

MEMORANDUM

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To: Loudoun County Planning Commission
From: Jacob Hambrick, Planning and Zoning
Jacqueline Marsh, Planning and Zoning
Date: July 13, 2023
Re: July 13, 2023, Planning Commission Work Session
**ZOAM-2020-0002, Prime Agricultural Soils & Cluster
Subdivision**

2011 Election District(s): Blue Ridge and Catoctin

2022 Election District(s): Little River and Catoctin

PURPOSE

A Zoning Ordinance Amendment (ZOAM) 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* (2019 GP) with respect to clustered rural residential development in order to guide all future cluster subdivision applications in the Agricultural Rural-1 (AR-1) and Agricultural Rural-2 (AR-2) Zoning Districts of the Rural Policy Area (RPA), as directed by the Board of Supervisors (Board) with the approval of the Board Member initiative (BMI) on June 16, 2020.

STAFF RECOMMENDATION

Staff supports a Planning Commission (Commission) recommendation of approval to the Board of the draft text for ZOAM-2020-0002 as provided in Attachment 1, and as may be amended by the Commission to address the issues included in the "Issues for Discussion" Section of this Staff Report.

BACKGROUND

Board Member Initiative (BMI): At the June 16, 2020, Board Business Meeting, a [BMI](#) was approved (9-0) to amend regulations to improve cluster development design, preserve prime agricultural soils, and ensure the success of rural economy uses in the AR-1 and AR-2 zoning districts of the Rural Policy Area (RPA). The amendment is intended 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 clustered rural residential development policies of the 2019 GP to guide all future cluster subdivision applications in the AR-1 and AR-2 zoning districts.

Policies of the 2019 GP: The preparation of the proposed ZOAM was guided by the policies of the 2019 GP, adopted by the Board in June 2019. The 2019 GP carries forward the growth management approach of the RPA provided for under the prior comprehensive plan, the Revised General Plan (RGP), which sought to retain farmland and sustain the rural economy. Specific strategies and actions found in Chapters 2 and 3 of the 2019 GP, directly address Rural Residential Development, the Rural Economy, and Prime Agricultural Soils. The key guidance in the 2019 GP specific to this ZOAM are as follows:

- *Chapter 2, Land Use & Development, 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 rural life for residents.
- *Chapter 2, Rural Residential, Policy 2:* Limit residential development to protect the land resource for agricultural operations, rural economy uses, and open space uses; minimize traffic impacts; and reduce the demand for additional public facilities and services.
- *Chapter 2, Rural Residential, Strategy 2.1:* Where residential development does occur in the RPA, it should be designed to preserve the rural character, work with the landform to preserve and protect natural features, and conserve land for agriculture, equine uses, rural economy uses, passive recreation, and open space.
- *Chapter 2, Rural Residential, Action 2.1.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.
- *Chapter 2, Rural Economy, Strategy 3.2.E and Appendix A, RPA Design Guidelines, Guideline 6:* Develop a publicly accessible multi-use trail network (i.e., pedestrian, bicycle, and equestrian) to link private and public lands in the RPA in partnership with nonprofit entities, landowners, and developers of rural properties.
- *Chapter 2, Rural Economy, Strategy 3.1 and Action 3.1.A:* Ensure compatibility of rural economy uses through the evaluation of the scale, use, intensity, and design (site and building) of development proposals in comparison with the dominant rural character and adjacent uses. Additionally, evaluate and revise zoning regulations and development standards for rural economy uses. Such regulations and standards will address traffic capacity, safe and adequate road access, number of employees, site design standards (e.g., land disturbance,

buffering, use intensity, siting, and architectural features), and public health, safety, and welfare.

- *Chapter 2, Rural Economy, Strategy 3.6 and Action 3.6.A:* Support and increase farming activities and maintain a resilient food network for local consumption, as well as promote community supported agriculture (CSA); the direct sale of farm products between farmers and local consumers including farmers markets, restaurants and retailers.
- *Chapter 3, Prime Agricultural Soils, Strategy 3.2:* Preserve and protect prime farmland and agricultural soils, recognizing their importance to the overall economic health of the rural economy.
- *Chapter 3, Natural, Environmental, and Heritage Resources, Action 1.1.C:* Adopt zoning regulations and development standards that implement a process identifying natural, environmental, and heritage resources worthy of preservation and developing around those resources as part of all land development.
- *Appendix A, RPA Design Guidelines, Guideline 4:* Development should be sited within the landscape to minimize visibility from roadways and other properties while preserving suitable farmland.
- *Appendix A, RPA Design Guidelines, Guideline 7a:* When developing Rural Cluster Subdivisions in the RPA, use existing topography, hedgerows, mature woodlands, and other site features to influence the location of the clusters to maintain the rural and scenic quality of the landscape.
- *Appendix A, RPA Design Guidelines, Guideline 7d:* When developing Rural Cluster Subdivisions in the RPA, cluster development should retain large areas of agricultural soils for farming.

Input From Referral Agencies, Zoning Ordinance Committee (ZOC) and Stakeholders: The preparation of the Zoning Ordinance Amendment was also guided by the valuable input received from referral agencies, ZOC and Stakeholders, which is summarized in the Planning Commission [Public Hearing](#) Staff Report.

Planning Commission Public Hearing: The Commission held a [Public Hearing](#) on the ZOAM on November 14, 2022, during which twenty-four speakers provided public comment. Speakers were local citizens as well as representatives of organizations that were part of the stakeholder groups during Zoning Administration staff's (staff) community outreach. Public comment encompassed topics such as possible impacts to future conservation easements, the importance of farming, percentage of Prime Farmland Soils that should be protected, permitted uses within the Cluster Subdivision Option lot types, lot type sizes, residential drainfields on open space lots,

limiting Homeowner Associations (HOA) from restricting agricultural uses, and accuracy of County soil maps. In addition to the public speakers, [31 comments](#) were received via email from local citizens and local stakeholder groups, echoing similar topics mentioned by the public speakers. Much of the discussion and questions raised by the Commission focused on the topics contained within the requests for further information to be provided by staff at a future Work Session as provided in the Updates section below. The Commission forwarded (9-0) the item to a Work Session for further discussion.

Planning Commission Work Session #1: Staff was last before the Commission at the [January 12, 2023, Work Session](#) in which staff provided additional information regarding Commission requests from the November 14, 2022, Public Hearing. The Commission did not take any action on the ZOAM and forwarded the item to a future work session and requested that staff provide further information on the following items:

- Surrounding counties' approach to the protection of Prime Farmland Soils,
- Guidance on HOAs ability to prohibit certain uses within cluster subdivisions,
- Programs in the County that support new and beginning farmers,
- Information on regenerative farming practices, and
- Cost of alternative septic systems and the number of alternative systems within existing cluster subdivisions.

Board-appointed Work Group: Shortly after the January 12, 2023, Commission Work Session, members of the Board held a meeting, which took place on January 18, 2023. This meeting brought together individuals representing the Conservation Easement Stakeholder group and the Agriculture Stakeholder group to discuss the key issues, identified through the previous stakeholder outreach efforts for ZOAM-2020-0002, and whether consensus could be reached on how best to preserve Prime Farmland Soils as part of the Cluster Subdivision Option in AR-1 and AR-2 Zoning Districts without negatively impacting the current conservation easement efforts within the County. As a result of this meeting, a work group was formed to work through the key issues and formulate revisions to the proposed ZOAM text. The work group was appointed by the Board of Supervisors (Board) at the [February 7, 2023, Business Meeting](#).

The Work Group met five times between February and April of 2023 to discuss the key issues and to formulate revisions to the proposed ZOAM text. As a result of these meetings, the Work Group proposed several changes to the ZOAM draft text as found in Attachment 1. See below for the Work Group's suggested changes to the draft ZOAM text.

Summary of Key Revisions Proposed with the ZOAM: Staff prepared the draft text for ZOAM-2020-0002 with the intent of protecting and preserving agriculturally productive Prime Farmland Soils and to further implement the clustered rural

residential development policies of the 2019 GP, while also retaining the financial incentives for landowners to preserve Prime Farmland Soils and other environmental features by placing their land in conservation easements.

The amendments proposed with ZOAM-2020-0002 are consistent with the Board-adopted BMI, RPA Policies of the 2019 GP, and the Board direction to staff during the June 21, 2022, adoption of the [Resolution of Intent to Amend](#) the Zoning Ordinance. The implementation of these policies, initiatives, and directives are reflected in the draft text as follows:

- Retaining the maximum permitted lot yield for the Cluster Subdivision Option (1 lot per 5 acres in the AR-1 Zoning District and 1 lot per 15 acres in the AR-AR-2 Zoning District).
- Retaining the requirement that a minimum of 70 percent of the Originating Tract be outside of the area used for Residential Cluster Lots (RCL). This area is intended to preserve the majority of the land within the Originating Tract for rural economy and agricultural uses, as well as open space and the preservation of sensitive environmental features, to include those features regulated by the Floodplain Overlay District (FOD), the Mountainside Development Overlay District (MDOD), the Limestone Overlay District (LOD), and areas of steep slopes in the Zoning Ordinance.
- Retaining the Rural Economy Cluster Lot type for the establishment of rural economy uses that are compatible in scale, use, intensity, and design with the rural environment, preserve large areas of land for agricultural and open space uses, and blend with the dominant rural character and adjacent uses.
- Adding a new requirement for a Preservation Farm Lot to preserve a minimum of 70 percent of the Prime Farmland Soils on an Originating Tract when there are at least 5 acres of Prime Farmland Soils. This is a new requirement that implements the County's policies to preserve and protect prime farmland and agricultural soils, recognizing their importance to the overall health of the rural economy. These lots are also proposed to be within Permanent Open Space Easements.
- Permitting uses within the Preservation Farm Lot that will ensure the protection of the Prime Farmland Soils for current and future agricultural uses.
- Providing greater design flexibility for Cluster Subdivisions in order to incorporate natural features, preserve Prime Farmland Soils, and allow for productive and effective equine and rural economy uses while accomplishing the development potential of RCLs by:
 - Allowing for smaller groupings of RCLs;
 - Decreased the minimum distance between groupings of RCLs;

- Reducing the minimum setback from local roads;
- Eliminating the perimeter setbacks for RCLs;
- Reducing the minimum rear yards;
- Increasing the maximum lot coverage requirement;
- Retaining the maximum and minimum RCL size;
- Eliminating the variation of lot size requirement;
- Retaining the provision to allow a maximum of 70% of RCL lots to locate drainfields on Open Space Lots;
- Basing Preservation Farm Lot and REL sizes on the size of the Originating Tract;
- Eliminating the maximum length/width ratio requirement for RELs; and
- Revising the REL so that one is only required when a Preservation Farm Lot is not required, otherwise the REL is optional.

All proposed changes to the language of the Zoning Ordinance are summarized and presented as “redline text” within Attachment 1 of this Memo. A comparison that identifies how the proposed draft text varies from the current Zoning Ordinance text is provided in Attachment 2.

UPDATES (Commission Requests)

Response to Commission Requests: The following information is provided in response to Commission requests during the January 12, 2023, Work Session.

1. Request: How do surrounding counties approach the protection of prime farmland soils through the zoning ordinance?

Staff Response:

- Albemarle County: The Rural Preservation Development option of the Rural Areas District states, “In accordance with design standards of the comprehensive plan and where deemed reasonably practical by the commission, Development lots shall not encroach into prime, important or unique agricultural or forestal soils as the same shall be shown on the most recent published maps of the United States Department of Agricultural Soil Conservation Service or other source deemed of equivalent reliability by the Soil Conservation Service.” As part of the Rural Preservation Development option, no more than twenty development lots are permitted and at least one rural preservation tract shall be provided which contains a minimum of 40 acres. There is no requirement stated within the Rural Areas District pertaining to the preservation of a certain amount of prime agricultural soils.
- Clarke County: There are no specific requirements pertaining to the preservation of prime agricultural soils. However, subdivision is limited

based on a very restrictive “dwelling unit right allocation” system for land within the Agricultural-Open Space-Conservation district as well as the Forestal-Open Space-Conservation district which is based on lot/tract size. For example, lots/tracts under 15 acres, only one single family detached dwelling unit is permitted, and those lot/tracts of 1,030 acres or more are permitted 15 single family detached dwelling units. Additionally, Clarke County uses a Land Evaluation and Site Assessment system which helps to determine which land should stay in farms.

- Culpeper County: There are no specific requirements pertaining to the preservation of prime agricultural soils. However, an “Agricultural Lands Preservation Ordinance” is in place with the purpose to promote and encourage the preservation of farmland in the rural portion of the County, where agricultural uses predominate, by means that are voluntary, rather than regulatory. As part of the ordinance, the “Agricultural Reserve Program” is a program by which the county acquires the development rights on eligible parcels of farmland.
- Fauquier County: The county does not specifically regulate the preservation of prime agricultural soils but does provide ownership options to assist with orderly development, and preservation of resources, in “Non-Common Open Space” lots within the Conservation District and the Agriculture District. One such qualification of the land is agriculturally significant land for production for commercial purposes of crops, livestock, or livestock products. Additionally, as part of the “Conservation Easement Incentive Overlay District”, part of the intent is to preserve agricultural uses outside of designated Service Districts. Residential development rights may be acquired from certain zoning districts, within the Service District, in exchange for conservation easements placed on land within 5,000 feet of the development meeting one of the incentive items. One of these items is “Agricultural and Environmental Preservation” which the purchase of conservation easements results in the recordation of a non-common open space easement as mentioned above.
- Greene County: Although the county zoning ordinance does not specifically mention the preservation of prime agricultural soils, the Agricultural District is designated to primarily protect farming in the county while accommodating rural occupation and limited residential use. Strict division rights within the Agricultural District help protect agricultural areas. Parent tracts less than 4 acres have no division rights, while tracts between 4 and 9.999 acres have one division right for each two acres in size, and tracts greater than 10 acres have five division rights plus one additional division right for each five full acres in excess of 10 acres.
- Madison County: Within the county zoning ordinance, the Agricultural

District is established for the purpose of accommodating all types of rural, open land uses such as agriculture and forestry, along with kindred rural occupations. The basic goal is to promote farming as a continuing way of life in Madison County. As part of any development, the Planning Commission or Board of Supervisors may require a development impact study, which includes information pertaining to environmental impacts such as prime agricultural lands. Within the Agricultural District, no lot, tract, or parcel of land shall be subdivided into more than four smaller lots, tracts, or parcels of land within any 10-year period. The minimum lot size is three acres per dwelling. There is no requirement stated within the Agricultural District pertaining to the preservation of a certain amount of prime agricultural soils.

- Orange County: Although the zoning ordinance does not specify a requirement for an amount of preserved prime agricultural soils, an "Agricultural" zoning district is designated to preserve the rural character of the county by protecting agriculture from conflicts with incompatible uses and discourages the random scattering of commercial and industrial uses and residential developments. In addition to agriculture, the district permits the traditional rural pattern of homes and small businesses. Additionally, there is a cluster development option within the Agricultural zoning district that permits cluster development on a minimum parcel size of 112 acres in order to permit an easement of 100 acres while meeting a 90 percent open space requirement. The open space parcel must be at least one single 100-acre parcel for each 112 acres subdivided and is restricted to agricultural or forestry uses. The minimum lot area is two acres.
 - Rappahannock County: The zoning ordinance does not specifically require the preservation of prime agricultural soils. The Agriculture zoning district is designed to assist in the protection and preservation of the agricultural uses and to mitigate land use conflicts between agricultural uses and appropriately limited residential development. The maximum density within this zoning district is one lot per twenty-five acres with a minimum lot size of two acres.
2. Request: Provide guidance on HOAs' ability to prohibit certain uses within cluster subdivisions.

Staff Response: As part of the initial draft text, staff provided language that stated Rural Economy Cluster Lot(s) and Preservation Farm Lot(s) must not be subject to an HOA covenant or any other private agreement that prohibits the permitted uses on these lots. After further research, staff's opinion is that the County does not have the authority to restrict or prohibit such private covenants/agreements on private property. Therefore, the language was removed from the second draft text. The Right to Farm Act (Code of Virginia

Section 3.2-301, 3.2-302) places restrictions on the County's ability to regulate agriculture in agricultural zoning districts. The Right to Farm Act does not place any restrictions on private covenants, nor authorizes the County to do so. Therefore, such County-imposed restrictions on HOA covenants do not appear to be currently feasible and adoption of new legislation by the Virginia General Assembly is necessary to address the issue of HOAs restricting such agricultural uses.

3. Request: What programs are in the County that support new and beginning farmers?

Staff Response: The Loudoun Soil and Water Conservation District (Loudoun SWCD) provided information regarding programs for young/new farmers. Some of these programs include the Virginia Farm Bureau (Young Farmers Program) which provides leadership development competition/programs like "Excellence in Agriculture", "Agriculture Achievement," and Young Farmers Discussion Meet. These programs are aimed at helping producers hone their outreach skills, as well as their own business operations. The Virginia Farm Link program connects people looking for farmland with those looking to sell or lease their farmland. Although most of the people using the program are those looking for farmland versus a small number of those that have farmland available, it is a framework that is in place to connect the two groups. More information about young farmers can be found at [Young Farmers | Virginia Farm Bureau \(vafb.com\)](https://www.vafb.com).

Additional County resources can be found at the [Agriculture & Natural Resources](#) webpage which includes the new "Crops Suitability Tool" which has been created by the Virginia Cooperative Extension (VCE) to help farmers determine the best and least suitable sites for growing crops.

4. Request: Provide information on regenerative farming practices.

Staff Response: Regenerative farming focuses on the interconnection of farming systems and the ecological system as a whole. The five core principles of regenerative farming are 1) Minimize Soil Disturbance, 2) Maximize Crop Diversity, 3) Keep the Soil Covered, 4) Maintain Living Root Year-Round, and 5) Integrate Livestock.

Loudoun SWCD has programs and practices pertaining to regenerative farm practices. The most common practice Loudoun SWCD implements is livestock stream fencing and livestock water systems which are designed to keep sediment/bacteria/nutrients out of surface water and enable better rotational grazing. Loudoun SWCD also does a fair amount of cover crop practice, both harvestable and non-harvestable, as well as some riparian buffer planting practices (planting forest buffers along streams/ponds/wetlands) through the

agriculture program. More information regarding the cost-share program can be found here [Agricultural BMP cost-share program \(virginia.gov\)](https://www.virginia.gov/agriculture/bmp/cost-share/).

Aside from state and local resources, the Natural Resource Conservation Service/USDA has its own suite of practices available to Loudoun County residents. Some of these practices include high tunnels as part of the Environmental Quality Improvement Program, pasture reseeding and improvement, as well as similar programs to Loudoun SWCD's cover crop and stream fencing. More information on these federal programs and initiatives can be found here [Programs & Initiatives | Natural Resources Conservation Service \(usda.gov\)](https://www.usda.gov/programs/initiatives/).

Other information on regenerative farming practices are offered through [Future Harvest](https://www.futureharvest.org/) / Chesapeake Association for sustainable agriculture, as well as the [Common Grain Alliance](https://www.commongrainalliance.org/), which focuses on grain production.

5. Request: Provide the cost of alternative septic systems and the number of alternative systems within existing cluster subdivisions.

Staff Response: Generally, the average cost of an alternative septic system is around \$30,000, although the cost could be higher or lower depending on the type and size of the system. Comparatively, a conventional septic system and drainfield, which is the most common system in the County, costs on average around \$20,000.

Regarding the number of alternative septic systems in cluster subdivisions, there are 539 Residential Cluster Lots within existing approved or active cluster subdivisions. Of the 539 Residential Cluster Lots, 87 or 16 percent of the lots have alternative septic systems. Of the 87 lots, 21 of the alternative systems are located on lots that are at least two acres, and 66 of the alternative systems are located on lots that are less than two acres. According to County data, there are some approved and/or active cluster subdivisions that do not have any installed drainfields, therefore, the number of alternative drainfields could be higher once drainfields are installed within those cluster subdivisions.

UPDATES (Board-appointed Work Group)

The Work Group has agreed with several changes to the proposed ZOAM draft text in Attachment 1 that staff supports. The proposed changes are summarized below.

1. Minimum Lot Sizes of the Preservation Farm Lot and Rural Economy Cluster Lot:

Work Group Recommendation: Retain the proposed minimum lot sizes of the Preservation Farm Lot and the REL (10 acres for originating tracts of 20 to 30

acres and 15 acres for originating tracts greater than 30 acres in AR-1 zoning district and 20 acres for originating tracts of 40 to 50 acres and 25 acres for originating tracts greater than 50 acres in the AR-2 Zoning District).

2. Uses Permitted on the Preservation Farm Lot and REL

Work Group Recommendation: Revise the draft text to add specific uses back to the use list. See Attachment 3.

3. Maximum Residential Cluster Lot (RCL) Size

Work Group Recommendation: Revise the draft text to increase the maximum RCL size from two acres to four acres.

4. Allowance of Residential Drainfields on Open Space Lots (OSL)

Work Group Recommendation: Retain the draft text language that allows the drainfields for up to 70 percent of the RCLs to be located within the OSL.

5. Number of RCLs in a Grouping

Work Group Recommendation: Revise draft text to permit multiple groupings of RCLs within a single Cluster Subdivision with a single grouping permitted to contain a minimum five lots and a maximum of 25 lots. The Work Group also agreed to remove the option of the Zoning Administrator to adjust the RCL grouping requirements.

6. Distance between Groupings of RCLs

Work Group Recommendation: Revise the draft text language to increase the distance between clusters from 100 feet to 250 feet.

7. Delineation of Prime Farmland Soils

Work Group Recommendation: Revise the draft text to make the Preliminary Soils Review an option rather than a requirement.

8. Advisory Cluster Subdivision Siting and Design Guidelines

Work Group Recommendation: Revise the Advisory Cluster Subdivision Siting and Design Guidelines by either (a) removing them from the draft text language, (b) adding language that these are best practices only, or (c) adding incentives or giving credit by relaxing other requirements within the cluster subdivision. Staff recommends deleting the non-regulatory guidelines;

however, staff could be supportive of leaving the non-regulatory Siting and Design Guidelines in the draft text.

Staff has provided a table (Attachment 2) showing the changes made to the Commission public hearing draft text, dated October 26, 2022, to the current draft text, dated May 26, 2023, that includes the suggested changes from the Board-appointed Work Group as well as the recommended changes from staff.

ISSUES FOR DISCUSSION

The following issues are those that the Work Group could not reach a consensus or compromise and, therefore, require further discussion and recommendation from the Commission.

1. **Amount of Prime Farmland Soils present on an Originating Tract to require a Preservation Farm Lot.** The draft text currently proposes that an Originating Tract contain a minimum of 5 non-contiguous acres of Prime Farmland Soils to require the preservation of these soils on a Preservation Farm Lot.

Agriculture Conservation Stakeholder (ACS) Group: Proposed retaining a minimum of five non-contiguous acres of Prime Farmland Soils on the Originating Tract before requiring the preservation of Prime Farmland Soils on a Preservation Farm Lot as stated in the Commission public hearing draft.

Justification for Position: The group's position is that the proposed minimum five non-contiguous acres of Prime Farmland Soils to trigger the Preservation Farm Lot will best achieve the purpose and intent of the ZOAM. See Attachment 4 for ACS's complete justification.

Conservation Easement Stakeholder (CES) Group: Proposed a minimum of 20 contiguous acres of Prime Farmland Soils on the Originating Tract before requiring the preservation of Prime Farmland Soils on a Preservation Farm Lot.

Justification for Position: The group believes that the currently proposed criteria of five non-contiguous acres of Prime Farmland Soils forcing the preservation of a Preservation Farm Lot is onerous and overly restrictive. Capturing very small areas of Prime Farmland Soils for future farming activity is an unrealistic perspective. Future farming uses are going to be looking for larger, contiguous areas of Prime Farmland Soils where their time, effort, and resources are going to yield the best return. A "Practical Preservation" vision for Prime Farmland Soils would entail setting aside sufficiently large contiguous areas of PFS that can be farmed efficiently and productively. The CES group recommends that a preservation threshold of 20 contiguous acres be adopted. This size (20

acres) would be very attractive to future farming and related agricultural operations, certainly more so than small bands of disconnected PFS captured within a Preservation Farm Lot that likely contains a significant portion of lesser desirable soil types. See Attachment 5 for CES's complete justification.

Staff Position: The recommendation of preserving contiguous areas of Prime Farmland Soils has been a part of the conversation throughout the public outreach and has continued through the Work Group sessions. Discussion of the required amounts of contiguous Prime Farmland Soils on an Originating Tract have ranged from 10 acres to 20 acres before requiring a Preservation Farm Lot. Staff continues to be concerned that recommending that the Preservation Farm Lot only be required to be provided when large amounts of contiguous Prime Farmland Soils are present within the Originating Tract would significantly reduce the potential amount of Prime Farmland Soils preserved within those Originating Tracts that could be developed under the cluster subdivision option. Although the preservation of large, contiguous areas of Prime Farmland Soils is ideal and significant to agricultural operations, staff believes that limiting the preservation of Prime Farmland Soils to only those contiguous areas that are 10 acres or greater would impact the ability to meet the objective of the ZOAM. Therefore, staff continues to recommend the Preservation Farm Lot be required when a minimum of five non-contiguous acres of Prime Farmland Soils are present within an Originating Tract. However, staff could support revising the draft text to require a minimum of five contiguous acres.

Table 1 below provides a comparison of the amount of Prime Farmland Soils required to be preserved based on the minimum amount of Prime Farmland Soils on an Originating Tract that would trigger a Preservation Farm Lot and the minimum percentage of Prime Farmland Soils to be preserved. As Table 1 shows, the higher the amount of contiguous Prime Farmland Soils required to trigger a Preservation Farm Lot, the lower the amount of Prime Farmland Soils available for preservation in a Preservation Farm Lot. As currently proposed in the draft ZOAM text, a minimum of five non-contiguous acres of Prime Farmland Soils within an Originating Tract are required for a Preservation Farm Lot(s) to be provided for the preservation of 70 percent of the Prime Farmland Soils. As demonstrated below, this allows for the most Prime Farmland Soils to be preserved. It is important to note that alongside Prime Farmland Soils, other soil types such as secondary soils, are present as well. These soils are also important for agricultural purposes and would be preserved as part of the Preservation Farm Lot.

Table 1. Non-Contiguous / Contiguous Prime Farmland Soils					
	<i>5 AC Non-Contiguous</i>	<i>5 AC Contiguous</i>	<i>10 AC Contiguous</i>	<i>15 AC Contiguous</i>	<i>20 AC Contiguous</i>
<i>Total Parcels</i>	736	608	362	248	167
<i>Total Acres</i>	57,265	51,757	36,467	31,827	25,282
<i>Total Prime Farmland Soils (Acres)</i>	18,491	17,433	13,676	12,174	9,976
<i>70% Preservation (Acres)</i>	12,943	12,203	9,573	8,521	6,983
<i>50% Preservation (Acres)</i>	9,245	8,716	6,838	6,087	4,988
<i>20% Preservation (Acres)</i>	3,698	3,486	2,735	2,434	1,995

**Based on cluster eligible parcels in the AR-1 and AR-2 Zoning Districts with a minimum 20 acres (AR-1) and a minimum 40 acres (AR-2).*

- 2. Percentage of Prime Farmland Soils on an Originating Tract to be preserved within a Cluster Subdivision.** The draft text currently proposes that a minimum of 70 percent of the Prime Farmland Soils on the Originating Tract be preserved in a Preservation Farm Lot.

Agriculture Conservation Stakeholder (ACS) Group: Proposed retaining the preservation of a minimum of 70 percent of the Prime Farmland Soils on the Originating Tract as stated in the Commission public hearing draft.

Justification for Position: The ACS group originally desired preserving a minimum of 80-85 percent of Prime Farmland Soils, to be in line with the minimum open space requirement of 85 percent in the Rural Hamlet development option in the Agricultural Residential (A3) and Agriculture (A10) Zoning Districts. The 80 – 85 percent minimum was also supported by groups during the stakeholder outreach efforts that ACS represented during the Work Group meetings, who view a reduction to 70 percent as the lowest amount acceptable to achieve the purpose and intent of the ZOAM. See Attachment 4 for ACS’s complete justification.

Conservation Easement Stakeholder (CES) Group: Proposed to preserve a minimum of 20 percent of the Prime Farmland Soils on the originating tract.

Justification for Position: The preservation of 70 percent of Prime Farmland Soils proposed in the Commission public hearing draft text would have a negative impact on the potential number of residential

cluster lots in most cluster subdivisions. Other impacts include a reduction in the availability of land suitable for drainfields, increased construction costs (longer roads to access lots, additional stormwater facilities), and pushing lots into environmentally sensitive areas (steep slopes, forests, etc.). See Attachment 5 for CES's complete justification.

Staff Position: One of the goals of the BMI was to require a certain percentage of Prime Farmland Soils to be preserved as part of the Cluster Subdivision Option. Throughout the agency referral process and the public outreach portion of the project, the amount of Prime Farmland Soils to be preserved has been discussed. The desired amount of Prime Farmland Soils to be preserved on a subdividing tract, by the stakeholder groups and the Board appointed Work Group, has ranged from 20 percent to more than 85 percent. Those supporting the higher percentages of preservation point to the needs of ongoing and future agricultural operations, as well as the need to preserve these soils for future generations, which will continue to provide support to the rural economy within the County. Other stakeholders support a lesser percentage of preservation so as to not result in a reduction in the number of potential Residential Cluster Lots that could affect the value of the property and possibly disincentivize landowners from placing land within conservation easements.

The Zoning Ordinance currently does not require the preservation of any Prime Farmland Soils; however, the 2019 GP envisions the areas in the RPA to protect, preserve, and enhance natural areas and open space, and to retain farmland. The current draft text proposes preserving a minimum of 70 percent of the Prime Farmland Soils on an Originating Tract, which staff believes will offer flexibility in the cluster design while preserving a large percentage of Prime Farmland Soils. However, staff could be supportive of preserving no less than 50 percent of the Prime Farmland Soils on an Originating Tract to address the comments that the 70 percent amount will have an impact on reducing the amount of land that will be placed in conservation easements due to a possible reduction in the number of Residential Cluster Lots. Nevertheless, staff supports a revision to the draft text to add a "savings clause" to ensure that 30 percent of the Originating Tract will be available for placement of RCLs, if it is demonstrated that preserving 70 percent of the Prime Farmland Soils results in less than 30 percent of the Originating Tract being available for the placement of RCLs. The proposed "savings clause" language is shown as underlined text below under Sections 2-103(C)(3)(a) and 2-203(C)(3)(a), *Requirements for Preservation Farm Lots*:

Minimum Number of Preservation Farm Lots and Percentage of Prime Farmland Soils to be Located Within Preservation Farm Lot(s). Each Originating Tract that contains 5 acres or more of Prime Farmland Soils must provide one or more Preservation Farm Lots within which a minimum of 70% of such Prime Farmland Soils are located.

Originating Tracts containing less than 5 acres of Prime Farmland Soils may contain a Preservation Farm Lot(s). Where it can be demonstrated that preserving 70 percent of the Prime Farmland Soils on an Originating Tract, along with all other applicable regulations, results in less than 30% of the Originating Tract being available for the placement of Residential Cluster Lots, the Zoning Administrator can reduce the required minimum percentage of Prime Farmland Soils to be preserved to no less than 30% as part of the Cluster Subdivision Option.

This approach would allow for flexibility on sites that have a number of regulatory constraints that could limit the development potential of the Originating Tract. It is important to note that each Originating Tract will be impacted differently depending on its unique characteristics.

3. **Uses that should be permitted on the proposed lot types of the Cluster Subdivision Option.** The draft text currently proposes removing certain uses that are permitted in the Rural Economy Lot in the current Zoning Ordinance. The uses proposed for removal are considered as being those uses that may generate increased traffic, noise, and light pollution and may adversely impact residents in a cluster subdivision. For the uses permitted in the Preservation Farm Lot, the draft text proposes uses that are dependent on the preserved Prime Farmland Soils and/or are associated with agricultural uses.

Agriculture Conservation Stakeholder (ACS) Group: The group proposed to retain the list of uses proposed in the Commission public hearing draft dated October 26, 2022; however, they have agreed to add specific agriculture-related uses based on no clear impact to Prime Farmland Soils. See Attachment 3.

Justification for Position: The ACS Group largely agreed with the original proposed list of uses but agreed to compromise on some agriculture-related uses it felt could be compatible with the denser Cluster Subdivision Option. In the case of uses on the Preservation Farm Lots, the group agreed with allowing those uses that rely on the Prime Farmland Soils or are directly related to other uses that would benefit from the Prime Farmland Soils.

The ACS Group disagreed with the Conservation Easement Stakeholder group proposal to allow all uses listed for AR-1 and AR-2 districts to be permitted on Preservation Farm Lots and REL lots. The ACS group stated this would defeat the purpose of protecting parcels with Prime Farmland Soils for uses that are directly related to agriculture and will conflict with public input received for the Zoning Ordinance Rewrite project. See Attachment 4 for ACS's complete justification.

Conservation Easement Stakeholder (CES) Group: Proposed to allow all uses listed in the AR-1 and AR-2 zoning districts as listed in the current Zoning Ordinance, for all lot types proposed within the Cluster Subdivision Option.

Justification for Position: Significantly narrowing the uses that are permitted on AR zoned properties within the cluster subdivision option encumbers future land/lot owner's options to put their land into productive, economically beneficial use. Reducing a property owner's options would have a negative impact on the future desirability, marketability, and value of that land. See Attachment 5 for CES's complete justification.

Staff Position: Based on the Work Group meetings, both the ACS group and the CES group agreed to add certain permitted and special exception (SPEX) uses to the use tables (Attachment 3) for the Preservation Farm Lots and REL lot types within the Cluster Subdivision Option. Staff supports those listed uses agreed to by the Work Group. To provide further flexibility within the Cluster Subdivision Option, Staff could also support revising the draft text to permit all of the uses that are permitted in the current Zoning Ordinance back to the REL. Regarding the uses for the Preservation Farm Lots, staff continues to recommend that permitted and SPEX uses within the Preservation Farm Lots be limited to those uses solely related to agriculture, horticulture, and animal husbandry uses that directly benefit from the Prime Farmland Soils preserved within the Preservation Farm Lot. If additional uses are permitted on the Preservation Farm Lot, Staff recommends that maximum lot coverage and maximum impervious surface requirements be included that will minimize the coverage of Prime Farmland Soils.

4. In addition to the above stated issues, it should be noted that the Conservation Easement Stakeholder group identified additional issues during the Work Group's last meeting. These additional issues, along with staff's responses, can be found as part of Attachment 5.

Please note that staff has contracted with a consulting firm to provide illustrative scenarios of the impact of the draft regulations. Staff will provide an update on the consultant effort at the July 13, 2023, work session.

DRAFT MOTIONS

1. I move that the Planning Commission forward ZOAM-2020-0002, Prime Agricultural Soils and Cluster Subdivision, included as Attachment 1 to the July 13, 2023, Planning Commission Work Session Memorandum, to the Board of Supervisors with a recommendation of approval as revised at the July 13, 2023, Work Session.

OR

2. I move an alternate motion.

ATTACHMENTS

1. ZOAM-2020-0002 Draft Text dated May 26, 2023
2. Draft Text Comparison Table dated May 26, 2023
3. AR-1 and AR-2 Use Tables, Work Group Agreement/Staff Additions
4. Agriculture Conservation Stakeholder Group Justification
5. Conservation Easement Stakeholder Group Justification

ARTICLE 2
NON-SUBURBAN DISTRICT REGULATIONS

DIVISION A: RURAL DISTRICTS

Section 2-100 AR-1 Agricultural Rural-1

2-101 Purpose and Intent. The purpose and intent of the AR-1 district is to:

(A) Preserve and protect Prime Farmland Soils, recognizing their importance to the agricultural community and overall economic health of the rural economy.

(B) Support the use of land that protects, preserves, and enhances natural areas and open space, retains farmland for and the vitality of the rural economy uses, and fosters a high quality of life for residents.

~~(A)(C)~~ Limit residential uses allowed development to -at densities that will protect the land resources for agricultural operations, consistent with the general open space uses and rural character of the rural economy uses.

~~(B)(D)~~ Allow for a broad range of rural economy uses, including (agriculture, horticulture and animal husbandry), agriculture support and services associated with on-going agricultural activities, and other uses that can be developed in ways consistent with the rural character of the AR-1 district through mitigation or other standards.

~~(C)(E)~~ Recognize the County's tourism industry is interconnected with the rural economy and rural economy uses in the district by allowing for tourism uses related to agricultural uses, conference and training center uses, and rural activity and special event uses.

~~(D)(F)~~ Promote consistency between residential development and rural economy uses through lower density residential development or clustering of residential development.

~~(E)(G)~~ Ensure that the rural economy uses are compatible with any existing permitted residential development.

2-102 Use Regulations. Table 2-102 ~~summarizes~~provides the principal uses ~~regulations off for~~ the AR-1 district.

(A) **Organization of Use Table.** Table 2-102 organizes the uses in the AR-1 district by Use Classifications, Use Categories and Use Types.

- (1) **Use Classifications.** The Use Classifications are: agricultural uses; residential uses; public and institutional uses; commercial uses; and industrial uses. The Use Classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., agricultural uses and residential uses). The Use Classifications then organize land uses and activities into general “Use Categories” and specific “Use Types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.
- (2) **Use Categories.** The Use Categories describe the major sub-groups of the Use Classification, based on common characteristics (e.g., the residential Use Classification is divided into two major Use Categories: Household Living and Group Living). Principal uses are identified in defining the Use Category. They are principal uses that most closely share the common characteristics that are key to the Use Category.
- (3) **Use Types.** The Use Categories are then divided into specific Use Types. The specific Use Types are included in the respective Use Category. They identify the specific uses that are considered to fall within characteristics identified in the Use Category. For example, single family detached dwellings, multi-family dwellings, and ~~town houses~~single family attached dwellings are Use Types in the Household Living Use Category.
- (B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-102 are defined in Article ~~8~~VIII (Definitions).
- (C) **Permitted and Special Exception Uses.** A “P” in the column identified “AR-1” indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the AR-1 district, subject to compliance with all applicable standards and regulations in this Ordinance and all other County ordinances. An “S” indicates that a Use Type is allowed in the AR-1 district as a special exception in accordance with the procedures and standards of Section 6-1300. An “M” indicates that a Use Type is allowed in the AR-1 district as a Minor Special Exception in accordance with the procedures and standards of Section 6-1300. In some instances, and based on the Additional Regulations for Specific Uses (Section

5-600), a Use Type will be permitted as a matter of right under certain conditions or allowed as a Special Exception or Minor Special Exception under other conditions. In those instances, it is identified as “P/S” or “P/M,” as appropriate.

(D) **Reference to General Use Category.** References to “General Use Category” under the Use Type column, means all of the uses ~~in~~listed under the definition of the Use Category are allowed. The Use Category is defined in Article ~~8VIII~~. Where specific Use Types are listed in the Use Type column, only the listed Use Types in the Use Category are allowed. The Use Types are defined in ~~A~~article ~~8VIII~~.

(E) **Additional Regulations for Specific Uses.** References to sections in the final column of Table 2-102 (AR-1 District Use Table) indicate that the listed use is subject to use-specific regulations. The numbers provide a cross-reference to the “Additional Regulations for Specific Uses” in Section 5-600.

(F) **Minimum Lot Size Requirements.** Each principal permitted use shall meet the minimum acreage requirement, where specified in the “Additional Regulations for Specific Uses” in Section 5-600, for that use. Where two or more principal uses are located on one parcel, the parcel size shall be the larger of the two or more uses requirements, and not the sum of all the minimum lot sizes.

**TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE**

BDO = BASE DENSITY OPTION LOTS PSO = PRINCIPAL/SUBORDINATE OPTION LOTS

RCL = RESIDENTIAL CLUSTER LOT PFL = PRESERVATION FARM LOT

REL = RURAL ECONOMY CLUSTER LOT OSL = COMMON OPEN SPACE LOT

P = PERMITTED

S = SPECIAL EXCEPTION

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USE CATEGORY	USE TYPE	<u>BDO & PSO LOTS</u>	<u>CLUSTER SUBDIVISION OPTION</u>				<u>USE LIMITATIONS AND ADDITIONAL REGULATIONS FOR SPECIFIC USES</u>
			<u>RCL</u>	<u>PFL</u>	<u>REL</u>	<u>OSL</u>	
AGRICULTURAL USES							
Agriculture	General Use Category	P	P	<u>P</u>	P	P	Section 5-626
Horticulture	General Use Category	P	P	<u>P</u>	P	P	Section 5-626
Animal Husbandry	General Use Category	P	<u>P</u>	<u>P</u>	P	P	Section 5-626
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Agricultural processing	P	<u>P</u>	<u>P</u>	P	P	Section 5-627
	Agri-education	P	<u>P</u>	<u>P</u>	P	P	Section 5-627
	Animal care business	P	<u>P</u>	<u>P</u>	P		Section 5-627
	Agritainment	P	<u>P</u>	<u>P</u>	P		Section 5-627
	Commercial winery with 20,000 square feet or less	P	<u>P</u>	<u>M</u>	<u>PM</u>		Section 5-625
	Commercial winery, over 20,000 square feet	S	<u>S</u>	<u>S</u>	S		Section 5-625
	Custom operators	P	<u>P</u>	<u>P</u>	P		Section 5-627
	Direct market business for sale of products produced on-site – including but not limited to PYO (pick-your-own)	P	<u>P</u>	<u>P</u>	P	P	Section 5-627
	Equestrian Event Facility	P	<u>P</u>	<u>PM</u>	<u>PM</u>		Section 5-627
	Farm based tourism	P	<u>P</u>	<u>P</u>	P		Section 5-628
	Farm co-ops	P	<u>P</u>	<u>P</u>	<u>P</u>	P	Section 5-627

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USE CATEGORY	USE TYPE	<u>BDO & PSO LOTS</u>	<u>CLUSTER SUBDIVISION OPTION</u>				<u>USE LIMITATIONS AND ADDITIONAL REGULATIONS FOR SPECIFIC USES</u>
			<u>RCL</u>	<u>PFL</u>	<u>REL</u>	<u>OSL</u>	
	Farm machinery repair	P	<u>P</u>	<u>P</u>	P		Section 5-627
	Farm markets	P	<u>P</u>	<u>P</u>	P	P	Section 5-603 <u>No off-site production permitted for PFL, REL and OSL</u>
	Feedlot (for on-going, on-site animal husbandry activities)	P	<u>P</u>	<u>P</u>	P		Section 5-627
	Limited Brewery	P	<u>P</u>	<u>M</u>	<u>PM</u>		Section 5-667
	Nursery, commercial	S	<u>S</u>	<u>S</u>	S		Section 5-605
	Nursery, production	P	<u>P</u>	<u>P</u>	P	<u>P</u>	Section 5-605
	Pet farms	P	<u>P</u>	<u>P</u>	P	P	Section 5-627
	Restaurant	P	<u>P</u>	<u>P</u>	P		Section 5-627
	Sawmill	S	<u>S</u>		<u>S</u>		Section 5-629
	Stable, Livery	P	<u>P</u>	<u>P</u>	P	P	Section 5-627
	Stable, Private	P	<u>P</u>	<u>P</u>	P	P	Section 5-627
	Veterinary services	P	<u>P</u>	<u>P</u>	P		
	Virginia Farm Winery	P	<u>P</u>	<u>M</u>	<u>PM</u>		
	Wayside stand	P	<u>P</u>	<u>P</u>	P	P	Section 5-604
	Wetlands mitigation bank	P	<u>P</u>		P	<u>P</u>	Section 5-627
Agriculture Support and	Agricultural research facility	P	<u>P</u>	<u>P</u>	P	<u>P</u>	Section 5-644

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USE CATEGORY	USE TYPE	<u>BDO & PSO LOTS</u>	<u>CLUSTER SUBDIVISION OPTION</u>				<u>USE LIMITATIONS AND ADDITIONAL REGULATIONS FOR SPECIFIC USES</u>
			<u>RCL</u>	<u>PFL</u>	<u>REL</u>	<u>OSL</u>	
Services <u>not</u> Directly Associated with On-Site Agricultural Activity	Animal care businesses	P	<u>P</u>	<u>P</u>	P	<u>P</u>	Section 5-630
	Central farm distribution hub for agricultural products	P	<u>P</u>	<u>P</u>	P		Section 5-630
	Commercial winery with 20,000 square feet or less	P	<u>P</u>		<u>P</u>		Section 5-625
	Commercial winery, over 20,000 square feet	S	<u>S</u>		<u>S</u>		Section 5-625
	Equestrian Event Facility	P	<u>P</u>		<u>P</u>		Section 5-630
	Farm machinery repair	P	<u>P</u>	<u>P</u>	P		Section 5-630
	Farm machinery sales, rental and service	P	<u>P</u>		<u>P</u>		Section 5-615
	Feed and Farm Supply Center	P	<u>P</u>		<u>P</u>		Section 5-630
	Nursery, commercial	S	<u>S</u>		<u>S</u>		Section 5-605
	Stable, Livery	P	<u>P</u>		P		Section 5-630
	Stable, Private	P	<u>P</u>	<u>P</u>	P		Section 5-630
Animal Services	Animal hospital	P	<u>P</u>		<u>P</u>		Section 5-631
	Kennel	S	<u>S</u>		<u>S</u>		Section 5-606
	Kennel, Indoor	M	<u>M</u>		<u>M</u>		Section 5-606
RESIDENTIAL USES							
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	P	<u>P</u>	P		Section 5-613

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USE CATEGORY	USE TYPE	<u>BDO & PSO LOTS</u>	<u>CLUSTER SUBDIVISION OPTION</u>				<u>USE LIMITATIONS AND ADDITIONAL REGULATIONS FOR SPECIFIC USES</u>
			<u>RCL</u>	<u>PFL</u>	<u>REL</u>	<u>OSL</u>	
	Dwelling, single-family detached, including manufactured housing	P	P	<u>P</u>	P		May <u>sub</u> divide property in accordance with Section 2-103 Development Options.
	Portable Dwelling/Trailer Construction	P	P	<u>P</u>	P	<u>P</u>	
Group Living	Co-housing	P	P		P		
	Convent or monastery	P/S	<u>P/S</u>		<u>P/S</u>		Section 5-656
	Dormitory, seasonal labor	M	<u>M</u>	<u>M</u>	M		Section 5-632
	Rooming house	P	<u>P</u>		<u>P</u>		
PUBLIC AND INSTITUTIONAL USES							
Aviation	Airport/landing strip	S	<u>S</u>		<u>S</u>		Section 5-633
Day Care Facilities	Child care home	P	P	<u>P</u>	P		Section 5-609(A)
	Child or adult day care center	S	<u>S</u>		<u>S</u>		Section 5-609(B)
Cultural and Government Facilities	Agricultural cultural center	S	<u>S</u>		S	<u>PS</u>	Section 5-634
	Fairground	S	<u>S</u>		<u>S</u>		Section 5-635
	Structures or uses for local government purposes not otherwise listed in the district	S	<u>S</u>		<u>S</u>		
Education	Public School (Elementary, Middle, or High) for fifteen (15) or fewer pupils	S	<u>S</u>		<u>S</u>		Section 5-655
	Private School (Elementary, Middle,	S	<u>S</u>		<u>S</u>		

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USE CATEGORY	USE TYPE	<u>CLUSTER SUBDIVISION OPTION</u>					<u>USE LIMITATIONS AND ADDITIONAL REGULATIONS FOR SPECIFIC USES</u>
		<u>BDO & PSO LOTS</u>	<u>RCL</u>	<u>PFL</u>	<u>REL</u>	<u>OSL</u>	
	or High) for more than fifteen (15) pupils						
	Private Vocational school	S	<u>S</u>		<u>S</u>		
Park and Open Space	Arboretum	P	<u>P</u>	<u>P</u>	P	P	Section 5-636
	Botanical garden or nature study area	P	<u>P</u>	<u>P</u>	P	P	Section 5-636
	Cemetery	S	<u>S</u>		<u>S</u>		Section 5-637
	Mausoleum	S	<u>S</u>		<u>S</u>		Section 5-637
	Crematorium	S	<u>S</u>		<u>S</u>		Section 5-637
	Community, neighborhood, or regional park, passive recreational uses	P	<u>P</u>	<u>P</u>	P	P	<u>Limited to neighborhood park, and trail easement to build out Linear Parks and Trails (LPAT) only for OSL. Limited to trail easement to build out LPAT only for PFL and REL.</u>
	Community, neighborhood, or regional park, active recreational uses	S	<u>S</u>		<u>S</u>	<u>SP</u>	<u>Limited to playgrounds only for OSL.</u>
Public Safety	Fire and/or rescue station	P	<u>P</u>		<u>P</u>		Section 5-638
	Police station or substation	P	<u>P</u>		<u>P</u>		Section 5-638
Religious Assembly	Church, synagogue, temple or mosque, with seating capacity of 300 or less seats in sanctuary or main activity area	P	<u>P</u>		<u>P</u>		Section 5-639

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USE CATEGORY	USE TYPE	<u>BDO & PSO LOTS</u>	<u>CLUSTER SUBDIVISION OPTION</u>				<u>USE LIMITATIONS AND ADDITIONAL REGULATIONS FOR SPECIFIC USES</u>
			<u>RCL</u>	<u>PFL</u>	<u>REL</u>	<u>OSL</u>	
	Church, synagogue, temple or mosque, with seating capacity of more than 300 in sanctuary or main activity area, or accessory schools, day care centers with more than 30 <u>50</u> children, recreational facilities	S	S		S		Section 5-639
Utility	General Use Category	P	P		P	P Utility Substation, Dedicated Only	Recycling drop-off collection center, public: Section 5-607 Utility substation, transmission: Section 5-616(A) Utility substation, distribution: Section 5-616(B)
	Municipal drinking water supply reservoir	P	P		P		
	Sewage Treatment Plant	S	S		S		Section 5-621
	Sewer Pumping Station	P	P		P	P	Section 5-621
	Water Storage Tank	S	S		S		Section 5-621
	Water Treatment Plant	S	S		S		Section 5-621
	Water Pumping Station	P	P		P	P	Section 5-621
	Utility transmission lines, overhead (excluding connections of lines from existing	S	S		S	P <u>S</u>	Unless excepted by Section 1-103(D)

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USE CATEGORY	USE TYPE	<u>BDO & PSO LOTS</u>	<u>CLUSTER SUBDIVISION OPTION</u>				<u>USE LIMITATIONS AND ADDITIONAL REGULATIONS FOR SPECIFIC USES</u>
			<u>RCL</u>	<u>PFL</u>	<u>REL</u>	<u>OSL</u>	
	overhead public utility transmission lines to individual uses)						
	Water Well, Municipal	P	P		P		Section 5-621
COMMERCIAL USES							
Conference and Training Centers	Conference and training centers	P/M	P/M		P/M		Section 5-640
	Rural Corporate Retreat	P	P		PM		Section 5-619
	Rural Resort	M	M		M		Section 5-601(D)
Food and Beverage	Teahouse; coffeehouse	P	P		P		Section 5-641
	Banquet/Event Facility	M	M		M		Section 5-642
	Restaurant	M	M		M		Section 5-643
Office	Educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the district	M	M		M		Section 5-644
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	P		P		Section 5-645
	Camp, day and boarding, with more than 30 campers	M	M		M		Section 5-645
	Campground	M	M		M		Section 5-646
	Country Club	S	S		S		Section 5-660

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USE CATEGORY	USE TYPE	<u>BDO & PSO LOTS</u>	<u>CLUSTER SUBDIVISION OPTION</u>				<u>USE LIMITATIONS AND ADDITIONAL REGULATIONS FOR SPECIFIC USES</u>
			<u>RCL</u>	<u>PFL</u>	<u>REL</u>	<u>OSL</u>	
	Cross country ski business	P	<u>P</u>		<u>P</u>		Section 5-647
	Eco-tourism	P	<u>P</u>		<u>PM</u>		Section 5-647
	Golf course	S	<u>S</u>		<u>S</u>		Section 5-648
	Outdoor amphitheater	S	<u>S</u>		<u>S</u>		Section 5-649
	Private Club or Lodge	S	<u>S</u>		<u>S</u>		
	Rural recreational establishment, outdoor	P	<u>P</u>		<u>P</u>		
Retail Sales and Service	Antique shop	P	<u>P</u>		<u>P</u>		Section 5-650
	Art gallery or art studio	P	<u>P</u>		<u>P</u>		Section 5-650
	Auction house	S	<u>S</u>		<u>S</u>		Section 5-651
	Craft shop	P	<u>P</u>		<u>P</u>		Section 5-650
	Small business	P/M	<u>P/M</u>		P/M		Section 5-614
Visitor Accommodation	Bed and Breakfast Homestay	P	P	<u>P</u>	P		Section 5-601(A)
	Bed and Breakfast Inn	P	<u>P</u>		<u>PM</u>		Section 5-601(B)
	Country Inn	P	<u>P</u>		<u>P</u>		Section 5-601(C)
	Country Inn with Restaurant with an occupancy of no more than 100	P	<u>P</u>		<u>P</u>		Section 5-601(C)
	Country Inn with Restaurant with an occupancy of more than 100	M	<u>M</u>		<u>M</u>		Section 5-601(C)

**TABLE 2-102:
AR-1 AGRICULTURAL RURAL-1 DISTRICT USE TABLE**

BDO = BASE DENSITY OPTION LOTS PSO = PRINCIPAL/SUBORDINATE OPTION LOTS

RCL = RESIDENTIAL CLUSTER LOT PFL = PRESERVATION FARM LOT

REL = RURAL ECONOMY CLUSTER LOT OSL = COMMON OPEN SPACE LOT

P = PERMITTED

S = SPECIAL EXCEPTION

M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	<u>BDO & PSO LOTS</u>	<u>CLUSTER SUBDIVISION OPTION</u>				<u>USE LIMITATIONS AND ADDITIONAL REGULATIONS FOR SPECIFIC USES</u>
			<u>RCL</u>	<u>PFL</u>	<u>REL</u>	<u>OSL</u>	
	Guest farm or ranch leasing up to 20 guest rooms	P	P		P		
INDUSTRIAL USES							
Telecommunica- tion Use and/or Structure	Radio and/or television tower	S	S		S	S	Section 5-618
	Telecommunications antenna	P	P	P	P	P	Section 5-618(A)
	Telecommunications monopole	P	P		P	P	Section 5-618(B)(1)
	Telecommunications monopole	S	S		S		Section 5-618(B)(2)
	Telecommunications transmission tower	S	S		S		Section 5-618(C)(2)
Waste-Related Uses	Vegetative Waste Management facility	M	M		M		(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinances of Loudoun County, or any other applicable law.)
	Yard Waste Composting Facility	S	S		S		(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinances of Loudoun County, or any other applicable law.)
	Stockpiling of dirt	S	S		S		Section 5-657

Development Options. Land within the AR-1 zoning district may be subdivided under one of the three development options identified below. Nothing in this section shall preclude the opportunity for a property owner to file for a Family Subdivision in accordance with the requirements of the Land Subdivision and Development Ordinance.

(A) **Base Density Division Option.** A Base Density Division meeting the following standards and criteria may be permitted in accordance with the procedures outlined in the Land Subdivision and Development Ordinance (LSDO) for such division:

(1) **Lot Yield.** Under the Base Density Division Option, the maximum lot yield shall be one lot per 20 acres.

(2) **Permitted Uses.** The uses permitted on lots developed in accordance with the Base Density Division Option are identified in Table 2-102 and are subject to the Additional Regulations for Specific Uses of Section 5-600.

(3) **Lot and Building Requirements.**

(a) **Minimum Lot Size.** 20 acres.

(b) **Minimum Lot Width.** 175 feet.

(c) **Minimum Yards.** Except where a greater setback is required by Section 5-1403(B), no structure shall be located within 25 feet of any property line or within 35 feet from any other road right-of-way, private access easement, and/or prescriptive easement.

(d) **Maximum Lot Coverage.** 25%, but only 10% may be used for residential or non-residential structures excluding agricultural, horticultural, and animal husbandry structures not open to the public.

(e) **Maximum Building Height.** 35 feet, excluding agricultural, horticultural, and animal husbandry structures not open to the public.

(4) **Creation of Lots.**

(a) **Request.** Requests for creation of lots by plat of division in the AR-1 District shall be submitted to the Director of the Department of Building and Development (or designee) for review and approval

133 in accordance with “AR-2 and AR-1 Divisions” of
134 the Land Subdivision and Development Ordinance.

135 (b) **Public Road Frontage.** No such lot shall be created
136 fronting on a public road unless the publicly
137 dedicated width of the road along the entire frontage
138 of the newly created lot, measured from the
139 centerline of the road to the property line of the lot,
140 satisfies the criteria of the Virginia Department of
141 Transportation (VDOT).

142 (c) **Utility Requirements.** Each lot shall have an on-
143 site water supply and individual sewage disposal
144 system.

145 (5) **Lot Access.**

146 (a) Access to individual lots may be provided by a
147 private access easement that complies with the
148 requirements of the Facilities Standards Manual.

149 (b) A private access easement may serve as frontage in-
150 lieu of public road frontage for up to 7 lots.

151 (c) The plat of division shall contain a note detailing the
152 provisions for the maintenance of the private access
153 easement.

154 (B) **Principal/Subordinate Subdivision Option:** The
155 Principal/Subordinate Subdivision Option is a subdivision of land in
156 which a maximum lot yield is calculated for an Originating Tract
157 based on the gross acreage of such tract. The maximum lot yield
158 shall be as set forth in Subsection 2-103(B)(1)(b) below. The
159 Principal/Subordinate Subdivision Option results in the creation of
160 one Principal Lot, and one or more Subordinate Lots. The number
161 of Subordinate Lots created is subtracted from the maximum lot
162 yield and the resulting number establishes the remaining number of
163 lots, which is assigned to the Principal Lot. The creation of
164 subsequent Subordinate Lots from the Principal Lot is permitted,
165 with the number of lots assigned to the Principal Lot reduced by one
166 for each Subordinate Lot created. Once the number of lots assigned
167 to the Principal Lot is reduced to one, no more Subordinate Lots can
168 be created. The Principal/Subordinate Subdivision Option typically
169 allows the landowner to achieve a greater lot yield than the base
170 density of the Base Density Division Option, while providing for the

establishment of rural economy uses as a primary use with single-family detached residential development as a secondary use.

(1) **General Requirements.**

(a) **General.** A landowner may exercise this option on a site consisting of a minimum of 20 acres prior to development.

(b) **Lot Yield.** The maximum lot yield shall be 1 lot per 10 acres.

(2) **Characteristics of Principal/Subordinate Subdivision Option.**

(a) The lot yield of a Principal/Subordinate Subdivision shall be calculated from the Originating Tract of land in existence at the time the first Principal/Subordinate Subdivision is created.

(b) Once a Principal/Subordinate Subdivision is created, the number of lots assigned to the subdivision shall not be altered.

(c) The lot yield of the Originating Tract shall be calculated with each preliminary and/or record plat. At the time of the first subdivision, the number of Subordinate Lots created is subtracted from the number of lots calculated for the Originating Tract and the remaining number of lots is then assigned to the Principal Lot. Each subsequently created Subordinate Lot is subtracted from the number of lots assigned to the Principal Lot and shall reduce the number of lots assigned to the Principal Lot by one (1) for each lot.

(d) A Principal Lot may be further subdivided, provided the minimum requirements of the Zoning Ordinance and Land Subdivision and Development Ordinance (LSDO) are met. Once the number of lots assigned to the Principal Lot is reduced to one, the Principal Lot may no longer be subdivided.

(e) Subordinate Lots shall not be further subdivided. The record plat and initial deed of conveyance after establishment of a subdivision lot under the

- 208 Principal/ Subordinate Subdivision Option shall
209 contain a statement to this effect.
- 210 (f) A subdivision of one or more lots may occur at one
211 time or in a series of subdivisions up to the maximum
212 lot yield calculated for the Originating Tract.
- 213 (g) Any subdivision record plat for a
214 Principal/Subordinate Subdivision shall contain a
215 tabulation of density showing, in addition to all Land
216 Subdivision and Development Ordinance (LSDO)
217 requirements, the lot yield originally calculated for
218 the Originating Tract, all prior subdivisions from the
219 Originating Tract and each resulting Principal Lot
220 and number of lots created pursuant to such
221 subdivisions.
- 222 (h) The Principal Lot shall be clearly labeled on each
223 record plat.
- 224 (i) Each Principal/Subordinate Subdivision shall
225 contain at least one Rural Economy Lot of a
226 minimum of 15 acres in size.
- 227 (3) **Permitted Uses.**
- 228 (a) **Principal and Subordinate Lots.** The uses
229 permitted on lots developed in accordance with the
230 Principal/Subordinate Development Option are
231 identified in Table 2-102 and are subject to the
232 Additional Regulations for Specific Uses of Section
233 5-600.
- 234 (4) **Lot and Building Requirements.** The Lot and Building
235 Requirements for development under the
236 Principal/Subordinate Subdivision Option are identified
237 below, except where the performance standards in Section
238 5-600 (Additional Regulations for Specific Uses) specify
239 different requirements for a particular use.
- 240 (a) **Minimum Lot Size.** 80,000 square feet, exclusive
241 of major floodplain. At least one lot in the
242 development shall be a Rural Economy Lot with a
243 minimum of 15 acres.
- 244 (b) **Minimum Lot Width.** 175 feet.

- 245 (c) **Maximum Length/Width Ratio.** 3:1.
- 246 (d) **Minimum Yards.** No structure shall be located
247 within 25 feet of any property line or within 100 feet
248 from the right-of-way of any arterial road; 75 feet
249 from the right-of-way of any collector road; or 35
250 feet from any other road right-of-way, private access
251 easement, and/or any prescriptive easement.
- 252 (e) **Maximum Lot Coverage.** 15%.
- 253 (f) **Building Height.** 35 feet maximum, excluding
254 agricultural, horticultural, and animal husbandry
255 structures.
- 256 (5) **Landscaping/Buffering.** Notwithstanding the requirements
257 of Section 5-1400, required buffers may be provided on
258 either the Principal and/or Subordinate lot.
- 259 (6) **Utility Requirements.**
- 260 (a) **Water.** All lots shall be served by individual water
261 supply systems located on the lot.
- 262 (b) **Sewer.** All lots shall be served by individual sewage
263 disposal systems located on the lot.
- 264 (7) **Fire Protection.** The development shall satisfy the fire
265 protection standards set forth in the Facilities Standards
266 Manual.
- 267 (8) **Lot Access.**
- 268 (a) Access to individual lots may be provided by a
269 private access easement that complies with the
270 requirements of Chapter 4: Transportation, of the
271 Facilities Standards Manual.
- 272 (b) A private access easement may serve as frontage in
273 lieu of public road frontage up to 25 lots per
274 easement.
- 275 (c) The record plat of subdivision shall contain a note
276 detailing the provisions for the maintenance of the
277 private access easement.

(C) **Cluster Subdivision Option.** The Cluster Subdivision Option allows for ~~the subdivision of a tract of land~~ the subdivision of an Originating Tract with a more compact residential design ~~plus one or more large lots suitable for rural economy uses.~~ The Cluster Subdivision Option results in the creation of Residential Cluster Lots and one or more Preservation Farm Lots and/or Rural Economy Cluster Lots depending on the characteristics of the Originating Tract, and/or also may include eCommon eOpen sSpace Lots. ~~Communal water and sewer systems may be used for such developments.~~

(9)(1) **General Requirements.**

- (a) ~~General. A landowner may exercise this~~ **Minimum Size of Originating Tract:** ~~option on a site consisting of a minimum of 20 acres prior to development.~~
- (b) **Lot Yield.** The maximum lot yield shall be 1 lot per every 5 acres ~~of the total acreage of the Originating Tract.~~

~~(10) **Characteristics of Cluster Subdivision Option.**~~

- ~~(a) Depending on the tract size, the cluster subdivision may include one or more Rural Cluster Lots and at least one Rural Economy Lot and may include Common Open Space.~~
- ~~(b) The lot yield of the cluster subdivision shall be calculated from the gross acreage off the Originating Tract of land from which the subdivision is created.~~
- ~~(c) All lots within the cluster subdivision shall be created at one time.~~

(c) Further Subdivision and Boundary Line Adjustments:

- (i) All lots within the cluster subdivision shall be created at one time. Further subdivision of ~~The lots created by cluster subdivision is not permitted shall not be further subdivided.~~

(i) ~~Boundary line adjustments may be permitted only between lots within the same cluster subdivision.~~

(ii)

~~(d) **Minimum Percentage of Originating Tract Required for Non-Residential Cluster Lots:** A Homeowners' Association is required for any subdivision with common elements as described in Section 2-104.~~

~~(e) Each preliminary and record plat for a cluster subdivision shall contain a tabulation of lot yield for the cluster subdivision.~~

~~(f) The perimeter setback required in Section 2-103(C)(6) shall be indicated and clearly labeled on each preliminary and record plat.~~

~~(g)(d) A minimum of 70% of the gross land area total acreage of the development Originating Tract must be composed of shall be comprised of Preservation Farm Lot(s), and/or Rural Economy Cluster Lot(s), and/or Common Open Space Lot(s) a Rural Economy Lot(s) or a combination of Rural Economy Lot(s) and Common Open Space.~~

~~(h) Variation of Lot Sizes: In all new residential subdivisions containing seven (7) or more lots, a mixture of lot sizes and dimensions shall be provided in order for a variety of housing opportunities and avoid monotonous streetscapes. No more than 25 percent of all lots shall be similar in total area. For purposes of this subsection, "similar" lot areas shall be defined as within 1,500 square feet of each other.~~

~~(11)(2) **Lot standards Requirements for Residential Cluster Lots.** The site layout of the proposed development shall occur in conjunction with preliminary subdivision plat review. Development of the cluster option shall comply with all of the following standards, in addition to the LSDO:~~

~~(a) **Number of Lots in a Cluster(s) Grouping.** Rural Residential Cluster Lots shall must be grouped in clusters consisting of a minimum of 5 lots and a~~

maximum of 25 lots in a grouping, except that a single cluster grouping may consist of fewer than 5 lots if any one of the following applies:

- (i) There will be fewer than 5 lots in the entire subdivision.
- (ii) In the AR-1 district, the area of the site is less than 50 acres.
- (iii) It is demonstrated that a cluster grouping of fewer than 5 lots will result in the location of more connected areas of Prime Farmland Soils within the Preservation Farm Lot(s), and/or less land disturbing activities of land within the Mountainside Development Overlay District (MDOD), Floodplain Overlay District (FOD) lands, Limestone Overlay District (LOD), steep slope areas and/or land containing steep slopes and/or wetlands.

- (b) ~~Number of Clusters~~ Number of Groupings. Multiple groupings of Rural Residential Cluster Lots are permitted within a single Cluster Subdivision ~~shall be required where the total number of lots on a site is greater than 25.~~ Each A single grouping of Rural Cluster Lots shall contain a minimum of 5 lots and no more than all the lots where the total number of lots on a site is 25 lots, unless otherwise stated in Section 2-103(C)(3)(a) or fewer, ~~except that multiple clusters may be allowed where it is demonstrated that multiple clusters will result in less disturbance of land within the Mountainside Development Overlay District (MDOD), Floodplain Overlay District (FOD), and/or land containing steep slopes and/or wetlands.~~

- (c) ~~Distance Between Clusters~~ Groupings of Residential Cluster Lots. If a cluster subdivision is to have more than one grouping of Rural Residential Cluster Lots, ~~is to be created from a parcel in a cluster subdivision,~~ a minimum of 500-250 feet shall separate the lot lines ~~of that form~~ the outer boundaries of each such grouping ~~of Residential Cluster lots.~~ (exclusive of open space and lots 15 acres or greater).

- 393 (c)
- 394 (d) **Minimum Lot Size.**
- 395 (i) **On-site Water and Wastewater.** 40,000 sq.
396 ft., exclusive of FOD (~~m~~Major ~~f~~Floodplain).
- 397 (ii) **Off-site Wastewater, On-site Water.**
398 20,000 sq. ft., exclusive of FOD (~~m~~Major
399 ~~f~~Floodplain).
- 400 (iii) **Off-site Water and Off-Site Wastewater.**
401 No minimum lot size.
- 402 (e) **Maximum Lot Size.** 4 acres.
- 403 (f) **Maximum Lot Coverage.** 15%.
- 404 ~~(i) — Lots less than 40,000 sq. ft.: 8%~~
- 405 ~~(ii) — Lots 40,000 sq. ft. — 4 acres: 15%~~
- 406 ~~(g) — **Permitted Uses on Lots.** The uses allowed on lots~~
407 ~~are identified in Table 2-102 and are subject to the~~
408 ~~Additional Regulations for Specific Uses in Section~~
409 ~~5-600.~~

410 (3) Requirements for Preservation Farm Lots.

- 411 (a) **Minimum Number of Preservation Farm Lots**
412 **and Percentage of Prime Farmland Soils to be**
413 **Located Within Preservation Farm Lot(s). Each**
414 **Originating Tract that contains 5 acres or more of**
415 **Prime Farmland Soils must provide one or more**
416 **Preservation Farm Lots within which a minimum of**
417 **70% of such Prime Farmland Soils are located.**
418 **Originating Tracts containing less than 5 acres of**
419 **Prime Farmland Soils may contain a Preservation**
420 **Farm Lot(s).**
- 421 (b) **Permanent Open Space Easement.** All areas of the
422 Preservation Farm Lot must be subject to a
423 permanent open space easement and dedicated to the
424 County. The uses listed for the Preservation Farm
425 Lot under Table 2-102 must be permitted within the
426 permanent open space easement.

(h)(c) **Delineation of Prime Farmland Soils.** The Soils layer on the Loudoun County Geographical Information System (WebLOGIS) is the source for delineating the Prime Farmland Soils on an Originating Tract. An applicant or property owner may submit a Preliminary Soils Review, delineating the specific location of such Prime Farmland Soils, ~~may be submitted~~ to the Department of Building and Development for review and approval, in accordance with Section 6.130 of the FSM, with the initial submission of any plat or plan application for the cluster subdivision (unless previously provided for the Originating Tract) as follows:

(i) The Preliminary Soils Review must indicate that its primary purpose is to delineate the specific location of Prime Farmland Soils located within the Originating Tract.

(ii) The Zoning Administrator, in consultation with the Director of the Department of Building and Development, may require additional information from the applicant, if needed, to supplement the Preliminary Soils Review and assist in delineating the specific location of Prime Farmland Soils within the Originating Tract.

(iii) Once the Preliminary Soils Review has been approved by the Department of Building and Development, the Soils Map Certification for the plat and plan applications associated with the cluster subdivision must be updated accordingly.

(iv) The design of the cluster subdivision must show the location(s) of the Prime Farmland Soils as delineated by the Preliminary Soils Review.

(d) Minimum Lot Size of a Preservation Farm Lot:

<u>Originating Tract Size</u>	<u>Minimum Lot Size</u>
<u>20 to 30 acres</u>	<u>10 acres</u>

<u>Greater than 30 acres</u>	<u>15 acres</u>
------------------------------	-----------------

(e) Maximum Lot Coverage. 15%.

(4) Lot standards for Requirements for Rural Economy Cluster Lots:-

(a) Each cluster subdivision shall contain at least one (1) one Rural Economy Cluster Lot of a minimum of 15 acres that shall meet the following standards:-
Originating Tract that contains less than 5 acres of Prime Farmland Soils must provide a minimum of one Rural Economy Cluster Lot.

(b) Minimum Lot Size of a Rural Economy Cluster Lot:- 15 acres.

<u>Originating Tract Size</u>	<u>Minimum Lot Size</u>
<u>20 to 30 acres</u>	<u>10 acres</u>
<u>Greater than 30 acres</u>	<u>15 acres</u>

(i)(c) Maximum Lot Coverage. 815%.

(j) Minimum Lot Width. 175 feet.

(k) Maximum Length/Width Ratio. 3:1.

(l) Permitted Uses on Lots. The uses allowed on lots are identified in Table 2-102, subject to the Additional Regulations for Specific Uses in Section 5-600.

(5) Common Requirements for Common Open Space Lots.

Land that is neither not part of a building lot Residential Cluster Lot, nor a road dedicated public roads, right-of-way, a Preservation Farm Lot, nor a Rural Economy Cluster Lot shall must be placed located within a eCommon eOpen sSpace Lot and shall be that is owned and maintained by at the Homeowner's Association as described in required by Section 2-104. Common Open Space Lots shall must be

designed to constitute a contiguous and cohesive unit of land, and have the uses which may be used as described listed in under Table 2-102 below. ~~Common~~

(a) **Lot Characteristics.** ~~Common~~ Open Space Lots ~~have~~ no minimum or maximum lot size and no lot width regulations. ~~Further,~~ Common Open Space Lots ~~do~~ not count against the lot yield allotted to the subdivision.

(b) **Permitted Accessory Uses:** In addition to uses that are accessory to the uses listed under Table 2-102 for Common Open Space Lots, the following accessory uses are permitted for Common Open Space Lots:

(i) **Infrastructure.** Easements and improvements for drainage, access, and sewer or water lines that serve the cluster subdivision, or that serve other public purposes.

~~(i)~~(ii) **Stormwater Management Facilities.** Easements and improvements for storm water management facilities that serve the cluster subdivision or a larger area in compliance with a watershed stormwater management plan approved by the County.

~~(m) Permitted Uses.~~ The following uses shall be permitted in common open space.

~~(i) Bona fide agriculture, horticulture, animal husbandry and structures accessory to such use, including, but not limited to barns and run-in sheds to house livestock or farm equipment, pursuant to Section 5-626.~~

~~(ii) Construction and/or sales trailer, during period of construction activity.~~

~~(iii) Easements and improvements for drainage, access, sewer or water lines, or other public purposes.~~

~~(iv) Passive open space or passive recreation, including but not limited to trails, picnic areas, community gardens.~~

- 535 ~~(v) Sewage disposal system, communal.~~
- 536 ~~(vi) Sewer pumping station.~~
- 537 ~~(vii) RESERVED.~~
- 538 ~~(viii) Stormwater management facilities for the~~
539 ~~proposed development or for a larger area in~~
540 ~~compliance with a watershed stormwater~~
541 ~~management plan.~~
- 542 ~~(ix) Telecommunications antenna, pursuant to~~
543 ~~Section 5-618(A).~~
- 544 ~~(x) Telecommunications monopole, pursuant to~~
545 ~~Section 5-618(B)(1).~~
- 546 ~~(xi) Telecommunications monopole, pursuant to~~
547 ~~Section 5-618(B)(2).~~
- 548 ~~(xii) Utility substation, dedicated.~~
- 549 ~~(xiii) Utility transmission lines, overhead~~
550 ~~(excluding connections of lines from existing~~
551 ~~overhead public utility transmission lines to~~
552 ~~individual uses).~~
- 553 ~~(xiv) Water pumping station.~~
- 554 ~~(xv) Water supply system, communal.~~
- 555 ~~(xvi) Uses permitted from the Agricultural Support~~
556 ~~and Services Directly Related to On-going~~
557 ~~Agriculture, Horticulture and Animal~~
558 ~~Husbandry Activity, On-Site, Use Category,~~
559 ~~as follows:~~
- 560 ~~a. Agricultural cultural center, pursuant~~
561 ~~to Section 5-634.~~
- 562 ~~b. Agri-education, pursuant to Section~~
563 ~~5-627.~~
- 564 ~~c. Agricultural Processing, pursuant to~~
565 ~~Section 5-627.~~

d. ~~Arboretum, pursuant to Section 5-636.~~

e. ~~Botanical garden or Nature Study Area, pursuant to Section 5-636.~~

f. ~~Direct market business for sale of products produced on-site including but not limited to PYO (pick-your-own), pursuant to Section 5-627.~~

g. ~~Farm co-op, pursuant to Section 5-627.~~

h. ~~Farm Market, on-site production, pursuant to Section 5-603.~~

i. ~~Nursery, production, pursuant to Section 5-605.~~

j. ~~Pet farm, pursuant to Section 5-627.~~

k. ~~Stable, Livery, with frontage on a state maintained road, pursuant to Section 5-627.~~

l. ~~Stable, Private, pursuant to Section 5-627.~~

m. ~~Wayside Stand, pursuant to Section 5-604.~~

(n) ~~**Special Exception Uses.** The following uses may be approved in common open space by the Board of Supervisors, and if approved, may be subject to certain conditions pursuant to Section 6-1300.~~

(i) ~~Active recreation space.~~

(ii) ~~Telecommunications tower, pursuant to Section 5-618(C)(2).~~

(iii) ~~Stables, Livery, without frontage on a state maintained road, pursuant to Section 5-627.~~

(12)(6) **Setback.**

(a) **Setbacks From Public and Private Roads Right of Ways.** ~~No s~~Structures ~~shall~~must not be located within one hundred (100) feet from the right of way of any arterial road; seventy five (75) feet from the right of way of any collector road; or ~~twenty~~thirty five (~~32~~5) feet from the right of way of any other public or private road, right of ways, private access easement, and/or prescriptive easement.

~~(a) **Perimeter Setback.** Residential dwellings within the subdivision, including the Rural Economy Lot, shall be set back a minimum of 100 feet from any lot line adjoining parcels not located within the cluster subdivision.~~

~~(13)~~(7) **Yards.**

(a) **Front.** ~~32~~5 feet minimum.

(b) **Side.** 15 feet minimum.

(c) **Rear.** ~~20~~35 feet minimum.

~~(14)~~(8) **Building Requirements.**

(a) **Building Height.** Thirty five (35) feet maximum, ~~excluding agricultural, horticultural, and animal husbandry structures.~~

~~(15)~~(9) **Utility Requirements.**

(a) **Water.** All lots ~~shall~~must be served by either:

(i) Individual water supply systems, located on the lot served, or

~~(ii)~~ (ii) Communal water supply system, located within Common Open Space Lots, with maintenance to be provided in accordance with pursuant to Section 2-103(C)(10).

~~(ii)~~(iii) Central water supply system, for lots located within the Landfill Water Service District only.

(b) **Sewer.** All lots ~~shall~~must be served by either:

- (i) Individual sewage disposal systems, located on the lot served or within eCommon oOpen sSpace Lots. A maximum of ~~seventy percent~~ ~~(70%)~~ of the lots may have primary and/or reserve septic fields located within eCommon oOpen sSpace Lots. The subdivision record plat shall identify the location of all septic fields and shall assign them to lots, or
- (ii) Communal sewage disposal systems that shall be located within Common Open Space Lots with maintenance to be provided in accordance with ~~pursuant to~~ Section 2-103(C)(10).

~~(16)~~(10) **Maintenance of Water and/or Sewage Disposal Systems.**

- (a) **Individual Systems.** Maintenance of Iindividual Wwater supply and Iindividual Ssewage Ddisposal Ssystems mustshall beis the responsibility of the owner of the lot that the system serves.
- (b) **Communal.** If the development is served by a communal water supply and/or sewage disposal system, such systems shallmust be operated and maintained by LCSA, ~~in accord with all LCSA adopted policies. If LCSA policies preclude maintenance by LCSA, then the HOA shall contract with a public water or sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia.~~ An access easement mustshall be provided to LCSA for ~~the entity maintaining operation and maintenance of~~ the system. ~~All costs of operation and maintenance of such communal systems shall be borne as a common expense by the owners of the lots served.~~

~~(17)~~(11) **Lot Access.**

- (a) Access to individual lots or common open space may be provided by a private access easement or network of private access easements, ~~which shall comply with the requirements of the Facilities Standards Manual.~~

670 (b) ~~Private access easements may serve as frontage in~~
671 ~~lieu of public road frontage for Pursuant to Section~~
672 ~~1-205(A), a private road, or network of private roads,~~
673 ~~may provide access for up to 25 lots per easement~~
674 ~~per every separate entrance to such private road, or~~
675 ~~network of private roads, from a Class I or Class II~~
676 ~~Road.~~

677 (c) The ~~plat of~~ subdivision ~~plat must~~ shall contain a note
678 detailing the maintenance ~~provisions~~ of any private
679 roads provided ~~the private access easement.~~

680 ~~(18)~~(12) **Fire Protection.** The development shall satisfy the
681 fire protection standards set forth in the Facilities Standards
682 Manual.

683 (13) **Pre-Submission Meeting.** Prior to the submission of the
684 first application associated with a subdivision pursuant to the
685 Cluster Subdivision Option, the applicant may request a pre-
686 submission meeting with the Department of Building and
687 Development to discuss the proposed subdivision and
688 applicable requirements. In addition to the information
689 required by Chapter 8.000 of the FSM, the Applicant is
690 encouraged to submit the following information to further
691 facilitate the discussion:

692 (a) Site Analysis Map. A map of existing site conditions
693 and context that includes information about the
694 location of Prime Farmland Soils and environmental
695 features on the proposed development site. The
696 information to be presented in the site analysis map
697 may be produced primarily from existing sources,
698 maps, and data, if available.

699 (b) Preservation and Development Areas Map. A map
700 that identifies the general locations of Preservation
701 Farm Lots, Residential Cluster Lots, Rural Economy
702 Cluster Lots, and Common Open Space Lots.

703 2-104 **Homeowners' Association and Responsibilities.**

704 (A) If the subdivision contains any of the common areas, facilities, or
705 improvements listed below, the ~~development~~ subdivision ~~must~~ shall
706 have ~~an~~ a single incorporated Homeowners' Association ("HOA").
707 The HOA shall have the responsibility to maintain the following:
708 ~~areas or improvements:~~

- 709 (1) Common ~~Open Space~~ Lot(s); ~~areas within the development~~
710 ~~that are not part of an individual lot;~~
- 711 (2) Any other Lot(s), if owned by the HOA;
- 712 (3) Private roads, if any, within or serving the
713 ~~development~~ subdivision, except as provided in Section 2-
714 104(C);
- 715 ~~(4) Communal water and/or sewage disposal systems, except as~~
716 ~~provided in Section 2-104(D);~~
- 717 ~~(5)(4) Any Stormwater infrastructure, management facilities or~~
718 ~~areas, to the extent such infrastructure is not maintained by~~
719 ~~the County;~~
- 720 ~~(6)(5) Fire lane identification and protection~~ pond(s), dry mains, or
721 other improvements for fire protection;
- 722 ~~(6) Such~~ Any other ~~common areas~~, facilities, or improvements
723 ~~as may be~~ designated as an HOA maintenance responsibility
724 under the HOA's declaration, articles of incorporation,
725 and/or bylaws, or that are not included in the list above but
726 are available to members of the HOA. ~~of the HOA;~~
- 727 (7) Any other common facility or area not included in the list
728 above, that is available to all members of the HOA.
- 729 (B) Membership in the HOA ~~shall be~~ is required for all purchasers of
730 lots in the subdivision and their successors in title.
- 731 (C) Notwithstanding the requirements of Section 2-104(A) above, if the
732 only common area, facility, or improvement ~~element~~ is ~~the~~ private
733 roads, ~~or~~ easements, then such private roads ~~or~~ easements ~~shall~~ must
734 ~~either~~ be maintained either by ~~an~~ the HOA or pursuant to a private
735 road maintenance agreement. If such private roads are to be
736 maintained pursuant to a private road maintenance agreement, then
737 the terms thereof shall be included on each recorded plat ~~of~~
738 subdivision plat for the development.
- 739 ~~(D) Notwithstanding the requirements of Section 2-104(A) above,~~
740 ~~communal water or sewage disposal systems may be maintained by~~
741 ~~LCSA or a public water or sewer (wastewater) utility as defined in~~
742 ~~Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia.~~
- 743 ~~(E) Prior to approval of a record plat of subdivision for the cluster:~~

744 ~~If an HOA is to be established, the landowner shall submit~~
745 ~~documents for the creation of the HOA to the County for review and~~
746 ~~approval, including its bylaws, and all documents governing~~
747 ~~ownership, maintenance, and use restrictions for common areas,~~
748 ~~including a legal description of such areas and a description of~~
749 ~~restrictions placed upon the use and enjoyment of the land;~~

750 ~~(1) — If a communal water and/or sewage disposal system is to be~~
751 ~~maintained by a third party, a minimum two year~~
752 ~~maintenance contract is to be submitted for review by the~~
753 ~~County.~~

754 ~~(2) — If the subdivision is served by private roads and there is no~~
755 ~~HOA for the subdivision, the developer shall submit a~~
756 ~~private road maintenance agreement to the County for~~
757 ~~review and approval.~~

758 **2-105** **Recognizing Protection by Right to Farm Act.** ~~Record~~Subdivision plats
759 and deeds ~~authorized~~ pursuant to this section ~~shall~~must include a statement
760 that agricultural operations enjoy the protection of the Right to Farm Act
761 (Va. Code Section 3.2-300 et seq.).

762 **2-106** **Existing Lots of Record.**

763 (A) Lots existing as of December 6, 2006, ~~are~~shall be permitted the uses
764 identified in Table 2-102: AR-1 Agricultural Rural-1 District Use
765 Table and ~~shall~~must be administered in accordance with the ~~follow~~
766 ~~the lot and building requirements for the~~ requirements for the Base
767 Density Division option ~~as identified in~~under Section 2-103(A).

768 (B) **Hamlet Lots.** For lots recorded prior to December 6, 2006 and
769 developed under a hamlet subdivision, in accordance with the
770 zoning ordinance in effect at the time of subdivision, such lots shall
771 follow the Rural Hamlet requirements, including uses, as set forth
772 in this Ordinance.

Section 2-200

AR-2 Agricultural Rural-2

2-201

Purpose and Intent. The purpose and intent of the AR-2 district is to:

~~(A)~~ Preserve and protect prime farmland soils, recognizing their importance to the agricultural community and overall economic health of the rural economy.

~~(A)(B)~~ Support the use of land that protects, preserves, and enhances natural areas and open space, retains farmland for and the vitality of the rural economy uses consistent with the pattern of rural and agricultural land uses in the district, including sustaining and nurturing the economically significant equine industry, while fostering high quality of life for residents.

~~(B)(C)~~ Limit residential uses at development to densities that will protect the land resources for agricultural operations, consistent with the general common open space uses and rural character of the rural economy uses, and consistent with the land use patterns in the district, which are marked by low density and large parcels relative to the other portions of the County.

~~(C)(D)~~ Allow for a broad range of rural economy uses, including traditional and new agricultural uses (agriculture, horticulture and animal husbandry), agriculture support and basic services directly associated with on-going agricultural activities, and other uses that can be developed in ways that are consistent with the rural character of the AR-2 District through mitigation or other standards.

~~(D)(E)~~ Recognize the County's tourism industry is interconnected with the rural economy and rural economy uses in the district by allowing for tourism uses related to agricultural uses, conference and training center uses, and rural activity and special event uses for tourists.

~~(E)(F)~~ Promote consistency between residential development and rural economy uses through lower density residential development or the clustering of residential development.

~~(F)(G)~~ Ensure that the rural economy uses are compatible with any existing permitted residential development.

2-202

Use Regulations. Table 2-202 ~~summarizes~~provides the principal uses ~~regulations of for~~ the AR-2 district.

(A) Organization of Use Table. Table 2-202 organizes the uses in the AR-2 district by Use Classifications, Use Categories and Use Types.

- (1) **Use Classifications.** The Use Classifications are: agricultural uses; residential uses; public and institutional uses; commercial uses; and industrial uses. The Use Classifications provide a systematic basis for assigning present and future land uses into broad general classifications (e.g., agricultural uses and residential uses). The Use Classifications then organize land uses and activities into general “Use Categories” and specific “Use Types” based on common functional, product, or physical characteristics, such as the type and amount of activity, the type of customers or residents, how goods or services are sold or delivered, and site conditions.
- (2) **Use Categories.** The Use Categories describe the major sub-groups of the Use Classification, based on common characteristics (e.g., the residential Use Classification is divided into two major Use Categories: Household Living and Group Living). Principal uses are identified in defining the Use Category. They are principal uses that most closely share the common characteristics that are key to the Use Category.
- (3) **Use Types.** The Use Categories are then divided into specific Use Types. The specific Use Types are included in the respective Use Category. They identify the specific uses that are considered to fall within characteristics identified in the Use Category. For example, single family detached dwellings, multi-family dwellings, and ~~town-houses~~ single family attached dwellings are Use Types in the Household Living Use Category.
- (B) **Use Categories and Use Types Defined.** All the Use Categories and Use Types listed in Table 2-202 are defined in Article ~~8~~VIII (Definitions).
- (C) **Permitted and Special Exception Uses.** A “P” in the column identified “AR-2” indicates that a Use Category or specific Use Type is permitted as a matter of right (as a permitted use) in the AR-2 district, subject to compliance with all applicable standards and regulations in this Ordinance and all other County ordinances. An “S” indicates that a Use Type is allowed in the AR-2 district as a special exception in accordance with the procedures and standards of Section 6-1300. An “M” indicates that a Use Type is allowed in the AR-2 district as a Minor Special Exception in accordance with the procedures and standards of Section 6-1300. In some instances, and based on the Additional Regulations for Specific Uses (Section

79 5-600), a Use Type will be permitted as a matter of right under
80 certain conditions or allowed as a Special Exception or Minor
81 Special Exception under other conditions. In those instances, it is
82 identified as “P/S” or “P/M,” as appropriate.

83 (D) **Reference to General Use Category.** References to “General Use
84 Category” under the Use Type column mean all of the uses ~~in~~listed
85 under the definition of the Use Category are allowed. The Use
86 Category is defined in Article ~~8VIII~~. Where specific Use Types are
87 listed in the Use Type column, only the listed Use Types in the Use
88 Category are allowed. The Use Types are defined in Article ~~8VIII~~.

89 (E) **Additional Regulations for Specific Uses.** References to sections
90 in the final column of Table 2-202 (Additional Regulations for
91 Specific Uses) indicate that the listed use is subject to use-specific
92 regulations. The numbers provide a cross-reference to the
93 “Additional Regulations for Specific Uses” in Section 5-600.

94 (F) **Minimum Lot Size Requirements.** Each principal permitted use
95 shall meet the minimum acreage requirement, where specified in the
96 “Additional Regulations for Specific Uses” in Section 5-600, for
97 that use. Where two or more principal uses are located on one
98 parcel, the parcel size shall be the larger of the two or more uses
99 requirements, and not the sum of all minimum lot sizes.

100

**TABLE 2-202:
AR-2 AGRICULTURAL RURAL-2 DISTRICT USE TABLE**

BDO = BASE DENSITY OPTION LOTS PSO = PRINCIPAL/SUBORDINATE OPTION LOTS

RCL = RESIDENTIAL CLUSTER LOT PFL = PRESERVATION FARM LOT

REL = RURAL ECONOMY CLUSTER LOT OSL = COMMON OPEN SPACE LOT

P = PERMITTED

S = SPECIAL EXCEPTION

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USE CATEGORY	USE TYPE	<u>BDO & PSO LOTS</u>	<u>CLUSTER SUBDIVISION OPTION</u>				<u>USE LIMITATIONS AND ADDITIONAL REGULATIONS FOR SPECIFIC USES</u>
			<u>RCL</u>	<u>PFL</u>	<u>REL</u>	<u>OSL</u>	
AGRICULTURAL USES							
Agriculture	General Use Category	P	P	<u>P</u>	P	P	Section 5-626
Horticulture	General Use Category	P	P	<u>P</u>	P	P	Section 5-626
Animal Husbandry	General Use Category	P	<u>P</u>	<u>P</u>	P	P	Section 5-626
Agriculture Support and Services Directly Related to On-going Agriculture, Horticulture and Animal Husbandry Activity, On-Site	Agricultural processing	P	<u>P</u>	<u>P</u>	P	P	Section 5-627
	Agri-education	P	<u>P</u>	<u>P</u>	P	P	Section 5-627
	Animal care business	P	<u>P</u>	<u>P</u>	P		Section 5-627
	Agritainment	P	<u>P</u>	<u>P</u>	P		Section 5-627
	Commercial winery with 20,000 square feet or less	P	<u>P</u>	<u>M</u>	<u>PM</u>		Section 5-625
	Commercial winery, over 20,000 square feet	S	<u>P</u>	<u>S</u>	S		Section 5-625
	Custom operators	P	<u>P</u>	<u>P</u>	P		Section 5-627
	Direct market business for sale of products produced on-site – including but not limited to PYO (pick-your-own)	P	<u>P</u>	<u>P</u>	P	P	Section 5-627
	Equestrian Event Facility	P	<u>P</u>	<u>PM</u>	<u>PM</u>		Section 5-627
	Farm based tourism	P	<u>P</u>		<u>P</u>		Section 5-628
Farm co-ops	P	<u>P</u>	<u>P</u>	P	P	Section 5-627	

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USE CATEGORY	USE TYPE	<u>BDO & PSO LOTS</u>	<u>CLUSTER SUBDIVISION OPTION</u>				<u>USE LIMITATIONS AND ADDITIONAL REGULATIONS FOR SPECIFIC USES</u>
			<u>RCL</u>	<u>PFL</u>	<u>REL</u>	<u>OSL</u>	
	Farm machinery repair	P	<u>P</u>	<u>P</u>	P		Section 5-627
	Farm markets	P	<u>P</u>	<u>P</u>	P	P	Section 5-603 <u>No off-site production permitted for PFL, REL -and OSL</u>
	Feedlot (for on-going, on-site animal husbandry activities)	P	<u>P</u>	<u>P</u>	P		Section 5-627
	Limited Brewery	P	<u>P</u>	<u>M</u>	<u>PM</u>		Section 5-667
	Nursery, commercial	S	<u>S</u>	<u>S</u>	S		Section 5-605
	Nursery, production	P	<u>P</u>	<u>P</u>	P	<u>P</u>	Section 5-605
	Pet farms	P	<u>P</u>	<u>P</u>	P	P	Section 5-627
	Restaurant	P	<u>P</u>	<u>P</u>	P		Section 5-627
	Sawmill	S	<u>S</u>		<u>S</u>		Section 5-629
	Stable, Livery	P	<u>P</u>	<u>P</u>	P	P	Section 5-627
	Stable, Private	P	<u>P</u>	<u>P</u>	P	P	Section 5-627
	Veterinary services	P	<u>P</u>	<u>P</u>	P		
	Virginia Farm Winery	P	<u>P</u>	<u>M</u>	<u>PM</u>		
	Wayside stand	P	<u>P</u>	<u>P</u>	P	P	Section 5-604
	Wetlands mitigation bank	P	<u>P</u>		P	<u>P</u>	Section 5-627
Agriculture Support and	Agricultural research facility	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	Section 5-644

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USE CATEGORY	USE TYPE	<u>BDO & PSO LOTS</u>	<u>CLUSTER SUBDIVISION OPTION</u>				<u>USE LIMITATIONS AND ADDITIONAL REGULATIONS FOR SPECIFIC USES</u>
			<u>RCL</u>	<u>PFL</u>	<u>REL</u>	<u>OSL</u>	
Services <u>Not Directly</u> Associated with On-Site Agricultural Activity	Animal care businesses	P	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	Section 5-630
	Central farm distribution hub for agricultural products	P	<u>P</u>	<u>P</u>	<u>P</u>		Section 5-630
	Commercial winery with 20,000 square feet or less	P	<u>P</u>		<u>P</u>		Section 5-625
	Commercial winery, over 20,000 square feet	S	<u>S</u>		<u>S</u>		Section 5-625
	Equestrian Event Facility	P	<u>P</u>		<u>P</u>		Section 5-630
	Farm machinery repair	P	<u>P</u>	<u>P</u>	P		Section 5-630
	Farm machinery sales, rental and service	P	<u>P</u>		<u>P</u>		Section 5-615
	Feed and Farm Supply Center	P	<u>P</u>		<u>P</u>		Section 5-630
	Nursery, commercial	S	<u>S</u>		<u>S</u>		Section 5-605
	Stable, Livery	P	<u>P</u>		P		Section 5-630
	Stable, Private	P	<u>P</u>	<u>P</u>	P		Section 5-630
Animal Services	Animal hospital	P	<u>P</u>		<u>P</u>		Section 5-631
	Kennel	S	<u>S</u>		<u>S</u>		Section 5-606
	Kennel, Indoor	M	<u>M</u>		<u>M</u>		Section 5-606
RESIDENTIAL USES							
Household Living	Accessory dwelling (accessory to single family detached dwelling)	P	P	<u>P</u>	P		Section 5-613

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USE CATEGORY	USE TYPE	<u>BDO & PSO LOTS</u>	<u>CLUSTER SUBDIVISION OPTION</u>				<u>USE LIMITATIONS AND ADDITIONAL REGULATIONS FOR SPECIFIC USES</u>
			<u>RCL</u>	<u>PFL</u>	<u>REL</u>	<u>OSL</u>	
	Dwelling, single-family detached, including manufactured housing	P	P	<u>P</u>	P		May <u>sub</u> divide property in accordance with Section 2-103 Development Options.
	Portable Dwelling/Trailer Construction	P	P	<u>P</u>	P	<u>P</u>	
Group Living	Co-housing	P	P		P		
	Convent or monastery	P/S	<u>P/S</u>		<u>P/S</u>		Section 5-656
	Dormitory, seasonal labor	M	<u>M</u>	<u>M</u>	M		Section 5-632
	Rooming house	P	<u>P</u>		<u>P</u>		
PUBLIC AND INSTITUTIONAL USES							
Aviation	Airport/landing strip	S	<u>S</u>		<u>S</u>		Section 5-633
Day Care Facilities	Child care home	P	P	<u>P</u>	P		Section 5-609(A)
	Child or adult day care center	S	<u>S</u>		<u>S</u>		Section 5-609(B)
Cultural and Government Facilities	Agricultural cultural center	S	<u>S</u>		S	<u>PS</u>	Section 5-634
	Fairground	S	<u>S</u>		<u>S</u>		Section 5-635
	Structures or uses for local government purposes not otherwise listed in the district	S	<u>S</u>		<u>S</u>		
Education	Public School (Elementary, Middle, or High) for fifteen (15) or fewer pupils	S	<u>S</u>		<u>S</u>		Section 5-655
	Private School (Elementary, Middle,	S	<u>S</u>		<u>S</u>		

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USE CATEGORY	USE TYPE	<u>CLUSTER SUBDIVISION OPTION</u>					<u>USE LIMITATIONS AND ADDITIONAL REGULATIONS FOR SPECIFIC USES</u>
		<u>BDO & PSO LOTS</u>	<u>RCL</u>	<u>PFL</u>	<u>REL</u>	<u>OSL</u>	
	or High) for more than fifteen (15) pupils						
	Private Vocational school	S	<u>S</u>		<u>S</u>		
Park and Open Space	Arboretum	P	<u>P</u>	<u>P</u>	P	P	Section 5-636
	Botanical garden or nature study area	P	<u>P</u>	<u>P</u>	P	P	Section 5-636
	Cemetery	S	<u>S</u>		<u>S</u>		Section 5-637
	Mausoleum	S	<u>S</u>		<u>S</u>		Section 5-637
	Crematorium	S	<u>S</u>		<u>S</u>		Section 5-637
	Community, neighborhood, or regional park, passive recreational uses	P	<u>P</u>	<u>P</u>	P	P	<u>Limited to neighborhood park and trail easement to build out Linear Parks and Trails (LPAT) only for OSL. Limited to trail easement to build out LPAT only for PFL and REL.</u>
	Community, neighborhood, or regional park, active recreational uses	S	<u>S</u>		<u>S</u>	<u>SP</u>	<u>Limited to playgrounds only for OSL.</u>
Public Safety	Fire and/or rescue station	P	<u>P</u>		<u>P</u>		Section 5-638
	Police station or substation	P	<u>P</u>		<u>P</u>		Section 5-638
Religious Assembly	Church, synagogue, temple or mosque, with seating capacity of 300 or less seats in sanctuary or main activity area	P	<u>P</u>		<u>P</u>		Section 5-639

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USE CATEGORY	USE TYPE	<u>BDO & PSO LOTS</u>	<u>CLUSTER SUBDIVISION OPTION</u>				<u>USE LIMITATIONS AND ADDITIONAL REGULATIONS FOR SPECIFIC USES</u>
			<u>RCL</u>	<u>PFL</u>	<u>REL</u>	<u>OSL</u>	
	Church, synagogue, temple or mosque, with seating capacity of more than 300 in sanctuary or main activity area, or accessory schools, day care centers with more than 30 50 children, recreational facilities	S	S		S		Section 5-639
Utility	General Use Category	P	P		P	P Utility Substation, Dedicated Only	Recycling drop-off collection center, public: Section 5-607 Utility substation, transmission: Section 5-616(A) Utility substation, distribution: Section 5-616(B)
	Municipal drinking water supply reservoir	P	P		P		
	Sewage Treatment Plant	S	S		S		Section 5-621
	Sewer Pumping Station	P	P		P	P	Section 5-621
	Water Storage Tank	S	S		S		Section 5-621
	Water Treatment Plant	S	S		S		Section 5-621
	Water Pumping Station	P	P		P	P	Section 5-621
	Utility transmission lines, overhead (excluding connections of lines from existing	S	S		S	P S	Unless excepted by Section 1-103(D)

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USE CATEGORY	USE TYPE	<u>BDO & PSO LOTS</u>	<u>CLUSTER SUBDIVISION OPTION</u>				<u>USE LIMITATIONS AND ADDITIONAL REGULATIONS FOR SPECIFIC USES</u>
			<u>RCL</u>	<u>PFL</u>	<u>REL</u>	<u>OSL</u>	
	overhead public utility transmission lines to individual uses)						
	Water Well, Municipal	P	P		P		Section 5-621
COMMERCIAL USES							
Conference and Training Centers	Conference and training centers	P/M	P/M		P/M		Section 5-640
	Rural Corporate Retreat	P	P		PM		Section 5-619
	Rural Resort	M	M		M		Section 5-601(D)
Food and Beverage	Teahouse; coffeehouse	P	P		P		Section 5-641
	Banquet/Event Facility	M	M		M		Section 5-642
	Restaurant	M	M		M		Section 5-643
Office	Educational or research facilities use related to the agriculture, horticulture and animal husbandry uses in the district	M	M		M		Section 5-644
Recreation and Entertainment	Camp, day and boarding, with 30 or fewer campers	P	P		P		Section 5-645
	Camp, day and boarding, with more than 30 campers	M	M		M		Section 5-645
	Campground	M	M		M		Section 5-646
	Country Club	S	S		S		Section 5-660

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USE CATEGORY	USE TYPE	<u>BDO & PSO LOTS</u>	<u>CLUSTER SUBDIVISION OPTION</u>				<u>USE LIMITATIONS AND ADDITIONAL REGULATIONS FOR SPECIFIC USES</u>
			<u>RCL</u>	<u>PFL</u>	<u>REL</u>	<u>OSL</u>	
	Cross country ski business	P	P		P		Section 5-647
	Eco-tourism	P	P		PM		Section 5-647
	Golf course	S	S		S		Section 5-648
	Outdoor amphitheater	S	S		S		Section 5-649
	Private Club or Lodge	S	S		S		
	Rural recreational establishment, outdoor	P	P		P		
Retail Sales and Service	Antique shop	P	P		P		Section 5-650
	Art gallery or art studio	P	P		P		Section 5-650
	Auction house	S	S		S		Section 5-651
	Craft shop	P	P		P		Section 5-650
	Small business	P/M	P/M		P/M		Section 5-614
Visitor Accommodation	Bed and Breakfast Homestay	P	P	P	P		Section 5-601(A)
	Bed and Breakfast Inn	P	P		PM		Section 5-601(B)
	Country Inn	P	P		P		Section 5-601(C)
	Country Inn with Restaurant with an occupancy of no more than 100	P	P		P		Section 5-601(C)
	Country Inn with Restaurant with an occupancy of more than 100	M	M		M		Section 5-601(C)

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REL = RURAL ECONOMY CLUSTER LOT OSL = COMMON OPEN SPACE LOT

P = PERMITTED S = SPECIAL EXCEPTION M=MINOR SPECIAL EXCEPTION

USE CATEGORY	USE TYPE	<u>BDO & PSO LOTS</u>	<u>CLUSTER SUBDIVISION OPTION</u>				<u>USE LIMITATIONS AND ADDITIONAL REGULATIONS FOR SPECIFIC USES</u>
			<u>RCL</u>	<u>PFL</u>	<u>REL</u>	<u>OSL</u>	
	Guest farm or ranch leasing up to 20 guest rooms	P	P		P		
INDUSTRIAL USES							
Telecommunica- tion Use and/or Structure	Radio and/or television tower	S	S		S	S	Section 5-618
	Telecommunications antenna	P	P	P	P	P	Section 5-618(A)
	Telecommunications monopole	P	P		P	P	Section 5-618(B)(1)
	Telecommunications monopole	S	S		S		Section 5-618(B)(2)
	Telecommunications transmission tower	S	S		S		Section 5-618(C)(2)
Waste-Related Uses	Vegetative Waste Management facility	M	M		M		(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinances of Loudoun County, or any other applicable law.)
	Yard Waste Composting Facility	S	S		S		(Grant of a special exception does not avoid requirements of Chapter 1080, Codified Ordinances of Loudoun County, or any other applicable law.)
	Stockpiling of dirt	S	S		S		Section 5-657

Development Options. Land within the AR-2 zoning district may be subdivided under one of the three development options identified below. Nothing in this section shall preclude the opportunity for a property owner to file for a Family Subdivision in accordance with the requirements of the Land Subdivision and Development Ordinance.

(A) **Base Density Division Option.** A Base Density Division meeting the following standards and criteria may be permitted in accordance with the procedures outlined in the Land Subdivision and Development Ordinance (LSDO) for such division:

(1) **Lot Yield.** Under the Base Density Division Option, the maximum lot yield shall be one lot per 40 acres.

(2) **Permitted Uses.** The uses permitted on lots developed in accordance with the Base Density Division Option are identified in Table 2-202 and are subject to the Additional Regulations for Specific Uses of Section 5-600.

(3) **Lot and Building Requirements.**

(a) **Minimum Lot Size.** 40 acres.

(b) **Minimum Lot Width.** 175 feet.

(c) **Minimum Yards.** Except where a greater setback is required by Section 5-1403(B), no structure shall be located within 25 feet of any property line or within 35 feet from any other road right-of-way, private access easement, and/or prescriptive easement.

(d) **Maximum Lot Coverage.** 25%, but only 10% may be used for residential or non-residential structures excluding agricultural, horticultural, and animal husbandry structures not open to the public.

(e) **Maximum Building Height.** 35 feet, excluding agricultural, horticultural, and animal husbandry structures not open to the public.

(4) **Creation of Lots.**

(a) **Request.** Requests for creation of lots by plat of division in the AR-2 District shall be submitted to the Director of the Department of Building and Development (or designee) for review and approval

138 in accordance with “AR-2 and AR-1 Divisions” of
139 the Land Subdivision and Development Ordinance.

140 (b) **Public Road Frontage.** No such lot shall be created
141 fronting on a public road unless the publicly
142 dedicated width of such road along the entire
143 frontage of the newly created lot, measured from the
144 centerline of the road to the property line of the lot,
145 satisfies the criteria of the Virginia Department of
146 Transportation (VDOT).

147 (c) **Utility Requirements.** Each lot shall have an on-
148 site water supply and individual sewage disposal.

149 (5) **Lot Access.**

150 (a) Access to individual lots may be provided by a
151 private access easement that complies with the
152 requirements of the Facilities Standards Manual.

153 (b) A private access easement may serve as frontage in-
154 lieu of public road frontage for up to 7 lots.

155 (c) The plat of division shall contain a note detailing the
156 provisions for the maintenance of the private access
157 easement.

158 (B) **Principal/Subordinate Subdivision Option:** The
159 Principal/Subordinate Subdivision Option is a subdivision of land in
160 which a maximum lot yield is calculated for an Originating Tract
161 based on the gross acreage of such tract. The maximum lot yield
162 shall be as set forth in Subsection 2-203(B)(1)(b) below. The
163 Principal/Subordinate Subdivision Option results in the creation of
164 one Principal Lot, and one or more Subordinate Lots. The number
165 of Subordinate Lots created is subtracted from the maximum lot
166 yield and the resulting number establishes the remaining number of
167 lots, which is assigned to the Principal Lot. The creation of
168 subsequent Subordinate Lots from the Principal Lot is permitted,
169 with the number of lots assigned to the Principal Lot reduced by one
170 for each Subordinate Lot created. Once the number of lots assigned
171 to the Principal Lot is reduced to one, no more Subordinate Lots can
172 be created. The Principal/Subordinate Subdivision Option typically
173 allows the landowner to achieve a greater lot yield than the base
174 density of the Base Density Division Option, while providing for the
175 establishment of rural economy uses as a primary use with single-
176 family detached residential development as a secondary use.

- 177 (1) **General Requirements.**
- 178 (a) **General.** A landowner may exercise this option on
179 a site consisting of a minimum of 40 acres prior to
180 development.
- 181 (b) **Lot Yield.** The maximum lot yield shall be 1 lot per
182 20 acres.
- 183 (2) **Characteristics of Principal/Subordinate Subdivision**
184 **Option.**
- 185 (a) The lot yield of a Principal/Subordinate Subdivision
186 shall be calculated from the Originating Tract of land
187 in existence at the time the first
188 Principal/Subordinate Subdivision is created.
- 189 (b) Once a Principal/Subordinate Subdivision is created,
190 the number of lots assigned to the subdivision shall
191 not be altered.
- 192 (c) The lot yield of the Originating Tract shall be
193 calculated with each preliminary and/or record plat.
194 At the time of the first subdivision, the number of
195 Subordinate Lots created is subtracted from the
196 number of lots calculated for the Originating Tract
197 and the remaining number of lots is then assigned to
198 the Principal Lot. Each subsequently created
199 Subordinate Lot is subtracted from the number of lots
200 assigned to the Principal Lot and shall reduce the
201 number of lots assigned to the Principal Lot by one
202 (1) for each lot.
- 203 (d) A Principal Lot may be further subdivided, provided
204 the minimum requirements of the Zoning Ordinance
205 and Land Subdivision and Development Ordinance
206 (LSDO) are met. Once the number of lots assigned
207 to the Principal Lot is reduced to one, the Principal
208 Lot may no longer be subdivided.
- 209 (e) Subordinate Lots shall not be further subdivided.
210 The record plat and initial deed of conveyance after
211 establishment of a subdivision lot under the
212 Principal/ Subordinate Subdivision Option shall
213 contain a statement to this effect.

- 214 (f) A subdivision of one or more lots may occur at one
215 time or in a series of subdivisions up to the maximum
216 lot yield calculated for the Originating Tract.
- 217 (g) Any subdivision record plat for a
218 Principal/Subordinate Subdivision shall contain a
219 tabulation of density showing, in addition to all Land
220 Subdivision and Development Ordinance (LSDO)
221 requirements, the lot yield originally calculated for
222 the Originating Tract, all prior subdivisions from the
223 Originating Tract and each resulting Principal Lot
224 and number of lots created pursuant to such
225 subdivisions.
- 226 (h) The Principal Lot shall be clearly labeled on each
227 record plat.
- 228 (i) Each Principal/Subordinate Subdivision shall
229 contain at least one Rural Economy Lot of a
230 minimum of 25 acres in size.
- 231 (3) **Permitted Uses.**
- 232 (a) **Principal and Subordinate Lots.** The uses
233 permitted on lots developed in accordance with the
234 Principal/Subordinate Development Option are
235 identified in Table 2-202 and are subject to the
236 Additional Regulations for Specific Uses of Section
237 5-600.
- 238 (4) **Lot and Building Requirements.** The Lot and Building
239 Requirements for development under the
240 Principal/Subordinate Subdivision Option are identified
241 below, except where the performance standards in Section
242 5-600 (Additional Regulations for Specific Uses) specify
243 different requirements for a particular use.
- 244 (a) **Minimum Lot Size.** 80,000 square feet, exclusive
245 of major floodplain. At least one lot in the
246 development shall be a Rural Economy Lot with a
247 minimum of 25 acres.
- 248 (b) **Minimum Lot Width.** 175 feet.
- 249 (c) **Maximum Length/Width Ratio.** 3:1.

- 250 (d) **Minimum Yards.** No structure shall be located
251 within 25 feet of any property line or within 100 feet
252 from the right-of-way of any arterial road, 75 feet
253 from the right-of-way of any collector road, and 35
254 feet from any other road right-of-way, private access
255 easement, and/or any prescriptive easement.
- 256 (e) **Maximum Lot Coverage.** 15% maximum.
- 257 (f) **Building Height.** 35 feet maximum, excluding
258 agricultural, horticultural, and animal husbandry
259 structures.
- 260 (5) **Landscaping/Buffering.** Notwithstanding the requirements
261 of Section 5-1400, required buffers may be provided on
262 either the Principal and/or Subordinate lots.
- 263 (6) **Utility Requirements.**
- 264 (a) **Water.** All lots shall be served by individual water
265 supply systems located on the lot.
- 266 (b) **Sewer.** All lots shall be served by individual sewage
267 disposal systems located on the lot.
- 268 (7) **Fire Protection.** The development shall satisfy the fire
269 protection standards set forth in the Facilities Standards
270 Manual.
- 271 (8) **Lot Access.**
- 272 (a) Access to individual lots may be provided by a
273 private access easement that complies with the
274 requirements of Chapter 4: Transportation, of the
275 Facilities Standards Manual.
- 276 (b) A private access easement may serve as frontage in
277 lieu of public road frontage up to 25 lots per
278 easement.
- 279 (c) The record plat of subdivision shall contain a note
280 detailing the provisions for the maintenance of the
281 private access easement.
- 282 (C) **Cluster Subdivision Option.** The Cluster Subdivision Option
283 allows for ~~the subdivision of a tract of land~~ the subdivision of an
284 Originating Tract with a more compact residential design. The

Cluster Subdivision Option results in the creation of Residential Cluster Lots and one or more Preservation Farm Lots ~~plus one or more large lots suitable for~~ and/or Rural Economy Cluster Lots rural economy uses depending on the characteristics of the Originating Tract, ~~and/or~~ also may include ~~C~~ommon ~~o~~pen ~~s~~pace Lots. Communal water and sewer systems may be used for such developments.

(1) **General Requirements.**

(a) ~~General.~~ A landowner may exercise this Minimum Size of Originating Tract: ~~option on a site consisting of a minimum of 40 acres prior to development.~~

(b) **Lot Yield.** The maximum lot yield shall be 1 lot per every 15 acres of the total acreage of the Originating Tract.

~~(c) — Characteristics of Cluster Subdivision Option.~~

~~Depending on the tract size the cluster subdivision may include one or more Rural Cluster Lots and at least one Rural Economy Lot and may include Common Open Space.~~

~~(d) — The lot yield of the cluster subdivision shall be calculated from the gross acreage for the tract of land from which the subdivision is created.~~

~~(e) — All lots within the cluster subdivision shall be created at one time.~~

(c) Further Subdivision and Boundary Line Adjustments:

~~(i) — All lots within the cluster subdivision shall be created at one time. Further subdivision of the lots created by cluster subdivision is not permitted shall not be further subdivided.~~

~~(i)(ii)~~ Boundary line adjustments may be permitted only between lots within the same cluster subdivision.

~~(f) —~~ Minimum Percentage of Originating Tract Required for Non-Residential Cluster Lots: A

Homeowners' Association is required for any subdivision with common elements as described in Section 2-204.

(g) Each preliminary and record plat for a cluster subdivision shall contain a tabulation of lot yield for the cluster subdivision.

(h) The perimeter setback required in Section 2-203(C)(6) shall be indicated and clearly labeled on each preliminary and record plat.

(i)(d) A minimum of 70% of the total acreage gross land area of the development Originating Tract must be composed of ~~shall be comprised of~~ Preservation Farm Lot(s), and/or a Rural Economy Cluster Lot(s), and/or Common Open Space Lot(s), or a combination of a Rural Economy Lot(s) and common open space.

(2) **Lot standards** **Requirements for Rural Residential Cluster Lot(s).** ~~The site layout of the proposed development shall occur during preliminary subdivision plat review. Development of the cluster option shall comply with all of the following standards in addition to the requirements of the LSDO:~~

(a) **Number of Lots in a Cluster(s) Grouping.** Residential Cluster Lots ~~shall~~ must be grouped in ~~clusters~~ consisting of a minimum of 5 lots and a maximum of 25 lots in a grouping, except that a single cluster grouping may consist of fewer than 5 lots if any one of the following applies:

(i) There will be fewer than 5 lots in the entire subdivision.

(ii) In the AR-2 district, the area of the site is less than 100 acres.

(iii) It is demonstrated that a cluster grouping of fewer than 5 lots will result in the location of more connected areas of Prime Farmland Soils within the Preservation Farm Lot(s), and/or less land disturbing ~~activities of land~~ within the Mountainside Development

Overlay District (MDOD), Floodplain
Overlay District (FOD) ~~lands~~, Limestone
Overlay District (LOD), steep slope areas
and/or land containing ~~steep slopes and/or~~
wetlands.

(b) ~~Number of Clusters~~ **Groupings.** Multiple groupings of ~~Rural Residential~~ Cluster Lots ~~shall be~~ permitted within a single Cluster Subdivision required where the total number of lots on a site is greater than 25. ~~Each A single grouping of Rural Cluster Lots shall contain a minimum of 5 lots and no more than all the lots where the total number of lots on a site is 25 or fewer lots.~~ Unless otherwise stated in Section 2-203(C)(3)(a). ~~(except that multiple clusters may be allowed where it is demonstrated that multiple clusters will result in less disturbance of land within the Mountainside Development Overlay District (MDOD), Floodplain Overlay District (FOD) lands, and/or land containing steep slopes and/or wetlands.~~

(c) **Distance Between Clusters Groupings of Residential Cluster Lots.** ~~If a cluster is to have more than one grouping of Residential Cluster Lots is to be created from a parcel,~~ a minimum of ~~500~~ 250 feet shall separate the lot lines ~~of that form~~ the outer boundaries of each such grouping of cluster lots. ~~(exclusive of common open space and lots 25 acres or greater).~~

(d) **Minimum Lot Size.**

(i) **On-site Water and Wastewater.** 40,000 sq. ft., exclusive of ~~FOD (mMajor fFloodplain).~~

(ii) **Off-site Wastewater, On-site Water.** 20,000 sq. ft., exclusive of ~~FOD (mMajor fFloodplain).~~

(iii) **Off-site Water and Off-Site Wastewater.** No minimum lot size.

(e) **Maximum Lot Size.** 4 acres.

(f) **Maximum Lot Coverage.** 15%.

- 397 (i) ~~— Lots less than 40,000 sq. ft.: 8%.~~
- 398 (ii) ~~— Lots 40,000 sq. ft. 4 acres: 15%.~~
- 399 (g) ~~— **Permitted Uses on Lots.** The uses allowed on lots~~
400 ~~are identified in Table 2-202 and are subject to the~~
401 ~~Additional Regulations for Specific Uses in Section~~
402 ~~5-600.~~

403 **(3) Requirements for Preservation Farm Lots.**

404 **(a) Minimum Number of Preservation Farm Lots**
405 **and Percentage of Prime Farmland Soils to be**
406 **Located within Preservation Farm Lot(s).** Each
407 Originating Tract that contains 5 acres or more of
408 Prime Farmland Soils must provide one or more
409 Preservation Farm Lots within which a minimum of
410 70% of such Prime Farmland Soils are located.
411 Originating Tracts containing less than 5 acres of
412 Prime Farmland Soils may contain a Preservation
413 Farm Lot(s).

414 **(b) Permanent Open Space Easement.** All areas of the
415 Preservation Farm Lot must be subject to a
416 permanent open space easement and dedicated to the
417 County. The uses listed for the Preservation Farm
418 Lot under Table 2-202 must be permitted within the
419 permanent open space easement.

420 **(c) Delineation of Prime Farmland Soils.** The Soils
421 layer on the Loudoun County Geographical
422 Information System (WebLOGIS) is the source for
423 delineating the Prime Farmland Soils on an
424 Originating Tract. An applicant or property owner
425 may submit a Preliminary Soils Review, delineating
426 the specific location of Prime Farmland Soils, to the
427 Department of Building and Development for review
428 and approval, in accordance with Section 6.130 of
429 the FSM, with the initial submission of any plat or
430 plan application for the cluster subdivision (unless
431 previously provided for the Originating Tract) as
432 follows:

- 433 (i) The Preliminary Soils Review must indicate
434 that its primary purpose is to delineate the

specific location of Prime Farmland Soils located within the Originating Tract.

(ii) The Zoning Administrator, in consultation with the Director of Building and Development, may require additional information from the applicant, if needed, to supplement the Preliminary Soils Review and assist in delineating the specific location of the Prime Farmland Soils within the Originating Tract.

(iii) Once the Preliminary Soils Review has been approved by the Department of Building and Development, the Soils Map Certification for the plat and plan applications associated with the cluster subdivision must be updated accordingly.

(iv) The design of the cluster subdivision must show the location(s) of the Prime Farmland Soils as delineated by the Preliminary Soils Review.

(d) **Minimum Lot Size of a Preservation Farm Lot (PFL):**

<u>Originating Tract Size</u>	<u>Minimum Lot Size</u>
<u>40 to 50 acres</u>	<u>20 acres</u>
<u>Greater than 50 acres</u>	<u>25 acres</u>

(e) **Maximum Lot Coverage. 15%**

(4) **Lot standards**~~Requirements~~ **for Rural Economy Cluster Lots.**

~~(h)(a)~~ Each ~~cluster subdivision shall contain at least one Rural Economy Lot that shall meet the following standards:~~Originating Tract that contains less than 5 acres of Prime Farmland Soils must provide a minimum of one Rural Economy Cluster Lot.

(b) **Minimum Lot Size of a Rural Economy Cluster Lot.:** ~~25 acres.~~

<u>Originating Tract Size</u>	<u>Minimum Lot Size</u>
<u>40 to 50 acres</u>	<u>20 acres</u>

Greater than 50 acres

25 acres

~~(i)(c)~~ **Maximum Lot Coverage.** ~~815~~%.

~~(j)~~ **Minimum Lot Width.** 175 feet.

~~(k)~~ **Maximum Length/Width Ratio.** 3:1.

~~(l)~~ **Permitted Uses on Lots.** The uses allowed on lots are identified in Table 2-202, subject to the Additional Regulations for Specific Uses in Section 5-600.

(5) Common Requirements for Common Open Space Lots.

Land that is ~~neither~~not part of a ~~building lot~~Residential Cluster Lot, ~~nor a road~~dedicated public road-right-of-way, a Preservation Farm Lot, nor Rural Economy Cluster Lot ~~shall~~must be ~~placed~~located within a ~~e~~Common ~~o~~Open sSpace Lot ~~and shall be~~that is owned and maintained by ~~at~~the Homeowner's Association ~~as described in~~required by Section 2-204. Common Open Space Lots shallmust be designed to constitute a contiguous and cohesive unit of land, and have the uses ~~which may be used as described listed under Table 2-202~~below.

(a) Lot Characteristics. Common Open Space Lots havehas no minimum or maximum lot size and no lot width regulations. ~~Further,~~Common Open Space Lots doesdo not count against the lot yield allotted to the subdivision.

(b) Permitted Accessory Uses: In addition to the uses that are accessory to the uses listed under Table 2-202 for Common Open Space Lots, the following accessory uses are permitted for Common Open Space Lots:

(i) Infrastructure. Easements and improvements for drainage, access, and sewer or water lines that serve the cluster subdivision, or that serve other public purposes.

~~(i)~~(ii) Stormwater Management Facilities. Easements and improvement for storm water management facilities that serve the cluster

subdivision or a larger area in compliance with
a watershed stormwater management plan as
approved by the County.

~~(m) Permitted Uses. The following uses shall be
permitted in common open space.~~

~~(i) Agriculture, horticulture, animal husbandry
and structures accessory to such use,
including, but not limited to barns and run-in
sheds to house livestock or farm equipment,
pursuant to Section 5-626.~~

~~(ii) Construction and/or sales trailer, during
period of construction activity.~~

~~(iii) Easements and improvements for drainage,
access, sewer or water lines, or other public
purposes.~~

~~(iv) Passive open space or passive recreation,
including but not limited to trails, picnic
areas, community gardens.~~

~~(v) Sewage disposal system, communal.~~

~~(vi) Sewer pumping station.~~

~~(vii) RESERVED.~~

~~(viii) Stormwater management facilities for the
proposed development or for a larger area in
compliance with a watershed stormwater
management plan.~~

~~(ix) Telecommunications antenna, pursuant to
Section 5-618(A).~~

~~(x) Telecommunications monopole, pursuant to
Section 5-618(B)(1).~~

~~(xi) Telecommunications monopole, pursuant to
Section 5-618(B)(2).~~

~~(xii) Utility substation, dedicated.~~

- 535 ~~(xiii) Utility transmission lines, overhead~~
536 ~~(excluding connections of lines from existing~~
537 ~~overhead public utility transmission lines to~~
538 ~~individual uses).~~
- 539 ~~(xiv) Water pumping station.~~
- 540 ~~(xv) Water supply system, communal.~~
- 541 ~~(xvi) Uses permitted from the Agricultural Support~~
542 ~~and Services Directly Related to On-going~~
543 ~~Agriculture, Horticulture and Animal~~
544 ~~Husbandry Activity, On-Site, Use Category,~~
545 ~~as follows:~~
- 546 ~~a. Agricultural cultural center, pursuant~~
547 ~~to Section 5-634.~~
- 548 ~~b. Agri-education, pursuant to Section~~
549 ~~5-627.~~
- 550 ~~c. Agricultural Processing, pursuant to~~
551 ~~Section 5-627.~~
- 552 ~~d. Arboretum, pursuant to Section 5-~~
553 ~~636.~~
- 554 ~~e. Botanical garden or Nature Study~~
555 ~~Area, pursuant to Section 5-636.~~
- 556 ~~f. Direct market business for sale of~~
557 ~~products produced on-site including~~
558 ~~but not limited to PYO (pick your~~
559 ~~own), pursuant to Section 5-627.~~
- 560 ~~g. Farm co-op, pursuant to Section 5-~~
561 ~~627.~~
- 562 ~~h. Farm Market, on-site production,~~
563 ~~pursuant to Section 5-603.~~
- 564 ~~i. Nursery, production, pursuant to~~
565 ~~Section 5-605.~~
- 566 ~~j. Pet farm, pursuant to Section 5-627.~~

k. ~~Stable, Livery, with frontage on a state maintained road, pursuant to Section 5-627.~~

l. ~~Stable, Private, pursuant to Section 5-627.~~

m. ~~Wayside Stand, pursuant to Section 5-604.~~

(n) ~~**Special Exception Uses.** The following uses may be approved in common open space by the Board of Supervisors, and if approved, may be subject to certain conditions pursuant to Section 6-1300.~~

(i) ~~Active recreation space.~~

(ii) ~~Telecommunications tower, pursuant to Section 5-618(C)(2).~~

(iii) ~~Stables, Livery, without frontage on a state maintained road, pursuant to Section 5-627.~~

~~(3)(6)~~ **Setback.**

(a) ~~**Setbacks From Public and Private Roads.** No structure shall~~must not be located within one hundred (100) feet from the right of way of any arterial road; seventy five (75) feet from the right-of-way of any collector road; or ~~twenty~~thirty five (~~32~~5) feet from the right-of-way of any other public or private other road, right of way, private access easement, and/or prescriptive easement.

(b) ~~**Perimeter Setback.** Residential dwellings within the subdivision, including the Rural Economy Lot, shall be set back a minimum of 100 feet from any lot line adjoining parcels not located within the cluster subdivision.~~

~~(4)(7)~~ **Yards.**

(a) **Front.** ~~32~~5 feet minimum.

(b) **Side.** 15 feet minimum.

(c) **Rear.** ~~35~~20 feet minimum.

601 ~~(5)~~(8) **Building Requirements.**

- 602 (a) **Building Height.** Thirty five (35) feet maximum;
603 ~~excluding agricultural, horticultural, and animal~~
604 ~~husbandry structures.~~

605 ~~(6)~~(9) **Utility Requirements.**

- 606 (a) **Water.** All lots ~~shall~~must be served by either:

607 (i) Individual water supply systems, located on
608 the lot served; or

609 ~~(ii)~~ Communal water supply system, located
610 within Common Open Space Lots, with
611 maintenance to be provided in accordance
612 ~~with pursuant to~~ Section 2-203(C)(10).

613 ~~(ii)(iii)~~ Central water supply system, for lots located
614 within the Landfill Water Service District
615 only.

- 616 (b) **Sewer.** All lots ~~shall~~must be served by either:

617 (i) Individual sewage disposal systems. Such
618 system shall be located on the lot served or
619 within eCommon eOpen sSpace Lots. A
620 maximum of ~~seventy percent (70%)~~ of the
621 lots may have primary and/or reserve septic
622 fields located within eCommon eOpen
623 sSpace Lots. The ~~subdivision record~~ plat
624 shall identify the location of all septic fields
625 and shall assign them to lots, or

626 (ii) Communal sewage disposal systems ~~that~~
627 ~~shall be~~ located within Common Open Space
628 Lots with maintenance to be provided in
629 accordance with pursuant to Section 2-
630 203(C)(10).

631 ~~(7)~~(10) **Maintenance of Water and/or Sewage Disposal Systems.**

- 632 (a) **Individual Systems.** Maintenance of ~~I~~individual
633 ~~W~~water supply and ~~I~~individual ~~S~~sewage ~~D~~disposal
634 ~~s~~Systems ~~shall be~~is the responsibility of the owner of
635 the lot that the system serves.

- (b) **Communal.** If the development is served by a communal water supply and/or sewage disposal system, such systems ~~shall~~must be operated and maintained by LCSA, ~~in accord with all LCSA adopted policies. If LCSA policies preclude maintenance by LCSA, then the HOA shall contract with a public water or sewer (wastewater) utility as defined in Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia.~~ An access easement ~~shall~~must be provided to LCSA for ~~the~~ entity maintaining operation and maintenance of the system. ~~All costs of operation and maintenance of such communal systems shall be borne as a common expense by the owners of the lots served.~~

~~(8)~~(11) **Lot Access.**

- (a) Access to individual lots or common open space may be provided by a private access easement or network of private access easements which shall comply with the requirements of the Facilities Standards Manual.
- (b) ~~Private access easements may serve as frontage in lieu of public road frontage for Pursuant to Section 1-205(A), a private road, or network of private roads, may provide access for up to 25 lots per every separate entrance to such private road, or network of private roads from a Class I or Class II Road per easement.~~
- (c) The ~~plat of~~ subdivision ~~plat must~~shall contain a note detailing the maintenance ~~provisions of any private roads provided for the private access easement.~~

(12) **Fire Protection.** The development shall satisfy the fire protection standards set forth in the Facilities Standards Manual.

(13) **Pre-Submission Meeting.** Prior to the submission of the first application associated with a subdivision pursuant to the Cluster Subdivision Option, the applicant may request a pre-submission meeting with the Department of Building and Development to discuss the proposed subdivision and applicable requirements. In addition to the information required by Chapter 8.000 of the FSM, the Applicant is

encouraged to submit the following information to further facilitate the discussion:

(a) Site Analysis Map. A map of existing site conditions and context that includes information about the location of Prime Farmland Soils and environmental features on the proposed development site. The information to be presented in the site analysis map may be produced primarily from existing sources, maps, and data, if available.

(b) Preservation and Development Areas Map. A map that identifies the general locations of Preservation Farm Lots, Residential Cluster Lots, Rural Economy Cluster Lots, and Common Open Space Lots.

2-204 Homeowners' Association and Responsibilities.

(A) If the subdivision contains any of the common areas, facilities, or improvements listed below, the ~~development-subdivision shall~~must have ~~an~~ single incorporated Homeowners' Association ("HOA"). The HOA shall have the right and responsibility to maintain the following: ~~areas or improvements:~~

(1) Common ~~o~~Open ~~s~~Space ~~Lots-areas within the development that are not part of an individual lot;~~

(2) Any other ~~L~~lot(s), ~~if~~ owned by the HOA;

(3) Private roads, if any, within or serving the ~~development~~subdivision, except as provided in Section 2-204(C);

~~(4) Communal water and/or sewage disposal systems, except as provided in Section 2-204(D);~~

~~(5)~~(4) ~~Any s~~Stormwater ~~infrastructure management facilities or areas; to the extent such infrastructure is not maintained by the County;~~

~~(6)~~(5) Fire ~~lane identification and protection~~ pond(s), dry mains, or other improvements for fire protection;

~~(6)~~(5) ~~Such~~Any other ~~common~~areas, facilities, or improvements ~~as may be designated~~ as an HOA maintenance responsibility

710 under in the HOA's declaration, articles of incorporation,
711 and/or bylaws, or that are not included in the list above but
712 are available to members of the HOA;

713 ~~(7) —~~

714 (B) Membership in the HOA ~~shall be~~is required for all purchasers of lots
715 in the subdivision and their successors in title.

716 (C) Notwithstanding the requirements of Section 2-204(A) above, if the
717 only common area, facility, or improvement~~element~~ is private roads,
718 ~~or~~ easements, then such they private road ~~shall must~~ either be
719 maintained either by an HOA or pursuant to a private road
720 maintenance agreement. If such private roads are to be maintained
721 pursuant to a private road maintenance agreement, then the terms
722 thereof shall be included on each record~~ed~~ plat of subdivision plat
723 for the development.

724 ~~(D) — Notwithstanding the requirements of Section 2-204(A) above,~~
725 ~~communal water or sewage disposal systems may be maintained by~~
726 ~~LCSA or a public water or sewer (wastewater) utility as defined in~~
727 ~~Chapter 10.1 or 10.2 of Title 56 of the Code of Virginia.~~

728 ~~(E) — Prior to approval of a record plat of subdivision for the cluster:~~

729 ~~If a Homeowner's Association is to be established, the~~
730 ~~landowner shall submit documents for the creation of the~~
731 ~~HOA to the County for review and approval, including its~~
732 ~~bylaws, and all documents governing ownership,~~
733 ~~maintenance, and use restrictions for common areas,~~
734 ~~including a legal description of such areas and a description~~
735 ~~of restrictions placed upon the use and enjoyment of the~~
736 ~~land.~~

737 ~~(1) — If a communal water and/or sewage disposal system is to be~~
738 ~~maintained by a third party, a minimum two year~~
739 ~~maintenance contract is to be submitted for review by the~~
740 ~~County.~~

741 ~~(2) — If the subdivision is served by private roads and there is no~~
742 ~~HOA for the subdivision, the developer shall submit a~~
743 ~~private road maintenance agreement to the County for~~
744 ~~review and approval.~~

745 2-205 Recognizing Protection by Right to Farm Act. RecordSubdivision plats
746 and deeds ~~authorized~~ pursuant to this section ~~shall must~~ include a statement

747 that agricultural operations enjoy the protection of the Right to Farm Act
748 (Va. Code Section 3.2-300 et seq.).

749 **2-206 Existing Lots of Record.**

750 (A) Lots existing as of December 6, 2006 ~~are shall be~~ permitted the uses
751 identified in Table 2-202: AR-2 Agricultural Rural-2 District Use
752 Table and ~~shall administered in accordance with the follow the lot~~
753 ~~and building requirements for therequirements for the~~ Base Density
754 Division option ~~as identified in~~under Section 2-203(A).

755 (B) **Hamlet Lots.** For lots recorded prior to December 6, 2006 and
756 developed under a hamlet subdivision, in accordance with the
757 zoning ordinance in effect at the time of subdivision, such lots shall
758 follow the Rural Hamlet requirements, including uses, as set forth
759 in this Ordinance.

ARTICLE 8 - DEFINITIONS

Cluster ~~Development~~ Subdivision Option (AR Districts Only): A ~~type of development design option that allows for the subdivision of an~~ Originating Tract of land with that permits a higher residential density and smaller lot sizes than the other subdivision options, –more– compact residential design plus and includes one or more larger lots suitable for agriculture, horticulture, and/or animal husbandry uses, other rural economy uses, or common open space. Land not included within lots or required for public or private streets shall be maintained as common open space. Communal water and/or sewer systems are permitted under this development type within the common open space.

Preservation Farm Lot: A type of lot that may be created under the AR-1 or AR-2 District Cluster Subdivision Option that contains a minimum amount of Prime Farmland Soils, if such soils are present within the originating tract. The principal use of a Preservation Farm Lot is for agricultural, horticultural, animal husbandry uses, and a single family detached dwelling with associated accessory uses.

Prime Farmland Soils: The original basis for the identification of Prime Farmland Soils is the “Interpretive Guide to Soils Maps, Loudoun County, Virginia”, which is shown on the Loudoun County Geographical Information System (WebLOGIS). The following soil mapping units are identified as Prime Farmland Soils within Loudoun County: 3A, 7A, 13B, 17B, 23B, 28B, 31B, 43B, 45B, 55B, 70B, 70C, 71B, 76B, 90B, 93B, 94B and 95B.

~~Rural Economy Conservation Lands:~~ ~~One of the two required elements of a residential cluster option development within the AR zoning district located outside of the cluster portion and intended to accommodate rural economy and open space uses as permitted in the underlying zoning district.~~

Rural Economy Lot: A type of lot located with an AR-1 or AR-2 District ~~cluster subdivision~~Principal/Subordinate Subdivision Option. A minimum of one Rural Economy Lot is required to be located within any AR-1 or AR-2 ~~Principal/Subordinate cluster s~~Subdivision Option. The primary use of such lot is for rural economy uses, with a single family detached residential uses dwelling unit permitted in association with a rural economy use on the lot.

Rural Economy Cluster Lot: A type of lot located within an AR-1 or AR-2 District Cluster Subdivision Option. The principal use of such lot is for rural economy uses and a single family detached dwelling with associated accessory uses.

Rural Economy Uses: Agricultural, horticulture and animal husbandry uses; tourist attractions and services; and other commercial businesses listed as permitted or permissible uses in the AR-1 and AR-2 Districts that are dependent on the rural land base for its agricultural productivity, scenic quality, and rural character to sustain business activities. –An array of agricultural and equine

43 enterprises, tourist attractions and services, and commercial businesses that are land-based, depend
44 on large tracts of open land, and the area's rural atmosphere.

ZOAM-2020-0002, PRIME AGRICULTURAL SOILS AND CLUSTER SUBDIVISION AMENDMENTS							
COMPARISON TABLE – WORK GROUP AMENDMENTS (5/26/2023)							
Yellow Highlight Indicates an Amendment, Green Highlight Indicates Work Group Change							
Zoning Ord. Req.	Current AR-1 Text	Draft AR-1 Text	Draft AR-1 Work Group Text	Current AR-2 Text	Draft AR-2 Text	Draft AR-2 Work Group Text	Notes
<i>Purpose and Intent</i>	No language mentioning prime farmland soils	Language added stating protection of prime farmland soils	No Change	No language mentioning prime farmland soils	Language added stating protection of prime farmland soils	No Change	
<i>Use Table</i>	No separation of permitted or permissible uses for different lot types	Table revised to state those uses permitted or permissible based on the rural cluster option lot types, and open space uses moved to Use Table.	Certain uses have been added back to specific lot types. See Attachment 3 of the June 1, 2023, PCWS Memo.	No separation of permitted or permissible uses for different lot types	Table revised to state those uses permitted or permissible based on the rural cluster option lot types, and open space uses moved to Use Table.	Certain uses have been added back to specific lot types. See Attachment 3 of the June 1, 2023, PCWS Memo.	
<i>Min. Dev. Acreage</i>	20 Acres	20 Acres	20 Acres	40 Acres	40 Acres	40 Acres	
<i>Max. Lot Yield Density</i>	1 lot per 5 acres	1 lot per 5 acres	1 lot per 5 acres	1 lot per 15 acres	1 lot per 15 acres	1 lot per 15 acres	Based on Originating Tract
<i>Min. Percentage of Land Area Outside of Residential Cluster Lots</i>	70%	70%	70%	70%	70%	70%	
<i>Lot Types in 70% Land Area</i>	Rural Economy and/or Open Space	Combination of Preservation Farm Lot, Rural Economy Cluster Lot, and/or Open Space Lot	Combination of Preservation Farm Lot, Rural Economy Cluster Lot, and/or Open Space Lot	Rural Economy and/or Open Space	Combination of Preservation Farm Lot, Rural Economy Cluster Lot, and/or Open Space Lot	Combination of Preservation Farm Lot, Rural Economy Cluster Lot, and/or Open Space Lot	
<i>Max. No. of Res. Cluster Lots in a Group</i>	25	25 Number of lots within groupings may be adjusted by the Zoning Administrator if demonstrated that more connected Prime Farmland Soils can be placed within the PFL or less disturbance of	25 Multiple groupings of Residential Cluster Lots are permitted within a single Cluster Subdivision. Each grouping shall contain a minimum of 5 lots and no more than 25 lots.	25	25 Number of lots within groupings may be adjusted by the Zoning Administrator if demonstrated that more connected Prime Farmland Soils can be placed within the PFL or less disturbance of other	25 Multiple groupings of Residential Cluster Lots are permitted within a single Cluster Subdivision. Each grouping shall contain a minimum of 5 lots and no more than 25 lots.	

ZOAM-2020-0002, PRIME AGRICULTURAL SOILS AND CLUSTER SUBDIVISION AMENDMENTS COMPARISON TABLE – WORK GROUP AMENDMENTS (5/26/2023) Yellow Highlight Indicates an Amendment, Green Highlight Indicates Work Group Change							
Zoning Ord. Req.	Current AR-1 Text	Draft AR-1 Text	Draft AR-1 Work Group Text	Current AR-2 Text	Draft AR-2 Text	Draft AR-2 Work Group Text	Notes
		other environmental features	Removed language allowing the Zoning Administrator to adjust the number of groupings.		environmental features	Removed language allowing the Zoning Administrator to adjust the number of groupings.	
Min. Distance Between Groupings of Res. Cluster Lots	500 Feet	100 Feet	250 Feet	500 Feet	100 Feet	250 Feet	
Min. Res. Cluster Lot Size, On-site Water and Wastewater	40,000 SF	40,000 SF	40,000 SF	40,000 SF	40,000 SF	40,000 SF	
Min. Res. Lot Size, Off-site Wastewater, On-site Water	20,000 SF	20,000 SF	20, 000 SF	20,000 SF	20,000 SF	20,000 SF	
Min. Res. Lot Size, Off-site Water and Off-site Wastewater	No Min. Lot Size	No Min. Lot Size	No Min. Lot Size	No Min. Lot Size	No Min. Lot Size	No Min. Lot Size	
Max. Res. Cluster Lot Size	4 Acres	2 Acres	4 Acres	4 Acres	2 Acres	4 Acres	
Max. Res. Cluster Lot Coverage	8% - Lots < 40,000 SF 15% - Lots 40,00 SF – 4 AC	15% Max.	15% Max	8% - Lots < 40,000 SF 15% - Lots 40,00 SF – 4 AC	15% Max	15% Max	
Preliminary Soils Review	Preliminary Soils Review not required	Preliminary Soils Review required	Preliminary Soils Review optional	Preliminary Soils Review not required	Preliminary Soils Review required	Preliminary Soils Review optional	
Req. for Preservation Farm Lots (PFL)	No Req.	Minimum of 1 per each cluster sub. that contains 5 acres or more Prime Farmland soils	*Minimum of 1 per each cluster sub. that contains 5 acres or more Prime Farmland soils	No Req.	Minimum of 1 per each cluster sub. that contains 5 acres or more Prime Farmland Soils	*Minimum of 1 per each cluster sub. that contains 5 acres or more Prime Farmland soils	
Permanent Open Space Easement	No. Req.	PFL subject to Permanent Open Space Easement	PFL subject to Permanent Open Space Easement	No Req.	PFL subject to Permanent Open Space Easement	PFL subject to Permanent Open Space Easement	

ZOAM-2020-0002, PRIME AGRICULTURAL SOILS AND CLUSTER SUBDIVISION AMENDMENTS COMPARISON TABLE – WORK GROUP AMENDMENTS (5/26/2023) Yellow Highlight Indicates an Amendment, Green Highlight Indicates Work Group Change							
Zoning Ord. Req.	Current AR-1 Text	Draft AR-1 Text	Draft AR-1 Work Group Text	Current AR-2 Text	Draft AR-2 Text	Draft AR-2 Work Group Text	Notes
Min. Amount of Prime Farmland Soils Preserved on Preservation Farm Lot	No Req.	70% of the Prime Farmland Soils within the Originating Tract	*70% of the Prime Farmland Soils within the Originating Tract	No. Req.	70% of the Prime Farmland Soils within the Originating Tract	*70% of the Prime Farmland Soils within the Originating Tract	
Min. Preservation Farm Lot Size	No. Req.	20 to 30 Acre Originating Tract = 10 Acre PFL Over 30 Acre Originating Tract = 15 Acre PFL	20 to 30 Acre Originating Tract = 10 Acre PFL Over 30 Acre Originating Tract = 15 Acre PFL	No Req.	40 to 50 Acre Originating Tract = 20 Acre PFL Over 50 Acre Originating Tract = 25 Acre PFL	40 to 50 Acre Originating Tract = 20 Acre PFL Over 50 Acre Originating Tract = 25 Acre PFL	
Max. Lot Coverage, Preservation Farm Lot	No. Req.	15%	15%	No Req.	15%	15%	
No. of Req. Rural Economy Cluster Lots	Min. of 1	Min. of 1 for Originating Tracts that have less than 5 acres of Prime Farmland Soils	Min. of 1 for Originating Tracts that have less than 5 acres of Prime Farmland Soils	Min. of 1	Min. of 1 for Originating Tracts that have less than 5 acres of Prime Farmland Soils	Min. of 1 for Originating Tracts that have less than 5 acres of Prime Farmland Soils	
Min. Rural Economy Cluster Lot Size	15 Acres	20 to 30 Acre Originating Tract = 10 Acre RECL Over 30 Acre Originating Tract = 15 Acre RECL	20 to 30 Acre Originating Tract = 10 Acre RECL Over 30 Acre Originating Tract = 15 Acre RECL	25 Acres	40 to 50 Acre Originating Tract = 20 Acre RECL Over 50 Acre Originating Tract = 25 Acre RECL	40 to 50 Acre Originating Tract = 20 Acre RECL Over 50 Acre Originating Tract = 25 Acre RECL	
Max. Rural Economy Cluster Lot Coverage	8%	15%	15%	8%	15%	15%	
Min. Rural Economy Cluster Lot Width	175 Feet	No requirement	No Requirement	175 Feet	No requirement	No Requirement	
Max. Rural Economy Cluster Lot Length/Width Ratio	3:1	No Max.	No Max.	3:1	No Max.	No Max.	

ZOAM-2020-0002, PRIME AGRICULTURAL SOILS AND CLUSTER SUBDIVISION AMENDMENTS COMPARISON TABLE – WORK GROUP AMENDMENTS (5/26/2023) Yellow Highlight Indicates an Amendment, Green Highlight Indicates Work Group Change							
Zoning Ord. Req.	Current AR-1 Text	Draft AR-1 Text	Draft AR-1 Work Group Text	Current AR-2 Text	Draft AR-2 Text	Draft AR-2 Work Group Text	Notes
<i>Min. Setbacks From R.O.W and Private Access Easements</i>	100 Feet, Arterial Rd. 75 Feet, Collector Rd. 35 Feet, Any other R.O.W. or easement	100 Feet, Arterial Rd. 75 Feet, Minor Collector Rd. 25 Feet, All other R.O.W.	100 Feet, Arterial Rd. 75 Feet, Minor Collector Rd. 25 Feet, All other R.O.W.	100 Feet, Arterial Road 75 Feet, Collector Road 35 Feet, Any other R.O.W. or easement	100 Feet, Arterial Rd. 75 Feet, Minor Collector Rd. 25 Feet, All other R.O.W.	100 Feet, Arterial Rd. 75 Feet, Minor Collector Rd. 25 Feet, All other R.O.W.	
<i>Min. Res. Perimeter Setback</i>	100 Feet	No requirement	No Requirement	100 Feet	No requirement	No Requirement	
<i>Min. Yards</i>	Front: 35 Feet Side: 15 Feet Rear: 35 Feet	Front: 25 Feet Side: 15 Feet Rear: 20 Feet	Front: 25 Feet Side: 15 Feet Rear: 20 Feet	Front: 35 Feet Side: 15 Feet Rear: 35 Feet	Front: 25 Feet Side: 15 Feet Rear: 20 Feet	Front: 25 Feet Side: 15 Feet Rear: 20 Feet	
<i>Max. Building Height</i>	35 Feet	35 Feet	35 Feet	35 Feet	35 Feet	35 Feet	
<i>Utility Req., Sewer</i>	70% of lots may have primary or reserve septic fields within open space	70% of lots may have primary or reserve septic fields within open space	70% of lots may have primary or reserve septic fields within open space	70% of lots may have primary or reserve septic fields within open space	70% of lots may have primary or reserve septic fields within open space	70% of lots may have primary or reserve septic fields within open space	
<i>Maint. Of Water and/or Sewage Disposal Systems</i>	Individual Systems or Communal	No change	No Change	Individual Systems or Communal	No change	No Change	
<i>Lot Access, Max. No. of Lots accessing Private Access Easements</i>	25	25	25	25	25	25	
<i>Pre-Submission Meeting</i>	No req. for a pre-submission meeting	Optional Pre-submission meeting available prior to any application for a Cluster Subdivision	Optional Pre-submission meeting available prior to any application for a Cluster Subdivision	No req. for a pre-submission meeting	Optional Pre-submission meeting available prior to any application for a Cluster Subdivision	Optional Pre-submission meeting available prior to any application for a Cluster Subdivision	
<i>Advisory Cluster Subdivision Siting and Design Guidelines</i>	No siting and design guidelines	Advisory siting and design guidelines	Removed advisory siting and design guidelines	No siting and design guidelines	Advisory siting and design guidelines	Removed advisory siting and design guidelines	

ZOAM-2020-0002, PRIME AGRICULTURAL SOILS AND CLUSTER SUBDIVISION AMENDMENTS
COMPARISON TABLE – ARTICLE 8 DEFINITIONS (5/26/2023)

Current Definition	Draft Definition
Cluster Development (AR Districts Only): A type of development design that allows for the subdivision of a tract of land with a more compact residential design plus one or more large lots suitable for rural economy uses or common open space. Land not included within lots or required for public or private streets shall be maintained as common open space. Communal water and/or sewer systems are permitted under this development type within the common open space.	Cluster Development Subdivision Option (AR Districts Only): A type of development design option that allows for the subdivision of an Originating Tract of land with that permits a <u>higher residential density and smaller lot sizes than the other subdivision options, more compact residential design plus and includes</u> one or more larger lots suitable for <u>agriculture, horticulture, and/or animal husbandry uses, other rural economy uses,</u> or common open space. Land not included within lots or required for public or private streets shall be maintained as common open space. Communal water and/or sewer systems are permitted under this development type within the common open space.
No current definition for Preservation Farm Lot	Preservation Farm Lot: A type of lot that may be created under the AR-1 or AR-2 District Cluster Subdivision Option that contains a minimum amount of Prime Farmland Soils, if such soils are present within the originating tract. The principal use of a Preservation Farm Lot is for agricultural, horticultural, and/or animal husbandry uses, and a single family detached dwelling with associated accessory uses.
No current definition for Prime Farmland Soils	Prime Farmland Soils: The original basis for the identification of Prime Farmland Soils is the "Interpretive Guide to Soils Maps, Loudoun County, Virginia", which is shown on the Loudoun County Geographical Information System (WebLOGIS). The following soil mapping units are identified as Prime Farmland Soils within Loudoun County: 3A, 7A, 13B, 17B, 23B, 28B, 31B, 43B, 45B, 55B, 70B, 70C, 71B, 76B, 90B, 93B, 94B and 95B.
Rural Economy Conservation Lands: One of the two required elements of a residential cluster option development within the AR zoning district located outside of the cluster portion and intended to accommodate rural economy and open space uses as permitted in the underlying zoning district.	Definition deleted
Rural Economy Lot: A type of lot located with an AR-1 or AR-2 District cluster subdivision. A minimum of one Rural Economy Lot is required to be located within any AR-1 or AR-2 cluster subdivision. The primary use of such lot is for rural economy uses, with residential uses permitted in association with a rural economy use	Rural Economy Lot: A type of lot located with an AR-1 or AR-2 District cluster subdivision <u>Principal/Subordinate Subdivision Option</u>. A minimum of one Rural Economy Lot is required to be located within any AR-1 or AR-2 <u>Principal/Subordinate</u> cluster s <u>Subdivision Option</u>. The primary use of such lot is for rural economy uses, with <u>a single family detached residential usesdwelling unit</u> permitted in association with a rural economy use <u>on the lot</u>.

ZOAM-2020-0002, PRIME AGRICULTURAL SOILS AND CLUSTER SUBDIVISION AMENDMENTS COMPARISON TABLE – ARTICLE 8 DEFINITIONS (5/26/2023)	
Current Definition	Draft Definition
No current definition for Rural Economy Cluster Lot	<u>Rural Economy Cluster Lot: A type of lot located within an AR-1 or AR-2 District Cluster Subdivision Option. The principal use of such lot is for rural economy uses, and a single family detached dwelling with associated accessory uses.</u>
Rural Economy Uses: An array of agricultural and equine enterprises, tourist attractions and services, and commercial businesses that are land-based, depend on large tracts of open land, and the area’s rural atmosphere.	Rural Economy Uses: <u>Agricultural, horticultural, and animal husbandry uses; tourist attractions and services; and other commercial businesses listed as permitted or permissible uses in the AR-1 and AR-2 Districts that are dependent on the rural land base for its agricultural productivity, scenic quality, and rural character to sustain business activities.</u> An array of agricultural and equine enterprises, tourist attractions and services, and commercial businesses that are land-based, depend on large tracts of open land, and the area’s rural atmosphere.

AR-1 and AR-2 Use Tables, Work Group Compromise

5/26/2023

The uses below are those uses that both the Conservation Easement group and the Agriculture Conservation Stakeholder group have agreed to add back to the Use Table for those lots within a cluster subdivision or have agreed to revise the permissibility of the use as currently drafted. Categories/Uses not listed below were uses that the two groups could not reach a compromise on as to whether the use(s) should be added back to the use table for the Cluster Subdivision Lots or whether the permissibility of the uses needed to be revised.

P =Permitted by-right, S=Permitted by Special Exception, M=Permitted by Minor Special Exception

PFL=Preservation Farm Lot, REL=Rural Economy Cluster Lot, OSL=Common Open Space Lot

Uses Directly Related to On-Site Agriculture:

Agritainment: P (PFL)

Commercial Winery with 20,000 SF or less: M (PFL, REL)

Commercial Winery, over 20,000 SF: S (PFL, REL)

Direct Market Business, sale of products produced on-site including but not limited to PYO (Pick-your own): P (PFL, REL)

Equestrian Event Facility: M (PFL, REL)

Farm Based Tourism: P (PFL, REL, OSL)

Nursery, Commercial: S (PFL, REL)

Pet Farms: P (PFL, REL, OSL)

Restaurant: P (PFL, REL)

Stable, Livery: P (PFL)

Stable, Private: P (PFL)

Veterinary Services: P (PFL)

Uses Not Directly Associated with On-Site Agriculture:

Agricultural Research Facility: P (PFL, OSL)

Animal Care Businesses: P (PFL, OSL)

Farm Machinery Repair: P (PFL)

Stable Private: P (PFL)

AR-1 and AR-2 Use Tables, Staff Additions

5/26/2023

The uses below are those uses that staff added back to the Use Table for those lots within a cluster subdivision based.

P =Permitted by-right, S=Permitted by Special Exception, M=Permitted by Minor Special Exception

PFL=Preservation Farm Lot, REL=Rural Economy Cluster Lot, OSL=Common Open Space Lot

Uses Directly Related to On-Site Agriculture:

Limited Brewery: M (PFL, REL)

Virginia Farm Winery: M (PFL, REL)

Conference and Training Centers:

Rural Corporate Retreat: M (REL)

Rural Resort: M (REL)

Recreation and Entertainment:

Eco-Tourism: M (REL)

Visitor Accommodation:

Bed and Breakfast Inn: M (REL)

ZOAM-2020-0002 Prime Agricultural Soils and Cluster Subdivision - Work Group
Key Issues – Revisions to Draft Text Language
5/9/2023

Conservation Easement Group (CE)

~~Farming Stakeholder Group (FS)~~

Agriculture Conservation Stakeholder (ACS) Groups

Representation in this work group (by Chris Van Vlack and John Lovegrove) included more than only “farming” interests. They included consistent input voiced by numerous organizations and representatives throughout the public input process for this ZOAM (ZOAM-2020-0002) and ZOAM-2020-0001 (Zoning Ordinance Rewrite).

ACS Group Introductory Comments

The ACS Group representatives came to the meeting believing that both sides were prepared to negotiate an acceptable solution for the benefit of current and future citizens of Loudoun County. ACS Group representatives were disappointed to learn that the Conservation Easement (CE) Group representatives had a different approach. The CE representatives did not agree to any compromises that moved the draft text towards the positions of the ACS Group, instead expecting the ACS Group would agree to revising the draft text per the positions of the CE group in all cases. As demonstrated on the meeting recordings, the CE Group representatives repeatedly threatened to cease all conservation easement activities in Loudoun based on their business model if their demands were not agreed to. It is important to note that despite this statement, the ACS Group represents numerous organizations that support the preservation of prime soils in the ZOAM, including those actively participating in and promoting current and future conservation easements in Loudoun.

A specific example includes the discussions on Lot Yield Calculation resulting from prime farmland protection percentage (Question 1 below) and the number of Rural Cluster Lots (RCLs, i.e., houses) per cluster before a need to start another cluster (Question 7 below).

- The ACS Group understood that the CE Group was primarily concerned about maintaining the existing lot yield calculations so that conservation easement appraisals would be unaffected by the upcoming Prime Soil/Cluster zoning requirements.
- In a good faith effort, the ACS Group researched a number of measures that could maintain lot yield. One of these was to allow a lower number of Rural Cluster Lots (RCLs, i.e., houses) per cluster before a development engineer would need to start another cluster. The effect of this change would return lot yield to the currently allowed number, by providing the development engineer options to site the RCLs in various locations on the property so that prime ag soil could be preserved.
- This effort was designed to allow both sides to agree that the 70% ag soil preservation number could remain in the ZOAM draft zoning regulations without impacting lot yield. However, at the fourth (March 30th) work group meeting the CE Group presented a surprise request by lowering their acceptable ag soil preservation number to 20%, as a clear negotiation tactic to force the ACS Group to agree to a percentage between 20% and 70%.
- The ACS Group’s response was to remind Staff and the CE Group that the ACS interests had already agreed to lower the initial requests of 85% (consistent with Rural Hamlet clustering), and were not in agreement to lower the percentage below 70%.

Key Issues – Revisions to Draft Text Language

1. **Percentage of Prime Farmland Soils on the Originating Tract to be preserved within a Cluster Subdivision:**

CE Proposal = Minimum 20%.

ACS Proposal = Minimum 70% as proposed in the current draft text

- ACS Groups originally desired preserving a minimum 80%-85% of Prime Farmland Soils, to be in line with the legacy Rural Hamlet preservation percentage of 85%.
- No data or analysis requested by the ACS Group was provided by the CE Group to justify or confirm a request for 20% minimum despite a request for this documentation.
- The original 80-85% was supported by numerous ACS Groups, who view the reduction to 70% as the lowest limit acceptable to achieve the purpose and intent of the ZOAM.

No compromise was reached between the groups.

2. **Amount of Prime Farmland Soils on Originating Tract to require Preservation Farm Lot (PFL):**

CE Proposal = Minimum of 20 acres of contiguous Prime Farmland Soils within the Originating Tract before requiring the preservation of Prime Farmland Soils on a PFL.

ACS Proposal = Minimum of 5 non-contiguous acres of Prime Farmland Soils within the Originating Tract before requiring the preservation of Prime Farmland Soils on a PFL (as proposed in the current draft text).

- The ACS Group agrees with Staff's proposal of minimum 5 non-contiguous acres of Prime Farmland Soils to achieve the purpose and intent of the ZOAM.

No compromise was reached between the groups.

3. **Minimum Lot Size of the PFL and the Rural Economy Cluster Lot (REL):**

ACS and CE agreed to retain the minimum lot sizes as currently proposed in the draft text for the PFL and REL (10 acres for an originating tract of 20 to 30 acres and 15 acres for an originating tract greater than 30 acres in the AR-1 Zoning District) (20 acres for an originating tract of 40 to 50 acres and 25 acres for an originating tract greater than 50 acres in the AR-2 Zoning District).

- It should be noted this was a compromise position by the ACS Groups.
- ACS Groups acknowledged the need for flexible farm sizes, however, other ACS Groups preferred PFL minimum lot size to be consistent with the base density in AR-1 (20 acres) and AR-2 (40 acres).
- The request to retain the base density within cluster PFL lots was to reflect the original intent of "The 200,000 Acre Solution" goals to allow for new rural economy uses INSTEAD OF subdividing land, not necessarily IN ADDITION TO subdividing through cluster development.

4. **Uses Permitted on PFLs and RELs:**

See the attached Work Group Use Table document dated 5/9/2023.

- The ACS Group clarified that the decision criteria for Uses permitted on PFLs and RELs was not only dependent on the protection of prime farmland soils.
- As a parallel effort to ZOAM-2020-0001 (ZOR), the ACS Group stated the justifications for Uses in ZOAM-2020-0002 should be in line with broad public input for ZOR.
- On this basis, the ACS Group agreed with Staff's recommendations when no clear impact to prime farmland soils was identified as an issue.

5. **Maximum Residential Cluster Lot (RCL) Size:**

ACS and CE agreed to revise the draft text to increase the maximum RCL size from 2 acres to 4 acres.

- It should be noted this was a compromise position by the ACS Group to permit greater flexibility for cluster layout to better accommodate on-site drainfields.

6. **Allowance of Drainfields for RCLs on Open Space Lots (OSL):**

ACS and CE agreed to retain the draft text as currently proposed that permits drainfields for a maximum 70% of the RCLs to be located on OSL.

- ACS Group agreed to allowing some cluster drainfields on OSL only IF this helped meet the goal of maintaining the percentage of prime ag soils in the draft staff proposal.

7. **Number of RCLs in a Grouping:**

ACS and CE agreed to revise the draft text to permit multiple groupings within a single Cluster Subdivision with a single grouping permitted to contain a minimum of 5 lots and a maximum of 25 lots.

- It should be noted the ACS Group agreed to this change after consultation with a development engineer active in designing cluster subdivisions in Loudoun who stated that this would enable the percentage of prime ag soils to be maintained from the draft staff proposal.
- The ACS Group primarily agreed to lower the minimum number of RCLs before a new cluster can be established from 25 to 5 as a good faith effort to provide flexibility to preserve the 70% prime soils, which was rejected by the CE group.
- If the percentage of prime soils is not maintained from the staff draft, the ACS group recommends that the current requirement of 25 RCLs remains in the proposed text.

ACS and CE agreed to revise the draft text to remove the option of the Zoning Administrator to adjust the RCL grouping.

- It should be noted this was a compromise position by the ACS Group to make the process presumably less costly and cumbersome (as stated by the CE Group).
- The ACS Group compromised to allow the Developer/Easement group flexibility in designing the clusters to enable meeting the percentage of prime ag soils protection without having to consult county staff on each instance.

8. **Distance between Groupings of RCLs:**

ACS and CE agreed to revise the draft text to increase the distance between groupings of RCLs from 100 feet to 250 feet.

- The ACS group has no problem with a smaller distance between groupings of Cluster lots if that smaller distance allowed is for the preservation of prime ag soils.

9. **Delineation of Prime Farmland Soils:**

ACS and CE agreed to revise the draft text to make the Preliminary Soils Review an option rather than a requirement.

- It should be noted this was a compromise position by the ACS Group to reduce costs for the CE/Development group.
- Based on Loudoun Soil & Water Conservation District knowledge and expertise, the ACS group felt as though the soils maps are sufficiently accurate to define areas of prime soils in most cases.

10. **Advisory Cluster Subdivision Siting and Design Guidelines:**

CE and ACS agreed that the Advisory Cluster Subdivision Siting and Design Guidelines are subjective and need to either be (1) removed from the draft text language, (2) add language that these are best practices only, or (3) add incentives or give credit by relaxing other requirements within the cluster subdivision.

- It should be noted this was a compromise position by the ACS Group to provide the CE/Development group more flexibility and reduced cost, and meet the goal of protecting the minimum percentage of prime ag soils proposed by staff in their second draft.

Work Group Compromise, Use Table (5/9/2023)

Agriculture Conservation Stakeholder (ACS) Groups – Introductory Comments

The ACS Group largely agreed with Staff's original proposed list of Uses. The ACS Group agreed to compromise on some Uses it felt could be compatible with the denser cluster development environment. In the case of Uses on the PFLs, these were agreed to for those Uses directly using the prime ag soils or were directly related to other uses that would benefit from the prime ag soils.

For example,

- A wayside stand must be used to sell mostly product grown on the farm where the stand is sited, so the ACS Group felt it was wise to make those by-right.
- Alternatively, many other uses were either too intense for a cluster subdivision OR had no connection to the preservation of prime agricultural soils (uses such as amphitheater, wetlands mitigation bank, etc)

The ACS Group disagreed with the CE/Development group proposal to allow all uses listed for AR-1 and AR-2 districts to be permitted on PFL and REL lots. The ACS Group stated this would in many ways defeat the purpose of protecting parcels of prime ag soils for uses that have a connection to agriculture, and conflict with public input for the zoning ordinance rewrite.

The ACS Group strove to represent a diverse group of farming and conservation interests, but we recognize that some of the groups from our community may not support the compromises the representatives made with the Easement/Development group. In cases where some ACS Group interests feel the working group went too far, the ACS Group representatives (Van Vlack and Lovegrove) support the ability of these groups to provide direct input to staff, commissioners and supervisors once the new staff proposal is released.

DPZ STAFF COMMENTS

NOTE: The uses highlighted in green below are those uses that both the Conservation Easement group and the Agricultural Conservation Stakeholder Groups (ACS) have agreed to add back to the use for those lots within a cluster subdivision or have agreed to revise the permissibility of the use as currently drafted. Categories/Uses not listed below were uses that the two groups could not reach a compromise on as to whether the use(s) should be added back to the use table for the Cluster Subdivision Lots or whether the permissibility of the uses needed to be revised.

P=Permitted by-right, S=Permitted by Special Exception, M=Permitted by Minor Special Exception

Uses Directly Related to On-Site Agriculture:

Agritainment: P

Commercial Winery < 20K: M

- ACS Group agrees to adding option for Minor Spex for REL, not for PFL

Commercial Winery > 20K: S

- ACS Group agrees to adding option for SPEX for REL, not for PFL. Both of these caveats reflect staff's original proposal, as well as the fact that commercial wineries do not require onsite agricultural production, but Farm Wineries do.

Direct Market Business, sale of products produced on-site: P

Equestrian Event Facility: M

- ACS Group agrees to minor SPEX but will defer to input from the Loudoun Equine Alliance once the item moves forward.

Farm Base Tourism: P

Nursery Commercial: S

- ACS Group agreed to SPEX instead of as a permitted use due to the fact commercial nurseries do not have to utilize any on site growing of their nursery stock as opposed to "nursery production" which we agreed should be permitted by right.

Pet Farms: P

Restaurant: P

Stable Livery: P

Stable Private: P

Veterinary Services: P

Wayside Stand: P

Uses Not Directly Associated with On-Site Agriculture:

Ag Research Facility: P

Animal Care Businesses: P

Farm Machinery Repair: P for REL

Stable Livery: P for REL

Stable Private: P



To: Jacob Hambrick

From: Kevin Murray

Re: Prime Soils Work Group – Unresolved Issues – Conservation Easement Perspective

Date: May 25, 2023

The Prime Soils Workgroup (PSW) had five (5) meetings from 000000 to 0000000. The PSW was directed by the Board of Supervisors to formulate revisions to proposed prime soils ZOAM text, which would preserve prime farmland soils in cluster subdivisions but would not reduce development potential nor significantly increase development costs. In that regard, the Board recognized the adverse impact the proposed ZOAM would have on the proven success of conservation easements in Loudoun County.

While the PSW found common ground on the value of prime agricultural soils to the County, fundamental differences exist between the Farming Stakeholder (FS) group and the Conservation Easement (CE) group regarding the appropriate means and methods to preserve prime farmland soils. The CE group approached the PSW meetings with the perspective of identifying Practical Preservation mechanisms while the FS group was entrenched in the perspective that the proposed ZOAM was fully adequate and appropriate to meet those preservation objectives.

For example, the CE group started discussions by identifying gross fallacies in the proposed AR District Use table that would substantially and negatively impact the desirability, marketability, and valuation of Preservation Farm Lots (PFL) and Rural Economy Lots (REL). The FS group initially objected to this concern. It was only after showing example after example of how prohibited uses were actually beneficial to the farming activities that the FS group began to consider the use changes proposed by the CE group. While there were a few uses that the FS group agreed to add back as either permitted, special exception, or minor special exception uses, the FS group was unwilling to consider many other uses that had previously been allowed within the AR districts.

A) Regarding those Uses that the PSW did not find common ground: The CE group felt strongly that the Board of Supervisors should keep the Use Types currently available in the AR districts for the following reasons:

- 1) The current AR District text permits these uses and for the most part, the uses have not created problems within the AR districts.
- 2) Significantly narrowing the uses that are permitted on AR zoned properties encumbers future land/lot owner's options to put their land into productive, economically beneficial

use. Reducing a property owner's options would have a negative impact on the future desirability, marketability, and value of that land.

- 3) A landowner who elects to place their property in a conservation easement at some point in time will want or need to sell the property to recapture a portion of their investment. If a property has very limited use options, the number of potentially interested buyers of that property is similarly reduced. This reduction in marketability negatively impacts the future value of the land under conservation easement, and thus reduces the value of the conservation easement and potentially the value of the easement's tax benefits.
- 4) The ZOAM's proposed minimal list of acceptable uses does not recognize the potential changes in demand for the variety of agricultural activities that will likely occur in the future. For example, the ZOAM excludes a Sawmill use. While there may not be a large demand for sawmills today, the recent closing of the only commercial sawmill in the County (Riverbend) leaves no local resource for that activity. From a conservation and sustainability perspective, a sawmill is an important resource that allows re-use of forest materials rather than disposal or burning of that resource. Having local options for sawmill operations also reducing the carbon footprint associated with trucking those materials to sawmills outside the County. Again, just because there may not be a high demand today for a given use, that does not mean that there will never be a demand in the future that would benefit the overall agricultural community.
- 5) Agricultural Support Services Directly Related vs Not Directly Related to On-Site Ag activity: Farming (and farmers) are often viewed by the general public as a self-sufficient, raised by your own bootstraps, lifestyle. The reality is that while farming does require a strong self-motivated constitution, successful agricultural enterprises are dependent on a network of supporting businesses and outlets for goods and services. As such, it's important that the agricultural community have the flexibility to operate uses that are directly involved with on-site agricultural activities as well as those agricultural activities that occur off-site. For example, not every ag operator will want or even necessarily be capable of providing Farm Machinery Repair support to the broader ag community, but some will. Excluding these types of uses as an option for Preservation Farm Lots unreasonably throttles the economic vitality of the AR districts.
- 6) Agriculturally zoned land in Loudoun County reflects a significant portion of the landowners' net worth. Eliminating potential uses reduces the value of that land and undermines the investment those landowners have made in their property, essentially slashing a major component of their family's savings. In many cases the value of a family's land constitutes a significant portion of their retirement savings. The County should not adopt zoning regulations that essentially devalue landowner's land assets.
- 7) For all of the reasons and examples stated above, the CE group strongly recommends that the Use Types allocated to the various Use Categories in the current zoning ordinance be retained in the new zoning ordinance. Each time a use is removed from the Permitted, Special Exception, or Minor Special Exception list, the conservation value as well as the land asset value is reduced.

B) Regarding Percentage of Prime Farmland Soils to be Preserved in Cluster Subdivisions

1) The currently proposed preservation of 70% of Prime Farmland Soils (PFS) would have a dramatic negative impact on the potential number of Rural Economy Cluster Lots achievable in most subdivisions:

- The number of lots theoretically achievable has a direct and proportional correlation to the value of a conservation easement's tax credits. Those tax credits are a significant motivating factor for a landowner to consider placing their land in a conservation easement.

- Setting aside 70% of PFS severely restricts the amount of land remaining available for septic systems. This reduction in availability of land suitable for septic systems either eliminates potential lots or requires a septic system that a) is much more costly to install; b) is much more expensive to maintain; and c) is fraught with a higher potential for failure.

- Setting aside 70% of PFS results in longer stretches of roadway to access the Rural Economy Cluster lots. Longer roads mean increased construction costs which adversely impacts the conservation easement value. Longer roads also increase impervious surfaces requiring more stormwater management measures, increased costs, and further reductions in conservation easement values.

- Setting aside 70% of PFS results in Rural Economy Cluster lots needing to be spaced apart rather than grouped together. This results in additional stormwater management facilities, increased costs, and results in lowered conservation easement values.

- Setting aside 70% of PFS pushes the Rural Economy Cluster lots into environmentally sensitive areas such as steeper slopes, forests, and soils sensitive to erosion. In addition to the obvious environmental impacts, construction costs are significantly increased which lowers conservation easement values.

- Setting aside 70% of PFS moves the Rural Economy Cluster lots closer to desirable environmental features such as wildlife habitat, wetlands, streams, woodlands, ponds, etc. There will be impacts to those environmental features that will likely result in losses that cannot be mitigated.

C) Regarding the Amount of PFS triggering the Requirement for PFS preservation

- The current criteria of 5 non-contiguous acres of PFS forcing preservation in a Prime Farmland Lot is onerous and overly restrictive.

- Many parcels of land have slender bands of PFS that are not contiguous, sometimes as small as an acre or less. Again, the CE supports "Practical Preservation" measures. Capturing very small areas of PFS for future farming activity is an unrealistic perspective. Future farming uses are going to be looking for larger, contiguous areas of PFS where their time, effort, and resources are going to yield the best return.

- A “Practical Preservation” vision for PFS would entail setting aside sufficiently large contiguous areas of PFS that can be farmed efficiently and productively. CE recommends that a preservation threshold of 20 contiguous acres be adopted. This size (20 acres) would be very attractive to future farming and related agricultural operations, certainly more so than small bands of disconnected PFS captured within a PFL that likely contains a significant portion of lesser desirable soil types.

- “Practical Preservation” concepts should also take into consideration the size of an originating tract. Unless an originating tract has a significant portion of its land area in contiguous PFS, it is unlikely to yield a desirable or marketable Preservation Farm Lot. Creating a Preservation Farm Lot for the sake of capturing small areas of disconnected PFS lessens its practical utilization in the future for efficient and cost-effective farming. This reduces the potential number of interested buyers which reduces the value of that lot and proportionately reduces the value of the conservation easement. Applying the PFS preservation concepts to larger originating tracts would increase the potential for practical preservation and successful future agricultural activity. It is recommended that the PFS preservation criteria be applied to originating tracts 100 acres or larger.

Thank you for your consideration of these concerns and recommendations. I apologize for the length of this memo, but the concerns of the CE group are very deep and nearly impossible to summarize in a brief statement. As currently written the cluster ZOAM would have significant and dramatic negative impacts on the desirability of conservation easements in Loudoun County. The CE group has already been advised by major conservation easement donors that if the proposed ZOAM is adopted, they will terminate most if not all their current conservation easements in process and will instead refocus their conservation efforts in other jurisdictions. This would be an unfortunate unintended consequence, especially in light of the extremely successful history of the conservation easement program in Loudoun that has already preserved many times the land area of prime farmland soils that has purportedly been impacted by residential subdivisions.

Additional Points Raised by CE

- Virginia Runoff Reduction Method (VRRM) Easements within Cluster Subdivisions
 - o 70% Preservation of Prime Farmland Soils will limit the area the developer can use to voluntarily provide VRRM easements to treat stormwater quality instead of providing other stormwater treatment options such as dry/wet ponds
 - o Limits active land disturbing
 - o Staff Response: Staff acknowledges that this requirement of preserving Prime Farmland Soils may limit possibilities for the developer to treat onsite stormwater through VRRM easements, however, there are other options available to address the treatment of stormwater.
- Length/Width Ratio for REL and PFL
 - o Remove the length/width ratio requirement
 - o Staff Response: Current draft text does not require length/width ratio for the PFL or REL
- Site Access Language (Section 2-103(C)(11)(b))
 - o What is the purpose of the proposed text changes to this Section?
 - o Staff Response: This language was added to clarify how the maximum number of lots on a private access easement is calculated, based on previous litigation and a recommendation of County Attorney's Office .
- Permanent Open Space Easement (POSE)
 - o Will POSE be applied to the entire PFL or only a portion that does not include the permitted single-family dwelling and associated accessory structures.
 - o Staff Response: POSE is proposed to apply to the entire PFL. Language in the deed would be specific to those uses permitted within the PFL as stated within the "Use Table" (Section 2-102).
- Length of Road (FSM Requirement)
 - o Maximum length of single road of 3,500 feet can be challenging to meet.
 - o Staff Response: This is an FSM requirement and is not being amended at this time.
- Plat of Subdivision v. Subdivision Plat
 - o Does the change from "Plat of Subdivision" to "Subdivision Plat" encompass all subdivision application types?
 - o Staff Response: Yes, it applies to all subdivision application types. This proposed text change was recommended by the County Attorney's Office.
- Section 2-103(C)(1)(c)(i), Creation of All Lots at One Time
 - o Why is this the case? Why not allow the phasing of lots?
 - o Staff Response: It avoids the complex task of tracking all the applicable requirements of the cluster supervision with each phase.