

**BOARD OF SUPERVISORS
BUSINESS MEETING
BOARD MEMBER INITIATIVE**

SUBJECT: Rural Cluster Development and Prime Agricultural Soil Amendments

ELECTION DISTRICT: Countywide

STAFF CONTACT: Laura Tekrony, Legislative Aide to Chair At-Large Phyllis Randall
Robin Bartok, Legislative Aide to Supervisor Tony Buffington

PURPOSE: To direct staff to amend ordinances and revise regulations to improve cluster developments and use of prime agricultural soils in the Rural North and Rural South Zoning Districts of the Rural Policy Area.

RECOMMENDATION: Chair Randall and Supervisor Buffington recommend that the Board of Supervisors initiate a Zoning Ordinance Amendment (ZOAM) and Development Ordinance Amendment (DOAM) to revise zoning regulations and associated regulations in the Facilities Standards Manual (FSM) and Land Subdivision and Development Ordinance (LSDO) to improve the design of clustered residential development by incorporating natural features, protecting and conserving agriculturally productive prime agricultural soils, allowing for productive and effective equine and rural economy uses, and further implementing the policies of the Loudoun County 2019 General Plan (RGP) with respect to clustered rural residential development in order to guide all future cluster subdivision applications in the Rural North (AR-1) and Rural South (AR-2) Zoning Districts of the Rural Policy Area.

BACKGROUND:

Rural Cluster Development -The Rural North and Rural South are home to a centuries old farming community that shaped the physical landscape and the social and economic fabric of Loudoun. However, over the past 30 years, as portions of the County and the region have become more urbanized, the RPA (Rural Policy Area) has faced increased challenges related to demographic changes, land use, economics, and transportation improvements, thus facilitating and enabling the conversion of land for rural residential subdivisions at an increasing rate as some residents seek an alternative to urban life. The adoption of the RGP in 2001 and the accompanying down-zoning of the majority of the land in western Loudoun in 2003 and in 2006, marked a dramatic turn in the County's effort to limit residential development in the RPA and established an approach for land preservation tied to the creation of a viable rural economy and low-density development options, including the clustering of homes to preserve the rural character of the land.

In the AR-1 District, a minimum of 40 acres is required in order to subdivide, with a minimum lot size requirement of 20 acres, unless lots are clustered. In the case of clustering, a minimum of 20 acres is required in order to subdivide and a lot yield of one lot per 5 acres is allowed, with cluster lots required to be at least 20,000 square feet and not more than four acres in size, with at least one rural economy lot of at least 15 acres, and at least 70% of the land in the cluster subdivision in the rural economy lot and/or common open space. In the AR-2 District, a minimum of 80 acres is required in order to subdivide, with a lot size of 40 acres required, unless lots are clustered. In the case of clustering, a minimum of 20 acres is required in order to subdivide and a lot yield of one lot per 15 acres is allowed, with cluster lots required to be at least 20,000 square feet and not more than four acres in size, with at least one rural economy lot of at least 25 acres, and at least 70% of the land in the cluster subdivision in the rural economy lot and/or common open space.

In April of 2020, Chair Phyllis Randall held her first Quarterly Rural Meeting (virtual) with the leaders of all of the Conservation groups on the call, along with Supervisor Buffington. Every participant spoke to the need to protect prime soils. Currently, when a development in the RPA happens, most of the houses end up on top of the prime agricultural soils, and the drain fields often are situated in the open space because the best soils are there, and these soils are suitable for percolation requirements for drainfields. This was not the original intention of a cluster development, but with no zoning ordinance requirements to specifically protect the soils, staff is at a loss to be able to regulate. The large rural lots, that were to be used for agricultural use, most times remain unproductive for agricultural purposes.

The cluster issue and the protection of the prime agricultural soils are intrinsically related to Strategy 3.2 of the Comprehensive Plan, which states the County will “Preserve and protect prime farmland and agricultural soils, recognizing their importance to the overall economic health of the rural economy.” To implement this will require ordinance amendments to design standards of cluster subdivisions, such as, but not limited to, the following:

1. Require a percentage of the rural economy lot to be in active agriculture use. In order to make rural economy lots more productive, additional guidance needs to be provided within the ordinance.
2. Require rural economy lots to contain a certain percentage of prime agricultural soils (as depicted in the prime agricultural soils map).
3. Modify regulations related to open space requirements:
 - a) Require a certain percentage to be in a natural state
 - b) Protect sensitive environmental features
 - c) Add locational criteria for drainfields

- d) Encourage the provision of publicly accessible and connected open space. Set aside land for multi-use trails.
4. Consider reducing the separation requirement between each grouping of rural cluster lots if the acreage of farmland increases in the rural economy lot. Performance standards need to be developed for a reduction in the distance between clusters.
 5. Require a minimum percentage of the gross area of a cluster subdivision development in a rural economy lot.
 6. Encourage contiguous rural economy lots for larger farmable areas.
 7. Improve design of cluster subdivision option by buffering from roadways and scenic byways.
 8. Develop standards to incorporate natural features in the visual buffering.
 9. Consider development standards that consider road traffic capacity and minimize new and additional road connections.

Agricultural Soils - During the Loudoun 2019 Comprehensive Plan work session, one of Chair Randall's questions about the Rural Policy Area (RPA) was how the County will conserve prime agricultural soils. The response was the following, "The plan supports the rural economy and agriculture through various policies, actions and strategies. When development in the Rural Policy Area includes residential uses, the comprehensive plan seeks to cluster development, retaining large areas of agricultural soils." Prime agricultural soils (as defined by the U.S. Department of Agriculture) are soils that are best suited for agricultural use. These soils account for approximately 19 percent of Loudoun County's soils, and are generally located in the Rural Policy Area.

The Loudoun 2001 Revised General Plan stated that: "Where development is allowed on prime agricultural soils, the County will require cluster development so that development will take place on the least desirable soils on the site and the prime soils will be available for agricultural soils" (Chapter 5, Group One, Policy D.2.2). However, this policy was never carried forward as a regulation in the Zoning Ordinance, FSM or LSDO. In practice, subsequent subdivision applications have done the opposite of the County's policy – concentrating development on available prime agricultural soils and placing the least desirable soils in the subdivisions' open spaces and rural economy lots. County staff lacked the regulatory authority to implement the County's policy of preserving and protecting prime soils because this General Plan policy was not implemented as an ordinance requirement.

In the intervening years, the number of farms and acres in farmland production in the County has declined by approximately ten percent since the 2012 Federal Census of Agriculture, when 1,396 farms with a total of 134,792 acres of farmland in production were identified. Sixty seven square miles of farmland was lost in the RPA from 2002-2017 (20% of RPA).^{*1} Based on the County's

¹ 2017 Census of Agriculture County Profile.

https://www.nass.usda.gov/Publications/AgCensus/2017/Online_Resources/County_Profiles/Virginia/cp51107.pdf

by-right development projections, an additional 70-80 square miles will be lost between 2017-2040, equating to approximately 50% of the RPA from 2002-2040.**²

The Loudoun 2019 Comprehensive Plan, adopted by the Board in June 2019, carries forward the growth management approach established in the Revised General Plan, which seeks to retain farmland and sustain the rural economy. Strategy 3.2 states that the County will “Preserve and protect prime farmland and agricultural soils, recognizing their importance to the overall economic health of the rural economy.” This issue is time sensitive as the Loudoun 2019 Comprehensive Plan identifies 91,000 acres of land for potential development which could accommodate 11,643 additional residential units. (Ch2-95) Development at this scale without additional preservation of prime agricultural soil would threaten the ability of the County to maintain its rural economy as a major asset to Loudoun’s diverse economy and overall vision.

Strategy 1.1. “Support uses that protect, preserve, and enhance natural areas and open space, retain farmland and the vitality of the rural economy, and foster a high quality of life for residents.” (Ch2-98)

Strategy 2.1. “Limit residential development to protect the land resources for agricultural operations, rural economy uses, and open space uses; minimize traffic impacts, and reduce the demand for additional public facilities, and services.” (Ch2-98)

Strategy 3.2. “Preserve and protect prime farmland and agricultural soils, recognizing their importance to the overall economic health of the rural economy” (Ch3-23)

Action A: Evaluate and revise zoning regulations and design standards to improve the design of subdivisions, and clustered residential development by incorporating natural features, and buffering from roadways, and scenic byways.” (Ch2-98)

ISSUES: None.

FISCAL IMPACT: None

DRAFT MOTIONS:

1. I move that the Board of Supervisors direct staff to begin the process of a separate Zoning Ordinance Amendment (ZOAM) and Development Ordinance Amendment (DOAM), to revise zoning regulations and associated regulations in the Facilities Standards Manual (FSM) and Land Subdivision and Development Ordinance (LSDO) to improve the design of clustered residential development by incorporating natural features, protecting and conserving agriculturally productive prime agricultural soils, allowing for equine and rural economy uses, and further implementing the policies of the Loudoun County 2019 General Plan with respect to clustered rural residential development in order to guide all future cluster subdivision

² Loudoun County, "Rural Policy Area and Existing Villages, Topic Paper," December 13, 2017, p. 4

applications in the Rural North (AR-1) and Rural South (AR-2) zoning districts of the Rural Policy Area.

I further move that staff prioritize these work efforts in order to ensure timely implementation of revised Ordinance amendments and zoning regulations.

OR

2. I move an alternative motion.

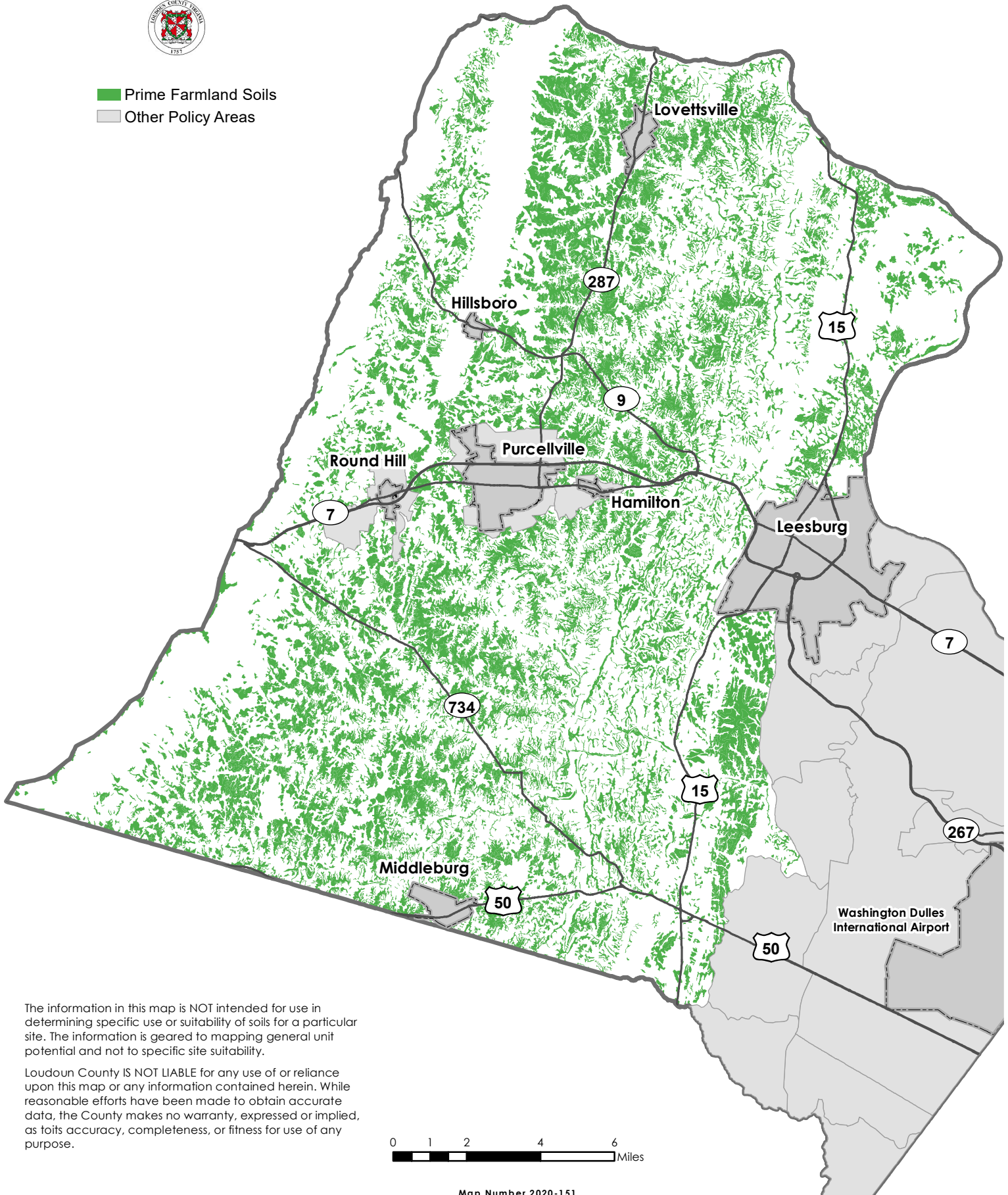
ATTACHMENT:

1. Rural Policy Area Prime Farmland Soils Map

Rural Policy Areas: Prime Farmland Soils



- Prime Farmland Soils
- Other Policy Areas



The information in this map is NOT intended for use in determining specific use or suitability of soils for a particular site. The information is geared to mapping general unit potential and not to specific site suitability.

Loudoun County IS NOT LIABLE for any use of or reliance upon this map or any information contained herein. While reasonable efforts have been made to obtain accurate data, the County makes no warranty, expressed or implied, as to its accuracy, completeness, or fitness for use of any purpose.

