Ch. 654.02

Excessive Sound In Residential Areas & Dwellings

- "Audible and Discernable" – not measured
- Vehicle noises, horn 20 seconds, Construction, demolition and/or maintenance activities between hours of **9:00 p.m. and 7:00 a.m**
- Operation of any **instrument, machine or device** between the hours of **11:00 pm and 7:00 am**, in such a manner as to be plainly **audible at a distance of 100 feet** from the source of the sound.

ANSWER:

Zoning Enforcement*
703-777-0103

***But not available on weekends
unless scheduled**



ANSWER:

Sheriff's Department*
703-777-1021

***But measurement criteria /
methods new**

Clear?

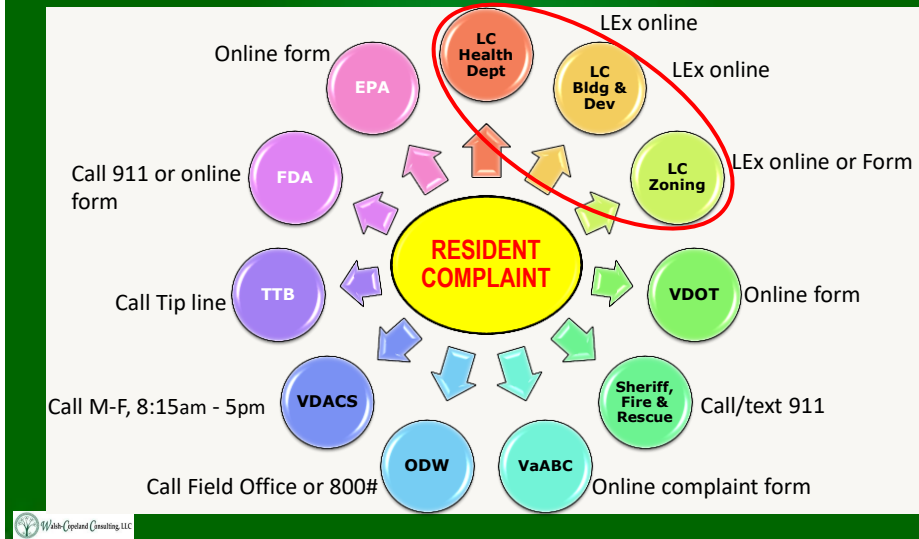


Hours of Operation Impacts: Lighting



COMPLAINTS:

No Consolidated Tracking outside County LEx system



COMPLAINTS:

Not Tracked or Discretionary Reporting

NOT TRACKED:

Letters/emails to


- BOS
- Planning Commission
- State elected officials
- State Agencies
- Federal elected officials
- Federal Agencies
- Social Media/News

INCOMPLETE TRACKING*


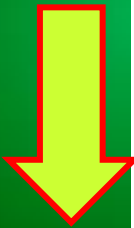
- Calls to Sheriff
- Virginia ABC

* Not all complaints reported on public reports. Discretion and plea bargaining impact incident reports.

RESULT: TOTAL COMPLAINTS UNDER REPORTED



LEX: Loudoun Express Request

PROS

- “Efficient way to connect with county staff”
- “24/7. Question or concern after business hours”

CONS

- Who knows about it?
- Limited / insufficient back-end reporting of complaints by type/source
- Does not consolidate all complaints sources

ACTION/ Enforcement ≠ **Actual Qty of Complaints**

→ Inductive/McNamara Fallacy

YARD STANDARDS

Standards	Minimum	Maximum
Hours of Operation	<ul style="list-style-type: none"> • 8a-6p: Farm Based Tourism • 6a-9p: Ag Support • 10a-10p: Commercial Wineries 	<ul style="list-style-type: none"> • 7a-12midnight: B&B's • ?-2am: Farm Wineries, Distilleries, Limited Breweries • No Restrictions: Rural retreats
Yard Distances	<ul style="list-style-type: none"> • 60' Ag Support Uses • 125' Commercial wineries 	<ul style="list-style-type: none"> • 200' Inns, Retreats, Banquet Event Centers • No Restrictions: Farm Wineries, Distilleries, Limited Breweries
Parking/Road Access	<ul style="list-style-type: none"> • Section 5-1102 – Defining number of spaces/loading • Section 5-654 – Road Access Standards 	Not applied to: Rural corporate Retreats, Farm Wineries, Distilleries, Limited Breweries

RESULT: Inconsistent zoning impacts to adjacent property owners and residents.

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YARD STANDARDS



Examples –
Sufficient yard/setbacks



**IMPACTS:
YARD STANDARDS**



Gravel Road



Neighbor's
Property Line /
House



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COMPARISON - WHAT CAN BE DONE: Loudoun vs. Albemarle Yard Standards

Loudoun County	Setback Requirements
Limited Brewery Farm Winery Eco Tourism	No Zoning setbacks

Albemarle County* Instituted new Yard Standards	FRONT	SIDE	REAR
Structures	75' 25' internal public or private road	25'	35'
Parking Areas	75' 25' internal public or private road	125'	125'

* Farm Wineries, Breweries & Distilleries FAQs, Updated Feb. 1, 2017



PARKING/ROAD ACCESS

Standards	Minimum	Maximum
Hours of Operation	<ul style="list-style-type: none"> 8a-6p: Farm Based Tourism 6a-9p: Ag Support 10a-10p: Commercial Wineries 	<ul style="list-style-type: none"> 7a-12midnight: B&B's ?-2am: Farm Wineries, Distilleries, Limited Breweries No Restrictions: Rural retreats
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RESULT: Inconsistent zoning impacts to adjacent property owners and residents.



ADEQUATE PARKING

Paved Road

Good Screening



VS. INADEQUATE PARKING - IMPACTS



INADEQUATE PARKING - IMPACTS

Neighbor's
Property



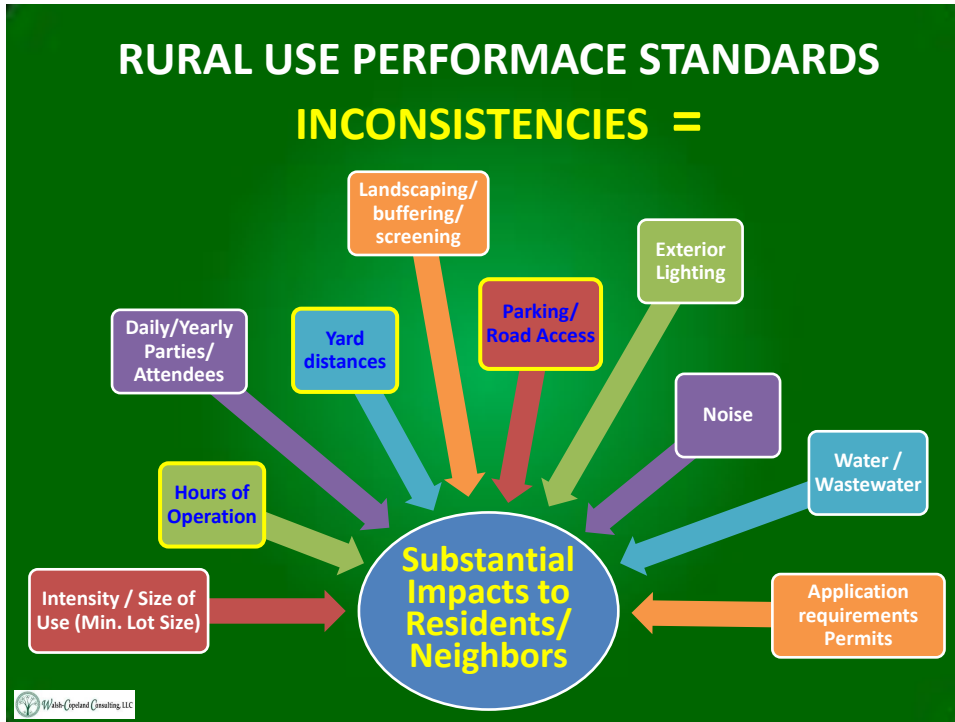
ROAD ACCESS

SUFFICIENT WIDTH



INSUFFICIENT WIDTH





RURAL USE INTENSITY / SIZE OF USE & EVENTS

RURAL USE LOCATIONS--INTENSITY REVIEWED

WINERIES

Bogati Winery
 Cana Vineyards & Winery
 Chrysalis Vineyards
 Corcoran Vineyards & Cider
 Creek's Edge Winery
 Hiddencroft Vineyards
 Maggie Malick Wine Caves
 North Gate Vineyard
 Otium Cellars
 Quattro Goombas Winery
 Sunset Hills Vineyard
 The Wine Reserve at Waterford

BED & BREAKFAST/INNS

Alta Terra Farm B&B
 Georges Mill Farm B&B
 Stone Manor B&B

FARM BREWERIES

Barnhouse Brewery
 Dirt Farm Brewing
 Old 690 Brewing Company
 Quattro Goombas Winery
 Vanish Brewery

WINERIES & WEDDINGS

8 Chains North Winery
 868 Estate Vineyards
 Bluemont Vineyard
 Breaux Vineyards
 Doukenie Winery
 Dry Mill Vineyards & Winery
 Hillsborough Vineyards
 Stone Tower Winery
 The Barns at Hamilton Station

B&B's & WEDDINGS

Goodstone Inn & Restaurant
 Hillsborough B&B
 Little River Inn
 Oakland Green Farm B&B
 Silverbrook Farm B&B
 WeatherLea Farm & Vineyard

WEDDING VENUES

Grandale Vintner's Table
 Whitehall Estate
 Winding Creek Farm, LLC



RURAL USE EVENTS – COMPARISON

Rural Use Type	By-Right Daily	Events	Special Event Permit
B&B Homestay (1-4 Rms) B&B Inn (1-10 Rms) Country Inn (1-40 Rms)	Max 20 Max 50 Max 100	<ul style="list-style-type: none"> • 10 parties/year By-Right • 20 parties/year By-Right • 20 parties/year By-Right >Requires Zoning/Bldg Permit	>10/year >20/year >20/year
Rural Retreats/Resorts	Unlimited?	["Private Party" not deemed a "special event"]	Not Required?
Banquet/Event Facility		Determined at STPL, SPEX or SPMI stage	
Farm Winery, Distillery, Farm Brewery	Unlimited?	Unlimited?	Not Required

RESULT: Inconsistent zoning impacts to adjacent property owners and BUSINESSES.



RURAL USE EVENT VENUES

Ag Structure – Reuse

BEFORE



AFTER



- Added 3 bathrooms and catering kitchen

Ag Barn Venue



- Sufficient yard setbacks
- No interior bathrooms or sinks
- Barns still used for farm storage



In-Use Ag Barn



- No interior bathrooms
- Livestock on lower level
- Sufficient yard setbacks



Former Dairy Barn





- Sufficient yard setbacks

Wade Capital Consulting, LLC

Winery / Weddings Venue

- 2014 New construction, "Cape/Bungalow"
- Taxes: paid
- Adjacent to equestrian center




Wade Capital Consulting, LLC

2014 Banquet Hall



- Taxed: Yes
- Permits: Unknown?
- Inspected: Unknown?



COMPARISON: B&B/Wedding Venue



- Constructed without permits or inspections
- Insufficient setbacks to neighbors (noise, lighting, traffic issues)
- Claiming "Ag Structure"
- Non-Ag large scale use



“Ag Barn” – New construction (2017)



Non-Ag large scale use in residential area

“Storage Warehouse” (2015)



Brewery tasting room



Manufacturing

Ag Use



2017 WebLogis: Minimal/Non-Ag, manufacturing, music venue

“Light Utility Building” or “Restaurant”?



2017 WebLogis: No visible Ag, manufacturing, music venue


Performance Venue

7,400 sq ft
Performance
hall/stage
Commercial
kitchen
Conference
facilities
Sports courts,
Riding ring

TRILLIUM GATHERING BUILDING



“Ag Barn”



- Winery, listed for sale
- “Light utility building” on parcel listing
- “Rural Co-working”

Wade-Croft Consulting, LLC

“Ag Barns”



- No building code permits;
- No electrical inspections;
- No plumbing inspections;
- No fire safety inspections;

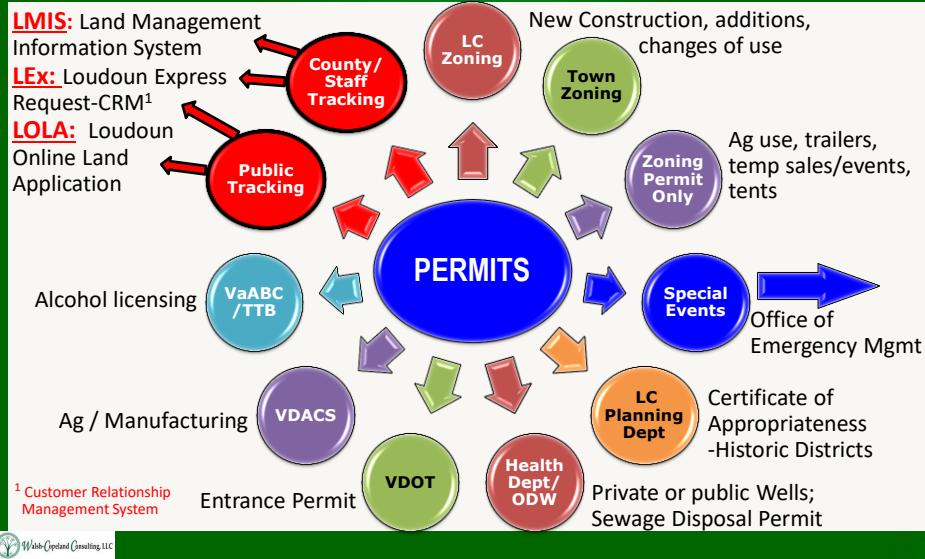
- No Health Dept./Office of Drinking Water (ODW) permits, unless bathroom, sink or catering kitchen disclosed to Health Department & ODW.

RESULT: Concern of adjacent property owners/patrons

Wade-Croft Consulting, LLC

PERMITS – Primer:

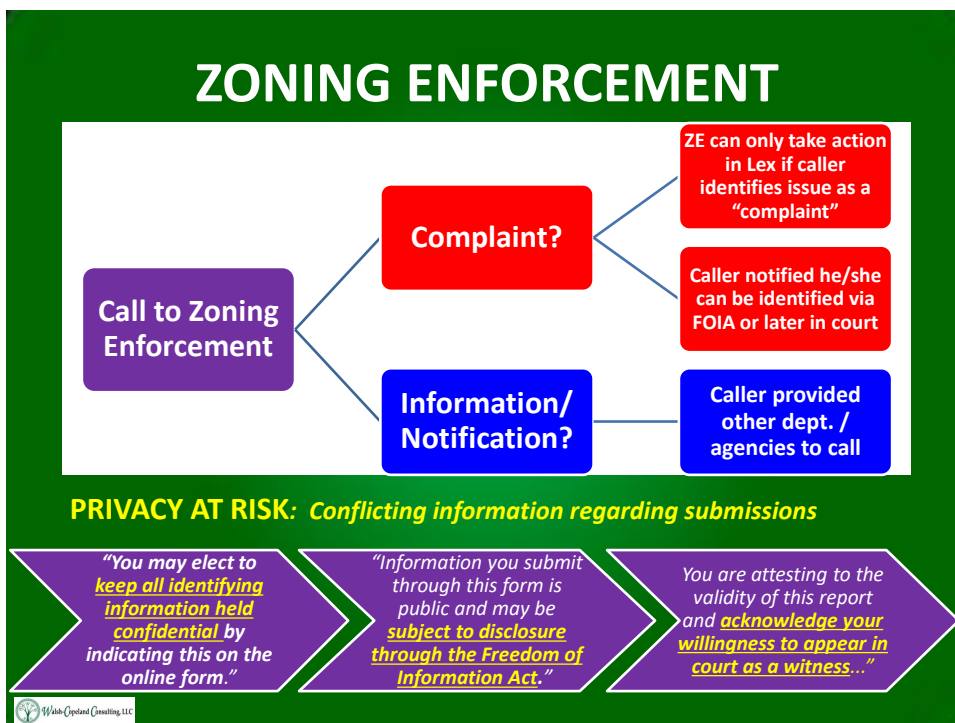
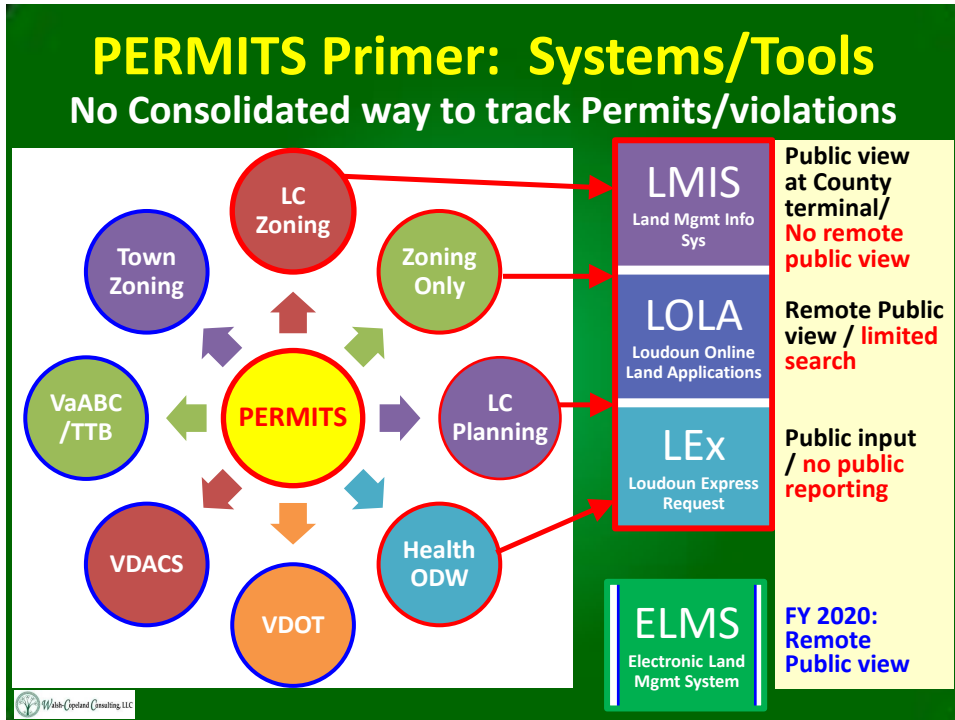
No Consolidated way to track Permit violations



SPECIAL EVENTS PERMITS

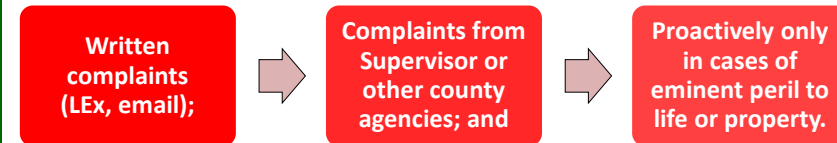
No way to track Special Event Permit violations





Zoning Enforcement Policy*

Since 1992 BOS direction – Zoning Enforcement staff investigates



As of June, 2010:

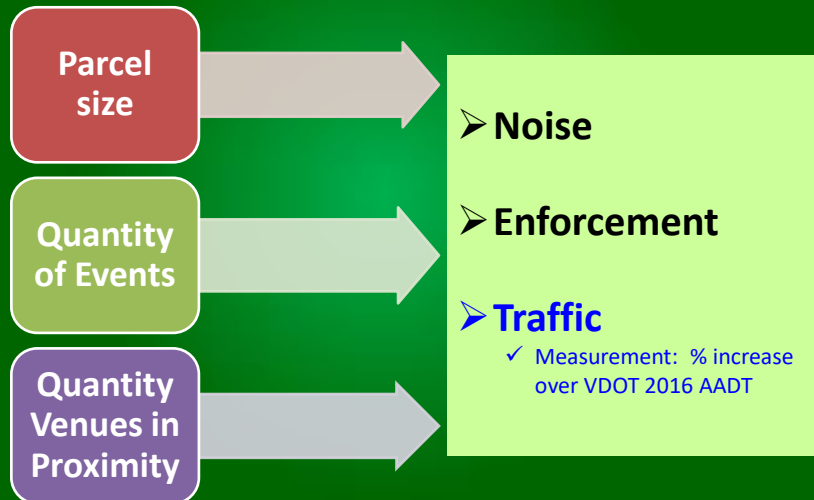
- Zoning Enforcement approved for **Proactive Enforcement** in **Sterling Area** only;
 - Mon-Fri workweek, weekend inspections as necessary.

*BOS Action #11, June 15, 2010
 BOS Action #11, Nov. 17, 2009
 BOS Action #13.b April 19, 2005



**RURAL USE
 INTENSITY / SIZE OF USE**

RURAL USE INTENSITY: FACTORS Impacting Residents/Neighbors



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QUANTIFICATION OF EVENTS:

**Event Facilities
with 20+
VaABC
Banquet
Licenses
(to individuals,
wedding/party hosts)**


Privilege Description	LOCATION NAME	2016 COUNT	2017 COUNT
Banquet (Per Day)	National Sporting Library & Museum	16	21
Banquet (Per Day)	8 Chains North Winery	21	19
Banquet (Per Day)	Cascades Overlook Event Center		32
Banquet (Per Day)	Morven Park	21	6
Banquet (Per Day)	Sunset Hills Winery	23	6
Banquet (Per Day)	Quattro Goombas Winery	26	13
Banquet (Per Day)	The Barns at Hamilton Station Vineyards	31	23
Banquet (Per Day)	Breaux Vineyards	42	38
Banquet (Per Day)	Lost Creek Winery/Harvest House	56	59
Banquet (Per Day)	Other Spinks Ferry Rd: Barnhouse Brewery, Hidden Brook Winery, 48 Fields Farm, Riverside on Potomac	4	13
Banquet (Per Day)	Total Spinks Ferry Road	60	72
Banquet (Per Day)	Dirt Farm Brewery	1	
Banquet (Per Day)	Bluemont Vineyards	38	28
Banquet (Per Day)	Great County Farms	5	5
Banquet (Per Day)	The Stable at Bluemont Vineyards	50	49
Banquet Sp Event	TOTAL Foggy Bottom Rd.	94	82
Banquet (Per Day)	Stone Tower Winery - Hogback Mountain Road	109	107
	TOTAL: 19 Venues*	427	398
	Loudoun County TOTAL	1010	1004

RESULT – Total volume of events, in addition to tasting room volume, impacts adjacent property owners

Wade-Capland Consulting, LLC

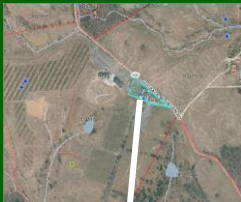
*Approx total 150 venues = 12% hold ~40% events

Virginia Department of Transportation Traffic Engineering Division 2016 Annual Average Daily Traffic Volume Estimates By Section of Route Loudoun Maintenance Area										
http://www.vdot.virginia.gov/info/2016_traffic_data_by_jurisdiction.asp										
Link ID	Route Prefix	Route Number	Route Label	Route Alias	Link Length	Start Label	End Label	AADT	AADT Quality	Data Date
750089	53	00718	53-718	Ashbury Church Rd	1.56	53-690 Hillsboro Rd	SCL Hillsboro	40	R	02/10/2014
785147	53	00718	53-718	Ashbury Church Rd	0.02	SCL Hillsboro	ECL Hillsboro	40	N	02/10/2014
785293	53	00718	53-718	Ashbury Church Rd	0.02	ECL Hillsboro	53-812 Gaver Mill Rd	40	N	02/10/2014
749853	53	00626	53-626	Foggy Bottom Rd	1.04	53-719 W, Airmont Rd	53-739 Austin Grove Rd	180	R	01/27/2014
749854	53	00626	53-626	Foggy Bottom Rd	0.97	53-739 Austin Grove Rd	53-765 Ridgeside Rd	140	R	01/27/2014
749855	53	00626	53-626	Foggy Bottom Rd	1.01	53-765 Ridgeside Rd	53-759 Hollow Oak Rd	240	R	01/27/2014
749856	53	00626	53-626	Foggy Bottom Rd	1.30	53-759 Hollow Oak Rd	53-734 Snickersville Rd	450	R	01/27/2014
749916	53	00657	53-657	Spinks Ferry Rd	1.50	US 15 James Monroe Hwy	53-661 W, Limestone School Rd	420	R	01/27/2014
749917	53	00657	53-657	Spinks Ferry Rd	1.10	53-661 E, Chapel Lane	53-658 Evans Pond Rd	100	R	01/27/2014
749918	53	00657	53-657	Spinks Ferry Rd	0.80	53-658 Evans Pond Rd	53-662 Lost Corner Rd	60	R	01/27/2014
749919	53	00657	53-657	Spinks Ferry Rd	0.90	53-662 Lost Corner Rd	Dead End	80	R	01/27/2014
750221	53	00797	53-797	Mount Gilead Rd	1.00	Dead End	53-662 Loudoun Orchard Rd	200	R	09/13/2010
750222	53	00797	53-797	Mount Gilead Rd	1.80	53-662 Loudoun Orchard Rd	53-770 Dunlop Mill Rd	120	R	09/13/2010
750223	53	00797	53-797	Mount Gilead Rd	1.00	53-770 Dunlop Mill Rd	53-704 Harmony Church Rd	390	R	09/13/2010
749912	53	00651	53-651	Hogback Mountain Rd	2.00	US 15 N, James Monroe Hwy	53-797 Mount Gilead Rd	170	R	05/17/2010

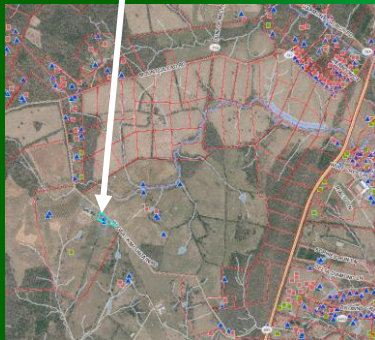
 Web-Captured Counting, LLC



QUANTITY OF EVENTS: EXAMPLE



- 125 acres
- EXIT RIGHT: ~4 Residences, Tar & Chip -- **sufficient width**
- EXIT LEFT: ~40 Residences, Gravel/tar & chip -- **insufficient width**



VDOT 2016 AADT* ~ 1200 trips/week

Peak Season

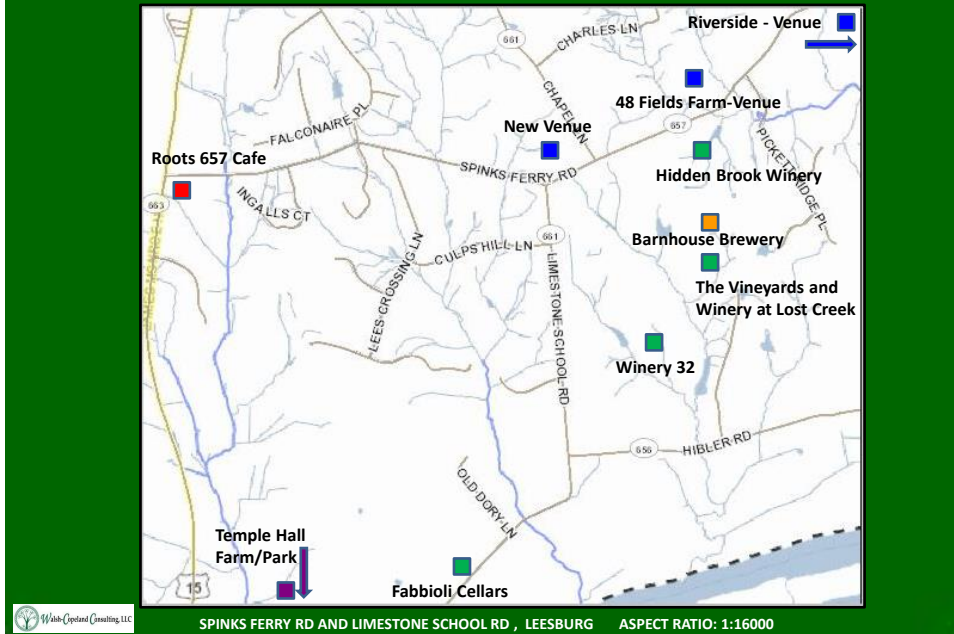
Tasting rooms est. ~ 7000+ trips/week
& weddings

% Inc. for residents = est. 400-500+%

* Annual Average Daily Traffic Volume



VENUE DENSITY EXAMPLE



VENUES IN PROXIMITY IMPACT: EXAMPLE

Spinks Ferry Rd	M	T	W	Th	Fri	Sat	Sun	
2016 VDOT AADT	100	100	100	100	100	100	100	700
Winery 1								
Winery 2	60	60	60	60	150	800	600	1790
Winery 3								
Brewery 1	0	0	0	0	150	500	300	950
Wedding Venue 1								
Wedding Venue 2	0	0	0	0	0	500	400	900
Wedding Venue 3								
TOTAL								4340
% Increase								620%
Limestone School:								
Winery 4	20	20	20	20	50	500	300	930
Farm Tourism	50	50	50	50	50	200	200	650
TOTAL								1580
								5920
% Increase								846%

RURAL TOURISM VIEW:

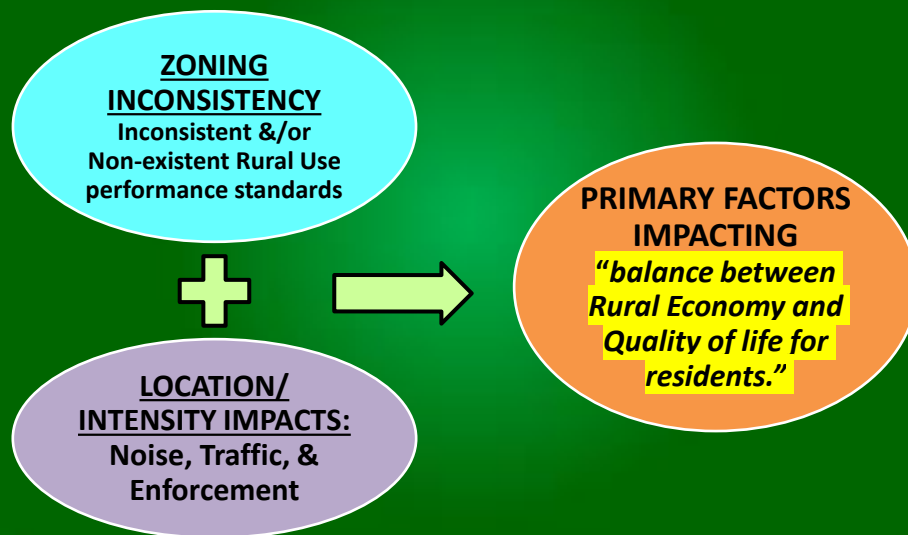
Venues in close proximity benefit tourists/limo companies

RESIDENT/ NEIGHBOR VIEW:

Venues in close proximity cause peak traffic increase in excess of 600%

CONCLUSIONS / WHAT CAN BE DONE

CONCLUSIONS – Response to Original Questions



WHAT CAN BE DONE

- **ZOAM-2015-0006, PHASE II: 2018***
 - ✓ Review rural use performance **standards consistency**: use, scale and intensity.
 - ✓ Review/update **definitions** (Ag requirements/"farm")
- Define **Farm Management Plan** requirements (no "FINO"*)
- Support Rural Business Association **Best Practices/guidelines**
- Primarily non-ag, commercial public use/manufacturing **meet codes**
- Clarify/implement Zoning **Enforcement improvements** (noise, traffic, building permit, violations)
- Improve/implement citizen input/**complaint tracking and reporting**



*Farm In Name Only

WHAT CAN BE DONE Application/Enforcement of Section 5-654 Road Access Requirements & Safety

TABLE 5-654: ROAD ACCESS STANDARDS			
Maximum Vehicles Per Day (VPD) ⁽¹⁾	Onsite Private Road Construction Standards	Public Road Access	
		Public Paved Road Standards ⁽²⁾	Public Unpaved Road Standards ⁽²⁾
1 - 20 VTD	FSM Chapter 4, Table 3, Type C1 Roadway	Permitted	Permitted
21 - 70 VTD	FSM Chapter 4, Table 3, Type C2 Roadway	Permitted	Permitted
71 - 250 VTD	FSM Chapter 4, Table 3, Type C3 Roadway	Permitted	Permitted
251 - 600 VTD	FSM Chapter 4, Table 1, Type A1 Roadway	Permitted	Special Exception Review required (Section 6-1300)
More than 600 VTD	FSM Chapter 4, Table 1, Type A1 Roadway	Special Exception Review required (Section 6-1300)	Special Exception Review required (Section 6-1300)

* VPD is calculated based on an estimated two trips (one in, one out) per individual vehicle.

** Annual Avg Daily Traffic (AADT) is the total annual traffic estimate divided by the number of days in the year. (Source data:

http://www.virginiadot.org/info/resources/Traffic_2013/AADT_053_Loudoun_2013.pdf)



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WHAT CAN BE DONE – Commercial Entrances

Virginia Transportation Research Council (VRTC) Report 16-R18

Trip Generation at Virginia Agritourism Land Uses

- “Results suggest established retail wineries, cideries, breweries likely to **exceed VDOT’s 50-trips-per-day maximum threshold for “low volume commercial entrance.”**
- “Based on findings in study, appears VDOT’s practice of **assuming low trip volumes for agritourism land uses may result in entrances undersized for amount of traffic.”**
- “**Moderate volume commercial entrance** category may be appropriate in most cases.”



WHAT CAN BE DONE LOUDOUN COUNTY ZONING UPDATES

Past regulation interpretations:

2006-2014 COUNTY STAFF interpretation

“Amendments do authorize certain local regulation to protect the health, safety and welfare, and specifically authorize local regulation of outdoor amplified music, minimum parking, road access or road upgrade requirements.”

ZOAG, Planning Commission, TLUC & BOS

Under “impression” County not allowed to establish local zoning regulations for certain rural uses.

However, 2016

- Other Virginia counties established local regulations
- COUNTY STAFF’S interpretation was correct.



COMPARISON/WHAT CAN BE DONE: 2017 Albemarle County Events Management

- **Albemarle Events at Farm Winery, Brewery, Distillery:**
 - **Primary Agricultural Use for Event Eligibility:**
 - **Minimum of 5 acres agricultural product PLANTED ON-SITE** to be used in beverage production
 - On-site facilities for fermenting/distilling
 - **Zoning Clearance Required:**
 - Events or activities **generating over 50 vehicle trips/day***
 - Events on sites under 21 acres
 - **Special Use Permit:** 5 months advance notice for
 - Events or activities with **over 200 attendees at any time**
 - Events with cumulative **attendance of more than 200**
- * (25 round trips, to/from = 50 vehicle trips)



COMPARISON/WHAT CAN BE DONE: 2016 Clarke County Special Event Standards

Clarke County*	Special Events
3-C-2-nn: Wineries, Farm 3-C-2-oo: Breweries, Farm	<ul style="list-style-type: none"> • <u>Permit required for activity/event NOT primarily on-premises sale, tasting or consumption, or</u> • <u>constitutes Special Event defined in § 57.2</u>
<u>§ 57-2 Special Events</u>	<u>Permit Required for</u>
Small Special Event:	150-499 persons, not more than 5 event days/calendar yr
Medium Special Event:	<ul style="list-style-type: none"> • 150-499 persons, 6 or more days/year and • Special Events of 500-999 persons attending
Large Special Event:	1000 or more persons attending an event
§57.3.1 Parcel Size	<u>Special Event not allowed on parcel of less than six acres</u>
§57.3.2 Exemption	Exemption from permit: Less than 150 persons on parcel of 6 or more acres

*Clarke County Zoning Ordinance, Code Chapter 188, 2016 Version



WHAT CAN BE DONE – Standards for New Non-Ag Rural Uses

Indoor/Outdoor Recreation

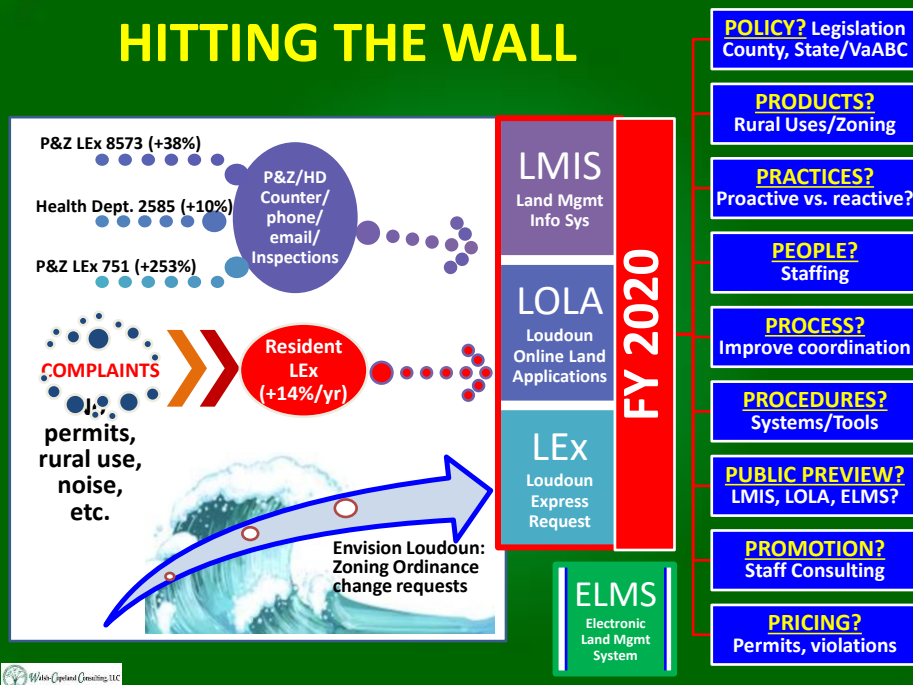


Sport Shooting Ranges



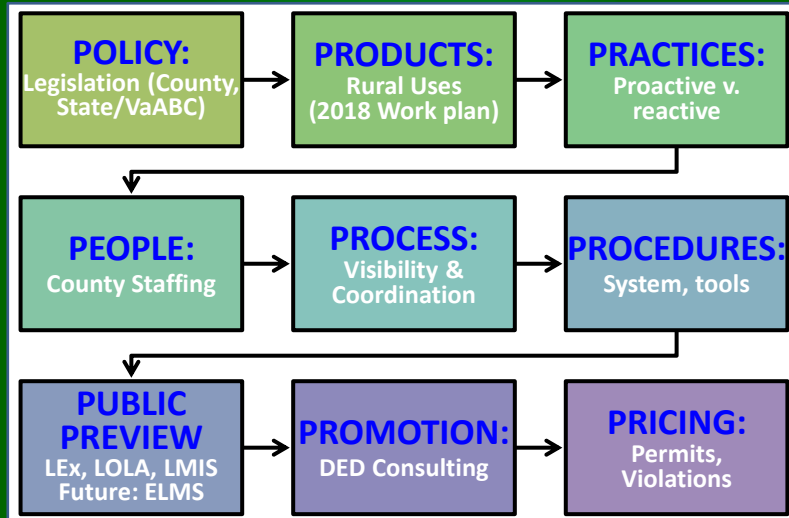
Wade Capital Consulting, LLC

HITTING THE WALL



WHAT CAN BE DONE?

Work with Staff & Committees:



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NEXT STEPS

- ✓ Review with AdHoc REDC Committee – May, 2017
- ✓ Review with REDC, Visit Loudoun – June, 2017
- Review with full Loudoun County Preservation and Conservation Coalition (LCPCC)
- ✓ Review with ZOAG – March, 2018
- ✓ Review with Heritage Commission, April, 2018
- ✓ Review with County Administration, April/May, 2018
- ✓ **Work with County Staff**
- ✓ **Provide “User” input/requirements for 9 “P’s”**
- ✓ **Contact(s)?**
- Review with Planning Commission/TLUC - TBD

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THANK YOU !

QUESTIONS?



Background

MBA

- Finance, Int'l Business, Marketing – New York University

Management/ Consulting

- Deloitte Consulting, systems requirements, budgeting
- Telecom product marketing & process development

Systems/ Support

- Litigation support: Zoning Ordinance, FSM
- Power user: Loudoun Mapping, LOLA, LMIS, LEx

Rural Biz

- Farm leasing manager for 250+ year family farm
- Management Consultant/Independent Estate Admin.

Resident

- Loudoun since 1991, 18 year resident. Live <10 minutes from 30+ wineries, craft beverages, artisans, farms

**Background facilitated detailed analysis,
utilizing Primary vs. Secondary information.**