

**ZOAM-2020-0002**  
**March 8, 2021**



**SUBDIVISION/PRIME AG SOILS -- 1ST OUTREACH INPUT**  
**SUBMITTED BY: LCPCC Member Organization Representative**

**COMMENTS / QUESTIONS**

**The following provides a compiled summary of input discussed at the LCPCC March 8th ZOAM Input Meeting, provided by LCPCC committee chairs and member organizations including:**

**LCPCC Executive Committee; LCPCC Zoning Committee; LCPCC Emerald Ribbons Committee; Blue Ridge Mountain Civic Association; Farm Bureau; Friends of the Blue Ridge Mountains; Goose Creek Association; Loudoun Historic Village Alliance; Loudoun Soil & Water District; Loudoun Wildlife Conservancy; Piedmont Environmental Council; Virginia Piedmont Heritage Area; Aldie Heritage Association; ; Loudoun Climate Project; Save Rural Loudoun; Unison Preservation Society; River Creek Owners Association**

**1. What do you see as being the major OPPORTUNITIES and ADVANTAGES that this proposed amendment will provide?**

It will help lessen the negative visual impact of new development while supporting farming and the image of an agricultural based and “farm to table” community. It will help conserve the natural environmental features (e.g., water resources & wildlife) as well as contribute to recreation uses in the RPA by providing linkages for the multi-use trail system, Emerald Ribbon.

The current Zoning Ordinance steers development towards Clusters to reduce the By Right Impact of undeterred development in rural areas, reduce the overall density impact and save as much open space as possible. The problem for the future of agriculture in the County is that the current Cluster Subdivision Ordinance does not save Prime Ag Soils. As a result, Loudoun County continues to lose thousands of acres of prime agricultural soils, some of the most fertile soils on the East Coast.

All citizens in Loudoun County—east and west—have a vital interest in seeing the most productive farmland saved in Western Loudoun, for this important natural resource is irreplaceable and will continue to be the vital resource for local food production in the County. This necessity has been greatly magnified by the current Covid-19 pandemic.

Nearly all small businesses in Western Loudoun depend on preservation of open space to provide the rural backdrop or surrounding landscape (the “there-there”) that provides a unique destination point for wineries, breweries, wedding venues and B&B enterprises. Without the underlying bedrock of agriculture and farming, many of the tourism and recreation draws of Loudoun are lessened, or disappear entirely.

Without fertile (USDA Class I Prime Ag Soils) to farm, there will be a major loss of successful farmers, farmland and necessary agriculture supporting infrastructure which supports continuation of open spaces in Western Loudoun which, in turn, form the unique rural character of Loudoun County.

The future of farming in Western Loudoun depends on the availability of fertile farmland that supports efficient production of valuable food resources, including meat, dairy, produce, fruits, grains, and specialty crops which are marketed to local citizens through local Farmers Markets and Community Farm Association’s (CSAs).

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	<p>Protecting soils results in protecting many other things: open space, agriculture, wildlife habitat, water quality, trails</p> <p>The amendment would help protect soils that are not currently protected with a conservation easement or by being in a temporary agricultural and forestal district</p> <p>Provides consistent alignment between the comprehensive plan and zoning ordinance</p>
	<p>The ongoing rapid residential development in the Rural Policy Area (RPA) also threatens Loudoun’s vibrant rural tourism sector, bringing more congestion and the degradation or loss of neighboring farms and iconic viewsheds. In addition, full build out of the currently allowed density in the RN would cause serious damage to the environmental services provided by the RPA and its wildlife habitats.</p> <p>The Zoning Ordinance currently allows developers to build many more houses on rural properties in Loudoun than neighboring counties in Virginia and Maryland allow in their rural areas.</p> <p>As a result, Loudoun is absorbing much more residential growth in its rural areas than is occurring in other rural areas within the regional DC Metropolitan housing market. This is not fair to Loudoun residents, and is not in the long-term interest of Loudoun County.</p>
<p>2. What do you see as being the major <b>CONCERNS</b> or <b>ISSUES</b> that this proposed amendment will need to address?</p>	<p>Resistance from the development community and landowners who will view it negatively. New standards must not overregulate or be so onerous that they undermine incentives for conservation easements and land values as unintended consequence. Most of the new development is a result of prior approvals.</p>
	<p>The proper cluster design with flexible density requirements can be utilized to preserve maximum acreage of Prime Agricultural Soils (PAS) without reducing the overall value yield of any given parcel, particularly if provision is made to place the Preserved Farmland Lot(s) (PFL) into an Agriculture Conservation Easement. Even if the total parcel value yield is reduced by preserving a minimum of 80 percent of PAS, the steady increase in Loudoun County land values plus the additional income from the sale or leasing of the PFL must be considered.</p> <p>With regard to the Administrative Process associated with protecting PAS, regulatory provision must be provided in all pertinent ordinances (ZO,FSM, LSDO) to require priority be given in all Presubmission Meetings and Technical Review Meetings to protect a minimum of 80 percent of all PAS contained within the total acreage of the parcel being considered for Cluster Ordinance approval.</p>
	<p>Decrease in property value has been expressed as a major concern</p> <p>Aligning with the property value concern, some have expressed that there could be a negative impact on the amount of land being protected with conservation easements</p> <p>These are things the county will need to take into consideration. It would not be conducive to pass an amendment that would result in a <u>decrease of land being protected.</u></p>
	<p>The Zoning Ordinance currently does not require any open space in clustered subdivisions. Rather, it requires that the combination of land in “rural economy lots” and “common open space” equal 70% of the gross acreage of the subdivided property (see sections 2-103(C)(2)(h) and 2-203(C)(2)(h) of the Zoning Ordinance).</p>
	<p>Establish “Neighborhood Conservation Districts” for Loudoun’s historic towns and villages. (p. 25)</p> <p>Adopt provisions to avoid isolated pockets of fragmented open space. (p. 26)</p>
	<p>Adopt land disturbance, building height, and building design restrictions on either side of a ridgeline in the Mountainside Development Overlay District (MDOD). (p. 28)</p> <p>Require special exception approval for the subdivision of properties into three or more lots in Sensitive and Highly Sensitive Mountainside areas. (p. 28)</p> <p>Establish clearing limits for steep slopes outside the MDOD. (p. 29)</p> <p>Establish mandatory provisions for site design that preserve the rural historic landscape. (p. 30)</p>

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<p>3. In general, what <b>LIMITATIONS</b> or <b>ALLOWANCES</b> would you like to see included in the text amendments that would help preserve prime agricultural soils.</p>	<p>Develop a priority matrix that considers prime soils (but does not lower current density levels) and also considers other factors, such as visual impact by screening and buffering, water runoff control from impervious surfaces, design standards with architectural diversity, connecting trails, steep slopes and floodplain, lot layout, preservation of existing and interesting structures and features. These are all important considerations for maintaining the rural look. Use the prior Hamlet design guidelines in AR districts.</p>
	<ol style="list-style-type: none"> <li>1. All Cluster Subdivisions be required to have a "Soil and Water" produced Management Plan for the Conservancy lots showing that they have Agriculture, Animal Husbandry, or Environmental Preservation capacity and a developer's commitment to its implementation. Uses must be compatible with the residential use.</li> <li>2. Conservancy lots should be at the minimum size of the AR-1 or AR-2 base density (i.e. 20 or 40 acres as the minimum conservancy lot size).</li> <li>3. A permanent easement should be on Conservancy Lots, to avoid future subdivision through combining lots.</li> <li>4. Increase the minimum Cluster (now 5 units I believe) to 10 which requires 50 acres.</li> <li>5. Performance standards to increase setback from main road frontage, require buffering between the lots and main road, and limit entrance sign options to minimum sizes with relevant rural character.</li> <li>6. Increase the separation distance between Clusters on the same property and/or require reforestation to create a strong visual barrier.</li> </ol>
	<p>Loudoun County Farm Bureau is recommending a very simple approach to save more prime agricultural soils, without deterring landowners from being denied the opportunity to sell their land for residential development.</p> <p>LCFB recommends that on any given plot of land being sold for residential development, the acreage of prime agricultural soils be identified by first subtracting from the total acreage, the acreage defined by Loudoun Zoning &amp; Mapping as Steep Slopes, Flood Plain, Private Access Easements, Right-of-Way for roads and Utility Easements. The residual acreage is identified as the Open Space for Potential Development, from which the acreage representing the Prime Ag Soil is subtracted, yielding the acreage available for clustered housing.</p>
	<p>The goal is to preserve, for agricultural purposes, 80% to 85% of the Prime Ag Soil so identified under this so-called "<u>Subtraction Method</u>" which can be illustrated as follows:</p> $\begin{aligned} &\text{Total Acreage} - \text{Steep Slope Acreage} - \text{Flood Plain Acreage} - \text{Private Access Easements} - \text{Right-of-Way for roads and Utility Easements} \\ &= \text{Total Open Space for Potential Development} - \text{Prime Soil Acreage} \\ &= \text{Residual Acreage for Cluster Development.} \end{aligned}$ <p>EXAMPLE: If this "Subtraction Method" had been applied to the Miller's Reserve Cluster development near Hillsboro, the residual acreage for clustering would have been 11.2 acres as opposed to the 31.7 acres granted by the County for clustering under the present Zoning Ordinance. In this example, a bonus of nearly 20 acres was granted the developer while less than 50% (21.3 acres) of Prime Ag Soils (49.9 acres) was preserved in the Rural Economy Lot. In this example, more prime soils acreage was allotted for the cluster lots (23.1 acres) than for the Rural Economy Lot. In other words, all the clustered houses were placed on the best prime ag soils!</p>

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	Farm Bureau believes that if we now want to place a priority on preservation of Prime AG Soils (PAS), then it becomes a misnomer to designate or define the land being preserved as the "Economy Lot." A much more accurate and definitive terminology would be to define the preserved "Economy Lot" as the "Preserved Farmland Lot" (PFL) because the main purpose for which PAS is being saved is to encourage future generations to continuing farming this preserved parcel.
	<p>Insure that a rural economy lot is protected with a conservation easement, which is in perpetuity; not a development easement or in an ag/forestral district</p> <p>Don't just protect the rural economy lot with a conservation easement, also utilize the easement to outline terms for use of the property – especially in alignment with goals of the Comp Plan, such as permitting/ requiring trails, riparian buffers, a soil conservation plan, a forest management plan; etc.</p> <p>Provide clear definitions of prime soil types</p> <p>Identifying the property value for a farmer w/ prime soils; principal and subordinate approach; having a multitude of choices, not just one option. The prime soil value to a farmer is a different economic consideration than that of the development value of a property and should be considered. This could be considered in determining the best type of subdivision type that would be considered, i.e. principal/subordinate versus cluster.</p> <p>HOA lots should be thought about separately from FP lots--so HOA open space lot(s) are a separate category from rural economy lot(s)</p>
	To effectively implement the intent of the 2019 GP, the percentage of cluster subdivision properties that must be dedicated to a combination of open space and rural economy lots should be increased to <b>85%</b> (aligned with the County's "Rural Hamlet" standards).
	<p>The Zoning Ordinance should require that the land reserved for rural economy uses in cluster subdivision properties be divided into no more than two rural economy lots, none of which should be smaller than 20 acres in the RN and 40 acres in the RS (the base densities of those districts). This will implement Rural Economy Strategy 3.2 of the 2019 GP and the consultants' recommendation to avoid further fragmentation of valuable farmland (p. 26).</p> <p>A minimum of 10% of the gross acreage of such properties should be dedicated to "Open and Usable Space," as defined in Article 8 of the current Zoning Ordinance. This will implement OD Policy 4 and OD Policy 7.1(C) of the 2019 GP.</p>
	Site design guidelines for the RN and RS should be based not just on the internal characteristics of each lot (e.g., lot dimensions), but also on the characteristics of adjoining properties.
	<p>For clustered residential lots adjacent to existing agricultural operations or rural economy lots, ample setbacks should be established to minimize conflicts between agricultural and residential land uses. (See p. 30 of the consultants' Zoning Text Analysis report).</p> <p>For any rural lot adjacent to a route the County has designated to be part of the Emerald Ribbons linear parks and trail network, a sufficient setback should be required to allow for the development of trails.</p> <p>For clustered residential lots adjacent to a public road, a dense screen of mixed native evergreens should be required (as illustrated on p. 2-110 of the 2019 GP, also see p. 30 of the consultants' "Zoning Text Analysis" report).</p>
<p><b>4.</b> In general, what text amendments would you be <b>OPPOSED TO?</b></p>	Overreaching permitted or special exception uses that are not truly "agricultural" uses. Performance standards and enforcement of non-traditional ag uses need to be expanded to maintain the rural character. Eliminate from development easements, which should include conservation values and prohibition of other "ag" uses, such as event venues and B&Bs.
	Farm Bureau would be opposed to any provision which limits a farmer from farming the PAL under generally approved agriculture practices. Ownership of the "Preserved Farmland Lot" (PFL) must be maintained with the original owner or sold to a new owner, but not be placed under the ownership, control, purview or regulation of a Home Owners Association (HOA).

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	<p>Opposed to putting development before protection of soils, other natural resources, and agriculture</p> <p>Opposed to providing special exceptions that result in higher degradation of natural land, agriculture, and water resources</p>
	<p>The ZOR must establish enforceable means of implementing the County's land-use policies in rural by-right developments.</p>
	<p>WSP Consultant's report:</p> <p>Current lot coverage is too large for the lot sizes (10% for residential, 25% for non-residential). Propose reducing to 2% and 7%. SRL supports the recommendation with respect to principal/subordinate and clustered residential lots. However, we are concerned that the proposed changes may have inadvertent negative impacts on farm operations on rural economy lots. Among other considerations, this regulation should take into account the types of farm or farm-support buildings that the County includes in its calculation of coverage.</p> <p>Consult with the Farm Bureau and other relevant stakeholders to consider the potential impacts on farming operations using real-world examples.</p>
<p>5. Please provide any <b>ADDITIONAL COMMENTS, QUESTIONS</b> or <b>CONCERNS</b> that you have related to this proposed amendment.</p>	<p>Be especially concerned with preserving the view shed around villages and towns to protect and enhance their identity as a unique sense of place.</p>
	<p>Why was the Hamlet was dropped, but overall it is a better solution.</p>
	<p>Over development of available land resources in western Loudoun will result in greater rural density, increased need for supporting infrastructure (roads and schools) and result in higher taxes for all taxpayers.</p> <p>Keeping the best agricultural soils available for agriculture helps the environment, by allowing for the protection of sensitive areas such as hydric soils, wetlands, steep slopes, and floodplain that can be impacted by agriculture. Agricultural operations also allow for the most "bang for the conservation buck" in hosting practices like riparian buffer/ stream protection, cover crops, and tree plantings that help Loudoun meet its Chesapeake Bay TMDL goals at a much lower cost than attempting to implement environmental practices on newly developed or previously developed land.</p>
	<p>Suggestion: County clearly defines how development and planning is to progress between the county and towns - create a better understand the processes and requirements</p> <p>Suggestion: Look at natural resources early on in the application process, such as during the preliminary plat review</p> <p>Suggestion: Don't allow cluster density automatically, but require review of each property and decide density based on the existing resources.</p>
	<p>The original Subdivision/Prime Ag Soils BMI identified four specific changes to cluster zoning that the BOS expects from the ZOAM:</p> <p>1. incorporate natural features; 2. protect prime soils; 3. provide for equine and other rural economy uses; and 4. implement the 2019 General Plan</p> <p>In principle, the last point allows us to raise other things not mentioned in 1-3, such as maintaining a rural place type, protecting water resources and mountainsides and providing for trails (other than equine trails).</p>

	COMMENTS / QUESTIONS
<p><b>6. What <u>EXISTING DATA, REPORT OR ANALYSIS</u> is available to support your Organization's proposal? Describe existing material and source (for possible display at meeting).</b></p>	<p>Good cluster design versus bad cluster design from our repertoire. Show the Emerald Ribbon map for concept. PEC maps; PEC analysis of case study examples; PEC compilation of cluster &amp; soils protection ordinances from the 8 counties in the PEC region (provided to Jacob already)</p>
<p><b>7. What <u>NEW DATA, REPORT OR ANALYSIS</u> would you request from County sources to support your Organization's proposal? Describe data, analysis, &amp; format (e.g., graph, table, report).</b></p>	<p>How many acres and houses in the RPA and TR zones obtain approved site plans versus how many acres are placed into conservation easements, TDRs, or PDRs, and how many development rights would be extinguished as a result of these conservation and preservation efforts.</p> <p>Show cluster design versus bad cluster design from GIS. Show the Emerald Ribbon map for concept. Nuclear development versus linear.</p> <p>Take the existing case studies and do a comparative analysis of multiple alternatives under consideration (format would be maps of the pertinent layers and table of acres of each resource and its protection)</p>
	<p>RPA and Cluster Ordinance</p> <p>The cluster housing provision needs to be more rural friendly. There are reasonable and noninvasive ways to preserve the rural character. Some suggestions of how to do that follow:</p> <ul style="list-style-type: none"> <li>• Define "rural character" to provide design standards to assure consistency.</li> <li>• Provide buffers for clusters of view of cluster from byways and eliminate direct driveway connections to existing public roads.</li> <li>• Encourage private roads into clusters that have less impact than standard VDOT roads.</li> <li>• Maintain special standards and different uses in Overlay zones (e.g., MDOD, Limestone).</li> <li>• Support buffers /green belts around towns and villages.</li> <li>• Reinroduce Hamlet and architectural design standards for clusters and include design standards such as in the Goose Creek Overlay District guidelines.</li> <li>• Prefer keeping prime soils contiguous in order to maximize the feasibility of farming.</li> <li>• Provide standards that mitigate water runoff from impervious surfaces and maximize ground permeability.</li> <li>• Add development standards for non-traditional agricultural uses in the RPA. Prohibit these uses on Rural Economy Lots that are in development easements.</li> <li>• Add conservation values to Rural Economy Lots and HOA lots, such as riparian buffer strips, fence off livestock, maintained forest, best practices land management criteria.</li> <li>• Enact program to monitor and enforce standards for Rural Economy Lot and HOA lots in conjunction with stewardship of its Conservation Easement, TDR, &amp; PDR lots.</li> <li>• Set aside land for multi-use trails.</li> <li>• Consider adding standards for housing in the RPA for agricultural workforce.</li> <li>• Consider a Matrix scoring system based on weighing the criteria cited above to meet standards.</li> </ul>

	COMMENTS / QUESTIONS
	<p>"Rural South Place Type" (RS district)</p> <ul style="list-style-type: none"> <li>•Current lot coverage is too large for the lot sizes (10% for residential, 25% for non-residential). Propose reducing to 2% and 7%. SRL supports the recommendation with respect to principal/subordinate and clustered residential lots. However, we are concerned that the proposed changes may have inadvertent negative impacts on farm operations on rural economy lots. Among other considerations, this regulation should take into account the types of farm or farm-support buildings that the County includes in its calculation of coverage. Consult with the Farm Bureau and other relevant stakeholders to consider the potential impacts on farming operations using real-world examples.</li> <li>•Propose increasing minimum lot width from 175 feet to 500 feet. SRL supports.</li> <li>•Increase setbacks. Setbacks should be set as percentages of lot width and depth, not absolute numbers for all size lots. Propose front and side setbacks of 10% of lot depth and width, respectively, rear setback of 20% of lot depth. Same comment as for lot coverage, above.</li> <li>•Cluster subdivision option: Setbacks should be set as percentages of lot width and depth, not absolute numbers for all size lots. Propose front setbacks of 10% of lot depth, side and rear setbacks of 20% of lot width and depth, respectively. Same comment as for lot coverage, above.</li> <li>•Principal and subordinate subdivision options don't require open space, but require minimum lot size (25 acres). Should retain minimum size of rural economy lots or impose an open space requirement. SRL supports retaining minimum size of rural economy lots on these subdivisions.</li> </ul>
	<p>"Rural North Place Type" (RN district)</p> <ul style="list-style-type: none"> <li>•Current lot coverage is too large for the lot sizes (10% for residential, 25% for non-residential). Propose reducing to 3% and 15%. Same comment as for RS lot coverage, above.</li> <li>•Propose increasing minimum lot width from 175 feet to 300 feet. SRL supports.</li> <li>•Setbacks for principal/subordinate subdivisions should be set as percentages of lot width and depth, not absolute numbers for all size lots. Propose front and rear setbacks of 10% of lot depth, side setback of 20% of lot width. Same comment as for RS lot coverage, above.</li> <li>•Setbacks for cluster subdivisions should be set as percentages of lot width and depth, not absolute numbers for all size lots. Propose front and rear setbacks of 10% of lot depth, side setbacks of 20% of lot width. Same comment as for RS lot coverage, above.</li> </ul>