

ZONING ORDINANCE COMMITTEE – 10-6-2021

New Business Item – Discussion Transcript

Meeting recording: https://loudoun.granicus.com/player/clip/6781?view_id=78&redirect=true

TRANSCRIPT SUMMARY -- Item #9: New Business (Start: 1hr, 49 minutes)

ZOC Member, Maura Walsh-Copeland

- The information sent in advance was hopefully helpful to explain what happened over the last 2 months, specifically the last three weeks. This is absolutely a Process review question . . . To have draft text leaked, and then have the information presented that it was “ZOC’s recommendation” is not true.
- Was the text that was put forward [to ZOC] based on Round 1 and Round 2 public input?

Alaina Ray, Loudoun County Director of Planning & Zoning

- Yes, draft text language put before ZOC was based on some very vocal input we received during Round 1 and Round 2. That Language put before [ZOC] was, however, not a Staff recommendation.
- Language that comes before [ZOC]---when a packet comes before [ZOC] it is a “*jumping off point . . . language to get [ZOC] talking,*” to get your response to. It is not a Staff recommendation.
- Staff’s recommendation will not be completely formulated until the draft document is released for [ZOC’s] 90-day referral review. The document released for that 90-day review period will be [ZOC’s] “official” look at what at that point is “likely” to be staff’s recommendations.

ZOC Member, M. Walsh-Copeland

- Question: Will the public ever see the text that was removed, or will they only see the “clean copy?”

Alaina Ray

- If ZOC recommends that the text that was removed be put back in, then, yes, the public will see that.
- I’m not sure how much access the public will have to all of the “sausage making” in enCodePlus.
- And if ZOC feels certain language should be in the ordinance and Staff has decided it’s not something we can recommend, then that will be in a separate report that will go to the Planning Commission and the Board, and public will have access to that.

ZOC Member, M. Walsh-Copeland

- James has already said that the “*potential language in question will not be part of Staff’s recommended draft at this time.*” So, does that mean Staff has concluded that the business stakeholder input has superseded all public input provided during the ZOR Round 1 and 2 focus groups and input for the past 5 to 7 years?
 - a. Will the Zoning Ordinance Rewrite include any **additional performance standards** that are **inconsistent or missing** from the current zoning as was described for the ZOR project?
 - b. Will **changes to existing regulations be made to improve** the management of events, yard standards, parking, landscaping/buffering, lighting, noise and road/access for the health, safety and welfare of the public?
 - c. Will the Zoning Ordinance Rewrite include text addressing all outstanding actions from ZOAM-2015-0006 II and III?

Questions were cut off

Alaina Ray

- I have a hard stop, so I can’t respond.
- Staff has not formulated their recommendations, however I will say that “*Staff has been directed ----- That our goal is not to curtail existing businesses / operations or to shut down businesses.*”

ZOC Member M. Walsh-Copeland: What about public safety -- health, safety and welfare?

Director Planning & Zoning, Alaina Ray

- I'm not going to say today what Staff will or will not be recommending other than to say that our "*Mandate is to not shut down or curtail existing operations that are legal today. That is what I can say right now, and that is the feedback we have gotten from the Board. That's how we're moving forward.*" I have to go.

ZOC Member, Tia Walbridge:

- I'd like [this subject] brought up again. Addressed again, addressed in full, and not cut off.

ZOC Member, Charles Houston:

- Totally agree. "This rabbit has not been run down the hole yet."

ZOC Member, Jeff Browning:

- As the REDC representative, REDC is charged to look at economic development in the rural community, but we are all also residents. And we all have considerations for the members of the public we hear from as well.
- That goes to the need for balance. If the rural economy runs roughshod over residential needs, it won't be able to survive. There has to be balance. The reality is that we all have to live here, and we all have to get along.

ZOC Chair, Kevin Ruedisueli

- We should all go back and re-look at all the Uses to see if there are some uses that haven't been put in that bucket of requiring special standards. Use-specific standards. Are there some uses that were missing from use-specific standards section? I don't get the sense we have vetted the whole list of uses to make sure that things that have potential as higher-intensity impacts uses than others.
- You can have a use which may have no impact, or if it has a lot of attendees could have a large impact. If it has a lot of acres it could have a larger impact than if it has a smaller amount. Or you can't allow a large amount of people on a small amount of ground.
- We have those levels for certain uses, but I'd like us to look back, to double check, that we have all the Uses that need Use-Specific Standards in that bucket. Staff – did you get that request?

Ryan Reed, ZOR Project Manager Loudoun Planning & Zoning

- Staff is working hard reviewing Use-Specific Standards and ZOC comments.
- Regarding the Chair's request, "noted."

FULL TRANSCRIPT: Item #9: New Business (Start: 1hr, 49 minutes)

ZOC Member, Maura Walsh-Copeland

- The information sent in advance was hopefully helpful to explain what happened over the last 2 months, specifically the three weeks. This is absolutely a Process review question – not related to operation or business use
- Going forward – If the documentation provided by Staff is reviewed by ZOC and then is changed after the fact, one the recommendation of one stakeholder group, what would prevent that from happening again in next three or four months? It happened to rural business this time, but in two months it could be data centers, three months is could be real estate.
- This matter has received a tremendous amount of reaction in last three weeks. To have draft text leaked, and then have the information presented that it was “ZOC’s recommendation” is not true.
- Correct me if I’m wrong, but was the text that was put forward based on Round 1 and Round 2 public input? James?

Alaina Ray, Loudoun County Director of Planning & Zoning

- Yes, draft text language put before ZOC was based on some very vocal input we received during Round 1 and Round 2.
- That Language put before [ZOC] was, however, not a Staff recommendation; it was not and should not have been portrayed as a Staff recommendation.
- Staff’s recommendations have not been finalized yet, in many cases Staff’s recommendations have not been formulated yet. Staff should not be formulating recommendations until we have all the input from all the stakeholder groups.
- That doesn’t mean if we get information between Round 1 and 2 and now that we’re not going to use it. We’re not going to ignoring stakeholder input.
- Input that was received recently from groups on this issue wasn’t from one stakeholder group. It was from multiple directions. It was from business owners, from DED partners, from Board members.
- Language that comes before [ZOC]---when a packet comes before [ZOC] it is a “jumping off point . . . language to get [ZOC] talking,” to get your response to. It is not a Staff recommendation.
- Staff’s recommendation will not be completely formulated until the draft document is released for [ZOC’s] 90-day referral review. That’s not Planning Commission referral; that is [ZOC’s] referral and public referral and different organizations.
- Text will continue to change between now and then. We take we input we receive from [ZOC] but we also get input from others. To shut out input would double our work on the back end.
- We will continue to take input from groups. Had the Brewery association group been formulated during Round 1 and Round 2 we should have reached out to them as well.¹ Just as other groups were brought to our attention after Round 1 and 2. We don’t shut out public input after a formal time period.
- ZOC will receive all language, and all revisions. That’s why we release the comments in enCodePlus to see Staff response to comments.
- ZOC will have opportunity during the 90-day referral period to review all language. Language will continue to me revised and modified by Staff
- The document released for that 90-day review period will be [ZOC’s] “official” look at what at that point is “likely” to be staff’s recommendations. Not to say Staff can’t modify or change their recommendations after that 90-day referral period. We very likely will.
- Once we get through that 90-day referral period, I want to assure all ZOC members that any recommendations that ZOC makes – and we encourage in 90-day referral for ZOC to take votes on recommendations – all of those recommendations will be forwarded to the Planning Commission and the Board.
- Staff will call out if those recommendations differ from what Staff is recommending at that point.
- We’ll bring that to the PC and Board that ZOC felt a certain way. We want Planning Commission and the Board to have full discussions on those issues were in conflict.
- Assure you all that [ZOC’s] recommendations will go unedited to the Planning Commission and to the Board. We recognize that they may differ from Staff’s recommendations. PC and Board will have full access to those recommendations.

¹ Loudoun Local Business League was formed in September 2019, before ZOR Round 1 and Round 2 focus group input.

ZOC Member, M. Walsh-Copeland

- Question: Will the public ever see the text that was removed, or will they only see the “clean copy?”

Alaina Ray

- If ZOC recommends that the text that was removed be put back in, then, yes, the public will see that.
- I’m not sure how much access the public will have to all of the “sausage making” in enCodePlus.
- Staff does revised language all the time. We don’t release every single version, of documents or ordinances.
- We don’t release all that to the public because it would be confusing for the public to understand which version we’re actually working off of. It’s all public information.
- And if ZOC feels certain language should be in the ordinance and Staff has decided it’s not something we can recommend, then that will be in a separate report that will go to the Planning Commission and the Board, and public will have access to that.

ZOC Member, M. Walsh-Copeland

- James has already said that the “*potential language in question will not be part of Staff’s recommended draft at this time.*” So, does that mean Staff has concluded that the business stakeholder input has superseded all public input provided during the ZOR Round 1 and 2 focus groups and input for the past 5 to 7 years?
- The specific questions are:
 - a. Will the Zoning Ordinance Rewrite include any **additional performance standards** that are **inconsistent or missing** from the current zoning as was described for the ZOR project?
 - b. Will any **changes to existing regulations be made to improve** the management of events, yard standards, parking, **landscaping/buffering, lighting, noise and road/access for the health, safety and welfare of the public?**
 - c. **Will the Zoning Ordinance Rewrite include text addressing all outstanding actions from ZOAM-2015-0006 II and III?**
Questions were cut off

Alaina Ray

- I have a hard stop, so I can’t respond.
- Staff has not formulated their recommendations, however I will say that “*Staff has been directed ----- That our goal is not to curtail existing businesses / operations or to shut down businesses.*”

ZOC Member M. Walsh-Copeland: What about public safety -- health, safety and welfare?

Director Planning & Zoning, Alaina Ray

- There are a lot of layers to that. Fire Marshall and our public safety partners will be reviewing all of this, and we will take their concerns into consideration and so will the Planning Commission and the Board.²
- I’m not going to say today what Staff will or will not be recommending other than to say that our “*Mandate is to not shut down or curtail existing operations that are legal today. That is what I can say right now, and that is the feedback we have gotten from the Board. That’s how we’re moving forward.*” I have to go.

James David, Deputy Director, Planning & Zoning

- All the language is available to the public in LOLA (Loudoun Online Land Application system) in teach ZOC agenda packets.

ZOC Member, Tia Walbridge:

- I’d like [this subject] brought up again. Addressed again, addressed in full, and not cut off.

ZOC Member, Charles Houston:

- Totally agree. “This rabbit has not been run down the hole yet.”

² Follow-up question: Will public safety review include concerns and considerations from residents, not only public safety partners?

- Really important that we have one constant document that we review that is separate from input from others so that we don't get messed up. It's hard enough to deal with what's on our plate in front of us, much less what we've already gone over. My input is to not shut out other people. But to have their input handled differently and let ZOC have the same input document.

ZOC Member, M. Walsh-Copeland

- For alternative viewpoints, it would be helpful for Planning & Zoning and maybe some others to see the REDC discussions. Extremely impressed with our sister group, because the discussions in those meetings are very well balanced between business, agricultural and residential.
- But those are not seen because they are not posted. Need to ask for a dropbox link and have a dropbox account to view them.
- Recommend Planning & Zoning look at sister organization and see input that's being provided in that forum which IS representing the same business interests in their well-balanced discussions.
- That is the key thing – that it needs to be well-balanced as with the REDC for the last several months of meetings.

ZOC Member, Jeff Browning:

- I'd like to request if we discuss then again, which I would encourage, that staff forward the two blue marked removed language [breweries, events, B&B's and such] so that we can all have a fresh look at it before we continue this discussion
- As the REDC representative, REDC is charged to look at economic development in the rural community, but we are all also residents. And we all have considerations for the members of the public we hear from as well.
- That goes to the need for balance. If the rural economy runs roughshod over residential needs, it won't be able to survive. There has to be balance. The reality is that we all have to live here, and we all have to get along.

ZOC Member, Joe Paciulli,

- Regarding having one static document -- We're still "cleaning out the basement."
- Not sure we'll have a clean static document. We need to get to other items that are important to the viability of the county. We have yet to start them.
- We haven't been brought them by Staff yet because they are being bogged down by different things³

ZOC Chair, Kevin Ruedisueli

- We got hung up on one set of regulations or standards. We should all go back and re-look at all the Uses to see if there are some uses that haven't been put in that bucket of requiring special standards. Use-specific standards.
- Are there some uses that were missing from use-specific standards section? I don't get the sense we have vetted the whole list of uses to make sure that things that have potential as higher-intensity impacts uses than others.
- You can have a use which may have no impact, or if it has a lot of attendees could have a large impact. If it has a lot of acres it could have a larger impact than if it has a smaller amount. Or you can't allow a large amount of people on a small amount of ground.
- We have those levels for certain uses, but I'd like us to look back, to double check, that we have all the Uses that need Use-Specific Standards in that bucket.
- Staff – did you get that request?

Ryan Reed, ZOR Project Manager Loudoun Planning & Zoning

- Staff is working hard reviewing Use-Specific Standards and ZOC comments.
- Regarding the Chair's request, "noted."

³ All ZOC discussions have been driven by the ZOR project schedule put forward by Staff, not "bogged down" by ZOC input.