
MEMORANDUM

To: Planning Commission
From: Planning and Zoning Staff
Date: October 31, 2022
Re: November 14, 2022, Public Hearing Items

Tentative Agenda

1. [Review and Renewal, Modification or Termination of the Oatlands Agricultural and Forestal District](#)

Application Numbers: AGDT-2022-0090 through AGDT-2022-0114
Staff Contact: Rachael Iwanczuk
Election Districts: Catoctin
Outstanding Issues: None
Status: Ready for Planning Commission recommendation

2. [Review and Renewal, Modification or Termination of the New Lucketts Agricultural and Forestal District](#)

Application Numbers: AGDT-2022-0055 through AGDT-2022-0089
Staff Contact: Rachael Iwanczuk
Election Districts: Catoctin
Outstanding Issues: None
Status: Ready for Planning Commission recommendation

3. [Interconnection Substation](#)

Application Number: SPEX-2022-0037
Staff Contact: Bryce Johnson
Election District: Broad Run
Outstanding Issues: None
Status: Ready for Planning Commission recommendation

4. [Prime Agricultural Soils and Cluster Subdivision ZOAM](#)

Application Number: ZOAM-2020-0002
Staff Contact: Jacob Hambrick

Election District: Blue Ridge and Catoctin
Outstanding Issues: Yes
Status: Ready for Planning Commission discussion

Applicant, location, purpose and other project details are summarized on subsequent pages. Applicant submissions and staff referrals can be viewed online at www.loudoun.gov/lola; enter the application name or number, and hit search.

AGDT-2022-0090 through AGDT-2022-0114, Review and Renewal, Modification or Termination of Oatlands Agricultural and Forestal District

Election District: Catoctin
Staff Contact: Rachael Iwanczuk (Rachael.Iwanczuk@Loudoun.gov)
Applicant Representative: NA

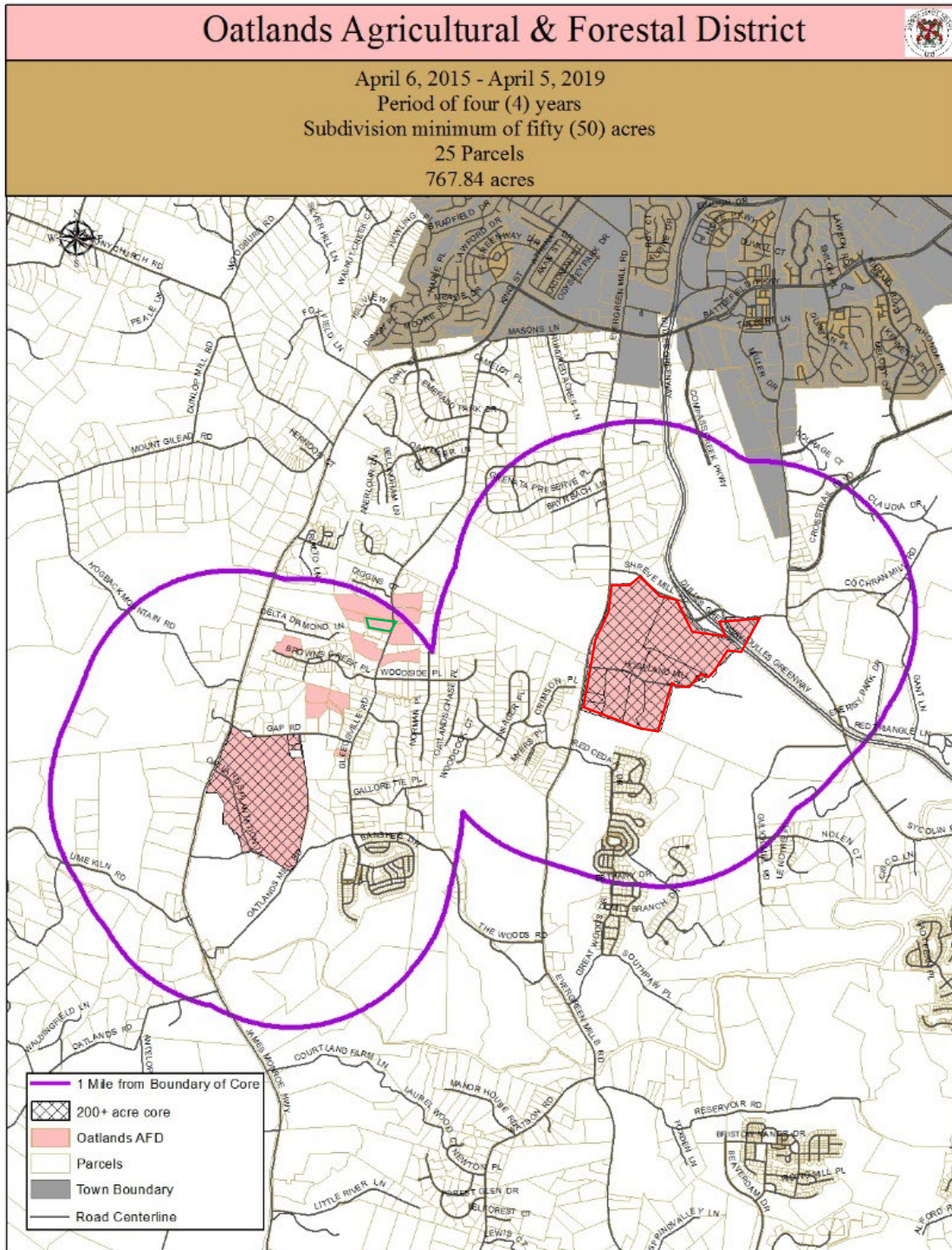
Request: To seek Planning Commission (Commission) recommendation to the Board of Supervisors (Board) for action on the review and renewal, modification or termination of the Oatlands Agricultural and Forestal District (District) prior to the District's expiration on April 5, 2023.

Application Status: The Agricultural District Advisory Committee (ADAC) considered the application at a meeting on September 19, 2022, and voted 5-0-2 (Kershner, Walbridge absent) to recommend renewal for a four-year period to the Board. Staff is supporting a recommendation to renew the AFD to include 15 parcels, with the same period before the next review of the District of four (4) years, to prohibit subdivision through clustering, and to continue to require any subdivisions or adjustments to parcels enrolled in the District to meet the current Zoning Ordinance requirements or a minimum of 50 acres, whichever is greater. The landowner of nine parcels submitted by-right notices of withdrawal. The landowner of one parcel did not submit the required renewal application and the parcel is not recommended for renewal.

The applicant has not held any community meetings. Staff has received zero comments on the Loudoun Online Land Applications System (LOLA).

Applications and land management plans can be viewed online at <https://www.loudoun.gov/adac> (9-19-2022 ADAC Meeting under Agendas and Bylaws).

Outstanding Issues: None. The application is ready for a Commission recommendation.



Department of Planning and Zoning

Map Number: 2018-247, Date: August 2, 2018

Parcels outlined in red have submitted Notices of Withdrawal and parcel outlined in green recommended for nonrenewal due to failure to properly reapply.

AGDT-2022-0055 through AGDT-2022-0089, Review and Renewal, Modification or Termination of New Lucketts Agricultural and Forestal District

Election District: Catoctin
Staff Contact: Rachael Iwanczuk (Rachael.Iwanczuk@Loudoun.gov)
Applicant Representative: NA

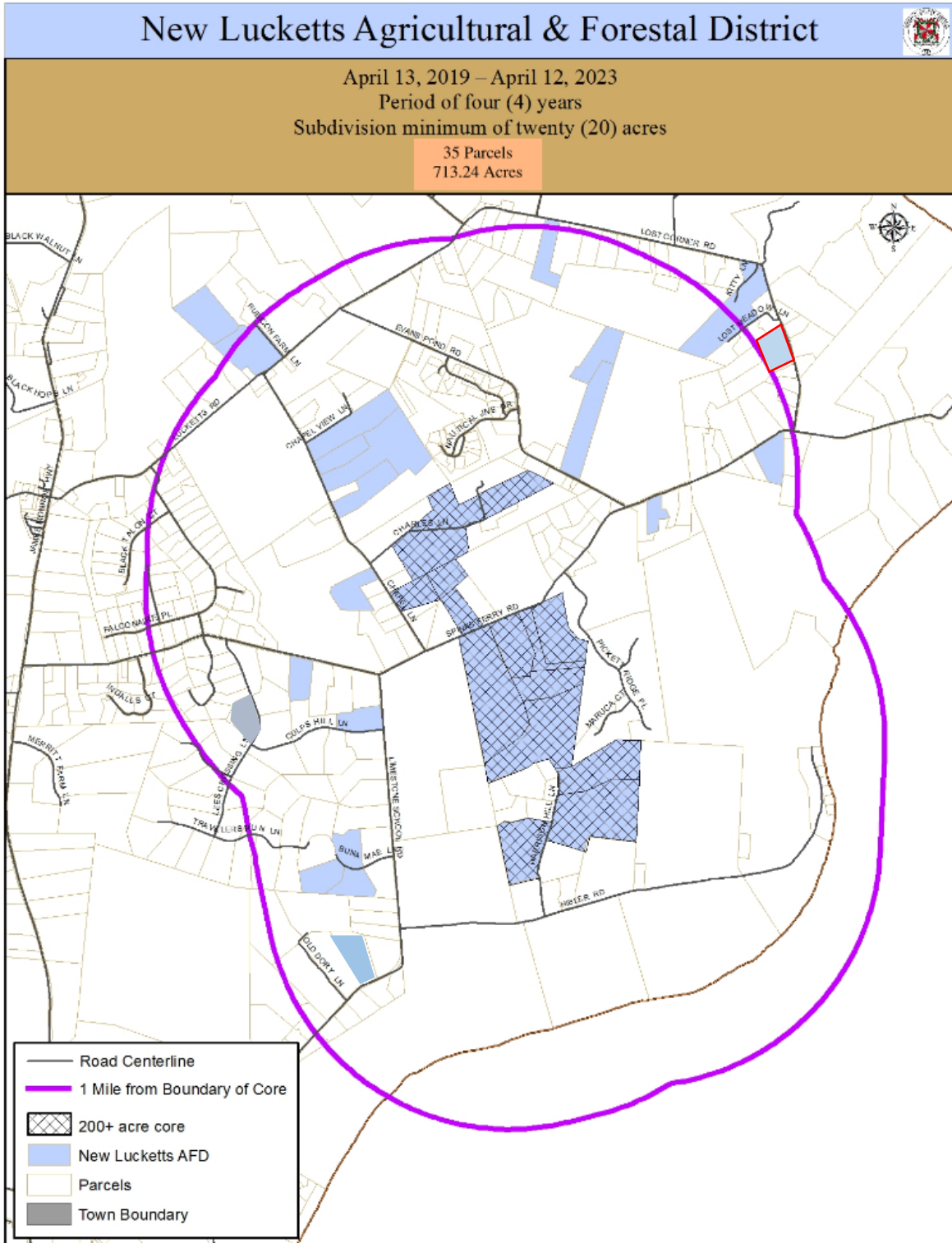
Request: To seek Planning Commission (Commission) recommendation to the Board of Supervisors (Board) for action on the review and renewal, modification or termination of the New Lucketts Agricultural and Forestal District (District) prior to the District's expiration on April 12, 2023.

Application Status: The Agricultural District Advisory Committee (ADAC) considered the application at a meeting on September 19, 2022, and voted 5-0-2 (Kershner, Walbridge absent) to recommend renewal for a four-year period to the Board. Staff is supporting a recommendation to renew the AFD to include 34 parcels, with the same period before the next review of the District of four (4) years, to prohibit subdivision through clustering, and to continue to require any subdivisions or adjustments to parcels enrolled in the District to meet the current Zoning Ordinance requirements or a minimum of 20 acres, whichever is greater. The landowner of one parcel submitted a by-right notice of withdrawal. All other landowners of parcels between five and 20 acres submitted the required renewal application.

The applicant has not held any community meetings. Staff has received zero comments on the Loudoun Online Land Applications System (LOLA).

Applications and land management plans can be viewed online at <https://www.loudoun.gov/adac> (9-19-2022 ADAC Meeting under Agendas and Bylaws).

Outstanding Issues: None. The application is ready for a Commission recommendation.



Department of Planning and Zoning

Map Number: 2019-266, Date: July 2, 2019

Parcel outlined in red has submitted Notice of Withdrawal

SPEX-2022-0037, Interconnection Substation

Election District: Broad Run
Staff Contact: Bryce Johnson, AICP (Bryce.Johnson@Loudoun.gov)
Applicant Representative: Andrew Tull, Dewberry

Request: To consider a Special Exception (SPEX) to increase the floor area ratio (FAR) from 0.6 to 0.63 for an enclosure associated with a substation use. The SPEX would permit approximately 13,000 square feet (SF) of development limited to a utility substation use, in addition to the approximately 265,948 SF of data center use already developed on the subject property.

Staff notes the Planning Commission previously approved the substation use via CMPT-2021-0010 on [March 22, 2022](#), and the Board of Supervisors approved modified buffers for the substation on [May 11, 2022](#). The proposed SPEX is limited to permit a 13,000 SF increase in developable area.

Application Status: Staff has recommended draft Conditions of Approval which limit the FAR increase to utility substation use only.

The applicant has not held any community meetings. Staff has received one comment on the Loudoun Online Land Applications System (LOLA).

County agency referral comments and applicant documents (i.e., statements of justification, responses to staff comment, supplemental studies, revised plats, etc.) can be viewed online at www.loudoun.gov/lola; search "SPEX-2022-0037."

Outstanding Issues: As conditioned, the application is consistent with the Zoning Ordinance criteria for evaluation of SPEX applications, and the Suburban Employment Place Type.¹

¹ Criteria for evaluation are located in Zoning Ordinance Section [6-1309](#) (SPEX).

Interconnection Substation - Project Summary

Applicant
 Mark Allen
 Dominion Energy Virginia

Representative
 Andrew Tull
 Dewberry Engineers, Inc.
 703-840-1926
atull@dewberry.com

Acceptance Date
 August 18, 2022

Critical Action Date
 January 11, 2022

Subject Property
 Primary Address: [21529 Beaumeade Circle, Ashburn, VA 20147](#)
 PIN(s): 042-15-2579

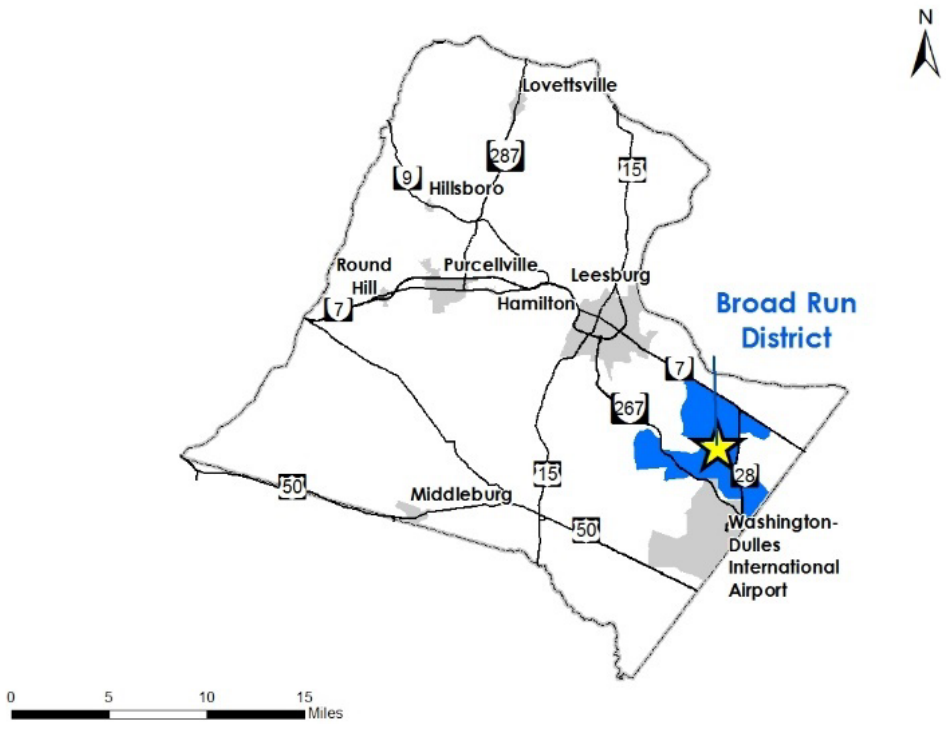
Total Project Acreage
 10.18

Current Zoning ([Revised 1993](#))
 Planned Development – Industrial Park (PD-IP)

Overlay Zoning District(s)
 Airport Impact (AI) Overlay District, between the Ldn 60-65 aircraft noise contours, and outside of but within one mile of the Ldn 60 aircraft noise contours; Floodplain Overlay District (FOD); Route 28 Optional Overlay District

[Place Type and Planned Density](#)
 Suburban Employment Place Type - Office, production, flex space, and warehousing uses at up to a 1.0 floor area ratio.

Location Map



Proposed Use

13,000 SF of utility substation, distribution use at a total floor area ratio of 0.63 for the entire property.

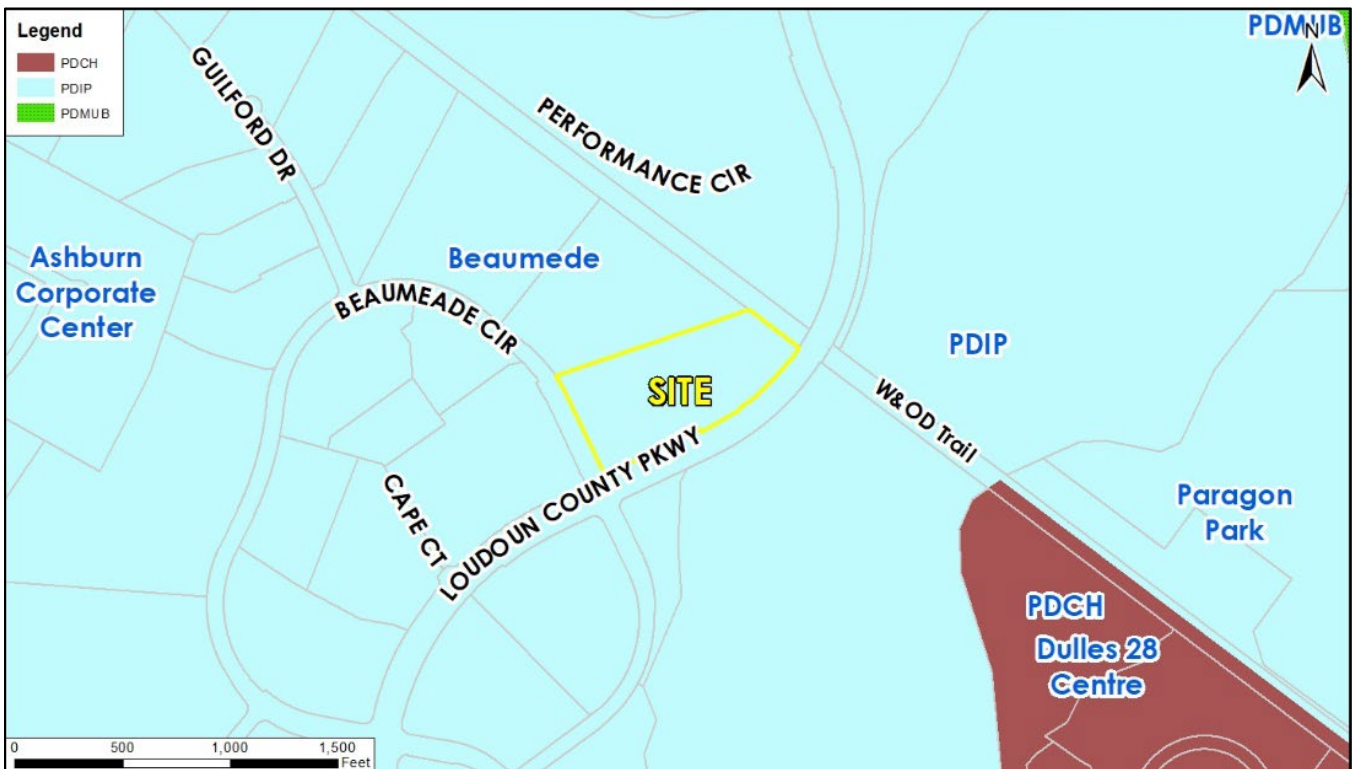
Surrounding Uses

	Land Use	Zoning Districts	Place Type
North	W&OD Trail; Data center	PD-IP	Suburban Employment
South	Data center (under development)	PD-IP	Suburban Employment
West	Industrial and office uses	PD-IP	Suburban Employment
East	Golf course	PD-IP	Suburban Employment

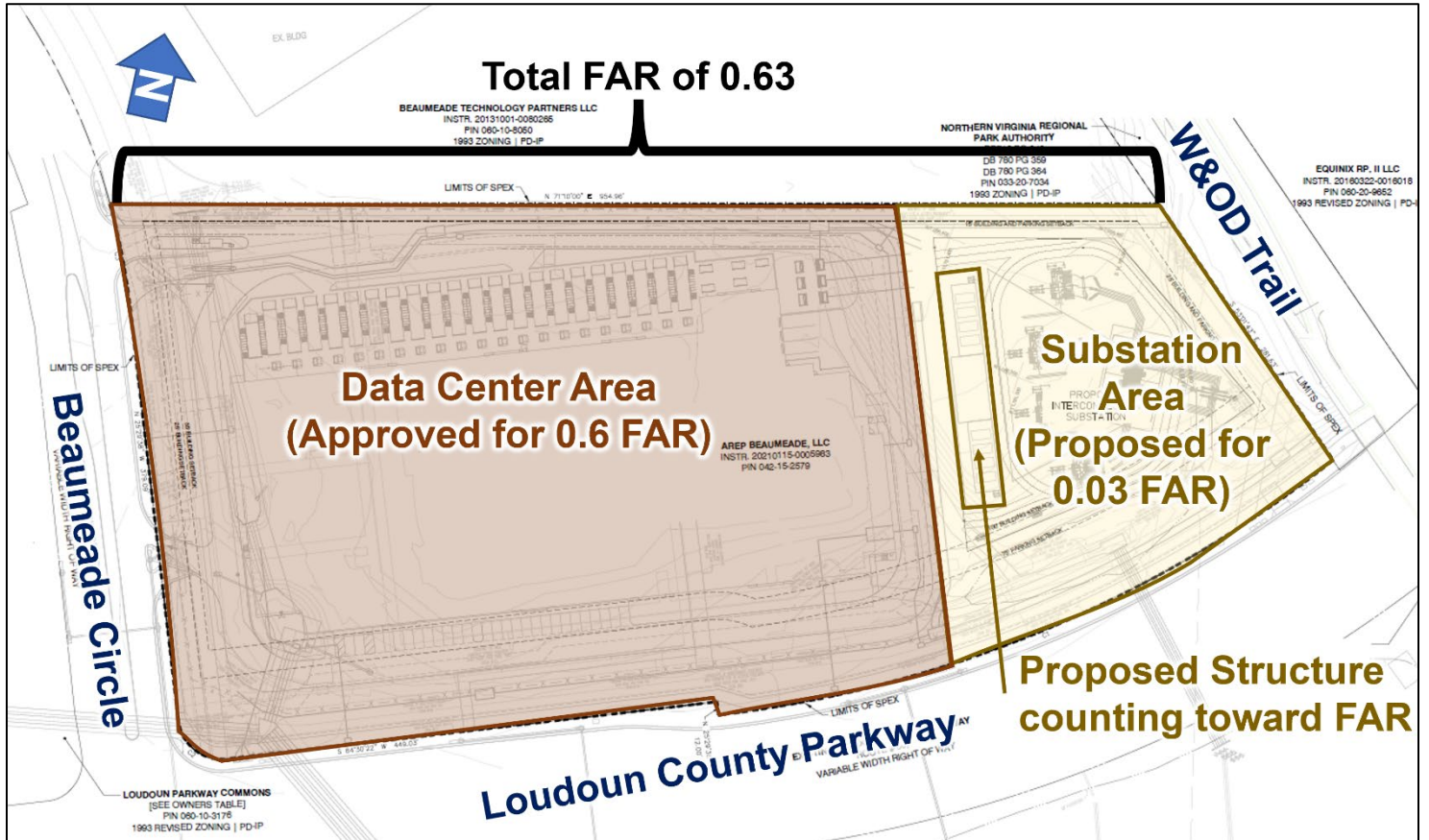
Vicinity Map



Zoning Map



Special Exception Plat (Annotated)



ZOAM-2020-0002, Prime Agricultural Soils and Cluster Subdivisions

Election District: Blue Ridge and Catoctin

Staff Contact: Jacob Hambrick, Sr. Planner (jacob.hambrick@loudoun.gov)

PURPOSE: To amend the *Loudoun County Revised 1993 Zoning Ordinance (Zoning Ordinance)* to preserve prime agricultural soils, improve cluster development design, and ensure the success of rural economy uses in the Agricultural Rural – 1 (AR-1) and Agricultural Rural – 2 (AR-2) zoning districts in the Rural Policy Area (RPA) as directed by the approval (9-0) of a [Board Member Initiative \(BMI\) on June 16, 2020](#) and the Board approval (9-0) of a [Resolution of Intent to Amend \(ROIA\) on June 21, 2022](#).

Application Status: Staff supports a Planning Commission (Commission) recommendation of approval to the Board of Supervisors (Board) of the draft text for ZOAM-2022-0002 following Commission direction on the outstanding issues.

County agency referral comments, the proposed draft text, and other documents can be viewed online at www.loudoun.gov/lola; search "ZOAM-2020-0002."

Outstanding Issues: The following outstanding issues have been identified during the referral and public outreach phases.

1. Permitted and Special Exception Use on Specific Lot Types:

During the referral process and throughout the public outreach portion of the project, groups such as Loudoun Soil and Water Conservation District (LSWCD), Rural Economic Development Council / Ad Hoc Committee (REDC), Loudoun County Preservation & Conservation Coalition (LCPCC), Farm Bureau, Save Rural Loudoun (SRL), Piedmont Environmental Council (PEC), and Loudoun County Equine Alliance (LCEA), expressed the need to amend the permitted or special exception (SPEX) uses for the Preservation Farm Lot and Rural Economy Cluster Lot, namely those within the Agriculture Support and Services Related and Not Related to Agriculture, Horticulture and Animal Husbandry Activity On-Site.

Staff Recommendation: Staff recommends the permitted and SPEX uses within the Preservation Farm Lot be limited to those uses purely related to agriculture, horticulture, and animal husbandry uses which directly benefit from the preservation of the prime farmland soils preserved within the Preservation Farm Lot. Staff also recommends the permitted and special exception uses within the Rural Economy Cluster Lot be limited to those that add to the rural economy of the surrounding area while also being compatible with the Residential Cluster Lots within the cluster subdivision. Those uses that are more intense, such as wineries and breweries, are important to the rural economy; however, they would best be suited on the lots within the AR-1 and AR-2 zoning districts that are not part of cluster development within a compact

neighborhood setting. As an alternative, the Commission could recommend allowing these uses with the approval of a SPEX or Minor Special Exceptions (SPMI) to allow for the ability to address compatibility issues by imposing conditions.

2. Percentage of Prime Farmland Soils to be Preserved: One of the goals of the BMI was to require rural economy lots to contain a certain percentage of prime agricultural soils. Throughout the referral process and the public outreach portion of the project, the amount of prime agricultural soils to be preserved has been debated. The desired minimum amount of preserved prime agricultural soils, by the outreach groups and stakeholders, has ranged from 50 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 groups support preserving a minimum of 50 percent of prime farmland soils out of concern that a higher percentage will impact the potential lot yield of the Originating Tract of land, thus affecting the value of the property and possibly disincentivizing landowners from placing land within conservation easements, which play a vital role in preserving prime farmland soils. The Public Hearing staff report will provide information regarding the amount of prime farmland soils in the AR-1 and AR-2 Zoning Districts that are not located within developed land and within existing conservation easements.

Staff Recommendation: Currently, the Zoning Ordinance does not require any preservation of Prime Farmland Soils. Staff recommends the minimum percentage of prime agricultural soils to be preserved, within the Preservation Farm Lot, be based on the percentage of Prime Farmland Soils contained within the Originating Tract being subdivided. Staff also recommends the percentage of preserved Prime Farmland Soils allow for flexibility within the design of the cluster subdivision. Therefore, Staff supports a minimum 70 percent preservation requirement for Prime Farmland Soils as it offers flexibility in cluster design, while also providing protection for a large percentage of Prime Farmland Soils within the AR-1 and AR-2 zoning districts. However, staff acknowledges that there will be Originating Tracts that will be impacted differently given unique characteristics found on each Originating Tract. One of the potential impacts is a diminished number of buildable lots within the cluster subdivision. Therefore, staff can support a minimum 50 percent preservation requirement of Prime Farmland Soils if that is the Commission's direction.

3. Maximum Residential Cluster Lot Size: Throughout the referral and outreach process, the appropriate maximum Residential Cluster Lot size has been discussed. Groups and individuals discussed whether the lots should be limited to less than an acre or if the lot size should be maintained at the current

maximum lot size of four acres. A smaller maximum lot size allows for a more compact cluster development and could preserve more open space, where the current four-acre maximum lot size allows for a variety of lot sizes more flexibility in the cluster design and could allow for the potential of more conventional drainfield placement on the residential lots. With a smaller maximum lot size and better drainfield soils being preserved as Prime Farmland Soils, the use of alternative wastewater systems may be necessary, which could add to the cost of development.

Staff Recommendation: Staff recommends the maximum cluster lot be no smaller than two acres. Any Residential Cluster lot size smaller than 1.5 acres would result in the amount of (open space) land area outside of the Residential Cluster lots, within the cluster subdivision, being over the recommended 2019 GP policy of 70 percent for the Rural Policy Area, Design Characteristics. Additionally, the 2-acre maximum lot size will allow for a flexible cluster design while preserving Prime Farmland Soils.

4. Required Preliminary Soils Review to Delineate the Prime Farmland Soils within Originating Tract: Some comments received during the referral and outreach process state that requiring a Preliminary Soils Review (PSR) would be burdensome, time consuming, would add to the cost of developing a cluster subdivision, and unnecessary given that the Prime Farmland Soils are already identified on the County WebLOGIS Mapping System. Some also stated that the PSR should only be required if an applicant wants to challenge the accuracy of the currently mapped Prime Farmland Soils.

Staff Recommendation: Staff recommends that a PSR be conducted and submitted with the initial submission of any plat or plan application for a cluster subdivision. Given the importance placed on Prime Farmland Soils, the intent of requiring the PSR is to verify and augment the detail of the most recent Loudoun County Soil Survey to locate these soils more accurately.

5. Areas of Open Space Lot(s) with Residential Drainfields: Concerns were expressed during the referral and outreach process regarding the location of drainfields serving residential lots within the Common Open Space Lots while allowing these lots or the drainfield areas to be counted towards the minimum 70 percent land area outside of Residential Cluster Lots. The sentiment amongst groups suggest these areas are extensions of the Residential Cluster Lots, which do not meet the intent of the open space areas since these areas cannot be used for anything other than drainfields.

Staff Recommendation: Allowing drainfields to be located within the Common Open Space Lot(s) is carried over from the original Zoning Ordinance text. Prohibit primary or reserve drainfield areas to be located within the Common Open Space Lot(s) and counted towards the 70 percent area outside of

Residential Cluster Lots could increase the overall amount of land required outside of residential cluster lots, which would effectively decrease the area set aside for Residential Cluster Lots. Staff recommends that drainfield areas be permitted within the Common Open Space Lot(s) as consistent with the current requirements.

6. Homeowners' Association Restricting Agricultural Related Uses on Preservation Farm Lots: During the referral process and throughout the public outreach portion of the project, stakeholder groups raised concerns regarding Homeowner Associations (HOAs) restricting agricultural uses within the existing Rural Economy Lot(s) or the proposed Preservation Farm Lot(s) of the cluster subdivision. Stakeholders looked for language to be added limiting HOAs ability to restrict or prohibit uses on these lots which would be permitted by the Zoning Ordinance.

Staff Recommendation: As part of the initial draft text, Staff provided language that stated that 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 uses permitted on these lots. However, during the review of the initial draft text, the County Attorney's Office stated that the County does not have the authority to prohibit covenants/agreements that place greater restrictions on private property. Therefore, the language was removed from the second draft text. Staff continues to discuss potential alternatives with the County Attorney's Office regarding how the Right to Farm Act could provide the County the ability to restrict HOAs from limiting agricultural, horticultural, and animal husbandry uses from Preservation Farm Lots, and Rural Economy Cluster Lots within the cluster subdivision.

7. Potential Impacts to Conservation Easements: As of February 2022, a total of 72,806 acres have been placed in Conservation Easements within the AR-1 and AR-2 Zoning districts. Of the 72,806 acres, 20,209 acres are Prime Farmland Soils. These conservation easements consist of the following classifications: Development, Gift, PDR (Purchase of Development Rights), and TDR (Transfer of Development Rights). In comparison, as of February 2022, a total of 3,649 acres have been developed with cluster subdivisions within the AR-1 and AR-2 zoning districts. Of the 3,649 acres, 1,120 acres are Prime Farmland Soils.

From the beginning of the ZOAM process, concerns have been expressed about the potential impacts that amendments to the Cluster Subdivision Option within the AR-1 and AR-2 zoning districts could have on the existing Conservation Easement program. The main concern expressed has been that the draft text language will reduce the number of buildable lots, leading to decreased land value which would impact the tax benefit of creating a conservation easement. Therefore, this amendment could possibly

disincentivize property owners from placing land within a conservation easement.

While some comments throughout the public outreach have been clear that any changes to the AR-1 and AR-2 cluster subdivision option language will be detrimental to the current conservation easement program and should not go forward, other comments have been given suggesting alternative language that would lessen the impact of the draft text language pertaining to the preservation of Prime Farmland Soils within the cluster subdivision option. Some suggested alternatives to the current draft text would be to: 1) reduce the required amount of Prime Farmland Soil preservation from 70 percent to 50 percent; 2) preserve those areas of connected Prime Farmland Soils that are a minimum of 10 acres or 15 acres in size; 3) exclude small areas or slivers of Prime Farmland Soils within the Originating Tract from the preservation requirement; 4) reduce the minimum lot size of the Preservation Farm Lot in the AR-1 and AR-2 zoning districts from 20 Acres to 15 acres, and 40 acres to 25 acres respectively; and 5) allow more permitted uses within the Preservation Farm Lot and the Rural Economy Cluster Lot. If these changes are implemented, it has been suggested that the impact of the Prime Agricultural Soils and Cluster Subdivision ZOAM on potential development densities and land values would be substantially reduced.

Staff Recommendation: As part of the current draft text, staff has incorporated changes to lessen the potential impact to the current Conservation Easement program. These changes include permitting more uses within the Preservation Farm Lot, the Rural Economy Cluster Lot, and the Common Open Space Lot. Additionally, the minimum lot size of the Preservation Farm Lot has been reduced for the both the AR-1 and AR-2 cluster subdivision option which will allow for more flexibility in the residential cluster lot layout, as well as allow for smaller farmable lots which may provide the opportunity to a larger group of buyers seeking to farm.

Regarding the reduction of the percentage of Prime Farmland Soils, the Zoning Ordinance does not require any preservation of Prime Farmland Soils; however, the 2019 GP envisions the areas of the Rural Policy Area (RPA) to protect, preserve, and enhance natural areas and open space, retain farmland. The current draft text set the minimum preservation of Prime Farmland Soils at 70 percent, which staff believes will offer flexibility in the cluster design while preserving a large percentage of Prime Farmland Soils. Staff could be supportive of preserving a minimum of 50 percent of Prime Farmland Soils to ensure that larger areas of connected Prime Farmland Soils are preserved while ensuring that other means to preserving Prime Farmland Soils are not greatly impacted.

The recommendation of preserving connected areas of Prime Farmland Soils that are a minimum of 10 acres or 15 acres, and/or excluding small areas of Prime Farmland Soils from the preservation requirement would likely reduce

the amount of preserved Prime Farmland Soils within those Originating Tracts that could be developed under the cluster subdivision option. Although, the preservation of large, connected areas of Prime Farmland Soils is ideal and significant to agricultural operations, staff has concerns with limiting the preservation of Prime Farmland Soils to only those connected areas that are a minimum of 10 acres or 15 acres. Staff is open to allowing smaller areas of Prime Farmland Soils to be excluded from the preservation requirement.