



ZOAM-2020-0001-Zoning Ordinance Rewrite

OCTOBER 6, 2021 NEW BUSINESS ITEM REQUEST

The attached comments were received in response to Zoning Ordinance Rewrite draft text removal after the following actions:

Late July or early Aug. Advance copy of DRAFT text released to rural tourism businesses on proposed regulations.

Aug. 5, 2021 Rural tourism businesses called meeting with Supervisors Kershner & Buffington. Complaints made about draft text and ZOC. Result: Aug 18th and Sept. 1st ZOC meetings postponed to Aug. 25th and Sept. 8th

Aug. 18, 2021 ZOC received Use-Specific Standards packet for Aug. 25th meeting.* Packet (p. 2) stated draft text was based: "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." *<https://loudouncoalition.org/wp-content/uploads/2021/08/08-25-2021-ZOC-Packet-USE-STANDARDS-1-REVIEW.pdf>

Aug. 25, 2021 First ZOC meeting on Use-Specific Standards

Sept. 1, 2021 2nd meeting packet distributed for Sept. 8th meeting.* Contained text written by Staff/Consultants based on all Round 1 and 2 stakeholder inputs.

*<https://loudouncoalition.org/wp-content/uploads/2021/09/09-08-21-ZOC-Packet-USE-STANDARDS-2.pdf>

Sept. 8, 2021 Second ZOC meeting on Use-Specific Standards. Several ZOC members indicated text 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.

Sept. 13, 2021 DED/EDAC reported to FGOEDC meeting stating ZOC was spending too much time discussing Rural Policy Area and disparaging rural businesses. McFadden: Concerns ZOR not in alignment with Comp Plan. ZOC discussion on restrictions in uses, not flexibility. No time spent on UPA. RPA not the focus of Comp Plan. "Business community not represented there." Webcast @ 41 min. https://loudoun.granicus.com/player/clip/6750?view_id=77&redirect=true

Sept. 15, 2021 Draft text removed based on input from the business community, not based on ZOC or other stakeholder groups who provided input for Round 1 and Round 2.**

https://loudouncoalition.org/wp-content/uploads/2021/10/2021_09-15-ZOR-Draft-Text-Removed-Ltrs-Emails.pdf

Sept. 15, 2021 ZOC meeting: James David (4min) announced to ZOC, "[Staff] did work on some of the uses and use standards. And we made some updates there that's reflected in the enCode stuff." @ 4 min. https://loudoun.granicus.com/player/clip/6755?view_id=78&redirect=true. @ 1 Hr, 25 minutes. ZOC "participation" compared to "Book Club."

Sept. 17, 2021 REDC ZOR Ad-hoc discussion. Via dropbox vs. webcast:

<https://www.dropbox.com/s/7rdhj4a4uv4zhvg/REDC%20Executive%20Committee%20Meeting-20210917%201234-1.mp4?dl=0>

Sept. 15, 2021 Visit Loudoun letter to Local Business League Members** "Staff briefed ZOC that they are walking back proposed draft revisions in Use Specific Standards for [Limited Brewery and B&B, Country Inn/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."

Letter from Loudoun Chamber to Board of Supervisors **p. 10-11. "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 restricting specific use standards to these businesses that either conflict with state code or are not required of other use types."

Sept. 27, 2021 Staff correspondence**

*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

COMMENTS/QUESTIONS REGARDING SEPT. 15th DRAFT TEXT REMOVAL	
COMMENTS	
A concern I would raise is how staff determines which stakeholders “would be most immediately affected” by zoning text, on which basis they apparently provide preferential access.	
This continues their [Staff] habit of considering business as the “users” of the ordinance while devaluing public interests. Of course, zoning only exists because of public interests. Otherwise, we would just let businesses do whatever they want with the land.	
With respect to [high-intensity uses], their response suggests that the neighbors of a [high-intensity use] are not immediately affected, which is ridiculous.	
I personally am outraged by what has happened. It seems to me that a fair and established process was subverted. Why should one stakeholder group get to insert itself into the process this way? If everybody did this, it would be a free-for-all!	
With regard to the recent ZOR draft text removal of business specific criteria regarding [high-intensity uses] from the RPAs, the action resurfaces concerns that prompted industry specific standards in the first place. While we are all interested in seeing the rural businesses of Northern and Western Loudoun succeed, we cannot become so business centric that we allow that to happen out of context of their placement and without regard for their neighbor’s privacy, safety, and standard of living.	
Rural Loudoun has become a de facto loophole in business zoning regulations that still apply to businesses in commercially zoned areas in the county. These loopholes need closing in order to protect both the residential citizens and true agriculturally based enterprises currently residing in the RPA.	
Allowing a [high-intensity lodging use] to operate at less than basic industry standards for other hotels and motels in the county is a friction point for both safety and neighbors.	
Allowing a new [high-intensity tourism use] to commence business without even requiring the basics of fire or building safety is a clear violation of governmental oversight and responsibility. These "allowances" under the guise of "agricultural businesses" or adjuncts thereto, are disingenuous and, frankly, morally disturbing.	
I would request a reinstatement of the carefully considered and vetted verbiage previously populating the ZOR draft text standards of [high-intensity tourism uses].	
I don't know how to delicately state how frustrating it is that staff removed draft text after meetings with one stakeholder group and feedback from supervisors, and before bringing the topic back up to ZOC.	
There is a serious transparency concern between the public input process, and one stakeholder group overriding all of the other stakeholders and professional expertise of the staff and consultants taking feedback and writing draft text. What has happened has completely circumvented the intent of a public input process.	
The lack of transparency makes me wonder: 1) What discussions were had with the stakeholder group and staff/supervisors? Shouldn't those be disclosed especially to members of ZOC? And 2) What are the "significant hardships" that these businesses claim they would face?	
Performance standards are designed to protect the entire community from undue stresses, burdens, and destruction of the quality of life for everyone, not just one industry. If having performance standards that protect the quality of life of all residents (especially those in that place type and neighbors of the businesses) precludes a business from being financially successful, the business should re-evaluate their business model.	

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Performance standards will ensure that all businesses are creating an environment and experience for their patrons that is compatible with the place type of where their business is located. Tourism patrons will get a unique experience, and neighboring residents and businesses will also have the opportunity to have a positive, rural experience. The same goes for suburban and urban environments.

So, the argument that significant hardship will be experienced by the businesses most impacted, and that their input is more valuable than the other stakeholder groups, is not a strong argument, in my opinion.

Part of the value of having performance standards is to protect the patrons, residents, and neighbors from unnecessary destruction that would ruin the place type experience for others (aka the stakeholders). This actually makes the businesses experience more valuable, and enhances the value of their product.

Performance standards are business friendly in that they will attract the appropriate types of businesses (and business activities), and give patrons valuable, positive experiences that will make them want to return. Loudoun County should require that level of quality.

I was shocked, but not surprised at this backroom tactic. I have felt for some time that many in [high-intensity use] business "venues" continue to take advantage of the "agri-setting" while really being . . . event venues with absolutely no local agricultural connection with sourcing product or regard for their neighbors.

This is just déjà vu. Staff input and professional opinion in 2014 was that [high-intensity uses] needed performance standards and they included them in their recommendations. ZOAG and the Planning Commission made them remove those standards before going to the BOS. The same is happening now in 2021 with Staff removing text before ZOC, Planning Commission or the public weigh in.

If I understand correctly what happened, it certainly sounds contrary to the process adopted by BOS/ZOC for the ZOR.

I would like to think that no one interest group has the right to remove new zoning language proposed by the larger stakeholder group as a whole and the staff with the expertise putting what the larger group recommends into writing.

If anyone has a concern about the language/regulations, they can spell out that concern and then see if the larger group (and staff) agree that that suggestion makes more sense. So they can add language but they cannot delete any.

The final ZO adopted has to take the input of all into account and be written accordingly. It cannot seem to be written to accommodate a single point of view.

Our businesses live among our residents. There are no distinctions. How can businesses succeed without causing depreciation of values of the rest of the county?

It has been astounding to see how few ZOC members actually participate at meetings. Members are given the opportunity to speak, and they either don't speak or have superficial comments. I'm amazed. Those representing rural interests are articulate, a lot of the other [ZOC] people are either choosing not to be articulate or are not making any effort and I can't explain why.

I am also very concerned and bothered about the handling of the ZO comments and text.

The draft text removed for [high-intensity uses] was part of every public input session I attended. Several ZOC members indicated text 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.

I would have thought that the first and strongest concern would come from the ZOC committee itself. Are they agitated and going to express their concerns?

The ZOR draft text should be restored.

COMMENTS/QUESTIONS REGARDING SEPT. 15th DRAFT TEXT REMOVAL
QUESTIONS from constituents:
The removal of ZOR draft text at the request of one stakeholder group is highly inappropriate and weakens the balance and fairness of this process. Who can take this "community" rewrite process seriously now as a result of this action?
It looks like this entire draft text change bypassed ZOC. How will ZOC be notified of deletions and changes like this in the future? How will the Planning Commission be notified?
What if other business owners find out how these [high-intensity use] businesses been given special consideration? There will be constant "deletions" of guidelines, etc.
Will the public ever even see the text that has been removed? Will these comments be seen in enCodePlus? Will they be visible with doc track changes? Or will the PC and public only see "clean" copy text next April without the removed text for review?
The Aug. Staff packets said draft text was based on focus group/stakeholder input: "More substantial revisions are proposed to the following sections based on feedback and comments from ZOC <u>and the multiple rounds of community engagement conducted earlier in the project timeline.</u> "
But letters and emails are implying draft text was from "ZOC input." Which is it? If the draft text being reviewed by ZOC now does not reflect the 2020 and 2021 public focus group input, then when will it?
The Finance Committee was given a one-sided view by DED/EDAC at the meeting on Sept. 13th. How will this be corrected with the committee and other Supervisors in the near-term?
DED told REDC that there will be a separate "Summit" meeting on rural tourism businesses and ZOR regulations for the "growth of rural businesses." Will ALL stakeholders be invited? Or will it include only businesses and DED? How, when and where will Planning Staff support all stakeholders to resolve the imbalance to input from this whole thing?
If this is not handled by ZOC, will the Planning Commission or TLUC be requested to address this and provide clear policy that supports all stakeholder input?