

Town of Lovettsville

Planning Commission

Minutes of Public Hearing and Regular Meeting, January 5, 2011

The Public Hearing of the Lovettsville Planning Commission was called to order by Chairwoman Mari Bushway on Wednesday, January 5, 2011 at 7:33 PM. at the Lovettsville Elementary School, 49 South Loudoun Street, Lovettsville, VA 20180.

Welcomes and Introductions

Chairwoman Bushway welcomed the citizens attending the meeting and thanked them for coming. She introduced Mayor Walker and Planning Commissioners Lorraine Bauer, Jack Burden, Elaine Fischer, Rodney Gray, Aaron Kahn and Joseph Mueller. She also introduced Town Manager Keith Markel, Zoning Administrator Steve McGregor and Town Clerk Judy Kromholz.

Absent

None

Audience

Among those present were Councilwoman Charlotte Coleman, Loudoun County Community Information and Outreach Senior Planner Rodion Iwanczuk, Mayor Elaine Walker, CPAC Member Ed Spannaus, Howard Williamson, Katherine Buck, Bing Lam, and Margaret Morton {*Leesburg Today*}.

Explanation of Procedures and Opening of the Hearing

Chairwoman Bushway read the Public Notice of this Public Hearing as it appeared in the *Purcellville Gazette* (Attachment I: Public Notice).

Presentation

Administrator McGregor made a presentation on LVPA-2010-001: Draft Lovettsville Comprehensive Plan (Attachment II: Staff Report, including Plan Draft).

Public Speakers

Chairwoman Bushway introduced the speakers in the order in which they had signed up to speak (attachment III: Speaker Sign up Sheet).

- 1 Bing Lam
Lovettsville Town
Center
 - a) Mr. Lam stated that he appreciates all the hard work that has gone into the plan.
 - b) He asked that discussions be open to unlimited public input and not limited to three minutes presentations; stating that public input was required by the Code of Virginia.
 - c) He stated that he has submitted email containing his comments on the Comprehensive Draft Plan (Attachment IV).
 - d) He hopes to hear a full complete discussion on the 19th.
 - e) He is not in favor of multi-use zoning stating that people should know what is going to be next door to them when they move in.
 - f) He noted that the acres already zoned commercial at Lovettsville Town Center have not been developed and the Town would want to see that completed first.
- 2 Rodion Iwanczuk
Loudoun County
Senior Planner
 - a) Mr. Iwanczuk noted he had provided a memo that was distributed to the Commission in their packet (Attachment II).
 - b) He briefly reviewed the points in his memo.

Clerk Kromholz informed the Commissioners that written submissions have been received from Rodion Iwanczuk, Bing Lam, Robert Zachritz, and Grace Hummer (Attachment IV: Written Submissions). Based on when they were received, all written submissions had been distributed to the Commissioners at or before the Public Hearing. Chairwoman Bushway stated that they would all be addressed at the Commission Meeting on January 19th. Chairwoman Bushway confirmed that no additional member of the

audience wished to speak. There being no further speakers, Chairwoman Bushway declared the hearing closed at 7:47 PM.

Chairwoman Bushway called the Regular Meeting of the Lovettsville Planning Commission to order at 7:48 PM.

Changes in Present at Meeting

None

Absent

None

Public Comment

Chairwoman Bushway called on the public for comment. No members of the audience had requested to speak at the regular meeting.

Additions/Deletions/Modifications to the Agenda

Chairwoman Bushway called for changes to the agenda noting that the Comprehensive Plan action item is being postponed to the January 19th meeting.

Approval of Planning Commission Minutes

A. September 1, 2010 Public Hearing and Regular Meeting

Motion: To approve the minutes of the September 1, 2010 Planning Commission Public Hearing and Meeting as presented.

By: Vice Chairman Burden

Second: Commissioner Mueller

Aye: Commissioners Bauer, Burden, Bushway, Fischer, Gray, Mueller

Nay: None

Abstain: Commissioner Kahn

Absent: None

B. October 6, 2010 Public Hearing and Regular Meeting

Motion: To approve the minutes of the October 6, 2010 Planning Commission Public Hearing and Meeting as presented.

By: Commissioner Mueller

Second: Chairwoman Bushway

Aye: Commissioners Bauer, Burden, Bushway, Fischer, Kahn, Mueller

Nay: None

Abstain: Commissioner Gray

Absent: None

C. November 3, 2010 Regular Meeting

Motion: To approve the minutes of the November 3, 2010 Planning Commission Meeting as presented.

By: Commissioner Kahn

Second: Commissioner Fischer

Aye: Commissioners Burden, Bushway, Fischer, Gray, Kahn, Mueller

Nay: None

Abstain: Commissioner Bauer

Absent: None

Staff Reports

Administrator McGregor presented his written report for November 2010. There were no questions from the Commission.

Action Items

A. LVPA-2010-001: Draft Lovettsville Comprehensive Plan

The Commissioners agreed to postpone this discussion until their meeting on January 19th.

Discussion Items

None

Information Items

None

Comments from the Mayor and Commissioners

Chairwoman Bushway called for comments from the Mayor and the Commissioners.
There were none at this time.

Adjournment/Recess

Motion: To adjourn the Planning Commission meeting of January 5, 2011

By: Vice Chairman Burden

Second: Commissioner Fischer

Aye: Commissioners Bauer, Burden, Bushway, Fischer, Gray, Kahn, Mueller

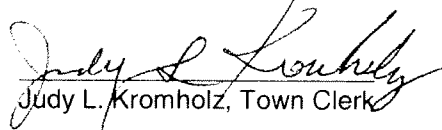
Nay: None

Abstain: None

Absent: None

The meeting was adjourned at 7:55 PM.

Respectfully submitted,



Judy L. Kromholz, Town Clerk

Date Approved: February 2, 2011

Attachments:

- I. *Purcellville Gazette* Public Notice
- II. Staff Report: LVPA-2010-001: Lovettsville Comprehensive Plan Draft (including written submission from Rodion Iwanczuk)
- III. Speaker Sign Up Sheet
- IV. Written submission – Bing Lam
- V. Written submission – Robert Zachritz
- VI. Written submission – Grace Hummer

**PUBLIC HEARING NOTICE
TOWN OF PURCELLVILLE**

The Purcellville Town Council will hold a public hearing in the Council Chambers, located at 130 East Main Street, Purcellville, Virginia on Tuesday, January 11, 2011, at 7:00 PM for the purpose of receiving comments on the following:

- 1. Disposal or Sale of Real Property** – The Town of Purcellville held its first public hearing on a proposal to sell the current Town Hall located at 130 East Street Main Street in May of 2007. As a result of this public hearing and action by Council, the Town of Purcellville proceeded with advertising the property for sale and ultimately retained a broker to market the property. This property is located at 130 East Main Street, identified as TM 3582/3/14A and PIN488-38-0311-000 in Loudoun County. The Town is now proposing to sell or dispose of this property in order to pursue other opportunities for general government use. This action requires the Town Council to adopt a resolution authorizing the sale or disposal of the property.
- 2. To Consider Adoption of a Resolution Authorizing Use of the Town's Quick Take Condemnation Powers** – The subject property is owned by Timothy Mahlon Brown and Howell Samuel Brown, Jr. and is identified by Tax Map Parcel No. 36-51 and PIN 454-49-1512-000. The proposed acquisition of those portions of the property in fee and temporary construction easements will allow the Town to have immediate access thereto necessary to complete the Southern Collector Road.
- 3. Zoning Ordinance Amendment Regarding Farm and Community Markets** – The Town Council is considering amendments to the Purcellville Zoning Ordinance related to Farm and Community Markets including amendments to the following sections of the Ordinance:

- Article 15 Section 2 (Definitions) to add a definition of a farm and community market and to amend the definition for temporary stands; and
- Article 4, Section 7 Subsection 7.2 (MC - Mixed Commercial District) to add farm and community markets as a permitted use within this district; and
- Article 4, Section 9 Subsection 9.2 (C-4 Central Commercial District) to add farm and community markets as a permitted use within this district; and
- Article 4, Section 14 Subsection 14.2 (IP- Institutional and Public Use District) to add farm and community markets as a permitted use within this district; and
- Article 6, Supplementary Regulations, Section 3, General Sign Regulations, Subsection 3.7, Exempt Signs to add an exemption for temporary signage associated with the farm and community markets.

The public hearing may be continued or adjourned. Copies of documents related to the above are available for inspection and copying at the Purcellville Town Office during the hours of 8:00AM to 5:00PM, Monday through Friday. All interested individuals are invited to attend and present oral or written comments.

At this hearing, all persons desiring to express their views concerning these matters will be heard. Persons requiring special accommodations are requested to contact Jennifer Helbert, Town Clerk at 540-751-2333 three days in advance of the meeting.

Robert W. Lazaro, Jr., Mayor
December 24th and 31st, 2010

**Town of Lovettsville
Planning Commission Public Hearing**

The Lovettsville Planning Commission will hold a public hearing on January 5, 2011 at 7:30pm at the Lovettsville Elementary School, 49 South Loudoun Street to receive public comment on the draft text for the Town of Lovettsville Comprehensive Plan Update. The draft text is available for review on the Town's website at www.lovettsvilleva.gov or at the Town Office between 9:00am and 3:00pm Monday through Friday, holiday's excepted. For additional information please call the Town Hall at (540) 822-5788.

A Stellar Performance by New Youth Choir
by Carri Michon

The Christmas season is upon us and with it comes so many beautiful Christmas offerings around our towns. There are nativity displays outside many area churches, live nativities and journeys through Bethlehem, Handel's Messiah sing-a-longs and concerts to name a few.

This year there was a new Christmas concert to add to this season of giving, with initial organizational help from Bethany United Methodist Church and the Hamilton Ward of the Church of Jesus Christ of Latter-day Saints. The inaugural Christmas concert by Voices of the Valley was this month at Bethany UMC. Brought about through the desire for the youth of western Loudoun to have an opportunity to sing sacred Christmas carols, an interfaith youth choir, Voices of the Valley, was created this past summer.

Since early September there were weekly rehearsals under the masterful direction of Carol Luke, LaVonne Markham and Bruce Schaffner with Jill Kerr's beautiful accompaniment on the piano. With no audition required to be a member of Voices of the Valley, it was obvious that some of the youth came with seasoned performance voices while others had no previous experience of singing in a choir.

Throughout the fall these youth, 39 strong from at least six different churches, developed from individual voices to a choir as they learned difficult arrangements of familiar carols as well as some new pieces of Christmas music. The culmination of their three months of rehearsals, the 2010 Christmas Concert by Voices of the Valley, was a gift of these youth to our community.

If you didn't have the opportunity to attend the concert this year, mark your December 2011 calendar, for the youthful voices of Voices will once again have a present of the Christmas spirit for our community. "And suddenly there was with the angel a multitude of heavenly hosts praising God, and saying Glory to God in the highest, and on earth peace, good will toward men." Luke 2:13 & 14 (KJV), Merry Christmas, western Loudoun! ♦

**PUBLIC HEARING NOTICE
TOWN OF PURCELLVILLE**

The Purcellville Planning Commission will hold a public hearing in the Council Chambers located at 130 East Main Street, Purcellville, Virginia on Thursday, January 6, 2011 at 7:00PM for the purpose of receiving comments on the following proposal:

- 1. Zoning Ordinance Amendment Regarding Farm and Community Markets** – The Planning Commission is considering amendments to the Purcellville Zoning Ordinance related to Farm and Community Markets including amendments to the following sections of the Ordinance:
 - Article 15 Section 2 (Definitions) to add a definition of a farm and community market and to amend the definition for temporary stands; and
 - Article 4, Section 7 Subsection 7.2 (MC - Mixed Commercial District) to add farm and community markets as a permitted use within this district; and
 - Article 4, Section 9 Subsection 9.2 (C-4 Central Commercial District) to add farm and community markets as a permitted use within this district; and
 - Article 4, Section 14 Subsection 14.2 (IP- Institutional and Public Use District) to add farm and community markets as a permitted use within this district; and
 - Article 6, Supplementary Regulations, Section 3, General Sign Regulations, Subsection 3.7, Exempt Signs to add an exemption for temporary signage associated with the farm and community markets.

Additional information regarding this application is available for review at the Town Hall, 130 East Main Street, Purcellville, Virginia from 8:00 AM to 5:00 PM, Monday-Friday, holidays excepted. This item is being re-advertised because the public hearing that was scheduled for December 16, 2010 was cancelled due to inclement weather.

Hearing assistance is available for meetings in the Town Council Chambers. If you require any type of reasonable accommodation, as a result of a physical, sensory or mental disability, to participate in this meeting, contact Jennifer Helbert, Town Clerk at 540-338-7421. Please provide three days notice.

Dennis Beese, Chairman
December 24th and 31st, 2010

Town of Lovettsville

TO: Planning Commission

FROM: Stephen E. McGregor, Zoning Administrator

DATE of MEETING: January 5, 2011

SUBJECT: **LVPA 2010-0001 Comprehensive Plan Revision**
Plan Amendment

PURPOSE: To provide the Comprehensive Plan Advisory Committee recommended revised Comprehensive Plan (2011) for the Planning Commission public hearing.

BACKGROUND: In 2009 the Town Council established the Comprehensive Plan Advisory Committee (CPAC) to evaluate the Town Plan, update it and make recommendations for revisions, if it deemed such to be appropriate, as required by the Code of Virginia. The Council tasked the Planning Commission to organize the committee and undertake its work with the aid of the staff. CPAC has worked on a monthly basis since May of 2009 examining the Plan and developing recommendations for revisions. The committee held a public Community Forum, November 22, 2010 to present the draft or the revised Plan they have developed. They asked for comments from the public at the Forum and discussed those and other CPAC comments November 29. At this meeting they made a few final changes and passed a motion to recommend that the Planning Commission consider their revision of the Comprehensive Plan.

DISCUSSION: The Comprehensive Plan Advisory Committee has thoroughly examined and evaluated the current Town Plan and has reached consensus that they want the attached Comprehensive Plan to be considered by the Planning Commission as the Commission considers what changes to the Plan it wants to recommend to the Town Council. On December 29, 2010 the Loudoun County Department of Planning forwarded a memo by Rodion Iwanczuk of the Community Information and Outreach section responding to the draft Comprehensive Plan recommended by CPAC (See attachment). Staff will develop a response to the County memo for Commission consideration in the public hearing process.

RECOMMENDATION: It is recommended that the Planning Commission consider the Comprehensive Plan Advisory Committee recommendation for revisions to the current

Town Plan, attached, as the Commission prepares to make a recommendation on the matter to the Town Council.

DRAFT MOTION:

Option 1.

"I move that the Planning Commission recommend approval of the Town of Lovettsville Comprehensive Plan to the Town Council as recommended [with the changes agreed upon] by the Comprehensive Plan Advisory Committee."

Option 2

"I move that the Planning Commission schedule a markup session to discuss the public comment received at the Public Hearing on January 5, 2011 and the comments received by the Loudoun County Department of Planning as soon as possible for the proposed Town of Lovettsville Comprehensive Plan."

- ATTACHMENTS:**
- 1) Town of Lovettsville Comprehensive Plan (2011), recommended by the Comprehensive Plan Advisory Committee, December 8, 2010.
 - 2) Draft Lovettsville Comprehensive Plan 2011 [CPAC], memo from Rodion Iwanczuk, Loudoun County Department of Planning, December 29, 2010 with attachments.

County of Loudoun
Department of Planning
MEMORANDUM

DATE: December 29, 2010

TO: Steve McGregor, Planning and Zoning Administrator
Town of Lovettsville

FROM: Rodion Iwanczuk, AICP, Senior Planner *RI*
Community Information and Outreach

SUBJECT: DRAFT LOVETTSVILLE COMPREHENSIVE PLAN 2011

BACKGROUND

The Town of Lovettsville ("Town") recently completed its Draft Comprehensive Plan 2011 (Draft Plan) as an update to the Comprehensive Plan. The Town has provided a copy of the draft to Loudoun County for review. The purpose of this referral is to review the Draft Plan in light of Loudoun County's Revised General Plan, the Countywide Transportation Plan (CTP), including the Bicycle and Pedestrian Mobility Master Plan (Bike/Ped Plan), and the Heritage Preservation Plan. The Loudoun County Planning Department welcomes the opportunity to participate in the review and offers the following comments below.

ANALYSIS AND COMMENTS

REVISED GENERAL PLAN

Chapter 9 of the Revised General Plan contains text and policies specific to Loudoun County's Towns. The chapter's introduction states that "the County values the character of each of the seven incorporated Towns and will be proactive in working with the Towns to assure a vibrant future for them. The County recognizes that the health of each Town contributes to the County's overall strength and attractiveness as a place to live (*Revised General Plan, Chapter 9, The Towns, text*)." Additionally, the Revised General Plan's strategy "is to encourage compatible development within the Towns and the adjoining areas (*Revised General Plan, Chapter 9, The Towns, Growth Management text*)."

Land Use. The Revised General Plan states that "the Towns represent good examples of the traditional development pattern. Each is a distinct community with a variety of business and residential opportunities... (*Revised General Plan, Chapter 9, Land Use,*

text)." Growth, however, is said to pose a challenge to Towns in that conventional suburban-style development that is often located adjoining Towns exhibits "little sensitivity to the traditional design, transportation constraints, and unique architectural qualities of the existing community (*Revised General Plan, Chapter 9, Land Use, text*)."

Land Use Policy No. 3 states that "mixed-use development is encouraged in the existing Towns...to reinforce the traditional growth patterns, to reduce auto trips, to minimize the need for additional road improvements, and to encourage walking to employment and shopping (*Revised General Plan, Chapter 9, Land Use Policies, Policy 3*)."

Land Use Policy No. 9 directs the County to "support the strengthening of the commercial areas within the Towns as the preferred, principal location of retail and service businesses, office development, and major civic uses (*Revised General Plan, Chapter 9, Land Use Policies, Policy 9*)."

Additional policies (12-15) direct or encourage the County to support Town efforts toward protection of historic and cultural resources, economic development, and creation of distinct "gateways" into each community (*Revised General Plan, Chapter 9, Land Use Policies, Policies 12 through 15*).

LOVETTSVILLE COMPREHENSIVE PLAN

The Draft Lovettsville Comprehensive Plan 2011 (Draft Plan) provides a blueprint for guiding growth and development within Lovettsville for the next two decades.

General Comments

Long-Range Vision, Goals, Values. The Introduction of the Draft Plan recognizes Lovettsville's historic small-town character and includes a long-range vision that states that the Town is committed to maintaining that character while at the same time modernizing services and businesses and modestly increasing population growth. Consistent with the long-range vision and other goals, the Draft Plan states that the Town is devoting resources to enhance walkability and foster a "human-scale" community.

County staff acknowledge the process that the Town has followed in updating its comprehensive plan. Staff note also that the goals included in the Introduction to the Draft Plan are supported by those contained in the County's Revised General Plan.

Measurable Policies. In general, the Draft Plan does not include much detail concerning standards or metrics to evaluate the future success of the Draft Plan. For example, Economic Development and Housing Policy 8 states "Promote transportation improvements that will serve new economic development but will not adversely impact the existing or planned transportation network or the low intensity character of the Town," and Environment Policy 4 states "Encourage the inclusion of internal open space in new development." Including discussion of the outcomes that are to result from these and other draft policies would help to establish metrics and determine whether specific plan policies are being achieved. Including or adding a chapter containing recommended implementation steps for varied time periods, i.e. short-, medium-, long-term, could also assist with the evaluation of the Draft Plan's success.

Staff note that successfully meeting several of the policies are dependent on other agencies or levels of government, for instance, Loudoun County, the Commonwealth of Virginia, and the Loudoun County Sheriff's Office, etc. As such, the Town has no control over provision of the services such organizations provide and is limited to requesting cooperation in providing such services.

County staff suggests that the Town consider including measurable standards in the Comprehensive Plan 2011, either as part of policies or the addition of an implementation appendix to the plan.

Capital Intensity Factor. Rezoning and conditional uses often create unplanned and unmitigated impacts for jurisdictions. Loudoun County has policies that address this issue and the County uses a Capital Intensity Factor (see Attachment A) to provide the basis for voluntary development contributions from rezoning applicants to mitigate such impacts. The Board of Supervisors in an April 12, 2005 letter encourages all Towns to adopt proffer policies to help offset the capital impacts of development. The County is available to work with the Town on development of such a model that should provide benefit to Lovettsville as well as Loudoun County.

The County encourages the Town to adopt proffer policies to help address the capital impacts of new development.

Comments By Section

Historic Resources. Loudoun County is supportive of the goal and policies contained within the Historic Resources chapter of the Draft Plan. The text notes that, following a 2004 County survey of buildings in Lovettsville, a Preliminary Information Form (PIF) was completed that delineates an area within the old part of Lovettsville where structures with historic value are concentrated. Steps are currently being taken to prepare a nomination for the National Register of Historic Places and the Virginia Landmarks Register and to establish an historic district within Lovettsville.

Historic Resources Policy 3 directs the Town, in conjunction with the Lovettsville Historical Society and the Virginia Department of Historic Resources, to complete a Historic Landmarks Inventory. The inventory would be used, in part, as a basis for nomination to the state and federal landmarks registers and the creation of an historic district within part of Lovettsville. Given that only one nomination covers both the state and national registers, the reference to the state and federal government can be deleted. Policy 3 could be revised to state "...as a basis for a nomination to the **State Historic Landmarks Register and the National Register of Historic Places** to create an historic district for the historic part of Lovettsville." (**Bold indicates suggested revision**)

County staff recommend that Historic Resources Policy 3 be revised to delete the reference to the state and federal government, as noted above.

Environment. The Environment chapter contains several policies promoting the preservation or improvement of environmental resources and conditions. Inclusion of a policy that would allow for establishing an inventory of such resources could allow the Town to better evaluate whether the environmental goal and policies have had their intended effects.

Environment Policy 19 directs the Town to establish an environmental review checklist and to also request assistance of the County Department of Building and Development in reviewing environmental aspects of development.

County staff recommend that the Town consider a policy that would direct the development of an environmental resource inventory as a means of evaluating the impact and effectiveness of Draft Plan policies. Staff recommend not identifying a specific agency in Environment Policy 19. Organizational movement within the County may make a specific reference obsolete.

Public Facilities and Utilities. In the "Issue and Future Needs" subsection, the Draft Plan notes that the Town will continue to use Loudoun Water design standards for water and sanitary sewer infrastructure. In their absence, standards and regulations of the Virginia Department of Health, the Virginia Department of Environmental Quality, and other state and federal agencies apply. Following such standards helps ensure that sufficient water supply, water pressure and fire flows, among other Levels of Service, are provided or maintained at all times. The subsection notes that the expanded wastewater treatment plant should provide sufficient capacity for all planned and zoned development through the planning period. County staff suggest adding a similar reference about supply or capacity for the water utility.

County staff support the Town's draft goal and policies for public facilities and utilities to help ensure that appropriate capacities and standards are maintained and that help evaluate, for instance, whether water treatment facilities are designed appropriately to exceed water demand. Staff suggest that the Draft Plan address water supply and water treatment plant capacity in similar fashion as wastewater treatment plant capacity is discussed.

Economic Development and Housing. Under "Issues and Future Needs" for Housing, three questions are posed. Noted is that housing in Lovettsville is predominantly low density, single-family detached, and the question is raised as to whether that pattern should continue. The second and third questions relate to whether efforts should be considered for providing lower income housing, and whether housing objectives should in some measure serve the economic development objective of creating a greater market for new businesses locating in Lovettsville.

As discussed in the Draft Plan, relatively little residentially-zoned land remains in Lovettsville. Together with vacant or underutilized land having the potential to be redeveloped for largely low-density residential use, an additional 417 residential units may be built by 2030, not quite double the Town's 570 residential units estimated for

2009. According to the Draft Plan, higher density housing such as can be found with single-family attached and duplex units on smaller lots could increase the number of units and potential population, thereby expanding the potential market for additional commercial development. The smaller lot and building sizes might also result in residential units that are more affordable for population spread over a greater income range.

County staff support the Draft Plan's discussion under the "Issues and Future Needs" subsection on Housing about development on vacant land within Lovettsville and redevelopment of underutilized lots. As discussed in the Draft Plan, such development or redevelopment could increase the Town's housing stock although the Draft Plan acknowledges that the existing residential character may be altered. The increased housing stock could provide a greater variety of housing types available to households with a greater range of income, and enhance efforts toward economic development.

Land Use. The Land Use chapter notes that of Lovettsville's 528 acres, approximately 74 percent of the land area is either developed or consists of public and private right-of-way. Additionally, as noted in the Economic Development and Housing chapter, the predominant land use in the Town is low-density, single-family detached residential.

In addition to the 26 percent (138 acres) of the land area that remains vacant, the Draft Plan states that "an indeterminate amount of land may be appropriate for redevelopment on land that is underutilized (*Draft Plan, Land Use chapter, Issues and Future Needs, Issue 1, p. 42*). However, despite the vacant and underutilized land that exists within the Town, Issue 12 suggests that due to a need to increase the amount of population in the Lovettsville area to support a market for retail commercial growth, the Town would need to seek the County's cooperation to increase residential density in areas adjacent to the Town within the County's jurisdiction. (*Draft Plan, Land Use Chapter, Issues and Future Needs, Issue 12, p. 45*). According to the Revised General Plan, the land outside the Town, in the County's Rural Policy Area, is planned for rural economy uses and/or residential uses at a base density of 20 acres per lot, or when developed in a clustered pattern, 1 dwelling unit per 5 acres (*Revised General Plan, Chapter 7, Rural Policy Area, Rural Policies, Policy 3*).

Land Use Policy 37 suggests that the Town may discuss with the County options for higher density residential development in the County and adjacent to the Town if "at some point in the future" an expanded Lovettsville as the location of additional growth would be beneficial for both the Town and the County.

County staff note that an Urban Growth Area (UGA) was located adjacent to Lovettsville under the 1991 General Plan but was removed at the Town's request upon the adoption of the 2001 Revised General Plan. According to correspondence sent by Town officials to the County in 2001, the Town had determined that due to financial limitations it could not serve the outlying area with public utilities, which was and is the underpinning for UGAs and JLMAs. At the same time as UGA boundaries in the County were

reassessed as part of the County's update to its comprehensive plan, it was determined that the term Urban Growth Area no longer reflected the intent of either the County or the Towns. The Revised General Plan renamed these areas as Joint Land Management Areas (JLMAs). Such areas set the limits of municipal utilities extension, serve as urban growth boundaries, and define significant changes in land use between areas within JLMAs and areas outside of JLMA boundaries. As noted in the Revised General Plan, the County works with Towns in order to promote a logical, cohesive extension of the existing fabric of the Towns in the JLMAs (*Revised General Plan, Chapter 9, The Towns, Growth Management text*).

County staff therefore suggest that prior to the Town approaching the County for increasing residential density as part of a re-established JLMA, a utilities service analysis be conducted by the Town. The analysis should demonstrate the Town's ability to provide an adequate water supply and water and wastewater treatment plant capacity. The Town should also demonstrate the ability to provide for other capital facilities including transportation, and how these utilities and facilities would be paid for.

Any increase in planned residential density within the County's jurisdiction, or consideration of a JLMA, would require a Loudoun County Comprehensive Plan Amendment (CPAM). Although staff acknowledge that the Town's Comprehensive Plan 2011 is intended as a 20-year document, County staff cannot comment on future actions by the Board of Supervisors.

County staff note that higher density residential development is not supported by the Revised General Plan outside the Town in the County's Rural Policy Area. Development on vacant land within Lovettsville and redevelopment of underutilized lots should be considered prior to the Town's expansion. Any increase in planned residential density or a JLMA adjacent to Lovettsville would require coordination with the County and most significantly an amendment to the Revised General Plan. Such coordination should include the Town submitting to the County an analysis of projected demands on utilities and other services and plans for meeting the increased demands.

Transportation. The Transportation chapter provides an overview of Town and nearby roadways that succinctly describes both in-Town and through-trip vehicular access. As the chapter notes, the Virginia Department of Transportation (VDOT) maintains the roads within and outside of Lovettsville. The chapter also notes that the Town would coordinate with Loudoun County regarding connections from roads inside the Town to roads located outside Lovettsville.

The County supports coordination with the Town regarding transportation planning.

RECOMMENDATIONS

In general, County staff are supportive of the Lovettsville Comprehensive Plan 2011 and would encourage adoption by the Town. Several suggestions have been provided to clarify and enhance the Draft Plan. In summary, these suggestions include:

- Providing polices that are more measurable, and adding a chapter or an appendix for implementation;
- Adopting proffer policies to offset capital impacts of development;
- Revising Historic Resources Policy 3;
- Revising Environment Policy 19 to more generally request assistance from Loudoun County staff;
- Increasing residential density and development within Lovettsville prior to consideration of increased residential development outside the Town or a Joint Land Management Area;
- Continued coordination with Loudoun County regarding Land Use and Transportation planning.

Thank you again for the opportunity to comment.

cc: Julie Pastor, AICP, Planning Director
Michael "Miguel" Salinas, Program Manager, Community Information & Outreach

Attachments (3)

1. Letter from Board of Supervisors to Towns, dated April 12, 2005, Re: Town Capital Facility Policies
2. Board of Supervisors Action Item, July 21, 2009, FY09-10 Capital Intensity Factors
3. Letter from Mayor Walker to Loudoun County Planning Commission Chairman George Kirschenbauer dated January 22, 2001



Loudoun County, Virginia

www.loudoun.gov

Board of Supervisors

1 Harrison Street, S.E., 5th Floor, P.O. Box 7000, Leesburg, VA 20177-7000

703/777-0204 • Fax: 703/777-0421 • email: bos@loudoun.gov

April 12 , 2005

The Honorable C.L. "Tim" Dimos
and Mike Casey, Town Administrator
Town of Middleburg
P.O. Box 187
Middleburg VA. 20118-5152

Dear Mayor Dimos and Mr. Casey:

Re: Town Capital Facility Policies

In June of 2004, the Board of Supervisors directed the Fiscal Impact Committee to review the capital facility standards and the capital intensity factors which the Board uses to assist the County in an equitable and uniform evaluation of developer proffers. The County's Revised General Plan anticipates developer assistance valued at 100% of capital facility costs per dwelling unit. Estimated capital facility costs per unit type are calculated by a Capital Intensity Factor (CIF) based on the adopted service plans and levels for each type of development. The Board of Supervisors uses the CIF to guide its proffer negotiations with developers requesting re-zonings. On February 15, 2005, the Board of Supervisors approved the Capital Facility Standards and Capital Intensity Factor and these are summarized in Attachment 1.

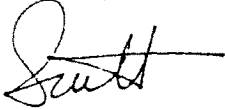
As part of its review, the Fiscal Impact Committee also recommended that the Board of Supervisors request the Town governments adopt the County's Capital Intensity Factor and proffer policies to guide Town proffer negotiations. The intent of this recommendation is to request that the Towns collect and forward to the County, proffered capital facility contributions funds for services that the County provides.

The Board endorses the Fiscal Impact Committee's recommendation that the Town governments consider the adoption of the County's proffer policies including the County's Capital Facility Standards and Capital Intensity Factor as tools to negotiate with developers. Using a uniform tool will assist the County and Towns in obtaining proffer contributions in the Towns for school and general government facilities for which the County provides facilities to Town residents.

ATTACHMENT 1

County Planning and Budget staffs are available to answer any questions and work with your staff to assist in implementing this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott York", with a long horizontal stroke extending to the right.

Chairman Scott York
Loudoun County Board of Supervisors

Attachment: CIF summary

Cc: Board of Supervisors
Charles Yudd. County Administration
Ben Mays. Management and Financial Services
Paul Brown. Management and Financial Services
Leslie Hansbarger. County Administration

Letters were sent to each of the following individuals:

Lovettsville: Tim Faust, Town Administrator, and Mayor Elaine Walker; Town of Lovettsville; 6 E. Pennsylvania Ave.; P.O. Box 209; Lovettsville, VA. 20180.

Hamilton: Mayor Keith Reasoner; Town of Hamilton; P.O. Box 130; Hamilton, VA. 20159

Hillsboro: Mayor Roger Vance; Town of Hillsboro; 36966 Charletown Pike; Purcellville, VA. 20132

Leesburg: Mayor Kristin Umstattd, and John Wells, Town Manager; Town of Leesburg; 25 West Market Street; Leesburg, VA. 20176

Middleburg: Mayor C.L. "Tim" Dimos, and Mike Casey, Town Administrator; Town of Middleburg; P.O. Box 187; Middleburg VA. 20118-5152

Purcellville: Mayor Bill Druhan and Rob Lohr, Town Manager, The Town of Purcellville 130 E. Main St.; P.O. Box 936; Purcellville VA. 22132

Round Hill: Mayor Frank Etro and Kelly Yost, Town Administrator; The Town of Round Hill P.O. Box 36; Round Hill, VA. 20142

This page is intentionally left blank.

Date of Meeting: July 21, 2009

#5

**BOARD OF SUPERVISORS
ACTION ITEM**

SUBJECT: Proposed FY 09 – FY 10 Capital Intensity Factors
ELECTION DISTRICT: Countywide
CRITICAL ACTION DATE: None
STAFF CONTACTS: Paul Brown, Capital Budget Manager
Ben Mays, Deputy Finance Officer

RECOMMENDATIONS:

Staff: Staff recommends the Board of Supervisors adopt the Fiscal Impact Committee's Recommended FY 09 – FY 10 Capital Intensity Factor(s) (CIF) as presented in TABLE 2. Staff further recommends the effective date of the CIF be July 21, 2009 for any new rezoning or Concept Plan Amendments which have not yet been heard by the Planning Commission.

Advisory Board/Committee: The Fiscal Impact Committee voted 6-0-1 (Belachew absent) on February 24, 2009 to adopt the proposed Capital Intensity Factor(s) (CIF) as reflected in TABLE 2 and to forward the proposed CIF to the Land Use and Transportation Committee.

Board of Supervisors: At its June 8, 2009 Public Hearing, the Board of Supervisors voted 8-0-1 to forward the Proposed FY 09 – FY 10 Capital Intensity Factor(s) to the July 21, 2009 Board of Supervisors business meeting for action.

BACKGROUND:

One of the responsibilities of the Board appointed Fiscal Impact Committee is to review the Capital Facility Standards (CFS), Capital Needs Assessment (CNA) and Capital Intensity Factor (CIF). The Revised General Plan requires an update of the CIF biennially. The Fiscal Impact Committee has completed a review of the last updated CIF, which was adopted in FY 07 (TABLE 1) based on the Adopted Capital Facilities Standards (Attachment 1). The Fiscal Impact Committee also recommends that the Board of Supervisors update the FY 09 – FY 10 Capital Intensity Factors using factors representing three geographic planning areas of the County (TABLE 2 - FIC Recommended FY 09 – FY 10 Capital Intensity Factors). The revised CIF was sent to the Transportation and Land Use Committee, where it recommended that the Board of Supervisors hold a public hearing to adopt the Fiscal Impact Committee's recommendations.

Fiscal Impact Committee Membership

The Fiscal Impact Committee is appointed by the Loudoun County Board of Supervisors and serves throughout the Board's term. The members of the FIC are:

Jim Burton, ex-officio/Board member
Sam Adamo
Steve DeLong
Hobie Mitchel

Micheal Capretti
Ed Gorski
Charles Schonder, III
Jack Winters (appointed 5-5-09)

Fiscal Impact Committee Work Plan

The Fiscal Impact Committee (FIC) reviewed the components of the FY 10 CIF in several meetings beginning December 10, 2008, and concluding with a final recommendation at the February 24, 2009 meeting. The FIC began review of the County's Capital Facility Standards (CFS) in June 2009 with recommendations to the Board of Supervisors anticipated in late fall of 2009. This schedule would allow the Board to review and adopt a new Capital Needs Assessment (CNA) document by FY 11.

Capital Intensity Factor

The Capital Intensity Factor helps determine the future costs of new development in the County and should be used by the Planning Commission and Planning Department in all proffer negotiations. Chapter Three of the County's Comprehensive Plan states, "The County will use the Capital Facility Intensity Factor (CIF) to determine capital costs in evaluating proffers". [p.3-5, Revised General Plan (RGP)]. Proffers are voluntary contributions given to the County by developers to help offset the costs of future capital facility development due to rezoning. Rezoning changes the use of land and if the rezoning results in higher residential density, there will be higher capital facility costs to the County. In order to determine appropriate proffer contributions to the County, the Capital Facility Intensity Factor helps determine the impact of a rezoning and provides a guideline to County planners during proffer negotiations.

The CIF is derived from the Board Adopted Capital Facility Standards (CFS). The CFS establishes "triggers" that determine the need for, and initiate the process to plan and develop, new facilities. The triggers are based on estimates of the County's future population, economic forecasts and demographic trends. Once the County's population hits certain thresholds, the standards identify the number and type of new facilities needed by the County to provide its desired levels of service to the community. This planning process allows the County to proactively respond to residential and non-residential growth and development without losing any effectiveness in its delivery of services. Once the number and type of needed facilities is determined, the CIF is used to accurately determine the types of proffers needed to help develop these facilities. The Fiscal Impact Committee is currently reviewing the Capital Facility Standards and will make a recommendation to the Board of Supervisors in October 2009. The Board of Supervisors will review the recommendations, hold a public hearing and adopt FY 10 Capital Facility Standards sometime in late 2009 or early 2010. Once the standards are adopted, staff will prepare an update of the Capital Intensity Factor (s) for the Fiscal Impact Committee's review in the spring of 2010.

The Revised General Plan outlines the structure of the Capital Facility Intensity Factor. It states, "The County will structure residential proffer guidelines on a per-unit basis, based upon the respective levels of public cost of capital facilities generated by the various types of dwelling units (i.e., single-family detached, single-family attached, or multi-family land development pattern.) [Chapter 3, page 5, RGP]

Capital Intensity Factor Formula Review

The Fiscal Impact Committee reviewed the formula data assumptions used to compute the CIF. The demographic factors for population and pupil generation calculations in the formula were reviewed and amended in December 2008 (Attachment 2). The demographic data review was conducted using data from the Loudoun County Public School Triennial Census and the American Community Survey from the United States Census Bureau. The Committee recommended the base demographic data used in the CIF calculation change from the last update conducted in FY 07 (TABLE 1). The population per unit generation numbers for single family detached units changed from 3.13 to 3.27, for single family attached units from 2.64 to 2.75, and for multi-family units from 1.90 to 1.88. The child per unit calculation was modified to reflect the 2008 School Census results. This modification changed the child/unit formula for single family detached from 0.83 to 0.87, single family attached from 0.47 to 0.51 and multi-family from 0.28 to 0.26. These changes were incorporated in the Fiscal Impact Committee's recommended CIF.

TABLE 1 – FY 07 Adopted Capital Intensity Factors (Leesburg and East)

Unit Type	Pop/Unit	CIF/Pop	Non-School CIF	Child/Unit	CIF/Child	School CIF	Total CIF
SFD*	3.13	\$3,684	\$11,532	0.83	\$42,515	\$35,287	\$46,819
SFA*	2.64	\$3,684	\$9,727	0.47	\$42,515	\$19,982	\$29,709
MF*	1.90	\$3,684	\$7,000	0.28	\$42,515	\$11,904	\$18,904

* (SFD) Single Family, Detached Unit, (SFA) Single Family, Attached Unit, (MF) Multi-Family Unit.

TABLE 1 – FY 07 Adopted Western Capital Intensity Factors

Unit Type	Pop/Unit	CIF/Pop	Non-School CIF	Child/Unit	CIF/Child	School CIF	Total CIF
SFD*	3.13	\$4,012	\$12,559	0.83	\$42,515	\$35,287	\$47,846
SFA*	2.64	\$4,012	\$10,593	0.47	\$42,515	\$19,982	\$30,575
MF*	1.90	\$4,012	\$7,623	0.28	\$42,515	\$11,904	\$19,528

* (SFD) Single Family, Detached Unit, (SFA) Single Family, Attached Unit, (MF) Multi-Family Unit.

**TABLE 2 – FIC Recommended FY 09 – FY 10 Capital Intensity Factors (Eastern)
(Ashburn, Potomac, Sterling Planning Areas)**

Unit Type	Pop/ Unit	CIF/Pop	Non-School CIF	Child/ Unit	CIF/Child	School CIF	Total CIF
SFD*	3.27	\$6,630	\$21,679	0.87	\$43,438	\$37,791	\$59,470
SFA*	2.75	\$6,630	\$18,232	0.51	\$43,438	\$22,153	\$40,385
MF*	1.88	\$6,630	\$12,464	0.26	\$43,438	\$11,294	\$23,758

* (SFD) Single Family, Detached Unit, (SFA) Single Family, Attached Unit, (MF) Multi-Family Unit.

**TABLE 2 – FIC Recommended FY 09 – FY 10 Capital Intensity Factors (Central)
(Dulles, Route 15 N, Route 15 S, Leesburg Planning Areas)**

Unit Type	Pop/ Unit	CIF/Pop	Non-School CIF	Child/ Unit	CIF/Child	School CIF	Total CIF
SFD*	3.27	\$4,980	\$16,284	0.87	\$38,448	\$33,450	\$49,734
SFA*	2.75	\$4,980	\$13,695	0.51	\$38,448	\$19,608	\$33,303
MF*	1.88	\$4,980	\$9,362	0.26	\$38,448	\$9,996	\$19,359

* (SFD) Single Family, Detached Unit, (SFA) Single Family, Attached Unit, (MF) Multi-Family Unit.

**TABLE 2 – FIC Recommended FY 09 – FY 10 Capital Intensity Factors (Western)
(Route 7 W, Northwest, Southwest Planning Areas)**

Unit Type	Pop/ Unit	CIF/Pop	Non-School CIF	Child/ Unit	CIF/Child	School CIF	Total CIF
SFD*	3.27	\$4,556	\$14,899	0.87	\$35,660	\$31,024	\$45,923
SFA*	2.75	\$4,556	\$12,530	0.51	\$35,660	\$18,187	\$30,716
MF*	1.88	\$4,556	\$8,566	0.26	\$35,660	\$9,272	\$17,837

* (SFD) Single Family, Detached Unit, (SFA) Single Family, Attached Unit, (MF) Multi-Family Unit.

The Fiscal Impact Committee also reviewed the project cost development methodology and assumptions for developing a capital project budget. Base land, facility design, construction and furnishing/equipment costs were reviewed by the Committee for general government and school facilities. This review continued in December with a final recommendation resulting on February 24, 2009. It is these costs that establish the Per Capita and Per Pupil Costs for each facility type that populates the final calculation of the CIF (Attachment 3).

Calculation of the Capital Intensity Factor

The CIF is calculated using a mathematical formula as established in Chapter 11, Page 1 of the Revised General Plan. The CIF is calculated using the following formula:

$$\begin{aligned} \text{CIF} = & (\text{Household Size} \times \text{Facility Cost per Capita}) \\ & + \\ & (\text{Students per Household} \times \text{School Cost per Student}) \end{aligned}$$

As mentioned earlier the Revised General Plan requires an update of the CIF biennially. Due to current fiscal realities, the Fiscal Impact Committee has recommended the annual review of the Capital Intensity Factor.

ISSUES: During the review of the Capital Intensity Factor, which began in mid-December, the Committee recommended expanding the Capital Intensity Factor to reflect three groupings of planning areas to better reflect the difference in land costs in the various regions of Loudoun County. Therefore, the Fiscal Impact Committee is recommending three Capital Intensity Factors for the Board of Supervisors' consideration by the following policy areas: Eastern (Potomac, Sterling and Ashburn); Central (Dulles, Route 15 North, Route 15 South and Leesburg); and Western (Route 7 West, Northwest, and Southwest.) Note that the largest overall increase in the CIF (and any subsequent proffer requests) would be in the Potomac, Sterling and Ashburn subareas, where the higher CIF reflects the great difficulty in finding large buildable acreage.

In addition to the land price discussion, the FIC directed staff to examine the actual construction bids received for HS-3 and HS-5. Those bid results were used to lower the construction component prices for all School cost inputs.

General Assembly

The County's legislative liaisons in Richmond has advised the County that a bill could be proposed by the Subcommittee Studying Development and Land Use Tools (Vogel-Athey subcommittee) or by other legislators to eliminate cash proffers and replace them with a broad impact fee that would likely contain statutory caps on the allowable amount well below the County's Capital Intensity Factor numbers. In the alternative, a bill might be introduced to simply cap cash proffers well below the County's current numbers. While a few other counties have approved minor increases in their cash proffer guidelines in recent months, the increases

that would result from the proposed change to the Capital Intensity Factor, while fully justified by the methodology used to produce them, are of a much greater magnitude than what the other localities have adopted this year. Legislators and the development community will be watching Loudoun's decision on the Capital Intensity Factor numbers and approval of the proposed increases in the current housing market could bolster the Homebuilders' case to the legislature, and be likely to produce an unfavorable legislative response.

The Capital Intensity Factor numbers in Loudoun County are not an impact fee but a guide to determine an appropriate capital facility contribution to offset the infrastructure impacts of developments receiving approval for higher densities in a rezoning.

The CIF is only applied in the review of rezonings which are discretionary legislative applications asking for a development approval that is different from and/or in excess of what is allowed by right. If a rezoning is approved, the developer can proceed in an immediate timeframe, but typically these rezoning are implemented over many years. During downward cycles for the development community they scale back or stop their development activity. During these times they are not being required to make per unit proffer contributions since they are not generating any units which trigger the cash proffer contribution. But when they do build, the County has an expectation they will be mitigating their impacts for capital facilities based on their approved negotiated proffers which have been based on what those capital facilities will cost (the CIF).

Upon adoption of changes to the Capital Intensity Factors in the past, the Board of Supervisors has included provisions for when the revised numbers become effective. This has been handled by establishing that any new rezoning or Concept Plan Amendment which has not yet been heard by the Planning Commission prior to the adoption date of the revised CIF, will be subject to the revised CIF.

FISCAL IMPACT: The new, and generally higher, Capital Intensity Factors would result in additional revenues for the construction of County and School facilities when rezonings are negotiated. Since rezonings are a matter of negotiation and of voluntary contributions, it is not possible to accurately forecast the annual impact with the adoption of these new factors.

DRAFT MOTIONS:

1. I move the Board of Supervisors adopt the Fiscal Impact Committee's FY 09 – FY 10 Capital Intensity Factors, as shown in Table 2. I further move the effective date of the Capital Intensity Factors be July 21, 2009 for any new rezoning or Concept Plan Amendments which have not yet been heard by the Planning Commission.

Or

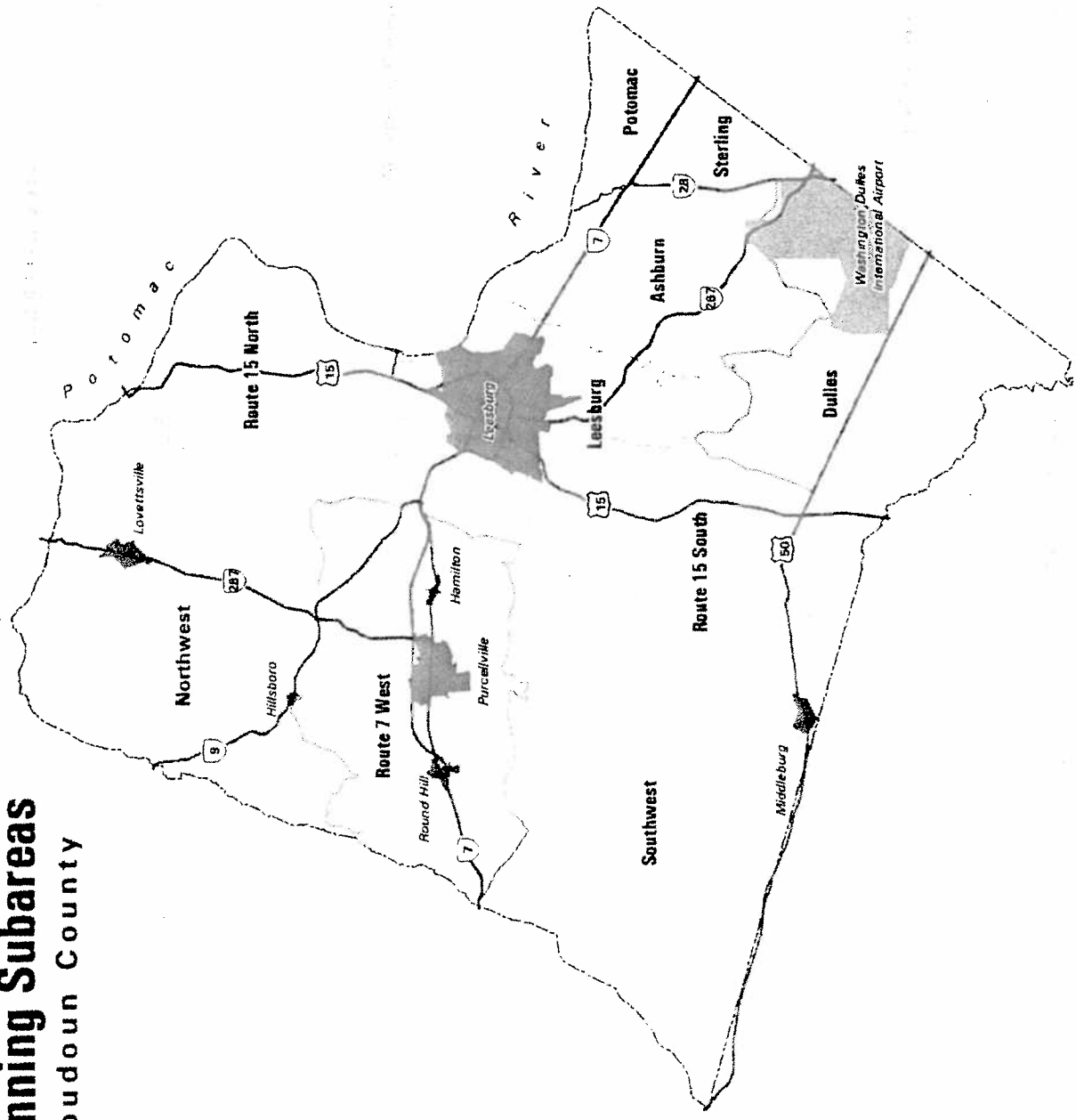
2. I move an alternate motion.

ATTACHMENTS:

- 1: Adopted Capital Facility Standards
- 2: Demographic and Economic Inputs
- 3: CIF Calculations
- 4: Comparison Chart

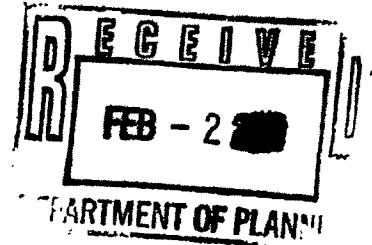
Planning Subareas

Loudoun County



Town of Lovettsville

January 22, 2001



The Honorable George Kirschenbauer
Chairman, Loudoun County Planning Commission
1 Harrison Street, SE
Leesburg, Virginia 20175

Dear Mr. Kirschenbauer:

Once again, I would like to thank you and the members of the Planning Commission for the opportunity to respond to the proposed General Plan for Loudoun County. The dialogue between the Town of Lovettsville, the Planning Commission, and the Administrative Staff has been beneficial to everyone. Nearly all comments that were recorded during the meeting held in our Town Office in August were addressed. We appreciate the support you and the County Administrative Staff have offered in order for us to complete the development plans for our Town, and we look forward to meeting with you again when the final draft is finished.

I have read with great interest, the entire Chapter Eight, "The Towns", and my compliments go to those who contributed the text. As one of the seven mayors, I personally feel a sense of "belonging" to all of the Towns through my association with my colleagues. We all share the same concerns, have some of the same problems, and we appreciate the offer of assistance from the County.

There are a few comments/ suggestions/changes/ that I would like to share with you, with regard to the Revised General Plan Draft, dated November 14, 2000: (1) Responding to Lovettsville Area Growth Management -- Our vision for the Town has certainly changed during the last decade. We all know the original plan for the County was to develop land around the seven incorporated towns, and to keep the rural character of the outlying area. When that land around the towns was developed into subdivisions, some of us realized we could not extend utilities into these areas, as was recommended, due to financial limitations. It became obvious that we (Lovettsville) could only serve our in-town properties, thus the reason now for no Urban Growth Area. (2) We also have the matter of several properties being located both in the Town and in the County. I addressed this concern at our meeting in August, and we look forward to working with the County to address these issues, as you stated in Lovettsville Area Growth Management Policies, Number 4, Page 8-10. (3) Transportation: Page 8-10 -- So as not to have confusion with the "circumferential road", perhaps "Dot 2" could simply read "Review of the transportation network in and around Lovettsville", and delete the rest of that sentence, as it is certainly clear in Number 9, Page 8-11. Also, it is gratifying to see Number 10, Page 8-11. We hope we can work with you in the near future, on our proposed traffic circle in the area that will become our Town Center. The traffic circle will certainly help to address the issues of traffic calming, which is a concern to all.

The German Settlement

ATTACHMENT 3

Chairman George Kirschenbauer

January 22, 2001

Page 2

Speaking on the introductions in "The Towns" chapter: Again, it is well written. Each town is unique and distinct. The fact that the County has committed to provide assistance in the areas of planning, transportation, and economic development support is appreciated, especially by those of us who have part-time staff and limited resources. Your statements on consideration of "scale and design of developments to preserve and enhance the traditional community character" is good, and also, preservation of natural resources, historic features, and views as you have identified on Page 8-5, Item 8, "a" through "d". Please remember the importance of the conservation of groundwater. The Greenbelt may be difficult to define, due to development that has already happened, but it should be identified in areas that are still open space. Again, see Page 8-5, Number 12. We are working diligently with developers and their engineers in order for our Town Center to become a reality, and have adopted zoning ordinance amendments to accommodate this type of development. It is hopeful the Town Center will become a public/private partnership, where the Post Office, Town Government, and Library will be located. In addition, we are prepared to adopt zoning amendments that will allow for traditional residential development in other areas of the Town, which will accommodate a mix of development. As always, we encourage home occupations, and would welcome another school. You are aware that we will soon be ready to go to bid for our Pedestrian and Bikepath Network, that will run parallel to Berlin Pike. We are hoping someday, this can be extended to the Potomac River to allow for access to the C & O Canal. Continuing Number 12, Page 8-6: We are working with land owners to provide a park sites, and to preserve natural open spaces throughout the Town. Our ordinance requires a minimum of ten percent useable open space in each development.

I would like to offer the following suggestions, if they have not been addressed: With regard to entrances to the incorporated towns -- if at all possible, create zoning to accommodate special and attractive transition from the County into the towns. Encourage marketing of farms and large tracts of land for corporate headquarters, such as Huthwaite, Inc. and Janelia Farms. Provide assistance to the towns, with respect to grant applications for additional water supply, and for improvements to wastewater treatment, for parks and community improvements.

My only comment on the Revised Countywide Transportation Plan Draft, dated November 14, 2000 is with respect to Page 3-10. I would ask that you make the following changes: (1) "Suggestions have been proposed, and will be submitted to VDOT, requesting a Traffic Circle, instead of a proffered traffic signal, at the Town Center, to achieve traffic calming". (2) Route 287 circumferential road: The Mayor and members of the Town Council requested this road be taken off the map until a decision is made as to its permanent status".

Chairman George Kirschenbauer

January 22, 2001

Page 3

Comments and questions with regard to the maps: (1) How do you obtain "Historic District" status? (Draft 12). (2) Again, I believe the map (Draft 28) has addressed our UGA. Thank you. Now, we just have to ask that you address the CR-1 zoning that extends for miles around the Town. I am forever grateful that the developments that are already existing such as Dobbins Creek, and those that are proposed, are not built to this CR-1 density.

In closing, I look forward to meeting with you and working with you in any way that I can to help produce a plan that will be acceptable to the Board of Supervisors. I am confident that this plan will not only reflect their wishes, but the wishes of the citizens who overwhelmingly elected them to their office.

Sincerely,



Elaine Walker

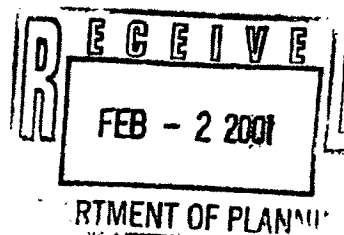
Mayor

Enclosure

Comments from Councilman Richard Eftim

January 23, 2001

Board of Supervisors
Loudoun County Government
1 Harrison Street, NE
Leesburg VA 20176



Dear Board Members:

I am writing to you, in my capacity as a member of the Lovettsville Town Council, to offer my input in the development of the County-wide Plan. There are several issues that are of concern to the residents of the northern Loudoun County area in and around Lovettsville that I would like to bring to your attention:

- the current CR-1 zoning around the town of Lovettsville
- the desirability of a bikepath linking the C&O Canal and the W&OD Bike Trail along Rte 287 (Berlin Turnpike)
- the need more local school sites to serve the northern Loudoun County area.
- the preservation of unique environmentally sensitive areas, one being a mature grove of Bald Cypress trees, the northernmost such grove in Virginia, and likely the entire East Coast.

In your consideration of the zoning map of Loudoun County, please give serious consideration to eliminating the CR-1 zoning that surrounds the Town of Lovettsville. In doing extensive research on the history of this zoning district, I have discovered that this district around Lovettsville showed up on zoning maps in various configurations early in the 1970's. No records exist that it's designation to CR-1 was ever formally discussed or even voted on. This change was left on the map and was incorporated into the current zoning map during the time when County's attention was rightfully focused to the east. Nonetheless, the district appeared without the usual review and citizen input required of such rezonings and has remained there ever since. In the meantime, I have talked with geologists who understand the soils and rock in this area, and they have said that the soils generally cannot support more than one drainfield for every 5 acres. Developments being submitted to the County from inside and outside this area have pretty much supported this evaluation.

The history of providing municipal wastewater treatment in Lovettsville is a long one. At one time it was assumed that the Town would eventually provide wastewater treatment to the CR-1 area. As you know, the Town rejected this idea when it decided to eliminate any Urban Growth Area in its Comprehensive Plan and urged the County to do the same. The Town has spent the last ten years planning for the upgrade of its current wastewater treatment plant. Supervisor Herring is probably more knowledgeable than anyone to the challenges the Town had to face during the past ten years, as our Town Attorney. It was clear in the Town's discussions with the Virginia Department of Public Health, and Department of Environmental Quality, that any plans to expand the effluent rates beyond what is currently permitted, would receive very serious scrutiny and was not encouraging. While the town maintains an option to utilize the Potomac River, the current frictions between Fairfax County

and the State of Maryland should give a clear signal of just what the likelihood would be that Lovettsville or the County would be able to secure permits to increase that option beyond what the town currently reserves.

Allowing developers to believe they could build at a density of one house per acre in the existing CR-1 zoned area around Lovettsville only invites unrealistic speculation and potential legal hassles. Allowing the area to develop package treatment plants or holding tanks for over 1,000 potential dwellings will create an environmental risk that would make the recent crisis with failing systems outside Hamilton pale in comparison. Let's just not go there. I would strongly urge you to consider rezoning the CR-1 district around Lovettsville to a density that is environmentally supportable.

As you may know, the Town of Lovettsville has received approximately \$400,000 in TEA-21 and gas tax funds to build a pedestrian/bike path network throughout the town. Construction should begin sometime this year. In our long range plan, it was hoped that with the County's support, the town's bikepath, which will run along Berlin Turnpike, Route 287, could be extended to the C&O Canal via the bridge to Brunswick, and south along Rte 287 to the W&OD Path in Purcellville. Such a link would offer incredible ecotourism potential, linking vibrant hiking and bike paths together... even providing a link to the Appalachian Trail. Such a project would be in keeping with the desire to find viable ways to enhance the economic potential of the rural areas of the County.

This project would show increased potential as a combined pedestrian, bike and bridal trail. Such a link along Rte 287 would pass through an area has beautiful mountain vistas, would be attractive because of the low traffic volume (especially from large trucks), and offers numerous side trips to local farms, shops and eateries. This link would also create a tour circuit from Washington of about 120 miles, a pretty routine weekend biking excursion for serious cyclists. Cyclists would be able to travel north along the C&O Canal and into Loudoun County, spend the night at local bed and breakfast lodgings along Rte 287, eat at local restaurants and return to Washington via the W&OD Trail. (Some may wish to enjoy the County pool at the Lovettsville Community Center after a hot day of cycling). Many older homes along and near Rte 287 would make wonderful bed and breakfast lodgings for cyclists and other tourists looking for a nice quiet weekend in the country. I would hope that you will consider putting this bikepath into the general plan.

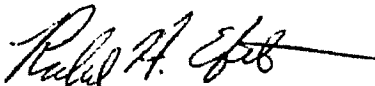
As the County grows and needs more sites for schools, I would strongly urge you to look closely at how to serve the growing needs for schools in the northern Loudoun County area. There has already been acknowledgements by school administrators that the school capacities in Waterford and Lovettsville has been reached. While some expansion of the Lovettsville Elementary School is planned, it is likely not going to be adequate to meet the growth that this area is already beginning to take place here. Once the Town's wastewater treatment plant goes on line near the end of this year, we need to anticipate fairly rapid development in town. The new plant has the capacity to nearly double the current population within the town. We know that plans are coming into the county daily for subdivisions in the areas surrounding the town as well.

Currently, Lovettsville area students attending middle and high school in Purcellville have to take a 45 minute bus ride to school each day. Plans for a future high school is being considered for an area only a few miles from the existing high school. This simply makes no logistical sense to us in Lovettsville. It would make more sense to locate new schools closer to the center of the school districts they will serve so that school buses and other resources can be more effectively utilized. I would strongly urge that the general plan recommend that a middle school and high school site be found north of Rte. 9 to serve the Catoctin District. Parcels large enough to accommodate schools in town may disappear soon. We would urge the County to explore Lovettsville as a viable location for additional school sites.

I am pleased that this Board has shown a strong desire to be environmentally sensitive. The Town of Lovettsville is doing its part in upgrading its waste water treatment plant which we are pleased to say will be ninety percent more efficient than the current system, and will have the capability to adapt to stricter standards in the future. As areas are developed, it will have impacts on water quality throughout the County. We must look for and identify environmentally unique and sensitive areas and mark them for special attention. One such area, near Lovettsville should be closely studied. At the intersection of Elvan and Irish Corner Roads is a mature grove of Bald Cypress trees. These trees, which stand about 90 feet tall, have a girth of over 6 feet. They are likely well over one hundred years old. It is unclear if these trees are natural occurrence or were planted, but from what little research I have been able to do, they do seem to represent the northernmost grove of its size and age in Virginia and likely along the entire East Coast. These trees are thriving in a bog alongside Short Hill Mountain and probably owe their survival to the protection the mountain provides in the winter and the clean water that this wetland area has enjoyed. Development plans have already been drawn for properties less than a half mile away from this grove. We, as a County, need to work to understand how such development, in this grove's water shed, could impact the level and quality of the water table. This grove is in an environmentally fragile ecosystem and little fluctuations caused by development could be detrimental to a potentially valuable county ecotourism highlight.

As the County moves forward in the weeks and months ahead, we, on the Lovettsville Town Council look forward to offering whatever insights, recommendations, and collaborations we can to serve and represent the residents in northern Loudoun County.

Sincerely,



Richard H. Eftim
Councilman
Town of Lovettsville

Dear Planning Board Members,

I have the following comments and questions for the Planning Board to discuss at the upcoming January 5, 2011 Comprehensive Plan meeting. I hope the Board will respond and discuss these items.

At the November CPAP meeting, Ms. Baldwin made a statement that adding rooftops will not lead to economic development. Residential development actually costs more monies for public services than the added tax revenues generated. Schools meanwhile are an economic multiplier. Schools bring added revenue from outside sources willing to spend monies in this town. Why should the Comprehensive Plan support more rooftops, which cost monies, and reject schools which would add monies to our economy?

I disagree with commercial changes for the area adjacent to the Heritage Highlands retirement community for a number of reasons. The changes undermine the development of the Town Center, are not viable, and are inconsistent with the vision for the town.

Everyone wants completion of the Town Center commercial district. Yet, by creating another commercial district to compete with the Town Center, the competing commercial area will possibly delay or even derail the entire Town Center project. The Town Center architectural requirements increased building costs, and therefore, it makes leasing in Town Center less attractive.

With all the available commercial area in town, there is no necessity for more commercial space. If commercial space is necessary in the future, this option can be revisited.

The intent to change the residential, R-3 zoning, to commercial to provide a variety of housing, medical, and professional office uses, generally relating to the needs of the elderly is not viable. The trend has been for medical services to locate near urban areas, and a shortage of medical care exists in rural areas. Medical offices locate near hospitals and nursing homes to be close proximity to the greatest number of clients. Professional offices also locate near clients to reduce travel time. If the land is rezoned to commercial and the desired businesses do not locate there, the owners will seek a change for other commercial use.

Further, your analysis states:

These properties, if developed to full potential, could add up to 122 single-family dwelling units and a population increase of 398. The full build out under existing residential zoning, including committed land and land with development potential, could be an additional 417 single-family and duplex dwelling units and an additional 1,220 population in the years 2010-2030.

However, the total population projected is a small number when attempting to project a sufficient market base to attract new businesses, whether they are local convenience businesses or destination businesses.

The couple of hundred eventual residents is not a significant mass to attract medical or professional offices.

Lastly, the new commercial area is inconsistent with the town's long range vision that states:

The Town is committing its own resources to help ensure its human scale by building sidewalks throughout Town, allowing people to frequent existing businesses, public services (library, community center, school), and neighbors more easily and more safely, without having to depend upon cars. This plan also recommends new land use and zoning policies toward this end that are designed to strengthen the gatherings, and to encourage extensions to the existing community that aren't cloistered, but are integrated into the community fabric.

No one will be walking to the medical offices at the southern entrance to the Town to visit any medical facilities if they are ever built. Sick people ride to the medical facilities for treatment and do not walk. The bulk of the population resides close to Town Center not the retirement community.

In addition, placing the commercial area between Heritage Highland and the rest of the town has a cloistering effect of separating Heritage Highland from the rest of the town.

As quoted earlier, the Plan made the assumption that more rooftops are needed for future economic development. Yet, the changeover to commercial actually reduces the available land for residential.

The following are prior comments made to the CPAP Commission which remain unanswered.

It is unnecessary to rezone Mayor Walker's property from R-3 to commercial. There are several reasons for not changing the R-3 zoning.

First, Mayor Walker sought commercial zoning for her property 25 years ago when she served on the Town Council. The request was denied for her R-1 property to become commercial, but was later granted R-3 zoning.

I have referenced meetings where these actions occurred.

March 12, 1985

Clifton Walker requested C-1 Zoning for his property.

January 23, 1986

Last to be considered was the zoning of Walker property. Elaine Walker now stated that she is requesting R-3 Zoning, excluding Townhouses, for her property, instead of C-1 as formerly.

Vote went against Walker.

May 22 1986

PC report Acting Secretary Lillian Mills reported that the PC has voted 4-2 to recommend R-3 Zoning for the Walker property.

Rezoning the Walker property, from R-1 to R-3 was recommended. Vote in favor of were Hummer, Ray and Brown. Against Bowman and McGinley. Elaine Walker abstained. Thereby it was zoned R-3.

Second,, R-3 permits the following conditional uses which I've pasted from the town zoning document.

(c) CONDITIONALLY PERMITTED USES:

- (i) Private clubs and organizations.
- (ii) Professional Offices.
- (iii) Accessory apartment or semi-independent dwelling unit, subject to Section 3-1(b) (i).
- (iv) Schools (including colleges and universities

Therefore, Mayor Walker can apply for conditional uses without approval in the Comprehensive Plan. If the change to commercial is made in the Plan, then the next step would be requesting rezoning and the planning commission would agree rezone in accordance with the Planning Document.

Any and all jurisdictions use the townwide/citywide/countywide plan to determine zoning. The first question usually asked of staff at a rezoning is, "is the proposed rezoning consistent with the plan? If the answer is yes, then 99.99 percent of the time elected bodies follow the plan and properties are zoned consistent with the plan.

Second, Lovettsville has sufficient land zoned for commercial development. Commercial areas are the downtown area, including the possibility to convert resident to commercial use, and the Town Center, which is slated for 120,000 square feet of commercial and retail. We cannot develop what is available now. Businesses in town have gone bankrupt, and yet, why does the Town needs more commercial space?

Third, placing commercial development in the southern part of town violates tenets for

developing a comprehensive plan. One of the tenets of developing a comprehensive plan is to cluster similar zoning. The down town area has been zoned for commercial to cluster that development. The proposed spot zoning for the Mayor's property would place residential next to commercial.

The Comprehensive Plan proposes allowing townhouses on the largest tract of land in the town, approximately 32 acres zoned Light Industrial I-1, which is vacant and located near the Town Square and the intersection of Berlin Pike and Broad Way. At previous town hall meetings, the residents have clearly spoken out against townhouse development. Residents should be polled as to whether additional townhouses are desirable for Lovettsville.

The Plan identifies the potential the need for another access road to fully develop this property. What are the alternatives for providing another access? Does it involve taking property through eminent domain? What are the most likely sites?

I hope to hear a full discussion of these topics that I have contributed as a concerned citizen.

Respectfully,

Bing Lam

January 4, 2011

Ms. Mari Bushway, Chair
Lovettsville Planning Commission
Town of Lovettsville
6 East Pennsylvania Avenue
Lovettsville, VA 20180

Re: Comments for Comprehensive Plan Public Hearing

Dear Madam Chair:

I am sorry I cannot attend the public hearing in person due to business travel. However, I wanted to submit some comments to the Planning Commission for their consideration as this process moves forward.

First, I want to thank the Comprehensive Plan Committee, the Planning Commission, and the Town of Lovettsville staff, especially Stephen McGregor for all of their hard work in creating this draft plan over the last 1 ½ years. Your commitment of time for this public service is commendable and greatly appreciated!

As a general comment, I wanted to go on the record as being generally supportive of this overall comprehensive plan. I like the layout of the plan and the increased focus on highlighting Lovettsville's history. I am very supportive of the overall value of preserving the historic small town character of the town and allowing well-planned residential/business growth.

I do think some additional language would be beneficial around: creating a good environment to raise a family, the historical significance of the African-American Methodist Episcopal church & school; the proximity to West Virginia as well as Maryland, and on homeschooling.

I would like to recommend some specific comments for consideration for some small additions to the text of the Comprehensive Plan as follows:

- Page 4, at the end of the paragraph on clubs/organizations; include a sentence on homeschooling like: "Homeschooling is prevalent both in and around the Town as well."
- Page 4, 3rd paragraph, 1st sentence could read: "Lovettsville is close enough to larger urban centers and towns (Leesburg, Purcellville, Virginia; Brunswick and Frederick, Maryland; and Charles Town, West Virginia), so that residents have access to more....."
- Page 6, add a goal #9: "Promote a healthy environment in which to raise children."

Page 2
January 4, 2011

- Page 6, add a value #6: “Encouraging of educational opportunities for children and youth.”
- Pages 6 or 7. Somewhere in the Short History of the Town, add a sentence on the African-American Methodist Episcopal church and school. I believe it is one of the first in Virginia.
- Page 24. Add a new point between #3 and #4 which states: “Encourage Loudoun County to continue and work closely and positively with the homeschooling community.”
- Strongly affirm point #7 on page 44 which states: “New employment opportunities will be generated mainly by development on the vacant thirty-acre portion of the land zoned I-1 along N. Church Street for a combination of light industrial, commercial, residential, and office uses. The issue and future need is to assure that this development has a visual appearance that is compatible with Lovettsville’s small town character and does not have an adverse impact on adjacent residential areas in terms of visual and traffic impacts. It is also key to development on this land that an additional access point be provided. N. Church Street should not be the sole access point for the potential development.”

Thank you in advance for your consideration of my recommendations. Again, I am greatly appreciative of the Planning Commission’s hard work on this Comprehensive Plan.

Kindest regards,

Robert Zachritz
34 Stocks Street
Lovettsville, VA 20180

1/3/11

Town of Lovettsville
P.O. Box 209
Lovettsville, VA 20180

JAN - 4 2011

Att: Planning Commission

Re: update of Comprehensive Plan

Please be advised that I am aware of your
Public hearing set for 1/5/11. As I do not
go out, please know I wish to retain the
zoning I have and have had for many years
which was R-1 - (one house per acre.) If that
has been changed, I have not been advised.

Thank you for your assistance

Grace B. Hummer