



## COMPREHENSIVE PLAN / ZONING & ORDINANCES AUDIT:

### Equine Sector Response for REDC INPUT

Use form to provide key audit information: 1) Review both the 2001 and 2019 Comp Plan to note policy gaps and issues not addressed. 2) Review three ordinance documents (Zoning, FSM, LSDO) to determine existence or levels of enforcement for policies/issues. Use Section (§) references where applicable. 3) Describe Issue and Recommendations. Links to key documents: [2019 Comp Plan](#), [2001 Comp Plan \(RGP\)](#), [CPAM Revisions to the 2001 RGP](#), [Facilities Standards Manual \(FSM\)](#), [Land Subdivision & Development Ordinance \(LSDO\)](#).

1. Comp Plan Policy or Issue Area (2001 & 2019)	2a. Zoning Ordinance § Reference or N/A (Brief text or summary)	2b. Facilities Standards Manual § Reference or N/A (Brief text or summary)	2c. Land Subdivision & Dev. Ordinance § Reference or N/A (Brief text or summary)	3. Issue Description / Recommendations
Smaller parcels and permitted uses in TPA and RPA. Matrix 3.1A and 3.2A	Table 2-1402 (TPA-0) Table 2-100 and 102 (A1) Table 2-200 and 202 (A2) Table 2-302 (A10) Section 6-1300			<p><b>Description:</b> The impact that scale, use, intensity and design that permitted uses has on adjacent existing properties are not considered. Potential for incompatibility increases as parcel size decreases. Compatibility with surrounding land uses and impact of a project on surrounding parcels, and “the potential for a deleterious impact upon the health, safety, and welfare of the public” (ZO Section 6-1300) are stated goals of the Special Exception and Minor Special Exception processes. Poor definitions of permitted uses allow for loopholes.</p> <p><b>Recommendations:</b> Consider making more minor special exceptions or special exceptions or a process that must account for existing surrounding businesses and properties.</p>
TPA: chap. 1 Policy 1 strategy 1.1 E. Continue to support agricultural related businesses including equine uses, agritourism, commercial nurseries and similar uses throughout the TPA				<p><b>Description:</b> This strategy was not included in Chapter 7 of the Comp. Plan where actions relating to Zoning are outlined and therefore risks being ignored in the ZOR.</p> <p><b>Recommendations:</b> Consider the impact of development on agricultural uses before making zoning changes.</p>

1. Comp Plan Policy or Issue Area (2001 & 2019)	2a. Zoning Ordinance § Reference or N/A (Brief text or summary)	2b. Facilities Standards Manual § Reference or N/A (Brief text or summary)	2c. Land Subdivision & Dev. Ordinance § Reference or N/A (Brief text or summary)	3. Issue Description / Recommendations
Cluster and by-right Principal/subordinate subdivisions	AR1 P66 and 60 AR2 P89 and 94 Section 2-100	Traffic P34 and 37	Defers to zoning ordinance	<p><b>Description:</b> Cluster subdivisions have had a profound impact on the equine industry in Loudoun County by permitting greater density of residential development, particularly in the AR-1 area. The equine industry is an agricultural “hybrid” that relies on open space for riding, and suitable soils and land mass for grazing and the ability of “traditional” agriculture (in particular the growing of hay) to support the feeding of animals at affordable prices. At the same time, the horse industry is an important component of the burgeoning “agritourism” business in Loudoun County, by adding tourism dollars through equestrian events.</p> <p><b>The residential densities</b> allowed by the Cluster Subdivision Options in both AR-1 and AR-2 have encouraged suburban housing developments that are incompatible with rural uses, including the horse industry, have driven the price of farm land up, squeezing out both equine and crop-growing uses. The “rural economy” lots in cluster subdivisions are, in practice, rarely suitable for horse ownership.</p> <p><b>Open space permitted uses</b> in cluster subdivisions allow for “Bona fide agriculture, horticulture, animal husbandry and structures accessory to such use, including, but not limited to barns and run-in sheds to house livestock or farm equipment” (Section 2-100 5A) but also allow for many uses that are incompatible with agricultural uses (such as sewage pumping stations and stormwater management facilities) and in practice, are not used for the “bona fide agriculture, horticulture, animal husbandry” as described in the ZO.</p> <p>According to the FSM, <b>private roadways within cluster subdivisions</b> of more than eight lots are not required to be paved (Category C Roadways, FSM Section 4.330). However, in practice new cluster subdivisions pave their roads to appeal to buyers seeking a suburban style. Paved roads are incompatible with equestrian uses, and are another example of how cluster subdivisions discourage equine uses of the “rural economy” lots within them.</p>

1. Comp Plan Policy or Issue Area (2001 & 2019)	2a. Zoning Ordinance § Reference or N/A (Brief text or summary)	2b. Facilities Standards Manual § Reference or N/A (Brief text or summary)	2c. Land Subdivision & Dev. Ordinance § Reference or N/A (Brief text or summary)	3. Issue Description / Recommendations
				<p><b>Recommendations:</b> The County should conduct a study of the impact of cluster and principal/subordinate subdivisions on the rural economy, specifically the economic loss of prime agricultural soils and land mass which are necessary for traditional and equine agriculture. The study should be data driven to determine which of many possible solutions for modifying the zoning ordinance, facilities standards and land subdivision development ordinance best achieve these goals. The cost of services and public infrastructure must be included in any comparison that increases housing density. Furthermore, any subdivision or rezoning plan should require land proffered to the county for development of a county wide multi-user natural surface trail system.</p>
<p>Rural Roads 2019 Countywide Transportation Plan (developed in conjunction with the 2019 Comp. Plan Chapter 3, page 28</p>				<p><b>Description:</b> The 2019 Countywide Transportation Plan (CTP) indicates a desire to protect Loudoun’s unpaved roads, noting their “...natural traffic-calming effect that permits their shared use for horseback riding and hiking and contributes to the quality of life sought by rural residents. They are recognized as adding to the rural character that attracts tourists. They also facilitate the safe, efficient movement of farm vehicles. The County is committed to the preservation of a safe unpaved rural road network.” (Chapter 3, page 28.) The increased residential density resulting from cluster subdivisions, which are sometimes located on unpaved roads, poses a serious threat to this resource, which is important to the equestrian community, to agriculture, and to tourism. Furthermore, paved cluster roads are incongruous with the unpaved rural roads from which the originate.</p>

1. Comp Plan Policy or Issue Area (2001 & 2019)	2a. Zoning Ordinance § Reference or N/A (Brief text or summary)	2b. Facilities Standards Manual § Reference or N/A (Brief text or summary)	2c. Land Subdivision & Dev. Ordinance § Reference or N/A (Brief text or summary)	3. Issue Description / Recommendations
Side walks	Not addressed	P59/60		<p><b>Description:</b> The ZO mandates sidewalks only if necessary to aid in traffic calming. VDOT requirements are for impermeable surfaces.</p> <p><b>Recommendations:</b> Sidewalks and or trails be mandatory in all paved subdivisions. We further recommend that, especially in the TPA and RPA sidewalks be of a permeable nature to more closely align with the rural character and allow for additional user groups (equestrians). Guidelines exist and are utilized by other jurisdictions for building permeable ADA compliant sidewalks that can be more easily used by additional groups (equestrians, dog walkers) and are more ecologically friendly, no more costly to build and are less costly to maintain (see <a href="https://elcr.org/?s=TRAIL+Design+in+urban">https://elcr.org/?s=TRAIL+Design+in+urban</a> ).</p>
TPA and RPA trails master plan TPA chapter strategy 1.1 3 and 4 and policy 2.1 A master plan for trails. RPA strategy 3.2E	See clusters	P60 Nature or recreational trails... shall not substitute for sidewalks or trails that are part of the NUCS.		<p><b>Recommendations:</b> Sidewalks should be permeable where applicable (see above) and should connect with all “shared use” paths. Shared use paths should be multi-user to include equestrians, bicycles and walkers and sidewalks should become multi-use (equestrian, pedestrian and bicycle) within the TPA and RPA. Trail systems apart from sidewalks should be mandated as easements deeded to the county to facilitate creation of a county wide park and trail system (LPAT) within any new subdivision and can be counted as part of the open space requirement. This mandate should follow whenever developers utilize the cluster option or any option that increases density from the base density by-right of 10-40 acres (TPA10, AR1, AR2).</p>
Rezoning considerations				<p><b>Recommendations:</b> Any request to rezone should have an automatic proffer of land deeded to the county that is suitable for extending a county wide trail system (LPAT). Any subdivision of land increasing density over existing zoning shall include the proffer of land deeded to the county for extending a county wide trail system (LPAT)</p>





## COMPREHENSIVE PLAN / ZONING & ORDINANCES AUDIT: **REDC INPUT**

Use form to provide key audit information: 1) Review both the 2001 and 2019 Comp Plan to note policy gaps and issues not addressed. 2) Review three ordinance documents (Zoning, FSM, LSDO) to determine existence or levels of enforcement for policies/issues. Use Section (§) references where applicable. 3) Describe Issue and Recommendations. Links to key documents: [2019 Comp Plan](#), [2001 Comp Plan \(RGP\)](#), [CPAM Revisions to the 2001 RGP](#), [Facilities Standards Manual \(FSM\)](#), [Land Subdivision & Development Ordinance \(LSDO\)](#).

1. Comp Plan Policy or Issue Area (2001 & 2019)	2a. Zoning Ordinance § Reference or N/A (Brief text or summary)	2b. Facilities Standards Manual § Reference or N/A (Brief text or summary)	2c. Land Subdivision & Dev. Ordinance § Reference or N/A (Brief text or summary)	3. Issue Description / Recommendations
NEHR Policy 1.Strat 1.1 A, C, E,G, H & I				
Create maps and adopt zoning regulations and development standards that create a unified approach to identify natural, environmental and heritage resources worthy of preservation				The unified approach of mapping and identifying natural, environmental and heritage resources is new Now each of these three resources are treated separately. The language in the Plan is vague. Zoning will have to be much more specific.
NEHR Policy 1 Action E Plan for possible TDR programs				Require applications for development to state how TDR would affect the specific application and the ability to accomplish the desired development goal
NEHR Policy 1 Action G. Retain conservation easements to ensure long term protection				Require annual review/stewardship of all County held easements. Require other easement holders to submit annual reports of their stewardship efforts and findings. Require enforcement of easement restrictions
NEHR Policy 1.Strat 1.4. ActionA Prioritize protection of priority open space including (iv) properties recognized by Federal, State and County organizations	4-2100 Village Conservation Overlay			As examples of the scope of this mandate, County should protect properties already recognized by Federal entities. See: Aldie, Middleburg, and Upperville Civil War Battlefields Preservation Plan; National Park Service, American Battlefield Protection Programs, PHAP 60962, Dec., 2014.  Protect all NHR properties. Protect existing and allow more villages into the Village Overlay District



## COMPREHENSIVE PLAN / ZONING AUDIT: REDC-Permits/Process Regulations

Use form to provide key audit information: 1) Review both the 2001 and 2019 Comp Plan to note policy gaps and issues not addressed. 2) Review three ordinance documents (Zoning, FSM, LSDO) to determine existence or levels of enforcement for policies/issues. Use Section (§) references where applicable. 3) Describe Issue and Recommendations. Links to key documents: [2019 Comp Plan](#), [2001 Comp Plan \(RGP\)](#), [CPAM Revisions to the 2001 RGP](#), [Facilities Standards Manual \(FSM\)](#), [Land Subdivision & Development Ordinance \(LSDO\)](#).

1. Comp Plan Policy or Issue Area (2001 & 2019)	2a. Zoning Ordinance § Reference or N/A (Brief text or summary)	2b. Facilities Standards Manual § Reference or N/A (Brief text or summary)	2c. Land Subdivision & Dev. Ordinance § Reference or N/A (Brief text or summary)	3. Issue Description / Recommendations
				<b>REDC ZOR Focus Group Input:</b>
				• Application loopholes
				• Checklist/outourcing inadequate (failures to review)
				• Lack of proper notice
				• No penalties for non-compliance
				• No impact/traffic studies to eval. compliance
				• Lacks proper environmental review
<p>RPA Ch. 2, Policy 3. Strategy 3.1 RPA Ch. 2, Policy 3. Strategy 3.2 RPA Ch. 2, Policy 3. Strategy 3.3, Action B. Develop a coordinated service approach to assist rural landowners in the review and development of proposals to maintain agricultural operations, preserve the agricultural potential of farmland, institute farm and rural business plans, and assist in filing applications, which support agriculture, agricultural activities, and the rural economy.</p> <p>RPA Ch. 2, Policy 3. Strategy 3.5. Action A. Adopt zoning regulations and design standards to facilitate the use of existing agricultural and historic structures.</p>	<p>Absence of clarity on the zoning uses of agribusiness structures and their associated building and use permit applications Define threshold of use.</p> <p><b>HIGHLIGHT FOR CLARITY in other sections:</b> <b>Section 6-701.C (Non-res uses in AR-1/AR-2, excluding permitted uses in “Ag support . . . that do not involve access by the public as part of such use.”</b></p> <p><u>ZONING ORDINANCE:</u> RURAL USES: ARTICLE 2 NON-SUBURBAN DISTRICT REGULATIONS</p>	<p>Not applicable to land development</p>	<p>Not application to subdivision development</p>	<p><b>ISSUE: APPLICATION INCONSISTENCIES FOR AG STRUCTURES (AG VS. COMMERCIAL USE)</b></p> <ul style="list-style-type: none"> <li>• The Building Permit application process for AR1 zoned properties for new and existing structures each have loopholes as well as inconsistent building permit paths for various kinds of structures based upon use.</li> <li>• Regarding non-compliance, some AG structures in Loudoun County that have a Farm Exemption permit have converted the structure to be used for events, general public traffic for stores or gatherings, and the use continues without county consideration.</li> <li>• So the issue is defining AG structures use for building or use permits in a consistent manner, especially with new permits. It is notable the AG community would prefer all structures are AG exempt structures on the farms.</li> </ul> <p><b>RECOMMENDATION:</b></p> <ul style="list-style-type: none"> <li>• Clarify in more detail the definitions of agribusiness structures and use on a farm, then associate the building permit requirements for each use (i.e., Farm Structure exemption vs Commercial Permit if based upon use and public involvement).</li> <li>• Amend instructions of how to apply for the appropriate structure per use building permit. A farm may have several buildings with different permits and multiple uses.</li> </ul>



1. Comp Plan Policy or Issue Area (2001 & 2019)	2a. Zoning Ordinance § Reference or N/A (Brief text or summary)	2b. Facilities Standards Manual § Reference or N/A (Brief text or summary)	2c. Land Subdivision & Dev. Ordinance § Reference or N/A (Brief text or summary)	3. Issue Description / Recommendations
	DIVISION A: RURAL DISTRICTS AR-1 Agricultural Rural-1 Section 2-101 Purpose and Intent, 2-102 Use Regulations			<ul style="list-style-type: none"> <li>A consistent approach needs to be adopted for all, for new or existing use or building permits.</li> </ul> <p><b>BACKGROUND</b></p> <ul style="list-style-type: none"> <li>Property owners requesting permits for an agribusiness building are not following similar paths, (some are going through a commercial permit and some are doing a farm exemption permit).</li> <li>Need to clarify permitting/process for Agricultural use farm building for an agribusiness (Example for a farm with multiple permitted structures: Sheep barn, Wool processing dying barn, country store barn with bathroom, event barn, and BBQ pavilion).</li> <li>Define each building permit needed for each use for any AG building on AR1 zoned properties.</li> <li>An inconsistency example: Farm Winery via Farm Exemption use allows for tasting rooms and sales of good produced on the farm, but County permit office says due to assembly it must be a commercial use building permit with all the drawings, each trade inspected.</li> </ul> <p>The Farm Exemption Permit status is most favorable for the AG community, due to the added expense of permit fees and Architectural services for structures and need for each trade drawing requirements for commercial use permits.</p> <p><b>BACKGROUND DOCS:</b>            Farm Building Exemption application link:  <a href="https://www.loudoun.gov/DocumentCenter/View/143575/Farm-Building-or-Structure-Attachment-Application-PDF">https://www.loudoun.gov/DocumentCenter/View/143575/Farm-Building-or-Structure-Attachment-Application-PDF</a>            Limited Breweries and Farm Wineries are considered Agricultural Processing agribusinesses per ZOAM amendments</p> <p><b>VIRGINIA CONSTRUCTION CODE CHAPTER 2 DEFINITIONS</b>  <b>FARM BUILDING OR STRUCTURE.</b> A building or structure not used for residential purposes, located on property where farming operations take place, and used primarily for any of the following uses or combination there of:  <b>Storage, handling, production, display, sampling or sale of agricultural, horticultural, floricultural or silvicultural products produced in the farm.</b>            (more items listed)</p> <p>Under the International Building Code            Link: <a href="https://codes.iccsafe.org/content/IBC2015/chapter-3-use-and-occupancy-classification#IBC2015_Ch03_Sec312">https://codes.iccsafe.org/content/IBC2015/chapter-3-use-and-occupancy-classification#IBC2015_Ch03_Sec312</a>            Assembly is Section 303 Group A and Agricultural Buildings are in section 312 Utility Group U and from what I understand this translates into different permitting requirements by the county.</p>

1. Comp Plan Policy or Issue Area (2001 & 2019)	2a. Zoning Ordinance § Reference or N/A (Brief text or summary)	2b. Facilities Standards Manual § Reference or N/A (Brief text or summary)	2c. Land Subdivision & Dev. Ordinance § Reference or N/A (Brief text or summary)	3. Issue Description / Recommendations
<p>Strategy 3.3 Promote and expand agricultural enterprises and the rural economy and attract rural entrepreneurs to locate in Loudoun Actions –AB&amp;C</p> <p>RPA Ch. 2 Policy 3, Strategy 3.7. Protect farming and farmers from nuisance complaints in accordance with the provisions of the Right to Farm Act, Code of Virginia §3.2-301.</p> <ul style="list-style-type: none"> <li>Action A. Maintain zoning regulations and design standards that protect the right to farm.</li> </ul>	<p>Absence of clarity on the during the application of HOA covenants which conflict with AR1 zoned allowed agribusinesses for the Rural Economy lots that are created with new rural subdivision</p> <p>RURAL ECONOMY LOTS</p> <p>AR1 LOTS Sections 2-103 and 2-203 Zoning Ordinance</p>		<p>Absence of clarity with LSDO regarding the application of HOA covenants that are in conflict with allowing AR1 agribusinesses for the Rural Economy lots that are created with new rural subdivisions</p> <p>RURAL ECONOMY LOTS AR1 LOTS 1241.06 Lot Creation in the AR-1 and AR-2 Zoning Districts Definitions p. 5 &amp; 6 : Plan" - The proposal for a development or a subdivision, including all covenants, grants, or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities, and such other information as required by the ordinance to which the proposed development or subdivision is subject. "Principal Lot" - A lot or parcel of land in the AR-1 or AR-2 Zoning District which has been created through the "Principal/Subordinate" Subdivision Option as identified in Sections 2-103 and 2-203 of the Zoning Ordinance. Future subdivision and development of such lots are restricted by the requirements contained in the AR-1 and AR-2 Zoning Districts.</p>	<p><b>ISSUE:</b> Development of existing farm into Single Family subdivision is encumbering the existing farm anchor parcel(s) with HOA covenants in conflict with allowed agribusiness AR1 zoning laws.</p> <p><b>RECOMMENDATION:</b> When subdivision plats are created, the developer should be required to exclude the anchoring farm house, AR and Rural Economy lots from the HOA or have amended covenant recorded against those lots (since it conflicts with current zoning). The use of general agricultural activities are allowed under HOA covenants For the AR and RE lots, but not agribusinesses (which is allowed under the zoning ordinance if the parcel meets those requirements and if the owner wishes to have an agribusiness).</p> <p>All subdivisions created from farms in recent years should be reviewed and the developer contacted to correct the covenants so the anchor AR/RE lots are aligned with zoning regulations.</p> <p><b>BACKGROUND:</b></p> <ul style="list-style-type: none"> <li>If the designated farm currently has a farmhouse and possible outbuildings, it has been observed that developers will subdivide a larger parcel around the farmhouse, minimally 10 acres and designate it or a few 10+ acre portions as Rural Economy Lots (RE), but in the LSDO they call them the AR1 and AR2 lots (Developers are using RE lot). Then will take the remainder acreage and create smaller parcels for Single Family homes. Ties all the parcels to a single subdivision plat.</li> <li>When the developer creates the Home Owner Assoc covenants, he binds all parcels (including the RE lots) to the HOA restrictions and rules. Under Rural Economy lot zoning, agribusinesses are allowed, however in most HOA covenants no businesses are allowed, and HOA's rule over the zoning ordinance-which is conflict.</li> </ul>
<p>RPA Chap 2 Policy 3. Stra.3.1, Action B, C. RPA Chap 2 Policy 3.5 &amp; Action A</p>	<p>5-600 Aux. Buildings NEW</p> <p>HIGHLIGHT FOR CLARITY in other sections: Section 6-701.C (Non-res uses in AR-1/AR-2, excluding permitted uses in "<u>Ag support . . . that do not involve access by the public as part of such use.</u>"</p>	<p>Revise FSM requirements, site plan review &amp; checklists</p>		<p><b>APPLICATION LOOPHOLES</b> <b>PERMIT/PROCESS ISSUE:</b> Property owners are applying for an "agricultural building" (that does not require any building permits or safety inspections), for use as a <b>non-ag public use event venue.</b></p> <ul style="list-style-type: none"> <li>Use of this permit loophole has become "normal," without review by zoning, building &amp; development prior to application approval. This is a health, safety and welfare issue for the general public, as "ag buildings" used for events may be unsafe for the general public.</li> </ul>

1. Comp Plan Policy or Issue Area (2001 & 2019)	2a. Zoning Ordinance § Reference or N/A (Brief text or summary)	2b. Facilities Standards Manual § Reference or N/A (Brief text or summary)	2c. Land Subdivision & Dev. Ordinance § Reference or N/A (Brief text or summary)	3. Issue Description / Recommendations
				<p><b>RECOMMENDATION:</b></p> <ul style="list-style-type: none"> <li>Any buildings being added to the property to support the special usage should be sized and designed to be compatible with buildings in the surrounding area.</li> <li>Buildings found to be permitted as an “ag barn” not used as such should be fined and have other zoning use permits revoked.</li> </ul>
<p>False and/or misleading statements on application</p> <p>RPA Chap 2 Rural Economy page 2-95  RPA Chap 2 Rural Economy page 2-96  RPA Chap 2 Rural Economy page 2-97  RPA Chap 2 Rural Strategy page 2-98  RPA Chap 2 Policy 1 page 2-99  RPA Chap 2 policy 1 Strategy 1.1 p.2-99  RPA Chap 2 Policy 3 page 2-100  RPA Chap 2 Policy 3 Action A 2-100  RPA Chap 2 Stra 3.2 Actions A&amp;C p 2-100  RPA Chap 2 Stra 3,4 Action A page 2-101  RPA Chap 2 Rural South page 2-112  RPA Chap 2 Rural South Design Characteristics Transition page 2-112  RPA Chap 2 Rural Hist District Design Char. Transition page 2-115</p>		<p>Revise FSM, site plan review and checklists to ensure proper evaluation of end business operation to comply with Use regulations.</p>		<p><b>PERMIT/PROCESS ISSUE:</b></p> <ul style="list-style-type: none"> <li>Applications containing unreviewed, knowing or unknowingly false information are being approved by Zoning, Building &amp; Development, resulting in after-the-fact Zoning Enforcement by Complaint.</li> <li>Known loopholes are used/recommended to applicants to apply for “easier” approvals when the ultimate use is far more intense for the site and would not have been approved if known.</li> <li>These issues are consistent with no enforcement (Zoning “works with” applicants to apply for permits retroactively rather than enforce, fine and require halt of operations.</li> </ul> <p><b>RECOMMENDATION:</b> ZOR Focus Group respondents consistently and repeatedly indicated that “Enforcement by Complaint” BOS policy (1992, 2010) must be changed (see “word cloud” summaries from multiple ZOR Focus Group sessions</p>
<p>RPA Ch.2-Rural Economy p.2-95 to 2-97  RPA Ch.2-Rural Strategy p.2-98  RPA Ch.2-Policy 1 p.2-99  RPA Ch.2-Strategy 1.1 p.2-99  RPA Ch.2-Policy 3 p.2-100  RPA Ch.2-Strategy 3.1 p.2-100  RPA Ch.2-Action A p.2-100  RPA Ch.2-Action B p.2-100  RPA Ch.2-Str 3.2 Action A p.2-100  RPA Ch.2-Str 3.2 Action C p.2-100  RPA Ch.2-Str 3.4 Action A p.2-101</p>	<p>5-600 Ultimate Use NEW</p>			<p><b>CHECKLIST/OUTSOURCING INADEQUATE (FAILURES TO REVIEW)</b></p> <p><b>PROCESS/PERMIT ISSUE:</b> Numerous property owners have initially applied and received approval for permits that are not reflective of the owner’s ultimate business intent.</p> <p>As an example, specific use could be</p> <ul style="list-style-type: none"> <li>bed &amp; breakfast inn with the intention of having up to six guests per day</li> <li>also conducting weddings or other special events 10 times per year for 100 people with up to 75 cars per special event.</li> <li>These two “uses” have dramatically different impacts on traffic and should be considered at the time of initial application and approval for ultimate impacts.</li> </ul> <p><b>RECOMMENDATIONS:</b></p> <ul style="list-style-type: none"> <li>Submissions for special uses identified in section 5-600 <u>must</u> include detailed data on the ultimate use of the property.</li> <li>This data should be used by all departments when approving the use including VDOT to comply with current section 5-654 requirements.</li> <li>If use or attendee level changes after submission a completely new approval should be obtained.</li> </ul>

1. Comp Plan Policy or Issue Area (2001 & 2019)	2a. Zoning Ordinance § Reference or N/A (Brief text or summary)	2b. Facilities Standards Manual § Reference or N/A (Brief text or summary)	2c. Land Subdivision & Dev. Ordinance § Reference or N/A (Brief text or summary)	3. Issue Description / Recommendations
<p>Chap. 3 Policy 1  Strategy 3.4 Action A page 2-101  Chap. 3 Policy 3 Strategy 3.6 page 3-23  Future of rural Farming page 2-98</p>		<p>Revise FSM procedures, site plan review and checklists.</p>		<p><b>CHECKLIST/OUTSOURCING INADEQUATE (FAILURES TO REVIEW)</b>  <b>Prime Farmland Protection</b>  <u>PERMIT/PROCESS ISSUE:</u> The primary goal for the Rural Policy Area is to retain the agricultural nature and prime farmland. However, no performance standards exist to accomplish these goals.  <u>RECOMMENDATION:</u> Identify and apply performance standards to protect prime agricultural land during the evaluation of Rural Use site plans for structure, parking and environmental impacts.</p>
<p>Chap. 3 Policy 1  Strategy 3.4 Action A page 2-101  Chap. 3 Policy 3 Strategy 3.6 page 3-23  Future of Rural Farming page 2-98</p>		<p>Example locations:  FSM 8.102.A.39  FSM 8.102.B.5  FSM 106.A.27  FSM 7.600.E.5</p>		<p><b>LACK OF PROPER ENVIRONMENTAL REVIEW ENVIRONMENTAL &amp; PRIME SOIL CONSIDERATION</b></p> <ul style="list-style-type: none"> <li>● <b>Permit/Process Issue:</b> ZOR Focus Group respondents indicated review of applications (and ESI checklist criteria) lack proper environmental evaluation. Questions/evaluations are more “yes/no” rather than evaluation criteria specific.</li> <li>● <b>Recommendation:</b> Approval for Rural Uses should not be given solely by District. Consideration must also include prime soils and other environmental considerations before approval to ensure protection of farmland and rural economy.</li> </ul>
<p>RPA Ch.2-Strategy 1.1 p. 2-99  RPA Ch.2-Strategy 3.1 Action A p. 2-100</p>	<p>5-600 Notice NEW</p>			<p><b>ISSUE: LACK OF PROPER NOTICE for Rural Uses with intensity impacts.</b>  <u>RECOMMENDATION: Proper Notice</u></p> <ul style="list-style-type: none"> <li>● Adjoining property owners to applicants proposing known high-intensity area impacts to adjacent and neighboring properties should be advised by the County of the potential Rural Use being sought.</li> <li>● Adjacent property owners should be advised who they may contact if they have questions or concerns. Notice should be sent out within 30 days of the submission.</li> </ul>
<p>NOT REFERENCED</p>	<p>Section 6-500 Enforcement &amp; Penalties  Section 6-502.F</p>			<p><b>ISSUE: NO OR INADEQUATE PENALTIES FOR NON-COMPLIANCE.</b>  Examples:</p> <ul style="list-style-type: none"> <li>● Known issues of compliance (e.g., septic, water/ODW approval, buffering, screening, traffic volume non-compliance/impacts) are not inspected and/or not enforced on a consistent basis.</li> <li>● County “works with” repeat violators, delaying actual enforcement and/or shut-down as last resort. Violations have become “standard business practice” due to lack of enforcement and penalties.</li> </ul> <p><u>RECOMMENDATION:</u> Give Zoning Enforcement authority to perform proactive inspection. Provide sufficient staffing and funding to Zoning Enforcement to perform improved inspections and enforcement actions.</p>



## COMPREHENSIVE PLAN / ZONING & ORDINANCES AUDIT: REDC--RPA Preservation

Use form to provide key audit information: 1) Review both the 2001 and 2019 Comp Plan to note policy gaps and issues not addressed. 2) Review three ordinance documents (Zoning, FSM, LSDO) to determine existence or levels of enforcement for policies/issues. Use Section (§) references where applicable. 3) Describe Issue and Recommendations. Links to key documents: [2019 Comp Plan](#), [2001 Comp Plan \(RGP\)](#), [CPAM Revisions to the 2001 RGP](#), [Facilities Standards Manual \(FSM\)](#), [Land Subdivision & Development Ordinance \(LSDO\)](#).

1. Comp Plan Policy or Issue Area (2001 & 2019)	2a. Zoning Ordinance § Reference or N/A (Brief text or summary)	2b. Facilities Standards Manual § Reference or N/A (Brief text or summary)	2c. Land Subdivision & Dev. Ordinance § Reference or N/A (Brief text or summary)	3. Issue Description / Recommendations
				<p>Essentially, the REDC ZOR ad-hoc sub-committee is saying that before we can confidently recommend specific revisions to the zoning code, we need additional data and analysis.</p> <p>We need to be able to determine the impact of our recommendations before we can recommend specifics. We propose the following:</p>
				<p>1. Create a staff analysis/matrix for existing conditions across the rural area to determine:</p> <p>a) How many developable (and sub-dividable) acres are there as a whole, and by each zoning district?</p> <p>b) How many acres of each category of sensitive environmental assets are there as a whole, and by each zoning district?</p> <ul style="list-style-type: none"> <li>o prime soils,</li> <li>o mountainside,</li> <li>o steep slopes,</li> <li>o floodplain,</li> <li>o wetlands,</li> <li>o forest</li> </ul> <p>c) Categorize these assets by sub-watershed for long-term ecosystem sustainability.</p>
<p>RPA Policy 1: Foster land use and development patterns that incorporate natural, cultural, heritage and <u>agriculture resources</u> to preserve character-defining features of the rural landscape while providing opportunities for rural living and business.</p>				<p>2. Create a matrix of the different strategies with a cost/benefit analysis for each. This analysis should include examinations of how various methods of prime soils, sensitive resource protection, and overall land conservation effect the stated goals of the Comprehensive Plan.</p> <p>Those stated goals include protection of prime soils, and the continued growth and success of the rural economy. With agriculture being the bedrock of the rural economy and high-quality farmland</p>

1. Comp Plan Policy or Issue Area (2001 & 2019)	2a. Zoning Ordinance § Reference or N/A (Brief text or summary)	2b. Facilities Standards Manual § Reference or N/A (Brief text or summary)	2c. Land Subdivision & Dev. Ordinance § Reference or N/A (Brief text or summary)	3. Issue Description / Recommendations
<p>Strategy 1.1 -- Support uses that protect, preserve, and enhance natural areas and open space, <u>retain farmland</u> and the vitality of the rural economy, and foster a high quality of rural life for residents.</p> <p>RPA Policy 2: <u>Limit residential development</u> to protect the land resource for agriculture operations, rural economy uses, and open space uses; minimize traffic impacts, and reduce the demand for additional public facilities and services.</p> <p>Strategy 2.1 -- Where residential development does occur in the RPA, it should be designed to preserve the rural character, work with the land form to preserve and protect natural features, and <u>conserve land for agriculture</u>, equine uses, rural economy uses, passive recreation and open space</p> <p>Actions A. Evaluate and revise zoning regulations and design standards to improve the design of subdivisions and clustered residential development by incorporating natural features and buffering</p>				<p>being critical to the success of agriculture, the protection of USDA Class I/Prime soils must be assured.</p> <p>We recommend analysis and implementation of one or more of the following measures to protect prime agricultural soils and to minimize the impact of new subdivisions in AR-1 and AR-2 zoning districts to agriculture and natural resources.</p> <ul style="list-style-type: none"> <li>◆ Require a high overall percentage of USDA Class I prime RPA agricultural soils be placed on the Rural Economy Lot for future agricultural use when a cluster subdivision is designed. <ul style="list-style-type: none"> <li>○ At least 80% of Prime Soils should be placed on the rural economy lot and not under the cluster lots.</li> </ul> </li> <li>◆ Change the current system which calculates the overall lot yield of sub dividable parcels based on gross acreage. Instead calculate lot yield based upon gross acreage <u>minus</u> sensitive features such as steep slopes, mountainside overlay, wetlands/hydric areas, and prime agricultural soils.</li> </ul> <p>In addition, we recommend the following as additional strategy to save prime soils from home development:</p> <ul style="list-style-type: none"> <li>◆ Fund and implement a Purchase of Development Rights program with eligibility targeted at properties with large acreages of prime agricultural soils.</li> <li>◆ Design and implement a Transfer of Development Rights program with eligibility targeted at properties with large acreages of prime agricultural soils.</li> </ul>

1. Comp Plan Policy or Issue Area (2001 & 2019)	2a. Zoning Ordinance § Reference or N/A (Brief text or summary)	2b. Facilities Standards Manual § Reference or N/A (Brief text or summary)	2c. Land Subdivision & Dev. Ordinance § Reference or N/A (Brief text or summary)	3. Issue Description / Recommendations
from roadways and scenic byways.				
				3. Determine how each strategy performs in terms of asset protection based on a set of hypothetical case studies with the goal of maximum protection of the critical assets.
				<p>In addition to the proposed analysis we also agree that:</p> <ul style="list-style-type: none"> <li>a) The County should use the USDA definition of prime soils for purposes of the zoning ordinance review.</li> <li>b) Prime soils (per USDA definition) should be mapped as an overlay district.</li> <li>c) Prime soils should be identified on site plans along with other existing conditions.</li> <li>d) Performance standards should be used to preserve these resources.</li> <li>e) Developers should be required to include plans for -- and install -- interconnected trails as a component of their project plan.</li> </ul>



## COMPREHENSIVE PLAN / ZONING & ORDINANCES AUDIT

Use form to provide key audit information: 1) Review both the 2001 and 2019 Comp Plan to note policy gaps and issues not addressed. 2) Review three ordinance documents (Zoning, FSM, LSDO) to determine existence or levels of enforcement for policies/issues. Use Section (§) references where applicable. 3) Describe Issue and Recommendations.

Links to key documents: [2019 Comp Plan](#), [2001 Comp Plan \(RGP\)](#), [CPAM Revisions to the 2001 RGP](#), [Facilities Standards Manual \(FSM\)](#), [Land Subdivision & Development Ordinance \(LSDO\)](#).

1. Comp Plan Policy or Issue Area (2001 & 2019)	2a. Zoning Ordinance § Reference or N/A (Brief text or summary)	2b. Facilities Standards Manual § Reference or N/A (Brief text or summary)	3. Issue Description / Recommendations
<p>APPLY TO ALL ISSUES:</p> <p>Chapter 2-95 Rural Economy -The business development plan strives to create an environment for high value agricultural production that supports equine and tourism industries, maintains prime farmland and recognizes that commercial growth in eastern Loudoun is augmented by a thriving rural economy in western Loudoun.</p> <p>-Chapter 2-98 The strength of the agricultural sector, equine industry and the rural economy is a critical component of supporting the economic development and fiscal policy goals of the County.</p> <p>-Strategy 3.2 Chapter 2-100 Promote the retention and development of rural business uses that sustain the rural</p>	<p>Section 500 Temporary Uses/Zoning Permits Section 5-600's Bed and Breakfast, rural resort retreats, Wayside Stands. Dog Kennels, Guest Houses, small businesses, rural corporate retreat, Winery- Commercial, Ag., Horticulture and Animal Husbandry, Ag support, Farm Based tourism, Banquet event center, restaurant, Camps, campgrounds, Craft Beverage Manufacturing etc.</p>		<p><b>Multiple Rural Business Uses on the same properties.</b> Issues:</p> <ul style="list-style-type: none"> <li>• Zoning regulations not consistent across business uses discourages multiple business uses on for a property.</li> <li>• Zoning regulations can be in conflict with each other.</li> <li>• Intensity of use and appropriateness of location need to be taken into consideration in evaluating an application. <i>A 5 acre parcel vs 100 acre property should be evaluated differently.</i></li> </ul> <p><b><i>The complexity and costs for rural business owners to navigate inconsistent zoning regulations and incomplete/confusing processing hampers business innovation and small business entrepreneur's ability to launch new businesses.</i></b> Example: Recently a property/business owner in order to be approved for a Farm Winery permit had to terminate their Bed and Breakfast permit. They were told after their Winery was operational they could reapply for the BnB permit.</p>



economy and support the County's agricultural, equine and tourism industry Actions – A & B			
Strategy 3.3 Promote and expand agricultural enterprises and the rural economy and attract rural entrepreneurs to locate in Loudoun Actions –AB&C			<p>Campgrounds, resorts, tents (glamping) cabins, small houses/cabins. regulations are confusing, lack standards, and are inconsistent. Standards to protect rural views and requirements based on traffic, parking, daily visitor loads should be considered.</p> <p><b>Case examples:</b> <i>Zoning ordinances that allowed 40 permanent new small houses to be built on a property with close density that in appearance seems similar to subdivisions or cabins in a campground exposed a gap in the zoning regulations and or processes. This intense conversion of farmland and the lodging structures high visibility from the road and neighboring properties seem to be in the wrong location or lacking standards. Our tourism industry is high dependent on attracting visitors who enjoy our rural environment and scenic views.</i></p> <p><i>On the other hand, the example of temporary luxury tents on platforms “Glamping” being considered as commercial building may be too regulated. There is a difference between a truly temporary tent with electricity and a tent structure that remains standing year around with heat and air-conditioning. Intensity of property use and standards again need to be consistent and At the same time we must have standards to protect views with requirements such as landscape borders, setbacks, etc. from adjacent properties and should be consistently applied across business uses.</i></p>
			Expansion of rural business uses for rural economy lots Opportunity loss especially for Ag and Ag related production.
			Graduated requirements/conditions Scale from residential use to commercial use. Zoning regulation clarity on reuse of Ag structures and when commercial building codes apply including exemptions at the State level. Business use of existing buildings versus new construction.
Strategy 3.5 Chapter 2-102 Promote and encourage the preservation, rehabilitation and repurposing of farm buildings and structures to maintain infrastructure for future agriculture enterprises and rural economy uses. Where			Encourage adaptable reuse of ag structures for business opportunities





## COMPREHENSIVE PLAN / ZONING & ORDINANCES AUDIT

Use form to provide key audit information: 1) Review both the 2001 and 2019 Comp Plan to note policy gaps and issues not addressed. 2) Review three ordinance documents (Zoning, FSM, LSDO) to determine existence or levels of enforcement for policies/issues. Use Section (§) references where applicable. 3) Describe Issue and Recommendations.

Links to key documents: [2019 Comp Plan](#), [2001 Comp Plan \(RGP\)](#), [CPAM Revisions to the 2001 RGP](#), [Facilities Standards Manual \(FSM\)](#), [Land Subdivision & Development Ordinance \(LSDO\)](#).

1. Comp Plan Policy or Issue Area (2001 & 2019)	2a. Zoning Ordinance § Reference or N/A (Brief text or summary)	2b. Facilities Standards Manual § Reference or N/A (Brief text or summary)	2c. Land Subdivision & Dev. Ordinance § Reference or N/A (Brief text or summary)	3. Issue Description / Recommendations
5-602 (A) (1) (a)				(1) Tenant dwelling/10 acres or more
				One tenant dwelling per 25 acres in excess of above
				Farming practices differ considerably with their need for workers/acre and duration of year. A beef and cattle operation or commodity cropper may need just one tenant house for 100's of acres. A specialty sustainable vegetable or fruit operation can use one farmhand for every 1-5 acres. This could require ten times the current allowable farm tenant housing in Loudoun. Temporary housing could accommodate much of seasonal labor, but some farms require year round work pruning and greenhouse growing and could legitimately use more housing year round given the disparity of farm wages and lack of available low income (off farm) housing within Loudoun.
5-602 (A) (1) (c)				Additional dwelling for seasonal labor "may" be permitted by "special exception". This process is too much expense for small farmers to bear. Advise local farm plan writers have ability to validate payroll records and farming practices to issue permits for adequate temporary housing numbers in concert with farm's environmental thresholds.
5-602 (B) (6)				Sanitary and bathing facilities – USBC-
				This section needs full examination. Communal kitchens and bathrooms could exist much like a campground for temporary structures without causing undue stress for farm workers. Here a deviation would occur from current state and federal guidelines. Composting toilets is another option not now available in Loudoun. (Even though they are readily purchased at local hardware stores.



## COMPREHENSIVE PLAN / ZONING & ORDINANCES AUDIT: **REDC INPUT**

Use form to provide key audit information: 1) Review both the 2001 and 2019 Comp Plan to note policy gaps and issues not addressed. 2) Review three ordinance documents (Zoning, FSM, LSDO) to determine existence or levels of enforcement for policies/issues. Use Section (§) references where applicable. 3) Describe Issue and Recommendations. Links to key documents: [2019 Comp Plan](#), [2001 Comp Plan \(RGP\)](#), [CPAM Revisions to the 2001 RGP](#), [Facilities Standards Manual \(FSM\)](#), [Land Subdivision & Development Ordinance \(LSDO\)](#).

1. Comp Plan Policy or Issue Area (2001 & 2019)	2a. Zoning Ordinance § Reference or N/A (Brief text or summary)	2b. Facilities Standards Manual § Reference or N/A (Brief text or summary)	2c. Land Subdivision & Dev. Ordinance § Reference or N/A (Brief text or summary)	3. Issue Description / Recommendations
<p><b>TPA Policy 1:</b> Ensure that the Transition Policy Area retains the visual character established by extensive natural open space by using compact development concepts with substantial open space requirements...</p>	<p>2-1400 thru 2-1700, 5-700</p>			<p><b>Issue:</b> Clustered subdivision is an option (with no increase in density above the base densities), but not required, limiting the opportunity for open space across the TPA. <b>Recommendations:</b> Clustering should be required for all districts to provide for meet the goal of the Policy for open space and the visual look and feel of the TPA. Clustering should be at the base density as it not only offers environmental and recreational benefits, it allows developers to reduce development costs.</p>
<p><b>TPA Policy 1: Strategy 1.1 Action E</b> Continue to support agriculture-related businesses including equine uses, agritourism, commercial nurseries, and similar uses throughout the TPA.</p>				<p><b>Issue:</b> Many farmettes and ag-related uses could be built on smaller existing parcels, but landowners may choose to create housing due to the potential profit differential. <b>Recommendations:</b> Based on county-set criteria, create an opportunity for owners to submit their property for consideration in a PDR or TDR program for fast-tracked response and offset the greater uncertainty and time considerations of the development process.</p>
<p><b>TPA Policy 1: Strategy 1.1 Action G</b> Ensure that open space within developments creates or enhances the following: (buffers, contiguous green space, interconnected trail system</p>				<p><b>Issue:</b> There are currently no performance standards relative to trails and open space for by-right subdivisions, resulting in less than preferred conditions overall. <b>Recommendations:</b> Require open space plans and performance standards that guide how trails are to be incorporated into subdivision plans.</p>
<p><b>TPA Policy 2:</b> Offer safe and accessible parks and recreation opportunities that provide diverse activities for all ages, interests, and abilities. <b>Strategy 2.1 Actions A-G</b></p>				<p><b>Issue:</b> There has been a greater emphasis on playing fields over linear parks and trails in recent years. The new linear parks and trails initiative will help to rebalance opportunities for all. <b>Recommendations:</b> Particularly in the TPA, there are many opportunities to provide co-benefits in the development of a master plan to meet Comp Plan objectives. Performance standards for trails and open space for by-right subdivisions would help accomplish the goals of a linear parks and trails master plan.</p>
<p><b>TPA Policy 6:</b> The Board of Supervisors encourages no further expansion of the TPA boundaries beyond that included with the adoption of the Loudoun County 2019 Comprehensive Plan</p>				<p><b>Issue:</b> Expansion of TPA boundaries is a risk for the future. <b>Recommendations:</b> Incorporation of a PDR/TDR program for the TPA to extinguish development rights along the western boundary of the TPA will help to create a clear boundary.</p>