Department of Planning
1 Harrison Street, S.E., 3rd Floor,MSC#62, P.O. Box 7000, Leesburg, VA 20177-7000
Telephone (703) 777-0246 • Fax (703) 777-0441 • E-mail: loudounpc@loudoun.gov

LOUDOUN COUNTY PLANNING COMMISSION

Christeen F. Tolle At Large
Robert J. Klancher Broad Run, Vice-Chairman
Chris Brodrick Potomac
Peggy Maio Blue Ridge, Chairman
Gigi Robinson Leesburg
Erin Austin Catoctin
Sandra Chaloux Dulles
Helena Syska Sterling
Michael Keeney Sugarland Run

May 1, 2009

To: Chesapeake Bay Preservation Act Stakeholders

From: Peggy Maio, Chairman, Loudoun County Planning Commission

On behalf of the Loudoun County Planning Commission, I would like to invite your organization to participate in a Chesapeake Bay Preservation Act Roundtable on May 20, 2009. The intent of this Roundtable is to solicit initial input from community stakeholders regarding the development of a draft map, policy and ordinance amendments, and administrative procedures for the implementation of the Chesapeake Bay Preservation Act in Loudoun County. A second stakeholder roundtable meeting will be held after the map and amendments have been drafted to solicit further input as outlined in the attached Chesapeake Bay Preservation Act Work Program.

The meeting will begin at 6:30 p.m. in the Board of Supervisors Meeting Room on the first floor of the County Government Building at 1 Harrison Street, SE in Leesburg. Stakeholders are encouraged to submit written comments to the Commission prior to the meeting to help facilitate the discussion; however, written comments may also be provided at or following the meeting.

A presentation will be provided by staff outlining Board direction regarding adoption of specific elements of the Bay Act as outlined in the April 7, 2009 Board of Supervisors Action Item (attached). Following the presentation, one representative from each stakeholder group will have up to five minutes to provide comments to the Planning Commission. After all stakeholders have had an opportunity to comment, the Planning Commission Chairman will facilitate an open discussion among the participants.

Please contact Laura Edmonds at (703) 737-8923 or laura.edmonds@loudoun.gov to confirm your attendance and to identify your group representative by May 13, 2009. We appreciate your participation in this important project.

Sincerely,

Peggy Maio

Peggy Maio, Chairman
Loudoun County Planning Commission

cc. Loudoun County Planning Commission
Daniel Schardein, Zoning Administrator
Julie Pastor, AICP, Director of Planning

Attachments

Stakeholder Roundtable Participant List

Agriculture:

1. Rural Economic Development Council (REDC)
2. Agricultural District Advisory Committee (ADAC)
3. Loudoun Soil and Water Conservation District (SWCD)
4. Agricultural Summit Group

Urban:

5. Facilities Standards Manual Public Review Committee (PRC)
6. National Association of Industrial and Office Properties (NAIOP)
7. Northern Virginia Building Industry Association (NVBIA)
8. Dulles Area Association of REALTORS® (DAAR)
9. Economic Development Commission (EDC)

Environmental:

10. Water Resources Technical Advisory Committee (WRTAC)
11. Loudoun Watershed Management Stakeholder Steering Committee (WMSSC)
12. Wetland Workgroup
13. Piedmont Environmental Council (PEC)

Date of Meeting: April 7, 2009

6

BOARD OF SUPERVISORS
ACTION ITEM

SUBJECT: Chesapeake Bay Preservation Act Work Program

ELECTION DISTRICT: Countywide

CRITICAL ACTION DATE: At the pleasure of the Board

STAFF CONTACT: Laura Edmonds, Building and Development

RECOMMENDATION:

Staff: Staff recommends that the Board approve the Chesapeake Bay Preservation Act Work Program outlined in Attachment 1 and the Stakeholder Rountable Participant List outlined in Attachment 2.

BACKGROUND: The Board of Supervisors held a Committee of the Whole discussion on December 1, 2008 to begin specific discussion about water quality protection in the County. At that meeting, the Board received a briefing from the Chesapeake Bay Local Assistance Division (CBLAD) of Virginia's Department of Conservation and Recreation. CBLAD described the components of the Chesapeake Bay Preservation Act (Bay Act) and options that Loudoun County has in adopting all or portions of the regulations. Fairfax County staff also provided information about their implementation of the Bay Act regulations.

The Board of Supervisors held a subsequent Committee of the Whole discussion about water quality protection on February 17, 2009 where staff presented information requested at the previous meeting, including a series of options for adoption of a Resource Protection Area. Staff recommended moving forward with Option 1 – where the Resource Protection Area (RPA) consists of perennial steams, contiguous non-tidal wetlands, and a 100-foot buffer. Staff further recommended adoption of a jurisdiction-wide Resource Management Area (RMA) and adoption of three of the eleven Performance Criteria:

- Plan of development required for development exceeding 2,500 square feet of disturbance,
- A 2,500 square foot erosion and sediment control disturbance threshold (reduced from County's current threshold of 10,000 square feet), and

- Exemption of silvicultural activities in Chesapeake Bay Preservation Areas (RPAs & RMAs) provided that they adhere to water quality protection procedures prescribed by the Virginia Department of Forestry in the January 1997 edition of "Forestry Best Management Practices for Water Quality in Virginia Technical Guide."

Staff recommended future consideration of the three General Performance Criteria:

- Minimize land disturbance
- Preserve indigenous vegetation
- Minimize impervious cover

During the meeting, Supervisor Burton requested that one additional Performance Criterion be considered in the process as current options may be limited by new legislation affecting alternative sewage disposal systems:

- On-site sewage treatment system maintenance requirements

At the February 17, 2009 Business Meeting, the Board voted to proceed with Option 1 and to direct staff to prepare a Work Program for the development and enactment of the regulations, direct the Planning Commission to work with stakeholder groups in the development of the regulations, and direct staff to coordinate with the Board and Planning Commission Leadership prior to brining back the Work Program and stakeholder outreach to the full Board for approval and final direction.

Staff has coordinated with the Board and Planning Commission Leadership to develop the Chesapeake Bay Preservation Act Work Program outlined in Attachment 1 and the Stakeholder Roundtable Participant List outlined in Attachment 2. The Work Program includes the development of a Chesapeake Bay Preservation Area Map depicting the general extent of proposed RPAs and RMAs and draft amendments to the Revised General Plan, County ordinances, the Facilities Standards Manual, and related administrative procedures. As outlined in the Work Program, the map and draft amendments will be developed prior to requesting a formal Intent to Amend.

Two Stakeholder Roundtables hosted by the Planning Commission have been incorporated into the Work Program to facilitate stakeholder outreach. The first Stakeholder Roundtable is scheduled to occur prior to drafting the map and amendments, while the second Stakeholder Roundtable has been scheduled to obtain stakeholder input on the draft map and amendments. The stakeholders identified on the Stakeholder Roundtable Participant List (Attachment 2) will be invited to attend the Roundtable meetings. The Work Program also includes the development of a website providing information related to adoption of the proposed amendments and responses to frequently asked questions and the establishment of a dedicated e-mail and voice mail to facilitate additional input related to the proposed amendments.

The Work Plan includes status reports to the Transportation Land Use Committee and during Planning Commission/Board of Supervisors Leadership Team Meetings on the implementation of the Work Program.

ISSUES: Based on the Board's previous action, it is staff's understanding that the Work Program will be based upon the adoption of the Option 1 RPA (perennial steams and water bodies, contiguous non-tidal wetlands, and a 100-foot buffer), a jurisdiction-wide RMA, and the three Performance Criteria previously recommended by staff (plan of development, reduced erosion and sediment control disturbance threshold, and silvicultural exemption).

The Chesapeake Bay Local Assistance Division indicated at the February 17, 2009 Business Meeting that guidance related to the three General Performance Criteria is not anticipated until September 2009. It is staff's understanding that the three General Performance Criteria should be considered as part of the draft amendments if guidance is received prior to drafting the Intent to Amend. Otherwise, the three General Performance Criteria will be considered as future amendments.

Finally, in accordance with the motion made at the February 17, 2009 meeting, staff also anticipates including the review and analysis of the on-site sewage treatment system maintenance Performance Criterion within the scope of the Work Program.

A key point of discussion relevant to implementation of the Work Program is whether the draft amendments should be structured as a chapter in the Loudoun County Codified Ordinance or an overlay district in the Zoning Ordinance. Issues relevant to the structure of the draft amendments include vesting, non-conforming uses, and enforcement, which will affect the implementation of the proposed amendments. Staff is working with the County Attorney to explore these options and to prepare a recommendation for the Board's consideration at the Business Meeting.

FISCAL IMPACT: The Work Program will be implemented by an inter-Departmental Team of existing staff; therefore, no fiscal impacts are anticipated at this time. Fiscal impacts associated with implementation of the draft amendments will be explored and presented concurrent with the Intent to Amend.

ALTERNATIVES: The Board may elect not to proceed with implementation of the Work Program at this time or may propose an alternative method for drafting the amendments and incorporating stakeholder outreach.

DRAFT MOTIONS:

1) **I move that the Board of Supervisors approve the Chesapeake Bay Preservation Act Work Program outlined in Attachment 1 and the Stakeholder Rountable Participant List outlined in Attachment 2.**

OR

2) I move an Alternate motion.

ATTACHMENTS:

1. Chesapeake Bay Preservation Act Work Program
2. Stakeholder Roundtable Participant List

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 Tuesday, April 7, 2009 at 9:00 a.m.

IN RE: CHESAPEAKE BAY PRESERVATION ACT WORK PROGRAM

Mr. York moved that the Board of Supervisors approve the Chesapeake Bay Preservation Act Work Program outlined in Attachment 1 and the Stakeholder Roundtable Participant List outlined in Attachment 2, as amended, to include the Dulles Area Association of Realtors and the Economic Development Commission.

Seconded by Mr. Miller.

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

A COPY TESTE:

Jeanette Gilbert
DEPUTY CLERK FOR THE LOUDOUN
COUNTY BOARD OF SUPERVISORS

(6-Chesapeake Bay Preservation Act Work Program).doc

Chesapeake Bay Preservation Act Work Program

Day #	# of Days	Date	Action
1	1	April 7, 2009	Board Business Meeting – Approval of Work Program
2-30	30	May 2009	Planning Commission Stakeholder Roundtable (background presentation and input session)
31-120	90	May-August 2009	Continuation of Staff Effort: ▪ Draft Chesapeake Bay Preservation Area Map ▪ Draft policy amendments ▪ Draft ordinance amendments ▪ Draft administrative procedures
121-150	30	August/September 2009	Agency Referrals/Document Revisions
151-180	30	October 2009	Planning Commission Stakeholder Roundtable (draft map, draft amendments to the Revised General Plan, County ordinances, the Facilities Standards Manual, and related administrative procedures) ▪ Develop website with overview and Frequently Asked Questions ▪ Establish e-mail and voice mail to facilitate comments
181-210	30	November 2009	Document Revisions
211-240	30	December 2009	Board of Supervisors Intent to Amend All Applicable County Plans and Ordinances
241-300	60	January/February 2010	Notice Letters, Planning Commission Briefing, Public Hearing, Work Sessions, Action
301-360	60	March/April 2010	Notice Letters, Board of Supervisors Public Hearing, Committee, Action

- Status reports to the Transportation Land Use Committee
- Updates during Planning Commission/Board of Supervisors Leadership Team Meetings

Attachment 1

Stakeholder Roundtable Participant List

Facilities Standards Manual Public Review Committee (PRC)
Water Resources Technical Advisory Committee (WRTAC)
Loudoun Watershed Management Stakeholder Steering Committee (WMSSC)
Rural Economic Development Council (REDC)
Agricultural District Advisory Committee (ADAC)
Loudoun Soil and Water Conservation District (SWCD)
Agricultural Summit Group
Wetland Workgroup
Piedmont Environmental Council (PEC)
National Association of Industrial and Office Properties (NAIOP)
Northern Virginia Building Industry Association (NVBIA)

Attachment 2