DEPARTMENT OF BUILDING AND DEVELOPMENT

PLANNING COMMISSION WORKSESSION

TO: **Loudoun County Planning Commission**

FROM: **Michelle Lohr, Planner, Zoning Adminstration**

DATE: **November 5, 2009**

RE: **ZOAM 2007-0004** ***Zoning Ordinance Amendment to Permit Farm Markets in Various Zoning Districts and to Reduce Minimum Acreage Requirements for Agriculture, Horticulture, and Animal Husbandry Uses***

I. SUMMARY

The Planning Commission considered the above referenced application at their October 15, 2009 Public Hearing and voted to send the amendment to a worksession for further discussion.

As of November 5, 2009, 12 e-mails have been received from citizens regarding the amendments. Copies of correspondence received is included in Attachment 3. Issues related to the draft regulations that have been identified to date are summarized in a matrix in Attachment 2.

On November 4, 2009, Planning Commissioners Gigi Robinson and Erin Austin met with Corey Childs of the Virginia Cooperative Extension Service and other staff members to discuss elements of the proposed amendments. Attachment 1 includes a revised draft taking into account issues raised at the public hearing and discussed at the meeting with the Virginia Cooperative Extension Service. Section 5-626 is proposed to be amended to include a table of the number of animals to be permitted per two usable acres. If a property owner does not have a minimum of two usable acres or desires to have more than the number of animals permitted by the table, a Farm Management Plan, supplemented with a Best Management Practices Plan, to be reviewed in conjunction with the Soil and Water Conservation District and the Virginia Cooperative Extension Service will be required to determine that the proposed site can accommodate the number and type of animals proposed. Further, the proposed amendments to the minimum acreage and structure size for stables and equestrian facilities subject to Sections 5-627 and 5-630 have been deleted so that no amendments are proposed to those sections.

II. SUGGESTED MOTION:

I move that the Planning Commission forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation of approval based on the proposed text dated November 5, 2009.

III. ATTACHMENTS

Number	Description	Page
1.	Revised Draft Text	A1-A13
2.	Issues Matrix	A4-A15
3.	Emails from Citizens	A16-A42

PROPOSED AMENDMENTS
ZOAM 2007-0004
November 5, 2009

Amend the following sections of the Revised 1993 Loudoun County Zoning Ordinance to add the Use Type "Farm market (off-site production)" within the Use Category of Retail Sales and Service as a special exception use:

2-101 AR-1 (Agricultural Rural – 1),
2-202 AR-2 (Agricultural Rural – 2),
2-1003 JLMA-1 (Joint Land Management Area – 1),
2-1103 JLMA-2 (Joint Land Management Area – 2),
2-1203 JLMA-3 (Joint Land Management Area -3),
2-1303 JLMA-20 (Joint Land Management Area – 20),
2-1402 TR-10 (Transitional Residential – 10),
2-1502 TR-3 (Transitional Residential – 3),
2-1602 TR-2 (Transitional Residential – 2),
2- 1702 TR-1 (Transitional Residential – 2)

5-603 Farm Markets may be located in accord with the lists of permitted and special exception uses for the individual zoning districts, subject to the following additional provisions:

(A) A minimum of 25% of the ~~gross sales receipts~~ products offered for sale ~~sold~~ must be derived directly from agricultural, horticultural, aquacultural, or animal husbandry products produced on site or other property owned or leased by the operator in Loudoun County. An annual report verifying this percentage ~~the portion of sales derived from products produced on site~~ shall be submitted ~~on request~~ to the Zoning Administrator upon request.

(B) Farm markets shall be located on a hard surfaced Class I or Class II road having a minimum paved width of eighteen (18) feet. The entrance ~~to the farm market~~ shall have safe sight distance and may be required to have right and left turn lanes as determined by the Virginia Department of Transportation.

(C) Sales area for accessory products shall be limited to ten (10) percent of the total area devoted to sales. The calculation of total sales area shall include areas devoted to the display of items for sale.

(D) Permitted accessory products include pottery, baskets, garden accessories, baked goods, floral supplies and other items directly related to the culture, care, use of, or processing of a principal use. Products not related to the principal permitted use such as lawn mowers and tractors shall not be allowed

(E) Retail sales areas within structures shall not exceed, in the aggregate 10,000 square feet of floor area or a Floor Area Ratio of .02, whichever is greater.

In addition to Standards (B) through (E) above, Farm markets (off-site production) must meet the following additional standards:

(F) A minimum of twenty five percent (25%) of the products offered for sale ~~sold~~ at the Farm Market (off-site production) must be produced in Loudoun County. An annual report verifying this percentage shall be submitted to the Zoning Administrator on request.

(G) Parking spaces for Farm markets (off-site production) are calculated at a rate of 4/1,000 square feet of floor area of indoor and outdoor sales area, minimum of 10 spaces per establishment.

(H) Landscaping/Buffering/Screening.

(1) Buffer. The use shall comply with the landscaping and screening standards of Section 5-653(A)

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

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

Division C: Required Development Approvals

Section 6-700 Site Plan Review.

6-701 Site Plan Required. Site plan approval is required prior to the development of any land when the development or land falls within the following categories:

(A) All uses in the commercial districts.

(B) All uses in the industrial districts.

(C) All nonresidential uses in the AR-1 and AR-2 Districts, but excluding permitted uses within the "agriculture support and services related to agriculture, horticulture, and animal husbandry" use category that do not involve access by the public as a part of such use. ~~Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a Rural Sketch Plan as identified in Section 6-701 do not require a site plan.~~

(D) Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a ~~Rural~~ Sketch Plan as identified in Section 6-701 do not require a site plan.

~~(D)~~ (E) All permitted uses in the residential districts, except for agricultural structures and single family attached and detached dwellings, or those uses requiring a Sketch Plan as identified in Section 6-703, and accessory uses and structures allowed under Section 5-101.

~~(E)~~ (F) Those special exception uses and structures which require a site plan.

~~(F)~~ (G) Any development in which any required off-street parking space is to be used by more than one establishment.

~~(G)~~ (H) When an alteration or amendment is proposed to the site improvements or design of a previously approved site plan.

~~(H)~~ (I) When an existing residential use is proposed for a change to a commercial, industrial, or multi-family residential use.

~~(I)~~ (J) All public buildings and institutions.

~~(J)~~ (K) All other uses involving a building required to be reviewed by the Planning Commission under Section 15.2-2232 of the Code of Virginia, as amended.

~~(K)~~ (L) Above-ground structures associated with a public utility, utility substation, water or sewer pumping station, water or sewer treatment facility or commercial communication tower.

~~(L)~~ (M) Temporary or permanent parking uses and parking structures.

6-702 Site Plan Requirements. The requirements for submissions, review and approval of all types of site plans shall be pursuant to the Land Subdivision and Development Ordinance and the Facilities Standards Manual. In addition to the submission requirements of the Facilities Standards Manual, the following materials shall be submitted as part of the initial submission for any type of site plan application, as applicable:

(A) The approved concept development plan, rezoning plat, or special exception plat;

(B) The Copy Teste of the Board of Supervisors action on such plan or plat;

(C) A copy of the approved proffers and/or special exception conditions;

(D) A copy of any zoning determinations or modifications, FSM waiver letters, state and federal wetlands permits, and LSDO determination letters pertaining to the subject property.

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6-703 ~~Rural~~ Sketch Plan

(A) A ~~Rural~~ Sketch Plan is required as part of a zoning permit application ~~in the A-3, A-10, AR-1, and AR-2 zoning districts~~ for the following permitted uses: Animal Care Business, Child Care Home, Farm Market [excluding the use Farm market (without on-site production], Stable (Private or Neighborhood), and Wayside Stand.

(B) ~~Rural~~ Sketch plans shall include a drawing of all aspects of the business operations including the location, size and dimensions of buildings, the size and dimensions of areas within existing structures to be used for the business; size, dimensions, and location of any accessory structures, outdoor storage yards, and location of any accessory structures, outdoor storage yards, and screening buffering; quantity and dimensions of parking spaces; location of proposed signs, if any; location of wells and septic systems; and the approximate location of any on-site floodplain as determined from the County map. In addition, the ~~Rural~~ Sketch plan shall including the location and width of entrances and adjacent right-of-way, adjoining properties, and easements.

(C) The ~~Rural~~ Sketch Plan need not be drawn to scale, nor does it have to be prepared by a licensed professional. However, distances from structures to adjacent lot lines must be accurately depicted.

ARTICLE 8, DEFINITIONS:

Farm Market: A principal use which includes the sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty five percent (25%) of the products offered for sale ~~sold~~ must be aquacultural, horticultural, animal husbandry or agricultural products produced on-site or other property owned or leased by the operator within Loudoun County. A Farm market shall be located on the site of ongoing agricultural, horticultural or aquacultural activity unless stated elsewhere in the Zoning Ordinance.

Farm Market (off-site production): A principal use which includes the retail sale of aquacultural, horticultural or agricultural products, including nursery stock, perennial, annuals, bulbs, mulch, compost, dried flowers, Christmas trees and greens, fresh produce, honey, cider, and similar agricultural products. A minimum of twenty five percent (25%) of the products offered for sale ~~sold~~ must be aquacultural, horticultural, animal husbandry or agricultural products produced within Loudoun County. A Farm market (off-site production) ~~An Agricultural market~~ may or may not be located on the site of ongoing agricultural, horticultural or aquacultural activity. This use may include the sale of products from one or more vendors.

5-626 Agriculture, Horticulture and Animal Husbandry.

(A) **Parcel Size.**

(i) Agriculture, and Horticulture ~~and Animal Husbandry~~ uses shall have no minimum lot size ~~be located on parcels 5 acres in size or larger~~.

~~**(B) Best Management Plan Required for Animal Husbandry Uses.** Prior to establishment of an animal husbandry use on a property of less than five acres, the property owner shall prepare a Best Management Plan indicated the types and quantity of proposed animals, location and size of existing and proposed structures, distances of structures form all property lines, grazing areas, and locations of wells and septic fields and reserve septic fields. This Plan shall be reviewed and approved by the Virginia Cooperative Extension office or other competent authority recognized by Loudoun County, who shall verify that the subject property is capable of supporting the number of animals proposed. After approval of the Best Management Plan, no additional animals may be added to the site without an approved amendment to the Plan.~~

(ii) On parcels of less than 5 acres, animal husbandry uses shall require two usable acres. Usable acreage is land that is not located within 100 (one hundred) feet of a well, does not contain steep slopes, floodplain, a drainfield or reserve drainfield area, and is at least 30 feet from a stream. The animal husbandry use shall not exceed a maximum of 1 animal unit, as defined in the table in Section 5-626(A)(ii)(a). The types of animals permitted on less than 5 acres are limited to only those animals as listed or referenced in said table.

(a) A single animal unit is defined as and limited to any one of the following:

1 cow	1 horse*
5 sheep	32 chickens
16 ducks	8 turkeys
6 goats	8 geese
2 llamas	1 emu*
4 alpacas	

"Horse" shall include pony, mule, burro, and donkey. In determining the number of livestock on the Property, all

animals of any age shall be counted, with the exception that llamas, alpacas, sheep and goats under one (1) year of age shall not be counted and poultry under six (6) months of age shall not be counted. In determining the number of livestock permitted, combinations of animals are permitted, provided that no more than the maximum number of animal units shall be permitted. (An example of a combination of 2 animal units would be 5 sheep and 8 geese, totaling 2 units; or 3 goats (1/2 unit), 16 chickens (1/2 unit) and a horse, totaling 2 units.)

*A companion animal may be provided for a single horse or emu. A companion animal may be a donkey, mule, llama, alpaca, miniature horse, sheep, goat or foal.

(iii) Prior to permitting more than 1 animal unit on a parcel of less than 5 acres with at least 2 usable acres, a Conservation Farm Plan (also known as a farm management plan), including a manure management plan, executed through and with the Loudoun Soil and Water Conservation District (SWCD) and the Virginia Cooperative Extension Service (VCES) shall be required. This plan shall include a Best Management Section identifying the best management practices necessary to support the proposed types and quantity of animals. The Best Management Section shall be reviewed by the Virginia Cooperative Extension Service to confirm that is consistent with generally accepted Animal Husbandry standards. After approval of the Best Management Plan, no additional animals may be added to the site without an approved amendment to the Plan.

(i) Properties without a minimum of two usable acres, may establish animal husbandry uses with submission of a Conservation Farm Plan (also known as a farm management plan), executed through and with the Loudoun Soil and Water Conservation District (SWCD) and the Virginia Cooperative Extension Service (VCES) as described in Section 5-626(A)(ii) above. After approval of the Plan, no additional animals may be added to the site without an approved amendment to the Plan.

(B) **Setbacks for Certain Structures.** No structure for housing livestock including barns, run-in sheds, stables, and the like shall be located closer than 60 feet from the property line of an adjoining lot where a residential dwelling existing at the time of

construction of the structure is the principal use. This setback shall not apply if a residential dwelling is located more than 60 feet from the property line adjoining the structure.

Article 8, Definitions:

Animal Husbandry. The active and on-going propagation, rearing, exercising, feeding, milking, housing, controlling, handling, or general care of living animals, including the raising and production of bison, cattle (beef and dairy), pigs, mules, ducks, emus, horses, goats, llama, alpaca, poultry, pigeons, sheep, and similar animal husbandry uses, but not including miniature horses or pot-belly pigs. Animals meeting the definition of "Pet" or non–domesticated (wild) animals shall not be considered Animal husbandry.

Livestock. Animals, especially farm animals, raised for use, profit or enjoyment including horses, bison, cattle, pigs, mules, sheep, goats, alpacas, llamas, emus, and other similar domesticated animals, but not including miniature horses and pot-belly pigs.

Pet. An animal kept for pleasure rather than utility, not included within the definition of animal husbandry, such as dogs; cats; birds; non-poisonous spiders; chameleons and similar lizards; non-poisonous snakes; pot-belly pigs; hamsters; ferrets; gerbils; guinea pigs; pet mice and pet rats; turtles; fish; domesticated rabbits; miniature horses; and other similar domesticated animals. The keeping of such animals is an accessory use to a dwelling unit.

5-627 Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry).

(A) **Intensity/Character.**

(1) **In Association with On-Going Agriculture, Horticulture, or Animal Husbandry Use.** The agriculture support use (direct association) shall be allowed only in direct association with an on-going agriculture, horticulture, or animal husbandry use or activity.

(2) **Site Size.** The minimum lot area for any agriculture support use (direct association) shall be 5 acres ~~except the following uses shall have no minimum lot area:~~

~~Use~~	~~Lot Area (Minimum)~~
~~Equestrian Facility~~	~~No minimum~~
~~Stable~~	~~No minimum~~

(3) **Visitors/Customers/Parking Spaces.** The minimum lot area shall increase based on the number of visitors/customers attracted to the use, as follows:

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~~Use~~	~~Scope of Use/Event~~	~~Lot Area (Minimum)~~
~~**Equestrian Facility**~~	~~No more than 50 visitors on any one day; no more than 25 vehicles allowed on site at any one time.~~	~~0 acres up to 5~~
~~**Stable**~~	~~No more than 50 visitors on any one day; no more than 25 vehicles allowed on site at any one time.~~	~~0 acres up to 5~~
~~**All Other Uses**~~		
Level I—small scale	No more than 200 visitors on any one day; no more than 100 vehicles allowed on site at any one time.	5 acres, up to 25
Level II—medium scale	> 200 visitors on any one day, no more than 400; no more than 200 vehicles allowed on site at any one time.	>25 acres, up to 50
Level III—large scale	> 400 visitors on any one day, no more than 600; no more than 300 vehicles allowed on site at any one time, except 4 additional visitors and 2 additional vehicles allowed per acre in excess of 100 acres.	>50 acres, up to 100

(4) **Hours of Operation.** Hours of operation for any agriculture support use (direct association) shall be limited to the hours from 6:00 a.m. to 9:00 p.m.

(5) **Owner.** The agriculture support use (direct association) shall be operated or maintained by the owner or occupant of the land upon which the primary associated agriculture, horticulture, or animal husbandry use is being conducted.

(B) **Size of Use.**

(1) **Structure.** The size of structures used in the agricultural support use (direct association) shall not exceed the following gross floor area (total all structures):

~~Use~~	~~Lot Area~~	~~Size of Structures (Maximum)~~
~~**Equestrian Facility**~~	~~0 to 5 acres~~	~~6,000 square feet~~
~~**Stable**~~	~~0 to 5 acres~~	~~6,000 square feet~~
~~**All Other Uses**~~		
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Additional structure size allowed by right at rate of 2,400 square feet per 10 acres in excess of 100 acres,	36,000 square feet

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~~Use~~	~~Lot Area~~	~~Size of Structures (Maximum)~~
	up to 48,000 square feet in total structure size for agriculture support (direct association uses)	

(2) **Storage Areas.** The total area of all storage areas used in the agricultural support use (direct association) shall not exceed the following size in square feet:

Use	Lot Area	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	5,000 square feet
An additional 1,000 square feet of storage area shall be allowed by right for each additional 10 acres, not to exceed a maximum of 20,000 square feet.		

(C) **Location on Site/Dimensional Standards.** Structures or storage areas of an agricultural support use (direct association) shall be set back from lot lines as follows:

~~Use~~	~~Lot Area (Min.)~~	~~Size of Structures (Max.)~~	~~Setback from Lot Lines~~
~~**Equestrian Facility**~~	~~0 to 5 acres~~	~~6,000 square feet~~	~~60 ft.~~
~~**Stable**~~	~~0 to 5 acres~~	~~6,000 square feet~~	~~60 ft.~~

~~**All Other Uses**~~			
Level I—small scale	5 to 25 acres	12,000 square feet	60 ft.
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	120 ft.
Level III—large scale	> 50, up to 100 acres	36,000 square feet	175 ft.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

(2) **Storage Areas.** All storage areas shall be screened and landscaped consistent with the standards of Section 5-653(C).

(E) **Road/Access Standards.**

(1) **General Access Standards.** An agriculture support use (direct association) shall comply with the road access standards of Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Vehicles/Equipment.** Any agricultural support use (direct association) that involves the use of or services heavy equipment shall have direct access to a paved public road maintained by the state. Direct access shall not be provided by a private easement.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(H) **Hazardous Chemicals, Pesticide Use.** The use and application of herbicides, pesticides, and potentially hazardous chemicals and substances such as paints and solvents shall be prohibited within the required buffer.

(I) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the agricultural support use (direct association) shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

5-630 Agriculture Support Use (No Direct Association with Agriculture, Horticulture, Animal Husbandry).

(A) **Intensity/Character.**

(1) **Site Size.** The minimum lot area for an agriculture support use (no direct association) shall be 5 acres, except the following uses shall have the following minimum lot area:

Use	Lot Area (Minimum)
Agricultural Research Facility	25 acres
Central Farm Distribution Hub for Agricultural Products	25 acres
~~**Equestrian Facility**~~	~~No minimum~~
~~**Stable**~~	~~No minimum~~

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(2) **Visitors/Customers/Parking Spaces.** The minimum lot area shall increase based on the number of visitors/customers attracted to the use, as follows:

Use	Scope of Use/Event	Lot Area Minimum
~~**Equestrian Facility**~~	~~No more than 50 visitors on any one day; no more than 25 vehicles allowed on site at any one time.~~	~~0 acres up to 5~~
~~**Stable**~~	~~No more than 50 visitors on any one day; no more than 25 vehicles allowed on site at any one time.~~	~~0 acres up to 5~~
~~**All Other Uses**~~		
Level I - small scale	No more than 200 visitors on any one day; no more than 100 vehicles allowed on site at any one time.	5 to 25 acres
Level II - medium scale	More than 200 visitors on any one day and less than 400; no more than 200 vehicles allowed on site at any one time.	>25 acres, up to 50
Level III - large scale	More than 400 visitors on any one day and less than 600; no more than 300 vehicles allowed on site at any one time, except that 5 additional visitors and 2 additional vehicles are allowed per acre in excess of 100 acres.	>50 to 100 acres

(3) **Hours of Operation.** Hours of operation for an agricultural support use (no direct association) shall be limited to the hours from 6:00 a.m. to 10:00 p.m.

(B) **Size of Use.**

(1) **Structure Size.** The size of structures used on the agricultural support use (no direct association) shall not exceed the following floor area ratio or gross floor area, as applicable:

Use	Lot Area (Minimum)	Size of Structures (Maximum)
Agricultural Research Facility	25 acres	Maximum FAR: 0.02
Central Farm Distribution Hub for Agricultural Products	25 acres	Maximum FAR: 0.02
~~**Equestrian Facility**~~	~~0 to 5 acres~~	~~6,000 square feet~~
~~**Stable**~~	~~0 to 5 acres~~	~~6,000 square feet~~
All Other Uses		

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Use	Lot Area (Minimum)	Size of Structures (Maximum)
Level I—small scale	5 to 25 acres	12,000 square feet
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet
Level III—large scale	> 50 acres, up to 100 acres. Additional structure size allowed by right at rate of 2,400 square feet per 10 acres in excess of 100 acres, up to 48,000 square feet in total structure size for agriculture support use (no direct association)	36,000 square feet

(2) **Storage Areas.** The total area of storage areas shall not exceed 10 percent of the total area of the principal structure.

(C) **Location on Site/Dimensional Standards.** An agricultural support use (no direct association) shall be set back from lot lines as follows:

Use	Lot Area (Min)	Size of Structures (Max.)	Setback from Lot Lines
Agricultural Research Facility	25 acres	Maximum FAR (all structures): 0.02	150 ft.
Central Farm Distribution Hub for Agricultural Products	25 acres	Maximum FAR (all structures): 0.02	150 ft.
~~**Equestrian Facility**~~	~~0 to 5 acres~~	~~6,000 square feet~~	~~60 ft.~~
~~**Stable**~~	~~0 to 5 acres~~	~~6,000 square feet~~	~~60 ft.~~
All Other Uses			
Level I—small scale	5 to 25 acres	12,000 square feet	60 ft.
Level II—medium scale	>25 acres, up to 50 acres	24,000 square feet	120 ft.
Level III—large scale	> 50, up to 100 acres	36,000 square feet	175 ft.

(D) **Landscaping/Buffering/Screening.**

(1) **Buffer.** The use shall comply with the landscaping and screening standards of Section 5-653(A).

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

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

(E) **Roads/Access Standards.**

(1) **General Access Standards.** An agricultural support use (no direct association) shall comply with the road access standards in Section 5-654.

(2) **Driveways.** Driveways shall not be located within a required buffer yard area except as minimally necessary to access the site.

(3) **Vehicles/Equipment.** Any use that involves the use of or services heavy equipment shall have direct access to a paved public road.

(4) **Number of Access Points.** There shall be no more than two points of access from the use to a public road. This requirement shall not preclude an additional access for emergency vehicles only.

(F) **Exterior Lighting Standards.** All exterior lighting shall comply with the standards of Section 5-652(A) (Exterior Lighting Standards).

(G) **Noise Standards.** The use shall comply with the noise standards of Section 5-652(B) (Noise Standards).

(H) **Parking.**

(1) **General.** Parking shall be provided as required by Section 5-1102.

(2) **Surface.** All parking areas serving the use shall use a dust-free surfacing material as provided in the Facilities Standards Manual.

No.	ISSUE DESCRIPTION	RAISED BY	STAFF COMMENTS & RECOMMENDATION	PLANNING COMMISSION COMMENTS & RECOMMENDATION
Farm Markets:				
1	**How can the 25% rule be enforced?**	Chaloux	The draft text (Section 5-603(A) and (F) state that an annual report shall be submitted on request. Staff recommends that the reporting be required on a complaint basis only. Further, to allay concerns regarding potential spoilage, it is recommended that the ordinance read "25% of the products offered for sale", rather than 25% of the products sold. The Rural Economic Development Commission was consulted regarding methods to track that 25% of the products come from Loudoun County. It was stated that wholesalers must keep track of where the products come from, so if a report is required to verify the origin of the products, the information should be readily available. Also, labeling individual products as to their origin would be cumbersome and was not recommended.	
2	Does Section 5-627 apply to Farm Markets?	Maio	No. Only the Additional Requirements of Section 5-605 for Farm Markets apply.	
3	Does the restriction regarding the origin of agriculture products apply only to the 25% minimum and the remaining 75% can come from any location? There is a 10% restriction for the sales area devoted to "accessory products" but no mention of their having to be produced in Loudoun.	Maio	Yes. A minimum of 25% of the agricultural products sold must be from Loudoun County. There is no restriction regarding the origin of the accessory products.	
4	Is is correct that the Farm Market Off Site can include the sales of products from one or more vendors per the definitions in Article 8? So, once the 25% standard is met, the vendors could be from outside Loudoun County?	Maio	Yes. Yes.	
5	Can property owners seek a special exception to modify the terms of Section 5-603?	Austin	Yes. A modification of any of the requirements found in Section 5-600 of the Zoning Ordinance may be requested through the minor special exception process.	

No.	ISSUE DESCRIPTION	RAISED BY	STAFF COMMENTS & RECOMMENDATION	PLANNING COMMISSION COMMENTS & RECOMMENDATION
Minimum Acreage Requirements for Agriculture, Horticulture, Animal Husbandry:				
6	**Why did the last Board raise the standard to a 5 acre minimum?**	Chaloux	The minimum acreage for agriculture, horticulture and animal husbandry (Section 5-626) was increased for consistency with the 5 acre minimum for Agriculture Support Services (Section 5-627 and 5-630) and the 5 acre minimum for inclusion in the land use taxation program.	
7	**Does animal husbandry qualify for the land use taxation program?**	Chaloux	Yes. The minimum acreage requirement for agriculture is five acres.	
8	**If a Best Management Plan is required to show the location and distances of existing and proposed structures on the property, does the plan have to meet the zoning setback or yard requirements?**		The zoning district setbacks and the setbacks of Section 5-626 or the accessory structure yard requirements of Section 5-200 apply, regardless of the information provided on a Best Management Plan.	
9	**How many complaints have been received regarding animals?**	Chaloux	During the period of 11/06-9/09, a total of 1,817 complaints were received. Of these, 15 involved the keeping of animals where not permitted by the ordinance. The residential districts involved were PD-H (13), R-16 (1), and R-3 (1).	
10	**Are there generally accepted animal husbandry standards?**	Planning Commission	The Virginia Cooperative Extension Service has prepared a table for possible inclusion in the zoing ordinance that lists the quantity of animals, by type, that may realistically be kept on a two usable acres. This table has been incorporated in the draft text.	
11	**Do the JLMA or TR zoning districts permit lots of less than 1 acre?**	Maio	JLMA 1, 2, and 3 allow minimum lot sizes of 20,000 sq. ft., 10,000 sq. ft. and 20,000 sq. ft. respectively. Lots in the TR districts have base density standards of 1 dwelling unit (du) per 10 acre for TR-10.,1 du per 3 acres in TR-3, 1du per 20,000 sq. ft. in TR-2 and 1 du per 40,000 sq. ft. in TR-1, and minimum open space requirements ranging from 50% to70%, but do not have a minimum lot size. Thus lots in those districts could be less than 1 ac	
12	**If a property in an AR-1 or AR-2 district has 15 acres with chickens, would a best management plan now be required?**	Chaloux	No. Only parcels of less than 5 acres would be affected by the currently proposed text amendments.	

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Lohr, Michelle

From: DEPT-PLANDEPT-PLANNING_COMMISSION
Sent: Tuesday, October 13, 2009 3:44 PM
To: Lohr, Michelle
Subject: FW: Agriculture on less than 5 acres

Michelle,

FYI. (The PC received copies).

Nancy

Nancy Bryan
Deputy Clerk
Loudoun County Planning Commission
(703) 777-0646
nancy.bryan@loudoun.gov

-----Original Message-----
From: Sally Mann [mailto:salmann@rstarmail.com]
Sent: Tuesday, October 13, 2009 2:55 PM
To: BOS; DEPT-PLANDEPT-PLANNING_COMMISSION
Subject: Agriculture on less than 5 acres

Dear Members of the Planning Commission,

I would like to encourage you to put more flexibility into our Zoning Ordinance to allow as much agriculture as possible in Western Loudoun.

If you have not been to Wegmyers on Hughesville Road, this would be an interesting visit for you. They are an incredibly creative couple, and grow pumpkins, gourds and squash on only two acres there--all kinds of varieties not found at ordinary pumpkin booths or in grocery stores.

They sell their produce at their farm and also to Whole Foods, and they have personally appeared on Emeril's cooking show about cooking fresh pumpkin. Their pie pumpkins are excellent.

Also, there pumpkins decorated the White House last year for the turkey pardon.

A half acre of asparagus is a lot of asparagus, which has been another specialty/niche/gourmet restaurant product grown in Western Loudoun. Asparagus is the kind of crop that can be very profitable on very little land.

It is small endeavors like this that can make Loudoun very proud-- and should be encouraged. There should be no limitations to growing any kind of crop on any acreage, and, landowners should be encouraged to provide for their own food, with animals (chickens/sheep/goats/ rabbits, etc.) used for personal food consumption or animals as pets allowed without limitation. Breeding of sheep, goats or small farm animals should be allowed. This is not dangerous and is not a nuisance in any way. These animals take up very little land and could be kept in a 10x10 pen with little odor, no barking, no bother to any neighbor. We have friends in the City of Richmond who enjoy the alpacas next door as they sit by their pool!

416

I see no reason to limit any agricultural operation--except for limiting the number of animals per measure of land and possibly the keeping of stallions or bulls (which can be dangerous) For all other direct agricultural operations, I think further regulation is better left to homeowner associations in Western Loudoun, not the County.

In rural subdivisions, even cluster subdivisions with 40,000 square foot lots, all lots will be surrounded by ag uses, so why limit these uses for the smaller lots? In my opinion, you should let subdividers set the rules about excluding animals or other ag activities in their HOA documents. Let them grow what they can, keep small farm animals on an acre lot and larger farm animals on 1.5 acres or more. The ag rules already define how many animals are appropriate per acre of land.

The less regulation the better.

Thank you,

Sally Mann

A17

Lohr, Michelle

From: buffalodragon@aol.com
Sent: Wednesday, October 14, 2009 2:21 PM
To: Lohr, Michelle
Subject: Fwd: Comments on ZOAM 2007-0004 from Ticonderoga Farms

-----Original Message-----
From: buffalodragon@aol.com
To: loudounpc@loudoun.gov; michele.lohr@loudoun.gov; john.merrithew@loudoun.gov; Sandra.Chaloux@loudoun.gov; lblischa@vt.edu; peggy.maio@loudoun.gov; warren.howell@loudoun.gov; doug@fabbioli.com
Sent: Wed, Oct 14, 2009 2:13 pm
Subject: Comments on ZOAM 2007-0004 from Ticonderoga Farms

October 14, 2009

Dear Planning Commisioner Chairman Maio and Planning Commissioners,

Re: ZOAM 2007-0004
Public Hearing Comments
Proposed Zoning Ordinance Amendment To Permit Farmers Markets in Various Zoning Districts...
Thursday, October 15, 2009 @ 6:00PM

The problem with the 25% rule is that it drastically reduces the diversity of products sold and increases the costs of those sold as farmers, to make it economically viable to come to a market, have to have high prices. By allowing ANY locally grown produce to qualify, you provide an opportunity for the small farmer who does not grow enough to justify having a stand, to still sell his produce through another grower, and justifies that other grower in spending the time and money to open at a farmers market.

We have no problem with a 25% rule for Loudoun grown produce, and in fact think this will encourage many to become small producers and help keep their land as open space and one of the great attractions for people to purchase homes here, especially homes which have already been built and maintain those prices.

We would like to see some markets open all week, as this will encourage customers to come more often if they know there is a reliable supply of healthy food available. It is difficult for many to meet the short hours of existing markets – and if they miss them, then it is off to the supermarket, and worse, a lost sale for the farmer, who already is working at the edge of profitability. With a seven day a week farm market, people would get in the habit of shopping there, many small farmers would be encouraged to produce for such a market knowing that there would be a steady demand.

For such permanent farm markets to be successful, the rule should be relaxed in winter months when outside produce would need to be brought in – perhaps the months of January through April. The remaining 8 months of the year could easily be dealt with if the rule were 25% Loudoun produce.

When you have a healthy famers market industry this benefits everyone in the county, from residential tax payers who pay less taxes as the farm markets generate more revenue and help preserve open space, not only

A18

beneficial from the point of less development and the costs associated therewith, but also one of the great draws for people to move into the county, which helps maintain housing prices and therefore tax revenues. People come to Loudoun because of its major assets of open space, farm land, and good jobs. The entire character of the county is based around its open space. Anything that can be done to preserve this open space is beneficial. And the unusual aspect of this approach to encourage farm markets is that this enhancement to the quality of life here is done not only at no cost to the taxpayer, but actually generates additional tax revenues. So it is a win-win-win situation. Farmers benefit, residents benefit and the county government benefits.

Idealy, a 5% requirement for on site grown products and a 25% requirement for Loudoun County grown products seems reasonable.

Sincerely,
Douglass K. Johnston
Ticonderoga Farms Inc.
26175 Ticonderoga Road
Chantilly, VA. 20152
Ph: 703-327-4424
Cell: 571-451-4634

cc: Peter J. Knop, Ticonderoga
Michele Lohr, LoCo Zoning
John Merrithew, LoCo Planning

A19

Lohr, Michelle

From: Burton, Jim
Sent: Wednesday, October 14, 2009 2:48 PM
To: Lohr, Michelle
Subject: FW: Equestrian Facilities
Attachments: ZOAM-2007-0004.pdf; ATT00001..htm

I promised Mrs. Mann that I would look into the concerns she raises below. Jim Burton

Notice: Please be advised that all correspondence to government officials becomes part of the public record and may be subject to inspection under the Virginia Freedom of Information Act.

If you would like to receive newsletters and alerts, sign up at http://www.loudoun.gov/subforms/sub6.htm

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From: Sally Mann [mailto:sally.mann@rstarmail.com]
Sent: Wednesday, October 14, 2009 8:21 AM
To: Burton, Jim; York, Scott; BOS; DEPT-PLANDEPT-PLANNING_COMMISSION
Subject: Equestrian Facilities

Dear Mr. Burton,

For Equestrian Facilities, this new proposal (which Ms. Vidaver forwarded to me, thank you!) allows structures up to 6,000 square feet on lots from 0 to 5 acres. A six thousand square foot building could house hundreds of horses. This size building on such small lots should not be allowed. This is for indoor arenas, which should be a special exception. They are lit, they are noisy, they are huge (unlimited in height.) If you look at the one special exception allowing horses, included in the packet for informational purposes, the County only allowed two horses on 3 acres. But they would allow a six thousand square foot "equestrian facility?" One horse needs a run in or stall 12x12, two would need a structure 12x24.

Allow animals, allow farming and agricultural production, allow reasonable sized structures, but please do not allow these gigantic buildings on small lots. Are you going to have polo games and horse shows on 2 acre lots? You will get a lot of complaints, guaranteed.

Someone needs to look at this. I think it would be more reasonable to limit construction of ag buildings on smaller lots to a 1,000 square feet on lots 0-3 acres or 2,000 square feet on lots 3-5 acres, without a special exception, and if you want a larger ag building, then ask the BoS in a special exception. I do not think people should be allowed to put giant greenhouses to cover their properties either--I think it is fine for people to farm outdoors, but big hoop plastic covered or other greenhouses on small lots should be limited in size as well.

Animals/crops are not the problem, but huge buildings are.

Sally Mann
Hamilton, VA

Begin forwarded message:

A20

Lohr, Michelle

From: Chaloux, Sandra
Sent: Wednesday, October 14, 2009 7:24 PM
To: DEPT-PLANDEPT-PLANNING_COMMISSION
Cc: Lohr, Michelle
Subject: FW: Comments on ZOAM 2007-0004 from Ticonderoga Farms

FYI

From: buffalodragon@aol.com [buffalodragon@aol.com]
Sent: Wednesday, October 14, 2009 3:48 PM
To: Chaloux, Sandra
Subject: Re: Comments on ZOAM 2007-0004 from Ticonderoga Farms

Hi Sandra,

I spoke with Michelle Lohr today and I gave her the link to the Public Health Law and Policy, www.healthlyplanning.org

She explained the concept of the On Site Farm Market By Right vs.The Off Site Facility Market Special Exception. Because of the need for diversity of product selection and the fact that few farmers grow multiple varieties of crops that the 5 % quota seems appropriate.

I am going to try and make this hearing but I am slightly overwhelmed with several other matters. Please include these comments in my absence.

Sincerely,
Douglass K.Johnston

-----Original Message-----
From: Chaloux, Sandra <Sandra.Chaloux@loudoun.gov>
To: buffalodragon@aol.com <buffalodragon@aol.com>
Sent: Wed, Oct 14, 2009 2:45 pm
Subject: RE: Comments on ZOAM 2007-0004 from Ticonderoga Farms

Thank you for your input.

Sincerely,

Sandra Chaloux,
Dulles District Planning Commissioner

From: buffalodragon@aol.com [buffalodragon@aol.com]
Sent: Wednesday, October 14, 2009 2:13 PM
To: DEPT-PLANDEPT-PLANNING_COMMISSION; michele.lohr@loudoun.gov; merrithew, john; Chaloux, Sandra; lblischa@vt.edu; Maio, Peggy; Howell, Warren; doug@fabbioli.com
Subject: Comments on ZOAM 2007-0004 from Ticonderoga Farms

October 14, 2009

Dear Planning Commisioner Chairman Maio and Planning Commissioners,

Re: ZOAM 2007-0004
Public Hearing Comments

A21

Proposed Zoning Ordinance Amendment To Permit Farmers Markets in Various Zoning Districts...
Thursday, October 15, 2009 @ 6:00PM

The problem with the 25% rule is that it drastically reduces the diversity of products sold and increases the costs of those sold as farmers, to make it economically viable to come to a market, have to have high prices. By allowing ANY locally grown produce to qualify, you provide an opportunity for the small farmer who does not grow enough to justify having a stand, to still sell his produce through another grower, and justifies that other grower in spending the time and money to open at a farmers market.

We have no problem with a 25% rule for Loudoun grown produce, and in fact think this will encourage many to become small producers and help keep their land as open space and one of the great attractions for people to purchase homes here, especially homes which have already been built and maintain those prices.

We would like to see some markets open all week, as this will encourage customers to come more often if they know there is a reliable supply of healthy food available. It is difficult for many to meet the short hours of existing markets – and if they miss them, then it is off to the supermarket, and worse, a lost sale for the farmer, who already is working at the edge of profitability. With a seven day a week farm market, people would get in the habit of shopping there, many small farmers would be encouraged to produce for such a market knowing that there would be a steady demand.

For such permanent farm markets to be successful, the rule should be relaxed in winter months when outside produce would need to be brought in – perhaps the months of January through April. The remaining 8 months of the year could easily be dealt with if the rule were 25% Loudoun produce.

When you have a healthy famers market industry this benefits everyone in the county, from residential tax payers who pay less taxes as the farm markets generate more revenue and help preserve open space, not only beneficial from the point of less development and the costs associated therewith, but also one of the great draws for people to move into the county, which helps maintain housing prices and therefore tax revenues. People come to Loudoun because of its major assets of open space, farm land, and good jobs. The entire character of the county is based around its open space. Anything that can be done to preserve this open space is beneficial. And the unusual aspect of this approach to encourage farm markets is that this enhancement to the quality of life here is done not only at no cost to the taxpayer, but actually generates additional tax revenues. So it is a win-win-win situation. Farmers benefit, residents benefit and the county government benefits.

Idealy, a 5% requirement for on site grown products and a 25% requirement for Loudoun County grown products seems reasonable.

Sincerely,
Douglass K. Johnston
Ticonderoga Farms Inc.
26175 Ticonderoga Road
Chantilly, VA. 20152
Ph: 703-327-4424
Cell: 571-451-4634

cc: Peter J. Knop, Ticonderoga

A22

Michele Lohr, LoCo Zoning
John Merrithew, LoCo Planning

A23

Lohr, Michelle

From: Maio, Peggy
Sent: Wednesday, October 14, 2009 5:32 PM
To: Austin, Erin; Chaloux, Sandra; Bayless, Glen; piotsys@verizon.net; rklancher@interplaninc.com; Lou.Mozurak@loudoun.gov; Lohr, Michelle
Cc: willstewart@rstarmail.com; Bryan, Nancy
Subject: FW: Minimum acreage for animals

Michelle,
Please add the comments to the public record. I'm sending this on to the entire commission.
Peggy

From: willstewart@rstarmail.com [willstewart@rstarmail.com]
Sent: Wednesday, October 14, 2009 10:06 AM
To: Maio, Peggy
Subject: Minimum acreage for animals

Peggy,

Not only am I fully in support of removing minimum acreage for animals in agricultural areas, I'm also very supportive of including language in suburban areas for having a small number of chickens, as 100,000s of families around the US have been taking up the raising of backyard chickens.

So I am asking for the Planning Commission to add language to allow minor numbers of backyard chickens in suburban areas.

Many cities across the US have adopted ordinances allowing backyard chickens in suburban areas; for example, Baltimore MD has the following ordinance, that makes sense for our unincorporated towns;
- Up to four chickens can be kept (no roosters) as long as they are confined to a moveable pen that is kept 25 feet away from neighboring residences.
Moveable pens (often called "chicken tractors" because they help mow the lawn) are quite common in many towns around the US now - see examples of these at;
http://home.centurytel.net/thecitychicken/tractors.html<http://www.motherearthnews.com/Real-Food/2007-10-01/Tests-Reveal-Healthier-Eggs.aspx>

Indeed, we are raising chickens ourselves in a chicken tractor, enjoying the very healthy eggs they produce. Such eggs are much higher in all aspects of nutrition, so this could be considered an improvement in Health and Welfare; http://www.motherearthnews.com/Real-Food/2007-10-01/Tests-Reveal-Healthier-Eggs.aspx

You are most welcome to stop by and see our chicken tractor in the next couple of days before the vote.

Regards,

Will Stewart
Paeonian Springs
703-928-0279 (cell)

A24

Lohr, Michelle

From: DEPT-PLANDEPT-PLANNING_COMMISSION
Sent: Tuesday, October 20, 2009 5:04 PM
To: Lohr, Michelle
Subject: FW: Your request
Attachments: ZOAM-2007-0004.pdf; ATT00001..htm

FYI.

Nancy Bryan
Deputy Clerk
Loudoun County Planning Commission
(703) 777-0646
nancy.bryan@loudoun.gov

From: Sally Mann [mailto:salmann@rstarmail.com]
Sent: Wednesday, October 14, 2009 9:45 PM
To: Burton, Jim; York, Scott; DEPT-PLANDEPT-PLANNING_COMMISSION; BOS
Subject: Fwd: Your request

Just to make it easier for you to find, the sections that I think need some attention (5-627 and 5-630) are on pages A-17-23 of the item going to the PC (attached below.) Sally Mann

Begin forwarded message:

From: Sally Mann <sally.mann@rstarmail.com>
Date: October 14, 2009 9:41:38 PM EDT
To: Jim Burton <Jim.Burton@loudoun.gov>, Scott York <Scott.York@loudoun.gov>, loudounpc@loudoun.gov, bos@loudoun.gov
Subject: Fwd: Your request

Dear Mr. Burton and Mr. York,

Please look at Sections 5-627 and 5-630 of the proposed changes to the Zoning Ordinance. (The proposal is attached below.) The use called "equestrian facilities" and "stables" have no minimum acreage requirement and by right equestrian facilities structures up to 6000 square feet and stables up to 6000 square feet are allowed on lots that are 0-5 acres. This is not appropriate for these small lots. Such large buildings should be a special exception. This large of a structure is an indoor arena.

Sally Mann
Begin forwarded message:

Lohr, Michelle

From: DEPT-PLANDEPT-PLANNING_COMMISSION
Sent: Tuesday, October 20, 2009 5:02 PM
To: Lohr, Michelle
Subject: FW: Your request
Attachments: ZOAM-2007-0004.pdf; ATT00001..txt

FYI.

Nancy Bryan
Deputy Clerk
Loudoun County Planning Commission
(703) 777-0646
nancy.bryan@loudoun.gov

-----Original Message-----
From: Sally Mann [mailto:sally.mann@rstarmail.com]
Sent: Wednesday, October 14, 2009 9:42 PM
To: Burton, Jim; York, Scott; DEPT-PLANDEPT-PLANNING_COMMISSION; BOS
Subject: Fwd: Your request

Dear Mr. Burton and Mr. York,

Please look at Sections 5-627 and 5-630 of the proposed changes to the Zoning Ordinance. (The proposal is attached below.) The use called "equestrian facilities" and "stables" have no minimum acreage requirement and by right equestrian facilities structures up to 6000 square feet and stables up to 6000 square feet are allowed on lots that are 0-5 acres. This is not appropriate for these small lots.
Such large buildings should be a special exception. This large of a structure is an indoor arena.

Sally Mann
Begin forwarded message:

A26

Lohr, Michelle

From: buffalodragon@aol.com
Sent: Thursday, October 15, 2009 8:21 AM
To: Maio, Peggy; Lohr, Michelle
Subject: Re: Comments on ZOAM 2007-0004 from Ticonderoga Farms

Hi Peggy,

Since sending this email I have talked with Michelle Lohr and Doug Fabiolli. I also had an e mail exchange with Sandra Chaloux. As I understand from everyone this seems to be a Good Thing as many of the old limitations have been revised.

Thank you for your assistance and interest.

Doug

-----Original Message-----
From: Maio, Peggy <Peggy.Maio@loudoun.gov>
To: buffalodragon@aol.com <buffalodragon@aol.com>; DEPT-PLANDEPT-PLANNING_COMMISSION <DEPT-PLANDEPT-PLANNING_COMMISSION@loudoun.gov>; michele.lohr@loudoun.gov <michele.lohr@loudoun.gov>; merrithew, john <John.Merrithew@loudoun.gov>; Chaloux, Sandra <Sandra.Chaloux@loudoun.gov>; lblischa@vt.edu <lblischa@vt.edu>; Howell, Warren <Warren.Howell@loudoun.gov>; doug@fabbioli.com <doug@fabbioli.com>; Austin, Erin <Erin.Austin@loudoun.gov>
Sent: Wed, Oct 14, 2009 5:28 pm
Subject: RE: Comments on ZOAM 2007-0004 from Ticonderoga Farms

Michele,
Could you please be ready to respond to Mr. Johnston's comments at the public hearing or perhaps call him.

My understanding of the proposal is that the markets operate on their own schedule since they are a primary agriculture use. The hours stated in Section 5-627 (4) for Agriculture Support Uses pertain to the stable and equestrian facilities; do they apply to the farm markets also?

My understanding is that the restrictions for origin of agriculture products applies to only the 25% minimum and that the remaining 75% can come from any location. There is a 10% restriction for the sales area devoted to "accessory products , but I see no mention of their having to be produced in Loudoun.

Is it correct that the Farm Market Off Site can include the sales of products from one or more vendors per the definitions in Article 8? So, once the 25% standard is met, the vendors could be from outside Loudoun County?

I do need your help in these technicalities. I'll want to know the answers as well.

Thank you, Michele
Peggy

From: buffalodragon@aol.com [buffalodragon@aol.com]
Sent: Wednesday, October 14, 2009 2:13 PM
To: DEPT-PLANDEPT-PLANNING_COMMISSION; michele.lohr@loudoun.gov; merrithew, john; Chaloux, Sandra; lblischa@vt.edu; Maio, Peggy; Howell, Warren; doug@fabbioli.com
Subject: Comments on ZOAM 2007-0004 from Ticonderoga Farms

A27

October 14, 2009

Dear Planning Commisioner Chairman Maio and Planning Commissioners,

Re: ZOAM 2007-0004
Public Hearing Comments
Proposed Zoning Ordinance Amendment To Permit Farmers Markets in Various Zoning Districts...
Thursday, October 15, 2009 @ 6:00PM

The problem with the 25% rule is that it drastically reduces the diversity of products sold and increases the costs of those sold as farmers, to make it economically viable to come to a market, have to have high prices. By allowing ANY locally grown produce to qualify, you provide an opportunity for the small farmer who does not grow enough to justify having a stand, to still sell his produce through another grower, and justifies that other grower in spending the time and money to open at a farmers market.

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We would like to see some markets open all week, as this will encourage customers to come more often if they know there is a reliable supply of healthy food available. It is difficult for many to meet the short hours of existing markets - and if they miss them, then it is off to the supermarket, and worse, a lost sale for the farmer, who already is working at the edge of profitability. With a seven day a week farm market, people would get in the habit of shopping there, many small farmers would be encouraged to produce for such a market knowing that there would be a steady demand.

For such permanent farm markets to be successful, the rule should be relaxed in winter months when outside produce would need to be brought in - perhaps the months of January through April. The remaining 8 months of the year could easily be dealt with if the rule were 25% Loudoun produce.

When you have a healthy famers market industry this benefits everyone in the county, from residential tax payers who pay less taxes as the farm markets generate more revenue and help preserve open space, not only beneficial from the point of less development and the costs associated therewith, but also one of the great draws for people to move into the county, which helps maintain housing prices and therefore tax revenues. People come to Loudoun because of its major assets of open space, farm land, and good jobs. The entire character of the county is based around its open space. Anything that can be done to preserve this open space is beneficial. And the unusual aspect of this approach to encourage farm markets is that this enhancement to the quality of life here is done not only at no cost to the taxpayer, but actually generates additional tax revenues. So it is a win-win-win situation. Farmers benefit, residents benefit and the county government benefits.

Idealy, a 5% requirement for on site grown products and a 25% requirement for Loudoun County grown products seems reasonable.

Sincerely,
Douglass K. Johnston
Ticonderoga Farms Inc.
26175 Ticonderoga Road
Chantilly, VA. 20152
Ph: 703-327-4424
Cell: 571-451-4634

A28

cc: Peter J. Knop, Ticonderoga
Michele Lohr, LoCo Zoning
John Merrithew, LoCo Planning

A29

Lohr, Michelle

From: DEPT-PLANDEPT-PLANNING_COMMISSION
Sent: Tuesday, October 20, 2009 5:08 PM
To: Lohr, Michelle
Subject: FW: [LCCSS] Microfarming in Loudoun: Let's support it! Come out this Thursday the 15th

FYI.

Nancy Bryan
Deputy Clerk
Loudoun County Planning Commission
(703) 777-0646
nancy.bryan@loudoun.gov

From: Sally Mann [mailto:salmann@rstarmail.com]
Sent: Thursday, October 15, 2009 8:55 AM
To: Sally Mann
Cc: adopt2luv@aol.com; Burton, Jim; York, Scott; DEPT-PLANDEPT-PLANNING_COMMISSION; BOS; willstewart@rstarmail.com; Sustainable Loudoun; Howell, Warren; Gina Faber
Subject: Re: [LCCSS] Microfarming in Loudoun: Let's support it! Come out this Thursday the 15th

And if you look at 6-627 and 5-630 you will also see that a stable or equestrian facility on 0-5 acres can have 50 visitors a day and up to 25 cars parked on the small lot at any given time. Too much traffic, too intense, should not be allowed on these small parcels.

Sally Mann
On Oct 15, 2009, at 8:39 AM, Sally Mann wrote:

Look at the sections 5-627 and 5-630 of the new Zoning Ordinance amendment proposals (pages A-17-23 on the PC staff report.) There is NO acreage requirement to establish either an "Equestrian Facility" or "Stable" use, and any Equestrian Facility or Stable can be a structure up to 6,000 square feet on any lot in the 0-5 acres category (it can be twice that size in the next acreage category.) In a stable, horses are not put out in pasture, and stay in the stall all the time. A lot of thoroughbreds and expensive show horses are stabled unless being worked. This means a lot of manure, every day, on very small lots, 0 to 5 acres, and a structure used to house horses (smells etc) that is way out of proportion to the lot size and very close to neighbors with lots of security and other lighting. What next, a "Swine Facility?" on half acre lots? you can put a lot of pigs in a 6000 square foot facility.

In short, these new proposals mean you can put a 6,000 foot structure for stabling or using horses on any lot, by right, no matter how small. I think this is a huge mistake. Even in the next category, I think the size is out of line--and should be cut down to be more compatible with the rest of the area. These buildings are gigantic, and a relatively new phenomena-- no one had barns this big 100 years ago--even 50 years ago. These large structures stick out like sore thumbs, and can be eyesores with lights, etc. (especially with all the manure piles outside them.) The only setback is 60 feet, and that is only if there is a house on the adjoining lot that is closer to the lot line than 60 feet (otherwise the set back is waived.) It is bad enough to put these gigantic things on larger lots, but to put them on very small lots, in the 0 to 5 acre category is simply crazy. And will end up being a huge problem. The horse people have gone too far here.

A30

Sally Mann
On Oct 14, 2009, at 8:09 PM, adopt2luv@aol.com wrote:

Horses need about 2 acres/horse in order to exercise and graze without leaving the property a mud bath. Horses on 3.5 acres should not number more than 2. Even then the neighbors will be looking at a mess. A large facility on 5 acres is irresponsible unless the horses are kept elsewhere. If so then the neighbors have only the problem of massive traffic. Not a great idea. I looked at several 5 acre horse farms that were overgrazed and they were a mess. Just my opinion. Peggy

-----Original Message-----
From: Sally Mann <sally.mann@rstarmail.com>
To: willstewart@rstarmail.com
Cc: Sustainable Loudoun <lccss@deciph.com>; 'Warren Howell' <Warren.Howell@loudoun.gov>
Sent: Wed, Oct 14, 2009 10:43 am
Subject: Re: [LCCSS] Microfarming in Loudoun: Let's support it! Come out this Thursday the 15th

Hi all,

I support the zoning changes proposed to make agricultural uses allowed on lots from 0-5 acres, but I do have a problem with something being inserted into the proposal. The proposal before the PC tomorrow night has language allowing by right "equestrian facilities" up to "6,000 square feet" on lots from 0-5 acres. This is a huge building--really meant for indoor arenas (showing, training, polo?) which are lit, noisy, unlimited in height, and often have lots of people and animals--and can destroy the ambiance of neighboring properties. I do not support such giant buildings on small lots. I think a stable housing horses is fine, but a 6,000 sq ft "Equestrian facility" should still be a special exception use especially on lots smaller than 5 acres.

I think on 0-3 acres ag buildings used to house animals, ag equipment or greenhouses, should be limited to 1,000 square feet, and on 3-5 acres limited to 2,000 square feet--otherwise get a special exception.

If you want to do animal husbandry on lots smaller than 5 acres, you need to submit a plan to the Extension Office along with your permit applications--and they will tell you how many animals you can have on whatever acreage you have. This is not a bad idea, although I question the wisdom of allowing owners to keep bulls or stallions or other potentially dangerous intact animals on small lots. I definitely think goats, sheep, chickens, alpacas, etc are a good idea to make as flexible as possible to own.

Sally Mann
On Oct 14, 2009, at 9:47 AM, willstewart@rstarmail.com wrote:

Part of a transition to a sustainable way of life is raising some portion of one's own food, which for 100,000s of suburban/exurban families in the US over the last year or two means having a few chickens or even milk goats.

The Planning Commission is considering whether to make this an allowable use in agricultural zoned areas without having to go through the special exception process. I AM 100% IN SUPPORT OF THIS!

In addition, we need to have them **add language** to allow minor numbers of backyard chickens in **suburban areas**.
Many cities across the US have adopted ordinances allowing backyard chickens in suburban areas; for example, Baltimore MD has the following ordinance, that makes sense for our unincorporated towns;
- Up to four chickens can be kept (no roosters) as long as they are confined to a moveable pen that is kept 25 feet away from neighboring residences.
Moveable pens (often called "chicken tractors" because they help mow the lawn) are quite common in many towns around the US now - see examples of these at;
http://home.centurytel.net/thecitychicken/tractors.html

WHEN: THURSDAY, OCTOBER 15, 2009 at 6:00

WHERE: In the BOARD OF SUPERVISORS' MEETING ROOM (County Government Center, 1 Harrison Street, S.E., Leesburg, VA)

WHAT: Minimum Acreage for Animals

Please come out Thursday at 6pm, or send an email NOW to your planning commissioner.

A31

Please read the note from Lesli Francis below;

Regards,

Will Stewart

From Lesli Francis;
DO YOU OWN LESS THAN 5 ACRES? DO YOU LIVE IN AN AREA ZONED FOR AGRICULTURE? WOULD YOU LIKE TO HAVE A COUPLE OF CHICKENS OR A GOAT? YOU CAN'T. IT IS ILLEGAL IN LOUDOUN COUNTY.

In 2008 my family discovered that the Loudoun County Zoning ordinance prohibited owning any kind of livestock animal (including chickens!) for any reason in an area zoned for agriculture on less than 5 acres. We own 3.5 acres outside of Hamilton and wanted to keep some goats and sheep for 4-H. We were successful in obtaining a special exception which allows us to keep our goats. The Board of Supervisors told us at our hearing that they did not intend for the ordinance to have the effect that it was having and that they would address the issue.

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WHAT: Loudoun County Planning Commission Public Hearing -- Proposed zoning ordinance amendment to reduce minimum acreage requirements for agriculture, horticulture, and animal husbandry uses and to permit farm markets in various zoning districts.

WHEN: THURSDAY, OCTOBER 15, 2009 at 6:00

WHERE: In the BOARD OF SUPERVISORS' MEETING ROOM (County Government Center, 1 Harrison Street, S.E., Leesburg, VA)

If you have any questions, please send Leslie an email or give a call--thank you!
Lesli Francis
540-338-3890
leslifrancis@comcast.net
LCCSS mailing list
LCCSS@deciph.com
http://deciph.com/mailman/listinfo/lccss_deciph.com

=

LCCSS mailing list

LCCSS@deciph.com

http://deciph.com/mailman/listinfo/lccss_deciph.com

A32

Lohr, Michelle

From: Maio, Peggy
Sent: Thursday, October 15, 2009 9:45 AM
To: Sally Mann; adopt2luv@aol.com
Cc: Burton, Jim; York, Scott; DEPT-PLANDEPT-PLANNING_COMMISSION; BOS; Bryan, Nancy; Lohr, Michelle
Subject: RE: [LCCSS] Microfarming in Loudoun: Let's support it! Come out this Thursday the 15th

All,
For the record I am not the "Peggy" in the note to Sally Mann on October 14 copied below. Ask me about tomatoes, but I don't know horses.
Peggy Maio

From: Sally Mann [sally.mann@rstarmail.com]
Sent: Thursday, October 15, 2009 8:39 AM
To: adopt2luv@aol.com
Cc: Burton, Jim; York, Scott; DEPT-PLANDEPT-PLANNING_COMMISSION; BOS
Subject: Re: [LCCSS] Microfarming in Loudoun: Let's support it! Come out this Thursday the 15th

Look at the sections 5-627 and 5-630 of the new Zoning Ordinance amendment proposals (pages A-17-23 on the PC staff report.) There is NO acreage requirement to establish either an "Equestrian Facility" or "Stable" use, and any Equestrian Facility or Stable can be a structure up to 6,000 square feet on any lot in the 0-5 acres category (it can be twice that size in the next acreage category.) In a stable, horses are not put out in pasture, and stay in the stall all the time. A lot of thoroughbreds and expensive show horses are stabled unless being worked. This means a lot of manure, every day, on very small lots, 0 to 5 acres, and a structure used to house horses (smells etc) that is way out of proportion to the lot size and very close to neighbors with lots of security and other lighting. What next, a "Swine Facility?" on half acre lots? you can put a lot of pigs in a 6000 square foot facility.

In short, these new proposals mean you can put a 6,000 foot structure for stabling or using horses on any lot, by right, no matter how small. I think this is a huge mistake. Even in the next category, I think the size is out of line--and should be cut down to be more compatible with the rest of the area. These buildings are gigantic, and a relatively new phenomena-- no one had barns this big 100 years ago--even 50 years ago. These large structures stick out like sore thumbs, and can be eyesores with lights, etc. (especially with all the manure piles outside them.) The only setback is 60 feet, and that is only if there is a house on the adjoining lot that is closer to the lot line than 60 feet (otherwise the set back is waived.) It is bad enough to put these gigantic things on larger lots, but to put them on very small lots, in the 0 to 5 acre category is simply crazy. And will end up being a huge problem. The horse people have gone too far here.

Sally Mann
On Oct 14, 2009, at 8:09 PM, adopt2luv@aol.com<mailto:adopt2luv@aol.com> wrote:

Horses need about 2 acres/horse in order to exercise and graze without leaving the property a mud bath. Horses on 3.5 acres should not number more than 2. Even then the neighbors will be looking at a mess. A large facility on 5 acres is irresponsible unless the horses are kept elsewhere. If so then the neighbors have only the problem of massive traffic. Not a great idea. I looked at several 5 acre horse farms that were overgrazed and they were a mess. Just my opinion. Peggy

A33

-----Original Message-----
From: Sally Mann <sally.mann@rstarmail.com<mailto:sally.mann@rstarmail.com>>
To: willstewart@rstarmail.com<mailto:willstewart@rstarmail.com>
Cc: Sustainable Loudoun <lccss@deciph.com<mailto:lccss@deciph.com>>; 'Warren Howell' <Warren.Howell@loudoun.gov<mailto:Warren.Howell@loudoun.gov>>
Sent: Wed, Oct 14, 2009 10:43 am
Subject: Re: [LCCSS] Microfarming in Loudoun: Let's support it! Come out this Thursday the 15th

Hi all,

I support the zoning changes proposed to make agricultural uses allowed on lots from 0-5 acres, but I do have a problem with something being inserted into the proposal. The proposal before the PC tomorrow night has language allowing by right "equestrian facilities" up to "6,000 square feet" on lots from 0-5 acres. This is a huge building--really meant for indoor arenas (showing, training, polo?) which are lit, noisy, unlimited in height, and often have lots of people and animals--and can destroy the ambiance of neighboring properties. I do not support such giant buildings on small lots. I think a stable housing horses is fine, but a 6,000 sq ft "Equestrian facility" should still be a special exception use especially on lots smaller than 5 acres.

I think on 0-3 acres ag buildings used to house animals, ag equipment or greenhouses, should be limited to 1,000 square feet, and on 3-5 acres limited to 2,000 square feet--otherwise get a special exception.

If you want to do animal husbandry on lots smaller than 5 acres, you need to submit a plan to the Extension Office along with your permit applications--and they will tell you how many animals you can have on whatever acreage you have. This is not a bad idea, although I question the wisdom of allowing owners to keep bulls or stallions or other potentially dangerous intact animals on small lots. I definitely think goats, sheep, chickens, alpacas, etc are a good idea to make as flexible as possible to own.

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On Oct 14, 2009, at 9:47 AM, willstewart@rstarmail.com wrote:

Part of a transition to a sustainable way of life is raising some portion of one's own food, which for 100,000s of suburban/exurban families in the US over the last year or two means having a few chickens or even milk goats.

The Planning Commission is considering whether to make this an allowable use in agricultural zoned areas without having to go through the special exception process. I AM 100% IN SUPPORT OF THIS!

In addition, we need to have them add language to allow minor numbers of backyard chickens in suburban areas.
Many cities across the US have adopted ordinances allowing backyard chickens in suburban areas; for example, Baltimore MD has the following ordinance, that makes sense for our unincorporated towns;
- Up to four chickens can be kept (no roosters) as long as they are confined to a moveable pen that is kept 25 feet away from neighboring residences.
Moveable pens (often called "chicken tractors" because they help mow the lawn) are quite common in many towns around the US now - see examples of these at;
http://home.centurytel.net/thecitychicken/tractors.html

WHEN: THURSDAY, OCTOBER 15, 2009 at 6:00

A34

WHERE: In the BOARD OF SUPERVISORS' MEETING ROOM (County Government Center, 1 Harrison Street, S.E., Leesburg, VA)

WHAT: Minimum Acreage for Animals

Please come out Thursday at 6pm, or send an email NOW to your planning commissioner.

Please read the note from Lesli Francis below;

Regards,

Will Stewart

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If you have any questions, please send Leslie an email or give a call--thank you!
Lesli Francis
540-338-3890
leslifrancis@comcast.net_____
LCCSS mailing list
LCCSS@deciph.com
http://deciph.com/mailman/listinfo/lccss_deciph.com

=

_____

LCCSS mailing list

A35

LCCSS@deciph.com

http://deciph.com/mailman/listinfo/lccss_deciph.com

A36

Lohr, Michelle

From: DEPT-PLANDEPT-PLANNING_COMMISSION
Sent: Tuesday, October 20, 2009 5:09 PM
To: Lohr, Michelle
Subject: FW: [LCCSS] Fwd: Microfarming in Loudoun: Let's support it! Come out this Thursday the 15th

FYI.

Nancy Bryan
Deputy Clerk
Loudoun County Planning Commission
(703) 777-0646
nancy.bryan@loudoun.gov

From: Sally Mann [mailto:salmann@rstarmail.com]
Sent: Thursday, October 15, 2009 9:34 AM
To: Burton, Jim; York, Scott; BOS; Howell, Warren; Gina Faber; DEPT-PLANDEPT-PLANNING_COMMISSION
Subject: Fwd: [LCCSS] Fwd: Microfarming in Loudoun: Let's support it! Come out this Thursday the 15th

Begin forwarded message:

To: Sustainable Loudoun <lccss@deciph.com>
Subject: Fwd: [LCCSS] Fwd: Microfarming in Loudoun: Let's support it! Come out this Thursday the 15th

The setbacks for these 6000 square foot structures on 0-5 acres are also troubling. There is only a 60 foot setback IF the structure is proposed on a lot that adjoins another lot with an existing home that is less than 60 feet from the shared boundary. If the existing home on the adjoining lot is set back more than 60 feet on its lot, then there is NO setback for the stable or equestrian facility. This would be a nightmare for many on small lots to have a 6000 square foot structure, lit, filled with animals, tons of manure every day, flies, right on the property line? with up to 50 visitors a day? polo games? horse shows in the day and evenings? microphones inside? training sessions at night? many horses stabled 24/7? noise, smells, security lighting, other lights, cars, headlights, --right on the property line? sounds like a nuisance to me, and not what sustainable Loudoun or the true original intent of these amendments were all about...

Sally Mann

Begin forwarded message:

From: Sally Mann <sally.mann@rstarmail.com>
Date: October 15, 2009 9:00:10 AM EDT
To: Sustainable Loudoun <lccss@deciph.com>

A37

Subject: [LCCSS] Fwd: Microfarming in Loudoun: Let's support it! Come out this Thursday the 15th

And if you look at 6-627 and 5-630 you will also see that a stable or equestrian facility on 0-5 acres can have 50 visitors a day and up to 25 cars parked on the small lot at any given time. Too much traffic, too intense, should not be allowed on these small parcels.

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A38

-----Original Message-----
From: Sally Mann <sally.mann@rstarmail.com>
To: willstewart@rstarmail.com
Cc: Sustainable Loudoun <lccss@deciph.com>; 'Warren Howell' <Warren.Howell@loudoun.gov>
Sent: Wed, Oct 14, 2009 10:43 am
Subject: Re: [LCCSS] Microfarming in Loudoun: Let's support it! Come out this Thursday the 15th

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A40

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http://deciph.com/mailman/listinfo/lccss_deciph.com

A41.

Lohr, Michelle

From: buffalodragon@aol.com
Sent: Thursday, October 15, 2009 11:59 AM
To: Lohr, Michelle; DEPT-PLANDEPT-PLANNING_COMMISSION; Chaloux, Sandra; Maio, Peggy; doug@fabbioliwines.com; Howell, Warren; lblischa@vt.edu; merrithew, john
Subject: Re: amendments ZOAM 2007-0004

Dear Michelle and the Planning Commission,

Thank you for all of the follow up documentation. I have reviewed the information with Peter Knop. If it all goes down as presented, Ticonderoga Farms is in support of this Zoning Amendment, (with emphasis on Article 8, Definitions Pg. A 17.)

Well Done.
Thank You

Doug Johnston
Ticonderoga Farms, Inc.
703-327-4424

-----Original Message-----
From: Lohr, Michelle <Michelle.Lohr@loudoun.gov>
To: buffalodragon@aol.com <buffalodragon@aol.com>
Sent: Thu, Oct 15, 2009 9:53 am
Subject: amendments

A42