



Loudoun County

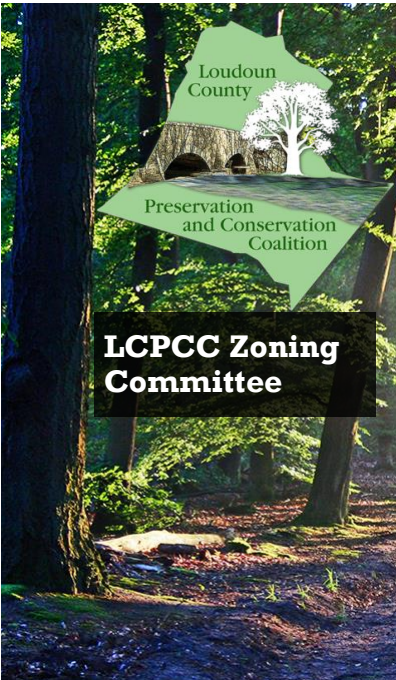
Preservation and Conservation Coalition

Environmental, Natural & Heritage Resources Sub-Committee Discussion

LCPCC Coalition Member Groups:
 Goose Creek Association,
 Loudoun Wildlife Conservancy,
 Mosby Heritage Area Association,
 Piedmont Environmental Council

September 30, 2019


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Loudoun County

Preservation and Conservation Coalition

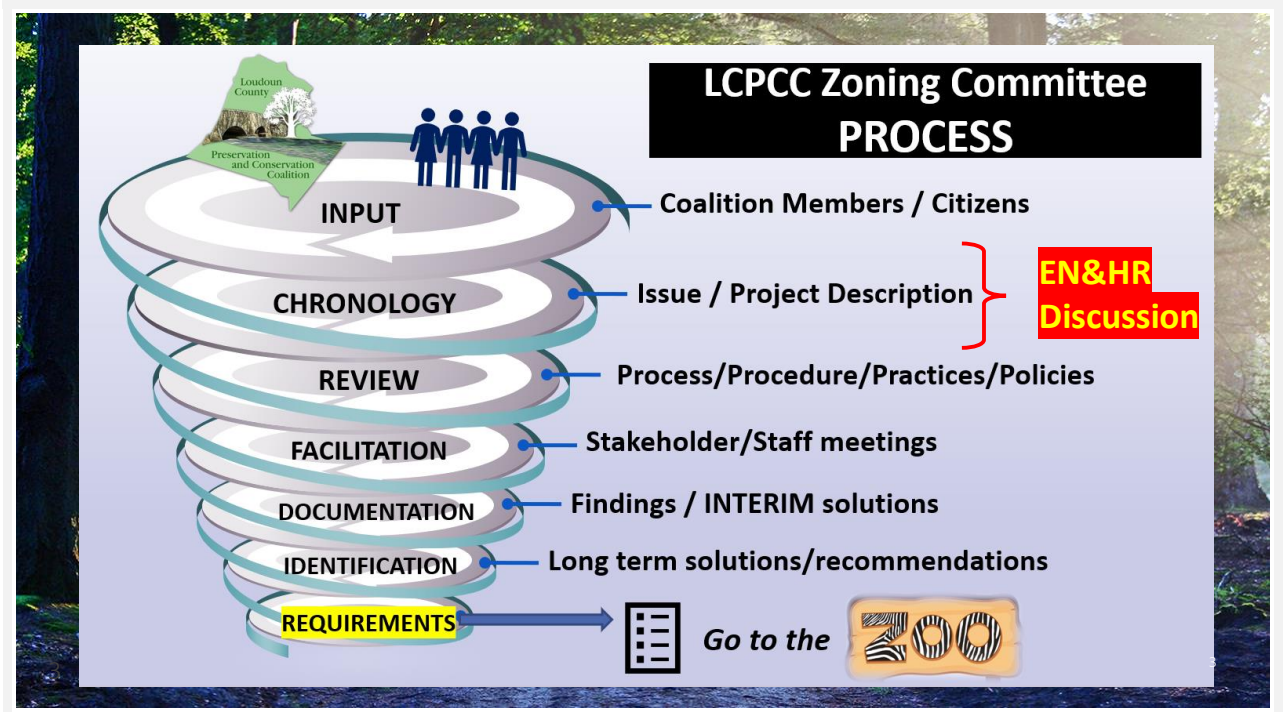
LCPCC Zoning Committee

 **WORK** with Coalition Members to

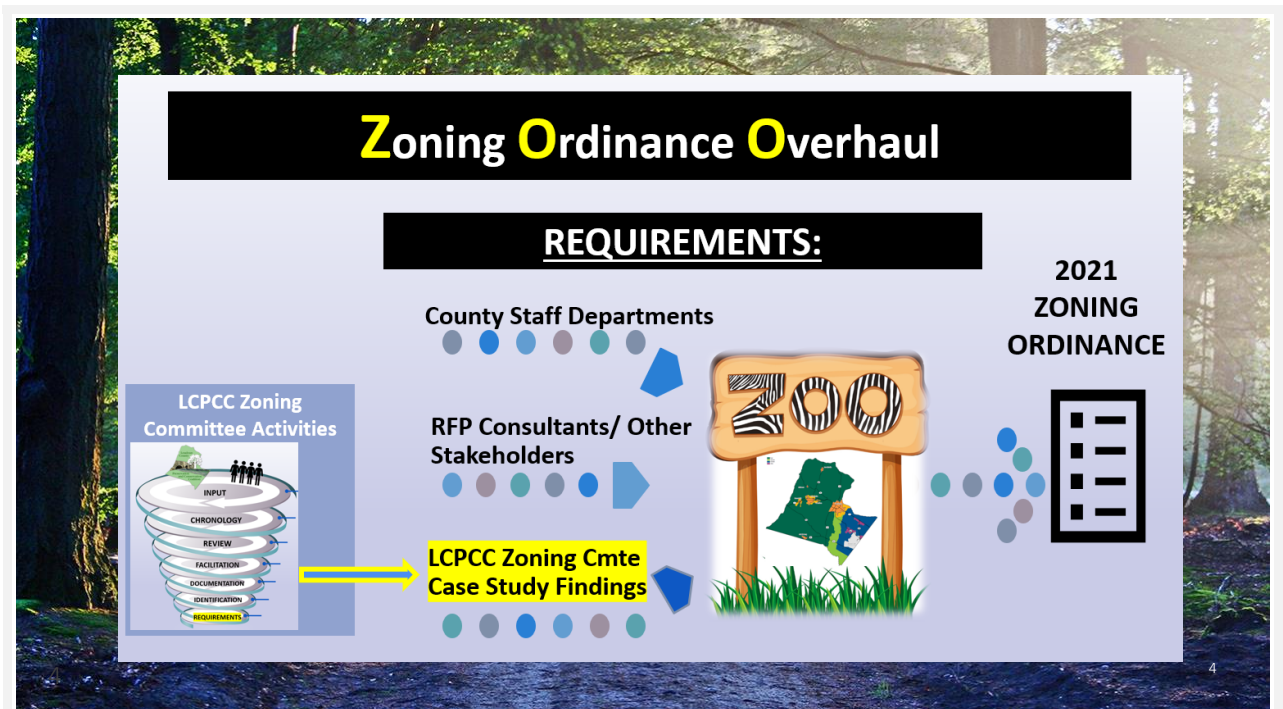
-  **INFORM** & Update members on Case Study and other findings,
-  **IDENTIFY** common issues through case study and application consolidation,
-  **FACILITATE** stakeholder meetings and issues review with County/State Staff, and
-  **DOCUMENT** findings & recommendations -- primary input for *2021 Zoning Overhaul*.

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Environmental, Natural & Historic Resources Sub-Committee

AGENDA



INTRODUCTIONS & MEETING GOALS



ISSUES / DESCRIPTION DISCUSSION



"ZOO" / INTERIM FINDINGS DISCUSSION



NEXT STEPS

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Environmental, Natural & Historic Resources Sub-Committee GOALS – SHORT & LONG TERM



IMPROVE Protections:

- Better lines of communication
- Adjustments in Process & practices
- Staff Roles, Responsibilities & Limitations



SUPPORT Zoning Updates

- Document cases
- Perform Zoning audit
- Identify Common issues with applications and enforcement



DOCUMENT & DISCUSS

- Process, procedure, zoning improvement discussions
- Meetings with Stakeholders/Staff

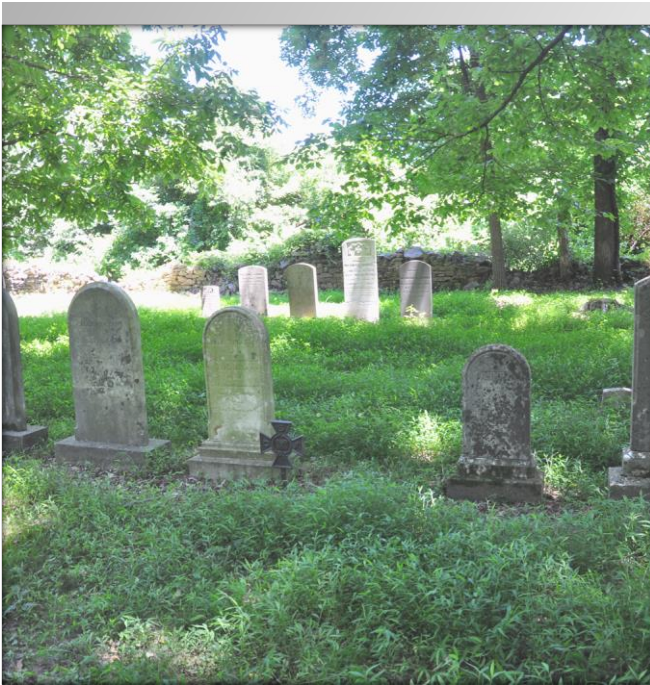


OUTCOMES:

- Assistance to County Staff
- More reliability for EN & HR protections

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NEXT:



Project Description/ Current Concerns

Issues,
Examples,
Suggestions



Zoning Ordinance Overhaul Update

EN&HR Plans
County Plans



Meeting Scheduling

Work Plan,
Activities &
Status



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PROJECT DESCRIPTION



About a dozen trees were recently cut down near the shoreline of Trump National Golf Club in Sterling.
Courtesy Photo/Palmarec/Rivertopker Network Facebook



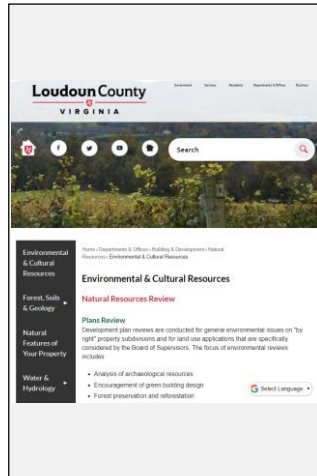
CURRENT ISSUES/CONCERNS:

- Public-facing messaging – website
- Enforcement
- Current Ordinances
- Process – Input & Reports
- Perceptions



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CONCERN: Public-facing Communications—Website



ISSUES

- EN&HR Information hard to find; Indirect access
- Lacks depth:
 - Available links don't correspond with depth of county data & information
 - Search function is better, but still needs improvement

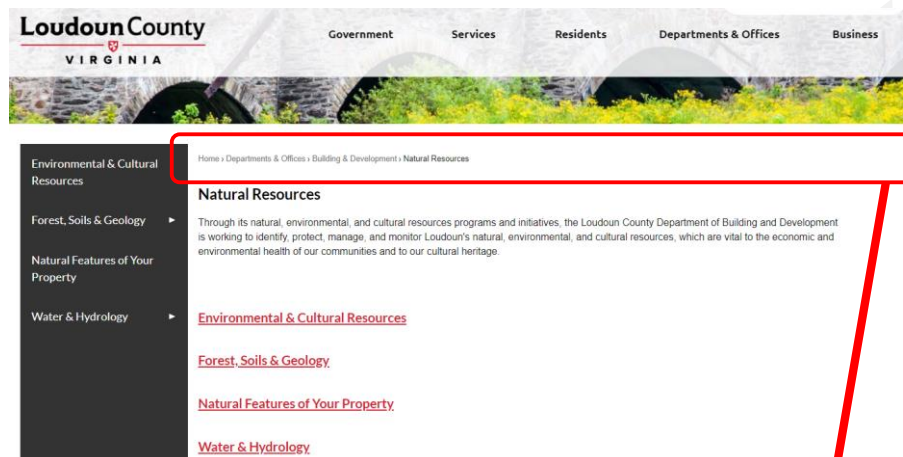
SUGGESTIONS

- Public-friendly presentation
- Review organization; LCPCC to provide alternatives.

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**Three Clicks
& Need to
know where
to start**

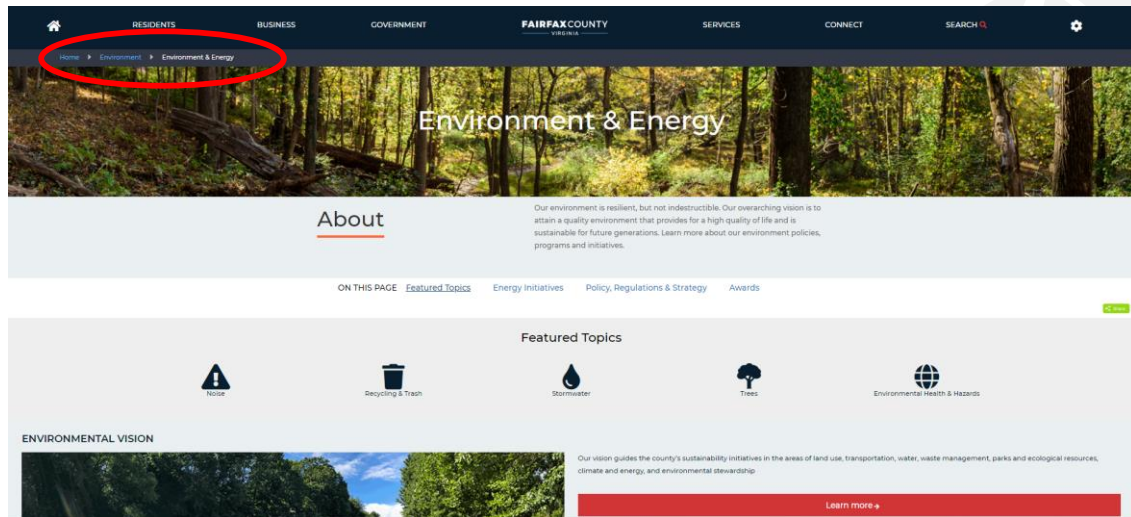


Home > Departments & Offices > Building & Development > Natural Resources >

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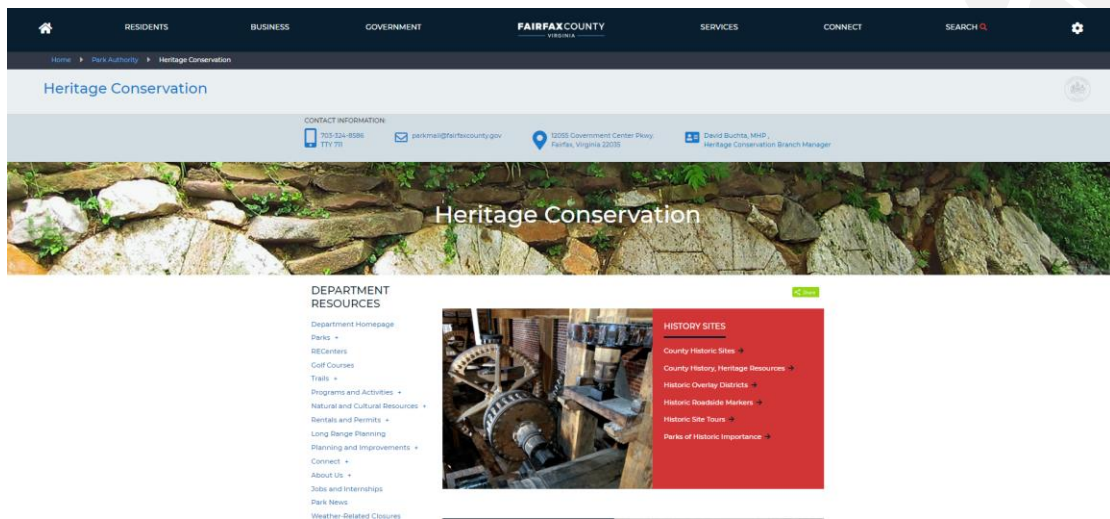
Improve Access for Broad Public Audience



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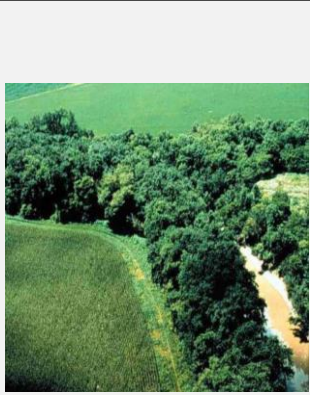
Improve Access for Broad Public Audience



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CONCERN: **Enforcement**



QUESTIONS

- How are regulations in FSM regarding Native Plantings enforced?
- How is preservation of existing tree cover ensured,
- If not maintained, what steps are taken to mitigate?

EXAMPLES

- County facilities
- Riparian areas

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CONCERN: **Current Ordinances**



ISSUES

- "Business-friendly" updates to FSM with no change to Comp Plan or zoning ordinance
- Lack of relevant terms in documents prevent protections
- B&D checklists

EXAMPLES

- Loss of protective language, (e.g., tree preservation)
- Prime soils, and soils of statewide significance

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CONCERN: **Process – Staff Guidance to Planning Commission & BOS**



EXAMPLES

- Balanced approach in guidance from commissions & advisory boards
- Incorporate/preserve Rt 28 corridor environmental resources in design of developments

DOCUMENTS

- Heritage Preservation Plan
- Facilities Standards Manual (FSM)

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Case Studies in Progress: Buffer ZOAM/DOAM Staff Report

Comparing ZOAM 2017-0005 & DOAM 2018-0001 Staff Reports
PC Worksession July 11, 2019
BOS-PH September 11, 2019

PC-Worksession (prior to PH)

“Staff: Staff recommends that the Planning Commission (Commission) forward ZOAM-2017-0005 and DOAM-2018-0001 to the Board of Supervisors (Board) with a recommendation of approval. The proposed draft text is included in **Attachments 1 and 2**, respectively.”

PC and BOS-PH

“Staff: Staff supports Board adoption of the ZOAM and DOAM as recommended by the PC as provided in Attachments 1 and Attachment 2, respectively.”

Comparing ZOAM 2017-0005 & DOAM 2018-0001 Staff Reports
PC-PH July 30, 2019
BOS-PH September 11, 2019

PC-PH

- “Specifically, ZOAG recommended that grading, not to exceed a 3:1 slope, be permitted within the 25-foot Preservation Buffer, with the limitation that **no improvements be permitted within such buffer, such as buildings and parking.**”

BOS-PH

- “In regard to the new Cemetery, Burial Ground, and Grave buffers, ZOAG ***supports the draft text that permits land disturbance outside of the 25-foot Protection Buffer, but with a limitation that grading not exceed a 3:1 slope for a distance of 25 feet beyond the Protection Buffer.***”

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CONCERN: Process – Staff Reports & Referrals

Date of Meeting: July 30, 2019

PLANNING COMMISSION
PUBLIC HEARING
STAFF REPORT

SUBJECT: ZDAM-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

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: At the pleasure of the Board

STAFF CONTACTS: Josh Elliott, P.A., CZA, Planner, Planning and Zoning
Mark Suter, ACP, CZA, Zoning Administrator
James David, Deputy Director, Planning and Zoning
Loren Edmunds, Public Review Committee Liaison, Building and Development
Mike Seigfried, Director, Building and Development

PURPOSE: To amend the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) and the Loudoun County Facilities Standards Manual (FSM) buffering and screening regulations and establish new regulations for preserving existing structures.

RECOMMENDATIONS:

Zoning Ordinance Action Group (ZDAG): ZDAG supports approval of Zoning Ordinance Amendment (ZDAM-2017-0005) as included in Attachment 1 with one revising issue to be considered. In regard to the Cemetery, Burial Ground, and Grave Buffers, ZDAG recommends that some land disturbance be allowed within the 25-foot Preservation Buffer without requiring a modification from the Zoning Administrator. Specifically, ZDAG recommends that grading, not to exceed a 3:1 slope, be permitted within the 25-foot Preservation Buffer, with the limitation that no improvements, such as buildings and parking, be permitted within such buffer.

FSM Public Review Committee (PRC): PRC supports approval of the Development Ordinance Amendment (DOAM-2018-0001) as included in Attachment 2 and recommends that the ZDAM be amended to eliminate the 25-foot Preservation Buffer or to permit land disturbance without requiring a Cemetery, Burial Ground, and Grave Treatment Plan.

Heritage Commission (HC): While the HC prefers a 50-foot buffer for cemeteries, burial grounds, and graves that cannot be modified, they also support approval of the ZDAM-2017-0005.

ISSUES

- Uneven
- Missing Data
- Subject matter expert referral comments not clearly transmitted to BOS

SUGGESTIONS

- Provide full background information & status of issues from all referrals
- Utilize previous format elements for Staff Reports

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Case Studies in Progress: How to Include Important Details throughout Process?

ZMAP 2006-0058– Kincora
BOS Public Hearing—November 14, 2007 Staff Report
Issues Table (abridged to include only relevant issues)

Referral Agency	Date	Issues Discussed and Status
Community Planning	10/10/06 3/9/07	• Civic and open space undefined. Application not specify uses except possible arts center. Unresolved
Zoning	4/6/07	• Original application proposed uses, including floodplain and steep slope areas. Resolved • Application proposes 27 Ordinance amendments for the PD-TC district. Unresolved
Parks and Recreation		• Demonstrate how the recreational and leisure residents will be met without further taxing 1 recreational facilities in eastern Loudoun. Unresolved • Proposed trails should be located within a de Easement. Resolved • Dedicate the natural park area to the County • Staff recommends the park have a Resource • Staff recommends that any substantial "tree Management Plan. Resolved

Format changes; less detail readily available over time.

ZMAP 2006-0058– Kincora
BOS Public Hearing—November 14, 2007 Staff Report
Issues Table (abridged to include only relevant issues)

Referral Agency	Date	Issues Discussed and Status
Environmental Review Team	10/24/06 3/1/06	<ul style="list-style-type: none"> • Proposal provides significant wetland mitigation and habitat protection. Resolved • The Concept Development Plan has been modified to remove references to potential disturbances to Very Steep Slopes and floodplains in conformance with the <u>Revised 1993 Zoning Ordinance</u>. Resolved • Staff recommends that a 150-foot buffer be provided on either side of the intermittent stream from the Road 21 stream crossing to Broad Run in Land Bay L. Unresolved • Staff recommends that the designated Tree Save Area within Landbay N be expanded beyond the Broad Run floodplain to include undeveloped areas within Forest Cover Type G, and that the existing vegetation in the vicinity of the intersection of Route 7 and Route 28 be included within the designated Tree Save Area. Unresolved • Avoid stream impacts in locating SWM/BMP facilities. Resolved • No SWM/BMP facilities are currently depicted to treat runoff in the southern portion of the project. Unresolved • Opportunities to treat runoff in closer proximity to proposed impervious areas should be explored. Applicant has offered Unresolved • Highway Noise Buffers proffer should be expanded to include a noise study addressing noise generated from Route 28, Russell Branch Parkway/Pacific Boulevard. Unresolved

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Case Studies in Progress: How to Include Important Details throughout Process?

ZMAP 2008-0021– Kincora Village Center
BOS Public Hearing--May 10, 2010 Staff Report
Issues Table (abridged to include only relevant issues)

**Format changes; less detail
readily available over time.**

Topic	Issues Reviewed and Status
Comprehensive Plan	<ul style="list-style-type: none"> The applicant requests that the Board accept 56 acres of participation in the Open Space Preservation Program. Status: Unresolved.
Parks	<ul style="list-style-type: none"> Coordinate the design and location of trails, trail finding signage with PRCS. Status: Resolved. Provide public parking for the 162-acre passive park. Status: Resolved.
Zoning	<ul style="list-style-type: none"> Extending Pacific Blvd will impact very steep slope: <u>1993 Zoning Ordinance</u>. Status: Unresolved. The Planning Commission and Staff recommend that any motion for approval exclude this request. Remove the FSM and LSDO modifications as these are Unresolved. The Planning Commission and Staff recommend that any motion for approval exclude these modifications from any motion.

ZMAP 2008-0021– Kincora Village Center
BOS Public Hearing--May 10, 2010 Staff Report
Issues Table (abridged to include only relevant issues)

Topic	Issues Reviewed and Status
Historic/ Archaeology	<ul style="list-style-type: none"> Exclude the Broad Run Toll House from potential Pacific Blvd alignments. Status: Resolved.
Environmental Review	<ul style="list-style-type: none"> In the event the floodplain is altered, preserve the river & stream corridor resource. Status: Unresolved. Depict existing County floodplain limits. Status: Resolved. Provide environmental mitigation consistent with the "Kincora Restoration Concept Plan" approved with the Kincora SPEX. Status: Resolved. Monitor water quality. Status: Resolved. Protect the heron rookery. Status: Resolved. Mitigate highway noise impacts. Status: Resolved.

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Case Studies in Progress: How to Include Important Details throughout Process?

Ensure important environment and heritage issues raised by staff subject matter experts are part of staff presentation and staff report through BOS deliberations.

OUTSTANDING ISSUES: True North-2017

5. Tree Conservation Area	The Commission asked the applicant to consider designating additional tree conservation area. Staff also recommended increasing tree conservation in light of the Plan's Green Infrastructure policies.	The revised CDP shows additional tree conservation area along the western portion of the Dulles Greenway frontage.	<p>Commission: Addressed. The majority of the Commission felt that the tree conservation areas shown on the plat were sufficient.</p> <p>Staff: Partially addressed. Significant tree canopy exists on the property. Plan policies recommend preservation of these resources. Staff recommends that the applicant continue to consider layout options that would allow for additional tree preservation adjacent to the Dulles Greenway and the western property line.</p>
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OUTSTANDING ISSUES: Arcola Center-2018

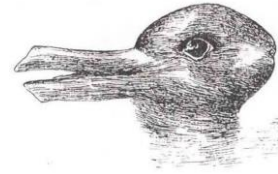
3. Loss of Green Infrastructure – Staff does not support the removal of the open space, floodplain, and TCAs from the subject property. The Central Green was meant to act as an area for enjoyment of all the stakeholders of Arcola Center, whether they lived, worked, or visited the area. Staff does not support impacts to the river and stream corridor and wetland areas, and the removal of Tree Conservation Areas to create additional buildable land. The location of the river and stream corridor resources as well as the small area of floodplain on the subject property will not hinder development of the site.

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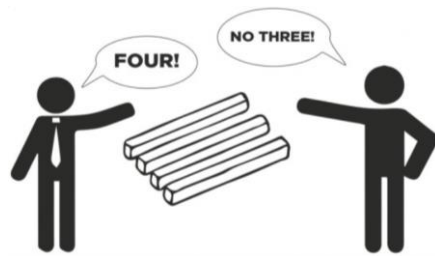
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CONCERN: **Perceptions & Perspectives**

- Objectivity?
- “Customer?”
- EN&HR protection priority?



Duck or Rabbit?



Young or Old?

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Zoning Ordinance Overhaul: **EN&HR Perspective**



Resource Protection needs more teeth for enforcement



- New zoning ordinances will need key terms to implement plan language

Examples:

- Riparian
- Native Plants



- “Encourage” & “incentivize” don’t seem to work today.
- How can these be made more effective in new Zoning Ordinance?



- Comp Plan & Heritage Resource Plan need to be better implemented



- Other valuable state & regional resource documents available.
- Are they utilized?
 - Ag Soils
 - Conservation Corridors

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Zoning Ordinance Overhaul: Questions



- Plans for Reorganizing these sections →
- Will Overlay Districts Remain?

Environmental Regulations

- Article 4 Division C Environmental Impact (Overlay) Districts
 - Airport Impact
 - Floodplain
 - Mountainside
 - Quarry Notification
 - Limestone
- Division A, 5-1000 Scenic Creek Valley Buffer
- Division D, Landscaping, Buffering, Tree Preservation
 - 5-1300 Tree Planting
 - 5-1400 Buffering and Screening
- Division E, Performance Standards

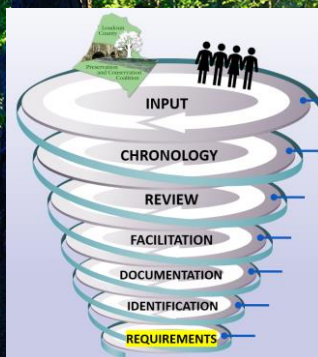
Heritage & Cultural Regulations

- Article 6 Development Process and Administration
- Division A Boards and Commissions
 - 6-300 Historic District Review Committee
- Division F Historic District Procedures
 - 6-1800 Historic Districts
 - 6-1900 Historic Districts Regulation

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NEXT STEPS: Environmental, Natural & Historic Resources Sub-Committee



Planned Work / Activities	STATUS
Provide overview to County Senior Staff	Completed 9/30/2019
Schedule next/on-going meetings: updates	
Complete EN&HR Case Studies in Progress	
Prepare Audit of Current Zoning Ordinances	
Schedule discussions of interim solutions	
Document Requirements for the ZOO	

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