

## Loudoun Wildlife Conservancy's Zoning Ordinance Rewrite Recommendations

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### [Chapter 5: Development Standards](#)

#### [5.03 Natural and Environmental Resources \(NER\)](#)

- (5.03.01) Add the North Fork of Goose Creek to the table to be protected along with Scenic Rivers, the Potomac, and Bull Run.
- (5.03.01.E.4) Parking should be limited for uses in RSCR and impervious surfaces should be required.
- (5.03.02) Communication and loopholes regarding Forestry Management Plans, grading/clear cutting, and ignoring permits needs ongoing scrutiny to be adequately addressed.
- (5.03.02.B.1.a) Exemption for single family dwellings should be removed.
- (5.03.02.B.2.b) Ongoing communication and enforcement loophole needs ongoing scrutiny to be adequately addressed.
- (5.03.03) Active recreation uses and associated facilities should comprise less than 3% of RSCR on a lot.
- (5.03.03 NERS) There should be extra protections to ensure there is adequate space for the infrastructure/recreation use while protecting buffers for river and stream health including wildlife habitat. Design standards from the LPAT Framework Plan (such as 300' widths for wildlife corridors recommended and 500' widths preferred) should be incorporated here. Protecting the environment and natural resources should be the primary objective for this section.
- (5.03.03 NERS) There should be a requirement to obtain baseline water quality information, on-going monitoring during the land disturbance, and a report with a summary of test data from a professional engineer who verifies no negative impact on water quality and erosion has occurred.
- (5.03.03 NERS) There should be a requirement for periodic maintenance/cleaning of the permeable surfaces with annual reports confirming the maintenance has been completed.
- (5.03.03 NERS) The use table should be clarified to indicate active recreation uses are not permitted within major floodplains, only passive recreation uses.
- (5.03.04.B) State species of concern (per VA Wildlife Action Plan) and studies and prioritization for protection of exemplary natural communities, habitats, and ecosystems (per VA DCR Natural Heritage Program) should be added as an environmental checklist item(s), and this should be a universal requirement, not just for RSCR.
- (5.03.04.B.2.g) We recommend limiting particle acceleration from blasts to be no more than 2 inches/sec, and that blasting be monitored by use of seismographs to confirm the particle acceleration is not exceeded.
- (5.03.05) There should be guidelines and performance standards to protect wetlands and wetland buffers to protect and improve stream and watershed health.

#### 5.04 Open Space Standards

- (5.04.03.A.1) Passive and active recreation terms should be clarified to remove ambiguity.
- (5.04.03.A.3.a) Wildlife and habitat evaluations (by ecologists and biologists) should be used to evaluate exemplary natural communities, habitats, and ecosystems; and these evaluations should include species of greatest conservation need from the Virginia Wildlife Action Plan. Man-made landscapes that have "gained importance" needs to be clearly defined.
- (5.04.04.A) The baseline should be to protect all important environmental and historic features, with subtraction of credit if those elements are not protected. Delete bonus credit section and create a checklist of environmental protections which if complete, allow for a "fast track" review in exchange for full protection of environmental and historic features.
- (5.04.04.A.5&6) Thank you for adding design standards language in regards to habitat and wildlife corridor buffers from the Linear Parks and Trails Framework Plan to this section.
- (5.04.04.B.6) Wildlife travel corridors and native vegetation for pollinators should be included in contiguous habitats to protect against habitat fragmentation.
- (5.04.05) Open space design standards for landscaping should be required to incorporate ecological value (ie native plants, wildlife benefits, etc.). These standards could be evaluated by ecologists, biologists, and other staff. Model ordinance language from other jurisdictions currently exists to implement in zoning ordinance.
- (5.04.06) Type-specific open space standards should include mentions of contiguous habitats, wildlife travel corridors, native plant vegetation, etc. to demonstrate ecological value.
- (5.04.07) Wildlife corridors, native vegetation prioritization, and environmental protection should be included as part of linear parks that accompany trails.
- (5.04.08.B&F) Botanical gardens and nature study spaces should be permitted on private parcels.
- (5.04.09) Comprehensive Open Space Plan should include linear parks. Linear parks should be defined within the new Zoning Ordinance.
- (5.04.10) Flexibility should be allowed in order to actively manage pollinator meadow habitat to prevent native trees from being taken down unnecessarily. Pollinator meadow standards should be reworked.

#### 5.06 Tree Planting, Replacement, and Preservation

- (5.06) There should be a requirement to join tree plans with neighboring contiguous habitats to reduce habitat fragmentation and promote wildlife corridors.
- (5.06) Invasive plant species should be removed during the development process, and the planting of native vegetation along corridors that provide connections to other natural, environmental, and heritage resources should be prioritized.
- (5.06.A.4) There should be a 100% native trees and shrubs requirement for new vegetation.

### 5.07 Landscaping, Buffer Yards, and Screening

- (5.07.0) This language should be strengthened to recommend using native species whenever possible.
- (5.07.0) Language should be included throughout section 5.07 to "require the removal of invasive plant species during the development process"
- (5.07.01) The County should encourage the use of native plants in landscaping, especially for government buildings and sites.
- (5.07.01) The purpose could be strengthened by utilizing more language from Comp Plan NHR Policy 7 Strategies and actions related to 6.1 and 6.2.
- (5.07.01) NHR Policy 7 Strategy 6.2.D should be included in this section.
- (5.07.01) The purpose should also include: "Protect our night sky from light pollution and intrusive artificial light; Enhance water quality and storm water control by reducing runoff and erosion; Reduce heat-island impact; Increase property values to homeowners by 10%-20%; Increase economic benefits to homeowners and commercial property owners; Reduce crime; Clean our air; Protect, feed and shelter wildlife"
- (5.07.01.D & E) This section should include a requirement that it is existing native vegetation and supplemented by new native vegetation.
- (5.07.03.A.7) This section should include language for existing native vegetation and native trees.
- (5.07.07.A) Landscaping requirements should include reference of sustainability measures and support for wildlife corridors that can be further described in the FSM. For instance, 100' buffers for delineated exemplary or high quality wildlife and habitat communities that exclude roads or buildings, and prohibit vegetation clearing except for removing invasives. Applications should note the location and prioritize protection of exemplary and high quality habitat communities on adjacent parcels to protect areas critical for maintaining connectivity between high value habitats. Additionally, exemplary or high quality wildlife areas should be mapped, and protection prioritized, as part of wildlife corridors, to ensure barrier-free movement between identified wildlife corridors. Necessary conditions should be maintained to provide habitat function for species along wildlife corridors and species of greatest conservation need as identified by the VA Wildlife Action Plan.

### 5.08 Light and Glare

- (5.08.05) International Dark Sky Association Standards should be more fully incorporated including the establishment of light zones to determine appropriateness of lighting, especially for rural areas. Exemptions should be more limited and/or greater standards should be in place for homes, roads, all types of athletic fields, and public monuments as these items create some of the greatest amounts of light trespass and sky glow.

## Chapter 2: Zoning Districts

- (2.03) In addition to being addressed in Section 5.04, in the Transition Policy Zoning Area section, siting of open space should be required to be contiguous to supplement the natural and heritage resources connecting communities and natural resource areas such as wildlife corridors.

## Chapter 3: Uses

### 3.01 Explanation of Use Table Structure

- (3.01) A future zoning amendment should initiate a regulatory path to review whether to allow "solar facility, commercial" in certain rural areas as long as performance standards to protect exemplary and high-quality habitats, and other natural resources, from land disturbance are included.

### 3.05 Use-Specific Standards

- (3.05) International Dark Sky Association lighting performance standards should be applied across all site specific uses.
- (3.05) Use-specific standards draft text deleted 9/15/21 as part of the Zoning Ordinance Committee review should be included and forwarded to the Planning Commission for review.
- (3.05.01.A) Add 'environmental' to the list of items being protected.
- (3.05.02.10.B.2) Placing tenant dwelling on open space should not be a by-right decision.
- (3.05.03.01) An enforceable noise regulation standard should be included.
- (3.05.03.01) All regulations related to Special Events: set-backs, buffering, lighting, and site plans IF ALLOWED IN THE MDODs, must be the same as Brewery, Limited and include protections for natural resources.
- (3.05.03.01.G6) Uses on open space should be more limited to protect exemplary wildlife habitat and natural communities of high ecological function.
- (3.05.03.03) Campgrounds should not be permitted in MDOD.
- (3.05.03.03.E) Setbacks for Level 1 should be 250 feet, Level II should be 300 feet, Level III should be 400 feet. The activity around a campground is such that these much higher setbacks are required to buffer the neighboring properties.
- (3.05.03.1.G.6) Active recreation facilities, driveways, and parking areas should not be considered part of open space calculations.
- (3.05.05.01) Amphitheater should not be permitted even by Special Exception on land zoned MDOD in ARN and ARS.
- (3.05.05.01.H) International Dark Sky Association performance standards should be included as part of any SPEX process in MDODs, and may preclude appropriateness of any amphitheatres in MDODs.
- (3.05.05.01.I) Due to acoustics and sound travel on mountains, amphitheatres should not be permitted even by special exception in MDODs in ARN and ARS.
- (3.05.05.02) Agricultural cultural center should be excluded from MDODs.
- (3.05.05.06 (B).7) Due to the size of structures, number of visitors, and amount of parking, this use should not be permitted in MDODs in ARN and ARS.

- (3.05.05.17) Open space easements should include multi-use public trails to connect with LPAT segments - with at least 300' (500' preferred) linear park buffers.
- (3.05.05.18) In residential neighborhoods, the height of light poles should be negotiated with residents through community meetings to eliminate light pollution in the surrounding neighborhood.
- (3.05.05.18) Previous language for forestation requirements for floodplains should be included.
- (3.05.05.18) Closer consideration should be given to comply with International Dark Sky Association performance standards. Light curfews should be considered in some cases. Definitions should be given for the following terms: light pollution, light glare, light trespass, light glow, light spill over, light noise
- (3.05.06.02.E.2) As connecting green infrastructure corridors connecting the county, LPATs should be wide to protect the environment and usability of the corridor. Recommend at least 300' wide (500' preferred).
- (3.05.06.02.F) Data Center use-specific standards should include native plant percentage requirements (100% recommended) and contiguous habitat with prioritization for exemplary and high quality habitats. There should also be requirements for preservation of native trees and the removal of invasive species.
- (3.05.07.05.B) When a stockpile/excessive fill project is located adjacent to a conservation easement, public notice, neighborhood meetings and/or special exception should be required to determine the impact on the easement.
- (3.05.07.05.B.2) Stockpiling should not be permitted in areas with exemplary wildlife and natural communities and other high quality habitats with significant ecological functions.
- (3.05.07.05.D) The County should require "clean earth fill" for agricultural land stockpiling/excessive fill projects.
- (3.05.07.05.D) Liquid dumping of waste should not be permitted.
- (3.05.07.05.H) Additional standards should be added to monitor if surface water or ground water has been contaminated.
- (3.05.07.06.D) In MDODs, towers must not be permitted within 200' of ridgeline.
- (3.05.08.04) International Dark Sky Association lighting performance standards should be added.
- (3.05.08.04.A.3) Due to a high-intensity use, rather than just sketch plans, site plans should be required for Brewery, Limited. As part of site plans, native plant communities should be mapped and ranked according to their ecosystem functional value, and applications should note the location of mapped exemplary and high quality wildlife and habitat communities on adjacent parcels to protect areas critical for maintaining connectivity between high value native plant communities.
- (3.05.08.04.B) Higher intensity/scale uses or operations with multiple uses should receive special exception review in MDOD zoned land or else not be permitted.
- (3.05.08.04) All required water, sewer and environmental actions required by the Commonwealth of Virginia for the facility must be completed prior to facilities being approved for operation by the County.
- (3.05.08.06) Commercial wineries should not be permitted in MDODs.

## Chapter 4: Overlay Districts

- (Chapter 4) Terms that should be made less ambiguous: -- slight or limited, moderate, and severe environmental and public safety impacts (from MDOD section 4.03.C when defining different types of sensitive environmental areas - it's the definition of the category, which itself is not actually defined)
- (4.01) Uses that are NOT permitted in Overlay Districts should be identified. There are too many loopholes for high-intensity operations that would harm the environment, nature, wildlife, and quality of life for neighbors.

### 4.03 Floodplain Overlay District

- (4.03.F) Appropriate special exception uses should be revised. Special exception uses should be limited to marinas, boat rentals, docks, piers, wharves, water ski jump facilities; special events; and passive recreation uses.

### 4.04 Mountainside Development Overlay District

- (4.04) In the MDOD, supplemental application materials should include mapping native plant communities and ranking them according to their ecosystem functional value, and applications should note the location of mapped exemplary and high quality wildlife and habitat communities on adjacent parcels to protect areas critical for maintaining connectivity between high value native plant communities. VA DCR has definitions/resources for identifying exemplary habitats.
- (4.04) Restore the language for the description of MDOD as an overlay district overlaid upon other zoning districts.
- (4.04) Grading permits relying on "Forest Management Plan" must include mechanisms for on-site review/inspection to not allow site clearing on mountainside as a loophole for residential or business site preparation without permits.
- (4.04.B.2.b) Timber harvesting violations should be more strictly monitored and enforced.
- (4.04.D.1.a) The crest and ridgeline protection setback should be from the ridgeline, not the crest, and it should be 200'.
- (4.04 E & F) No clearing beyond what is necessary for the darinfield and house itself should be allowed.

### 4.05 Limestone Overlay District

- (4.05.D) Support the draft text in D.1 Geophysical Studies and D.3. Add "vernal pools" to D.3 and to table 4.05-1 Karst/Sensitive Environmental Feature Setbacks

## **Chapter 7: Procedures**

- (7.05) As part of site plans, native plant communities should be mapped and ranked according to their ecosystem functional value, and applications should note the location of mapped exemplary and high quality wildlife and habitat communities on adjacent parcels to protect areas critical for maintaining connectivity between high value native plant communities. Language should be added to ensure future updates to LSDO and FSM.

## **Chapter 11: Definitions and Rules of Interpretation**

- (11.03) Definitions should be added for vernal pools, natural open space, environmentally sensitive area/open space, meadow, turf grass, lawn, native grass, native plant, wildlife corridor, linear park, light pollution, light glare, light trespass, light glow, light spill over, light noise.