

MEMORANDUM
COUNTY OF LOUDOUN

DATE: September 3, 2020
TO: Department and Agency Heads **ZOAM Work Program - Page 11.**
Followed by Board Business Meeting Staff Report.
FROM: Tim Hemstreet, County Administrator
SUBJECT: Action Report of the September 1, 2020, Board of Supervisors Business Meeting
Please work with staff to address the Board of Supervisors (Board) action as noted in the Action Report from the September 1, 2020, Board Business Meeting.

Links to webcast of meeting:

Board Business Meeting-Part 1

https://loudoun.granicus.com/MediaPlayer.php?view_id=77&clip_id=6383&meta_id=181498

Board Business Meeting-Part 2

https://loudoun.granicus.com/MediaPlayer.php?view_id=77&clip_id=6384&meta_id=181726

Chair Randall moved that the Board of Supervisors convene the September 1, 2020, Business Meeting as an electronic meeting pursuant to the Continuity Ordinance adopted by the Board of Supervisors on April 15, 2020, and certify that all items on the agenda for this meeting are necessary or appropriate to assure the continuity of government during the COVID-19 Pandemic Disaster. (Seconded by Vice Chair Saines. The motion passed 9-0.)

ADOPTION OF CONSENT AGENDA

Vice Chair Saines moved that the Board of Supervisors adopt the following items on consent: R-1, R-2, R-3, R-4, 1a, 2, 6, 9, 11, 12, 14, 15, and 16. (Seconded by Supervisor Letourneau. The motion passed vote 9-0.)

REQUESTS FOR ADDITIONS/DELETIONS TO THE AGENDA

Chair Randall announced the deferral of Item 1c, Motions Requiring Vote-Zoning Ordinance Action Group to a future business meeting and the deferral of Item 10, Establishing a Resident Curator Program for Loudoun County to the September 15, 2020, Board Business Meeting.

REGIONAL ORGANIZATION UPDATES AND VOICE FOR A CAUSE

Supervisors Briskman, Letourneau, Randall, Turner, and Umstatt reported on the many regional organization meetings they had attended in recent weeks.

Link to full report by Board

https://loudoun.granicus.com/MediaPlayer.php?view_id=77&clip_id=6383&meta_id=181505

Chair Randall announced her voice for a cause was Loudoun Serenity House. For more information, visit <https://communityfoundationlf.org/product/serenity-house/>.

CEREMONIAL RESOLUTIONS

R-1 Resolution of Commendation for 2019-20 Freedom High School Girls' Gymnastics Team (Approval only)

Vice Chair Saines moved that the Board of Supervisors approve this Resolution of recognition in honor of the accomplishments of the Freedom High School Girls' Gymnastics Team. (Consent Item) (Seconded by Supervisor Letourneau. The motion passed 9-0.)

Staff Contact: Jared Midwood, Supervisor Letourneau's Office

R-2 Proclamation Declaring September 2020 as Workforce Development Month (Approval only)

Vice Chair Saines moved that the Board of Supervisors approve this Proclamation declaring September 2020 as Workforce Development Month in Loudoun County, Virginia. (Consent Item) (Seconded by Supervisor Letourneau. The motion passed 9-0.)

Staff Contact: Sarah Tuggle, Chair Randall's Office

R-3 Proclamation Recognizing September 2020 as Childhood Cancer Awareness Month (Approval only)

Vice Chair Saines moved that the Board of Supervisors designate September 2020 as Childhood Cancer Awareness Month in Loudoun County. (Consent Item) (Seconded by Supervisor Letourneau. The motion passed 9-0.)

Staff Contact: Jared Midwood, Supervisor Letourneau's Office

R-4 Proclamation Recognizing September 2020 as National Recovery Month (Approval only)

Vice Chair Saines moved that the Board of Supervisors adopt this Proclamation recognizing September 2020 as National Recovery Month. (Consent Item) (Seconded by Supervisor Letourneau. The motion passed 9-0.)

Staff Contact: Jeanine Arnett, Chair Randall's Office

INFORMATION ITEMS

I-1 Update on Preparations for the November 3, 2020 General Election (Countywide)

Judy Brown and Richard Keech with the Office of Elections provided the following information regarding the upcoming November election:

There are three ways for residents to vote through its public outreach efforts. These options are detailed on the Office's website, <http://www.loudoun.gov/novemberelection>. This is also being communicated to residents on an insert that is included with all personal property tax bills, and will also be included with a sample ballot that will be mailed to each Loudoun County household in early September.

1. **Vote at Home** (www.loudoun.gov/voteathome)– voters who wish to vote by mail are encouraged to apply for their ballot as soon as possible, fill it out upon receipt, and then return it via U.S. Mail, or drop it at the Office or an early voting center.
2. **Vote Early** (www.loudoun.gov/voteearly) – will begin on Friday, September 18, 2020 at the Office and be available during normal business hours (Monday to Friday 8:30 a.m. to 5:00 p.m.) through Friday, October 16, 2020. Starting Saturday, October 17, 2020 and through Saturday, October 31, 2020, the Office will begin offering extended hours and open additional voting centers at the Dulles South Senior Center in South Riding, Ridgetop Office Building in Sterling, and at the Carver Senior Center in Purcellville. Social distancing, mask usage, and other preventative safety measures will be in place. Extended early voting hours will be as follows:
 - Office of Elections
 - Saturdays, October 17, 24 and 31 – 9:00 a.m. to 5:00 p.m.
 - Monday, Wednesday, Friday – 8:30 a.m. to 6:00 p.m.
 - Tuesday, Thursday – 8:30 a.m. to 8:00 p.m.
 - Dulles South Senior Center and Ridgetop Office Building
 - Saturdays, October 17, 24 and 31 – 9:00 a.m. to 5:00 p.m.
 - Monday, Wednesday, Friday – 10:00 a.m. to 6:00 p.m.
 - Tuesday, Thursday – Noon to 8:00 p.m.
 - Carver Senior Center
 - Saturdays, October 17, 24, and 31 – 9:00 a.m. to 5:00 p.m.
 - No weekday hours at this location
3. **Vote on Election Day** (www.loudoun.gov/voteonelectionday) – all polling places will be open with social distancing, mask usage, and other preventative measures in place.

The full presentation can be viewed via the following link:

https://loudoun.granicus.com/MediaPlayer.php?view_id=77&clip_id=6383&meta_id=181520

Staff Contacts: Richard Keech & Judy Brown, Office of Elections

I-2 Significant Incident Reports Q4 FY 2020 (Countywide)

Chief Keith Johnson of the Combined Fire-Rescue System provided a report on significant incidents for the 4th quarter of FY 2020.

Further, Chief Keith Johnson, Assistant Chief James Williams, and Assistant Chief John Caussin provided the final report for the Perdido Bay Terrace incident and ongoing Water Rescue Initiatives.

The full presentation can be viewed via the following link:

https://loudoun.granicus.com/MediaPlayer.php?view_id=77&clip_id=6383&meta_id=181524

Staff Contacts: John Sandy, County Administration; Keith Johnson, Combined Fire-Rescue System

I-3 COVID-19 (Coronavirus) Update (Countywide)

Dr. Goodfriend of the Health Department provided an update regarding the County's response to the COVID-19/Coronavirus Pandemic.

The full presentation can be viewed via the following link:

https://loudoun.granicus.com/MediaPlayer.php?view_id=77&clip_id=6383&meta_id=181529

Staff Contacts: Dr. David Goodfriend, Health Department; Kevin Johnson, Emergency Management; John Sandy & Erin McLellan, County Administration

ACTION ITEMS

1. APPOINTMENTS

1a. Confirmations

Vice Chair Saines moved that the Board of Supervisors confirm the following appointments with terms expiring as noted for each committee. (Consent Item) (Seconded by Supervisor Letourneau. The motion passed 9-0.)

Agricultural District Advisory Committee

- Tia Walbridge (at-large Representative) nominated by Supervisor Briskman (term expires December 31, 2023).

Fiscal Impact Committee

- Mavis Taintor (at-large Representative) nominated by Supervisor Turner (term expires December 31, 2023).

Police Directed Towing Advisory Board

- RobiJon Earley (Law Enforcement Representative) nominated by Supervisor Buffington (term expires December 31, 2023).

1b. Nominations

Supervisor Letourneau:

- Blake Smith – at large reappointment to the Advisory Plans Examiner Board
- Monte Mercer – Dulles District Representative – Library Board of Trustees

Supervisor Briskman

- Lisa Jones – Art Advisory Committee as an at large representative
- Wakar Khan – Advisory Commission on Youth
- Adam Gortowski – Zoning Ordinance Action Group as an at large representative
- Terence Hosten – Economic Development Advisory Commission

Supervisor Turner

- Kevin Ruedisueli – Zoning Ordinance Action Group as an at large representative

Supervisor Buffington

- Benjamin Keehtler - Zoning Ordinance Action Group as an at large representative
- Amy McKinney – Family Services Advisory Board as an at large representative
- Ihuoma Abiamiri – Community Services Board as an at large representative
- Dean Shear – Community Services Board as an at large representative

Supervisor Glass

- Dawn Klassen – Rural Economic Development Committee

Supervisor Kershner

- Dennis Virts - Zoning Ordinance Action Group as an at large representative

1c. Confirmations Requiring Vote – Zoning Ordinance Action Group

This item was deferred to a future business meeting.

Staff Contact: David Street, County Administration

2. Administrative Items Report of September 1, 2020

Vice Chair Saines moved that the Board of Supervisors approve the Administrative Items Report of September 1, 2020. (Consent Item) (Seconded by Supervisor Letourneau. The motion passed 9-0.)

a. Budget Adjustments

The Board of Supervisors 1) approved the budget adjustments as set out in the September 1, 2020 Administrative Items Report; and 2) for FY 2020, increased the General Fund by \$1,084,722.09, increased the revenue budget for the Children’s Services Act Fund by \$78,000 and the expenditure budget by \$150,000, decreased the Rental Assistance Fund by \$225,700.47, increased the State and Federal Grant Fund by \$55,302.75, increased the Public Facilities Fund by \$17,500, decreased the expenditure budget for the Transportation District Fund by \$13,646.67, increased the Capital Projects Fund by \$17,500, and increased the revenue budget for the Debt Service Fund by \$8,135,865 and increased the expenditure budget by \$8,149,511.67; and 3) for FY 2021, increased the General Fund by \$1,045,222.76, increased the Rental Assistance Fund by \$141,428, increased the State and Federal Grant Fund by \$254,244, and increased the Capital Projects Fund by \$1,799,722.45.

Staff Contacts: Caleb Weitz & Janet Romanchyk, Finance and Budget

b. Secondary Road Addition: Quail Pond Estates, Phases 1 and 2

The Board of Supervisors adopted the resolution provided as Attachment 1 to the September 1, 2020, Board of Supervisors Business Meeting Administrative Items Report 2b.

Staff Contacts: Rick Karle, Ilona McGee & Alan Brewer, Building and Development

c. Secondary Road Addition: Marbury, Phases 3, Sections 2, 3 and 4

The Board of Supervisors adopted the resolution provided as Attachment 1 to the September 1, 2020, Board of Supervisors Business Meeting Administrative Items Report 2c.

Staff Contacts: Rick Karle, Ilona McGee & Alan Brewer, Building and Development

d. Secondary Road Addition: Eastview at Stone Ridge, Phases 1 (1,2,&3) and Phase 2 (1&2)

The Board of Supervisors adopted the resolution provided as Attachment 1 to the September 1, 2020, Board of Supervisors Business Meeting Administrative Items Report 2d.

Staff Contacts: Rick Karle, Ilona McGee & Alan Brewer, Building and Development

e. Local Governing Body Certification – Ashburn Acquisitions Company, LLC Data Center – Application for Virginia Department of Environmental Quality Air Pollution Control Permit

The Board of Supervisors authorized the County Administrator or his designee to execute the Virginia Department of Environmental Quality – Air Permits Local Governing Body Certification Form certifying that the location and operation of the thirty-two (32) generators for the Ashburn Acquisitions Company, LLC Data Center facility at 22291 Shellhorn Road (PIN: 090-48-5422-000) is consistent with all applicable local land use ordinances.

Staff Contacts: Marie Genovese & Alaina Ray, Planning and Zoning; Jason Hobbie, County Attorney's Office

f. Deeds for Approval

ESMT-2020-0008, Elms at Arcola

The Board of Supervisors approved the aforementioned deed as presented and further that the Chairman, Vice-Chairman, or the County Administrator or his designee be authorized to execute and deliver the appropriate aforementioned deed in form as approved by the County Attorney.

Staff Contacts: William Himel & Alan Brewer, Building and Development

g. Authorization to Execute the License Agreement with the Metropolitan Washington Airports Authority for the New Dulles Transit Center

The Board of Supervisors authorized the County Administrator or his designee to execute the License Agreement, in a form approved by the County Attorney, with the Metropolitan Washington Airports Authority.

The Board of Supervisors further moved to direct staff to formally notify the Virginia Department of Transportation and the Metropolitan Washington Airports Authority of the

County's intent to discontinue use of the existing Dulles North Transit Center and ask that those agencies discontinue the use of the property as a park and ride facility.

Staff Contacts: Penny Newquist & Joe Kroboth, III, Transportation and Capital Infrastructure; Ernest Brown, General Services; Steve Jackson, County Attorney's Office

h. Amendment to Shellhorn Road Improvement Agreement

The Board of Supervisors adopted a Resolution approving an amendment to the contract between the County and SA Associates South L.L.C. for the design of Shellhorn Road (Route 643) between Barrister Street and Loudoun County Parkway as follows:

- a. Delete from the scope of work the design for the segment between Loudoun County Parkway and the property line of GPIN #062-15-9785;
- b. Add to the scope of work the design of the Shellhorn Road and Lockridge Road intersection; and
- c. Modify the design of the existing Shellhorn Road/Loudoun County Parkway traffic signal and related intersection improvements; as described in Attachment 6 of the September 1, 2020 Board of Supervisors Business Meeting Action Item, and authorize the County Administrator to execute an Amendment to the Shellhorn Road Improvement Agreement making these amendments, subject to approval by the County Administrator and the County Attorney's Office.

Staff Contacts: Susan Glass & Joe Kroboth, III, Transportation and Capital Infrastructure

i. Advisory Boards, Commissions, and Committees Bylaws Amendments for Remote Participation

The Board of Supervisors approved the Advisory Board, Commission, and Committee Remote Participation Policy to allow for remote participation by Advisory Board, Commission, and Committee members, as found in Attachment 1 of Item 2i, with a recommendation to these advisory bodies that they adopt the language therein as part of their own bylaws or policies.

Staff Contacts: David Street, County Administration; Leo Rogers, County Attorney's Office

j. Exception to Courthouse Grounds Rules / Use of Electricity

The Board of Supervisors approved an exception to the rules regarding use of the courthouse grounds that allows the Town of Leesburg Acoustic on the Green event organizers to use the electrical outlets on the courthouse on September 12, 2020, September 26, 2020, October 3, 2020, October 10, 2020, and October 17, 2020, from 2:30 p.m. – 10:30 p.m.

Staff Contact: Emily Watkins, County Administration

3. Legislative Report- Special Session (Countywide)

Vice Chair Saines moved that the Board of Supervisors confirm the straw poll on legislation and positions found in Attachment 1 of the September 1, 2020 Board of Supervisors Business Meeting Action Item. (Seconded by Chair Randall. The motion passed 8-1: Supervisor Umstatted opposed.)

Chair Randall announced that the staff recommended positions as found in Section 1 of the September 1, 2020 Supplemental Board Business Meeting Action Item was deferred to a Special Business Meeting on September 9, 2020, at 5:00 p.m.

Staff Contacts: Gwen Kennedy & Tim Hemstreet, County Administration

4. Board of Supervisors' Support of the Loudoun County School Board in Issuing a Formal Apology to the Community for the History of Operating Segregated Schools (Countywide)

Chair Randall moved that the Board of Supervisors join the Loudoun County School Board in a formal statement of apology for the operation of segregated schools in Loudoun County. (Seconded by Vice Chair Saines.)

Supervisor Kershner moved to table this item until such time as the Board of Supervisors can review the letter of apology drafted by the Loudoun County School Board. (This motion died due to lack of a second.)

The main motion passed 8-0-0-1: Supervisor Kershner abstained.

Staff Contact: Tim Hemstreet, County Administration

5. Response to Board Member Initiative: Impacts of Firearms Legislation (Countywide)

Supervisor Briskman moved that the Board of Supervisors direct staff to develop a draft ordinance that regulates firearms in buildings owned or used by the County, public parks owned or operated by the County and in recreation or community center facilities operated by the County as authorized by [§§ 15.2-915 of the Code of Virginia](#). (Seconded by Supervisor Turner.)

Supervisor Buffington moved an alternate motion to remove “public parks owned or operated by the County” from the motion. (Seconded by Supervisor Kershner. The motion FAILED 3-6: Supervisors Briskman, Glass, Randall, Saines, Turner, and Umstatted opposed.)

The main motion passed 6-2-0-1: Supervisors Buffington and Kershner opposed; Supervisor Letourneau abstained.)

Supervisor Briskman moved that the Board of Supervisors direct staff to develop a draft ordinance that regulates firearms at County permitted events and in any public street, road, alley, or sidewalk or public right-of-way or any other place of whatever nature that is open to the public and is being used by or is adjacent to a permitted event as authorized by [§§ 15.2-915](#)

[of the Code of Virginia](#). (Seconded by Supervisor Turner. The motion FAILED 4-5: Supervisors Buffington, Glass, Kershner, Letourneau, and Randall opposed.)

Staff Contacts: Jim Reid & Ernest Brown, General Services; Gwen Kennedy & Erin McLellan, County Administration

6. Amendments to Section I of the Board of Supervisors Rules of Order – Electronic Public Input (Countywide)

Vice Chair Saines moved that the Board of Supervisors adopt amendments to the Rules of Order found in Attachment 1 to the September 1, 2020, Board of Supervisors Business Meeting Action Item, establishing rules and procedures for electronic public input at Board of Supervisors Business Meetings. (Consent Item) (Seconded by Supervisor Letourneau. The motion passed 9-0.)

Staff Contacts: David Street & Tim Hemstreet, County Administration

7. Acceptance of Coronavirus Aid, Relief and Economic Security (CARES) Act Funding, Second Allocation (Countywide)

Chair Randall moved that the Board of Supervisors direct staff to execute a budget adjustment to estimate and appropriate \$36,079,596 in federal CARES Act Coronavirus Relief Funds in the General Fund and direct staff to distribute \$6,081,862 to towns as outlined in this item contingent upon receipt of certification materials and spending plans which conform to the conditions and guidance established by the Commonwealth, U.S. Treasury, and the County.

Chair Randall further moved that the Board of Supervisors authorize a supplemental appropriation to the Loudoun County Public Schools of \$12 million of CARES Act Coronavirus Relief Funds to be used for qualifying expenditures in accordance with the guidance established by the Commonwealth, U.S. Treasury, and the County.

Chair Randall further moved that the Board ratify the straw poll taken on August 21, 2020, authorizing staff to proceed with providing child care services in response to the coronavirus pandemic emergency by authorizing staff to proceed with approximately 1,000 childcare seats, and authorizing the County Administrator to designate the Rust Library and the Ashburn Library to be used as child care facilities, and approve the proposed Child Care Program rates shown in Table 4 of the September 1, 2020, Board of Supervisors Business Meeting Action Item.

Chair Randall withdrew her motion.

Chair Randall moved that the Board of Supervisors direct staff to execute a budget adjustment to estimate and appropriate \$36,079,596 in federal CARES Act Coronavirus Relief Funds in the General Fund and direct staff to distribute \$6,081,862 to towns as outlined in this item contingent upon receipt of certification materials and spending plans which conform to the conditions and guidance established by the Commonwealth, U.S. Treasury, and the County. (Seconded by Vice Chair Saines. The motion passed 9-0.)

Chair Randall moved to set aside the appropriation to Loudoun County Public Schools until such time as more information is received on how the funds will be utilized. (Seconded by Vice Chair Saines. The motion passed 9-0.)

Chair Randall moved that the Board of Supervisors ratify the straw poll taken on August 21, 2020, authorizing staff to proceed with providing child care services in response to the coronavirus pandemic emergency by authorizing staff to proceed with approximately 1,000 childcare seats, and authorizing the County Administrator to designate the Rust Library and the Ashburn Library to be used as child care facilities, and approve the proposed Child Care Program rates shown in Table 4 of the September 1, 2020, Board of Supervisors Business Meeting Action Item. (Seconded by Vice Chair Saines. The motion passed 9-0.)

Staff Contacts: Caleb Weitz & Janet Romanchyk, Finance and Budget

8. Local Authority to Increase Courthouse and Courtroom Security Fee Assessment (Countywide)

This item was deferred to the September 15, 2020, Board of Supervisors Business Meeting.

Staff Contacts: Caleb Weitz & Janet Romanchyk, Finance and Budget

9. Election Day Holiday (Countywide)

Vice Chair Saines moved that the Board of Supervisors approve adding Election Day as a paid County holiday for calendar year 2020.

Vice Chair Saines further moved that the Board of Supervisors approve adding Election Day as a paid County holiday for future years, thereby increasing the number of paid County holidays from 12 ½ days to 13 ½ days. (Consent Item) (Seconded by Supervisor Letourneau. The motion passed 9-0.)

Staff Contacts: Alysia Pippen & Jeanette Green, Human Resources

10. Establishing a Resident Curator Program for Loudoun County (Countywide)

This item was deferred to the September 15, 2020, Board of Supervisors Business Meeting.

Staff Contacts: Ernest Brown, General Services; Alaina Ray, Planning and Zoning; Steve Torpy, Parks, Recreation and Community Services

11. Extension of Authorization of the County Administrator to Adjust Transit Service Programming and the Waiver of Fares during the COVID-19 Emergency (Countywide)

Vice Chair Saines moved that the Board of Supervisors extend the authority delegated to the County Administrator on June 2, 2020, relating to negotiating changes to existing transit service delivery contracts, to include approving a contract modification to provide administrative leave compensation to operations personnel furloughed due to reductions in transit service during the COVID-19 Health Emergency; and to extend the expiration date for the waiver of transit fares through to January 1, 2021.

Vice Chair Saines further moved that the Board of Supervisors direct staff to provide an update to the Board regarding transit service delivery, ridership and known COVID-19 costs at the December 1, 2020, Board of Supervisors Business Meeting.

Vice Chair Saines further moved that the Board of Supervisors authorize staff to amend the FY 2021 Capital Improvement Program by directing staff to execute a budget adjustment that appropriates \$5,138,519 of the WMATA credit in the Transportation District Fund, de-appropriates \$5,138,519 of gasoline tax in the Transportation District Fund, appropriates \$5,022,932 of the WMATA credit in the Capital Projects Fund, and de-appropriates \$5,022,932 of NVT 30% in the Capital Projects Fund. (Consent Item) (Seconded by Supervisor Letourneau. The motion passed 9-0.)

Staff Contacts: Scott Gross, Penny Newquist & Joe Kroboth, III, Transportation and Capital Infrastructure

12. Implementation Plan for Construction of Arcola Boulevard Between Arcola Mills Drive and Loudoun County Parkway (Blue Ridge)

Vice Chair Saines moved that the Board of Supervisors adopt a Resolution to award a contract to Arcola LLC to acquire the necessary right-of-way and easements and construct the segment of Arcola Boulevard between Arcola Mills Drive (Route 621) and the existing portion of the road that is located west of Loudoun County Parkway (Route 606) as provided in Attachment 4 of the September 1, 2020, Board of Supervisors Business Meeting Action Item.

Vice Chair Saines further moved that the Board of Supervisors authorize the County Administrator or his designee to execute the Arcola Boulevard Improvement Agreement that is provided in Attachment 5 of the September 1, 2020, Board of Supervisors Business Meeting Action Item. (Consent Item) (Seconded by Supervisor Letourneau. The motion passed 9-0.)

Staff Contacts: Susan Glass & Joe Kroboth, III, Transportation and Capital Infrastructure

13. Zoning Ordinance Amendment (ZOAM) Work Plan and Status Update for Zoning Ordinance Rewrite (Countywide)

Supervisor Turner moved that the Board of Supervisors endorse an updated ZOAM Work Program with three distinct amendment projects, as follows: (1) Cluster Subdivision Regulations ZOAM, (2) Short-term Residential Rentals (STRR); and (3) Zoning Ordinance Rewrite.

Supervisor Turner further moved that the Board of Supervisors roll the Rural Uses and Performance Standards - Phase 2 into the Zoning Ordinance Rewrite but withdraw the proposed addition of the Sports Shooting Range-Outdoor as a Special Exception.

Supervisor Turner further moved that the Board of Supervisors direct staff to provide quarterly updates on the Zoning Ordinance Rewrite project to the Transportation and Land Use Committee. (Seconded by Supervisor Kershner.)

Supervisor Turner did not accept Supervisor Letourneau's Friendly Amendment to include the Rural Uses and Performance Standards-Phase 2 into the Zoning Ordinance Rewrite to include Sports Shooting Range-Outdoor as a Special Exception.

Supervisor Letourneau moved an amendment to the motion that the Board of Supervisors include the Rural Uses and Performance Standards-Phase 2 into the Zoning Ordinance Rewrite to include Sports Shooting Range-Outdoor as a Special Exception. (Seconded by Chair Randall.)

Supervisor Letourneau withdrew his motion.

Supervisor Letourneau moved an amendment to the motion that the Board of Supervisors endorse an updated ZOAM Work Program with three distinct amendment projects, as follows: (1) Cluster Subdivision Regulations ZOAM, (2) Rural Uses and Performance Standards – Phase Two ZOAM, (3) Short-term Residential Rentals (STRR); and (4) ZO Rewrite. (Seconded by Chair Randall.)

The motion FAILED 4-5: Supervisors Briskman, Buffington, Kershner, Turner, and Umstattd opposed.)

Supervisor Turner accepted Supervisor Buffington’s Friendly Amendment that the Board of Supervisors direct staff to amend the ZOAM Work Program to add sports Shooting Range-Outdoor as a Special Exception ZOAM once the Zoning Ordinance Rewrite has been completed.

Supervisor Turner accepted the amendment to Supervisor Buffington’s Friendly amendment that the Board of Supervisors direct staff to amend the ZOAM Work Program to add Shooting Range-Outdoor as a Special Exception ZOAM once the Short-Term Rentals (STRR) has been completed.

The motion, as amended, passed 9-0.

Staff Contacts: Mark Stultz, Chris Mohn, James David & Alaina Ray, Planning and Zoning

14. SPEX-2019-0028, Rollins Property (Dulles)

Vice Chair Saines moved that the Board of Supervisors approve SPEX-2019-0028, Rollins Property, subject to the Conditions of Approval dated June 25, 2020, and based on the Findings for Approval provided as Attachments 1 and 2 to the September 1, 2020, Board of Supervisors Business Meeting Action Item. (Consent Item) (Seconded by Supervisor Letourneau. The motion passed 9-0.)

Staff Contacts: Richard Hancock & Alaina Ray, Planning and Zoning

15. Board Member Initiative: Replacement of the Plaque on the WWI Memorial

Vice Chair Saines moved that the Board of Supervisors direct the County Administrator to schedule a public hearing seeking public comment on replacing the plaque currently on the WWI memorial statue and to place this item on a Board of Supervisors business meeting agenda

subsequent to the public hearing for a vote. (Consent Item) (Seconded by Supervisor Letourneau. The motion passed 9-0.)

Lead departments responsible for follow up: Ernest Brown, General Services; Erin McLellan, County Administration

Staff Contacts: Rachael Mai & Joel Gicker, Supervisor Turner's Office

16. Board Member Initiative: Study to Construct a Trail on the North Side of Beaverdam Run Underneath Ashburn Road

Vice Chair Saines moved that the Board of Supervisors direct staff to prepare an item that studies and evaluates the need, cost, materials, environmental impacts and maintenance responsibilities of constructing a trail on the north side of Beaverdam Run under the Ashburn Road bridge and return to the Board at a future Business Meeting with options. (Consent Item) (Seconded by Supervisor Letourneau. The motion passed 9-0.)

Lead departments responsible for follow up and implementation: Joe Kroboth, III, Transportation and Capital Infrastructure; Erin McLellan, County Administration

Staff Contacts: Kent Erwin, Supervisor Glass's Office; Joel Gicker, Supervisor Turner's Office

17. Board Member Initiative: Review of Confederate and Segregationist Symbols (Countywide)

This item was deferred to the September 15, 2020, Board of Supervisors Business Meeting.

Staff Contacts: Zachary Harris & Rey Cheatham Banks, Supervisor Briskman's Office; Omar Masood, Supervisor Saines' Office

CLOSED SESSION

Vice Chair Saines moved that the Board of Supervisors recess this public meeting and enter into closed session pursuant to Section 2.2-3711 (A) (3) of the Code of Virginia to consider the disposition of parcels of property in the Ashburn Election District. (Seconded by Chair Randall. The motion passed 9-0.)

Vice Chair Saines moved that the closed session be adjourned, that the Board of Supervisors reconvene its public meeting, that the minutes of the public meeting should reflect that no formal action was taken in the closed session, and further move that the Resolution Certifying the Closed Session be adopted and reflected in the minutes of this public meeting. (Seconded by Chair Randall. The motion passed via roll call vote 9-0.)

Resolution Certifying Closed Session

Whereas, the Loudoun County Board of Supervisors this 1st day of September, 2020, convened in closed session by an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act:

Now, therefore, be it resolved that the Board of Supervisors does hereby certify that to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting

requirements under the Freedom of Information Act were discussed in the closed session to which this certification applies; and (2) only such public business matters as were identified in the motions by which the said closed session was convened were heard, discussed or considered by the Board of Supervisors.

**BOARD OF SUPERVISORS
BUSINESS MEETING
ACTION ITEM**

SUBJECT: **Zoning Ordinance Amendment (ZOAM) Work Plan and Status Update for Zoning Ordinance Rewrite**

ELECTION DISTRICT(S): Countywide

CRITICAL ACTION DATE: At the pleasure of the Board

STAFF CONTACT(S): Chris Mohn, AICP, Deputy Zoning Administrator, Planning and Zoning
Mark Stultz, AICP, Zoning Administrator, Planning and Zoning
James David, Deputy Director, Planning and Zoning
Alaina Ray, AICP, Director, Planning and Zoning

PURPOSE: The purpose of this item is to update the Zoning Ordinance Amendment (ZOAM) Work Program identifying the standalone amendments to the Revised 1993 Loudoun County Zoning Ordinance (Zoning Ordinance) that will be processed while the Zoning Ordinance Rewrite (ZO Rewrite) project is underway. This item also includes a brief update on the ZO Rewrite project. Additional details on ZO Rewrite progress are available in the July 22, 2020 Transportation and Land Use Committee (TLUC) item.

RECOMMENDATION: Staff recommends that the Board of Supervisors (Board) endorse an updated ZOAM Work Program with three distinct amendment projects: (1) Cluster Subdivision Regulations ZOAM, (2) Rural Uses and Performance Standards – Phase Two ZOAM, and (3) ZO Rewrite. Staff further recommends that all other existing and future¹ ZOAMs be rolled into the overall ZO Rewrite effort until that project is completed. Finally, staff recommends the Board utilize TLUC meetings as the forum for quarterly updates on the ZO Rewrite project going forward.

BACKGROUND: The Zoning Ordinance is the primary regulatory implementation tool for the *Loudoun County 2019 General Plan* (2019 GP), which the Board adopted (8-1; Umstadd opposed) on June 20, 2019. The Zoning Ordinance contains specific regulations governing how and where land development can happen based on the community's vision as expressed in the policies, strategies, and actions of the 2019 GP. To maintain consistency between the County's visionary

¹ Future ZOAMs resulting from BMIs and/or General Plan implementation/changes will be evaluated on a case-by-case basis to determine whether they can be accommodated in the Board-endorsed scope and timeline for the ZO Rewrite.

and regulatory planning documents, the Board endorsed (8-0-1; Meyer absent) the project plan for the ZO Rewrite² on September 19, 2019. As outlined by the project plan, the ZO Rewrite is intended to align the Zoning Ordinance with the 2019 GP, update the County's land use regulations to reflect modern best practices, and improve the overall user-friendliness of the ordinance. The ZO Rewrite is the primary means for addressing revisions to the current Zoning Ordinance, rather than initiating multiple standalone ZOAMs; this will enable proposed amendments to be drafted in an integrated and coordinated manner, while simultaneously ensuring efficient use of limited staff resources. That said, certain standalone ZOAMs have either been recommended by Board members for processing outside of the ZO Rewrite project or pre-date the ZO Rewrite and are relatively near anticipated completion. Staff is seeking direction from the Board on which ZOAMs should remain as standalone, and which should be rolled into the ZO Rewrite.

ZOAM Work Program: Beginning in 2016, an annual ZOAM Work Program has been prepared by Department of Planning and Zoning (DPZ) staff for Board consideration and approval. Each annual work program was prepared with input from the Board-appointed Zoning Ordinance Action Group (ZOAG), and included descriptions of the amendments that were intended to be completed and/or initiated during a given calendar year, which in turn provide a framework for the allocation of available staff resources. Since 2018, the ZOAM Work Program has been included as part of the Board's Strategic Initiatives Plan. The 2019 ZOAM Work Program³ included ten standalone ZOAMs addressing various regulatory topics, plus the ZO Rewrite. To date, five have been completed, the most recent being the Housing Affordability ZOAM, which the Board adopted (8-0-1; Buffington absent) on June 2, 2020.

Of the remaining standalone ZOAMs from the 2019 ZOAM Work Program, draft ordinance text has been prepared and input obtained from advisory and stakeholder groups for three of the initiatives, which include:

- Rural Uses and Performance Standards – Phase Two (ZOAM-2017-0004);
- Short-term Residential Rentals (ZOAM-2018-0001); and
- Athletic Field Lighting (ZOAM-2018-0006).

Active processing of these ZOAMs was paused due to staffing adjustments prompted by the launch of the ZO Rewrite and vacancies in key positions, some of which remain unfilled due to the pandemic response.

The final two standalone ZOAMs from the 2019 ZOAM Work Program are Rural Uses and Performance Standards – Phase 3, and Density in Rural and Residential Zoning Districts (Units per Acre). The Board has already given direction to roll the Density ZOAM into the ZO Rewrite, and staff is seeking similar direction on the Rural Uses – Phase 3 ZOAM.

² See Board Business Meeting [Item 14 Zoning Ordinance Rewrite Project Plan](#)

³ See [Biannual Strategic Initiatives and ZOAM Work Program Update](#)

Additionally, on June 16, 2020, the Board approved (9-0) a Board Member Initiative (BMI) directing staff to develop amendments to the cluster subdivision regulations in the AR-1 (Agricultural Rural-1) and AR-2 (Agricultural Rural-2) zoning districts. The motion approving the BMI directed that staff prioritize these work efforts to ensure timely completion of the amendments, meaning the amendments are to be processed outside of the ZO Rewrite project. The motion further directed that staff obtain input about the amendments from affected parties, to include farmers and property owners in the subject zoning districts. As such, based on this recent action of the Board and the status of the referenced ZOAMs started prior to the ZO Rewrite, five standalone ZOAMs need to be prioritized and/or rolled into the ZO Rewrite by the Board.

A sixth standalone ZOAM also is potentially on the two-year horizon if the Board directs staff to develop a Transfer of Development Rights (TDR) program. The TLUC is currently considering the merits of initiating development of this type of program in the County. If the Board directs staff to work on a TDR program, it is anticipated to take approximately three years to design and implement the program, which would include RFP and selection of consultants (three months), multiple consultants working on market studies (six months) and foundational analyses (nine months), public outreach and engagement (three months), and drafting/presenting 2019 GP and Zoning amendments to the Planning Commission and Board (15 months). This estimated timeframe assumes that some of the work can occur simultaneously with the ZO Rewrite.

Other General Plan implementation items or BMIs that the Board chooses to take up during this term may result in future ZOAMs. One example is consideration of the Metropolitan Washington Airports Authority (MWAA) latest noise study, and any corresponding potential changes to the County's Airport Impact Overlay Districts (AIOD). Amending the AIOD would require a Comprehensive Plan Amendment (CPAM), ZOAM, Zoning Map Amendment (ZMAP), and studies to determine the impacts of a boundary change. If the Board chooses to prioritize ZOAMs such as this one, a more accurate and thorough assessment regarding steps and resources needed will be accomplished to determine whether it can be accommodated in the Board-endorsed scope and timeline for the ZO Rewrite.

Resource/Workload Conditions: Management of the ZOAM Work Program is the responsibility of the Zoning Administration Division of DPZ. The management of ZOAM initiatives is customarily assigned to staff members who hold Planner III, Senior Planner, or Principal Planner positions, as such efforts are procedurally and programmatically complex and require thorough knowledge of the Zoning Ordinance and specific expertise in drafting defensible regulations. In addition to ZOAM management, these planners are responsible for core tasks that involve statutory deadlines, to include the review of both legislative (i.e. rezoning, special exception) and administrative (i.e. site plan, site plan amendment) land development applications, preparation of correspondence in response to requests for zoning determinations and other inquiries, and various other projects, to include appeals and litigation support.

For FY 2021, the Zoning Administration Division is approved to consist of 13 full-time planner positions, of which four are dedicated solely to the ZO Rewrite project. As such, a total of nine full-time planners will be available to perform the division's core tasks. Table 1 provides Zoning

Administration’s core task workload and corresponding staff utilization over the past four quarters for which performance metrics have been reported.

Table 1: Annual Core Task Utilization: Zoning Administration

	Core Task Assignments (quantity)*	Staff Capacity Utilized		
		Average Time to Complete Assignment (hours)**	Total Time per Core Task (hours)	FTE Equivalent†
Administrative Referrals (e.g. site plan, site plan amendment)	437	20.8	9,079.9	5.77
Legislative Referrals (e.g. rezoning, special exception)	154	24.8	3,817.0	2.42
Zoning Correspondence (e.g. determination, verification)	209	13.3	2,769.3	1.76
Board of Zoning Appeals Cases (e.g. variance, appeal)	19	37.5	712.5	0.45
Fast-track Meetings	17	4.3	72.9	0.05
Pre-submission (PSUB) Meetings	39	4.6	180.4	0.11
Pre-application (PRAP) Meetings	111	4.2	468.7	0.30
Pre-variance (PVAR) Meetings	8	2.5	20.0	0.01
			17,120.54	10.87

*Zoning Administration Performance Metrics reported for FY 2019 Q4 and FY 2020 Q1, Q2, Q3 (cumulative)

**Based on time survey of Zoning Administration planners

†Per Department of Finance and Budget analysis, 1 FTE equals capacity of 1,575 working hours

Assuming similar workload conditions continue through FY 2021, the Zoning Administration Division will be operating above capacity while the ZO Rewrite project is underway, with staff at all professional levels fully utilized performing core tasks. Table 2 shows projected FY 2021 utilization and the resulting capacity deficit, indicating that any additional work beyond the ZO Rewrite and core tasks, such as standalone ZOAMs, will exacerbate this deficit and risk negative impacts to the division’s overall performance.

Table 2: FY 2021 – Projected Staff Utilization: Zoning Administration

	Hours	FTE Equivalent†
Total Approved Staff Capacity – FY 2021	20,475.00	13.00

<i>Staff Capacity Utilized for ZO Rewrite</i>	6,300.00	4.00
<i>Staff Capacity Utilized for Core Task Assignments (see Table 1)</i>	17,120.54	10.87
Available Staff Capacity:	(2,945.54)	(1.87)

†Per Department of Finance and Budget analysis, 1 FTE equals capacity of 1,575 working hours

Recognizing these capacity constraints, DPZ leadership recommends that most items requiring revision of the Zoning Ordinance be incorporated into the ZO Rewrite project. The ZO Rewrite project offers the most expedient and efficient method for completing most revisions, as they would be supported by staff resources already dedicated to the ZO Rewrite effort, whereas standalone ZOAMs require distinct resource allocations that are otherwise needed for core tasks. As noted above, four experienced staff planners are focused exclusively on the ZO Rewrite project. This approach eliminates the risk of delay attributable to the demands of core planning tasks while also enabling a critical mass of expertise to be focused on developing the amendments and engaging stakeholders in the context of a comprehensive and integrated process.

ZOAM Work Program Content: Based on the resource constraints outlined above, staff prefers most ZOAMs be rolled into the ZO Rewrite. However, staff recognizes completion of the ZO Rewrite involves a lengthy timeframe, and processing of two standalone ZOAMs in addition to the ZO Rewrite is achievable, though impacts to the ZO Rewrite timeline and/or core tasks is probable with each additional standalone ZOAM.

A recent time survey of Zoning Administration planners indicates that a planner assigned responsibility for processing a standalone ZOAM will spend roughly 20 percent of their work hours managing the project, or the equivalent of 0.21 FTE.⁴ As such, there is a corresponding increase in the projected capacity deficit for Zoning Administration with each standalone ZOAM that is actively processed while the ZO Rewrite is underway.

The following table provides details and a status update for each of the five standalone ZOAMs needing to be prioritized and/or rolled into the ZO Rewrite by the Board.

Table 3: Existing Standalone ZOAMs

ZOAM Initiative: Cluster Subdivision Regulations ZOAM #: TBD
New or Carry-over from Prior Work Plan: New Origin: Board of Supervisors (Board Member Initiative)
Processing Status/Next Steps: BMI ⁵ approved (9-0) on June 16, 2020. Draft ordinance text must be developed by staff. Draft text will then be provided to referral agencies, ZOAG, and community stakeholders for review/input. Per the motion approving the BMI, community input

⁴ Staffing resources needed for a ZOAM can vary significantly based on the complexity of the proposed amendment and level of public interest. 0.21 FTE per ZOAM is an average rather than an absolute.

⁵ See Board Business Meeting [Item 04 BMI-Rural Cluster Development and Prime Agricultural Soil Amendments](#)

will include farmers and owners of land zoned AR-1 and AR-2. Staff recommends the Board keep this ZOAM as standalone.			
ZOAM Requirements:			
<i>ZOAM Complexity (Low, Moderate, High):</i> High			
<i>Community Interest (Low, Medium, High):</i> High			
<i>Work Performed to Date:</i> None			
<i>Estimated Completion Timeframe:</i> 18-24 months			
<i>Resource Commitment/Staff Capacity (FTE):</i>	FTE Capacity Available Before ZOAM	FTE Required to Process ZOAM	FTE Capacity Remaining During ZOAM Processing
	(1.87)	0.21	(2.08)
ZOAM Description: The purpose of this ZOAM is to update the cluster residential development standards in the AR-1 and AR-2 zoning districts to prioritize the preservation of prime agricultural soils to support the long-term viability of farming in the Rural Policy Area (RPA). The ZOAM is further intended to improve the overall design of clustered residential development in the Rural Policy Area (RPA) by incorporating natural features, protecting and conserving agriculturally productive prime agricultural soils, allowing for productive and effective equine and rural economy uses, and further implementing the applicable policies of the Loudoun County 2019 General Plan.			

ZOAM Initiative: Rural Uses and Performance Standards - Phase 2			
ZOAM #: ZOAM-2017-0004			
New or Carry-over from Prior Work Plan: Carry-over			
Origin: Multiple Sources - Board of Supervisors, Zoning Ordinance Action Group (ZOAG)			
Processing Status/Next Steps: Community outreach session to be scheduled to provide information in advance of public hearings about proposed addition of "Sport Shooting Range, Outdoor" as Special Exception use and related performance standards; scheduling delayed due to pandemic response. Planning Commission Public Hearing to be scheduled following completion of outreach. Staff recommends the Board keep this ZOAM as standalone.			
ZOAM Requirements:			
<i>ZOAM Complexity (Low, Moderate, High):</i> High			
<i>Community Interest (Low, Medium, High):</i> High			
<i>Work Performed to Date:</i> Draft ordinance text has been prepared. Staff began work on ZOAM in 2017 in consultation with Rural Subcommittee of Zoning Ordinance Action Group (ZOAG). Board considered separating amendments related to "Sport Shooting Range, Outdoor" from remainder of			

draft ZOAM text at November 21, 2019 Business Meeting⁶, but opted not to do so.

Estimated Completion Timeframe: 12 months

<i>Resource Commitment/Staff Capacity (FTE):</i>	FTE Capacity Available Before ZOAM	FTE Required to Process ZOAM	FTE Capacity Remaining During ZOAM Processing
	(2.08)	0.21	(2.29)

ZOAM Description: This ZOAM follows and builds upon the provisions included with ZOAM-2015-0006, Rural Uses and Historic Structures (Phase 1), which the prior Board approved (8-0-1: Volpe absent) on November 1, 2016. The prior Board’s action on ZOAM-2015-0006 included direction to prepare future amendments to address certain carryover items, to include allowing “Eco-Tourism,” “Farm Based Tourism,” and “Restaurant” uses in open space and allowing “Recreation Establishment, Indoor” and “Virginia Farm Winery” uses in certain rural zoning districts. At the Transportation and Land Use Committee (TLUC) meeting on February 26, 2018, TLUC subsequently recommended (2-1-2: Umstattd opposed; Meyer and Randall absent) that the ZOAM also consider allowing “Sport Shooting Range, Outdoor” as a permitted use in the AR-1 and AR-2 zoning districts, and further that “Wetland Mitigation” be deleted as a use, consistent with the recommendation of the Zoning Ordinance Action Group (ZOAG). ZOAG recommended deletion of “Wetland Mitigation” as a use because such activities are specifically exempted from regulation in accordance with Article 1 of the Zoning Ordinance.

ZOAM Initiative: Short-term Residential Rentals (STRR)

ZOAM #: ZOAM-2018-0001

New or Carry-over from Prior Work Plan: Carry-over

Origin: Board of Supervisors (Short-term Residential Rentals (STRR) Work Plan⁷)

Processing Status/Next Steps: Revised ROIA adopted October 17, 2019⁸. Draft text must be updated by staff to include proposed commercial whole house rental provisions. Updated draft text will then be provided to referral agencies, ZOAG, and industry stakeholders for review/input. Staff recommends the Board roll this ZOAM into the ZO Rewrite.

ZOAM Requirements:

ZOAM Complexity (Low, Moderate, High): Moderate

Community Interest (Low, Medium, High): High

⁶ See Board Business Meeting [Item 10a TLUC-Rural Uses Standards Phase 2](#)

⁷ See Board Business Meeting [Item 3 Short Term Residential Rentals Work Plan](#)

⁸ See Board Business Meeting [Item 06 Revised ROIA for Short Term Rentals](#)

Work Performed to Date: Initial version of draft text developed by staff for STRR as accessory use in principal residence; based on two rounds of engagement with industry stakeholders hosted by Visit Loudoun.

Estimated Completion Timeframe: 12 months

<i>Resource Commitment/Staff Capacity (FTE):</i>	FTE Capacity Available Before ZOAM	FTE Required to Process ZOAM	FTE Capacity Remaining During ZOAM Processing
	(2.29)	0.21	(2.50)

ZOAM Description: The purpose of this ZOAM is to amend the Zoning Ordinance to allow for short-term residential rentals. Conceptually, this ZOAM seeks to 1) establish short-term residential rentals as a new accessory use to residential uses; 2) establish new and/or revise existing additional use regulations and/or performance standards to address short-term residential rentals; and 3) establish new and/or revise existing definitions to address short-term residential rentals. The ZOAM scope was later amended to include similar considerations for commercial whole house rentals.

ZOAM Initiative: Athletic Field Lighting
ZOAM #: ZOAM-2018-0006

New or Carry-over from Prior Work Plan: Carry-over
Origin: Staff (Planning & Zoning/County Attorney's Office)

Processing Status/Next Steps: Planning Commission Public Hearing held on October 22, 2019.⁹ Work session with the Planning Commission to be scheduled to revisit public hearing issues/concerns. Staff recommends the Board roll this ZOAM into the ZO Rewrite.

ZOAM Requirements:
ZOAM Complexity (Low, Moderate, High): Moderate
Community Interest (Low, Medium, High): High
Work Performed to Date: Draft text has been prepared by staff and a public hearing held by the Planning Commission.
Estimated Completion Timeframe: 6 months

<i>Resource Commitment/Staff Capacity (FTE):</i>	FTE Capacity Available Before ZOAM	FTE Required to Process ZOAM	FTE Capacity Remaining During ZOAM Processing
	(2.50)	0.21	(2.71)

⁹ See Planning Commission [Public Hearing Staff Report](#)

ZOAM Description: A recent Circuit Court ruling found that the exterior lighting associated with athletic fields is not a permitted component of an existing “Rural Recreation Establishment, Outdoor” use that is an otherwise permitted (by-right) use. This Circuit Court ruling was not consistent with the County’s established administrative practice. This ZOAM was therefore proposed to resolve this uncertainty by adding text to the Zoning Ordinance to clarify that lighting is considered an inherent permitted component of certain uses even if not specifically included in a use’s definition. The original ROIA for this ZOAM was adopted (9-0) by the Board on October 2, 2018. The Planning Commission held a public hearing regarding this ZOAM on January 22, 2019, and forwarded (8-0-1; Blackburn absent) the ZOAM to the Board with a recommendation of approval. At the Board’s March 13, 2019, Public Hearing, the Board received comments from the public in opposition to the draft language due to concerns with allowing lighted playing fields as a permitted use and the inadequacy of performance standards. In response to public concerns, the Board approved a motion (8-0-1; Higgins absent) to initiate a new ROIA. The Board made the following requests: 1) Establish a public input process for lighting applications in all zoning districts, 2) Amend the Zoning Ordinance to make lighted outdoor facilities an SPMI or SPEX use for any zoning districts that are not currently specified, 3) Develop additional performance standards, including, but not limited to, light and glare standards and limitations on hours of operation of lighted outdoor facilities in zoning districts that are directly adjacent or within proximity to residential, and 4) Include a provision that lighting would not be allowed by-right in rural or residential areas. The new ROIA was adopted (9-0) by the Board on April 18, 2019. The Planning Commission held their public hearing for the ZOAM on October 22, 2019 and voted 8-0-1 (Lloyd absent) to forward the ZOAM to a work session for further discussion.

ZOAM Initiative: Rural Uses and Performance Standards – Phase 3

ZOAM #: ZOAM-2019-0003

New or Carry-over from Prior Work Plan: Carry-over

Origin: Staff, REDC, ZOAG, Visit Loudoun

Processing Status/Next Steps: ROIA approved November 21, 2019. Planning Commission and Board Public Hearings not scheduled. Staff recommends the Board roll this ZOAM into the ZO Rewrite.

ZOAM Requirements:

ZOAM Complexity (Low, Moderate, High): High

Community Interest (Low, Medium, High): High

Work Performed to Date: Staff began work on overall Rural Uses ZOAM in 2017 in consultation with Rural Subcommittee of Zoning Ordinance Action Group (ZOAG). This ZOAM was separated from overall effort by TLUC based on nature of proposed uses.

Estimated Completion Timeframe: 18-24 months

<i>Resource Commitment/Staff Capacity (FTE):</i>	FTE Capacity Available Before ZOAM	FTE Required to Process ZOAM	FTE Capacity Remaining During ZOAM Processing
	(2.71)	0.21	(2.92)
<p>ZOAM Description: The purpose of this ZOAM is to address the recommendations of the REDC, ZOAG, and Visit Loudoun regarding multiple rural economy land uses and related performance standards. The uses included in this initiative were originally included in the scope of the Rural Uses and Performance Standards – Phase 2 ZOAM, but were separated at the Board’s direction to enable additional input from the referenced groups.</p>			

ZO Rewrite Status Update: The Board endorsed the ZO Rewrite project plan on September 19, 2019. Since that time, progress has made in the areas of public messaging, community and advisory body engagement, staff research, and consultant deliverables:

- A project page (loudoun.gov/zoningordinancerewrite) was launched online, and periodic press releases have been issued when project milestones are reached.
- 30 in-person and remote focus groups with community groups and advisory bodies occurred in the first round of public engagement.¹⁰ A general public open house is planned later this year.
 - Themes that emerged from focus group participants are summarized in the July 22, 2020 TLUC item. A complete list of 918 public comments is also attached to that item.
- An online survey was recently distributed to those community groups and advisory bodies that did not have a chance to participate in Round One focus groups.
- Internal staff rewriters have been meeting weekly to identify shortcomings of existing regulations relative to the 2019 GP as well as in their application and effect.
- The consultant has completed a code audit that evaluates the County’s approach to zoning, outlines alternatives, and recommends changes to structure, organization, and content.
- The consultant has built 75 percent of an online interactive Zoning platform that will allow the public to search via keyword or GIS map interface, guide users based on their interests, and accept internal and public comments on proposed Ordinance amendments.

The ZO Rewrite project timeline has been impacted by public and private sector meeting cancellations while adhering to community mitigation strategies for local Covid-19 transmission. The schedule also has been impacted due to multiple procurement processes required to initiate consultant tasks. Additional impacts to the project schedule have occurred due to limited staff resources, including vacancies in key positions needed for the ZO Rewrite effort, and the inability to fill vacancies during the hiring freeze at the end of FY 2020. Staff estimates the timeline delay to be six to eight months, especially if the Board’s direction is to keep all of the ZOAMs discussed

¹⁰ Community groups and advisory bodies that participated in Round One focus groups: ZOAG, DAAR, ADUAB, Loudoun Water, NVBIA, Historic Village Alliance, Loudoun Chamber, STAC, LCPCC, Heritage Commission, REDC, HDRC, NAIOP, HAB, COLT, Save Rural Loudoun, PC, MWAA, Equine Alliance, PEC, Coalition of HOAs, Soil and Water District, Dominion, Rt. 28 Advisory Board, Data Center Coalition, Visit Loudoun.

previously as standalone efforts versus rolling some of them into the overall ZO Rewrite effort. Staff will work to make up time where possible and minimize further timeline impacts.

The original project timeline from the Board-endorsed ZO Rewrite project plan was September 2019 through December 2021. Staff is now working towards Round Two public input in late 2020, Board approval of the Resolution of Intent to Amend (ROIA) in early to mid-2021, Round Three public input (90-day review period of draft text changes) in mid-2021, Planning Commission intensive review in late 2021, and Board intensive review in early to mid-2022. Drafting of revised text has begun and will continue up until the public draft is released in mid-2021.

ISSUES: Staff is seeking direction from the Board on which ZOAMs should remain as standalone, and which can be rolled into the ZO Rewrite. At current capacity (after vacancies are filled), staff can complete the ZO Rewrite and two standalone ZOAMs simultaneously. Staff recommends Cluster Subdivision Regulations to be one of the standalone ZOAMs because of the amount of community interest, the breadth of community engagement activities that will be necessary, and previous direction from the Board. Staff recommends Rural Uses and Performance Standards – Phase Two be the other standalone ZOAM because establishing an Outdoor Shooting Range use is a highly visible and contentious part of this ZOAM that requires expanded community engagement. Staff is concerned that if the Rural Uses and Performance Standards - Phase Two ZOAM is rolled into the ZO Rewrite, it may delay or divert the overall project effort.

If the Board endorses staff’s recommendation to proceed with the Cluster Subdivision Regulations and Rural Uses and Performance Standards - Phase Two as standalone ZOAMs, and merge the Short-term Residential Rentals, Athletic Field Lighting, and Rural Uses and Performance Standards – Phase Three ZOAMs into the ZO Rewrite effort, the anticipated timelines for these efforts is reflected in the table below.

Summary Table of ZOAM and ZO Rewrite Timelines

#	ZOAM	Estimated Time to Complete
1	Cluster Subdivision Regulations	18-24 months
2	Rural Uses and Performance Standards - Phase Two	12 months
3	ZO Rewrite	Two Years

Alternatively, if the Board chooses to continue processing all ZOAMs as standalone efforts, the anticipated completion timelines for all ZOAMs, including the ZO Rewrite, would be extended. Initiating any additional ZOAMs would also likely extend these timelines.

Additionally, staff will provide an update on the ZO Rewrite to the TLUC at the July, 22, 2020, TLUC Meeting. Staff recommends that the Board direct future quarterly updates for the ZO Rewrite to TLUC in order to facilitate in-depth discussion regarding the project.

FISCAL IMPACT: The ZO Rewrite is currently funded and is operating within its \$1 million budget. If the Board directs staff to process all outstanding ZOAMs as standalone, additional impacts to the ZO Rewrite timeline are expected. To avoid significant delays in the ZO Rewrite process, there may be potential for the current project consultant to perform additional work, which could result in a need to increase the project budget and identify additional funding. Additional consulting work could free up additional DPZ staff resources to work on standalone ZOAMs. Alternatively, it may be possible to have a consultant work on one or more of the standalone ZOAMs, though this would also require identification of additional funding. If the Board prefers to utilize consultants in an expanded role, staff will generate cost estimates and return with an update at a future business meeting.

ALTERNATIVES: The ZOAM Work Program could include:

1. All standalone ZOAMs rolled into the ZO Rewrite;
2. ZO Rewrite plus two standalone ZOAMs (staff recommendation); or
3. ZO Rewrite plus three or more standalone ZOAMs (staffing, fiscal, and timeline impacts).

DRAFT MOTIONS:

1. I move the Board of Supervisors endorse an updated ZOAM Work Program with three distinct amendment projects, as follows: (1) Cluster Subdivision Regulations ZOAM, (2) Rural Uses and Performance Standards – Phase Two ZOAM, and (3) ZO Rewrite.

I further move the Board of Supervisors direct staff to provide quarterly updates on the Zoning Ordinance Rewrite project to the Transportation and Land Use Committee.

OR

2. I move an alternate motion.