DEPARTMENT OF BUILDING AND DEVELOPMENT

PLANNING COMMISSION WORKSESSION

TO: **Loudoun County Planning Commission**

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

DATE: **November 24, 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 held a worksession on November 12, 2009 regarding the above referenced application and voted to continue discussion on the proposed amendments at a future worksession.

At the November 12th worksession, Commissioner Ruedisueli volunteered to draft amended language regarding the minimum acreage required for animal husbandry. This revised language was circulated to the Commission members via electronic mail and has been included in Attachment 2.

Commissioner Austin also circulated a proposal via electronic mail to (1) establish the minimum acreage for by-right animal husbandry use as 3 acres, with no required management plan and (2) require a management plan for parcels under 3 acres. The Chairman responded suggesting that the criteria in the most recent draft be considered in the farm plan. Proposed language incorporating these comments has been included in Attachment 3.

At the worksession, the Planning Commission directed staff to contact the Health Department and Loudoun Water to discuss whether a minimum setback should be maintained from a well and whether animals should be isolated from drainfields and reserve drainfields. Further, it was suggested that an expert be consulted to determine how steep slopes should be addressed in regard to animal husbandry.

The Health Department stated that, in determining "usable acres", the drainfield, reserve drainfield, and either a 50 foot or 100 foot radius from a well (depending on the construction of the individual well) should be eliminated from the calculation of usable acres. However, this area does not need to be fenced, as any pollution source would be diluted by allowing use of these areas in addition to other available land. Shallow placed systems, such as alternative systems, should be isolated from the animals.

Loudoun Water, as well as the County Codified Ordinance, requires a 100 foot radius around a well for a communal system and thus this "well lot" should be fenced to keep animals out. Loudoun Water defers to the Health Department regarding individual wells. Septic systems run by Loudoun Water are typically alternative systems. For these types of systems, it is recommended that hoofed animals not be permitted, however other types of animals, such as chickens, should not be an issue. It was noted that many times the facilities run by Loudoun Water are located within an easement that most likely addresses what can and cannot occur in the vicinity of their facilities.

An expert was consulted regarding animals on steep slopes, who suggested that very steep slopes not be considered in determining "usable acres", but that it may be acceptable to have animals on steep slopes. Further, this soil scientist is concerned about heavy hoofed animals being permitted on drainfields or reserve drainfields.

It is Staff's recommendation that the maximum number of animals to be permitted on smaller parcels be determined on a case by case basis through the compilation of a Conservation Farm Plan with a Best Management Section.

II. SUGGESTED MOTIONS:

I move that the Planning Commission forward ZOAM 2007-0004 to the Board of Supervisors with a recommendation of approval of the following:

(1) The proposed grouping of amendments related to Farm Markets, dated November 5, 2009, Revised 11/12/09 consisting of pages 1 through 4; and

(a) The proposed grouping of amendments related to Agriculture, Horticulture and Animal Husbandry, titled the Ruedisueli Proposal, Revised through November 24, 2009, consisting of pages 5 through 7; or

(b) The proposed grouping of amendments related to Agriculture, Horticulture and Animal Husbandry, titled the Austin/Maio Proposal, Revised through November 24, 2009, consisting of pages 5 and 6.

III. ATTACHMENTS

Number	**Description**	**Page**
1.	Revised Section 5-603 Farm Market Draft, dated November 12, 2009	A1-A4
2.	Revised Section 5-626 Draft Ruedisueli Proposal, dated 11/24/09	A5-A7
3.	Revised Section 5-626 Draft Austin/Maio Proposal, dated 11/24/09	A8-A9

A136

PROPOSED AMENDMENTS
ZOAM 2007-0004
November 5, 2009, Revised 11/12/09

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 on other property owned or leased by the operator of the Farm Market 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

A137
A+

~~ATTACHMENT 1~~

(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.

Farm Markets (off-site production), 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~~ shall be provided at a rate of 4/1,000 square feet of floor area of indoor and outdoor sales area, with a required 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.~~

A138
A2

(D) Agricultural, horticulture, and animal husbandry permitted uses or those uses requiring a ~~Rural~~ Sketch Plan as identified in Section 6-703 ~~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.

A139
~~A3~~

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 ~~(~~but not including ~~excluding~~ the use Farm Market (~~without on~~ off-site production, which shall require a site plan~~)~~, Stable (Private or Neighborhood), and Wayside Stand.

(B) ~~Rural~~ A Sketch Plan~~s~~ 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 on other property owned or leased by the operator of the Farm Market within Loudoun County. A Farm Market shall be located on the site of ongoing agricultural, horticultural or aquacultural activity unless ~~stated~~ otherwise provided 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.

A140
~~A4~~

Ruedisueli Proposal, 11/24/09

5-526 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~~.

(ii) On parcels of less than 5 acres, animal husbandry uses shall not be permitted unless such parcel contains a minimum of two acres unencumbered by (1) a dwelling or its accessory structures and means of access, (2) any area with 100 (one hundred) feet of a well, (3) very steep slopes, floodplain, drainfield, or reserve drainfield area, and (4) areas within 30 feet of the scar line of any stream. Except as permitted otherwise by Section 5-626(A)(iii) below, the animal husbandry use on a parcel less than 5 acres shall not exceed one "animal unit", as defined in the table in Section 5-626(A)(ii)(a). Furthermore, the animals will be limited to those listed in the 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 specified under this Section 5-626(A) shall be permitted. (An example of a combination comprising 1 animal unit=would be 2 alpacas (1/2 unit) and 1 llama (1/2 unit) totaling 1 unit; or a combination comprising 2 animal units would be 3 goats (1/2 unit), 16 chickens (1/2 unit) and a horse, totaling 2 units.)

A141
A5

*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) More than one "animal unit" may be permitted on parcels less than five acres, but containing at least two unencumbered acres, provided that the owner of the parcel executes a Conservation Farm Plan (also known as a farm management plan), through and with the Loudoun Soil and Water Conservation District (SWCD) and the Virginia Cooperative Extension Service (VCES), and that the owner provides a copy of the Plan to the Zoning Administrator. The Plan shall include a manure management plan, and a Best Management Section, identifying the best management practices necessary to support the proposed types and quantity of animals. The Plan submitted to the Zoning Administrator shall have been reviewed and approved, in writing, by the VCES to confirm that it is consistent with generally accepted animal husbandry practices. After approval of the Plan, additional animals may only be added to the site by obtaining an approved amendment to the Plan and providing a copy of such approval to the Zoning Administrator.

(iv) On parcels less than 5 acres containing less than 2 unencumbered acres, an owner may establish animal husbandry uses provided that they shall first execute a Conservation Farm Plan (also known as a farm management plan), through and with the Loudoun Soil and Water Conservation District (SWCD) and the Virginia Extension Service (VCES) as described in Section 5-626(A)(ii) above, and that the owner provides an approved copy of the Plan and providing a copy of such approval to the Zoning Administrator.

(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 or under construction at the time of construction of the structure is the principal use. This setback shall not apply if such 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. The conduct of the foregoing activities with respect to animals meeting the definition of "Pet" or non–domesticated (wild) animals shall not be considered Animal husbandry.

A142
A6

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 animals listed in 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 permitted as an accessory use to a dwelling unit.

5-527 Agriculture Support Uses (Direct Association with Agriculture, Horticulture or Animal Husbandry).

No Change Recommended

5-530 Agriculture Support Use (No Direct Association with Agriculture, Horticulture, Animal Husbandry).

No Change Recommended

A143
~~A9~~

Austin/Maio Proposal, Revised 11/24/09

5-626 Agriculture, Horticulture and Animal Husbandry.

(A) **Parcel Size.**

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

(ii) On parcels of less than 3 acres, animal husbandry uses shall not be permitted unless such parcel has obtained an approved Conservation Farm Plan with a Best Management section as described in Section 5-626(B) below.

(B) **Conservation Farm Plan.** Prior to the establishment of an animal husbandry use on a property of less than three acres, the owner of the parcel shall be required to execute a Conservation Farm Plan (also known as a farm management plan) including a manure management plan, through and with the Loudoun Soil and Water Conservation District (SWCD) and the Virginia Cooperative Extension Service (VCES) and provide a copy of such executed Plan to the Zoning Administrator. The plan shall indicate the types and quantity of proposed animals, location and size of existing and proposed structures, grazing areas, and location and type of wells and septic fields and reserve septic fields. A Best Management section shall be included identifying the best management practices necessary to support the proposed types and quantity of animals. Review of the Plan shall take into consideration the type and construction of any wells, septic fields and reserve septic fields and environmental features such as steep slopes, rock outcroppings and streams. The Best Management Section shall be reviewed by the Virginia Cooperative Extension Service to confirm that it is consistent with generally accepted Animal Husbandry standards and documentation indicating such confirmation shall be provided to the Zoning Administrator. After approval, no additional animals may be added to the site without an approved amendment to the Plan.

~~(B)~~(C) **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 or under construction at the time of construction of the structure is the principal use. This setback shall not apply if such residential dwelling is located more than 60 feet from the property line adjoining the structure.

A144
A8

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. The conduct of the foregoing activities with respect to 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 animals listed in 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 permitted as an accessory use to a dwelling unit.

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

No Changes

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

No Changes

A145
A9