



The Coalition Zoning Committee has been investigating RPA Preservation issues and solutions since last summer.

RPA Preservation Sub-committee working group includes representatives from the following organizations, working together to prepare viable proposals:

- LCPCC Zoning Committee Chair
- Farm Bureau
- Farmer's Club
- Friends of the Blue Ridge Mountains
- Loudoun Soil & Water
- Piedmont Environmental Council
- Rural Economic Development Council
- Save Rural Loudoun

JUSTIFICATIONS

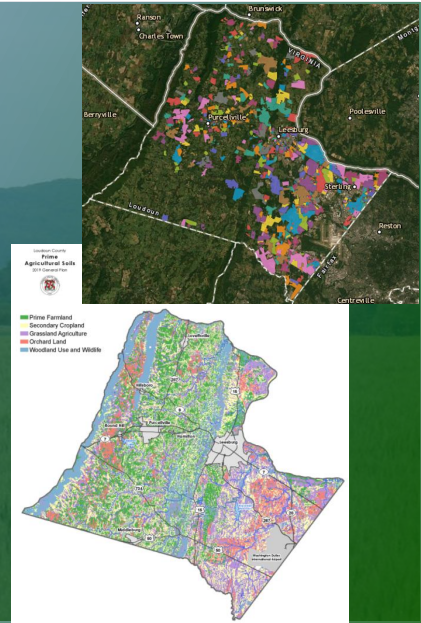
1. Comprehensive Plan Policies

2. Quantified Impacts to Rural Policy Area

3. Communities of Interest Support

4. Proposed Implementation Methods

5. Legal Authority to revise standards



A justifications report was prepared for Mr. Buffington in February, and was presented to Staff Aides mid-March (*just before quarantine*).

**LAND SUBDIVISION &
DEVELOPMENT ORDINANCE
(LSDO)**

- 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.**

- 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.

- (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

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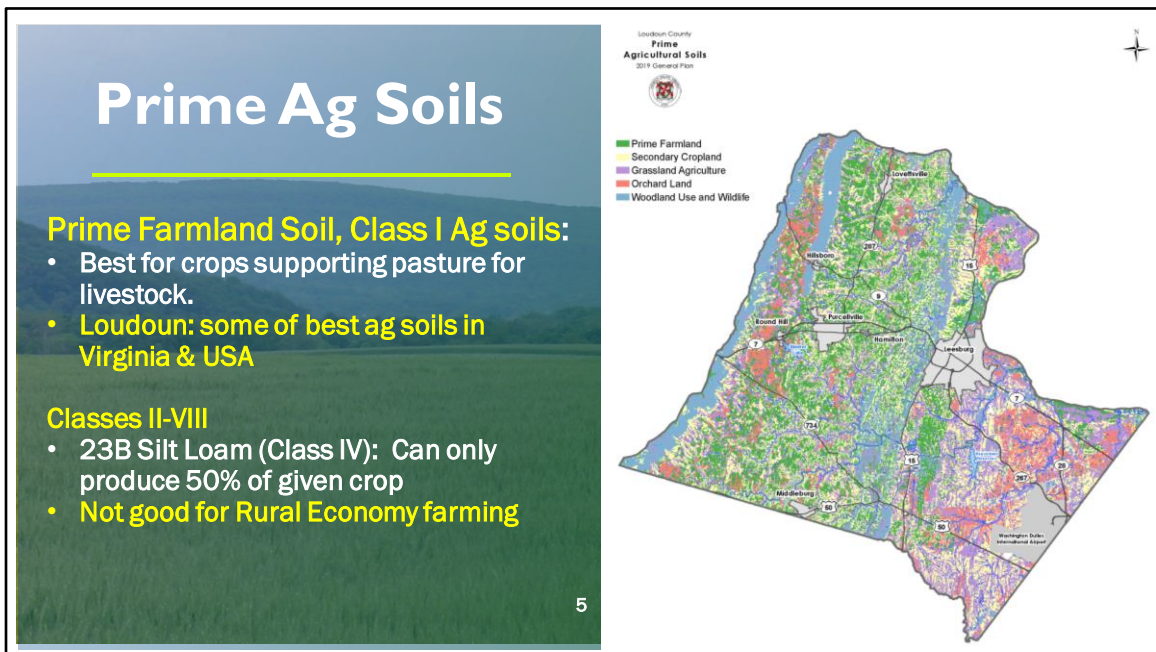
graph TD
    CP((Comp Plan)) --> FSM[FSM  
Facilities  
Standards Manual]
    CP --> LSDO[LSDO  
Land Subdivision  
& Development  
Ordinance]
    CP --> ZO[ZO  
Zoning Ordinance]
    ZO --- ZOR((ZOR))
  
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Comp Plans vs. Ordinances: Aug, 2019 Review Conflicts in Documentation Usage & Reference

| 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 |

The Coalition investigation last summer showed that although the RGP and new Comp Plan contain policies to protect the RPA, farmland and soils, those policies were **never implemented** in the three ordinances.



We've heard from many stakeholders about the importance of Prime soils.

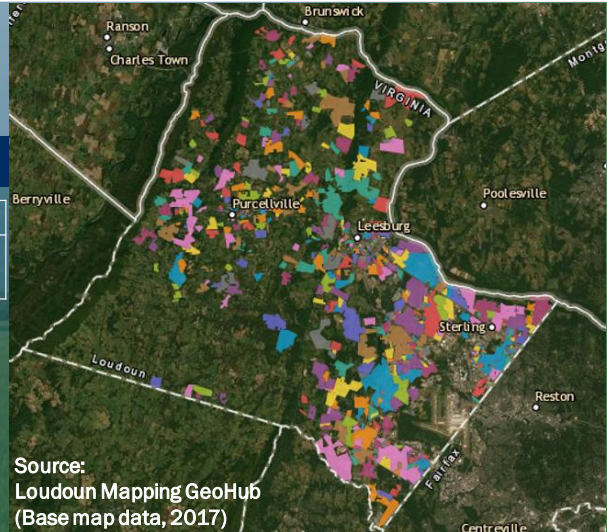
*Although the primary emphasis has been on protecting prime soils related to **residential and cluster** development, a more defensible position may need to set standards for preserving prime soils for ALL rural permitted uses – including **commercial and public facilities**.*

For example, some rural uses that may also impact prime ag soils include rural tourism facilities, sports facilities, solar farms and public facilities such as schools not required to avoid prime ag soils during the application process.

Residential Communities vs.

Acreage of Loudoun Farmland

| 2002-2017 | 2017-2040 | By 2040 |
|-----------------------------------------|------------------------------------------|----------------|
| ~67 sq.mi LOST ~49Kac = ~ 20% of RPA | ~75 sq.mi LOST (2019 Comp Plan proj.) | = ~140+ sq.mi. |

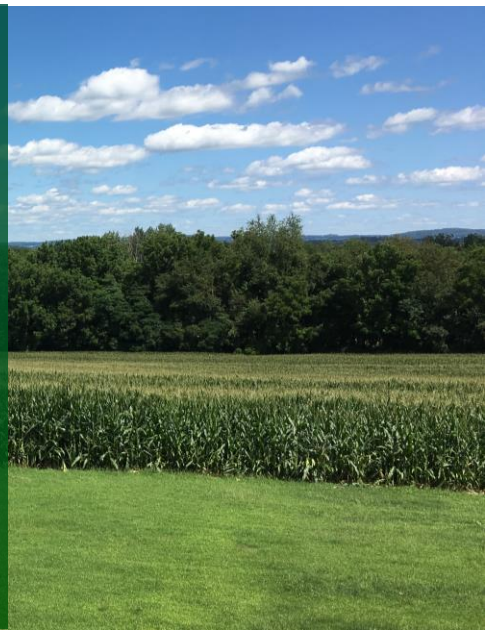


Source:
Loudoun Mapping GeoHub
(Base map data, 2017)

Residential Communities of Loudoun County

What's also important is **IF** changes are NOT made, we risk losing up to 50% of the RPA by the year 2040.

Communities of Interest Consultation/Input/Support



Numerous Communities of Interest were consulted for input on solutions, and there's wide agreement on the need for immediate action.

RPA PRESERVATION: OPTIONS

| IMPLEMENTATION PROPOSALS (Multiple Communities of Interest) | Zoning Ord ZOAM | FSM/LSDO DOAM | Comp Plan CPAM |
|-----------------------------------------------------------------------------------------------------------------------------|--------------------|------------------|-------------------|
| 1. Revise Cluster Development Acre Calculations (Subtraction prime soils, floodplain, forest, etc. from "gross acreage") | Y | Y | N |
| 2. Reinstitute "Rural Hamlet" requirements (Min. 40 ac. Minimum 86% permanent open space easements) | Y | Y | N |
| 3. Change/Remove Cluster <i>Increased density option</i> in ZO (Change to 1/10ac, 1/15ac or remove—not legally required) | Y | Y | Likely |
| 4. Consolidate AR-1/ AR-2 Districts to AR-2 (Create single District for Rural North, Rural South) | Y | Y | Likely |
| 5. Establish/reinstitute Cluster Design guidelines (Incorporate guidelines discussed with Staff / 2003 RGP) | Y | Y | N |
| 6. Ramp up TDR, reconsider PDR Programs | Y | Y | Likely |

Several Proposals were reviewed for how to achieve.

Generally, all proposals require a Zoning Ordinance Amendment or Development Ordinance Amendment through ZOR, with request to expedite due to "***time sensitivity.***"

Some may require a Comprehensive Plan Amendment, which could take 18 to 36 months, and require written notice to property owners.

[UPDATE: Changes to cluster zoning is likely to require a CPAM because of references to cluster density on pages 128 and 130 in the 2019 Comprehensive Plan.]

Cluster Calculation – Example Methods (Feasible w/ new Zoning via EnCode +)

“Bonus”

| | |
|----------|-------|
| A= />95% | 20% |
| B= />90% | 10% |
| C= />75% | 0% |
| D= />70% | -20% |
| F< /70% | No Go |

“GROSS ACRES” SUBTRACTION

| ALGORITHM | EXAMPLE: Route 9 near Hillsboro |
|-----------------------------------|-----------------------------------------------|
| Total Gross Acres (TA) | 107.2 TA |
| - Steep Slopes (SS) | -15.4 SS |
| - Floodplain (FP) | - 25.2 FP |
| - Designated Open Space (OS) | - 2.5 OS |
| - Right-of Way (RoW) | - 3.0 RoW |
| = Total Potential Farmland (TPF) | = 61.1 TPF or Rural Economy Lot |
| - Prime Soils (PS) | - 49.9 PS |
| = Residual Acreage for Clustering | = 11.2 Residual Acreage for Clustering |

PARCEL “SCORING”

| CATEGORY / WEIGHT | % of Site | Retained | Score |
|---------------------------------------------------------------------------|-----------|----------|---------------|
| Continuity & Retention of Prime Ag Soils & Pastureland | 40% | 35% | 87.50% |
| Minimize impermeable surfaces | 10% | 9% | 90.00% |
| Set aside areas for multi-use trails | 5% | 5% | 100.00% |
| Architectural Styles - Diversity | 10 | 8 | 80.00% |
| Building envelopes that control Visibility of non-ag buildings | 10 | 8 | 80.00% |
| Retention of farm & other historic buildings | 10 | 10 | 100.00% |
| Screening and buffering | 10 | 10 | 100.00% |
| Roads & Parking surfaces | 10 | 8 | 80.00% |
| Runoff Controls | 10 | 9 | 90.00% |
| Overlay Zone (Limestone, Mountain, ...) | 10 | 10 | 100.00% |
| SCORE | | | 90.75% |
| BONUS over 1/5 acres: 100 acres 20 lots, 4500sf footprint + 2000sf | 20 | + 2 = | 22 |

To demonstrate examples for Proposal #1

Both a “Subtraction” and a “Scoring” method could implement better zoning protections, and may be feasible within the EnCode Plus Zoning Ordinance platform through ZOR.

Code of VA § 15.2-2286.1

- Requires counties to provide a **clustering option**, **and**
- Enables the County to make **changes in land use ordinances**.
- Counties are **not required** to provide **increased density** for cluster options.

*“C. Additionally, a locality **may**, at its option, **provide for** the clustering of single-family dwellings and the preservation of open space at a **density calculation greater than the density permitted** in the applicable land use ordinance.*

*The locality **“may**, at its option,*

(i) establish and provide, in its zoning or subdivision ordinances, standards, conditions, and criteria for such development, and if the proposed development complies with those standards, conditions, and criteria, it shall be permitted by right and approved administratively by the locality's staff.”

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Regarding Cluster zoning Proposals #3 and #4

- Code of Virginia does allow Counties to make changes to cluster land use ordinances.
- Counties are NOT required to provide an “*increased density*” option.

REPORT Requirements

Update 2005 report with new scenarios

AVOID
LSDO §1242.04
“arbitrary and capricious” appeal

Attachment 1-1
Potential New Housing Units in the Rural Policy Area for Differing Alternatives

| Parcel Size (Acres) | Alternative 1: 1 Unit per 3 acres | Alternative 2: AR1 and AR2 as adopted in Revised 1993 Zoning Ordinance, June 2003 | Alternative 3: AR1 and AR2 Modified (20/5 and 50/10) | Alternative 1-A: A3 Pattern with Environmental Constraints | Clem/Burton Proposal May 24, 2005: AR1(20/7.5 with rezoning); AR2 (40/15 with rezoning) | Tulloch/Staton Plan June 1, 2005: AR10 (10/5); AR-20 (20/10) |
|---------------------|--------------------------------------|--------------------------------------------------------------------------------------|---------------------------------------------------------|---------------------------------------------------------------|--------------------------------------------------------------------------------------------|-----------------------------------------------------------------|
| <5.00 | 1,595 | 1,595 | 1,595 | 1,595 | 1,595 | 1,595 |
| 5.00 to 9.99 | 1,766 | 589 | 589 | 1,129 | 589 | 589 |
| 10.00 to 14.99 | 6,257 | 923 | 923 | 4,432 | 923 | 923 |
| 15.00 to 19.99 | 2,293 | 195 | 195 | 1,781 | 583 | 971 |
| 20.00 to 24.99 | 2,104 | 130 | 130 | 1,671 | 499 | 922 |
| 25.00 to 29.99 | 1,725 | 103 | 103 | 1,388 | 447 | 791 |
| 30.00 to 34.99 | 1,511 | 299 | 647 | 1,203 | 457 | 727 |
| 35.00 to 39.99 | 1,025 | 181 | 471 | 825 | 500 | 509 |
| 40.00 to 44.99 | 970 | 195 | 418 | 795 | 272 | 477 |
| 45.00 to 49.99 | 1,019 | 178 | 431 | 809 | 319 | 488 |
| 50.00 to 54.99 | 1,259 | 236 | 503 | 1,023 | 585 | 607 |
| 55.00 to 59.99 | 938 | 189 | 435 | 765 | 292 | 478 |
| 60.00 to 64.99 | 691 | 144 | 306 | 580 | 198 | 306 |
| 65.00 to 69.99 | 670 | 141 | 318 | 547 | 203 | 318 |
| 70.00 to 99.99 | 3,794 | 815 | 1,789 | 3,136 | 1,152 | 1,789 |
| 100.00 to 499.99 | 17,139 | 3,940 | 8,253 | 14,188 | 5,403 | 8,253 |
| 500.00 to 999.99 | 774 | 206 | 401 | 588 | 271 | 401 |
| 1000.00 + | 346 | 51 | 103 | 296 | 68 | 103 |
| Total | 45,876 | 10,110 | 17,610 | 36,761 | 13,936 | 20,247 |

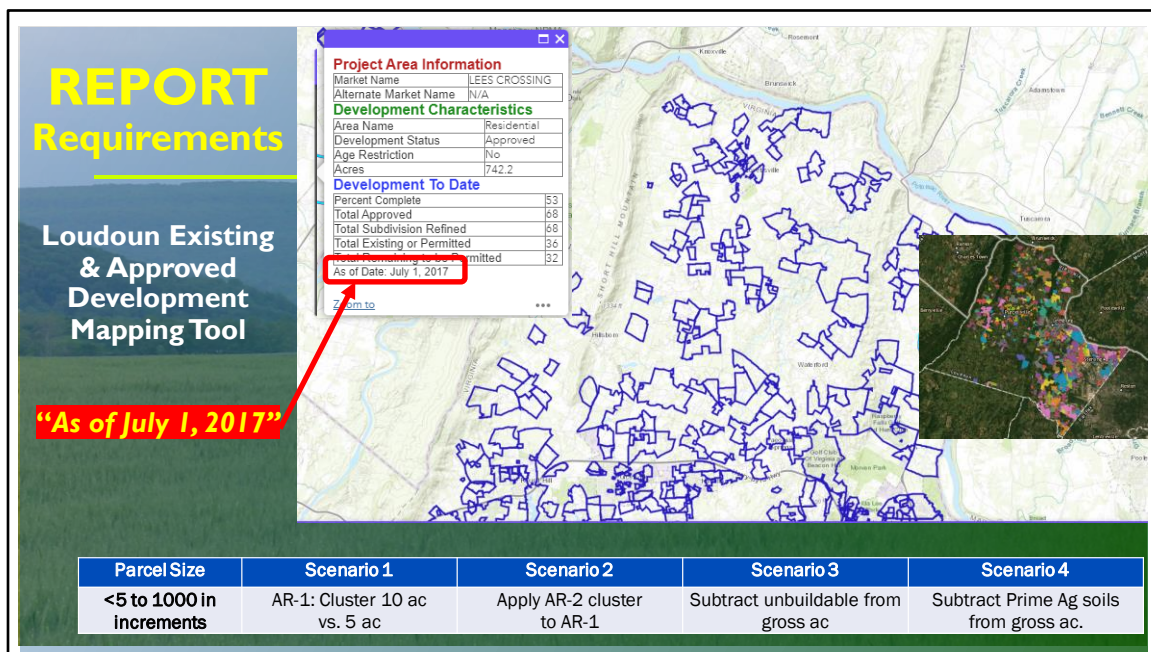
Source: Departments of Management & Financial Services and Economic Development, June 15, 2005

| Parcel Size | Scenario 1 | Scenario 2 | Scenario 3 | Scenario 4 |
|--------------------------|------------------------------|----------------------------|------------------------------------|----------------------------------------|
| <5 to 1000 in increments | AR-1: Cluster 10 ac vs. 5 ac | Apply AR-2 cluster to AR-1 | Subtract unbuildable from gross ac | Subtract Prime Ag soils from gross ac. |

The **KEY POINT** from the Coalition Zoning Committee is that quantification must be done to confirm which proposals provide the best overall preservation before a final method is selected.

- A request to **UPDATE** a 2005 report was made to Kristen Brown in Mapping, applying Scenario criteria from the various proposals.
- **TO BE CLEAR:** this is **not** a request for a months long “study;” it’s a **report** with documented requirements* to quantify the proposals that best protect the RPA.
- It may also be a critical step to avoid an “arbitrary and capricious” legal appeal by any future denied application.

[*Written requirements available upon request.]



The GeoHub files available online are from July, 2017. For a report update, more current status of residential communities should be used.

On March 12th the Coalition & Staff Aides asked Kristen Brown for the best "as of" date for a new report.

| RPA PRESERVATION Prime Soils / Cluster Subdivisions Zoning Review: NEXT STEPS | | |
|----------------------------------------------------------------------------------------------------------|-------------------------------------|----------|
| ACTIONS | Who | By When? |
| Determine “as of” date status of mapping / residential communities data. | Aides/Mapping/ Planning & Zoning | |
| Review requirements / Run report revision | Mapping Dept. | |
| <i>Evaluate report outcomes / impacts on implementation proposals</i> | LCPCCA Assistance | |
| BMI Request – ZOR “time sensitive” | PR/TB/Staff | |
| | | |

Written requirements for the report can be provided to Mapping upon request.

The Coalition Finance Committee also said it will assist to quantify capital and operating costs associated with report results, to assist Staff during this difficult time with Covid-19.



ZONING SUB-COMMITTEES

- RPA Farmland Preservation
- Environmental/Heritage/Sustainability
- Equine & Trails
- Loudoun Historic Villages
- Mountainside Overlay
- Processes & Procedures
- Rural Uses
- Signs
- Stockpiling
- Transition Area
- Unmet Housing Needs




Finally, this is just one Coalition Sub-Committee working to provide Zoning Audit information to ZOR Planning & Zoning Staff, *(it's been a great quarantine project for many)*.

Zoning Ordinance Audits will be made available to County Staff shortly *(online access website is in final stages)*.

We thank the County Staff for all your work to keep us safe during this difficult time. We want you to know we - in turn - are working hard for you.

Thank you.

Maura Walsh-Copeland
LCPCC Zoning Committee Chair