

LOUDOUN COUNTY RURAL USE ZONING COMPARISONS

March 16, 2017

Updated: June, 2017

Update: May, 2018



**For
LCPCC/REDC/Adhoc
Working Group**

Rural Use ZOAM 2015-0006

(Zoning Ordinance Amendment)

**ZOAM
2015-
0006**

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

INITIATION – Ad Hoc Committee

BOS
Sept., 2016
Strategic
Planning
Retreat:

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

SCOPE: Supervisor Buffington (Oct., 2016)



Loudoun County, Virginia

www.loudoun.gov

Office of Supervisor Tony Buffington, Blue Ridge District

Loudoun County Board of Supervisors

1 Harrison Street, S.E., MSC #1, 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

Telephone (703) 777-0204 • Fax (703) 777-0421 • tony.buffington@loudoun.gov

October 17, 2016

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

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

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

• *“Recommendations designed to:*
— *Define types of businesses that should comprise our rural economy.*
— *Improve the balance between maintaining a strong rural economy and ensuring a high quality of life for residents.”*

PROJECT 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

**Rural
Use
Impacts**

COUNTY ZONING

Purpose, Standards, Status

ZONING ORDINANCE - REVIEW

Section 1-100: GOALS, PURPOSE, INTENT

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

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

A SUSTAINABLE RURAL COMMUNITY

in



requires

BALANCE

between:

Environment & Heritage

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

Social Interests

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

Rural Economy

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



Walsh-Copeland Consulting, LLC

Copyright ©, 2017 Inspired by: Johann Dréo,
File:Developpement durable.svg. GFDL Ver. 1.2



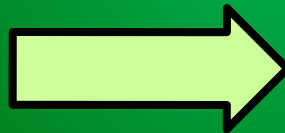
Walsh-Copeland Consulting, LLC

**COUNTY PERFORMANCE
STANDARDS --
2017 REVIEW**

CONCLUSIONS – UP FRONT

ZONING INCONSISTENCY

Inconsistent &/or
Non-existent Rural Use
performance standards



LOCATION/
INTENSITY IMPACTS:
Noise, Traffic, &
Enforcement

PRIMARY FACTORS IMPACTING

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

P&Z Original 2014 Rural Use Zoning Comparison

(by Mark Depo, P&Z)

Daily/Yearly Parties/Attendees	UNLIMITED? (Allow 50 to 300 people, 3-5 days/week, 52 weeks/year — Regardless of location or site/road conditions?)	Based on # Rooms People: Max 20 — 10 X/year to Max 100 — 20 X/year	Employees: Max 3 — 3-<10 acres Max 4 — 10-<50 acres Max 10 — 50+ acres	Unlimited? (Allow 50 to 300 attendees, 3-5 x per week, 52 weeks/year Regardless of location or site/road conditions?)	# People: Max 200 — 5-25 acres Max 400 — 25-50 acres Max 600 — 50-100 acres	# People: Max 300/day—5 acres. More than 300/day > 40 acres	# People: Max 200 — 20 acres Max 260 — 50 acres Max 310 — 75 acres	
	Limited Brewery (Proposed Section 5-667)	Bed and Breakfast Inn (Section 5-601)	Small Based Business (Section 614)	Commercial Winery (Section 5-625)	Agricultural Support Uses (Section 5-627)	Farm Based Tourism (Section 5-628)	Banquet/Event Facilities (Section 642)	Restaurant in AR (Section 5-643)
Intensity/Size of Use	Max. 12,000 sq. ft. structures & 5,000 square feet storage areas.	Minimum 5 acres. 0.04 FAR. Hours of Operation 7 am-12 midnight.	10+ acres 5,000 sq. ft. structure or storage yard plus 1,000 sq. ft. for each add. 10 acres, not to exceed 15,000 sq. ft.	Minimum 10 acres. Hours of Operation 10 am-10 pm.	Minimum 5 acres. Level I: 12,000 sq. ft. structures & 5,000 sq. ft. storage areas. Hours of Operation 6 am-9 pm.	Minimum 5 acres. Level III: max. 7,500 sq. ft. with 80+ acres. Storage — max. 25% of structure. Hours of Operation 8 am-6 pm.	Minimum 20 acres. 0.04 FAR. Hours of Operation 7 am-12 midnight	Minimum 20 acres and 0.01 FAR. (except for adaptive reuse) Hours of Operation 6 am-12 midnight
Yards	60' for structures and storage areas. 40' for parking. (Initially Proposed: 60' for structures, parking, & storage areas.)	40' for parking.	100' for 2,000 sq. ft. structure and yard. 300' for 2,000+ sq. ft. structure and yard. 500' adjacent to residential. No parking in required yard/setback.	125' for use.	60' for structures & storage areas.	Level I: 100' for 5,000 sq. ft. structure. Level II: 150' for 7,500 sq. ft. structure. Level III: 200' for 10,500 sq. ft. structure.	100' for use and parking. 200' for outdoor private parties.	100' for 1,500 sq. ft. structure. 150' for 1,500 to 4,000 sq. ft. structure. 175' for 4,000+ sq. ft. structure.
Landscaping/Buffering/Screening	Section 5-653(A). May waive/modify req. per Section 5-1409. Section 5-653(B) for parking.	Section 5-653(A). May waive/modify req. per Section 5-1409. Section 5-653(B) for parking.	Section 5-653(C) for storage.	Section 5-653(A) for use. Section 5-653(B) for parking.	Section 5-653(A) for use. Section 5-653(C) for storage.	Section 5-653(A) for use. Section 5-653(B) for parking. Section 5-653(C) for storage.	Section 5-653(A) for use. Section 5-653(B) for parking. Section 5-653(C) for storage.	Section 5-653(A) for use. Section 5-653(B) for parking. Section 5-653(C) for storage.
Parking	Section 5-1102.	Section 5-1102.	Section 5-1102.	Section 5-1102. Dust-free surfacing material.	Section 5-1102. Dust-free surfacing material.	Section 5-1102. Dust-free surfacing material.	Section 5-1102.	Section 5-1102.
Road/Access	Section 5-654; 2-access points; & access location.	Section 5-654; 2-access points; & access location.	N/A	Section 5-654.	Section 5-654.	Section 5-654	Section 5-654; 2-access points; & access location.	Section 5-654; 1-access point; & access location
Vehicle/Equipment	N/A (Initially Proposed: Paved road access for heavy equipment.)	N/A	Paved road access for heavy equipment.	Paved road access for heavy equipment.	Paved road access for heavy equipment.	N/A	N/A	
Exterior Lighting	Section 5-652(A)(1)-(3) & 12' maximum height for parking lot lighting.	Section 5-652(A)(1)-(3) & 12' maximum height for parking lot lighting.	Section 5-652(A).	Section 5-652(A).	Section 5-652(A).	Section 5-652(A).	Section 5-652(A)(1)-(3) & 12' maximum height for parking lot lighting.	Section 5-652(A).
Noise	Section 5-652(B).	Shall not exceed 55 dB(A). No outdoor music 11PM -10AM on Fri, Sat, & preceding a Holiday & 10PM-10AM other days.	Section 5-652(B).	Section 5-652(B).	Section 5-652(B).	N/A	Section 5-652(B).	N/A
Water/Wastewater	Health Department approval.			Health Department approval.				
	Sketch Plan	Sketch Plan (under 5,000 sq. ft. disturbance)	Sketch Plan	Site Plan	Site Plan	Site Plan	Site Plan	Site Plan

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

2017 UPDATED Zoning Comparison—I

Inconsistent Standards between Rural Uses

RuralZoningComparison.xlsx

Loudoun County Rural Use Zoning Comparison*

3/15/2017

	B&B Homestay / Section 5-601	B&B Inn / Section 5-601	Country Inn / Section 5-601	Rural Retreats/ Rsrts Section 5-601	Rural Corp Retreat/ Section 5-619	Banquet/Event Facilities / Section 5-642	Restaurant in AR / Section 5-643	Limited Brewery / Section 5-667
No of Guest Rooms	1-4 Guest Rooms	1-10 Guest Rooms	1-40 Guest Rooms	20 to 120 rooms		N/A	N/A	N/A
Intensity/Size of Use (Min. Lot size)	No Min. Lot size	Min 5 acres. 0.04 FAR (Floor Area Ratio).	Min. 20 Acres	40 acres to 150 acres (> 120 rooms requires special exception)	Minimum 50 acres. 100 users/50 acres. No >450 users, servers, deliv. on >200 acres w/o Sp. Exception approval	Min 20 ac/200 attendees Min 50 ac/260 attendees Min 75 ac/310 attendees Min 100ac/360 attendees	Min 20 acres & 0.01 FAR (except for adaptive reuse)	Minimum 10 acres. No bldg restriction (proposed 12K sq.ft. & 5K sq.ft. storage)
Hours of Operation	Hours 7am - 12 midnight (parties)	Hours 7am - 12 midnight (parties)	Hours 7am - 12 midnight (parties)			Hours 7am - 12 midnight (incl deliveries)	Hours 6am - 12 midnight (incl deliveries)	
Daily/Yearly Parties/Attendees	Daily: Max 20 attend. Yearly: 10 Parties > 20 attend. subject to Zoning/Bldg permit >10: Special Event Permit	Daily: Max 50 attend. Yearly: 20 Parties >50 attend. subject to Zoning/Bldg permit >20: Special Event Permit	Daily: Max 100 Attend. Yearly: 20 Parties >100 attend. subject to Zoning/Bldg permit. >20: Special Event Permit	("Private party" not deemed a "special event")	Approval per Section 5-500, unless facility meets rqmts of Section 5-654 (Road Access Stds) ("Private party" not deemed a "special event")	Daily & Yearly: Determined at STPL, SPEX or SPMI stage ("Private party" not deemed a "special event")	("Private party" not deemed a "special event")	ALBEMARLE: <u>Min. 5 acre crops in production</u> <u>Zoning Clearance</u> <u>req'd</u> >50 vehicle trips/day. <u>Special Use Permit</u> : >200 attendees
Yards	Subject to Zoning District Requirements	Subject to Zoning District Requirements. 40' for parking	100' for use & parking. Outdoor parties: 200' unless adj. to commercial prop., then 100'	Min 200' from adjacent properties. 125' to 375' from all lot lines.	Min 200' from adjacent properties	100' for use & parking. Private parties: 200' unless adj. to commercial prop., then 100'	100' for 1.5K sq.ft. structure. 150' for 1.5K-4K sq.ft. structure. 175' for 4K+sq.ft. structure	ALBEMARLE: Structures – Fr-75'; Side 25'; Rr: 35' Parking: Fr: 75'; Side: 125'; Rr: 125' LC Staff Proposed: 60' bldg, 40' parking
Landscaping/ Buffering/ Screening	Section 5-653(A). May waive/modify per Sec 5-1409.	Section 5-653(A). May waive/modify per Sec 5-1409. Section 5-653(B) for parking	Section 5-653(A). May waive/modify per Sec 5-1409. Section 5-653(B) for parking	Section 5-653(A). Parking Section 5-653 (B)		Section 5-653(A) for use. Section 5-653(B) for parking. Section 5-653(C) for storage	Section 5-653(a) for use. Section 5-653(B) for parking. Section 5-653(C) for storage	LC Staff Proposed Section 5- 653(A). Parking Section 5-653 (B)
Parking	Section 5-1102	Section 5-1102	Section 5-1102	Section 5-1102		Section 5-1102	Section 5-1102	ALBEMARLE: One 9'x18' space for every 2.5 customers.. Add'l for special events. LC Staff Proposed Section 5-1102
Road/Access	If not on public road, easement permission required.	Section 5-654; 2-access points & access location. Permission for easement.	Section 5-654; 2-access points & access location. Permission for easement.	Section 5-654		Section 5-654; 2-access points & access location. Permission for easement.	Section 5-654; 1-access point & access location	ALBEMARLE: Compliance w/ VDOT LC Staff Proposed Section 5-654; 2 access points & access location.
Vehicle/ Equipment								LC Staff Proposed: Paved road access for heavy equipment.
Exterior Lighting	Section 5-652(A)(2)-(3) & 12' max height for parking lot lighting	Section 5-652(A)(1)-(3) & 12' max height for parking lot lighting	Section 5-652(A)(1)-(3) & 12' max height for parking lot lighting	Section 5-652(A)		Section 5-652(A)(1)-(3) & 12' max height for parking lot lighting	Section 5-652(A)	LC Staff Proposed Section 5- 652(A)(1)-(3) & 12' max height for parking lot lighting
Noise	No outdoor music 11pm-10am Fri. Sat & preceding Holiday. 10p-10a other days	No outdoor music 11pm-10am Fri. Sat & preceding Holiday. 10p-10a other days	No outdoor music 12 am (midnight) to 7am.	Outdoor music not allowed after 11pm.		Section 5-652(B)	N/A	ALBEMARLE: Outdoor Prohibited 10p-7a Sun-Thur, 11p-7a Fri/Sat. Open windows/doors considered outdoor music.
Water/ Wastewater				Public water/sewer or Communal Water/waste. HD/ODW?		Health Department Approval? ODW if >60 events?	Health Department Approval?	Health Department Approval
Application Rqmts	Proposed?? Sketch Plan <5K sq.ft Site Plan >=5K sq.ft.	Proposed?? Sketch Plan <5K sq.ft Site Plan >=5K sq.ft. &/OR Minor Sp. Exception	Proposed?? Special Exception OR Minor Sp. Exception &/OR Site Plan	??	Sketch Plan ("accurate drawing of all aspects . . . including the size and dimensions")	Proposed?? Special Exception OR Minor Sp. Exception &/OR Site Plan	Site Plan	Sketch Plan "Distances from structures to adj lot lines must be accurately depicted"
Permits	Zoning/Bldg & Parties >20	Zoning/Bldg & Parties >50	Zoning/Bldg & Parties >100			Zoning/Bldg.		Zoning/HD/VDACS/ODW

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

Walsh-Copeland Consulting, LLC

2017 UPDATED Zoning Comparison—II

Inconsistent Standards between Rural Uses

RuralZoningComparison.xlsx

Loudoun County Rural Use Zoning Comparison*

3/15/2017

Craft Beverage Manuf. / Section 5-668	Small Based Busi / Section 5-614	Commercial Winery / Section 5-625	Agri Support Uses w/Ag / Section 5-627	Farm Based Tourism / Section 5-628	Agri Support Uses w/o Ag / Section 5-630	Eco-Tourism / Section 5-647	Virginia Farm Winery	NEW Rural Uses (2016)
N/A	N/A	N/A	N/A	N/A	N/A	N/A		
Tasting Rm 49% of floor or 5K sq.ft.	10+ acres. 5K sqft structure or storage plus 1K sq.ft. for each addl 10 ac, not to exceed 15K sq.ft.	Minimum 10 acres.	Min 5 acres. Level I: 12K sq.ft. structures & 5K sq/ft storage areas.	Min 5 acres. Level III: max 7.5K sq.ft. w/ 80+ ac. Storage Max 25% of structure.	Research: 25 ac min, Farm Distrib: 25 ac min, Equestrian Evnt Fac: 25ac min, Stable, Livery: 25 ac min	Minimum 5 acres. Structure not exceed 5K sq.ft. Storage not exceed 1K sq.ft	LC Wineries as of 2015: 88% > 10 acres 69% > 15 acres 62% > 20 acres	
		Hours of operation 10am - 10pm	Hours 6am-9pm (incl deliveries)	Hours 8am-6pm (incl deliveries)	Hours 6am-10pm (incl deliveries)	Hours 6am-9pm (incl deliveries)		
	Employees: Max 3: 3- <10ac Max 4: 10- 50ac Max 10: 50+ ac	Unlimited?	# People: Max 200: 5-25ac; Max 400: 25-50ac; Max 600: 50-100 ac	# People: Max 300/day up to 5 ac; > 300/day = >40 ac > 600/day = >80 ac	Level I: <200 on 5-25 ac Level II: >200-400, 25-50ac Level III: >400-600, 50-100 ac			
Outdoor tasting 50' from lot lines of adj ag or residential zoned properties. No outdoor storage.	100' for 2Ksq.ft. bldg & yard. 300' for 2K+sq.ft. bldg & yard. 500' adjacent to residential. No parking in reqd yard/setback.	125' for use.	60' for structures & storage areas	Level I: 100' for 5K sq.ft. Level II: 150' for 7.5K sq.ft. Level III: 200' for 10.5K sq.ft.	Level I: 5-25 ac, 60ft Level II: 25-50ac, 120ft Level III: 50-100 ac, 175ft			
	Section 5-653(C) for storage	Section 5-653(a) for use. Section 5-653(B) for parking	Section 5-653(a) for use. Section 5-653(C) for storage	Section 5-653(A) for use. Section 5-653(B) for parking. Section 5-653(C) for storage	Section 5-653(A) for use. Section 5-653(B) for parking. Section 5-653(C) for storage			
	Section 5-1102	Section 5-1102. Dust-free surfacing material	Section 5-1102. Dust-free surfacing material	Section 5-1102. Dust-free surfacing material	Section 5-1102. Dust-free surfacing material	Section 5-1102. Dust-free surfacing material		
	N/A	Section 5-654	Section 5-654	Section 5-654	Section 5-654	Section 5-654. No more than 1 access point to public road.		
	Paved road access for heavy equipment	Paved road access for heavy equipment	Paved road access for heavy equipment					
Section 5-652(A)(1) & (2)	Section 5-652(A)	Section 5-652(A)	Section 5-652(A)	Section 5-652(A)	Section 5-652(A)	For security purposes only		
	Section 5-652(B)	Section 5-652(B)	Section 5-652(B)	N/A	Section 5-652(B)			
Shall be served by central water and central sewer	Health Department Approval?	Health Department Approval	Health Department Approval?	Health Department Approval?	Health Department Approval?	Health Department Approval?	Health Department Approval?	
Not stated	Sketch Plan	Site Plan	Site Plan	Site Plan	??	??	?	
							Zoning/HD/ VDACS/ODW	

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

Walsh-Copeland Consulting, LLC

RURAL USE PERFORMANCE STANDARDS

- **Identify inconsistencies between Rural Uses for**
 - Intensity / Size of Use (Min. Lot Size)
 - Hours of Operation
 - Daily/Yearly Parties/Attendees
 - Yard distances
 - Landscaping/buffering/screening
 - Parking / Road Access
 - Vehicle/Equipment
 - Exterior Lighting
 - Noise
 - Water / Wastewater
 - Application requirements
 - Permits

ZONING ORDINANCE -- EXAMPLES:

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

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

OUTDOOR SOUND/MUSIC



OUTDOOR TENT USE



NOISE COMPLAINTS/ENFORCEMENT

NOISES

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



Mr./Ms. Loudoun
County Resident

WHO YA GONNA CALL?

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

NOISE IMPACTS: *Who Ya Gonna Call?*

ZONING:

Zoning Ordinance Section 5-652 – B

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

(1) Location in Relation to Residential Use.

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

(2) Maximum dB(A).

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

ANSWER:

Zoning Enforcement*

703-777-0103

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

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:

Sheriff's Department*

703-777-1021

***But measurement criteria / methods new**

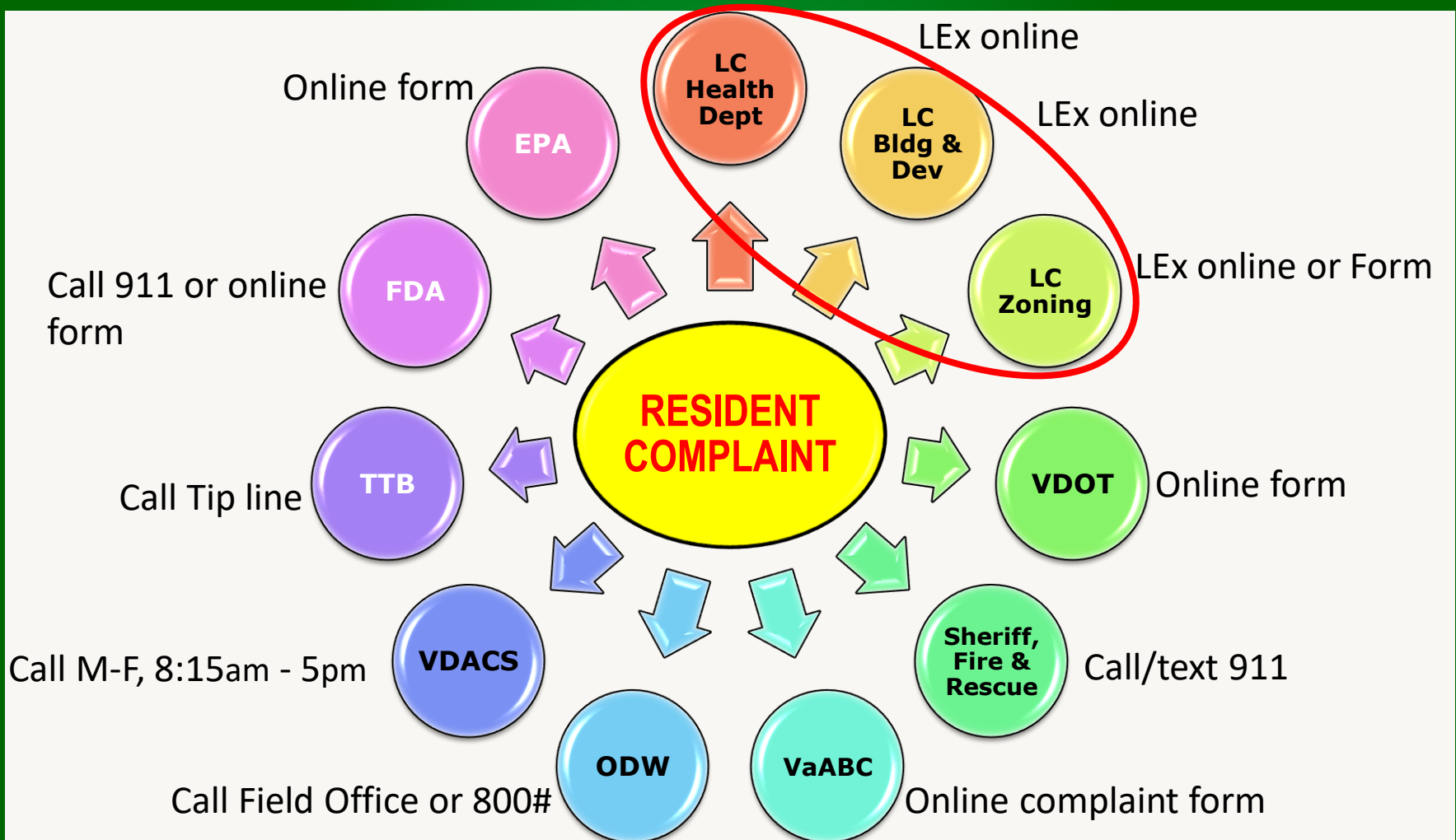
Clear?

Hours of Operation Impacts: Lighting



COMPLAINTS:

No Consolidated Tracking outside County LEx system



COMPLAINTS:

Not Tracked or Discretionary Reporting

NOT TRACKED:

Letters/emails to

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

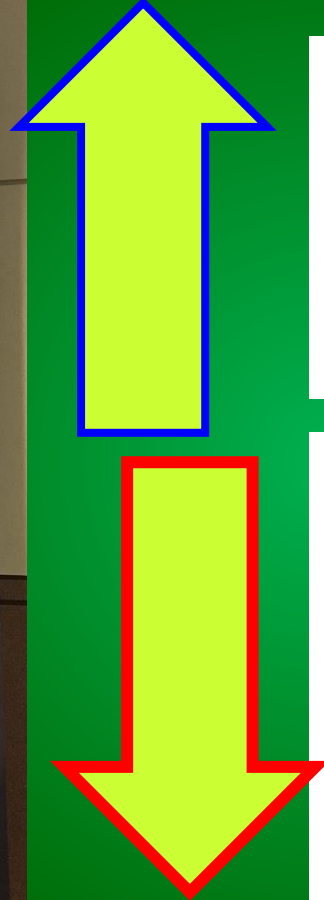
INCOMPLETE TRACKING*

- Calls to Sheriff
- Virginia ABC

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

RESULT: TOTAL COMPLAINTS UNDER REPORTED

LEx: Loudoun Express Request



PROS

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

CONS

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

**ACTION/
Enforcement**



**Actual Qty of
Complaints**

→ **Inductive/McNamara Fallacy**

YARD STANDARDS

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

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

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

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

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

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

PARKING/ROAD ACCESS

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

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

ADEQUATE PARKING

Paved Road

Good Screening



VS. INADEQUATE PARKING - IMPACTS



INADEQUATE PARKING - IMPACTS

Neighbor's
Property



ROAD ACCESS

SUFFICIENT WIDTH

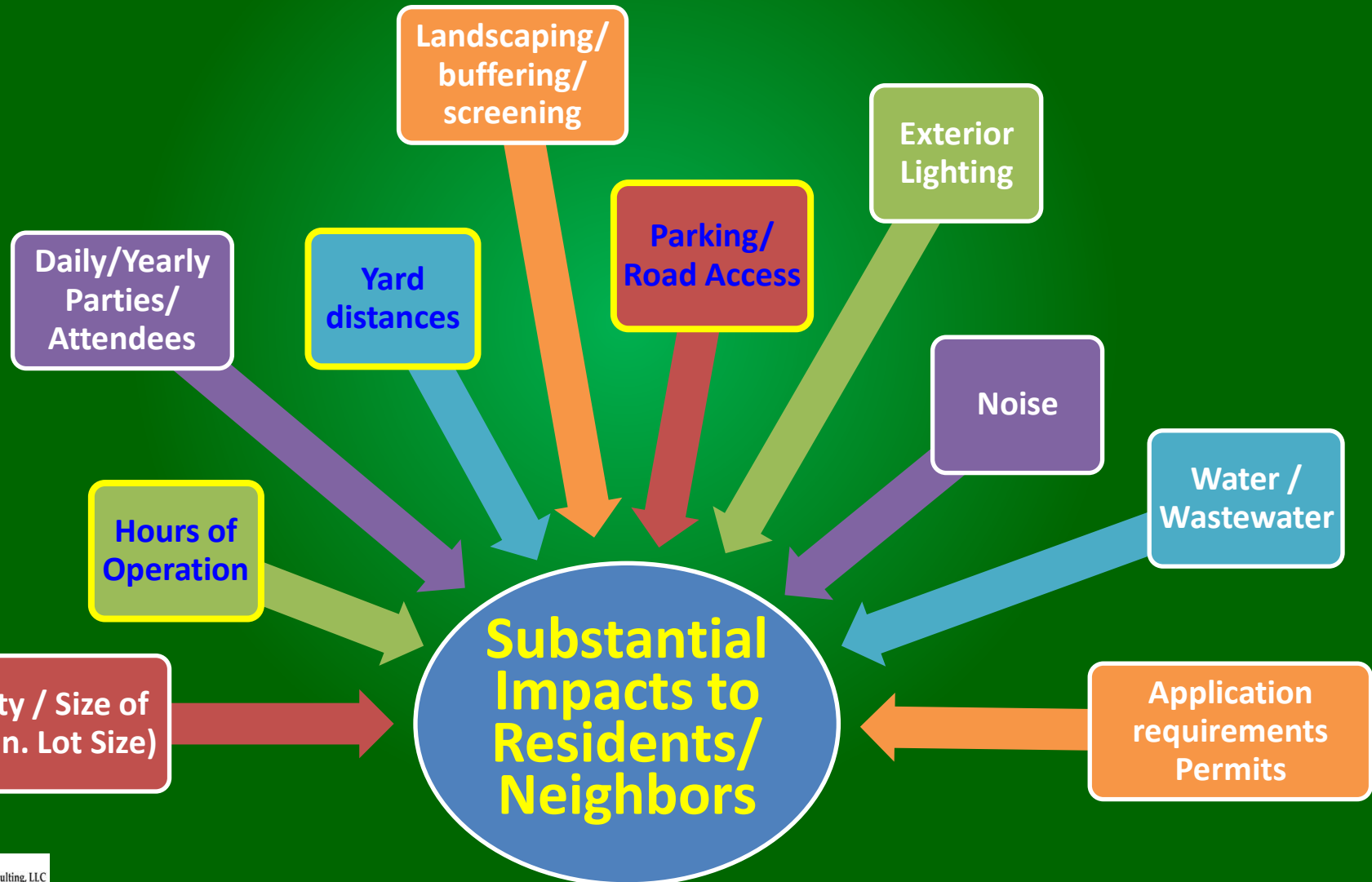


INSUFFICIENT WIDTH



RURAL USE PERFORMANCE STANDARDS

INCONSISTENCIES =



**RURAL USE
INTENSITY / SIZE OF USE
& EVENTS**

RURAL USE LOCATIONS--INTENSITY REVIEWED

WINERIES

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

BED & BREAKFAST/INNS

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

FARM BREWERIES

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

WINERIES & WEDDINGS

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

B&B's & WEDDINGS

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

WEDDING VENUES

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

RURAL USE EVENTS – COMPARISON

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

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

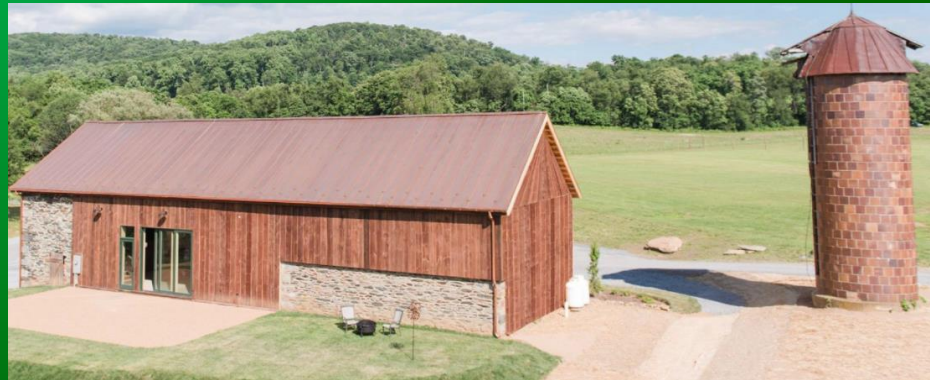
RURAL USE EVENT VENUES

Ag Structure – Reuse

BEFORE

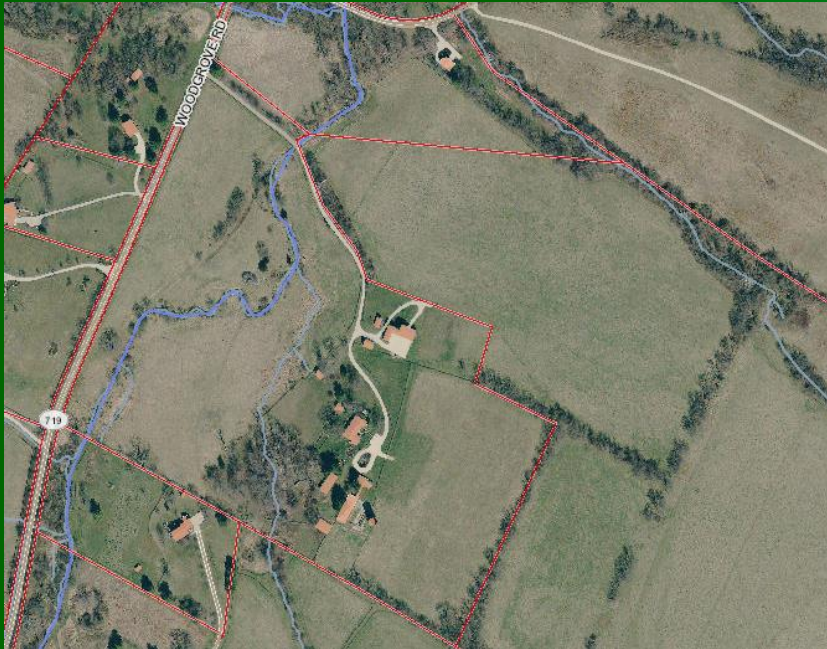


AFTER



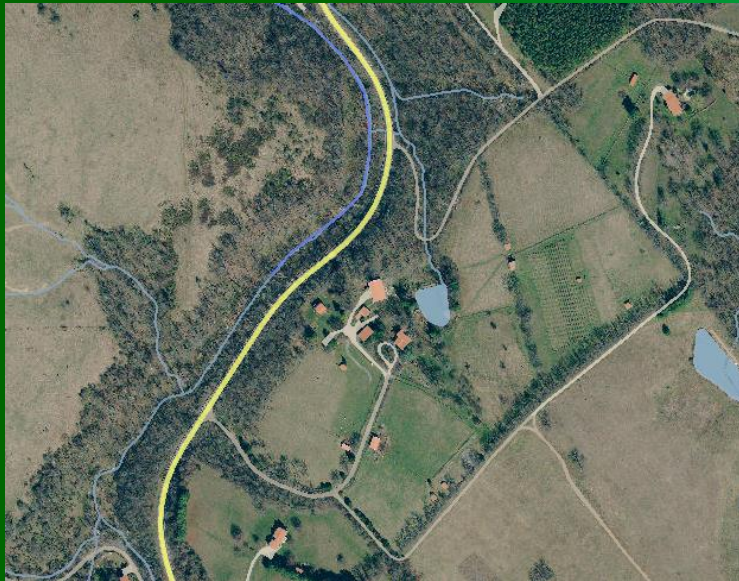
- Added 3 bathrooms and catering kitchen

Ag Barn Venue



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

In-Use Ag Barn



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

Former Dairy Barn



- Sufficient yard setbacks

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



Manufacturing

Ag Use



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

“Light Utility Building” or “Restaurant”?



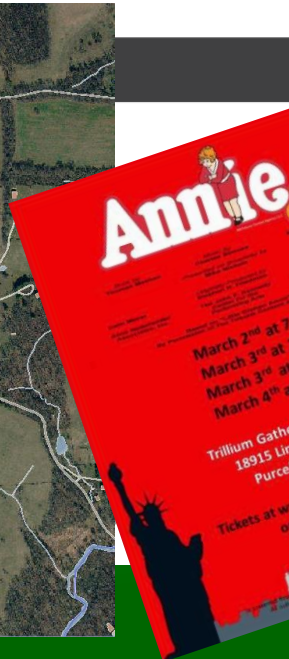
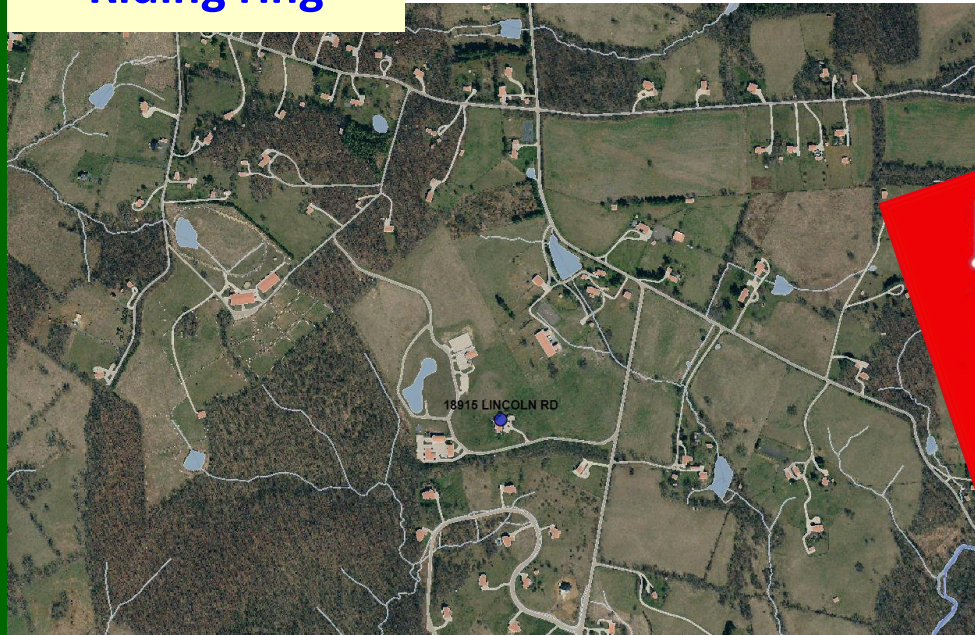
2017 WebLogis: No visible Ag, manufacturing, music venue

Performance Venue

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



TRILLIUM GATHERING BUILDING



“Ag Barn”



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



“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

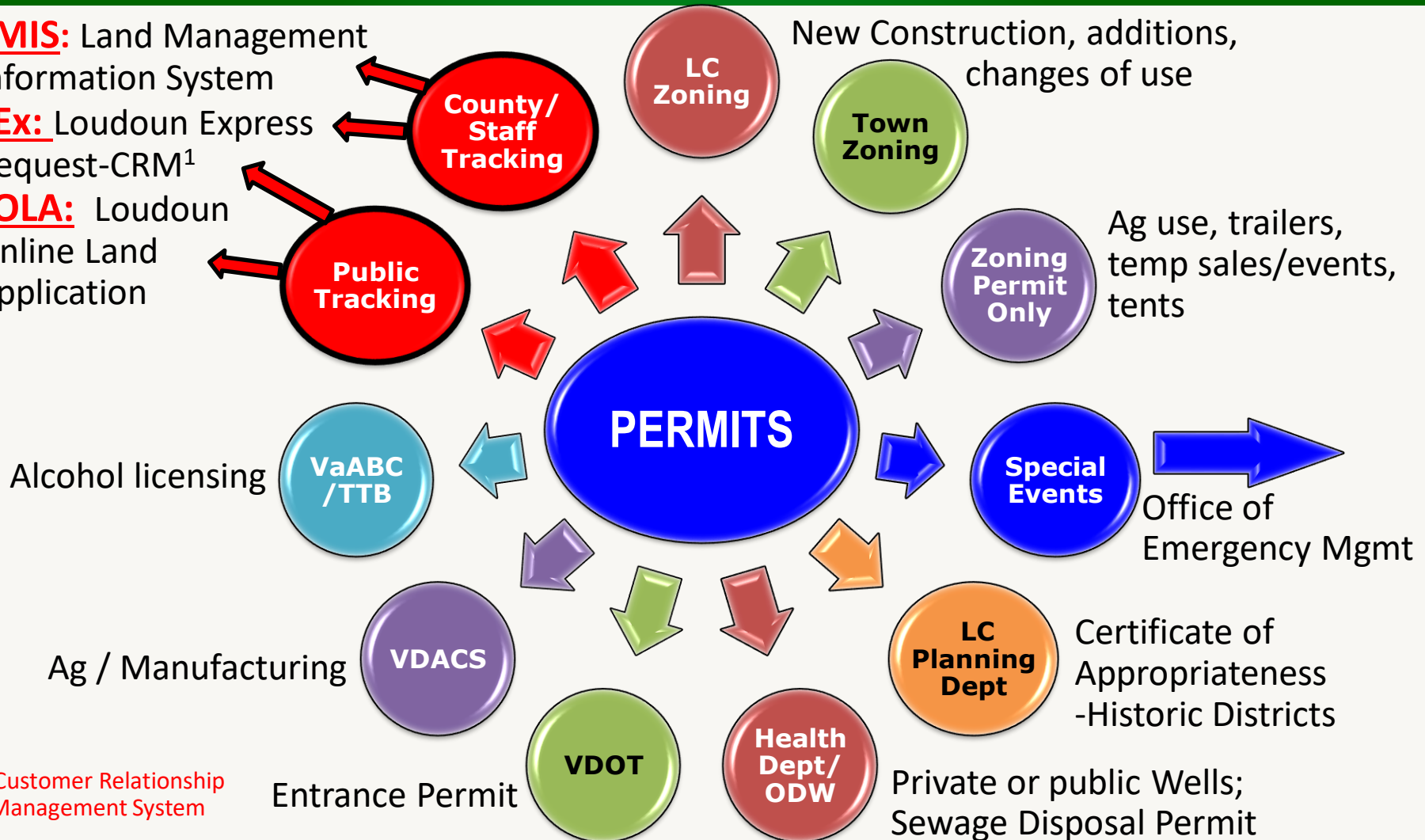
PERMITS – Primer:

No Consolidated way to track Permit violations

LMIS: Land Management Information System

LEx: Loudoun Express Request-CRM¹

LOLA: Loudoun Online Land Application



¹ Customer Relationship Management System

SPECIAL EVENTS PERMITS

No way to track Special Event Permit violations

LMIS: Land Management Information System ??

LEx: Loudoun Express Request

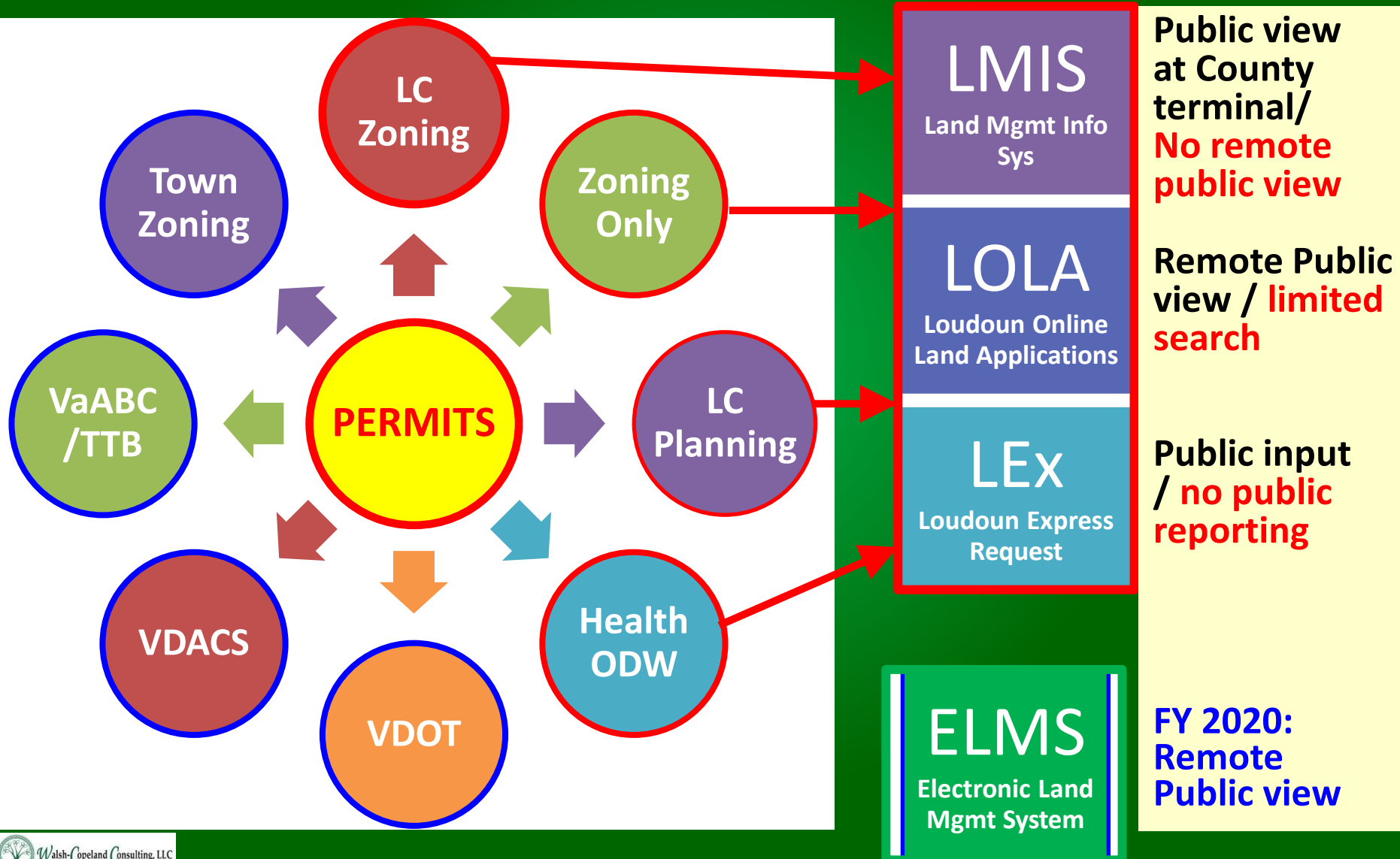
- **Permission: ?**
- **Complaints: Yes**

LOLA: ~~Loudoun~~ Online Land Application

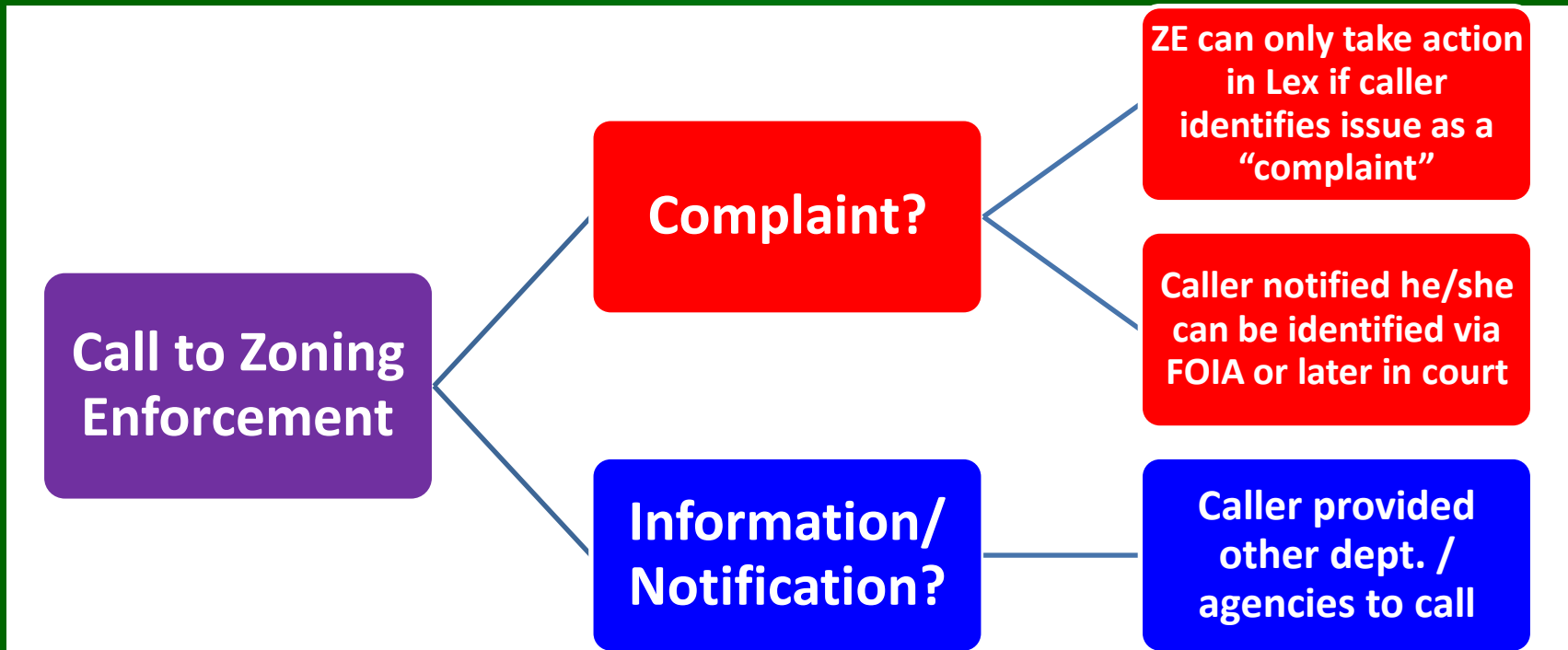


PERMITS Primer: Systems/Tools

No Consolidated way to track Permits/violations



ZONING ENFORCEMENT



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



As of June, 2010:

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

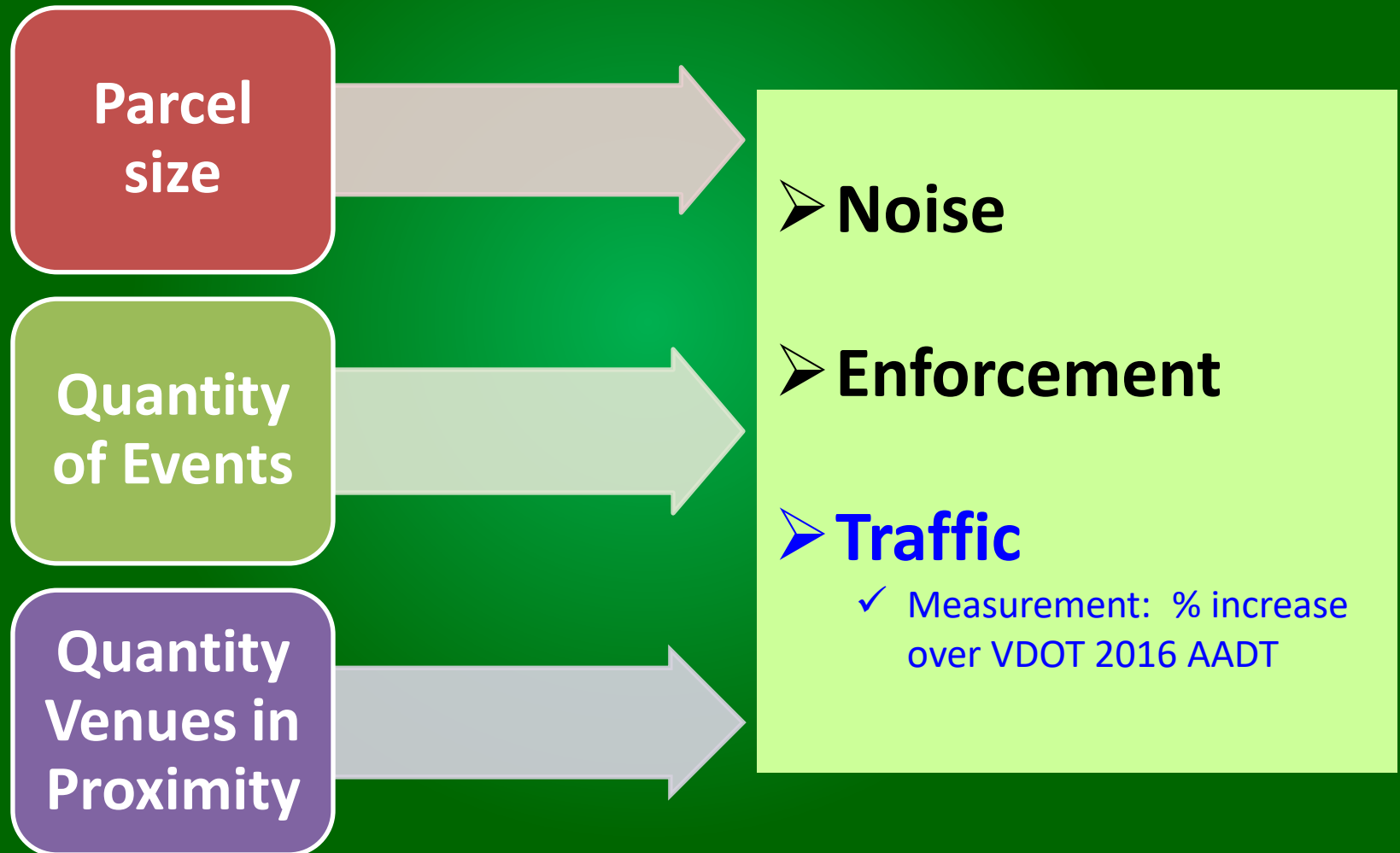
*BOS Action #11, June 15, 2010

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



QUANTIFICATION OF EVENTS:

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

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

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

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

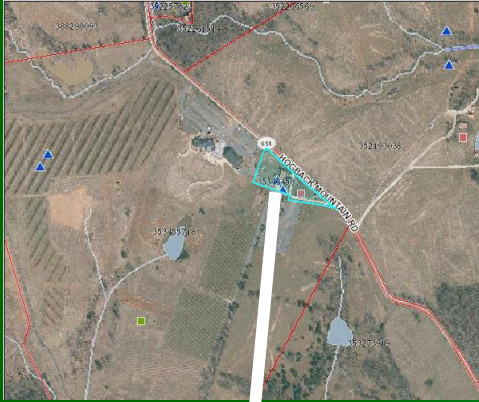
**Virginia Department of Transportation
Traffic Engineering Division
2016**

**Annual Average Daily Traffic Volume Estimates By Section of Route
Loudoun Maintenance Area**

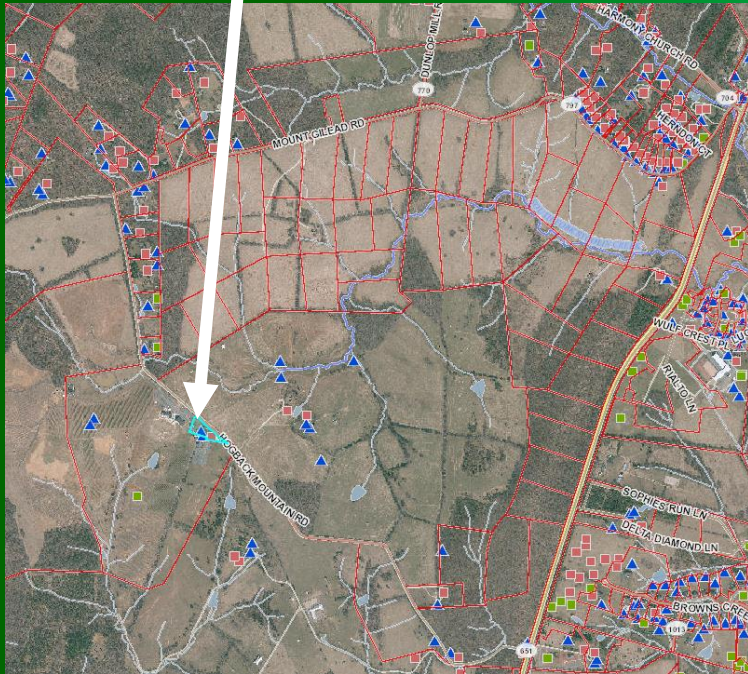
http://www.vdot.virginia.gov/info/2016_traffic_data_by_jurisdiction.asp

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

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

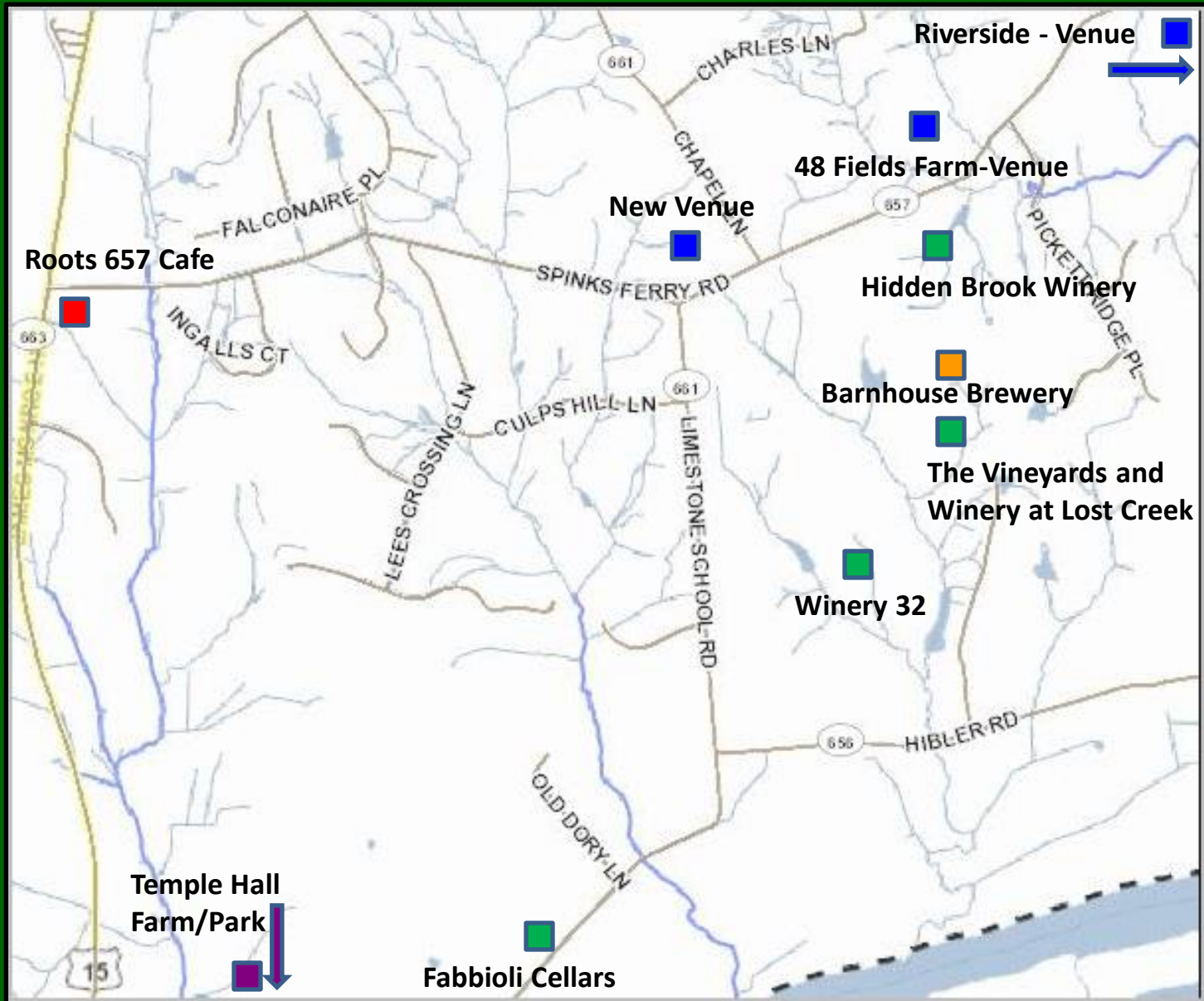
Peak Season

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

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

* Annual Average Daily Traffic Volume

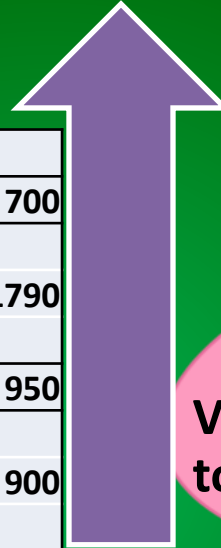
VENUE DENSITY EXAMPLE



ASPECT RATIO: 1:16000

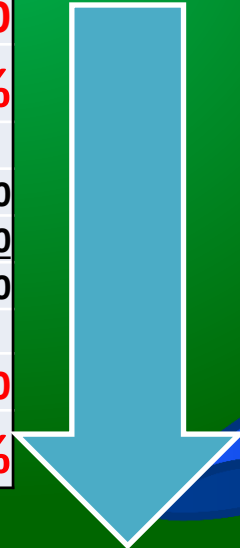
VENUES IN PROXIMITY IMPACT: EXAMPLE

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



RURAL TOURISM VIEW:

Venues in close proximity benefit
tourists/limo companies



RESIDENT/ NEIGHBOR VIEW:

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

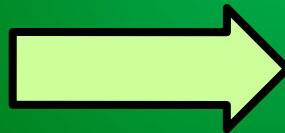
**CONCLUSIONS /
WHAT CAN BE DONE**

CONCLUSIONS –

Response to Original Questions

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.”*

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**



WHAT CAN BE DONE

Application/Enforcement of Section 5-654

Road Access Requirements & Safety

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

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

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

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

WHAT CAN BE DONE – Commercial Entrances

Virginia Transportation Research Council (VRTC) Report 16-R18

Trip Generation at Virginia Agritourism Land Uses

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

WHAT CAN BE DONE

LOUDOUN COUNTY ZONING UPDATES

Past regulation interpretations:

2006-2014 COUNTY STAFF interpretation

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

ZOAG, Planning Commission, TLUC & BOS

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

However, 2016

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

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

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

COMPARISON/WHAT CAN BE DONE:

2016 Clarke County Special Event Standards

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

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

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

STANDARDS	RECOMMENDATIONS
Intensity / Size of Use (Min. Lot Size)	Review/Adjust consistent attendees/acreage minimums
Hours of Operation	Review/Adjust consistent Hours of Operation across rural uses
Daily/Yearly Parties/ Attendees	<p>Apply same standards as <u>Albemarle County</u></p> <ul style="list-style-type: none"> • MINIMUM OF 5 ACRES agricultural product PLANTED ON-SITE used in beverage production <ul style="list-style-type: none"> - On-site facilities for fermenting/distilling • ZONING CLEARANCE REQUIRED: <ul style="list-style-type: none"> - Events or activities generating over 50 vehicle trips/day* - Events on sites under 21 acres • SPECIAL USE PERMIT: 5 months advance notice for <ul style="list-style-type: none"> - Events or activities with over 200 attendees at any time - Events with cumulative attendance of more than 200 <p>Apply same size standards as <u>Clarke County</u></p> <p>Not allowed on parcels with USE AREA less than 6 acres</p> <p>Rural Use adding Events</p> <p><i>X quantity/year by-right</i></p> <p><i>More than X requires site plan/special exception</i></p> <p>Apply Section 5-500(C)4 -- Minimum Standards and Criteria for Review to ALL Rural Uses*</p>

RECOMMENDATIONS SUMMARY

STANDARDS	RECOMMENDATIONS
Yard distances	<p>Apply minimum Yard Standards as applied to other Rural Uses:</p> <ul style="list-style-type: none"> • 100' for Use and parking • 200' minimum from adjacent properties & outdoor activities unless adjacent to commercial property • 500' adjacent to residential
Landscaping/buffering/screening	<p>Apply & enforce Landscaping, Buffering, Screening Standards as applied to other Rural Uses (5-653):</p> <ul style="list-style-type: none"> • 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 <u>screened with solid fencing.</u>" <p>Apply & enforce "Screening of Outdoor Storage and Storage Yards" as described in LC 5-653:</p> <p>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.</p>

RECOMMENDATIONS SUMMARY

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

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/Neighbors 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

USE	Attendees	REQUIRES	HOWEVER
Banquet/Event Facility Ag Support (5-627) Farm Tourism	200 > 600 > 600	20 acre min 50-100 acres > 80 acres	Commercial Wineries, Farm Wineries and Limited Breweries -- <u>unlimited</u> attendees on <u>10 acres min.</u>
Ag Support Uses w/ Ag (5-627)	200	5-25 Acres	Farm Based Tourism can have <u>300/day</u> on minimum <u>5 acres</u>
Ag Support Uses w/o Ag (5-630, e.g. equestrian)	<200 200-400 400-600	5-25 acres 25-50 acres 50-100 acres	Eco-Tourism (5-647) can have <u>unlimited</u> on minimum <u>5 acres</u>

HOURS OF OPERATION STANDARDS

HOURS OF OPERATION: Inconsistencies

RURAL USES	Hours of Operation
Eco-Tourism & Ag Support Uses w/ Ag	6am – 9pm
Ag Support w/o Ag	6am – 10pm
Restaurants in AR	6am – 12 midnight (incl. deliveries)
Bed & Breakfasts Banquet/Event	7am – 12 midnight (incl. deliveries)
Farm Based Tourism	8am – 6pm
Commercial Winery	10am – 10pm
HOWEVER	
Rural/Corporate Retreat Limited Brewery Farm Winery	<p>No Hours of Operation restrictions for parties or tasting room events*</p> <p><small>*See § 4.1-129. Local ordinances regulating time of sale of wine and beer.</small></p>

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

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

RESULT: Inconsistent impacts to adjacent property owners.

LOUDOUN COUNTY

REGULATION INTERPRETATIONS

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

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

Adding Rural Uses

- How are Performance Standards applied for

Banquet/Event Facility	<u>ADDING</u> Winery, Brewery, Cidery, Restaurant?
Existing Rural Use B&B, Winery, Brewery, Cidery, Restaurant,	<u>ADDING</u> Banquet/Event Use?

- Zoning requires 20 acre minimum for Restaurants, indicating Rural Uses on less than 20 acres cannot add a Restaurant

YARD STANDARDS

YARD STANDARDS: Inconsistencies

RURAL USE	Setback Requirements
Country Inn, Rural & Corp Retreats, Banquet/Events,	Min 200' from Adjacent properties
Commercial Wineries	125' for use
Restaurants in AR, Banquet Parking, Small Based Business, farm Based Tourism	100'
Ag Support w/ and w/o Ag	60' for structures & storage
HOWEVER	
Limited Brewery Farm Winery Eco Tourism	No Zoning setbacks* <small>*Albemarle recently instituted setbacks up to 125' for Limited Breweries, Farm Wineries & Distilleries</small>

COMPARISON: Loudoun vs. Albemarle Yard Standards

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

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

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

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.”