LOUDOUN VALLEYS

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BUILDING AND DEVELOPMENT

November 10, 2005

The Honorable Scott York
Chairman, Loudoun County Board of Supervisors
1 Harrison St, SE, 3rd Floor
PO Box 7000
Leesburg, VA 20177-7000

Re: REDC Comments on Staff Draft Zoning Ordinance Changes for AR-1 and AR-2 and Use List and Performance Standards Recommendations

Dear Mr. York:

This letter is respectfully submitted in response to the June 2005 request from the Loudoun County Board of Supervisors (BOS) seeking recommendations from the Rural Economic Development Council (REDC) regarding zoning for the Rural Policy Area and the associated Use List and Performance Standards.

I am very pleased to note that after 9 months of work to gather input from rural business owners, the tourism industry combined with the expertise of the Zoning Ordinance Review Committee (ZORC) has resulted in unprecedented collaboration between the Loudoun Convention and Visitors Association (LCVA), ZORC and REDC. Our combined recommendations are a comprehensive package that addresses the needs of rural businesses balanced with residential development and are contained in the "ZORC Option 1 Report" submitted to the BOS on September 8, 2005.

The REDC would further like to commend the Zoning Staff on their implementation of the BOS direction to draft language in support of Option 1. After reviewing the County staff draft on October 26 and November 7, 2005 with the Zoning Administrator, the REDC would like to highlight the following differences in the staff draft and the joint recommendations of ZORC, REDC and LCVA as follows:

Minimum Cluster Lot Size: REDC originally recommended no minimum lot size for cluster lots in cluster subdivisions as long the cluster lot or HOA common area could support the associated well and septic requirements. Although Option 1 recommended a 2 acre minimum, and the staff draft recommends a minimum 80,000 sq. ft. lot size for cluster lots, we think that a two acre minimum lot size for cluster subdivisions would defeat the purpose of clustering and may require additional land be taken up in cluster lots that could be reserved for rural economy uses. Cluster lots, by design, are a suburban development pattern within a rural landscape and enabling those lots to be as small as possible would make more land available to meet setback and buffering requirements from neighboring rural economy uses. In addition, we note that the minimum lot size for rural hamlets under A-3 zoning was considerably smaller than one acre, and that the AR-1 and AR-2 district regulations used to have no minimum lot size. In compromise, the REDC has aligned with the following ZORC recommendation:

Recommendation: Use a one acre (or 40,000 square foot) minimum lot size for cluster lots in AR-1 and AR-2 cluster subdivisions.

ATTACHMENT 17

A-443

Use of HOA Common Area for Septic Fields Serving Cluster Lots: We differ in the treatment of well and septic in cluster subdivisions. REDC/ ZORC recommend that septic systems serving cluster lots be on the cluster lots or on common area owned by the HOA (but not on Rural Economy/Conservancy lots). Staff's draft would allow communal treatment systems on HOA common area, but would not allow individual septic fields on HOA common area. REDC/ZORC feels that it would be a major mistake not to allow some level of off site septic fields to be located on HOA owned land. The zoning ordinance has for many years allowed septic fields (or backup fields) serving cluster lots to be put on HOA common area, and we believe it would be a major, and ill-advised, change in policy, to change this established practice.

Recommendation: Allow primary or reserve septic fields serving cluster lots to be located on HOA-owned common areas, but not on Rural Economy or conservancy lots.

Use of Major Flood Plain for Density Computation. The staff draft does not provide density credit for major floodplain in computing the allowed number of lots in the AR-1 and AR-2 zoning districts. It is the ZORC's and REDC's understanding that, at the October 26 ZORC meeting, staff agreed that major flood plain should be taken into consideration for purposes of determining density allowed in the AR-1 and AR-2 districts. It was our impression that the staff draft would be revised to reflect this but want to be sure to call this to the attention of the BOS.

Recommendation: Allow major flood plain to be included in parcel size in determining allowed density of development in the AR-1 and AR-2 zoning districts.

Use List and Performance Standards. The staff draft did not address Uses and Performance Standards. We believe that the ZORC/REDC recommendations, which are based on months of work as noted above, must be included in the ordinance changes to have a viable Rural Economy.

Recommendation: Combine the staff draft language with the ZORC/REDC draft language so that the Board of Supervisors may advertise and enact a comprehensive revision to the zoning of Western Loudoun County.

In summary, the REDC recommends that the entirety of the ZORC Option 1 Report of September 8, 2005 should be incorporated into the Notice of Intent to Amend. The REDC further proposes a joint work session(s) with the ZORC, LCVA and staff to review our recommendations and we look forward to assisting in such a way as may be convenient for the Board of Supervisors.

Sincerely yours,
Rural Economic Development Committee

By: _____
Kate Zurschmeide, Chair

Cc: Loudoun County Board of Supervisors
Linda Neri, Deputy County Administrator
John R. Roberts, Esq. County Attorney
Melinda Artman, Zoning Administrator
Robert M. Gordon, Chair, Zoning Ordinance Review Committee
Cheryl Kilday, CEO Loudoun Convention and Visitors Association
Rural Economic Development Council