

BOARD OF SUPERVISORS

TRANSPORTATION and LAND USE COMMITTEE

AGENDA
January 13, 2012
Board Room
9:00 a.m.

Committee Members:

Suzanne Volpe, Chairman
Janet Clarke
Eugene Delgaudio
Geary Higgins
Matt Letourneau

- 1. Fee Waiver Request, Grace Tabernacle Church (Action)**
Election District: Broad Run
Staff Contacts: Julie Pastor & John Merrithew, Department of Planning

- 2. ZOAM 2011-0001, Rural Recreation Establishment, Outdoor (Action)**
Election District: Countywide
Staff Contacts: Terry Wharton, Nicole Dozier, & Michelle Lohr, Building & Development

- 3. Route 7 Traffic Safety Improvements (Information)**
Election District: Sterling
Staff Contacts: Lewis Rauch & James Rauch, Construction & Waste Management
Terrie Laycock, Office of Transportation Services

BOARD OF SUPERVISORS

TRANSPORTATION and LAND USE COMMITTEE

AGENDA SUMMARY

January 13, 2012

Committee Members:

Suzanne Volpe, Chairman

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1. Fee Waiver Request, Grace Tabernacle Church (Action)

Election District: Broad Run

Staff Contacts: Julie Pastor & John Merrithew, Department of Planning

The Grace Tabernacle Church has requested the Transportation and Land Use Committee waive the \$5,955 fee associated with a proposed special exception to locate of a church in an existing flex industrial building located on Guilford drive in Beaumeade Corporate Park.

2. ZOAM 2011-0001, Rural Recreation Establishment, Outdoor (Action)

Election District: Countywide

Staff Contacts: Terry Wharton, Nicole Dozier, & Michelle Lohr, Building & Development

On December 6, 2011 the Board of Supervisors voted (9-0) to refer the proposed amendments back to the Transportation and Land Use Committee (TLUC) for further discussion. Some Board members expressed concern regarding the impact of the amendment on playing fields. Supervisor Burton inquired as to whether the motion to adopt the amendments could be reworded to remove the words “when certain criteria are present,” so that all Rural recreational establishment, outdoor uses would have to go through a legislative process. He stated that the idea is that these uses, including ballfields, affect neighbors with traffic, lights and noise and there should be some kind of legislative process. If the Board would like all “Rural recreational establishment, outdoor” uses to be by Minor Special Exception, the draft text would have to be amended to reflect such changes. On November 16, the TLUC voted 3-0-2 (Supervisors Delgaudio and York absent) to forward ZOAM 2011-0001 to the Board of Supervisors with a recommendation that the Board adopt the proposed amendments as included in the staff report, subject to modifications as discussed by the TLUC. Staff has prepared a matrix [Attachment 4] illustrating the existing definition, the Planning Commission recommended language, and a Staff draft based on TLUC direction at the November 16, 2011 meeting. Impacts of the proposed changes are highlighted in the matrix. The Staff draft: (1) retains the use as solely a commercial enterprise, (2) eliminates the reference to

“seasonal” activities, (3) retains “outdoor games and sports” within the use, (4) illustrates various types of rural recreational uses that can occur in a rural setting, and (5) moves references regarding accessory uses from the definition to the Additional Regulations for “Rural recreational establishment, outdoor.”

3. Route 7 Traffic Safety Improvements (Information)

Election District: Sterling

*Staff Contacts: Lewis Rauch & James Rauch, Construction & Waste Management
Terrie Laycock, Office of Transportation Services*

This item provides an update on the status of the Eastern Route 7 Traffic Flow Improvements project. The scope of the project involves improvements at three (3) intersections along Route 7: Potomac View Road, Sterling Boulevard, and Augusta Drive. In accordance with the project schedule, final design documents were submitted in mid-November to the Virginia Department of Transportation (VDOT) and the County for review. VDOT and County review comments were received in mid-December, and the consultant is revising the plans to incorporate the comments into approved documents for bidding. Bidding is planned for January 2012. These plans are being reviewed concurrent with the work to identify the scope of utility relocations and the work to acquire easements and right-of-way. Construction is planned to begin in the spring/summer of 2012 and the work is planned for completion in the spring/summer of 2013.

BOARD OF SUPERVISORS

TRANSPORTATION AND LAND USE COMMITTEE

#1

ACTION ITEM

SUBJECT: FEE WAIVER REQUEST, GRACE TABERNACLE CHURCH

ELECTION DISTRICT: Broad Run

STAFF CONTACT: John Merrithew, Department of Planning (0516)
Julie Pastor, Director of Planning

CRITICAL ACTION DATE: At the Pleasure of the Board

RECOMMENDATION:

Staff: Staff finds the requested fee waiver is not eligible under County fee waiver policy and staff recommends upholding the Board's policy of recovering the costs of processing the application through the collection of fees.

BACKGROUND:

The Grace Tabernacle Church has requested the Transportation and Land Use Committee waive the \$5,955 fee associated with a proposed special exception to locate of a church in an existing flex industrial building located on Guilford drive in Beaumeade Corporate Park.

The Church would use approximately 2,200 square feet of the existing warehouse space. The church would include a 140-seat sanctuary, office for staff, a nursery used during services and restrooms. The Church also runs a food bank out of a separate facility but may choose to move the operation to the Church in the future.

The fee waiver guidelines adopted by the Board in 2000 identify eligible groups and criteria for granting the waiver. The County may grant a waiver to charitable and non-profit organizations that are eligible to receive donations from the County, if the requested facility serves the public, and the applicant can demonstrate hardship. The attached IRS determination identifies the Church as a public charity. Specific services noted in the policy including housing for the elderly, emergency services, recreation, educational, economic development or historic preservation. However, the policy also stipulates that a church may not control the charitable organization. The Church and the proposed activities do not qualify for the waiver under the policy.

ISSUES:

1. The purpose of application fees is to cover the County's costs of processing applications, in this case a special exception application. These costs include time spent by staff in processing and reviewing the application, report preparation, costs associated with Planning Commission and

Board of Supervisors public hearings and meetings, and any other costs that may be associated with the application.

2. The Church is proposing to locate in an existing building with no exterior changes and a reduction in traffic. As such, staff anticipates a review time less than a typical application.

FISCAL IMPACT:

Waiving the \$5,955 fee for processing the special exception application, means funding for review costs will come from local tax revenues rather than revenue generated from the fee.

ALTERNATIVES:

1. Do not waive the fee.
2. Waive the fee as requested.
3. Waive a portion of the fee.

DRAFT MOTION (S):

1. I move that the Transportation and Land Use Committee deny the request to waive the \$5,955 fee for the Grace Tabernacle Church special exception request
2. I move that the Transportation and Land Use Committee approve the request to waive the \$5,955 fee for the Grace Tabernacle Church special exception request.
3. I move an alternate motion.

ATTACHMENTS:

1. County Fee Waiver Policy dated July 10, 2000
2. IRS Determination
3. Fee Waiver Request

**LOUDOUN COUNTY LAND DEVELOPMENT APPLICATION
FEE WAIVER POLICY
Adopted July 10, 2000**

The Loudoun County Board of Supervisors affirms its Blanket Fee Waiver Policy for Land Development Applications initiated by the County Government, the Loudoun County School System, the incorporated Towns, the Loudoun County Sanitation Authority, and the Fire and Rescue Companies. Waivers may also be granted upon written request from applicants meeting the criteria set forth in Sections 15.2-953 and 15.2-820 of the Code of Virginia, which defines the groups which may receive gifts or donations from a locality in the Commonwealth as described below, for facilities to serve the public when the applicant can demonstrate hardship, or for replacement of facilities serving the public which have been lost as a result of disaster and when the loss is not reimbursable from a third party. As set forth in the Loudoun County Zoning Ordinance, no fee will be charged to any applicant for downzoning to A-10 and A-25. No approvals will be given to requests that fees be based on recorded time and expenses for processing individual applications.

Eligible Groups:

Any charitable institution or association, located within their respective limits or outside their limits if such institution or association provides services to residents of the locality; not controlled in whole or in part by any church or sectarian society;

Any charitable institution or nonprofit or other organization, providing housing for persons sixty years of age or older, or operating a hospital or nursing home;

Any organization furnishing voluntary fire-fighting services;

Any non-profit lifesaving crew or lifesaving organization or rescue squad;

Non-profit recreational associations or organizations...not controlled in whole or in part by any church or sectarian society;

Chambers of Commerce which are non-profit and non-sectarian;

Industrial Development Authorities

Public and private nonprofit organizations engaged in commemorating historical events;

A state college or university which provides services to such locality's residents;

Any non-profit legal entity that is not controlled in whole or in part by any church, sectarian society or group that has exclusionary membership practices or rules, that owns recreational facilities in the county, such as swimming pools, tennis courts, etc....

luc\fee waiver policy-adopted 7/10/00

Internal Revenue Service
Director, Exempt Organizations
Rulings & Agreements
P.O. Box 2508
Cincinnati, OH 45201

Department of the Treasury

Date: **JAN 20 2011**

Hebron Ministries, Inc.
889 VZCR 2313
Canton, TX 75103

Employer Identification Number:
38-3019235

Person to Contact - ID Number:
Joe Kennedy – ID 0203165

Contact Telephone Number:
877-829-6500 Toll-Free

Dear Sir or Madam:

In your letter dated October 8, 2010 you requested classification as a public charity described in sections 509(a)(1) and 170(b)(1)(A)(i) of the Internal Revenue Code.

In our letter dated September 1993 we determined that you were exempt under section 501(c)(3) of the Code. We further determined that you were not a private foundation, and you were classified as a public charity described in section 509(a)(2) of the Code.

Based on information you provided, we have determined that you meet the requirements for classification as a public charity described in sections 509(a)(1) and 170(b)(1)(A)(i) of the Code. Accordingly, this letter modifies our letter of September 1993 and we have updated your public charity status in our records as you have requested.

Since your exempt status was not under consideration, you continue to be classified as an organization exempt from Federal income tax under section 501(c)(3) of the Code.

Grantors and contributors may generally rely on this determination of your foundation status unless the Internal Revenue Service publishes notice that you are no longer recognized as tax exempt or classified as a public charity in the Internal Revenue Bulletin. However, if a grantor or contributor takes any action, or fails to take any action, which causes you to lose your exempt status or causes you to be reclassified as a private foundation, that party cannot rely on this determination. Furthermore, a contributor or grantor who knows that the Internal Revenue Service has notified your organization of any change in your exempt status or foundation status cannot rely on this determination.

We have sent a copy of this letter to your representative as indicated in Form 2848, Power of Attorney and Declaration of Representative.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Because this letter could help resolve any questions about your exempt status and/or foundation status, you should keep it with your permanent records.

Hebron Ministries, Inc.
38-3019235

If you have any questions, please contact the person whose name and telephone number are shown in the heading of this letter.

Sincerely,

A handwritten signature in black ink that reads "Robert Choi". The signature is written in a cursive style with a large, stylized initial "R".

Robert Choi
Director, Exempt Organizations
Rulings and Agreements

Letter 4425, Rev. 10-2010
Catalog Number 52256W

LOUDOUN COUNTY LAND DEVELOPMENT APPLICATION
REQUEST FOR FEE WAIVER



This form should be completed and submitted to County Administration for transmittal to the Board of Supervisors' Land Use Committee. You will be notified in advance of the date and time of the meeting at which this request will be considered. Please submit to:

Linda A. Neri, Deputy County Administrator
County Administration, 1 Harrison Street, S.E., P. O. Box 7000, Leesburg, VA 20177
703-777-0200

Name of Organization: GRACE TABERNALLE
Address: 1504 SUMMIT POINT ROAD Contact Person: TOM MALTSBY
BERRYVILLE VA 22611 Phone: 703.201.0338
Fax: _____

Date of Fee Waiver Request: 27 DEC 2011

Signature of Contact Person: [Signature] VOLUNTEER CONTRACTOR
(Title)

Type of Land Use Development Application: SPEX

Date of Submission of Application: 27 DEC 2011

Fee: \$ _____ Requested Waiver: Full or Partial _____

If Partial, please indicate on this line the amount you wish to have waived (subtracted) from the full fee: \$ _____

Purpose of Application:

The Loudoun County Land Development Application Fee Waiver Policy is attached. This policy identifies the organizations which are eligible to apply for a land development fee waiver, and defines the circumstances in which a request for a fee waiver may be granted. Fee waivers may be granted to eligible organizations for facilities to serve the public when the applicant can demonstrate hardship, or for replacement of facilities serving the public which have been lost as a result of disaster and when the loss is not reimbursable from a third party.

THE FOLLOWING ADDITIONAL INFORMATION IS REQUIRED IN ORDER TO PROCESS YOUR REQUEST FOR A WAIVER OF LAND DEVELOPMENT APPLICATION FEES:

1. What is the mission of your organization and/or its basic purpose?

WE ARE A CHURCH / CHARITABLE ORGANIZATION

2. What specific public good will the proposed facility provide to Loudoun County residents?

WE ARE A FULLY FUNCTIONAL FOOD BANK OPERATING ON A DONATION BASIS

3. Describe the qualifying circumstances for this fee waiver request (i.e. hardship or replacement of facilities serving the public which have been lost as a result of disaster and when the loss is not reimbursable from a third party). If more space is needed, please continue on a separate sheet of paper.

DUE TO THE ECONOMY AND RELATIVE SIZE OF THE CHURCH, IT HAS BEEN DIFFICULT TO FIND SUITABLE SPACE THAT DOES NOT REQUIRE MAJOR RENOVATIONS TO ACCOMMODATE A CHURCH

4. Have land development application fees previously been waived for this organization?

No

If yes, please indicate when and for what type of application(s)

5. What other contributions have you received for this project?

MEMBER OFFERINGS

6. Please attach a copy of the documentation of your organization's IRS status (501.C.3 or other).

Attachments:

Loudoun County Land Development Application Fee Waiver Policy
Virginia Code Sections 15.2-953 and 15.2-820

Thursday, December 22, 2011



Loudoun County, Virginia

www.loudoun.gov

(map not to scale)



PROPOSED DEVELOPMENT - Vicinity Map
Grace Tabernacle - 44532 Guilford Drive Unit 105 Ashburn Va 20147

**BOARD OF SUPERVISORS
TRANSPORTATION AND LAND USE COMMITTEE
ACTION ITEM**

SUBJECT: **ZOAM 2011-0001 Rural Recreational Establishment, Outdoor**

ELECTION DISTRICTS: County-wide

CRITICAL ACTION DATE: At the Pleasure of the Board

STAFF CONTACTS : Terrance Wharton, Director, Building and Development
Michelle Lohr, Zoning Administration
Nicole Dozier, Zoning Administrator

RECOMMENDATIONS:

Transportation and Land Use Committee: At its November 16, 2011 meeting the TLUC voted (3-0-2, York and Delgaudio absent) to forward ZOAM 2011-0001, to the Board of Supervisors with a recommendation to adopt the proposed amendments as included in the November 16, 2011 TLUC staff report and as modified by the TLUC, Attachment 2 .

Planning Commission: On July 27, 2011, the Planning Commission voted 9-0 to forward ZOAM 2011-0001 to the Board of Supervisors with a recommendation of approval.

Staff: Staff recommends that the Board of Supervisors approve ZOAM 2011-0001, as included in this staff report and subject to modifications as discussed by the Transportation and Land Use Committee.

SUMMARY:

On April 20, 2010 the Board of Supervisors adopted a Resolution of Intent to Amend the Revised 1993 Loudoun County Zoning Ordinance to change the use “Rural recreational establishment, outdoor” from a Permitted use to a Minor Special Exception use in the AR-1, AR-2, JLMA-20 and TR-10 zoning districts and to amend Section 5-600 to establish additional regulations for the use “Rural recreational establishment, outdoor”. (8-1, Delgaudio voted no.) (Attachment 1)

The Planning Commission held a public hearing on May 25, 2011 at which two speakers commented regarding the proposed amendments (“ZOAM 2011-0001”). The Commission held a work session on June 8, 2011 and, after discussing ZOAM 2011-0001, established a subcommittee. This subcommittee met on June 23, 2011 and July 13, 2011, discussed the draft text of ZOAM 2011-0001 in detail, and received comments from the Rural Economic Development Council, Visit Loudoun, interested property owners, and potential rural recreation business owners. Also on July 13, 2011, the subcommittee referred ZOAM 2011-0001 back to the full Commission. On July 27, 2011 the Commission voted (9-0) to forward ZOAM 2011-0001 to the Board of Supervisors with a recommendation of approval. The Commission also composed a letter to the Board of Supervisors explaining their deliberation on ZOAM 2011-0001 and recommendations for future actions. (Attachment 3)

The Board of Supervisors held a public hearing on September 12, 2011 at which five speakers commented on the amendments. Three people spoke regarding the negative impacts of paintball establishments on wildlife, noise, traffic, need for buffering, and the compatibility of such uses in a rural area. In addition, concern was raised regarding the five-acre minimum parcel size required for rural recreation uses. One speaker stated that the proposed amendments will make developing athletic fields more expensive, time consuming and uncertain. A representative of the REDC expressed concern regarding the unintended consequences of the proposed amendments and that the small scale use category proposed creates a platform for highly intensive rural uses and should not be a permitted use. The REDC representative also recommended a separate ordinance for private playing fields. The Board voted (9-0) to forward ZOAM 2011-0001 to the Transportation and Land Use Committee for further discussion.

The Transportation and Land Use Committee voted (3-0-2, York and Delgaudio absent), at its November 16, 2011 meeting to recommend ZOAM 2011-0001 to the Board of Supervisors as presented by the Planning Commission with the exception of retaining the use as a commercial use, increasing the minimum lot size for a permitted (by right) use of up to 200 visitors from 5 acres to 25 acres, and increasing the minimum setback from 100 feet to 200 feet. The definition was modified to add examples of rural recreation and to move accessory use provisions to Section 5-662, Additional Regulations. A matrix in Attachment 4 illustrates the recommendations of the Transportation and Land Use Committee in comparison to the Planning Commission recommendations.

At the Board of Supervisors' meeting on December 6, 2011, the Board voted (9-0) to refer the item back to the Transportation and Land Use Committee for further discussion. Some Board members expressed concern regarding the impact of the amendment on playing fields. Supervisor Burton inquired as to whether the motion to adopt the amendments could be reworded to remove the words "when certain criteria are present", so that all Rural recreational establishment, outdoor uses would have to go through a legislative process. He stated that the idea is that these uses, including ballfields, affect neighbors with traffic, lights and noise and should have some kind of legislative process. If the Board would like all "Rural recreational establishment, outdoor" uses to be by Minor Special Exception, the draft text would have to be amended to change the use lists to reflect only a "M" for Minor Special Exception (for example see draft text, page A8) and delete the currently proposed "P/M" language. Further, the table in Section 5-662(F) (see draft text, page A29) would have to be amended to delete the last column, "Permitted/Minor Special Exception", as it would no longer apply.

Staff awaits the Committee's direction regarding this amendment.

APPLICABILITY:

ZOAM 2011-0001 would apply to both the establishment of new, or the expansion of existing, "Rural Recreational Establishment, Outdoor" uses on parcels zoned AR-1, AR-2, JLMA-20, and TR-10 under the Zoning Ordinance. Staff notes that any existing use that would be required to obtain approval of a Minor Special Exception under these amendments shall be deemed to have Minor Special Exception approval under Zoning Ordinance Section 1-103(F)(2), but expansion of such use would require a new Minor Special Exception approval. Further, ZOAM 2011-0001 would only apply to properties whose principal use is "Rural Recreational Establishment, Outdoor" and would not apply to such uses where the outdoor recreation use is accessory to a principal use. In such cases the requirements for the principal use would apply.

ISSUES

1. *Permitted Use Component of "Rural recreational establishment, outdoor" use.* As recommended by the TLUC, ZOAM 2011-0001 would allow a certain level of use to be a Permitted Use without the need for a Minor Special Exception. This is not strictly consistent with, and is less restrictive than, the Resolution of Intent to Amend which proposed that "Rural recreational establishment, outdoor" would no longer be a permitted use and would, instead, require Minor Special Exception approval in the AR-1, AR-2, JLMA-20 and TR-10 zoning districts. For example, under the TLUC draft amendments, if an establishment is located on a minimum of 25 acres and will have less than 200 visitors at any one time (and meets the Additional Regulation of Section 5-662) it would be a Permitted Use.
2. *Minimum Acreage.* The TLUC recommends a minimum parcel size of 25 acres for the use, with the ability to modify such requirement through the Minor Special Exception process. This differs from the 5 acre minimum proposed by the Planning Commission.
3. *Minimum Setback.* The TLUC recommends a minimum setback of 200 feet for all levels of the use, which differs from the minimum of 100-150 foot setback proposed by the Planning Commission for Levels I and II.
4. *Outdoor Games and Sports and Playing Fields.* The TLUC draft retains outdoor games and sports within the definition (which includes playing fields) and has added examples of rural recreation within the definition to aid in administration of the use.
5. If playing fields are not placed within the definition of "Rural recreational establishment, outdoor", they would require Special Exception approval in the AR-1, AR-2, JLMA-20 and TR-10 zoning districts as "Community, neighborhood, or regional park, active recreational uses".
6. *Commercial Enterprise.* The TLUC has retained the commercial establishment qualifier within the definition, while the Planning Commission proposed to remove the requirement for the use to be a commercial enterprise. If an entity is a "not-for-profit" entity, and thus not a "commercial enterprise", its use would not be considered a "Rural recreational establishment outdoor" use. However if, for example, a sports league leased property, the league itself may not be a commercial enterprise, but the property owner would be considered commercial if the property owner is receiving compensation for the use of the property.
7. If a recreational use is not a commercial enterprise and would not be considered "Rural recreational establishment, outdoor" it would be categorized as "Community, neighborhood, or regional park, active recreational uses", and would require Special Exception approval in the AR-1, AR-2, JLMA-20 and TR-10 zoning districts.
8. *Projectiles, Sound Amplification, Motorized Recreational Vehicles.* Regardless of the parcel size, ZOAM 2011-0001 would require Minor Special Exception approval for any "Rural Recreational Establishment, Outdoor" uses involving "projectiles", "sound amplification", or "motorized recreational vehicles".
9. *Grandfathering.* Two applications for "Rural recreational establishment, outdoor" uses that may be affected by ZOAM 2011-0001 are currently in the site plan review process, with an additional application having received conditional approval. Attachment 5 lists the applications and potential effects of the proposed regulations.

If the Board of Supervisors desires to adopt grandfathering provisions with ZOAM 2011-0001, please note that the following grandfathering provisions have been adopted in the past.

- a. 1993 Zoning Ordinance: Grandfathered all applications in process (submitted).
- b. Revised 1993 Zoning Ordinance: Grandfathered record plat applications with approved preliminary subdivision plats.
- c. Annual Review. Deferred effective date by approximately six weeks to allow those applications that were close to approval an opportunity to continue under the previous requirements.
- d. Sign Amendments (ZOAM 2009-0003 and ZOAM 2010-0002). Deferred effective date by three weeks.

ADVISORY COMMITTEE INPUT

The Rural Economic Development Council (REDC) has been following the amendments closely, providing input throughout the process. The REDC determined that it is “collectively supportive of the intent of the ordinance to promote and protect rural businesses, but are concerned about the unintended consequences of the new regulation on currently undefined rural establishments.” The REDC was concerned with the minimum lot size and setbacks proposed by the Planning Commission, recommending instead a 25 acre minimum lot size with up to 200 visitors at any one time and a 200 foot minimum setback. The draft text recommended by the Transportation and Land Use Committee incorporates the REDC recommendations of a 25 acre minimum and 200 foot setback. The REDC further recommended that playing fields be removed from the “Rural recreational establishment, outdoor” use and established as a separate use with separate standards. The REDC forwarded comments to the Board of Supervisors in a letter dated November 9, 2011 (Attachment 6) and reiterated those comments at the TLUC meeting November 16, 2011.

FISCAL IMPACT

The proposal to change the “Rural Recreational Establishment, Outdoor” use from a Permitted use to a Minor Special Exception use when certain criteria are present will result in the County charging a fee for a Minor Special Exception, in addition to the fees currently charged for site plan review. The current fee schedule lists an \$8,215 fee for a Minor Special Exception use, with a \$1,870 fee for a Minor Special Exception for a modification to the Additional Standards. The County has at least four “Rural recreational establishment, outdoor uses approved or in operation.

ALTERNATIVES:

1. The Transportation and Land Use Committee can forward ZOAM 2011-0001 to the Board of Supervisors with a recommendation for approval subject to changes as discussed at the January 13, 2012 meeting.
2. The Transportation and Land Use Committee can take no action regarding ZOAM 2011-0001.

SUGGESTED MOTIONS:

- 1) I move that the Transportation and Land Use Committee forward ZOAM 2011-0001 to the Board of Supervisors with a recommendation to adopt the proposed amendments as included in this staff report and subject to modifications as discussed by the Transportation and Land Use Committee;

or

- 2) I move an alternate motion.

ATTACHMENTS:

1. Copy Teste and Resolution of Intent to Amend the Zoning Ordinance, April 20, 2010. A1-A2
2. Proposed Zoning Ordinance Amendments, revised through 11/16/11. A3-A30
3. Letter from Planning Commission to Board of Supervisors. A31-A32
dated August 8, 2011.
4. Matrix for Rural Recreational Establishment, Outdoor definition and Summary of Transportation and Land Use Committee recommendation. A33
5. Analysis of Rural Recreational Establishment, Outdoor site plans currently in review. A34
6. Letter from Rural Economic Development Council to Board of Supervisors, September 9, 2011. A35-A36
7. Electronic mail from David Paul and Steve Battiston dated November 14, 2011 and November 28, 2011. A37-A39

RESOLUTION OF INTENT TO AMEND
THE LOUDOUN COUNTY ZONING ORDINANCE
April 20, 2010

WHEREAS, the Board of Supervisors wishes to amend the Loudoun County Zoning Ordinance in furtherance of the purposes of zoning as set out in § 15.2-2283 of the Code of Virginia and to further implement the comprehensive plan;

WHEREAS, the Board of Supervisors wishes to initiate amendments to amend the Use Regulations of the AR-1, AR-2, JLMA-20 and TR-10 zoning districts of the Revised 1993 Loudoun County Zoning Ordinance, to change the Use Type "Rural Recreational Establishment, Outdoor" from being a use that is permitted as a matter of right (permitted use) to a use that is allowed as a minor special exception use in each said district and to amend Section 5-600 to establish new Additional Regulations for the use "Rural Recreational Establishment, Outdoor";

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors states its intention to amend the Revised 1993 Loudoun County Zoning Ordinance to adopt new provisions on the following matters:

1. Amend the Zoning Ordinance such that "Rural Recreational Establishment, Outdoor" would no longer be a permitted use and, instead, would be allowed as a minor special exception, in the AR-1, AR-2, JLMA-20 and TR-10 zoning districts;
2. Amend Section 5-600 to establish Additional Regulations for "Rural Recreational Establishment, Outdoor".
3. Amend the use tables and use lists in the appropriate zoning districts to implement the foregoing;
4. Amend Article 8, Definitions as necessary to implement the proposed changes;
5. Initiate revisions to other sections of the Loudoun County Zoning Ordinance as may be necessary to ensure that these amendments are fully implemented and achieve the full intent of this Resolution; and

BE IT FURTHER RESOLVED that the Board of Supervisors (1) finds that these amendments are in furtherance of the public necessity, convenience, general welfare, and good zoning practice; (2) directs staff to prepare draft amendments for consideration, and (3) directs that the proposed amendments on these matters be brought forward for notice, hearing, Planning Commission recommendation, and Board of Supervisors' action.

ATTACHMENT I

AI



Loudoun County, Virginia

www.loudoun.gov

Office of the County Administrator

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

Telephone (703) 777-0200 • Fax (703) 777-0325

At a business meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Government Center, Board of Supervisors' Meeting Room, 1 Harrison St., S.E., Leesburg, Virginia, on Wednesday, February 17, 2010 at 9:00 a.m.

IN RE: PROPOSED ZONING ORDINANCE AMENDMENT – RURAL
RECREATIONAL ESTABLISHMENT/OUTDOOR USE

Mr. Burton moved that the Board of Supervisors direct staff to draft a Resolution of Intent to Amend the Zoning Ordinance to permit the "Rural Recreational Establishment, Outdoor Use" by minor special exception in the Agricultural Rural-1 (AR-1), Agricultural Rural-2 (AR-2), Joint Land Management Area-20 (JLMA-20), and Transitional Residential-10 (TR-10) zoning districts.

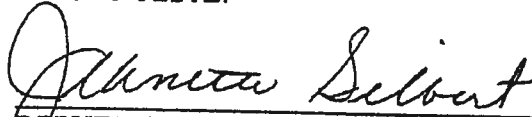
Mr. Burton further moved that the Resolution of Intent to Amend also include minimum performance standards for the "Rural Recreational Establishment, Outdoor Use."

Seconded by Mrs. Kurtz.

Mr. Burton accepted Mrs. Waters' friendly amendment that staff work with the Rural Economic Development Council in developing the performance standards that come forward.

Voting on the Motion, As Amended: Supervisors Buckley, Burk, Burton, Kurtz, McGimsey, Miller, Waters and York – Yes; Supervisor Delgaudio – No.

A COPY TESTE:


DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS

(4-PROPOSED ZONING ORDINANCE AMENDMENT – RURAL RECREATIONAL
ESTABLISHMENT/OUTDOOR USE)

A2

ZOAM 2011-0001 PROPOSED AMENDMENTS
Revised November 16, 2011

Proposed Amendments in
Red and Underlined
TLUC Revisions in Blue
and Underlined

Section 2-100

AR-1 Agricultural Rural-1

TABLE 2-102: AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Agricultural processing	P	Section 5-627
	Agri-education	P	Section 5-627
	Animal care business	P	Section 5-627
	Agritainment	P	Section 5-627
	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Custom operators	P	Section 5-627
	Direct market business for sale of products produced on-site – including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Farm based tourism	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm markets	P	Section 5-603
	Feedlot (for on-going, on-site animal husbandry activities)	P	Section 5-627

ZOAM 2011-0001
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ATTACHMENT 2

Revised 11/16/11

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**TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Nursery, commercial	S	Section 5-605
	Nursery, production	P	Section 5-605
	Pet farms	P	Section 5-627
	Restaurant	P	Section 5-627
	Sawmill	S	Section 5-629
	Stables	P	Section 5-627
	Veterinary services	P	
	Virginia Farm Winery	P	
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627
Agriculture Support and Services Not Directly Associated with On-Site Agricultural Activity	Agricultural research facility	P	Section 5-644
	Animal care businesses	P	Section 5-630
	Central farm distribution hub for agricultural products	P	Section 5-630
	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Equestrian facility	P	Section 5-630
	Equestrian facility, on lots of less than 50 acres or without frontage on state maintained road	M	Section 5-630
	Farm machinery repair	P	Section 5-630
	Farm machinery sales, rental and service	P	Section 5-615
	Mill feed and farm supply center	P	Section 5-630

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**TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Nursery, commercial	S	Section 5-605
	Stable, neighborhood, on lots of 25 acres or more, or frontage on state maintained road	P	Section 5-630
	Stable, neighborhood, on lots of less than 25 acres or without frontage on state maintained road	M	Section 5-630
	Stable, private	P	Section 5-630
Animal Services	Animal hospital	P	Section 5-631
	Kennel	S	Section 5-606
	Kennel, Indoor	M	Section 5-606
RESIDENTIAL USES			
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	May divide property in accordance with Section 2-103 Development Options.
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Portable Dwelling/Trailer Construction	P	
Group Living	Co-housing	P	
	Convent or monastery	P/S	Section 5-656
	Dormitory, seasonal labor	M	Section 5-632
	Rooming house	P	
PUBLIC AND INSTITUTIONAL USES			
Aviation	Airport/landing strip	S	Section 5-633

**TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Day Care Facilities	Child care home	P	Section 5-609(A)
	Child or adult day care center	S	Section 5-609(B)
Cultural and Government Facilities	Agricultural cultural center	S	Section 5-634
	Fairground	S	Section 5-635
	Structures or uses for local government purposes not otherwise listed in the district	S	
Education	School (elementary, middle, or high)	S	
	Vocational school	S	
Park and Open Space	Arboretum	P	Section 5-636
	Botanical garden or nature study area	P	Section 5-636
	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood, or regional park, passive recreational uses	P	
	Community, neighborhood, or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	P	Section 5-638
	Police station or substation	P	Section 5-638
Religious Assembly	Church, synagogue, temple or mosque, with seating capacity of 300 or less seats in sanctuary or main activity area	P	Section 5-639

**TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Church, synagogue, temple or mosque, with seating capacity of more than 300 in sanctuary or main activity area, or accessory schools, day care centers with more than 30 50 children, recreational facilities	S	Section 5-639
Utility	General Use Category	P	Recycling drop-off collection center, public: Section 5-607 Utility substation, transmission: Section 5-616(A) Utility substation, distribution: Section 5-616(B)
	Municipal drinking water supply reservoir	P	
	Sewage Treatment Plant	S	Section 5-621
	Sewer Pumping Station	P	Section 5-621
	Water Storage Tank	S	Section 5-621
	Water Treatment Plant	S	Section 5-621
	Water Pumping Station	P	Section 5-621
	Utility transmission lines, overhead (excluding connections of lines from existing overhead public utility transmission lines to individual uses)	S	Unless excepted by Section 1-103(D)
COMMERCIAL USES			
Conference and Training Centers	Conference and training centers	P/M	Section 5-640
	Rural agricultural corporate retreat	P	Section 5-619
	Rural Resort	M	Section 5-601(C)
	Rural Retreat	M	Section 5-601(C)

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**TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Food and Beverage	Teahouse; coffeehouse	P	Section 5-641
	Banquet facility	M	Section 5-642
	Restaurant	M	Section 5-643
Office	Educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the district	M	Section 5-644
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	Section 5-645
	Camp, day and boarding, with more than 30 campers	M	Section 5-645
	Campground	M	Section 5-646
	Country Club	S	Section 5-660
	Cross country ski business	P	Section 5-647
	Eco-tourism	P	Section 5-647
	Golf course	S	Section 5-648
	Outdoor amphitheater	S	Section 5-649
	Private Club or Lodge	S	
	Rural recreational establishment, outdoor	P P/M	Section 5-662
Retail Sales and Service	Antique shop	P	Section 5-650
	Art gallery or art studio	P	Section 5-650
	Auction house	S	Section 5-651
	Craft shop	P	Section 5-650
	Small business	P/M	Section 5-614

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**TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-1 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Visitor Accommodation	Bed and breakfast	P/M	Section 5-601(A)
	Country inn	P/M	Section 5-601(B)
	Guest farm or ranch leasing up to 20 guest rooms	P	

INDUSTRIAL USES

Telecommunication Use and/or Structure	Radio and/or television tower	S	Section 5-618
	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunications transmission tower	S	Section 5-618(C)(2)
Waste-Related Uses	Vegetative Waste Management facility	M	(Grant of a special exception does not avoid requirements of Chapter 1080,Codified Ordinances of Loudoun County, or any other applicable law.)
	Yard Waste Composting Facility	S	(Grant of a special exception does not avoid requirements of Chapter 1080,Codified Ordinances of Loudoun County, or any other applicable law.)
	Stockpiling of dirt	S	Section 5-657

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TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Agricultural processing	P	Section 5-627
	Agri-education	P	Section 5-627
	Animal care business	P	Section 5-627
	Agritainment	P	Section 5-627
	Commercial winery with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Custom operators	P	Section 5-627
	Direct market business for sale of products produced on-site - including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Farm based tourism	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm markets	P	Section 5-603
Feedlot (for on-going, on-site animal husbandry activities)	P	Section 5-627	

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TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Nursery, commercial	S	Section 5-605
	Nursery, production	P	Section 5-605
	Pet farms	P	Section 5-627
	Restaurant	P	Section 5-627
	Sawmill	S	Section 5-629
	Stables	P	Section 5-627
	Veterinary services	P	
	Virginia Farm Winery	P	
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627
Agriculture Support and Services <u>Not Directly</u> Associated with On-Site Agricultural Activity	Agricultural research facility	P	Section 5-644
	Animal care businesses	P	Section 5-630
	Central farm distribution hub for agricultural products	P	Section 5-630
	Commercial winery, with 20,000 square feet or less	P	Section 5-625
	Commercial winery, over 20,000 square feet	S	Section 5-625
	Equestrian facility	P	Section 5-630
	Equestrian facility, on lots of less than 50 acres or without frontage on state maintained road	M	Section 5-630
	Farm machinery repair	P	Section 5-630
	Farm machinery sales, rental and service	P	Section 5-615

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**TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Mill feed and farm supply center	P	Section 5-630
	Nursery, commercial	S	Section 5-605
	Stable, neighborhood, on lots of 25 acres or more, or frontage on state maintained road	P	Section 5-630
	Stable, neighborhood, on lots of less than 25 acres or without frontage on state maintained road	M	Section 5-630
	Stable, private	P	Section 5-630
Animal Services	Animal hospital	P	Section 5-631
	Kennel	S	Section 5-606
	Kennel, Indoor	M	Section 5-606
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Dwelling, single-family detached, including manufactured housing	P	May subdivide property in accordance with Section 2-203 Development Options.
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Portable Dwelling/Trailer Construction	P	
Group Living	Co-housing	P	
	Convent or monastery	P/S	Section 5-656
	Dormitory, seasonal labor	M	Section 5-632
	Rooming house	P	
PUBLIC AND INSTITUTIONAL USES			

**TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Aviation	Airport/landing strip	S	Section 5-633
Day Facilities	Care Child care home	P	Section 5-609(A)
	Child or adult day care center	S	Section 5-609(B)
Cultural and Government Facilities	Agricultural cultural center	S	Section 5-634
	Fairground	S	Section 5-635
	Structures or uses for local government purposes not otherwise listed	S	
Education	School (elementary, middle, or high)	S	
	Vocational school	S	
Park and Open Space	Arboretum	P	Section 5-636
	Botanical garden or nature study area	P	Section 5-636
	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood, or regional park, passive recreational uses	P	
	Community, neighborhood, or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	P	Section 5-638
	Police station or substation	P	Section 5-638
Religious Assembly	Church, synagogue, temple or mosque, with seating capacity of 300 or less seats in sanctuary or main activity area	P	Section 5-639

TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Church, synagogue, temple or mosque, with seating capacity of more than 300 in sanctuary or main activity area, or accessory schools, day care centers with more than 50 children, recreational facilities	S	Section 5-639
Utility	General Use Category	P	Recycling drop-off collection center, public: Section 5-607 Utility substation, transmission: Section 5-616(A) Utility substation, distribution: Section 5-616(B)
	Municipal drinking water supply reservoir	P	
	Sewage Treatment Plant	S	Section 5-621
	Sewer Pumping Station	P	Section 5-621
	Water Storage Tank	S	Section 5-621
	Water Treatment Plant	S	Section 5-621
	Water Pumping Station	P	Section 5-621
	Utility transmission lines, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	Unless excepted by Section 1-103(D)
COMMERCIAL USES			
Conference and Training Centers	Conference and training centers	M	Section 5-640
	Rural agricultural corporate retreat	P	Section 5-619
	Rural Resort	M	Section 5-601(C)
	Rural Retreat	M	Section 5-601(C)

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**TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Food and Beverage	Teahouse; coffeehouse	P	Section 5-641
	Banquet facility	M	Section 5-642
	Restaurant	M	Section 5-643
Office	Educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the district	M	Section 5-644
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	Section 5-645
	Camp, day and boarding, with more than 30 campers	M	Section 5-645
	Campground	M	Section 5-646
	Country Club	S	Section 5-660
	Cross country ski business	P	Section 5-647
	Eco-tourism	P	Section 5-647
	Golf course	S	Section 5-648
	Outdoor amphitheater	S	Section 5-649
	Private Club or Lodge	S	
	Rural recreational establishment, outdoor	P P/M	Section 5-662
Retail Sales and Service	Antique shop	P	Section 5-650
	Art gallery or art studio	P	Section 5-650
	Auction house	S	Section 5-651
	Craft shop	S	Section 5-650
	Small business	P/M	Section 5-614

**TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION**

USE CATEGORY	USE TYPE	AR-2 DISTRICT	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Visitor Accommodation	Bed and breakfast	P/M	Section 5-601(A)
	Country inn	P/M	Section 5-601(B)
	Guest farm or ranch leasing up to 20 guest rooms	P	

INDUSTRIAL USES

Telecommunication Use and/or Structure	Radio and/or television tower	S	Section 5-618
	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunications transmission tower	S	Section 5-618(C)(2)
Waste-Related Uses	Vegetative waste management facility	S	(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinances of Loudoun County, or any other applicable law.)
	Yard waste composting facility	S	(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinances of Loudoun County, or any other applicable law.)
	Stockpiling of dirt	S	Section 5-657

Section 2-1300 JLMA-20 (JOINT LAND MANAGEMENT AREA – 20)

TABLE 2-1303 JLMA-20 JOINT LAND MANAGEMENT AREA-20 DISTRICT USE TABLE			
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	JLMA-20	ADDITIONAL REGULATIONS FOR SPECIFIC USES
RESIDENTIAL USES			
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Caretaker's residence (accessory to single family detached dwelling)	P	
	Dwelling, single-family detached, including manufactured housing	P	Manufactured housing subject to Section 5-620
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Guest house (accessory to single family detached dwelling)	P	Section 5-612
Group Living	Dormitory, seasonal labor	P	Section 5-632
	Tenant dwelling	P	Section 5-602
	Tenant dwelling, seasonal labor	P	Section 5-602(C)
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services directly related to on-going agriculture, horticulture and animal husbandry activity, on-site	Agricultural processing	P	Section 5-627
	Animal care business	P	Section 5-627
	Agritainment	P	Section 5-627
	Commercial winery	S	Section 5-625

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**TABLE 2-1303
JLMA-20 JOINT LAND MANAGEMENT AREA-20 DISTRICT USE TABLE**

P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	JLMA-20	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Custom operators	P	Section 5-627
	Direct market business for sale of products produced on-site- including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Farm based tourism events	P	Section 5-628
	Farm co-ops	P	Section 5-627
	Farm machinery repair	P	Section 5-627
	Farm markets	P	Section 5-603
	Feedlot (for on-going, on-site animal husbandry activities)	P	Section 5-627
	Nursery, commercial	P	Section 5-605
	Pet farms	P	Section 5-627
	Stable	P	Section 5-627
	Virginia farm winery	P	Section 5-627
	Wayside stand	P	Section 5-604
	Wetlands mitigation bank	P	Section 5-627
	Sawmill	S	Section 5-629
	Equestrian facility with more than 10 special events per year.	S	Section 5-627
Agriculture Support and Services not directly related to on-going agriculture, horticulture and animal husbandry	Agricultural research facility	P	Section 5-644
	Animal care businesses	P	
	Equestrian facility	P	

**TABLE 2-1303
JLMA-20 JOINT LAND MANAGEMENT AREA-20 DISTRICT USE TABLE**

P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	JLMA-20	ADDITIONAL REGULATIONS FOR SPECIFIC USES
activity, on-site	Farm machine repair	P	
	Stable, neighborhood, on lots of 25 acres or more, or frontage on state maintained road	P	
	Stable, private	P	
	Equestrian facility with more than 10 special events per year.	S	Section 5-630
	Equestrian facility, on lots of less than 50 acres or without frontage on a state maintained road.	S	Section 5-630
	Stable, neighborhood, on lots of less than 25 acres or without frontage on a state maintained road	S	Section 5-630
Animal Services	Animal hospital	S	Section 5-631
	Kennel	S	Section 5-606
	Veterinary service	P	
PUBLIC AND INSTITUTIONAL USES			
Aviation	Airport/landing strip	S	Section 5-633
Cultural and Government Facilities	General Government Use	S	Section 5-631
	Fairground	S	Section 5-635
Education	School (elementary, middle, or high),	S	
	Vocational school	S	
Park and Open Space	Arboretum	P	Section 5-636
	Botanical garden or nature study area	P	Section 5-636

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**TABLE 2-1303
JLMA-20 JOINT LAND MANAGEMENT AREA-20 DISTRICT USE TABLE**

P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	JLMA-20	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood or regional park, passive recreational uses	P	
	Community, neighborhood or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	S	Section 5-638
	Police station or substation	S	Section 5-638
Religious Assembly	Church, synagogue, temple, or mosque, with seating capacity of 300 or less in sanctuary or main activity area	P	Section 5-639
	Church, synagogue, temple or mosque, with seating capacity of more than 300 in sanctuary or main activity area, or accessory schools, day care centers with more than 50 children.	S	Section 5-639
Utility	Public utility service center and storage yard	S	Section 5-621
	Recycling drop off collection center, public	P	Section 5-607
	Sewer and water treatment plant	S	Section 5-621
	Utility substation, dedicated	S	Section 5-621
	Utility substation, transmission	S	Section 5-616 and 5-621
	Utility transmission line, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	Unless excepted by Section 1-103 (D)

**TABLE 2-1303
JLMA-20 JOINT LAND MANAGEMENT AREA-20 DISTRICT USE TABLE**

P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	JLMA-20	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Sewage and Water pumping station	P	Section 5-621
	Water storage tank	S	Section 5-621

COMMERCIAL USES

Retail Sales and Service	Small Business	S	Section 5-614
Conference and Training Centers	Conference and training centers	S	Section 5-640
	Rural agricultural corporate retreat	S	Section 5-619
Food and Beverage	Restaurant	S	
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	Section 5-645
	Camp, day and boarding, with more than 30 campers	S	Section 5-645
	Campground	S	Section 5-646
	Cross-country ski business	P	Section 5-647
	Golf course	S	Section 5-648
	Rural recreational establishment, outdoor	P- P/M	Section 5-662

INDUSTRIAL USES

Telecommunication Use and/or Structure	Telecommunications antenna	P	Section 5-618(A)
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Section 2-1400 TR-10 (Transitional Residential - 10)

TABLE 2-1402 TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE			
P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION			
USE CATEGORY	USE TYPE	TR-10	ADDITIONAL REGULATIONS FOR SPECIFIC USES
RESIDENTIAL USES			
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	Section 5-613
	Caretaker's residence (accessory to single family detached dwelling)	P	
	Dwelling, single-family detached, including manufactured housing	P	Manufacturing housing subject to Section 5-620
	Home occupation (accessory to single family detached dwelling)	P	Section 5-400
	Guest house (accessory to single family detached dwelling)	P	Section 5-612
Group Living	Congregate housing facility	S	
	Continuing care facility	S	
	Convent or monastery	S	Section 5-656
	Orphanage or similar institution	S	
	Tenant dwelling (accessory to agriculture, horticulture or animal husbandry uses)	P/S	Section 5-602
AGRICULTURAL USES			
Agriculture	General Use Category	P	Section 5-626
Horticulture	General Use Category	P	Section 5-626
Animal Husbandry	General Use Category	P	Section 5-626
Agriculture Support and Services Directly Related to On-going	Agricultural processing	S	Section 5-627
	Animal care business	P	Section 5-627

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**TABLE 2-1402
TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE**

P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	TR-10	ADDITIONAL REGULATIONS FOR SPECIFIC USES
Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Custom operators	P	Section 5-627
	Direct market business for sale of products produced on-site-including but not limited to PYO (pick-your-own)	P	Section 5-627
	Equestrian facilities	P	Section 5-627
	Equestrian facility, on lots of less than fifty (50) acres, or without frontage on a state maintained road	S	Section 5-627
	Farm co-ops	P	Section 5-627
	Farm based tourism	P	Section 5-628
	Farm markets	P	Section 5-603
	Pet farms	P	Section 5-627
	Nursery, commercial	S	Section 5-605
	Nursery, production	P	Section 5-605
	Nursery, production, without frontage on a state maintained road	S	Section 5-605
	Stables	P	Section 5-627
	Stable, neighborhood on lots less than twenty five (25) acres, or without frontage on a state maintained road	S	Section 5-627
	Virginia farm winery	P	
	Wayside stand	P	Section 5-604
Wetlands mitigation bank	P	Section 5-627	
Agricultural Support Services and Not Directly Associated	Agricultural research facility	S	Section 5-644
	Animal care businesses	P	Section 5-630

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**TABLE 2-1402
TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE**

P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	TR-10	ADDITIONAL REGULATIONS FOR SPECIFIC USES
with On-Site Agricultural Activity	Central farm distribution hub	S	Section 5-630
	Equestrian facility	P	Section 5-630
	Nursery, commercial	S	Section 5-605
	Stable, neighborhood, on lots of 25 acres or more, or frontage on state maintained road	P	Section 5-630
	Stable, private	P	Section 5-630
Animal Services	Animal hospital	S	Section 5-631
	Kennel	P	Section 5-606
	Kennel, Indoor	P	Section 5-606
	Veterinary service	P	
PUBLIC AND INSTITUTIONAL USES			
Aviation	Airport/landing strip	S	Section 5-633
Day Care Facilities	Child care home	P	Section 5-609(A)
	Child or adult day care center	S	Section 5-609(B)
Cultural and Governmental Facilities	Community center, HOA facilities only	P	
	Structures or uses for local government purposes not otherwise listed in the district	S	
Education	Colleges or universities (including dorms)	S	
	School (elementary or middle), for fifteen (15) pupils or less	P	Section 5-655
	School (elementary, middle, or high), for more than 15 pupils	S	
Park and Open Space	Arboretum	P	Section 5-636

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**TABLE 2-1402
TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE**

P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	TR-10	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Botanical garden or nature study area	P	Section 5-636
	Cemetery	S	Section 5-637
	Mausoleum	S	Section 5-637
	Crematorium	S	Section 5-637
	Community, neighborhood or regional park, passive recreational uses	P	
	Community, neighborhood or regional park, active recreational uses	S	
Public Safety	Fire and/or rescue station	S	Section 5-638
	Police station or substation	S	Section 5-638
Religious Assembly	Church, synagogue, temple or mosque with seating capacity of 300 or less seats in sanctuary or main activity area	P	Section 5-639
	Church, synagogue, temple or mosque with seating capacity of more than 300 in sanctuary or main activity area, or with accessory schools, day care centers with more than 50 children, recreational facilities	S	Section 5-639
Utility	Communal sewer system	P	Section 5-621
	Communal water supply system	P	Section 5-621
	Public utility service center and storage yard	S	Section 5-621
	Public utility service center, without outdoor storage	P	Section 5-621
	Recycling drop off collection center, public	P	Section 5-607
	Recycling drop off collection center, private	S	Section 5-607
	Sewage and water treatment plant	S	Section 5-621

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**TABLE 2-1402
TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE**

P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	TR-10	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Utility substation, dedicated	S	Section 5-621
	Utility substation, distribution	S	Section 5-616 and 5-621
	Utility substation, transmission	S	Section 5-616 and 5-621
	Utility transmission line, overhead (excluding connections of lines from public utility transmission lines to individual development sites)	S	Unless exempted by Section 1-103(D)
	Utility transmission line, underground	P	
	Water storage tank	S	Section 5-621
	Sewer and water pumping station	P	Section 5-621
COMMERCIAL USES			
Conference and Training Centers	Conference and training centers	S	Section 5-640
	Rural agricultural corporate retreat	S	Section 5-619
	Rural Resort	S	Section 5-601(D)
	Rural Retreat	S	Section 5-601(D)
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	Section 5-645
	Camp, day and boarding, with more than 30 campers	S	Section 5-645
	Campground	S	Section 5-646
	Eco-tourism	P	Section 5-647
	Golf course	S	Section 5-648
	Private club or lodge	S	
	Recreation establishment, outdoor	S	

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**TABLE 2-1402
TR-10 TRANSITIONAL RESIDENTIAL-10 DISTRICT USE TABLE**

P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	TR-10	ADDITIONAL REGULATIONS FOR SPECIFIC USES
	Rural recreational establishment, outdoor	P P/M	Section 5-662
Retail Sales and Service	Antique shop	S	Section 5-650
	Art gallery or art studio	S	Section 5-650
	Craft shop	S	Section 5-650
	Farm machinery sales and service	S	Section 5-615
	Mill, feed and farm supply center	S	
	Small business	P/S	Section 5-614
	Studio space – artist, crafts person, writer, etc.	P	Section 5-650
Visitor Accommodation	Bed and breakfast homestay	P/S	Section 5-601(A)
	Bed and breakfast inn	S	Section 5-601(B)
	Country inn	S	Section 5-601(C)
INDUSTRIAL USES			
Telecommunication Facilities	Radio and/or television tower	S	Section 5-618
	Telecommunications antenna	P	Section 5-618(A)
	Telecommunications monopole	P	Section 5-618(B)(1)
	Telecommunications monopole	S	Section 5-618(B)(2)
	Telecommunication tower	S	Section 5-618(C)(2)
Waste-Related Uses	Vegetative waste management facility	S	(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinances of Loudoun County, or any other applicable law.)
	Yard waste composting facility	S	
	Stockpiling of dirt	S	Section 5-657

Section 5-600 Additional Regulations for Specific Uses. The following additional regulations apply to specific uses as set forth below. These are intended to serve as the minimum standards for these uses, and are not intended to be in substitution for other provisions of this ordinance that may apply, or for additional conditions that may be imposed in connection with special exception or rezoning approvals. Unless otherwise specified, the following additional regulations may be modified by Minor Special Exception in accordance with the provisions of Section 6-1300. Modifications may be approved by the Board of Supervisors upon a finding that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, preserve the County's historic or archeological heritage, or otherwise exceed the public purpose of the existing regulation. No modification shall be granted to any of the underlying zoning district regulations.

5-662 Rural Recreational Establishment, Outdoor. Any Rural Recreational Establishment, Outdoor use is subject to the additional provisions below.

(A) Landscaping/Buffering/Screening. The following landscaping, buffering, and screening standards shall apply to the Rural Recreational Establishment, Outdoor use.

(1) Buffer. The use shall comply with the landscaping and screening requirements of Section 5-653(A). The Zoning Administrator may permit the required buffer to surround the proposed use, rather than to be located on the property line.

(2) Parking Areas. Parking areas shall be screened to comply with the requirements of Section 5-653(B).

(3) Storage Yards. All storage yards shall be screened and landscaped consistent with the standards of Section 5-653(C).

(B) Road/Access Standards.

(1) General Access Standards. A Rural Recreational Establishment, Outdoor use shall comply with the Road Access Standards of Section 5-654.

(2) Number of Access Points. There shall be no more than two points of access to a public road for the Rural Recreational Establishment, Outdoor use. This requirement shall not preclude an additional access for emergency vehicles only.

(C) Parking.

(1) Parking and loading shall be provided in accordance with Section 5-1102.

(2) Parking shall be set back a minimum of 100 feet from all property lines.

(3) Surface. All parking areas servicing the Rural Recreational Establishment use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

(D) Exterior Lighting Standards. Outdoor lighting shall be designed to minimize impacts on adjacent properties and shall comply with the standards of Section 5-1504 and Section 5-652.

(E) Noise Standards. A Rural Recreational Establishment, Outdoor use shall be designed to minimize noise from impacting on adjacent properties and shall comply with the standards of Section 5-1507 and Section 5-652.

(F) Maximum Number of Attendees. The maximum number of attendees and parking spaces is based on the acreage of the property, as follows:

<u>Use</u>	<u>Scope of Use</u>	<u>Lot Area (Minimum)</u>	<u>Structure Setback (Minimum)</u>	<u>Permitted/ Minor Special Exception</u>
<u>Level I - Small Scale</u>	<u>No more than 200 visitors at any one time; no more than 100 vehicles allowed on site at any one time.</u>	<u>5 acres - 6 acres</u>	<u>100 feet</u>	<u>P</u>
<u>Level I H - Medium Small Scale</u>	<u>No more than 200 400 visitors at any one time; no more than 200 vehicles allowed on site at any one time.</u>	<u>25 acres</u>	<u>150 feet 200 feet</u>	<u>M P</u>
<u>Level II H - Large Medium Scale</u>	<u>No more than 600 visitors at any one time; no more than 300 vehicles allowed on site at any one time.</u>	<u>50 acres</u>	<u>200 feet</u>	<u>M</u>
<u>Level III IV - Large Scale</u>	<u>600 visitors at any one time plus four additional visitors per acre in excess of 50 acres; 300 vehicles allowed on site at any one time plus two additional vehicles per acre in excess of 50 acres.</u>	<u>51 acres</u>	<u>200 feet</u>	<u>M</u>

(G) Size of Use. The maximum size for all structures used in the Rural Recreational Establishment, Outdoor use shall not exceed 5,000 square feet (aggregate size of all structures).

(H) Use Limitations. The following elements of the use shall require Minor Special Exception approval:

(1) Use of projectiles (e.g. bullets, arrows, paintballs).

(2) Use of sound amplification equipment.

(3) Use of motorized recreational equipment (e.g. vehicles, boats).

(I) Accessory Uses. Accessory uses may include a refreshment stand, offices, party room, bathroom facilities, equipment sales and rental, and maintenance facilities.

ARTICLE 8, DEFINITION:

Rural recreational establishment, outdoor: Any establishment operated as a commercial enterprise in the AR-1, AR-2, JLMA-20, or TR-10 zoning districts in which ~~seasonal~~ facilities directly related to outdoor recreation are provided for all or any of the following: ~~camping~~, skating rink (outdoor), ~~lodging~~, picnicking, boating, fishing, swimming, outdoor games and sports, (e.g. zipline, bungee jumping, pumpkin chucking, haunted house/field/trail, bicycle trails polo fields), non-equestrian animal-mounted trail riding, and activities incidental and related to the foregoing. ~~This use may include a refreshment stand as an accessory use.~~ Nothing in this definition shall be construed to mean a track for motorized vehicles of any type, however defined.



Loudoun County, Virginia

Planning Commission

1 Harrison Street, S.E., 3rd Floor, P.O. Box 7000, MSC #62

Leesburg, Virginia 20177-7000

Telephone (703) 777-0246 • Fax (703) 777-0441 • E-mail: loudounpc@loudoun.gov

August 8, 2011

Loudoun County Board of Supervisors

1 Harrison Street, S.E.

Leesburg, VA. 20177

Re: ZOAM 2011-0001 Rural Recreational Establishment, Outdoor

Dear Chairman York:

In our work session on July 27, the Planning Commission voted strongly in favor of ZOAM 2011-0001. Deliberations of the Commission focused on protecting adjacent properties and other rural businesses, while attempting to not unduly discourage the desirable development of playing fields and other outdoor recreational activities. Hence the Commission weighed both lot size and use intensity and attempted to strike a balance wherein uses below a certain level of intensity could be granted by right.

While the Commission is strongly in favor of the ZOAM, it is evenly divided on the level at which a Minor Special Exception (SPMI) should become required. As to level of intensity: nearly half of the Commissioners felt that any use that had more than 100 visitors at any one time should require a SPMI, while the majority preferred to set the level to 200. And, as to lot size: while the Rural Economic Development Council preferred to limit the minimum lot size to 25 acres, the Commission majority felt that this would eliminate the potential development of numerous existing lots, many near towns and villages where playing fields are quite appropriate. However, again, the Commission was almost evenly divided on what the minimum lot size ought to be—either no minimum (allowing the regulations in the ordinance to determine what is possible on any particular lot), or five acres, which seemed to be the smallest practical size, in any case, and would help preserve the rural character of the area. The Commission settled on a five-acre minimum. Also, while the table in Section 5-662 indicates different intensity levels and lot sizes coupled to Permitted and SPMI uses, it is important to note that it is Intensity (number of visitors) that is the primary driver of whether a use will or will not be permitted by right. Hence, if the visitors are limited to 200, the use is By-right on any lot five acres or greater.

During its work the Commission discovered one minor problem relative to buffers in the overall Ordinance and realized that its new wording relative to projectiles, etc. would necessarily create another.

First, new Section 5-662 refers to the 'Landscape and Screening Standards for Specific Uses' in Section 5-653 (A), which requires certain buffers when the new use is adjacent to a residence on a lot of four acres or less and the home is less than 300 feet from the adjoining property line.

Peggy Maio
Blue Ridge District

J. Kevin Ruet
At

Chairman
rict

Erin Austin
Catoctin District

Robert J. Klancher
Broad Run District
iPad Page 47

Gigi Robi
Leesburg D

ATTACHMENT 3

na Syska
ig District

Glen Bayless
Sugarland Run District

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This section should be amended to eliminate mention of lot size so that the 300' distance to a residence would apply on any lot, as any home adjacent to any use subject to this section would be equally affected no matter the size of its lot, if it is close to the adjoining lot line.

Second, Section 5-662 (F) imposes Use Limits on activities involving 'Projectiles', 'Sound Amplification', or 'Motorized Recreational Vehicles': these limits should be promulgated throughout the ordinance so that any such 'Primary' or 'Accessory' Use would require a SPMI, whether it was part of a rural recreational establishment or not.

Finally, as with most ZOAMs, current applicants for such uses desire that their projects should be permitted as 'Grandfathered'.

Thank you for considering the Planning Commission's recommendations. Please contact us if we can be of further assistance.

Respectfully,



J. Kevin Ruedisueli, Chairman
Loudoun County Planning Commission

Cc: Linda A. Neri, Deputy County Administrator
Julie Pastor, Director, Department of Planning
John Merrithew, Assistant Director, Department of Planning
Terrance Wharton, Director, Department of Building and Development
John R. Roberts, County Attorney

**TLUC RECOMMENDATION
DEFINITION OF "RURAL RECREATIONAL ESTABLISHMENT, OUTDOOR"
AND 5-662 ADDITIONAL REGULATIONS**

Existing Definition	Planning Commission Recommendation	TLUC 11/16/11	Potential Impacts of TLUC Recommendation
<p>Any establishment operated as a commercial enterprise in which seasonal facilities directly related to outdoor recreation are provided for all or any of the following: camping, skating rink (outdoor), lodging, picnicking, boating, fishing, swimming, outdoor games and sports, animal-mounted trail riding, and activities incidental and related to the foregoing. This use may include a refreshment stand as an accessory use. Nothing in this definition shall be construed to mean a track for motorized vehicles of any type, however defined.</p>	<p>Any establishment operated as an e-commerce¹ enterprise in which seasonal² facilities directly related to outdoor recreation are provided for all or any of the following: camping³, skating rink (outdoor), lodging⁴, picnicking, boating, fishing, swimming, outdoor games and sports, non-equestrian⁴ animal-mounted trail riding, and activities incidental and related to the foregoing. This use may include a refreshment stand, offices, party room, bathroom facilities, equipment sales and rental, maintenance facilities and the like⁵ as an accessory use. Nothing in this definition shall be construed to mean a track for motorized vehicles of any type, however defined.</p> <p style="text-align: center;">Select Section 5-662 Recommendations</p> <p>^{**}Recommend 5 acre minimum for 200 visitors at any one time ^{**}Recommend 100-150 foot setback for Levels I and II</p> <p>¹Deletes reference to commercial enterprise thus including non-profit organizations. ²Deletes seasonal reference as Loudoun County climate allows for outdoor recreation throughout the year. ³Deletes camping and lodging as they are permitted elsewhere in the Zoning Ordinance. ⁴adds "non-equestrian" to distinguish use from equestrian uses that are permitted elsewhere (stable, equestrian facilities); ex. llama rides. ⁵Qualifies types of accessory uses permitted.</p>	<p>Any establishment operated as a commercial enterprise in the AR-1, AR-2, JLMA-20 or TR-10 zoning districts² in which seasonal¹ facilities directly related to outdoor recreation are provided for all or any of the following: camping⁴, skating rink (outdoor), lodging⁴, picnicking, boating, fishing, swimming, outdoor games and sports⁵, (e.g. ziplines, bungee jumping, pumpkin chucking, haunted house/field/trail, bicycle trails, polo fields)⁶, non-equestrian animal-mounted trail riding, and activities incidental and related to the foregoing. This use may include a refreshment stand as an accessory use. Nothing in this definition shall be construed to mean a track for motorized vehicles of any type, however defined.</p> <p style="text-align: center;">Select Section 5-662 Recommendations</p> <p>^{**} Recommend 25 acre min. for 200 visitors at any one time ^{**} Recommend 200 foot setback all levels</p> <p>¹Retains commercial qualifier firmly stating that it is a business. ²Adds districts where use permitted. ³Deletes seasonal reference as Loudoun County climate allows for outdoor recreation throughout the year. ⁴Delete camping and lodging as they are permitted elsewhere in the Zoning Ordinance. ⁵Retains outdoor games and sports that includes playing fields. ⁶Adds examples of rural recreation uses that are in addition to other types of recreation. ⁷Removes statement regarding accessory uses and places in Additional Standards.</p>	<p>*If playing fields are considered outdoor games and sports, they are not necessarily a "rural" type of recreation and may not always be compatible with rural setting. *If the use is not for profit, it would be considered "Community neighborhood or regional park, active uses", permitted by Special Exception in the AR-1, AR-2, JLMA-20 and TR-10 districts. *If playing fields are not rural recreation they would be considered "Community, neighborhood or regional park, active uses" permitted by Special Exception in the AR-1, AR-2, JLMA-20 and TR-10 zoning districts.</p>
<p>DEFINITION</p>	<p>5-662</p>	<p>ATTACHMENT 4</p>	<p>A33</p>

**RURAL RECREATIONAL ESTABLISHMENT, OUTDOOR
SITE PLANS CURRENTLY IN PROCESS
(as of January 4, 2012)**

	EVERGREEN MILLS SOCCER FIELDS (REST 2011-0001) New Site Plan	HEFFNER ZIPLINES (REST 2011-0004) (amendment to previously approved site plan)	PEV'S PAINTBALL Site Plan Amendment (SPAM 2009-0009)
Status	Active 1 st Comments	Active 2 nd Submission 12/21/11 in review	Conditionally Approved 11/23/11
200 Foot Structure Setback	No structures currently proposed within 200 feet of property line, however structure for bathroom must be added to plans.	Structures for zipline platforms and building currently proposed within 200 feet of property line	Some proposed platforms are located within 200 feet of the property line.
25 acre Minimum Parcel Size	Project is proposed over two parcels. 37.138 acres and 3.578 acres. Unless the text is written differently to encompass acreage, the 3.578 acre parcel would not comply with minimum acreage.	Meets minimum acreage (58.55 acres).	Meets minimum parcel size (41.986 acres).
# Visitors At Any One Time	200 maximum proposed by ZOAM on 25 acres. Site Plan indicates 290 participants plus spectators, thus exceeded proposed maximum.	Undetermined number of visitors proposed at any one time. ZOAM would permit up to 600 visitors at a time on 50 acres with approval of proposed ZOAM.	If ZOAM approved, expansion of facility would establish maximum number of visitors of 200 unless modified with a Minor Special Exception.
Requirement for Minor Special Exception	Minor Special Exception would be needed to increase number of participants, minimum acreage of 3.578 parcel and possibly structure setback requirement.	Minor Special Exception would be needed to reduce structure setback requirement.	Minor Special Exception would be needed for use of projectiles.

LOUDOUN VIRGINIA USA Economic Development

September 9, 2011

Scott K. York, Chairman
Loudoun County Board of Supervisors
1 Harrison Street, S.E.,
Fifth Floor
P.O. Box 7000
Mailstop #01
Leesburg, VA 20177-7000

Dear Chairman York:

Thank you for your continued contribution of time and energy to positively impact Loudoun County's rural economic future and quality of life.

The REDC appreciates the chance to provide feedback on the proposed Amendments to the Zoning Ordinance-Rural Recreation Establishment Outdoor (ZOAM2011-0001). At the May 3, 2011 meeting of the REDC, the Council determined that they are collectively supportive of the intent of the ordinance to promote and protect rural businesses, but are concerned about the unintended consequences of the new regulation on currently undefined rural establishments.

At the September 6, 2011 meeting of the REDC, the Council reiterated concerns with the Amendments as proposed by the Planning Commission. The REDC strongly opposes the Level I-Small Scale Use category. The REDC unanimously agrees that a five (5) acre Lot Area (Minimum), with 200 visitors at any one time and 100 vehicles allowed on site at any one time is an intensive scope of use and should not be a 'Permitted Use'.

The REDC proposes that the Level I-Small Scale Use category be eliminated and the Level II-Medium Scale Use category be amended. The Council recommends the Structure Setback (Minimum) for the Level II Use be increased from 150 feet to 200 feet.

Stakeholders of private playing fields participated in the discussion to amend the Zoning Ordinance-Rural Recreation Establishment Outdoor (ZOAM2011-0001). While the Level I-Small Scale Use category addresses those concerns, it creates a platform for a highly intensive rural use. The Council also suggests that a separate and distinct ordinance be drafted to address private playing fields.

The REDC is charged with furnishing information and providing recommendations to the Loudoun County Board of Supervisors relative to programs and policies affecting the economic growth and development of Rural Loudoun County. The REDC is concerned with the opportunity costs of permitting an intensive, non-agricultural use on five (5) acres; the character of Loudoun County has already been defined through the Revised General Plan and existing rural business owners. The unintended consequence of broadening the character dilutes what we are.

The REDC appreciates the invitation to work with the Planning Commission on the proposed Amendment and would like to thank the entire Planning Commission for their contribution of time to Loudoun County.

ATTACHMENT 6

A35

We look forward to working with you on an ongoing basis in order to encourage sustainable growth and continued vitality of the rural economy of Loudoun County.

With warm regards,

Mary Ellen Taylor, Vice Chair
Loudoun County Rural Economic Development Council

From: David Paul [<mailto:davidjpaul@gmail.com>]

Sent: Monday, November 14, 2011 2:17 PM

To: York, Scott; Buckley, Susan; Burton, Jim; Waters, Lori; Kurtz, Sally; Miller, Stevens; Burk, Kelly (Supervisor); McGimsey, Andrea; Delgaudio, Eugene

Cc: Steve Battiston; Mike Romeo

Subject: Rural Recreation ZOAM Action Item

Chairman York and Members of the Board of Supervisors,

We have reviewed the Rural Recreation ZOAM Action Item that will be appearing at the Transportation and Land Use Committee this Wednesday and we are confused and concerned about the newly proposed definition for the *Rural Recreation Establishment, Outdoor* use. It appears that the newly proposed definition would actually require property owners attempting to develop recreation fields in the rural zoning districts to apply for a full-fledged special exception under a separate Park use. We have never heard this even discussed by the Board of Supervisors or the Planning Commission. And, this revised definition actually appears to contradict the intentions of Chairman York in his comments at the September Public Hearing. The ramifications of this newly proposed definition should be discussed by the committee. Revising the definition as proposed by county staff would have an even greater adverse impact on rural landowners attempting to develop recreation fields than the minor special exception process originally proposed by county staff.

There is also no mention in the Action Item regarding a grandfathering provision. We ask that any applications affected by the ZAOM that are already being processed be permitted to be completed under the existing regulations. Changing the rules on applicants currently under review mid-stream would be costly and unfair and can jeopardize other dependant projects and organizations.

We strongly recommend that serious consideration be given to the newly proposed definition provided by county staff and that a grandfathering provision be added to the Action Item.

We would appreciate the opportunity to discuss this matter with any member of the Board of Supervisors prior to Wednesday's committee meeting. Thank you.

David Paul and Steve Battiston

David Paul
41481 Blincoe Ct
Leesburg VA 20175
703-737-3725
davidjpaul@gmail.com

ATTACHMENT 7

A37

From: David Paul [<mailto:davidjpaul@gmail.com>]

Sent: Monday, November 28, 2011 4:13 PM

To: York, Scott; Buckley, Susan; Burton, Jim; Waters, Lori; Kurtz, Sally; Miller, Stevens; Burk, Kelly (Supervisor); McGimsey, Andrea; Delgaudio, Eugene

Cc: Steve Battiston; Mike Romeo; Yudd, Charles

Subject: Rural Rec ZOAM: Serious Concerns

Importance: High

Chairman York and Members of the Board of Supervisors,

At their November 16th meeting, the Transportation and Land Use Committee voted to recommend approval of the Rural Rec ZOAM based on the revisions proposed by county staff.

However, just prior to the vote, the committee members recognized the confusing nature of the proposal and requested input from the public regarding any unintended consequences that may result from approving the Rural Rec ZOAM in its newly proposed form. I am writing to inform you that if the Rural Rec ZOAM is approved in its newly proposed form, it will negatively impact the development of playing fields and youth sports in Loudoun County. This is not the intent of the Rural Rec ZOAM.

Some of our concerns were sent to the Board of Supervisors on November 14th (see below). For example, the Rural Rec ZOAM was revised by county staff such that it does not conform to Chairman York's comments at the September 12th Board Public Hearing. In addition, staff is attempting to make a distinction between not-for-profit and for-profit entities conducting identical use. However the changes proposed by staff would be equally detrimental to all organizations attempting to develop ball fields, including non-profits and youth sports leagues. We would be happy to detail some of the significant unintended consequences to Loudoun families that would result from these proposed changes. The county staff's newly proposed version of the Rural Rec ZOAM does even more harm to the development of playing fields than the Planning Commission version. We also request a grandfathering provision addressing applications currently processing.

We would greatly appreciate the opportunity to discuss our serious concerns about the Rural Rec ZOAM with you prior to the December 6th Business Meeting. Thank you.

David Paul and Steve Battiston

David Paul
41481 Blincoe Ct
Leesburg VA 20175
703-737-3725
davidjpaul@gmail.com

On Nov 14, 2011, at 2:17 PM, David Paul wrote:

Chairman York and Members of the Board of Supervisors,

We have reviewed the Rural Recreation ZOAM Action Item that will be appearing at the Transportation and Land Use Committee this Wednesday and we are confused and

A38

concerned about the newly proposed definition for the *Rural Recreation Establishment, Outdoor* use. It appears that the newly proposed definition would actually require property owners attempting to develop recreation fields in the rural zoning districts to apply for a full-fledged special exception under a separate Park use. We have never heard this even discussed by the Board of Supervisors or the Planning Commission. And, this revised definition actually appears to contradict the intentions of Chairman York in his comments at the September Public Hearing. The ramifications of this newly proposed definition should be discussed by the committee. Revising the definition as proposed by county staff would have an even greater adverse impact on rural landowners attempting to develop recreation fields than the minor special exception process originally proposed by county staff.

There is also no mention in the Action Item regarding a grandfathering provision. We ask that any applications affected by the ZAOM that are already being processed be permitted to be completed under the existing regulations. Changing the rules on applicants currently under review mid-stream would be costly and unfair and can jeopardize other dependant projects and organizations.

We strongly recommend that serious consideration be given to the newly proposed definition provided by county staff and that a grandfathering provision be added to the Action Item.

We would appreciate the opportunity to discuss this matter with any member of the Board of Supervisors prior to Wednesday's committee meeting. Thank you.

David Paul and Steve Battiston

David Paul
41481 Blincoe Ct
Leesburg VA 20175
703-737-3725
davidjpaul@gmail.com

**BOARD OF SUPERVISORS
TRANSPORTATION AND LAND USE COMMITTEE
INFORMATION ITEM**

3

SUBJECT: EASTERN ROUTE 7 SAFETY PROJECT

FORMER ELECTION DISTRICT: Sterling/Sugarland Run/Potomac

NEW ELECTION DISTRICT: Algonkian/Sterling

STAFF CONTACTS: Mr. Lewis Rauch, Department of Construction and Waste Management.
Mr. Jim Rauch, Department of Construction and Waste Management.
Ms. Terrie Laycock, Office of Transportation Services

BACKGROUND:

The funding for the Eastern Route 7 Safety Project was approved in the Adopted 2006-2008 Capital Improvement Program for spot improvements at Community Plaza/Lakeland Drive, Augusta Drive, Cardinal Glen Circle at Sterling Blvd, Potomac View Drive and Campus Drive along Route 7, Leesburg Pike in Sterling, Virginia. The scope of the work was subsequently changed, as reported at the October 20, 2010 Transportation and Land Use Committee meeting, to include only the intersections of Potomac View Drive, Sterling Blvd, and Augusta Drive. The purpose of this item is to update the Board of Supervisors on the design and construction schedule for the project, as requested at the July 20, 2011 Transportation and Land Use Committee meeting.

The final design documents were submitted to VDOT and the County for review in mid November. VDOT and County review comments were received in mid December, and the consultant is revising the plans to incorporate the comments into approved documents for bidding. Bidding is planned for January 2012. Work is ongoing to obtain the required temporary construction easement at the southwest quadrant of Potomac View and Rt 7 and additional right of way at the northeast quadrant of Augusta and Rt 7. Property owners have been contacted and deeds of easement will be drafted once the final plats are approved. Staff plans to process the deeds of easement concurrently with the bidding phase so as not to impact the start of construction. Construction is planned to begin in the spring/summer of 2012 and the work is planned for completion in the spring/summer of 2013.

ISSUES: The work requires that a temporary construction easement and additional right of way be acquired. Staff is working with the property owners to insure that documents are executed in a timely manner so as not to impact the start of construction.

The preliminary estimate for the work at an earlier stage of design was \$2,325,000 and within the project budget. As the design is progressing, however, additional pavement has been added, the size of the storm water management features has increased, and a signal at Potomac View Road must be relocated. These items as well as utility relocation costs may increase the cost of the work. All costs are estimates at this time, and actual costs will be known when the design is completed and the work is put out for bids.

ATTACHMENTS:

1. Transportation and Land Use Committee Item #10-B October 19, 2011
2. Transportation and Land Use Committee Item #1 September 21, 2011
3. Transportation and Land Use Committee Item #8 July 20, 2011
4. Transportation and Land Use Committee Item #5 October 20, 2010

**BOARD OF SUPERVISORS
TRANSPORTATION AND LAND USE COMMITTEE
INFORMATION ITEM**

IO-B

SUBJECT: EASTERN ROUTE 7 SAFETY PROJECT

FORMER ELECTION DISTRICT: Sterling/Sugarland Run/Potomac

NEW ELECTION DISTRICT: Algonkian/Sterling

STAFF CONTACTS: Mr. Lewis Rauch, Department of Construction and Waste Management.
Mr. Jim Rauch, Department of Construction and Waste Management.
Ms. Terrie Laycock, Office of Transportation Services

BACKGROUND:

The funding for the Eastern Route 7 Safety Project was approved in the Adopted 2006-2008 Capital Improvement Program for spot improvements at Community Plaza/Lakeland Drive, Augusta Drive, Cardinal Glen Circle at Sterling Blvd, Potomac View Drive and Campus Drive along Route 7, Leesburg Pike in Sterling, Virginia. The scope of the work was subsequently changed, as reported at the October 20, 2010 Transportation and Land Use Committee meeting, to include only the intersections of Potomac View Drive, Sterling Blvd, and Augusta Drive. The purpose of this item is to update the Board of Supervisors on the design and construction schedule for the project, as requested at the July 20, 2011 Transportation and Land Use Committee meeting.

In accordance with the project schedule, design documents were submitted in mid August to VDOT and the County for review. VDOT review comments were received in mid September. County staff and the design consultant recently met with VDOT to clarify review comments and agree on next steps going forward. Several ongoing issues were resolved such as the replacement of several signal poles and the installation of the curbing/concrete/guardrail in front of the red wall that will not be needed. Action steps from the meeting include coordinating the access and maintenance needs for the storm water management facilities, coordinating landscaping requirements with VDOT, providing options for treatment along 'red wall' for VDOT and County review, reviewing median areas and determining course of action for slopes, providing an updated drainage report to VDOT, and revising the road widening alignment at the intersections.

After the comments are incorporated, final plans will be submitted to the Department of Building and Development and VDOT for approval. Design completion is planned for the end of November 2011 with bids issued in early December, subject to the acquisition of easements and right of way. These plans are being reviewed concurrent with the work to identify the scope of utility relocations and the work to acquire easements and right of way. The design consultant and County staff have met with each utility company to determine the location of existing utilities, and the consultant is reviewing as-built information to determine the extent of any relocation that may be needed. County staff is also working diligently to acquire the temporary construction easement and the right of way that are needed for this project. Now that the alignment at each of the intersections is finalized, negotiations are beginning for each of the 2 locations. Construction is planned to begin in the spring/summer of 2012 and the work is planned for completion in the spring/summer of 2013.

ISSUES: The work requires that a temporary construction easement and additional right of way be acquired. Staff is working with the property owners to insure that documents are executed in a timely manner so as not to impact the start of construction.

The preliminary estimate for the work at an earlier stage of design was \$2,325,000 and within the project budget. As the design is progressing, however, additional pavement has been added, the size of the storm water management features has increased, and a signal at Potomac View Road must be relocated. These items as well as utility relocation costs may increase the cost of the work. All costs are estimates at this time, and actual costs will be known when the design is completed and the work is put out for bids.

**BOARD OF SUPERVISORS
TRANSPORTATION AND LAND USE COMMITTEE
INFORMATION ITEM**

1

SUBJECT: EASTERN ROUTE 7 SAFETY PROJECT

FORMER ELECTION DISTRICT: Sterling/Sugarland Run/Potomac

NEW ELECTION DISTRICT: Algonkian/Sterling

STAFF CONTACTS: Mr. Lewis Rauch, Department of Construction and Waste Management.
Mr. Jim Rauch, Department of Construction and Waste Management.
Ms. Terrie Laycock, Office of Transportation Services

BACKGROUND:

The funding for the Eastern Route 7 Safety Project was approved in the Adopted 2006-2008 Capital Improvement Program for spot improvements at Community Plaza/Lakeland Drive, Augusta Drive, Cardinal Glen Circle at Sterling Blvd, Potomac View Drive and Campus Drive along Route 7, Leesburg Pike in Sterling, Virginia. The scope of the work was subsequently changed, as reported at the October 20, 2010 Transportation and Land Use Committee meeting, to include only the intersections of Potomac View Drive, Sterling Blvd, and Augusta Drive. The purpose of this item is to update the Board of Supervisors on the design and construction schedule for the project, as requested at the July 20, 2011 Transportation and Land Use Committee meeting.

In accordance with the project schedule, design documents were submitted in mid August to VDOT and the County for review. After the review is completed and comments incorporated, final plans will be submitted to the Department of Building and Development and VDOT for approval. Design completion is planned for November 2011 with bids issued in early December, subject to the acquisition of easements and right of way. These plans are being reviewed concurrent with the work to identify the scope of utility relocations and the work to acquire easements and right of way. The design consultant and County staff have met with each utility company to determine the location of existing utilities, and the consultant is reviewing as-built information to determine the extent of any relocation that may be needed. County staff is also working diligently to acquire the temporary construction easement and the right of way that are needed for this project. Construction is planned to begin in the spring/summer of 2012 and the work is planned for completion in the spring/summer of 2013.

ISSUES: The work requires that a temporary construction easement and additional right of way be acquired. Staff is working with the property owners to insure that documents are executed in a timely manner so as not to impact the start of construction.

The preliminary estimate for the work at an earlier stage of design was \$2,325,000 and within the project budget. As the design is progressing, however, additional pavement has been added, the size of the storm water management features has increased, and a signal at Potomac View Road must be relocated. These items as well as utility relocation costs may increase the cost of the work. All costs are estimates at this time, and actual costs will be known when the design is completed and the work is put out for bids.

Staff will be present at the September 21st, 2011 Committee meeting to provide an update on the project and respond to questions from committee members.

**BOARD OF SUPERVISORS
TRANSPORTATION AND LAND USE COMMITTEE
INFORMATION ITEM**

8

SUBJECT: EASTERN ROUTE 7 SAFETY PROJECT

FORMER ELECTION DISTRICT: Sterling/Sugarland Run/Potomac

NEW ELECTION DISTRICT: Algonkian/Sterling

STAFF CONTACTS: Mr. Lewis Rauch, Department of Construction and Waste Management.
Mr. Jim Rauch, Department of Construction and Waste Management.

BACKGROUND:

The funding for the Eastern Route 7 Safety Project was approved in the Adopted 2006-2008 Capital Improvement Program for spot improvements at Community Plaza/Lakeland Drive, Augusta Drive, Cardinal Glen Circle at Sterling Blvd, Potomac View Drive and Campus Drive along Route 7, Leesburg Pike in Sterling, Virginia. The scope of the work was subsequently changed, as reported at the October 20, 2010 Transportation and Land Use Committee meeting, to include only the intersections of Potomac View Drive, Sterling Blvd, and Augusta Drive. The purpose of this item is to update the Board of Supervisors on the design and construction schedule for the project.

As reported at the October 20, 2010 Transportation and Land Use Committee meeting, some amount of redesign was necessary to incorporate earlier VDOT review comments. A subsequent design package was sent to VDOT for review in January 2011. The design engineer has been working diligently on addressing those VDOT review comments as well as coordinating the resolution of utility conflicts. Design waivers are needed for the interior paved shoulder width and the grading of the median slope. VDOT has received, accepted and begun the review of the waivers. Upon approval of the design waivers, the consultant will proceed with the final design work to include: all drainage/environmental impact studies, utility coordination and remediation, and easement acquisition. The final plans will be submitted to the Department of Building and Development and VDOT for approval. Final VDOT review and permit submission are planned for August 2011 with design completion and bids issued in November 2011, subject to the acquisition of required easements. Construction is planned to begin in the spring/summer 2012 and work will be completed in the spring/summer of 2013.

ISSUES: A public information session was held on June 30, 2011 to present the scope and status of the project. Citizens asked whether pedestrian improvements and intersection lighting were included in the scope of the project. Staff advised that neither pedestrian improvements nor lighting were included. Other comments were made concerning landscaping, the visibility from

the turn lane at Potomac View Road onto Route 7, standard traffic signs for better visibility and the need for informational signs in advance of the intersections. Staff and the design consultant are responding to each of these.

The preliminary estimate for the work at an earlier stage of design was \$2,325,000 and within the project budget. As the design is progressing, however, additional pavement has been added and the size of the storm water management features has increased. These items as well as utility relocation costs may increase the cost of the work. All costs are estimates at this time, and actual costs will be known when the design is completed and the work is put out for bids.

Staff and the design consultant will be present at the July 20 Committee meeting to provide an update on the project and respond to questions from committee members.

5

**BOARD OF SUPERVISORS
TRANSPORTATION AND LAND USE COMMITTEE
INFORMATION ITEM**

SUBJECT: EASTERN ROUTE 7 SAFETY PROJECT

STAFF CONTACT: Mr. Jim Rauch, Department of Construction and Waste Management.
Mr. Andrew Beacher, Office of Transportation Services

BACKGROUND:

The funding for the Eastern Route 7 Safety Project was approved in the Adopted 2007 and 2008 Capital Improvement Program for spot improvements at Community Plaza/Lakeland Drive, Augusta Drive, Cardinal Glen Circle at Sterling Blvd, Potomac View Drive and Campus Drive along Route 7, Leesburg Pike in Sterling, Virginia. The purpose of this item is to update the Board of Supervisors to changes in the project scope and schedule since the inception of this project.

The Board of Supervisors approved the contract award in August, 2006 to A. Morton Thomas & Associates, Inc. (AMT) to provide a design to mitigate traffic congestion on the Route 7 corridor between the intersections of Lakeland Drive and Campus Drive, inclusive. Specifically, the intent of the design was to provide localized or "spot" improvements at Campus Drive, Potomac View Drive, Sterling Boulevard, Augusta Drive and Lakeland Drive, and Route 7 itself. The design proceeded with planned improvements to the aforementioned five intersections. During the course of the design, several meetings were held with the public. During a public meeting held to consider the improvements at Campus Drive, concerns were raised regarding the feasibility of access restrictions into the Northern Virginia Community College from Route 7. As a result, the improvements at Campus Drive were eliminated from the original scope. Also during the design, the recommended intersections were reanalyzed for the relative value and benefit of cost versus travel time/safety. An evaluation by AMT determined that the improvements at Lakeland Drive would only reduce the travel time by approximately one second. The estimated cost to improve Lakeland Drive and Route 7 was approximately \$56,000; therefore the travel time saved did not justify the cost. Additionally, the preliminary estimates for the total cost of five intersections, dated May and September, 2007, were \$4,962,985, exceeding the then budget of \$3,176,000. Based on this information, the design proceeded to include only the most problematic three intersections of Augusta Drive, Sterling Blvd and Potomac View Blvd. As such, the 90% complete design was presented to Loudoun County and VDOT for review in April, 2009.

The review of the 90% plans was completed with over 300 comments and concerns identified by VDOT and Loudoun County. Several of the comments from VDOT were of a significant nature. In September 2009, VDOT and Loudoun County staff met to discuss the status of the project, the

impact of the numerous comments and the proper course of action. The meeting revealed two important issues: 1) VDOT reviewed the project assuming a complete design in accordance with applicable NHS standards/VDOT Design Manual, and 2) The original traffic impact analysis (TIA) performed by Vanasse Hangen Brustlin, Inc. (VHB) from November, 2005 was now outdated. Item No. 1 was contrary to the original scope of "spot improvements" as agreed to with VDOT, and had the potential to increase the cost and time to complete the project. Item No. 2 also created a change of scope for AMT, requiring an updated TIA that could potentially affect the overall design of the project.

As a result of the meeting with VDOT, staff proceeded to pursue the execution of an updated traffic impact analysis (TIA). Since that time, an updated TIA has been completed, along with three design scenarios (consistent with the original scope) that have been reviewed by VDOT and Loudoun County. Scenario 1 was not a viable option, therefore only Scenarios 2 & 3 were further developed in design form. AMT, Loudoun County and VDOT have discussed the results of the TIA and agreed that Scenario 3 is the best design concept, based on the results of the most current TIA and previous project history. The difference between Scenario 2 and 3 occurs at Sterling Blvd, with Scenario 2 providing concurrent left turning movements and Scenario 3 providing split phasing of the left turns at Sterling Blvd.

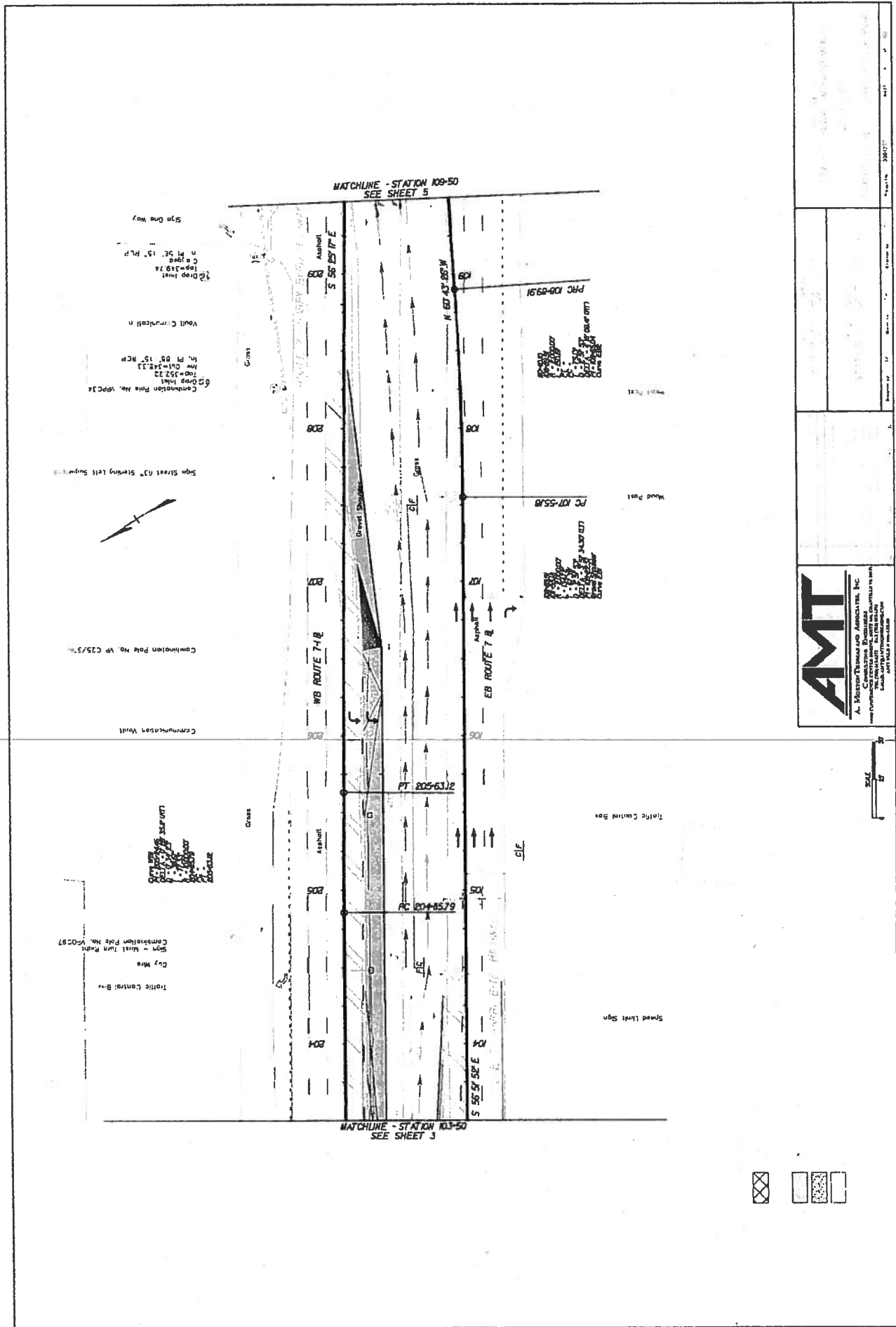
Scenario 3 will widen the intersection of Potomac View and add a transition lane on Route 7, widen Sterling Blvd to have split phasing of the left turns onto Rt. 7 westbound, increase the length of the turn lanes on Sterling Blvd and add transition lanes on Route 7, and provide improvements to the intersection for turning and through movements at Augusta Drive. The preliminary cost estimate for these improvements is within the project budget. The redesign of the project is underway and the plans will be completed for review by December, 2010. A review of the plans will be performed by Loudoun County and VDOT, and construction is anticipated to start in the Spring of 2011.

ISSUES: None.

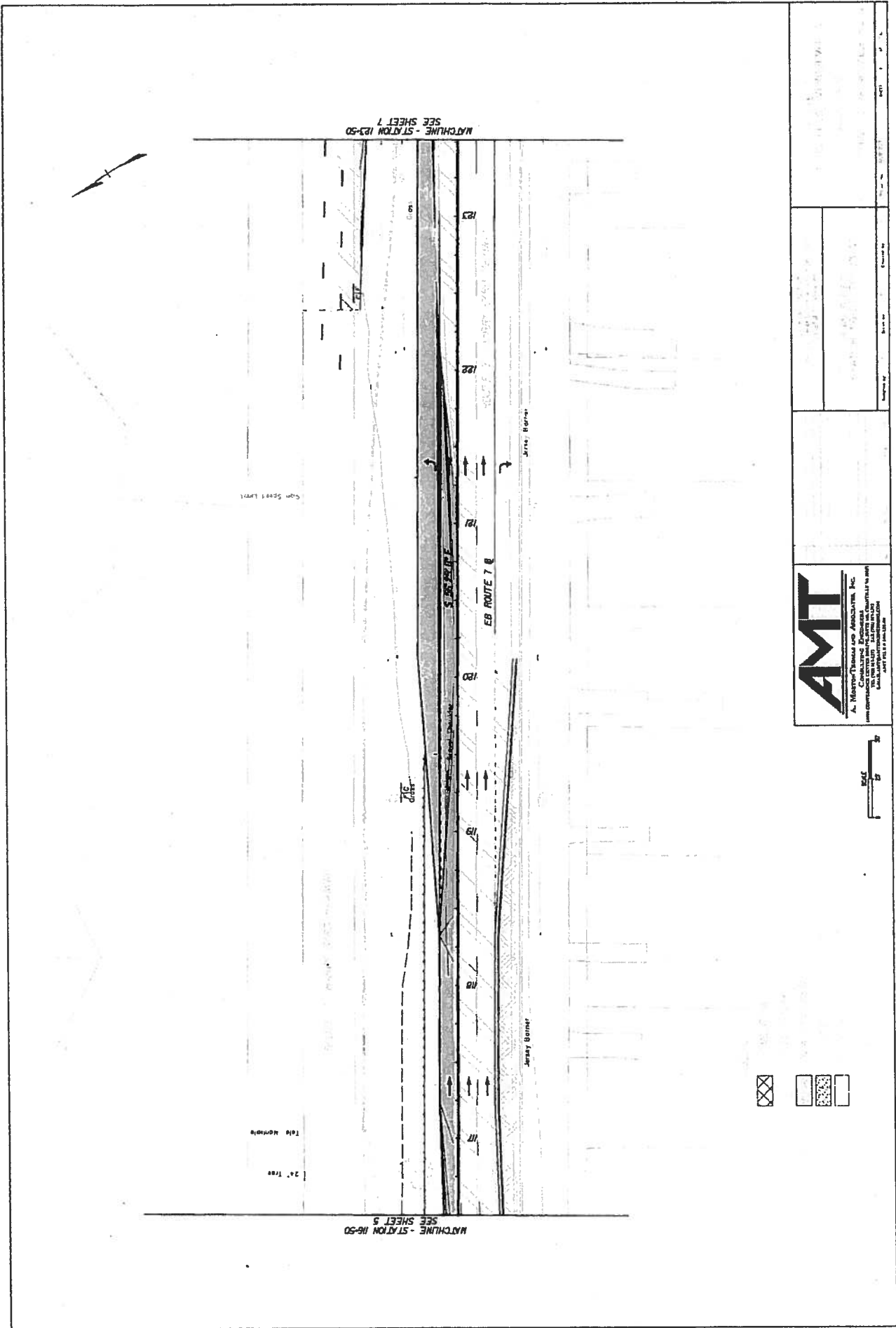
FISCAL IMPACT: The preliminary estimate for the work based on design Scenario 3 is \$2,325,000. The total project cost, including right of way acquisition, contingencies, and 3rd party testing is projected to be within the capital project account balance of \$2,783,223. All costs are estimates at this time, and actual costs will be known when the design is completed and the work is put out for bids. If actual costs exceed the appropriation, supplemental funding or a change in project scope may be required. Those options would be presented in the construction award Item for the Board's consideration.

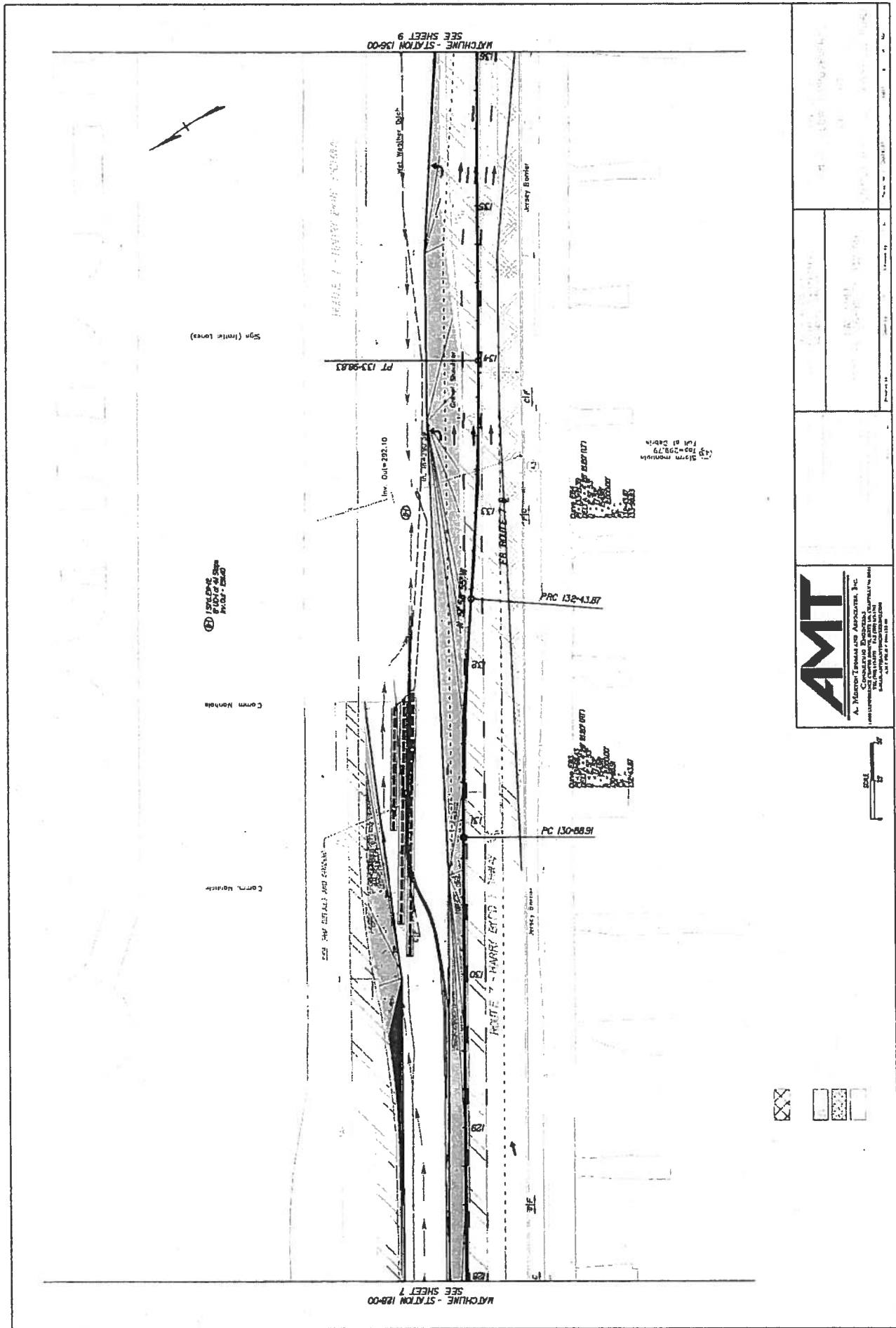
ATTACHMENTS:

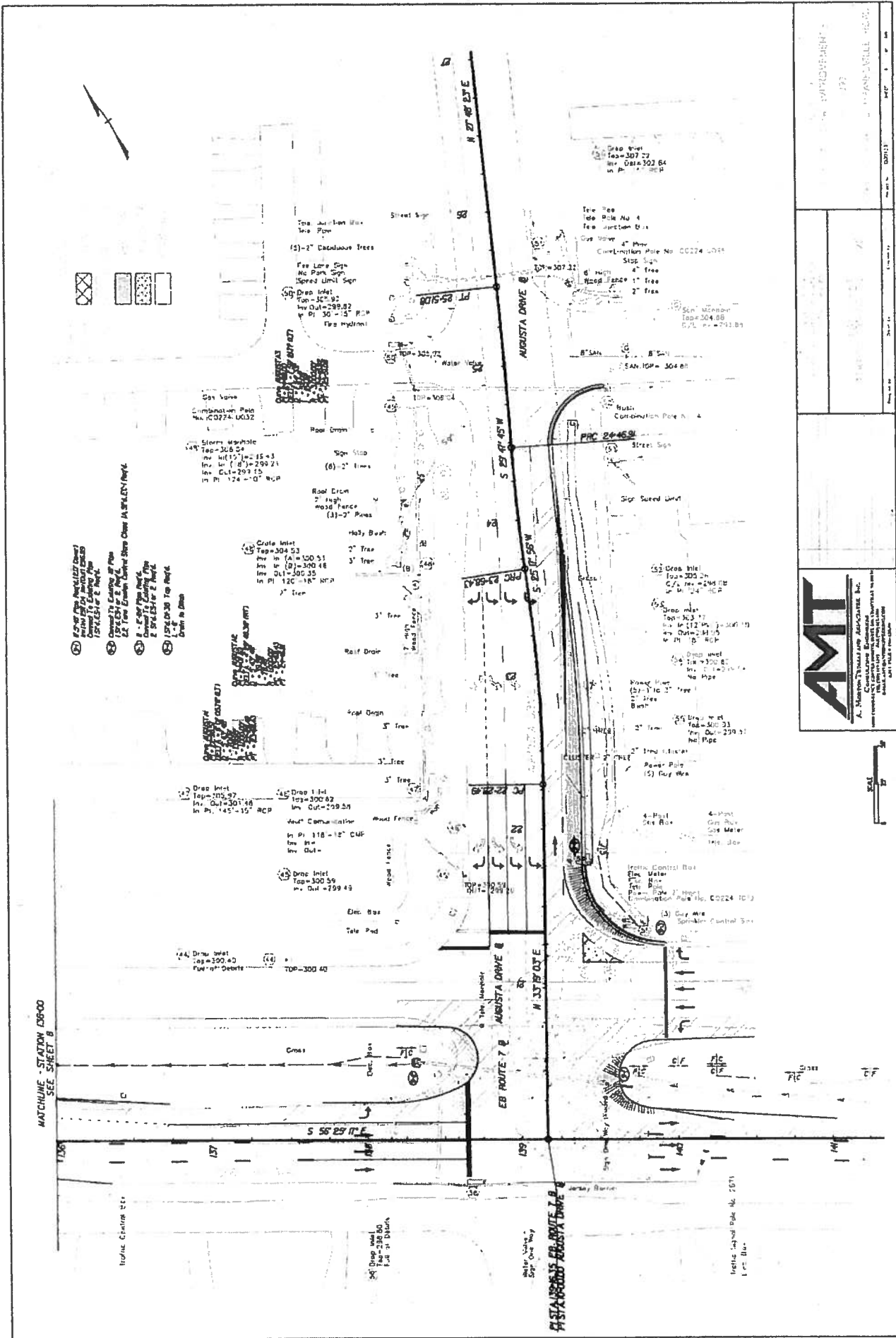
1. Design Scenario 3



DATE: 10/12/11







- 1. 2" Gas (15' x 15') (15' x 15') (15' x 15')
- 2. 2" Gas (15' x 15') (15' x 15') (15' x 15')
- 3. 2" Gas (15' x 15') (15' x 15') (15' x 15')
- 4. 2" Gas (15' x 15') (15' x 15') (15' x 15')

ATCHLINE - STATION 05+00
SEE SHEET B



PROJECT NO.	20113
DATE	11/11/11
SCALE	AS SHOWN
DRAWN BY	...
CHECKED BY	...
APPROVED BY	...