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1	ZOAM-2020-0002 Prime Agricultural Soils and Cluster Subdivision Amendments Summary of Zoning Ordinance Committee Comments / Staff Responses (8/8/2022)					
2	ZOC Member	Proposed Z.O. Section	Section Title	Comment (Initial Draft)	Staff Response (via 2nd Draft Text)	Notes
3	G. Bingol	2-101(B)	Purpose and Intent	Insert: farming and to support local food security (instead of rural economy)	Partially addressed. See Sections 2-101(A),(B),(C) and 2-202 (A),(B),(C)	Also applies to AR-2
4	G. Bingol	2-101(C)	Purpose and Intent	Insert: farming (instead of rural economy uses).	Partially addressed. See Sections 2-101(A),(B),(C) and 2-202 (A),(B),(C)	Also applies to AR-2
5	G. Bingol	2-102	Use Table	A fair amount of current production farming appears to occur on secondary cropland or a mix of prime and secondary farmland. Are there any related statistics? Assuming that we do want to preserve prime farmland for food security and production, should we reconsider and shift the definition and focus of Rural Economy (cluster lots) to secondary cropland preservation instead of other non-soil-based rural economy uses.	Partially addressed. The main focus of the ZOAM is the preservation of those prime farmland soils which are most productive for farming activities. The draft has been revised to only require a Rural Economy Lot when there are less than 5 acres of Prime Farmland Soils. In addition, the Rural Economy Lot has been revised to eliminate high impact rural economy uses that are not compatible with the residential cluster lots, but retain the agricultural uses.	Also applies to AR-2
6	G. Bingol	2-102	Use Table	Change Farmland Preservation Lot to Prime Soils Preservation Lot Change Rural Economy Lot (cluster) to Farmland Preservation Lot	Not addressed. The lot type names remain as Preservation Farm Lot, and Rural Economy Cluster Lot.	Also applies to AR-2
7	G. Bingol	2-102	Use Table	Animal Husbandry for Residential Cluster Lot should not prohibit size-appropriate farm animals (i.e. chickens, bee-keeping) on residential cluster lots.	Addressed. See Tables 2-102 and 2-202. Chickens and bee-keeping fall under the Agriculture category which is a permitted use within the Residential Cluster Lots (RCL) subject to Section 5-626.	Also applies to AR-2
8	G. Bingol	2-102	Use Table	Wetland mitigation banking should be a permitted use on Open Space Lots.	Addressed. Wetland mitigation is exempt from the AR Zoning District requirements, pursuant to Section 1-103(D)(3)	Not a use in the ARN or ARS in the ZOR
9	G. Bingol	2-102	Use Table	Public school should be eliminated as a SPEX use for REL	Addressed. See Tables 2-102 and 2-202.	Also applies to AR-2
10	G. Bingol	2-102	Use Table	Parks should be limited to OSLs if preservation of farmland is the goal.	Partially addressed. See Tables 2-102 and 2-202. Only "neighborhood" parks and playgrounds will be permitted within the OSLs and RELs.	Also applies to AR-2
11	G. Bingol	2-102	Use Table	Why should utilities be allowed on REL lots for the same reason? Suggest deleting.	Partially addressed. See Tables 2-102 and 2-202. Some utility uses remain as either permitted or special exception uses.	Also applies to AR-2
12	G. Bingol	2-102	Use Table	Many of the uses—i.e. Conference centers and Rural retreats and the recreational/entertainment, guest farms/ranch uses are likely to create conflicts with clustered residential lot neighbors. Suggest eliminating the uses to avoid the problems.	Addressed. See Tables 2-102 and 2-202.	Also applies to AR-2
13	C. Houston	2-102	Use Table	Some zoning categories, such as Country Inns, are being abused by promoters. Rather than disallow such uses, just require more oversight, usually by requiring a SPEX.	Addressed. See Tables 2-102 and 2-202. Visitor accommodation have been removed from the cluster lot types except for Bed and Breakfast Homestay, which is permitted within an owner occupied dwelling.	Also applies to AR-2
14	C. Houston	2-102	Use Table	In general, there should be more legislative oversight, especially for new Breweries, Restaurants, Country Inns, Event facilities, Camps, Campgrounds and Outdoor Recreation.	Addressed. See Tables 2-102 and 2-202	Also applies to AR-2
15	J. Merrithew	2-102	Use Table	The PFL does not permit uses that would normally be accessory to and support a farm or forestry operation. Such uses include farm processing, wayside stands or markets, sawmill, commercial nursery. The PFL does permit dwellings without stipulating the dwelling be associated with a farm operation Recommendation: Add supportive farm uses. Remove dwellings. Otherwise the PFL becomes a conservancy lot with a large house and fence. If the house were associated with a farm management plan or some surety offered that the property would become a farm.	Partially addressed. Supportive farm uses such as agricultural processing, custom operators, private stables, farm co-ops, etc. have been added to the use list for PFLs. See Table 2-102 and Table 2-202.	Also applies to AR-2
16	C. Houston	2-102	Use Table	Cluster lots, figuring that these are small lots and many uses are just too big for them. Examples: Farm machinery sales or a rural resort. A cluster is essentially a small residential subdivision, and some uses do not seem appropriate for that environment: such as a brewery, a restaurant or a commercial restaurant.	Addressed. See Tables 2-102 and 2-202.	Also applies to AR-2

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17	C. Houston	2-102	Use Table	Clusters are single-family residential and need to be viewed that way. With that context, many uses are too big, too intense, or intrusive for a small residential neighborhood. Examples: Regional parks (too big.) Feedlot (too intense.) Mausoleum (not appropriate.)	Partially addressed. Most large and intensive uses, such as limited breweries, Virginia Farm Wineries, B&B Inns, etc., have been removed from the Use Tables, See Table 2-102 and Table 2-202.	Also applies to AR-2
18	E. Zicht	2-103(C)	Cluster Subdivision Option	<ul style="list-style-type: none"> The “one or more lots” language does not work. There may not be any prime farmland soils, and so there might not be any Preservation Farm Lots. Aren’t you creating an exemption if the area of prime soils is less than 5 acres? It would take a minimum of 25 acres if both a 10-acre Farm Lot and a 15-acre rural economy lot were required.	Addressed. See Sections 2-103(C) and 2-203(C).	Also applies to AR-2
19	G. Bingol	2-103(C)(1)	General Req.	In order to ensure the long-term purpose and need for open space, farmland preservation/rural economy lots, shouldn’t these be required to be placed in conservation easement to preserve their intended uses?	Partially Addressed. The revised draft requires that the Preservation Farm Lot(s) be placed in an easement. See Sections 2-103(C)(3)(b) and 2-203(C)(3)(b).	Also applies to AR-2
20	G. Bingol	2-103(C)(2)(a)	Characteristics of Cluster Subdivision Option	Typo—trat vs tract	Addressed. See Sections 2-103(C)(1) and 2-203(C)(1).	Also applies to AR-2
21	E. Zicht	2-103(C)(2)(a)	Characteristics of Cluster Subdivision Option	This is confusing. Plural cluster and rural economy lots; singular Farm Lots. Can’t have more than one Farm Lot?	Addressed. See Sections 2-103(C) and 2-203(C).	Also applies to AR-2
22	J. Merrithew	2-103(C)(2)(a)	Characteristics of Cluster Subdivision Option	Seems to repeat (C). Both sections seem to imply that you may have one type of lot but not the other “and/or” is confusing. Recommendation: Suggest: “...may include RCL, PFL, REL, and OSL”	Addressed. See Sections 2-103(C) and 2-203(C).	Also applies to AR-2
23	E. Zicht	2-103(C)(2)(b)	Characteristics of Cluster Subdivision Option	This had been a problem with the original language. Need to be able to subdivide adjoining parcels or tracts without a boundary line adjustment to consolidate tracts/parcels.	Not addressed. This issue is best addressed through Building and Development, Subdivision staff.	Also applies to AR-2
24	J. Merrithew	2-103(C)(2)(b)	General Req.	How do you interpret a proposal to cut a 100-acre tract from a 1,000-acre tract and create a cluster subdivision on the 100-acre tract? Would the “originating” lot permit 199 lots? Recommendation: Does “originating lot” have a broader land development meaning? Suggest text change to ...“from the gross acreage of the subdivision”.	Addressed. See Sections 2-103(C)(1)(d) and 2-203(C)(1)(d).	Also applies to AR-2
25	E. Zicht	2-103(C)(2)(c)	Characteristics of Cluster Subdivision Option	Why not allow a Preliminary Plat and then phased development – maybe a cluster at a time?	Not addressed. See Sections 2-103(C)(1)(c)(i) and 2-203(C)(1)(c)(i).	Also applies to AR-2
26	E. Zicht	2-103(C)(2)(d)	Characteristics of Cluster Subdivision Option	This will allow homeowners to adjust lines between their tracts to accommodate unforeseen events – say one needs more land for a swimming pool, deck, or stable.	Addressed. See Section 2-103(C)(1)(c)(ii) and Section 2-203(C)(1)(c)(ii)	Also applies to AR-2
27	J. Merrithew	2-103(C)(2)(d)	General Req.	This subsection seems unnecessary. Lots are required to meet certain standards and are managed by the LSDO, which I assume says lots must comply with the Zoning Ordinance. Recommendation: Suggest deleting.	Addressed. See Sections 2-103(C)(1) and 2-203(C)(1)	Also applies to AR-2
28	E. Zicht	2-103(C)(2)(e)	Characteristics of Cluster Subdivision Option	If the requirement is in section 2-104, why is it need here? Redundant.	Addressed. See Sections 2-103(C)(1) and 2-203(C)(1)	Also applies to AR-2
29	E. Zicht	2-103(C)(2)(f)	Characteristics of Cluster Subdivision Option	This is standard operating procedure, and more properly covered by the LSDO and FSM. Not needed here.	Addressed. See Sections 2-103(C)(1) and 2-203(C)(1)	Also applies to AR-2
30	J. Merrithew	2-103(C)(2)(f)	General Req.	Seem to repeat requirements of the LSDO Recommendation: Suggest deleting	Addressed. See Sections 2-103(C)(1) and 2-203(C)(1)	Also applies to AR-2
31	E. Zicht	2-103(C)(2)(g)	Characteristics of Cluster Subdivision Option	Not any different from other setbacks and yards. This is standard operating procedure, and more properly covered by the LSDO. Not needed here.	Addressed. See Sections 2-103(C)(1) and 2-203(C)(1)	Also applies to AR-2

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32	J. Merrithew	2-103(C)(2)(g)	General Req.	Seem to repeat requirements of the LSDO Recommendation: Suggest deleting	Addressed. See Sections 2-103(C)(1) and 2-203(C)(1)	Also applies to AR-2
33	G. Bingol	2-103(C)(2)(h)	Characteristics of Cluster Subdivision Option	Referenced table 2-103 is not done yet?	Addressed. See Section 2-103(C)(1)(d) and 2-203(C)(1)(d)	Also applies to AR-2
34	E. Zicht	2-103(C)(2)(h)	Characteristics of Cluster Subdivision Option	Tracts?	Addressed. See Section 2-103(C)(1)(d) and 2-203(C)(1)(d)	Also applies to AR-2
35	M. Walsh-Copeland	2-103(C)(2)(h)	Characteristics of Cluster Subdivision Option	Would the Open Space be whatever acres are "leftover" from the total acres allocated to PFLs/RELS/Open Space (= Original tract * .70)? 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)	The make-up of the 70% of land not within residential cluster lots will depend on the amount of Prime Farmland Soil and other lot features.	Staff continues to work on the numbers requested pertaining to prime soils acres associated with those parcels that could be combined for cluster development, and other numbers. This information will be provided prior to the February 16, 2022 ZOC meeting.
36	M. Walsh-Copeland	2-103(C)(2)(h)	Characteristics of Cluster Subdivision Option	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?	Partially addressed. See Section 2-103(C)(3)(a),(d) and Section 2-103(C)(3)(a),(d)	Also applies to AR-2
37	J. Merrithew	2-103(C)(2)(h)	General Req.	The word "may" seems to make the 70% provision voluntary. Recommendation: Suggest reword to "70% of the gross land area in the subdivision will be comprised of PFL, REL, or OSL lots or a combination thereof depending on soils conditions.	Addressed. See Section 2-103(C)(1)(d).	Also applies to AR-2
38	E. Zicht	2-103(C)(2)(h)(i)	Characteristics of Cluster Subdivision Option	What if there is no prime farmland, or area falls within the 5-acre exemption?	Addressed. See Sections 2-103(C)(3)(a), 2-103(C)(4)(a) and Sections 2-203(C)(3)(a), 2-203(C)(4)(a).	Also applies to AR-2
39	E. Zicht	2-103(C)(2)(h)(ii)	Characteristics of Cluster Subdivision Option	What if there is insufficient area remaining after creating the Farm Lot?	The revised draft retains 30% of the originating tract for residential cluster lots.	Also applies to AR-2

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2	ZOC Member	Proposed Z.O. Section	Section Title	Comment (Initial Draft)	Staff Response (via 2nd Draft Text)	Notes
40	C. Houston	2-103(C)(3)	Req. for Residential Cluster Lots	<p>Small Cluster Lot approach:</p> <ol style="list-style-type: none"> 1. Set a maximum size for a cluster lot at 35,000 square feet. Generally, this will have an alternative septic system. 2. Septic discharge areas (1,500 sq. ft. + 1,500 sq. ft. reserve) will be on the cluster lot with the house. Wells will be on very small easements on PFLs, RELs and OSLs. 3. With small lots, much more land can be saved for PFLs, RELs and OSLs, perhaps 85% - 90% of the overall property. 4. Prime ag soils can more easily be preserved. 5. This should save 10,000 to 20,000 acres in the RPA. <p>Importantly, this maintains the density at 5 acres per house. Thus, there is no economic change for land value, developers, land owners or conservation easement donors. Alternative systems do cost more than traditional septic systems, but the added cost would be less than 2% of the overall cost of the cluster houses that are being sold today. I can send you a detailed letter from an eminent realtor who states that homebuyers would not even care or notice.</p>	Not addressed. See Sections 2-103(C)(2)(d) and 2-203(C)(2)(d). Requiring a maximum lot size of 3/4 acre will require more than 70% of the Originating Tract to be designated as either PFL, REL, or OSL. The 2019 General Plan envisioned, as part of the design characteristics of the clustered subdivision, that a minimum of 70% of the cluster subdivision be non-residential cluster lots.	ZOC\Recorded Comments\Small-lot clusters presentation.docx
41	J. Merrithew	2-103(C)(3)	Req. for Residential Cluster Lots	<p>Seem to repeat requirements of the LSDO.</p> <p>Recommendation: Delete</p>	Addressed. See Sections 2-103(C)(2) and Sections 2-203(C)(2).	Also applies to AR-2
42	K. Ruedisueli	2-103(C)(3)(a)	Req. for Residential Cluster Lots	<p>Sets maximum number of homes in a cluster to 15. How does this contribute to the preservation of prime soils and farmland in general? I'd suggest eliminating this, as putting all the homes of a development in one cluster of any size may provide the best opportunity to preserve useable land. Also doing so can create more of a community than a collection of disparate clusters. Think 'cluster' = 'village'. Consider Waterford, which is largely surrounded at its edges by farmland.</p>	Addressed. See Sections 2-103(C)(2)(a) and Sections 2-203(C)(2)(a).	Also applies to AR-2
43	E. Zicht	2-103(C)(3)(a)	Req. for Residential Cluster Lots	<ul style="list-style-type: none"> • Large clusters require large areas of soils suitable for drainfields. Such soils are typically also well-suited for farming. Consequently, large clusters of homes will eat up the larger areas suitable for farming. Thus, it might be better to allow more but smaller clusters of houses, that might be able to be located on more marginal lands. • No objection to having as many as 25 lots in a cluster as provided in the original cluster regulations. • The key is not limiting the number of clusters. but to allow more and smaller clusters. If there are 15 cluster lots, let them be distributed among 2 or 3 clusters, not making them all be in a single cluster. • Consider allowing clusters as small as 3 lots. 	Addressed. See Sections 2-103(C)(2)(a) and Sections 2-203(C)(2)(a).	Also applies to AR-2
44	J. Merrithew	2-103(C)(3)(a)	Req. for Residential Cluster Lots	<p>Agree with Kevin in that there needs to be flexibility in layout and number of lots. The 5-15 lots is based on a 1980's objective of recreating the English village design concept and has no value beyond design. It also makes communal utilities more expensive.</p> <p>Recommendation: The cluster size and configuration should reflect the goal of preserving soils and sensitive areas and may be a single cluster or multiple clusters. The statement about fewer than 5 lots seems unnecessary.</p>	Addressed. See Sections 2-103(C)(2)(a) and Sections 2-203(C)(2)(a).	Also applies to AR-2
45	J. Merrithew	2-103(C)(3)(a)(i)	Req. for Residential Cluster Lots	<p>These subsections become unnecessary if changes are made to 2-103(C)(3)(a) regarding lots within a cluster.</p> <p>Recommendation: Delete</p>	Addressed. See Sections 2-103(C)(2)(a) and Sections 2-203(C)(2)(a). Language deleted.	Also applies to AR-2

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46	J. Merrithew	2-103(C)(3)(a)(ii)	Req. for Residential Cluster Lots	These subsections become unnecessary if changes are made to 2-103(C)(3)(a) regarding lots within a cluster. Recommendation: Delete	Addressed. See Sections 2-103(C)(2)(a) and Sections 2-203(C)(2)(a). Language deleted.	Also applies to AR-2
47	E. Zicht	2-103(C)(3)(a)(iii)	Req. for Residential Cluster Lots	Who is going to go into a small project that requires such a discretionary approval?	Addressed. See Sections 2-103(C)(2)(a) and Sections 2-203(C)(2)(a). Language deleted.	Also applies to AR-2
48	J. Merrithew	2-103(C)(3)(a)(iii)	Req. for Residential Cluster Lots	These subsections become unnecessary if changes are made to 2-103(C)(3)(a) regarding lots within a cluster. Recommendation: Delete	Addressed. See Sections 2-103(C)(2)(a) and Sections 2-203(C)(2)(a). Language deleted.	Also applies to AR-2
49	E. Zicht	2-103(C)(3)(b)	Req. for Residential Cluster Lots	Intent may be good, but needs to be clarified.	Addressed. See Sections 2-103(C)(2)(a) and Sections 2-203(C)(2)(a).	Also applies to AR-2
50	J. Merrithew	2-103(C)(3)(b)	Req. for Residential Cluster Lots	Repeats Section 2-103(C)(3)(a) and is unnecessary if change is made to the number of lots a mentioned in 2-103C(3)(a). Recommendation: Delete	Addressed. See Sections 2-103(C)(2)(a) and Sections 2-203(C)(2)(a).	Also applies to AR-2
51	K. Ruedisueli	2-103(C)(3)(c)	Req. for Residential Cluster Lots	Establishes distances between clusters. This is useful if it saves prime soils. Say as much. Otherwise, allowing clusters to be closer may be more effective in conserving prime soils.	Addressed. See Sections 2-103(C)(2)(b) and Sections 2-203(C)(2)(b).	Also applies to AR-2
52	G. Bingol	2-103(C)(3)(c)	Req. for Residential Cluster Lots	If the goal is maximum protection of prime soils AND sustainable water and wastewater systems for clustered units, even smaller lots could be part of the answer, but sustainability is also a consideration. What's more important for water and wastewater system function over time—distance between clusters or the number of houses on small lots where wells could interfere with each other and become problematic over time, or use of communal systems?	Partially addressed. See Sections 2-103(C)(2)(b) and Sections 2-203(C)(2)(b).	Also applies to AR-2
53	E. Zicht	2-103(C)(3)(c)	Req. for Residential Cluster Lots	250 feet is certainly better than 500 feet, but 200 feet would be better yet (2x the perimeter setback).	Addressed. See Sections 2-103(C)(2)(b) and Sections 2-203(C)(2)(b).	Also applies to AR-2
54	J. Merrithew	2-103(C)(3)(c)	Req. for Residential Cluster Lots	Distance between clusters should not be fixed. Recommendation: Distance should reflect the best protection for prime soils and environmental features	Partially addressed. The distance has been fixed to 200 feet, however, the Zoning Administrator may reduce the setback further if it can be demonstrated that reduction will result in location of more connected Prime Farmland Soils within the PFL(s). See Sections 2-103(C)(2)(b) and Sections 2-203(C)(2)(b).	Also applies to AR-2
55	G. Bingol	2-103(C)(3)(d)	Req. for Residential Cluster Lots	If the goal is maximum protection of prime soils AND sustainable water and wastewater systems for clustered units, even smaller lots could be part of the answer, but sustainability is also a consideration. What's more important for water and wastewater system function over time—distance between clusters or the number of houses on small lots where wells could interfere with each other and become problematic over time, or use of communal systems? Could required open space for the clustered lots provide the needed support for long-term sustainability of the cluster lots? Or does this create more incursion into the prime soils than onsite systems?	Partially addressed. See Sections 2-103(C)(2)(c) and Sections 2-203(C)(2)(c). Minimum lot sizes remain unchanged.	Also applies to AR-2

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2	ZOC Member	Proposed Z.O. Section	Section Title	Comment (Initial Draft)	Staff Response (via 2nd Draft Text)	Notes
56	C. Houston	2-103(C)(3)(d)	Req. for Residential Cluster Lots	<p>The draft text permits cluster lots to be as small as 20,000 sq. ft. if there is offsite water and wastewater. These lots should have a maximum size of 1.5 acres and can use either onsite or offsite areas for water and wastewater.</p> <p>Because of required setbacks between wells and discharge areas, the ZO should acknowledge that either wells or wastewater discharge can be located on one or more easement areas within Preferred Farm Lots, Rural Economy Lots or Open Space Lots. It's likely that it will be wells that are put in offsite easements areas. (For one thing, wells do not impact agricultural use nearly as much as discharge areas do.)</p> <p>With these provisions in place, it is no longer necessary to specify that at least 70% of the property be comprised of Preferred Farm Lots, Rural Economy Lots and Open Space Lots. This is because with a 1.5-acre maximum cluster lot size, the preserved area will always be more than 70%.</p>	Partially addressed. See Sections 2-103(C)(2)(d) and Sections 2-203(C)(2)(d). Maximum Lot Size has been reduced to 2 acres.	Also applies to AR-2
57	C. Houston	2-103(C)(3)(d)	Req. for Residential Cluster Lots	Why not use the language in ZOR "Utilities" subsection (4.a.1.a, Hamlets) stating, Hamlet lots must be served either by: "Individual well on or off each lot, ..."	Not addressed. See Sections 2-103(C)(2)(c) and Sections 2-203(C)(2)(c).	Also applies to AR-2
58	J. Merrithew	2-103(C)(3)(d)	Req. for Residential Cluster Lots	<p>Minimum lot size should be determined by the utility system and allowed to be much smaller than one acre.</p> <p>Recommendation: Suggest remove the minimum.</p>	Not addressed. See Sections 2-103(C)(2)(c) and Sections 2-203(C)(2)(c).	Also applies to AR-2
59	G. Bingol	2-103(C)(3)(e)	Req. for Residential Cluster Lots	In looking at the lot sizes in cluster subdivisions, most lots are already below 3 acres in size. Does this change really help? Should it be less, and what's the best size lot and open space combination to allow for prime soil preservation: smaller lots with reserved drainfield areas on the open space lot to ensure long-term sustainability could help, as could communal systems.	Partially addressed. See Sections 2-103(C)(2)(d), and 2-203(C)(2)(d).	Also applies to AR-2
60	C. Houston	2-103(C)(3)(e)	Req. for Residential Cluster Lots	Change the maximum size of cluster lots to 35,000 SF.	Not addressed. See Sections 2-103(C)(2)(d), and 2-203(C)(2)(d).	Also applies to AR-2
61	E. Zicht	2-103(C)(3)(e)	Req. for Residential Cluster Lots	Why reduce the maximum lot size? This prevents the developer from creating larger lots, which only serve to reduce the practical density, at the developer's discretion.	Not addressed. See Sections 2-103(C)(2)(d), and 2-203(C)(2)(d).	Also applies to AR-2
62	J. Merrithew	2-103(C)(3)(e)	Req. for Residential Cluster Lots	<p>Three acres seems excessive.</p> <p>Recommendation: Suggest 40,000 sf maximum</p>	Not addressed. See Sections 2-103(C)(2)(d), and 2-203(C)(2)(d).	Also applies to AR-2
63	K. Ruedisueli	2-103(C)(3)(f)	Req. for Residential Cluster Lots	Limiting lot coverage to 15% on small lots is problematic as it will require smaller size homes. If we wish to encourage small lots to preserve prime soils, then raise the coverage percentage so that larger homes can be constructed on smaller lots. In truth, why have the coverage limits at all—simply allow the setbacks to be the control. An example: a 10,000 sf lot could only have 1500 sf of coverage, of which at least 500 sf could be a garage, which leaves only 1,000 sf for other lot coverage areas. This is too restrictive.	Not addressed. See Sections 2-103(C)(2)(e) and 2-203(C)(2)(e).	Also applies to AR-2
64	E. Zicht	2-103(C)(3)(f)	Req. for Residential Cluster Lots	<p>The previous regulation had this lot coverages backwards.</p> <p>Even on modest rural residential lots, about 2,000 sf of first floor area is needed. That would be 20% FAR for a 10,000 sf lot, and possibly much higher for even smaller lots.</p>	Addressed. See Sections 2-103(C)(2)(e) and 2-203(C)(2)(e).	Also applies to AR-2
65	J. Merrithew	2-103(C)(3)(g)	Req. for Residential Cluster Lots	<p>Redundant.</p> <p>Recommendation: Delete</p>	Addressed. See Table 2-102 and Table 2-202.	Also applies to AR-2
66	E. Zicht	2-103(C)(3)(d)(i)	Req. for Residential Cluster Lots	<p>A 40,000-sf lot would have to be nearly ideal – great soils, rectangular, etc.</p> <p>Well requires 50' buffer</p> <p>Septic drainfield typically requires about 80' x 100' with a 10' buffer to property lines, 20' to basements, and 50' to wells.</p> <p>House site typically 4,000 sf +/-</p> <p>Pool, decks, sheds, etc.</p>	See Sections 2-103(C)(2)(c) and 2-203(C)(2)(c).	Also applies to AR-2

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67	E. Zicht	2-103(C)(3)(d)(ii)	Req. for Residential Cluster Lots	Few people moving to the country want such a small lot (no limit).	Not addressed. See Sections 2-103(C)(2)(c) and 2-203(C)(2)(c).	Also applies to AR-2
68	E. Zicht	2-103(C)(3)(d)(iii)	Req. for Residential Cluster Lots	Few people moving to the country want such a small lot (no limit)	Not addressed. See Sections 2-103(C)(2)(c) and 2-203(C)(2)(c).	Also applies to AR-2
69	E. Zicht	2-103(C)(4)	Req. for Preservation Farm Lots	This conflicts with language elsewhere that requires Farm Lots regardless of the acreage of prime farm soils.	Addressed. See Sections 2-103(C)(3) and 2-203(C)(3).	Also applies to AR-2
70	J. Merrithew	2-103(C)(4)	Req. for Preservation Farm Lots	The statement does not explicitly state that prime farmland is to be protected by a PFL. Recommendation: Suggest we state that any prime farm land 5 acres or more must be encompassed by a PFL.	Addressed. See Sections 2-103(C)(3)(a) and 2-203(C)(3)(a).	Also applies to AR-2
71	E. Zicht	2-103(C)(4)(a)	Req. for Preservation Farm Lots	Soils are already required to be depicted. Covered in FSM.	Not addressed. See Sections 2-103(C)(3)(c) and 2-203(C)(3)(c).	Also applies to AR-2
72	E. Zicht	2-103(C)(4)(a)(i)	Req. for Preservation Farm Lots	These Preliminary Soils Reviews are not useful. Of the past dozen, I requested (and client paid the County to conduct), we never heard again let alone received a report.	Not addressed. See Sections 2-103(C)(3)(c) and 2-203(C)(3)(c).	Also applies to AR-2
73	J. Merrithew	2-103(C)(4)(a)(i)	Req. for Preservation Farm Lots	This seems to make preservation of prime land difficult and expensive. Unless the soils review is required for other reasons, what is the purpose of the study if the County has prime lands mapped. Recommendation: Suggest the Preliminary soils review be an option if the owner wants to contest the County's map.	Not addressed. See Sections 2-103(C)(3)(c) and 2-203(C)(3)(c).	Also applies to AR-2
74	J. Merrithew	2-103(C)(4)(a)(ii)	Req. for Preservation Farm Lots	This seems to make preservation of prime land difficult and expensive. Unless the soils review is required for other reasons, what is the purpose of the study if the County has prime lands mapped. Recommendation: Suggest the Preliminary soils review be an option if the owner wants to contest the County's map.	Not addressed. See Sections 2-103(C)(3)(c) and 2-203(C)(3)(c). The intent of requiring a preliminary soils review is to verify and augment the detail of the most recent Loudoun County Soil Survey	Also applies to AR-2
75	E. Zicht	2-103(C)(4)(a)(iii)	Req. for Preservation Farm Lots	These just seem a mechanism to punish the developers. What are the objective criteria for requiring supplemental material?	Not addressed. See Section 2-103(C)(3)(c).	Also applies to AR-2
76	J. Merrithew	2-103(C)(4)(a)(iii)	Req. for Preservation Farm Lots	This seems to make preservation of prime land difficult and expensive. Unless the soils review is required for other reasons, what is the purpose of the study if the County has prime lands mapped. Recommendation: Suggest the Preliminary soils review be an option if the owner wants to contest the County's map.	Not addressed. See Sections 2-103(C)(3)(c) and 2-203(C)(3)(c).	Also applies to AR-2
77	E. Zicht	2-103(C)(4)(a)(iv)	Req. for Preservation Farm Lots	The FSM requires a soil certification in any case – for almost all developments.	Addressed. See Sections 2-103(C)(3)(c)(iv) and 2-203(C)(3)(c)(iv).	Also applies to AR-2
78	E. Zicht	2-103(C)(4)(a)(v)	Req. for Preservation Farm Lots	With the regulation in the FSM (where it belongs) this technical matter is appealed to the Director of B&D and the FSM committee. Anything in the zoning ordinance can be appealed to the Board of Zoning appeals. The clause is not needed here. The BZA process is lengthy and expensive.	Addressed. See Sections 2-103(C)(3)(c) and 2-203(C)(3)(c).	Also applies to AR-2
79	K. Ruedisueli	2-103(C)(4)(b)	Req. for Preservation Farm Lots	I find this section very hard to understand. It seems others have interpreted it correctly, though I am still unclear as to what this means. Can it be reworded to be more understandable?	Addressed. See Sections 2-103(C)(3)(a) and 2-203(C)(3)(a).	Also applies to AR-2
80	P. Crown	2-103(C)(4)(b)	Req. for Preservation Farm Lots	I think it is trying to say you need to preserve 50% of the prime soils, or 50% of the original parcel, whichever is less, but it is not well worded. Then it says you can't get credit for the drain field, driveway or house on that lot. Then numbers don't work the definition. Need to ask staff to draw up a real world example.	Addressed. See Sections 2-103(C)(3)(a) and 2-203(C)(3)(a).	Also applies to AR-2

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2	ZOC Member	Proposed Z.O. Section	Section Title	Comment (Initial Draft)	Staff Response (via 2nd Draft Text)	Notes
81	E. Zicht	2-103(C)(4)(b)	Req. for Preservation Farm Lots	I don't understand this. The Farm Lot has to 50% of the original lot? (50% of a 120-acre tract) regardless of the amount of farm soil? What if there are no farm soils? What if 50% FOD, Very Sensitive MDOD, and Very Steep Slopes? House and appurtenances are allowed on Farm Lot? But if Farm Lot is 90% prime farmland, all this will then be on the prime farmland, reducing the prime farmland preserved.	Addressed. See Sections 2-103(C)(3)(a) and 2-203(C)(3)(a).	Also applies to AR-2
82	J. Merrithew	2-103(C)(4)(b)	Req. for Preservation Farm Lots	What is the relationship between 70% PFL, REL, or OSL, and the 50% prime soils. Would we not want to save all 70% if it is prime soils? Recommendation: Require all prime land to be enclosed in a PFL or OSL up to 70% of the subdivision. If prime soils is less than the entire 70% area, then the remainder may be used for REL.	Addressed. See Sections 2-103(C)(3)(a) and 2-203(C)(3)(a).	Also applies to AR-2
83	E. Zicht	2-103(C)(4)(c)	Req. for Preservation Farm Lots	Section is missing.	Addressed. See Sections 2-103(C)(3) and 2-203(C)(3).	Also applies to AR-2
84	G. Bingol	2-103(C)(4)(d)	Req. for Preservation Farm Lots	Shouldn't the minimum PFL lot size be somewhat larger (11-15 acres) to allow for a house and farm structures? Confusing; could be problematic. Does this mean that the minimum lot size would be equal to the total of all non-contiguous areas of prime soil? If not, what if the multiple areas of prime soil are all nominal by themselves (greater or less than an acre and very scattered)?	Addressed. See Sections 2-103(C)(3)(d) and 2-203(C)(3)(d).	Also applies to AR-2
85	E. Zicht	2-103(C)(4)(d)	Req. for Preservation Farm Lots	I don't understand this. The area of non-contiguous farmland is really the total of all prime farmland. The minimum farm lot then has to equal the total area of all the prime farmland, even though much of it will not be prime farmland. (Thus, violating the 90% prime farmland requirement. What about the exemptions? (<5 acres per Section??)	Addressed. See Sections 2-103(C)(3) and 2-203(C)(3).	Also applies to AR-2
86	M. Walsh-Copeland	2-103(C)(4)(d)	Req. for Preservation Farm Lots	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? A demonstration map may be very useful to clarify the new requirements	Addressed. See Sections 2-103(C)(3) and 2-203(C)(3).	Also applies to AR-2
87	J. Merrithew	2-103(C)(4)(d)	Req. for Preservation Farm Lots	Numbering: should be (c). Not clear what this intends. Sounds like a PFL may be smaller than 10 acres depending on the area of prime soils in the subdivision. Recommendation: Suggest the minimum lot area must be 10 acres whether it is all prime soils or not. But with prime soils the minimum lot area is based on the prime soils and may be larger than 10 acres.	Addressed. See Sections 2-103(C)(3)(d) and 2-203(C)(3)(d).	Also applies to AR-2
88	G. Bingol	2-103(C)(4)(e)	Req. for Preservation Farm Lots	If 90% of prime soils must be protected on a Farmland Preservation Lot in AR2, it should also be the case in AR1.	Addressed. This was errant language in the initial draft text. The 90% requirement has been removed. See Section 2-103(C)(3) and 2-203(C)(3).	Also applies to AR-2
89	E. Zicht	2-103(C)(4)(e)	Req. for Preservation Farm Lots	With all the requirements and questionable marketability, why would anyone create more than the required one farm lot?	Addressed. See Sections 2-103(C)(3) and 2-203(C)(3).	Also applies to AR-2

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2	ZOC Member	Proposed Z.O. Section	Section Title	Comment (Initial Draft)	Staff Response (via 2nd Draft Text)	Notes
90	J. Merrithew	2-103(C)(4)(e)	Req. for Preservation Farm Lots	Why contiguous? Since you can have OSL and REL in the same subdivision, could you have 10-acre PFLs mixed with RELs and OSLs? Recommendation: Suggest removing the term "contiguous".	Addressed. See Sections 2-103(C)(3) and 2-203(C)(3).	Also applies to AR-2
91	E. Zicht	2-103(C)(4)(g)	Req. for Preservation Farm Lots	How will the minimum width be measured? 175 feet does not make sense at the end of a cul-de-sac or at the end of a private access easement. What if the prime farm soils is narrow?	Addressed. See Sections 2-103(C)(3) and 2-203(C)(3).	Also applies to AR-2
92	J. Merrithew	2-103(C)(4)(g)	Req. for Preservation Farm Lots	The 175 feet is arbitrary. Fixed design parameters are environmentally impactful and suggest a standardized development pattern inconsistent with the classic rural pattern. Recommendation: Delete	Addressed. See Sections 2-103(C)(3) and 2-203(C)(3).	Also applies to AR-2
93	E. Zicht	2-103(C)(4)(h)	Req. for Preservation Farm Lots	Do you need this reference to be reported under the regulations for each type of parcel (4 times), or can you have just one section that applies to all (same as having one use list for all development alternatives)?	Addressed. See Table 2-102 and Table 2-202	Also applies to AR-2
94	J. Merrithew	2-103(C)(4)(h)	Req. for Preservation Farm Lots	Redundant Recommendation: Delete	Addressed. See Table 2-102 and Table 2-202	Also applies to AR-2
95	J. Merrithew	2-103(C)(4)(i)	Req. for Preservation Farm Lots	Redundant Recommendation: Delete	Addressed. See Sections 2-103(C)(3) and 2-203(C)(3).	Also applies to AR-2
96	E. Zicht	2-103(C)(4)(i)	Req. for Preservation Farm Lots	Is this provision legal? Enforceable?	Addressed. See Sections 2-103(C)(3) and 2-203(C)(3). The "Private Agreements Limiting Permitted Uses Prohibited" section has been deleted.	Also applies to AR-2
97	J. Merrithew	2-103(C)(5)(a)	Req. for Rural Economy Cluster Lots	Why is a REL a requirement? This seems to be a carryover when REL was the only lot type. Recommendation: Suggest requiring a PFL over all prime soils and make REL an option on the remaining [conservation] area.	Partially addressed. See Sections 2-103(C)(4)(a) and 2-203(C)(4)(a). The REL is only required when the Originating Tract is 100 acres or more and has less than 5 acres of Prime Farmland Soils.	Also applies to AR-2
98	E. Zicht	2-103(C)(5)(b)	Req. for Rural Economy Cluster Lots	<ul style="list-style-type: none"> o This provision affects density, economics and the feasibility of cluster subdivision (the favored development scenario according to both the recently adopted comprehensive plan and its 20-year-old predecessor) and conservation easements (the acknowledged most effective way to preserve prime farm soils). o The extent of such excluded lands can be very large. o Violates the BOS – stated objectives by reducing densities. o The excluded lands can then not practicably be included in any of the marketable lots. o The cluster lots are too small to include undevelopable land. o Such lands cannot be included on the Farm Lots. o And this provision excludes these lands from being created as part of rural economy lots. o Land owners receive no reward or compensation for preserving environmentally sensitive property. o Unconstitutional requirement of public purpose at landowner's expense. 	Addressed. See Sections 2-103(C)(4)(b) and 2-203(C)(4)(b).	Also applies to AR-2
99	J. Merrithew	2-103(C)(5)(b)	Req. for Rural Economy Cluster Lots	Why not be consistent with the PFL? Recommendation: Consistency among the REL and PFL would in theory mean easier administration and design.	Not addressed. See Sections 2-103(C)(4)(b) and 2-203(C)(4)(b).	Also applies to AR-2

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2	ZOC Member	Proposed Z.O. Section	Section Title	Comment (Initial Draft)	Staff Response (via 2nd Draft Text)	Notes
100	E. Zicht	2-103(C)(5)(c)	Req. for Rural Economy Cluster Lots	<ul style="list-style-type: none"> Why not use the same standards as for base density for rural economy and farm lots? Why less than the 15% allowed on a farm lot? Why not use the 10% residential/commercial with a bump-up to 25% for agricultural standard adopted by the BOS to accommodate greenhouses and the like? 	Partially addressed. Maximum lot coverage for RECLs has been increased to 15%. See Sections 2-103(C)(4)(c) and 2-203(C)(4)(c).	Also applies to AR-2
101	J. Merrithew	2-103(C)(5)(c)	Req. for Rural Economy Cluster Lots	<p>Why not be consistent with the PFL?</p> <p>Recommendation: Consistency among the REL and PFL would in theory mean easier administration and design.</p>	Addressed. See Sections 2-103(C)(4)(c) and 2-203(C)(4)(c).	Also applies to AR-2
102	E. Zicht	2-103(C)(5)(d)	Req. for Rural Economy Cluster Lots	<p>How will the minimum width be measured?</p> <p>175 feet does not make sense at the end of a cul-de-sac or at the end of a private access easement.</p> <p>What if the prime farm soils is narrow?</p>	Not addressed. See Sections 2-103(C)(4)(d) and 2-203(C)(4)(d).	Also applies to AR-2
103	J. Merrithew	2-103(C)(5)(d)	Req. for Rural Economy Cluster Lots	The 175 feet is arbitrary. Fixed design parameters are environmentally impactful and suggest a standardized development pattern inconsistent with the classic rural pattern.	Not addressed. See Sections 2-103(C)(4)(d) and 2-203(C)(4)(d). [Also applies to AR-2
104	J. Merrithew	2-103(C)(5)(e)	Req. for Rural Economy Cluster Lots	Redundant Recommendation: Delete	Addressed. See Table 2-102 and Table 2-202.	Also applies to AR-2
105	E. Zicht	2-103(C)(5)(f)	Req. for Rural Economy Cluster Lots	Is this provision legal? Enforceable?	Addressed. See Sections 2-103(C)(4) and 2-203(C)(4). The "Private Agreements Limiting Permitted Uses Prohibited" section has been deleted.	Also applies to AR-2
106	J. Merrithew	2-103(C)(5)(f)	Req. for Rural Economy Cluster Lots	Redundant Recommendation: Delete	Addressed. See Sections 2-103(C)(4) and 2-203(C)(4). The "Private Agreements Limiting Permitted Uses Prohibited" section has been deleted.	Also applies to AR-2
107	E. Zicht	2-103(C)(5)(m)	Req. for Rural Economy Cluster Lots	Elimination of the Max. Length/Width Ratio. Too difficult to measure and no real benefit	Addressed. See Sections 2-103(C)(4) and 2-203(C)(4).	Also applies to AR-2
108	E. Zicht	2-103(C)(6)	Req. for Open Space	<ul style="list-style-type: none"> Do we call these "Open Space Parcels" or "Open Space Lots"? I like "parcels" because they do not count as "lots" toward development potential/density. Why require ownership by HOA? Defeats purpose of eliminating the "Common" descriptor. Conflict with proposed re-write section that would define the types of open space. Still requires HOA maintenance. Keeps open space from being transferred to a beneficial user (farmer, adjoining landowner to be used to keep horses or cattle). Does not address HOA complaints. 	Partially addressed. The word "Common" has been added back to the name of Open Space Lots. See Sections 2-103(C)(5) and 2-203(C)(5).	Also applies to AR-2
109	J. Merrithew	2-103(C)(6)(a)	Req. for Open Space	Redundant Recommendation: Delete	Addressed. See Table 2-102 and Table 2-202.	Also applies to AR-2
110	J. Merrithew	2-103(C)(6)(b)	Req. for Open Space	Redundant Recommendation: Delete	Addressed. See Table 2-102 and Table 2-202.	Also applies to AR-2
111	J. Merrithew	2-103(C)(6)(c)	Req. for Open Space	Redundant Recommendation: Delete	Addressed. See Sections 2-103(C)(4) and 2-203(C)(4).	Also applies to AR-2
112	E. Zicht	2-103(C)(6)(e)	Req. for Open Space	<ul style="list-style-type: none"> Is this provision legal? Enforceable? <p>For land actively used by the HOA for specific purposes, they should be allowed to restrict allowable uses. (Keeping pigs on an open space parcel created for an entrance sign.)</p>	Addressed. See Sections 2-103(C)(4) and 2-203(C)(4). The "Private Agreements Limiting Permitted Uses Prohibited" section has been deleted.	Also applies to AR-2
113	J. Merrithew	2-103(C)(7)	Setbacks	<p>Arterials and collector roads in western Loudoun are typically lower volume, two-lane roads. Setbacks seem excessive.</p> <p>Recommendation: Suggest smaller minimum.</p>	Not addressed. See Sections 2-103(C)(6) and 2-203(C)(6).	Also applies to AR-2
114	E. Zicht	2-103(C)(7)(a)	Setbacks	This does not seem different from standards that apply to rural development in general. Can it be eliminated here?	Not addressed. See Sections 2-103(C)(6) and 2-203(C)(6).	Also applies to AR-2

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2	ZOC Member	Proposed Z.O. Section	Section Title	Comment (Initial Draft)	Staff Response (via 2nd Draft Text)	Notes
115	J. Merrithew	2-103(C)(7)(b)	Setbacks	Not clear why a 100-foot perimeter is required. Recommendation: Suggest no additional setback against like uses.	Addressed. See Sections 2-103(C)(6) and 2-203(C)(6). The "Residential Perimeter Setback" has been deleted.	Also applies to AR-2
116	E. Zicht	2-103(C)(8)	Yards	•Should there be different standards for the larger farm and rural economy lots? (Match the standards for base density and principal/subordinate options?) •Allow easements for water and sewer service lines to cross other cluster (as is the case with Hamlet Lots). Currently only allow sewer lines to cross open space. Consider allowing utility lines to cross rural economy lots as well (but not Farm Lots?).	Not addressed. See Sections 2-103(C)(7) and 2-203(C)(7), and Sections 2-103(C)(5) and 2-203(C)(5).	Also applies to AR-2
117	J. Merrithew	2-103(C)(10)(a)	Utility Req.	Both subsections use "shall". Recommendation: "Must"	Addressed. See Sections 2-103(C)(9)(a) and 2-203(C)(9)(a).	Also applies to AR-2
118	E. Zicht	2-103(C)(10)(a)(i)	Utility Req.	Why not allow wells on Open Space parcels? Less problematic than off-site drainfields.	Not addressed. See Sections 2-103(C)(9) and 2-203(C)(9). Per chapter 1040.9.e of the County Codified Ordinance, all new wells must be located on the lot the well is intended to serve.	Also applies to AR-2
119	J. Merrithew	2-103(C)(10)(b)	Utility Req.	Both subsections use "shall". Recommendation: "Must"	Addressed. See Sections 2-103(C)(9)(b) and 2-203(C)(9)(b).	Also applies to AR-2
120	K. Ruedisueli	2-103(C)(10)(b)(i)	Utility Req.	What is the reason for a maximum of 70% of the lots being permitted to have septic systems in the open space? Why not 100%?	Not addressed. See Sections 2-103(C)(9)(b)(i) and 2-203(C)(9)(b)(i).	Also applies to AR-2
121	E. Zicht	2-103(C)(10)(b)(i)	Utility Req.	•Why state that the open space needs to be owned by the HOA? Already addressed in Section 2-103(C)(6) if that is the intent. But if allow private ownership, would unnecessarily restrict. If the desire is to have smaller lots, then more septic systems will have to be off-site.	Addressed. See Sections 2-103(C)(9)(b)(i) and 2-203(C)(9)(b)(i).	Also applies to AR-2
122	E. Zicht	2-103(C)(11)(a)	Maintenance of Water and/or Sewage Disposal Systems	Is this needed in the Zoning Ordinance? I believe it is already addressed by the County Code for septic systems.	Not addressed. See Sections 2-103(C)(10) and 2-203(C)(10).	Also applies to AR-2
123	E. Zicht	2-103(C)(11)(b)	Maintenance of Water and/or Sewage Disposal Systems	Seems unnecessarily wordy. Why not just leave it at "must be owned and operated by LCSA?"	Addressed. See Sections 2-103(C)(10)(b) and 2-203(C)(10)(b).	Also applies to AR-2
124	E. Zicht	2-103(C)(12)(a)	Lot Access	Is it necessary to say that the access easements must comply with the FSM? Doesn't the FSM apply anyway?	Addressed. See Sections 2-103(C)(11)(a) and 2-203(C)(11)(a).	Also applies to AR-2
125	E. Zicht	2-103(C)(12)(b)	Lot Access	Is this language clear? (I understand that there is an on-going dispute, which could be avoided in the future with a better description.)	Addressed. See Sections 2-103(C)(11)(b) and 2-203(C)(11)(b).	Also applies to AR-2
126	E. Zicht	2-103(C)(12)(c)	Lot Access	Isn't this required anyway for ALL private access easements? FSM and/or LSDO? Not needed here.	Not addressed. See Sections 2-103(C)(11)(c) and 2-203(C)(11)(c).	Also applies to AR-2
127	E. Zicht	2-103(C)(13)	Fire Protection	This is a provision of the FSM, and would apply in any case. Clause not needed here.	Not addressed. See Sections 2-103(C)(12) and 2-203(C)(12).	Also applies to AR-2
128	E. Zicht	2-103(C)(14)	Pre-Submission Meeting	•I object to requiring a Pre-Submission meeting. ☒Staff generally lack accreditation (PE, LS, LA) to prepare development plans. ☒Staff lacks experience in design, development, sales related to development. ☒Guidance, other than objective measurable standards, is subjective and unenforceable. ☒Creates unrealistic expectations. ☒May create adversarial review process if developer chooses to ignore staff suggestions. There is no enabling legislation for such in State Code, and generally violates the Code requirements for timely review. Not that I would avoid voluntary pre-submission meetings, but expectations need to be controlled.	Partially addressed. The Pre-Submission Meeting is now optional. See Sections 2-103(C)(13) and 2-203(C)(13).	Also applies to AR-2

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2	ZOC Member	Proposed Z.O. Section	Section Title	Comment (Initial Draft)	Staff Response (via 2nd Draft Text)	Notes
129	C. Houston	2-103(C)(15)	Advisory Cluster Subdivision Siting and Design Guidelines	<p>Clusters are often aesthetic disasters that look like generic subdivision streets with cookie-cutter houses. Make them look better, ideally like traditional settlements such as a miniature Waterford:</p> <p>Have cross streets every 300 feet of primary roadway. This makes for a village feel as opposed to looking like a subdivision street.</p> <p>2. The main road should curve and turn, not be linear, and be narrow. This enhances the feel of a traditional village.</p> <p>3. Clusters should be at an edge of the property, thus making the open area have a shape that's more conducive to agriculture.</p> <p>4. Cluster lots can be as small as ½ acre. No lots over ¾ acre. (In existing clusters, one rarely sees maintenance – e.g., lawns – other than right at the house.) I'll discuss small-lot clusters in a separate email.</p> <p>5. Require sidewalks. Encourage front porches. (From an academic viewpoint, the ideal design should be New Urbanism as practiced by the firm of DPZ CoDesign, formerly Duany-Plater-Zyrbeck. I'd be receptive to density bonuses to projects that followed this sensibility.)</p> <p>6. Front yard setbacks should vary from 30 feet to 80 feet. This lets the facades of houses vary instead of forming an unbroken line. Putting them closer to the street encourages neighborly communication and spirit.</p> <p>7. State that no more than 3 or 4 houses may be painted the same color. If brick, the variation in design shall come from differing shutters and doors. (Many developments offer houses that are identical in every respect, and to be blunt, they suck.)</p> <p>8. Architecture should be traditional. The primary building material of the front should also be on all sides. Design elements (porch railings, mailboxes, light fixtures, etc.) should be freely chosen by residents and not follow rigid developer rules.</p>	Partially addressed. See Sections 2-103(C)(14) and 2-203(C)(14).	Also applies to AR-2
130	P. Crown	2-103(C)(15)	Advisory Cluster Subdivision Siting and Design Guidelines	<p>This section is subjective and does not belong in the ordinance. It is a list of goals, not requirements. It is not possible to achieve all goals (a) thru (f). Several of the goals conflict with each other. Just as an example, if the property has a field by the road and hardwood forest in the back. Sections (c) says you should avoid views from the road so the cluster should go in the back, but section (f) says you are supposed to preserve trees so the cluster should go in the front, but section (b) says clusters are to minimize disturbance of prime farmland soils so the cluster should go in the back.</p>	Not addressed. See Sections 2-103(C)(14) and 2-203(C)(14).	Also applies to AR-2
131	E. Zicht	2-103(C)(15)	Advisory Cluster Subdivision Siting and Design Guidelines	<p>While the goals may be admirable, these are not measurable standards and amount to discretionary, subjective review – which is not permissible.</p>	Not addressed. See Sections 2-103(C)(14) and 2-203(C)(14).	Also applies to AR-2
132	J. Merrithew	2-103(C)(15)	Advisory Cluster Subdivision Siting and Design Guidelines	<p>Don't understand the terms "nestle" or "blend in a subordinate way".</p>	Addressed. See Sections 2-103(C)(14) and 2-203(C)(14).	Also applies to AR-2
133	K. Ruedisueli	2-103(C)(15)(a)	Advisory Cluster Subdivision Siting and Design Guidelines	<p>Is the intention here to minimize site disturbance? If so, say it. If not, it should be said elsewhere in this section—i.e. encourage working with the topography rather than rearranging the ground in a wholesale manner.</p>	Addressed. See Sections 2-103(C)(14)(a) and 2-203(C)(14)(a).	Also applies to AR-2
134	K. Ruedisueli	2-103(C)(15)(d)	Advisory Cluster Subdivision Siting and Design Guidelines	<p>I know berms are commonly used in suburban-style development. They seem very out of place in rural areas. Encourage just the planting of naturalized buffers instead.</p>	Addressed. See Sections 2-103(C)(14)(d) and 2-203(C)(14)(d).	Also applies to AR-2
135	K. Ruedisueli	2-103(C)(15)(f)	Advisory Cluster Subdivision Siting and Design Guidelines	<p>Given that all our ash trees are being killed-off by insects, we probably should not suggest planting them until someone solves the problem.</p>	Addressed. See Sections 2-103(C)(14) and 2-203(C)(14).	Also applies to AR-2
136	E. Zicht	2-104	HOA and Responsibilities	<p>This Section likely conflicts with the new chapter proposed in the Zoning Ordinance Re-Write.</p>	Further review needed.	Also applies to AR-2
137	J. Merrithew	2-104	HOA and Responsibilities	<p>Concerned this repeats what is in the LSDO or FSM</p> <p>Recommendation: Delete</p>	Not addressed. See Sections 2-104 and 2-204.	Also applies to AR-2

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138	E. Zicht	2-104(A)	HOA and Responsibilities	Could be clarified that HOA is only required to address items (1) through (7). Not required to administer privately owned Open Space.	Not addressed. See Sections 2-104 and 2-204.	Also applies to AR-2
139	E. Zicht	2-104(A)(1)	HOA and Responsibilities	I like the "Common" modifier here, as it distinguishes from privately owned open space, which would not require an HOA.	Addressed. See Sections 2-104 and 2-204.	Also applies to AR-2
140	E. Zicht	2-104(A)(3)	HOA and Responsibilities	Private roads, driveways or access easements (& pipestems) that serve just a few lots should be maintained by the lot owners served, not by the owners of lots throughout the subdivision.	Not addressed. See Sections 2-104 and 2-204.	Also applies to AR-2
141	E. Zicht	2-104(B)	HOA and Responsibilities	Membership by rural economy and especially Farm Lots should be optional. Why should the Farm Lots pay for suburban residential HOA services?	Not addressed. See Sections 2-104 and 2-204.	Also applies to AR-2
142	E. Zicht	2-104(C)	HOA and Responsibilities	Allow the private road provision to apply even if one of the other 7 criteria apply. Switch order of clauses (B) & (C) (Also D)	Not addressed. See Sections 2-104 and 2-204.	Also applies to AR-2
143	E. Zicht	2-104(D)	HOA and Responsibilities	Doesn't this duplicate 2-103(C)(aa)(b)? It is better placed in 2-103 as it only applies in Cluster Subdivisions. Why refer to the State Code. It applies where it applies, in any case. And if it does not apply, the County can't make it apply.	Addressed. See Sections 2-104 and 2-204.	Also applies to AR-2
144	E. Zicht	2-104(E)	HOA and Responsibilities	All of this appears to be covered in the LSDO and FSM and is redundant and unnecessary here.	Addressed. See Sections 2-104 and 2-204.	Also applies to AR-2
145	E. Zicht	2-104(E)(1)	HOA and Responsibilities	Question – Are the limitations on HOA prerogatives legal/enforceable. Can you define "bona fide agriculture?"	Addressed. See Sections 2-104 and 2-204.	Also applies to AR-2
146	E. Zicht	2-104(E)(2)	HOA and Responsibilities	This will be regulated/determined by Loudoun Water, as they are the sole permitted operator per Section 2-103(c)(11)(b). No need to include here.	Addressed. See Sections 2-104 and 2-204.	Also applies to AR-2
147	E. Zicht	2-104(E)(3)	HOA and Responsibilities	Already covered by LSDO/FSM.	Addressed. See Sections 2-104 and 2-204.	Also applies to AR-2
148	E. Zicht	2-105	Protection by Right to Farm Act	Unnecessary. Already required by LSDO/FSM and the state code provision cited.	Not addressed. See Sections 2-105 and 2-205.	Also applies to AR-2
149	E. Zicht	2-106(B)	Existing Lots of Record	Is this clause needed? There have been Hamlet Lots created post-2006 where preliminary plats had been approved previously. Hamlet lots can still be created in A-3 subdivisions. Should they be permitted in the AR-1 and AR-2 zoning districts?	Not addressed. See Section 2-106 and 2-206.	Also applies to AR-2
150	M. Walsh-Copeland	2-203(C)(4)(e)	Req. for Preservation Farm Lots	Why is the requirement for a "min. 90% of PFL shall contain prime farmland" only applied to AR-2 (ARS)?	Addressed. This was errant language in the initial draft text. The 90% requirement has been removed. See Section 2-103(C)(3) and 2-203(C)(3).	
151	G. Bingol	Article 8	Definitions	Prime Farmland Soils. Staff have included a list of all prime agricultural soils in the county. Have farming interests raised any discussion of prioritizing those prime soils? In my limited review, in the Loudoun Valley (historically known to have a high percentage of Loudoun's best farm soils) north of Rt 7 at least, the largest acreage of prime soils would appear to be 23B and 17B, which are often found together on undeveloped lots. But the 17B soils are often scattered around the parcel and include soil drains. • Have staff consulted with Loudoun S&WCD to get further specificity on the prime soils of highest value and should there accordingly be further definition in performance standards? • Has there been any analysis of the most prevalent and valuable prime soils and where they are located? Prime soil types appear to vary by geographic location.	Not addressed. No priority has been given to specific soil types.	

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2	ZOC Member	Proposed Z.O. Section	Section Title	Comment (Initial Draft)	Staff Response (via 2nd Draft Text)	Notes
152	P. Crown	Article 8	Definitions	Preservation Farm Lot definition - requiring 90% prime farmland on the parcel does not look achievable. See attached map of 2 farms in the county that shows how broken up the soil types specified are on the map. Not sure how you can draw a Lot that would include 50% of the farmland soils but would contain 90% prime farmland soil. These sites only have around 50% as it is but it is broken up.	Addressed. See Article 8 Definitions, Preservation Farm Lot	
153	G. Bingol	General		The considerations from the BMI that directly support the 2019 Comp Plan strategies priorities are: <ul style="list-style-type: none"> •Require a percentage of the rural economy lot to be in active agriculture use. In order to make rural economy lots more productive for farming and food production, additional guidance needs to be provided within the ordinance. •Require rural economy lots to contain a certain percentage of prime agricultural soils (as depicted in the prime agricultural soils map). •Encourage contiguous rural economy lots for larger farmable areas. •Require a minimum percentage of the gross area of a cluster subdivision development in a rural economy lot. These should be recommended to the BOS as top priorities for measuring the success of this ZOAM initiative. Without this kind of detail, it's hard to evaluate how well the proposed measures meet the Board's intent.	Partially addressed. See Sections 2-103(C) and 2-203(C).	Also applies to AR-2
154	G. Bingol	General		How much of the prime soils should be protected for the long-term goal of food security protection and would a ranking of most desirable prime soils for farming be helpful or counter-productive? The prime soil protection percentage should be 100% or much closer than the proposed 50%.	Partially addressed. See Sections 2-103(C)(3) and 2-203(C)(3).	Also applies to AR-2
155	G. Bingol	General		Will this ordinance make food production farming more accessible and affordable for those who want to do this kind of farming?	Partially addressed.	Also applies to AR-2
156	G. Bingol	General		What is the relative benefit of having multiple small farms versus a limited number of both large and small farmland preservation lots, i.e. 1 smaller lot and 1 larger lot? Need conversations with young and a variety of farmers for more feedback. And importantly, what are possible unintended consequences?	Partially addressed. The size of the PFL are based on comments received from stakeholders.	Also applies to AR-2
157	G. Bingol	General		Once the goal and priorities have been determined, then an analysis template would be useful to determine the best combination of regulations to accomplish them.	Partially addressed. The regulations have been drafted with the intent of meeting the priority goal of preserving prime farmland soils when using a cluster subdivision or by establishing a conservation easement.	Also applies to AR-2
158	G. Bingol	General		In my review so far, it has proven to be extremely difficult to evaluate the ordinance language without more tools to illustrate the examples. The 3 maps of the prime soils in Loudoun don't include any lot lines, meaning that the prime soils amount and location have no frame of reference with on-the-ground development potential.	See the maps located on the Loudoun County GeoHub application which provides detailed information regarding prime farmland soils on individual lots as well as other information pertaining to the protection of prime farmland soils. https://loudoungis.maps.arcgis.com/apps/MapSeries/index.html?appid=233448bc0092400aa381afe5fca8ea92 https://loudoungis.maps.arcgis.com/apps/MapSeries/index.html?appid=e63d589d63104b76a78106197d23c34d	Also applies to AR-2

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159	G. Bingol	General		<p>Although one case study has been shared, more are needed, such as:</p> <ul style="list-style-type: none"> ☐ prime soils cover the majority of the parcel with and without sensitive environmental features ☐ a very limited amount of prime soils exist (5-10% of the parcel) ☐ a moderate amount of prime soils are scattered around the parcel 	Examples can be provided showing how the draft ZOAM language will impact different lots based on the amount of prime farmland soils present.	Also applies to AR-2
160	C. Houston	General		When houses in cluster subdivisions are placed on smaller lots, more open land will be saved, the clusters will be more neighborly and appealing, there will be no change in density, landowners' by-right values won't change, incentives for conservation easements will be the same and developer profits won't be affected.	Partially addressed. See Sections 2-103(C)(2)(c),(d) and 2-203(C)(2)(c),(d).	Also applies to AR-2
161	C. Houston	General		Small Lot Cluster Subdivisions compromise should save 10-20,000 acres of open space while meeting the fundamental goals of stakeholders such as farmers, land owners, easement donors, developers and their engineers, realtors and conservationists.	Not addressed.	Also applies to AR-2
162	C. Houston	General		Cluster Design Problems: They waste land. They lack quality design. Most clusters look like generic subdivision streets. Houses sit on the middle-front of the lots. The rears of the lots are generally unused and sometimes not even maintained. There are no sidewalks and no sense of the neighborliness that's characteristic of Loudoun's traditional villages.	Comment acknowledged. More prescriptive regulations can result in less flexibility in design to preserve the most prime farmland soils. Some of the comments can be addressed by designers using the proposed regulations.	Also applies to AR-2
163	R. Brittingham	General		How many prime soil acres are we dealing with in the AR-1 and AR-2? The more "numbers", the more complex the prime soil topic gets.	Approximately 34,000 acres which are located outside of conservation easements and approved residential projects within the AR-1 and AR-s zoning districts of the Rural Policy Area.	
164	J. Browning	General		REDC submitted comments on the initial draft text. Supports Dept of Economic Development (DED) comments. Looking forward to the revised use table.	Addressed. See Table 2-102 and 2-202.	
165	M. Capretti, Matt L.	General		Is the big picture the total acres and prime acres? Caution on limiting max. lot size to smaller lots (3/4 acre) in order to maintain density.	Addressed. See Sections 2-103(C)(2)(c),(d) and 2-203(C)(2)(c),(d).	
166	P. Crown, G. Gingol	General		Where does staff see the draft text going, given the comments received from the referral process? How are we really going to maintain density?	Please see the revised draft text.	
167	R. Forno	General		How many prime soil acres are we dealing with in the AR-1 and AR-2? What was the threshold for the improved lots v. vacant lots?	Approximately 34,000 acres which are located outside of conservation easements and approved residential projects within the AR-1 and AR-s zoning districts of the Rural Policy Area.	
168	C. Houston, Matt L., J. Pacuilli	General		We need to receive further direction from higher decision makers (BOS), whether we protect prime soils at the cost of density or protect density at the cost of prime soils.	Partially addressed. See Sections 2-103(C) and 2-203(C).	
169	B. Keether	General		Caution to limiting private agreement regulations. For common property there needs to be latitude for those entities to operate, like drainfields and uses appropriately.	Addressed. See Sections 2-103(C)(4),(5),(6) and 2-203(C)(4),(5),(6).	
170	J. Merrithew	General		We need to be looking at how we can make the cluster a more appealing option to landowners. Allow for a more flexible cluster design.	Partially addressed. See Sections 2-103(C) and 2-203(C).	
171	K. Ruedisueli	General		Cluster design needs to be compatible with rural settings as much as possible. House should be close to the road. Front yard setbacks should be no more than 5 feet, thus preserving open space behind the lot and allowing for drainfield or small scale ag.	Partially addressed. See Sections 2-103(C)(6),(7) and 2-203(C)(6),(7).	
172	T. Walbridge	General		Farm Bureau submitted a lot of comments, overall disappointed in the initial draft text which does not accomplish goal of prime farmland and agriculture. The following draft text needs to address the uses on the different lot types, more flexibility in design, larger contiguous Preservation Farm Lot. Alternative Septic systems are not a bad thing and should be considered with small lots.	Partially addressed. See Sections 2-103(C) and 2-203(C).	

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2	ZOC Member	Proposed Z.O. Section	Section Title	Comment (Initial Draft)	Staff Response (via 2nd Draft Text)	Notes
173	M. Walsh-Copeland	General		<p>This whole ZOAM based on case study in 2019, current cluster did not meet Comp Plan; tried to get a consensus view; have not been able to accomplish and may not be achievable; input divided; knowing where comments are from and what is in the best interest of the County, always in conflict. Apply permanent OSE on the lots that make up the 70%.</p> <p>Does County want to retain a rural western Loudoun? What soils were included in the Prime Farmland Soils calculation?</p>	Partially addressed. See Sections 2-103(C)(1)(g) and 2-203(C)(1)(g).	