

LCPCC Zoning Committee – Meeting Summary:

### Cluster Subdivision Discussion Between Loudoun County Staff, LCPCC Member Organizations and Interested Parties Monday, August 26, 2019, 2:00 pm

### **MEETING ATTENDEES – DEPARTMENTS & ORGANIZATION REPRESENTED:**

Scott Berger, LC Building & Development	Laura Tekrony, Aide to Chair Randall
Diana Larson, LC B&D	Rachael Holmes, Aide to Sup. Buffington
Dustin Canterbury, LC B&D	Robin Bartock, Aide to Sup. Buffington
Chris Van Vlack, REDC/LSWCD/Farm Bureau	Austin Caswell, Aide to Sup. Buffington
John Ellis, Save Rural Loudoun Board	Al Van Huyck, LCPCC Chair
Norm Myers, Friends of Blue Ridge	Gladys Lewis, LCPCC Zoning Committee
Alta Jones, Rural Econ.Dev. Council Chair	Margaret Good, Waterford Found., LCPCC Zoning Cte
Mayor Roger Vance, COLT/Hillsboro	Owen Snyder, LCPCC Zoning Cte./Unison Preservation
Kacey Young, Save Rural Loudoun Board	Maura Walsh-Copeland, LCPCC Zoning Committee Chair
Evan McCarthy, Piedmont Environ.Council	

The following provides an executive summary of the Cluster Subdivision Case Study Report presented on 8/26/2019, discussion questions, recommendations, and actions for follow-up.

#### I. INTRODUCTION

- A. The purpose of the LCPCC Zoning Committee is to work with Coalition Members and interested parties to 1) Inform and update; 2) Identify common issues and complaints, 3) Facilitate stakeholder meetings; and 4) Document findings and recommendations.
- B. The Process to be used by the LCPCC Zoning Committee will 1) rely on Coalition and citizen input;
  2) idenfify clear issues and project descriptions; 3) review processes, procedures and policies;
  4) provide facilitation during meetings; 5) document interim solutions; 6) identify long-term solutions and recommendations; and 7) compile requirements for the 2021 Zoning Ordinance Overhaul.
- C. Agenda and goals for the Cluster Subdivision Meeting:

1) Communicate questions and concerns;

- 2) Identify conflicts with 2019 Comprehensive Plan policies, current ordinances and practices;
- 3) Discuss possible process/procedures changes to obtain and/or ensure compliance; and
- 4) Determine long-term requirements and next steps.

#### II. CONCLUSION – UP FRONT

- A. Policies outlined in the Revised General Plan (RGP) and 2019 Comprehensive Plan to protect prime agricultural soils for farming in AR-1 and AR-2 <u>cannot</u> be enforced via Building & Development/Engineers & Surveyors Institute (ESI) process review and approval. (See VI.A.2)
- B. Agricultural soils for farming are not checked or enforced in procedures or technical review/approval checklists.

C. Impacts: 67 sq.mi. of farmland was lost in the Rural Policy Area (RPA) between 2002-2017 (20% of RPA). Based on the County's by-right development projections, an additional 70-80 sq.mi. will be lost between 2017-2040, equating to 50% of the RPA from 2002-2040.<sup>1</sup>

#### III. COMPREHENSIVE PLAN REVIEW

- A. Both the 2001 Revised General Plan and the 2019 Comprehensive Plan identified policies, strategies and specific language to protect prime agricultural soils for farming and agricultural operations, rural economy uses, usable open space, suitable farmland, and protection of viewsheds.
- B. Via a 2019 Comprehensive Plan worksession response, Staff indicated to achieve these policies, *"the plan seeks to cluster development, retaining large areas of agricultural soils for farming."*

#### IV. ORDINANCES REVIEW

In addition to the summary of Comprehensive Plan policies, a review and summary of enforcement ordinances was provided to ensure Coalition Members and interested parties were aware of their interdependencies, and their impacts on the cluster subdivision design and approval process.

- A. A key revelation to several Coalition Members and parties at the meeting was that the Ordinances designed to implement the Comprehensive Plan(s) include THREE documents:
  - 1. Land Subdivision & Development Ordinance (LSDO),
  - 2. Facilities Standards Manual (FSM), and
  - 3. Loudoun County Zoning Ordinance.

These documents are linked via §1241.02, 1241.03 and 1241.04 of the LSDO indicating they "shall consist of" and "shall be read in conjunction with" each other, "intended as an aid in the implementation of the Comprehensive Plan."

- B. Whereas there are a number of references to the protection of prime agricultural soils and farmland in the RGP and 2019 Comprehensive Plan, there are <u>no</u> references to those protections in the LSDO or FSM, and only one reference in the Zoning Ordinance (as applied to Hamlets).
- C. Although the Rural Hamlet subdivision option (Zoning Ordinance §5-702) references prime ag soil and farmland protection, this is only available in previously approved A-3 and A-10 districts, not currently used or available for AR-1 or AR-2 Cluster Subdivisions.
- D. CONCLUSIONS Part II:
  - 1. Comprehensive Plan policies to protect prime ag soils and farmland are not referenced in the enforcement document triad; and
  - 2. Cluster Development zoning is less protective of farmland than Rural Hamlets zoning provisions.

## ACTION: Include review of Rural Hamlet vs. Cluster Subdivision zoning regulations in requirements for the Zoning Ordinance Overhaul (ZOO).

#### V. CASE STUDY EXAMPLES

- A. Subject Matter Experts from Loudoun Soil & Water/Farm Bureau and Save Rural Loudoun presented a series of specific examples where cluster subdivision applications and development resulted with houses built on prime ag soils. In these cases, rural economy lots/open space were primarily comprised of soils less productive and generally unusable for farming or other ag operations.
- B. Discussion points
  - 1. Rural Economy lots are being "marketed" for farming/ag/rural economy uses, with new owners finding this is not the case after purchase.

<sup>&</sup>lt;sup>1</sup> Save Rural Loudoun analysis, 2019

- 2. The Cluster Subdivision option is intended to contribute to Loudoun's Rural Economy with the "trade off" of providing large contiguous area to be sustainably farmed in economically viable way. However, the Case Studies showed that area set aside for rural economy is difficult to farm, includes floodplain, steep slopes, mountainside and drainfields. Therefore nothing is being "given up" for the "trade off" additional density for the cluster subdivision.
- C. A best cluster model (hamlet design) demonstrated developments can achieve the goal of prime farmland and rural economy protection when the goals and questions are defined at the initial design stage.
- D. For awareness: The Rural Economic Development Council (REDC) is undertaking a parallel effort to prepare a case study/analysis to quantify the rural economy impacts of the loss of prime soils for agriculture.

#### VI. DISCUSSION QUESTIONS/ACTIONS

The primary discussion revolved around the question, "*How are applications evaluated to achieve the goal of prime farmland and rural economy protection*" in relation to 1) Comprehensive Plan policies, 2) Purpose and Intent of Cluster Subdivision, and 3) requirements in the LSDO, FSM and Zoning Ordinance?

- A. Process Review Discussion and Proposed Interim Solutions Summary:
  - FSM §8.000 Administrative Procedures state a "Presubmission Meeting" (PSUB) "shall collaborate and share design options to meet the proposed land use objectives while preserving and protecting the environmental and cultural resources identified on the subject site." However, the PSUB Request Form indicates the meeting is "optional, exploratory in nature" and "non-binding for the applicant and the County." B&D Staff and PSUB case review indicated that prime ag soil avoidance is not a topic discussed at these meetings.

**RECOMMENDATION:** Explicitly add topic/question on prime ag soil avoidance to encourage investigation of rural economy/farmland protection during initial design. RESPONSIBILITY: LC Building & Development / Scott Berger

2. The Loudoun County/Engineers and Surveyors Institute (ESI) Technical Review checklists (e.g., Minimum Submission Review, Preliminary Plat Submission, Site Plan, Geotechnical Report, etc.) do not contain any reference, review or consideration of prime ag soils or farmland protection to support Comprehensive Plan policies. Therefore, LC Building & Development <u>cannot</u> evaluate applications in support of such polices unless or until reference exists in the enforcement document triad (LSDO, FSM and/or Zoning Ordinance).

**RECOMMENDATION:** Through the FSM Public Review Committee (PRC) and/or Staff initiate a Development Ordinance Amendment (DOAM) to the FSM and/or LSDO to include new checklist items and/or references to 2019 Comprehensive Plan Policies (see Report).

RESPONSIBILITY: LC Staff. Supervisor Aides in attendance to investigate.

DISCUSSION POINT: Investigate the feasibility to modify Cluster Subdivision Zoning via the Rural Uses Phase III Zoning Ordinance Amendment (ZOAM, 2020) as an interim step before the 2021 Zoning Overhaul.

RESPONSIBILITY: LC Staff. Supervisor Aides in attendance to investigate.

3. Clarify language in the LSDO. The Waiver Provision (§1243.05.1) and Exceptions Procedures (§1243.13) state that no waiver shall be processed or exception shall be granted by the BOS that is found *"in conflict with the governing Comprehensive Plan."* To provide similar language:

**RECOMMENDATION:** Revise LSDO §1243.06.(4) to add "governing comprehensive plan" language to review of a preliminary plat to determine substantial conformance with the FSM, Zoning Ordinance and LSDO.

RESPONSIBILITY: Staff/FSM PRC via Development Ordinance Amendment (DOAM) process.

RECOMMENDATION: Clarify LSDO §1243.12.(3)(b) Record Plat and §1244.02.(3)(c) Site Plan to add "governing comprehensive plan" language to more clearly define "Policies" in the text,

"Written reasons for disapproval shall identify deficiencies . . . by reference to specific duly adopted ordinance, regulations or **[governing comprehensive plan] policies** and shall generally identify such modification or corrections as will permit approval of the plat."

RESPONSIBILITY: Staff/FSM PRC via Development Ordinance Amendment (DOAM) process.

B. Long-Term Solutions and Cluster Design Factors. In 2018 an ad-hoc subcommittee consisting of LC Staff, LCPCC, and subject matter experts met to review current Cluster Subdivision Design factors in an effort to assist the 2019 Comprehensive Plan effort. A summary of discussion points, comparisons and proposes is provided in the full report.

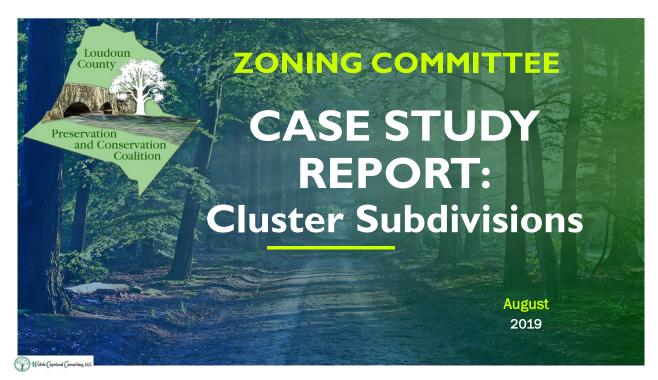
**RECOMMENDATION:** Form a working group to continue these discussions in preparation and requirements for the 2021 Zoning Ordinance Overhaul. RESPONSIBILITY: LC "ZOO" Staff/Project Management with LCPCC and subject matter experts.

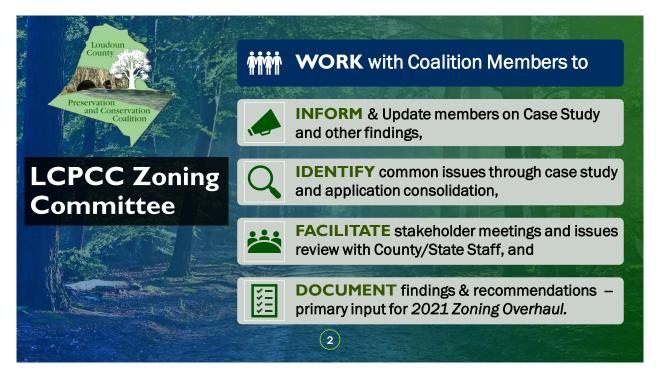
#### VII. NEXT STEPS

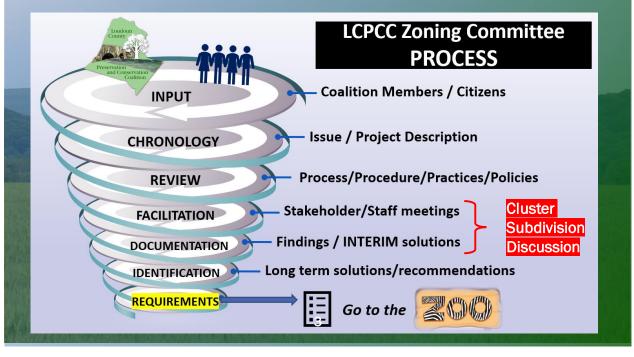
Review Cluster Subdivision Report with	STATUS
Building & Development	Completed 8/26/2019
LCPCC Coalition Membership	Completed 8/27/2019
County Administration	Met with Hemstreet/Yudd, 8/28/2019
Rural Economic Development Council	Overview provided 8/28/2019
Planning & Zoning / ZOO Project Mgmt	TBD
Determine DOAM feasibility and status of other interim solution actions	Follow-up: Sept./Oct. 2019

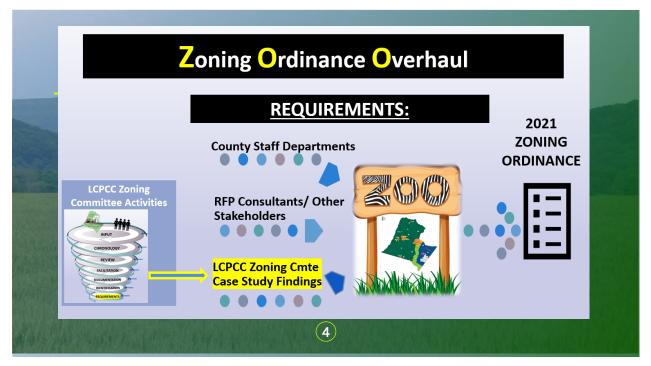
Summary prepared by: Maura Walsh-Copeland LCPCC Zoning Committee Chair













# **CONCLUSIONS – Up Front**



Comprehensive Plan policies to protect prime ag soils CANNOT be enforced via Building & Development/ESI process review & approval



67 sq.mi (48,821 acres) farming land lost between 2002–2017 = 20% of RPA



Ag soils for farming: NOT checked or enforced in procedures or checklists (LSDO, FSM)



Projected 70-80 sq.mi will be lost 2017–2040\* = 50% of RPA 2002- 2040 \* Based on County's projection of new by-right residential development

### COMPREHENSIVE PLAN REVIEW

### 2001 Revised General Plan, Prime Agricultural Soil Policies (p. 83)

 Where development is allowed on prime agricultural soils, the County will require cluster development so that the development will take place on the least desirable soils on the site and the prime soils will be available for agricultural purposes.

The quality of soils will be considered in the <u>conservation</u> <u>design process</u> established by the Zoning Ordinance.

(7)

(8)



2019 Comprehensive Plan

#### RPA POLICIES, STRATEGIES & ACTIONS Land Use & Development

#### Policies, Strategies, and Actions

Unless otherwise specified, the following Policies, Strategies, and Actions apply only within the RPA.

#### Land Use & Development

RPA Policy 1: Foster land use and development patterns that incorporate natural, cultural, heritage, and agricultural resources to preserve characterdefining features of the rural landscape while providing opportunities for rural living and businesses.

#### Strategy

1.1. Support uses that **protect, preserve, and enhance natural areas and open space, <u>retain farmland</u> and the vitality of the rural economy, and foster a high quality of rural life for residents.** 



### 2019 Comprehensive Plan

#### **RURAL RESIDENTIAL POLICIES, STRATEGIES & ACTIONS**

#### **Rural Residential**

RPA Policy 2: Limit residential development to protect the land resource for agricultural operations, rural economy uses, and open space uses; minimize traffic impacts; and reduce the demand for additional public facilities and services. Strategy

2.1. Where residential development does occur in the RPA, it should be designed to preserve the rural character, work with the land form to preserve and protect natural features, and **conserve land for <u>agriculture</u>, rural economy uses** passive recreation, and open space.

#### <u>Actions</u>

- A. Evaluate and revise zoning regulations and design standards to improve the design of subdivisions and clustered residential development by incorporating natural features and **maintaining usable open space**.
- B. Encourage the provision of publicly accessible and connected open space.
- C. Educate property owners about alternatives to residential subdivision by providing information on conservation easements, the Land Use Assessment Program, and other efforts to keep rural properties intact and productive.

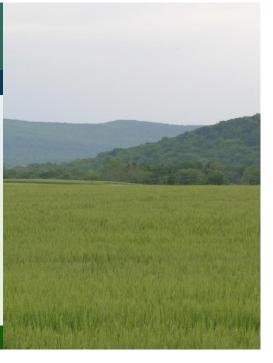


### 2019 Comprehensive Plan

#### **RURAL POLICY AREA DESIGN GUIDELINES**

Unless otherwise specified, the following guidelines apply only within the Rural Policy Area Rural North and Rural South Place Types:

- 1. Development on ridgelines or hill tops should be avoided to retain the rural character of the landscape and protect viewsheds.
- Site development should preserve existing land forms and minimize significant alterations to the topography while incorporating natural features, trees, hedgerows and other vegetation into the design to protect viewsheds and provide visual buffers between parcels.
- 3. Required drainage and stormwater management facilities, such as holding basins, drainage swales, and culverts should be incorporated as features into the site design of the project, to the extent possible. Natural drainage features should be conserved to the greatest extent possible, minimizing impervious facilities to the extent technically feasible.
- Development should be sited within the landscape to minimize visibility from roadways and other properties while preserving suitable farmland.



### 2019 Comprehensive Plan

#### **RURAL POLICY AREA DESIGN GUIDELINES**

 Rural Cluster subdivisions are a land development design that compactly groups homes on small lots arranged in a traditional community pattern while retaining large tracts of land for open space, agricultural production, and/or rural economy uses to preserve natural features and the rural character.

When developing Rural Cluster subdivisions in the RPA:

- Use existing topography, hedgerows, mature woodlands, and other site features to influence the location of the clusters to maintain the rural and scenic quality of the landscape.
- b. Provide a compact cluster of building lots and maximize open space.

c. Design roads and driveways to follow the natural contours of the land. Roads and driveways should be the minimum width necessary to provide safe travel ways.

- d. <u>Cluster development to retain large areas of</u> agricultural soils for farming
- e. Encourage the use of shared water and wastewater systems to serve cluster developments to protect water resources.



### 2019 Comprehensive Plan

### PRIME AGRICULTURAL SOILS, Chapter 3-05

Prime agricultural soils are soils that are best suited for conventional agricultural use.

Prime agricultural soils in Loudoun are often seen as desirable for residential development. Once this land-based resource is lost, however, it cannot be reclaimed.

Policy 3: Soils and Geologic Resources Strategy 3.2.

Preserve and protect prime farmland and agricultural soils, recognizing their importance to the overall economic health of the rural economy.

(12)



### 2019 Comprehensive Plan

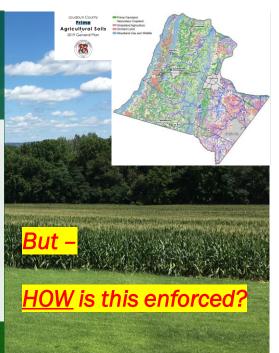
#### JUNE 1, 2019 BOS WORKSESSION #1a Supplemental – QUESTIONS

21. Randall: What happened to the prime agricultural soils map that was included in the RGP? <u>How</u> will the County conserve prime agricultural soils?

The data is still available to the public; however, the map in the RGP shows this data for the entire County while **preservation and protection is intended primarily for the Rural Policy Area**. Staff is happy to include a map of prime agricultural soils if the Board so wishes.

The Plan supports the rural economy and agriculture through various policies, actions and strategies.

When development in the Rural Policy Area includes residential uses, the **Plan seeks to cluster development, retaining** large areas of agricultural soils for farming.



#### **ORDINANCES** Implementing LAND SUBDIVISION & DEVELOPMENT **ORDINANCE (LSDO) COMPREHENSIVÉ PLAN** § 1241.02 Title **Ordinances Consist of** This Ordinance shall hereafter be known and referred to as the "Land Subdivision and LSDO, FSM & Zoning Ordinance Development Ordinance of Loudoun County, to Implement Comprehensive Plan Virginia." It shall consist of Chapters 1241 through 1246 of the CODIFIED ORDINANCES of Loudoun County AND the Loudoun County FACILITIES STANDARDS MANUAL .SDO § 1241.03 Purpose Land Subdivision This Ordinance is intended as an aid in the & Development Ordinance implementation of the COMPREHENSIVE PLAN. The provisions of this Ordinance AND the -SN **Z**0 Facilities Standards Manual shall be the minimum requirements for the submission, Facilities Zoning Ordinance Standards Manual preparation and recordation of all plans and plats. § 1241.04 General Usage Comp (1) This article shall be read in conjunction with the ZONING ORDINANCE AND the FACILITIES Plan STANDARDS MANUAL (3) "Shall" is mandatory; (5) "May" is permissive (14)

(13)

### Conflicts in Documentation Usage & Reference Comp Plans vs. Ordinances

Loudoun County Document	# Pages	"Prime" Ag Soils/Farmland	"Farming"	
Revised General Plan	304	24 - total 22 - reference Ag soils	103 - "Farm" total 13 - "Farming"	
2019 Comprehensive Plan	361 (Interim final)	20 - total 11 - Ag soils/farmland	145 - "Farm total 15 - "Farming"	
Zoning Ordinance	1025	<b>1 reference</b> (p. 745)	288 total ("Farm" uses) 12 Farming/Mgmt Plan	5-702 Rural Hamlet Option (A3/A10)
Land Subdivision ordinance (LSDO)	47	No references	1 reference "Farming"	
Facilities Standards manual (FSM)	332	No references	5 "Farm"	"Right to Farm Act" references

(16)

### Revised 1993-ZONING ORDINANCE

#### §2-101 AR-1, Agricultural Rural-1 PURPOSE and INTENT

(A) Support the use of land for rural economy uses, with residential uses allowed at densities consistent with the general open and rural character of the rural economy uses.

#### §2-201 AR-2, Agricultural Rural-2 PURPOSE and INTENT

(A) Support the use of land for rural economy uses consistent with the pattern of rural and agricultural land uses in the district, including sustaining & nurturing the economically significant equine industry.



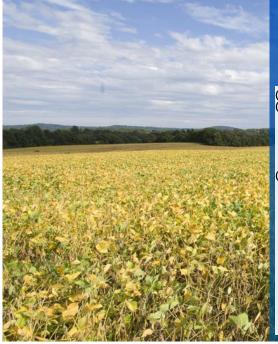


### Revised 1993-ZONING ORDINANCE

### §5-702 RURAL HAMLET OPTION

- A) Purpose and Intent. The primary purpose of the Rural Hamlet Option is to provide an alternative to conventional A-3 and A-10 district subdivision in rural areas. Such clustered development is intended to better harmonize rural development with surrounding agricultural activities recognizing that it is the <u>County's primary goal to preserve</u> and enhance farming and farmland in rural Loudoun by the most feasible, effective, and equitable methods available.
  - This option is intended to conserve agricultural, forestal and open space land, historic and natural features at the time that such land realizes the development potential currently allowed in the agricultural zoning district. Such clustered development is intended to permit the compact grouping of homes located so as to blend with the existing landscape, such as the rise and fall of the topography, hedgerows and wooded areas, and to preserve to a greater extent the agricultural, forestal and visual character of the landscape.
- (B) Rural Hamlet Permitted. Rural hamlets are permitted in the A-3 and A10 districts. The district regulations shall apply to the extent not in conflict with the regulations contained herein.

Silent for Cluster Subdivisions in AR-1 & AR-2



### Revised 1993-ZONING ORDINANCE

### §5-702 RURAL HAMLET OPTION

- (H) Open Space Requirements.
- (1) Minimum Open Space. The minimum amount of land in a Rural Hamlet devoted to open space and subject to permanent open space easements shall be no less than eight-five percent (85%) of the total land area in the Rural Hamlet. All land not designated as building areas, private access easements, and rights-of-way for roads shall be
- permanent open space.
  (2) Minimum Open Space Widths Surrounding the Hamlet. There shall be a minimum of 200 feet width of land in open space between the outside boundary of hamlet lot building areas and the tract boundary. There shall be a minimum of 800 feet between the hamlet lot building area boundaries of two hamlets on the same tract. Reduction of these dimensions may be permitted by the Board of Supervisors (see 5-702(L)), upon recommendation of the Planning Commission, based upon a finding that due to the topography, forestation, or presence of prime agricultural soils or environmentally sensitive areas, such reduction will preserve rural vistas, preserve farmland, screen dwellings from existing roads or adjacent properties, or preserve environmentally sensitive areas.

Silent for Cluster Subdivisions in AR-1 & AR-2

### 2019 Comprehensive Plan: Rural Cluster Description Uses Hamlet Example\*

#### **Rural Residential**

A variety of residential development options exist within the Rural Policy Area, including conventional subdivision, subordinate lots, and **rural clusters** which permit different densities. Among the existing development options, <u>rural clusters remain the preferred</u> <u>residential development pattern in the RPA</u> because these designs better preserve the natural features and open character of the land by tightly grouping homes on smaller lots so that a majority of the land is available for rural economy uses, agriculture, and/or open space. The concentration of homes in a rural cluster also minimize the amount of roads, clearing and grading, and the overall footprint of development, compared to a conventional by-right subdivision which requires placement of homes on a uniform size lot dispersed over an entire property.

\* Chapter 2-95

(19)



Birch Hollow Hamlet, Hillsboro. Clustered residential lots with remainder working farm on 109 acres.

### Zoning Ordinance: Cluster Option vs. Rural Hamlet



	Cluster Option §2-103(C)	Rural Hamlet §5-702	
Zoning Districts	AR-1 & AR-2	A-3 & A-10	
Purpose & Intent	"Compact residential design plus one or more large lots <mark>suitable for rural economy uses</mark> and/or common open space"	Clustered development - goal to preserve and enhance farming and farmland in rural Loudoun	
General Requirements	AR-1: Min. 20 ac lot , 1 lot/5 ac AR-2: Min. 40 ac lot, 1 lot/15 ac	Minimum <mark>40</mark> acres A-3: 1 du/5 ac. A-10: 1du/10 ac.	
Rural Economy or Conservancy Lots	AR-1: 15 ac AR-2: 25 ac	A-3: 10 ac A-10: 30 ac	
Characteristics/ Open Space	Minimum 70% Economy lots &/or Common Open Space.Minimum 85% devoted to open space and subject permanent open space easements		
a fairmare and	Only Cluster Option available in AR-1 & AR-2 - HOWEVER:	amlet preserves MORE land/farmlar than Cluster Development Option	

### CONCLUSIONS – PART II Documentation Review

Comprehensive Plan policies to protect prime ag soils and Farmland NOT referenced in enforcement documents: Zoning Ordinance, LSDO or FSM\*

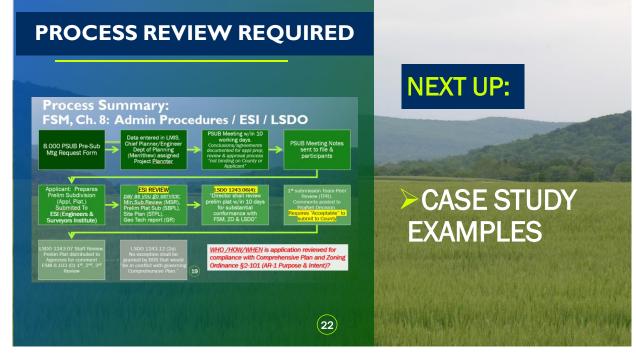
(\* Investigate interim solutions)



Zoning Ordinance: Cluster Development LESS protective of farmland than Rural Hamlets.\* (\*Revisit via the ZOO)

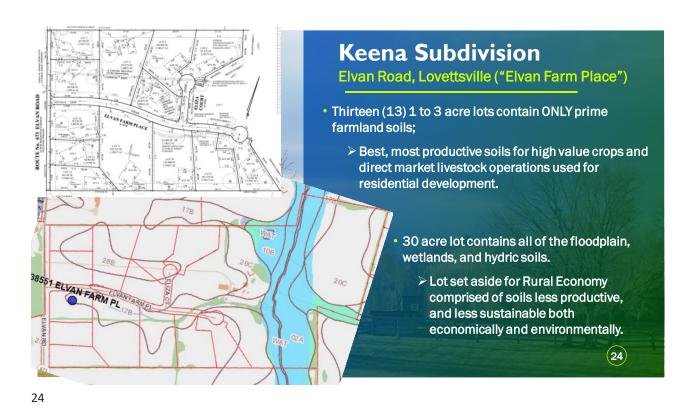
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## **Cluster Subdivision Examples**

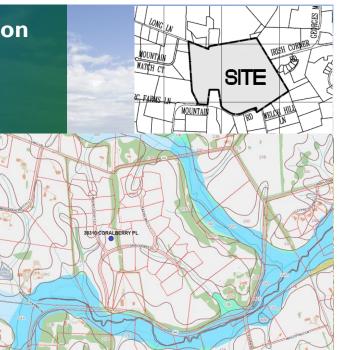
- Keena Subdivision (2011)
- Caskey Farm Subdivision (2017)
- Downey Mill Subdivision (2019)
- Short Hill View Application (2019)
- Millers Reserve Cluster Subdivision (2019)



### **Caskey Farm Subdivision**

Mountain Road, Lovettsville

- Three (3) "Rural Economy Lots" of 15 acres +/-, contain virtually all floodplain, hydric soils, and steep slopes located on original farm.
  - Lots contain little prime farmland soil, (~3-5 acres per lot),
  - Some homesite & drainfield (hydric & floodplain areas not suited for these uses).
- 1-2 acre "cluster" lots almost completely/ largely comprised of prime agricultural soils, (most 23B or Purcellville silt loam) –
  - Loudoun's best agricultural soil utilized for pasture, fruit and vegetable, and row crop production.







### **Downey Mill Subdivision**

Taylorstown Road, Lovettsville

- 50+ acres with approved 14 lot cluster subdivision.
  - > Cluster lots on prime farmland.
- One of the two rural economy lots mostly very steep slopes and floodplain
  - One third (1/3) of lot located on opposite side of Catoctin creek from the rest of parcel.

(26)

### **Short Hill View Subdivision**

Purcellville Road, Hillsboro

- Prime farmland 23B/17B soils and 22B secondary cropland soils in central portion of property
  - Mapped to be utilized for intense "cluster" lots of 1-2 acres,
- Rural economy lot on northern side of property adjacent to Purcellville road
  - Contains ALL of floodplain on original 50 acre parcel.



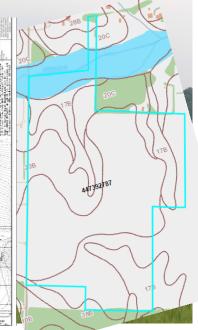
### Short Hill View Subdivision

Purcellville Road, Hillsboro

- Likely 50 acre parcel immediately to east (same owner) will follow development pattern
  - Hydric and floodplain areas on northern portion of property set aside for "Rural economy"
  - While large area of 23B prime farmland soils slated for use as lawn, driveway, waste disposal/ drainfield, and homesite.



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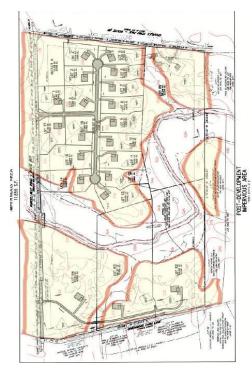


### **Millers Reserve Subdivision**

Route 9 / Hillsboro Road, Hillsboro

- 17 Cluster lots, 3 Rural Economy lots, 2 open space parcels
  - > Central areas of prime farmland soils lie under cluster lots.
- Larger lots "preserved" for the rural economy (southern edge) encompasses Catoctin Creek floodplain, hydric soils and areas of steep slopes.

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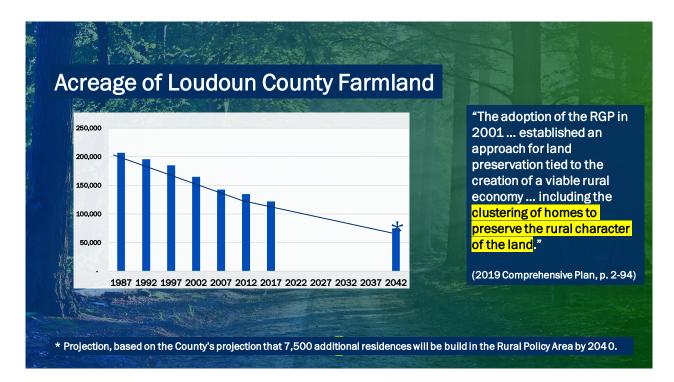
### Millers Reserve Subdivision

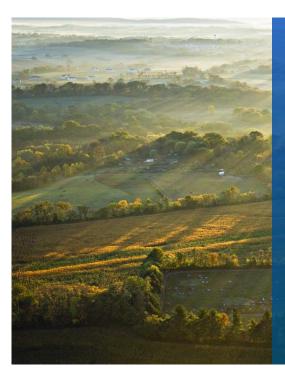
#### Route 9 / Hillsboro Road, Hillsboro

- Most prime soils covered by houses, driveways and drain fields;
- Prime soils south of Catoctin Creek broken up; owners could not use them for farming;
- Designated "rural economy lots" currently wooded and include valuable wildlife habitat;
- Subdivision blocks view of Short Hill Mountain from Scenic Byway Route 9.

Millers Reserve – QUESTIONS	RURAL ECONOMY USES Section 20191(A)	States that the purpose and intent of cluster zoning provisions are to "Support the use of land for rural economy uses, with residential uses at densities consistent with the general open and rural character of the rural economy uses."
	TREE PRESERVATION Section 1245.14	Requires the submission of a Tree Preservation/ Landscape Plan. Developer should submit a complete plan; Staff should review to ensure full compliance with all applicable regulations.
	STREETSCAPE Section 2- 103(C)(2)(i)	Requires cluster subdivisions include a mixture of lot sizes and dimensions to avoid "monotonous streetscapes" in rural areas.
	EROSION & SEDIMENT CONTROL	Required to protect impacts of development on water sources, neighboring private land, and public green infrastructure.
	TOURISM & SCENIC VALUES	Significant impacts on "Scenic Byway" (Rte. 9) and Hillsboro Gap view shed







### **BEST Cluster Model**

Chalk Farm (Planck)/Wheatland Vegetable (John Wolford Rd. west of Rte.287)

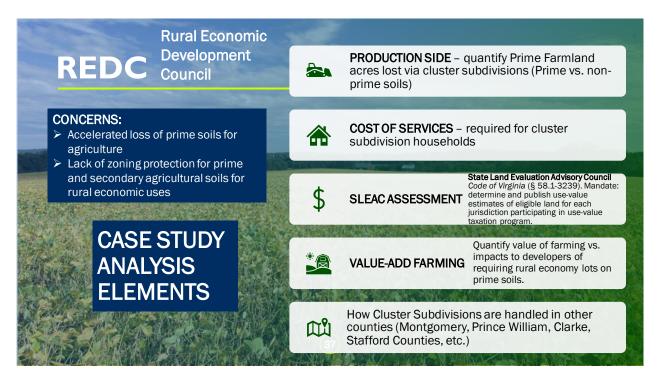
- Subdivided using the cluster option,
- Small lots kept on small area next to John Wolford Rd.
- Large 40 acre parcel of good quality soils preserved

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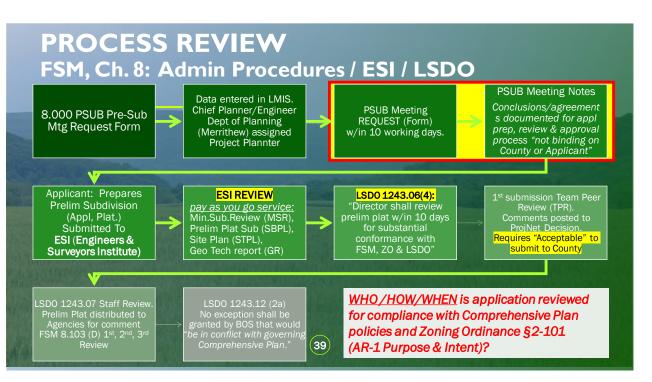


### Cluster Development Design Balancing Objectives:

		PROS	CONS
Chalk F	arm/Planck	Full-time farmers arranged usable Rural Economy lot for continued full-time farming	
Case St Subdivi	udy Cluster sions	<ul> <li>Preserve "green infrastructure" (clean surface water, wildlife habitats, etc.)</li> <li>Conserve some open space</li> </ul>	Floodplain on Rural Economy Lots; <b>Preserved land not farmable;</b> Prime soils in "open space" contain all drainfields (conventional & alternate distant from houses served).
		36	







### CONFLICTING? PSUB Form Vs. FSM

FORM: Request for Subdivision/Boundary Line Pre-Submission Meeting

I request a pre-submission meeting to discuss the proposed development plan with County staff. I understand that this meeting is optional, exploratory in nature and is non-binding for both myself and the County. The meeting notes will be posted to the Loudoun Online Land Applications System after the meeting.

Preliminary Subdivision Pre-Submission Procedure

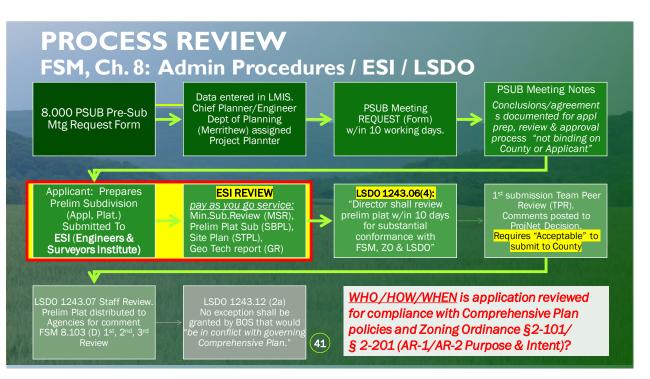
"It is noted that discussions or determinations made at the Pre-Sub meeting are not binding upon the County or the Applicant."

#### FACILITIES STANDARDS MANUAL §8.000 ADMINISTRATIVE PROCEDURES

- During the Pre-submission meeting, the County and applicant shall collaborate and share design options to meet the proposed land use objectives while preserving and protecting the environmental and cultural resources identified on subject site.
- Conclusions and agreements made at the Pre-submission meeting shall be documented for future reference by the applicant and the County during the land development application preparation, review and approval process.
- §8.107 SITE PLANS (STPL) & RURAL ECONOMY SITE PLANS (REST)

Rural Economy Site Plans shall meet all the requirements of Section 8.107 <u>except as modified as a result of a pre-</u> <u>submission meeting</u> pursuant to Section 8.000 of this manual.

### <u>RECOMMENDATION</u>: Explicitly add topic/question on prime ag soil avoidance during PSUB meeting.



### **PROCESS REVIEW ESI CHECKLISTS**

**QUESTION: WHO/HOW/WHEN** is application reviewed for compliance with Comprehensive Plan policies and Zoning Ordinance §2-101/2-201 (AR-1/AR-2 Purpose & Intent)?

**<u>RECOMMENDATION</u>:** Revise FSM through FSM Public Review Committee and Development Ordinance Amendment (DOAM) to have application checklists include "in accordance with the 2019 Comprehensive Plan Policies XYZ."



ENGINEERS AND SURVEYORS INSTITUTE A public/private partnership LOUDOUN COUNTY, VIRGINIA MINIMUM SUBMISSION REQUIREMENTS



PRELIMINARY PLAT OF SUBDIVISION

PROJECT NAME & NUMBER:		
SUBMITTING FIRM:		PHONE #:
PROJ. COORD:		E-MAIL ADDRESS:
DPE NAME:	DPE#:	E-MAIL ADDRESS:
REVIEW DATE:	ESI REVIEW	TEAM:

Note: The following information is required for every submission. Additional sheets and information should be provided where necessary to demonstrate compliance with County requirements or conditions of approval. Peer Review dates are determined by Loudoum County Staff conce the plan has been submitted following an acceptable MSR review. (Column abbreviations; OK = Addressed; REV = Revisions required; N/A = Not Applicable)

Code Reference	Description	Sheet	OK	REV	N/A	Line
FSM 8.102.A.1	Title "Preliminary Plat of Subdivision"					1
						-
FSM 8.102.A.1 &	Scale: Lots ≤ 3 Ac., 1"= 100' max; Lots > 3 Ac., 1" = 200' max					2
FSM 8.102.A.2						
FSM 8.102.A.3	North Arrow					3
FSM 8.102.A .4	Date on Coversheet					4
FSM 8.102.A.5 &	Proposed name of subdivision or development					5
FSM 8.101.A.2						
FSM 8.102.A.6.a	Name and address of the owner of record					6
FSM 8.102.A.6.b	Name of applicant					7
FSM 8.102.A.6.c	Name of engineer or surveyor					8
FSM 8.102.A.7	Number of sheets included in plat					9
FSM 8.101.A.3 &	Revision block					10
FSM 8.102.A.8						
FSM 8.101.A.4 &	Source of title (DB/PG or Instr. No.)					11
FSM 8.102.A.9						
FSM 8.101.A.5 &	Zoning requirements, incl. proffers or SE cond.					12
FSM 8.102.A.10						
	Applicable Zoning Ordinance version (1972, 1993 or Rev. 1993)					13

### PROCESS REVIEW ESI CHECKLISTS

<u>QUESTION: WHO/HOW/WHEN</u> is application reviewed for compliance with Comprehensive Plan policies and Zoning Ordinance §2-101/2-201

Revise Loudoun/ESI Min. Submission Requirements checklists through:

FSM/DOAM Change Request
 Technical & Procedural Memos to

(AR-1/AR-2 Purpose & Intent)?

**RECOMMENDATION:** 

update checklists



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ENGINEERS AND SURVEYORS INSTITUTE "A public/private partnership" LOUDOUN COUNTY, VIRGINIA MINIMUM SUBMISSION REQUIREMENTS



PROJECT NAME & NUMBER:

SUBMITTING FIRM:	PHONE #:
PROJ. COORD:	E-MAIL ADDRESS:
DPE NAME:	DPE#:E-MAIL ADDRESS:
REVIEW DATE:	ESI REVIEW TEAM:

SITE PLANS

Note: The following sheets and information are required for every submission. Additional sheets and information should be provided where necessary to demonstrate compliance with County requirements or conditions of approval. Peer Review dates are determined by Loudoun County Staff once the plan has been submitted following an acceptable MSR review. (Column abbreviations: AD = Addressed; RR = Revisions Required; N/A = Not Applicable)

#### FSM CHAPTER 8,101 AND 8,106

Code Reference	Description	Sheet	AD	RR	N/A	Line
			1			
FSM 107.A.12	Existing open space, conservation & other ex. easements with DB/PG or instrument number					39
FSM 107.A.13	Ex. open space, conservation & any other known esmts. Depicted w/ DB/PG or Instr. No.					40
FSM 107.A.14	Environ. Impact Overlay Districts on grading plan and E&S plans					41
Real Statistics						
FSM 106.A.23.c	<ul> <li>Limits of clearing and grading, areas of tree canopy and vegetation preserved or conserved, or other easements, if known, that restrict grading</li> </ul>					81
FSM 106.A.23.d	<ul> <li>Natural and manmade open channels and swales</li> </ul>					82
FSM 106.A.23.e	Proposed easements					83
AND CONTRACTOR	MARKAN & CONTRACTOR OF MARKEN STATE		144			
FSM 106.A.27	Soils map and certification					91
43						

43

### PROCESS REVIEW ESI CHECKLISTS

<u>QUESTION: WHO/HOW/WHEN</u> is application reviewed for compliance with Comprehensive Plan policies and Zoning Ordinance §2-101/2-201 (AR-1/AR-2 Purpose & Intent)?

RECOMMENDATION: > Add Comprehensive Plan policy review/compliance to checklists:

- ✓ Preliminary Plat of Subdivision (SBPL)
- ✓ Site Plans (STPL)
   ✓ Fatal Flaw Checklist

PRELIMINARY PLAT OF SUBDIVISION FATAL FLAW CHECKLIST				
APPLICATION NUMBER: SBPR-2019-0016				
APPLICATION NAME: SHORT HILLS VIEW GRUBB FARM				
REFERRALS: OMAGI, COR, HEALTH, NR, DTCI, VDOT, LCPS, DPZ-ARCH	l, GS, F&	R, FMO	D, CAO	
PROJECT MANAGER: Diana Larson				
CHECKLIST REVIEW DEADLINE: 06/18/2019 REVIEW DATE: STATUS: <u>X</u> ACCEPTED_R	EJECTE	D		
RESUBMISSION REVIEW (ONLY IF REJECTED DURING CHECKLIST REV RESUBMISSION DATE:	TEW)			
	EJECTE	D		
REQUIREMENT		ACCE	PTABLE?	
	YES	NO	DATE CORRECTED	
DOCUMENTATION	-	-		
Completed Land Development Application form, with original signatures.	х			
Fee check.	x			
Number of folded plats (10 plats).	x			
Health Department or LCSA/municipalities certificates.	x			
PLAT REQUIREMENTS				
Location of existing and proposed septic fields and wells.	x			
Location of proposed stormwater management facilities.	NA			
Location of subdivision control limits and jurisdiction boundaries (i.e., towns, county).	NA			
Landscape/tree preservation plan (if applicable).	NA			
Topographic map with existing contours of five (5) feet or less.	x			

# Facilities Standards Manual §1.200: Authority, Interpretation, Revision FSM CHANGE PROCESS:

1.200-A. Standards & guidelines administered by Dir. B&D **1.200-B. Revision** Reflected after FSM annual review. (Prior appls comply with stds in effect at acceptance) 1.200-C. FSM Review Committee. Meet at least once a year. Advise Dir. B&D, prior to Public Hearing

1.200-C. FSM Review Public Hearing for changes to FSM

#### FSM PUBLIC REVIEW COMMITTEE

Facilities Standards Manual (FSM) is designed to assist the public and development community in determining the policies which apply to land development in the County. It contains information primarily related to design and construction standards and guidelines for improvements to subdivisions and site plans. Chapter 1 of the FSM requires that the Board of Supervisors appoint a Public Review Committee (PRC) to review and provide comments on the proposed revisions to the ordinance prior to the public hearing process.

#### DEVELOPMENT ORDINANCE AMENDMENTS (DOAM)

Draft amendments to the Facilities Standards Manual or Codified Ordinance <u>prepared by Staff</u> and/or the Facilities Standards Manual Public <u>Review Committee</u> for review by the Planning Commission and the Board of Supervisors. Codified Ordinance amendments are usually only reviewed by the Board of Supervisors.

> ESI Checklist change process? B&D Response: Follows FSM changes

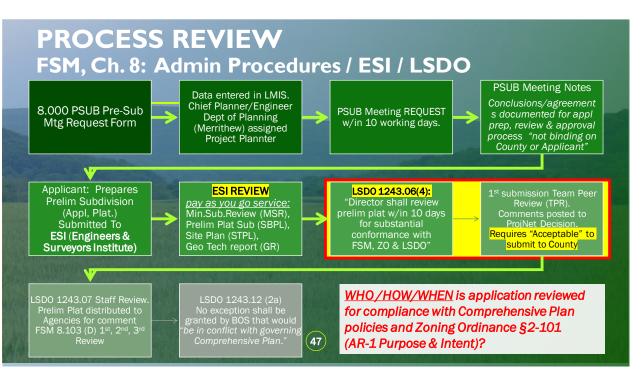
### FSM / ZONING REQUIREMENTS to the

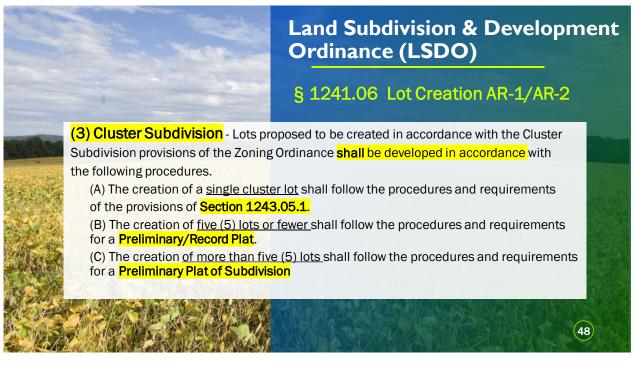
#### FACILITIES STANDARDS MANUAL §8.101 ADMINISTRATIVE PROCEDURES

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#### 5. Zoning Requirements:

- a. Preliminary Plats, Site Plans, Construction Plans and Profiles: In tabular form show the specific zoning requirements, in accordance with the Zoning Ordinance including proffered or special exception conditions, for the subject property and the existing zoning districts, to include but not limited to: applicable version of the Zoning Ordinance (i.e. 1972, 1993, Revised 1993); Zoning district; overlay zoning districts; to include but not limited to: applicable version of the Zoning Ordinance (i.e. 1972, 1993, Revised 1993); Zoning district; overlay zoning districts; minimum lot area; minimum lot width; maximum length/width ratio; minimum front, side and rear yards; maximum floor area ratio; maximum lot coverage; maximum building heights; parking spaces required and provided (including standard and handicap accessible); open space requirements; proposed uses and proposed number of lots. For construction plans and profiles and site plans show floor area ratio or lot coverage calculations as required by the Zoning Ordinance. A note may be added to the plat stating that the zoning requirements are for depiction of current ordinance requirements only and may be subject to change.
- b. Plats: In tabular form show the specific zoning requirements, in accordance with the Zoning Ordinance including proffered or special exception conditions, for the subject property and the existing zoning districts, to include but not limited to: applicable version of the Zoning Ordinance (i.e. 1972, 1993, Revised 1993); Zoning district; overlay zoning district; minimum lot width; maximum length/width ratio; minimum font, side and rear yards; maximum lot coverage; maximum building heights; open space requirements; proposed number of lots. A note may be added to the plat stating that the zoning requirements are for depiction of current ordinance requirements only and may be subject to change.





### Land Subdivision & Development Ordinance (LSDO)

### § 1241.06 Lot Creation AR-1/AR-2

(B) The creation of five (5) lots or fewer shall follow the procedures and requirements for a Preliminary/Record Plat.

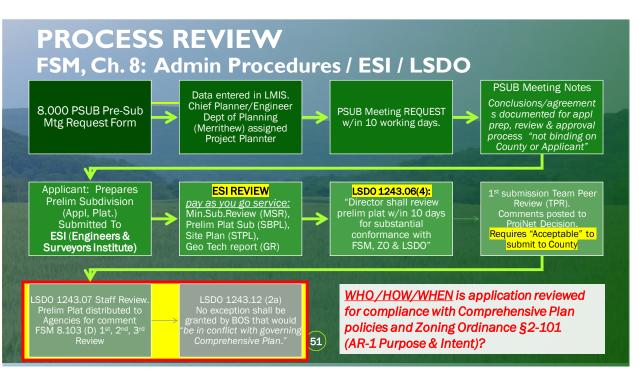
"A plat of subdivision that meets all requirements of both a **preliminary plat** and **record plat** and is submitted as a combined application."

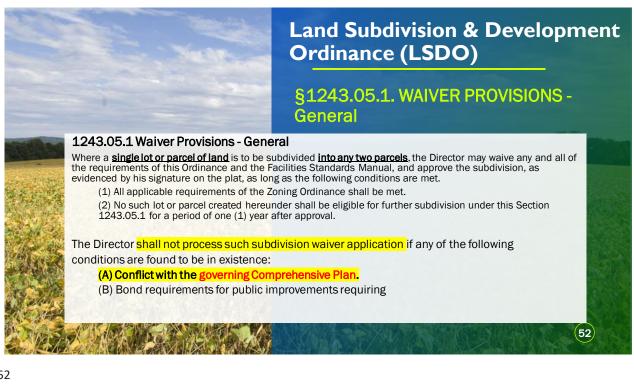
(C) The creation of <u>more than five (5) lots</u> shall follow the procedures and requirements for a **Preliminary Plat of Subdivision**.

**§1243.06 – "(4)** The Director shall review the preliminary plat within ten (10) working days to determine if it is in substantial conformance with the application requirements of the Facilities Standards Manual, the Zoning Ordinance, \* and this Ordinance."

\*RECOMMENDATION: Revise LSDO §1243.06 Preliminary Plat of Subdivision to include "governing comprehensive plan"







53)

200

### Land Subdivision & Development Ordinance (LSDO) § 1243

### §1243.13 EXCEPTION PROCEDURES

#### §1243.13 Exception Procedures

(1) Upon application to the Board of Supervisors, a subdivider may request an exception to the substantive regulations contained in the Facilities Standards Manual or in Chapter 1245 of these Subdivision Regulations. The Board of Supervisors may grant such an exception upon evidence presented by the subdivider that an exception is warranted due to an unusual situation or that strict adherence to general requirements would result in substantial injustice or hardship.

#### (2) No exception shall be granted by the Board of Supervisors that it finds would:

#### (a) Be in conflict with the governing Comprehensive Plan;

(b) Be in conflict with applicable requirements of the Zoning Ordinance;

Further, no exception granted pursuant to this section shall affect the subdivider's obligation to comply with requirements which are established by separate authority in accordance with State or County law, nor may any exception to Section 1245.13 relating to agreements and surety be granted pursuant to this section.

### CLUSTER DESIGN FACTORS – to go to the

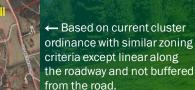
SUMMARY OF 2018 DISCUSSIONS WITH PLANNING/ZONING STAFF & SUBJECT EXPERTS:

1) Soils to be included in design of the rural economy lots and open space areas	Keeping septic out of ag areas will help keep agriculture uses viable.
2) Cluster lots need to be visually buffered by agricultural uses from major roadways.	≻Will help keep rural economy tourism viable.
(3) Lot schematic in a non-linear fashion. Reincorporate design features of Rural Hamlet Ordinance (Green/Square) into cluster design to discourage linear development.	>Will help minimize the visual impact of development.
4) Architecture	See Goose Creek Guideline and Goose Creek Historic District Design Criteria.
5) Access and Internal roads should not have to meet VDOT standards in order to be dedicated.	Maximize area for agricultural uses; Minimize visual impact of development. Entry features should reflect character of surrounding rural area.
6) Incorporate and preserve existing environmental and historic features within overall site design.	Example: Converted barn and Goose Creek Historic Guideline

### **Cluster Design Examples**

Although none protect Prime Ag Soils, examples demonstrate other Zoning factors to be considered for the Zoning Ordinance Overhaul.







around a town square with large lots buffering project from the road.

project from the road ...

Mt. Gile

Clustered around a town

square with large lots buffering

→ Also clustered

#### 55



#### RECOMMENDATION FORM A WORKING GROUP:

**Requirements for Cluster** Subdivision zoning and design to go to the "ZOO."

A ROUND AL

### FUTURE – "ZOO" PROPOSALS

Cluster housing to reflect rural values

→ Based on current

cluster ordinance with

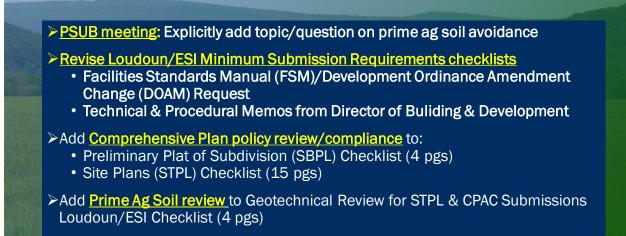
similar zoning criteria

55 from the road.

except linear along the

- Consistent cluster provisions in AR-1 & AR-2
- Require design to establish "buildable envelope" & drain fields keeping quality soils and heritage features for rural economy.
- Require "open space plan" rural economic activity or environmental management
- HOA document prep and review
- Revise street specifications (rural road) standards)
- Public presentation of plans (vs. internal admin process/review)
- Determine min/max property size for cluster development (56)

### **RECOMMENDATIONS:** Summary Cluster Subdivision Applications/Process



### **RECOMMENDATIONS:** Summary Cluster Subdivision Standards/Ordinances

Revise LSDO §1243.06 Preliminary Plat of Subdivision to include "governing comprehensive plan."

Revise LSDO §1243.12(3)(b) Record Plat and §1244.02 (3)(c) Site Plan to include "governing comprehensive plan."

### >FORM A WORKING GROUP:

• Requirements for Cluster Subdivision Zoning and Design to go to the "ZOO."

