

From: "Ray, Alaina" <Alaina.Ray@loudoun.gov>

Date: October 25, 2021 at 4:56:59 PM EDT

To: Maura Walsh-Copeland <maura@walsh-copelandconsulting.com>

Cc: "Turner, Valmarie" <Valmarie.Turner@loudoun.gov>, "David, James" <James.David@loudoun.gov>, "Reed, Ryan" <Ryan.Reed@loudoun.gov>, "Torrible, Christina" <Christina.Torrible@loudoun.gov>

Subject: RE: [EXTERNAL] Oct. 20th ZOC Meeting - New Business - FOLLOW-UP

Good afternoon, Maura –

As promised at the last ZOC meeting, please find below responses to the questions you submitted. Relevant documents are also attached.

This email and attachments will be distributed to all ZOC members.

Thanks,
Alaina

Alaina D. Ray, AICP
Director, Planning and Zoning
Loudoun County, Virginia

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

Sent: Monday, October 18, 2021 1:45 PM

To: Ray, Alaina <Alaina.Ray@loudoun.gov>; David, James <James.David@loudoun.gov>

Cc: Reed, Ryan <Ryan.Reed@loudoun.gov>; Kevin Ruedisueli <kevinruesuelizoc@gmail.com>; Hayes, Forest <Forest.Hayes@loudoun.gov>; Turner, Mike <Mike.Turner@loudoun.gov>; Torrible, Christina <Christina.Torrible@loudoun.gov>

Subject: [EXTERNAL] Oct. 20th ZOC Meeting - New Business - FOLLOW-UP

BCC to ZOC Distribution list
(confirmed to C. Torrible)

Ms. Ray and Mr. David,

Thank you for your new business item discussion remarks at the October 6th Zoning Ordinance Committee. They were clarifying and appreciated. It was unfortunate that the requested new business item <https://urldefense.com/v3/https://loudouncoalition.org/wp-content/uploads/2021/10/2021_10-04-ZOC-New-Business-Request.pdf ;!!lvMiCv -VA!ihz3NtVG8l aMN ler3VAArOp0T2TIAeF9pXrzlthESjfY1KzOw2irLlicgr3mwn2Ne \$> began so close to the end of the Oct. 6th ZOC meeting. Because you had to leave you may not be aware that several ZOC members asked to revisit the matter.

There are many other topics that ZOC must address, therefore, any follow-up discussion should be short and primarily address outstanding questions. The attached memo is provided to assist with that follow-up, providing context for review in advance intended to shorten the discussion time for Staff and ZOC: Key questions that could not be discussed due to time are below. It would be helpful to obtain quick responses at the October 20th ZOC meeting, or in the alternative a written reply to ZOC.

5. Board "Mandate."

You mentioned in your remarks a "mandate" or direction from the Board, which seemed to prioritize zoning ordinance goal J. (Encourage economic development activities that provide desirable employment and enlarge the tax base) over the other 13 zoning ordinance goals, purposes, and intents. Could you provide the Board item or document you were referencing to respond to citizens questions on that remark?

The original Board item on the ZO Rewrite Project Plan is attached. The Project Plan clearly states the first goal is “implementation of the new comprehensive plan vision, especially the Urban Policy Area (UPA), which involves new place types with densities, standards, building forms, and infrastructure that have yet to be realized in Loudoun County.”

Addressing use specific standards is not listed as a priority, nor is implementing previous zoning ordinance goals. Other statements from the Project Plan include –

- * “Strive for consistency (in standards) when feasible,” and
- * “Evaluate input from stakeholders and make improvements when appropriate.”

Though not prioritized over any other specific goals, the 2019 GP does have an entire chapter (Chapter 5) devoted to Economic Development, which includes the following that must be considered when potential regulations could negatively impact a targeted industry cluster:

- * “Policy 1 – Diversify the economy by strengthening targeted industry clusters.”
- * “Strategy 1.2 – Work with existing businesses proactively and retain businesses...”
- * “Action 1D – Create mechanisms for the rural economy to maintain its status as a regional agricultural leader and local advantage.”
- * “Action 2B – Periodically update the County’s zoning regulations to keep pace with innovation in the marketplace.”
- * “Policy 5 – Support the promotion and development of Loudoun County as a tourism destination.”
- * “Strategy 5.1 – Collaborate with Visit Loudoun to support the development and enhancement of...bed and breakfasts, event facilities, cultural attractions.”

6. BOARD DIRECTION. As Staff is aware, ZOAM-2015-0006 and subsequent phases were specifically approved by the Board to address the consistency of zoning standards across zoning districts. This same ZOAM was “pushed” to ZOR for completion by the Board of Supervisors in Fall 2019. Unfortunately, due to time you did not have the opportunity to respond to the questions that were sent to you in advance and posed during the Oct. 6th ZOC meeting regarding Board direction. With additional time, it will be appreciated to get responses to the following:

a. Will the Zoning Ordinance Rewrite include any additional performance standards that are inconsistent or missing from the current zoning through a “Consistency audit, [analyzing] existing standards and strive for consistency within the document and across zoning districts” as originally directed by the Board with approval of the ZOAM-2020-0001 project plan on September 19, 2019?

The quote within the above question is only a partial quote and omits the qualifier “when feasible.” A Consistency Audit was completed by the County’s consultant and was presented and made available in its entirety to ZOC. It is also available to the public online at loudoun.gov/zoningordinancerewrite. Staff is utilizing the Audit and will incorporate additions, revisions, and/or deletions to performance standards, when feasible.

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 by reviewing the “opportunities and challenges [by evaluating] input from stakeholders about the current Zoning Ordinance and make improvements where appropriate,” as originally directed by the Board with approval of the ZOAM-2020-0001 project plan on September 19, 2019?

As stated above, the Project Plan clearly states the primary goal is 2019 GP Implementation, especially the Urban Policy Area. During the development and adoption process for the 2019 Comprehensive Plan, discussion regarding reviewing the “opportunities and challenges” within the current Zoning Ordinance was primarily related to the

County's ability to respond to changes in market demand, finding creative solutions to Loudoun's attainable housing needs, ensuring regulations (lot sizes, yard standards, setbacks) do not inadvertently affect housing affordability or density, exploring right-sizing parking regulations, and other such issues. Staff's discussions during the development of the Zoning Ordinance Project Plan and the inclusion of the "opportunities and challenges" language likewise focused primarily on ensuring we address these issues.

While the ZOAM-2020-0001 Project Plan does not mention "changes to existing regulations...to improve the management of events, yard standards, parking, landscaping/buffering, lighting, noise and road/access...", staff is certainly looking at these issues and has no doubt that there will be improvements in these areas.

c. Will the Zoning Ordinance Rewrite include text addressing all outstanding actions from ZOAM-2015-0006 II and III, as originally directed by the Board on Nov. 1, 2016, reaffirmed with the Strategic Plan Update on Nov. 8, 2017, and 2018 ZOAM Work Program on Feb. 6, 2018?

The copy teste documenting the Board initiation of ZOAM-2015-0006 (Phases II and III) is attached (Item 16b). Review of this ZOAM indicates changes to use terminology, rural zoning district development standards, uses in open space, and very limited changes to use specific standards to include special provisions for historic structures. There are no provisions that impose more restrictive use specific standards for certain uses such as breweries. The ZOC has not yet reviewed zoning district development standards, and Open Space standards will be addressed when ZOC reviews Chapter 5. Regarding use terminology and definitions, staff believes draft language is aligned with the ZOAM language, but staff will verify.

Per the attached Item 16b copy teste from the November 2, 2016 Board Business Meeting, the Board also directed staff to prepare a Resolution of Intent to Amend (ROIA) the Revised 1993 Loudoun County Zoning Ordinance to include the Zoning Ordinance Action Groups' recommendations to add additional uses in open space including "Eco-Tourism;" "Farm Based Tourism;" and "Restaurant," and add "Recreation establishment, indoor" and "Virginia Farm Winery" uses to certain zoning districts except for "Virginia Farm Winery" in the PD-RV zoning district. This is proposed as part of Chapter 3 Uses, which has already been presented to ZOC (except for Open Space). As stated above, Open Space will be reviewed as part of Chapter 5 Development Standards.

As the dates provided in the above question do not extend beyond February 2018, it should be noted that staff received further direction on October 15, 2019, when TLUC recommended removal of a general provision in the ROIA for Rural Uses Phase II that would have provided the ability to include performance standards for specific uses beyond those specifically identified in the ROIA (see attached Item 10a). This provision would have enabled the inclusion of many of the restrictions related to certain rural economy uses that were previously recommended by some of the stakeholder and/or advisory groups. This ROIA, without the broad authorization to revise use specific standards, was subsequently absorbed into the Zoning Ordinance Rewrite. The ROIA did retain some provisions related to noise associated with certain rural economy uses, which staff will review for incorporation in the Zoning Ordinance. Similarly, Phase III also did not include a provision that would have authorized significant changes to use specific standards. As such, it appears the question above is referencing "outstanding actions" that were recommended for removal by TLUC on October 15, 2019, and were not reinstated by the Board of Supervisors when the Board incorporated the Rural Uses Phase II and III ZOAMs into the Zoning Ordinance Rewrite.

13. OFFERS OF ASSISTANCE TO STAFF. The overall goal is to ASSIST Staff manage the huge ZOR and ZOAM efforts. LCPCC contacts, PEC and other contacts offer the following ways to assist you and Staff have access to the information you need to complete your work:

a. OFFER #1: A hybrid/virtual meeting will be arranged with non-business property owner representatives from multiple districts and policy areas to provide input based on direct knowledge and experience with high-intensity uses, regulations and/or performance standards.

Staff appreciates the offer to meet, however, the engagement suggested could potentially include dozens or hundreds of people if it is to be truly inclusive of “non-business property owner representatives from multiple districts and policy areas,” as this “group” is essentially the general public. It is also highly unlikely that one meeting would be sufficient to address the varied concerns of non-business property owners representing interests across the entire County. As such, this seems to be more suited to the upcoming 90-day referral period, prior to which staff will conduct Public Open Houses and provide a web portal for the public to provide input.

b. OFFER #2: If a meeting cannot be arranged due to restrictions or in a timely manner, then non-business property owners will be requested to re-submit to ZOR Staff any and all letters, emails, cases, photos, Lex complaint content, discussion summaries with Staff, BOS, state legislators, publications that describe and/or support requirements submitted as public information in the past five to 10 years that highlight recommendations related to mitigating impacts from high-intensity uses.

Staff does not have the resources to review 10 years’ worth of materials suggested in the above offer. It is anticipated and expected that the members of the Zoning Ordinance Committee would be communicating with their respective organizations/members/etc. to summarize concerns and provide them in the form of comments and suggestions within the framework of ZOC’s review. It is also anticipated that the public will utilize the public engagement methods that will be provided, as well as the Planning Commission and Board public process, to provide input.

It would be helpful to know which offer you believe will be most feasible before the 2021 holidays?

Kind regards,

Maura
Zoning Ordinance Committee Member

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Maura Walsh-Copeland

"There comes a time when one must take a position that is neither safe, nor politic, nor popular; but one must take it because it is right."

Dr. Martin Luther King, Jr.