

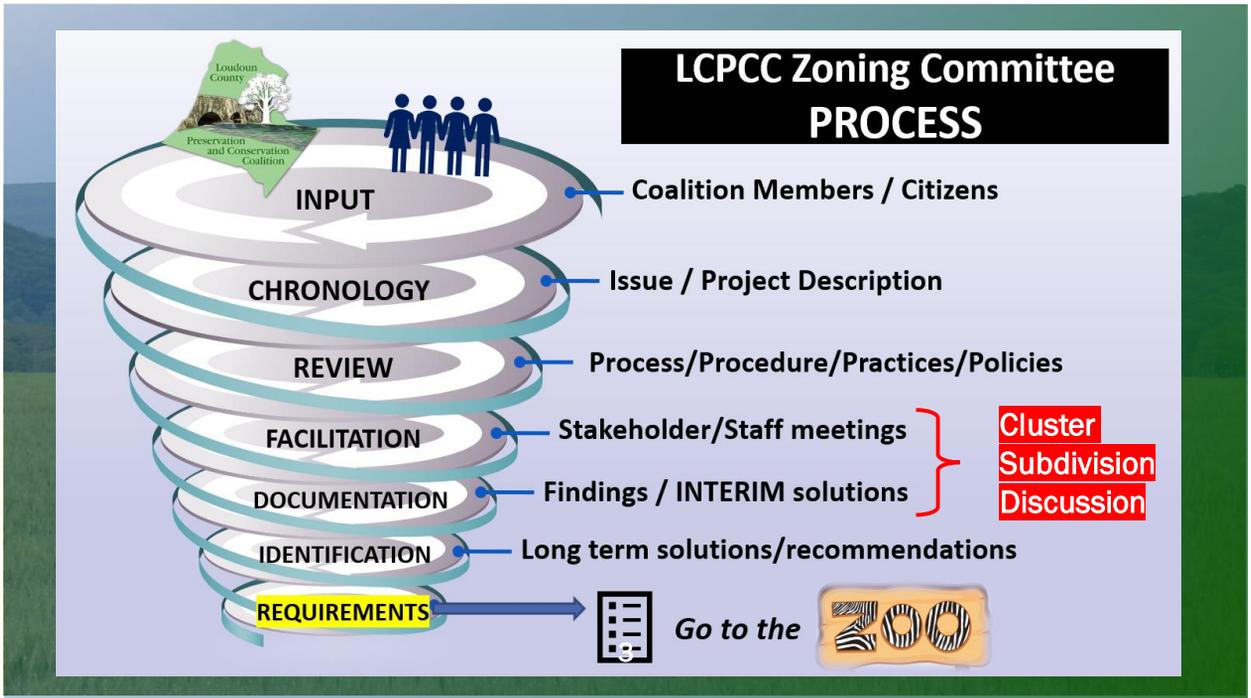
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**LCPCC Zoning Committee**

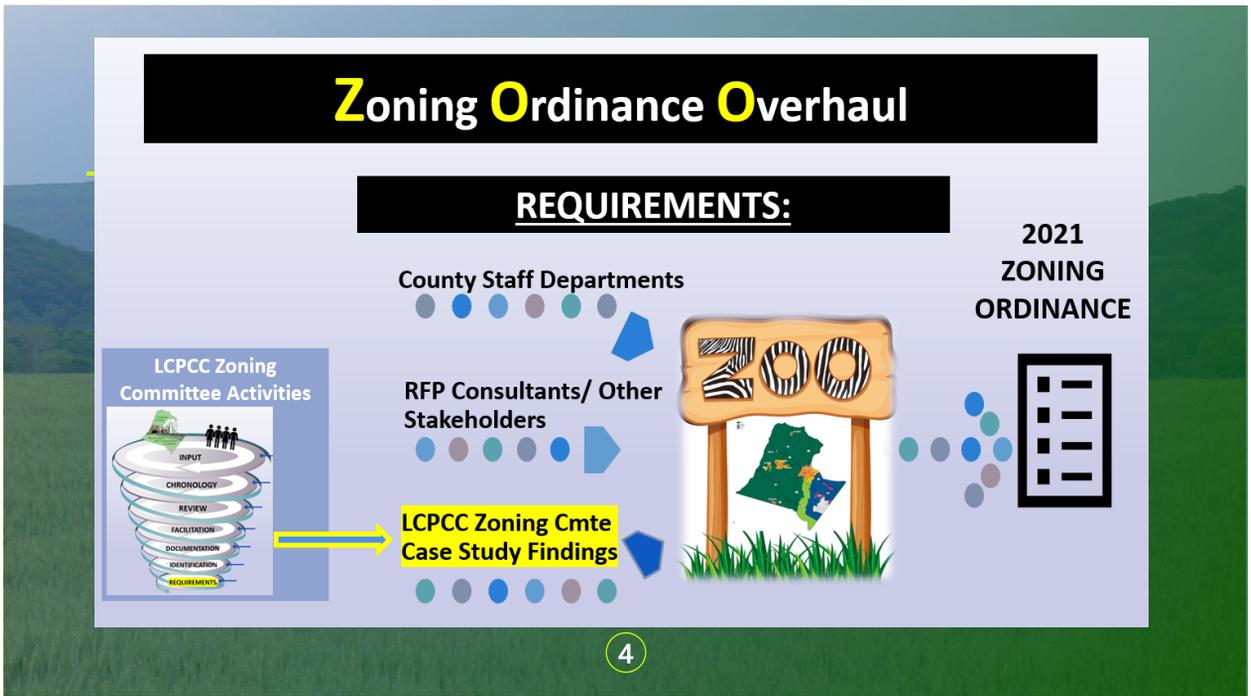
- WORK** with Coalition Members to **INFORM** & Update members on Case Study and other findings,
- IDENTIFY** common issues through case study and application consolidation,
- FACILITATE** stakeholder meetings and issues review with County/State Staff, and
- DOCUMENT** findings & recommendations -- primary input for *2021 Zoning Overhaul*.

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# CLUSTER SUBDIVISION DISCUSSION

## AGENDA & GOALS



### COMMUNICATE

questions/concerns to County Staff in a timely, coordinated manner



### IDENTIFY

conflicts with 2019 Comprehensive Plan policies and/or current Zoning Ordinances and standards.



### DISCUSS

process/procedures to ensure compliance



### DETERMINE

next steps to reach resolution and long-term requirements

5

5

# CONCLUSIONS – Up Front



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



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



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



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

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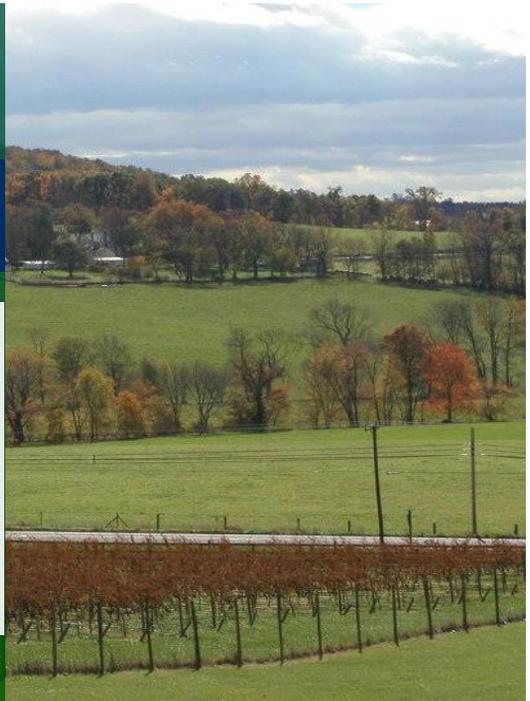
# COMPREHENSIVE PLAN REVIEW

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

2. 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 **conservation design process** established by the Zoning Ordinance.

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# 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.

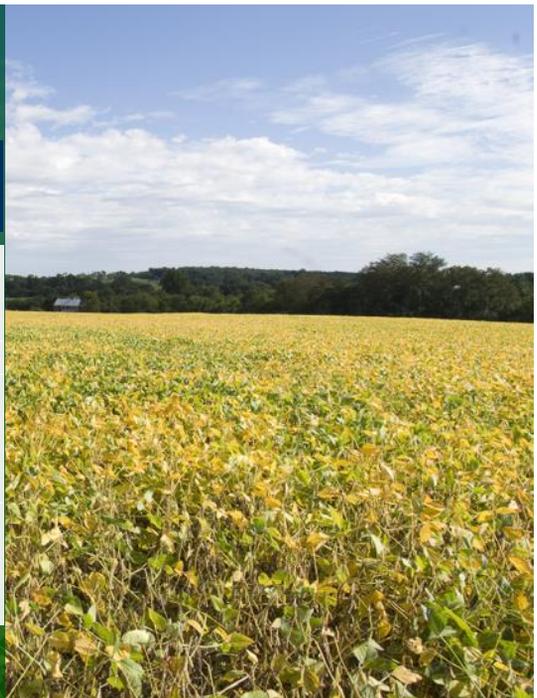
### Land Use & Development

RPA Policy 1: Foster land use and development patterns that incorporate natural, cultural, heritage, and agricultural resources to preserve character-defining 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, retain farmland** and the vitality of the rural economy, and foster a high quality of rural life for residents.

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# 2019 Comprehensive Plan

## RURAL RESIDENTIAL POLICIES, STRATEGIES & ACTIONS

### Rural Residential

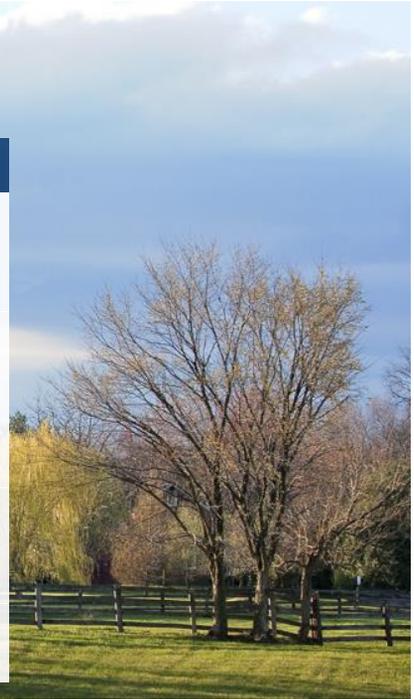
RPA Policy 2: **Limit residential development to protect the land resource for agricultural operations, rural economy uses, and open space uses**; minimize traffic impacts; and reduce the demand for additional public facilities and services.

#### 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 agriculture, rural economy uses, passive recreation, and open space.**

#### Actions

- 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.



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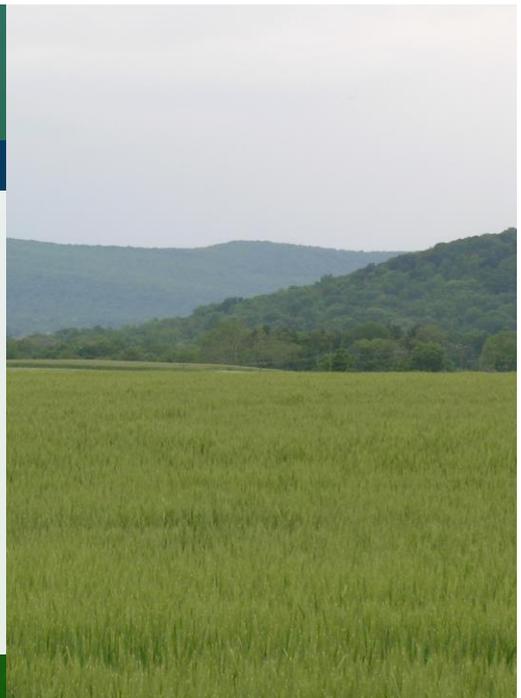
# 2019 Comprehensive Plan

## 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.
2. **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.
4. Development should be sited within the landscape to minimize visibility from roadways and other properties while **preserving suitable farmland.**

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# 2019 Comprehensive Plan

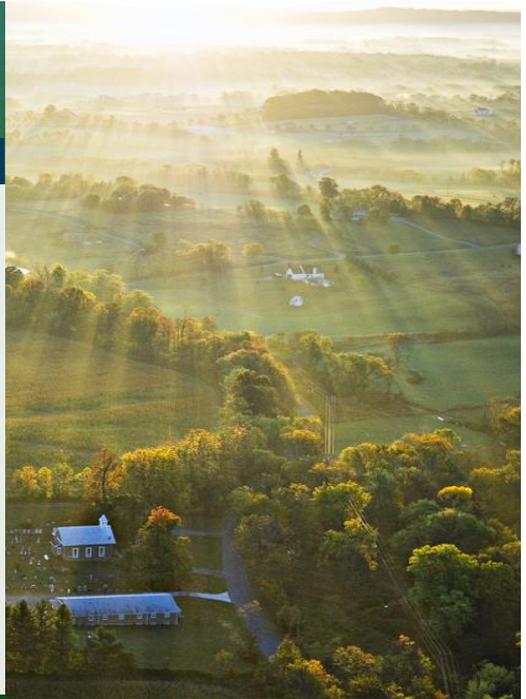
## RURAL POLICY AREA DESIGN GUIDELINES

7. **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:**

- a. 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. **Cluster development to retain large areas of agricultural soils for farming**
- e. Encourage the use of shared water and wastewater systems to serve cluster developments to protect water resources.

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# 2019 Comprehensive Plan

## PRIME AGRICULTURAL SOILS, Chapter 3-05

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

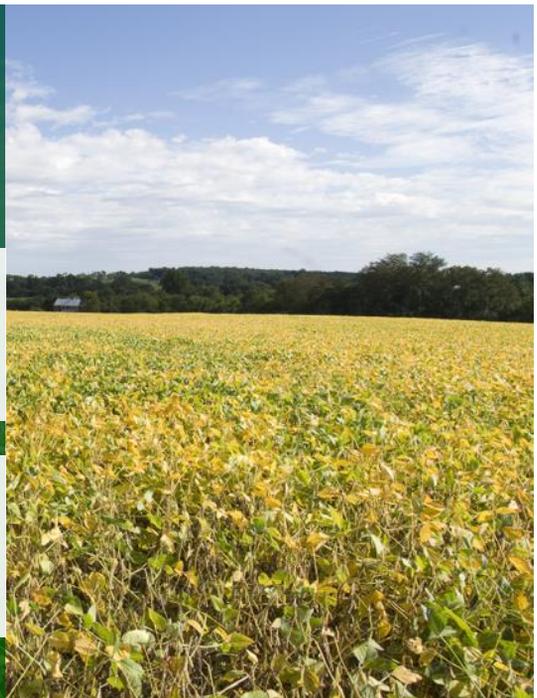
**Prime agricultural soils** in Loudoun are often seen as desirable for residential development. Once this land-based resource is lost, however, it cannot be reclaimed.

**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.

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# 2019 Comprehensive Plan

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

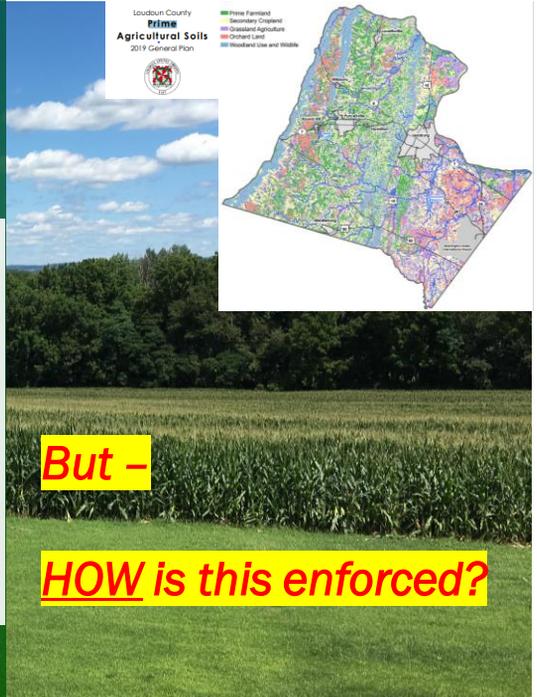
21. Randall: What happened to the prime agricultural soils map that was included in the RGP? **How will the County conserve prime agricultural soils?**

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.**

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## LAND SUBDIVISION & DEVELOPMENT ORDINANCE (LSDO)

### § 1241.02 Title

- This Ordinance shall hereafter be known and referred to as the "Land Subdivision and Development Ordinance of Loudoun County, Virginia."
- It shall consist of Chapters 1241 through 1246 of the CODIFIED ORDINANCES of Loudoun County AND the Loudoun County FACILITIES STANDARDS MANUAL.

### § 1241.03 Purpose

- This Ordinance is intended as an aid in the implementation of the COMPREHENSIVE PLAN.
- The provisions of this Ordinance AND the Facilities Standards Manual shall be the minimum requirements for the submission, preparation and recordation of all plans and plats.

### § 1241.04 General Usage

- (1) This article shall be read in conjunction with the ZONING ORDINANCE AND the FACILITIES STANDARDS MANUAL.
- (3) "Shall" is mandatory; (5) "May" is permissive

## ORDINANCES Implementing COMPREHENSIVE PLAN

Ordinances Consist of LSDO, FSM & Zoning Ordinance to Implement Comprehensive Plan



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# 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	1 reference (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

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## Revised 1993- ZONING ORDINANCE

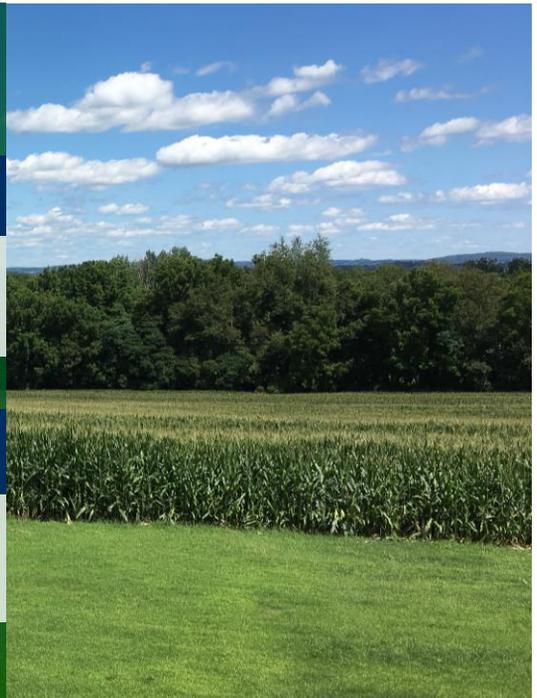
### §2-101 AR-1, Agricultural Rural-1 PURPOSE and INTENT

(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.

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## 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 **County's primary goal to preserve 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**

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## 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**

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# 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, **rural clusters remain the preferred residential development pattern in the RPA** 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



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 suitable for rural economy uses 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 40 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% of gross land: Rural Economy lots &/or Common Open Space. “Bona fide ag, horticulture, animal husbandry”	Minimum 85% of total land area, “devoted to open space and subject to permanent open space easements”

➤ Only Cluster Option available in AR-1 & AR-2 – **HOWEVER:** ➤ Hamlet preserves MORE land/farmland 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)

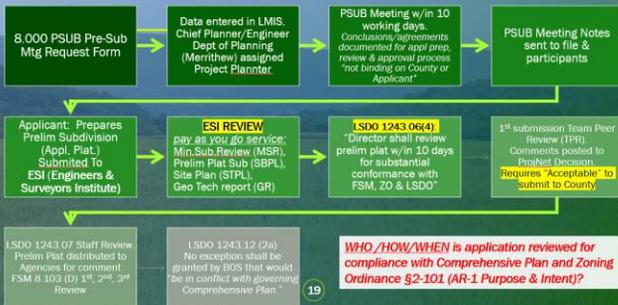


Zoning Ordinance: Cluster Development **LESS** protective of farmland than Rural Hamlets.\*

(\* Revisit via the ZOO)

## PROCESS REVIEW REQUIRED

### Process Summary: FSM, Ch. 8: Admin Procedures / ESI / LSDO



**NEXT UP:**

**CASE STUDY EXAMPLES**

# Cluster Subdivision Examples

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

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## Keena Subdivision

**Elvan Road, Lovettsville (“Elvan Farm Place”)**

- Thirteen (13) 1 to 3 acre lots contain ONLY prime farmland soils;
  - Best, most productive soils for high value crops and direct market livestock operations used for residential development.
- 30 acre lot contains all of the floodplain, wetlands, and hydric soils.
  - Lot set aside for Rural Economy comprised of soils less productive, and less sustainable both economically and environmentally.

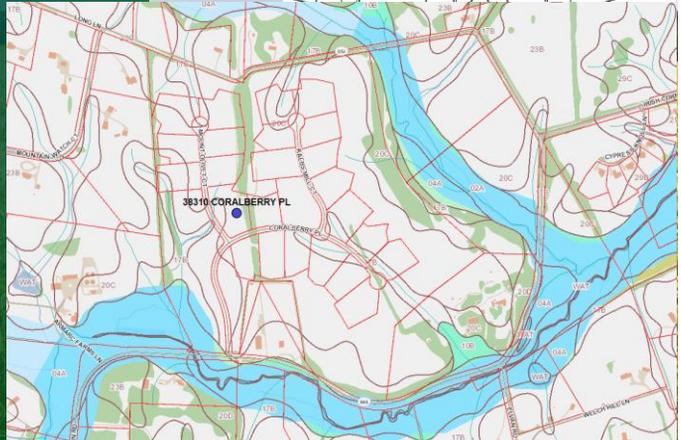
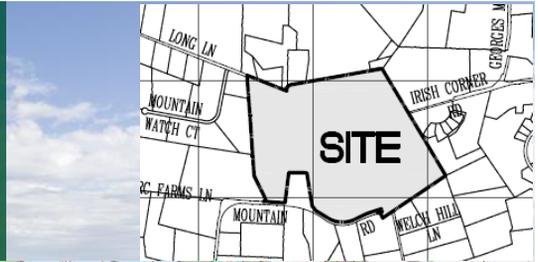
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## Caskey Farm Subdivision

### 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.



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## 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.

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## 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.

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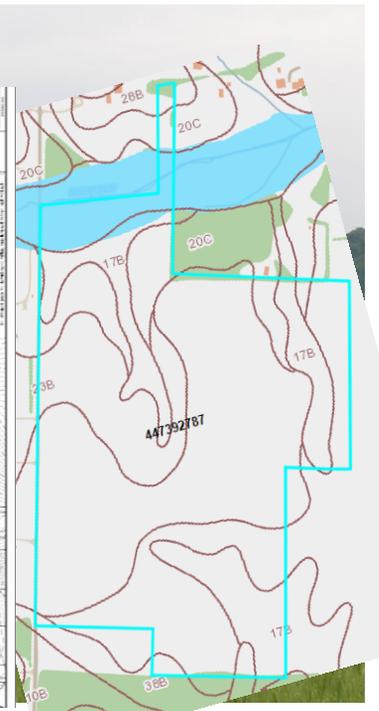


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## Short Hill View Subdivision

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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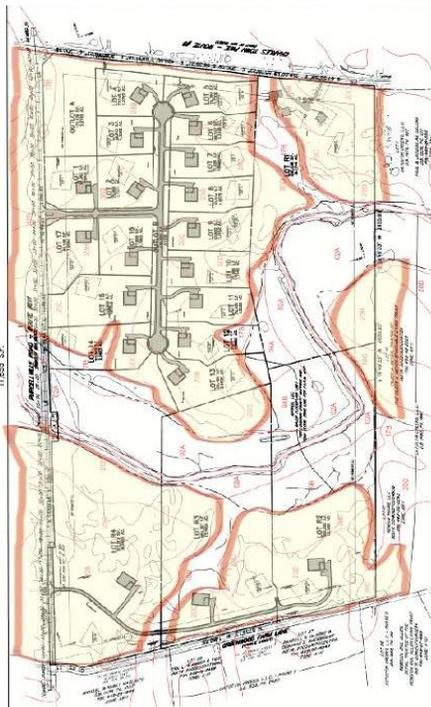
## Millers Reserve Subdivision

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.

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Millers Reserve – QUESTIONS	
<b>RURAL ECONOMY USES</b> 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."
<b>TREE PRESERVATION</b> 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.
<b>STREETSCAPE</b> Section 2-103(C)(2)(i)	Requires cluster subdivisions include a mixture of lot sizes and dimensions to avoid "monotonous streetscapes" in rural areas.
<b>EROSION &amp; SEDIMENT CONTROL</b>	Required to protect impacts of development on water sources, neighboring private land, and public green infrastructure.
<b>TOURISM &amp; SCENIC VALUES</b>	Significant impacts on "Scenic Byway" (Rte. 9) and Hillsboro Gap view shed

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## CONCERNS:

### Cluster Option Intent

- Developed to preserve larger lots for participation in Loudoun's Rural Economy
- Smaller lots clustered in one area
- Leaving a **large contiguous area** to be **sustainably farmed in economically viable way** and
- Contribute to Loudoun's rural economy.

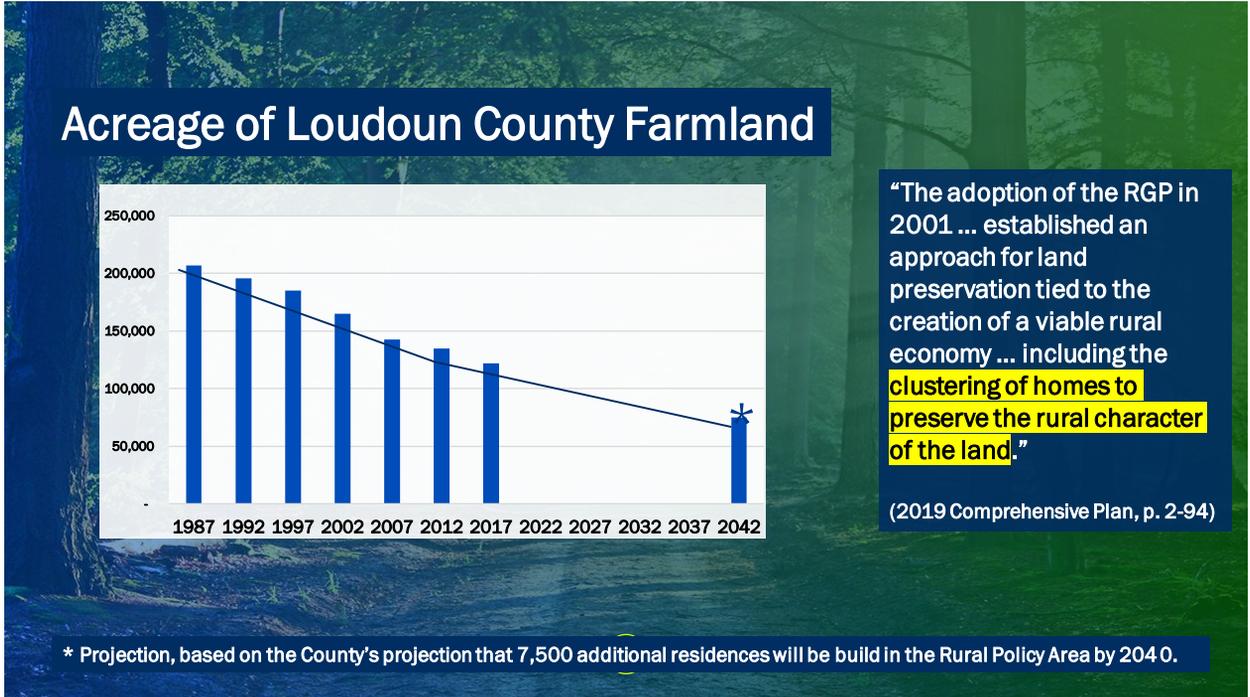
VS

### "TRADE OFF" Reality

- In exchange for more intense development, land is set aside for the rural economy.
- **CASES PRESENTED SHOW:**  
Area set aside for rural economy difficult to put houses on (floodplain, steep slopes),
- THEREFORE -- **NOTHING BEING "GIVEN UP."**  
*"Credit" given for land that couldn't otherwise be intensely developed.*

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## BEST Cluster Model

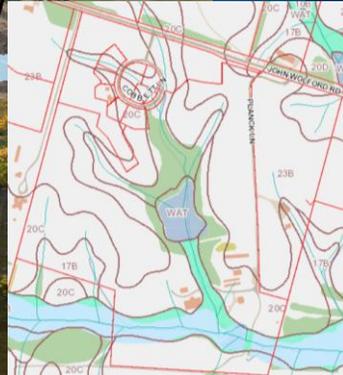
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**Chalk Farm (Planck)/Wheatland Vegetable**  
(John Wolford Rd. west of Rte.287)

- 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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## BEST Cluster Model

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

- Large 40 acre parcel of good quality soils preserved:
  - Sold to neighboring farmer
  - Part of vegetable, dairy, and meat operation
  - 40 acre parcel contains infrastructure of original farm (e.g., barns)
    - add value from a rural economy perspective.
- **Developments CAN achieve goal of prime farmland and rural economy protection**

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## Cluster Development Design Balancing Objectives:

	PROS	CONS
Chalk Farm/Planck	Full-time farmers arranged usable Rural Economy lot for continued full-time farming	
Case Study Cluster Subdivisions	<ul style="list-style-type: none"> <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).

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# REDC

Rural Economic Development Council

**PRODUCTION SIDE** – quantify Prime Farmland acres lost via cluster subdivisions (Prime vs. non-prime soils)

**CONCERNS:**

- Accelerated loss of prime soils for agriculture
- Lack of zoning protection for prime and secondary agricultural soils for rural economic uses

**CASE STUDY ANALYSIS ELEMENTS**

**COST OF SERVICES** – required for cluster subdivision households

**SLEAC ASSESSMENT** State Land Evaluation Advisory Council Code of Virginia (§ 58.1-3239). Mandate: determine and publish use-value estimates of eligible land for each jurisdiction participating in use-value taxation program.

**VALUE-ADD FARMING** Quantify value of farming vs. impacts to developers of requiring rural economy lots on prime soils.

37 How Cluster Subdivisions are handled in other counties (Montgomery, Prince William, Clarke, Stafford Counties, etc.)

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# DISCUSSION QUESTIONS

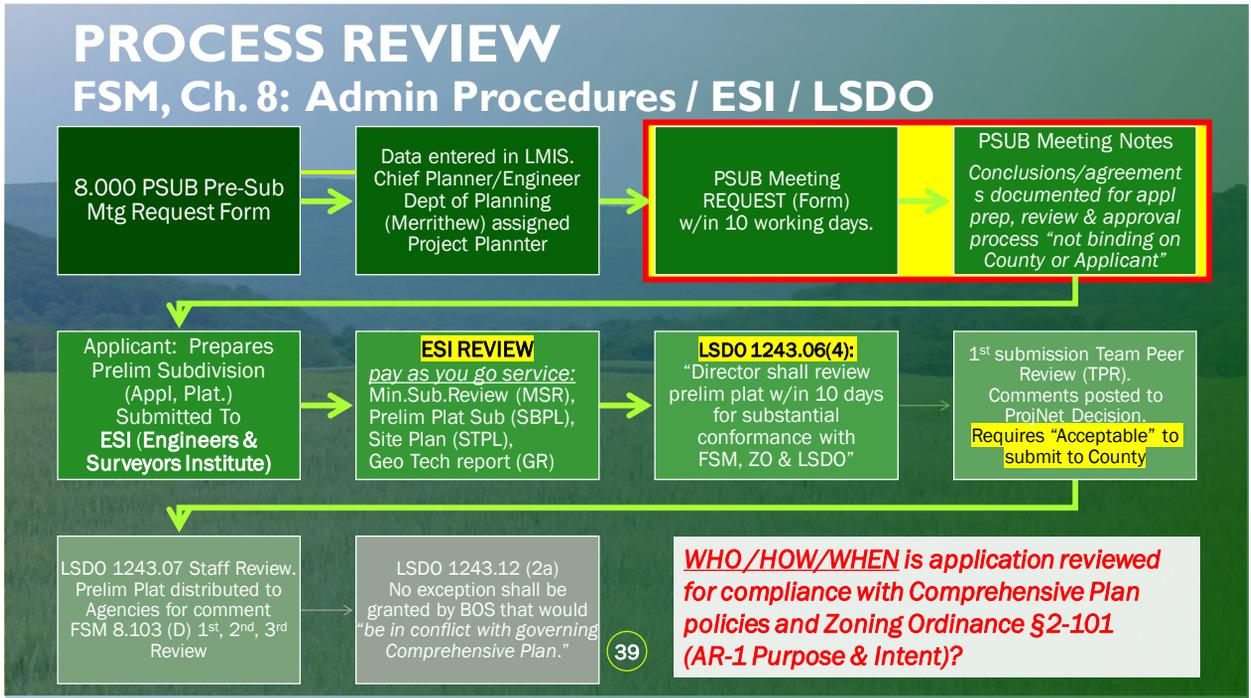
**How are applications evaluated to achieve goal of prime farmland and rural economy protection:**

**COMPREHENSIVE PLAN COMPLIANCE & COUNTY APPROVAL**

- in relation to **Comprehensive Plan policies** to retain farmland?
- to be consistent with the basic **purpose and intent of cluster zoning** as described in the **Zoning Ordinance**?
- to confirm requirements **preserve prime agricultural soils for farming** in **LSDO and FSM**, to and other rural economy uses as the Ordinance intended?

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## 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."*

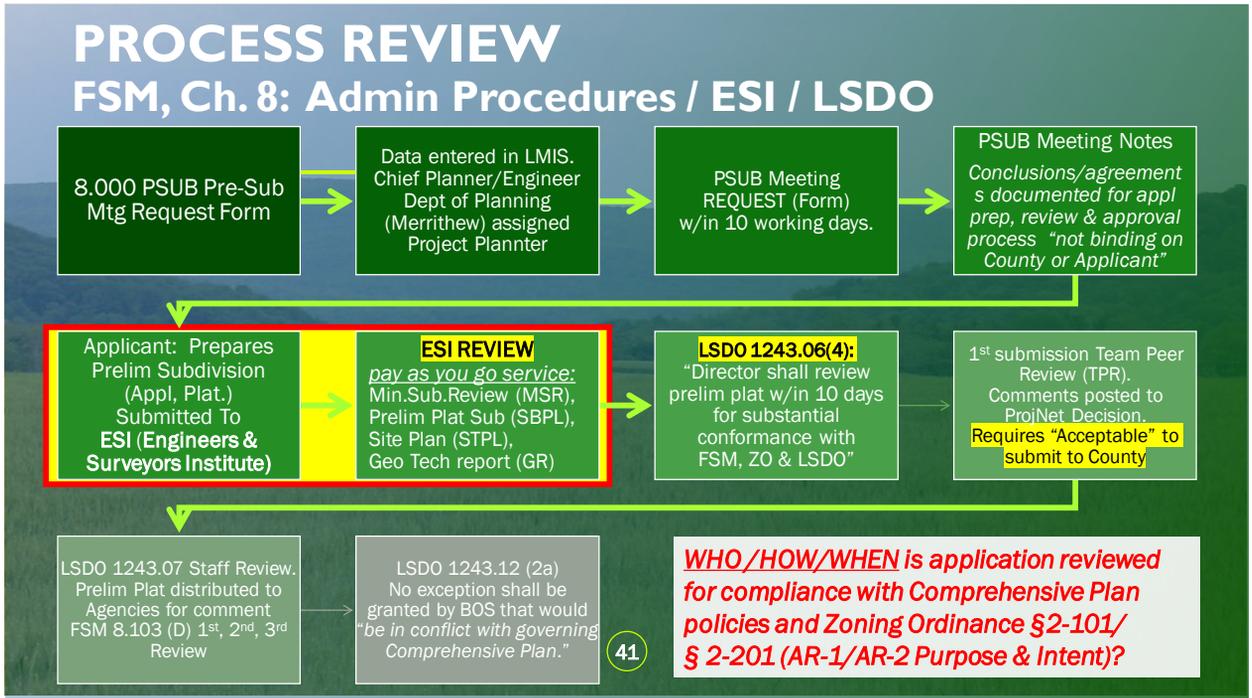
- **FACILITIES STANDARDS MANUAL §8.000 ADMINISTRATIVE PROCEDURES**
- During the **Pre-submission meeting**, the County and applicant shall collaborate and **share design options to meet the proposed land use objectives while preserving and protecting the environmental and cultural resources identified 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 **except as modified as a result of a pre-submission meeting** pursuant to Section 8.000 of this manual.

**RECOMMENDATION:**  
Explicitly add topic/question on **prime ag soil avoidance** during PSUB meeting.

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# 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)?**

**RECOMMENDATION: 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 Loudoun County Staff once 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 & FSM 8.102.A.2	Scale: Lots ≤ 3 Ac., 1"= 100' max; Lots > 3 Ac., 1" = 200' max					2
FSM 8.102.A.3	North Arrow					3
FSM 8.102.A.4	Date on Coversheet					4
FSM 8.102.A.5 & FSM 8.101.A.2	Proposed name of subdivision or development					5
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 & FSM 8.102.A.8	Revision block					10
FSM 8.101.A.4 & FSM 8.102.A.9	Source of title (DB/PG or Instr. No.)					11
FSM 8.101.A.5 & FSM 8.102.A.10	Zoning requirements, incl. proffers or SE cond.					12
	Applicable Zoning Ordinance version (1972, 1993 or Rev. 1993)					13

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# 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)?**

## RECOMMENDATION:

**Revise Loudoun/ESI Min. Submission Requirements checklists through:**

- FSM/DOAM Change Request
- Technical & Procedural Memos to update checklists



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



### SITE PLANS

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 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
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
FSM 106.A.23.c	<ul style="list-style-type: none"> <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 style="list-style-type: none"> <li>• Natural and manmade open channels and swales</li> </ul>					82
FSM 106.A.23.e	<ul style="list-style-type: none"> <li>• Proposed easements</li> </ul>					83
FSM 106.A.27	Soils map and certification					91

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# 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)?**

## 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: OMAGL, COR, HEALTH, NR, DTCL, VDOT, LCPS, DPZ-ARCH, GS, F&R, FMO, CAO			
PROJECT MANAGER: Diana Larson			
CHECKLIST REVIEW DEADLINE: 06/18/2019	STATUS: <input checked="" type="checkbox"/> ACCEPTED <input type="checkbox"/> REJECTED		
REVIEW DATE:			
RESUBMISSION REVIEW (ONLY IF REJECTED DURING CHECKLIST REVIEW)			
RESUBMISSION DATE:	STATUS: <input type="checkbox"/> ACCEPTED <input type="checkbox"/> REJECTED		
REVIEW DATE:			
REQUIREMENT	ACCEPTABLE?		
	YES	NO	DATE CORRECTED
DOCUMENTATION			
Completed Land Development Application form, with original signatures.	X		
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		

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# Facilities Standards Manual §1.200: Authority, Interpretation, Revision

## FSM CHANGE PROCESS:



### 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 prepared by Staff and/or the Facilities Standards Manual Public Review Committee 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

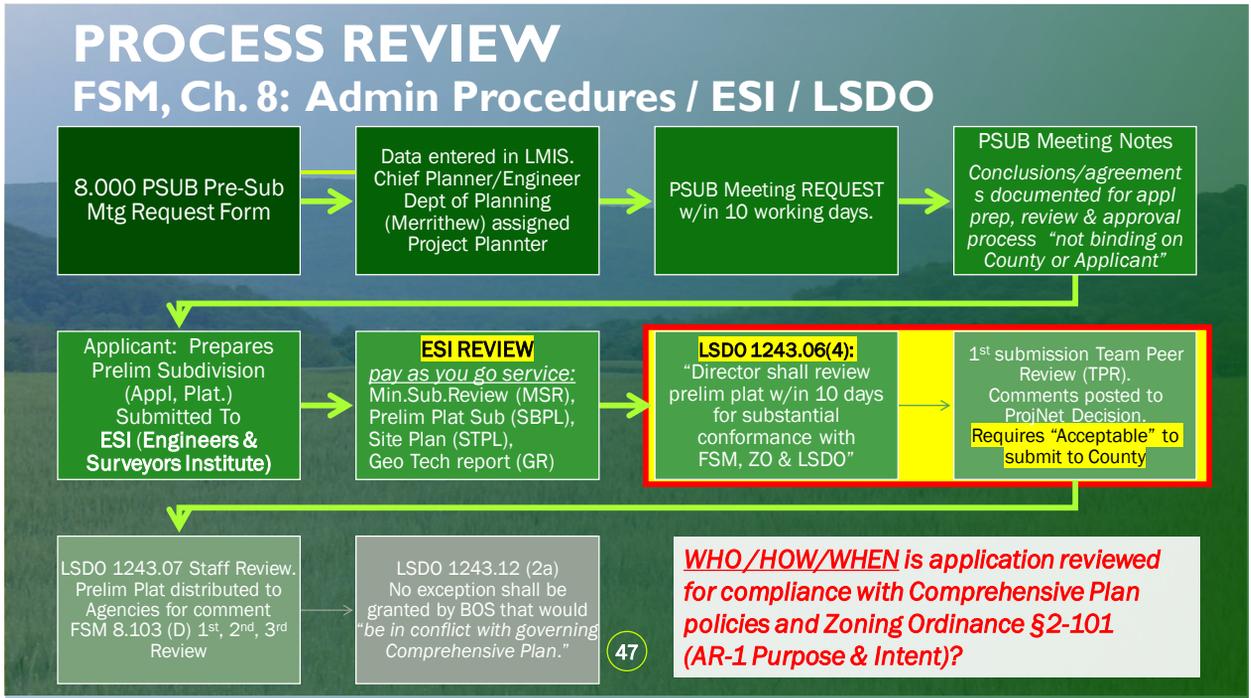


## FACILITIES STANDARDS MANUAL §8.101 ADMINISTRATIVE PROCEDURES

### 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; 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 districts; minimum lot area; minimum lot width; maximum length/width ratio; minimum front, 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.



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## Land Subdivision & Development Ordinance (LSDO)

### § 1241.06 Lot Creation AR-1/AR-2

**(3) Cluster Subdivision** - Lots proposed to be created in accordance with the Cluster Subdivision provisions of the Zoning Ordinance shall be developed in accordance with the following procedures.

- (A) The creation of a **single cluster lot** shall follow the procedures and requirements of the provisions of **Section 1243.05.1.**
- (B) The creation of **five (5) lots or fewer** shall follow the procedures and requirements for a **Preliminary/Record Plat.**
- (C) The creation of **more than five (5) lots** shall follow the procedures and requirements for a **Preliminary Plat of Subdivision**

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## 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 **more than five (5) lots** 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"**

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

### Design, Approval, Disapproval Reference to "POLICIES"

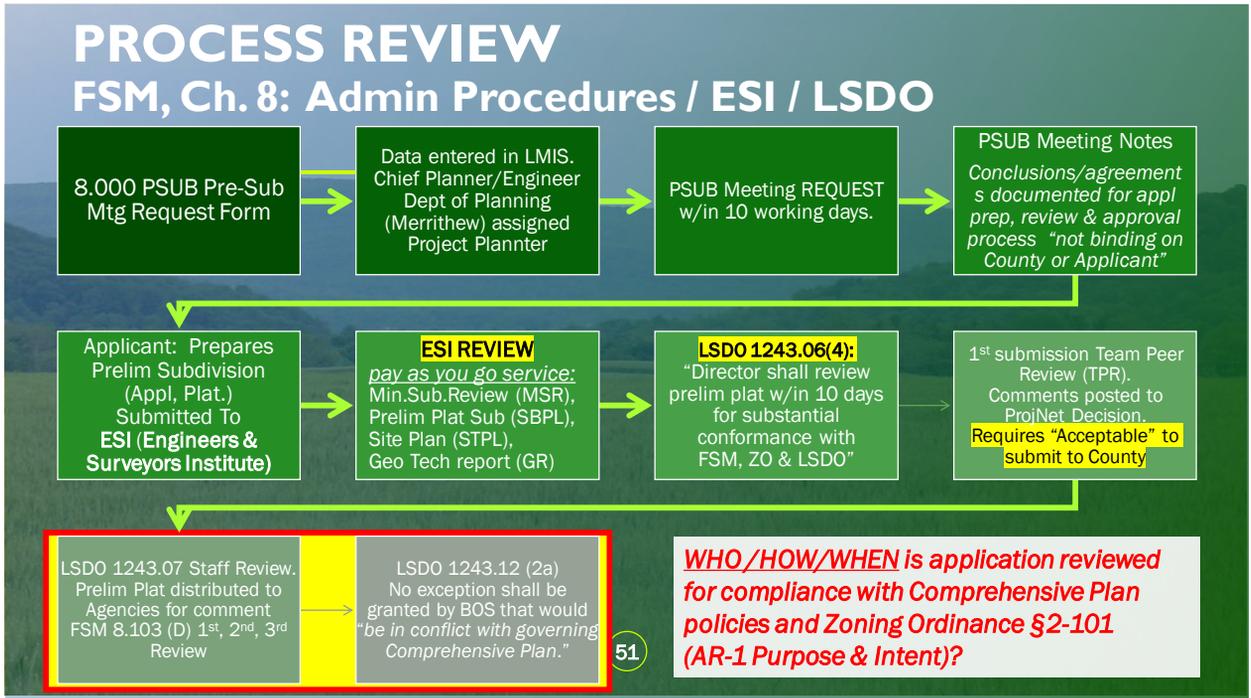
§1243.09 – Preliminary/Record Plat *"Shall be designed in accordance with the provisions of this Ordinance and the [FSM] . . ."*

**§1243.12(3)(b) Record Plat and §1244.02 (3)(c) Site Plan**

*"Written reasons for **disapproval** shall identify deficiencies . . . by reference to specific **duly adopted ordinances, regulations, or \* POLICIES** and shall generally identify such modifications or corrections as will permit approval of the plat."*

**\*RECOMMENDATION:** **CLARIFY** LSDO §1243.12(3)(b) Record Plat and §1244.02 (3)(c) Site Plan to include **"governing comprehensive plan."** Add to Checklists.

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## Land Subdivision & Development Ordinance (LSDO)

### §1243.05.1. WAIVER PROVISIONS - General

#### 1243.05.1 Waiver Provisions - General

Where a **single lot or parcel of land** is to be subdivided **into any two parcels**, the Director may waive any and all of the requirements of this Ordinance and the Facilities Standards Manual, and approve the subdivision, as evidenced by his signature on the plat, as long as the following conditions are met.

- (1) All applicable requirements of the Zoning Ordinance shall be met.
- (2) No such lot or parcel created hereunder shall be eligible for further subdivision under this Section 1243.05.1 for a period of one (1) year after approval.

The Director **shall not process such subdivision waiver application** if any of the following conditions are found to be in existence:

- (A) Conflict with the governing Comprehensive Plan.**
- (B) Bond requirements for public improvements requiring

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# 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.



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# CLUSTER DESIGN FACTORS – to go to the

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

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

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# Cluster Design Examples

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



**Birch Hollow Hamlet**

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



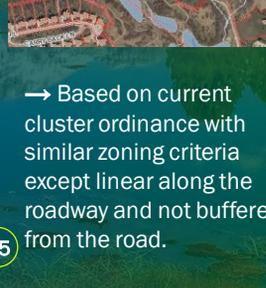
**Beacon Hill**

← Based on current cluster ordinance with similar zoning criteria except linear along the roadway and not buffered from the road.



**Mt. Gilead Hamlet**

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



**Waterford Ridge**

→ Based on current cluster ordinance with similar zoning criteria except linear along the roadway and not buffered from the road.

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## RECOMMENDATION

- **FORM A WORKING GROUP:** Requirements for Cluster Subdivision zoning and design to go to the "ZOO."

## FUTURE – "ZOO" PROPOSALS

- Cluster housing to reflect rural values
- 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

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

- **PSUB meeting:** Explicitly add topic/question on prime ag soil avoidance
- **Revise Loudoun/ESI Minimum Submission Requirements checklists**
  - Facilities Standards Manual (FSM)/Development Ordinance Amendment Change (DOAM) Request
  - Technical & Procedural Memos from Director of Building & Development
- Add **Comprehensive Plan policy review/compliance** to:
  - Preliminary Plat of Subdivision (SBPL) Checklist (4 pgs)
  - Site Plans (STPL) Checklist (15 pgs)
- Add **Prime Ag Soil review** to Geotechnical Review for STPL & CPAC Submissions Loudoun/ESI Checklist (4 pgs)

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## 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."

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# Cluster Subdivisions: NEXT STEPS

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



**Thank You**

Loudoun County  
Preservation and Conservation Coalition

**LCPCC  
Zoning  
Committee**