



JUNE & JULY 2025 TLUC Meeting Prep: VABC Use Regulations – Findings of Fact Review

Dear TLUC Chair TeKrony,

Thank you for your request for assistance to prepare for the next Western Loudoun Rural Uses & Standards CPAM/ZOAM 2024-0002 (WLRUS for short). Your request shows understanding that some “homework” is necessary to reinforce the July 2024 project strategy to “*build on the public input gathered during the ZOR process.*” I have prepared information for you that provides ***previously submitted*** Zoning Ordinance Rewrite public input, consistent with the July 2023 Kimley Horn ZOR Comment Analysis. The information is formatted as a Findings of Fact and Conflicts in Evidence Report Review.

For disclosure, I would like to clarify the information provided at your request is *not directly representative of any specific stakeholder group*, but rather is a compilation of my consulting efforts to support numerous stakeholder groups and individuals throughout ZOR as a member of 1) the Zoning Ordinance Committee (ZOC), 2) Rural Economic Development Council (REDC) ZOR Ad hoc Committee, 3) LCPCC Executive Committee and ZOR Work Group Chair, 4) Hillsboro Preservation Foundation, 5) Loudoun County Farm Bureau, as well as ZOR support to the Loudoun Chamber, and numerous residents by request.

As mentioned, the information provided is not new.

- The majority of information is specific to topics for the June 18, 2025 TLUC meeting. However, some topics overlap with topics from January 2025 (Ag structures/tenant dwelling), and April 2025 (definitions related to Uses). These are included to ensure the overlapping information is considered in April and June.
- Although I have not been engaged by any specific stakeholder to revise input, I have, pro bono, reconfirmed specific references to the Code of Virginia regulations and procedures obtained in 2023 to ensure they are still current in 2025.
- The information also includes information related to other counties for comparison review.

To facilitate your review, I have outlined the documents for review for June 18th, with attached supporting documentation for Staff, CAO and stakeholder review.

I will be happy to answer any questions you or your staff may have.

Best regards,

Maura Walsh-Copeland



Walsh-Copeland Consulting, LLC





SUMMARY OF KEY DOCUMENTS FOR REVIEW

- [RESPONSES to Questions, documenting WCC Findings of Fact](#) from other county regulations and additional sources.
 - [2025_06-09 Follow-Up: VABC Use Events and Ag Structures](#)
 - [Responses Supplemental 6-9-2025 Questions](#)
- [COMPARATIVE SUMMARY: Loudoun County to Other County Zoning Ordinances](#) (for representative/illustrative comparison, not all VA zoning)
- [Other Virginia County Regulations – with LINKS](#)
 - Albemarle County
 - Clarke County
 - Fauquier County
 - Greene County
 - Prince William County
- [Code of Virginia Definitions for VABC Uses compared to Loudoun County Use Definitions](#)
- [Prior DRAFT TEXT for VABC Uses -- 2014-2023](#)
 - 2014 Staff Draft Text and Referral Agency Review
 - 2021 Draft Text reviewed by Zoning Ordinance Committee
 - 2023 Draft Text submitted for Planning Commission Review
- [Other Staff/Advisory Group documents for review](#)
 - Deputy Dir. of Planning & Zoning, Judi Birkitt, in a [letter dated April 7, 2023](#).
 - Loudoun County Attorney's Office (CAO) also confirmed what Loudoun zoning regulations CAN include in the April 10, 2023 Planning Commission Subcommittee report, pages 12-14.
 - [11-21-14 TLUC Report-Limited Breweries- Full Staff & Referral Agency Comments](#)
 - [REDC-ZOR-Round-3-Public-Input-REPORT-7-15-2022](#)
- Explanation of why "LEx Complaint Reports" are not valid for public input quantification
 - [Complaint Reporting Inaccuracy -- Primer to Planning Commission April 2023](#)
 - [2023 ZOR Public Input Survey-6-2-2023](#)
 - [2023 Kimley Horn Comment Analysis Key Themes summary](#)
- Prior January/April 2025 TLUC WLRUS packet information that applies to VABC Uses
 - [VABC Inspections and checklists](#)
 - [Agricultural Structures](#) (as applied to VABC and "Ag" uses)



WCC Findings Of Fact Responses To Questions

Use/Definitions

- Consider requiring a minimum threshold of on-site agricultural production in order for winery, brewery, and distillery uses to meet the definition of “Agricultural Operation”.

During the April 24, 2025, special TLUC meeting, staff brought forward the consideration to change the term Agriculture, when referencing the use, to “Agricultural Operation” and defining the term as *the bona fide production or harvesting of agricultural or silvicultural products* in order to match language contained within the Code of Virginia [§ 3.2-300](#).

WCC FINDINGS OF FACT:

This recommendation would be consistent with ZOR Public Input and zoning regulations enacted in other counties that require

- minimum 5 acres of unless lot is part of Agricultural Operations on multiple contiguous lots in common ownership (Clarke)
- 5 acres of agricultural production to hold agricultural operation events (Albemarle)
- Other County regulations confirm the ability of Loudoun County to enact zoning.

Additional considerations that should be taken into account include:

- Consider a minimum threshold of on-site agricultural production for each use.
- Consider a minimum threshold of on-site agricultural production for farm wineries that is consistent with Code of Virginia [§ 4.1-219](#). Different production limitations are provided for each farm winery class.
- Consider a minimum threshold of on-site agricultural production based on a minimum acreage of fruits, grains, or other agricultural products grown on-site.
- Consider how much of the minimum threshold can be brought from off-site agricultural operations within the County and still be considered eligible for designation as an on-site agricultural operation.

WCC FINDINGS OF FACT:

The above recommendations would be consistent with ZOR Public Input and zoning regulations enacted in other counties (see Comparative Summary: Loudoun County to Other County Zoning Ordinances

- Consider separating winery, brewery, and distillery uses with agricultural operations from commercial ABC uses without on-site agricultural operations and production to create separate standards and permissions.

WCC FINDINGS OF FACT:

This recommendation would be consistent with ZOR Public Input and zoning regulations enacted in other counties that specify different requirements for winery, brewery, distillery by-right events from other agritourism or special events.



- Consider offering **incentives** and/or benefits for winery, brewery, and distillery uses with agricultural operations to preserve the rural land and promote the County's rural economy (e.g. additional event permissions).

WCC FINDINGS OF FACT:

This recommendation would be **inconsistent** with zoning regulations enacted in other counties that specify requirements **without regard** for incentives.

- Consider the addition of a "**Limited Distillery**" use and applicable use-specific standards that align with winery and brewery use-specific standards for consistent regulation between winery, brewery, and distillery uses. This would define a "Limited Distillery" use and create separate use-specific standards to separate the use out from being administered and regulated as a Limited Brewery.

WCC FINDINGS OF FACT:

This recommendation would be **consistent** with zoning regulations enacted in other counties and conform to Code of Virginia that include zoning regulations for Limited Distillery use.

Of note, although Code of Virginia regulations are similar, they are not identical for Limited Brewery and Limited Distillery. Therefore, Limited Distillery should have a separate definition and use specific standards from Limited Brewery, as done for other counties.

General Standards

- Consider whether **hours of operation** should be consistent amongst brewery, winery, and distillery uses.

WCC FINDINGS OF FACT:

This recommendation would be **consistent** with zoning regulations enacted in other counties that ***do not apply different hours of operation*** between VABC Uses, confirming that regulation of hours is allowed by state code.

- However, the actual hours of operation regulations differ between counties and will need to be discussed/determined for Loudoun County.
 - Other County regulations confirm the ability of Loudoun County to enact zoning.
- Consider whether **outdoor tasting areas** should have different hours of operation than indoor tasting rooms.

WCC FINDINGS OF FACT:

This recommendation was **not found** with zoning regulations enacted in other counties, however, other regulations pertaining to outdoor operations were found.

- Clarke County: Buildings with live music must be 300' minimum from all property lines



- Consider whether consistent **noise regulations** should be added to the use-specific standards for winery, brewery, and distillery uses, or if such uses should continue to adhere to the maximum sound levels provided in Chapter 7, Development Standards, Table 7.05.03-1., Maximum Sound Levels.

WCC FINDINGS OF FACT:

This recommendation requires additional clarifications.

REQUIRED REVIEW: Table 7.05.03-1 only establishes the dB levels to be applied, not full noise standard requirements for Uses in Use Specific Standards.

- Sec. 7.05.03.F applies to ALL uses county-wide UNLESS the Ch. 4 Use-Specific Standard provide *different* noise regulations. These include**

F. **Use-Specific Standards, Noise.** The following noise standards apply to all use-specific standards of Chapter 4 unless the use-specific standards provide otherwise.

1. **Location in Relation to Residential Use.** No loading/unloading activities or other noise-producing activities are permitted within 250 feet of an existing principal dwelling.
2. **Maximum Noise.** The maximum allowable impulsive sound emitted from the specific use, as measured at the lot line of any adjacent lot that permits a single-family dwelling as a principal use, is 55 dB(A).
3. **Outdoor Music.** Outdoor music is not permitted after 11:00 p.m.

- Section 7.05.03.F that defines noise regulations for Uses, but ONLY applies to those uses WITH established Use Specific Standards in Chapter 4.**

REQUIRED ACTIONS:

- The 2023 ZOR established Use Specific Standards for Limited Brewery (4.08.05) and Winery, Farm (4.08.15), therefore, the above 7.05.03.F regulations apply.**
- However, because the 2023 ZOR did NOT establish Use Specific Standards for Limited Distillery, noise regulations 7.05.03.F (including no outdoor music after 11pm) do Not apply.**

CONCLUSION: Chapter 4 Use Specific Standards must be established for all VABC Uses for the county-wide noise ordinance 7.03.03F to apply consistently.

- Consider whether outdoor tasting areas should have to adhere to the same noise regulations as indoor tasting rooms.

WCC FINDINGS OF FACT:

This recommendation would be consistent with regulations in other counties that provide the same requirements for outdoor amplified music whether indoor or outdoor.

- Clarke County: *Amplified sound from live music or similar entertainment, generated indoors or outdoors, shall not be audible at or beyond the property lines of subject property.***
- Fauquier County: *Outdoor amplified music shall include amplified music emanating from a structure, including open pavilions and temporary structures such as tents. No noise exceeding Sec. 9-700.***



- Consider whether there be should stricter location requirements based on the **carrying capacity of the road** and the use conducted.

WCC FINDINGS OF FACT:

This recommendation would be consistent with regulations

- in other counties that regulate the use of direct access versus shared use access,
 - as was recommended by Staff for the Planning Commission Review in 1Q2023
 - as was recommended by Staff for the Zoning Ordinance Committee in July 2021
 - as was recommended ty Staff to ZOAG, PC and BOS in Nov. 2014.
- Consider whether winery, brewery, and distillery uses should adhere to the **road access standards** provided in Chapter 7, Development Standards, Table 7.07.01-1. Road Access Standards.

WCC FINDINGS OF FACT:

This was specifically recommended by Staff and Referral Agencies in 2014 for the introduction of Limited Brewery use for the predecessor ZO section 5-654 (precursor to 7.07.01-1), and requested during ZOR public input by organizations and individuals.

Other County regulations confirm the ability of Loudoun County to enact zoning:

- Clarke County:** Direct access public road, shared use does not constitute direct access. Approved VDOT entrance required.
- Fauquier County:** Direct Access to a public street (not private access easement or road). For Special Events: Frontage on major collector or higher class street.

(E) Roads/Access Standards.

(1) General Access Standards.

- (a) A Limited Brewery shall comply with the road access standards of Section 5-654.
- (b) There shall be no more than two points of access for a Limited Brewery.
- (c) For any Limited Brewery that is located on a lot which does not have frontage on a publicly maintained road, documentation shall be provided to the Zoning Administrator demonstrating that the private access easement serving such lot may be used to provide access to the Limited Brewery.

The original recommendation was objected to by ZOAG, PC and BOS on political grounds, not Staff Referral Agency determination for health, safety and welfare or public input.

SOURCE: Staff Report Dated October 1, 2014 to Loudoun County Planning Commission

- Consider whether **landscaping, buffering, and screening** requirements should vary based on the activity (e.g. outdoor tasting area, indoor tasting room, parking, and event areas).
- Consider whether the landscaping, buffering, and screening requirements should be increased to further mitigate impacts on adjacent properties and uses.



WCC FINDINGS OF FACT:

This was specifically recommended by Staff and Referral Agencies in 2014 for the introduction of Limited Breweries for the predecessor ZO, and requested during ZOR public input by organizations and individuals.

Other County regulations confirm the ability of Loudoun County to enact zoning:

- Fauquier County: Off-street areas no closer than 100 ft from any property line and shall be screened using fencing and/or landscaping material.

(D) Landscaping/Buffering/Screening.

(1) **Buffer.** The outdoor events areas ~~use~~ shall comply with the landscaping and screening standards of Section 5-653(A). The landscaping and screening requirements of Section 5-653(A) may be waived or modified in whole or in part by the Zoning Administrator in the circumstances listed in Section 5-1409.

The original recommendation was objected to by ZOAG, PC and BOS on political grounds, not Staff Referral Agency determination for health, safety and welfare or public input.

SOURCE: Staff Report Dated October 1, 2014 to Loudoun County Planning Commission

- Consider whether **setback requirements** should vary based on the activity (e.g. outdoor tasting area, indoor tasting room, parking, and event areas).

WCC FINDINGS OF FACT:

Setback requirements were specifically recommended by Staff and Referral Agencies in 2014 for the introduction of Limited Breweries for the predecessor ZO, and requested during ZOR public input by organizations and individuals.

The original recommendation of 60' was consistent with other Agriculture Uses, however 50' was recommended for the 2023 ZO.

Other County regulations confirm the ability of Loudoun County to enact zoning:

- Albemarle: Front: 75 ft; 25' internal public or private road; Side: 25 ft; Rear: 35 ft
Tents/toilets, min front, side and rear yard 125' from abutting lot
- Fauquier County: Special Event structures shall be located a minimum of 300 ft from all lot lines.

(C) Yard Standards.

(1) Structures and storage areas, and parking shall be set back at least 60 feet from all lot lines.

(2) Parking areas shall be set back at least 40 feet from all lot lines.

The 2014 recommendation was objected to by ZOAG, PC and BOS on political grounds, not Staff and Referral Agency determination for health, safety and welfare or public input.

SOURCE: Staff Report Dated October 1, 2014 to Loudoun County Planning Commission



- Consider whether the **setback requirements** should be increased to further mitigate impacts on adjacent properties and uses.

WCC FINDINGS OF FACT:

This recommendation would be consistent with regulations in other counties, and was requested during ZOR public input by organizations and individuals.

Other County regulations confirm the ability of Loudoun County to enact zoning:

- Albemarle: Front: 75 ft; 25' internal public or private road, Side: 25 ft; Rear: 35 ft
- Fauquier: Special event structures shall be located minimum of 300 ft from all lot lines.

Events

- Consider allowing events to be classified as an **accessory use** to winery and brewery uses in order to allow businesses to continue to operate with a key part of their business and revenue generation.
- Consider distinguishing a difference between what is considered an **event versus what is considered daily business operations** (e.g., a 300-person private wedding versus live music playing to winery and brewery visitors).

WCC FINDINGS OF FACT:

The above recommendations would be consistent with regulations in other counties and ZOR public input.

- ZOR public input comments from industry and VL (2020-2023) stating Loudoun “could not” enact separate regulations for “reasonable and customary” operations from “events” were incorrect.
 - Misinformation was corrected by Deputy Dir. of Planning & Zoning, Judi Birkitt, in a [letter dated April 7, 2023 and can be found here](#).
 - The Loudoun County Attorney’s Office (CAO) also confirmed what Loudoun zoning regulations CAN include in the April 10, 2023 Planning Commission Subcommittee report, pages 12-14.
 - See Comparative Summary: Loudoun County to Other County Zoning Ordinances that confirm multiple counties have enacted separate regulations for VABC by-right events from Agritourism or Special Events with separate regulations. Examples: Albemarle, Clarke, Fauquier, and Greene Counties (illustrative, not comprehensive list).
- Consider whether there should be separate hours of operation for indoor events versus outdoor events.

WCC FINDINGS OF FACT:

This recommendation was not found with zoning regulations enacted in other counties, however, other regulations pertaining to outdoor operations were found, primarily due to the consistent noise requirement regardless of indoor or outdoor source.



- Consider if there should be noise regulations for amplified music for both indoor and outdoor events.

WCC FINDINGS OF FACT:

The recommendation would be consistent with regulations in other counties and ZOR public input.

- See Comparative Summary: Loudoun County to Other County Zoning Ordinances that confirm multiple counties have enacted separate regulations for VABC by-right events from Agritourism or Special Events with separate regulations.
- Examples: Clarke, Albemarle, Fauquier, Greene Counties (illustrative, not comprehensive list).
 - Clarke County: *Amplified sound from live music or similar entertainment, generated indoors or outdoors, shall not be audible at or beyond the property lines of subject property.*
 - Fauquier County: *Outdoor amplified music shall include amplified music emanating from a structure, including open pavilions and temporary structures such as tents.*
- Consider if outdoor event areas should adhere to the same setback regulations as the winery, brewery, or distillery use itself.

WCC FINDINGS OF FACT:

This recommendation would be **inconsistent** with ZOR public input and zoning regulations enacted in other counties that specify separate requirements for Special Event structures

- Fauquier: 300 ft from all lot lines
- Consider if outdoor event areas should have different landscaping/buffering/screening requirements than the winery, brewery, or distillery use.

WCC FINDINGS OF FACT:

This recommendation would be **inconsistent** with zoning regulations enacted in other counties that specify landscaping/buffering requirements specific to VABC use

- Fauquier: *Off-street areas no closer than 100ft from any property line and shall be screened using fencing and/or landscaping material.*



QUESTIONS NOT ADDRESSED OR ASKED

- Consider if exterior lighting should apply to the winery, brewery, or distillery use.

WCC FINDINGS OF FACT:

This recommendation would be consistent with ZOR public input and zoning regulations enacted in other counties that specify requirements for external lighting

- Clarke County: ZO Section 7.4.3. Lighting for safe egress turned off w/in 1 hr of closing or 10pm, whichever earlier
 - Fauquier County: Shielded lighting per Sec. 9-1005. Special Event structures subject to all lighting limitations applying to commercial uses.
- Consider if 2023 ZOR parking standards are adequate for the full VABC licensed area for a winery, brewery, or distillery use. This includes indoor and outdoor licensed areas.

WCC FINDINGS OF FACT:

This recommendation would be consistent with ZOR public input and zoning regulations enacted in other counties that specify requirements for parking.

- Loudoun County: 8 spaces/1000sqft of INDOOR area. Excludes VABC licensed outdoor testing area sqft.
 - Albemarle County: After 1/18/2017: Front: 75', 25' internal public or private road; Side: 125'; Rear 125'
- Consider if zoning regulations should include "Prohibited Activities. For a winery, brewery, or distillery use.

WCC FINDINGS OF FACT:

This recommendation would be consistent with ZOR public input and zoning regulations enacted in other counties that specify requirements.

- Prohibited Activities were recommended in the Staff 2021 Draft Text to ZOC
- Prohibited Activities are listed for Clarke, Albemarle, Fauquier and Greene Counties (illustrative, not comprehensive list of county regulations)
- See Comparative Summary: Loudoun County to Other County Zoning Ordinances – ATTACHED