Rural Use ZOAM 2015-0006
(Zoning Ordinance Amendment)

- Amend ZO for text errors/“fixes,” encourage economic development,
- “incorporate revisions recommended by the public;”
- “Make rural use performance standards equitable.” (Volpe, Clarke)
Economic Development –
“Improving the rural economy in a way that maintains the quality of life for current residents;”
And
New Comprehensive Plan (Envision Loudoun) “Seek a balance between preserving rural areas . . . and revitalizing other areas.”
Dear Rural Economic Development Committee,

Protecting western Loudoun’s rural, historic and scenic character for future generations is one of my top priorities and I believe a strong rural economy is one of the most effective means for doing so. That said, it is critically important that we strike an appropriate balance between having a strong rural economy and ensuring a high quality of life for residents.

Over the past year it has become evident to me that many western Loudoun residents are uncomfortable with the current balance. This has proven to be the case on issues such as maintenance and improvement of our rural roads, location and conditions of approval for breweries and banquet/event facilities, and even the mere definition of the types of businesses that should comprise our rural economy.

As such, I believe it would be in the best interest of the future of western Loudoun County for the REDC to lead a collaborative effort resulting in the submission of mutually agreed upon recommendations designed to:

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

I believe this collaborative effort should be inclusive of western Loudoun residents, visit Loudoun, current business owners, and other groups, organizations and stakeholders interested in the future of western Loudoun County.

I am aware that there has been some level of informal discussion regarding such an effort. Please accept this letter as formal notification of my support and encouragement for the REDC to actively lead and engage in such an effort forthwith, as the County is currently in the process of updating its Comprehensive Plan.

As always, I thank you for your dedication to western Loudoun County. Please do not hesitate to contact me with any questions or concerns.

All my best,

Tony R. Buffington, Jr.
Blue Ridge District Supervisor
PROJECT ACTIVITIES

CASE STUDIES

KEY CRITERIA:
- Size of the property in acres
- Qty neighboring properties/houses
- Number of nearby wells
- Distance to nearest paved road
- Types/sizes of buildings on property

ZONING ANALYSIS

- Loudoun County Zoning Ordinances
- Rural Zoning Comparison w/ other Virginia Counties

OTHER DATA:
- Visit Loudoun Venues: B&B’s, Wineries & Breweries
- Location Surveys
- Interviews
- Photos

TOOLS:
- Loudoun County Weblogis Online Mapping System
- VaABC List of 2016 Banquet Licenses
- VDOT AADT Report
COUNTY ZONING
Purpose, Standards, Status
Section 1-102: Promote the *health, safety and welfare of the residents of Loudoun County*:

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

in requires BALANCE between:

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

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

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

SOCIAL
Interests

SUSTAINABLE
Community

ECONOMIC
Interests

ENVIROMENTAL
Interests

Compatible
Workable
Equitable
COUNTY PERFORMANCE STANDARDS -- 2017 REVIEW
CONCLUSIONS – UP FRONT

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

LOCATION/INTENSITY IMPACTS:
Noise, Traffic, & Enforcement

PRIMARY FACTORS IMPACTING
“balance between Rural Economy and Quality of life for residents.”
# P&Z Original 2014 Rural Use Zoning Comparison
(by Mark Depo, P&Z)

### Limited Brewery (Proposed Section 5-667)
- **Intensity/Size of Use**: Max. 12,000 sq. ft. structures & 5,000 square feet storage areas.
- **Yards**: 60' for structures and storage areas. 40' for parking. (Initially Proposed: 60' for structures, parking, & storage areas.)
- **Parking**: Section 5-1102.
- **Road/Access**: Section 5-654; 2-access points; & access location.
- **Vehicle/Equipment**: N/A (Initially Proposed: Paved road access for heavy equipment.)
- **Exterior Lighting**: Section 5-652(A)(1)-(3) & 12’ maximum height for parking lot lighting.
- **Noise**: Section 5-652(B).
- **Water/Wastewater**: Health Department approval.
- **Sketch Plan**: Sketch Plan (under 5,000 sq. ft. disturbance)

### Bed and Breakfast Inn (Section 5-601)
- **Intensity/Size of Use**: Minimum 5 acres. 0.04 FAR. Hours of Operation 7 am-12 midnight.
- **Yards**: 40' for parking.
- **Parking**: N/A
- **Road/Access**: N/A
- **Vehicle/Equipment**: N/A
- **Exterior Lighting**: Shall not exceed 55 dB(A). No outdoor music 11PM-10AM on Fri, Sat, & preceding a Holiday & 10PM-10AM other days.
- **Noise**: N/A
- **Water/Wastewater**: Health Department approval.
- **Sketch Plan**: Sketch Plan

### Small Based Business (Section 5-614)
- **Intensity/Size of Use**: 10+ acres 5,000 sq. ft. structure or storage yard plus 1,000 sq. ft. for each add. 10 acres, not to exceed 15,000 sq. ft.
- **Yards**: 100' for 2,000 sq. ft. structure and yard. 300' for 2,000 sq. ft. structure and yard. 500' adjacent to residential. No parking in required yard/setback.
- **Parking**: N/A
- **Road/Access**: N/A
- **Vehicle/Equipment**: N/A
- **Exterior Lighting**: N/A
- **Noise**: N/A
- **Water/Wastewater**: N/A
- **Sketch Plan**: Site Plan

### Commercial Winery (Section 5-625)
- **Intensity/Size of Use**: Minimum 5 acres. Hours of Operation 10 am-10 pm.
- **Yards**: 125' for use.
- **Parking**: Section 5-1102. Dust-free surfacing material.
- **Road/Access**: Section 5-654; 2-access points; & access location.
- **Vehicle/Equipment**: Paved road access for heavy equipment.
- **Exterior Lighting**: N/A
- **Noise**: N/A
- **Water/Wastewater**: Health Department approval.
- **Sketch Plan**: Site Plan

### Agricultural Support Uses (Section 5-627)
- **Intensity/Size of Use**: Minimum 5 acres. Level II: 12,000 sq. ft. structures & 5,000 sq. ft. storage areas. Hours of Operation 6 am-9 pm.
- **Yards**: 60' for structures & storage areas.
- **Parking**: Section 5-1102. Dust-free surfacing material.
- **Road/Access**: Section 5-654; 2-access points; & access location.
- **Vehicle/Equipment**: N/A
- **Exterior Lighting**: N/A
- **Noise**: N/A
- **Water/Wastewater**: Site Plan
- **Sketch Plan**: Site Plan

### Farm Based Tourism (Section 5-628)
- **Intensity/Size of Use**: Minimum 5 acres. Level III: max. 7,500 sq. ft. with 80+ acres. Storage – max. 25% of structure. Hours of Operation 8 am-6 pm.
- **Yards**: 100' for use and parking. 200' for outdoor private parties.
- **Parking**: Section 5-1102.
- **Road/Access**: Section 5-654; 2-access points; & access location.
- **Vehicle/Equipment**: N/A
- **Exterior Lighting**: N/A
- **Noise**: N/A
- **Water/Wastewater**: Site Plan
- **Sketch Plan**: Site Plan

### Banquet/Event Facilities (Section 642)
- **Intensity/Size of Use**: Minimum 20 acres and 0.01 FAR. (except for adaptive reuse) Hours of Operation 6 am-12 midnight
- **Yards**: 100' for 1,500 sq. ft. structure. 150' for 1,500 to 4,000 sq. ft. structure. 175' for 4,000+ sq. ft. structure.
- **Parking**: N/A
- **Road/Access**: N/A
- **Vehicle/Equipment**: N/A
- **Exterior Lighting**: N/A
- **Noise**: N/A
- **Water/Wastewater**: Site Plan
- **Sketch Plan**: Site Plan

---

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

ZOAM 2014-0003 (Loudoun County Land Use Comparison)
## Inconsistent Standards between Rural Uses

### 2017 UPDATED Zoning Comparison

#### Loudoun County Rural Use Zoning Comparison*

<table>
<thead>
<tr>
<th>B&amp;B Homestead / Section 5-501</th>
<th>B&amp;B Inn / Section 5-501</th>
<th>Country Inn / Section 5-501</th>
<th>Rural Retreats/Rtts / Section 5-501</th>
<th>Rural Corp Retreat / Section 5-619</th>
<th>Banquet/Event Facilities / Section 5-642</th>
<th>Restaurant in AR / Section 5-643</th>
<th>Limited Brewery / Section 5-667</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No of Guest Rooms</strong></td>
<td>1-4 Guest Rooms</td>
<td>1-10 Guest Rooms</td>
<td>1-40 Guest Rooms</td>
<td>20 to 120 rooms</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td><strong>Intensity/Size of Use (Min. Lot size)</strong></td>
<td>No Min. Lot size</td>
<td>Min 5 acres. 0.04 FAR (Floor Area Ratio)</td>
<td>Min. 20 Acres</td>
<td>40 acres to 150 acres (≥120 rooms requires special exception)</td>
<td>Minimum 50 acres. 100 users/50 acres. No &gt;450 users, servers, delv. on &gt;200 acres w/o Sp. Exception approval</td>
<td>Minimum 20 ac/200 attendees</td>
<td>Minimum 20 acres &amp; 0.01 FAR (except for adaptive reuse)</td>
</tr>
<tr>
<td><strong>Hours of Operation</strong></td>
<td>Hours 7am - 12 midnight (parties)</td>
<td>Hours 7am - 12 midnight (parties)</td>
<td>Daily: Max 100 Attend. Yearly: 20 Parties &gt;100 attend. subject to Zoning/Bldg permit &gt;20: Special Event Permit</td>
<td>Approval per Section 5-500, unless facility meets requirements of Section 5-504 (Road Access Stds) (&quot;Private party&quot; not deemed a &quot;special event&quot;)</td>
<td>Daily &amp; Yearly: Determined at STYL, SPEX or SPMI stage (&quot;Private party&quot; not deemed a &quot;special event&quot;)</td>
<td>Hours 7am - 12 midnight (incl deliveries)</td>
<td>Hours 6am - 12 midnight (incl deliveries)</td>
</tr>
<tr>
<td><strong>Daily/Yearly Parties/Attendees</strong></td>
<td>Daily: Max 20 attend. Yearly: 10 Parties &gt;20 attend. subject to Zoning/Bldg permit &gt;10: Special Event Permit</td>
<td>Daily: Max 50 attend. Yearly: 20 Parties &gt;100 attend. subject to Zoning/Bldg permit &gt;20: Special Event Permit</td>
<td>Daily: Max 100 Attend. Yearly: 20 Parties &gt;100 attend. subject to Zoning/Bldg permit &gt;20: Special Event Permit</td>
<td>Approval per Section 5-500, unless facility meets requirements of Section 5-504 (Road Access Stds) (&quot;Private party&quot; not deemed a &quot;special event&quot;)</td>
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</tr>
<tr>
<td><strong>Yards</strong></td>
<td>Subject to Zoning District Requirements</td>
<td>Subject to Zoning District Requirements</td>
<td>30’ for parking</td>
<td>60’ for use &amp; parking. Outdoor parties: 200’ unless adj. to commercial prop. then 100’</td>
<td>Min 200’ from adjacent properties</td>
<td>100’ for use &amp; parking. Private parties: 200’ unless adj. to commercial prop. then 100’</td>
<td>100’ for use &amp; parking. Private parties: 200’ unless adj. to commercial prop. then 100’</td>
</tr>
<tr>
<td><strong>Landscaping/ Buffering/ Screening</strong></td>
<td>Section 5-653(A). May waive/modify per Sec. 5-1459.</td>
<td>Section 5-653(A). May waive/modify per Sec. 5-1459.</td>
<td>Section 5-653(B) for parking</td>
<td>Section 5-653(A). Parking</td>
<td>Section 5-653(B) for parking</td>
<td>Section 5-653(B) for parking</td>
<td>Section 5-653(B) for parking</td>
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<tr>
<td><strong>Parking</strong></td>
<td>Section 5-1102</td>
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<td>Section 5-1102</td>
<td>Section 5-1102</td>
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<tr>
<td><strong>Road/Access</strong></td>
<td>If not on public road, easement permission required</td>
<td>Section 5-654</td>
<td>Section 5-654</td>
<td>Section 5-654</td>
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<td>Section 5-654</td>
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<tr>
<td><strong>Vehicle/ Equipment</strong></td>
<td>Section 5-652(A) &amp; (B) &amp; (C) 12’ max height for parking lot lighting</td>
<td>Section 5-652(A) &amp; (B) &amp; (C) 12’ max height for parking lot lighting</td>
<td>Section 5-652(A) &amp; (B) &amp; (C) 12’ max height for parking lot lighting</td>
<td>Section 5-652(A)</td>
<td>Section 5-652(A)</td>
<td>Section 5-652(A)</td>
<td>Section 5-652(A)</td>
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<tr>
<td><strong>Exterior Lighting</strong></td>
<td>No outdoor music 1:30pm-10:00pm Fri. Sat &amp; preceding Holiday. 10pm-10am other days</td>
<td>No outdoor music 1:30pm-10:00pm Fri. Sat &amp; preceding Holiday. 10pm-10am other days</td>
<td>No outdoor music 12am - midnight to 7:00 am.</td>
<td>Outdoor music not allowed after 11pm.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
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<tr>
<td><strong>App. Reqts</strong></td>
<td>Proposed?: Sketch Plan &gt;5K sq. ft Site Plan &gt;5K sq. ft</td>
<td>Proposed?: Sketch Plan &gt;5K sq. ft Site Plan &gt;5K sq. ft</td>
<td>Proposed?: Special Exception Or Minor Sp. Exception &amp;/or Site Plan</td>
<td>Proposed?: Special Exception Or Minor Sp. Exception &amp;/or Site Plan</td>
<td>Proposed?: Special Exception Or Minor Sp. Exception &amp;/or Site Plan</td>
<td>Proposed?: Special Exception Or Minor Sp. Exception &amp;/or Site Plan</td>
<td>Proposed?: Special Exception Or Minor Sp. Exception &amp;/or Site Plan</td>
</tr>
</tbody>
</table>

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

Walsh-Coopeland Consulting, LLC
# Inconsistent Standards between Rural Uses

<table>
<thead>
<tr>
<th>Craft Beverage Manuf. / Section 5-668</th>
<th>Small Based Busi. / Section 5-614</th>
<th>Commercial Winery / Section 5-625</th>
<th>Agri Support Uses w/Ag / Section 5-627</th>
<th>Farm Based Tourism / Section 5-628</th>
<th>Agri Support Uses w/o Ag / Section 5-630</th>
<th>Eco-Tourism / Section 5-647</th>
<th>Virginia Farm Winery</th>
<th>NEW Rural Uses (2016)</th>
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<tbody>
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<td></td>
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<td>LC Wineries as of 2015:</td>
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<td>88% &gt; 10 acres</td>
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<td>69% &gt; 15 acres</td>
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<td>62% &gt; 20 acres</td>
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<td><strong>Tasting Room</strong></td>
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<td>.49% of floor or 5K sq.ft.</td>
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<td><strong>10 acres.</strong></td>
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<td><strong>Minimum 10 acres.</strong></td>
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<td><strong>Employees:</strong></td>
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<td>Max: 3 - 3 &lt; 10 acres</td>
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<td>Max: 4 - 10 - 50 acres</td>
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<td>Max: 10 - 50+ ac</td>
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<td><strong>Outdoor tasting 50' from lot lines of adj. ex or residential, no outdoor storage.</strong></td>
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<td><strong>125' for use.</strong></td>
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<td><strong>60' for structures &amp; storage areas</strong></td>
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<td><strong>Section 5-653(C) for storage</strong></td>
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<td><strong>Section 5-1102</strong></td>
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<td><strong>Section 5-652(A) &amp; (2)</strong></td>
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<td><strong>Section 5-652(A)</strong></td>
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<td><strong>Section 5-652(B)</strong></td>
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<td><strong>Paved road access for heavy equipment</strong></td>
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<td><strong>For security purposes only</strong></td>
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<td><strong>Health Department Approval?</strong></td>
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<td><strong>Sketch Plan</strong></td>
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</tr>
</tbody>
</table>

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

Walsh-Copeland Consulting, LLC
• Identify inconsistencies between Rural Uses for
  ➢ Intensity / Size of Use (Min. Lot Size)
  ➢ **Hours of Operation**
  ➢ Daily/Yearly Parties/Attendees
  ➢ **Yard distances**
  ➢ Landscaping/buffering/screening
  ➢ **Parking / Road Access**
  ➢ Vehicle/Equipment
  ➢ Exterior Lighting
  ➢ Noise
  ➢ Water / Wastewater
  ➢ Application requirements
  ➢ Permits
### ZONING ORDINANCE -- EXAMPLES:

<table>
<thead>
<tr>
<th>Standards</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
</table>
| **Hours of Operation - Noise Impacts** | **Minimum**: 8a-6p: Farm Based Tourism  
6a-9p: Ag Support  
10a-10p: Commercial Wineries | **Maximum**: 7a-12 midnight: B&B’s  
? - 2am: Farm Wineries, Distilleries, Limited Breweries  
**No Restrictions**: Rural retreats |
| **Yard Distances**                     | 60’ Ag Support Uses  
125’ Commercial wineries                                                                          | 200’ Inns, Retreats, Banquet Event Centers  
No Restrictions: Farm Wineries, Distilleries, Limited Breweries                                  |
| **Parking/Road Access**                | Section 5-1102 – Defining number of spaces/loading  
Section 5-654 – Road Access Standards                                                              | Not applied to: Rural corporate Retreats, Farm Wineries, Distilleries, Limited Breweries          |

**RESULT**: Inconsistent zoning impacts to adjacent property owners and residents.
OUTDOOR SOUND/MUSIC
OUTDOOR TENT USE
NOISE COMPLAINTS/ENFORCEMENT

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

WHO YA GONNA CALL?
- Zoning Dept. ?
- Zoning Enforcement ?
- Sheriff ?
- VaABC ?

Mr./Ms. Loudoun County Resident
NOISE IMPACTS: Who Ya Gonna Call?

ZONING:
Zoning Ordinance Section 5-652 – B

Excessive Sound: Residential, Commercial Industrial Uses. Measured by Sound Level Meter (SLM)
(1) Location in Relation to Residential Use.
   No loading/unloading activities or other noise-producing activities shall be allowed within 250 feet of an existing single family residential use.
(2) Maximum dB(A).
   • Measured at property line of adjacent single family residential lot, shall not exceed 55 dB(A).
   • Outdoor music not allowed after 11:00 PM.

LAW ENFORCEMENT:
Codified Ordinance--Offenses Against Public Peace Ch. 654.02

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

ANSWER: Zoning Enforcement*
703-777-0103
*But not available on weekends unless scheduled

ANSWER: Sheriff’s Department*
703-777-1021
*But measurement criteria / methods new

Clear?
Hours of Operation
Impacts: Lighting
COMPLAINTS:
No Consolidated Tracking outside County LELEX system

RESIDENT COMPLAINT

LC Health Dept
LELEX online

LC Bldg & Dev
LELEX online

LC Zoning
LELEX online or Form

RESIDENT COMPLAINT

FDA
Call 911 or online form

TTB
Call Tip line

VDACS
Call M-F, 8:15am - 5pm

VDOT
Online form

Sheriff, Fire & Rescue
Call/text 911

ODW
Call Field Office or 800#

VaABC
Online complaint form
## COMPLAINTS:
Not Tracked or Discretionary Reporting

### NOT TRACKED:
- Letters/emails to
  - BOS
  - Planning Commission
  - State elected officials
  - State Agencies
  - Federal elected officials
  - Federal Agencies
  - Social Media/News

### INCOMPLETE TRACKING*
- Calls to Sheriff
- Virginia ABC

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

### RESULT:
TOTAL COMPLAINTS UNDER REPORTED
LEx: Loudoun Express Request

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

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

**ACTION/Enforcement** ➔ Actual Qty of Complaints ➔ Inductive/McNamara Fallacy
# YARD STANDARDS

<table>
<thead>
<tr>
<th>Standards</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hours of Operation</td>
<td>• 8a-6p: Farm Based Tourism</td>
<td>• 7a-12midnight: B&amp;B’s</td>
</tr>
<tr>
<td></td>
<td>• 6a-9p: Ag Support</td>
<td>• ?-2am: Farm Wineries, Distilleries, Limited Breweries</td>
</tr>
<tr>
<td></td>
<td>• 10a-10p: Commercial Wineries</td>
<td>• No Restrictions: Rural retreats</td>
</tr>
<tr>
<td>Yard Distances</td>
<td>• <strong>60’</strong> Ag Support Uses</td>
<td>• <strong>200’</strong> Inns, Retreats, Banquet Event Centers</td>
</tr>
<tr>
<td></td>
<td>• <strong>125’</strong> Commercial wineries</td>
<td>• <strong>No Restrictions:</strong> Farm Wineries, Distilleries, Limited Breweries</td>
</tr>
<tr>
<td>Parking/Road Access</td>
<td>• Section 5-1102 – Defining number of spaces/loading</td>
<td>Not applied to: Rural corporate Retreats, Farm Wineries, Distilleries, Limited Breweries</td>
</tr>
<tr>
<td></td>
<td>• Section 5-654 – Road Access Standards</td>
<td></td>
</tr>
</tbody>
</table>

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

Examples – Sufficient yard/setbacks
IMPACTS:
YARD STANDARDS

Gravel Road
Neighbor’s Property Line / House
COMPARISON - WHAT CAN BE DONE: Loudoun vs. Albemarle Yard Standards

<table>
<thead>
<tr>
<th>Loudoun County</th>
<th>Setback Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limited Brewery</td>
<td>No Zoning setbacks</td>
</tr>
<tr>
<td>Farm Winery</td>
<td></td>
</tr>
<tr>
<td>Eco Tourism</td>
<td></td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Albemarle County*</th>
<th>FRONT</th>
<th>SIDE</th>
<th>REAR</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Instituted new Yard Standards</strong></td>
<td><strong>75’</strong></td>
<td><strong>25’ internal public or private road</strong></td>
<td><strong>25’</strong></td>
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<tr>
<td>Structures</td>
<td><strong>75’</strong></td>
<td><strong>25’ internal public or private road</strong></td>
<td><strong>125’</strong></td>
</tr>
<tr>
<td>Parking Areas</td>
<td><strong>125’</strong></td>
<td><strong>125’</strong></td>
<td><strong>125’</strong></td>
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</tbody>
</table>

* Farm Wineries, Breweries & Distilleries FAQs, Updated Feb. 1, 2017
### PARKING/ROAD ACCESS

<table>
<thead>
<tr>
<th>Standards</th>
<th>Minimum</th>
<th>Maximum</th>
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</thead>
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<tr>
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</tr>
<tr>
<td></td>
<td>- <strong>Section 5-654</strong> – Road Access Standards</td>
<td></td>
</tr>
</tbody>
</table>

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

Paved Road

Good Screening
VS. INADEQUATE PARKING - IMPACTS
INADEQUATE PARKING - IMPACTS

Neighbor’s Property
ROAD ACCESS

SUFFICIENT WIDTH

INSUFFICIENT WIDTH
RURAL USE PERFORMANCE STANDARDS

INCONSISTENCIES =

Substantial Impacts to Residents/Neighbors

- Intensity / Size of Use (Min. Lot Size)
- Daily/Yearly Parties/Attendees
- Hours of Operation
- Yard distances
- Landscaping/Buffering/Screening
- Parking/Road Access
- Exterior Lighting
- Noise
- Water / Wastewater
- Application requirements / Permits
RURAL USE
INTENSITY / SIZE OF USE & EVENTS
RURAL USE LOCATIONS--INTENSITY REVIEWED

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

**BED & BREAKFAST/INNS**
- Alta Terra Farm B&B
- Georges Mill Farm B&B
- Stone Manor B&B

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

**B&B's & WEDDINGS**
- Goodstone Inn & Restaurant
- Hillsborough B&B
- Little River Inn
- Oakland Green Farm B&B
- Silverbrook Farm B&B
- WeatherLea Farm & Vineyard

**FARM BREWERIES**
- Barnhouse Brewery
- Dirt Farm Brewing
- Old 690 Brewing Company
- Quattro Goombas Winery
- Vanish Brewery

**WEDDING VENUES**
- Grandale Vintner's Table
- Whitehall Estate
- Winding Creek Farm, LLC
## RURAL USE EVENTS – COMPARISON

<table>
<thead>
<tr>
<th>Rural Use Type</th>
<th>By-Right Daily</th>
<th>Events</th>
<th>Special Event Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>B&amp;B Homestay (1-4 Rms)</td>
<td>Max 20</td>
<td>• 10 parties/year By-Right</td>
<td>&gt;10/year</td>
</tr>
<tr>
<td>B&amp;B Inn (1-10 Rms)</td>
<td>Max 50</td>
<td>• 20 parties/year By-Right</td>
<td>&gt;20/year</td>
</tr>
<tr>
<td>Country Inn (1-40 Rms)</td>
<td>Max 100</td>
<td>• 20 parties/year By-Right</td>
<td>&gt;20/year</td>
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<tr>
<td></td>
<td></td>
<td>&gt;Requires Zoning/Bldg Permit</td>
<td></td>
</tr>
<tr>
<td>Rural Retreats/Resorts</td>
<td>Unlimited?</td>
<td>[“Private Party” not deemed a “special event”]</td>
<td>Not Required?</td>
</tr>
<tr>
<td>Banquet/Event Facility</td>
<td></td>
<td>Determined at STPL, SPEX or SPMI stage</td>
<td></td>
</tr>
<tr>
<td>Farm Winery, Distillery, Farm</td>
<td>Unlimited?</td>
<td>Unlimited?</td>
<td>Not Required</td>
</tr>
<tr>
<td>Brewery</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**RESULT:** Inconsistent zoning impacts to adjacent property owners and **BUSINESSES**.
RURAL USE EVENT VENUES
Ag Structure – Reuse

• Added 3 bathrooms and catering kitchen
Ag Barn Venue

- Sufficient yard setbacks
- No interior bathrooms or sinks
- Barns still used for farm storage
In-Use Ag Barn

• No interior bathrooms
• Livestock on lower level
• Sufficient yard setbacks
Former Dairy Barn

- Sufficient yard setbacks
Winery / Weddings Venue

• 2014 New construction, “Cape/Bungalow”
• Taxes: paid
• Adjacent to equestrian center
2014 Banquet Hall

- Taxed: Yes
- Permits: Unknown?
- Inspected: Unknown?
COMPARISON: B&B/Wedding Venue

- Constructed without permits or inspections
- Insufficient setbacks to neighbors (noise, lighting, traffic issues)
- Claiming “Ag Structure”
- Non-Ag large scale use
“Ag Barn” – New construction (2017)

Non-Ag large scale use in residential area
“Storage Warehouse” (2015)

Brewery tasting room

Ag Use

Manufacturing

2017 WebLogis: Minimal/Non-Ag, manufacturing, music venue
“Light Utility Building” or “Restaurant”?

2017 WebLogis: No visible Ag, manufacturing, music venue
Performance Venue

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

TRILLIUM GATHERING BUILDING

Performance Venue

TRILLIUM FARM, Purcellville, VA
10 am - 3 pm
Ages: 10 and up
Cost: $400/person

Tickets at www.trilliumfarm.org

Trillium Farm's annual Spring Break Camp is back! Join us for an awesome week of music and fun! A special guest, Jason Price returns for music recording activity. Dates: March 2nd - 4th

Wanna be a rockstar? Join us for an awesome week of music and fun! Jason Price returns for music recording activity. Dates: July 9 - 13
“Ag Barn”

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

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

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

RESULT: Concern of adjacent property owners/patrons
PERMITS – Primer:
No Consolidated way to track Permit violations

LMIS: Land Management Information System
LEX: Loudoun Express Request-CRM
LOLA: Loudoun Online Land Application

Permits: New Construction, additions, changes of use
County/Staff Tracking
Public Tracking

LC Zoning
Town Zoning
Zoning Permit Only
Special Events
Office of Emergency Mgmt

Ag use, trailers, temp sales/events, tents

PERMITS

Ag / Manufacturing
VDACS

Alcohol licensing
VaABC/TTB

Private or public Wells; Sewage Disposal Permit

VDOT
Health Dept/ODW

LC Planning Dept
Certificate of Appropriateness -Historic Districts

1 Customer Relationship Management System

1 No Consolidated way to track Permit violations
SPECIAL EVENTS PERMITS
No way to track Special Event Permit violations

**LMIS:** Land Management Information System ??

**LEX:** Loudoun Express Request
- Permission: ?
- Complaints: Yes

**LOLA:** Loudoun Online Land Application

**Special Event Permits**

- **OEM Tracking / Mgmt?**
- **LC Comm. Revenue**
- **Fire Marshal**
- **Health Dept./ODW**
- **VaABC / TTB**
- **LC Zoning Dept**
- **VDOT**
- **Tax Information: Event Organizers & Vendors**
- **Fire Prevention Appl & Fees**
- **Temporary food permit**
- **Special Event Zoning Permit**
- **Application for road Use**

**Alcohol licensing**

**Request - Permission: ?**
**Complaints: Yes**

**LOLA:** Loudoun Online Land Application

**SPECIAL EVENTS PERMITS**
No way to track Special Event Permit violations

**LMIS:** Land Management Information System ??

**LEX:** Loudoun Express Request
- Permission: ?
- Complaints: Yes

**LOLA:** Loudoun Online Land Application

**Special Event Permits**

- **OEM Tracking / Mgmt?**
- **LC Comm. Revenue**
- **Fire Marshal**
- **Health Dept./ODW**
- **VaABC / TTB**
- **LC Zoning Dept**
- **VDOT**
- **Tax Information: Event Organizers & Vendors**
- **Fire Prevention Appl & Fees**
- **Temporary food permit**
- **Special Event Zoning Permit**
- **Application for road Use**

**Alcohol licensing**
PERMITS Primer: Systems/Tools

No Consolidated way to track Permits/violations

- **LC Zoning**
- **Zoning Only**
- **Planning**
- **Health ODW**
- **VDACS**
- **VaABC /TTB**
- **VDOT**
- **PERMITS**
- **Town Zoning**

---

**LMIS**
Land Mgmt Info Sys

- Public view at County terminal/
  No remote public view

**LOLA**
Loudoun Online Land Applications

- Remote Public view / limited search

**LEX**
Loudoun Express Request

- Public input / no public reporting

**ELMS**
Electronic Land Mgmt System

- FY 2020: Remote Public view
ZONING ENFORCEMENT

Call to Zoning Enforcement

Complaint?

Information/Notification?

ZE can only take action in Lex if caller identifies issue as a “complaint”

Caller notified he/she can be identified via FOIA or later in court

Caller provided other dept. / agencies to call

PRIVACY AT RISK: Conflicting information regarding submissions

“You may elect to keep all identifying information held confidential by indicating this on the online form.”

“Information you submit through this form is public and may be subject to disclosure through the Freedom of Information Act.”

You are attesting to the validity of this report and acknowledge your willingness to appear in court as a witness...”
Zoning Enforcement Policy*

Since 1992 BOS direction – Zoning Enforcement staff investigates

- Written complaints (LEx, email);
- Complaints from Supervisor or other county agencies; and
- Proactively only in cases of eminent peril to life or property.

As of June, 2010:
- Zoning Enforcement approved for **Proactive Enforcement** in **Sterling Area** only;
  - Mon-Fri workweek, weekend inspections as necessary.

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

INTENSITY / SIZE OF USE
RURAL USE INTENSITY: FACTORS Impacting Residents/Neighbors

- Parcel size
- Quantity of Events
- Quantity Venues in Proximity

- Noise
- Enforcement
- Traffic

Measurement: % increase over VDOT 2016 AADT
**QUANTIFICATION OF EVENTS:**

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

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

**TOTAL: 19 Venues** | **427** | **398** |

**Loudoun County TOTAL** | **1010** | **1004**

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

*Approx total 150 venues = 12% hold ~40% events*
<table>
<thead>
<tr>
<th>Link ID</th>
<th>Route Prefix</th>
<th>Route Number</th>
<th>Route Label</th>
<th>Route Alias</th>
<th>Link Length</th>
<th>Start Label</th>
<th>End Label</th>
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<th>Data Date</th>
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<tbody>
<tr>
<td>750089</td>
<td>53</td>
<td>00718</td>
<td>53-718</td>
<td>Ashbury Church Rd</td>
<td>1.56</td>
<td>53-690 Hillsboro Rd</td>
<td>SCL Hillsboro</td>
<td>40</td>
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<td>53-718</td>
<td>Ashbury Church Rd</td>
<td>0.02</td>
<td>ECL Hillsboro</td>
<td>53-812 Gaver Mill Rd</td>
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<td>749853</td>
<td>53</td>
<td>00626</td>
<td>53-626</td>
<td>Foggy Bottom Rd</td>
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<td>53-719 W, Airmont Rd</td>
<td>53-739 Austin Grove Rd</td>
<td>180</td>
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<td>749854</td>
<td>53</td>
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<td>53-626</td>
<td>Foggy Bottom Rd</td>
<td>0.97</td>
<td>53-739 Austin Grove Rd</td>
<td>53-765 Ridgside Rd</td>
<td>140</td>
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<td>749855</td>
<td>53</td>
<td>00626</td>
<td>53-626</td>
<td>Foggy Bottom Rd</td>
<td>1.01</td>
<td>53-765 Ridgside Rd</td>
<td>53-759 Hollow Oak Rd</td>
<td>240</td>
<td>R</td>
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<td>749856</td>
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<td>00626</td>
<td>53-626</td>
<td>Foggy Bottom Rd</td>
<td>1.30</td>
<td>53-759 Hollow Oak Rd</td>
<td>53-734 Snickersville Rd</td>
<td>450</td>
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<td>749917</td>
<td>53</td>
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<td>1.10</td>
<td>53-661 E, Chapel Lane</td>
<td>53-658 Evans Pond Rd</td>
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<td>749918</td>
<td>53</td>
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<td>53-657</td>
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<td>0.80</td>
<td>53-658 Evans Pond Rd</td>
<td>53-662 Lost Corner Rd</td>
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<td>53</td>
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<td>53-657</td>
<td>Spinks Ferry Rd</td>
<td>0.90</td>
<td>53-662 Lost Corner Rd</td>
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<td>00797</td>
<td>53-797</td>
<td>Mount Gilead Rd</td>
<td>1.00</td>
<td>Dead End</td>
<td>53-662 Loudoun Orchard Rd</td>
<td>200</td>
<td>R</td>
<td>09/13/2010</td>
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<tr>
<td>750222</td>
<td>53</td>
<td>00797</td>
<td>53-797</td>
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<td>53-662 Loudoun Orchard Rd</td>
<td>53-770 Dunlop Mill Rd</td>
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<td>00797</td>
<td>53-797</td>
<td>Mount Gilead Rd</td>
<td>1.00</td>
<td>53-770 Dunlop Mill Rd</td>
<td>53-704 Harmony Church Rd</td>
<td>390</td>
<td>R</td>
<td>09/13/2010</td>
</tr>
<tr>
<td>749912</td>
<td>53</td>
<td>00651</td>
<td>53-651</td>
<td>Hogback Mountain Rd</td>
<td>2.00</td>
<td>US 15 N, James Monroe Hwy</td>
<td>53-797 Mount Gilead Rd</td>
<td>170</td>
<td>R</td>
<td>05/17/2010</td>
</tr>
</tbody>
</table>
**QUANTITY OF EVENTS: EXAMPLE**

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

VDOT 2016 AADT* ~ 1200 trips/week

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

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

* Annual Average Daily Traffic Volume
VENUE DENSITY EXAMPLE

- The Vineyards and Winery at Lost Creek
- Hidden Brook Winery
- Barnhouse Brewery
- The Vineyards and Winery at Lost Creek
- Winery 32
- 48 Fields Farm-Venue
- New Venue
- Riverside - Venue
- Roots 657 Cafe
- Fabbio Cellars
- Temple Hall Farm/Park
- 48 Fields Farm
VENUES IN PROXIMITY IMPACT: EXAMPLE

<table>
<thead>
<tr>
<th>Venues</th>
<th>M</th>
<th>T</th>
<th>W</th>
<th>Th</th>
<th>Fri</th>
<th>Sat</th>
<th>Sun</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016 VDOT AADT</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>100</td>
<td>700</td>
</tr>
<tr>
<td>Spinks Ferry Rd</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Winery 1</td>
<td>60</td>
<td>60</td>
<td>60</td>
<td>60</td>
<td>150</td>
<td>800</td>
<td>600</td>
</tr>
<tr>
<td>Winery 2</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>150</td>
<td>500</td>
<td>300</td>
</tr>
<tr>
<td>Winery 3</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>500</td>
<td>400</td>
</tr>
<tr>
<td>Brewery 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wedding Venue 1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wedding Venue 2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wedding Venue 3</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>4340</td>
</tr>
<tr>
<td>% Increase</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>620%</td>
</tr>
<tr>
<td>Limestone School</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Winery 4</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>20</td>
<td>50</td>
<td>500</td>
<td>300</td>
</tr>
<tr>
<td>Farm Tourism</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>50</td>
<td>200</td>
<td>200</td>
<td></td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1580</td>
</tr>
<tr>
<td>% Increase</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>846%</td>
</tr>
</tbody>
</table>

RURAL TOURISM VIEW:
Venues in close proximity benefit tourists/limo companies

RESIDENT/NEIGHBOR VIEW:
Venues in close proximity cause peak traffic increase in excess of 600%

% Increase

5920

846%
CONCLUSIONS / WHAT CAN BE DONE
CONCLUSIONS – Response to Original Questions

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

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

**PRIMARY FACTORS IMPACTING**

“balance between Rural Economy and Quality of life for residents.”

---

**CONCLUSIONS**

- Inconsistent &/or Non-existent Rural Use performance standards
- Noise, Traffic, & Enforcement
- "balance between Rural Economy and Quality of life for residents."

---

**PRIMARY FACTORS IMPACTING**

- "balance between Rural Economy and Quality of life for residents."
WHAT CAN BE DONE

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

*Rural Zoam

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

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

** Annual Avg Daily Traffic (AADT) is the total annual traffic estimate divided by the number of days in the year. (Source data: [http://www.virginiadot.org/info/resources/Traffic_2013/AADT_053_Loudoun_2013.pdf](http://www.virginiadot.org/info/resources/Traffic_2013/AADT_053_Loudoun_2013.pdf))

<table>
<thead>
<tr>
<th>Maximum Vehicles Per Day (VPD)</th>
<th>Onsite Private Road Construction Standards</th>
<th>Public Road Access</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Public Paved Road Standards (2)</td>
</tr>
<tr>
<td>1 - 20 VTD</td>
<td>FSM Chapter 4, Table 3, Type C1 Roadway</td>
<td>Permitted</td>
</tr>
<tr>
<td>21 - 70 VTD</td>
<td>FSM Chapter 4, Table 3, Type C2 Roadway</td>
<td>Permitted</td>
</tr>
<tr>
<td>71 - 250 VTD</td>
<td>FSM Chapter 4, Table 3, Type C3 Roadway</td>
<td>Permitted</td>
</tr>
<tr>
<td>251 - 600 VTD</td>
<td>FSM Chapter 4, Table 1, Type A1 Roadway</td>
<td>Permitted</td>
</tr>
<tr>
<td>More than 600 VTD</td>
<td>FSM Chapter 4, Table 1, Type A1 Roadway</td>
<td>Special Exception Review required (Section 6-1300)</td>
</tr>
</tbody>
</table>
WHAT CAN BE DONE – Commercial Entrances
Virginia Transportation Research Council (VRTX) Report 16-R18

Trip Generation at Virginia Agritourism Land Uses

➢ “Results suggest established retail wineries, cideries, breweries likely to exceed VDOT’s 50-trips-per-day maximum threshold for “low volume commercial entrance.”

➢ “Based on findings in study, appears VDOT’s practice of assuming low trip volumes for agritourism land uses may result in entrances undersized for amount of traffic.”

➢ “Moderate volume commercial entrance” category may be appropriate in most cases.”
WHAT CAN BE DONE
LOUDOUN COUNTY ZONING UPDATES

Past regulation interpretations:

2006-2014 COUNTY STAFF interpretation

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

ZOAG, Planning Commission, TLUC & BOS

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

However, **2016**
- Other Virginia counties established local regulations
  - COUNTY STAFF’S interpretation was correct.
COMPARISON/WHAT CAN BE DONE:
2017 Albemarle County Events Management

- Albemarle Events at Farm Winery, Brewery, Distillery:
  - Primary Agricultural Use for Event Eligibility:
    - Minimum of 5 acres agricultural product PLANTED ON-SITE to be used in beverage production
    - On-site facilities for fermenting/distilling
  - Zoning Clearance Required:
    - Events or activities generating over 50 vehicle trips/day*
    - Events on sites under 21 acres
  - Special Use Permit: 5 months advance notice for
    - Events or activities with over 200 attendees at any time
    - Events with cumulative attendance of more than 200
      * (25 round trips, to/from = 50 vehicle trips)
# COMPARISON/WHAT CAN BE DONE:
2016 Clarke County Special Event Standards

<table>
<thead>
<tr>
<th>Clarke County*</th>
<th>Special Events</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-C-2-nn: Wineries, Farm</td>
<td>• <strong>Permit required</strong> for activity/event NOT primarily on-premises sale, tasting or consumption, or • constitutes Special Event defined in § 57.2</td>
</tr>
<tr>
<td>3-C-2-oo: Breweries, Farm</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>§ 57-2 Special Events</th>
<th>Permit Required for</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small Special Event:</td>
<td>150-499 persons, <strong>not more than 5 event days/calendar yr</strong></td>
</tr>
<tr>
<td>Medium Special Event:</td>
<td>• 150-499 persons, <strong>6 or more days/year</strong> and • Special Events of 500-999 persons attending</td>
</tr>
<tr>
<td>Large Special Event:</td>
<td><strong>1000 or more</strong> persons attending an event</td>
</tr>
</tbody>
</table>

| §57.3.1 Parcel Size                    | **Special Event not allowed on parcel of less than six acres**                |
|§57.3.2 Exemption                      | Exemption from permit: **Less than 150 persons on parcel of 6 or more acres** |

*Clarke County Zoning Ordinance, Code Chapter 188, 2016 Version*
PERMITS - Primer

PERMIT TRACKING

- **LMIS – Land Management Information System**
  - Users:
    - Building & Development
    - Zoning
    - Planning
    - Enforcement

VIOLATIONS -

- **LEx - Loudoun Express Request**
  - no public reporting

- **LOLA - Loudoun Online Land Application**
  - Contains documents and issues/violation summaries, but
  - have to application number or applicant/business name to find files

- **BZA - Board of Zoning Appeals** –
  - need to watch monthly public meeting agendas
PERMITS - Primer

BUILDING PERMITS -- LMIS Tracking
– All building permits are issued through Building and Development.

ZONING REQUIREMENTS – LMIS Tracking
• Zoning permits are issued either by the county or by incorporated towns.
  – Contact the appropriate town zoning office for requirements before applying for any building permit if property is located within the corporate limits of a town
  – Loudoun County zoning approval is required for new construction, additions, and changes of use or tenant if the property is outside of town limits
    • With application, submit a survey plat showing property lines; all existing structures and all proposed structures, with dimensions and square footages; distances from the property lines for all existing and proposed structures; locations and dimensions of all easements, buffers and tree save areas; and all roads adjacent to the property.
    • Property owner’s signature is required on all zoning applications.

• Zoning permits for commercial construction
  – Include a breakdown of square footages with description of use, site plan or site plan amendment number, and suite number where applicable.

• Zoning Permit Only (no building permit)
  – Required for buildings for agricultural use, construction trailers, temporary sales, temporary events, and tents. Health Department clearance may also be required.
PERMITS - Primer

PLANNING / RESTRICTIONS

• Certificate of Appropriateness
  – Required for properties located within a historic district. Applicants must apply for Certificate and receive a from the Planning Department before any permits can be issued.

• Building Restrictions on proposed building lot
  – applicant’s responsibility to check with the Office of Mapping and Geographic Information, Department of Building and Development, and any other county departments or agencies to determine if there are any restrictions prior to applying for permits.

HEALTH PERMITS

• Wells
  – Health Permit for well is necessary before drilling begins for a new private or public well.
  – Also necessary before modifying existing well for any new construction, or for any addition or alteration of an existing structure not served by a public water system.
  – After well is drilled, water must be tested and results forwarded to the Health Dept.

• Septic
  – Sewage Disposal Permit from Health Department required before a septic system is installed for a new structure, and before modification of existing sewage disposal system.
  – An application for a Health Permit should be submitted directly to the Health Department.
## RECOMMENDATIONS SUMMARY

<table>
<thead>
<tr>
<th>STANDARDS</th>
<th>RECOMMENDATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Intensity / Size of Use (Min. Lot Size)</strong></td>
<td>Review/Adjust consistent attendees/acreage minimums</td>
</tr>
<tr>
<td><strong>Hours of Operation</strong></td>
<td>Review/Adjust consistent Hours of Operation across rural uses</td>
</tr>
<tr>
<td><strong>Daily/Yearly Parties/Attendees</strong></td>
<td>Apply same standards as Albemarle County</td>
</tr>
<tr>
<td></td>
<td>• MINIMUM OF 5 ACRES agricultural product PLANTED ON-SITE used in beverage production</td>
</tr>
<tr>
<td></td>
<td>- On-site facilities for fermenting/distilling</td>
</tr>
<tr>
<td></td>
<td>• ZONING CLEARANCE REQUIRED:</td>
</tr>
<tr>
<td></td>
<td>- Events or activities generating over 50 vehicle trips/day*</td>
</tr>
<tr>
<td></td>
<td>- Events on sites under 21 acres</td>
</tr>
<tr>
<td></td>
<td>• SPECIAL USE PERMIT: 5 months advance notice for</td>
</tr>
<tr>
<td></td>
<td>- Events or activities with over 200 attendees at any time</td>
</tr>
<tr>
<td></td>
<td>- Events with cumulative attendance of more than 200</td>
</tr>
<tr>
<td></td>
<td>Apply same size standards as Clarke County</td>
</tr>
<tr>
<td></td>
<td>Not allowed on parcels with USE AREA less than 6 acres</td>
</tr>
<tr>
<td></td>
<td>Rural Use adding Events</td>
</tr>
<tr>
<td></td>
<td><em>X quantity/year by-right</em></td>
</tr>
<tr>
<td></td>
<td>More than X requires site plan/special exception</td>
</tr>
<tr>
<td></td>
<td>Apply Section 5-500(C)4 -- Minimum Standards and Criteria for</td>
</tr>
<tr>
<td></td>
<td>Review to ALL Rural Uses*</td>
</tr>
</tbody>
</table>

*More than X requires site plan/special exception*
## RECOMMENDATIONS SUMMARY

<table>
<thead>
<tr>
<th>STANDARDS</th>
<th>RECOMMENDATIONS</th>
</tr>
</thead>
</table>
| Yard distances             | Apply minimum Yard Standards as applied to other Rural Uses:  
• 100’ for Use and parking  
• 200’ minimum from adjacent properties & outdoor activities unless adjacent to commercial property  
• 500’ adjacent to residential  |
| Landscaping/buffering/screening | Apply & enforce Landscaping, Buffering, Screening Standards as applied to other Rural Uses (5-653):  
• Setbacks or Yards Adjacent to residential homes on less than 4 acres within 300 feet of adjacent business property line.  
• “Certain Sized Lots. A minimum of the first 50 feet of setback or yard area adjacent to any existing lot four (4) acres or less in size that contains a house within 300 feet of the adjacent property line shall be landscaped and screened with solid fencing.”  
Apply & enforce “Screening of Outdoor Storage and Storage Yards” as described in LC 5-653:  
Outdoor storage and storage yards shall be screened to minimize visibility from adjacent public roads and adjacent single family detached uses by six (6) canopy trees per one hundred (100) lineal feet of perimeter of storage area. |
# RECOMMENDATIONS SUMMARY

<table>
<thead>
<tr>
<th>STANDARDS</th>
<th>RECOMMENDATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking</td>
<td>Apply &amp; ENFORCE Section 5-1102 for ALL Rural Uses (Number of Parking and Loading</td>
</tr>
<tr>
<td></td>
<td>Spaces Required)</td>
</tr>
<tr>
<td>Road/Access,</td>
<td>Apply &amp; ENFORCE Section 5-654, for the health, safety and welfare of local</td>
</tr>
<tr>
<td>Vehicle/Equipment</td>
<td>property owners, visitors and patrons to breweries, as is done for other AR-1</td>
</tr>
<tr>
<td></td>
<td>permitted businesses. <em>Rural Uses exceeding X quantity of vehicles Y days/year.</em></td>
</tr>
<tr>
<td>Exterior Lighting</td>
<td>Apply &amp; enforce LC 5-652-A for All Rural Uses</td>
</tr>
<tr>
<td>Noise</td>
<td>Apply &amp; enforce LC 5-652-B and Ch. 654.02 (Offenses Against Public Peace)</td>
</tr>
<tr>
<td>Water / Wastewater</td>
<td>Special Exception required for Rural Use Waterworks within 500’ of residential</td>
</tr>
<tr>
<td></td>
<td>wells and/or septic</td>
</tr>
<tr>
<td></td>
<td>Any Rural Use reporting 500+ gallons/day required to perform drawdown testing</td>
</tr>
<tr>
<td></td>
<td>per ODW: Title 32.1 Chapter 6 Article 2 “Waterworks Regulations”.</td>
</tr>
<tr>
<td>Application requirements</td>
<td>Prepare checklist for each rural use type, establish Ombudsman role.</td>
</tr>
<tr>
<td>Permits</td>
<td>Rural Use structure with X quantity of people or events per year NOT exempt from</td>
</tr>
<tr>
<td></td>
<td>State Uniform Building Code (SUBC).</td>
</tr>
</tbody>
</table>
EVENT TYPES & DEFINITIONS

SPECIAL EVENTS

Approved via Special Exception use

open to the public and is planned or reasonably expected to attract large assemblies of persons.

BY-RIGHT/PRIVATE PARTIES

BY-RIGHT
Standards included in Rural Use Zoning (e.g., B&B annual allowance)

PRIVATE PARTIES

held at a Banquet/Event Facility or Bed & Breakfast shall not be deemed a special event.

Residents/Neighbours not clear on which are which and whom to contact with issues/complaints.
EVENT APPROVALS

**SPECIAL EVENTS**

Project Management* across agencies:
Health Dept., Sheriff, Fire Marshal, VaABC, Tax, VDOT. **REQUIRES**: Zoning Temporary Use/Special Event Permit

Conditions on hours, volume of music, outdoor lighting, other impacts to health, safety and public welfare
*Event Sponsor/Host responsible for ensuring forms and permits in compliance

**QUESTION**
What County department has overall authority for Special Event Permit compliance (not project management responsibility)?

**BY-RIGHT/PRIVATE PARTIES**

- Quantity/attendees defined via Zoning
- Dates submitted for approval annually

Use of Ag Structure: Allowed **“Provided primary use is for agriculture.”**
Recommended to meet Building Codes (electrical, egress, lights, fire safety, etc.)

**QUESTION**
How are “Daily/Yearly Parties/Attendees” Performance Standards monitored or enforced?
“THE LONG VIEW” of Residents

• Page 245: “Threats”

“Unwelcoming attitude of some residents – Some in our group noted that some Western Loudoun residents have an ‘unwelcoming’ attitude toward outside visitors.

This will likely change over time as some of the ‘old guard’ who may be resentful of ‘civilization’ encroaching get replaced with younger, more tolerant residents.”
COUNTY PERFORMANCE
STANDARDS
By-Right Use

Performance Standards

• Address inconsistencies between Rural Uses for
  ➢ Intensity / Size of Use (Min. Lot Size)
  ➢ Hours of Operation
  ➢ Daily/Yearly Parties/Attendees
  ➢ Yard distances
  ➢ Landscaping/buffering/screening
  ➢ Parking
  ➢ Road/Access, Vehicle/Equipment
  ➢ Exterior Lighting
  ➢ Noise
  ➢ Water / Wastewater
  ➢ Application requirements
  ➢ Permits
### INTENSITY / SIZE OF USE Inconsistencies
Attendees vs. Acres Examples

<table>
<thead>
<tr>
<th>USE</th>
<th>Attendees</th>
<th>REQUIRES</th>
<th>HOWEVER</th>
</tr>
</thead>
<tbody>
<tr>
<td>Banquet/Event Facility</td>
<td>200</td>
<td>20 acre min 50-100 acres &gt; 80 acres</td>
<td>Commercial Wineries, Farm Wineries and Limited Breweries -- unlimited attendees on 10 acres min.</td>
</tr>
<tr>
<td>Ag Support (5-627)</td>
<td>&gt; 600</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farm Tourism</td>
<td>&gt; 600</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Farm Tourism</td>
<td>200</td>
<td>5-25 Acres</td>
<td>Farm Based Tourism can have 300/day on minimum 5 acres</td>
</tr>
<tr>
<td>Ag Support Uses w/ Ag (5-627)</td>
<td>200</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ag Support Uses w/o Ag (5-630, e.g. equestrian)</td>
<td>&lt;200</td>
<td>5-25 acres 25-50 acres 50-100 acres</td>
<td>Eco-Tourism (5-647) can have unlimited on minimum 5 acres</td>
</tr>
<tr>
<td></td>
<td>200-400</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>400-600</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
HOURS OF OPERATION
STANDARDS
# HOURS OF OPERATION: Inconsistencies

<table>
<thead>
<tr>
<th>RURAL USES</th>
<th>Hours of Operation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eco-Tourism &amp; Ag Support Uses w/ Ag</td>
<td>6am – 9pm</td>
</tr>
<tr>
<td>Ag Support w/o Ag</td>
<td>6am – 10pm</td>
</tr>
<tr>
<td>Restaurants in AR</td>
<td>6am – 12 midnight (incl. deliveries)</td>
</tr>
<tr>
<td>Bed &amp; Breakfasts Banquet/Event</td>
<td>7am – 12 midnight (incl. deliveries)</td>
</tr>
<tr>
<td>Farm Based Tourism</td>
<td>8am – 6pm</td>
</tr>
<tr>
<td>Commercial Winery</td>
<td>10am – 10pm</td>
</tr>
</tbody>
</table>

**HOWEVER**

<table>
<thead>
<tr>
<th>Rural/Corporate Retreat Limited Brewery Farm Winery</th>
<th>No Hours of Operation restrictions for parties or tasting room events*</th>
</tr>
</thead>
</table>

*See § 4.1-129. Local ordinances regulating time of sale of wine and beer.

**RESULT:** Inconsistent impacts to adjacent property owners.
EVENTS STANDARDS
EVENT TYPES & DEFINITIONS

SPECIAL EVENTS

• Approved via **Special Exception** use

• A temporary commercial or festive activity or promotion at a specific location that is **open to the public** and is planned or reasonably **expected to attract large assemblies of persons**.
  – Special events include, but are not limited to, carnivals, festivals, circuses, music fairs or concerts, tent revivals, art shows, crafts shows, rodeos, corn mazes, civil war reenactments, equestrian shows, firework displays and events, or similar events open to the public.

BY-RIGHT / PRIVATE PARTIES

• **BY-RIGHT**
  – standards included in Rural Use Zoning

• **PRIVATE PARTIES**
  – **held at a Banquet/Event Facility** (including Hotel, Conference Center, Restaurant, Rural Resort, or similar facility), **or Bed & Breakfast** (Bed and Breakfast Homestay, Bed and Breakfast Inn, or Country Inn) **shall not be deemed a special event**.
    – A private party which is held at a location other than the foregoing or held on property not occupied by the host, shall be deemed a special event.
    – “Special event” does not include temporary or seasonal retail sales of goods, products, or services, such as temporary sales of Christmas trees, farm produce, fireworks, and other similar seasonal good.
EVENTS APPROVALS

SPECIAL EVENTS

Project Management* across agencies:
• Health Dept., Sheriff, Fire Marshal, VaABC, Tax, VDOT
• Zoning Temporary Use/Special Event Permit
• Conditions on hours, volume of music, outdoor lighting, other impacts to health, safety and public welfare

*Event Sponsor/Host responsible for ensuring forms and permits in compliance

QUESTION
• What County department has overall authority for Special Event Permit compliance (not project management responsibility)?

BY-RIGHT / PRIVATE PARTIES

• Quantity/attendees defined via Zoning.
• Dates submitted for approval annually
• Sketch plan required w/ application
  – Tent 900sqft+ requires Fire Marshal inspect
  – Accessory building w/ 50+ must meeting building codes for assembly uses.
  – Buildings 12Ksqft+ or 300+ people requires fire suppression/sprinklers

• Use of Ag Structure: “Provided primary use is for agriculture.”
  – Recommended to meet Building Codes (electrical, egress, lights, fire safety, etc.)

QUESTION
• How are “Daily/Yearly Parties/Attendees” Performance Standards monitored or enforced?
# RURAL USE EVENTS – COMPARISON

<table>
<thead>
<tr>
<th>Rural Use Type</th>
<th>By-Right Daily</th>
<th>Events</th>
<th>Special Event Permit</th>
</tr>
</thead>
<tbody>
<tr>
<td>B&amp;B Homestay (1-4 Rms)</td>
<td>Max 20 attendees</td>
<td>• 10 parties/year By-Right</td>
<td>&gt;10/year</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• &gt;20 attendees subject to Zoning/Bldg Permit</td>
<td></td>
</tr>
<tr>
<td>B&amp;B Inn (1-10 Rms)</td>
<td>Max 50 attendees</td>
<td>• 20 parties/year By-Right</td>
<td>&gt;20/year</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• &gt;50 attendees subject to Zoning/Bldg Permit</td>
<td></td>
</tr>
<tr>
<td>Country Inn (1-40 Rms)</td>
<td>Max 100 attendees</td>
<td>• 20 parties/year By-Right</td>
<td>&gt;20/year</td>
</tr>
<tr>
<td></td>
<td></td>
<td>• &gt;100 attendees subject to Zoning/Bldg Permit</td>
<td></td>
</tr>
<tr>
<td>Rural Retreats/Resorts</td>
<td>Unlimited?</td>
<td>[“Private Party” not deemed a “special event”]</td>
<td>Not Required?</td>
</tr>
<tr>
<td>Banquet/Event Facility</td>
<td></td>
<td>Determined at STPL, SPEX or SPMI stage</td>
<td></td>
</tr>
<tr>
<td>Farm Winery, Distillery, Farm Brewery</td>
<td>Unlimited?</td>
<td>Unlimited?</td>
<td>Not Required</td>
</tr>
</tbody>
</table>

**RESULT:** Inconsistent impacts to adjacent property owners.
2006-2014

• County Staff’s interpretation during winery & brewery reviews
  “Amendments do authorize certain local regulation to protect the health, safety and welfare, and specifically authorize local regulation of outdoor amplified music, minimum parking, road access or road upgrade requirements.”

• However, ZOAG, Planning Commission, TLUC and BOS under “impression” County not allowed to establish local zoning regulations for breweries or wineries.

2016

• Other Virginia counties established local regulations, demonstrating County Staff’s original interpretation was correct.
COMPARISON:
2017 Albemarle County Events Management

• Albemarle Events at Farm Winery, Brewery, Distillery:
  – Primary Agricultural Use for Event Eligibility:
    • Minimum of 5 acres agricultural product PLANTED ON-SITE to be used in beverage production
    • On-site facilities for fermenting/distilling
  – Zoning Clearance Required:
    • Events or activities generating over 50 vehicle trips/day*
    • Events on sites under 21 acres
  – Special Use Permit: 5 months advance notice for
    • Events or activities with over 200 attendees at any time
    • Events with cumulative attendance of more than 200
      * (25 round trips, to/from = 50 vehicle trips)
COMPARISON:
2016 Clarke County Special Event Standards

<table>
<thead>
<tr>
<th>Clarke County*</th>
<th>Special Events</th>
</tr>
</thead>
<tbody>
<tr>
<td>3-C-2-nn: Wineries, Farm 3-C-2-oo: Breweries, Farm</td>
<td>• Permit required for activity/event NOT primarily on-premises sale, tasting or consumption, or constitutes Special Event defined in § 57.2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>§ 57-2 Special Events</th>
<th>Permit Required for</th>
</tr>
</thead>
<tbody>
<tr>
<td>Small Special Event:</td>
<td>150-499 persons, not more than 5 event days/calendar yr</td>
</tr>
<tr>
<td>Medium Special Event:</td>
<td>• 150-499 persons, 6 or more days/year and • Special Events of 500-999 persons attending</td>
</tr>
<tr>
<td>Large Special Event:</td>
<td>1000 or more persons attending an event</td>
</tr>
<tr>
<td>§57.3.1 Parcel Size</td>
<td>Special Event not allowed on parcel of less than six acres</td>
</tr>
<tr>
<td>§57.3.2 Exemption</td>
<td>Exemption from permit: Less than 150 persons on parcel of 6 or more acres</td>
</tr>
</tbody>
</table>

*Clarke County Zoning Ordinance, Code Chapter 188, 2016 Version*
## Adding Rural Uses

- **How are Performance Standards applied for**

<table>
<thead>
<tr>
<th>Banquet/Event Facility</th>
<th>ADDING Winery, Brewery, Cidery, Restaurant?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Rural Use</td>
<td>ADDING Banquet/Event Use?</td>
</tr>
<tr>
<td>B&amp;B, Winery, Brewery, Cidery, Restaurant,</td>
<td></td>
</tr>
</tbody>
</table>

- **Zoning requires 20 acre minimum for Restaurants, indicating Rural Uses on less than 20 acres cannot add a Restaurant**
YARD STANDARDS
# YARD STANDARDS: Inconsistencies

<table>
<thead>
<tr>
<th>RURAL USE</th>
<th>Setback Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Country Inn, Rural &amp; Corp Retreats, Banquet/Events,</td>
<td>Min 200’ from Adjacent properties</td>
</tr>
<tr>
<td>Commercial Wineries</td>
<td>125’ for use</td>
</tr>
<tr>
<td>Restaurants in AR, Banquet Parking, Small Based Business, farm Based Tourism</td>
<td>100’</td>
</tr>
<tr>
<td>Ag Support w/ and w/o Ag</td>
<td>60’ for structures &amp; storage</td>
</tr>
</tbody>
</table>

## HOWEVER

<table>
<thead>
<tr>
<th>Limited Brewery</th>
<th>Farm Winery</th>
<th>Eco Tourism</th>
</tr>
</thead>
<tbody>
<tr>
<td>No Zoning setbacks*</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*Albemarle recently instituted setbacks up to 125’ for Limited Breweries, Farm Wineries & Distilleries
COMPARISON: Loudoun vs. Albemarle Yard Standards

<table>
<thead>
<tr>
<th>Loudoun County</th>
<th>Setback Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Limited Brewery</td>
<td>No Zoning setbacks</td>
</tr>
<tr>
<td>Farm Winery</td>
<td></td>
</tr>
<tr>
<td>Eco Tourism</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Albemarle County*</th>
<th>FRONT</th>
<th>SIDE</th>
<th>REAR</th>
</tr>
</thead>
<tbody>
<tr>
<td>Structures</td>
<td>75’</td>
<td>25’</td>
<td>35’</td>
</tr>
<tr>
<td></td>
<td>25’ internal public or private road</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking Areas</td>
<td>75’</td>
<td>125’</td>
<td>125’</td>
</tr>
<tr>
<td></td>
<td>25’ internal public or private road</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Farm Wineries, Breweries & Distilleries FAQs, Updated Feb. 1, 2017
WATER/WASTE STANDARDS
WATER Requirements/Issues

• APPLY TO:
  Limited Breweries       Farm & Commercial Wineries
  Event/Banquet facilities Restaurants
  Rural Retreat/Resort    Rural Corporate Retreat

• For health, safety and welfare of residents and patrons --
  What County Department has direct responsibility to ensure
  – compliance with Virginia Office of Drinking Water **BEFORE Zoning Permit Approval**?
  – compliance with ODW and Health Department for human waste **DURING STPL, SPEX or SPMI stage and BEFORE Zoning Permit Approval**?
WATER SUPPLY—Key Definitions

County, State & Federal Law All Require
TRANSIENT NON-COMMUNITY WATER SYSTEMS (TNCWS)
Required to provide water to
25 or more people for at least 60 days/year
(Applies to rural winery/brewery tasting rooms)

IT’S THE LAW:

- Loudoun County Water Well Ordinances, Title Four, 1040.01
  - (n) PUBLIC WATER SUPPLY system means a water supply system serving two or more dwelling, commercial, agricultural or industrial units, or any system serving more than twenty-five persons, or the public.
- General Assembly amended Code of VA §32.1 in effect on July 1, 2014.
  - HUMAN CONSUMPTION means drinking, food preparation, dishwashing, bathing, showering, hand washing, teeth brushing and maintaining oral hygiene.
- Code of Virginia, § 32.1-176.3. Definitions
  - “WATERWORKS" - a system that serves piped water for human consumption to at least 15 service connections or 25 or more individuals for at least 60 days out of the year.
- U.S. Environmental Protection Agency (EPA)
  - TRANSIENT NON-COMMUNITY WATER SYSTEMS (TNCWS) provide water to 25 or more people for at least 60 days/year, but not to the same people and not on a regular basis (for example, gas stations, campgrounds).
Office of Drinking Water (ODW)

Title 32.1 Chapter 6 Article 2 “Waterworks Regulations”
- F. Commercial applications involving water use of more than 500 gallons per day must arrange for monitoring of all existing active wells within 500 feet of the proposed commercial well during the required 48-hour yield test of the proposed new commercial well.

HOWEVER
- ODW only “recommends” such tests be performed, as no law requires or mandates examining impact on neighboring wells.
- ODW (Eggborn) indicated requirements to protect neighboring wells from running dry is a “zoning and planning responsibility.”
WASTE Requirements/Issues
(Human & Manufacturing)

• **Human Waste** APPLIES TO:
  - Rural Retreat/Resort
  - Event/Banquet facilities
  - Limited Breweries
  - B&B’s with large events
  - Rural Corporate Retreat
  - Restaurants
  - Farm & Commercial Wineries

• **Manufacturing Waste** APPLIES TO:
  - Limited Breweries
  - Farm & Commercial Wineries

**IMPACT:** Valid concern for neighbor’s wells and septic fields
WASTE Requirements/Issues
(Human & Manufacturing)

County works well with in-house VA Department of Health for human waste compliance.

HOWEVER

• What County Department has the direct responsibility to notify/work with
  – the Virginia Department of Agriculture and Consumer Services (VDACS) and
  – Virginia Department of Environmental Quality (VaDEQ) to review/approve manufacturing waste products?
  – What is being done by Loudoun County to correct the known instances by Loudoun wineries that “Dump to Ground with no treatment”? 
BUILDING/APPLICATION
STANDARDS
Buildings & Sketch Plans

• Closing the Ag Building loophole:
  – August, 2010: Attorney General (Cuccinelli) determined the occasional use of EXISTING farm buildings for events would not constitute change in primary use
  – HOWEVER – Weekly “tastings” far exceed 2010 view of “occasional use”
  – Planning/zoning working more closely with Health Department & ODW for NEW construction

• Sketch Plan Verification:
  – “Distances from structure to adjacent lot lines must be accurately depicted”
  – Is Loudoun Mapping measuring tool being used for verification? If not, why not?
EVENT - Recommendations

• Apply Section 5-500(C)4 – Zoning Administrator Review: Minimum Standards and Criteria for Review to ALL Rural Uses*

* The Zoning Administrator shall approve a temporary zoning permit application for a special event if it meets all of the following standards and criteria: Section 5-500 Revision Date: July 8, 2015

– (a) The proposed event shall be located, operated, and maintained in a manner consistent with the provisions of this Ordinance.

– (b) The particular location requested can reasonably accommodate the proposed temporary event, given the proposed use’s nature, size, and duration.

– (c) The operation of the requested event at the location proposed and within the time period specified shall not create significant adverse impacts, including but not limited to environmental, visual, glare, traffic, noise, or odor impacts, on adjacent properties, or improvements on adjacent properties, or in the surrounding area.
ZONING ENFORCEMENT

• Perform proactive review instead of reactive

– Comments from Loudoun County Staff:

“With respect to the possibility of discrepancies with the information provided staff for their review of an application, we take the applicant/owner at their word.

If after the fact, it is determined that the approved use and/or structure shall be in violation of an existing ordinance, code, etc., appropriate action will then be taken.”