

LCPCC ZONING COMMITTEE "Problems with Permits" Primer

Executive Committee Briefing: April 11, 2018

County Senior Staff Presentation: May 14, 2018

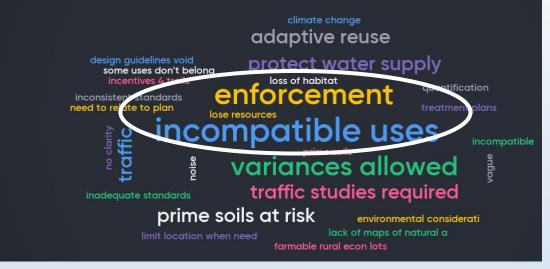
Enforcement/Inter-departmental Communications: April 14, 2021

ZOR Round 1 Public Input

What are the weaknesses and threats with the current Zoning Ordinance?



What are the challenges/threats involving the USES and PERFORMANCE STANDARDS in the current Zoning Ordinance?



What are the challenges/threats involving current Zoning Ordinance PROCESSES?



ZONING: Enforcement vs. ZOR

 Violations on Bad **County Zoning** purpose Actors e.g., grading, noise* Enforcement (By Complaint) Bad advice, Zoning **Application** Poorly **Enforcement** "loopholes" **Defined** e.g., country inn, **Issues** Regs "ag barn," MDOD • §5-654 Traffic No protections Nondefined existent • e.g., rural uses w/o performance Regs standards Walsh-Copeland Consulting, LLC For 🎩

WSP Code Audit – ZOC Input

CHAPTER	WHO	COMMENT/QUESTION	STAFF/CONSULTANT RESPONSE
Procedures	Walsh-Copeland Walsh-Copeland Walsh-Copeland Walsh-Copeland Walsh-Copeland Walsh-Copeland Walsh-Copeland Walsh-Copeland Walsh-Copeland Should make the right things easy." They may be the best justifications to update internal processes (e.g., checklists) where possible NOW.		Noted.
Procedures	Walsh- Copeland	Fix the zoning performance standards, checklists, process and procedures during ZOR and it's predicted Zoning Enforcement complaints will be significantly less.	Noted.
Procedures	Walsh- Copeland	The County is working to improve trouble ticket entry , tracking, notification and reporting via enerGov. What is the timeframe for implementation? Will there be any interface with enCodePlus?	enCodePlus will codify the Zoning Ordinance, but is not an enforcement tracking application. The latest timeframe for completion of EnerGov is August 2022 , subject to change.
Procedures	Walsh- Copeland	Did the Consultant's project scope include reviewing the ZOR Round One Public Input from LCPCC, REDC, FRBM, SRL and a number of other sources that provide requests for design changes and more input rather than by-right, administrative approval?	Yes, these were reviewed. Design changes and public input can occur through the application of new zoning districts and special exceptions, along with neighborhood meeting processes.
Procedures	Walsh- Copeland	Learn from zoning complaints/tickets that document instances of taking advantage of poorly defined regulations and non-existent/inconsistent/missing regulations, processes or procedures.	Zoning Enforcement staff are participating on the internal team of ZO Rewrite drafters to offer insight along these lines. We are also open to reviewing other specific instances community members want to point out.
Procedures	Support for the ZO requiring neighborhood meetings, integrating flowcharts identifying decision-making authority and notice requirements, workflows on general procedures, and stronger checklists.		Noted.





WSP/Staff Code Audit

Proposed ZO Chapters

- 1. Introduction
- 2. Zoning Districts
- 3. Uses
- 4. Overlay Districts
- 5. Development Standards
- 6. Signs

- 7. Procedures
- 8. Affordable Dwelling Units
- 9. Nonconformities
- 10.Officials, Boards and Commissions
- 11.Definitions and Rules of Interpretation





LCPCC ZONING COMMITTEE "Problems with Permits" Primer

County Senior Staff Presentation

May 14, 2018

OUTDOOR SOUND/MUSIC



OUTDOOR TENT USE









HOURS OF OPERATION/NOISE YARD IMPACTS





ADEQUATE PARKING Paved Road Good Screening



PARKING & ROAD ACCESS IMPACTS







"Ag Barn" - New construction (2017)

COMPARISON: B&B/Wedding Venue



- or inspections
 Insufficient setbacks to
- neighbors (noise, lighting, traffic issues)
- Claiming "Ag Structure"
- Non-Ag large scale use

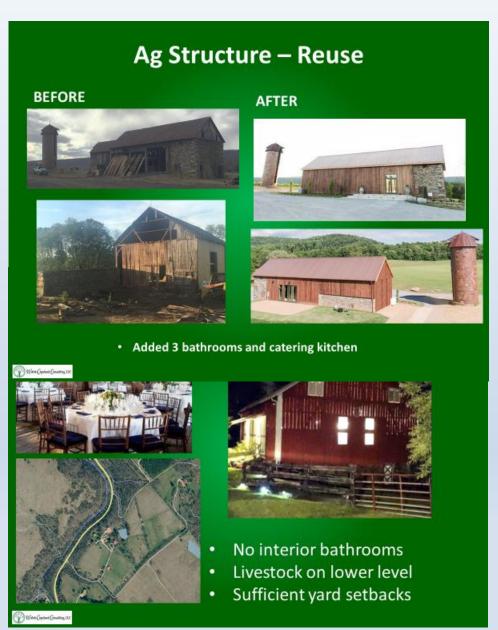


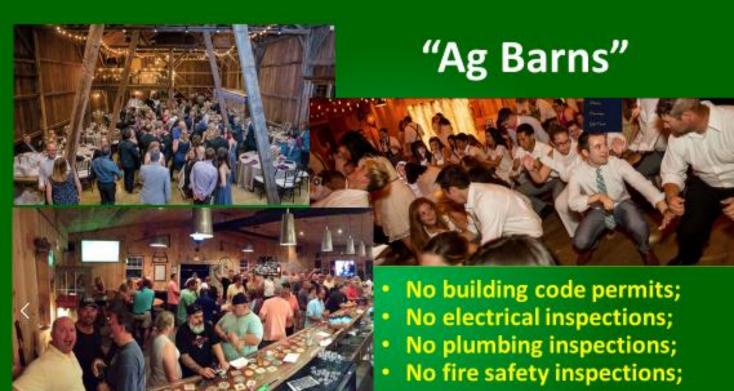






AG STRUCTURE REUSE & PUBLIC SAFETY





No Health Dept./Office of Drinking Water (ODW)
permits, unless bathroom, sink or catering kitchen
disclosed to Health Department & ODW.

RESULT: Concern of adjacent property owners/patrons

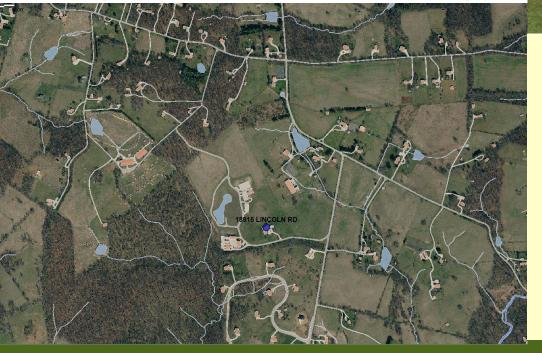


TRILLIUM GATHERING REVIEWED with County Senior Staff May 2018

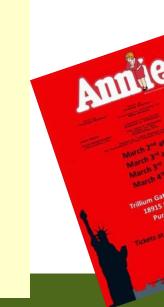
DESCRIPTION

TMG provided all civil, building, interiors and systems construction for this new 7,400 SF timber-framed community facility located on a 50-acre farm and nature center in Loudoun County. The community building features a performance hall with a curved stage, large projection screen, and separate audiovisual control room; large reception hall with double-sided fireplace; a commercial kitchen; and conference facilities on the lower level.

The facility was completed with a stone and heavy timber façade, cedar shake siding and standing seam metal roof to blend with other facilities on the campus. The interiors were designed to be welcoming and to seamlessly connect with the surrounding landscape. This was accomplished through the use of natural and organic finishes such as the exposed timber framing and wood details, stone fireplace, windows that provide expansive views of the pond and surrounding nature, and multiple doors that open onto a large stone terrace.



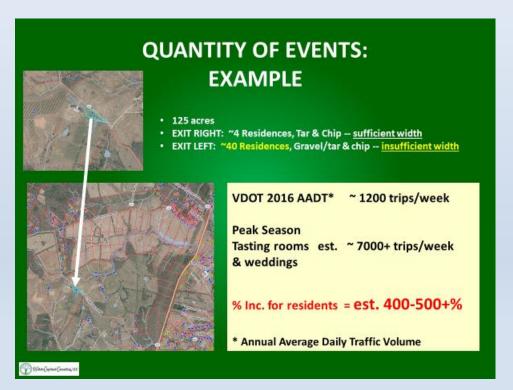
7,400 sq ft **Performance** hall/stage Commercial kitchen Conference facilities Sports courts, Riding ring

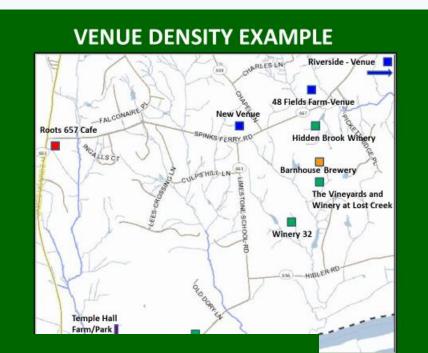


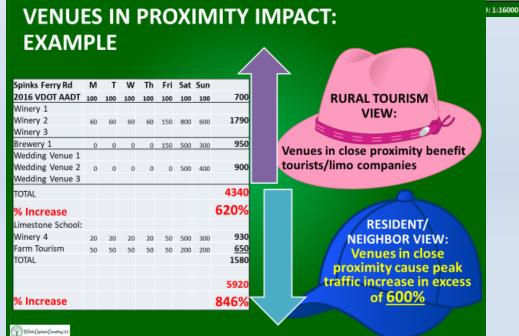


TRAFFIC / VENUE DENSITY IMPACTS

PUBLIC SAFETY

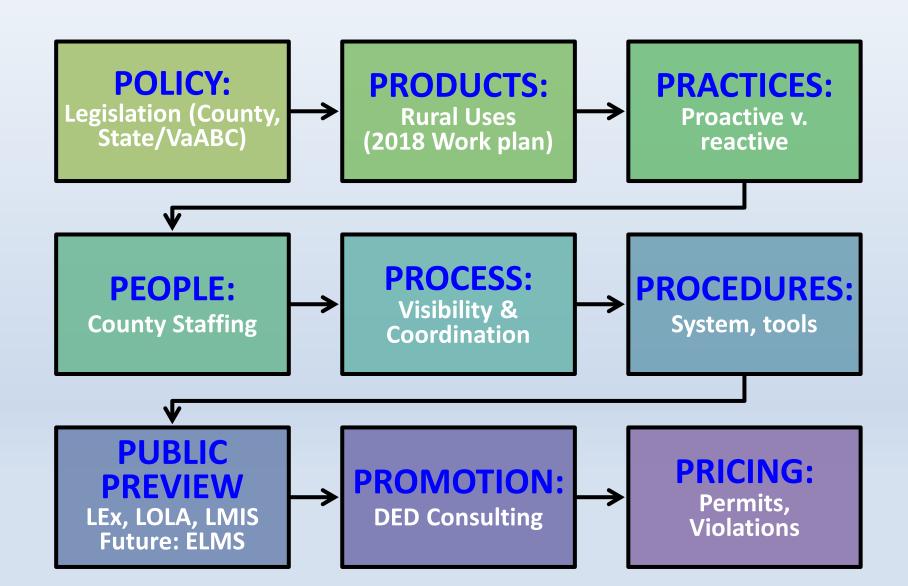








WHAT CAN BE DONE? Work with Staff & Committees:





2015-2017--Zoning Case Study Comparisons: Inconsistencies

TOLD: "Wait for new

Zoning Ordinance"

CONCLUSIONS – **Response to Original Questions**

ZONING INCONSISTENCY

Inconsistent &/or **Non-existent Rural Use** performance standards





LOCATION/ **INTENSITY IMPACTS:** Noise, Traffic, & **Enforcement**

PRIMARY FACTORS IMPACTING

"balance between **Rural Economy and** Quality of life for residents."

RuralZoningComparison.xlsx

Loudoun County Rural Use Zoning Comparison*

	Section 5-601	Section 5-601	Section 5-601	Section 5-601	Section 5-619	/ Section 5-642	Section 5-643	Section 5-667
No of Guest Rooms	1-4 Guest Rooms	1-10 Guest Rooms	1-40 Guest Rooms	20 to 120 rooms		N/A	N/A	N/A
ntensity/Size of Use (Min. .ot size)	No Min. Lot size	Min 5 acres. 0.04 FAR (Floor Area Ratio).	Min. 20 Acres	40 acres to 150 acres (> 120 rooms requires special exception)	Minimum 50 acres. 100 users/50 acres. No >450 users, servers, deliv. on >200 acres w/o Sp. Exception approval	Min 20 ac/200 attendees Min 50 ac/260 attendees Min 75 ac/310 attendees Min 100ac/360 attendees	Min 20 acres & 0.01 FAR (except for adaptive reuse)	Minimum 10 acres. No bldg restriction (proposed 12K sq.ft. & 5K sq.ft. storage)
Hours of Operation	Hours 7am - 12 midnight (parties)	Hours 7am - 12 midnight (parties)	Hours 7am - 12 midnight (parties)	1			Hours 6am - 12 midnight (incl deliveries)	
Daily/Yearly	Yearly: 10 Parties > 20 attend.	Daily: Max 50 attend. Yearly: 20 Parties >50 attend. subject to Zoning/Bldg permit >20: Special Event Permit	Daily: Max 100 Attend. Yearly: 20 Parties >100 attend. subject to Zoning/Bldg permit. >20: Special Event Permit	("Private party" not deemed a "special event")	Approval per Section 5-500, unless facility meets rqmts of Section 5-654 (Road Access Stds) ("Private party" not deemed a "special event")	Daily & Yearly: Determined at STPL, SPEX or SPMI stage ("Private party" not deemed a "special event")	("Private party" not deemed a "special event")	ALBEMARLE: Min. 5 acre crops in production Zoning Clearance reg'd >50 vehicle trips/day. Special Use Permit: >200 attendee
			100' for use & parking.			100' for use & parking.	100' for 1.5K sa.ft. structure.	ALBEMARLE: Structures Fr-75';

	RuralZoningComparison.x	SX		Loudoun County Rural Use Zoning Comparison*						
ping/ Bu	Craft Beverage Manuf. / Section 5-668	Small Based Busi / Section 5-614	Commercial Winery / Section 5-625	Agri Support Uses w/Ag / Section 5-627	Farm Based Tourism / Section 5-628	Agri Support Uses w/o Ag / Section 5-630	Eco-Tourism / Section 5-647	Virginia Farm Winery	NEW Rural Uses (2016)	
ng	N/A	N/A	N/A	N/A	N/A		N/A	2		
	Tasting Rm 49% of floor or 5K sq.ft.	10+ acres. 5K sqft structure or storage plus 1K sq.ft. for each addl 10 ac, not to exceed 15K sq.ft.	Minimum 10 acres.	Min 5 acres. Level I: 12K sq.ft. structures & 5K sq/ft storage areas.	Min 5 acres. Level III: max 7.5K sq.ft, w/ 80+ ac. Storage Max 25% of structure.	Research: 25 ac min, Farm Distrib: 25 ac min, Equestrian Evnt Fac: 25ac min, Stable, Livery: 25 ac min	Minimum5 acres. Structure not exceed 5K sq.ft. Storage not exceed 1K sq.ft	LC Wineries as of 2015: 88% > 10 acres 69% > 15 acres 62% > 20 acres		
cess	i i		Hours of operation 10am - 10pm	Hours 6am-9pm (incl deliveries)	Hours 8am-6pm (incl deliveries)	Hours 6am-10pm (incl deliveries)	Hours 6am-9pm (incl deliveries)			
Equipm		Employees: Max 3: 3- <10ac Max 4: 10- 50ac Max 10: 50+ ac	Unlimited?	# People: Max 200: 5-25ac; Max 400: 25-50ac; Max 600: 50-100 ac	# People: Max 300/day up to 5 ac; > 300/day = >40 ac > 600/day = >80 ac	Level II: <200 on 5-25 ac Level II: >200-400, 25-50ac Level III: >400-600, 50-100 ac				
Lighting		100' for 2Ksq.ft. bldg &yard.			76					
	Outdoor tasting 50' from lot lines of adj ag or residential zoned properties. No outdoor storage.	300' for 2K+sq.ft. bldg&yard. 500' adjacent to residential. No parking in reqd yard/ setback.	125' for use.	60' for structures & storage areas	Level I: 100' for 5K sq.ft. Level II: 150' for 7.5K sq.ft. Level IIIL 200' for 10.5K sq.ft.	Level I: 5-25 ac, 60ft Level II: 25-50ac, 120ft Level III: 50-100 ac, 175ft				
Vastew		Section 5-653(C) for storage	Section 5-653(a) for use. Section 5-653(B) for parking	Section 5-653(a) for use. Section 5-653(C) for storage	Section 5-653(A) for use. Section 5-653(B) for parking. Section 5-653(C) for storage	Section 5-653(A) for use. Section 5-653(B) for parking. Section 5-653(C) for storage				
ion Rqn		Section 5-1102	Section 5-1102. Dust-free surfacing material	Section 5-1102. Dust-free surfacing material	Section 5-1102. Dust-free surfacing material	Section 5-1102. Dust-free surfacing material	Section 5-1102. Dust-free surfacing material			
		N/A	Section 5-654	Section 5-654	Section 5-654	Section 5-654	Section 5-654. No more than 1 access point to public road.			
		Paved road access for heavy equipment	Paved road access for heavy equipment	Paved road access for heavy equipment						
	Section 5-652(A)(1) & (2)	Section 5-652(A)	Section 5-652(A)	Section 5-652(A)	Section 5-652(A)	Section 5-652(A)	For security purposes only			
		Section 5-652(B)	Section 5-652(B)	Section 5-652(B)	N/A	Section 5-652(B)				
	Shall be served by central water and central sewer	Health Department Approval?	Health Department Approval	Health Department Approval?	Health Department Approval?	Health Department Approval?	Health Department Approval?	Health Department Approval?		
	Not stated	Sketch Plan	Site Plan	Site Plan	Site Plan	n	77	?		
								Zoning/HD/ VDACS/ODW		

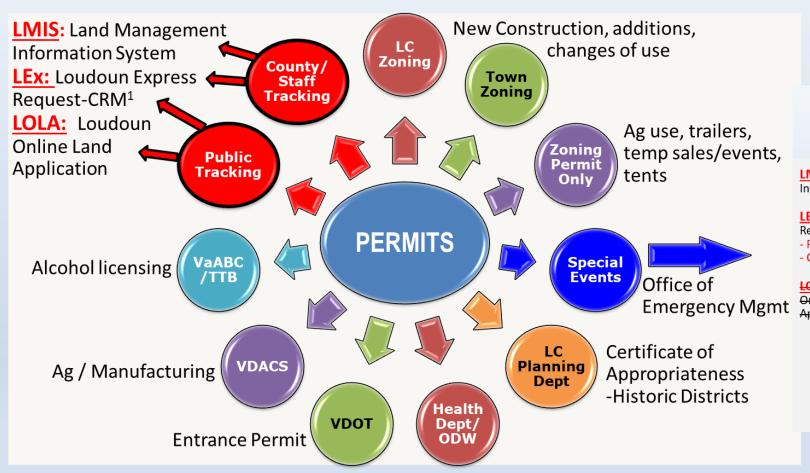
^{*} Update to "Loudoun county Land Use Comparison" chart prepared by LC Staff for ZOAM 2014-000:





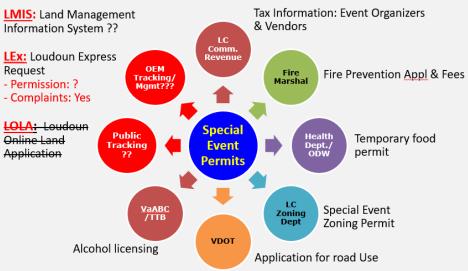
PERMITS – Primer:

No Consolidated way to track Permit violations



SPECIAL EVENT PERMITS –

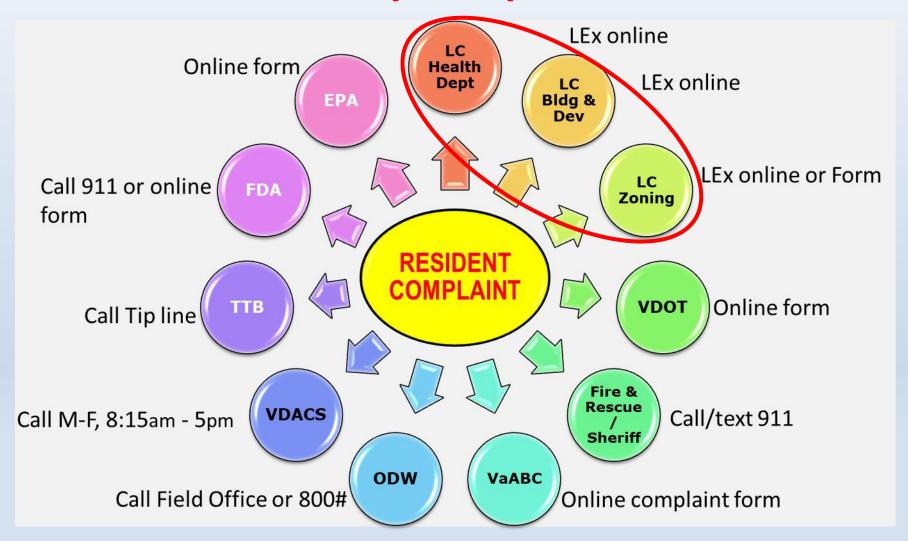
No way to track Special Event Permit violations





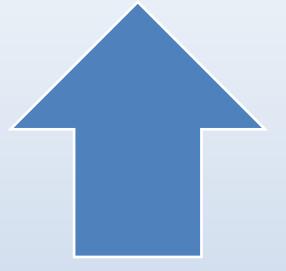
COMPLAINTS:

No Consolidated Tracking outside County LEx system





RESULTS Since 2018?



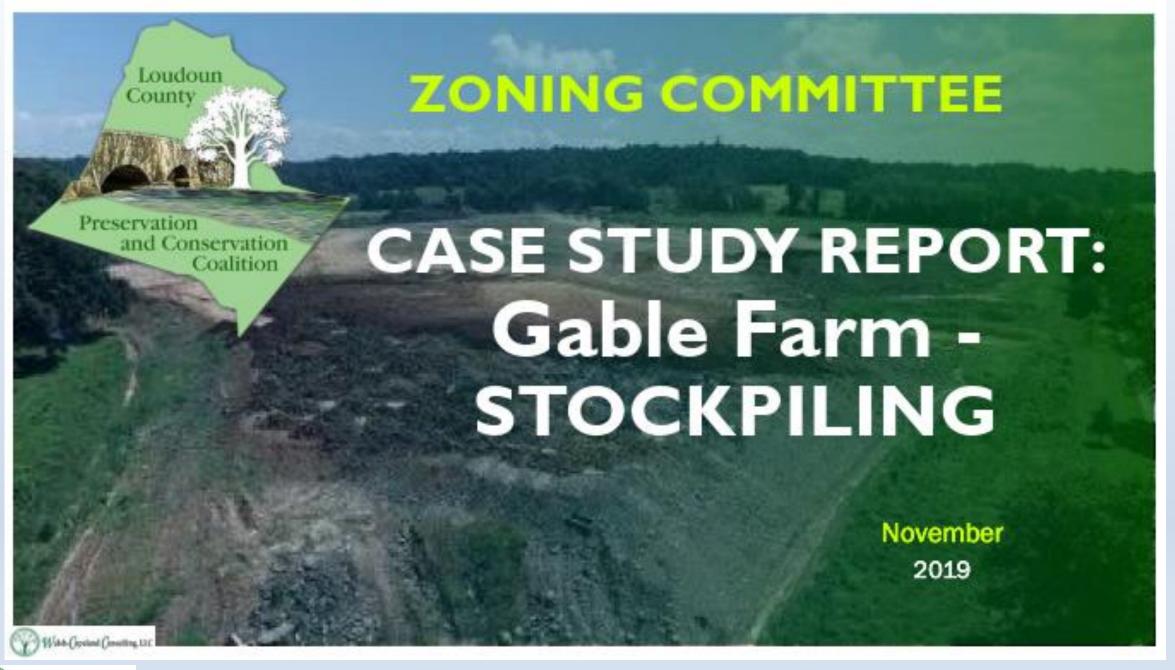
COMPLIMENTS:

- Positive County Organization Changes: Valmarie Turner P&Z, B&D, DED in one "shop"
- DED: Personnel and procedure changes
- Health Department: ONGOING mitigation of well & septic with Rural Uses in violation

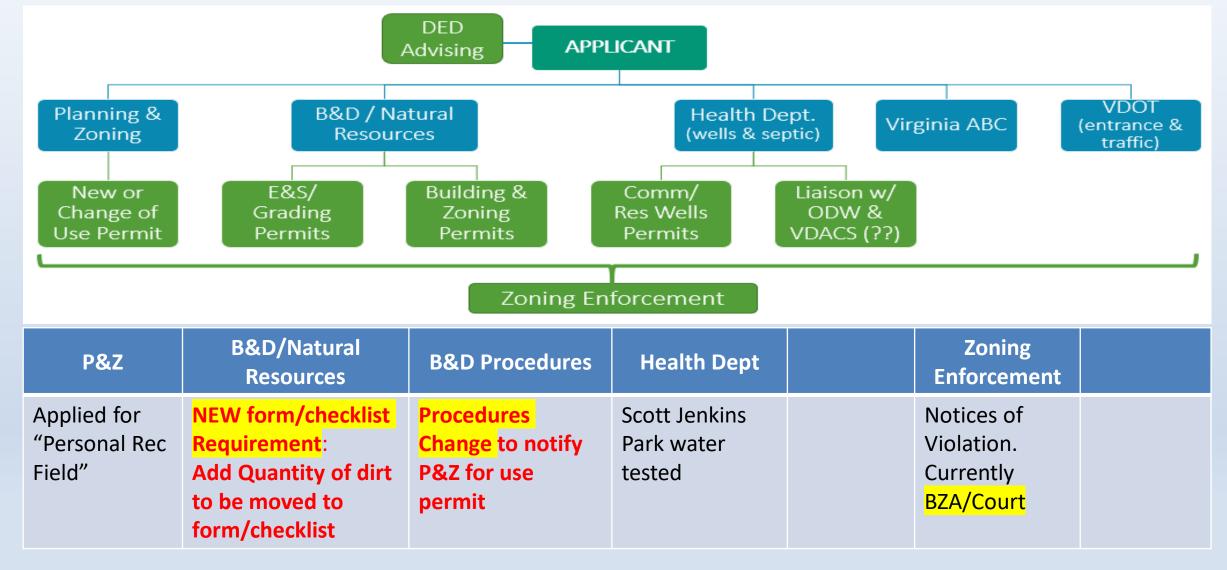


CAUTIONS/CONCERNS:

Continuing communication issues

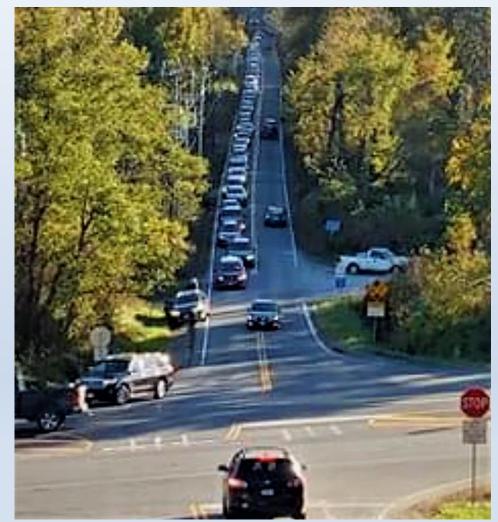


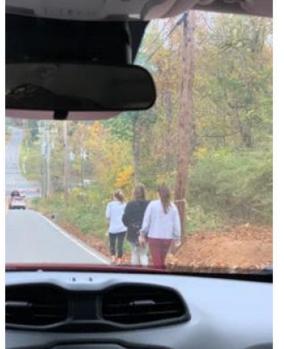
Unpermitted Stockpiling: ACTIONS





Rural Uses – No performance Standards/Traffic Compliance













10/19/20 10/24/20 10/19/20 10/19/20

Lights on Mountainside

Schoolhouse Road. The Winery lights are on the left, the Dirt Farm lights on the right. This year the Dirt Farm added strings of red and blue lights.





Nokes House - Demolition

February 2, 2018 (M. Gunderman)



House studied by Heritage Commission & Thomas Balch Black History Committee

APRIL, 2021

- Nokes Plaza LLC issued demolition permit
- "Staff who issued permit not made aware of significance."



New Use: Drone Facility - Lovettsville

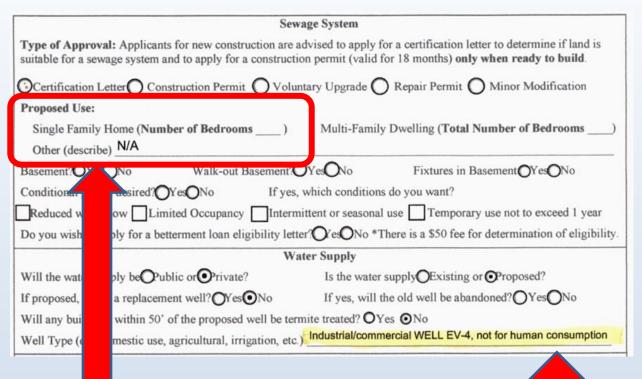






Industrial Wells: Limestone School Road



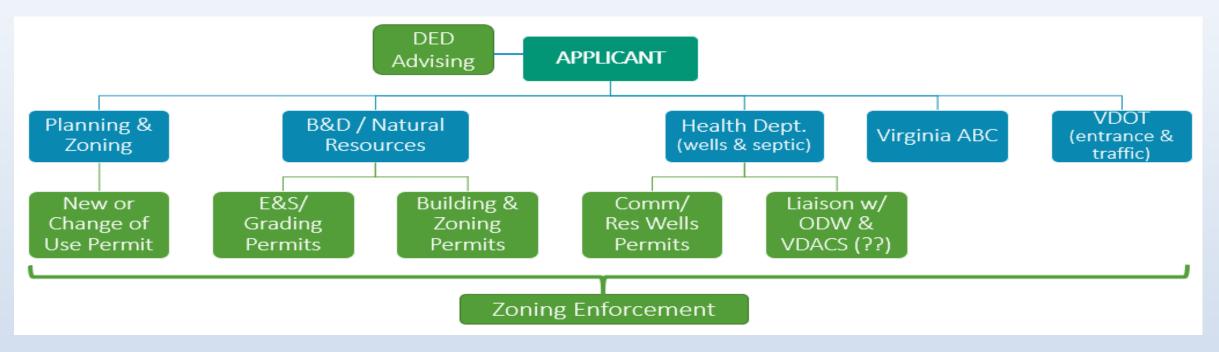


- Proposed Use: "N/A"
- Well Type:

"Industrial/commercial WELL EV-4, not for human consumption



Industrial Wells in LOD: No Permitted Use



	12/22/2020	12/26/2020	3/4/2021	12/16/2020	12/21/2020	12/14/2020
Use applied	Asked HD to "keep us informed." E&S Stop Work Order	County "Internal meeting."	"Use of wells not been disclosed"	ODW. Said contact VDACS	VDACS."P&Z must have approved."	LCSWD, "No authority." Use Lex.

County/Community Meeting: March 19th.

Citizens told Zoning enforcement cannot act until a violation occurs.



"Not for Human Consumption"



"Premier event facility in Virginia!"

"... naturally filtered water ... drawn from unique limestone karst aquifer ... "

"Weddings . . . Any size wedding or anniversary celebration"

"Corporate Events . . . Comfortably accommodate over 500 guests"



A natural source water company

WATER SOURCE

Services



Earth's brew at Droumavalla Farm is a unique limestone karst aquifer which produces the finest naturally filtered water this world has to offer!!!

Wholesale



Offering wholesale water to large packing companies at discounted pricing....Please call you representative today for pricing.

Just the facts



The water that is produced by Earth's Brew at Droumavalla farm is one of the most mineral rich, NATURALLY HIGH PH water sources in the nation. The alkalinity level produces by the limestone karst yeilds alkaline levels of 11+ which is extremely

Current specials



Order over 1,000,000 gallons per month and receive up to 5% off!





LEx: Loudoun Express Request



Zoning Enforcement to Citizen, 4/12/21

"Due to the previously received inquiries and complaints, your LEx request will be closed as a duplicate to Enforcement Case: 9263510."

COMPLAINTS: 2021 UPDATE

STILL Not Tracked; **STILL** Discretionary Reporting

NOT TRACKED:

Letters/emails to

- BOS
- Planning Commission
- State elected officials
- State Agencies
- Federal elected officials
- Federal Agencies
- Social Media/News

INCOMPLETE TRACKING*

- Calls to Sheriff
- Virginia ABC

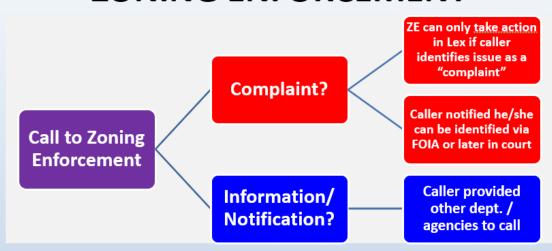
* Not all complaints reported on public reports. Discretion and plea bargaining impact incident reports.

RESULT: TOTAL COMPLAINTS UNDER REPORTED



Enforcement by Complaint POLICY STILL Not Known/Understood by Citizens

ZONING ENFORCEMENT



PRIVACY AT RISK: Conflicting information regarding submissions

"You may elect to keep all identifying information held confidential by indicating this on the online form." "Information you submit through this form is public and may be subject to disclosure through the Freedom of Information Act."

You are attesting to the validity of this report and acknowledge your willingness to appear in court as a witness..."

ZONING ENFORCEMENT POLICY*

Since 1992 BOS direction – Zoning Enforcement staff investigates

Written complaints (LEx, email);



Complaints from Supervisor or other county agencies; and



Proactively only in cases of eminent peril to life or property.

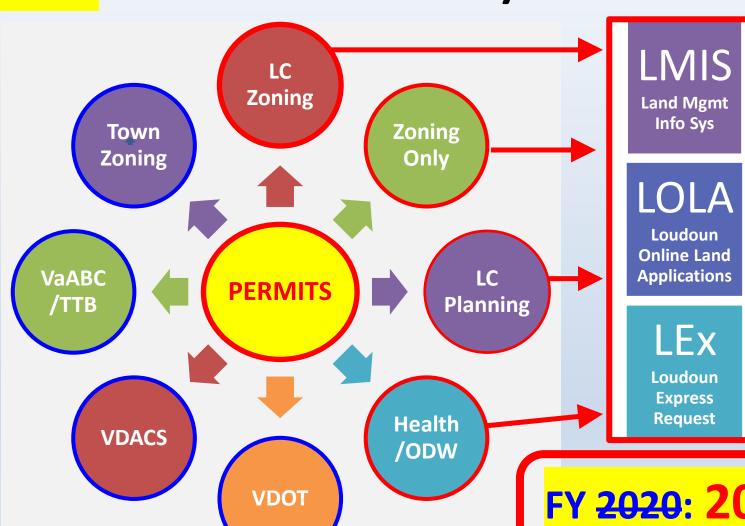
As of <u>June</u>, 2010:

 Zoning Enforcement approved for Proactive Enforcement in Sterling Area (only). Mon-Fri workweek, weekend inspections as necessary.



^{*}BOS Action #11, June 15, 2010 BOS Action #11, Nov. 17, 2009 BOS Action #13.b April 19, 2005

PERMITS – Primer: Systems/Tools - Delayed STILL No Consolidated way to track Permits/violations



Public view at County terminal / no remote public view

Remote Public view / limited search

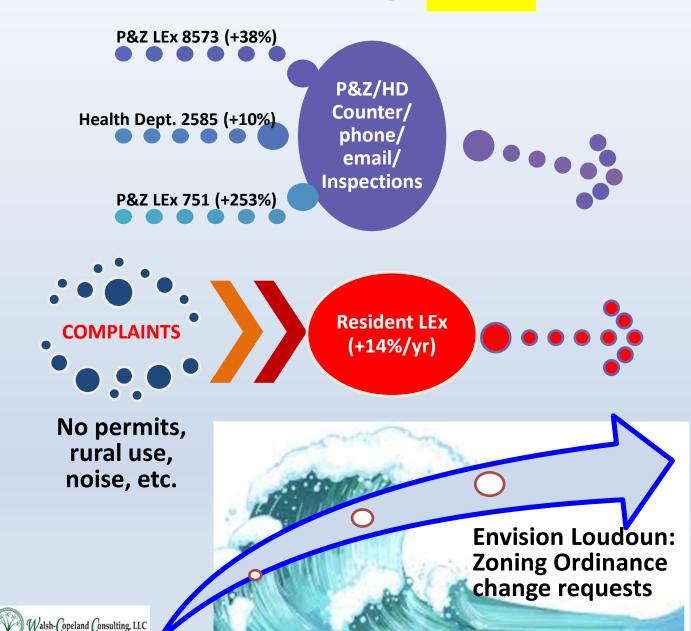
Public input / no public reporting

FY 2020: 2023 ? Remote Public view

enerGov



HITTING HIT THE WALL



LMIS

Land Mgmt Info Sys

LOLA

Loudoun
Online Land
Applications

LEx

Loudoun Express Request

ELMS
Electronic
Land Mgmt
System

POLICY? Legislation County, State/VaABC

PRODUCTS?

Rural Uses/Zoning

PRACTICES?

Proactive vs. reactive?

PEOPLE?

Staffing

PROCESS?

Improve coordination

PROCEDURES?

Systems/Tools

PUBLIC PREVIEW?

LMIS, LOLA, ELMS?

PROMOTION?

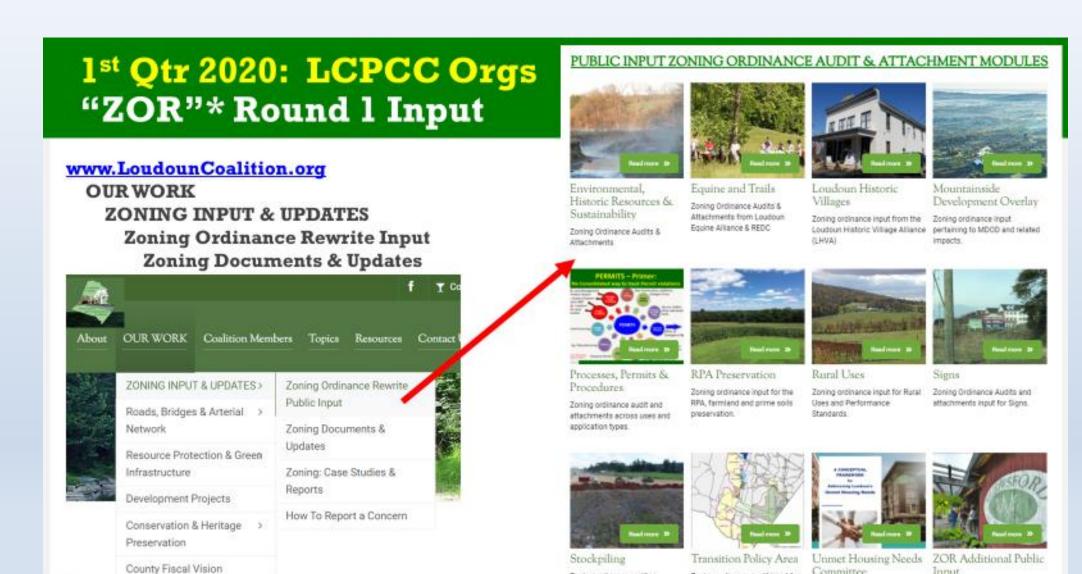
Staff Consulting

PRICING?

Permits, violations

ZOR Round 1 Public Input & Case Studies

* ZOR: Zoning Ordinance Rewrite



pertaining to Stockpiling.

Input

Zoning Ordinance Input from

other organizations.

Input for Unmet Housing Needs

Strategic Plan

Zoning ordinance audit input for

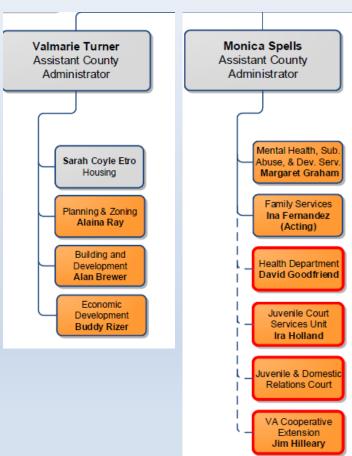
the TPA:



Wish Golad Charles LLC For 📠

WHEN CAN WE MEET WITH COUNTY/ZOR STAFF?

Enforcement PREVENTION



	ISSUE	ACTION		
	Back-end Zoning Enforcement heat from front-end zoning issues	Assist ZOR Staff review Round 1 Public Input		
	Department communication issues and constraints	Assist ZOR Staff review LCPCC Case Studies & recommendations		
	Citizen confusion and concerns	Assist Staff create "Citizen Journey Map"		
	Insufficient Staff / Enforcement by Complaint	Reconsider BOS Policy		



Governmen

ces

Departments & Office

Business

VIRGINIA

Home > Residents > Report an Issue > Property Uses, Building & Development Reference

Property Uses, Building & Development Quick Reference

This page covers common questions and requests related to property and land use (zoning), building projects and requirements, development projects, and zoning and permit questions.

Zoning Administration

- . The Zoning Ordinance (PDF) can be accessed online.
- For information on a specific piece of property, use the web form below. You may also use
 <u>WebLOGIS</u> to access the county's online mapping system or <u>Loudoun County Real Estate</u>
 <u>Information Site</u> to find property-based information.
- · Zoning Enforcement complaints can be submitted through the Web form.

Building Code Enforcement / Inspection Division

- Building Code Questions: Building code, building plan review and building inspection questions, please contact the Building Code Enforcement/Inspections Division at 703-777-0220.
- Inspections: To schedule, cancel, or see results from an inspection, use the <u>Web Automated Inspection Request System</u> (WAIRS).

Building Code Enforcement / Inspection Resource

- · Basement Inspections
- Deck Inspections
- · Virginia Uniform Statewide Building Code



LEx - Loudoun Express Request

Log

Sign Up

EXAMPLE

- No explanation of Dept. interface with Health Department
- No explanation for process of inquiry (business or resident)
- No explanation of "Zoning Enforcement" policy (complaint only, after evidence of violation)





VIRGINIA

Contact Information: Loudoun County Building & Development

Category	Phone Number
Engineering Hotline	703-737-0116
Main Office	703-777-0220
Overcrowding Hotline	703-737-8190
Permits and Inspections	703-777-0220
Zoning Complaints	703-777-0103
Zoning Hotline	703-777-0118

Privacy Settings

The LEx platform provides an option for users to follow and receive updates on requests that have been entered by a fellow community member. While this is not available on all requests, it is an efficient option for several citizens to stay updated without submitting duplicate requests. On public requests, the username of the original submitter is viewable by fellow community members and a pin with the relevant information appears on the LEx map. Users always have the option to switch these requests from public to private using the toggle at the bottom of the request form.

Important Disclaimers

By submitting a request through this form, you acknowledge that you have read, understood, and agree to the applicable disclaimers.

- · Additional Services Not Covered by This Form
- Other Ways to Contact the Loudoun County Government
- · Web Form Disclaimer
- Zoning Enforcement Disclaimer

Assistance

Should you require further assistance with completion of this form, please contact the Select Language Manager in the Office of the County Administrator at 703-777-0113.



EXAMPLE

Neat County Resources



Loudoun Express Request

Loudoun Express Request is a helpful tool for contacting county staff regarding a wide spectrum of issues. Internet service, property use, environmental health, and much more can be entered on LEX. Enter your question or concern and LEX will contact appropriate county staff! Learn more here.

Ask A Question

All four links go to the SAME page, with no further explanation

COUNTY

PLANNING AND ZONING

HEALTH WELLS AND SEPTIC

> HEALTH FOOD SERVICE

BUILDING AND DEVELOPMENT ENGINEERING

BUILDING AND DEVELOPMENT ENVIRONMENTAL

BUILDING AND DEVELOPMENT BUILDING PERMITS

BUILDING AND DEVELOPMENT ZONING PERMITS

BUILDING AND DEVELOPMENT SIGN PERMITS

FIRE MARSHAL

COMMONWEALTH

ALCOHOLIC BEVERAGE CONTROL (ABC)

OFFICE OF DRINKING WATER

AGRICULTURE AND CONSUMER SERVICES

DEPARTMENT OF TRANSPORTATION (VDOT)

EXAMPLE

How a Business Gets Approval:

Once you know what usages match your business plan, you're ready to start the permitting process. There are many factors to consider and each requires approval, to ensure the viability of your business and the safety of your customers and staff. Here is what the permitting process might look like and where your paperwork may go.

Business Resources



The Official Guide To Starting Your Rural Business In Loudoun

Are you thinking of starting a rural business in Loudoun County? Our Department of Economic Development has put together this guide just for you. It gives an overview of important information for rural businesses, from farm and breweries to restaurants and bed & breakfasts, and helps you figure out if your specific use is permitted on your property.

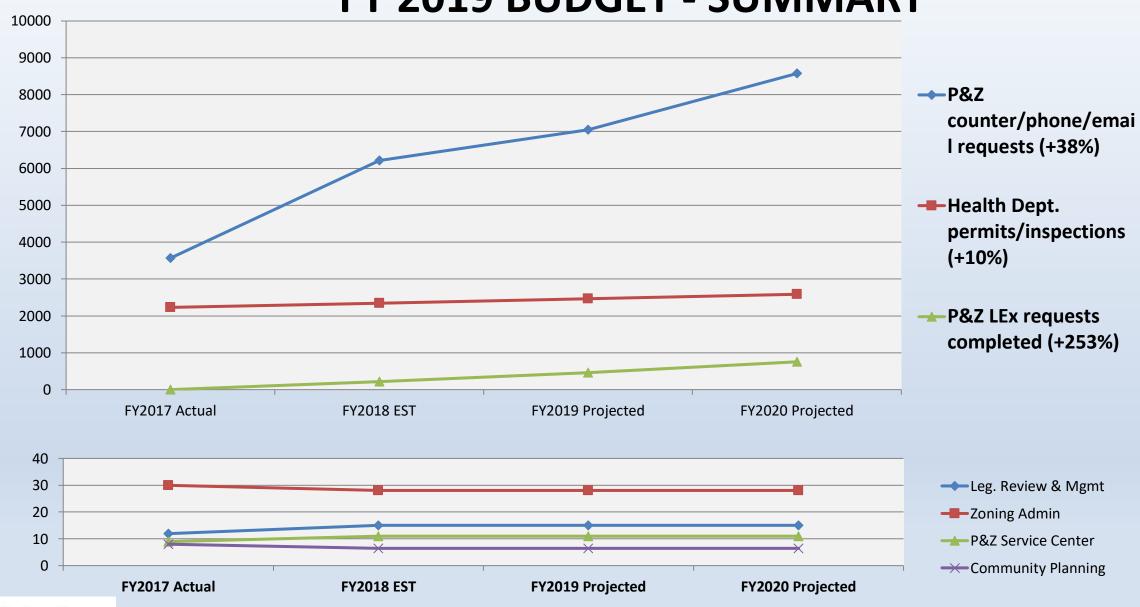
Read Now

- No equivalent for CITIZEN INQUIRIES
- RECOMMENDATION:
 Citizen "Journey Map"

FY 2019 BUDGET - SUMMARY

		FY2017 Actual	FY2018 EST	FY2019 Projected	FY2020 Projected	% Inc
EXECUTIVE MGMT	FOIA requests	159	180	190	200	11%
	% Departments using LEx	70%	75%	75%	75%	
	No. LEx requests	11,070	12,000	12,000	12,000	0%
COUNTY ATTORNEY	Pending Reg. Enforcement	45	48	49	50	4%
SPECIAL EVENTS MGMT	No. Special Events	419	400	425	425	6%
	No. Sp. Events Staff Hrs	691	1850	1900	1900	3%
HEALTH DEPARTMENT	Permits/inspections	2233	2345	2462	2585	10%
BUILDING & DEV	Counter Assistance	7120	6000	5500	5000	-17%
	LEx Requests	3450	3500	3600	3700	6%
	B&D Permit Issuance	59,939	59,670	60,860	62,000	4%
PLANNING & ZONING	Counter/phone/email requests	3568	6215	7045	8573	38%
	LEx requests completed	n/a	213	457	751	253 %
	FOIA Requests	68	65	65	65	0%
	ZOAMs reviewed	8	6	5	2	-67%
P&Z - FTE	Leg. Review & Mgmt	12	15	15	15	0%
	Community Planning	8	6.47	6.47	6.47	0%
	P&Z Service Center	9	11	11	11	0%
	Zoning Admin	30	28	28	28	0%

FY 2019 BUDGET - SUMMARY





RURAL USES ZOAMs

Sport Shooting Ranges Short Term Residential Rentals





