



## Comments on Draft Zoning Ordinance

### Introduction

Loudoun County has long been known as “horse country” and the Comprehensive Plan recognizes this heritage and expresses the desire of its citizens for its preservation as such. The equine industry in Loudoun County has been shown to have an \$180M annual economic impact in the County, and plays a unique role in its rural economy. Horse farms contribute to open space preservation in ways that are comparable to “traditional” agriculture without imposing some of the negative impacts that other segments of the rural economy have the potential to do, such as generating traffic and necessitating infrastructure investments by the state or county. In addition, the equine industry supports many other rural businesses such as farm, feed and tack stores, hay and grain producers, farriers, veterinarians, and builders (structures, fencing, water systems etc). They also directly employ horse trainers, farm managers and support staff.

The Loudoun County Equine Alliance has been engaged in the Zoning Ordinance rewrite process and beyond the specific comments we are submitting, we urge not only consideration of some of the specific requirements of horse businesses, but the impact that broader development patterns will have on the presence of horses in Loudoun.

We are also very interested in ensuring that every effort is made in the new Zoning Ordinance to accommodate the needs of the Linear Parks and Trails System, as its creation will be a significant step toward allowing the horse industry in Loudoun to continue to thrive.

The following are comments on specific items in the Draft Zoning Ordinance.

### Chapter 3 – Uses

3.02.02-2: **Equestrian Event Facility**. Currently prohibited in Transition/JLMA-LE. REDC recommends that use be allowed by-right (P) or minor spex (M).

3.06.05.17 **Rural Retreats** and 3.06.06.02 **Data Centers** should incorporate the LPAT system of park space, with multi-use public trails woven into all open space easements.

3.06.08.02 and .03 **Agriculture Support**. Equine livery and event should both be under Agriculture (vs. Ag. Support). LCEA feels that equestrian uses don't easily fit into the agricultural support category for the following reasons:

- 25 acres is excessive for an equine livery and that 10 acres should be a minimum. Pasture stocking rates will dictate how many animals can be present and many existing operations are on smaller acreage and successfully doing best practices. In addition, there should be no cap on the largest allowable acreage for an equestrian operation.
- Hours of operation during equestrian events (6 am to 9 pm and 6 am to 10 pm) should not include *deliveries or preparation and care of animals during an event* outside of those times.
- C: Size of structure: Most Stable Livery and Stable Event uses as well as many Stable Private uses have indoor riding arenas of 100 x 200 which is a larger footprint than allowed for all combined structures on < 25 acres, and within 4,000 sq ft. for all parcels 25-50 acres. Stables, storage areas, pasture sheds and indoor arenas should instead be considered agricultural structures. Additional considerations such as the need for fire walls can be given if an apartment or large meeting room is connected to any of these structures. A coliseum, whether for equestrian only or multi-use will also be in excess of the allowable square footage but may better fit within the agricultural support use if the allowable square footage is increased to accommodate it. LCEA members can assist Staff understand the square foot requirements of equestrian facilities.

## Chapter 4 – Overlay Districts

- Overall comments: New guidelines are needed that better reflect the ecological issues that may negatively impact rural business operations in overlay districts. Example:
  - 4.03. Floodplain Overlay District. Fencing, tree planting still needs study for Floodplain Overlay District (FOD).

## Chapter 5 – Development Standards

### 5.04 Open Space Standards:

- *Preserve the County's natural, environmental, and historic resources.*
- *Ensure the availability of open space for active and passive recreation.*

**Refer to LPAT for both parks/habitat protection and trails.**

- 5.04.03A1b: **Passive Recreation Open Space** is for less organized or less vigorous activities that may only require the space to perform the activity, with minor accommodations. Examples include hiking, biking, picnicking, or fishing. ***This section should refer to LPAT and include equestrian specifically as an allowable passive use.***
- 5.04.03A3: **Natural, Environmental, or Heritage Open Space.** Areas that contain naturally occurring phenomenon or characteristics that are subject to potentially negative effects from man-made alterations. Examples may include surface or groundwater features, floodplain, prime agricultural or erodible soils, contiguous forest, and threatened or endangered species habitat. ***LCEA suggests that this utilizes the Parks component of LPAT.***
- 5.04.03B2 **Public Open Space** and 5.04.04A5 **Bonus Credit:** Pedestrian and bicycle trails or shared use paths that meet the goals or prioritization proposals in the Liner Parks and Trails System (LPAT)

(1.25 x the area). ***This should include equestrian as a potential user including road crossing needs when shared-use paths are used as a component within the LPAT system. Need to define shared-use path as Bike Ped. Multi-use is LPAT system.***

- 5.04.04A6 **Bonus Credit:** Preservation through protective easements of wildlife habitat or corridors connecting fragmented habitat consistent with and as verified by the Virginia Wildlife Action Plan of the Virginia Department of Game and Inland Fisheries (1.25 x area). **LCEA: *Should refer to the LPAT park system.***
- 5.04.06B **Passive Use Design Standards:** Centrally located and accessible by a pedestrian and bicycle network. **LCEA: *Should reference accessibility via LPAT system and question why centrally located?***
- 5.04.07 **Trails:** Hikers, bikers and equestrians should ALL be priority users and have trails developed with them in mind, with work arounds as required to maintain continuity of the trail system throughout the county.
- Bike-ped plan should allow for connectivity to natural surface LPAT trail system

### Section 5.05 Parking

- Thank you for increasing this from ¼ stalls to ⅓ stalls!

### Section 5.08.04 Performance Standards

- **Noise.** Noise control is problematic for anyone to understand. It requires better distinctions for who responds (Sheriff? Zoning Enforcement?) to what type of complaint, and needs to more clearly state how and from where the noise level is determined. If the complaint is to be handled by an entity other than the sheriff, then it must be staffed at all times during which noise may occur. Otherwise, the sheriff should be instructed on how to respond to any noise complaint at any time of day. In addition, because ARN and ARS does not distinguish between locations for most types of rural businesses in relation to other businesses, farms or homes, it is extremely important to consider the possible impacts of one business on the entire community. Specifically, only bona fide agriculture should be exempt from agriculture noise, not the commercial side of an agricultural business.

## Chapter 11- Definitions

- 11.03 :Would an equestrian indoor riding arena/ring be considered an **accessory building** or an **agricultural structure**? The typical arena size is 100x200 for a private or livery type use and may be larger for an event center. The allowable square footage needs adjusting for these uses if these structures will be considered accessory buildings. Refer to previous comments under Agriculture Support: 3.06.08.02 and .03
- Stable, Private: says that no more than one employed instructor engaged for the purpose of educating and training students shall be permitted. This seems arbitrary and unnecessary, and LCEA recommends deleting this requirement. The number of horses should be the most defining criteria.