



ZOAM-2020-0001-Zoning Ordinance Rewrite -- Round 3 Input

REVIEWER INSTRUCTIONS:

Below are comments submitted to County DPZ/ZOR Staff as public input during Zoning Ordinance Committee review by organizations and citizens, being shared for your public input review.

Comments/questions not addressed can be submitted during Round 3 Public Input through July 18, 2022.

-- Be aware that all comments will become part of the public record after submission via enCodePlus. Please be mindful to use language in an appropriate and professional manner.

-- **Please continue to use the draft text SECTION NUMBER REFERENCE** at the START of each comment, followed by ALL CAPS short heading (see sample on the template)

SORT	ADDRESSED in 4-18-2022 Draft Text?	Section (for sorting only)	CHAPTER 5 -- DEVELOPMENT STANDARDS SECTIONS 5.03, 5.06, 5.07
PRIORITY SHARED INPUT ITEMS			
	NO	5.03.0	5.03. 2019 COMP PLAN SUSTAINABILITY POLICIES. How will new Zoning Ordinances to reflect the new Sustainability Policies in the new Comprehensive Plan be handled? Staff Response: The RSCR and Steep Slopes standards serve to continue to and increase the current protections of the natural and environmental resources that this section sets out to protect. Aspects of the Clean Water Initiative, the Environmental Policy and Stormwater Management Program are implemented in these sections. Bringing our attention to specific additions or opportunities are appreciated, and will be considered, by staff 2022 Round 3 Input: Requires further public input
	NO	5.03.03	5.03.03 NERS USE TABLE - RECREATION. Why are there not additional specific standards to protect buffers for river and stream health and wildlife habitat? Staff Response: Please recommended specific standards for the Recreation uses allowed within the RSCR. FAR limitation (specific percentage), parking limitation (specific rate), lot coverage (specific percentage)?
	NO	5.03.03 NERS	5.03.03 NERS USE TABLE FOOTNOTE 2 indicates, "All Minor Special Exception and Special Exception uses listed in the underlying zoning district, and overlay district if applicable, may be permitted within moderately steep slope areas by the Board of Supervisors by separate Special Exception approval of this Section 5.03.xx, and if approved, may be subject to certain conditions, pursuant to the provisions of Section 7.09." This is the PRIMARY justification for separate use lists for MDOD, LOD, FOD, etc. that specifically DO NOT INCLUDE SPEX or Moderate SPEX uses that would violate the intent and purpose of the 2019 Comp Plan. Staff Response: If the comment is: Chapter 4 sections should have separate use lists and tables like this, staff will discuss and contemplate. FURTHER INPUT REQUESTED
	NO	5.03.03 NERS	Table 5.03.03 NER USE TABLE. 2022 Round 3 Input: Appears to indicate active recreation within the River and Stream Corridor Resources (RSCR) is permitted. The recreation should be limited to passive in the RSCR. It also indicates active recreation by special exception if the use uniquely requires a site within a RSCR adjacent to steep slopes or very steep slopes and the applicant can demonstrate the proposed use is not compatible with a site that lacks RSCR or very steep slope areas. This section is worded almost as if as long as the developer can say "we have to utilize the RSCR/slopes for this active recreation and can't put it anywhere else" that they have met the requirement. We shouldn't have active recreation in these areas in any case. If we really want to protect these areas, we may have to realize that not every site can be developed without damaging the RSCR or steep slopes.

NO	5.03.02	<p>5.03.02 STEEP SLOPES. APPLICABILITY & EXEMPTIONS. CLOSING B&D LOOPHOLES. Staff (including the ZOR Project Manager) are directly aware of instances where land is being cleared on Steep Slopes under the guise of a non-existing (or expired) "Forestry Management Plan," after the County was made aware of the lack of VDOT entrance permits, with no applied for or approved grading permits or review for erosion, and attempts to use a third party "soils report" to obtain a farm management plan on property in conservation easement -- all with the directly knowledge of the ultimate development plans based on boundary line adjustment submission and county approval.</p> <p>Due to the KNOWN lack of communication and enforcement issues related to grading/clear cutting, and ignoring permits, how will these loopholes be closed with the new zoning ordinance for steep slope areas?</p> <p>Staff response: Indeed, staff are aware and have experienced "loopholes" and challenges with enforcement. Staff is working with the CAO to develop strategies, and the existing steep slopes exemptions represents the most contemporary starting point, with revisions adopted 12/2/2015 in effort to align with state code but address challenges realized in the 2000's.</p> <p>2022 Round 3 Input: Staff aware of "loopholes." Must be addressed</p>
NO	5.03.02.B.2.b	<p>5.03.02.B.2.b. STEEP SLOPES. APPLICABILITY & EXEMPTIONS. Timber Harvesting. Does the County ensure or monitor the requirement below and ENFORCE when presented with KNOWN violations? (Recent examples know to the ZOR Project Manager indicate the answer may be no and need to be addressed.) Section 10.1-1181.2.H of the Code of Virginia. Prior to completion but not later than three working days after the commencement of an operation, the operator shall notify the State Forester of the commercial harvesting of timber. . . . The notification may be verbal or written and shall (i) specify the location and the actual or anticipated date of the activity, (ii) include an owner's name or the owner's representative or agent and contact information, and (iii) be provided in a manner or form as prescribed by the State Forester. If an operator fails to comply with the provisions of this subsection, the State Forester may assess a civil penalty of \$250 for the initial violation and not more than \$1,000 for any subsequent violation within a 24-month period by the operator. Such civil penalties shall be paid into the state treasury and credited to the Virginia Forest Water Quality Fund pursuant</p> <p>Staff Response: The County has an open communication with Virginia Department of Forestry (DOF), and tracks all timber harvests, however, enforcement of Seciton 10.101181.2.H of the Code of Virginia is DOF's authority, not the County's.</p> <p>2022 Round 3 Input: This is a known, ongoing communication and enforcement loophole that must be addressed, either through additional MDOD procedures or initiation of legislative request for coordination procedures between State (VDOF, VDH, VDOT) and Loudoun County departments of Building & Development and Planning & Zoning.</p>
ADDITIONAL ROUND 3 INPUT ITEMS		
NO	5.03.0	<p>2019 COMP PLAN COMPLIANCE CHECKLIST.</p> <p>Although the Staff summary memo is very useful, distribution of only "a clean version of draft text" (p. 2 of memo) makes it difficult to determine to what extent this draft implements the 20+ environmental actions called for in the Comprehensive Plan.</p> <p>Rather than "tracked changes" that Staff feels is "impracticable,"(p.2) could a reverse check list be provided that lists the 2019 Comp Plan Policy/Action (bullet or column format) with the reference to where it is implemented in the Draft text by Section reference?</p> <p>Without this general means to review the draft text, if it is difficult for ZOC members and associates to evaluate how each Policy/Action has been achieved then it may result in exponential volume of questions from the general public when the draft is released for 90-day review in April 2022.</p> <p>Does such a 2019 Comp Plan "checklist view" already exist for ANY/ALL sections? If not, can it be prepared before ZOC Subcommittee review in March/April?</p> <p>2022 Round 3 Input: Staff responded "good idea," but no checklist provided during 90-day public input review.</p>

NO	5.03.0	<p>5.03. 2019 COMP PLAN SUSTAINABILITY POLICIES. How will new Zoning Ordinances to reflect the new Sustainability Policies in the new Comprehensive Plan be handled?</p> <p>Staff Response: The RSCR and Steep Slopes standards serve to continue to and increase the current protections of the natural and environmental resources that this section sets out to protect. Aspects of the Clean Water Initiative, the Environmental Policy and Stormwater Management Program are implemented in these sections. Bringing our attention to specific additions or opportunities are appreciated, and will be considered, by staff</p> <p>2022 Round 3 Input: Requires further public input</p>
NO	5.03.0	<p>5.03.02 STEEP SLOPES. APPLICABILITY & EXEMPTIONS. CLOSING B&D LOOPHOLES. Staff (including the ZOR Project Manager) are directly aware of instances where land is being cleared on Steep Slopes under the guise of a non-existing (or expired) "Forestry Management Plan," after the County was made aware of the lack of VDOT entrance permits, with no applied for or approved grading permits or review for erosion, and attempts to use a third party "soils report" to obtain a farm management plan on property in conservation easement -- all with the directly knowledge of the ultimate development plans based on boundary line adjustment submission and county approval.</p> <p>Due to the KNOWN lack of communication and enforcement issues related to grading/clear cutting, and ignoring permits, how will these loopholes be closed with the new zoning ordinance for steep slope areas?</p> <p>Staff response: Indeed, staff are aware and have experienced "loopholes" and challenges with enforcement. Staff is working with the CAO to develop strategies, and the existing steep slopes exemptions represents the most contemporary starting point, with revisions adopted 12/2/2015 in effort to align with state code but address challenges realized in the 2000's.</p> <p>2022 Round 3 Input: Staff aware of "loopholes." Must be addressed</p>
No	5.03.0	<p>5.03.02 STEEP SLOPES. APPLICABILITY & EXEMPTIONS. B.2.a states, "Single Family Dwelling on Existing Legal Lot. Construction of a single residential use on a legal lot existing as of June 16, 1993, is exempt from the requirements of Section 5.03.02.D. Such exemption does not apply to nonresidential uses. Development on such lot is subject to all applicable standards provided in Section 5.03.04."</p> <p>The only thing that has changed from current zoning is the date, which still indicates that the steep slopes protection is ruled null and void if the lot existed 30 years ago. The primary issue is that many of the "lots of concern" are the old wood lots on the Short Hill, Blue Ridge, and Catoclin Ridges, which are the areas that tend to have the most steep slopes.</p> <p>If the new Zoning Ordinance does not protecting those slopes -- probably our most sensitive and most important to protect -- what are we protecting? The logic is similar to the prime ag soils question -- "protecting" the asset as long as the residential development potential is still allowed to supersede any agricultural or environmental concern.</p> <p>Staff Response: That is a good point, especially as we see less available, or more easily developable lots. It is important to note that the exemption is only for 5.03.02.D - which prohibits land disturbance except for a limited amount of uses. These lots are still subject to the standards that are now in 5.03.03.</p> <p>Regardless, removing this exemption has been considered, in the past, a "taking" and therefore avoided. Additionally, the Board has clarified their direction with the ZOR to not change the density in western Loudoun. We will further discuss internally</p>
NO	5.03.01	<p>Table 5.03.01-1: DETERMINING THE WIDTH OF THE RSCR MANAGEMENT AREA</p> <p>2022 Round 3 Input: Appreciate that Goose Creek is denoted as a Scenic River; however, please note that the North Fork of the Goose Creek is not so designated. The North Fork watershed constitutes approximately 65,000 acres in Loudoun County. It originates in the Blue Ridge Mountains and flows through regions of agricultural land as well as urban and suburban land, including the towns of Round Hill, Purcellville, and Hamilton, and the villages of Saint Louis, Philomont, and Bluemont. We would like to see the North Fork added to the table to be protected by the same standards as the Scenic Rivers, Potomac, and Bull Run.</p>
NO	5.03.01.B.2	<p>5.03.01.B.2.b. EXISTING STRUCTURES can be "added to." Is there a limit on this? There is apparently a limit on rebuilding, but it is not apparent for adding to existing structures?</p> <p>Staff Response: REQUESTING FURTHER INPUT. There are no limits beyond the limits of the zoning districts and related development standards. If you would like a specific percentage limitation, please recommend a percentage.</p>
NO	5.03.01.E.4	<p>5.03.01.E.4. MODIFICATION OF REQUIRED BUFFER. Uses a, b, and c: are these uses, such as parking, limited?</p> <p>Staff Response: REQUESTING FURTHER INPUT. The parking here refers to parking associated with a use specified as permitted within the RSCR. Parking is a requirement, so if there is interest in limiting the parking requirement within the RSCR for a RSCR permitted use, please provide that input</p>

NO	5.03.02	<p>5.03.02 STEEP SLOPES. APPLICABILITY & EXEMPTIONS. Timber Harvesting. Does the County ensure or monitor the requirement below and ENFORCE when presented with KNOWN violations? (Recent examples know to the ZOR Project Manager indicate the answer may be no and need to be addressed.) Section 10.1-1181.2.H of the Code of Virginia. Prior to completion but not later than three working days after the commencement of an operation, the operator shall notify the State Forester of the commercial harvesting of timber. . . . The notification may be verbal or written and shall (i) specify the location and the actual or anticipated date of the activity, (ii) include an owner's name or the owner's representative or agent and contact information, and (iii) be provided in a manner or form as prescribed by the State Forester. If an operator fails to comply with the provisions of this subsection, the State Forester may assess a civil penalty of \$250 for the initial violation and not more than \$1,000 for any subsequent violation within a 24-month period by the operator. Such civil penalties shall be paid into the state treasury and credited to the Virginia Forest Water Quality Fund pursuant</p> <p>Staff Response: The County has an open communication with Virginia Department of Forestry (DOF), and tracks all timber harvests, however, enforcement of Seciton 10.101181.2.H of the Code of Virginia is DOF's authority, not the County's</p>
NO	5.03.02	<p>5.03.02 STEEP SLOPES</p> <p>2022 Round 3 Input: Indicates no land disturbing activities but then indicates "Encourage innovative and imaginative building techniques to create structures and site plans that are suited to sloped terrain." This seems to suggest developers can develop in the steep slope areas provided they are innovative and imaginative. This sentence should be deleted.</p>
NO	5.03.03	<p>5.03.03 NERS USE TABLE - RECREATION. Why are there not additional specific standards to protect buffers for river and stream health and wildlife habitat?</p> <p>Staff Response: Please recommended specific standards for the Recreation uses allowed within the RSCR. FAR limitation (specific percentage), parking limitation (specific rate), lot coverage (specific percentage)?</p>
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NO	5.03.03 NERS	<p>Table 5.03.04-1 NERS Table.</p> <p>2022 Round 3 Input: Item #2 indicates Storm Water Management (SWM) in RSCR/slope areas must be in accordance with chapter 1096 of codified code and Facilities Standards Manual (FSM). We do not have access to the SWM requirements for steep slopes in the FSM, but they were probably developed a long time ago and have not changed much. We need state of the art SWM in our RSCR/Steep slope areas. Why are we settling for standards in the FSM that were developed prior to understanding the detrimental impacts of development on our sensitive environmental areas?</p>
NO	5.03.03 NERS	<p>Table 5.03.04-1 NERS Table.</p> <p>2022 Round 3 Input: Item #8 – Siting and disturbance – Indicates land disturbance must have minimal adverse effects on water quality and erosion. This is extremely vague. The impact on water quality and erosion can be easily measured now with automatic water monitoring equipment. There should be a requirement to obtain baseline water quality information, on-going monitoring during the land disturbance, and a report with a summary of test data from a professional engineer who verifies no negative impact on water quality and erosion has occurred.</p>

NO	5.03.03 NERS	Table 5.03.04-1 NERS Table. 2022 Round 3 Input: Item 9 – Requires permeable surfaces be used. However, it has been clearly demonstrated that without maintenance, permeable surfaces clog very quickly and stop functioning soon after they are installed. In order for permeable surfaces to function over time, there must be a requirement for periodic maintenance/cleaning of the permeable surfaces with annual reports confirming the maintenance has been completed.
NO	5.03.04.B	5.03.04.B.2.f.1 NATURAL & ENVIRONMENTAL RESOURCE DEVELOPMENT, Land Disturbance, and Additional Use Specific Standards. As part of protecting natural heritage resources, should state species of concern, or studies for exemplary natural communities, habitats, and ecosystems also be added studies requested by the Zoning Administrator? This should be universal, not just for this specific use in the RSCR, does Staff agree? Staff Response: All legitimate concerns that can be considered in additional language. Further input requested
NO	5.03.04.B.2.g	5.03.04.B.2.g – DEVELOPMENT, LAND DISTURBANCE & ADDITIONAL USE STANDARDS. Discusses the use of blasting for sewer and water on steep slopes. 2022 Round 3 Input: It requires that blasting follow standard procedures, but we need to limit the magnitude of blasts to limit the disturbance and damage to the environment. In karst areas, we recommend limiting particle acceleration from blasts to be no more than 2 inches/sec, and that blasting be monitored by use of seismographs to confirm the particle acceleration is not exceeded.
NO	5.03.05	5.03.05 DEFINITIONS. OTHER PROTECTED RESOURCES. Wetlands are mentioned as "other protected resources." Wetlands creation and protection could be used as a tool to reduce post-development runoff peak rate, frequency, volume. Why are there not guidelines and performance standards to also protect wetlands and wetland buffers to protect and improve stream and watershed health? 2022 Round 3 Input: Further requests for round 3 needed.
No	5.07.01	5.07.01 PURPOSE, APPLICABILITY, AND EXCEPTIONS, PURPOSE: Is this list intended to be a comprehensive list? Should add: "Protect our night sky from light pollution and intrusive artificial light; Enhance water quality and storm water control by reducing runoff and erosion; Reduce heat-island impact; Increase property values to homeowners by 10%-20%; Increase economic benefits to homeowners and commercial property owners; Reduce crime; Clean our air; Protect, feed and shelter wildlife;
No	5.07.01	5.07.01 PURPOSE, APPLICABILITY AND EXCEPTIONS. We appreciate the inclusion of NHR Policy 7 Strategy 6.2.D on pollinator habitat to apply to all new landscaping rather than just the Rt. 7 corridor, as noted on Page 4 of the 1.5.22 Cover Memo. However, why is this not mentioned as part of section 5.07.01?
CHECK	5.03.03	5.03.03 NERS USE TABLE: INFRASTRUCTURE. Paths and Trails...and Raised Public Boardwalks. There should be extra protections to ensure there is adequate space for the infrastructure/recreation use while protecting buffers for river and stream health including wildlife habitat. Design standards from the LPAT Framework Plan could be incorporated here. Protecting the environment and natural resources should be the primary objective for this section. Why are there not additional specific standards to protect buffers for river and stream health and wildlife habitat?
CHECK	5.06.0	5.06 TREE PLANTING, REPLACEMENT AND ENFORCEMENT. Why is there no mention of requiring tree plans to join with neighboring contiguous habitats to reduce habitat fragmentation and promote wildlife corridors? Staff Response: Will evaluate inclusion, as well as cross references to other requirements in the zoning ordinance that address connecting open space
CHECK	5.06.0	5.06 TREE PLANTING, REPLACEMENT AND PRESERVATION. While the policy statement was updated to be consistent with 2019 GP Policy Chapter 3, FTV p. 3-7 and FTV Action 4.1.B., there are many other relevant and important policies as part of FTV Policy 4 including, but not limited to, 4.1.C "require the removal of invasive plant species during the development process" and 4.2.A "prioritize the planting of native vegetation, specifically along those corridors that provide connections to other natural, environmental, and heritage resources". Why was this, and other actions from FTV policy 4 omitted from the Zoning Ordinance? And, why are there not corollary ordinances related to removal of invasive species and planting native vegetation along corridors (which would reduce habitat fragmentation)? Staff Response: Will consult with County Urban Forester and determine best location/way to address removing invasive species and revise appropriately

CHECK	5.06.A.4	5.06.A.4 TREE PLANTING, REPLACEMENT AND ENFORCEMENT. The current FSM Table 3 of Tree Conservation and Landscape Plan includes 45% non-native trees. Why does the Zoning Ordinance not include a 100% (or other minimum percentage) native trees and shrubs requirement? A minimum requirement is needed to prioritize native vegetation per the 2019 General Plan - FTV 4.2 Action A. (The Zoning Ordinance needs to be updated to initiate an update of the FSM. Otherwise circular logic of the ZO pointing to the FSM before the FSM standards have been updated to reflect the new ZO is circular and non-effective.) When will this review be done for ZOR/FSM updates? Staff Response: Will consult with County Urban Forester regarding appropriate percentage and location for requirement and revise accordingly.
CHECK	5.07.0	5.07 LANDSCAPING BUFFER YARDS, SCREENING AND LANDSCAPE PLANS. Except for 5.07.04 Cemetery, Burial Ground, and Grave Buffer, there are no mentions of invasive species removal. As per 2019 General Plan FTV Policy 4 Strategy 4.1.C, shouldn't language be included throughout Section 5.07 to "require the removal of invasive plant species during the development process"? Staff Response: Will consult with County Urban Forester and determine best location/way to address removing invasive species and revise appropriately
CHECK	5.07.0	5.07. LANDSCAPING: D. 3 - Could this be strengthened by recommending using native species wherever possible? Staff response: Will consult with County Urban Forester and Community Planning Staff about requiring native species and include requirements accordingly.
CHECK	5.07.01	5.07.01 PURPOSE, APPLICABILITY, AND EXCEPTIONS, Purpose: Shouldn't the County encourage the use of native plants in landscaping? Why is there no mention in this section of naturalistic plantings especially for government buildings and sites?
CHECK	5.07.01	5.07.01 PURPOSE, APPLICABILITY AND EXCEPTIONS. While "contribute to ecosystem benefits" is good language to include, it could be more specific. Why are more elements of NHR Policy 7 Strategies and actions related to 6.1 and 6.2 not included in this section?
CHECK	5.07.01.D	5.07.01.D PURPOSE, APPLICABILITY AND EXCEPTIONS. The current Tree Conservation Plan within the FSM does not include minimum requirement of native vegetation. Strategy 6.2.C specifically states development "ensure" that it "incorporates existing native vegetation and plantings of native vegetation into the landscape design." Shouldn't this section include a requirement that it is existing native vegetation and supplemented by new native vegetation? (The word "native" is currently missing.)
CHECK	5.07.03.A.7	5.07.03.A.7 BUFFER YARDS. General Provisions. Should this read "existing native vegetation and native trees" rather than just existing vegetation and trees? Staff response: Will confirm with County Urban Forester, but I believe the FSM limits the trees that can be used to count toward buffer requirements and does not include invasive species
Addressed partially. Input needed	5.03.04-1	5.03.04-1 TABLE NERS DEVELOPMENT & LAND DISTURBANCE STANDARDS. 4-10. These are good standards. Why are they not also applied to Moderately Steep Slopes? Staff Response: Staff have added 9 & 10, and will further contemplate the remaining standards (5, 6 and 8. 4 likely a "no") for Moderately Steep Slopes
Addressed (Staff Response)	5.03.0	5.03. PROHIBITION OF CLEAR CUTTING. Is there a place where clear cutting of lots is prohibited in advance of building lots or future uses (e.g., solar commercial) later? While there may be restrictions in the state codes on how this is handled, at the least there could be a grace period to disincentivize people to clear lots in anticipation of selling them to a developer to be built upon without as many restrictions due to the lack of a tree canopy. Staff Response: Clear cutting, i.e. land disturbing activity, for any non-exempt use is not permitted within RSCR or Steep Slopes without complying with these standards. Unpermitted activity transfers with the property, and remains unpermitted regardless of ownership
Addressed (Staff Response)	5.03.0	5.03. CIRCULAR REFERENCES BETWEEN ZOR AND FSM. The Zoning Ordinance needs to be updated to initiate an update of the FSM. Otherwise circular logic of the ZO pointing to the FSM before the FSM standards have been updated to reflect the new ZO is circular and non-effective.) When will this review be done for ZOR/FSM updates? Staff Response: FSM updates will primarily be done after ZOR.
Addressed (Staff Response)	5.03.01	5.03.01. RIPARIAN BUFFER PLANTINGS. Is there a place within the RSCR section where the County could initiate the needed studies to revisit the FEMA ruling on riparian buffer plantings? Staff Response: FEMA's direction applies to the Floodplain Overlay District (FOD), the RSCR is not part of FEMA's authority

Addressed (Staff Response)	5.03.03 NERS	5.03.03 NERS. USE TABLE: Are the uses on very steep slopes in the 25% area under "Purposes" for this section allowed? Does this mean a blanket permit for them would also be allowed without review? Staff response: Only principal uses and activities listed as permitted or SPEX under table 5.03.03 would be permitted within the very steep slopes areas.
Addressed (Staff Response)	5.03.04.A	5.03.04.A NATURAL & ENVIRONMENTAL RESOURCE DEVELOPMENT, Land Disturbance, and Additional Use Specific Standards. The design standards of the LPAT Framework Plan should be codified in the Zoning Ordinance. If the LPAT plan is going to be exempt from these use standards, how will the Zoning Ordinance ensure that the natural resource, environment, and wildlife habitat/corridor protections outlined in the LPAT Framework Plan will be implemented and enforced? Staff Response: The LPAT contains policy recommendations, not all of which can be codified under a zoning ordinance without corresponding, specific zoning enabling legislation under the Code of Virginia
Addressed (Staff Response)	5.06.0	5.06. TREES: This is overall very weak on preserving existing trees. Lots on "planting" and "replacement" - the latter indicating removal of existing trees, which cannot be actually replaced as they would have been already established. I assume that the strong recommendation of use of native species (for all plantings) is in the FSM. Staff Response: The state code enabling the tree preservation requirement is very limited in what we can require. The County cannot require preservation and limits the canopy percentages to those included in the regulations.
Addressed (Staff Response)	5.06.0	5.06 TREE PLANTING, REPLACEMENT AND ENFORCEMENT. Does this satisfy the requirement for a Tree Preservation Ordinance? Or will a separate ZOAM be used to satisfy the 2019 General Plan policy for a Tree Preservation Ordinance? Staff Response: The County is limited to the enabling statute referenced at the beginning of this section. We cannot require tree preservation, only encourage preservation and require replacement.
Addressed (Staff Response)	5.06.0	5.06 TREE PLANTING, REPLACEMENT AND PRESERVATION. Why are 2019 General Plan NHR Policy 6 strategies 6.1 actions A-C, and 6.2 actions A-E not incorporated into Section 5.06? While 6.2.D is included in Section 5.07, many of these strategies and actions also apply to this section as they relate to protecting wildlife, wildlife corridors, native vegetation, and other elements that relate to trees. How/where will they be incorporated? Staff Response: The state code enabling the tree preservation requirement is very limited in what we can require. The County cannot require preservation and limits the canopy percentages to those included in the regulations
Addressed (Staff Response)	5.06.B.1	5.06.B.1 TREE PLANTING, REPLACEMENT AND ENFORCEMENT. These percentages should be raised to better protect trees. Are there higher percentages allowed by Virginia Code? Staff Response: Not currently. These are the maximum requirements allowed by state code
Addressed (Staff Response)	5.07.0	5.07. LANDSCAPING. PURPOSE & APPLICABILITY. D. Regular references to "existing vegetation MAY be used. It seems that it should using existing vegetation SHOULD be encouraged.
Addressed (Staff Response)	5.07.02	5.07.02 A-D ROAD CORRIDOR BUFFERS & SETBACKS. Since D.1 specific requirements for Gateway Corridor Buffers includes specific language for pollinator habitat, but the other buffer types do not, it is not clear if all buffer types are to follow the same requirements. Supporting pollinator habitat is also mentioned under General Landscape Provisions, which would seem to apply to all buffer types. If it is to be required in all buffer types, why is it not mentioned? Staff response: Deleted under Road Corridor Buffers and Setbacks and retained as general requirement that applies to all buffers
Addressed (Staff Response)	5.07.03-1	5.07.03.1 USE BUFFER YARD MATRIX: Where in this matrix does the Gable landfill or "personal recreational field" or stockpile fall under? Category 6? Community and Active Recreation Uses, and if so, what are the buffer requirements? Staff response: We would not require a buffer of an illegal use, because the use is not permitted. Stockpiling is subject to Section 5.07.03.A.6
Addressed (Staff Response)	5.07.03.	5.07.03 BUFFER YARDS: Where in this section does the County address the need for buffers for illegal landfills, stockpiles of dirt and "personal recreational fields"? These sites need to be heavily buffered and/or screened from neighboring properties. For example, the Gable landfill rises more than 30 feet at the top of the Watershed over 18 acres. Why is there no buffer or screen anywhere on this site?

Addressed (Staff Response)	5.07.03.A.7	5.07.03.A.7 BUFFER YARDS, GENERAL PROVISIONS: Shouldn't the County emphasize native and non-invasive vegetation? Change to: "Existing native and non-invasive vegetation and trees are encouraged to be used to meet requirements....." Rather than "Existing vegetation and trees may be used to meet the requirements..." Staff response: See Section 5.07.01.D. Also, consulted with the County Urban Forester and Natural Resources Team (NRT). The appropriate location for the native species % and removal of invasives requirements are in the FSM. NRT is anticipating an update to the FSM to address native species policies of the 2019 GP as a companion to the ZO Rewrite. In addition, when trees are used to count toward buffer requirements, concentrated stands of invasive species are not allowed to be counted per FSM
Addressed (Staff Response)	5.07.03.A.9	5.07.03.A.9 BUFFER YARDS. General Provisions. This section has the same circular logic of vegetative materials meeting specifications of the FSM. As noted previously, does this need to be updated to include greater provisions to comply with new 2019 General Plan policies in regards to native plants, pollinator habitat, and removal of invasives that have not been updated in the FSM yet?
Addressed (Staff Response)	5.07.05	5.07.05 SCREENING OF CERTAIN ON-SITE FUNCTIONS: Does this section provide for the screening of illegal landfills, stockpiles of dirt or "personal recreational fields" from neighboring properties? The Gable landfill rises more than 30 feet at the top of the Watershed over 18 acres but has no screen or buffer. If loading areas, dumpsters, outdoor storage areas etc. are required to be screened from neighboring properties, surely illegal landfills, stockpiles of dirt and "personal recreational fields" should be screened. Staff response: This section is only to address unsightly functions on a site that are part of a use, such as the mechanical equipment or dumpsters, it is not for screening uses, which is addressed in Section 5.07.03
Addressed (Staff Response)	5.07.06	5.07.06 PARKING AREA LANDSCAPING AND SCREENING REQUIREMENTS. Should this section include language in regards to 2019 General Plan CE Policy 7 Strategy 7.3 to prevent light pollution? Staff response: Light and glare performance standards are located under Section 5.08.05. Parking lot lighting will be required to meet them
Addressed (Staff Response)	5.07.07.B	5.07.07.B GENERAL LANDSCAPE PROVISIONS. Plant Unit Requirements. Should these buffers take into account existing vegetation on neighboring lots to create contiguous habitat between lots as part of the buffers? Staff response: No, because the buffer is required on the lot with the use, not the neighboring lot. This buffer would be in addition to vegetation on the neighboring lot
Addressed (Staff Response)	5.07.07.B.7	5.07.07.B.7 GENERAL LANDSCAPE PROVISIONS. Why is the percentage of native species only 50%? To truly support pollinator habitat, that percentage should be higher, if not 100%. Staff response: Consulted with the County Urban Forester and Natural Resources Team (NRT). The appropriate location for the native species % requirement is in the FSM. NRT is anticipating an update to the FSM to address native species policies of the 2019 GP as a companion to the ZO Rewrite. Until this time, this requirement will apply to all buffers. In addition, the Urban Forester noted that increasingly they see more native species in landscape palettes
Addressed (Staff Response)	5.07.07.C.1	5.07.07.C.1 GENERAL LANDSCAPE PROVISIONS. Use of Buffers. Should passive recreation trails include references and/or requirements to comply with the LPAT Framework Plan design standards? How is the LPAT Framework Plan being utilized to incorporate into buffer requirements? Staff response: This regulation only indicates that a trail, required or not, is allowed in a buffer if the plantings can be accommodated
Addressed (Staff Response)	5.07.07.E	5.07.07.E GENERAL LANDSCAPE PROVISIONS. Maintenance. Different pollinators need access to food throughout the growing season from April through October, and many overwinter in stems. Should language be added limit disturbances to overwintering pollinators? This could includes restrictions on when mowing could occur, or the minimum height of stems to allow overwintering pollinators homes. Staff response: Consulted with the County Urban Forester and Natural Resources Team (NRT). The appropriate location for the pollinator habitat requirement is in the FSM. NRT is anticipating an update to the FSM to address pollinator habitat policies of the 2019 GP as a companion to the ZO Rewrite. Until this time, this requirement will apply

	Addressed (Staff Response)		<p>In regards to codifying the recommendations of the LPAT Framework Plan, what is PRCS's stance? Does PRCS believe "they will take care of it" and therefore does not require reference in the Zoning Ordinance? If that is the case, how will the environmental protections put forth in the LPAT Framework Plan actually be incorporated?</p> <p>Is PRCS staff able to request provisions in the new Zoning Ordinance? If not, it would be helpful for PRCS to achieve what they want to achieve in regards to the LPAT Plan if there is language in the Zoning Ordinance to codify.</p> <p>Being part of the Zoning Ordinance would help ensure that environmental protections are included as part of implementation, and would provide accountability for the public and PRCS, and it seems like the RSCR section would be an appropriate place. It would also ensure that employees, current and future, would have to follow the standards, which is important during the long-term LPAT project that may last longer than the current employees. In general, how will the County ensure that LPAT Framework Plan design elements, (which are good), will not be cast aside if they are not incorporated into the Zoning Ordinance?</p> <p>Staff Response: The LPAT will be subject to the entirety of the new zoning ordinance, including, but not limited to the environmental and resource provisions of the MDOD, LOD, FOD, RSCR, and/or Steep Slopes.</p>
	Addressed	5.03.03	5.03.03 NERS USE TABLE - CONSERVATION AND PRESERVATION. Why are Planting Native Vegetation and Historic and Archaeological Sites not permitted uses in Steep Slopes?
	Addressed	5.06.B.4	5.06.B.4 CANOPY REQUIREMENTS, 4: Though tree canopy requirements can be filled with preservation of existing trees or replacement of trees, shouldn't the County be encouraging the preservation of existing trees on a site? Can Staff change the first sentence to: "Existing trees are encouraged to be preserved and may be included to meet..." rather than "Existing trees which are to be preserved may be included..."
	Addressed	5.07.02.D.1	5.07.02.D.1 ROAD CORRIDOR BUFFERS & SETBACKS. Gateway Corridor Buffer. The supporting pollinator habitat references 5.07.07.B.8, but should it be 5.07.07.B.7?
	Addressed	5.03.03 NERS	5.03.03 NERS. USE TABLE: Why, if water, sewer, roads and driveways are permitted on steep slopes, are planting native vegetation, historic and archaeological (studies), and conservation and scientific research not permitted?
	Addressed	5.07.02.E.3	5.07.02.E.3 ROAD CORRIDOR BUFFERS & SETBACKS. Specific Requirements for Street Trees. It currently states that "all vegetative material must meet the specifications included in the FSM." Does the FSM need to be updated to include greater provisions to comply with new 2019 General Plan policies in regards to native plants, pollinator habitat, and removal of invasives that have not yet been updated in the FSM? If so, how and when? Otherwise, circular logic will not result in requiring updates to the FSM, because it was not required by the Zoning Ordinance. Staff response: Moved to Section 5.07.01 because it applies to all buffers provided in this section
	Addressed	5.07.06	5.07.06 PARKING AREA LANDSCAPING AND SCREENING REQUIREMENTS. As part of 2019 General Plan FTV Policy 4 Strategy 4.2, should this section include more tree canopy to reduce the heat island effect? Staff response: Added min. 15% req for small deciduous trees resulting in 90% canopy requirement.
		5.03.0	LIMITED EnCodePlus DISPLAY FOR ZOC MEMBERS. At a previous meeting I requested a full Table of Contents of all sections for the new Zoning Ordinance with section numbers referenced. This was displayed on enCodePlus at the next meeting. However, now that ZOC has limited view after the Planning Commission has started ZOR work, there is no way to cross-check / confirm / review the links referenced in the draft text under review. Either provide a pdf full table of contents or allow the table of contents on enCodePlus to REMAIN VISIBLE to ALL users.
			5.03.04.B.2.k – DEVELOPMENT, LAND DISTURBANCE & ADDITIONAL USE STANDARDS 2022 Round 3 Input: Recommends the use of 2 super silt fences in steep slope areas. This is inadequate. We should recommend a 25 feet vegetated buffer be required after the 2 layers of super silt fence. We should also require that storm water management designs limit the amount of storm water runoff that flows over steep slopes