

ZOC Comments – Overlay Districts Chapter 4 9/7/21-9/17/21

ID	Section
#4228	3.04 Accessory Uses
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/16/2021	3.04.F.5. Outdoor storage This looks like it might be in error. In 5-101 in the current ordinance, there is no mention of outdoor storage for a home occupation 5-101(A), but there is reference to this language in 5-101(B)(14) for commercial and industrial uses. There is also no reference like this in 5-400 reL home occupations. If it's not an error, then presumably this means that parking is also allowed in the outdoor storage area, but it just seems more like an error of placement.
#4229	3.06.01 Purpose and Applicability
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/16/2021	6.06.01 In working through the various uses, it seems that some sections references to exterior lighting, noise, etc. have been deleted but not in other uses. I assume staff will be going back to decide on how to best organize these, understanding that there has been some discussion, but I don't think a final decision has been made. Certainly if the standards are consistent across uses (generally makes sense), then having a single location that would be crosse-referenced seems reasonable.
#4230	3.06.02.01 Accessory Dwellings
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/16/2021	Has there been any analysis of the number of additional detached accessory and tenant houses would be possible based on these regulations? It would be good to know.
#4231	3.06.02.02 Guest Houses
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/16/2021	3.06.02.02 There is no reference to how many guest houses may be permitted, whether by lot size or other consideration. I agree with John Merrithew's comment that policing the prohibition against renting guest houses seems unworkable.
#4232	3.06.02.04 Manufactured Homes
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/16/2021	3.06.02.04 Manufactured Homes I understand that this is a carry-over. In updating this section, please consider reducing the design requirements per John's comments, as well as the need for wheels and minimum size. These may be an affordable housing option if they're factory-built and trucked to the site.

#4233	3.06.02.07 Seasonal Labor Dormitory
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/16/2021	3.06.02.07 Seasonal Labor Dormitory From the ZOC and staff comments, it's apparent that this section isn't really clear--what square footage is for an individual's personal space and what's for the group facility. I look forward to more clarity.
#3779	3.06.03 Lodging
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/6/2021	3.06.03 LODGING. The uses in this category range from High to Medium to Low intensity. Regulations for Hours of Operation are inconsistent/MISSING for Rural Resorts, Campgrounds, and Camp, Day and Boarding. Scale levels should be applied to Rural Resorts Attendance to be comparable with Campgrounds, Cap, Day and Boarding, per 2021 Rural Use Zoning Comparison Matrix (https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-INTENSITY-SORT-RuralZoningComparison.pdf).
#3902	3.06.03 Lodging
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/8/2021	Thank you, this matrix is helpful.
#4234	3.06.03.01 Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, and Rural Resorts
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/16/2021	I support Maura Walsh-Copeland's comments in 3.06.03.01
#3751	3.06.03.01 Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, and Rural Resorts
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/5/2021	"3.06.03.01 BED & BREAKFAST HOMESTAY, BED & BREAKFAST INN, COUNTRY INN, RURAL RESORTS. Why is there not a definition of passive recreation uses in Table 3.03-1 Use Classifications and Definitions? "
#3904	3.06.03.01 Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, and Rural Resorts
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/8/2021	Staff will evaluate what definitions should be in 3.03 and what should be in Chapter 11 to remain consistent.

#3752	3.06.03.01 Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, and Rural Resorts
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/5/2021	"3.06.03.01 G. RURAL RESORTS 3. Setbacks references ""active recreational areas"", and 3.06.03.01 G. RURAL RESORTS 6. Open Space lists permitted recreational uses including ""passive recreation facilities"". However, Table 3.03-1 does not define passive recreation uses. Active recreation uses are defined within the use of Arts, Entertainment, and Recreation under the Civic Space use definitions. This definition within definition, and omission of defining a use (in this case passive recreation), makes it cumbersome and difficult to know what uses are actually being permitted. The active recreation use definition listed under Civic Space is ""recreation uses required constructed facilities for organized activities, such as playing field, ball courts, and playgrounds"" which would imply that passive recreation uses are uses that do not require constructed facilities, so what is a passive recreation facility (as mentioned above)?"
#3903	3.06.03.01 Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, and Rural Resorts
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/8/2021	The definition for Passive Recreational Uses that is carried over is: Passive recreational uses: Recreational uses (such as hiking, nature observation, and picnicking) not requiring constructed facilities, but making use of areas which are largely left in their natural state except for basic facilities as bathrooms, benches, picnic tables, and trails.
#4235	3.06.03.02 Camp, Day and Boarding
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/16/2021	Typo--in 3.06.03.02 Table one under Scope of Use/Campers: should be boarders
#3742	3.06.03.02 Camp, Day and Boarding
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/4/2021	WHOA! again. What's the minimum size lot that can have a camp? On larger lots, how many camps would be permitted?
#3905	3.06.03.02 Camp, Day and Boarding
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/8/2021	Minimum size is 15 acres, up to 250 campers for 100+acres or SPEX for >250 campers.

#4236	3.06.04.04 Banquet/Event Facility
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/16/2021	Agree with Maura Walsh-Copeland's comments re: noise, set-back, multiple uses, location (not in MDOD) and scale.
#4237	3.06.04.08 Commercial Nursery
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/16/2021	3.06.04.08 An existing typo has been carried over under D,first sentence..."the culture and care of plant sold..."
#3979	Chapter 4: Overlay Districts
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	"4.00. OVERLAY DISTRICTS -- GENERAL. There are general concerns about the exemption for 'agriculture' uses in the floodplain, mountainside and limestone districts. Given the broad definition used by the county for "'agriculture'" uses that are primarily tourist/agritourism/event venues, there is concern that the exemption may be used to open a use in an inappropriate location that, in operation, would be contrary to the regulations for these Overlay Districts. The general request that applies to these Overlay Districts is to identify and apply a more detailed exemption list AND/OR, Uses that are NOT permitted in certain Overlay Districts. There are too many loop holes for high-intensity operations that would harm the environment, nature, wildlife and quality of life for neighbors (these things include clear cutting, excavating grading etc.) and thereby violate the intent of the Comprehensive Plan. Will Overlay District Use restrictions be applied?"
#4238	Chapter 4: Overlay Districts
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	Staff continues to review exemptions with the County Attorney's Office and consider appropriate performance standards.

#3980	Chapter 4: Overlay Districts
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	<p>"4.00. OVERLAY DISTRICTS -- GENERAL. The following list of terms have raised questions about the definitions and the ability to enforce them, or enforce stipulations they may trigger. Can the following terms be made less ambiguous?</p> <ul style="list-style-type: none"> -- slight or limited, moderate, and severe environmental and public safety impacts (from MDOD section 4.03.C when defining different types of sensitive environmental areas - it's the definition of the category, which itself is not actually defined) -- ""good and sufficient cause"" (this was in regards to allowing a special exception in FOD section 4.02.K) -- ""exceptional hardship"" (this was also in regards to allowing a special exception in FOD section 4.02.K) -- inconsistency between a term that was used versus what was defined: ""Substantial damage"" is defined but not ""significant damage""
#4066	Chapter 4: Overlay Districts
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	Yes, we will be working to standardize language and define terms.

#3981	Chapter 4: Overlay Districts
<p>By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021</p>	<p>"Section 4.2100. VILLAGE CONSERVATION OVERLAY DISTRICT (VCOD). It is understood that VCOD has been separated from the other ZOR Overlay Districts in review, and will have separate consideration during the development of Village Small Area Plans. However, to avoid an overall delay in mitigating current issues there are changes being recommended BEFORE or IN PARALLEL WITH Village Small Area Plan development. They include but are not limited the following that should be INCLUDED in current review PRIOR to Village Small Area Plans as they apply to Villages (to get the discussions started):"</p> <p>Section 4.2100. Consideration/discussion for which ZOR-defined uses should be EXCLUDED from Village Place Types until after Village Small Area Plans are finalized. A list of Uses to be excluded has been prepared and will be submitted separately.</p> <p>Section 4.2100. An overlay district for our historic villages is very important to maintain their identity and preservation</p> <p>4.2101. Each village is unique so will benefit from each having Small Area Plan. Support from the county will be necessary to accomplish this.</p> <p>4.2102. Need to add other villages: Morrisonville, Unison, Willisville. Delete Ashburn. Change Aldie Mt to Bowmantown. How would new ones be added in the future?</p> <p>4.2103. Underlying zoning must be flexible to allow adaptive reuse of historic properties. At the same time, there can be no damage to historic fabric (Sec Standards of Rehab used). Recommend new zoning districts be created for historic villages. Density needs to be unique to each village: there are small lots in Waterford but larger ones in St Louis. also, RC zoning density will not work in all villages</p> <p>4.2104.A2. Height of new building no greater than height of any building on same side of street within 150 yards</p> <p>4.2104.A3. If current parcels on well and septic, water studies must be done to ensure availability of these resources after new development complete</p> <p>4.2104.B1a. Extending existing streets good as long as cul de sac does not result</p> <p>4.2104.B3a. Sidewalks allowed if appropriate in specific village....some villages have, some do not</p> <p>4.2104.B5. Only detached garages should be permitted.</p>
#4065	Chapter 4: Overlay Districts
<p>By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021</p>	<p>Noted.</p>
#3951	4.01 Airport Impact Overlay District
<p>By: John merrithew Tags: public Date:9/11/2021</p>	<p>Can staff tell us if there is an acoustical limit for interior noise in the "standard" building code for residential uses? How does the overlay required limit compare to the treatment normally required in residential buildings?</p>
#4239	4.01 Airport Impact Overlay District
<p>By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021</p>	<p>We will need to look into this further.</p>

#3926	4.01 Airport Impact Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/9/2021	Good ideas but how would they be enforced?
#4067	4.01 Airport Impact Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	These are largely enforced during the land development application process.
#3952	4.01 Airport Impact Overlay District
By: John Merrithew Tags: public Date:9/11/2021	D.3.b. Requires only the acoustical treatment of the VUSBC. To my previous question, what is the requirement and should this section require the more effective acoustical treatment (45 Dba or the VUSBC)?
#3953	4.01 Airport Impact Overlay District
By: John merrithew Tags: public Date:9/11/2021	Correction the overlay requirement is 45 dbaLdn
#4054	4.01 Airport Impact Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/13/2021	Staff can explore the revising the standard in D.3.b. to require the more effective treatment between the acoustical standards of the VUSBC and 45 Dba as part of the ongoing CPAM and ZOAM work for the AIOD.

#3995	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.02.G FLOODPLAIN OVERLAY DISTRICT G. Standards for Special Exceptions. Why aren't requirements included to look at cumulative impacts of special exceptions and development in general? Handling this decisions on a case by case basis has led to a cumulative negative impact on the watersheds in the area. Why don't these standards include impacts to wildlife, native vegetation, and wetlands that may occur within the floodplain? Beyond being addressed in Chapter 5 for Development Standards, native vegetation has positive impacts on reducing stormwater flows, velocities, and other impacts to the floodplain.
#4273	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	When the engineering study is conducted, the applicant must consider all existing and proposed development within the watershed.
#3993	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.02.F FLOODPLAIN OVERLAY DISTRICTS 2-6 Why are these uses allowed by special exception? Except for passive recreation uses (such as trails for the linear parks and trails system), these uses are unnecessary in a minor floodplain and do not contribute to protecting water quality.
#4244	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	These were carried over from existing text prior to ZOAM-2015-0003. Staff did not remove any uses unless FEMA required those uses to be removed. We can consider appropriate SPEX uses during the revision of the FOD. 4.02.G FLOODPLAIN OVERLAY DISTRICT G. Standards for Special Exceptions. Why aren't requirements included to look at cumulative impacts of special exceptions and development in general? Handling this decisions on a case by case basis has led to a cumulative negative impact on the watersheds in the area. Why don't these standards include impacts to wildlife, native vegetation, and wetlands that may occur within the floodplain? Beyond being addressed in Chapter 5 for Development Standards, native vegetation has positive impacts on reducing stormwater flows, velocities, and other impacts to the floodplain.

#4000	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.02.I FLOOD PLAIN OVERLAY I.4. Standards for Subdivision Proposals. That's all? With all the other details this gets only a, b, c?
#4243	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	When this section is revised, we can consider appropriate standards for subdivision proposals. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.
#4003	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.02.K FLOODPLAIN OVERLAY DISTRICT K.4.a. What is definition of "good and sufficient cause"? 4.02.K FLOODPLAIN OVERLAY DISTRICT K.4.b. What is definition of "exceptional hardship"?
#4242	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	When the FOD is revised, we can be sure to bring in the federal definitions for clarity. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.
#4042	4.02 Floodplain Overlay District
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	4.02.F.2 Would you have an example of a special event with land disturbing activity that might require use of the floodplain? What is the maximum length of time that might be permitted?
#4241	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	This may be better termed "development" instead of "land disturbing activity" to better align with FEMA terminology. We do not have an example currently, but we can be prepared when this section is revised. Also, the maximum length of time can be specified. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.

#4049	4.02 Floodplain Overlay District
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	4.02.H.2.b.1. If existing conditions are degraded, doesn't this section allow further degradation? What structural changes could be included to keep mean velocity from increasing at the downstream end?
#4240	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	This comment can be more fully understood and contemplated when staff revise the FOD. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.
#4053	4.02 Floodplain Overlay District
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	4.02.J. Density Calculations. Floodplain acreage was included in density calculations in part to help offset higher environmental standards adopted with the current zoning ordinance. There should be a review of all the environmental standards that have been loosened since adoption of the current ordinance to be tightened up again, in order to both mitigate development impacts and protect natural resources as originally intended.
#4150	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	The can be considered when the FOD is revised. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement. Have standards been loosened or loopholes realized? Further discussion when the subsequent FOD revisions are initiated.

#4052	4.02 Floodplain Overlay District
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	4.02.I.2.a.This section also indicates that new structures would be allowed in the floodplain which doesn't conform with the Comp Plan. IF there are any existing buildings in the floodplain that could be improved per these guidelines, the larger rainfall events that have been frequenting our area should be reason to avoid creating the potential for greater loss (and negative economic impacts) to individuals as well as buildings. This should not be allowed.
#4147	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	The can be considered when the FOD is revised. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.
#4051	4.02 Floodplain Overlay District
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	4.02.I.1.d. Are newly placed manufactured homes or any new homes allowed in FOD? If not, any reference to new residential construction is confusing and should be adjusted. Or does this reference cases where a lot is fully within the floodplain? If that's so, it would be better to address in a way that's not confusing.
#4146	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	The can be considered when the FOD is revised. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.
#4050	4.02 Floodplain Overlay District
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	4.02.I.1.a. typo--MPOD
#4145	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	fixed, thank you.

#4044	4.02 Floodplain Overlay District
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	4.02.F.5. Structures in the floodplain are problematic due to flood and imperviousness concerns. These impacts add up and should be kept to the 840 sf of floor area for incidental structures.
#4143	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	The can be considered when the FOD is revised. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.
#4045	4.02 Floodplain Overlay District
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	4.02.F.6 Active recreation uses should be eliminated to match the Comp Plan. 10% impervious cover for these uses should be eliminated due to the negative correlation with stream health and water quality. Incremental impacts add up.
#4142	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	The can be considered when the FOD is revised. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.
#4039	4.02 Floodplain Overlay District
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	4.02.E.1.k The last sentence of this section which states that areas within approved floodplain alterations that are then no longer in the FOD can be used for any use in the underlying zoning district, has previously been used as a loophole to then place structures and other uses in the former floodplain area. This further degrades the purpose and intent of the floodplain overlay district and should be reconsidered.
#4141	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	The can be considered when the FOD is revised. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.

#4043	4.02 Floodplain Overlay District
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	4.02.F.3 Riding stables. Stables are generally created with paddocks and turn-outs for the horses. As a special exception use, can it be specified that the design of use would be such that the stable buildings themselves should be located outside of the floodplain, while allowing the paddocks to be in the floodplain?
#4139	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	The can be considered when the FOD is revised. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.
#4041	4.02 Floodplain Overlay District
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	4.02.E.2.f. For reasons stated above, parking areas should not be permitted in the FOD. Floodwaters are naturally slowed and absorbed with the presence of natural vegetation. The county should take maximum advantage of such natural system benefits.
#4138	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	The can be considered when the FOD is revised. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.
#4037	4.02 Floodplain Overlay District
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	4.02.E.1.a This section could allow non-farming uses in the floodplain. Here's another place that would benefit from a definition for farming and then it should be substituted for the word agriculture here.
#4137	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	The can be considered when the FOD is revised. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.

#4040	4.02 Floodplain Overlay District
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	4.02.E.2.b Same issue identified as a potential loophole in 4.02.E.1.k
#4136	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	The can be considered when the FOD is revised. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.
#4038	4.02 Floodplain Overlay District
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	4.02.E.1.h Parking accessory to permitted or special exception uses in the FOD should be struck. Parking areas increase imperviousness which correlates to poor stream health and reduced water quality. Allowing parking increases the potential for vehicle-related pollution to enter streams during floods.
#4135	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	The can be considered when the FOD is revised. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.
#4036	4.02 Floodplain Overlay District
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	4.02.E.1.b Remove active recreation as a permitted use to comport with the 2019 Comp Plan.
#4134	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	The can be considered when the FOD is revised. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.

#4035	4.02 Floodplain Overlay District
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	4.02.E.1.b.Impervious cover has a direct correlation to reduction in stream health and water quality. In the current ordinance, changes were made to the way that density is calculated to allow the inclusion of floodplain areas (not previously allowed) as a trade-off for greater environmental protections during development. Over time, those protections have been eased. The 3% imperviousness in the floodplain is an example. This should be eliminated.
#4132	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	The can be considered when the FOD is revised. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.
#4033	4.02 Floodplain Overlay District
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	4.02 D.2.i Currently tree planting is not allowed without floodplain studies and alterations. If something changes to allow this in the future, will the language in the ordinance still prevent it? The language should be written so as not to trip up fixing the existing problem.
#4131	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	The can be considered when the FOD is revised. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.
#4004	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.02.K FLOODPLAIN OVERLAY DISTRICT K.4.c. Why isn't degradation of wildlife habitat or other natural features included?
#4130	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	FEMA's required regulations focus on flood risk. During ZOAM-2015-0003 staff were directed to not add any regulations beyond the minimum required by FEMA. RSCR Development Standards may consider wildlife habitat and other natural features.

#4002	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.02.J FLOOD PLAIN OVERLAY. J. Density Calculations. With all the specific requirements and restrictions for FOD, why is the land area still being used as part of the land area calculation for density? Will this be at least discussed for ZOAM-2020-0002?
#4129	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	The can be considered when the FOD is revised. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.
#4001	4.02 Floodplain Overlay District
By: Kevin Ruedisueli Tags: public kevinruedisueliZOC@gmail.com Date:9/13/2021	if the purpose is to conserve the natural state of watercourses, etc, why are buffers not included in 4.02? Are they just in the Plan or what?
#4128	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	Staff have attempted to address buffer in the RSCR Development Standards.
#3999	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.02.I FLOOD PLAIN OVERLAY. I.1.k. The requirement for prior approval from U.S Army Corp of Engineers, Va DEQ and VA Marine Resources Commission should STAY in the Zoning Ordinance for visibility.
#4127	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	Yes. It will stay.

#3997	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.02.H FLOODPLAIN OVERLAY DISTRICT H.2.b. Why isn't there priority to protect natural features (wetlands, native plants, etc), that benefit water quality and have flood water runoff benefits, required for floodplain alterations?
#4126	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	The can be considered when the FOD is revised. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement. Also, the RSCR Development Standards may be a place to considered these protections now.
#3998	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.02.I FLOOD PLAIN OVERLAY. I.1.a. acronym "MPOD*" -- is this incorrectly identifying MDOD? and what is the asterisks representing?
#4125	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	Drafting mistake. Corrected.
#3996	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.02.G FLOODPLAIN OVERLAY DISTRICT G.7. "Substantial damage" is defined but not "significant damage," which is the term used here. Can this be clarified and/or defined?
#4124	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	These terms can be standardized when the FOD is revised. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.

#3994	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.02 FLOOD PLAIN OVERLAY. F.5 Special Exception Uses. How can the county/FEMA continue to allow the 840 square foot structure allowance without any engineering study or CLOMAR, but deem tree planting or woven wire fencing an impact requiring these measures?
#4123	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	An engineering study (Floodplain Alteration) is required per 4.02.H.2 and an increase in base flood elevation is not permitted for F.5 uses. The engineering study is a FEMA requirement.
#3992	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.02.E FLOODPLAIN OVERLAY DISTRICT 2.f. Why are parking lots permitted uses? Regardless of following best practices, it would be simpler (and provide better water quality benefits) if they were not allowed.
#4121	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	Parking lots are only permitted when accessory to a use that is permitted within the FOD, Major.
#3988	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.02.E FLOODPLAIN OVERLAY DISTRICT 1.b. Why are active recreation uses allowed at all within the FOD major floodplain? Recreation uses that need facilities built will often result in a rise in base floodplain elevation and require an alteration of the floodplain application. To better protect water quality, rather than modifying portions of the floodplain, those uses should not be allowed.
#4119	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	The can be considered when the FOD is revised. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.

#3991	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.02.E FLOODPLAIN OVERLAY DISTRICT 2.e. Why are basketball or tennis courts, and swimming pools permitted uses in the minor floodplain? They unnecessarily add impervious surfaces.
#4117	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	Prior to ZOAM-2015-0003, these uses were permitted in the FOD, Minor. During the process of that revision, staff was directed to only increase the regulations to the minimum that FEMA required as a result of a Community Assistance Visit (CAV). FEMA does not regulate FOD, Minor.
#3990	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.02.E FLOODPLAIN OVERLAY DISTRICT 1.i. What is the definition of bulk storage of gasoline, chemicals, fuels, or similar substances? Since those chemical are a threat to water quality, why are incidental structures that would store machines that utilize those chemicals allowed in the FOD at all? Shouldn't incidental structures just be removed from permitted uses?
#4115	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	The can be considered when the FOD is revised. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.
#3961	4.02 Floodplain Overlay District
By: Eric Zicht Tags: public zicht@erols.com Date:9/12/2021	FOD-E 2. Say if a golf course wants to modify a few greens for a national golf tournament, what is the approval process?
#4113	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	From the Floodplain Administrator: If the work is in the FOD, Major, a zoning permit and engineering analysis (either a statement/certification or floodplain alteration). FOD, Minor does not require a zoning permit, but does require the engineering analysis.

#3960	4.02 Floodplain Overlay District
By: Eric Zicht Tags: public zicht@erols.com Date:9/12/2021	FOD-E 2.b How is "No Impact" proved? What rise in flood level? <.1 feet?
#4111	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	From the Floodplain Administrator: No Impact is proved with a statement of justification signed and sealed from a licensed professional. No rise is measured at 0.00 ft.
#3989	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.02.E FLOODPLAIN OVERLAY DISTRICT 1.h. Why are accessory parking areas a permitted use?
#4083	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	Only those parking areas that are accessory to a use that is permitted in the floodplain.
#3987	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.02.E FLOODPLAIN OVERLAY DISTRICT. E. Permitted Uses. Has the definition for passive and active recreation uses been reviewed for further clarification?
#4082	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.

#3986	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.02.D FLOODPLAIN OVERLAY DISTRICT. D. Administration. What is the County doing to address FEMA required floodplain studies to be able to adequately restart riparian buffer plantings to benefit protecting water quality?
#4081	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	During ZOAM-2015-0003, FEMA clarified multiple times that by their definition of "Development" tree-planting was a man-made change that can have effects on the base flood elevation. They further clarified that the studies, or declaration of no impact, could not be done within the county by qualified professionals.
#3985	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.02 FLOODPLAIN OVERLAY DISTRICT. Should there be a River Stream Corridor Overlay District? This could also include elements to implement the Linear Parks and Trails Framework Plan.
#4080	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	River and Stream Corridor Resources (RSCR) is proposed in Development Standards, Section 5.03.01. Open for discussion whether implementing this plan policy should be an overlay district or standards.
#3984	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.02 FLOOD PLAIN OVERLAY. E.1.i. Permitted Uses. Why is the text "temporary structure associated with Special Events" highlighted in red? An addition? To be deleted? To be discussed?
#4079	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	This is existing text. I am not sure why it is highlighted red, I do not see any changes in this section.

#3983	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.02 FLOOD PLAIN OVERLAY. How much of this entire section is being considered to move to the FSM? If it moves to the FSM, what are the communication issues with non-development professionals (e.g., farmers, rural businesses) that will need to be aware of the requirements before application and/or construction?
#4077	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	During ZOAM2015-0003, FEMA review required the FOD to encompass all of their requirements in a single section, and it could not be in the FSM as the requirements cannot be waived. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement. Communication, education and outreach are opportunities for the county to make sure citizens are aware.
#3982	4.02 Floodplain Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	"4.02. FLOOD PLAIN OVERLAY. After many years in telecom, I'm a stickler for first reference of acronyms. Unless you enable hyperlinks for all (soon): D.2.f. Where is the first full reference of ""FEMA?"" d.2.i The first full reference for the acronym ""FIRM"" does not appear until D.3. Deliniation of the FOD. Should have first reference of acronum at first appearance. E.1.a. Acronym ""CLOMR"" (Conditional Letter of Map Revision) is not defined at first reference."
#4075	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	Full references added for each, but if and when the definitions are linked to the text, we will revisit to determine appropriateness.
#3959	4.02 Floodplain Overlay District
By: Eric Zicht Tags: public zicht@erols.com Date:9/12/2021	FOD-E permitted Uses 1. When these regulations were originally adopted, we were assured that farm fences and shelters for farm animals and horses would not be affected. It would help to make this clearer.
#4074	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.

#3957	4.02 Floodplain Overlay District
By: Eric Zicht Tags: public zicht@erols.com Date:9/12/2021	FOD-E permitted Uses 1.d Utilities Apparently water and sewer mains are permitted in floodplain areas, but the much smaller service lines and laterals that extend to houses and businesses are not. This should be corrected.
#4073	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	Staff has noted this and will include this in changes to contemplate when revising the FOD. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.
#3935	4.02 Floodplain Overlay District
By: Kevin Ruedisueli Tags: public kevinruedisueliZOC@gmail.com Date:9/9/2021	I.1.a. Residential Construction. Implies that residential construction is possible within the FOD, but such is not listed in the uses. Something is wrong. Construction other than that listed in the uses should not be allowed.
#4072	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	Agreed. This was a portion of the ordinance that was required per FEMA during ZOAM-2015-0003. Again, substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.
#3933	4.02 Floodplain Overlay District
By: Kevin Ruedisueli Tags: public kevinruedisueliZOC@gmail.com Date:9/9/2021	H.3. seems to suggest that manufactured homes can be place in FOD, while such are not listed among the Uses. Clarify.
#4071	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	Agreed. During ZOAM-2015-0003, FEMA required this section to be included despite the County's regulations. Substantial updates to the FOD are planned in a standalone effort after the ZO Rewrite to provide ample time for Federal Emergency Management Agency and Virginia Department of Conservation and Recreation review and additional community engagement.

#3932	4.02 Floodplain Overlay District
By: Kevin Ruedisueli Tags: public kevinruedisueliZOC@gmail.com Date:9/9/2021	Should Overlay District Development Procedures be placed into the Procedures section of the ZO instead of here?
#4070	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	With the exception of the FOD, yes.
#3931	4.02 Floodplain Overlay District
By: Kevin Ruedisueli Tags: public kevinruedisueliZOC@gmail.com Date:9/9/2021	E.1.c.1. What is Rooftop disconnection?
#4069	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	A stormwater practice where the rainfall that is concentrated from the impervious roof surfaces is intercepted and filtered, treated, infiltrated, reused or otherwise routed to reduce velocity. Often combined with other BMPs.
#3929	4.02 Floodplain Overlay District
By: Kevin Ruedisueli Tags: public kevinruedisueliZOC@gmail.com Date:9/9/2021	How much of this section can be moved to the FSM-- Duties and Responsibilities of the Floodplain Administrator for instance? To that end, will there be hotlinks between the ZO and the FSM?
#4068	4.02 Floodplain Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	Very few, as FEMA and DCR required the regulations to be in a single ordinance and not be able to be waived.
#3958	4.02 Floodplain Overlay District
By: Eric Zicht Tags: public zicht@erols.com Date:9/12/2021	FOD-E permitted Uses 1.i. Good to address temporary structures

#3930	4.02 Floodplain Overlay District
By: Kevin Ruedisueli Tags: public kevinruedisueliZOC@gmail.com Date:9/9/2021	This section is dense with acronyms, not all of which are explained. FIRM is, but only obliquely. CLOMR is not, so far as I can tell.
#3937	4.02 Floodplain Overlay District
By: Kevin Ruedisueli Tags: public kevinruedisueliZOC@gmail.com Date:9/9/2021	OK, so I see the definitions below. Ignore this comment and others like it.
#3934	4.02 Floodplain Overlay District
By: Kevin Ruedisueli Tags: public kevinruedisueliZOC@gmail.com Date:9/9/2021	I did not see an explanation of what constitutes 'substantial improvement'
#4055	Alteration
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	The issue of tree-planting in the floodplain is currently included as a land disturbing activity. Please take care that any resolution to the issue doesn't get tripped up by the definition.
#3927	Alteration
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/9/2021	Should be ANY cross section, not THE cross section.
#4056	Base flood
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	Base flood. Not sure where best to make this comment--but with the apparent increase in frequency of 100-year floods, have any changes to base flood been considered to avoid negative impacts to economy and development?
#3928	Floodplain
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/9/2021	Is a floodplain only for 100-year floods? I'd think it should include lesser floods, perhaps to a 50-year standard.

#4057	Floodway
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	If Loudoun is allowed to change the definition of floodway to eliminate the existing management questions regarding tree planting limitations/regulations, the words "as regulated as" in the second sentence of the definition should be deleted.
#4058	New construction
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	New Construction: I agree with Kevin that this is very confusing, and some other description in the text with a different definition would be helpful.
#3936	New construction
By: Kevin Ruedisueli Tags: public kevinruedisueliZOC@gmail.com Date:9/9/2021	'New Construction' is a very misleading term. Why use the word 'New' when referring to something which is already in place? What's wrong with using 'Existing' instead? This is still distinctly different than an 'Historic Structure'.
#4208	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	According to the most recent Visit Loudoun publications, the "Wine Trail" includes 41 wineries; the "LoCo Virginia Ale Trail" includes 34 breweries, including 11 mis-labeled "Farm Breweries" apparently b/c they exist outside of "Leesburg Downtown", the "Purcellville Gateway" and the "Dulles Corridor." Protecting their businesses by limiting the number of additional allowed new alcohol-based venues serves everyone well. BRMCA
#4272	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	Is this a comment for 4.03?

#4207	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	General Comment Discussion of Limited Breweries, and Wineries at the 8/25/21 ZOC meeting was excellent on many levels: density; not really agricultural, nuisance factors, etc.and that fact that many of these rural entities are, in reality "road houses" and/or event centers. The point the of \$\$ they generate for County coffers was made, which in turn explains why the Department of Economic Development feels compelled to promote these businesses. Perhaps a slight shift in the axis of the DED could involve them in focus on the environmental leads Loudoun County is taking to protect the rural lands so popular with residents, employers/employees, and visitors alike.
#4271	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	Is this comment intended for 4.03 or 3.06? Please advise.
#4206	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	The BRMCA experience with a Limited Brewery on Paris Mountain informed us that VDOT has requirements for access points based on estimates of daily in/out traffic, and as such required an engineered plan for access and egress; they mandated a 2nd driveway, which sadly resulted in further clearing. Experience in the past regarding a "retreat" on Paris Mountain revealed that VDOT required certain "line of sight" clearing from adjacent properties for multi-passenger vehicles (buses), thus requiring, in this case, possible permission from neighbors to clear parts of their own land as well.
#4270	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	Please reference the text in 4.03 that you're referring to.

#4205	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	GENERAL POINTS AND QUESTIONS 1. loudoun.gov , Forest Management, lists the benefits and values achieved in preserving forested lands 2. Experts around the globe emphasize that it is the preservation of “large swaths” of forest that afford the benefits listed; small patches here and there are insufficient. 3. MDOD lands should be preserved for residential use going forward, with minimum acreages established per lot = 20 acres 4. In MDOD lands a single use per property is permitted, not multiple uses, IF commercial activities are allowed at all. Setbacks, buffering, lighting and hours of operation are critical in protecting the value of existing properties. BRMCA
#4269	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	noted.
#4204	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.G.4.c PERFORMANCE STANDARDS IN HIGHLY SENSITIVE AREAS. What would be considered “minimal clearance” for roads and driveways? BRMCA
#4268	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	Agreed. This is subjective and staff are seeking terms to clarify what minimal clearing is intended to mean.
#4203	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.G.1 PERFORMANCE STANDARDS IN HIGHLY SENSITIVE AREAS. IF commercial activities are going to be allowed in MDOD lands (they should NOT be), this section mentioned “dwellings” only. BRMCA
#4267	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	noted. Staff will seek to clarify text.
#4202	4.03 Mountainside Development Overlay District

By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.G. PERFORMANCE STANDARDS IN HIGHLY SENSITIVE AREAS. As above. MDOD lands should all be Highly Sensitive. BRMCA
#4266	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	Staff has not proposed a change in the MDOD sensitivities.
#4201	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.F.1 PERFORMANCE STANDARDS IN SOMEWHAT SENSITIVE & SENSITIVE AREAS. If dwellings, driveways, drain fields and wells are excluded from the lot clearing allowances, this works at cross purposes with conserving (environmentally sensitive) MDOD lands. Who/how will the degree of slope be documented? Additionally, if someone had 100 acres on relatively “flat” land, they could clear up to 50 acres, etc. Cross purposes again. Points that apply to all subsections: <ul style="list-style-type: none"> • Any permit must require a grading plan • Any permit must require documents as noted in 4.03.E.2 and 4.03.H as written • Focusing on soils/steepness is a hold-over from times when engineering materials, processes and equipment were such that safety concerns, without environmental concerns, dominated. Safety remains an issue, and steepness/soils could be addressed when Staff review a proposed activity containing required documents. • 4.03.F.1 does not reference “dwellings”; while 4.03.G below specifically does; if hairs are going to be split, must get consistency BRMCA
#4265	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	There are multiple sections / issues within this comment. Staff recognizes the limitations of 4.03.F.1 and will be working to develop a more appropriate standard. The criteria for developing the MDOD are based on public health, safety and welfare, which include environmental considerations.

#4200	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.F PERFORMANCE STANDARDS IN SOMEWHAT SENSITIVE & SENSITIVE AREAS. All MDOD lands should be considered in one category: Highly Sensitive. Doing so simplifies this section of the ZO. The definitions given in 4.03.C.1. as written are highly subjective. Doing away with this “hair splitting” is compatible with the 2019 Comp Plan, Chapter 2 in particular. BRMCA
#4264	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	The description of the areas in 4.03C.1.c are carry over language from the existing ordinance. Staff is can further revise these for clarity.
#4199	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.E.2. MOUNTAINSIDE RESOURCE PROTECTION SETBACKS. Subdivision of land. To aid applicants in the permitting process clear requirements for a copy of the plat, lot lines, streams, and footprint of proposed construction, roads, parking, lighting, etc.. with accurate measurements, and drawn by a licensed professional should be required, which protects Staff and optimally guides dialogue during the permitting process. You’ve referenced the same in 4.03.H below....Great!
#4263	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	The provisions in 4.03.H reiterate, supplement or are in addition to the plat requirements in the Facilities Standards Manual.
#4198	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.E.1.c. MOUNTAINSIDE RESOURCE PROTECTION SETBACKS. Spring Protection Setback. Same concerns as in (b) above BRMCA
#4262	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	noted.

#4197	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.E.1.b. MOUNTAINSIDE RESOURCE PROTECTION SETBACKS. Perennial Headwaters Setback. Given that certain uses create run off, erosion, pollutants, etc, setbacks should be no less than 300 feet. Why is a public reservoir mentioned for Catoctin Creek? BRMCA
#4261	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	Appropriate setback distances are open for discussion. Staff will revisit sources proposed text regarding the public reservoir.
#4196	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.E.1.a. MOUNTAINSIDE RESOURCE PROTECTION SETBACKS. Crest & Ridgeline Protection Setback. There should be no exceptions for the items listed in 4.03.D; ridge- lines are either protected or not. Who and how will the 100 horizontal linear foot be documented and monitored? BRMCA
#4260	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	Staff can consider appropriate uses or restriction of uses within the setbacks. Will contemplate whether any uses can be considered within the crest/ridgeline setback.
#4195	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.D.3.b USES & ACTIVITIES. Special Exception Approval Required. Subdivision of land must be limited and specified by acreage. Someone could take a 5 acre lot and divide it into 3 parcels; once access roads, parking, construction footprint is added, the entire plat would be cleared. Acreages less than 15 should allow 10% clearing only, and 1 home. No commercial construction. In other words, must tie acreage size in somehow. BRMCA
#4259	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	Please clarify. Note that this is implementing the 2019 GP policy, but staff is unclear where the acreage should be considered in this provision.

#4194	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.D.3.a USES & ACTIVITIES. Special Exception Approval Required. All MDOD lands should be considered “Highly Sensitive”, as the focus of the Comp Plan is on protecting these environmental resources, not based on steepness of slopes. Every activity listed in table 3.02.03-3 for ARN and ARS lands must be required when applied to MDOD lands. Some listed activities require Minor Exception only. Others such as “Banquet/Event Facility”, “Veterinary Service”, “Country Inn”, “Farm Machinery” “Feed and Animal Supply Center” potentially require large scale clearing, lighting, traffic, and noise. The best plan for Loudoun County’s MDODs is to restrict construction to residential only, with minimum acreage BRMCA
#4258	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	noted.
#4193	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.D.2.d USES & ACTIVITIES. Restoration & revegetation. Suggest including reference to native and/or pre-existing plantings to be clear. A reference to any number of sources lists these. BRMCA
#4257	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	revised to reference the reforestation standards in the FSM.
#4192	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.D.2.c USES & ACTIVITIES. Accessory Structures. Same concerns as above. Setbacks need to be substantial, at least 300 feet. BRMCA
#4256	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	noted

#4191	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.D.2.b.USES AND ACTIVITIES. Public trails, passive recreational activities, etc. Setbacks should be substantial to avoid public nuisance to adjacent private property owners. What are "passive recreation facilities?" A campground, with septic, parking, fire pits, lights, access roads, traffic? Must be very careful here. BRMCA
#4255	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	Passive recreational uses: Recreational uses (such as hiking, nature observation, and picnicking) not requiring constructed facilities, but making use of areas which are largely left in their natural state except for basic facilities as bathrooms, benches, picnic tables, and trails.
#4190	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.D.2.a USES AND ACTIVITIES. Fences. Wording to assure that fences are appropriately camouflaged by native vegetation to protect adjacent property value/line of sight. A residence would not want to be looking at a "fence" made of cinder block, or other material disparate with the setting. Suggest a formal "permission" from adjacent neighbor(s). Fence vs wall definition. BRMCA
#4254	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	The provisions for fencing can be further defined.
#4189	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.C.2.c.3 APPLICABILITY & EXEMPTIONS. Expansion of Single Family Detached Dwelling. Setbacks must be preserved. Also, what about Critical Streams? BRMCA
#4253	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	Any addition is subject to the general development standards and setbacks in the ordinance. The county does not define "critical streams" but for the purpose of this section, expansion of a SFD structure as defined in 4.03.C.2.c.3 is exempt from 4.02.E.1.b. Other restrictions (RSCR, USACOE, DCR) may apply.

#4188	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.C.2.b APPLICABILITY & EXEMPTIONS. Timber Harvesting and Silviculture. Same questions as above for Forest Management Plan. Will harvesting be limited to a certain percentage of acreage/time unit? Replanting requirements? BRMCA
#4252	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	Timber harvest operations are exempt provided they are conducted in accordance with the approved Forest Management Plan, the components thereof defined in the County's Facilities Standards Manual.
#4185	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.C.1.b APPLICABILITY & EXEMPTIONS. It sounds like a map specific to MDODs is either available or planned. The map in the 2019 Comp Plan labeled "Natural & Environmental Resources" contained in Chapter 3-34 is confusing as it separates out Very Steep slopes, moderately steep slopes, wooded areas, and Mountainside Overlay BRMCA 4.03 Draft Review ZOC 9/15/21 Page of 1 5 Blue Ridge Mountain Civic Association est. 2003 BRMCA District as separate entities (colors). Is it possible to clarify exactly each MDOD based on elevations above valley floor, and have a map that clearly shows exact MDOD boundaries? (Paris Mountain, Catoctin Mountain, Short Hill Mountain, Bull Run Mountains and Hog Back Mountain) BRMCA
#4251	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	Staff are producing a map for ZOC review. Since the boundaries of the somewhat sensitive, sensitive and highly sensitive areas have not been proposed to change, the MDOD maps may also be view using the County's online mapping, webLogis. Elevations are based on the elevation above mean sea level.

#4183	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.A PURPOSE. Does this mean there will ONLY be low-density RESIDENTIAL, and no COMMERCIAL development allowed in MDODs? We hope so. Will "low-density" be clearly defined? (Blue Ridge Civic Association)
#4250	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	Uses permitted or by SPEX in the underlying districts are permitted, or by SPEX, in the MDOD if the performance standards are met.
#4014	4.03 Mountainside Development Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.03.F MDOD F. Performance Standards in Somewhat Sensitive and Sensitive Areas. 3. Shouldn't grading plan also consider runoff (direction and velocity) in addition to minimizing erosion?
#4249	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	A grading permit is reviewed for compliance with the Virginia Erosion & Sediment Control Handbook, as well as Loudoun County Codified Ordinance Chapter 1220.
#4011	4.03 Mountainside Development Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.03.D MDOD Uses and Activities. Even with the reference to the "Covered Activities" definition, and "2. Permitted Uses" the regulations are insufficient for the protection of MDOD. LCPCC member organizations are preparing a clear list of Uses that should NOT be permitted for MDOD, Villages and Clusters. HOW can/will Staff incorporate review, consideration and implementation of separate use lists AS DISCUSSED during the Use Table Matrix and Use-Specific Standards ZOC discussions?
#4248	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	Staff will consider all feedback and suggestions, including permitted uses in the MDOD.

#4007	4.03 Mountainside Development Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.03.C MDOD. [related to another entry] 2.b. What is being done to protect steep slope areas from being denuded of tree cover and then being graded for high-intensity rural uses tourist venues that require substantial parking?
#4153	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	We can look into additional ways to prevent forest management leading to grading and development. However, there may be limited options for addressing this issue in agriculturally zoned areas under Code of Virginia.
#4247	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	Timber harvesting and silviculture, exempt uses with an approved Forest Management Plan, include regeneration / reforestation. Without regeneration/reforestation, it is no longer that use, and thereby subject to the MDOD and performance standards.
#3977	4.03 Mountainside Development Overlay District
By: Eric Zicht Tags: public zicht@erols.com Date:9/12/2021	4.03 MDOD F.2,4&5 Performance Standards in Somewhat Sensitive and Sensitive Areas: SOILS What is the basis for these soils being made off-limits for disturbance?
#4246	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	Again, this is carry-over text from the existing ordinance. However, these soil mapping units are identified based on their geomorphic instability and genesis.
#3976	4.03 Mountainside Development Overlay District
By: Eric Zicht Tags: public zicht@erols.com Date:9/12/2021	4.03 MDOD F.1. Performance Standards in Somewhat Sensitive and Sensitive Areas: SLOPES We already have performance standards for steep slopes. Why do we need another such set of regulations here?
#4245	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/17/2021	This is carry-over text from the current ordinance. We can consider better standards that achieve the purpose and intent.

#4209	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	General Comment: Why is October 1995 chosen as a reference point when citing pre-existing "conditions?"
#4213	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/15/2021	ZOAM-1995-0002 revised the MDOD section and was adopted on October 4, 1995 at the BOS Business Meeting.
#4187	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.C.2.a APPLICABILITY & EXEMPTIONS. Agricultural Operations. It will be critical to define the terms agriculture, horticulture, animal husbandry. How will applicants document they have a Conservation Farm Management Plan in place? What are the requirements of a CFMP? Will the land so specified required a certain acreage of actual crop production? Will clearing be limited to a certain percentage of acreage? It must be clarified that the permitted uses in ARN and ARS (Table 3.02.03-3) DO NOT automatically extend to MDOD lands, which OVERLAY these districts. BRMCA
#4212	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/15/2021	Staff is reviewing the exemptions text with the County Attorney's Office.
#4186	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.C.1.c. APPLICABILITY & EXEMPTIONS. The terms have changed from "soils" to "areas." How will the sensitivity of each area be determined? All MDOD lands are Highly sensitive due to their function in air and water cleansing, habitat, air cooling, storm water management, critical stream protections, and the attractive ambiance they provide for the County, the latter of which helps rural businesses. BRMCA
#4211	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/15/2021	The only change to this section was updating the name of the map from "Mountainside Protection Area Map" to "MDOD Map." No changes to the sensitivities or their delineations.

#4184	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/14/2021	4.03.A. PURPOSE: bullet point #7. The term “implement” might imply to some that there are specific “how to” requirements in the Comp Plan. Would wording such as: “To address and incorporate the directives of the 2019 Comp Plan as applicable to environmentally sensitive lands” better state the intent of 4.03? (BRCA)
#4210	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/15/2021	Staff will take this under consideration.
#4009	4.03 Mountainside Development Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	<p>"4.03 MOUNTAINSIDE DEVELOPMENT OVERLAY DISTRICT (MDOD). C.2.b Exemptions, Timber Harvesting & Siviculture. Does the County ensure or monitor the requirement below and ENFORCE when presented with KNOWN violations? (Recent examples indicate the answer may be no and need to be addressed.)</p> <p>Section 10.1-1181.2.H of the Code of Virginia. Prior to completion but not later than three working days after the commencement of an operation, the operator shall notify the State Forester of the commercial harvesting of timber. . . . The notification may be verbal or written and shall (i) specify the location and the actual or anticipated date of the activity, (ii) include an owner's name or the owner's representative or agent and contact information, and (iii) be provided in a manner or form as prescribed by the State Forester. If an operator fails to comply with the provisions of this subsection, the State Forester may assess a civil penalty of \$250 for the initial violation and not more than \$1,000 for any subsequent violation within a 24-month period by the operator. Such civil penalties shall be paid into the state treasury and credited to the Virginia Forest Water Quality Fund pursuant"</p>
#4179	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	The County communicates with and inquires from VDOF when timber operations are reported. The VDOF does not have any notification requirement to the County. If an operation or activity is not covered by the State Forester, then the County pursues zoning enforcement.

#4005	4.03 Mountainside Development Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	"4.03 MDOD Definition. Why was the definition of ""Ridgeline"" modified to remove the text, ""A line measured continuously along the highest elevation of a drainage divide for the major watersheds mapped by the County or other prominent mountain ridges visible from the public right-of-way as identified during the land development process."" "
#4034	4.03 Mountainside Development Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	"4.03 MDOD . Why was the following text that most clearly outlines the establishment of MDOD removed (or moved) from the initial description of MDOD? Can Staff reinstate or confirm where equivalent text is located? The Mountainside Development Overlay District is hereby established as an overlay district, meaning that this district is overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent such use is also permitted in the overlay district." 4.03 MDOD -- Procedures as outlined in Current Zoning Section 4-1606. Will these all be included in the Procedures Chapter verbatim? If not, what text changes are/will be made?
#4102	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	similar to LOD comment, a general overlay district definition will be provided explaining that an overlay district is a zoning district overlaid upon other zoning districts. The latter portion "land so encumbered may be used in a manner permitted in the underlying district only if..." describes the permitted uses of the overlay district and has been relocated to 4.03.D. We can make further adjustments to the language of 4.03.D for clarity.
#4175	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	There are two definitions shown side-by-side in the redlined PDF. The first definition was removed in favor of the latter definition, which is consistent with the definition of a ridgeline provided in the Code of Virginia.

#4018	4.03 Mountainside Development Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.03. MDOD. Conflicts/loopholes between C, F and G. What under any other circumstances would require a grading permit is being allowed for a "Forest Management Plan" that has known prior disclosure of SFD development plans. This process loophole is actually even enabled with G.6.b. by not requiring Health Department groundwater (and septic) until the "record plat" stage (for lots after 10/4/95). How will this be addressed?
#4173	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	Open for discussion. Staff recognizes the existing performance standards have expressed loopholes as commented, in the past.
#4006	4.03 Mountainside Development Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.03.C MDOD. C. Applicability and Exemptions 1.c 1-3 What are the definitions for slight or limited, moderate, and severe environmental and public safety impacts?
#4172	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	Carry over language from existing text. This will take further research to determine the intent and use of these terms during the original drafting.
#3978	4.03 Mountainside Development Overlay District
By: Eric Zicht Tags: public zicht@erols.com Date:9/12/2021	4.03 MDOD F.3. Performance Standards in Somewhat Sensitive and Sensitive Areas: Roads and driveways of up to 16% are permitted today, which helps decrease the area of lands disturbed. Why introduce a new, different standard? Should this be in the FSM rather than the zoning ordinance?
#4171	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	This text was revised to align with the standards from Fire & Rescue, where the maximum centerline grade can be 14%. The FSM must be revised too, but has been administered at the 14% maximum since receiving direction from Fire & Rescue.

#4010	4.03 Mountainside Development Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.03.D MDOD Uses and Activities. As PUBLIC RECORDS (onlinerme.com) show, regulation of high-intensity uses requiring large parking areas formed from clear cutting/land disturbance (with or without a grading permit) has impacted septic fields on the property. This is not only a health, safety and welfare concern for the property owner and patrons, but definitely on a mountainside, a concern for down hill properties. The Covered Activities list is insufficient to ensure protection for citizens and patrons, therefore will high-intensity uses be EXCLUDED from the MDOD Use Matrix list?
#4170	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	We can look into a review of MDOD permitted uses, but may be constrained by what is (or isn't) explicitly covered under the 2019 GP and the Code of Virginia.
#3945	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/10/2021	4.03.D.1 I recall that the existing ZO permits any uses in the underlying district, such as AR1, to be permitted in a MDOD. This must be changed and the ONLY PERMITTED USE in a MDOD should be single-family residential, with these performance standards: Limited to one story. Predominately of earthen tones. Minimize reflectivity, to include using bronze-tinted glass instead of clear glass.
#4169	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	We can consider reviewing the permitted uses in the MDOD. However, agriculturally zoned districts underlie the majority of the MDOD. We may be limited in the number of use restrictions that can be applied based on the applicable base zoning districts.
#3975	4.03 Mountainside Development Overlay District
By: Eric Zicht Tags: public zicht@erols.com Date:9/12/2021	4.03 MDOD F. Performance Standards in Somewhat Sensitive and Sensitive Areas: Look at the areas already depicted on County GIS maps as Sensitive or Somewhat Sensitive. You will be surprised. Much of Paeonian Springs is in these areas, including my back yard where "forest," a few black walnut trees are treated as forest.
#4167	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	noted.

#3974	4.03 Mountainside Development Overlay District
By: Eric Zicht Tags: public zicht@erols.com Date:9/12/2021	4.03 MDOD F. Performance Standards in Somewhat Sensitive and Sensitive Areas: How are these areas determined? What is the basis? Being wooded seems to be a major factor. Would this generally render all wooded ares as preserved areas?
#4166	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	These areas are the same as the existing areas. No change in criteria has been proposed.
#3973	4.03 Mountainside Development Overlay District
By: Eric Zicht Tags: public zicht@erols.com Date:9/12/2021	4.03 MDOD F. Performance Standards in Somewhat Sensitive and Sensitive Areas: This expands the standards for very sensitive areas to much more land. What is the justification?
#4162	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	Please clarify. 4.03.F are performance standards for somewhat sensitive and sensitive areas and are carry over language from the exisiting ZO.
#3970	4.03 Mountainside Development Overlay District
By: Eric Zicht Tags: public zicht@erols.com Date:9/12/2021	4.03 MDOD E.1. b Perennial Streams Why are these streams set out in particular?
#4161	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	Staff will look into why only these two streams were specifically identified.

#3966	4.03 Mountainside Development Overlay District
By: Eric Zicht Tags: public zicht@erols.com Date:9/12/2021	4.03 General Much of the land that would be placed off limits is generally considered developable and is already developed as homes, rural businesses and large federal installations. The differential treatment of new and expanded uses would be inequitable.
#4159	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	Please clarify. Is this regarding the proposed setbacks? Otherwise, the existing MDOD is not being changed.
#3955	4.03 Mountainside Development Overlay District
By: John merrithew Tags: public Date:9/11/2021	Per H.c. Can a grading permit be granted before a location clearance?
#4158	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	No, all grading permits within the MDOD are reviewed for locational clearance prior to approval.
#3946	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/10/2021	4.03.D.3.a If a SPEX is required in sensitive areas, is a SPEX required in Somewhat Sensitive and Highly Sensitive areas? Or those areas simply off-limits to new development?
#4157	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	A SPEX is required for land disturbing activity in Highly Sensitive areas. Uses and activities in somewhat sensitive and sensitive are subject to the performance standards.

#4013	4.03 Mountainside Development Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.03.E MDOD E. Mountainside Resource Protection Setbacks. 1.a. Crest and Ridgeline Setback. Shouldn't the setback be greater than 100'? Shouldn't this setback be measured from the edge of the ridgeline and not the crest? There are potentially some fairly flat ridgelines and this setback may not necessarily adequately protect the ridgeline.
#4156	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	to address this comment, the setback could be revised to apply to the ridgeline rather than the crest.
#4008	4.03 Mountainside Development Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.03 MOUNTAINSIDE DEVELOPMENT OVERLAY DISTRICT (MDOD). C.2 Exemptions. How will the coordination between applications for Zoning, B&D, Health Dept./ODW, Loudoun County Soil and Water Conservation District (LCSWCD), Natural Resources and Conservation Service (NRCS) be addressed in ZOR to close known loopholes? Example available upon request.
#4155	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	We would be happy to consider any examples of procedures regulations that cover interdepartmental reviews.
#3971	4.03 Mountainside Development Overlay District
By: Eric Tags: public zicht@erols.com Date:9/12/2021	4.03 MDOD E.1. b Perennial Streams What is the basis for a 100-foot setback? Often, such a setback would go beyond the limits of a long, narrow contributory watershed.
#4154	4.03 Mountainside Development Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/14/2021	That is a valid point in specific circumstances. Perhaps language can be considered to specify "the maximum extent of the contributing watershed or 100 feet, whichever is less" thereby acknowledging dissected landscapes where drainage divides occur within 100 feet.

#3943	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/10/2021	4.03.C.2.c.2 Add this to the provision: "...or increase its height."
#4151	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	revision confirmed.
#3944	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/10/2021	4.03.D.1 This is confusing. There should be a very clear statement of what uses are permitted.
#4149	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	Agreed. We have revised the language in 4.03.D.1. and are open to any additional feedback for improving/clarity.
#3942	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/10/2021	Ad additional Purpose in 4,03.A: "Ensure that Mountainsides remain a distinctive feature of Loudoun's scenic beauty." My rationale: To include protecting mountains' aesthetic attributes as one of the ZO's Purposes for the MDOD.
#4148	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	The purpose statement has been revised to reflect the language from the 2019 GP as suggested.

#3941	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/10/2021	4.03.C.1.a STRONGLY suggest that MDODs be defined using exact language from the GP, Glossary p. 14: General Plan, Glossary p 14: Mountainside Areas: Areas associated with the County’s mountain features, categorized based on weighted criteria as defined in the Loudoun County Interpretive Guide to the Use of Soils Maps, and defined by the following: <ul style="list-style-type: none"> • Elevation: Above 700 feet mean sea level for the Short Hill and Blue Ridge Mountains and 550 feet for the Catoctin, Hogback, and Bull Run Mountains; • Soils: Associated with mountainsides that affect groundwater recharge, slippage potential, and suitability for onsite sewage disposal systems; • Slopes: Moderately steep slopes (15 to 25 percent) and steep slopes (greater than 25 percent); and • Forests: The quality and extent of tree cover, woodlands, and forests.
#4144	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	We will look into revising the description of Mountainside Areas in 4.03.C.1.a to incorporate the Glossary definition from the 2019 GP.
#3947	4.03 Mountainside Development Overlay District
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/10/2021	4.03.F. Density in a MDOD must be discussed. I suggest 40 acres per SFD, though many small parcels would be grandfathered at one SFD each. While density is not being revisited in the RPA, it should be discussed for MDODs and would not be as politically sensitive.
#4140	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	Zoned density is established by the 2019 GP. There do not appear to be any density limiting policies explicitly provided in the 2019 GP, and this would need to be explored as a separate issue.

#3954	4.03 Mountainside Development Overlay District
By: John merrithew Tags: public Date:9/11/2021	E.1. If I understand the measurement correctly, shooting out horizontally 100 feet from the crest does not necessarily reflect the grade change. In some case like AT&T, the grade change is slight and so any structure still has a visual impact (visual impact is clearly the community interest). Would it be better to related the horizontal distance to the height of the structure or conversely require the height of any structure not exceed the elevation of the crest?
#4133	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	<p>Agreed that the setback does not directly address the visual impact of a telecommunications structure. It appears that Section 15.2-2295.1. of the Code of Virginia specifically exempts telecommunications structures from the regulation of "Tall Buildings or structures".</p> <p>"Tall buildings or structures" does not include (i) water, radio, telecommunications or television towers or any equipment for the transmission of electricity, telephone or cable television;"</p> <p>Horizontal distance vs. height ratio can be considered, or other height restrictions in these areas.</p>
#3969	4.03 Mountainside Development Overlay District
By: Eric Zicht Tags: public zicht@erols.com Date:9/12/2021	<p>4.03 MDOD E.1.a Crest & Ridgeline Protection</p> <p>What is the basis for this setback?</p> <p>Generally these areas are developable without undo impact on health or safety. Isn't this something where the landowners should receive compensation for public benefit at cost to a select few?</p>
#4120	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	New Ridgeline protective setbacks are intended to implement 2019 GP Chapter 3, Action 3.3.E. County programs for encouraging easements and other tools for property owners could be addressed outside of the Zoning Ordinance.

#3968	4.03 Mountainside Development Overlay District
By: Eric Zicht Tags: public zicht@erols.com Date:9/12/2021	4.03 MDOD D-3.b Special Exception for Subdivision Question whether such a requirement is reasonable and consistent with state code.
#4118	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	We can look into this further. The subdivision requirement applies only to sensitive and highly sensitive MDOD areas, and the requirement is taken directly from 2019 GP Chapter 3, Action 3.3.F "Require special exception approval for the subdivision of properties into three or more lots in Sensitive and Highly Sensitive Mountainside Areas"
#3967	4.03 Mountainside Development Overlay District
By: Eric Zicht Tags: public zicht@erols.com Date:9/12/2021	4.03 MDOD D-Uses There are not sufficient economically viable uses for the land owners.
#4116	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	4.03.D.1 has been revised for clarity. The permitted uses of the underlying zoning district are still permitted within the MDOD.
#4016	4.03 Mountainside Development Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	MDOD F.2 and G.4 Performance Standards. There seem to be so many work arounds for getting houses built. Submissions received that recommend against allowing ANY additional clearing beyond what is necessary for the house itself and drainfield. i.e., no additional allowance for "yard." This complies with Commission of Revenue assessment of MDOD properties, correct?
#4112	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	we can consider further limiting clearing for allowed residential uses. However, it may not be possible to require that another requirement of the zoning ordinance not be provided.

#4015	4.03 Mountainside Development Overlay District
By: Kevin Ruedisueli Tags: public kevinruedisueliZOC@gmail.com Date:9/13/2021	Under Purpose, Is there some reason why we are singling out 4.03 to mention 'implement the comprehensive plan?' The entire ordinance is supposed to implement the plan.
#4110	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	Agreed. this purpose statement is redundant and has been removed.
#4012	4.03 Mountainside Development Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.03.D MDOD. D.2.b&c This is another example of passive recreation term being used without clear definition.
#4109	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	these uses and definitions should be defined in Chapter 11. Unfortunately, some references to passive recreation are taken directly from use lists provided in the 2019 GP. For example, this is intended to implement 2019 GP Chapter 3, Action3.3.G "Seek the expansion of passive outdoor recreational opportunities in mountainside areas, including the development of public park sites and improving access to existing recreational facilities such as the Appalachian Trail."
#3972	4.03 Mountainside Development Overlay District
By: Eric Zicht Tags: public zicht@erols.com Date:9/12/2021	4.03 MDOD E.1. b Perennial Streams & c What is good for the goose is good for the gander. How is an exclusion for one particular case justified? Spot and discriminatory zoning in the worst way.
#4107	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	The intent here is to expand the permitted use of property in a manner that is consistent with the policies of the 2019 GP and implements the Loudoun County Linear Parks and Trails plan.

#4017	4.03 Mountainside Development Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.03.G MDOD. Performance Standards in Highly Sensitive Areas. G.2. Formatting error.
#4106	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	Acknowledged. Unfortunately this is an enCodePlus error that will need to be addressed with enCodePlus. A maintenance request will be submitted.
#4019	4.03 Mountainside Development Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.03.G MDOD. For clarity for ALL zoning ordinance users (not just developers), can/will you better describe and/or provide links to explain G.6.c. language intent: "Such other standards which are relevant, including Section 6-1310 7.09 Issues for Consideration and Section 1-102 1.02, Purposes of Zoning Goals, Purpose, and Intent."
#4105	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	There are no other specific standards. In this case, this language has functioned as a reference to 7.09 and 1.02. We are open to any feedback suggesting additional standards. Be advised that specific language is limited language.

#4020	4.03 Mountainside Development Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	"4.03.H MDOD Supplemental Application Materials. 1. Administrative Applications and Proposed Covered Activities. This whole section justifies the earlier request for coordination between departments beyond Building & Development. The July 2021 change in Code of VA will allow LOCAL county management of the Health Department (vs. as a State agency). As it was requested by Loudoun County and will be likely to be adopted by Loudoun, it would be prudent (required?) to consider the departmental coordination and requirements NOW to close the known loopholes. Therefore, will all planning ZOR regulations anticipate this change in the event it is implemented by Loudoun County by formal ZOR adoption? "
#4104	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	Based on the "Covered Activities" section, all applications, land disturbances, land disturbing activities, and uses are covered by the MDOD regulations. We agree on the importance of interdepartmental coordination and can consider any additional feedback for references to other departments in this subsection/language. However, a locational clearance is provided by the Department of Building and Development. If you would like to require a review of a locational clearance by other County departments, please advise on the specific department(s).
#4021	4.03 Mountainside Development Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.03.H MDOD H. Supplemental Application Materials 1.a.7. Shouldn't forest cover also include requirement for contiguous canopy coverage and wildlife habitat with neighboring lots per the Comp Plan?
#4103	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	The current list is for submission materials for applications, rather than performance standards. The list requires all forest cover to be shown on the application, which would include contiguous canopy/forest covered areas. In order to include a submission requirement to show wildlife habitats, we would need additional feedback detailing a preferred clear definition for wildlife habitat that includes parameters for what qualifies as a wildlife habitat (otherwise, all undeveloped areas of the MDOD could be considered habitat for wildlife), and how these habitats would be identified and tracked in a manner a manner that is feasible for the property owner.

#4059	4.03 Mountainside Development Overlay District
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	4.03.E.1.b.Why is this limited to Catoctin and Goose Creek? There are critical headwaters in other watersheds as well, including:Piney Run, Dutchman's Creek, Quarter Branch, Limestone Branch and Direct to Potomac.
#4099	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	this regulation was added in an attempt to respond to 2019 GP policy 2.1.C "Establish appropriate regulations for Catoctin Mountain, Short Hill Mountain, and the Blue Ridge Mountains to limit diversions of water from the Catoctin and Goose Creek headwaters and prevent stream pollution". However, we can explore covering more and/or all headwaters with the new setback.
#4061	4.03 Mountainside Development Overlay District
By: Eric Zicht Tags: public zicht@erols.com Date:9/13/2021	MDOD 1) Will we be using the existing GIS maps for identifying the MDOD areas? 2) What is the basis of the designations? 3) If we believe that one of the factors is erroneous, what is the process to change the designation?
#4098	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	1) Yes, there are no proposed changes to the limits of the existing mapped MDOD (no new areas proposed to be added or removed to the overlay district). New features within the MDOD will be shown on the MDOD map. 2) The basis for the features protected by new setbacks is the 2019 General Plan, including but not limited to policies such as Chapter 3, Action 3.3.E Chapter 2, Action 2.1.C, and Chapter 3-7, "Forests, Trees, and Vegetation". 3) The Zoning Administrator will be permitted to make map interpretations under this zoning ordinance, similar to the Zoning Administrator Map interpretation procedures of the R93 ZO.
#4062	4.03 Mountainside Development Overlay District
By: Eric Zicht Tags: public zicht@erols.com Date:9/13/2021	MDOD There should be some deminimous standards for marking MDOD areas as were established for steep slopes. We don't want a thin line along a fenceline, nor leopard spots all over. There should be a minimum area and minimum width.
#4097	4.03 Mountainside Development Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	We are open to any feedback for improving the definition and delineation of MDOD features.

#3962	4.03.01 MDOD Definitions
By: Eric Zicht Tags: public zicht@erols.com Date:9/12/2021	These proposed changes of the MDOD regulations are very expansive and restrictive. They would have substantial impacts on what landowners can do with their property, and thereby reduce land values without compensation.
#4215	4.03.01 MDOD Definitions
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/15/2021	Is this addressing the entire section, or specifically the proposed setbacks from crest/ridgelines and streams?
#3963	4.03.01 MDOD Definitions
By: Eric Zicht Tags: public zicht@erols.com Date:9/12/2021	We need maps showing and tables quantifying the areas affected by these regulations. Need these broken down by somewhat sensitive, sensitive and very sensitive, and also the new areas for crests and water features.
#4214	4.03.01 MDOD Definitions
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/15/2021	Staff is working on illustratives.
#3948	Covered Activities
By: Charles Houston Tags: public CharlesHouston3@yahoo.com Date:9/10/2021	What does "Uses in Section3" imply?
Needs Followup	
#4096	Covered Activities
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	this includes the establishment of all uses described in Chapter:3 as "Covered Activities" for the purposes of the overlay district.

#3964	Crest
By: Eric Zicht Tags: public zicht@erols.com Date:9/12/2021	This definition is not adequate as there may be multiple crests and sub-crests. In some cases, the ridgetop is so flat that no single high point can be determined. Also dependent on the level of accuracy of the survey.
Needs Followup	
#4177	Crest
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	Acknowledged. Any feedback for improving the definition is welcome.
#4060	Perennial Headwaters
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	Perennial Headwaters: same point as earlier--other watersheds have equally important perennial headwaters and shouldn't be included.
#3965	Ridgeline
By: Eric Zicht Tags: public zicht@erols.com Date:9/12/2021	This definition is not adequate as there may be multiple crests and sub-crests. In some cases, the ridgetop is so flat that no single high point can be determined. Also dependent on the level of accuracy of the survey.
Needs Followup	
#4176	Ridgeline
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	Acknowledged. Any feedback for improving the definition is welcome.

#4031	4.04 Limestone Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	"4.04.G LIMESTONE OVERLAY DISTRICT. G. Mitigation Measures for the LOD. In addition to those measures listed, the following should also be included as recommended by LOD experts: -- The intent is to characterize a flood plain as a dynamic system with parameters that can change. Due to changing weather patterns with resulting changes in runoff parameters and due to increasing coverage/density of impermeable paving within the Limestone Overlay District. -- After an initial study to review the footprint of flood plains, ephemeral stream courses, and sinkhole appearances in the Limestone Overlay District, review periodically, every two years or less, and after an exceptionally large flood event. -- Amend the Limestone Overlay District map to identify systematic increase in rainfall/runoff and its effect on stream course and sinkhole development. -- Prioritize County staff to become informed and make initial recommendations based on antecedent measurable events to set the stage for future adjustments."
#4221	4.04 Limestone Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/15/2021	Staff will take these suggestions under consideration.
#4024	4.04 Limestone Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	"4.04 LIMESTONE OVERLAY DISTRICTS. C.3.d. and C.f.4. Exemptions. The coordination between applications for Zoning, B&D and Health Dept./ODW MUST be addressed in ZOR to close known loopholes. F.2 Site grading permit requirements and F.5 reference to Wells regulations have been proven insufficient to avoid abuse and conscious loophole bypass between Zoning, B&D and Health Dept. How will new ZO address the egregious bypass of zoning requirements for well construction in the LOD? How can/will a zoning permit be REQUIRED for review and/or approval before well approval in LOD? "
#4178	4.04 Limestone Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	Covered Activities has been revised to explicitly include "the location, sourcing, and construction of water supply systems under Chapter 1040 of the LCCO"
#4220	4.04 Limestone Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/15/2021	Furthermore, the "loophole" is that the Health Department has been an extension of the state and subject to the state's application procedures and timelines. Uncodified Acts, Chapter 521 (SB1221) may allow for better coordination between departments.

#4025	4.04 Limestone Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.04.D LIMESTONE OVERLAY DISTRICTS. D.1. Geophysical Study. To ensure the same issues as now evident in Lucketts be not permitted, will the requirement for geophysical study "for all land development applications and land disturbing activities" also be EXTENDED to any applications for wells or septic?
#4219	4.04 Limestone Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/15/2021	A geophysical study is currently required for all land disturbing activities, inclusive of wells and septic.
#4028	4.04 Limestone Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.04.F LIMESTONE OVERLAY DISTRICTS F. Development Standards for the LOD. In addition to inclusion of vernal pools as a sensitive environmental feature, why aren't the evaluation of obligate vernal pool species considered during the development process? Amphibians and other vernal pools species are some of the most sensitive wildlife species and need special considerations to adequately protect.
#4218	4.04 Limestone Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/15/2021	Staff can take this under consideration. The County coordinates sensitive species occurrences with DCR - Division of Natural Heritage in the land development application process. Staff does not believe this concern should be unique to the LOD, as the potential for rare, threatened or endangered plant and animal species, unique or exemplary natural communities, and significant geologic formations occur throughout the County.
#4026	4.04 Limestone Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.04.D LIMESTONE OVERLAY DISTRICTS D.1 Identification of Karst/Sensitive Environmental Features and Required Setbacks. Why aren't vernal pools included (as they may not necessarily occur where there are sinkholes or other geophysical features)?
#4217	4.04 Limestone Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/15/2021	As stated, a vernal pool is not a feature unique to karst areas, however, when found in karst areas, they are closed depressions, i.e. sinkholes. When conditions are right (evapotranspiration, water table, saturation of subsurface voids), some sinkholes within the LOD act as vernal pools or estevelles.

#4046	4.04 Limestone Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	<p>"4.04. LIMESTONE OVERLAY DISTRICT. It is difficult to regulate land use on areas with foundation stability problems, aquifer contamination potential, or actual damage to ground water resources. We should now know enough to know what we don't know. We should now know enough to know that engineering strategies for remediation have significant potential for failure and/or may not be cost effective. Remediation may negate or avoid initial failure, but a fix on the fix approach can prove to be both an environmental and economic failure. How can/will the ordinance deal with potential problems and solutions, including costs, in this rewrite?</p> <p>Specifically, the ordinance should be clear as to who picks up the pieces when remediation is required? In anticipation of these liabilities, who pays for delineating a sinkhole fed groundwater system? Who pays for drilling, geophysical profiling, pump tests, dye tests? Do you proceed knowing that the unknowable—that with a wetter climate, new instabilities, new sink holes, and new flow paths may occur? Can you anticipate where they will be?"</p>
#4216	4.04 Limestone Overlay District
By: Ryan Reed Tags: public,staff ryan.reed@loudoun.gov Date:9/15/2021	we are open to suggestions.
#4023	4.04 Limestone Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.04.C.2 LIMESTONE OVERLAY DISTRICTS. C.2. If this list is to be considered comprehensive for Administrative Applications, AND ensure loopholes are closed (see next post), then shouldn't applications for Wells be added?
#4180	4.04 Limestone Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	Covered Activities has been revised to explicitly include "the location, sourcing, and construction of water supply systems under Chapter 1040 of the LCCO"

#3938	4.04 Limestone Overlay District
By: Kevin Ruedisueli Tags: public kevinruedisueliZOC@gmail.com Date:9/9/2021	Clarify what is intended by 'Rock Outcrop (for any well)'. It seems to indicate that one cannot drill a well within 10' of a rock outcrop. Is that it? Needs rewording.
#4095	4.04 Limestone Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	Acknowledged and revised to clarify "for drilling any well". We are open to any other suggestions to making the requirement clearer that a well specifically must be 10 feet from a Rock Outcrop (which is a Karst feature).
#4022	4.04 Limestone Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	"4.04 LIMESTONE OVERLAY DISTRICT. C. Applicability. Why was the second sentence* deleted, when a similar sentence was left for the FOD 4.02.E (and MDOD 4.03.D.1)? * The LOD is established as an overlay district, meaning that this district is overlaid upon other districts and the land so encumbered may be used in a manner permitted in the underlying district only if and to the extent that such use is also permitted in the overlay district."
#4093	4.04 Limestone Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	an overall definition will be added, or the explanation of an overlay district will be added at the beginning of Chapter 4. Clarification that the permitted and special exception uses of the underlying zoning district are otherwise permitted in the LOD can be added to the LOD similar to the MDOD.
#4029	4.04 Limestone Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.04.G LIMESTONE OVERLAY DISTRICT. G.2.a. Ineligibility for Density Increases. SO -- if an applicant "may not" be eligible for density increases otherwise permitted under the clustering provisions," for LOD, why can't (or won't) the same requirement apply for other overlay districts (specifically, FOD and MDOD)?
#4090	4.04 Limestone Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	We can certainly consider/explore adding the ineligibility for density increases to the other Overlay Districts. Further, we can consider adding more of these mitigation measures to the MDOD (the FOD uses separate federal mitigation measures under the Code of Federal Regulations that are determined by FEMA and Virginia DCR)

#4030	4.04 Limestone Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.04.G LIMESTONE OVERLAY DISTRICTS G. Mitigation Measures for LOD. This may be a semantic issue for what is allowed, but why aren't all of these mitigation measures standard for all development applications in the LOD?
#4089	4.04 Limestone Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	we can consider revising 4.0.4.G from "land disturbing activities" to "Covered Activities", so that all covered activities (applications, land disturbances, uses, land development) trigger the mitigation measures requirements.
#4032	4.04 Limestone Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	4.04.H LIMESTONE OVERLAY DISTRICT H.2. Administrative Applications. Beyond only applications submitted to B&D and/or Zoning for permits, how can it be expanded to include coordination, copy and/or approval of applications to the Health Dept or ODW to close the loopholes being abused due to lack of communication between department?
#4088	4.04 Limestone Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	This specific reference to the Department of Building & Development is made to recognize that nearly all land disturbance and land development applications in the County are managed by B&D. Uncodified Acts, Chapter 521 (SB1221) may allow the LC Department of Health to work more closely with other departments and improve communication.
#4047	4.04 Limestone Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	"4.04. LIMESTONE OVERLAY DISTRICT. Loudoun's land-use ordinance—especially in the sensitive limestone underlay areas should provide prudent land use policies which provide for the safety and quality of life for the citizens—those who reside here, and those who will be coming—now and into the future. Can a County “business model” structured to increase the tax base be of value if the County ends up with a disaster that makes a train wreck of the budget?"
#4086	4.04 Limestone Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	acknowledged. Please advise if there are any suggested changes to the LOD purpose statement based on this comment.

#4027	4.04 Limestone Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/13/2021	"4.04.E LIMESTONE OVERLAY DISTRICTS. E.5. Why (in the world) were the following Pollution Sources REMOVED from the list prohibited within the LOD? c. Automobile service stations; d. Gas pumps accessory to convenience food store; e. Motor vehicle service and repair; Automotive Use Category uses identified in Section 3.02; g. Landfills and waste sites. Waste-related Use Category uses identified in Section 3"
#4084	4.04 Limestone Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	This new list takes the R93 uses and revises the language for consistency with the new uses from Chapter 3. The R93 ZO specific uses "Automobile service stations", "Motor Vehicle service and repair" "Landfills and waste sites" are now covered under the "Automotive Use Category uses identified in Section 3.02" and "Waste-related Use Category uses identified in Section 3.02". By referencing the use categories in new Chapter 3 rather than individual uses, the list is now expanded to all uses falling under the automotive and waste use categories. In response to this comment, we have added "Convenience store (with gasoline sales) to cover the R93 reference to "Gas pumps accessory to convenience food store. Please advise if there are any other missed uses based on a new categorization under new Chapter 3.
#4063	4.04 Limestone Overlay District
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	4.04.E.5 Prohibition of Specific Pollution Sources. I agree with Maura. Also, I thought that all changes to the existing text were highlighted in the material we received, but this was not. Are there other changes that were not highlighted in the redline/track changes version?
#4078	4.04 Limestone Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	Although we have retained most of the regulations of the the LOD and MDOD, language and formatting of these sections have been substantially revised to the extent that a track changes showing all revisions was incomprehensible. Specific tracked changes shown in the distributed PDFs indicate tentative changes to text.
#4085	4.04 Limestone Overlay District
By: Christopher Blough Tags: staff christopher.blough@loudoun.gov Date:9/14/2021	Please see comment response #4084 to Maura

#4064	4.04 Limestone Overlay District
By: Gem Bingol Tags: public gbingol@pecva.org Date:9/13/2021	4.04.F.5.b Communal Water Supply Systems Based on this requirement, it would seem that these are more protective of groundwater for larger subdivisions that are not on central systems. Is that correct and if so, what about subdivisions of a similar size and/or larger in other parts of the RPA?
#4076	4.04 Limestone Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	we can explore options to apply a communal water supply requirement at an earlier threshold for subdivisions
#3956	4.05 Quarry Notification Overlay District
By: Maura Walsh-Copeland Tags: public Maura@Walsh-CopelandConsulting.com Date:9/12/2021	4.05 QUARRY NOTIFICATION OVERLAY DISTRICT. The concept and requirements for "Full Disclosure Statement," for QNOD are similar in concept as requested for the Use of "Stockpiling." Can the same or similar notice to neighboring land uses and owners within 3,000 feet of a Stockpiling application be development and included in ZOR?
#4182	4.05 Quarry Notification Overlay District
By: Christopher Blough Tags: public,staff christopher.blough@loudoun.gov Date:9/14/2021	We can look into whether or not a disclosure statement requirement can be required for stockpiling.