



## ZOAM-2020-0001-Zoning Ordinance Rewrite -- USE SPECIFIC STANDARDS Draft Text

### INTRODUCTORY COMMENTS:

**9/8/2021:** During ZOC discussions and review of material with LCPCC Member representatives, it has become apparent there are varying levels of background knowledge of county activity and documents between ZOC members (former ZOAG and new), new Staff and Consultants. To ensure common understanding of LCPCC ZOC input, a chronology has been prepared to provide background for the comments and requests for performance standards revisions submitted by LCPCC ZOC. Because documents can sometimes be difficult to locate, links have been provided for review.

Also provided are updated Zoning Comparison Matrix documents to assist with regulation review to provide specific, direct requests for revision of standards, to address ZOC Response #3660 (R. Reed) stating, *"Many standards are carried over. Staff, for the most part, did not add or revise standards that had not be (sic) identified in public outreach and internal reviews. Staff will respond / revise standards based on consideration of recommendations, suggestions and other feedback."*

Due to the volume of LCPCC member comments, public comments, and comments at ZOC meetings, the input for the Limited Brewery use is also expanded to include links to County documents from 2014-2016 for history and confirmation that Staff's original 2014 professional opinions to include performance standards were correct.

**8/25/2021:** A significantly large quantity of Round 1 and Round 2 ZOR Focus Group and Zoning Audit input requests were not included in the current ZOR DRAFT TEXT. The following Public Input was documented over the past 18 months by numerous organizations, from information consolidated over the past 5+ years and has been published on the ZOR LOLA as formal public input.

As indicated to Staff in Spring 2020 and Spring 2021, the input provided during Focus Groups and Audits would be restated during ZOC review, and will again be included in Round 3 if explanation is not provided and/or DRAFT Text is not revised. If Staff or WSP Consultants require additional evidence, cases, complaints submitted via LEx and other methods, copies can be sent to James David and/or ZORewrite@loudoun.gov.

\*LCPCC Participating Organizations: Aldie Heritage Association, Bike Loudoun, Bluemont Citizens Association, Blue Ridge Mountain Civic Association, Catoctin Coalition, Farm Bureau of Loudoun, Friends of the Blue Ridge Mountains, Goose Creek Association, Goose Creek Scenic River Advisory Committee, LCPCC Executive Committee, LCPCC Finance Cte, Leesburg Garden Club, Loudoun Climate Project, Loudoun County Equine Alliance, Loudoun Historic Village Alliance, Loudoun Preservation Society, Loudoun Rural Landfills, Loudoun Soil & Water, Loudoun Walking Club, Loudoun Wildlife Conservancy, Piedmont Environmental Council, Potomac Heritage Trail Association, Save Rural Loudoun, Sterling Foundation, Transition Area Alliance, Unison Preservation Society, Virginia Native Plant Society (Piedmont Chapter), and Virginia Piedmont Heritage Area Association



## INTRODUCTORY COMMENTS FOR 9/8/21 -- INTENSITY AND SCALE

During ZOC discussions and review of material with LCPCC Member representatives, it has become apparent there are varying levels of background knowledge of county activity and documents between ZOC members (former ZOAG and new), new Staff and Consultants.

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Also provided are updated Zoning Comparison Matrix documents to assist with regulation review to provide specific, direct requests for revision of standards, to address ZOC Response #3660 (R. Reed) stating, *"Many standards are carried over. Staff, for the most part, did not add or revise standards that had not be (sic) identified in public outreach and internal reviews. Staff will respond / revise standards based on consideration of recommendations, suggestions and other feedback."*

### CHRONOLOGY

- 2015: **Rural Use ZOAM 2015-0006**. The stated purpose of this ZOAM was to amend the zoning ordinance for text errors, fixes, encourage economic development and "incorporate revisions recommended by the public." Citizens were told a key purpose of this ZOAM was to "make rural use performance standards equitable." (Supervisors Volpe & Clarke, Feb. 2015). [10-21-15-ZOAM-2015-0006-BOS Staff Rpt](#)
- However, when presented in Oct. 2015 the ZOAM instead was expanded by ZOAG to include 36 new permitted and SPEX land uses in AR-1, AR-2, Cluster, TR, A-10 Hamlet and A-3 Open Space, and did not address the majority of performance standards issues previously identified via public input. The [4-26-16-ZOAM-2015-0006 PC PH Staff Report](#) (p.4-5) stated, *"Staff is supportive of many of the proposed amendments developed in conjunction with ZOAG, however is concerned with the significant implication of certain uses being allowed within open space areas. The draft text provides for uses that are not consistent with the intent of these areas and provides for more intensive uses that are not compatible with adjacent residential uses. Staff recommends that more discussion occur regarding the proposed amendments in these areas and that, in addition, community outreach be conducted to gain input from the residents of these developments prior to proceeding."*
- From 2012-2016 Businesses were allowed to "sit" at the ZOAG table to negotiate regulations impacting their businesses, however residents who attended ZOAG meetings were not allowed to provide input. Public input at ZOAG meetings was not permitted until January 2017. Public input provided to ZOAG after regulations were implemented were most often considered "enforcement issues" as regulations did not take into consideration impacts to adjacent property owners.
- The BOS September 2016 Strategic Planning Retreat included goals for *"Improving the rural economy in a way that maintains the quality of life for current residents."* Shortly thereafter, [Supervisor Tony Buffington sent a letter to REDC](#) stating it was, *"critically important that we strike an appropriate balance between having a strong rural economy and ensuring a high quality of life for residents."* Supervisor Buffington's letter requested *"recommendations designed to: Define the types of businesses that should comprise our rural economy; improve the balance between maintaining a strong rural economy and ensuring a high quality of life for residents,"* to be obtained via a collaborative effort between Loudoun residents, business owners, and other groups, organizations and stakeholders interested in the future of Loudoun County.

- From this request a business and citizen Ad-Hoc Committee was formed in December, 2016, with a Rural Use Zoning [Comparison Case Study completed in March, 2017](#) identifying the key issues and recommendations requested. The Case Study's primary conclusions and responses to the questions posed were that ZONING INCONSISTENCY (i.e., inconsistent and/or non-existent Rural Use performance standards) plus LOCATION AND INTENSITY IMPACTS of noise, traffic and enforcement were the primary factors impacting the "balance between Rural Economy and Quality of life for residents." The case study also identified environmental concerns pertaining to buffering, water resources, enforcement by complaint action and tracking, permit process issues and violations.
- The case study [2017-RURAL USE Zoning/Performance Standards Inconsistencies Matrix](#) identified the actual inconsistent and missing performance standards within the zoning ordinances for rural uses, presented in a similar grid as used by the Department of Planning & Zoning.
- 2018. The findings and recommendations in the 2017 case study were shared with County Senior Staff, Planning & Zoning Staff, and the Zoning Ordinance Action Group (ZOAG) in 2018 for discussion for ZOAM-2015-0006. Staff and ZOAG indicated the identified issues and recommendations would be considered for the new Comprehensive Plan.
- In September 2019 Board of Supervisor action "moved" all remaining items from the ZOAM 2015-0006 Phase II and III to be addressed as part of the Zoning Ordinance Rewrite (ZOR).
- 2020. The [Consultants Dec. 2020 Zoning Audit](#) regulatory recommendations p. 37. Were to:  
*"Update and include Additional Regulations for Specific Uses, as well as other regulations, to ensure adequate infrastructure is provided, affects from incompatible uses are sufficiently mitigated, and site design protects the rural historic landscape."*

The above chronology confirms the long duration of requests to update regulations to mitigate known and documented impacts to residents. Staff has expressed concern and agreement multiple times, being either overruled or delayed in implementing their professional planning advice.

### **LCPCC ZOC formal comments support Staff's efforts to complete this long-term project and request.**

To do so, the original 2017 Rural Use Zoning Comparison Matrix was UPDATED ([ZOR-2021 REVISED-RuralZoningComparison](#)) to include additional uses and formatted for the new Zoning Ordinance Rewrite sections.

To identify the specific ZOR recommendations the Zoning Comparison was SORTED by SCALE AND INTENSITY of Use to identify the inconsistent and missing regulations by category impacts High, Medium or Low. ([ZOR-2021 INTENSITY SORT-RuralZoningComparison](#))

The primary recommendations are for Staff/Consultants to use this information to:

- 1) Evaluate Uses HORIZONTIALLY for impacts and standards inconsistencies, instead of VERTICALLY by business operation.
- 2) Apply regulations consistently using SCALE LEVELS for similar Uses that attract or expect more than 50 attendees daily, have events more than 10 times/year on 10 acres or more.
- 3) Apply consistent and equitable standards for acres, structures, yard setbacks, buffering, parking, road access/traffic control, lighting, noise and permitting for all uses as initiated with ZOAM-2015-0006.

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
	<b>AUGUST 25, 2021 ZOC AGENDA DISCUSSION TOPICS</b>
3.06.01.A	3.06.01.A PURPOSE AND APPLICABILITY: Add 'environmental' to the list of items being protected, with notation such as: " and to protect the County's unique/sensitive environments" as the General Plan dedicates Chapter 2 to those goals. Does a 'restrictive covenant' clause need to be included as a conformance item?
3.06.01.A	3.06.01.A PURPOSE AND APPLICABILITY: Everywhere referenced, ADD to the list of "sensitive environmental features" the following: "state-listed rare and endangered species/habitats." The state calls these "element occurrences" and they are mapped and available from the state Natural Heritage Office.
	<p><b>Aug. 25th Comments RE:</b> What has often been overlooked are the <b>ZONING ORDINANCE INTENT &amp; PURPOSE</b></p> <p>-- The Zoning Ordinance is "enacted in order to promote the health, safety and welfare of the residents of Loudoun County and to implement the Comprehensive Plan."</p> <p>There are 14 goals outlined in the Zoning Ordinance, which includes, letter</p> <p>"J. Encourage economic development activities that provide desirable employment and enlarge the tax base."</p> <p>-- But there are 13 other goals that must be considered during the discussions for the Zoning Ordinance Rewrite, which include: protecting social and economic well-being of private and public property; adequate water, sewerage protection; congestion in travel; loss of life, health, or property; preservation of agricultural and forestal land, and several more.</p> <p>In short, the 14 goals include the protection of Business/Economic, Environmental/Historic and Residential/Social interests for the SUSTAINABILITY of Loudoun County for ALL tax-paying business and residential property owners and patrons.</p> <p>-- The COUNTY VISION also confirms the balanced emphasis for all zoning stating, "<i>While appreciating and acknowledging our rich history, Loudoun County strives to be a prosperous, inclusive, equitable and sustainable community where residents feel free to LIVE, work, learn and play.</i>"</p>
3.06.01.A	<b>Aug. 25th Comments RE: EnCODEplus Definitions.</b> Although adding the definitions each with its own page is helpful, it is very difficult to use/find definitions in this order. If there is any way to INDENT each definition on the left browse column, OR bold/underline the heading to see the catatory breaks?
3.06.01.A	<b>Aug. 25th Comments RE: MULTIPLE USES SCALE &amp; INTENSITY.</b> No reference or mechanism to evaluate multiple Uses on a single parcel for scale and intensity of use.
3.06.01.A	<b>Aug. 25th Comments RE: RELATED REGULATIONS.</b> General comment throughout the document. A detailed review of many uses cannot be completed before receipt of the related regulations, including but not limited to: Noise, Lighting, Landscaping/Buffering/Screening. Without review of the referred-to sections, current review should be considered "in-progress" only, not final.

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.01.A	<p><b>Aug. 25th Comments RE: ZOAM-2015-0006. NOISE STANDARDS –</b> Per Item 10a, BOS/TLUC report April 19, 2018-ROIA for ZOAM-2015-0006, Noise Standards were to be reviewed. How have the following changes been incorporated in the Draft Text? How will noise (and lighting) be evaluated during application submission to enable enforcement after approval? Without setting applications measures the County is setting up the same points of failure as the existing ZO, almost ensuring the "enforcement by complaint" that focus groups during Round 1 and Round 2 have indicated must be addressed.</p> <p><i>Update existing or establish noise standards for certain uses to implement and maintain consistency with Ordinance Section 5-652(B) and Section 5-1507 (i.e., hours for outdoor music).</i> <i>Section 5-652(B) limits noise to 55dB(A) at the property line of an adjacent residential lot and prohibits outdoor music after 11 PM whereas Section 5-1507(E) limits residential and rural economy uses to 55dB(A) at the property line of the receiving property.</i> <i>Certain rural economy uses include specific noise standards, such as:</i></p> <ul style="list-style-type: none"> <li>- <i>B&amp;B Inn – shall have no outdoor music after 11 PM on weekends and 10 PM on weekdays and is not subject to Section 5-652(B)</i></li> <li>- <i>Country Inn – shall have no outdoor music after 11 PM and is not subject to Section 5-652(B)</i></li> <li>- <i>Rural Corporate Retreat and Banquet/Event Facility – may operate no later than 12 AM (midnight) and are subject to Section 5-652(B)</i></li> <li>- <i>Restaurant (Farm) – may operate no later than 12 AM (midnight) and is not subject to Section 5-652(B)</i></li> <li>- <i>Outdoor Amphitheater – is subject to Section 5-652(B)</i></li> <li>- <i>Country Club and Public School – are not subject to Section 5-652(B) but are subject to their own noise standards.</i></li> </ul> <p><i>Amendment provides consistent regulations, reduces confusion, addresses like activities and impacts, and provides uniformity in treatment of noise generated by rural economy uses.</i> <i>Source of Proposed Amendment*: TLUC recommended per Board feedback as part of Noise ZOAM (May 13, 2016 TLUC meeting; October 20, 2016 Board Business Meeting) .</i></p>
3.06.02.01.A.1	<p>3.06.02.01.A.1. ACCESSORY DWELLINGS. The district name in the Use Matrix was changed/corrected to be "Agricultural Rural." Will this change be made consistent throughout this section? 3.06.02.01.E ACCESSORY DWELLING. A detached accessory dwelling is subject to all yard requirements applicable to the building principle dwelling where it is located. 3.06.02.01.C ACCESSORY DWELLING. "Additional dwellings may be permitted by Special Exception f." What is "f"? 3.06.02.01.G. ACCESSORY DWELLINGS. Text for "G" is blank</p>
3.06.02.04.A	<p>3.06.02.04.A. MANUFACTURED HOMES. Why are manufactured homes in ARN, ARS, A-3 and TLN not subject to the standards? 3.06.02.04.B1 MANUFACTURED HOMES: Did you wish to limit size just to 900 sf or did you also want to limit to 19 feet wide?</p>
3.06.02.07.B.3	<p>3.06.02.07.B.3 SEASONAL LABOR DORMITORY. How will the requirement that residents be employed be enforced or monitored? 3.06.02.07.D Seasonal Labor Dormitory: Should this area also adhere to 5.07.05?</p>

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3.06.02.07.B.3 & 3.06.02.08.B.7	3.06.02.07.B.3 SEASONAL LABOR DORMITORY & 3.06.02.08.B.7 TENANT DWELLING. Why would "Sanitary and Bathing Facilities" requirement for Seasonal Labor Dormitory (and Tenant Dwellings) be removed? Wouldn't that mean than an empty barn could be used without confirming proper facilities?
3.06.02.08.B2	3.06.02.08.B2 TENENT DWELLING: Placing tenant dwelling on open space should not be a by right decision. It should require some type of approval by the county to avoid harm to the open space purpose.
3.06.03.00	3.06.03 LODGING. Many Round 1 and Round 2 ZOR Focus Group and Zoning Audit input requests were not included in the current ZOR DRAFT TEXT. As indicated to Staff in Spring 2020 and Spring 2021 the input would be restated during ZOC review, and will also be included in Round 3 if DRAFT Text is not revised. Input was consolidated from numerous organizations, all currently published on the ZOR LOLA public input site. If Staff or WSP Consultants require additional evidence, cases, complaints submitted via LEx and other methods, copies can be sent to James David and/or ZORewrite@loudoun.gov.
3.06.03.00	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 <a href="https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-INTENSITY-SORT-RuralZoningComparison.pdf">2021 Rural Use Zoning Comparison Matrix (https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-INTENSITY-SORT-RuralZoningComparison.pdf)</a> .
3.06.03.00	3.06.03 LODGING. LANDSCAPING/BUFFERING/SCREENING -- All. The statement requiring "outdoor private party areas shall . . . screen outdoor private party areas, regardless of the size of adjacent property." Unless the new Section for Landscaping/Buffering/Screening RETAINS this requirement it should be put back within the use specific standards to address known issues with large events held at B&Bs. All regulations for related to Special Events, set-backs, buffering, lighting, and site plans IF ALLOWED IN THE MDODs, must be the same as Brewery, Limited.
3.06.03.00	3.06.03 LODGING. NOISE regulations only stipulating hours of operation for outdoor music/noise are insufficient for B&B's conducting weddings and large events. A noise regulation standard -- that is enforceable -- should be included. There is a known lack of clarity between noise regulations between Zoning Ordinances and Codified ordinance (Sheriff enforcement).
3.06.03.01	3.06.03.01 BED AND BREAKFAST HOMESTAY. Item 7. This type of statement is listed under each type of overnight accommodation: Historic Property. " <i>...Any expansion or enlargement of structure shall not exceed 15% of the total floor area existing prior to January 7, 2003, unless a greater expansion is approved by Minor Special Exception, pursuant to Section 7.09.</i> " Can each "Historic Property" bullet point include this language: "Alteration to the original footprint of the historic structure must be relevant to the setting and context-sensitive in design, such as structural additions to a country inn must utilize appropriate rural design, in keeping with the surroundings whether rural in nature or located within an historic main street village." (Also stated in 03.06.04.02 ANTIQUE SHOP, and in 03.06.04.02 AUCTION HOUSE, and in 03.06.04.19 TEAHOUSE, and in 3.06.05.02 AGRICULTURAL CULTURAL CENTER, 3.06.05.04 ARBORETUM, 03.06.05.09 CROSS-COUNTRY SKI, 3.06.05.11 FARM BASED TOURISM)
3.06.03.01	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?

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.03.01.G	<p>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.</p> <p>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)?</p>
3.06.03.01.1	<p>3.06.03.01.1 BED AND BREAKFAST PRIVATE PARTY CHART: The number of attendees and number of private parties allowed for B&amp;B Homestay and B&amp;B Inns needs to be expanded to allow for differences per acreage since the current chart allows for too much use on smaller properties. Would recommend the following: 5 acres or less 21-75 attendees and 5 maximum private parties; 6-19 acres 21-100 attendees and 10 party maximum per year.</p>
3.06.03.01.B	<p>3.06.03.01.B BED AND BREAKFAST HOMESTAY, INN, COUNTRY INN AND RURAL RESORT LODGING. Section needs to also add/define the PURPOSE (as lodging) before Approval to avoid applications for B&amp;B's filing to hold events vs. intent of lodging (as lesser restriction "path" than Event Center).</p> <p>Applications should verify (public information) or require affirmative oath with penalties if statements are later found to be false and/or falsified by applicants. Bed and breakfast Inn must be actively advertised, and records must be available to show that it is actively being rented, not being used only to hold large events (e.g., weddings) and parties.</p>
3.06.03.01.B	<p>3.06.03.01.B BED AND BREAKFAST HOMESTAY, INN, COUNTRY INN AND RURAL RESORT LODGING. APPROVAL. Change from sketch plan to site plan is appropriate to ensure the health, safety and welfare of residents and patrons. Thank you.</p>
3.06.03.01.D5	<p>3.06.03.01.D5 B&amp;B HOMESTAY/B&amp;B INN: Is the 5.12.B Noise section going to be similar to the current 5-652.B Noise Section? If yes, section 5.12B should be added to this area. The review of this section will remain open pending a review of 5.12B.</p> <p>3.06.03.01.E5 B&amp;B INN NOISE: Section 5.12B should be applied here if it is similar to old 5.652B. Open until added and reviewed</p> <p>3.06.03.01.F6 COUNTRY INN. NOISE: Section 5.12B should be applied here if it is similar to old 5.652B. Open until added and reviewed</p> <p>3.06.03.01.G.8.g RURAL RESORTS NOISE: Section 5.12B should be applied here if it is similar to old 5.652B. Open until added/reviewed</p>
3.06.03.01.F	<p>3.06.03.01.F COUNTRY INN. The change to minor special exception review and approval in ARN, ARS and A-3 is appropriate to ensure HS&amp;W of residents and patrons.</p>

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3.06.03.01.F	<p><b>Aug. 25th Comments RE: ZOAM-2015-0006. B&amp;B INN/COUNTRY INN STANDARDS –</b> Per Item 10a, BOS/TLUC report April 19, 2018-ROIA for ZOAM-2015-0006, <b>Principal structure requirements</b> were to be reviewed. How have the following changes been incorporated in the Draft Text?</p> <p><i>Although the Revised 1993 Zoning Ordinance continues to define B&amp;B Homestay as a private owner occupied dwelling, it does not expressly contemplate a principal structure for either a B&amp;B or Country Inn, but instead defines these uses as a business operated in one or more structures.</i></p> <p><i>This has inadvertently allowed B&amp;B Inn and Country Inn uses to build up to 10 and 40, respectively, individual structures for overnight accommodations and not be required to provide a primary or principal structure that is typically envisioned as being the inn itself.</i></p> <p><i>Amendment clarifies the expected components of a B&amp;B Homestay, B&amp;B Inn, and Country Inn, to include requiring a primary structure for overnight accommodations, common spaces, and dining functions.</i></p> <p><i>Source of Proposed Amendment*: Staff recommends to clarify the required components of such uses to ensure consistency with community expectations.</i></p>
3.06.03.01.G	3.06.03.01.G RURAL RESORTS. <u>IF Allowed in MDODs</u> , minimum acreage must be 50 acres, and accommodations for up to 20 sleeping rooms only, regardless of acreage, so as to preserve environmentally sensitive mountain forests. All permit application requirements, set backs, buffering, lighting, Special Event regulations must be devised accordingly.
3.06.03.01.G	3.06.03.01.G. RURAL RESORT: Can/will a requirement be included to provide public multi-use trails that could link to Linear Parks and Trails?
3.06.03.01.G6	3.06.03.01.G6 RURAL RESORT: Can the Uses on open space be more limited to avoid destroying purpose of open space?
3.06.03.02.C	3.06.03.02.C CAMP DAY AND BOARDING: Lot areas of this type of camp should be 20 acres and not 15 to better handle the use
3.06.03.02.G	3.06.03.02.G CAMP DAY AND BOARDING: Noise. Section 5.12B should be applied if it is similar to old 5.652B. Open until added & reviewed
3.06.03.03	<p>3.06.03.03. CAMPGROUNDS. In addition to "service buildings," there should be reference to other "structures." Specifically, is this use intended for "tents (as indicated/implied in D.1.a) or small cabins? If the latter, the line between "campground" and "STRR" could be easily crossed without better definition.</p> <p>3.06.03.03.C.2 CAMPGROUND: Maximum campground stay by camper should be listed as no more than 30 days.</p>
3.06.03.03	3.06.03 CAMPGROUNDS. In addition to JLMA-20, special exception review and approval should also apply to the use in the MDOD Overlay. Should <u>not</u> be allowed in the MDODs without a Special Exception permit, along with Environmental Impact Study, and review by relevant agencies overseeing Emergency Services, Traffic, Health. Campgrounds pose a particular challenge to environmentally sensitive mountain forests: septic handling, water access, habitat loss, night sky, pollution, trash, traffic, fire hazard.
3.06.03.03	3.06.03.03 CAMPGROUNDS. Can/will a requirement be included to provide public multi-use trails that could link to Linear Parks and Trails?



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3.06.03.03.Cb	3.06.03.03.C.b CAMPGROUNDS: The minimum lot size for Level 1 should be 50 acres, Level 2 should be 100 acres. This allows for proper setbacks and proper layout of the use.
3.06.03.03.E	3.06.03.03.E CAMPGROUNDS: Setbacks for Level 1 should be 250 feet, Level II should be 300 feet, Level III should be 400 feet. The activity around a campground is such that these much higher setbacks are required to buffer the neighboring properties.
3.06.03.03.J	3.06.03.03.J CAMPGROUNDS. NOISE: Section 5.12B should be applied if it is similar to old 5.652B. Open until added & reviewed
3.06.03.04	3.06.03.04 GUEST FARM OR RANCH. How will this use be differentiated from STRR/CWH rentals in applicability, permit approval and enforcement?
3.06.03.04.	3.06.03.04. GUEST FARM OR RANCH. Confirm definition of "FARM" as used for Guest Farm
3.06.03.1.G.6	3.06.03.1.G.6. RURAL RESORTS. Why aren't hiking trails included as permissible uses of open space at rural resorts when the ZO definition of Passive Recreational Use permitted it?
3.06.04.01.G	3.06.04.01.G COMMERCIAL/MIXED USE NOISE: Section 5.12B should be applied if it is similar to old 5.652B. Open until reviewed
3.06.04.02.I	3.06.04.01.I ANTIQUE SHOP/ART GALLERY NOISE: Section 5.12B should be applied if it is similar to old 5.652B. Open until reviewed
3.06.04.03.D	3.06.04.03.D AUCTION HOUSE: Setback should be a minimum of 200 feet from property line to properly buffer neighboring areas
3.06.04.03.I	3.06.04.03.I AUCTION HOUSE. NOISE: Section 5.12B should be applied if it is similar to old 5-652B. Open until 5.12B can be reviewed
3.06.04.04	3.06.04.04. BANQUET EVENT FACILITY. C.1. ROAD/ACCESS standards now reference the new Section 5.13. To determine agreement, please provide DRAFT text for this section to determine what differences, if any, apply from Section 5-654. E EXTERIOR LIGHTING standards reference new Section 5.12.A.1-3; how do they differ from current Section 5-652(A)? F. NOISE standards reference new Section 5.12.b; how do they differ from Section current Section 5-652(B)? Without review of the referred-to sections, review of this use should be considered "in-progress" only, not final.
3.06.04.04	3.06.04.04 BANQUET/EVENT FACILITY. <u>Should not be allowed in MDODs.</u> If allowed in MDODs, must be by Special Exception, and must, at a minimum, meet all permit and operation criteria established for Brewery, Limited
3.06.04.04.B	3.06.04.04.B BANQUET/EVENT FACILITY. How are multiple Uses co-located with a Banquet Event Facility evaluated at application? Intensity of multiple uses has become a key driver for the overall impact (road access, noise, lighting, buffering, etc.) and intensity, resulting in zoning enforcement issues due to lack of clarity or regulation.
3.06.04.04.B4b	3.06.04.04.B4b BANQUET/EVENT FACILITY: Setback should be a minimum of 200 feet from property line to buffer neighbors
3.06.04.04.B4b	3.06.04.04.B4b BANQUET/EVENT FACILITY: Setback should be revised to include MINIMUMS by Scale Level to be negotiated via SPEX
3.06.04.07	3.06.04.07. CHILD DAY CARE. It's been a while since reviewing the prior ZOAM for Child Day Care centers, but can you refresh my memory why " <i>written notice of Zoning Permit application</i> " is or cannot be also mailed to HOA Boards with KNOWN address and/or management? (i.e., primarily HOAs in TPA and SPA)?
3.06.04.09F	3.06.04.09.F CONVENIENCE STORES NOISE: Section 5.12B should be applied if it is similar to old 5.652B. Open until 5.12B reviewed

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.04.10	3.06.04.10 CRAFT BEVERAGE MANUFACTURING. As a Use with outdoor tasting rooms and activities as well as alcohol, food and exterior lighting, this use should be made CONSISTENT with defined Hours of Operation. Suggest 11am to 11pm.
3.06.04.10.	3.06.04.10 CRAFT BEVERAGE MANUFACTURING: Noise regulation (Section 5.12B if similar to old 5.652B) needs to be applied.
3.06.04.10.B1b	3.06.04.10.B.1.b CRAFT BEVERAGE MANUFACTURING: Setback of 50 feet may or may not be adequate. Needs review as created.
3.06.04.11.C	3.06.04.11.C DRIVE-THROUGH FACILITIES. You're leaving us in suspense! " <i>and an escape lane shall</i> " . . . ?
3.06.04.13	3.06.04.13. FARM MARKETS. Defer to REDC ZOR-AdHoc Committee input
3.06.04.15	3.06.04.15 MOBILE VENDOR (a.k.a. Food Trucks). Was this one of the Draft Text Sections that was leaked and then escalated to Supervisors via complaint, thereby delaying the ZOC meetings by a week? If so, then Staff should restate the process by which Draft Text input should and will be provided, through the identified Focus Groups and Advisory Groups, and confirm that no "new" pathways for input after 18 months will be allowed.
3.06.04.17	3.06.04.17.B RESTAURANT. B. APPROVAL. RESTAURANT vs. FARM Restaurant (now combined). If the result from ZOAM-2015-0006 was to have ONE regulation to describe the same Use (Restaurant) regardless of location, why would they not both still require the same minor special exception review and approval for the health, safety and welfare of patrons? Appears inconsistent otherwise. At the Nov. 1, 2016, BOS Meeting, (ZOAM)-2015-0006, Rural Uses and Historic Structures was approved, with direction to prepare amendments to include "Restaurant" uses in open space. <i>April 19, 2018 BOS Item 10a further described the ZOAM purpose to: Rename "Restaurant" under the agriculture support and service directly related to on-going agriculture, horticulture and animal husbandry activity, on-site use category to "Farm Restaurant" in the AR zoning districts. Currently, "Restaurant" is listed twice in both the AR-1 and AR-2 districts, as a permitted use under the agriculture support and service directly related to on-going agriculture, horticulture and animal husbandry activity, on-site use category and as a minor special use under the commercial food and beverage use category.</i> <i>Amendment provides a clearer distinction between the two types of restaurants (farm support vs. commercial) currently allowed in the AR districts and avoids future misunderstandings by renaming the permitted "Restaurant" under the agriculture support and service directly related to on-going agriculture, horticulture, and animal husbandry activity, on-site use category to "Farm Restaurant."</i>
3.06.04.17	3.06.04.17 RESTAURANT: D.3. Location site/dimension standards. Is 100 feet for up to 1,500 sqft GFA sufficient? H. Exterior Lighting standards reference new Section 5.12.A.; how do they differ from current Section 5-652(A)? No noise regulation noted. Section 5.12B should be applied if it is similar to old 5.652B.
3.06.04.17.C	3.06.04.17.C. RESTAURANT. Intensity. As indicated at Aug. 25th ZOC meeting, this use was to combine "Restaurant" with "Farm Restaurant," which means consideration Hours of Operation should vary by location (e.g., residential vs. non-residential, INCLUDING residential "uses" in Agricultural districts ARN/ARS). Midnight is too late for any type of residential. Should be no later than corresponding hours for similar intensity uses. Can a table be added to define Hours of Operation based on location and include that early am hours (e.g., 6am) are for deliveries only ?

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.04.18	<p>3.06.04.18 SMALL BUSINESS, AGRICULTURAL AND RURAL.</p> <p>E.3. Accessory Structures, Agriculture. "An approved zoning/building permit IS REQUIRED for the change in use" vs. "zoning/building permit shall be received for the change of use."</p> <p>H. Parking. Additional regulations should be considered beyond compliance for 5.05.03 for the volume and type of vans and/or trucks in addition to employee and customer vehicles.</p> <p>I Exterior Lighting standards reference new Section 5.12.A.1-3; how do they differ from current Section 5-652(A)?</p> <p>J. Noise standards reference new Section 5.12.b; how do they differ from Section current Section 5-652(B)?</p> <p>Without review of the referred-to sections, review of this use should be considered "in-progress" only, not final.</p>
3.06.04.18	<p>03.06.04.18 SMALL BUSINESS, AGRICULTURAL AND RURAL. "A. Adaptive Re-use of Farm Structures. This Section provides for the adaptive re-use of farm structures for home occupations and small businesses."</p> <p>ADD TEXT: "Adaptive Reuse must be performed to the Secretary of the Interior (NPS) Standards for historic preservation projects."</p>
3.06.04.18	<p>3.06.04.18 SMALL BUSINESS, AGRICULTURAL &amp; RURAL. Need better parameters, such as footprint of the business structures, storage, etc. A single owner contractor could clear large parking and storage areas for supplies, equipment, etc. How will "small" be defined?</p>
3.06.04.19	<p>3.06.04.19 SNACK OR BEVERAGE BARS: Why is there no noise provisions for this use? Apply Section 5.12B if it is similar to old 5.652B.</p>

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
<b>SEPTEMBER 8, 2021 ZOC AGENDA DISCUSSION TOPICS</b>	
3.06.05.01	3.06.05.01 AMPHITHEATER. B. Hours of Operation. Any high-intensity venue (such a this use with up to 2000 seats and outdoor sound systems) should have CONSISTENT hours as other high-intensity uses. Can hours for this use be included that detail early am hours only for deliveries (not performances), and restrict in PM based on proximity to any type of residential areas/homes in TSN, TSC, SM, ARN or ARS districts? Recommend Hours 6am-10pm (incl deliveries) if adjacent to any residentially zoned or used property.
3.06.05.01	3.06.05.01 AMPHITHEATER: Is an amphitheater, as specified, appropriate for ARN and ARS lands, as MDODs overlay these districts? The size and volume of “needs” for clearing (Parking, lighting, decibels, septic, water) would significantly impact MDOD environments and thus their important functions (ground water recharge; air cooling and cleansing; storm water run off; pollinators (crops). Would it be reasonable to either not allow in MDODs, or require Special Exception process?
3.06.05.01.F	3.06.05.01.F AMPHITHEATER. ROADS/ACCESS. How would 2-lane rural roads, paved or graveled, handle traffic for up to 2000 persons? Would paving be required? (Storm water management; vehicular runoff ) How could First Responder, Law Enforcement and private residents’ access be guaranteed to a reasonable degree?
3.06.05.01.H	3.06.05.01.H AMPHITHEATER, LIGHTING. How would this be modified in MDODs, if permitted, such as to protect ridge lines, neighbors, and night sky impacts on migrators and pollinators?
3.06.05.01.I	3.06.05.01.I AMPHITHEATER NOISE STANDARDS. Amplified sound carries long distances in MDOD lands, to mountain and valley residents within miles, especially when large swaths of forest are cleared. Does a limit on the annual number of performances, times, and days need to be set?
3.06.05.02	3.06.05.02 AGRICULTURAL CULTURAL CENTER. The definition in the current ZO is not very specific, leaving interpretation open to such entities as breweries, wineries, county fairs, special schools, and any entity considered “agricultural.” The 10 acre minimum leaves room for “strip mall” growth possibilities in what the County considers true agricultural (farm; forestal) lands. There is no statement re: the number of visitors/day, or on the property at any given moment. Would a Special Exception be reasonable for the ARN and ARS Districts, and/or MDODs? Could this entity be excluded from MDODs?
3.06.05.03	3.06.05.03 AGRICULTURAL EDUCATION OR RESEARCH. B.2. Visitors/Customers/Parking Spaces. The "math" could be used for parking space calculation, but how (in the world) would/could the quantity of visitors, customers or cars allowed on site at any one time be approved OR enforced? Two B or not two B, that is the question. Actually, the second "B" (which should be "C"): a 7,000 sqft structure up to 12K gfa is approaching the size of a ChicFil-A -- how is 100' from all lot lines sufficient? Ditto for "B"2 and 3
3.06.05.03	3.06.05.03 AGRICULTURAL EDUCATION OR RESEARCH. As with the AG Cultural Center and Amphitheater above, the same concerns exist. Enforcement of the numbers of vehicles, attendees at any one time, and noise standards are next to impossible to enforce, unless a County agent is required to attend each “event”, at least periodically. Would a Special Exception be reasonable for ARN and ARS Districts? Could this entity be excluded from MDODs?

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.05.04	3.06.05.04 ARBORETUM, BOTANICAL GARDEN, NATURE STUDY AREA. There is reference to "Events", but no guidance re: setbacks from adjacent homes, or noise volumes.
3.06.05.05	3.06.05.05 ASSEMBLY. B. Approval. Why are larger land uses (300+, 50+ children) a special exception review only for JLMA-1, JLMA-2, JLMA-3 and JLMA-20? A special exception review should be required regardless of district. The current DRAFT Use Matrix shows this use as Special Exception for ARN, ARS, RAR, RV, VR and VAR, with Permitted in RC and VC? Seems inconsistent? Therefore, are D.1. Setbacks from lot lines correct/appropriate?
3.06.05.05	3.06.05.05 ASSEMBLY. 50-foot set backs for parking/driveways is often insufficient to protect neighbors from vehicular lights and noise; early morning and evening gatherings could negatively impact adjacent homes. A 100-foot set back for all, and specifics re: buffering may be needed so that IF certain locations include private residences, those are optimally protected.
3.06.05.05	3.06.05.05 ASSEMBLY: Confirm new Section 3.06.01.B applies?
3.06.05.06	3.06.05.06. CEMETERY, MAUSOLEUM, CREMATORIUM, MEMORIAL PARK. This section title does not match the currently posted DRAFT Use Matrix for "Death Care Services." That list does not include "Memorial Park" (instead has Funeral Services). Will updates be made to the Use Matrix and definitions to match?
3.06.05.06.A	3.06.05.06.A CEMETERY, MAUSOLEUM, CREMATORIUM, MEMORIAL PARK. APPLICABILITY. Does not address where these are allowed. Could these entities be excluded in MDODs?
3.06.05.07	3.06.05.07. CONFERENCE AND TRAINING CENTERS. This section needs language and regulation clean-up, as the use standards do not match the new definitions or use matrix. A. Applicability says the section applies to "convention or exhibition facilities" and crosses out the word "conference" -- which is the title of the section. Section refers to "training center," but the definitions section describes "training facility." So the title and terms are conflicting/confusing. Was the title supposed to have been changed?
3.06.05.07	3.06.05.07. CONFERENCE AND TRAINING CENTERS. The current application of this "Use" for a drone facility demonstrates the standards for this use are inadequate to protect the health, safety and welfare of area residents. The Use definition describes a training facility as one or more buildings "engaged in business, technical or professional training, conferences, seminars, and/or certification, " not what the Washington Business Journal describes as " <i>facilities that include a 500-by-50-foot runway for UAV flight, 30 acres of flyover space, mobile takeoff spots for drones, an outdoor covered pavilion for the ability to hold trainings and conferences, drone net enclosures and possibly an indoor flight barn .</i> " With this type of application/facility the larger setbacks are required, hours of operation, DETAILED review of Section 3.05 (not yet provided). See <a href="https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-INTENSITY-SORT-RuralZoningComparison.pdf">ZOR-2021 INTENSITY SORT-RuralZoningComparison</a> . <a href="https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-INTENSITY-SORT-RuralZoningComparison.pdf">https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-INTENSITY-SORT-RuralZoningComparison.pdf</a>
3.06.05.07.B	3.06.05.07.B CONFERENCE AND TRAINING CENTERS. INTENSITY/CHARACTER. How would one confirm compliance with the number of daily allotted visitors? These should be excluded in MDODs.

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.05.07 (C).7	3.06.05.07 (C).7 CONFERENCE AND TRAINING CENTERS. OPEN SPACE. If allowed in MDODs, "open space" could be misinterpreted to whole sale clearing of forest. When considering the additional allowances stated for parking, storage, accessory buildings...clearing could be larger than what was intended. In the Draft Section related to Rural Retreats the terminology: "must be kept in an agricultural, forestry, open space, and/or historic preservation use." This keeps the intention tied to the specific land type proposed for clearing/construction.
3.06.05.08.A	3.06.05.08.A: COUNTRY CLUB. APPLICABILITY. Could this entity be prohibited in MDODs?
3.06.05.08	3.06.05.08 COUNTRY CLUB. C.3. Use Limitations. The language "Siting on primary ridgelines or hilltops, if visible from the adjacent public roadways is prohibited" is appropriate and should not be modifiable. Statement about modifications due to engineering constraints should be removed. Can there be regulations to ensure there are NO exceptions to construction on a ridge line?
3.06.05.08.D.3	3.06.05.08.D.3 COUNTRY CLUB. DRIVEWAYS. Allowing a driveway to exceed a stated buffer zone negates the purpose of a buffer; vehicles bring noise, trash, exhaust, and headlights, which can be disruptive to adjacent private residences.
3.06.05.08	3.06.05.08 COUNTRY CLUB. H.2. Parking. Why was the "where not practicable" section of parking surface removed? Possible solution, remove "where practicable" from remaining text, so it simply states: "A pervious surface is required."
3.06.05.08.D.1	3.06.05.08.D.1 COUNTRY CLUB: The minimum setback should be 150 feet from property line to allow for buffering of neighboring properties 3.06.05.08.J COUNTRY CLUB: Apply Section 5.12B if similar to old section 5.652B.
3.06.05.09	3.06.05.09. CROSS-COUNTRY SKI OR ECO-TOURISM. As indicated when Eco-Tourism was discussed as a ZOAM by ZOAG, regulations are INCONSISTENT with other regulations for tourism uses. Specifically, there is no provision for the Scaling Levels based on acres for attendees, yard standards for structures or reference to landscaping/buffering. Unless this use is EXCLUDED from HOA's/Clusters, then additional regulations may be required close to residential properties. Can/will Scaling Levels be applied?
3.06.05.09	3.06.05.09 CROSS COUNTRY SKI BUSINESS: Property setbacks should be made CONSISTENT with similar medium to low impact uses by Scaling Levels based on acres and quantity of attendees/vehicles daily. <a href="https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-INTENSITY-SORT-RuralZoningComparison.pdf">ZOR-2021 INTENSITY SORT-RuralZoningComparison.</a> <a href="https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-INTENSITY-SORT-RuralZoningComparison.pdf">https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-INTENSITY-SORT-RuralZoningComparison.pdf</a>
3.06.05.09	3.06.05.09 CROSS COUNTRY SKI BUSINESS OR ECO-TOURISM. Table 3.03-1 USE CLASSIFICATIONS AND DEFINITIONS. There is a consistency issue with the definitions listed under Recreation, major or outdoor in this table and 3.06 Use-Specific Standards. For instance, 3.06.05.09 CROSS COUNTRY SKI BUSINESS OR ECO-TOURISM is not listed in the Table 3.03-1, but is defined as "outdoor or major recreational use." There may be other discrepancies.
3.06.05.11	3.06.05.11. FARM BASED TOURISM. B. Intensity 2. Visitors/Customers/Parking Spaces. The "math" could be used for parking space calculation, but how would/could the quantity of visitors, customers or cars allowed on site at any one time be approved OR enforced?

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.05.11	<p>3.06.05.11.B2 FARM BASED TOURISM: Can you review the chart in this section that shows visitors per day by acreage size? The line entitled Level I 150 vehicles and 300 people for a lot of 5 acres to 40 acres. Clearly, on smaller acreage lots (size 5 - 10 acres) this would overwhelm the lot. Can you add a line for smaller acreage areas and state a limit of 75 vehicles and 100 people? This would avoid overwhelming the lot.</p> <p>Recommend:</p> <ul style="list-style-type: none"> <li>-- 5-10 acres = 100 visitors per day and 50 vehicles at one time;</li> <li>-- 11-20 acres = 200 visitors per day and 100 vehicles at one time;</li> <li>-- 21-39 acres = 300 visitors per day and 150 vehicles at one time.</li> <li>-- Special events may be conducted beyond these numbers 5 times per year with special permit required (Spring &amp; Fall Farm Tour constitutes a Special Event).</li> </ul>
3.06.05.12	<p>3.06.05.12. FUNERAL HOMES. The Draft Use Matrix refers to this as "Funeral Services," and why is this use between Farm Based Tourism and Golf Course (-:). Was meant to be part of the Death Care Services section?</p> <p>Why is there no mention of Parking requirements? For a minimum lot size of 1.5 acres, have you been to a large funeral lately (if so, sorry for your loss).</p>
3.06.05.17	<p>3.06.05.17. PUBLIC SAFETY USES. This section includes Fire &amp; Rescue and Police Station or Substation. The DRAFT Use Matrix indicates this use is P/S, indicating permitted in some locations and SPEX is other, however, the Use Standards do not indicate WHEN it is Permitted vs. SPEX (criteria). Was this omitted?</p>
3.06.05.17	<p>3.06.05.17 PUBLIC SAFETY USES: Each of the uses (fire house, police station) call for a minimum lot size of 2 acres, which is appropriate within Historic Villages. It may be appropriate have a different minimum outside of Villages. To be addressed during Overlay Districts with reference to Villages before detailed plans are initiated.</p>
3.06.05.18	<p>3.06.05.18 RECREATION. There is an Intensity maximum for INDOOR Rec. of 10K sqft in Urban districts. Why is there NO Maximum at all for SPA, TPA or RPA?</p>
3.06.05.18	<p>3.06.05.18 RECREATION: This use section should be expanded to address all issues addressed in other similar uses. Why are there are no setback rules established, no minimum acreage, etc.?</p>
3.06.05.19	<p>3.06.05.19 RURAL RETREAT. Although draft includes DEVELOPMENT criteria, regulations for this use are INCONSISTENT with other similar uses in the provision for health, safety and welfare AFTER development DURING Use (e.g., Event facilities, high-volume tourism venues). For CONSISTENCY, regulations should be included that identify 1) Yard standards, 2) Landscaping/buffering/screening, 3) Road access and heavy equipment, 4) Exterior lighting, 5) NOISE, 6) Hours of Operation. Does the new Applicability section 3.06.01.B take care of this?</p>
3.06.05.19	<p>3.06.05.19 RURAL RETREAT. 14. Avg. Daily User and Acreage Ratio. 100 users/50 ac. How will "No more than 450 users are allowed on greater than 200 acres" be <b>enforced</b>? Is the "Statement of Use" meant to be enforcement only after a "complaint" is received? [If so, kinda late]</p>

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.05.19	<p>3.06.05.19 RURAL RETREAT. This Use (as Sec. 5-619) has been INCONSISTENT with other similar Uses by excluding "Hours of Operation." With similar regulations for size, food service, special events, recreation and large average daily users--Hours of Operation should be included to be consistent with similar uses. Suggest: 7am (deliveries only) to 12 midnight.</p> <p>If Events are held, then Scale Levels for attendees should be added to be consistent with similar intensity uses (see Rural Use Zoning Comparison Matrix).</p>
3.06.05.19	<p>3.06.05.19 RURAL RETREAT.</p> <p>3. Frontage/Access. Missed deletion of "Corporate."</p> <p>12. "Adaptive Reuse. Incorporating restored structures to preserve rural character is encouraged." Change to state, "Incorporating historic structures following the guidelines of the Secretary of the Interior (NPS) for preservation projects to preserve rural character is encouraged."</p>
3.06.05.19.C.14	<p>3.06.05.19.C.14 RURAL RETREAT. AVERAGE DAILY USER AND ACREAGE RATIO. If this venue is located off of a 2-lane state-maintained road, the # of users/day could easily overwhelm other necessary travelers, such as local residents, First Responders, and Law Enforcement. Could this entity be prohibited in MDODs?</p>
3.06.05.19.E	<p>3.06.05.19.E RURAL RETREAT. SKETCHES, SITE PLANS, SPECIAL EXCEPTIONS AND STATEMENT OF USE. BRMCA: It seems it would be to the benefit to Zoning and Planning to require a site plan, complete with septic, well, phone access, parking, driveways, lighting, etc, rather than a sketch plan, in order to make expectations clearer from the beginning.</p>
3.06.05.19	<p>3.06.05.19 RURAL RETREAT: Can/will a requirement be included to provide public multi-use trails that could link to Linear Parks and Trails?</p>
3.06.05.20	<p>3.06.05.20 SCHOOLS, PUBLIC, D. LIGHTING. How do these regulations protect dark skies, wildlife (amphibians, mammals, insects) at night, migrating birds who depend on dark sky, horticulture and agricultural crops that are light sensitive and the general welfare of residents who live next to or near athletic fields?</p> <p>Agriculture and horticulture crops contribute significantly to the economy in Loudoun County and artificial lights can disrupt the growth of these crops and reduce production. Artificial lights also negatively impact conservation easements as these easements protect the natural cycles of wildlife who depend on dark skies. Excessive glare and light trespass from athletic fields should be prohibited as residents have the right to enjoy one's property without intrusion from light pollution. In some cases, light curfews should be considered. Numerous definitions should be defined in the ordinance that pertain to lights, including: light pollution, light glare, light trespass, light glow, light spill over, light noise, etc.</p>
3.06.05.20	<p>3.06.05.20 SCHOOLS, D. LIGHTING, 4. RECREATIONAL AND ATHLETIC FIELDS AND FACILITIES LIGHTING</p> <p>When athletic fields are located in residential neighborhoods, lights should be turned off earlier than 11 pm. Can the turn-off time be discussed and negotiated with the neighborhood, (as an 11 pm turn off time may interfere with sleep and work habits of residences)?</p>



Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.05.20	<p>3.06.05.20 SCHOOLS, D. LIGHTING, 4. RECREATIONAL AND ATHLETIC FIELDS AND FACILITIES LIGHTING, F. <i>"The maximum height of light poles is 80 feet."</i> Can Staff Add: "In residential neighborhoods, the height of light poles should be negotiated with residents through community meetings to eliminate light pollution in the surrounding neighborhood." ?</p> <p>3.06.05.20 SCHOOLS, D. LIGHTING, 5. HEIGHT OF FIXTURES. <i>"The maximum height of light poles is 80 feet."</i> Can Staff Add: "In residential neighborhoods, the height of light poles should be negotiated with residents through community meetings to eliminate light pollution in the surrounding neighborhood." ?</p>
3.06.05.20	<p>3.06.05.20 SCHOOLS, H. NOISE. <i>"Installation of outdoor public address systems are limited to recreational and athletic fields."</i> Can Staff Add: "games" to the end of this sentence? Amplified sound should not be used during practices. Local residents have a right to quiet.</p>
3.06.05.20	<p>3.06.05.20 J. 5 SCHOOLS, PUBLIC. Why was the forestation requirement for floodplains removed?</p>
3.06.05.70	<p>3.06.05.70 SCHOOLS, PUBLIC. Why was the following line deleted?: 'TRANSPORTATION. M. Archaeological Survey. A Phase I Archaeological survey shall be provided to the County in conjunctions is required with each site plan application for a Public School building.'</p>
3.06.06.01	<p>3.06.06.01 CONTRACTOR. Although the Parking section may define number of spaces, there is no mention in Use Matrix, definition or Use Standards regarding volume or type of vans, trucks or other equipment that could be parked. In the alternative, are there Landscaping / buffering requirements that can/could apply? (Similar to Data Center "Screening of Mechanical Equipment").</p>
3.06.06.02	<p>3.06.06.02. DATA CENTERS &amp; UTILITY SUBSTATIONS. Based on concerns from neighboring residents, will the terms of Landscaping/Buffering/Screening be reviewed to address? This is especially important in sections where there is an "in lieu of section" in regards to buffers such as 3.06.07.08 UTILITY SUBSTATIONS and 3.06.06.02 DATA CENTER.</p>
3.06.06.02	<p>3.06.06.02 DATA CENTER: Does the new Applicability standard (3.03.01.B) apply to Data Centers? If not, No reference to noise management can be found in this write up. It is recognized that a standard noise regulation like 5.12B many not be able to address the unique issues of a data center; a special set of rules for noise at data center sites is suggested. This should include addressing testing of generators and other equipment, dBA at property line, and low level sounds that carry into the surrounding area from the electronic equipment.</p>
3.06.06.02.E.1	<p>3.06.06.02 DATA CENTER. E. Pedestrian and Bicycle Facilities. Shouldn't this section include language to avoid exclusion of potential future segments of the Linear Parks and Trails Plan? Since this project is currently evolving and will need coordination between PRCS, DTCL, and other departments, future potential segments may not necessarily be included in the Countywide Transportation Plan. This is relevant to both #1 &amp; 2 in this section in regards to sidewalks &amp; trails and sidewalk and/or trail connections. Also, trails for the LPAT plan may not necessarily occur along current roadways. Potential solution: adding language to include the linear parks and trails corridors identified in the LPAT Framework Plan.</p>

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.06.02.E.1.a	3.06.06.02.E.1.a. DATA CENTERS. Why is space for trails are not required along public roads where such facilities are not included in the Countywide Transportation Plan (CTP)? Some trail types, e.g., those under the purview of PRCS, e.g., LPAT, are separate from the CTP. Some LPAT trail concepts would be along public roads; the ZO should not make an exception to the development of those trails adopted for development by the BOS.
3.06.06.02.E.2	3.06.06.02 DATA CENTERS. LCEA INPUT -- E.2. Sidewalk and/or Trail Connections, F.2. Road Corridor Buffer & Plantings. The current definition of multi-use trails means pedestrian, equestrian and bicycle; Linear Parks And Trails (LPAT) is about <u>unpaved trails</u> which are equestrian, mountain bike (or hybrid of gravel, mtn but not necessarily road and not motorized) and pedestrian. As connecting green infrastructure corridors connecting the county, LPATs should be wide to protect the environment and usability of the corridor. Recommend at least 300' wide (500' better).
3.06.06.02.F	3.06.06.02 DATA CENTER. F. Landscaping/Buffering/Screening - need for review of referred-to sections. Also, shouldn't this section include native plant percentage requirements and contiguous habitat (per Comp Plan Ch. 3 FTV Policy 4.2.A)?  3.06.06.02 DATA CENTER. F. Landscaping/Buffering/Screening - In addition to percentages of types of trees, shouldn't there be requirements for tree preservation (per Comp Plan Ch. 3 FTV Policy 4.1B? And requirement for the removal of invasive species (FTV Policy 4.1.C.) and Tree Conservation Area (FTV Policy 4.1.A)? Since this section is in lieu of referred-to Landscaping/Buffering/Screening it is important to ensure consistency between the Zoning and other requirements - such as the FSM.
3.06.07.06	3.06.07.06 STOCKPILING. Title of this section is " <i>stockpiling</i> ." Should it be called "Stockpiling, Utilization of Excessive Fill"? The Loudoun County website merges these two terms as one: 'Stockpiling of Dirt/Excessive Use of Dirt as Fill.' These terms should follow the same standards in order to prevent illegal dumps like the Gable landfill and other projects under cover as a rural economy plan. (If the Gable landfill was considered a "stockpile", it would not have been permitted.) If there is a difference in these two terms, they should be well-defined in terms of volume, height, siting, acreage, etc. (as outlined in "stockpiling") and there should be separate sections for both terms clearly spelling out their differences.
3.06.07.06.A	3.06.07.06 STOCKPILING, A. APPLICABILITY. "This section applies to <b>any</b> stockpiling." The revised DRAFT definition is Stockpiling. The acceptance, collection, accumulation, or aggregation of dirt, fill, or gravel from off-site sources, for a period of more than 12 months. Does this include asphalt? If not, are other materials that are not dirt (ie, asphalt, etc.) are regulated in some other way? Where is the regulation that applies to those materials? Does the term "utilization of excessive fill" mean stockpiling?
3.06.07.06.B	3.06.07.06 STOCKPILING, B. INTENSITY/CHARACTER STANDARDS, 1. SIZE OF USE. Does this section apply to excessive fill projects? 3.06.07.06 STOCKPILING, B. INTENSITY/CHARACTER STANDARDS, 1.SIZE OF USE, C. HEIGHT. How was the maximum height limit of 25 feet established? What determined this height? Note, for clean earth and inert waste fill activity, Albemarle County has a height limit of 8 feet above natural grade with no opportunity for expansion.

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.07.06.B	<p>3.06.07.06 STOCKPILING, B. INTENSITY/CHARACTER STANDARDS, 1.SIZE OF USE, C. HEIGHT. Shouldn't there be a cubic yard or volume limit for stockpiles/excessive fill projects as there once was in the past?</p> <p>From 2010-2017, a limit of 50,000 cubic yards of fill was subject to a "stringent review" to determine whether "stockpiling of dirt" was occurring. Currently, there are no limitations or objective standards for determining if amounts needed for excessive fill projects/stockpiling are necessary or valid. Decisions are arbitrary. All applications for use of excessive fill/stockpiling should state the estimated volume for the project and there should be a set of standards that the County follows to objectively determine if the amount of fill is appropriate for the project.</p>
3.06.07.06.B	<p>3.06.07.06 STOCKPILING, B. INTENSITY/CHARACTER STANDARDS, 2. SITING. Stockpiling/Excessive fill projects should not be sited at the top of the watershed. Neighboring views should not be obstructed by stockpiles/excessive fill projects.</p> <p>3.06.07.06 STOCKPILING, B. INTENSITY/CHARACTER STANDARDS, 2. SITING. Can Staff Add to this section: Impacts/restrictions on properties adjacent to permanent conservation easements? What is the impact of stockpiling/excessive fill projects on conservation easements? When a stockpile/excessive fill project is located adjacent to a conservation easement, public notice, neighborhood meetings and/or special exception should be required to determine the impact on the easement.</p>
3.06.07.06.B.2	<p>3.06.07.06 STOCKPILING. 2. b. Siting. Shouldn't prime agricultural soils and forested areas be added areas where they are not permitted?</p>
3.06.07.06.C	<p>3.06.07.06 STOCKPILING, C. ACCESS/VEHICULAR CIRCULATION, 4. DEBRIS. How will this be monitored and enforced?</p> <p>(Currently, after years of notice to the County, the East Colonial Highway entrance of the Gable landfill is hazardous and often muddy due to runoff caused by thousands of truckloads carrying excessive fill to this site. The entrance ices up in the winter and is very hazardous during rainstorms.) In addition to keeping the streets clean, the owner of the stockpile/excessive fill project should be responsible for preventing runoff, dust and debris spreading onto adjacent properties. Should there be limits to the weight of the load carried by trucks to further protect the public?</p>

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.07.06.D	<p>3.06.07.06 STOCKPILING, D. MATERIALS. "Stockpiles of dirt may be comprised only of uncontaminated dirt and naturally occurring rock." How will it be determined that the dirt is "uncontaminated?" Owners/managers of stockpiles/excessive fill piles should provide the County with certified manifests (records of origins and content) from dumpers to prove that the dirt is uncontaminated and free of hazardous materials. However, a more effective way to address this issue is for the County to require "clean earth fill" for agricultural land stockpiling/excessive fill projects and to follow Albemarle County's definition which states that "clean earth fill must be free of 1) any contaminants in toxic concentrations or amounts, in accordance with all applicable laws and regulations; and 2) construction debris and demolition waste, including asphalt, concrete and other materials not found in naturally occurring soils." (On September 16, 2020, the Albemarle BOS unanimously approved 6-0 updates to the zoning ordinance that address fill dirt.) See section 3.1 of their code for definitions for clean earth fill, clean earth fill activity, inert waste fill and inert waste fill activity.</p> <p>Fauquier County also recently revised its ordinance earlier this year to define "clean fill" and "waste fill." It does not allow waste fill on agriculture land. Why does Loudoun County continue to permit dumping of "waste fill" on agriculture/rural land while its neighboring counties do not? Elimination of waste fill dumping on agriculture land will help protect our rural agricultural land and stop illegal dumps that threaten our environment and the health and safety of residents.</p>
3.06.07.06.D	<p>3.06.07.06 STOCKPILING, D. MATERIALS. Can Staff Add "Liquid Dumping" under the MATERIALS heading? Why is there no statement under this section that liquid dumping of waste is not permitted?</p>
3.06.07.06.H	<p>3.06.07.06. STOCKPILING. H. "A Zoning Permit and grading permit" should require the volume of dirt required prior to the commencement of the Stockpiling. This was added to B&amp;D forms -- should it be referenced in the ZO?</p>
3.06.07.06.H	<p>3.06.07.06 STOCKPILING, Can Staff Add new heading: "Surface water, Groundwater"? How will surface water and groundwater on or around the stockpile/excessive fill sites be monitored to assure that the dirt is not contaminated? Will stagnant pools and undrained pockets be permitted, and if so, will they follow Virginia Department of Health rules? Should the owner of a stockpile/excessive fill site be required to periodically test groundwater if the site is beyond a certain volume?</p>
3.06.07.06.H	<p>3.06.07.06 STOCKPILING, Can Staff Add new heading: "NARRATIVE"? Narratives should be required and provide justification for the amount of stockpiling/excessive fill required for a project.</p> <p>3.06.07.06 STOCKPILING, Can Staff Add new heading: "TIMELINE"? Should there be a time limit for completion of the stockpiling/excessive fill projects to protect the public from hazards such as noise, traffic, runoff and other nuisances?</p>
3.06.07.06.H	<p>3.06.07.06 STOCKPILING, Can Staff Add new heading: "PUBLIC NOTICE, Neighborhood Meetings and Special Exception"? Define when these are required and under what circumstances to help protect the environment and the health and safety of residents and to stop unregulated dumps.</p>
3.06.07.07	<p>3.06.07.07 TELECOMMUNICATIONS FACILITY: o. "if a telecommunications monopole is proposed on a property listed on the National Register of Historic Places" Change this sentence to state "on or near a property listed on the National Register..." ("Near" should be a defined distance.)</p>

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.07.07	3.06.07.07. TELECOMMUNICATIONS FACILITY. C.3.i. and D.3.i. Why was the prior regulation of "no commercial advertising or signs shall be allowed on a monopole/tower" deleted from this draft text? How will signs on a monopole comply with the signs ordinance?
3.06.07.07.C.2	<p>3.06.07.07.B.1.a TELECOMMUNICATIONS FACILITIES. "...mounted on buildings and structures and connected TO unmanned..." ? Wording?</p> <p>3.06.07.07.C.2 TELECOMMUNICATIONS FACILITIES In MDODs, must NOT be permitted within 200 feet of a ridge line. In sensitive viewsheds, monopoles should be camouflaged, which has been done in sensitive locations (i.e. to look like trees.) Retain for MDOD discussions.</p> <p>3.06.07.07.D TELECOMMUNICATIONS TOWERS. In MDODs, must NOT be permitted within 200 feet of a ridge line. Retain for MDOD discussions.</p>
3.06.08.00	<p>3.06.08.00. AGRICULTURE.</p> <p>"Aug. 25th Comments RE: ZOAM-2015-0006. DEFINITION OF ""FARM"" / Agricultural Operation – Per Item 10a, BOS/TLUC report April 19, 2018-ROIA for ZOAM-2015-0006, Ag Operations and Definition of Farm were to be reviewed. How have the following changes been incorporated in the Draft Text?</p> <p>Add new "Agricultural Operation," "Agricultural Products" and "Farm" definitions.</p> <p>The Ordinance currently does not define either Agricultural Operation, Agricultural Products, or Farm; however, these terms are consistently referenced throughout the Zoning Ordinance.</p> <p>The Code of Virginia defines these terms and references these terms in relation to agricultural activities and local regulation of agricultural activities, such as Limited Distillery, Limited Brewery, Farm Winery, and Agricultural Processing.</p> <p>Amendment creates new definitions to provide clarity in distinguishing agricultural properties and functions, maintains consistency with the Code of Virginia, and eliminates inconsistency and avoid misunderstandings with the Ordinance.</p> <p>Source of Proposed Amendment*: Staff recommends to align terminology with Code of Virginia"</p>

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.08.00	<p>3.06.08.00. AGRICULTURE. What changes are planned by Staff to address the known/documented loophole of "agricultural building" applications for new high-intensity uses with large volumes of public attendance? As Staff is aware, Property owners have been applying for an "agricultural building" (that does not require any building permits or safety inspections), for use as a non-ag public use event venues. -- Use of this permit loophole has become "normal," without review by zoning, building &amp; development prior to application approval. This is a health, safety and welfare issue for the general public, as "ag buildings" used for events may be unsafe for the general public. -- How can/will Staff ensure any buildings being added to the property to support the special usage will be permitted, zoned, sized and designed to be compatible with buildings in the surrounding area? -- Can Buildings found to be permitted as an "ag barn" not used as such be fined and have other zoning use permits revoked? -- Historic and existing agricultural buildings applying for "adaptive reuse" should <u>NOT</u> have the same building code requirements as new structures. Has Staff reviewed and/or revised applicable "adaptive reuse" business code requirements for the appropriate use of barns or other historic and existing ag structures. [Example – exit signs are appropriate, but addition of safety doors vs. barn doors may not be appropriate. [Comments submitted in advance of development standards as this is key for Use-Specific Standards approval.]</p>
3.06.08.01	<p>3.06.08.01 AGRICULTURE, HORTICULTURE and ANIMAL HUSBANDRY. Loudoun County Equine Alliance (LCEA) indicates this is where ALL equine uses should be set out. Where are additional equestrian uses?</p>
3.06.08.02	<p>3.06.08.02. AGRICULTURE SUPPORT USE (DIRECT ASSOCIATION). B.3. Visitors/Customers/Parking Spaces. The "math" could be used for parking space calculation, but how would/could the quantity of visitors, customers or cars allowed on site at any one time be approved OR enforced?</p>
3.06.08.02	<p>3.06.08.02. AGRICULTURE SUPPORT USE (DIRECT ASSOCIATION). LCEA questions why equine is in this grouping; Equine uses should all be together in one section under agriculture. At one time there were four stable uses, private, livery A, livery B and event facility, when were they reduced to two levels/uses? The intended difference was that Livery A could be less than 25 acres, B was 25 acres min.. They differed from equestrian event facilities in that horses could also be permanently housed there, whereas an equestrian event facility was just the venue.</p>
3.06.08.02	<p>3.06.08.02. AGRICULTURE SUPPORT USE (DIRECT ASSOCIATION). B.4. LCEA indicates the hours of operation may not be sufficient for equestrian facilities, due to the time required to prepare horses and riders for events. C.1. Structure footprint may be too small for stables and indoor arenas. This should be discussed with industry experts in LCEA G. (removed in 9/8/21 draft). This use may require specific lighting use standard exception for requirements for evening riding events, for the safety of both animals and riders.</p>
3.06.08.03	<p>3.06.08.02. AGRICULTURE SUPPORT USE (STANDALONE). B.2. Visitors/Customers/Parking Spaces. The "math" could be used for parking space calculation, but how would/could the quantity of visitors, customers or cars allowed on site at any one time be approved OR enforced?</p>

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.08.03	<p>3.06.08.03. AGRICULTURE SUPPORT USE (STANDALONE). LCEA Input -- Same comments as Ag Support Use Direct Association:</p> <p>B.4. LCEA indicates the hours of operation may not be sufficient for equestrian facilities, due to the time required to prepare horses and riders for events.</p> <p>C.1. Structure footprint may be too small for stables and indoor arenas. This should be discussed with industry experts in LCEA</p> <p>G. (removed in 9/8/21 draft). This use may require specific lighting use standard exception for requirements for evening riding events, for the safety of both animals and riders.</p>



### 3.06.08.06. LIMITED BREWERIES -- SUMMARY

Due to the volume of LCPCC member comments, public comments, and comments at ZOC meetings, the input for the Limited Brewery use is expanded to include links to County documents from 2014-2016 for history and confirmation that Staff's original 2014 professional opinions to include performance standards were correct.

- As indicated previously, the primary factors requiring review for zoning regulations are ZONING INCONSISTENCY (i.e., inconsistent and/or non-existent Rural Use performance standards) plus LOCATION AND INTENSITY IMPACTS.
- From the standpoint of impacts and necessity of performance standards, it does not matter if a business makes wine, beer, pink lemonade or milkshakes; it does not matter if the operation is a wedding venue, pick your own farm, equestrian facility or corn maze. What matters is the Scale, Intensity and Impacts to adjacent and vicinity properties for: hours of operation, quantity of attendees, yard setbacks, buffering, parking, road access/traffic, lighting and noise; compliance with water & waste with the Health Department and Office of Drinking Water, and the filing of permits for Zoning and Building & Development.

ZOC's (and Staff's) duties are to correct errors and inconsistencies; clarify regulations; and address specific issues. The following provide direct support for those duties:

- The [11-21-14 TLUC Report for ZOAM 2014-0003-Limited Breweries](#) Agency referral and Staff comments indicated multiple areas of concern for the health, safety and welfare of residents and patrons during the development of the 2014 Limited Brewery ZOAM. The original [10-07-2014 PC WS-Staff Report-Limited Brewery Use Regulations](#) DRAFT TEXT included performance standards recommended for approval for the ZOAM.
- However, [2014-ZOAM Meeting Summaries](#) from June through November 2014 show that ZOAG's position was to "treat Limited Breweries the same as Farm Wineries," with the support and direction of a former Supervisor and TLUC Chair.
- Staff's position was changed after the October 2014 Planning Commission Worksession/Public Hearing that included only business stakeholder input for text to include only a "sketch plan" and no performance standards.
- Although citizens did attend one or more of these 2014 meetings where business stakeholders were allowed to speak, citizens were not permitted to provide evidence/information in support of Staff's position. (Public input not allowed until January 2017.)
- In summary, numerous Staff departments expressed concerns about permitting a Limited Brewery use without performance standards, but were overruled by ZOAG, the Planning Commission and BOS. Since that time, numerous complaints and evidence have confirmed and verified that Staff was right in 2014.
- The following information is submitted to support Staff's 2021 position, and clarify additional regulations omitted from ZOR Round 1 & 2 input, or Staff has yet to receive as formal input to make Limited Brewery regulations consistent with like high-intensity uses.



Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.08.04.M	<p>3.06.08.04. BREWERY, LIMITED. MISSING REGULATIONS. As indicated in 2017-2018 case studies and review of other county ordinances, Loudoun County CAN add regulations for the health, safety and welfare of the public. VIRGINIA COUNTIES COMPARISON REPORT* summarizes regulations other counties have approved and implemented for:</p> <ol style="list-style-type: none"> <li>1) Minimum crop acre production,</li> <li>2) Maximum attendees for Events and Special Events</li> <li>3) Yard standards for front yard, side yard, rear yard.</li> <li>4) Landscaping/buffering/screening,</li> <li>5) ROAD ACCESS and heavy equipment,</li> <li>6) Exterior lighting, including Dark Sky requirements for lighting on ridge lines/slopes in MDOD (seasonal or otherwise).</li> <li>7) NOISE.</li> <li>8) Hours of Operation</li> </ol> <p>*VIRGINIA COUNTIES COMPARISON REPORT - 2021 UPDATE (<a href="https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-Virginia-Counties-Ordinance-Comparison.pdf">https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-Virginia-Counties-Ordinance-Comparison.pdf</a>)</p>
3.06.08.04.P	<p>3.06.08.04. BREWERY, LIMITED. MISSING REGULATIONS. County internal process for all VaABC opinion letters should require proactive response and request for status to Planning &amp; Zoning. [Documenting request in Uses in advance of Procedures discussion]</p> <p>-- A response is required from County Attorney is required to indicate contact and status from Zoning (use permitted on parcel/location), Building &amp; Development (if application indicates Ag Structure) and Health Department (if application indicates “tasting room,” events or includes bathroom, kitchen requiring septic).</p> <p>-- County should be required to inform VaABC when applicant is in known violation of Code of Va § 4.1-225-2.a. The place occupied by the licensee: a. Does not conform to the requirements of the governing body of the county, city or town in which such establishment is located, with respect to sanitation, health, construction or equipment, or to any similar requirements established by the laws of the Commonwealth or by Board regulations.</p> <p>-- VaABC should be notified of County objection within the 30 day time limit if Zoning, B&amp;D, HD issues or non-compliance are determined.</p> <p>-- No Waivers should be granted for non-compliance with State requirements (e.g., use of local well as water source prior to or without ODW certification of non-transient community waterworks).</p> <p>RECOMMENDATIONS: State Legislative</p> <p>-- VaABC application Posting and Publishing notice requirements are insufficient. Request State changes to VaABC application and process to require 1) written notification to adjacent property owners; 2) Publishing in local paper with known distribution to adjacent property owners (i.e., not publications known not to be available or delivered to adjacent property owners); 3) Posting requirements should be required on posts/stakes at two locations on the edge of the applicant property, clearly visible to all adjacent property owners (not “front door”).</p>

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.08.04.M	<p>3.06.08.04. BREWERY, LIMITED. MISSING REGULATIONS. County Zoning permits and approvals have been provided in advance of approval of Virginia Health Department, Virginia Office of Drinking Water (ODW), and Virginia Department of Agricultural Consumer Services (VDACS). RECOMMENDATIONS: -- All required water, sewer and environmental actions required by the Commonwealth of Virginia for the facility must be completed prior to the facility being approved for operation by the County. -- Conditional approval while waiting for completion of actions is not recommended, as in numerous cases State requirements were not completed until after complaints and notices of violation.</p>
3.06.08.04.A	<p>3.06.08.04. BREWERY, LIMITED. A.4. Applicability. Although pleased to see the change from "requested" to "must" contact Fire/Rescue and Dept. of B&amp;D, the requirement for only an "informational inspection" is insufficient to ensure the health, safety and welfare of owners and patrons. Specifically, what happens when an "informal" inspection identifies violations? What documentation/record of the inspection is retained? What requirement does the owner have to repair/comply with safety ordinances? What enforcement/recourse is there if the owner fails to make repairs and/or comply? As noted in numerous case studies and written complaints, facilities used have not had electrical, plumbing or fire code inspections. <a href="https://loudouncoalition.org/2020/04/rural-uses/">https://loudouncoalition.org/2020/04/rural-uses/</a> If Staff is unable to obtain a full and complete list of such cases and complaints via LEx, copies can be sent to James David and/or ZORewrite@loudoun.gov.</p>
3.06.08.04.A.2	<p>3.06.08.04.A.2 BREWERY, LIMITED. APPLICABILITY. BRMCA: State Code 4.1-206.1 Manufacturer license, <b>Effective July 1, 2021</b> speaks to Limited Distillers licenses, limited brewery licenses, winery licenses, farm winery licenses, and Beer importer licenses. How will/are Limited Breweries, and others now included, in operation BEFORE this date be governed now? and when the new code is implemented?</p>
3.06.08.04.A.2	<p>3.06.08.04.A.2 BREWERY, LIMITED. APPLICABILITY. BRMCA State Code 4.1-206.1 Paragraph 4 states that limited Brewery licenses will be given to breweries "that manufacture no more than 15,000 barrels of beer per calendar year" but does not set a <b>minimum amount</b> of manufacture. Could a "brewery" <u>produce</u> one barrel of beer per year, source product from other brew manufacturers and function primarily as an Event/Music center? Fairfax County had Code of VA modified to add "Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority. Does this give Loudoun County a similar authority to set requirements for Limited Breweries in ARS and ARN and MDOD lands?</p>
3.06.08.04.A.3	<p>3.06.08.04.A.3 BREWERY, LIMITED. With the known issues documented in LEx and case studies over the past seven years, related to well/septic non-compliance, Health Dept. permit violations, lack of capacity for size of facility and events this Use will Staff consider requiring a site plan" instead of "sketch plan" for the health, safety and welfare of the public?</p>

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.08.04.A.4	3.06.08.04.A.4 BREWERY, LIMITED. Will Staff consider requiring a "site plan" for sites to be reviewed by Fire, Rescue & Emergency Management, Traffic Division/VDOT, Health Dept, and Planning & Development, as each may have responsibility over components, such as vehicular access and lines of sight, First Responder access, septic, water, and impact on adjacent lots for the health, safety and welfare of residents and patrons?
3.06.08.04.A.4	3.06.08.04.A.4 BREWERY, LIMITED. APPLICABILITY. BRMCA. This section is unclear whether it applies apply only to pre-existing buildings, or also newly constructed buildings, "ag barn" or otherwise. Can the wording be clarified?
3.06.08.04.A.5	3.06.08.04.A.5 BREWERY, LIMITED. PROPOSED LEGISLATIVE ACTION REQUEST -- VaABC PUBLIC NOTICE. State Code 4.1-230 outlines public notification requirements for applicants of an ABC license. Because Rural settings are unique in that long driveways and lot setbacks obscure interiors from public view, will Staff add qualifiers for Loudoun County to adequately implement the intent of the Statute with the requirement "The applicant must post notice of the application on the front door of the building where s/he proposes to engage in businesses. In settings where no such building exists OR the setback of said building is such that it is not readily within public view, notice must be posted on the property in a location where it can be readily seen by the public. The notice must be of a size and quality that can be reasonably seen from the public roadway nearest the intended site. Posting on the property must be for as long as the application is under review" ?
3.06.08.04.B	3.06.08.04. BREWERY, LIMITED. B. Location. To be CONSISTENT with the Code of VA regulation, the zoning requirement for "at least 10 acres, owned or leased by the licensed limited brewery," should be revised to state " <b>EXCLUSIVE OF CURTILAGE</b> " (defined as area acres for residential household and adjacent outbuildings). 3.06.08.04.B BREWERY, LIMITED. LOCATION. 10 acres as the definition of "farm" for Limited Breweries in ARS and ARN lands allows for potential development of these entities in environmentally sensitive lands, and neighborhoods. Special Events with amplified sound compound the problem for those lands. Could the acreage required in ARS and ARN lands be increased 20 acres to be consistent with current ARN, ARS Uses of similar high intensity? Confirm Section 3.06.01.B applies?

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.08.04.B	<p>3.06.08.04. BREWERY, LIMITED. B. Location. The definition of "farm" for this use is inadequate to define and enforce the proper siting of an agricultural use as intended by Section 3.2-300 of Code of VA. Specifically, that section refers to "BONA FIDE" (which translates to and is used in law to describe "good faith") "agricultural operation" or "production of agriculture." Numerous case studies, current operations and complaints have identified locations permitted as a "Brewery, Limited" that do not comply with the intent or "bona fide" production requirements and have no agricultural/production agriculture operation. As in other counties, will Staff add the regulation to stipulate 5 acres of active agricultural crops/production to be CONSISTENT with current LAND USE TAXATION requirements?</p> <p>§ 3.2-300. Definitions. -- "<i>Agricultural operation</i>" means any operation devoted to the bona fide production of crops, or animals, or fowl including the production of fruits and vegetables of all kinds; meat, dairy, and poultry products; nuts, tobacco, nursery, and floral products; and the production and harvest of products from silviculture activity. -- "<i>Production agriculture and silviculture</i>" means the bona fide production or harvesting of agricultural or silvicultural products but shall not include the processing of agricultural or silvicultural products or the above ground application or storage of sewage sludge.</p>
3.06.08.04.B	3.06.08.04 B. BREWERY, LIMITED. BRMCA Request: Add "A Limited Brewery is not allowed in the MDOD." [Consider in advance of Overlay District discussion.]
3.06.08.04.B	3.06.08.04.B BREWERY LIMITED: B. Location. Through case studies and seven years of Use history, this use should be classified as "High" intensity. The scale and intensity of 250 people attending an event at a brewery on 10 acres is far different than 250 people attending an event on 25 acres. A large problem exists where big events are taking place on small acreage. To be CONSISTENT with other High intensity uses, can/will the county apply a Scale Level chart in that provides parking, yard standards, event, road access hours of operation standards based on acreage?
3.06.08.04.C.1	<p>3.06.08.04. BREWERY, LIMITED. C. Intensity/Character. 1. 50 feet set back from all lot lines for "outdoor tasting rooms or similar outdoor activities" adjacent to residentially zoned property is inadequate and inconsistent for uses of similar scale and intensity. Numerous cases of disturbance of patrons, children and dogs roaming and trespassing property is a disturbance of peace and quietude, safety, and property rights for adjacent residents. Setbacks should be CONSISTENT for similar intensity uses. Consider regulations currently approved/used in other Counties: Albemarle County: Structures -- Fr-75'; Side 25'; Rr: 35' Parking: Fr: 75'; Side: 125'; Rr: 125' Fauquier County: Structures 300' from all lot lines</p>

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.08.04.C.2	<p>3.06.08.04. BREWERY, LIMITED. C. Intensity/Character. Parking ratios in the Use Table Matrix for Limited Breweries is "1/1000 sf". There is no clarification whether square feet applies to the Brewery structure or the Brewery overall VaABC licensed area. If the former, it will not address the (at times overflowing) parking situations in current Limited Brewery locations that have overflow parking, street parking where not permitted or safe, and parking on adjacent property front yards.</p> <p>A recommendation was made at the ZOC meeting in July for ZOR Staff to further review ACTUAL Limited Brewery parking to determine how to mitigate the safety, health, and welfare issues currently and when the new ordinance is applied. If Staff is unable to obtain a full and complete list of such cases and complaints via LEx, copies and photos can be sent to James David and/or ZORewrite@loudoun.gov.</p>
3.06.08.04.C.3	<p>3.06.08.04.C BREWERY, LIMITED. LECA Input -- C. Intensity/Character. Can HOURS OF OPERATION be added to be CONSISTENT with other uses of similar scale and intensity. Commercial Winery is 10am to 10pm.</p> <p>Warren County applies the following hours of operation: Microbrewery (Limited Brewery) &amp; Distillery : 9am to 5pm, Brewpub: 9am to 9pm, Winery: 9am to 10pm</p>
3.06.08.04.C.4	<p>3.06.08.04.C.4.i BREWERY, LIMITED. Submitted recommendations for Hours of Operation. Weekdays: Monday through Thursday: 10:00 a.m until 9:00 p.m.</p> <p>3.06.08.04.C.4.ii BREWERY, LIMITED. Hours of Operation. Weekends Friday through Saturday: 10:00 a.m. until 11:00 p.m.</p> <p>3.06.08.04.C.4.iii BREWERY, LIMITED. Hours of Operation. Sunday &amp; Holidays: 10:00 a.m. until 5:00 p.m.</p> <p>P.S.</p> <p><a href="https://law.lis.virginia.gov/vacode/title4.1/chapter1/section4.1-129/">https://law.lis.virginia.gov/vacode/title4.1/chapter1/section4.1-129/</a> Loudoun County can restrict wine/beer sales between 1pm Saturday through 6am Monday.</p>

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.08.04.D & E	<p>3.06.08.04. BREWERY, LIMITED. D. Limited Brewery Events &amp; Special Events. Would the addition of the "or similar activities" would encompass "Trivia Night"? If so, how would the included description for events evaluate the advertising of food truck and/or musicians in newspaper and social media postings on a weekly basis? What is the definition of "planned?" There is no real business marketing difference, evidenced by newspaper postings. This indicate that 250 patrons any night/week would be permitted, regardless of the size of the parcel, facility or operation. This is INCONSISTENT with other Agricultural operations that Scale the quantity of patrons based on quantity of acres and/or size of structure.</p> <p><b>OTHER COUNTIES</b> have addressed this in various ways: <a href="https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-Virginia-Counties-Ordinance-Comparison.pdf">https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-Virginia-Counties-Ordinance-Comparison.pdf</a></p> <p><b>ALBEMARLE COUNTY:</b> Events (by-right) are permitted for Events, weddings, receptions etc. eligibility: Minimum 5 acres crops of fruits grains or other ag products planted on-site or adj. same owner in production (fermentation/bottling processes and on-site tasting room. BY RIGHT: not more than 200 in attendance at any time, subject to the following: ZONING CLEARANCE req'd if: Less than 21ac in size OR generates &gt;50 vehicle trips/day, and &lt;200 persons NOTICE: Written notice to adjacent lots for 1 or more events. Special Events: No kitchen service allowed for Special Events, portable toilets screened</p> <p><b>WARREN COUNTY:</b> Usual and customary activities* for less than 100 persons in attendance at any organized event. Conditional use permit required for more than 100 persons.</p> <p><b>GOOCHLAND COUNTY:</b> Weddings, receptions, reunions or similar on 50 acres or more must have: onsite fermentation; onsite tasting rm; minimum five (5) acres to agricultural products used in production of establishment's beverages. Max attendance calculated = (Parking x 4) - LESS occupancy of tasting room. Limit one event per week. Hours: End by 11pm Fri/Sat, by 10pm Sun thru Thurs. Event areas need 200'setback from all adj properties. Lighting must be dark sky compliant Special Event cannot occur more than eight (8) times per year</p> <p><b>PRINCE WILLIAM COUNTY:</b> More than 150 people require temporary activity permit (Special event)</p> <p><b>CLARKE COUNTY:</b> Classifies Special Event as a) Any assembly, attraction, ceremony, event, festival, gathering, circus, carnival, or show at which rides, games, competitions, attractions, music, dance, or other performing arts are engaged in by participants or provided as entertainment by professional or amateur performers or by prerecorded means, 1) Which involves the raising, charging, donating or re-couping of funds, 2) Which is held at any place other than on property owned by [Gov], or (2) In a permanent enclosed structure; 3) To which the public is invited or admitted;. . . and 5) Which occurs on a parcel of land of six or more acres (a parcel of land of six or more acres may include adjoining parcels with the same</p>

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
	<p>3.06.08.04. BREWERY, LIMITED. D. Limited Brewery Events. Referencing existing codes gives the County better oversight parameters, rather than using a # of attendees; it's difficult, if not impossible for anyone to document the numbers at any given time. If there is a way that a reliable figure could be used to limit the number of attendees/day? If not, then monitoring is a zoning enforcement impossibility, as enforcement is not available on the weekend except by appointment. In the MDODs, an Environmental Impact Review is required if parking for more than 100 vehicles is proposed.</p> <p>3.06.08.04.D.1 BREWERY, LIMITED, PERMITTED BY RIGHT. How will the County monitor the number of attendees for compliance? Can a Brewery, Limited be permitted in ARS and ARN and MDOD lands by Special Exception only, not by right?</p>
3.06.08.04.D & E	<p>3.06.08.04.D.2 &amp; E.2 BREWERY, LIMITED. EVENT &amp; SPECIAL EVENT PARKING. D.2. Events state all parking MUST be provided on site, whereas E.2. Special Events state all parking SHOULD be provided on site out of the public right-of-way. These requirements should be made consistent.</p>
3.06.08.04.E	<p>3.06.08.04. BREWERY, LIMITED. E. Special Event. What is the intent (or justification) for the condition that "subsequent special event shall be at least 2,000 feet from the location of the previous event"? A "one size fits all" approach of "250 persons in attendance" is inconsistent with other Agricultural operations that SCALE the quantity of patrons based on quantity of acres and/or size of structure.</p>
3.06.08.04.E	<p>3.06.08.04. BREWERY, LIMITED. E. Special Event. Use of portable facilities should be only allowed during the specific timing of a special event, not permanent sanitary facilities, circumventing Health Department requirements for adequate septic.</p>
3.06.08.04.E	<p>3.06.08.04. BREWERY, LIMITED. E. Special Event. Review of current weekly newspaper and social media posts show the primary promotion is for current music performers and/or food trucks, not the agricultural product. Some are requiring ticket entrance. How does this make this use in compliance with Code of VA versus being an event venue?</p>
3.06.08.04.F	<p>3.06.08.04.F BREWERY, LIMITED. Prohibited Uses. These are in line with other countys. BRMCA asks whether additional prohibited accessory uses be added to include: Hot Air Balloon Rides; Carnival Inspired Games, (thinking shooting at targets for prizes), live auctions, and any use of firearms?</p>

Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.08.04.G	<p>3.06.08.04.G BREWERY, LIMITED. Sketch Plan / Application Requirements. Statement indicates this section has been moved to a new heading, Application Requirements. Unless this relocated section for Sketch Plan includes the specific references required for Limited Breweries (i.e., tasting, storage, outdoor areas, 300' requirements from property line, etc.) then this section should REMAIN in Section 3.06.08.04.G to ensure all requirements are known and not omitted. Otherwise, a Site Plan should be required.</p> <p>It is important not to set a minimum distance from the Limited Brewery property line, as experience has shown that amplified entertainment and voices carry long distances, well beyond 300 feet.</p> <p>Will Uses with sketch plan vs. site plan requirements be denied approval if insufficient information is provided on an application?</p> <p>Can a permit be revoked if the Use after approval greatly exceeds the standards applied for after opening, based on inspection and volume of issues verified?</p> <p>3.06.08.04.G BREWERY, LIMITEDS. APPLICATION REQUIREMENTS. BRMCA: Suggest that a site plan, including a professional survey of the property boundaries, plats of adjacent or across-the-street lots and their existing uses (residence, school, church, etc), and any existing wells, septic fields, structures, and distances from property lines; placement and plans for any new structures, wells, septic fields, outdoor seating, outdoor lighting, driveways, access points</p>
3.06.08.05.E	<p>3.06.08.05.C. WAYSIDE STANDS. BRMCA indicates, if allowed in the MDODs, a site plan for ingress/egress, emergency access, driveways, and parking must be submitted to XXX, and requires review by Emergency Services, Traffic Division, VDOT. Wayside stands should be operated during full daylight hours only, thus no lighting is allowed. [Consider in advance of Overlay District discussion.]</p>
3.06.08.06.D.1	<p>3.06.08.06.D.1 COMMERCIAL WINERY. SITE SIZE. 10 acre minimum is insufficient if the location hold Events or Special events. Can regulations include the same parameters as Limited Breweries if Events or Special Events? If Events/Special Events are allowed, then 20 acre minimum is more consistent with other similar intensity uses.</p>
3.06.08.06	<p>3.06.08.06. WINERY, COMMERCIAL. It is INCONSISTENT to NOT have regulations for Events permitted by Right and Special Events also defined for Commercial Wineries. Such regulations should be scaled to the size of the operation as is done for other agricultural/agritourism businesses. Can language be applied to cover these issues in detail prior to closing the review on this section?</p> <p>Confirm that new Section 3.06.01.B applies?</p>
3.06.08.06	<p>3.06.08.06 WINERY, COMMERCIAL BRMCA indicates Commercial wineries should not be permitted in MDODs. IF allowed in the MDODs, they must meet all the permit application, set back, buffering, lighting, Special Event regulations, and etc requirements of the Brewery, Limited, for all of the same reasons. [Consider in advance of Overlay District discussion.]</p>
3.06.08.06	<p>3.06.08.06 COMMERCIAL WINERY and VIRGINIA FARM WINERY. PROPOSED LEGISLATIVE ACTION REQUEST. These should have the same requirements for public notice as Brewery, Limited, and is supported by State Code 4.1-230. Will public notice requirements be considered?</p>
3.06.08.06	<p>3.06.08.06 WINERY, COMMERCIAL. Will Section 3.06.01.B address lighting standards for seasonal lighting displays, and dark sky compliance or are separate standards required in Uses?</p>



Section	COMMENTS TO DRAFT TEXT -- USE SPECIFIC STANDARDS
3.06.08.07	<p>3.06.08.07 VIRGINIA FARM WINERY -- USE STANDARDS Required</p> <p>Although this Use did not have Performance Standards outlined in the current zoning ordinance when added as a use circa 2005, based on information over 15+ years shows omission of use specific standards in the new Zoning Ordinance Rewrite is INCONSISTENT to protect the health, safety and welfare of the public. Originally, farm wineries were just tasting rooms for their product. Since ~2015 several have become event locations promoting weddings and concerts. Therefore, similar to other operations, regulations at a minimum should include: Intensity/character, Site size, Location, Size of use, Events by right, Special Events, Location dimension standards, Landscaping/buffering/screening, Parking, Road access, Lighting and Noise that are comparable to other uses of similar scale and intensity. Additional evidence of the need for use-specific standards can be sent upon request to James David and/or ZORewrite@loudoun.gov.</p> <p>OTHER VIRGINIA COUNTIES -- including but not limited to Albemarle, Clarke, Warren, Fauquier, Goochland, Prince William, Greene -- have applied zoning regulations for Farm Wineries and Distilleries in addition to Limited Breweries. See Virginia Counties Comparison Matrix <a href="https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-Virginia-Counties-Ordinance-Comparison.pdf">https://loudouncoalition.org/wp-content/uploads/2020/04/ZOR-2021-Virginia-Counties-Ordinance-Comparison.pdf</a></p>
3.04	<b>3.04 ACCESSORY USES</b>
3.04.E.3	<p>3.04.E.3 ACCESSORY USES. Home Occupation Parking and Visibility and F.5. Outdoor Storage, Parking. How will vans/trucks with business signage be evaluated for parking requirements for E.3 and visilbity for "no visible evidence of the conduct of the home occupation . . . ."? </p>
3.05	<b>3.05 TEMPORARY USES</b>
3.05.D.2	<p>3.05.D TEMORARY USES. SPECIAL EVENTS.</p> <p>2. Confirming--does this NOT apply to residential properties in ARN and ARS?</p> <p>Also, other than the requirement for 2 acres, will there be NO limit on the number of attendees for this small of a parcel?</p> <p>4.b. Minimum Standards. If a location cannot "reasonably accommodate" the proposed event, should there be a sliding scale allowance by actual size of parcel and intensity based on event site plan?</p>
3.05.D	<p>3.05. TEMORARY USES. SPECIAL EVENTS. Somewhere (circa 2015) I found the definition of Special Event for Loudoun included that "a Special Event is open to the public and is planned or reasonably expected to attract large assemblies of persons." Can this be added to (or added back) to the standards for Special Event?</p>
3.05.D.7	<p>3.05.D TEMORARY USES. SPECIAL EVENTS. 7. Maximum number of non-exempt Special Events per property. What is an example of a Special Event being 2000 feet from the location of the previous event? Is this intended for Morvan Park or Oatlands?</p>