

ZONING ORDINANCE COMMITTEE – OCT. 20TH DISCUSSION

Start @ 30 min

Kevin Ruedisueli

- If it were up to me I just say we're done but I think it said that I would like to take a straw vote and see where the most of us would prefer to go to one way or the other so turn your screens on and raise your hand if you feel that we are done and then we'll raise the hand the other way to make sure that you know we had we don't have him bigger than people who didn't

Ben K. – I'm not following?

KR

- Shall we continue discussing the Process? We got into it last month at the end of the meeting and Maura sent out a letter the other day wanting answers to more questions that we didn't get to because Alaina had to leave the meeting early last time. So there is a half a dozen questions that are yet to be answered.
- My inclination is to say we're done talking about them anymore. That's where I'd like to go but I don't want to tell this committee that we can't talk about and if most of you would like to continue that conversation is that clear?

Bridge L.

- I think it is fair that if anybody's got a question or comment that may have an impact on someone's choosing one way or the other it is important to put those on the table. I don't think it's fair to just call a vote to do one thing or the other if people have some lingering thoughts. That's my point that's my plan

KR

- Exactly Bridge, which is if you have lingering concerns and you want to hear more. My point is you haven't heard enough you won't raise your hand.

BL

- I'm being forced into a vote that I wasn't ready for and I haven't been able to communicate others at the last minute. I don't think we actually have a defined process did you put in front of me with a defined process was instead vote on this or not I'm good but I don't know what the process is.

KR. Okay so clearly you of fall

BL: I don't believe we have a defined process. Defined process -- vote on this or not. I want a process document. That should be a standard thing if I'm going to vote that we're good with the process

Alaina Ray

- There is a process document. A **project plan** and it was endorsed by the board that is available that was provided to ZOC and it is available so I would encourage you to revisit that that does lay out the process for the zoning ordinance rewrite.

BL

- I appreciate that I really do and I've reviewed that document but as the example in the last meeting you brought up that the board directed that the changes be made to last about brewery stuff but the changes be made to the brewery whatever.

Alaina

- Don't put words in my mouth please. I did not say that the board directed us to take that out. I never said that. I said staff is reviewing comments from everybody. We get a lot of recommendations from even from

this group that are conflicting. One recommendation says to do one thing and another recommendation from another party may say to do the exact opposite.

- If we choose one recommendation over another to move forward with that doesn't mean we're ignoring the other recommendations. We weighed the input.
- So I think we've been pretty clear in laying out what the process is. We got public input of Rounds 1 and 2. There were some groups that formed or that we weren't aware of after that closed that we were made we're of, yes the brewery industry was one of them. But also, the homeowners association coalition homeowners associations and another one so we met with them afterwards.
- **ZOC review -- you have a process you are reviewing a working document the enCodePlus document is staff's working document.** You have access to that so that you can go into that system at any given time and see what staff is doing. You can see in real-time what changes are being made and how we're responding to your comment. Every single comment is being responded to in enCodePlus.
- Staff will continue to work on that document as we get feedback from other parties as well we get emails all the time. We have internal discussions, and we want you know how we're going to move forward.
- **We have not come up with our final recommendations. We will not be doing that for months yet. So that the working document that you see in enCodePlus is how we're moving forward.**
- Staff will be putting together the entire document to go out to a 90-day referral that will come to you, and it will go to all of the other organizations, agencies the public. Everybody can weigh in on that and you will provide comments.
- ZOC will go through a subcommittee structure that I know James David will be laying out to you. You'll go through a subcommittee structure, and you will provide input back to the entire committee.
- Then you will as a group respond to those staff recommendations that are before you in that final document and you will put together your own report and recommendations and findings.
- Staff is not going to edit that that's not going to change that that is going to be ZOC's work.
- So as you come out of this you will be taking votes as a whole on which recommendations and findings that you want to move forward with.
- Any of those recommendations and findings that disagree with staff's final recommendations will be highlighted to the Planning Commission. We will go over each difference so that the Planning Commission. When it makes its deliberations can weigh the pros and cons of Staff's recommendations at the ZOC's recommendation it can make a very informed recommendation to the board.
- ZOC's recommendation will also be forwarded to the board so they're going to have your input at that point as well.
- So that's the process. I feel like we've been pretty clear and laying that out we have provided that update to you we've provided it to TLUC on multiple occasions, we will be providing it tonight. So I feel like that's the process. But the enCode document is not a static document.
- **It is a working document and if staff makes changes throughout the process was never to bring every change that staff makes back to ZOC for approval staff.**

BL

- The last meeting you did not say there was board direction or board guidance to make those changes to the brewery language statute specific.

Ray.

- I can tell you that the board has given us direction to preserve what's in Western Loudoun.
- Bridge, you're aware that when we did the 2019 comprehensive plan throughout that process as we were developing it doing the adoption on it the directions for the board was don't change Western Loudoun leave West Loudoun alone.
- **Nothing in the 2019 comprehensive plan or the work that was done through that plan should ever be construed as a mandate or direction to change business sectors or to change the rural economy or to change rural Loudoun.**
- **That was always -- we were very hands-off. We clarified some things; we made language cleaner. We've eliminated some redundancies, but by and large we left Western Loudoun alone and that was the direction.**

- So I am concerned at the amount of time that has been spent by staff on working on rural Western Loudoun issues in the zoning ordinance when **our primary mandate from the board was to get alignment with the comprehensive plan.**
- Especially as this was the number one mandate from the board especially the urban policy area and we have not talked about any of the eastern Loudoun issues I feel like through this process.
- So staff has been frankly bogged down with issues that are were not the top priority for the board. I know ***we have had no input up on Urban policy area Suburban development flexibility with mixed use place types.*** We're having a real struggle as applications come in on those types of issues and we had no input frankly.
- **So I know you're getting districts in your working through that** but it's a real struggle as we're reviewing applications and we have no we have no zoning ordinance to help us Implement a comprehensive plan so you know that's where we are.
- We have spent a lot of time on the process discussion. We spent a lot of time on addressing issues that have come up through Western Loudoun. I understand it's important and we love and care about it we really do we want to preserve it.
- **But the comprehensive plan didn't make any drastic changes to the policies and Western Loudoun so I am concerned about how much work we're putting in to changes in Western Loudoun in the zoning ordinance and not addressing the issues that was our primary mandate in that project plan.**

Charlie

- This aligns in most regards. I had an email from James David I guess Monday and it really made things clear for me finally. That is that text that we're working on will be Staff's not ZOC's.
- ZOC's report will generally be in a memorandum form and that really cleared up the process a lot for me.
- I do have one that still open in my mind. We've already seen it would help us a whole lot just to get a quick email or to that effect so we could go back and look at it otherwise we may just forget it.
- And lastly underlying this point that this directive was to leave the existing zoning alone. People in the west have a lot of problems with the existing zoning and that's what we're trying to correct but I think now we can move on

KR. What's your pleasure folks you want to do around robbing and here from everybody who's who

Tia

- Like to add a couple of things. I think in general the amount of time we spent on Western Loudoun does tend to be reflective of a couple of things.
- First how unbalanced some of these bodies including this one were for decades with no Western Loudoun voice is represented on them.
- Second how unhappy a lot of people in Western Loudoun are at how the previous zoning was operating out here and how many loopholes and issues need to be addressed and tightened up just to accomplish the words that are very beautiful that are in the comprehensive plan but that weren't being accomplished previously.
- We've lost 13 per cent of our Farmland out here in the last decade. I mean what is symptomatic is there many words that says beautiful things but isn't actually being enacted correctly.
- So I don't think the amount of time we're spending is at all inappropriate. Our stated goal is to keep us in Loudoun and preserve it. That's not what we were doing previously. I do believe we're spending an appropriate amount of time.
- In this particular instance the input from the public, the input in public comments and input some ZOC members at least from our perspective in this board have been overwhelmingly that we have one specific business model that is not necessarily appropriate or conducive for the Western Loudoun environment and we heard that from many many people.
- Then at least from our perspective the interest group that makes money off of that business model said we want to stay here and all a sudden all of those other comments disappear. So there is a very big look this was inappropriate.
- So if either it's tracking changes better, weather it's notifying us of changes so we don't feel like we've been blindsided. This particular following a procedure or not following the procedure definitely raised a lot of red

flags. We're getting ready to talk about things like that Centers where this kind of thing going to happen there too. That is my only comment at this point.

KR

- So we do a quick round robin to get the vote or do you just want to raise your hands raise hands? Okay if you if you feel we should continue discussion of this process and I'm not sure -- if you want to keep talking about this today and next time and next time and next time raise your hand to say yes you do want to keep talking about this

MWC: How about if we get the questions answered? Not keep talking?

KR All right so you want to get the you want Do we want to go through Maura's questions answer yes raise your hands. Font 1 2 3 4 5 6 7 good kind of 7 or 8

YES: MWC, BL, Jean A, Jeff, Ben, Charlie, Gem, Tia

No, Joe, Eric, Michael, Rich, John M. Coleen, KR

KR

- No so I missed counted we're going to have to do it we're going to have to do in World vote in this rate we'll go through the boat Jean Ault the agent to continue yes no I vote to not continue discussion

Gem: But I don't think we need to have a discussion to the answers to the questions. In writing.

Alaina

- **We've gone back and looked through everything and I think that we're more than happy to provide that in writing. I think it'll clear up everything**

KR: all right answers and writing thumbs up. Okay alright thank you sorry for the cumbersome methods

MWC

- Thank you very much. I completely agree that we need to just keep moving on. But Staff has had control over the scheduling so I do think that if we need to rearrange things to have more of the urban policy area discussed sooner then staff has the ability to make that change in the schedule. We just haven't had it on the schedule yet

KR

- I just want to point out that you know that this is a really really difficult process of rewriting the zoning ordinance is really hard to do and what we can hope for is a document that is complete as far as the structure is concerned and covers the most important points that I been outlined by the Board of Supervisors they wanted to have addressed
- I recognize that the document is never going to be perfect -- not for the next 20 years will it be perfect.
- We will be working on it trying to pick up the things that you know didn't quite fit, but we'll have us will have a format it's been will be vastly improved over the previous format with encode Plus I think staff is going to have an easier time with the updates is that right Alaina?

Alaina

- You make a really valid point. This is the 5th time I have completely reworked on a rewrite -- a whole rewrite. There's always a lot of moving pieces. The other thing I've learned is that they will never be perfect. So I have no illusions.
- **When we get done with this zoning ordinance rewrite, I am sure that it's going to be followed very quickly by Maura's standalone zoning ordinance amendment to address some of these sticky things that this committee has been discussing.**
- **The intention behind the zoning ordinance rewrite was frankly to get it done as quickly as possible so we can implement all of these new place types that we don't have any zoning districts for right now. That was the primary goal.**

- So that we could get it done as quickly as possible we took out -- the board in fact -- took out some sticky issues that they knew would slow down the zoning ordinance rewrite.
- One was the cluster subdivision and prime ag soils. Another was the outdoor shooting range issues. So those things were all taken out and put a separate ZOAM so that they wouldn't slow down this process.
- **So we have every intention, you know these issues, like these specific use standards issues and things like that that are sticky and they're controversial and not everybody's going to agree on them.** We expect that that will come probably in a separate ZOAM that the Board may want to consider. When we get through this process.
- There's just going to be a lot of Standalone ZOAMS going forward that will address those sticky topics like the cluster subdivisions, and some that are geared towards certain industries.
- This rewrite is not ever going to address all of those things because we're trying to get as quickly as possible -- get zoning districts that address all of these in place types.
- So we know we're going to still have a lot of work to do when this is done and that's why this committee is here so that even after the ZOR is done you're still here to help us work through those stickier issues that would have bogged down the zoning ordinance rewrite.

JD –

- Can I clarify something this is James. The earlier Miss Ray's comment was we haven't received significant input on Urban policy area. We actually have spent some time on Urban policy area was ZOC's recall that we spent three meetings on the use tables which have uses relative to Urban policy area; we spent two meetings on parking standards which have implications for every policy area; and we spent two meetings on use specific standard some of which I expect every policy areas. So the statement that it has not been on the agenda yet is not correct

[NOTE: Earlier comment was made in response to Ms. Ray's comment: "**we have had no input up on Urban policy area Suburban development flexibility with mixed use place types**"]

KR

- Thanks James just got stuck in our circle and not thinking about where we've really been we kind of get lost. I'm sure our recommendations are going to include at least three or four or five so we can coordinate zoning ordinance amendments when once we get to the referral period.

Ray.

- Right. I mean I know this is a lot of work for you as committee members. It's a lot of work for staff. It does get frustrating for you and staff. I know and you know we're not always going to agree on everything even among the members of ZOC.
- **I hope that when we get done with this process we do have a document that that works for one thing and while it probably won't work for everything that has been brought up and all of the concerns that everyone has, hopefully it will at least allow us to implement those new place types and give us a framework and those discussion topics that we need to move forward with other zoning ordinance amendments that will address the stickier topics because we don't want to leave them to the wayside.**
- We want to pick those up and address them. It's just a matter of whether we address them as part of this effort or whether we address them, get the attention from the groups that they need to get the attention from, and staff can have the appropriate time to be able to spend on those as well.
- It's a lot of work we really recognize that and appreciate the work that you are putting in. We're going to do everything that we can do to get it to the finish line and in a cohesive and coherent manner, but we know that there's still a lot of work that's going to need to be done outside of the rewrite as well.

KR –

- **It's a tricky balance. At the same time that you want to get it done there is an urgency in the western part of the county. I want, just reflecting upon Zia's comment, because as we don't have things in the ordinance which would help control some of the things that are degrading the soils the farmland and so forth in the west. There's an urgency about that and if it gets kicked to another**

zoning ordinance amendment better to take care of that sooner than later to get that on the work plan sooner rather than later.

Alaina Ray

- **I think that some of those issues don't necessarily have to wait until after the zoning ordinance rewrite is finished. As we have staff freed up for instance, the short term residential rental ZOAM is much further down the road.**
- **So 1) as we get staff and 2) as we finish some of the ZOAMs that are already underway we'll be able to pick up some of this that could be addressed in the beginning before the rewrite is even finished.**
- **It could run sort of concurrently, but we would have staff dedicated to that effort who could really focus on those issues rather than our core zoning ordinance rewrite team who frankly are scattershot right now because they are managing so many topics.**
- It's so much better for instance to have [Jacob] Hambrick concentrate solely on the cluster subdivision and prime ag soil regulations because he's able to devote his time to that whereas our core team and Zoning Ordinance Rewrite really having to juggle a lot of different topics. He's working with all the people who are really concerned about that, and we get it right because it is it is so crucial.
- **I think that some of these issues that have been brought up for Western Loudoun deserve that same level of attention. Discussion in our core team right now in the rewrite simply just doesn't have the bandwidth to cover all of that in an appropriate manner.**
- So, I think you know as we get other *zoners* freed up who can concentrate on those specific topics I think it'll be beneficial for this group, and I think it will be beneficial for the topic itself to make sure that it's getting the attention it needs.
- It's just a lot of work and we appreciate y'all and thanks for sticking with us. We will get you the answers to those questions; we've got them already under underway and I think they'll help a lot.

TRANSPORTATION LAND USE COMMITTEE

Oct. 20, 2021

Randall (@57:45)

- Maybe because Supervisors have not been as involved in this process. Somewhere in my head I feel like we're behind and I'm concerned because I want to get this done this term. We started the comp plan literally our second day of the dais. So, do you think we're on time right now with and we're doing okay in the in the process? you don't like we're behind for this term?

Alaina Ray:

- I think our intention and end our schedule and so far we're bearing it out is to be done before the end of next year

Turner:

- There was a big "fuzz ball" about parking in the last month or so that there was a lot of back-and-forth discussion. And I'm getting this like 5th hand. Can you just delve into some what the issues were around parking and what the controversy was if in fact there was a controversy and how staff responded?

Alaina

- I can definitely get more information on that. I think it may have been around parking maximums and minimums.

Turner

- Heart of parking issues is the lack of information in the FSM. Sizes in FSM -- will barely fit a Honda Civic with no storage. And then the driveway has gotten an of an approval to waive the setback so you end up with 15-16 foot driveway.
- **I got feedback from some of the developers and said "we're having discussions about parking at ZOC and this is going to cost us a lot of money."**
- **I said let's have a meeting so we had a meeting and we threw it up they said "can you provided some examples of under par communities."** My chief of staff provided two pages of examples after polling the entire staff of examples of under parked communities and we really got into it and
- That's where we finally said we think this is a tie into the lack of guidance in the facility standard manual. Do you think there a lack of tie in and is there some way we can bridge that gap as part of the zoning ordinance rewrite process?

Alaina

- I think absolutely it's something that we can we can address in the zoning ordinance but we may need some you know further revisions to the FSM as well.
- Absolutely and you may be able to a Smart car in our garage like that but you're not going to get your Chevy Suburban and in that kind of the garage and that will impact the ability for people to utilize that space and
- you'll end up with more cars on the street which is a hardship for people who have more than two cars or multiple families living in the home, so yes we can definitely take a look at that the parking maximums I think was the other issue that's a whole new concept for Loudoun County so it will create a lot of discussion.

Turner: Can you provide examples? We were all on the call we were looking for example of parking maximum.

Alaina Ray.

- Things like grocery stores grocery stores love to put as much parking as they possibly can in front of the store because they don't ever want anyone to have to look for a parking space but sometimes they can put

so much parking there that it's simply unused all except for maybe 1 or 2 days out of the year when everybody's doing the trying to find but always so sometime actual say

- **Just creating a lot of concrete so parking maximums would say you know what you can come in at 110% in certain areas but you can't go over a hundred and 10% so that's when you would have a parking maximum**
- **it's not for every use. It would mainly be for those really high intensity uses that you do see maybe a lot of traffic on 1 or 2 days out of the year.**
- **That's the day that the developer a lot of times wants to plan for, but is that truly what is the best for the environment for the community? And can we make can we incorporate other Transportation demand management tools that would compensate for that.**

Kristin U.

- I would err on the side of allowing the business as much parking as they think they will need.

Turner, (@1:08)

- Final comments here before we take a break.
- My experience on the stakeholders committee was really instructive, and we had 26 people on the stakeholders committee
- I think everybody on the committee was focused on the fact that they were there because they were stakeholders, but they also had in a larger obligation to consider Loudoun County welfare as whole
- much as we on this on the dais and at the Board of Supervisors meetings wear individual district hats (except for the chair obviously)
- but we also regularly weigh in on discussions that affect Loudoun County is a whole
- we get feedback sort of 5th person removed as board members as to what's going on in ZOC. I understand there's been some turbulence -- it's a big sea change from what the ZOAG was. It's a new concept.
- our intent was to move the job under the Planning Commission so that there was a little bit more vertical hierarchy and it worked very well in the stakeholders committee
- I will tell you that in the stakeholders committee when we did a roll call vote we got to the point about halfway through the game I guess, where you did a role call around the table with 26 votes and you knew when you turned the corner there were going to be 3 no votes for everything
- and I always thought to myself you can do that, you can absolutely put on your stakeholder hat and just militantly do that, but really, a no vote 95% of the time because it isn't really contributing to the welfare of the body of the county?
- I understand the individual parochial view, but at some point collaboration and compromise is really appropriate. So my only charge to the members of the zoning ordinance committee -- please remember that you were on the committee for the welfare of Loudoun as a whole
- you are certainly encouraged and we desire you to express your views you on behalf of your stakeholders, but please do not ever believe that one of your missions is if you don't get what you want your object is to shut down the procedures of the ZOC. That is inappropriate and we're going to watch that and if we see that we're going to weigh in.
- I understand everybody is working very hard everybody has the best interests of their constituents at heart but it's really important to remember that Loudoun County is what we're trying to benefit here as well as a collaborative group. I think that's important.
- Now we just got to see that things have really begun to turn around and be a lot more effective.
- I understand they are growing pains. We get that. This is a completely new construct, but I really want to emphasize the fact that we've got to play together in the same sandbox for the same purpose.
- Then the other issue is the mission of the ZOC. Let me be really clear -- the mission of the zoning ordinance committee is to monitor what's going on with the zoning ordinance rewrite, provide their individual professional expertise and their opinions about what's going on the on the rewrite, have those opinions recorded in the rewrite to staff as advisory to staff.

- Staff's role is to draft a zoning ordinance rewrite based on those inputs and present it to the Planning Commission along with all the comments that came from members of the ZOC so there's input but the ZOC is not writing the zoning ordinance rewrite. Staff is writing the zoning ordinance rewrite with the *advice and consent* of the members of the zoning ordinance committee please remember that it's really important that everybody stay grounded but that is the mission of the zoning ordinance committee.

Alaina Ray.

- The only thing I would clarify is "consent." Sometimes we may not agree with the zoning ordinance committee but we do want their input they have a lot of valuable expertise and they are definitely providing us with the input.

Turner. Thank you for the correction. It's just advice.