

From: **Maura Walsh-Copeland** <mwalshcopeland@gmail.com>
 Date: Thu, Jan 13, 2022 at 1:51 PM
 Subject: FOLLOW-UP: Preliminary ZOAM-2020-0002 Cluster-Prime Soils Referral Input
 To: Hambrick, Jacob <Jacob.Hambrick@loudoun.gov>
 Cc: Stultz, Mark <Mark.Stultz@loudoun.gov>, Lohr, Michelle <Michelle.Lohr@loudoun.gov>, Reed, Ryan <Ryan.Reed@loudoun.gov>, Birkitt, Judi <Judi.Birkitt@loudoun.gov>, David, James <James.David@loudoun.gov>, Turner, Valmarie <Valmarie.Turner@loudoun.gov>, Torrible, Christina <Christina.Torrible@loudoun.gov>, Kevin Ruedisueli <kevinruedisuelizoc@gmail.com>, TeKrony, Laura <Laura.TeKrony@loudoun.gov>, Mai, Rachael <Rachael.Mai@loudoun.gov>, Bartok, Robin <robin.w.bartok@loudoun.gov>, Suzdak, Valerie <Valerie.Suzdak@loudoun.gov>, Carey, Stacy <Stacy.Carey@loudoun.gov>, John Ellis <johngriffinellis@gmail.com>, Chris Van Vlack <Unionjk184@aol.com>, Tia Walbridge <tiawalbridge@gmail.com>, Maura Walsh-Copeland <mwalshcopeland@gmail.com>

Jacob,

Thank you for responding to Mr. Ellis' ZOAM-2020-0002 questions, and for sending out a clarification to ZOC on Monday for one of my questions (Jan. 5th email below).

Regarding your response to Mr. Ellis' 2nd question, based on the [data analysis I did at Supervisor Buffington's request in July 2021](#) (p.9), it *appears* the quantity of *parcels that are 20 acres and over in AR-1 and those parcels that are 40 acres and over in AR-2 with 50% or more prime soils on the parcel* you listed *may be* incomplete, and if so, *may be* misleading. Your confirmation is appreciated.

As background, Staff's report to TLUC in July 2021 regarding quantification for clustering stated, "Assumptions:

- a. Total assumes **build-out of the RPA.**
- b. Rural 40 parcels that are 40 or more acres and Rural 20 parcels that are 20 or more acres (excluding A-3 zoned land, see below) are **assumed to develop as cluster developments.** [Per Staff, this assumption applied to parcels that were vacant and/or improved (w/ a dwelling), and to those under common ownership that can be recombined and apply for cluster development.]

An accurate total is, therefore, not only important for the ZOAM-2020-0002, but also for the County Finance/Budget as the new regulations could materially impact the RPA build out assumptions, capital facility costs and operating expenses over future fiscal years.

Referencing the tables, can you please respond to the questions below?

1. From the 2020 parcel data compiled by WCC in the [July 2021 report \(p.9\)](#) and below) it ***appears*** that the parcels you provided in your 1-10-2022 email may only include VACANT parcels.

Zoning Area	Parcel Count	Total Prime Soil Acres
AR1	164	5,006.50
AR2	40	2,081.10
Totals	204	7,087.60

a. Do the totals from your 1-10-11 email represent vacant parcels only or do they also include improved parcels? (If both, then skip to question 2.)

b. If they only include vacant parcels, then what is the quantity of IMPROVED parcels 20+ acres in AR-1 and 40+ acres in AR-2 with 50% or more prime soils?

2. As confirmed in 2021, vacant and improved parcels *under common ownership can be recombined* and then apply for cluster subdivision. What is the ballpark quantity of recombined parcels 20+ acres in AR-1 and 40+ acres in AR-2 with 50% or more prime soils?

An accurate estimated total of all three "buckets" of clusterable parcels/acres is important not only for P&Z/B&D, but also for Finance and Budgeting. As mentioned in my Jan. 5th email, this is along the same line of the requests made at ZOC for additional quantification of the impacts of this ZOAM.

As it looks like your information was cut and pasted from a table, can you fill in the yellow highlighted cells in the table below for improved parcels (if not already included in your originals) and an ESTIMATE of parcels that can be recombined based on common ownership at this time?

	Parcels as of 2020 (GeoHub, WCC 7/21))	Acres 2020 (GeoHub, WCC 7/21)	Total Parcels as of 1/2022?	Total Acres as of 1/2022?	Parcel w/ 50%+ Prime Soils (JH, 1-10-22)	Prime Soil Acres (JH 1-10-22)	Est. w/ 50% Prime Soils (2020 totals)	Total Acres for Parcels w/ 50%+ Prime Soil?
VACANT Parcels					Vacant only?			
AR 1 20+	303	14660			164	5006.5	54%	
AR 2 40+	57	6170			40	2081.1	70%	
Totals	360	20830			204	7087.6		
IMPROVED Parcels								
AR 1 20+	653	7689			?	?		
AR 2 40+	125	1044			?	?		
Totals	788	8733						
					?	?		
Parcels Under Common Ownership/ Recombinable for Clustering?								
AR 1 20+					?	?		
AR 2 40+					?	?		
Totals								
GRAND TOTAL					?	?		

Thank you,
Maura



----- Forwarded message -----

From: **John Ellis** <johngriffinellis@gmail.com>

Date: Mon, Jan 10, 2022 at 4:17 PM

Subject: Re: [EXTERNAL] Preliminary Save Rural Loudoun input on draft cluster-soils ZOAM

To: Hambrick, Jacob <Jacob.Hambrick@loudoun.gov>

Cc: Torrible, Christina <Christina.Torrible@loudoun.gov>, Stultz, Mark <Mark.Stultz@loudoun.gov>,

Kevin Ruedisueli <kevinruedisuelizoc@gmail.com>, David, James <James.David@loudoun.gov>,

TeKrony, Laura <Laura.TeKrony@loudoun.gov>, Mai, Rachael <Rachael.Mai@loudoun.gov>,

Holmes, Rachael E. <Rachael.E.Holmes@loudoun.gov>, Suzdak, Valerie

<Valerie.Suzdak@loudoun.gov>, Carey, Stacy <Stacy.Carey@loudoun.gov>, Chris Van Vlack

<Unionjk184@aol.com>, Tia Walbridge <tiawalbridge@gmail.com>, Maura Walsh-Copeland

<mwalshcopeland@gmail.com>, Lohr, Michelle <Michelle.Lohr@loudoun.gov>

Thanks very much for these responses, Jacob. They're very helpful to us in analyzing the potential implications of the draft changes and possible options. We understand that the current document is a first draft and look forward to the continued discussions.

Regards, John

On Mon, Jan 10, 2022 at 2:18 PM Hambrick, Jacob <Jacob.Hambrick@loudoun.gov> wrote:

Mr. Ellis –

Hope all is well today. Regarding your two questions, I have provided the below answers.

1. "The minimum amount of prime farmland soils required to be located on a Farm Preservation Farm Lot is 50% of the originating tract being subdivided, or the area of the tract of land being subdivided containing prime farmland soils, whichever is less."

As we understand it, this means that if the prime soils on a property cover less than 50% of the property, then all of those prime soils would be preserved. However, if the prime soils cover more than 50% of the property, none of the prime soils exceeding 50% of the total property would be preserved. In other words, if a 100-acre property contained 75 acres of prime soils, 50 acres would be preserved and 25 acres would be available for residential development.

Could Staff please confirm if this interpretation of the draft language is correct? **Yes, the interpretation of the draft language above, is correct.**

2. Second, we note that the real world impact of this draft rule would depend heavily on how many remaining, un-subdivided rural properties of 20 acres or more contain 50% or more prime soils. Does the County have information on how many such properties exist and the acreage of prime soils on those properties exceeding 50% of the property's total acreage? If so, we would appreciate it if that data could be shared with the ZOC, interested stakeholders, and the general public.

Zoning Area	Parcel Count	Total Prime Soil Acres
AR1	164	5,006.50
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The above numbers show those parcels that are 20 acres and over in AR-1 and those parcels that are 40 acres and over in AR-2 with 50% or more prime soils on the parcel. Note that these parcels are those parcels that are outside of conservation easements and residential projects.

I hope the above information is helpful and clarifies the draft text language that you have mentioned. I want to note that the Draft Text that has been forwarded to County Referral Agencies and to ZOC, for review, is the *initial* Draft text. The Draft text will continue to evolve, from hereon out, based on comments from the referral agencies, ZOC and others.

Take care,

Jacob Hambrick, CZA
Senior Planner
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From: John Ellis <johngriffinellis@gmail.com>
Sent: Wednesday, January 5, 2022 11:27 AM
To: Torrible, Christina <Christina.Torrible@loudoun.gov>
Cc: Hambrick, Jacob <Jacob.Hambrick@loudoun.gov>; Stultz, Mark <Mark.Stultz@loudoun.gov>; Kevin Ruedisueli <kevinruedisuelizoc@gmail.com>; David, James <James.David@loudoun.gov>; TeKrony, Laura <Laura.TeKrony@loudoun.gov>; Mai, Rachael <Rachael.Mai@loudoun.gov>; Holmes, Rachael E. <Rachael.E.Holmes@loudoun.gov>; Suzdak, Valerie <Valerie.Suzdak@loudoun.gov>; Carey, Stacy <Stacy.Carey@loudoun.gov>; Chris Van Vlack <Unionjk184@aol.com>; Tia Walbridge <tiawalbridge@gmail.com>; Maura Walsh-Copeland <mwalshcopeland@gmail.com>
Subject: [EXTERNAL] Preliminary Save Rural Loudoun input on draft cluster-soils ZOAM

Happy New Year, Chris and colleagues! We hope you've had a great holiday season, although it looks like some of you have been very busy recently!

We've received and are carefully reviewing Staff's draft revision of the County's cluster subdivision zoning regulations, which was made available to the ZOC on Monday, January 3. We very much appreciate all the hard work Staff have put into this. We will be providing our detailed responses by no later than January 28.

As preliminary input, we have two specific questions.

First, we would appreciate clarification of a critical sub-section of the draft revision. Section 2-103(C)(4)(b), labelled "Minimum Amount of Prime Farmland Soils to be Preserved on a Preservation Farm Lot," reads:

"The minimum amount of prime farmland soils required to be located on a Farm Preservation Farm Lot is 50% of the originating tract being subdivided, or the area of the tract of land being subdivided containing prime farmland soils, whichever is less."

As we understand it, this means that if the prime soils on a property cover less than 50% of the property, then all of those prime soils would be preserved. However, if the prime soils cover more than 50% of the property, none of the prime soils exceeding 50% of the total property would be preserved. In other words, if a 100-acre property contained 75 acres of prime soils, 50 acres would be preserved and 25 acres would be available for residential development.

Could Staff please confirm if this interpretation of the draft language is correct?

Second, we note that the real world impact of this draft rule would depend heavily on how many remaining, un-subdivided rural properties of 20 acres or more contain 50% or more prime soils. Does the County have information on how many such properties exist and the acreage of prime soils on those properties exceeding 50% of the property's total acreage? If so, we would appreciate it if that data could be shared with the ZOC, interested stakeholders, and the general public.

Would you please circulate this message to the ZOC as public input for their consideration?

Thanks much,

John Ellis
Save Rural Loudoun

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From: **Maura Walsh-Copeland** <Maura@walsh-copelandconsulting.com>
Date: Wed, Jan 5, 2022 at 1:32 PM
Subject: Fwd: Preliminary Save Rural Loudoun input on draft cluster-soils ZOAM
To: Torrible, Christina <Christina.Torrible@loudoun.gov>, Hambrick, Jacob <Jacob.Hambrick@loudoun.gov>, John Ellis <johngriffinellis@gmail.com>
Cc: Stultz, Mark <Mark.Stultz@loudoun.gov>, Kevin Ruedisueli <kevinruedisuelizoc@gmail.com>, David, James <james.david@loudoun.gov>, TeKrony, Laura <laura.tekrony@loudoun.gov>, Mai, Rachael <Rachael.Mai@loudoun.gov>, Holmes, Rachael E. <Rachael.E.Holmes@loudoun.gov>, Suzdak, Valerie <Valerie.Suzdak@loudoun.gov>, Stacy Carey <stacy.carey@loudoun.gov>, Chris Van Vlack <Unionjk184@aol.com>, Tia Walbridge <tiawalbridge@gmail.com>, Maura Walsh-Copeland <mwalshcopeland@gmail.com>

Thank you, John, for highlighting early questions for ZOAM-2020-0002. At the ZOC meeting this morning I commented that I've received several early questions on the draft text that pertain to "order of operations" and other impacts that really need to be clarified as soon as possible, rather than waiting until the end of the referral period and ZOC meeting in February.

Jacob -- Staff's response (Judi and Ryan) was they would help facilitate getting all the questions to you promptly so that they can be answered and circulated. In addition to John's questions, other have been raised that include the following:

CALCULATION OF LOT TYPES PER SUBDIVISION

The new ZOAM requirements are:

Preservation Farm Lot: = Min. 1, min. 10 ac, contiguous. 50% of original tract OR area w/ prime soils *whichever is less*

Rural Economy Lot = Min. 1 Rural Economy Lot is required in some cases, (mainly for 100+ acres.)

Open space "does not count against the yield"

-- Does that mean **Open Space would be whatever acres are "leftover"** from the total acres allocated to PFLs/RELS/Open Space (= Original tract * .70)? **(see example below)**

-- One Prime Farmland Lot is "required," but **how many PFLs would be likely (forecasted?) for each subdivision?**

-- A goal is to have larger farming lots (not a group of 10ac lots), but what **assumptions is Staff using for financial forecasting and budgeting?**

I've adapted my cluster calculation model to the new ZOAM requirements and the PFL quantity assumption may be very key not only for prime soils, but also for County budgeting forecasting overall for residential capital facilities (e.g., schools, libraries, PRCS) and impacts (e.g., roads/traffic, water). Mainly, unless there are more than one PFL or open space somehow impacts the overall yield, every scenario I created -- in AR-1 and AR-2 -- from 80 acres to 400 acres resulted in MORE residential cluster lots being allowed. **(see an example below)**

CONSISTENCY BETWEEN ARN/ARS

-- Why is the requirement for a "*min. 90% of PFL shall contain prime farmland*" only applied to AR-2 (ARS)?

CONTIGUOUS

-- In relation to John's first questions -- How does this take into account areas of prime soils that are or are not contiguous?

The requirements are for 10 ac minimum and contiguous, however, the goal expressed during Round 1 and Round 2 input is for larger parcels for bona fide ag farming.

What if all the prime soils on an original tract are in less than 10 ac "pockets"?

How small or large would a "pocket" need to be to not be excluded from the 50% of the tract to create a PFL? How "contiguous" would "pockets" of prime farmland soils need to be? As Chris Blough demonstrated at ZOC today for RSCR -- a *demonstration map* may be very useful to clarify the new requirements.

ZOAM CLUSTER ANALYSIS

-- As a corollary to John's second question, and getting back to a core question from the Dec. 1st ZOC meeting discussion and raised again today by Bridge -- has Staff done (initiated?) any **analysis USING these ZOAM requirements** on the actual prime soils maps overlaying current available lots (or those that can be recombined) to determine the following:

- Overall prime soils protected and
- Impact on overall County capital and operating finances?

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EXAMPLE CALCULATION (More examples available):

NEW ZOAM CALCULATION

Example1: 100 orig tract with 60% prime soils in ARN

. *70 = 70 acres for PFL/REL/Open Space

-50 acres for PFL (50% of orig tract max)

20 acres -- balance for REL and Open Space

-15 acres for REL (1 min. for 100+ tracts)

5 acres "**leftover**"(?) for Open Space

Lot Yield = $100/5 = 20$ lots total

1 PFL (50 ac) OR ==> **forecasting more PFLs?**

1 REL (15 ac)

18 Res Cluster (Avg 1.6 ac)

EXISTING CLUSTER CALCULATION

Example1: 100 orig tract with 60% prime soils in ARN

. *70 = 70 acres for REL/Open Space

/15 = 4.7. Round down to 4 REL

Lot Yield = $100/5 = 20$ lots total

4 RELs (~60 ac, ~10 ac open space?)

16 Res Cluster (Avg 1.88 ac)

If it would be helpful I'd be happy to explain the points further before a Staff response is prepared, and have the opportunity to share and/or correct my "math."

Maura

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*Maura Walsh-Copeland*



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