

ZONING ORDINANCE ACTION GROUP MEETING

Wednesday, June 11, 2014 – 8:30 A.M.

Round Hill Room

ATTENDANCE:	Pat Quante	Economic Development Council	Chairman
	Lou Canonico	Individual	Vice-Chairman
	Packie Crown	Dulles South Alliance	
	Jean Brown	Rural Economic Development Council	
	Joe Paciulli	Individual	
	Mark Hassinger	NAIOP	
	Ed Gorski	Piedmont Environmental Council	
	Colleen Gillis-Snow	Chamber of Commerce	
	Kevin Ruedisueli	Individual	
	Nicole Dozier	B&D Zoning Administration	
	Kim Heckber	B&D Zoning Administration	
	Teresa Miller	B&D Zoning Administration	
	Michelle Lohr	B&D Zoning Administration	
	Suzanne Volpe	Board of Supervisors, Algonkian District	

Pat Quante, Chairman, called the meeting to order at 8:37 am.

Approval of Agenda

Motion: The committee agreed by consensus to switch workplan item 5) New Work Plan Items with 4) Current Work Plan Items on the June 11, 2014 agenda. Due to no objections, the committee moved on to individual agenda items.

Approval of Meeting Minutes

Members approved the meeting minutes from the May 14, 2014 meeting.

- 1. Work plan Report (Nicole Dozier, Zoning Administrator)** – Nicole Dozier, Zoning Administrator addressed ZOAG regarding the request by the Board of Supervisors for a report updating them on ZOAG's progress concerning the Stakeholder items from Packages 1 through 3 as well as new work plan items ZOAG will focus on in the future. Nicole informed ZOAG that the Board of Supervisors updated the Strategic Plan at the June 4, 2014 Business Meeting, which included at least four new ZOAMS that would be sent to ZOAG on referral. Nicole also recommended that the work plan report be submitted to the Transportation Land Use Committee (TLUC) for the July 18, 2014 meeting before going to a Board of Supervisors Business Meeting.

2. **New Work Plan Items** – Pat Quante reviewed a potential list of new items for the ZOAG to focus on next. The Committee agreed to move forward with the following:
- a) **Telecom Facilities in PD-H and R districts** – Joe Paciulli, ZOAG member shared the recommended draft language he wrote for this ordinance change. ZOAG agreed by consensus to forward the item to the Board of Supervisors for a Resolution of Intent to Amend the Zoning Ordinance.
 - b) **AC units** – Joe Paciulli explained to ZOAG the need to change this section of the ordinance, as it is out of date and needs to be changed to reflect today's building industry standards. ZOAG agreed by consensus to forward the item to the Board of Supervisors for a Resolution of Intent to Amend the Zoning Ordinance.
 - c) **Section 5-1500 Off-street Parking and Loading** – ZOAG decided by consensus to review the entire parking section of the Ordinance for any necessary modifications.
 - d) **TR District Review** – ZOAG decided to do an overall review of the TR districts, specifically commercial lots having an F.A.R. of less than 0.05.
 - e) **Limestone Overlay District (LOD)** – This item is #84 on the Stakeholders list. ZOAG will recommend changing the Ordinance to state the only area that requires examining by geotechnical firms is the land being disturbed as opposed to the whole parcel.
 - f) **Annual Review** – ZOAG is still working on finalizing and streamlining the process for an annual review of the Zoning Ordinance. ZOAG would like to have a Public Input session annually as well as allow the public to e-mail suggestions to ZOAG all year round. Colleen Gillis-Snow is working on a blurb to add to the Work Plan Report for the Board of Supervisors.

3. **Current Work Plan Items**

- a) **ZOAM -2014-0003 Limited Farm Brewery and Agricultural Processing-** Lou Canonico recapped the Subcommittee's recommendations to treat the Limited Farm Brewery the same as the Virginia Farm Winery, therefore not placing any additional regulations on the use beyond the district regulations. The full ZOAG agreed by consensus with the Subcommittee's recommendations. The item will go to the Board for an Intent to Amend on July 16, 2014.
- b) **ZOAM-2014-0001 Kennels/Indoor Kennels** –Teresa Miller, Zoning Planner, reviewed the current permitting process, the effects of Chapter 808 of the Codified Ordinance being repealed and the purpose of the ZOAM, which is to match County and State regulations. Teresa reviewed the draft language with the full ZOAG and informed them the item would go to the Board for an Intent to Amend on July 16, 2014. The full ZOAG agreed by consensus to support the draft language recommended by staff.

- c) **Telecommunications Towers/ Monopoles** – Joe Paciulli reviewed the draft language he wrote to change the Zoning Ordinance to allow Telecommunications facilities in the PD-H and R districts. The ZOAG agreed by consensus to use the language “Public Use Sites” to show where within the districts the use would be permissible and to dispose of alternative language. The draft text will be submitted with the Work Plan report at the July 18, 2014 TLUC meeting.

Next Meeting

- 1) Wednesday, June 18, 2014 FOD/ Steep Slope Subcommittee TBD
- 2) Wednesday, July 9, 2014 -ZOAG Meeting at 8:30 a.m. in the Round Hill Room on the 3rd floor

Meeting adjourned at 10:25 a.m.

ZONING ORDINANCE ACTION GROUP MEETING

Wednesday, September 10, 2014 – 8:30 A.M.

Round Hill Room

ATTENDANCE: Pat Quante	Economic Development Council	Chairman
Lou Canonico	Individual	Vice-Chairman
Mark Hassinger	NAIOP	
Packie Crown	Dulles Alliance South	
Eric Zicht	Individual	
Kevin Ruedisueli	Individual	
Mark Trostle	NVBIA	
Georjan Overman	B&B Guild	
Colleen Gillis-Snow	Chamber of Commerce	
Jean Brown	Rural Economic Development Council	
Mark Depo	Department of Planning & Zoning	
Nicole Dozier	Department of Planning & Zoning	
Kim Heckber	Department of Planning & Zoning	
Brian Wegener	Department of Planning & Zoning	
Mark Stultz	Department of Planning & Zoning	
Ryan Reed	Department of Building & Development	
John Merrithew	Department of Planning & Zoning	
Pat Giglio	Department of Planning & Zoning	
Kenny Young	County Administration	
Stacey Carey	Board of Supervisors	
Dave Hubbuch	Rural Economic Development Council	

Pat Quante, Chairman, called meeting to order at 8:34 AM.

Approval of Agenda

Motion: The committee agreed by consensus with the items set forth for discussion on the September 10, 2014 agenda. Due to no objections the committee moved on to individual agenda items.

Approval of Meeting Minutes

No meeting notes to approve.

1. Current Workplan Items

- a) **ZOAM-2014-0003 Limited Farm Brewery and Agricultural Processing** – Lou Canonico, Vice-Chairman, disclosed he received several e-mails from the Stakeholders group regarding the ZOAM. Lou explained the subcommittee's recommendations are to have no additional regulations placed on the use, while Staff recommends placing some performance standards such as landscaping, setbacks, etc. regulations on the use. Pat Giglio with the Department of Planning & Zoning, Community Planning Division explained further that the effects from the water and wastewater produced by this use is far more substantial than with a Farm Winery use, which is a concern to Staff. The item is scheduled for Planning Commission Public Hearing on September 16, 2014. The full ZOAG Committee voted by consensus to recommend no performance standards be placed on the use and Lou Canonico would speak on behalf of ZOAG at the Planning Commission Public Hearing. Mark Depo explained the Agricultural Processing portion of the ZOAM would revise the definition of Agricultural Processing to include certain manufacturing uses.
- b) **Floodplain Overlay District/Steep Slopes ZOAM** – Eric Zicht suggested another Subcommittee meeting be held to go over the referral comments and additional comments from Staff not seen by the ZOAG subcommittee and a breakdown of the County Attorney's comments. Ryan Reed went over the matrix of issues with the ZOAG. Staff would like ZOAG to review and give the full committee recommendation at the October 8, 2014 ZOAG meeting so that the item may move forward to the October Planning Commission Public Hearing. The subcommittee will decide at their next meeting whether to submit a separate document listing the ZOAG's recommendations to the Planning Commission at the PC Public Hearing.
- c) **Work Plan Report Update** – Mark Depo updated ZOAG on the Work plan discussion from the September 3, 2014 BOS Business Meeting. The BOS recommended that Staff move forward with an Intent to Amend for the AC units and Telecom Tower items; to be tentatively scheduled for an October Board meeting. The Rural Issues, Limestone Overlay District, and Historic Districts subcommittee (Dave Hubbuch, Packie Crown, Kevin Ruedisueli, Eric Zicht, and Georjan Overman) and Home Occupations subcommittee (Pat Quante, Colleen Gillis-Snow, Mark Trostle, Lou Canonico, Mark Hassinger and Kevin Ruedisueli may join the subcommittee later) were formed. The Home Occupation subcommittee members will also make up the Mixed Use district, Commercial F.A.R., and F.A.R. Averaging subcommittee. Brian Wegener, Department of Planning & Zoning, was introduced as the new County Staff liaison to ZOAG.
- d) **ZOAM Process** – ZOAG members had a discussion on how to make the process work so that it is more efficient and ZOAG's recommendations are duly

represented at the public hearings. Pat Quante recommended adding further discussion of this item on the next agenda.

Next Meeting

Meeting scheduled for October 8, 2014 in the Round Hill Room, 3rd floor of the Government Center at 8:30 AM

Tentative Meeting for September 24, 2014 for FOD/Steep Slopes- TBD

Meeting adjourned at 10:29 a.m.

ZONING ORDINANCE ACTION GROUP MEETING

Wednesday, October 8, 2014 – 8:30 A.M.

Round Hill Room

ATTENDANCE: Pat Quante	Entitlement Process Volunteer Workgroup	Chairman
Lou Canonico	Individual	Vice-Chairman
Mark Hassinger	NAIOP	
Packie Crown	Dulles Alliance South	
Eric Zicht	Individual	
Kevin Ruedisueli	Individual	
Mark Trostle	NVBIA	
Georjan Overman	B&B Guild	
Linda Erbs	Dulles Area Association of Realtors	
Joe Paciulli	Individual	
Mark Hassinger	NAIOP	
Nicole Dozier	Department of Planning & Zoning	
Kim Heckber	Department of Planning & Zoning	
Brian Wegener	Department of Planning & Zoning	
Mark Stultz	Department of Planning & Zoning	
Mark Depo	Department of Planning & Zoning	
Ryan Reed	Department of Building & Development	
Kelly Boles	Department of Economic Development	
Dave Hubbuch	Rural Economic Development Council	
Suzanne Volpe	Board of Supervisors, Algonkian District	
Stacey Carey	Aide to Supervisor Geary Higgins	
Jean Brown	Rural Economic Development Council	

Pat Quante, Chairman, called meeting to order at 8:33 AM.

Approval of Agenda

Motion: The committee agreed by consensus with the items set forth for discussion on the October 8, 2014 agenda. Due to no objections the committee moved on to individual agenda items.

Approval of Meeting Minutes

The August 13, 2014 meeting notes were approved with the following changes: add the proposal of telecom towers on ridgelines in Western Loudoun to the workplan for the Rural uses subcommittee. The September 10, 2014 meeting notes were approved.

1. ZOAM Process – Pat Quante, Chairman updated ZOAG on the meeting he and Lou attended with Charles Yudd, Julie Pastor, and Chairman York. Pat informed ZOAG they would be a standing item on the agenda at each Transportation Land Use Committee (TLUC) meeting to aid in getting items to the BOS. Supervisor Volpe explained the step-by-step process of getting an item to BOS through TLUC. Supervisor Volpe also informed ZOAG that TLUC has initiated an Intent to Amend for the Telecom towers in PD-H districts item and the AC units item. In addition, the Zoning Division Staff reports will have a separate section dedicated to ZOAG’s recommendations/position. ZOAG will also be permitted to sit at the table during Public Hearings to answer questions and/or explain their position directly. Nicole Dozier mentioned Brian Wegener may draft ZOAG’s position on all Workplan Items.

2. Current Workplan Items

a) **Floodplain Overlay District/Steep Slopes ZOAM-2014-0004** – Eric Zicht updated ZOAG on the subcommittee’s progress including accomplishments they have made and still outstanding issues/disagreements with Staff. The major outstanding issue remaining for Steep Slopes is allowing a Minor Special Exception to modify engineering standards and uses in the Steep Slopes Section of the Ordinance. Staff is opposed because it violates the Comprehensive Plan. The subcommittee is hoping to meet the following week to discuss and finalize the ZOAG and Staff language. Eric requested that ZOAG allow the subcommittee to finalize the item. Lou recommended removing the engineering standards from the Zoning Ordinance, however, Eric said that the subcommittee compromised on that issue; in addition, it would lengthen the timeline for the ZOAM. Mark Trostle made a motion to allow the subcommittee to finish the edits and draft a finalized document, Georjan seconded the motion, and by consensus, the ZOAG voted to give the subcommittee authority to finalize the draft language. Volpe offered her aide Josh Fornwalt to draft all of ZOAG’s Intent to Amend documents. Volpe asked if Dave Hubbuch could sit at the table, as he would be appointed to the ZOAG at the next BOS meeting. Eric explained that the FOD section of the Ordinance is restrictive because the County must be in accordance with FEMA standards. The subcommittee and Staff’s major disagreements are the following: Stormwater Management and BMP’s being permitted in both the major and minor floodplains if permitted in the underlying zoning district; allowing parking in the major and minor floodplains for uses permitted in the underlying zoning districts; allowing storage in the major and minor floodplains by Special Exception; and changing Special Exceptions in the major and minor floodplains to Minor Special Exceptions. Eric mentioned a letter submitted by the B&B Guild that the subcommittee has not reviewed. The letter is recommending to allow the 5,000 square feet exemption be extended to the major floodplain

and allow overflow during special events in major and minor floodplains. The subcommittee will further discuss this issue next week. There was an additional discussion as to how the “such as” in Section 4-1505(A) (3) is interpreted. Mark Stultz, Deputy Zoning Administrator informed ZOAG this would be changed in the final draft to be non-specific stating passive and non- passive recreational uses. By consensus, the subcommittee will look into by-right parking in the floodplains with performance standards including looking at other jurisdictions. The ZOAM is due to go before the Planning Commission on November 18, 2014; therefore, the draft should be finalized by October 29, 2014.

- b) **ZOAM-2014-0003 Limited Farm Brewery and Agricultural Processing** – Lou Canonico, Vice-Chairman, went to the Planning Commission (PC) Public Hearing on September 16, 2014 and informed ZOAG that the item also went to a Work Session on October 7, 2014. At the Work Session, the Planning Commissioners recommended reducing the 10 or so performance standards from the Staff Report to 3 or 4 performance standards. Lou was asked by the PC to come back to ZOAG and have the full committee look at the performance standards, and try to pair them down. The PC did mention that they believe the same performance standards should apply to both wineries and breweries; existing wineries would be grandfathered. Mark Depo informed ZOAG the item would be going back to a Work Session in November or December 2014. Lou recommended reactivating the Brewery subcommittee to discuss the following performance standards: structures are 60 feet from property line; parking would be 40 feet from property line; landscaping and buffering requirement if residence is within 300 feet or the adjacent properties is 4 acres or less and a farm fence to prevent trespassing; road access being 2 points maximum; add language referring the applicant to the Health Department’s regulations on waste water e; and a sketch plan requirement.

- c) **New Work Plan Items** – There were no new work plan items at this meeting. Nicole Dozier updated ZOAG on the Telecom towers in PD-H and AC units items. The Intent to Amend is going before the BOS at the October 15, 2014 meeting. The Telecom item timeline will be decided by County Administration, but the probable start would be January 2015. The Ac units Intent to Amend is probable for November. The Dog Park Amendment was brought up during the meeting. Nicole explained the amendment as an information item to the committee; ZOAG will not be a referral agent on this ZOAM.

Next Meeting

- a) Meeting scheduled for October 15, 2014 at 9:00 AM for Rural Use/Limestone Overlay District/ Historic Structures in the Lovettsville Room, 1st floor of the Government Center
- b) Meeting scheduled for October 22, 2014 at 10:00 AM for Limited Farm Breweries in the Hamilton Room, 2nd floor of the Government Center
- c) Meeting scheduled for October 29, 2014 at 9:00 AM for Home Occupations and Mixed Use Districts/Commercial F.A.R. in TR Districts/F.A.R. Averaging in the Round Hill Room, 3rd floor of the Government Center
- d) Meeting scheduled for November 12, 2014 at 8:30 AM in the Round Hill Room, 3rd floor of the Government Center

Meeting adjourned at 10:24 a.m.

ZONING ORDINANCE ACTION GROUP MEETING

Wednesday, November 12, 2014 – 8:30 A.M.

Round Hill Room

ATTENDANCE: Pat Quante	Entitlement Process Volunteer Workgroup	Chairman
Lou Canonico	Individual	Vice-Chairman
Mark Hassinger	NAIOP	
Packie Crown	Dulles Alliance South	
Eric Zicht	Individual	
Kevin Ruedisueli	Individual	
Mark Trostle	NVBIA	
Georjan Overman	B&B Guild	
Joe Paciulli	Individual	
Colleen Gillis	Chamber of Commerce	
Dave Hubbuch	Rural Economic Development Council	
Michelle Lohr	Department of Planning & Zoning	
Brian Wegener	Department of Planning & Zoning	
Mark Depo	Department of Planning & Zoning	
Ryan Reed	Department of Building & Development	
Kelly Boles	Department of Economic Development	
Cassie Walls	Department of Economic Development	
Katie McConnell	Department of Economic Development	
Miguel Salinas	Department of Economic Development	
Suzanne Volpe	Board of Supervisors, Algonkian District	
Stacey Carey	Aide to Supervisor Geary Higgins	
Jean Brown	Rural Economic Development Council	

Pat Quante, Chairman, called meeting to order at approximately 8:30 AM. During the committee's reaffirming of COIA Lou Canonico, Vice-Chairman, informed the committee that he had e-mail communications with Janell Zurschmeide of Dirt Farm Brewing regarding the Limited Farm Brewery ZOAM.

Approval of Agenda

Motion: The committee agreed by consensus with the items set forth for discussion on the November 12, 2014 agenda with the addition of 3f) Telecom towers in PD-H districts ZOAM and 3g) ZOAM-2014-0007: AC units in Required Yards. Due to no objections, the committee moved on to individual agenda items.

Approval of Meeting Minutes

The October 8, 2014 meeting notes were approved with the following changes: Mark Hassinger's name appears twice under attendees, remove one.

1. Current Workplan Items

- a) **ZOAM-2014-0004: Floodplain Overlay District/Steep Slopes** – Eric Zicht updated the ZOAG on the progress of the ZOAM. He stated that #4 of the Staff report created a new issue because the existing Zoning Ordinance says the only way to have a road cross a major flood plain is if it is shown on the Concept Development Plan (CDP). However, Jimmy Edmonds had previously explained that if the road is shown on the preliminary plan it should still be permitted. Eric requested that staff clarify the draft language on this issue .Eric also informed the committee that Staff disagrees on this issue and this is the only new issue that needs further discussion. Eric stated the B&B Guild requested event parking be permitted in the floodplains as it would cause little disturbance and is still subject to the stream corridor buffer which is 50 feet minimum; there is no staff objection on this issue. Eric explained an informational item from a subcommittee meeting in which Mark Hassinger and Linda Erbs brought a case to the subcommittee where there was a property being developed and they wanted to place the Storm Water Management in an existing pond in the floodplain and it was not permitted. Eric and Pat concluded that if properties are not zoned the same then you could not put one part of a facility in one zone and another part in another zone. He informed the committee that the Public Hearing is scheduled for November 18, 2014. The subcommittee will meet with Mark Stultz and Ryan Reed before the Public Hearing to go over all changes again and to further discuss roads crossing major floodplains. The steep slopes document has not changed from the last full meeting and is still moving forward as is. Lou voiced he was still concerned the Creek Valley Buffer may not allow some of the subcommittee's recommended changes. Eric explained the subcommittee would be using the Creek Valley Buffer as argument for some of the changes.

- b) **ZOAM-2014-0003: Limited Brewery/Agricultural Processing** – Lou Canonico informed the committee that the ZOAM is going to tonight's Board of Supervisor's Public Hearing. Lou explained the original staff recommendations with performance standards and Planning Commission recommendations

including a sketch plan with certain information required would be going forward to the Board of Supervisors, but there are no performance standards related to sketch plan. Mark Depo clarified the Planning Commission draft text is what would be going forward to the Board of Supervisors Public Hearing, which includes a sketch plan addressing the location of structures, storage areas, tasting and event areas; nearby residences; ingress/egress and access drives; parking; environmental features; well and septic; landscaping and screening; and exterior lighting. He explained further that this is for informational and locational purposes for safety and welfare and not for the actual use. In addition, the Fire Marshall and Building Code Inspectors would have access to the document for safety purposes. Kevin Ruedisueli stated one requirement would necessitate obtaining permission from the other property owner/s if there is an easement. Colleen Gillis expressed that she believes this a private contractual matter; the subcommittee agreed with this as well. Kevin explained that because not all easements have an existing agreement the Planning Commission thought the sketch plan with information and location on it would be a good solution. Lou explained the subcommittee has not had chance to discuss this issue and recommended ZOAG move forward with the original recommendations of defining the use, adding the use to four zoning districts and to treat breweries the same as farm wineries. He added that the Board of Supervisors directed Economic Development and the Business Assistance Team to work with the Loudoun Brewery group to develop informational packets for the public so they know the approval process and can get questions answered more readily. Mark Depo further explained for the brewery use that whether you are building a new or have an existing structure you are required to do a sketch plan and that wineries only require a sketch plan for new structures. Stacy Carey, Aide for Supervisor Higgins, asked what feedback had been received from the industry regarding current protocol. Mark Depo stated that Staff has only looked into the licensing aspect of the operation and not the sketch plan. Eric Zicht stated that if the point is to mimic the farm wineries, then AR-1, AR-2, A-3, and A-10 districts should not include a reference to Section 5-600 of the Zoning Ordinance. Eric stated it might be a mistake to exclude breweries from other districts where wineries are currently permitted. Supervisor Volpe explained that this type of change could delay the progress of the ZOAM by at least 6 months. Lou explained the subcommittee did not discuss other districts being added and it is important to stay on track and not further delay the ZOAM. He commented that the Alcohol Beverage Control (ABC) requires a sketch plan; Mark Depo agreed. Mark explained that if the ZOAM was passed as the text is written today, a

sketch plan is needed whether the building is new or existing. He further explained the County requires a sketch plan with a zoning permit application. Kevin Ruedisueli reaffirmed that the sketch plan gives County Staff and other agencies a detailed description of the property and where it is in relation to neighboring properties. There may be noise issues, trespass issues, etc. and this would give others a chance to examine the property. Georjan Overman commented that the issue with a 300 –foot buffer from a residence on another parcel would require some kind of landscaping or physical barrier, which may take up a majority of usable space. Pat Quante recommended staying with the committee’s original recommendation to treat farm breweries like Virginia Farm Wineries and Georjan Overman seconded the motion. Joe Paciulli stated he believed that a sketch plan might have valid merit and reason. Supervisor Volpe voiced concern regarding Section 5-667 of the Zoning Ordinance because she believes the sketch plan requirements need more clarity and it is important to treat the wineries and breweries the same. She stated the item would be the first item on the agenda at the November 21, 2014 Transportation Land Use Committee (TLUC). Lou Canonico proposed an amendment to the position being that the full committee would move forward with their original position with the caveat that if the Board of Supervisors wants to adopt sketch plan requirements ZOAG will get to look at the proposal before it is adopted. Mark Hassinger Supported the motion. Mark Depo explained that current zoning permit process for a new agricultural building requires a sketch or plot plan, which also goes to the Health Department. He explained there is currently no language requiring Staff to send any documents to the Fire Marshal or Building Code Official. Pat Quante voiced concern that the draft language says approval for a sketch plan and it is supposed to be for informational purposes only. Supervisor Volpe recommended that ZOAG come to TLUC on November 21, 2014 to gain more clarity and do minor housecleaning on the item before it goes back to the Board of Supervisors. Lou Canonico was voted by consensus to represent ZOAG at the meeting; Colleen Gillis will attend as well. The Motion was split to proceed with original recommendations as Motion 1, Motion 2 is a sketch plan for informational purposes only, and the list of requirements is reasonable.

- c) **Rural Use/Limestone Overlay District/ Historic Structures Subcommittee –** Packie Crown informed the committee they have only had one organizational meeting. The real committee work will start today at the second subcommittee meeting. She stated a representative from the County Attorney’s office would be at the meeting to discuss the agricultural processing statute and that a matrix of

uses is being created to enable the subcommittee to go through the uses more efficiently, which will be shared with the full committee later. The subcommittee was given a list of issues that need to be addressed by Staff such as house cleaning and quick fixes. Georjan stated that the Rural Economic Development Council (REDC) and other associations were solicited for any areas they believe need to be addressed in the Ordinance including reviewing the Stakeholders list. Dave Hubbuch informed the committee that the REDC would be having a policy and implementation meeting on Wednesday, November 20, 2014 and they have reached out to the Equine Alliance. Packie stated that at a previous Board of Supervisors (BOS) meeting it had been determined that the BOS changed the priority of this ZOAM. Brian Wegener, Planning and Zoning liaison, stated depending on how the BOS wants to proceed there may be some items that have to wait for an Intent to Amend. Packie recommended the Mixed Use Business and Rural Use subcommittee work concurrently and the Rural Use subcommittee could slow down if necessary. Packie explained the only quick fix item would be Historic Structures and the other items would take some time. Georjan stated staff could do quick fixes separately. Eric Zicht recommended sending the Limestone Overlay District to the Facilities Standards Manual (FSM) Committee for their feedback.

- d) **Home Occupation**—Mark Trostle, Co-chair, updated the full committee of the subcommittee's progress on Home Occupations including adding the use to all districts where residential is allowed and awaiting answers from Staff on some logistical questions. He stated it would be completed in two meetings and could be put aside if need be. Brian Wegener was announced as the Staff Project Manager for this ZOAM and he informed the committee he would have draft language available at November 19, 2014 subcommittee meeting. The committee was informed that if ZOAG has an item ready for an Intent to Amend to bring it to TLUC as an update item. Supervisor Volpe stated ZOAG could come to the November 21, 2014 TLUC meeting if they had an item ready to move forward before the next meeting in January 2015.
- e) **Mixed Use/ F.A.R. ZOAM** —Colleen Gillis, Co-chair, updated the committee on the first Mixed Use Business meeting, in which the subcommittee set up a list of questions for staff such as what districts staff thinks belong and a list of zoning modifications. Colleen expressed it is important to the County that the changes are in place and usable once metro tax districts are established. Mark Hassinger talked about how mixed use has changed dramatically and upcoming retail changes are something Loudoun needs to get in front of. There was a clarification of who was on the subcommittee, which includes Mark Hassinger, Kevin Ruedisueli, Collen Gillis, Lou Canonico, and Joe Paciulli. Mark Depo recommended the Rural Use subcommittee look at the small business use. Colleen explained the Mixed Use subcommittee did not look at standards in the rural area because the issue is better suited for the Rural Use subcommittee.

Georjan suggested reviewing the section of the Ordinance that talks about a small business that becomes too big, which is subjective, having to move to a commercial area. ZOAG authorized the Home Occupations subcommittee to move forward at the TLUC meeting on November 21, 2014 to ask for intent to Amend. Supervisor Volpe stated she would add the ZOAG update to the TLUC agenda in case they are ready to go at that time. Brian Wegener informed the committee that Home Occupations would be added as an accessory use in Section 5-100 of the Zoning Ordinance.

- f) Telecommunication ZOAM – Joe Paciulli informed the committee that there is a meeting on Friday, November 14, 2014 with various Staff, the Communications Commission, and Milestone, which he will attend on behalf of ZOAG. He explained the purpose of the meeting was to gain more direction on the issue.

- g) **ZOAM-2014-0007 AC Units** - Joe Paciulli informed ZOAG he has not heard an update from Staff other than the intent to amend. Mark Depo will check on the status and report to ZOAG.

Other Business: Meeting schedule change to end at 10:30 AM. The committee voted by consensus to move the meeting day in 2015 to the first Wednesday of the month.

Next Meeting

- a) Meeting scheduled for November 12, 2014 at 10:30 AM for Rural Use/Limestone Overlay District/ Historic Structures in the Purcellville Room, 1st floor of the Government Center
- b) Meeting scheduled for November 19, 2014 at 11:00 AM Mixed Use Districts/Commercial F.A.R. in TR Districts/F.A.R. Averaging in the Leesburg Room, 5th floor of the Government Center
- c) Meeting scheduled for December 3, 2014 at 9:00 AM for Rural Use/Limestone Overlay District/ Historic Structures in the Purcellville Room, 1st floor of the Government Center
- d) Meeting scheduled for December 10, 2014 at 8:30 AM in the Round Hill Room, 3rd floor of the Government Center

Meeting adjourned at 10:12 a.m.

ZONING ORDINANCE ACTION GROUP MEETING

Wednesday, December 10, 2014 – 8:30 A.M.

Round Hill Room

ATTENDANCE: Pat Quante	Entitlement Process Volunteer Workgroup	Chairman
Lou Canonico	Individual	Vice-Chairman
Packie Crown	Dulles Alliance South	
Kevin Ruedisueli	Individual	
Mark Trostle	NVBIA	
Joe Paciulli	Individual	
Linda Erbs	Dulles Area Association of Realtors	
Dave Hubbuch	Rural Economic Development Council	
Michelle Lohr	Department of Planning & Zoning	
Brian Wegener	Department of Planning & Zoning	
Mark Depo	Department of Planning & Zoning	
John Merrithew	Department of Planning & Zoning	
Kimberly Heckber	Department of Planning & Zoning	
Mark Stultz	Department of Planning & Zoning	
Marsha Keim	Department of Building & Development	
Cassie Walls	Department of Economic Development	
Josh Fornwalt	Board Aide to Supervisor Volpe	
Stacey Carey	Aide to Supervisor Geary Higgins	
Jean Brown	Rural Economic Development Council	

Pat Quante, Chairman, called meeting to order at approximately 8:36 AM.

Approval of Agenda

Motion: The committee agreed by consensus with the items set forth for discussion on the December 10, 2014 agenda. Due to no objections, the committee moved on to individual agenda items.

Approval of Meeting Minutes

The November 12, 2014 meeting notes were approved with the following changes if needed: Staff to verify that 1a) correctly reflects what Kevin Ruedisueli stated during that portion of the meeting.

1. Current Workplan Items

- a) **ZOAM-2014-0004: Floodplain Overlay District/Steep Slopes** – Mark Stultz, Deputy Zoning Administrator, updated the committee on the status of the ZOAM. He stated the Planning Commission (PC) had a Public Hearing on November 18, 2014 where the item was forwarded to a work session. During the December 2, 2014 work session, the PC created a subcommittee to work on the item. The subcommittee has not scheduled any work sessions yet. Mark stated that FEMA is currently updating the flood maps and is reviewing the FOD section of the Zoning Ordinance as it is today. FEMA will be sending Staff a report and comments based on their findings. Mark also stated there could be a delay in the progress of the ZOAM because we are waiting on FEMA and ZOAG may want to consider separating Steep Slopes. Lou requested a copy of FEMA comments once they are available. Mark stated the PC had a number of questions for Staff, which Staff and Eric Zicht are working on answering. The answers will be reviewed at the next PC subcommittee meeting before the item goes before the full PC again. Joe Paciulli recommended separating Steep Slopes out of the ZOAM to move forward; the committee voted by consensus to move forward without the Floodplain Overlay district.
- b) **ZOAM-2014-0003: Limited Brewery/Agricultural Processing** – John Merrithew, Assistant Director of Planning & Zoning, explained to the committee that the original recommendation was for the applicant to submit a sketch plan providing specific information on the sketch plan. He further explained that the end result of the BOS meeting did not require a sketch plan and the applicant would be encouraged to contact the Fire Marshal and a Building Code Official when they received their zoning permit. Mark Depo, Planner, reiterated this information and stated the item would go before the BOS at the January 21, 2015 Business Meeting.
- c) **Rural Use/Limestone Overlay District/ Historic Structures Subcommittee** – Packie Crown informed the committee that the subcommittee reviewed the stakeholders list and reprioritized some of the items. Packie also informed the group that Eric Zicht and Dave Hubbuch reached out to the Rural Economic

Development Council (REDC) by attending their meetings and involving them in the ZOAM process by asking for their input. The subcommittee is starting on equestrian uses and the AR-1 and AR-2 use list to determine how to deal with the uses in those districts at their meeting today following the full ZOAG meeting. Packie also stated the County Attorney would attend the subcommittee meeting to give an update and explanation on various farm statutes. Pat Quante stated that he received a concern from a citizen regarding an indoor recreation use as being permitted in the AR-2 district and not the AR-1 district; Pat suggested the citizen write in to ZOAG so that the subcommittee could look into the issue. Dave met with the REDC policy and implementation committee last night. Dave stated some of the issues brought up were the need for tighter restrictions on rural parks and changing the definition and intent of the AR-1 district to include equine uses just like the AR-2 district definition and intent. Packie added that Mark Trostle would like to be on the subcommittee as well.

- d) **Home Occupation**—Mark Trostle, Co-chair, informed the full committee that the subcommittee is close to completion. The subcommittee decided to list Home Occupation under section 5-400 as a residential accessory use instead of listing it separately in each district. Mark Trostle asked for input on changing Section 5-400 (E) to say "...non-family is employed per D above" instead of " If said employee permitted." The committee decided to add "...by the home occupation operator" to the last sentence of 5-400 (A) and to strike 5-400 (B). The full committee decided to move forward with the ZOAM process by writing a memo to the Transportation Land Use Committee (TLUC) stating the issues and recommended changes; Mark Trostle will be responsible for writing the memo. The committee voted by consensus to move forward with the item based on the revised discussed at today's meeting. John Merrithew informed the committee he would inform TLUC at a pre-agenda meeting of ZOAG's intention to move forward with this item.

- e) **Mixed Use/ F.A.R. ZOAM** —Mark Trostle, Co-chair, updated the committee on the last Mixed Use Business meeting, in which the subcommittee started a dialogue with Staff sharing ideas and desired changes. The full committee discussed the issue of recommending changes that may conflict with the Comp Plan. It was decided to move forward with recommendations even if they conflict and allow Staff to inform the subcommittee through discussion on what changes conflict and how to mitigate those changes. John Merrithew suggested the changes recommended that conflict with the Comp Plan be tracked and sent to the BOS with the package so if the Comp plan is not changed Staff is aware of these conflicts between the Zoning Ordinance and the Plan. In addition, it will also show what changes may need to be made to the Comp Plan.

- f) **ZOAM-2014-0007 AC Units** – Brian Wegener informed the committee that the ZOAM would probably go before the Planning Commission (PC) in February. John Merrithew explained that Staff is getting manufacturing information and talking to Building Code. He announced Joe Carter as the Project Manager who will contact Joe Paciulli for an update on the project. John explained one of the aspects being worked on is to try and get rid of the reference to tonnage and focus more on the noise and distance regulations.
 - g) **Telecom** – Joe Paciulli informed the committee that two meetings have occurred so far including Milestone, Staff, and the Communications Commission. The discussion is still very broad, but one item discussed was whether the use should be on public sites only or anywhere. It does not appear that what ZOAG recommend has changed in the discussion. John Merrithew stated that this ZOAM would probably go before the PC in February or March 2015.
2. **New Business** – Pat Quante stated he received a call from a citizen concerned about the pre-application process. Pat stated the impression given is a pre-application meeting is optional, but seems mandatory. John Merrithew explained that about 60% are mandatory because it gives Staff and the applicant a chance to prepare and discuss potential issues and conflicts. He also stated the Ordinance allows discretion if waiving does not impair Staff or the applicant. Packie stated she could not get scoping meetings with DTCL until after a pre-application meeting per their requirements. ZOAG was informed the noise consultant is in the research stage and a report is due to staff summarizing the research at end of month. The item is expected to go before the PC in February or March and it should go to ZOAG as a referral agency in January. ZOAG wants a copy of report to discuss at the January 7, 2015 meeting.

Next Meeting

- a) Meeting scheduled for December 10, 2014 at 10:30 AM for Rural Use/Limestone Overlay District/ Historic Structures in the Purcellville Room, 1st floor of the Government Center
- b) Meeting scheduled for December 17, 2014 at 1:00 PM Mixed Use Districts/Commercial F.A.R. in TR Districts/F.A.R. Averaging in the Lovettsville Room, 1st floor of the Government Center
- c) Meeting scheduled for January 7, 2015 at 8:30 AM in the Round Hill Room, 3rd floor of the Government Center

Meeting adjourned at 9:40 a.m.