

From: Beth Erickson <erickson@visitloudoun.org>

Sent: Wednesday, September 15, 2021 2:14 PM

To: Chris Suarez <chris.suarez@bearchasebrew.com>; janell@dirfarmbrewing.com; Tolga Baki <tolga@hillsboroughwine.com>; Marty Dougherty <marty@bchordbrewing.com>; Ronda Powell <ronda@old690.com>; Blosser, Chris <Chris.Blosser@loudoun.gov>; John Branding <john@wheatlandspring.com>; 'Grafton DeButts (gdebutts@loudounchamber.org)' <gdebutts@loudounchamber.org>; briarpatchbandb@gmail.com; Aimee Henkle (aimee@lostcreekwinery.com) <aimee@lostcreekwinery.com>; bozzofamilyvineyards1 <bozzofamilyvineyards1@verizon.net>; Janet Kernan <jan@bleufrogvineyards.com>

Subject: [EXTERNAL] Update on draft ZOC language

Staff briefed ZOC this morning that they are walking back proposed draft revisions to Use Specific Standards for "Brewery, Limited" as well as "B&B, Country Inn and Rural Resort" after hearing from DED/Visit Loudoun/Chamber as well as members of the industry about the hardships it would put on existing businesses. I imagine that when we see winery ordinances, they will follow accordingly, but I do not have anything specific to share.

Please find the revised language attached.

This is a critical step but I imagine it will be only one in the process and that members of ZOC may request language be added back in. That's why I believe continued education is important. I also want to share that at this week's [Finance/Government Operations and Economic Development Committee](#) there was a report from EDAC (Economic Development Advisory Commission) that shared their concern for the amount of time ZOC is spending on rural businesses when the direction was to largely leave the rural policy area alone. They also voiced concern about imposing new restrictions on businesses. That was a helpful and timely report that was very well received.

On behalf of the industry, I have thanked Buddy, Colleen and Chris as DED's insight has been invaluable. The Chamber has also been hard at work on this issue and I've copied Grafton to not only keep him in the loop, but to thank them for their support. May I suggest that an email be sent to the Board of Supervisors for their support—especially to Supervisors Kershner and Buffington and their staff?

Our industry has a lot of allies and Staff recognizing the importance of preserving our rural economy is good news. Frankly, this entire email is good news.

Have a great afternoon.

Beth Erickson, CTA, CDME
President & CEO

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Leesburg, VA 20175

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2 Attachments



3.06.01 Purpose and Applicability

A. **Purpose.** The purpose of this section is to establish standards for specific uses to minimize negative impacts on neighboring properties, implement State and federal law, and ensure the orderly development of a diversity of land uses within the county. These standards will provide uniformity in the criteria for development approval, protect the public health, safety and welfare, and protect property values and economic development. These standards are consistent with and support The Loudoun County 2019 General Plan.

B. **Applicability.** ~~The use specific standards of this section apply in addition to all other applicable standards and regulations within this ordinance unless otherwise stated. In addition to the use specific standards of this section, the uses identified in this section are subject to all other applicable standards and regulations within this ordinance unless otherwise stated. These standards and regulations shall include, but not be limited to: Exterior Lighting (Section 5.12), Landscaping/Buffering/Screening (Section 5.07), Noise (Section 5.12), Parking (Section 5.05) and Roads/Access (Section 5.13).~~

~~Where applicable, a structure existing prior to January 7, 2003, that is: 1) located within a County Historic Site (HS) District or Historic and Cultural Conservation (HCC) District under Section et seq.; 2) listed or eligible for listing in the Virginia Landmarks Register (VLR) or the National Register of Historic Places (NRHP); or 3) listed or eligible for listing as a contributing resource to a VLR or NRHP listed or eligible Historic District, may be used in accordance with this section and is exempt from the minimum lot area, and set back from lot line requirements. Any expansion or enlargement of that structure shall not exceed 15% of the total floor area existing prior to January 7, 2003. Documentation shall be provided to the Zoning Administrator demonstrating that the Virginia Department of Historic Resources has confirmed the listing or eligibility of structures. MOVED THIS LANGUAGE TO ADAPRIVE REUSE SECTION 5.09.~~

C. **Conditions.** In addition to any standards in this Section 3.06, a use shall conform to any proffers applied pursuant to a zoning amendment (Section 7.08), conditions imposed pursuant to a special exception or minor special exception (Section 7.09) or variance (Section 7.13) review, or conditions or proffers applied pursuant to a planned unit development review (Section 7.10).

3.06.08.04 Brewery, Limited

A. Applicability

1. This section applies to limited breweries.
2. Limited breweries shall be licensed as a Limited Brewery in accordance with Title 4.1 of the Code of Virginia, as amended.
3. No Limited Brewery shall be established either as the initial use of the subject property or by change of use of the property until a sketch plan is approved per Chapter 7.
4. The owner of a limited brewery **must is requested to** contact the Loudoun County Department of Fire, Rescue and Emergency Management and Department of Building and Development for an informational inspection of the building(s) or structure(s) to be used for the limited brewery prior to establishing the use.

B. **Location.** A limited brewery shall be located on a farm on land zoned agricultural. **For purposes of this definition, "farm" means one or more contiguous parcels of land, totaling at least 10 acres, owned or leased by the licensed limited brewery and used as an "agricultural operation" or "production agriculture and silviculture" as defined in Section 3.2-300 of the Code of Virginia.**

C. Intensity/Character.

1. Outdoor tasting rooms or similar outdoor activities must be set back at least 50 feet from all lot lines of adjacent agriculturally or residentially zoned properties under separate ownership.

D. **Limited Brewery Event.** **For the purposes of this section, a "Limited Brewery Event" is any planned event conducted at a limited brewery on one or more days, where the purpose is agritourism or to promote beer sales, and which includes any of the following: receptions where beer is sold or served; beer club meetings and activities; beer tasting educational seminars; beer tasting luncheons, business meetings, and corporate luncheons with a focus on selling beer; gatherings with the purpose of promoting sales to the trade, such as restaurants, distributors, and local chamber of commerce activities; brewmasters' dinners where beer is paired with food; agritourism promotions; fundraisers and charity events; or similar activities. On-premises sale, tasting, or consumption of beer during regular business hours within the normal course of business, and private parties are not deemed "Limited Brewery Events."**

1. **Permitted By Right.** Limited brewery events are permitted by right at a limited brewery if no more than 250 persons are in attendance at the brewery at any time and the events are related to agritourism or beer sales.
2. **Parking.** All parking for those events must be provided on site. Parking must meet the standards and requirements of Section 5.05.03.

E. **Limited Brewery Special Event.** **For purposes of this section, a "Limited Brewery Special Event" is any planned event conducted at a limited brewery on one or more days, where the purpose is agritourism or to promote beer sales, and which includes beer festivals or any event identified as a Limited Brewery Event in which more than 250 persons are in attendance at the brewery at any time. On-premises sale, tasting or consumption of beer during regular business hours within the normal course of business, and private parties are not deemed "Limited Brewery Special Events."**

1. **Frequency.** Within a single calendar year, the same property may host no more than 10 limited brewery special events pursuant to this subsection. The temporary use permits for these special events may be reviewed and approved concurrently. At least 14 days shall lapse between special events on any one property, or the subsequent special event shall be at least 2,000 feet from the location of the previous event.
2. **Parking.** All parking for limited brewery special events should be provided on-site out of the public right-of-way. If any special event parking is provided off-site, a shuttle service must be provided.



3. **Approval.** Special events shall receive approval pursuant to Section 3.05.
- F. **Prohibited Uses.** The following uses/activities are prohibited accessory uses at any Limited Brewery:
1. Helicopter rides
 2. Grocery, convenience or general stores
 3. Go-kart, motorized bike or four-wheeler trails, tracks or rides
 4. Amusement park rides
 5. Flea markets
 6. Other uses that the Zoning Administrator determines are similar in nature or in impact to those listed above.
- G. **Private Access Easements.** Limited Breweries that share a private access easement with another property owner/s, must show the easement allows a use of this type or written permission must be obtained by the sharing parties.

Draft 09/14/21

3.06.03.01 Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, and Rural Resorts

- A. **Applicability.** This section applies to any Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, or Rural Resort that is established either as the initial use of the subject property, by change of use of the property, or by conversion of one use to another.
- B. **Approval.** No Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn or Rural Resort shall be established until a **sketch plan or site plan, as applicable**, for the proposed use is approved and the appropriate building permit and applicable Fire Prevention Code permits obtained. ~~Additional approval requirements are listed in Section 3.02 and on a per use basis in the following subsections.~~

C. **Private Parties**

- 1. Private parties are subject to the maximum attendees, times and durations described below:

Table 3.06.03.01-1 Private Parties		
Use	Maximum attendees (including overnight guests) for parties allowed on daily basis	Times per calendar year that parties may exceed maximum daily guests
Bed and Breakfast Homestay	20	10
Bed and Breakfast Inn	50	20
Country Inn	100	20
Rural Resort as Event Facility (see subsection G.7)	See Section 3.06.04.03	See Section 3.06.04.03

- 2. **Hours of Operation.** Hours of operation for private parties are limited to 7:00 AM to 12:00 midnight.
 - 3. **Landscaping/Buffering/Screening.** Outdoor private party areas shall meet the requirements of Section 5.07.03.A.6, regardless of the size of the adjacent property. For Bed and Breakfast Homestays or Bed and Breakfast Inns, the Zoning Administrator may waive this requirement in whole or in part in accordance with Section 5.07.07 or if the adjacent property owner(s) provides written consent to waive all or part of the required landscaping/buffering/screening requirements.
 - 4. **Permits.** For Bed and Breakfast Homestays, Bed and Breakfast Inns, or Country Inns, private parties for more than the maximum daily attendees require approval of a Building Permit to allow the structure to be used for the private parties and a Zoning Permit for each private party. A Zoning Permit shall be applied for at least thirty (30) days in advance of each private party, or at least 30 days in advance of the first private party of the calendar year if the dates of all those private parties are listed. The Zoning Permit application shall be accompanied by a copy of the approved Building Permit and proof of any necessary approvals from County agencies, such as the Health Department and Fire Official.
- D. **Bed and Breakfast Homestay.** The following standards apply to a Bed and Breakfast Homestay:
- 1. **Intensity/Character.**
 - a. **Management.** The owner of the premises shall reside on the premise and manage the Bed and Breakfast Homestay.
 - b. **Guest Rooms.** A maximum of 4 guest rooms are permitted.
 - c. **Lot Size.** No minimum lot area.
 - d. **Food Service.** The Bed and Breakfast Homestay shall not contain restaurant facilities, but may provide food service only for overnight guests or private party attendees.
 - 2. **Exterior Lighting.** In addition to the requirements of Section 5.12, the maximum height of pole-mounted exterior lighting is 12 feet.

3. **Noise.** No outdoor music permitted between 11 PM and 10 AM on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, and between 10 PM and 10 AM on any other day.
 4. **Roads/Access.** For any Bed and Breakfast Homestay that is located on a lot which does not have access to a Class II or Class III road, the property owner shall provide documentation to the Zoning Administrator demonstrating that the establishment has permission to use the private road or private access easement serving such lot..
- E. **Bed and Breakfast Inn.** The following standards apply to a Bed and Breakfast Inn:
1. **Intensity/Character.**
 - a. **Number Permitted.** Only a single Bed and Breakfast Inn use type, and its related uses and accessory uses, is permitted on a lot in the ARN, ARS, and A-3 zoning districts.
 - b. **Management.** The owner or manager of the premises shall provide full-time management at all times when the Bed and Breakfast Inn is occupied by overnight guests or private party attendees. An owner or manager may live on the premises and must be onsite at all times when the Bed and Breakfast Inn is occupied by overnight guests or private party attendees.
 - c. **Guest Rooms.** The number of guest rooms shall not exceed 10.
 - d. **Lot Area.** The minimum lot area is 5 acres.
 - e. **Size of Use.** Maximum floor area ratio: 0.04.
 - f. **Food Service.** The Bed and Breakfast Inn shall not contain restaurant facilities, but may provide food service only for overnight guests or private party attendees.
 - g. **Yard Standards.** Parking shall be setback 40 feet from all lot lines.
 2. **Landscaping/Buffering/Screening.**
 - a. New driveways providing access to a Bed and Breakfast Inn use shall not be located within a required buffer yard area except as necessary to access the site.
 3. **Exterior Lighting.** Exterior lighting for a Bed and Breakfast Inn is subject to Section 5.12.A.1-3 (Exterior Lighting Standards). In addition to the requirements of Section 5.12, the maximum height of pole-mounted exterior lighting, outside of parking areas is 12 feet.
 4. **Noise.** Outdoor music is not permitted between 11 PM and 10 AM on Friday, Saturday, and any evening preceding a holiday recognized by Loudoun County, or between 10 PM and 10 AM on any other day.
 5. **Roads/Access.**
 - a. For any Bed and Breakfast Inn that is located on a lot which does not have access to a Class II or Class III road, the property owner shall provide documentation to the Zoning Administrator demonstrating that the establishment has permission to use the private road or private access easement serving the lot.
 - b. Only two points of access are permitted for the Bed and Breakfast Inn.
 6. **Historic Property.** A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Bed and Breakfast Inn and is exempt from the minimum lot area, yard and floor area ratio requirements specified above. 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.
- F. **Country Inn.** The following applies to a Country Inn:
1. **Approval.** Minor special exception review and approval is required in ARN, ARS, and A-3 zoning districts if a Country Inn contains a restaurant that serves more than 100 persons.;
 - a. more than 20 guest rooms, or
 - b. multiple structures, or

- c. ~~a restaurant that serves more than 100 persons.~~

2. Intensity/Character.

- a. **Number Permitted.** Only a single Country Inn use type, and its related uses and accessory uses, is permitted on a lot in the ARN, ARS, and A-3 zoning districts.
- b. **Management.** The owner or manager of the premises shall provide full-time management at all times when the Country Inn is occupied by overnight guests or private party attendees. An owner or manager may live on the premises ~~and must be onsite at all times when the Country Inn is occupied by overnight guests or private party attendees.~~
- c. **Guest Rooms.** The number of guest rooms shall not exceed 40.
- d. **Minimum Lot Area.** The minimum lot area is 20 acres.
- e. **Size of Use.**
 - i. The floor area ratio must not exceed 0.04.
 - ii. Any restaurant and indoor Banquet/Event Facilities located on the property shall not exceed 49 percent of the total floor area of the Country Inn.
- f. **Food Service.**
 - i. Food service may be provided for overnight guests and private party attendees.
 - ii. Full-service restaurant facilities may be provided to the general public in accordance with the individual Zoning District regulations.
- g. **Yard Standards.**
 - i. The Country Inn use shall be setback 100 feet from all lot lines.
 - ii. Parking shall be setback 100 feet from all lot lines.
 - iii. Outdoor private party areas shall be setback 200 feet from all lot lines or 100 feet from a lot line of a property having a commercial use.
- h. **Accessory Use.** A maximum of 10% of the gross floor area of the Country Inn may be composed of accessory day treatment, spa facilities.

3. Landscaping/Buffering/Screening.

- a. New driveways providing access to the Country Inn shall not be located within a required buffer yard area except as necessary to access the site.

4. Exterior Lighting.

All exterior lighting shall comply with the standards of Section 5.12.A.1-3 (Exterior Lighting Standards). In addition to the requirements of Section 5.12, the maximum height of pole-mounted exterior lighting, outside of parking areas, shall be 12 feet.

5. Noise.

No outdoor music shall be permitted between 12 AM (midnight) and 7 AM.

6. Roads/Access.

- a. For any Country Inn that is located on a lot which does not have access to a Class II or Class III road, the property owner shall provide documentation to the Zoning Administrator demonstrating that the establishment has permission to use the private access easement serving such lot..
- b. Only two points of access for a Country Inn.

7. Historic Property.

A structure existing prior to January 7, 2003, located within an Historic Site District or Historic and Cultural Conservation District may be used as a Country Inn and is exempt from the minimum lot area, yard and floor area ratio requirements specified above. Any expansion or enlargement of a 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.

G. Rural Resorts.

The following standards apply to rural resorts:

1. **Parcel Size.** The minimum lot area of rural resorts shall comply with Section 3.06.03.01.G.8.a, except when located within the buffer area of a Planned Development-Rural Village (PD-RV) district.
2. **Separation Requirement.** When not located within a Planned Development-Rural Village (PD-RV) district, rural resorts shall be appropriately sited so as not to infringe on the character of any existing village. At a minimum, rural resorts shall be located at least 1 mile from the boundaries of an existing Village Conservation Overlay District or an existing PD-CV or PD-RV zoned parcel.
3. **Setbacks.** All new buildings, active recreational areas, parking, and lighted areas shall be set back a minimum of 200 feet from adjacent properties.
4. **Access.** All rural resorts shall comply with the road access standards in Section 5.13.
5. **Water and Sewer.** The establishment shall be served by public water and sewer if located in a PD-RV district. Otherwise, the establishment shall be served by a communal water system and a communal wastewater collection and treatment system. Communal water and sewer systems may be located within the open space.
6. **Open Space.** A minimum of 75% of the site shall remain as open space. Recreational uses customarily incidental and subordinate to the rural resort permitted in the open space area may include: swimming pools and related facilities, boating facilities, tennis and other sports courts, equestrian facilities, picnic areas, golf courses and related facilities, ballfields, children’s play equipment and passive recreation facilities. Driveways and parking areas supporting these recreational facilities may also be located in the open space area.
7. **May be Open to Public.** These establishments may be open to the general public for patronage. A Rural Resort may be permitted as an Event Facility pursuant to Section 3.06.04.03 by Minor Special Exception.
8. **Additional Standards for Certain Districts.** In the ARN, ARS, TLN and TR-2 districts, rural resorts shall comply with the following additional regulations in addition to the general regulations identified above. Where there is a conflict between these regulations and the general regulations controlling the development of rural resorts, these standards shall control.

a. **Intensity/Character.** The lot area, guest room, and yard requirements for rural resorts are as follows:

Minimum Lot Size	Nos. of Guest Rooms	Minimum Required Yard (From All Lot Lines)
40 acres	Up to 20 rooms	125 feet
60 acres	21-40 rooms	200 feet
80 acres	41-60 rooms	250 feet
100 acres	61-80 rooms	300 feet
120 acres	81-100 rooms	350 feet
150 acres	101-120 rooms	375 feet

More than 120 rooms requires special exception approval pursuant to Section 7.09

b. **Size of Use.**

- i. Any restaurant and Banquet/Event Facilities, and conference and training facilities shall be less than 50 percent of the total floor area of the rural resort.
- ii. Outdoor storage related to the rural resort facilities is permitted.
- iii. Maximum Floor Area Ratio: 0.04.

c. **Landscaping/Buffering/Screening.**

- i. Driveways shall not be located within a required buffer yard area except as necessary to access the site.



- d. **Roads/Access.**
 - i. Only two points of access are permitted to a rural resort. This requirement does not preclude an additional access for emergency vehicles only.
- e. **Parking.**
 - i. **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.
- f. **Noise.** Outdoor music is not allowed after 11:00 PM.

Draft 09/14/21



September 15, 2021

Loudoun County Board of Supervisors
1 Harrison St, SE
5th Floor
Leesburg, VA 20175

Chair Randall and Members of the Loudoun County Board of Supervisors,

On behalf of the Loudoun Chamber, our Board of Directors and 1,100 members, I write to you today to convey our deepest concerns with both the conduct and the focus of the Zoning Ordinance Committee, as they work on the process of revising the County's Zoning Ordinances.

In September of 2020, we submitted comment voicing our concern replacing the effective the Zoning Ordinance Action Group with the Zoning Ordinance Committee.

In our letter, we raised a serious concern that because the intent of the 2019 General Plan has been set and approved by the Board it is:

“unnecessary and even duplicative for ZOC to be another committee of interested citizens offering their perspectives on County policy. If the intent of ZOC is to value balanced representation of interest groups over technical expertise, the committee will quickly become just another policy advisory group whose voices are already represented elsewhere throughout the County or whose ideas are already addressed in the 2019 Comprehensive Plan.”

ZOC has now been discussing the rewrite for almost four months and these fears have become a reality. Meeting after meeting, members of this committee insist on focusing the group's limited time and attention on the Rural Policy Area, an area the Board of Supervisors intentionally left largely unaddressed in the adopted 2019 General Plan. It has become clear that ZOC meetings are being dominated by a small group of members seeking to redeliberate the adopted 2019 Comprehensive Plan and reopen policy discussion within the RPA, under the guise of use standards.

Even more egregious is this vocal minority's continued public targeting of the rural business community and their attempt, without merit or objective basis, to apply overly restrictive specific use standards to these businesses that either conflict with state code or are not required of other use types.

If this committee is allowed to continue on this path, the Planning Commission and County staff will gain none of the valuable technical guidance previously offered by ZOAG, while many law-abiding employers and taxpayers will continue to see their livelihoods and reputations impugned by members of an official arm of Loudoun County government.

The Loudoun Chamber implores you to exercise your authority to both respect the original intent of the revised 2019 General Plan and focus its efforts on maximizing the potential of Loudoun's Urban and Suburban Policy Areas. We also ask that all ZOC members be directed to refrain from the public disparagement of individual businesses and industry sectors, especially those so essential to Loudoun's economy and way of life.

Sincerely,

A handwritten signature in black ink, appearing to read "G. deButts". The signature is fluid and cursive, with a large initial "G" and a stylized "deButts".

Grafton deButts
Vice President of Membership & Government Affairs
Loudoun Chamber

From: **Maura Walsh-Copeland** <Maura@walsh-copelandconsulting.com>

Date: Fri, Sep 24, 2021 at 4:02 PM

Subject: Fwd: REDC ZOR Ad hoc Committee Meeting

To: David, James <James.David@loudoun.gov>

Cc: Ray, Alaina <Alaina.Ray@loudoun.gov>, Turner, Valmarie <Valmarie.Turner@loudoun.gov>

James,

Sorry I was not able to reach you today for a "heads up " The purpose of my call was to alert you that

1. I have received several inquiries based on the following two emails being circulated more broadly than the distribution lists below (as does happen with anything on the internet);
2. Concerns have also been voiced regarding the Loudoun Chamber's Sept. 15th letter to the BOS stating, *"their [ZOC's] attempt, without merit or objective basis, to apply overly restricting specific use standards to these businesses that either conflict with state code or are not required of other use types,"* as this statement is false on three points, and
3. Questions and concerns regarding the process by which STAFF-PREPARED ZOR draft text was removed due to complaints from rural tourism businesses without balanced input from other stakeholders.

As you are keenly aware, ZOC *reviews* draft text written by STAFF and your consultants with their professional opinion based on over 18 months' review of [Round 1 and Round 2 focus group public input](#) from business, environmental and residential interests. Text was not written by ZOC. The ZOR draft text prepared was also consistent with Staff's professional opinion seven years ago, which was also struck in 2014 (at the request of ZOAG, PC and business interests -- a comment received was "*deja vu*").

As discussed with Valmarie, the removal of text drafted by Staff at the complaint/request of rural tourism businesses -- before ZOC, Planning Commission or public notice or review -- is being questioned as being highly inappropriate and an unbalanced decision in light of all Round 1 and Round 2 focus group input and supporting materials provided.

Contrary to Ms. Erickson's statement, these changes were not clearly outlined at the Sept. 15th ZOC meeting and are now beginning to be understood more widely due to the circulating emails. As an immediate step, I strongly recommend that a ZOR Staff member attend or monitor the REDC ZOR Ad-Hoc committee meeting on Wed. Sept. 29th at 4pm to ensure an accurate explanation for how and why these unbalanced actions were made is provided, and control of incorrect information to not further exacerbate gasoline being poured on a growing bonfire.

Thank you,

Maura
LCPCC ZOC Representative

~~~~~  
Maura Walsh-Copeland



----- Forwarded message -----

From: **Turner, Valmarie** <[Valmarie.Turner@loudoun.gov](mailto:Valmarie.Turner@loudoun.gov)>

Date: Mon, Sep 27, 2021 at 1:23 PM

Subject: RE: [EXTERNAL] Fwd: REDC ZOR Ad hoc Committee Meeting

To: Fleger, Katie <[Katie.Fleger@loudoun.gov](mailto:Katie.Fleger@loudoun.gov)>, Alta Jones <[altajones79@aol.com](mailto:altajones79@aol.com)>, Avis Renshaw <[mom@momsapplepieco.com](mailto:mom@momsapplepieco.com)>, Bartok, Robin <[Robin.W.Bartok@loudoun.gov](mailto:Robin.W.Bartok@loudoun.gov)>, Beth Erickson <[erickson@visitloudoun.org](mailto:erickson@visitloudoun.org)>, Blosser, Chris <[Chris.Blosser@loudoun.gov](mailto:Chris.Blosser@loudoun.gov)>, Carey, Stacy <[Stacy.Carey@loudoun.gov](mailto:Stacy.Carey@loudoun.gov)>, Chris VanVlack <[chris.vanvlack@lswcd.org](mailto:chris.vanvlack@lswcd.org)>, Gem Bingol <[gbingol@pecva.org](mailto:gbingol@pecva.org)>, Grafton Debutts <[gdebutts@loudounchamber.org](mailto:gdebutts@loudounchamber.org)>, Janell Zurschmeide <[janell@dirtfarmbrewing.com](mailto:janell@dirtfarmbrewing.com)>, Janet Kernan <[jankernan@mac.com](mailto:jankernan@mac.com)>, Jeff Browning <[jeff@browningequipment.com](mailto:jeff@browningequipment.com)>, K Foltman <[kelly.foltman@gmail.com](mailto:kelly.foltman@gmail.com)>, Kardasz, Colleen <[Colleen.Kardasz@loudoun.gov](mailto:Colleen.Kardasz@loudoun.gov)>, Lawrence Malone <[lpm.redc@gmail.com](mailto:lpm.redc@gmail.com)>, Magistro, John <[John.Magistro@loudoun.gov](mailto:John.Magistro@loudoun.gov)>, Maura Walsh-Copeland <[maura@walsh-copelandconsulting.com](mailto:maura@walsh-copelandconsulting.com)>, Rizer, Buddy <[Buddy.Rizer@loudoun.gov](mailto:Buddy.Rizer@loudoun.gov)>, Wendy Bebie <[wendybiebie@icloud.com](mailto:wendybiebie@icloud.com)>, Ray, Alaina <[Alaina.Ray@loudoun.gov](mailto:Alaina.Ray@loudoun.gov)>

Maura, et. al:

Thank you for raising these concerns and for your ongoing dedication to the ZO Rewrite effort. Clearly, whether to add regulations for limited breweries in the use specific standards section of the ZO has generated significant community and ZOC interest. I have discussed your concerns with staff and want to give a full synopsis of the process.

As you will recall, the process for ZOC review of draft text was discussed with the ZOC members at the beginning of the ZOC deliberations. The ZOC discussed a range of issues during the first several months of meetings and staff has been preparing draft text in response to those discussions. This initial draft text is not necessarily staff's recommendation but either a starting point for the ZOC to consider and discuss or a synopsis of ZOC comments. As you are aware, ZOC members submit comments, questions, and suggested edits which are captured in the EnCodePlus online zoning platform and converted to a spreadsheet. Staff then responds to each comment in EnCodePlus, and provides those responses via spreadsheet back to the ZOC members for full transparency on any staff modifications to the text in response to the comments. This is considered the "pre-referral" phase.

As you may also recall, because of the voluminous materials ZOC and staff must work through during this phase, it was decided at the beginning of the process that any text revisions staff makes subsequent to ZOC's pre-referral input would not immediately be brought back to ZOC for further review until this first pre-referral phase is complete. However, the comment spreadsheets are provided back to ZOC with staff responses throughout the process and the ZOC members can access EnCodePlus to see staff's revisions and responses in real-time – giving ZOC members the ability to track the changes immediately. Also, following the pre-referral phase the revised draft ZO will be brought back to ZOC for additional review and comment.

As staff reviews ZOC input and considers revisions to the ZO during this pre-referral phase, staff conducts additional vetting with consultants, groups that may be most affected by certain proposed revisions, and other departments and agencies.

Staff explored adding language for breweries, in response to initial input from ZOC members, to create a distinction between by-right daily operations, by-right brewery events up to a specified number of attendees, and special events that would require special event permit review. The initial draft language was not a staff recommendation, but a starting point for ZOC review and discussion. In response to this draft text, staff received input from the community both in support and opposed to the potential revisions. Staff continued to vet the draft language with stakeholders who would be most impacted by the revisions and with the Department of Economic Development, which is intricately involved in the County's rural economy efforts. This vetting revealed that the revisions desired by some ZOC members and community members would likely result in significant hardships for existing businesses that have already been negatively impacted over the last 18 months due to COVID-19 restrictions. Staff determined – by, again, thoroughly vetting the draft language – that supporting regulations that would harm existing business would negatively impact the rural economy; which is not the intent of the ZO Rewrite.

In keeping with the established process for ZOC review, the comment spreadsheets were provided back to ZOC reflecting staff's current position regarding changes to the brewery regulations. These responses were also immediately made available for ZOC review in EnCodePlus. Staff's draft recommendations will also be brought back to the ZOC for further review during the 90-day public referral process. Once the 90-day referral phase is complete, staff will finalize any additional revisions in response to the referral comments and prepare the draft ZO for presentation to the Planning Commission (Commission). It is important to note that the version of the draft ZO that is presented to the Commission will be a "staff recommended" document. Therefore, not all recommendations made by ZOC members, community groups, and the public will be reflected in the draft ZO, as staff may not agree with or be able to support some recommendations. However, all comments, suggested edits, and recommendations provided by the ZOC members, community groups, and the public will be transmitted to the Commission and any topics that were especially controversial or that staff could not support during the ZOC deliberations will be brought to the Commission's attention for further discussion. The Commission will have the opportunity to evaluate staff's recommendations, ZOC input, and feedback from community groups, stakeholders, and the public before making their recommendations to the Board of Supervisors.

It is still early in the ZO Rewrite project timeline and there will continue to be numerous opportunities for community groups and citizens to provide comments on draft conceptual regulations. We want to hear from everyone in this important process. The public can continue to check [www.loudoun.gov/zoningordinancerewrite](http://www.loudoun.gov/zoningordinancerewrite) for project information and dates.

Thanks again for all that you do!

Valmarie

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----- Forwarded message -----

From: **Maura Walsh-Copeland** <[Maura@walsh-copelandconsulting.com](mailto:Maura@walsh-copelandconsulting.com)>

Date: Mon, Sep 27, 2021 at 3:45 PM

Subject: Re: [EXTERNAL] Fwd: REDC ZOR Ad hoc Committee Meeting

To: Turner, Valmarie <[Valmarie.Turner@loudoun.gov](mailto:Valmarie.Turner@loudoun.gov)>

Cc: Fleger, Katie <[Katie.Fleger@loudoun.gov](mailto:Katie.Fleger@loudoun.gov)>, Alta Jones <[altajones79@aol.com](mailto:altajones79@aol.com)>, Avis Renshaw <[mom@momsapplepieco.com](mailto:mom@momsapplepieco.com)>, Bartok, Robin <[Robin.W.Bartok@loudoun.gov](mailto:Robin.W.Bartok@loudoun.gov)>, Beth Erickson <[erickson@visitloudoun.org](mailto:erickson@visitloudoun.org)>, Blosser, Chris <[Chris.Blosser@loudoun.gov](mailto:Chris.Blosser@loudoun.gov)>, Carey, Stacy <[Stacy.Carey@loudoun.gov](mailto:Stacy.Carey@loudoun.gov)>, Chris VanVlack <[chris.vanvlack@lswcd.org](mailto:chris.vanvlack@lswcd.org)>, Gem Bingol <[gbingol@pecva.org](mailto:gbingol@pecva.org)>, Grafton Debutts <[gdebutts@loudounchamber.org](mailto:gdebutts@loudounchamber.org)>, Janell Zurschmeide <[janell@dirtfarmbrewing.com](mailto:janell@dirtfarmbrewing.com)>, Janet Kernan <[jankernan@mac.com](mailto:jankernan@mac.com)>, Jeff Browning <[jeff@browningequipment.com](mailto:jeff@browningequipment.com)>, K Foltman <[kelly.foltman@gmail.com](mailto:kelly.foltman@gmail.com)>, Kardasz, Colleen <[Colleen.Kardasz@loudoun.gov](mailto:Colleen.Kardasz@loudoun.gov)>, Lawrence Malone <[lpm.redc@gmail.com](mailto:lpm.redc@gmail.com)>, Magistro, John <[John.Magistro@loudoun.gov](mailto:John.Magistro@loudoun.gov)>, Rizer, Buddy <[Buddy.Rizer@loudoun.gov](mailto:Buddy.Rizer@loudoun.gov)>, Wendy Bebie <[wendybebie@icloud.com](mailto:wendybebie@icloud.com)>, Ray, Alaina <[Alaina.Ray@loudoun.gov](mailto:Alaina.Ray@loudoun.gov)>, Al Van Huyck <[al.vanhuyck@gmail.com](mailto:al.vanhuyck@gmail.com)>, Joe DONOVAN <[Jdonovan@beaconcapital.com](mailto:Jdonovan@beaconcapital.com)>, Martha Polkey <[mp@loudouncoalition.org](mailto:mp@loudouncoalition.org)>, John Adams <[adams@rockcroftfarm.com](mailto:adams@rockcroftfarm.com)>, Tia Walbridge <[tiawalbridge@gmail.com](mailto:tiawalbridge@gmail.com)>, [Pqweeks@aol.com](mailto:Pqweeks@aol.com) <[pqweeks@aol.com](mailto:pqweeks@aol.com)>, owen snyder <[owensnyder1@gmail.com](mailto:owensnyder1@gmail.com)>, Gladys <[gladyslewis@verizon.net](mailto:gladyslewis@verizon.net)>, emily houston <[emilyzs@yahoo.com](mailto:emilyzs@yahoo.com)>, Margaret Good <[margaretgood1@gmail.com](mailto:margaretgood1@gmail.com)>, Madeline Skinner <[mfskinner202@gmail.com](mailto:mfskinner202@gmail.com)>, Joyce Harris <[JZHarris@verizon.net](mailto:JZHarris@verizon.net)>, ROBERT WRIGHT <[rcwright\\_va@comcast.net](mailto:rcwright_va@comcast.net)>, Michael Myers <[mmyers@loudounwildlife.org](mailto:mmyers@loudounwildlife.org)>, John <[johngriffinellis@gmail.com](mailto:johngriffinellis@gmail.com)>, Tara's Rstar <[tara@rstarmail.com](mailto:tara@rstarmail.com)>, emily southgate <[ewbsouthgate@gmail.com](mailto:ewbsouthgate@gmail.com)>, Jennifer Worcester Moore <[jennifer@piedmontheritage.org](mailto:jennifer@piedmontheritage.org)>, Robert Pollard <[pollardra@hotmail.com](mailto:pollardra@hotmail.com)>, Price, Steve <[sprice@mccandlishlawyers.com](mailto:sprice@mccandlishlawyers.com)>, Katie Johnson <[kejohnson86@gmail.com](mailto:kejohnson86@gmail.com)>, Natalie Pien <[natcpien1@gmail.com](mailto:natcpien1@gmail.com)>, Jim Hanna <[jimhanna12@gmail.com](mailto:jimhanna12@gmail.com)>, <[pedaley@verizon.net](mailto:pedaley@verizon.net)>, Paul Lawrence <[plawrence@waterskraus.net](mailto:plawrence@waterskraus.net)>, Avis Renshaw <[ahveear@gmail.com](mailto:ahveear@gmail.com)>, <[Roger.Vance@loudoun.gov](mailto:Roger.Vance@loudoun.gov)>

Valmarie,

Thank you for your quick response to our conversation last Thursday and the heads up note on Friday. As I have been asked to explain this matter at the LCPC monthly meeting tomorrow (Tuesday), I do believe there are key clarifications/corrections to your summary and chronology that should be made.

Since the beginning of the Zoning Ordinance Rewrite in January, 2020, first ZOAG and then ZOC were positioned to function as a "sounding board vs. writing regulations." (1/29/2020 PPT). ZOC was told at that time it would be reviewing proposed text written based on Round 1 and Round 2 Focus Group and Stakeholder input (meetings and documentation).

ZOC receives the draft text one week before each meeting for detailed review and initiation of comments in enCodePlus. On [August 18<sup>th</sup> ZOC received Use-Specific Standards packet](#) which contained draft text to be reviewed for the first time. This text was discussed at the August 25<sup>th</sup> meeting. The packet confirmed that the draft text was based on focus group/stakeholder input stating (p.2):

*"The use specific standards are proposed as a subsection of proposed Chapter 3, Uses. Carrying forward most of the existing regulations, proposed Section 3.06 condenses, categorizes and alphabetizes the use-specific standards from the existing Zoning Ordinance into one section and appropriate subsections in a clear and concise manner. Edits and revisions have been made to make the language easier to understand and administer.*

*More substantial revisions are proposed to the following sections based on feedback and comments from ZOC and the multiple rounds of community engagement conducted earlier in the project timeline."*

- 1) *Bed and Breakfast Homestay, Bed and Breakfast Inn, Country Inn, and Rural Resorts (Section 3.06.03.01)*
- 2) *Brewery, Limited (Section 3.06.08.04)*

A [second meeting packet was distributed on September 1<sup>st</sup>](#) for discussion at the September 8<sup>th</sup> meeting. Both of these packets contained text written by Staff/Consultants based on all Round 1 and 2 stakeholder inputs -- reviewed/seen for the first time at the two ZOC meetings -- that was consistent with Staff's recommendations in 2014, with ordinances in other VA counties, and with Round 1 and Round 2 public input in 2020/2021.

Subsequently, meetings with Supervisors and letters of complaint resulted in some [draft text being removed on or after the September 15<sup>th</sup> ZOC meeting](#), based on input from the business community, not based on ZOC or other stakeholder groups who provided input for Round 1 and Round 2.

It is the sequence of the draft text removal, without input from ZOC or all stakeholder groups (business, environmental and residential) that has raised questions on the overall ZOR process by which proposed text additions and deletions will be managed months before the Round 3 Public Input and Planning Commission 90-day review.

Thank you,

Maura  
LCPCC ZOC Representative,  
REDC ZOR Ad-Hoc Committee Member  
& LCPCC Zoning Committee Chair

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Maura Walsh-Copeland

