

Planning Commission Uses Subcommittee 4/25/23 Work Session  
LCPCCC ZOR Work Group Comments

Below are our comments on the draft text for Sections 4.08.05 Limited Breweries, 4.08.11 Limited Wineries, 4.08.12 Va. Farm Wineries, Equine Facilities, 4.05.01 Amphitheaters, Indoor Recreation.

We indicate draft text that we support, ask questions for clarification, and detail items where we'd suggest an alternative. Please note that we suggest that the same provisions should apply to breweries, distilleries, and wineries, despite the highlighted sections only referencing breweries.

**4.08.05 Limited Breweries.** We support **Sections A, B (all sub-sections), and C with the exception of C.1.a.** We suggest it should be drafted to meet State Code: "Farm or ranch" means one or more areas of land used for the production, cultivation, growing, harvesting or processing of agricultural products." NOTE: Per VA State Code on Manufacturing, beer is manufactured because it is a "resulting product which, by reason of being subjected to processing, is different from the original material" i.e. hops, barley, etc.

**4.08.05 D.1.** Intensity and Character: We support Staff's recommendations with one exception—we support increasing the setback for breweries (distilleries and wineries) to 100 feet or more next to residential uses to reduce offsite impacts to residential neighbors.

**4.08.05 D.5.** We support the proposed requirement that breweries, distilleries, and wineries must have a separate approval as Banquet/Event Facilities in order to have events, with questions for additional clarification:

- How are events defined? Are weekly/regularly scheduled concerts during normal business hours considered events?
- If such concerts are considered events, then would a brewery have to apply to also qualify for a separate Banquet/Event Facility as a principal use and meet those Use Specific standards?
- Is Staff suggesting that when multiple principal uses are permitted, the required acreage is cumulative (i.e. brewery-10 acres + banquet/event facility-20 acres=30 acres required)? We would support that requirement.
  - If weekly concerts of amplified music are not considered events, then additional Use Specific Standards should apply for breweries, distilleries, and wineries in order to address light and noise impacts.
  - Would standards for outdoor music, apply ONLY IF there are use-specific standards in place? Other counties require special event permits to be filed each time there is outdoor music utilized and some require all amplified music to be inside permanent structures.
  - Loudoun is well within its rights to utilize the zoning ordinance and protect the quality of life for its citizens.

**4.08.05 D.6.** We support this and suggest adding additional text at the end of the sentence: A structure or building used for events with no direct association to agriculture must conform to the Building Code and Fire Marshal requirements whether the building is being adaptively reused or built new to resemble an agricultural structure.

**Additional questions for clarification:**

- Would the landscaping/buffering standards in Section **7.04** be applied to breweries, distilleries, and wineries?
  - We support unified buffering/screening standards for all non-agriculture high-intensity rural economy uses. Rural economy uses that are not Agriculture/Horticulture/Animal Husbandry and Passive Uses are not specifically called out on the list of uses in the Use Buffer Yard Matrix 7.04.03-01. Would it be appropriate to add them or would they be considered Commercial/Retail?
- Please clarify that in **Section 7.05.01** the exemption for “agricultural operation” does not apply to non-farming rural economy uses.
- Events–If the definition of “event” does not include weekly or regularly scheduled concerts we ask for use-specific standards and similar considerations to those below:
  - In Albemarle County, events are only permitted IF the high-intensity use property maintains a minimum of 5 acres in Agricultural production. This is within the bounds of VA State Code.
  - Albemarle County also only allows events by right when the sites are larger than 21 acres and fewer than 50 vehicle trips (25 in and out). We support a tiered approach to permitting.
- Parking–for events that result in heavy public attendance for events, would it be reasonable to determine the required parking based not on the square footage of a building (or tent), but rather on the Fire Marshal’s building occupancy rating and the capacity of any tent divided by the average number of attendees per car, plus a space per employee?

In order to provide a greater understanding of the scope and scale of complaints that have been registered for high-intensity uses in the rural area, you will also be receiving a recent public survey for residents which has been open for the last week and is still gathering input. We hope to provide a better understanding of the sentiment and frustration with the lack of adequate protections for local residents who live near high-intensity use venues.

**Comments on other discussion topics Staff has outlined for the subcommittee today:**

- In addition to our comments above, we support the comments from the Loudoun County Equine Alliance that were outlined in the email that you received yesterday.
- We question and caution the siting of an amphitheater in the RPA, even by Special Exception if they would be permitted on a site as small as 50 acres for as many as 2000 attendees. This use is not associated with the Rural Area or rural economy and would have an outsized impact on surrounding properties, not to mention impacts from traffic, noise and lighting. If people arrived in groups of 3 or 4, that would mean 500-650+ vehicles and 1000 to 1300 vehicle trips per event.
- We do not support Indoor Recreation as a use in the RPA as those uses are not related to the rural economy. With the lower property values in the RPA, it would likely act as a driver to move interested sports facility businesses into the RPA and take up land that should be reserved for agriculture and rural economy uses.