

When you live in a high growth area with the type of traffic congestion that we deal with on a daily basis, it is only natural to start asking questions about land use and development. I address that topic frequently at my Town Hall meetings and in writings, but since it has been almost four years since I first wrote about it here, I thought it would be a good time for an update.

I titled that last article “Why Are So Many Houses Being Built?” That question certainly persists. The answer today, as it did then, lies in the land use policies and practices both in the Commonwealth of Virginia and in Loudoun.

As a refresher, there are two types of residential development—by-right and rezoning. By-right development occurs when a developer takes the existing base zoning on a property and builds at that level. If the property allows one home per acre, then that is what they can build. This type of development does not require any approval from the Board of Supervisors and we have no way to stop or reduce it without a lengthy downzoning process that would likely result in years of litigation. Local examples include Lenah Mill, Aldie Estates, Elk Ridge Estates and Willowsford.

The advantage of by-right development is that it results in fewer homes. The downside is that the County receives no proffers—financial contributions from developers to pay for the impact of growth—and it can be very difficult for us to know exactly when growth is going to occur, and how much of it to plan for. This is a particular challenge for projecting school populations, and it is a major contributor to overcrowding we are working to address.

In contrast, rezoned development is when a developer seeks to build greater density than what is allowed within current zoning. A rezoning requires full legislative review with County staff, the Planning Commission, and the Board of Supervisors. Approving a rezoning is at the Board’s discretion and



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sometimes falls within a legal precedence as established by prior approvals on adjacent properties. The County collects proffers for capital facilities cost and transportation improvements ranging from \$17,000-\$59,000 per unit. Examples of development by rezoning include South Riding and Stone Ridge.

The advantages of this type of development are obviously that we receive funding to offset the impact, and sometimes infrastructure improvements like roads, parks and land for schools and we know for sure what is coming. The downside is obviously that we get a lot more people, and our overall infrastructure is quite clearly inadequate for the level of growth that we have been experiencing.

I often end up feeling that we are between a rock and a hard place. My approach is to evaluate land use applications on a case by case basis, and try to get the best deal for the County and the existing residents. For instance, the Board was faced with a rezoning request at the northeast corner at the intersection of Braddock and Gum Spring Road. The base zoning on the property allowed for 63 units and the rezoning would allow 238. Since every adjacent parcel had

already been rezoned in years past, the legal precedent had been established, and denial would have given the applicant a solid case to challenge the County.

So in that instance, I ended up supporting the application, but requiring the applicant to make more than \$3.7 million in improvements to the intersection of Braddock and Gum Spring Road in concert with the development, as well as a committing to delay all the units above 63 until after the new Goshen Post Elementary is open to serve students in 2018. These needed intersection improvements were not likely to happen in the near term without securing this proffer.

In other instances, however, I’ve drawn the line. For instance, Elk Ridge Estates on Braddock Road near the County line is currently developing by-right but originally was proposed for 152 units. This project is in what we call the Transition Policy Area, which exists on the south side of Braddock Road, and it would have been the first rezoning in that particular area. I didn’t feel that proffers could adequately address the impacts, and I felt that the County had solid grounds to deny the rezoning, so I opposed it.

The Board keeps working to catch up on long lagging infrastructure needs. Our current Capital Improvement Plan includes over \$800 million for transportation projects. We are also feeling pressure on school capacity, which is why I have worked hard to expedite the funding needed to construct new schools.

Overall, the County’s hands are often tied when it comes to development. In our area, many projects were approved over a decade ago, and much of the development is by-right. However, I remain committed to do whatever I can to exercise our discretion when appropriate, and devote resources to catch up to our infrastructure needs. If you’d like more information or to follow up with me, please email at matt.letourneau@loudoun.gov