



## ZONING EXAMPLE INPUT: Limited Brewery: Old 690 Brewing Co.

The following provides a chronology of key events related to this issue or location, with the purpose of identifying key problems (e.g., uses, permits, policies, procedures, enforcement, etc.) to improve.

| DATE<br>(Mth/Yr)    | KEY EVENT/ACTIVITY/ISSUE<br>(e.g., application, permit, construction, violation notice, etc.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | BRIEF DESCRIPTION OF PROBLEMS/IMPACTS                                                                                                                                                                                                                                                                                            |
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| 2013                | "Misrepresenting a material fact" by falsifying permits and applications and been uncommunicative about business intent (VA §4.1-225.1a)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                  |
|                     | Evidence shows Old 690 owners planned to open a brewery as early as January, 2013, proving subsequent statements on County applications that they were building a "pole barn" for "winery production" false.                                                                                                                                                                                                                                                                                                                                                                                                                             | Web domains showed intent as "ShortHillBrewing.com" and "690Brewery.com" ABC Lic. Indicated "date began business: 1/31/2013" Zoning use not permitted.                                                                                                                                                                           |
| 3/12/2013           | Zoning permit Z3029914001 issued for use of an "Agricultural Structure with conditions approved for a one-story barn for wine production."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>PERMIT ISSUE:</b> Zoning permit issued on property not in compliance for stated use (wine production). Application not verified by Zoning before approval.                                                                                                                                                                    |
| Sunday,<br>5/5/2013 | Facebook posts found May, 2013<br><i>We have a name!!! After many weeks of thinking, analyzing, and discussing we finally settled on "Old 690 Brewing Company".</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                  |
| 5/16/2013           | Completion of "Pole Barn"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                  |
| 5/18/2013           | Started installing hops poles (facebook post photo). Shows property use was not a "farm" until after business was formed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                  |
| 7/18/2013           | <u>Brewer's Notice application</u><br>Line 5 – Business address 15670 Ashbury Church Road.<br>Line 10 – Our brewery is a: X BREWPUB<br>Line 13 – Brewer's Business Day: 4:00am<br>Line 14 – Filing notice to: X Give TTB our original notice that we intend to engage I the business of producing beer<br>Line 16 – Estimated production in barrels/year? X Not more than 60,000 barrels/year<br>Line 18 – If a Brewpub: a) must separate brewery operations from public areas b) serving tanks approx. <u>7</u> barrels c) measuring<br>Line 21 – Under penalties of perjury declare notice true, correct and complete. Signed 9/13/13. | Conflicting information to Zoning Permit/application existed. Zoning Administration should have used for later enforcement for fraudulent application.<br><br>False Information: Only permit on file with Loudoun County: "Wine production"                                                                                      |
| 7/18/2013           | <u>Attachment to Brewer's Notice:</u><br>Item 12—Does applicant own the land or building comprising the brewery?<br>Response: X Yes<br>Premises Info: 2.8 acres of land comprises brewery property, .8 acres hops, .5 acres parking, .5 acres green area, Brewery bldg bldg. on 1 acre." Bldg 2240 sqft<br>Diagram includes: "Tasting Room Bar", "Room 40'x32' Tasting Room, Brew house 40'x24', RESTROOM 8'x8' – confirms Health Dept permit required BEFORE license provided to comply with County regs<br>Sketch Plan – Shows "100+" to Johnson property and "100+" to adjacent property. Shows "Barrel rope border" never done       | Plans submitted for VaABC/State TTB licenses showed planned use was not permitted by current Zoning.<br><br>Plans also showed requirement for Health Department review (restroom/septic), which was not done prior to license approval.<br><br><b>More thorough review of plans and supporting documents should be required.</b> |
| 9/3/2013            | LLC Operating Agreement signed (not created for SCC).<br>Article II Purpose: "Establish and operate a brewery and brewpub and engage in other lawful activities."                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Further evidence was available for review of LLC documentation, indicating use/purpose not permitted by Zoning.                                                                                                                                                                                                                  |

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| 12/2/2013,<br>12/9/2013                       | VaABC license application received<br>Type license applied for: "Brewery & Keg license" "Retail off-premises Brewery w/ Keg" – NOT "Limited Brewery"<br>Type of Business: "Brewery" Date began business: "1/31/2013" Busi. Hrs: "9am-4am"<br>Question 48 – "REQUIRED Documents for ALL Establishments:<br>____ Lease (not checked. Later said not included/provided)<br>____ "Health permit and/or agricultural certificate" (not checked, and not in file) [REQUIRED FOR RESTROOM]                                                                                                                                                            | VaABC is required to send License application to local government for identification of "opinion"<br>12/9/13 letter was John Roberts, LC Atty Office and Michael Chapman, LC Sheriff Office. Because VaABC has no record of a response, the report/file indicated Loudoun County was "neutral" on application.<br><b>PROCESS ISSUE:</b> VaABC should have been notified that applicant had falsified zoning permit, building construction identified use, and use (brewery) was not permitted for location. |
| 2/4/2014                                      | <b>10 day posting of VaABC notice on property front door – therefore until ~2/14/2014. No copy or verification in file.</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>PROCESS: PROPER NOTICE TO NEIGHBORS.</b><br>At time of VaABC posting, 2014 property assessment data contained NO REFERENCE to a "barn" or pending business on single family dwelling property.<br><b>The front door of Old 690 is not visible from road. Residents or the general public could not have seen the notice unless they trespassed on the property.</b>                                                                                                                                      |
| 2/27/2014<br>(Thurs) &<br>3/6/2014<br>(Thurs) | Legal notices published in Leesburg Today. (Start of 30 day objection period: 2/27/2014. End: 3/26/2014)<br>Notice language: Applying to ABC for a "Brewery Limited/Keg Permit & Retail Brewery Keg license to sell or manufacture alcoholic beverages."                                                                                                                                                                                                                                                                                                                                                                                       | <b>PERMIT PROCESS:</b> County should have objected as Use was not permitted by Zoning.<br><b>PROCESS: PROPER NOTICE TO NEIGHBORS.</b><br>Nothing to indicate to adjacent property owners that a business consisting of tasting room/event venue/bar/brewpub was being planned. Based review of other legal notices in Leesburg Today, the Feb/March notices <u>would not</u> have provided neighbors with full information about the activities and events.                                                 |
| 2/28/2014<br>(Fri.)                           | <b>Va Senate Bill 430 (SB-430) Passed House &amp; Senate. Alcoholic beverage control; limited brewery license created; local regulation of certain activities.</b><br>Creates a new limited brewery license for breweries that manufacture no more than 15,000 barrels of beer per calendar year, are <b>located on a farm in the Commonwealth</b> , and use agricultural products that are grown on the farm in the manufacture of beer. The bill limits local regulation of limited brewery licensees and specifically allows any locality to exempt a brewery licensee from minimum parking, road access, or road upgrade requirements.     | <b>Loudoun Zoning:</b> <ul style="list-style-type: none"><li>• Did not define nor enforce requirement for use to be "located on a farm."</li><li>• Ignored stipulation <u>allowing</u> zoning performance standards to define minimum parking, road access or road upgrade requirements.</li></ul>                                                                                                                                                                                                          |
| 3/27/2014<br>(Thur)                           | <b>VA Governor Signed SB-430:</b> <i>An Act to amend and reenact § 4.1-208 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-2288.3:1, relating to breweries located on farms; local regulation of certain activities.</i><br>[S 430] Approved March 27, 2014                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 3/27/2014                                     | VaABC Memorandum.<br>Additional Information offered regarding the applications. Presently there is no lease agreement involved with business operation at [15670 Ach. Ch. Rd. Pville 20132.] The property is owned by two members of the applicant LLC . . . If a lease agreement is secured in the future it will be submitted.<br>The applicant has made contact with the Virginia Department of Ag and Con. Svc reference "an inspection of brewery premises in the near future."<br>- ADDITIONAL INFO – VDACS statement 8/4/2015 "Old 690 called a long time ago saying, "Thinking about starting a brewery." Never heard back from them." | <b>PERMIT PROCESS ISSUES:</b> <ul style="list-style-type: none"><li>• VaABC Memo stated application was incomplete (no lease agreement), and awareness of "a possible issue with Loudoun County Zoning involving the applicant and will handle the matter accordingly."</li><li>• Lack of communication and coordination between VaABC and Loudoun County, resulting in license approved for zoning use not permitted.</li><li>• Applicant "contacted" VDACS, however, did not complete process.</li></ul>  |
| 7/1/2014                                      | SB-430 became law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 7/2/2014                                      | VAABC license issued to Old 690 Brewing Co. LLC, effective 7/1/2014<br>- License # 84313. Retail Off Premises Limited Brewery/Keg Permit<br>- License # 84314. Limited Brewery (500 barrels or less annually) and Keg Permit.                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>VaABC license approved for use not permitted by Zoning, without proper review and objection.</b>                                                                                                                                                                                                                                                                                                                                                                                                         |
| 8/8/2014                                      | <b>Opening Night of Old 690 (per facebook)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 8/19/2014                                     | <b>Notice of Violation sent by Loudoun County Department of Planning and Zoning, Case # 2014-29526 JC,</b><br>Section 1-203: brewery use not permitted in AR1 Zoning District                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | <b>PERMIT PROCESS/ENFORCEMENT ISSUE:</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |

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|                  | <p>Section 2-103(c) brewery with retail and food sales not permitted in AR1 Zoning District<br/> Section 6-1000: "barn for wine production" permit issued 3/12/2013. Brewery beyond scope of approved zoning permit.<br/> Section 5-1203(A): Erected signs without sign permits from Zoning Administrator<br/> <b>RESULT: No action taken by VaABC per § 4.1-225.2.a</b><br/> 2. The place occupied by the licensee:<br/> a. Does not conform to the requirements of the governing body of the county, city or town in which such establishment is located, with respect to sanitation, health, construction or equipment, or to any similar requirements established by the laws of the Commonwealth or by Board regulations;</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <ul style="list-style-type: none"> <li>County had ongoing and ample notice of intent to violate Zoning, from "pole barn" inspections, "wine production" claims, direct notice during ZOAG meeting attendance, VaABC request for comment, etc.</li> <li>Yet all enforcement waited until after formal opening and direct impacts to adjacent properties.</li> <li>Enforcement by complaint is insufficient and was completely unwarranted for the series of violations.</li> </ul>         |
| 12/18/2014       | Board of Zoning Appeal shut down brewery due to operation without zoning permit.<br><b>RESULT: No action taken by VaABC</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>ZONING ENFORCEMENT:</b> Due to multiple posting/notification delays, it took four months to halt zoning violations, known by the County (as planned) for over a year.                                                                                                                                                                                                                                                                                                                  |
| 1/5/2015         | Email from VaABC Agent Kelly -- "County zoning violations are not enough to get Old 690 revoked at this time."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | <b>ENFORCEMENT:</b> Complete lack of coordination and operation between (State) VaABC and (County) Zoning.                                                                                                                                                                                                                                                                                                                                                                                |
| 1/21/2015        | <b>Board of Supervisors approved Limited Farm Brewery use</b> with no performance standards.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 1/29/2015        | Zoning Permit Stated: "A minimum of 51% of the agricultural products used for the processing, preparation, and/or manufacturing shall be derived from the agricultural use."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 1/30/2015        | <b>Old 690 allowed to reopen by Loudoun County Board of Supervisors</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>PERMITTING PROCESS:</b> <ul style="list-style-type: none"> <li>Old 690 and Health Department knew at time of approval that facility was not inspected and did not comply with water and septic (illegal connections to 1996 household well and septic).</li> <li>No new application or inspection for "change of use" or "extension of water" on application</li> </ul>                                                                                                                |
| 2/9/2015         | Formal complaint filed in Loudoun Online Complaint system, Lex: Old 690 serving food without a food permit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Enforcement by Complaint:</b> Health Department                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 4/28/2015        | Sent summary of March 24 <sup>th</sup> meeting to Agent Kelly.<br>Formal notification to VaABC of Old 690 water/septic violations and other health, safety, welfare issues.<br>Result: No action by VaABC.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>PROCESS:</b> State Agency (VaABC) made aware of other State agency violations (Health Department). No action taken                                                                                                                                                                                                                                                                                                                                                                     |
| 5/28/2015        | <p><b>Expansion of Old 690 licensed area approved by VAABC:</b> Agent Kelly: "None of the localities objected to the expansion of the rear area of Old 690. I believe the 30 days is up which means the rear area will now be part of his license premises.<br/> <b>FAILURE TO PERFORM VaABC General Order #502, Section IV. Procedures Relate to Additional Agent Investigations as Part of an Existing License or a New Application,</b><br/> A. Additional Dining/Designated Area Requests,<br/> 1. For Enlargement of license premises, the agent will conduct an investigation.<br/> f. Ascertain the opinion of local officials and citizens where applicable<br/> 3. If the agent finds that the area should not be approved because all criteria have not been met, or if local objections have been raised, then a hearing should be recommended in the investigation.<br/> B. Outside Terraces or Patios<br/> VI. Temporary Extension of Licensed Privileges Investigations (not more than four days/year)<br/> A. 10. Ascertain the opinion of local citizens and officials, where applicable.<br/> 11. If the agent finds the area(s) unsuitable, or there are local objections, a hearing should be recommended in the investigation report.</p> | <p><b>PROCESS – State/County Lack of Coordination:</b></p> <ul style="list-style-type: none"> <li><b>Internal VaABC states notification to "local officials."</b> Even with notice of violation and advance notice of Health Department issues, VaABC approved "expansion" of licensed area because County did not object/weigh in.</li> <li><b>Opinion of local citizens:</b> VaABC did not request, nor heed, written concerns from adjacent properties regarding expansion.</li> </ul> |
| 6/16/2015        | Notice of Violation from Health Department – septic. <b>RESULT: No action taken by VaABC</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | No coordination between County and State for Health department notice of violation.                                                                                                                                                                                                                                                                                                                                                                                                       |
| 7/20/2015        | Email to Agent Kelly stating water issue still not resolved and no mention of real estate valuation being a prerequisite to moving forward with objection.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | VaABC changed criteria for complaint, from HD/water to real estate valuation.                                                                                                                                                                                                                                                                                                                                                                                                             |

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| 7/21/2015        | Response to Agent Kelly: "Until Both the septic and water issues are resolved and are in legal compliance with County and State requirements, the brewery is still in violation of *§ 4.1-225-2.a, Grounds for which [VaABC] Board may suspend or revoke licenses." *§ 4.1-225-2.a. 2. <b>The place occupied by the licensee: a. Does not conform to the requirements of the governing body of the county, city or town in which such establishment is located, with respect to sanitation, health, construction or equipment, or to any similar requirements established by the laws of the Commonwealth or by Board regulations;</b> Please let us know if you have any status on the water, and any reason or justification for the delay in license revocation due to the illegal water (and septic) status for the past 12 months." | VaABC refused to take action to enforce § 4.1-225-2.a.                                                                                                |
| 7/29/2015        | Office of Drinking Water, Deborah Hoy, email stating, "No one from the VDH-Office of Drinking Water has visited the Old 690 Brewery yet."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Permit/Process – No inspection by VDH-Office of Drinking Water prior to County permitting as required by Code of VA                                   |
| 8/4/2015         | Conversation Notes with <b>Joe Buchanan – Department of Agriculture and Consumer Services (VDACS)</b><br><ul style="list-style-type: none"> <li>- Brewery wants to start wholesaling. Needs FDA, Ag and TTB approvals.</li> <li>- "Old 690 called a long time ago saying, 'Thinking about starting a brewery.' Never heard back from them."</li> <li>- ODW met with LC Health Dept Monday 8/3/15</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                              | Permit/Process – No inspection by <b>Department of Agriculture and Consumer Services (VDACS)</b> prior to County permitting as required by Code of VA |
| 8/5/2015         | Health Dept (J. Lock) confirmed they (HD and ODW) have not reviewed Old 690 water compliance yet. County, EPA, water, building any violation. (If we can get any one of these that states he can't be there the State has to close them)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>LOOPHOLE:</b> Health Department confirmed Brewery still has illegal tap to private household well.                                                 |
| 8/17/2015        | Old 690 Water Questionnaire – Stated opened only 3 days/week. No reference to Wednesday hours. "Service bottled water." No reference to "human consumption" use in bathroom or use of water for beer production. Stated quantity of patrons does not match quantity listed on septic engineering report.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                       |
| 8/25/2015        | ODW, Deborah Hoy email:<br>"VDH - ODW and the Loudoun County Health Department are planning to visit the brewery next week to inspect the exiting well and well site for use as a public well."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                       |
| 8/26/2015        | ODW, Deborah Hoy email:<br>"It does appear that due to the breweries use, it will be regulated as a public water system. Because we have not yet inspected the well and well site, we have not made any determinations of the existing well for use as a public water supply well. No waivers have been requested and VDH-ODW has not approved any waivers at this stage."                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>PROCESS – Delayed review.</b> ODW confirmed Brewery "tasting room" is a transient, non-community public water works.                               |
| 8/28/2015        | Mark Winsted, Emery and Garrett Groundwater. Concurred neighbors have "every right to be concerned about the aquifer and the groundwater contamination."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                       |
| 9/4/2015         | ODW report sent to Old 690. Existing Class IIb well meets minimum requirements for transient non-community public waterworks. Hoy, "If there is a groundwater contamination issue, monitoring would eventually pick it up since Old 690 is required to submit the test results to ODW."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                       |
| 9/8/2015         | Conversation with Agent Kelly. Discussed evidence to date. <b>Agent Kelly was not able to define "quietude or tranquility."</b> Discussed real estate valuation methods, VDOT, sheriff reports, Underage Alcohol Buyer (UAB) discussed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                       |
| 9/9/2015         | Lock, Health Dept: "Dept. of Ag is waiting for well approval which is technically not complete by ODW." ODW, Hoy – Old 690 is a waterworks. Entitled to Informal Fact Finding Proceeding (IFFP). Have 15 days to respond. "Regulation of the existing waterworks at Old 690 Brewery is still pending."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>PROCESS/PROCEDURE:</b><br>Lock: "Gap in regulation for wastewater effluent and NO ONE is responsible for ensuring compliance."                     |
| 9/10/2015        | Mark Nelson, US EPA Hydrogeologist, Water Protection Division.<br>"All non-domestic waste water discharge to the subsurface are regulated by federal law."                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                       |
| 9/13/2015        | Letter sent to Public Officials requesting immediate action.<br>Recipients: Delagate LaRock, Senator Dick Black, Loudoun County BOS Chairman Scott York, Supervisor Janet Clarke, Delegate Randy Minchew, Loudoun County Director of Health Department                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>COMPLAINT:</b> No response to formal written complaint.                                                                                            |

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|                  | David Goodfriend, Congresswoman Barbara Comstock, Attorney General Opinions Counsel, Tim Oksman                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 9/17/2015        | Waiver Request Evaluation – Joe Lock: “Mr. _____ states that the covenants for the subdivision do not allow anything to be constructed within the area near the well.”<br>“Approval with conditions: The owner must comply with all requirements for the proposed public non-community well set forth by the Office of Drinking Water                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | <b>DEPT. COMMUNICATION.</b> Heath Department waiver request with no approval indicated for beer production water use by Dept of AG.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| 9/29/2015        | Agent Kelly, “I spoke with Mark Depo and he said: Agricultural Processing is a separate use and would not apply to a Limited Brewery or Virginia Farm Winery.”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>RURAL USE DEFINITIONS:</b> “Farm,” “Ag Processing” vs. “Brewery, Limited”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 9/30/2015        | Email to Kelly and M. Depo: “If Ag Processing does not apply, then did Mark explain why the requirement was included in the Permit Comments section on the Zoning Permit for a Limited Farm Brewery? Was this an error on the permit?”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Possible error on Zoning Permit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 10/28/2015       | Third <b>UAB notice</b> to VaABC: Letter regarding underage drinking received (signed for) by SSA Kelly and witnessed by J. Patrick Griffin                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>COMPLAINT PROCESS:</b> Underage Alcohol Buyer (uab) complaint submitted for third time.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 11/5/2015        | Summary of VaABC delays to Dr. Goodfriend: <ul style="list-style-type: none"> <li>• VaABC/Agent Kelly made aware of Old 690's illegal water and septic hookup in writing on April 28, 2015. No action taken by VaABC, it was discussed at a meeting with her on June 9th, with direct evidence to prove the statements.</li> <li>• Instead of enforcement, VaABC called Health Dept. June 15th, resulting in the Notice of Violation to Old 690 issued on June 16th.</li> <li>• Again, instead of enforcement, Old 690 was allowed to install a new septic system in July, that was not certified until August (five months after the matter was highlighted to the County).</li> <li>• VaABC/Agent Kelly on Sept. 8th, indicated it was her belief that all issues with Old 690 were “now” resolved. However, only septic had been allowed to be corrected; their water hookup was still illegal.</li> <li>• Per the onlineRME documents, instead of enforcement of §4.1-225-2.a Agent Kelly emailed Health Dept. on Sept. 9th. Believing all water issues were resolved she stated, “In reality it's a good thing they are in compliance.”</li> <li>• Although Deborah Hoy of ODW said that was not the case and that the matter was still pending, <b>more</b> time was given to resolve the issues instead of enforcement, resulting in the waiver request and conditioned approval from Health Dept. office on 9/17/2015.</li> </ul> | <b>PERMITTING PROCESS:</b><br>Consistent, ongoing pattern of delay by State Agencies: VaABC, ODW, Health Department, and giving more time rather than enforcement of §4.1-225-2.a<br><br>Old 690 knowingly falsified permit information and connected water and septic illegally, with knowledge of the Health Department and lack of enforcement by Loudoun County and VaABC.<br><br><b>ENFORCEMENT / WAIVERS PROVIDED in lieu of compliance.</b><br>No authority to waive portions of an ordinance or waivers should be given to businesses that break the law, or violate the purpose/intent of the residential neighborhood established by original subdivision covenants and restrictions. |
| <b>2016</b>      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| 2/3/2016         | <b>Met with VaABC Director Shawn Walker and Agent Kelly. Reviewed evidence.</b><br>Director Walker confirmed understanding that to support a “cause exists” for §4.1-222.A.2.d. neighbors only needed to prove <b>substantial interference</b> with the usual quietude and tranquility of residential area <b>OR</b> adverse affect on real property values – not both. <ul style="list-style-type: none"> <li>• Dir. Walker also confirmed that to conduct a revocation hearing that VaABC would need to join and support our claims of cause exists and other Code of Virginia violations as indicated above, rather than a claim by residents alone Told that VaABC would need to join neighbors in hearing and cause to revoke license. Walker stated he would respond by end of February.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | <b>COMPLAINT PROCESS:</b><br>Complaint to revoke a VaABC license requires VaABC Enforcement to JOIN with complainants in suit, to be adjudicated by – VaABC. <i>“Fox watching the chicken coop.”</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| 4/12/2016        | Old 690 owners applied on the Building/Zoning Permit Application for a <b>5000 sq ft “New Building for Manufacturing Beer</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>PERMIT/PROCESS:</b> New application for NEW 5000 sqft EXPANSION facility.<br><b>LACK OF PROPER NOTICE:</b> Application found by accident by neighbors.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| 4/25/2016        | Old 690 owners applied on the Health Department Application for an “ <b>Ag Barn</b> ” with no reference to “increase waste load,” “extending water,” or “extending sewer” and listed as “other” instead of “commercial.” Application put on hold 4/27/2016.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>LOOPHOLE:</b> Application for “Ag Barn”                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| 5/2/2016         | Meeting with Supervisor Buffington, County Attorney Leo Rogers, Zoning Administrator Michele Lohr and Planning Department Mark Depo. Listed critical issues to be addressed:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>ZONING PERMIT ERROR:</b> County notified that Zoning Permit issued January, 2015 contained material error. (see 5/18/16 for resolution/apology)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

| DATE<br>(Mth/Yr) | KEY EVENT/ACTIVITY/ISSUE<br>(e.g., application, permit, construction, violation notice, etc.)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | BRIEF DESCRIPTION OF PROBLEMS/IMPACTS                                                                                                                                                                                                                       |
|------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                  | Rural Uses ZOAM, legality of disparate regulations for Craft Beverage vs. Farm Breweries, current zoning permit for Old 690 in error, severity of ongoing health, safety and welfare issues.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                             |
| 5/10/2016        | Notified of upcoming Father's Day (6/19) event at Old 690 expected to have 600 attendees. Multiple FOIAs submitted to Health Dept, Planning/Zoning, Emergency Management to determine veracity and extent of event.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                             |
| 5/18/2016        | Mark Depo responded to Zoning Permit error: Reference to "51% of agricultural produces" was "provided in error and is contrary to the Revised 1993 Loudoun County Zoning Ordinance for a Limited Brewery use. . . . Zoning Administration will coordinate with Permitting Staff to reissue the zoning permit, for clarification purposes, removing the above error statement."                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | <b>PERMIT ERROR:</b> Zoning Dept. confirmed error on original 1/2015 zoning permit.                                                                                                                                                                         |
| 5/15-6/15/2016   | Residents notified the Board of Supervisors and County Departments (Health, Planning & Zoning, Building & Development, Office of Emergency Management) in writing and in person of concerns for a large event (600 people per OEM Request for Event Planning) to be held on Father's Day, June 19 <sup>th</sup> , requesting a meeting to discuss emergency mitigation with no action taken by the County                                                                                                                                                                                                                                                                                                                                                                                                                                                    | <b>NON-ENFORCEMENT OF COMPLAINT – IN ADVANCE OF SPECIAL EVENT.</b>                                                                                                                                                                                          |
| 5/20/2016        | "Between 6:00pm and 6:45pm, the licensee sold alcoholic beverages to a person who the licensee knew or had reason at the time to believe was less than twenty-one years of age, in violation of Sections 4.1-304 A. and 4.1-225 1.b of the Code of Virginia and 3 VAC 5-50-10 and 3 VAC 5-50-20 and upon review of the investigative report the Board being of the opinion that is has reasonable cause to believe that the charge is substantiated by the evidence, certain privileges of the license should suspended."                                                                                                                                                                                                                                                                                                                                    | <b>VaABC UAB VIOLATION -- Incident # 201512091507</b><br>Took almost a year for follow-up from initial complaint of UAB for enforcement action to be taken.                                                                                                 |
| 6/2/2016         | Received confirmation via FOIA to Office of Emergency Management (OEM) that Father's Day event application did reference "Anticipated Attendance/Participants: Total 600 per day"                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                             |
| 6/4/2016         | <b>B Chord Hearing Decision overturned on appeal</b> , primarily based on noise and interference with use and enjoyment of residential property:<br><i>Board cannot ignore the will of the citizens and residents of the community where the applicant is located. The testimony and evidence presented by the community members, especially that of the nearby residents, is sufficient to give the Board reasonable cause to believe that the operation of a limited brewery by the applicant would interfere with the usual quietude and tranquility of the residents nearby.</i><br><i>Specifically, Ms. Jean Baderschneider provided testimony regarding a few times when gatherings at the place to be licensed caused her to move her horses due to noise levels, effectively interfering with the use and enjoyment of her residential property.</i> | <b>B Chord VaABC resolution:</b> <ul style="list-style-type: none"> <li>confirmed issue of quietude and tranquility by limited brewery operation for A facility NOT in operation.</li> <li>However, complaints of facility IN operation ignored.</li> </ul> |
| 6/19/2016        | Father's Day event with OVERWHELMING impacts to neighborhood. Sheriff and Fire Marshall called.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | <b>NON-ENFORCEMENT BY COMPLAINT:</b> After prior notice of concern, notification and photos during event with over 600-800 people sent to BOS, County Attorney and senior County Staff. <b>NO RESPONSE.</b>                                                 |
| 6/24/2016        | Licensee was informed of the UAB charge by notice dated June 24, 2016                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                             |
| 7/5/2016         | <b>Consent Settlement Order, \$2000 Civil Penalty agreed and signed by Old 690 owner</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                             |
| 9/7/2016         | Owners withdrew 5000 sq ft bldg. applications from April.<br>Owners filed Sept. 7, 2016 for construction of a "pavilion,"(600 sqft), 2 additional bathrooms (250 sqft) and additional storage facility(500 sqft).<br>- <u>Health Department application</u> showed "pavilion" at different location on sketch plan than the <u>Building/Zoning application</u> , showing pavilion adjacent to neighbor's property and no indication where parking will be moved.                                                                                                                                                                                                                                                                                                                                                                                             | <b>LACK OF PROPER NOTICE</b><br>New application for expansion, with no notice to neighbors or opportunity to object, even after two years of issues.                                                                                                        |
| 9/22/2016        | Community letter sent to Loudoun County elected officials and staff objecting to expansion and requesting means for protection: Ricky Barker, Loudoun County Planning and Zoning; Dr. David Goodfriend, Loudoun County Health Department; Leo Rogers, Loudoun County Attorney; Michele Lohr, Loudoun County Zoning Administration; Mark Depo, Loudoun County Planning and Zoning; Phyllis Randall, Chairperson Board of Supervisors; Tony Buffington, Blue Ridge Supervisor                                                                                                                                                                                                                                                                                                                                                                                  | <b>NON-ENFORCEMENT OF COMPLAINT;</b><br>Formal complaint sent in writing. No response.                                                                                                                                                                      |