

 **Save Rural Loudoun**

2022 Annual Report

This report is divided into four sections:

- I. SRL's Advocacy Priorities (Lack of Progress)
- II. Public Outreach and Education
- III. Coalition Building
- IV. Organization, Management and Capacity Building

I. [The County Made Little Progress on SRL's Advocacy Priorities in 2022](#)

In its annual meeting on January 17, 2022, the SRL Board of Directors adopted eight advocacy priorities for 2022 (see Annex 1), all of which require action by the County Government. The County made little or no progress over the past year on any of these priorities and significantly backtracked on one of them. Following is a brief review of the developments.

Rural Zoning Density

In Board of Supervisors (BOS) discussions relating to the expansion of Route 15 North and approved up-zonings in the Transition Policy Area, a few County supervisors and staff recognized that population growth should not exceed the capacity of planned rural roads, schools and other public infrastructure. At the same time, they also made clear they would not consider addressing the County's "by right" rural residential zoning as part of the ongoing zoning re-write. County staff continue to estimate that, under the current zoning, Loudoun's rural population will nearly double in the next two decades. The County Government has not acknowledged that planned public infrastructure cannot provide the level of service Loudoun citizens expect to such a population.

A key challenge for future work on this issue is that ongoing "by right" development may be nearly invisible to the majority of the County supervisors, since cluster subdivision developments in rural areas are "pre-approved" in the Zoning Ordinance and require no policy-level review by the County government.

There are at least two other dimensions to this problem. First, many of the supervisors rarely visit the rural areas and do not have a visceral sense of how they are being impacted by "by right" residential development. Second, the supervisors are accustomed to negotiating with developers over massive residential and commercial developments in the County's urban and suburban areas. From this perspective and without a concrete sense of the impacts on farming, tourism, and other rural land uses, the scale of the new subdivisions being built in rural areas may seem trivial to them.

One encouraging sign in 2022 was that the Virginia Piedmont Heritage Area Association and Loudoun Wineries and Winegrowers Association endorsed SRL's concerns on this issue. Representatives of the Piedmont Environmental Council have told us they share our concerns

about potential over-population of Loudoun's rural areas, but are unwilling to make this a focus of their advocacy efforts before other issues are settled under the County's Zoning Re-write process (currently expected to be completed in 2023).

Prime Soils

There was some forward movement in 2022 toward adoption of zoning regulations that would preserve prime soils. County Staff produced two draft texts, in January and in August, on which SRL provided detailed comments. In November, a coalition consisting of SRL and six other organizations provided additional comments to the Planning Commission.

Whether these efforts will produce regulations that preserve a majority of Loudoun's remaining prime soils remains to be seen. At the end of the year, there were unconfirmed reports that County staff may be significantly watering down their draft in response to pressure from rural development interests and a small group of influential citizens who claim that preservation of prime soils would reduce the number of rural landowners willing to put their land in permanent conservation easement (which County staff refer to as the "easement group"). A coalition of rural organizations, including SRL, is planning to meet with as many Planning Commissioners as possible in early 2023 to urge them to recommend strong preservation regulations. BOS Chair Phyllis Randall has offered to moderate a discussion between advocates of soils preservation and representatives of the "easement group" in early 2023.

PDR

The County was unable to make progress in 2022 toward implementation of a Purchase of Development Rights (PDR) program. County Staff have begun work on the administrative and technical outlines of a program. However, a planned discussion at a meeting of the Board of Supervisor's Finance Committee in December revealed a lack of communication between supervisors and staff, confusion about the purpose of the discussion, and a quick decision to defer further discussions for an indefinite period. As a result, the opportunity to provide funding for the program in the County's FY 2024 budget was lost and the earliest a program might be able to be implemented was put back by at least another couple of years.

One glimmer of hope is that, in the same meeting, Supervisor Kershner (Catoctin) strongly endorsed moving forward on PDR in 2023 (an election year for the BOS).

Road Planning

SRL's advocacy for ensuring that road improvement projects preserve Loudoun's rural characteristics suffered a setback in 2022 when the BOS revised the County's Comprehensive Plan to allow for the construction of a four-lane highway along the Route 15 corridor north of Leesburg. The revision was necessary because the Plan recognizes that major road expansions conflict with the Plan's rural preservation policies.

In addition, the BOS adopted a motion that would direct the expanded highway through or adjacent to the JK Black Oak Wildlife Sanctuary, which had been put in conservation easement only a year before, and through neighboring farms that are also in conservation easement.

Water

The County Government has not recognized or addressed the increasing stress that rapid rural development is putting on the County's surface and sub-surface water resources.

Zoning Enforcement:

SRL and other organizations have submitted recommendations to the County on how to strengthen zoning enforcement. In 2023, we will continue to monitor whether these recommendations are incorporated in the Zoning Re-write.

Conflict of Interest

County staff's comfort with relying on private individuals and organizations who are directly engaged in rural residential development was illustrated in 2022 when a representative of a developer responded on behalf of the County to letters from concerned citizens. Subsequently, the same individual recused himself from discussions on rural zoning in the County's Zoning Ordinance Committee (ZOC). It's not clear whether these incidents had any long-term impact on how the County handles conflict of interest, although County staff have stressed to the ZOC that it is a "sounding board" and does not have any decision-making powers.

II. Outreach and Public Education

SRL's Facebook page, with 1,500 followers, continued to be our primary means of communicating with the public. Some of our Facebook posts have engaged 3,000 or more people. However, the most popular posts prompt visceral positive or negative responses to one-time events and posts that focus on abstract zoning and policy issues or County consultative processes get significantly less attention. It isn't clear how broad of an audience we reach with our op-eds, but engagements through the media's comments sections generally involve the "usual customers."

In 2022, we set up a table at two local wineries (Forever Farm and Hillsborough) and provided postcards for interested customers to send to their County supervisors requesting support for rural preservation. As of the end of the year, about 30 postcards had been sent.

For the past two years, the SRL Board (and others) have recognized the importance of outreach and education involving the residents of eastern Loudoun. However, we have not yet been able to develop or implement a concrete plan.

III. Coalition Building

Working with other rural advocacy organizations, including Virginia Piedmont Heritage Area Association, Piedmont Environmental Council (PEC), and Loudoun Wineries and Winegrowers Association, we made great progress in 2022 toward developing broad-based consensus positions relating to SRL's advocacy priorities. In September, we and other organizations endorsed an op-ed written by Friends of the Blue Ridge Mountains on zoning regulations for development on ridgelines and steep slopes. In November, we worked with the Farm Bureau to get six other organizations to sign a joint letter to the Planning Commission on the draft prime

soils zoning amendment. Also in November, we joined 14 other organizations in signing a consensus statement to members of the BOS' Finance Committee on PDR.

As part of this effort, we participated in an ad hoc group led by John Adams, which is seeking to identify a clear and sustainable structure and process for developing consensus positions on rural issues.

The Executive Committee of the Loudoun County Preservation and Conservation Coalition (LCPCCC or "the Coalition") confirmed that the LCPCCC's mission statement does not currently include the development of consensus advocacy positions. However, it has been suggested that the Coalition's Public Education and Outreach Committee might facilitate the process of consensus building among interested members of the Coalition. That Committee began developing and implementing an advocacy strategy for certain zoning revisions that have been proposed for the Zoning Re-write (not including zoning density and prime soils). It also has the potential to become the focus for consensus building on issues relating to PDR.

IV. SRL Management, Organization and Capacity Building

501(c)(3) SRL Foundation

In 2022, members of the SRL Board established a sister organization for the purposes of receiving non-taxable donations and funding non-political public outreach and education activities. The Foundation's primary objective, at least initially, is to fund the printing costs for Wander magazine, currently estimated at about \$35,000 per year.

Political Action Committee (PAC)

Members of the SRL Board, with others, established a PAC for the purpose of supporting candidates for County Board of Supervisors and other local government offices who are committed to taking concrete actions to preserve rural Loudoun and develop or protect green spaces throughout the County.

SRL Support Staff

At its last meeting in 2022, the SRL Board agreed that SRL could significantly strengthen and expand its influence if we could hire a part-time staff assistant. However, SRL's current budget is not sufficient to do this. SRL and the SRL Foundation could potentially share staff support.

Respectfully submitted by John Ellis, President of the Board
January 2023

Annex 1: 2022 Advocacy Priorities

1. **Reducing the density of cluster subdivision zoning:** The Zoning Ordinance should be revised to limit the number of houses that may be built in a rural cluster subdivision to no more than the number that is currently permitted in southern rural Loudoun and in all our neighboring counties.
2. **Preserving prime farming soils:** The Zoning Ordinance should be revised to require that contiguous areas of prime soils be concentrated within large “preservation farm lots” and should prevent those soils from being compromised or destroyed by residential development.
3. **Implementing Purchase of Development Rights:** The County should rapidly implement a PDR program in 2021, supported by sufficient County staffing and funding to preserve at least 1,000 acres of strategic, high-priority rural properties in its first year of operation.
4. **Encouraging conservation easements:** We strongly support voluntary conservation easements. We will continue to encourage rural landowners to place their properties in easement and will provide advisory support when requested. The County should increase funding to help offset landowners’ up-front costs in qualifying for relevant federal and state tax incentives.
5. **Preserving clean water resources:** The County should conduct a comprehensive survey of surface and sub-surface water resources. The State should strengthen regulatory penalties and procedures so as to establish a credible and meaningful deterrent against developers who violate the Virginia Water Control Law and its implementing regulations.
6. **Ensuring road planning and maintenance preserves rural characteristics:** Ongoing plans to improve Route 7, Route 9, Route 15, Route 50 and other rural roads should preserve rural character, provide opportunities for safe outdoor recreation, allow for the safe operation of farm equipment, and minimize water pollution and other environmental impacts in the karst terrain, on mountainsides and steep slopes, and in floodplains and other sensitive areas. State and County officials should prioritize the development and use of superior aggregate surfaces as an alternative to paving historic gravel roads.
7. **Strengthening Zoning Enforcement:** The County should instruct County staff to proactively monitor compliance with County zoning and land use regulations in all parts of the County and provide sufficient staffing and other resources to make those efforts effective. The County should establish penalties for violations of its zoning and land-use regulations that are sufficient to establish a meaningful deterrence against such violations.
8. **Avoiding Conflicts of Interest in Land-Use Decision-Making:** The County should rigorously implement State and County Conflict of Interest policies to ensure that policy advice submitted by its advisory bodies reflects a representative balance of all Loudoun stakeholders’ interests and concerns. County staff should be instructed to consider all citizens and stakeholders as zoning “customers” in equal standing.