

# Annual Report for 2020

## Overview

At the beginning of 2020, SRL adopted seven policy advocacy priorities. These priorities reflected our overall strategy of seeking to change “the rules of the game” in ways that will permanently slow the pace of development, rather than to trying to fight each individual development after “the horse is already out of the barn.”

In support of our advocacy priorities, SRL’s public outreach efforts enjoyed two major accomplishments during 2020. First, we produced a video for use on social media, which identifies advocacy priorities and lets our supporters know how they can get involved. Second, with the leadership of board members Pamela Baldwin and Emily Houston, the assistance of the Montgomery County Alliance and publishers Jane Perini and Wib Middleton, and the support of a number of local small business advertisers, we published the first issue of the magazine “Wander.”

The prospects for progress on our advocacy priorities in 2020 were initially promising, due to the election of a County Board of Supervisors that was more inclined than the preceding board to focus on managed growth and preservation. And, despite the tremendous challenges that emerged in the spring, the supervisors did take some important first steps in this difficult year (described in the next section).

As the pandemic expanded, however, the management burdens associated with it delayed the County’s follow-up work required to translate positive decisions into concrete realities on the ground. County staff reported, for example, that work on the revision of the Zoning Ordinance has been delayed by at least six months. It is likely that follow-up work on the details of a Purchase of Development Rights (PDR) program has been similarly affected.

While these delays were inevitable, we should recognize that they increase the challenges for SRL’s mission. We have stressed that rural preservation is not, in fact, a “long-term” issue. In recent years, Loudoun has been losing an average of four square miles of farmland every year, and the pace of rural development has not slowed (and may even have increased) during the epidemic. The rural character of large parts of Loudoun’s Rural Policy Area has already been dramatically altered, and our roads and rural infrastructure are overwhelmed by a population density that is incompatible with farming, tourism, and other valuable rural activities.

The pandemic is likely to have other negative consequences for SRL’s agenda. To the extent it has increased the fiscal stresses on the County’s budget (from both the revenues and expenditures sides), for example, it will be more difficult for supervisors to allocate adequate resources to a PDR program.

In summary, the results for 2020 are mixed. At the same time that we and our allies succeeded in moving the ball down the field, the goalposts may also have moved farther away from us. We must not lose our sense of urgency.

## Progress on SRL's Individual Priorities for 2020

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1. **Cluster Subdivision Zoning:** Significantly reduce the number of new houses that may be built in rural cluster subdivisions. At a minimum, Loudoun should align its cluster subdivision densities with those of neighboring counties so as to remove commercial incentives to prioritize development of rural Loudoun.

What we did:

In March 2020, SRL submitted preliminary recommendations for the County's zoning re-write process, calling for a reduction in the permitted density of cluster subdivisions. On March 8, we met with County staff to present our recommendations.

In August, we submitted revised recommendations, emphasizing that Loudoun's cluster subdivision densities should be aligned with neighboring counties so as to not create an incentive for rural developers to focus on Loudoun.

Results:

County staff's draft re-write of the Zoning Ordinance was initially intended to be released for public comment by the end of 2020. That process has been delayed by the pandemic.

2. **Preservation of Prime Farmland:** Rural zoning rules should require that prime farmland be preserved on "rural economy lots" that are viable for commercial farming (and not be permanently destroyed under houses, driveways and drainfields).

What we did:

In mid-2019, SRL and the Farm Bureau began advocating for specific zoning modifications to implement the County's longstanding policy of preserving prime farming soils.

We continued this effort in 2020, incorporating specific proposals in our overall recommendations for the zoning re-write process, submitted to the County in March and August 2020.

Results:

In December 2019, the Loudoun Rural Economic Development Council wrote to the Board of Supervisors to recommend protection of prime soils.

In May 2020, Supervisors Randall and Buffington introduced a joint "Board Member Initiative," instructing County staff to draft zoning regulations to implement the policy of preserving prime soils.

In June 2020, the BOS adopted the BMI and instructed staff to prioritize a Zoning Ordinance Amendment (ZOAM) to be brought before the BOS for vote in advance of the overall zoning re-write process.

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- 3. Purchase of Development Rights (PDR):** The County should re-establish its lapsed PDR program, under which landowners could voluntarily sell development rights to the County while continuing to own their land under permanent conservation easement.

What we did:

Results:

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Beginning in 2018 and continuing through 2020, SRL strongly advocated for re-establishment of the County's former PDR program.

In March 2019, Chair Randall introduced a BMI proposing re-establishment of the PDR program. The previous BOS did not approve the resolution.

In May 2020, Supervisor Turner proposed a BMI to the BOS' Transportation and Land Use Committee (TLUC). In June, the TLUC approved the BMI and forwarded it to the BOS for decision. In September, the BOS approved the section of the BMI relating to PDR, instructing staff to develop the administrative details and submit them to the BOS for approval.

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- 4. Protection of Water Resources:** Applications for new rural developments should be approved only if they can demonstrate that groundwater will be protected from contamination and the supply of water to neighboring properties will not be affected.

What we did:

Results:

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At the request of the citizens of St. Louis, in October 2020, SRL wrote to the BOS and to the Virginia Department of Environmental Quality (DEQ) to raise concerns about numerous violations of water control regulations at the site of the proposed "Middleburg Preserve" subdivision development. SRL also made a small grant to the St. Louis citizens for the purchase of yard signs protesting the development.

In October 2020, the BOS announced that the County would purchase the land on which the violations had occurred from the developer.

In October 2020, DEQ and the developer signed a "Letter of Consent" requiring the developer to pay a moderate penalty and restore some (but not all) of the disturbed wetlands to their previous conditions.

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- 5. Transfer of Development Rights (TDR):** The County should establish a TDR program that would require developers requesting “bonus” density for new developments in urban areas to purchase development rights from landowners in designated rural areas.

What we did:

Results:

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Beginning in 2018 and continuing through 2020, SRL strongly advocated for the creation of a County TDR program.

In May 2020, Supervisor Turner proposed a BMI to the BOS’ Transportation and Land Use Committee (TLUC). In June 2020, the TLUC approved the BMI and forwarded it to the BOS for decision.

In September 2020, the BOS rejected the sections of the BMI relating to TDR and instructed County staff to move forward only on PDR.

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- 6. Strengthened Zoning Enforcement:** The County should authorize its staff (and provide them with the necessary resources) to proactively monitor compliance with County zoning and land use regulations.

What we did:

Results:

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SRL’s recommendations for the County’s ongoing re-write of the Zoning Ordinance includes specific recommendations for improved enforcement.

Unknown until the County’s draft re-write of the Zoning Ordinance is released.

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- 7. Mitigation of Conflicts of Interest in County Decision-Making:** Strengthen the County’s Conflict of Interest rules to ensure that members of the County’s decision-making bodies do not have personal financial interests in the outcomes of those decisions.

What we did:

Results:

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Beginning in 2019, SRL wrote to the BOS and met with individual supervisors to express concern about the disproportionate representation of development industry representatives in the County’s Zoning Ordinance Action Group (ZOAG), which was officially charged to provide recommendations directly to the BOS on zoning policy. In addition, SRL raised those concerns with allies in the ZOAG and the Loudoun County Preservation and Conservation Coalition (LCPCC), who played key roles in producing the results.

In March 2020, County staff instructed the ZOAG and other advisory bodies that they would be acting as a “sounding board” for the zoning re-write process, and would not be called upon to initiate their own recommendations.

In September 2020, Supervisor Turner introduced a BMI that disbanded the ZOAG and replaced it with a Zoning Ordinance Committee (ZOC). The membership of the ZOC is carefully structured to balance different interests relating to zoning. In addition, the ZOC reports to the Planning Commission rather than directly to the BOS. The BOS approved Supervisor Turner’s motion, which took immediate effect.