

MEMORANDUM

DATE: August 11, 2022

TO: The Policy Committee

FROM: Thomas Wysong, Senior Planner II
John Risinger, Planner

SUBJECT: ORD-22-0006. Amendments for A-1 Cluster Configuration Subdivision

Introduction

At its meeting on March 8, 2022, the Board of Supervisors adopted an Initiating Resolution pertaining to the R-8, Rural Residential and A-1, General Agricultural Districts (Attachment No. 1). The directives within this resolution are largely addressed by the materials presented in ORD-22-0002, as explained in the memorandum for that item. Given the intricacies of the standards within the Cluster Subdivision Ordinance and the potential scope of the resulting update, staff has separated the A-1 cluster configuration subdivision for its own focused review.

Regarding A-1 cluster configuration subdivisions, ORD-22-0002 includes a revision to the required density that would change the density from a maximum of one dwelling unit per two acres to one dwelling unit per 20 acres. Other than this change, the text amendments associated with ORD-22-0002 do not alter the remaining 11 standards for cluster subdivisions. Staff recommends that the remaining cluster configuration standards be examined and potentially updated to reflect recent guidance from the Comprehensive Plan and other best practices.

As a starting point for the Policy Committee, staff has prepared a summary of the existing standards for the A-1 cluster configuration, as well as potential considerations for revisions and improvements. EPR, PC has provided the County with an analysis of cluster subdivision requirements in peer localities within Virginia for the Committee's consideration.

Lot Size - A-1 Cluster Configuration Summary

Currently, the A-1 District regulations permit the creation of a cluster configuration subdivision via the Special Use Permit (SUP) process. In order to qualify for approval, a cluster configuration subdivision is required to meet the standards listed within the Ordinance, which are as follows:

Density

In accordance with the adopted density for the Rural Lands designation, the proposed revised language in ORD-22-0002 changes the required overall gross density for cluster configuration subdivisions from a maximum of one dwelling unit per two acres to a maximum of one dwelling unit per 20 acres.

By-Right/SUP

The existing regulations require cluster configuration subdivisions be approved through the SUP process. Staff plans to work with the County Attorney's Office to examine State Code and other relevant guidance to determine if any changes are needed.

Considerations may include the ability to closely examine and address impacts on neighboring properties, consistency with the Comprehensive Plan, and application process cost and time, especially as it compares to the typical subdivision process.

Minimum Parcel Size to Cluster and Minimum/Maximum Number of Lots for Cluster

The existing regulations require there be at least three residential lots in a cluster subdivision but do not limit the maximum number of lots than can be created in this configuration. The existing regulations do not include a minimum parcel size required in order to create a cluster subdivision. However, in practice, this minimum would be six acres based on the minimum number of lots and the maximum gross density.

Within EPR, PC's peer locality research, two counties (Hanover and Loudoun) are identified as having a minimum parcel size requirement of 20 acres for cluster development. Generally, the localities surveyed had no minimum or maximum number of lots for exercising the cluster development option.

Considerations for this standard include the overall density context and whether any particular number of lots at either the minimum or maximum end might not fulfill, or might conflict with, the intent of the rural cluster.

Minimum and Maximum Lot Size Requirements

The existing regulations require no lot be less than one acre in area (within the context of the overall gross subdivision density of one dwelling unit per two acres) and do not include a maximum lot size.

EPR, PC noted that there was a great deal of variation in minimum and maximum lot size requirements for cluster subdivisions among the localities surveyed. Minimum lot sizes ranged from 40,000 square feet to 30 acres and were related to the maximum density requirements in the cluster options. Maximum lot size requirements were similarly related to the minimum densities in each district and ranged from two acres to 10 acres.

There are complex considerations for lot sizes. The minimum lot size should accommodate the placement of well and septic facilities on each lot. Another consideration for the maximum lot size will be the type of open space/conserved area and whether it is exclusive of residential lots (see open space/conserved areas discussion below). The size of lots and their placement on the landscape (see development design discussion below) can affect whether the resulting cluster is perceived as more suburban or rural in character.

Permitted Uses

For cluster development, existing regulations only permit single-family detached dwellings. In the A-1 District generally, single-family detached dwellings are a permitted use and two-family dwellings are a specially permitted use. EPR, PC noted that in general, all the localities researched allowed only single-family detached residential uses as a permitted use in their agricultural zoning districts. Several of the localities allowed single-family attached or duplex units as special exception or conditional uses. Only Albemarle County allowed duplexes as a permitted use in a cluster if the same base density was maintained.

Density is an important factor when considering permitted unit types. For example, permitting two-family dwellings in a cluster could result in an increase in the density, unless provisions are included to account for the density of these units, as is the case in Albemarle County. Generally speaking, increasing density or allowing flexibility in unit types could grant greater affordability.

Road Frontage/Access

For cluster development, the existing regulations state “all lots shall front on an approved public street created by the subdivision and no lot shall have direct access to a street not part of the subdivision. This condition shall not apply to subdivisions of less than five lots.” For standard configuration subdivisions, all lots in major subdivisions are required to front on the new streets developed for the subdivision while lots in minor subdivisions may front and take access from existing streets. One further access provision in the Subdivision Ordinance requires minor subdivisions of three or more lots to take access from a shared driveway. EPR, PC noted that the majority of the localities studied require all access to be on a new public road for cluster subdivisions, either for subdivisions that exceeded a certain number of lots or for all cluster subdivisions regardless of the number of lots.

Road frontage and access are important to consider due to their implications on development character. New public roads may result in a more suburban development character, though this requirement can be appropriate to provide safe and adequately maintained access for certain development scales. Another consideration is the impact of infrastructure costs on the viability of a development project. For example, requiring a new public street for all sizes of clusters could result in a cost disincentive when compared to a standard configuration subdivision that allows individual or shared driveways instead.

Open Space/Conserved Area Percentage

The existing regulations do not include a minimum percentage of open space/conserved area for either standard or cluster subdivisions. EPR, PC noted that most of the localities studied required a certain proportion of open space be maintained under the cluster option. This minimum range varied from 70% to 85%, although the proportion of open space preservation required was not necessarily proportional to the density permitted.

Based on EPR, PC’s research, minimum percentage of open space/conserved area is a common standard included in other localities’ Ordinances. Minimum open space/conserved area requirements should be carefully coordinated with the minimum/maximum lot sizes, and the other open space/conserved area considerations discussed below.

Open Space/Conserved Area Values, Configuration, and Ownership

The existing cluster regulations provide guidance on what areas of a site should be conserved. The regulations state “the subdivision design shall provide for protection of conservation areas as specified in the Comprehensive Plan or other sections of this chapter”. Furthermore, these regulations require that more than 30% of any lot shall be located in a floodplain area and that no more than 50% of any lot be covered by waters of a lake or pond; and encourage the development design to locate open space and buffers (among other design considerations) so as to promote harmonious relationships with the environment and existing public streets and roads.

The first consideration for this item is determining what features are appropriate for conservation in a rural cluster. The 2045 Comprehensive Plan and other County processes and documents discuss various conservation values that could be considered and may be appropriate in a rural cluster context. These include environmental, agricultural and forestry, heritage and cultural, scenic, and potentially recreational values.

The Ordinance could provide guidance on identifying areas of value on a property and how they are to be configured within the subdivision to retain their value and prevent disruption of sensitive areas. Another consideration is how the Ordinance might guide the ownership and use of conserved areas. For example, cluster development inside the Primary Service Area focuses on conservation of environmental features

and requires that the open space be separate from the residential lots (and owned/maintained by a homeowner association). However, other approaches may be appropriate in a rural cluster context if a broader range of values (such as agricultural) informs the areas that are conserved and how they would be managed and maintained going forward. One approach could be having the cluster include “conservation lots,” as has been used in other localities.

Development Design (Lots/Roads/Infrastructure) Guidance

The existing regulations provide some guidance on cluster development design. The regulations state that “the subdivision design shall provide good building sites and at the same time make best use of topography and minimize grading and destruction of natural vegetation;” and that “lots shall be arranged and building sites shall be designated so as to promote harmonious relationships with the environment and existing public streets and roads; and to this end, the design shall employ such techniques as may be appropriate to a particular case, including location of lots of various sizes, location of building sites with respect to project boundary lines, location of open space and buffer areas and maintenance of vegetation.”

While many of these concepts should be retained, updating the existing development design standards language may be appropriate, with consideration given to the Rural Lands Designation Description in the 2045 Comprehensive Plan and the associated Rural section of the Character Design Guidelines (Attachment No. 2) as well rural cluster/conservation design best practice publications. Any Ordinance guidance on development design should work in partnership with Ordinance guidance on open space/conserved areas, and vice versa.

Buffer/Screening and Setbacks From Roadways

The existing regulations for the cluster specify an overall setback as “unless the subdivision is less than five lots, all structures shall be located a minimum of 150 feet from all roads existing prior to the platting of the subdivision.” The lots would also need to meet the normal setback requirements specified elsewhere in the district. The existing regulations for the A-1 District do not include a buffer requirement for either standard or cluster subdivisions. For buffers/screening, EPR, PC noted that in general, there were few mandatory requirements for buffers, screening, or setbacks to adjacent development in the localities studied. Fauquier County and Clarke County required minimum setbacks of only 25 feet from adjacent uses in some cases. However, most localities included design guidelines rather than specifically defined setback requirements within their rural lot development standards. For setbacks from roadways, EPR, PC noted that there was considerable variation in requirements for building setbacks from roadways in the locality study. They ranged from as little as 35 feet to as much 200 feet from required setbacks from roads. Most of the setbacks were fairly limited, excluding Caroline County, which institutes a 200-foot required setback from the right-of-way. Landscaping and buffering standards in rural areas were not found in the localities studied.

A primary consideration for buffers and setbacks is maintaining the rural character, whether in an open/agricultural context or wooded context. These varying contexts can make drafting standards challenging. Staff will also consider this item in conjunction with other ongoing work associated with ORD-22-0001, Amendments for Scenic Roadway Protection.

Next Steps

For the cluster standards items listed above, staff looks forward to any Policy Committee questions. Staff also looks forward to any initial Policy Committee feedback on whether these seem to be appropriate items to consider and if there is Committee interest in any other types of standards. Since staff will continue to gather information and prepare analysis for a future Policy Committee meeting, staff does not need Committee direction on specific approaches or language for the standards themselves at this time.

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Attachments:

1. Initiating Resolution
2. 2045 Comprehensive Plan Land Use Designation Description for Rural Lands, and Character Design Guidelines - Rural Excerpt
3. Peer Locality Comparison for Cluster Subdivisions