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Fairfax County Board of Supervisors, Tuesday, September 10, 2024

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[00:00:05] Good morning, everyone, and welcome to our board meeting of September 10th, 2024, and we're going to begin our meeting as we always do, which is to recognize any individuals that, sadly, we want to keep in our thoughts and prayers, and after those intentions, we'll all rise for a moment of silence, and the board's been away for a couple weeks, so there might be a number of these folks we want to recognize before we rise, and I'm going to begin just by mentioning a few pivotal members of our community that sadly we've lost since the

[00:00:38] last time we met, starting with Lou Glickfield. Lou was the founder of Marlow Furniture, which if you live in this area, you certainly know Marlow Furniture, if for no other reason because of their radio ads. But he was instrumental in starting that family-owned business. Over the years, Marlow Furniture was named a top 50 retailer by Furniture Today and received numerous accolades from industry groups. He was married to his wife, Marilyn, for 71 years and has survived by four children, five grandchildren, and two great-grandchildren. Outside of his business

[00:01:17] interests, Lou and his wife, Marilyn, always gave back to their community, have been very philanthropic over the years, establishing the Glickfield Family Foundation to support numerous regional and international charities, including the Anti-Defamation League, the Whitman Walker Clinic, Hadassah

Hospital in Israel, and World Central Kitchen, among many other philanthropic efforts of Lou Glickfield and his family. So if we could remember him in our thoughts and prayers.

[00:01:48] Secondly, sad to announce the passing of Gay Shane. Those of us certainly in the Richmond Highway Corridor, New Gage Shane Well. She passed away on August 15th at the age of 85, is survived by seven children and stepchildren, 17 grandchildren, and 13 great-grandchildren.

[00:02:09] And she was all about her family. We knew her, of course, because she advocated on many causes before this board. She was a longtime member, board member and chairman of MVLE, which many of us are familiar with in the work that they do for children, in particular adults and children with disabilities.

[00:02:31] She was also a board member of Operation Renewed Hope Foundation. Where I got to know her also is I am a board member of Operation Renewed Hope Foundation, which helps homeless veterans find shelter in homes. And Gay was a pivotal part of the South County, but also of all of Fairfax County.

[00:02:50] I also want to pass along the sad news to members of our county family that have passed away. Jonathan Wood was president and deputy chief of the Fair Oaks Volunteer Fire and Rescue Department, Company 421.

[00:03:06] Jonathan served over 50 years as a volunteer with FCFRD. He passed away peacefully on the evening of Thursday, August 22nd, leaving behind a legacy of dedication, leadership, and service that has deeply impacted our department and the broader Fairfax County community.

[00:03:26] And certainly among the ranks of our professional firefighters and volunteer firefighters, everybody knew who Jonathan Wood was and the just outstanding service he provided to our community. And finally, Ed Kilgore. Ed served in the county's Department of Public Safety Communications for over 20 years.

[00:03:47] With the skills of teletype and fire dispatch, his quick wit and sharp mind made him a cornerstone of our fire dispatch operations, where he was fondly known as the voice of 4B on the B-day shift. Beyond his professional contributions, Ed filled his days with laughter, delivering puns and endless dad jokes, and left a lasting impression with all of us and was shared with me that whenever anyone asked Ed Kilgore, how are you doing, his response was either it's another day in paradise or finer than a frog's hair split three ways.

[00:04:27] So I'm sure Ed would really appreciate hearing us get a laugh at him at his expense, but he was always quite the professional, but always quite the person who could generate a laugh in what could be a very stressful job, certainly over at DPSC.

[00:04:47] And so if we could keep Ed and his family in our thoughts and prayers as well, that would be appreciated. And at this time, happy to recognize my other colleague, Supervisor Herity. Let me start by thank you for recognizing Jonathan Wood. He was a clearly trained generation of our firefighters and EMTs and was best known for making the rounds of Santa in the fire truck, and he'll be missed for a lot of reasons.

[00:05:15] Also would like to, unfortunately, recognize the passing of former First Lady Roxanne Gilmore on August 7th. Many know her through her husband of 47 years, former governor of Virginia, Jim Gilmore. She was a lifelong teacher, both in public schools and an assistant professor at Randolph-Macon College.

[00:05:35] Her interest in a variety of subject areas influenced her to create the Commonwealth of Knowledge webpage for educators across the state and the Conexus for Children's Vision program, helping to provide eye examinations and glasses to children in public schools.

[00:05:52] As First Lady, she led the restoration of the Governor's Mansion and archaeological work at the historical sites like Jamestown. Just ask that we keep the Gilmores in our thoughts and prayers. Also, the passing of retired Fairfax County Fire and Rescue Master Technician Bob Upchurch, who passed away suddenly on August 12th.

[00:06:13] He's the father of firefighter Jason Upchurch, who was assigned to Fairfax County Station 25B shift, and the son of retired Captain Donovan Upchurch of the Alexandria Fire Department. He joined the Fire and Rescue Department in 1987, remained a value member even after his retirement in 2021.

[00:06:32] He was known for meticulous attention to detail and his unmatched mechanical aptitude. He dedicated countless hours to researching, writing, and teaching the art of being an apparatus technician. His legacy lives on through the personnel he trained, the apparatus he helped design, and through his son's dedication to the Fairfax County Fire and Rescue Department.

[00:06:53] I ask we keep the Upchurch family and our fire and rescue family in our thoughts and prayers. Thank you, Supervisor Herity. Supervisor Stork. Thank you, Mr. Chairman. I appreciate recognizing two people that really were phenomenally important to the community.

[00:07:10] First and foremost is somebody who I got to know well, Marcia Manning. From 2005 to 2012, Marcia served as the founding assistant principal of South County Secondary School in recognition of her exceptional leadership. She was also named as the founding principal of South County Middle School, something that the community was very involved with making happen, where she built a culture of integrity and cultivated strong relationships with students, teachers, and fellow administrators.

[00:07:37] Among the many accolades earned throughout her career, Marcia received the Nancy F. Sprague Outstanding First Year Principal Award in 2013, from Fairfax County Public Schools. Truly a beacon of hope and optimism for all who knew her, Marsha dedicated herself to helping others reach for potential inside themselves and found great meaning in nurturing young minds as a revered educator and administrator.

[00:08:02] Countless people were inspired by her wisdom and guidance throughout her esteemed life and career. She truly was a wise, empowering, and fierce protector of her teachers. She was an advocate for public education and truly a visionary. Her professional legacy will be that of excellence and devoted service to young people in Fairfax County.

[00:08:21] Her impact as a mentor, leader, and manager, frankly, will be generationally impacting all of us. We are forever grateful for the time we received with such an amazing role model, leader, mother, teacher, wife, whose memory will always inspire us to keep moving forward with determination and grace.

[00:08:44] The second person I wanted to acknowledge, her passing was Millie Stanges. In July, we recognized Millie as our community champion for a dedication and tireless effort to enhance our local parks and recreational facilities. A former resident of Holland Hills community, Millie's unwavering advocacy and passion have positively impacted the Mount Vernon community.

[00:09:06] She had an intense love for the game of pickleball and served as USA Pickleball Ambassador and an advisor to the Fairfax County Advocates for Pickleball. Thanks to her determination and energy, Mount Vernon became the Pickleball capital of Fairfax County. Millie made sure that happened. I can tell you, she was at our doorstep I don't know how many times.

[00:09:28] Millie's efforts have provided residents with a wonderful way to stay active and connected, enhancing both physical and mental well-being. Beyond Pickleball, Millie's volunteer spirit shines in her commitment to social, civic, and business causes. She has a passion for engaging with people, promoting community involvement, advocating for women's professional development.

[00:09:46] After a long career as a public affairs manager for many large corporations, Millie served as a volunteer consultant to the Public Leadership Education Network to help educate and really inspire and engage our young people. Millie's dedication to community and personal growth have had a lasting impact on all of us.

[00:10:04] Thank you, Millie, for rallying our community through Pickleball and so many other ways. Thank you very much. Supervisor Stork, others who would like to be recognized. Supervisor Walkinshaw to be followed by Supervisor Lusk. Thank you, Mr. Chairman.

[00:10:20] I'm sad to share the passing of Diane Hoffman from brain cancer on August 29th. Diane served for more than 30 years with the Northern Virginia Soil and Water Conservation District. She retired as the Executive Director in 2012.

[00:10:36] She was widely recognized across the region for her expertise in natural resource preservation and her extensive knowledge of stormwater management and water quality issues. She was recognized by this board in 2012 for her service with the Soil and Water Conservation District, and the district renamed its highest award as the Diane Hoffman Cooperator of the Year Award in honor of her legacy of cooperation and recognition of the belief that partnerships and cooperative efforts are the best way to solve problems and implement solutions.

[00:11:14] She was a founding member of the Braddock Land Use and Environment Committee in 2013 and served many terms as secretary, membership chair, chair of various subcommittees because of her expertise in outreach, leadership, and coordination.

[00:11:30] And she was usually the person who, at the end of the day, was tasked with writing the committee's resolution, making a recommendation to me because she was the person who really could bring everybody together. She was a longtime resident of the Braddock District in Red Fox Forest.

[00:11:48] And we also recognized her as Lady Fairfax in 2022. She was one of those people who anytime there was an award that needed to be given out, I would say Diane should get that award. And turns out she had received it many, many times, many years ago, deservedly so. She was involved with the Center for Watershed Protection Board as a governance chair and vice president, the Audubon Naturalist Society, the Red Fox Forest Garden Club and various 4-H clubs and associations.

[00:12:15] She received the Award for Conservation from the Audubon Society, the Chafin Award from the district, the Sally Ormsby Environmental Stewardship Award from the Park Authority. She was commissioned as a member, and this is one we haven't heard before, of the Ancient Order of the Chamory by the governor of Guam for her community service while she lived for two years in Guam while her husband, Carl, was stationed there.

[00:12:40] So she made a difference in Fairfax County and Guam. She's received many, many resolutions of recognition from our board, the General Assembly, different friends groups, and different county agencies. Diane and a lot of board members knew her or met her, saw her.

[00:12:57] She was warm and friendly, had an infectious smile. She had a skill of asking pointed questions, but not coming across as overly harsh when she did it. I'm working on that still. But Diane really could do it.

[00:13:14] Diane was one of the original members of our task force on Lake Akatink and was able to participate in the first couple of meetings, unfortunately. Her illness took her from the task force's business, but that's part of her legacy as well, because she made contributions in just those two meetings.

[00:13:34] Diane leaves behind her husband, Carl Hoffman, who's a retired naval officer, and their two children, Stephen and Karen, and four grandchildren. So I ask that we just keep the Hoffman family in our thoughts and prayers. Thank you, Mr. Chairman. Thank you, Supervisor Walkinshaw, and I had not heard that Diane had passed, and I, you know, I think not only did she receive a lot of awards, but if you go around this county, you can literally see the product of her work.

[00:14:03] I can remember a time, this was a long time ago, back in the 90s, when we were starting. We hadn't really done stream restorations. We were trying to get one going in the Franconia District, and the Army Corps of Engineers was in our way. And we could get no movement from them until Diane hatched a plan, took on the Army Corps of Engineers in a very delightful way.

[00:14:30] And they left the meeting feeling like they had accomplished something. And in reality, we had accomplished being able to do one of the first stream restorations in certainly in that end of the county and would not have happened without Diane and the work that she did, you know, for the environment and for the planet.

[00:14:47] And so thank you for for recognizing her. But I can think of many, many projects she worked on all over this county that are thriving, have created environmental treasures because of her work and advocacy. So, thank you. Supervisor Lusk. Thank you, Mr. Chairman.

[00:15:03] I want to join you in the remembrance of Gay Shane, just an amazing person who had committed her life in so many ways to the service of others. And to have her succumb to cancer is just a tough and difficult thing after 85 years.

[00:15:20] I'll just note she grew up in Caldwell, New Jersey, but she was a longtime resident of Frank County District. Strong advocate, as I said earlier, and the chairman did as well, for the most vulnerable members of our community. She fostered so many kids and gave them a loving and caring home.

[00:15:38] The chairman mentioned Board of Directors for Operation Renewed Hope, working to end veteran homelessness. And a strong advocate for that, as well as her work with helping treat opportunities for individuals with disabilities. So I could go on here a lot, but just really appreciate her as a person.

[00:15:56] and she always made time to stop, talk, check in, and make sure that everyone was okay. So I know this is very difficult for our family and the broader community, but I want them to know that we're all here and acknowledging her loss and recognizing that she will be missed dearly.

[00:16:18] Second, Mr. Chairman, this is difficult and with a bit of a heavy heart as well. I want to make the announcement of the passing of Joseph Joe Patrick Burns, who passed away last week at the age of 59.

Joe enlisted in the Navy out of high school.

[00:16:35] He was stationed across the world with his wife, Linda, and his daughter, Heather. He and his family moved to Virginia in 1980, 1999, where he at the time became commander of the Veterans of Foreign Wars Post 7327 in Springfield, where he served for over 10 years.

[00:16:57] He was also an officer with the American Legion Post 176 in Springfield. And I had the opportunity on many occasions while visiting that post to see him and engage with him. He always had a huge smile, very jovial and just an amazing person.

[00:17:16] And he was a vital part of our community. He will definitely be missed. His funeral services will be held at the Holy Spirit Catholic Church in Annandale at 10 a.m. on Monday, September 16th. The family has requested that in lieu of flowers, that donations be made in his honor to the VFW post 7327 or to the American Legion post 176.

[00:17:41] And we will be keeping his family and he in our thoughts and prayers. And then finally, Mr. Chairman, I appreciate the very specific words about Chief Jonathan Woods, and I acknowledge his contributions in so many ways.

[00:17:56] The one thing I'll share is that I got to see the tribute that was done by Fire and Rescue where they went to see him basically while he was in the ICU. So each unit of the Fire and Rescue Department stopped to salute him while he watched from his room in the hospital, and that was just an amazing thing to see, and it just tells us how much he is meant to the community.

[00:18:25] And again, I want to keep he and his family in my thoughts and prayers during this time. Thank you, Mr. Chairman. Thank you very much, Supervisor Lusk. And seeing no one else that seeks to be recognized at this time, if all who are able could rise for a moment of silence to be followed by the Pledge of Allegiance.

[00:18:50] Please face the flag.

[00:19:09] I pledge allegiance to the flag of the United States of America. and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all. And this morning we have four presentations, and for each presentation I'll announce the proclamation and or resolution and invite our speaker down to the podium, then we'll read that, and after our speaker's remarks we will all pose for a picture from the dais.

[00:19:46] And first up today we have a proclamation recognizing U.S. Constitution Week. And this was requested by myself and Supervisor Jimenez. Our speaker today is Amanda Fowler, Regent of the National Society of the Daughters of the American Revolution.

[00:20:03] Henry Clay Chapter, if you and all those who are here with you, certainly welcome to join you at the podium. And at this time, I will recognize Supervisor Jimenez. Well, thank you, Mr. Chairman. I have one proclamation to read. Whereas September 17th, 2024 marks the 237th annual anniversary of the drafting of the United States Constitution by the Constitutional Convention.

[00:20:27] And whereas the Constitution of the United States of America safeguards our liberties and embodies the principles of a limited government in a Republican upheld by law. And whereas Public Law 915 guarantees the issuance of a proclamation each year by the President of the United States, designating

September 17th through September 23rd as Constitution Week, and whereas the recognition of this exceptional document, the celebration of Constitution Week,

[00:21:02] offer a time to honor our founding principles, educate citizens about the Constitution, and emphasize the responsibility of protecting and defending this Paramount Law. Now, therefore, be it resolved that the Fairfax County Board of Supervisors on behalf of all Fairfax County residents does hereby proclaim the week of September 17th through September 23rd, 2024, as Constitution Week in Fairfax County and urges all residents to protect the freedoms guaranteed by the Constitution reflect on the privilege of living in America

[00:21:38] with all the rights and responsibilities involved and remember that lost rights may never be regained. Thank you, Supervisor Jimenez. That motion has been seconded by the Chairman and Supervisor Herity. Discussion on the motion. Supervisor Jimenez. Well, thank you, Mr. Chairman, and I'd like to welcome our proclamation recipient, Amanda Fowler, who we have met.

[00:22:02] Nice to see you again. Good to see you. Regent of the Henry Clay Chapter of the National Society of the Daughters of the American Revolution. Recognizing Constitution Week is a tradition that the DAR started back in 1955 and was signed into law the following year by President Eisenhower.

[00:22:20] We're sitting here nearly 70 years later, continuing to honor our most sacred document. We often speak about our differences, but I am especially pleased that we are all here to recognize the foundation that unites us all, and that is being an American and the document that defines what that means.

[00:22:39] I'm a big believer that despite our differences, we actually have more in common with each other than not. And I believe that DAR organizers who set out to celebrate Constitution Week understand and still understand the important role that the Constitution has on our identity as Americans.

[00:22:57] Amanda, thank you again for being here today with your colleagues and for all the hard work that you do in our community. Thank you, Supervisor Jimenez. Supervisor Bierman. So if you haven't noticed by now, sometimes I like to bring props. This is my Westlaw pocket constitution that I got the first week of law school in 2009. I carried it around in my briefcase. And yes, I was that guy in law school who carried it in my pocket and would wave it at people when I didn't like what they had to say.

[00:23:31] But, you know, what's amazing about this little stained, old, commercialized, I'm a Westlaw guy, not LexisNexis. Sorry, folks. Only lawyers will get that joke, and apparently there aren't many in the room. But, you know, what's amazing about this little thing is that this is it.

[00:23:51] This is it. Right to here. This part's even the index that we founded this entire country on. What's also amazing about this, I remember I was a first-year law student, and Chief Justice Roberts came to speak to all the first years, and someone asked a question, what's your favorite amendment to the Constitution?

[00:24:11] And a law professor afterwards joked to me that he came very close to not getting it right, but of course he knocked it out of the park because the only answer is the 13th. That's always got to be the favorite. And what's very important to remember is that the 13th Amendment doesn't come until after we've been a nation for nearly 100 years.

[00:24:34] And I think it's also important to remember that we are a nation, we the people, the first words here, that is ever-changing, ever-evolving, ever trying to move towards the future, and yet tied to some ideals and an attempt to create a government that works for everybody that endures to this day.

[00:24:59] So sorry to wax poetic, but sometimes it's fun, especially when the Constitution is involved. And thank you for bringing the proclamation, Supervisor Jimenez and Chairman McKay. Thank you, Supervisor Beerman. Others who would like to be recognized? Supervisor Palcic. I just want to briefly thank all of you.

[00:25:16] I love to see six very powerful women, two young ladies here joining us today. I carry my constitution at home, which I received in my high school civics class, and it's still one of my favorite, though slightly outdated, documents.

[00:25:34] And I love that these two young ladies are with us because it's true, it is a critical document. It's also a living document. And so we are here today, and you will be our leaders in the future, ensuring that we continue to support the Constitution and revisit any things that need to be revisited in our Constitution to meet where we are.

[00:25:55] So I just want to thank you for being here and for inspiring the next generation of female leaders. Supervisor Stork. And on that note, the 19th is pretty good, too. Just going to throw that out there. Good cover. You kind of missed that one.

[00:26:11] Supervisor Stork. The largest single increase in voters in one day. So that was huge. So I also wanted to kind of reflect on the Constitution and the importance of the oath that all elected officials take and the fact that that oath that we take means something, should mean something to everyone.

[00:26:30] And regrettably, it doesn't always mean that to some individuals because they don't necessarily honor, in my mind, the oath that they've taken. But I wanted to repeat the oath that Board of Supervisors members take because I do value it, and I know the folks around this table value that as well.

[00:26:46] It says, I, in my case, Daniel G. Stork, do solemnly swear that I will support the Constitution of the United States and the Constitution of the Commonwealth of Virginia, and I will faithfully and impartially discharge all the duties incumbent upon me as a supervisor, in this case, the Mount Vernon District of the Board of Supervisors of Fairfax County, Virginia, according to the best of my ability, so help me God.

[00:27:12] And that's something that I know that I hear a lot of military folks talking about that all the time, the importance of that and why it matters because I'm not pledging to any particular individual. I'm pledging to a document that has evolved, in my mind, beautifully with the initial flaws that it had.

[00:27:32] We've worked to make it better, and I'm sure there will be other things in the future that we find that we can improve upon. But as Abraham Lincoln, of course my hero, would say, the Declaration of Independence was like our vision statement, our aspirational goal, And the Constitution is our document that we work to hopefully inform and improve upon every single day.

[00:27:55] So, again, thank you for taking the time and recognizing this. Thank you, Supervisor Stork. And I also want to thank Dar for being here because even though we're celebrating Constitution Week, I have some close friends of mine who are heavily involved in the Daughters of the American Revolution, And I follow all the activities that they're involved in on social media and other places.

[00:28:17] And they're working year-round on these efforts, not just during this week. And so we appreciate all the work that you do in our community. And as Supervisor Pouchek acknowledged and really appreciate our youngest members coming here today, too, we always appreciate when our youngsters can make it to the board auditorium.

[00:28:37] And as was said, it is a living document, and it is one that guides us. Certainly, we've taken an oath of office, but should guide every resident of Fairfax County today and into the future, that living important document. And so thank you for the work that you do year-round.

[00:28:54] With that, I think we're ready for a vote. All those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. And Amanda, welcome. The floor is yours. Thank you very much. I would like to thank you, Chairman McKay and the Fairfax County Board of Supervisors, for this proclamation.

[00:29:13] I want to particularly thank Mason District Supervisor Jimenez, who didn't hesitate when we approached him with our request, and with his staff, worked to make this proclamation a reality. As you said, sir, in 1955, the National Society Daughters of the American Revolution petitioned Congress with a resolution to set aside September 17th through the 23rd, dedicated for the observance of Constitution Week.

[00:29:42] This annual celebration was established when signed into law by Dwight D. Eisenhower, president, on August 2nd, 1956. The DAR is committed to encouraging the study of and educating the public about the Constitution and the men who framed it.

[00:30:01] The United States Constitution stands as a testament to the tenacity of Americans throughout history to maintain their liberties, freedoms, and inalienable rights. Lastly, in honor of Constitution Week, and for Supervisor Palchuk, who mentioned having an outdated Constitution copy, and Supervisor Beerman, who I think said it was old and stained, we would like to present each district supervisor and Chairman McKay with a pocket Constitution.

[00:30:33] And in case you're wondering at what age you can join the D.A.R., I will say that it is 18 but we have with us two D.A.R. prospective members, two future members, Lena and Arlie Miller.

[00:30:48] All right, thank you very much and thank both of you for these wonderful gifts, excellent job and with that I think we're ready for a photo and if all of you could come forward and face the audience, I'll join Supervisor Jimenez and the board can rise.

[00:31:13] And next up, we have a resolution to recognize Cox Charities and the recipients of its 2024 community grants for their contributions to our community.

[00:32:48] And this was requested by myself. Our speaker today, of course, is Catherine Falk, vice president at Cox Communications, who's with us. And I have a resolution, so I'm going to hand the gavel over to Supervisor Smith so that I can read the following resolution.

[00:33:03] Whereas Cox Charities Community Grants are funded through the generous contributions of Cox employees who donate via recurring payroll deductions and one-time gifts, and the grant recipients selected through a review and voting process by the employees themselves.

[00:33:20] And whereas Cox Charities works to help build a better future for the next generation by giving back, demonstrating a commitment to corporate social responsibility, and has positively impacted local

communities in need.

[00:33:33] And whereas these contributions have been instrumental in providing critical support, resources, and opportunities for countless individuals and families, and whereas recipient organizations including Food for Neighbors, Computer Corps, Hope Cam, Bringing Resources to Aid Women's Shelters, Empower House, Kids Are First, and Better a Life are recognized for their exceptional contributions to the community,

[00:34:00] And whereas Cox's charitable efforts reflect dedication, hard work, and a commitment to utilizing resources to drive meaningful change and foster positive outcomes, now therefore be it resolved that the Fairfax County Board of Supervisors, on behalf of all residents of Fairfax County, does hereby extend its gratitude to Cox for their generous philanthropy and commend the recipients of these charitable initiatives for their tireless efforts, dedication and success in harnessing their resources to make a significant and lasting

[00:34:35] impact in the lives of those they serve. I'll second that emotion along with Supervisor Palachuk. Discussion on the motion? Very briefly, because I know we're going to hear from Ms. Falk in a moment about these organizations, but you heard the names of them. Many of us are very familiar with the work that these groups do in our community and are certainly very grateful for all they do to help vulnerable people throughout Fairfax County.

[00:35:01] But I also want to take this moment to thank Cox in particular, because as the resolution reads, these are payroll deductions of Cox employees who are voluntarily giving back to the community through an organized effort that Cox has put in place.

[00:35:19] And I think it speaks very clearly to the need for our business community to be involved in so many of the charitable works and philanthropy that takes place throughout Fairfax County. But I think it's also important to recognize that these employees then have a say in the organizations that get these awards.

[00:35:39] And for the folks who are receiving these awards from Cox, I hope it speaks volumes to you that the employees of Cox recognize the good work that you do and they want to make a commitment to help you continue to serve our community. And so, as I said, we're going to hear from Catherine in a moment about these, but just wanted to take a moment to share that gratitude.

[00:36:01] Thank you. Surveys of Harriton. Yeah, real quick, I'm going to pile on a little bit on Cox because the supervisor, Walkinshaw, attended the Outstanding Park Authority Employee Awards, another great thing, and in a month we're going to be doing Digital Inclusion Week.

[00:36:17] So I'd like to echo thank you for everything that you and your employees do for our community. Thank you. I'm sorry, Supervisor Lesk, and then Supervisor Alcoyne. Thank you. Very quickly, I'll say thank you so much to the work that you're doing specifically in the county, but also in my own community.

[00:36:37] I've seen the benefits of the contributions, and I just want to acknowledge in the Hyper Valley community the opportunity for a number of residents to be able to receive laptops so that they can be included in access to the World Wide Web.

[00:36:54] So I'm so excited about the work that you're doing. I just want to acknowledge those who are working at Cox, that the work that they're doing is making a difference. So thank you. Thank you so much.

Supervisor Alcorn? Thank you. Just piling on, you know, this is a great example of, you know, we in the government, sometimes we get focused just on our own programs.

[00:37:15] But this is a great example of how the community steps up, how corporate citizens like Cox step up and really help make a difference. And these organizations that are highlighted today do amazing things in our community and really do help our caring community thrive.

[00:37:37] So thank you and thank your employees for stepping up. We really appreciate it. Thank you. Seeing no further discussion, all those in favor of the motion say aye. Aye. Anyone opposed? Any abstentions? That motion carries. Mr. Chairman. Thank you, Vice Chairman Smith.

[00:37:53] And with that, as I mentioned earlier, we have with us Catherine Falk from Cox Communications. Welcome. The floor is yours. Thank you so much. Thank you, Chairman McKay, Vice Chairman Smith, the wonderful Board of Supervisors members. So grateful to have the chance to be here today. We are grateful to be able to highlight some amazing organizations doing work right here in our community.

[00:38:14] And as you heard, each year Cox employees give back to the Cox Charities Fund, and then a committee of them selects these winners. So here in Northern Virginia, we're pleased to announce today we will donate $45,000 in seven grants to organizations, plus two special ones you'll hear about at the end.

[00:38:34] So when I call your name, organizations, if you'll come down and join me, the first organization that is a winner is Food for Neighbors, that focuses on the underserved teen population by raising awareness and mobilizing communities to donate food and toiletries to end hunger.

[00:38:53] They partner with secondary schools to regularly connect these resources and grocery gift cards with students in needs. And joining me is Karen Joseph, Executive Director. Next up, bringing resources to aid women's shelters. Through partnerships with shelters, schools, and community organizations, BRAS distributes menstrual supplies and undergarments to increase health and well-being, support economic and educational success, and aid in achieving stability.

[00:39:23] And joining me is Executive Director Tara Block. Tara's, I think, here today. Next up, Computer Corps. Computer Corps' mission is to prepare underserved Virginia adults to realize career aspirations with foundational computer and professional skills through training and outreach.

[00:39:43] And Donna Walker-James is joining us, their Executive Director. Next up, HopeCam. HopeCam's mission is to overcome social isolation experienced by children with cancer by virtually connecting them with their classmates and peers. They provide tablets, laptops, Wi-Fi access, and HopeCam resources at no cost to families.

[00:40:05] And Brett Fox, their director of philanthropy, is joining us remotely because he's sick today. Empowerhouse, since 1978, Empowerhouse has helped survivors of domestic violence and their children in Virginia build new lives filled with dignity, respect, safety, and hope.

[00:40:21] They break the cycle of violence through shelter, housing, advocacy, and education, prevention, and intervention, with more than 3,800 people served in 2023. And Nancy Kelly, their Executive Development Director, is joining us today. Kids Are First provides a year's worth of custom-ordered school supplies to children who live in poverty in Fairfax County, giving them the tools to succeed.

[00:40:48] And Susan Unger, their founder, is joining us here today. Better a Life will feed anyone who says, I'm hungry, and disrupts generational patterns by providing children and families with food, educational assistance, and life skills services.

[00:41:05] And Elizabeth Ford, their CEO, is joining us today. In addition, Cox Charities Grants also have with us today representatives from the Fairfax County Park Authority Foundation. We recently ran a social media campaign to recognize their outstanding employees in partnership with Supervisor Walkinshaw and thank you to Supervisor Herity as well.

[00:41:29] So we recognize they're super employees with $5,000 grants, but we also are announcing today that we were able to give an additional $5,000 grant to their Wonder Wagon, a mobile nature exploration center for children. And joining us are Roberta Longworth, their executive director of the Fairfax County Park Foundation, and Laura Aiken Ehrlichar, the Fairfax County Park Foundation board chair.

[00:41:54] So I'm so grateful to say we're investing $45,000 in these wonderful organizations today, and thank you so much for helping us to honor them. Thank you very much, Catherine. How about a round of applause for all of these organizations? Well done.

[00:42:14] Thank you not only to Cox for the donations, but also for highlighting the work of these groups that many of us are familiar with, but maybe not many of our residents are familiar with. and so highlighting the work that they're doing helps our residents also when they're making decisions about good causes to support so thank you for that. I think with that we're ready for a photo and if you all could come forward with with that big check and if the board could rise.

[00:42:43] Designate September 2024 as Suicide Awareness Month in Fairfax County and this was requested

[00:44:27] by myself, Supervisor Smith, and Supervisor Walkinshaw. And our speaker today is Loretta Goodwin, Executive Board Member of the American Foundation for Suicide Prevention, National Capital Area Chapter. If you could come down, and anyone else who's here with you for this, of course, is welcome to join you at the podium as well. And Supervisor Walkinshaw has a motion.

[00:44:50] Thank you, Mr. Chairman. Whereas suicide is the 12th leading cause of death in the United States and the 10th leading cause of death in the Commonwealth of Virginia, affecting individuals of all age groups. And whereas nearly 50,000 people died by suicide in the U.S. in 2022 and 1,208 people in Virginia died by suicide in 2022, representing a 36 percent increase in suicide rates over the last two decades.

[00:45:19] And whereas the COVID-19 pandemic exacerbated factors leading to suicide, such as mental health conditions, substance misuse, trauma, and stress. And whereas effective suicide prevention requires a comprehensive approach, including reducing risk factors, enhancing resilience, and providing support and education to individuals and communities.

[00:45:40] And whereas organizations like the American Foundation for Suicide Prevention, Fairfax Falls Church Community Services Board, and PRS Crisis Link are dedicated to research, education, and support for those affected by suicide, now therefore be it resolved that the Fairfax County Board of Supervisors, on behalf of all residents of Fairfax County, does hereby proclaim September 2024 as Suicide Awareness Month in Fairfax County, and urges residents to further outreach, education, and support for those with mental health challenges.

[00:46:13] So moved. Second. That motion's been moved and seconded by Supervisor Smith and myself. Discussion on the motion, Supervisor Walkinshaw. Thank you, Mr. Chairman, and thank you so much for being here. I won't reiterate all of the statistics that I shared both in the board matter and in the proclamation.

[00:46:32] One that I will share that I mentioned before is that in 2022, and this has been pretty consistent over time, firearms accounted for 54.64% of all suicide deaths. And I want to thank our police department and all of our county agencies for the incredible work that's being done to implement the emergency substantial risk order.

[00:46:56] I've shared times a situation that we had in the Braddock District where there was a veteran really suffering from mental illness who had quite literally dozens of guns in his home that we were able to take and work to get him the support that he needed.

[00:47:16] And there are stories and stories and stories like that around our community and around the nation. I want to thank the organization's mention and so many others doing this work around suicide prevention. I'm very excited for this year's walk coming up on Sunday, September 29th.

[00:47:34] Supervisor Smith and I will be leading our team again, and I hope other board members can join from 1230 to 2 p.m. If you haven't been before, it is a very powerful, powerful event. I just looked up on the website, out of the 63 teams, we are ranked 13th in fundraising.

[00:47:53] Now, having been there for a few years and heard how much money some of the teams raise, I don't know that we will come in first, but it would be great to be in the top 10 this year. So please take a look at that and share it with your staff and with your community.

[00:48:10] Thank you, Mr. Chairman. Thank you, Supervisor Walkinshaw, Supervisor Smith. Thank you, Mr. Chairman. I did already make my donation, but we'll see. Maybe we need an extra one in there. It is a wonderful day, a chance to bring people together, to educate people.

[00:48:26] Some days it's hot. Some years we go it might be rainy, but it doesn't matter. You see the faces of people, and you see the support that they feel. So I urge as many people in the community that can come join us. Education is so important with this issue.

[00:48:42] Thank you. Thank you, Supervisor Smith. And just briefly, I want to highlight one of the things Supervisor Walkinshaw said, and it's the connection to firearms. And I think, you know, this is something that thankfully you mentioned a lot of county agencies, our police department who are working on this.

[00:49:01] But, you know, since the red flag law passed in Fairfax County and we implemented that in Fairfax County, there have been a total of 576 firearms seized from individuals who either are a risk for domestic violence and have a history of that or have mental health challenges.

[00:49:23] And unfortunately, there are way too many instances of suicide. But access and ease of obtaining a firearm is in direct correlation to success in terms of committing suicide. And so I think that's something that, you know, we all need to reflect upon and continue to work on.

[00:49:42] But I also want to say, as, you know, someone who's been on the receiving end of calls when suicides occur in the county, it's one of the worst calls you can receive. And for the protection and privacy of the individuals involved, these are not things that you're going to read about in the newspaper or see on the evening news.

[00:50:02] But I want to assure people in Fairfax County that suicide happens too often, and it doesn't get the attention for obvious reasons where we want to protect the privacy of individuals, but that doesn't mean that this isn't occurring in our community, and particularly with our young people.

[00:50:21] And so I think in our actions, the things we say, the things we do in front of our young people, the way we protect them is so important because too many of our young people in particular are dying because of suicide and the stress that is put upon them and the situations they're in.

[00:50:42] And so I do want to give a shout out to all the organizations that work with all of our folks in the county. We know PRS Crisis Link, our Community Services Board. I don't want to get in trouble by trying to name all of them, but there are so many groups in our county that anyone who is suffering and has challenges in their life and is considering suicide, please make a call.

[00:51:10] do an intervention. Talk to someone who can help you because there are support systems in place here in the county and dedicated people who deal with this issue every single day. And so one suicide is unacceptable, but certainly these numbers are something we as a community have to address. With that, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. And as I mentioned, we have Loretta Goodwin, Executive board member of the American Foundation for Suicide Prevention, National Capital Area Chapter with us this morning.

[00:51:48] Welcome. The floor is yours. Thank you. On behalf of AFSP, I would like to start by thanking Chairman McKay, Supervisor Smith, Supervisor Walkinshaw, and the entire Board of Supervisors for supporting this proclamation, recognizing Suicide Prevention Month and for supporting the Fairfax Out of the Darkness Community Walk, which as was noted will be held on Sunday, September 29th right at City Hall in downtown Fairfax with your team Fairfax BOS once again this year. My name is Loretta Goodwin and I

[00:52:23] am the board secretary for the National Capital Area chapter and I became involved with the organization in 2018 after my child who was a student at Fairfax High School attempted suicide And I was discouraged to learn about how stigmatized this subject is, particularly in communities of color.

[00:52:46] And I was compelled to join the organization and to try to have as much outreach and impact as I could in the community right here in Fairfax. I am so grateful to be here as a representative of AFSP and our local chapter serving Northern Virginia and D.C.

[00:53:07] And I'd like to thank all of the other organizations who were here. I did have an opportunity to meet a lot of the other organizations with Cox Charities as well. And knowing that there are so many people in our community that are trying to create a culture that is smart about all of the needs that we have here in Fairfax County and beyond.

[00:53:28] But through our collective efforts, we can raise awareness and support to break down the stigma and ultimately achieve all of our goals here that we're attempting. For those of you who are not familiar with AFSP, we are a 37-year-old voluntary health organization that gives those affected by suicide a nationwide community empowered by research, education, and advocacy to take action against this leading cause of death.

[00:53:58] We are the largest private suicide prevention organization in the United States, and we serve this mission by engaging in the following core areas, funding scientific research and advocating for public

policies and mental health and suicide awareness, such as 988, which is a national three-digit suicide prevention, mental health, and substance abuse hotline.

[00:54:27] Suicide, as mentioned by Supervisor Walkinshaw, is actually the 11th leading cause of death in the United States. And a lot of people are surprised to hear that because we do have so many other obviously worthy organizations that get a lot more social recognition than suicide.

[00:54:51] And it is in Virginia the second leading cause of death among children, teens, and young adults aged 10 to 34. And I think a lot of people are also surprised to hear when we say as young as 10 are being impacted by this each and every day.

[00:55:08] So throughout Suicide Prevention Month and all year long, AFSP, National Capital Area, will continue to support the Fairfax community through countless programs and resources at no cost to the public. We will continue to do that through volunteers, advocates, donors, sponsors, and community allies to raise awareness and funds in support of our mission.

[00:55:36] I hope that each of you here today will connect with AFSP's National Capital Area Chapter. I also want to encourage everyone to follow in the footsteps of the Fairfax County Board of Supervisors, led by Supervisors Kathy Smith and James Walkinshaw.

[00:55:55] Please take action to fight suicide and support the walk by registering to walk, giving a gift, or signing up to volunteer, because volunteers are and we are always in desperate need of additional volunteers. So again, I'm truly honored to be here today to accept this proclamation on behalf of the American Foundation for Suicide Prevention, and I thank the board for recognizing our efforts and helping to give a voice to all of the individuals in our community who have been impacted by suicide. Thank you.

[00:56:24] Thank you very much, Ms. Goodwin, and thank you for all of your good work. We appreciate it. I think with that, we're ready for a photo. And if you want to come forward and face the audience, Supervisor Walkinshaw, Supervisor Smith can join me. And if you want the sign in the picture, too, we're welcome.

[00:56:41] Certainly happy to have that.

[00:56:43] And finally, this morning, we have a resolution to recognize the 40th anniversary of Channel 16.

[00:58:31] And this was requested by myself, and I know we have Rebecca Makeley here, Director of Department of Cable and Community Services, but we know there's a ton of people in the auditorium from Channel 16, and if you're here, if you can come on down.

[00:58:47] And remember, we're going to do this one right, because these folks have the power to pull us right off the air. So for those who are not holding cameras or running the meeting, if you want to come down and join Rebecca, that would be certainly a good thing. And I am going to turn the gavel over to Vice Chairman Smith so that I can read the following resolution. Whereas Fairfax County's Channel 16 has been a vital part of our community for 40 years, covering Board of Supervisors meetings and sharing news and educational programming to enhance civic engagement and

[00:59:23] government transparency, and whereas Channel 16 has produced over 33,000 hours of award-winning informational and educational programming for the benefit of Fairfax County residents and

beyond, and whereas Channel 16 has adapted to new technologies, keeping pace with the fast-changing media landscape and serving as a trusted source of information for county residents, and whereas Channel 16 has been recognized with 300 national awards for its quality programming, including two Emmy Awards from the National Academy of Television Arts and Sciences.

[01:00:02] And whereas Channel 16 plays a vital role in promoting civic participation by providing increased access to local government and encouraging residents to stay informed about issues affecting their lives, now therefore be it resolved that the Fairfax County Board of Supervisors on behalf of all Fairfax County residents, does hereby thank and commend the Department of Cable and Consumer Services staff for 40 years of dedicated service in connecting, informing, and engaging the community with outstanding award-winning content.

[01:00:36] I'll second that motion along with Supervisor Palchuk. Discussion on the motion? Very briefly, thank you all for being here, but most importantly, thank you for what you every single day as the resolution reads channel 16 literally connects our community with its county government and does it in such an exceptional way and you know I do want to in particular thank all the folks that I see going around to all of our activities in the county you know this is not a crew that just sets up in one newsroom and covers everything from there these are folks

[01:01:12] who are out in the community not just covering what we're doing but covering what is happening in the community and educating our residents on so many things that are important to their daily lives but might not make it into other media sources and so definitely want to thank you for your dedication also want to thank your staff because many of these things they don't happen from nine to four. These are on nights. These are on weekends. These are commitments that your team makes to be out there in the community at unusual hours. And I know that takes you away from other demands that

[01:01:52] you have with your own families to make sure that our residents get an opportunity to see what's going on in the community. And I can't thank you enough for that. And you think about the last 40 years and all the changes that have happened with media. Sadly, the lack of local dedicated media that's providing unbiased information to our residents compared to where we were just a few years ago, you know, you could rely on a lot of them to convey that information. And increasingly, it's hard to do that as those organizations either no longer cover local government or

[01:02:29] cover it for reasons unrelated to just presenting the facts. And so it's more important than ever, the work that you do and the way you've adapted. And then finally, and this is from the position of being chairman through the pandemic, the work that you all did during that period of time in particular, I have to commend you for because you covered all of these meetings, all the remote, all the technology changes we were dealing with. Resolutions like this. I can't tell you how many videos we filmed of me

[01:03:05] doing these by myself and an echo chamber on behalf of the board. But we wanted to make sure that our community and our groups in the community were still hearing from us about the milestones that were taking place. And we pivoted to do many of those in videos that we professionally did with Channel 16 so that we could give a good product to so many of those groups in our community.

[01:03:30] And so just watching what happened during that period of time and seeing some of the staff who were walking point during that period of time who have now retired and are back before us today to celebrate this 40th anniversary is great to see all of you and to congratulate you all in person on 40 years and hopefully many more years in the future. Supervisor Palczyk, then Alcorn.

[01:03:56] Thank you. And thank you, Mr. Chairman. I just wanted to share a couple of my favorite moments this morning with some of you because we were flipping through the photo book and I have not been on the county board for 40 years, but I've heard the names of many of the faces.

[01:04:17] So I got to see her this morning from Gail, who really founded Channel 16, to our staff, Donna, who hasn't aged a single day. Michael, who had a little more hair, and a few others who I know, like the chairman said, you know, many of us came into office three months before the pandemic.

[01:04:38] And whether or not we liked being on camera before, we had no choice. And I came to appreciate what you do more than I could have ever imagined. From dealing with Cisco and those challenges to being able to participate safely and remotely for the reasons before us.

[01:04:59] Could not be more grateful. And finally, my other favorite conversation this morning was IMAX versus AVID. What is the best editing machine? Having gotten my start interning for channel 21, I know just how critical and often unrecognized the work that you do is.

[01:05:22] Sitting up here at really exciting board meetings until wee hours of the night and ensuring that we are able to reach the community. And as the chairman said, those of you who have joined us from walks in the parks to seeing how we try to green our community, Seeing your faces makes it a little bit more of a fun day when we know that we've got work ahead and some challenges in the community.

[01:05:48] So just want to, from the bottom of my heart, thank each of you, those I've had a chance to work with, and those who helped build what Channel 16 is today. Thank you. Thank you, Supervisor Alcorn. Thank you, Madam Vice Chair. So just to pile on a little bit, you know, the chairman mentioned one of the things, all the things you do in the community and going out and filming programming and recording there.

[01:06:13] I also just want to point out that it's not just the board of supervisors that you support in this room. I spent 16 years on the planning commission and, you know, a lot of late nights, a lot of folks working the camera and in the control room.

[01:06:30] thank you for that. And, and, you know, one of the things I took me a while to figure this out, but in some ways you guys, you know, you're there for years watching us. You get to know us really well, you know, you really do. So thank you. They get a chance to speak in a moment, Walter.

[01:06:52] So thank you so much for your service. I know, I know most of it is behind the scenes, but it does make such a difference for our community and our residents. So thanks again. Thank you. Supervisor Jimenez. Thank you so much.

[01:07:07] I just want to say thank you. I've been here not that long, but as Supervisor Alcorn mentioned, as a planning commissioner, you all were there during some of those late nights, and I won't even begin to bring up some of those issues that we went through and what that was entailed.

[01:07:24] But having you all worked so hard and diligent to make us look good, It's so fantastic, letting the residents know what's happening in all of our districts, all the events that we have, all the things we do, as mentioned, on the weekends and late nights.

[01:07:39] That's where you're at. So thank you so much for your dedication, your support. You know, having you all come to my house was fantastic, you know, letting you in and kind of seeing kind of how we

live and how my family lives. And then coming back out for Restaurant Week and supporting Mason District and all the things that we do and all the things we do for our residents.

[01:07:58] So I just want to say thank you to the entire team. Supervisor Stork. Thank you, Madam Vice Chair. There's so much that's already been said, and they've clearly reflected my views as well. But it's a huge thank you not only to the folks in front of us but the folks out there.

[01:08:17] But also I cannot not mention the Mount Vernon Town meeting and the 30-plus years. We've been doing that in the 30-plus years. I know many of you have been involved with it. Particularly, I have to thank Rebecca Potts. I know you're up there.

[01:08:33] Thank you, sir. Donna, of course, Sarah, and our newest producer, I'll be – thank you all very, very much. And I know so many others that I don't directly interact with, but I know are part and parcel of the folks, the many, many folks who are there, spending Friday and Saturday getting ready for that and producing an amazing show.

[01:08:55] So my, again, deepest thanks and appreciation. Okay, so briefly, I need to thank you. I see faces have come out when I have to have something shot and I get a little anxious. And the staff is so professional and calms me down, but I love the world of editing because it always turns out really great.

[01:09:15] So, you know, thank you for that. I really, really appreciate all the effort and the time you spend to make sure it all turns out right. And with no further discussion, all those in favor of the motion say aye. Aye. Anyone opposed? Any abstentions that motion carries, Mr. Chairman?

[01:09:32] Thank you very much, Vice Chairman Smith. And with that, we have Rebecca Makeley, the famous Rebecca Makeley, who makes us all look good here before us. Welcome. The floor is yours. Thank you, Chairman McKay, Vice Chairman Smith, and members of the board. As you said, I'm Rebecca Makeley, Director of the Department of Cable and Consumer Services.

[01:09:51] And on behalf of our team, both past and present, thank you for recognizing Channel 16 on our 40th anniversary and for your very kind remarks. Over the decades, Channel 16 has produced relevant and timely content to connect, engage, and inform. As such, in lieu of further remarks, we would like to share our 40th anniversary video with you.

[01:10:11] Thank you. We are Channel 16, and we just hit a major milestone, turning the big 4-0. That's right. We're celebrating 40 years of producing award-winning, informative programming that reflects Fairfax County's diverse, creative, and empowered community.

[01:10:31] Our local government coverage has come a long way since we began recording the Fairfax County Board of Supervisors meeting on September 10, 1984. Back then, around 1,300 homes in the county could tune in to watch.

[01:10:48] Fast forward 40 years, now over 1.2 million residents have access to live gavel-to-gavel meeting coverage of not just the Board of Supervisors meetings, but also the Planning Commission, Board of Zoning Appeals, and Board of Supervisors committees.

[01:11:04] meetings we've also expanded our reach beyond traditional television with live streaming video on demand podcasts and popular social media platforms to connect with you wherever you are since cable casting our inaugural show we have produced over 32 000 hours of original programming our

talented production and engineering teams work tirelessly behind the scenes ensuring that Fairfax residents are well-informed, actively involved, and feel a strong connection to their

[01:11:38] local government. We take pride in our commitment to telling the story of Fairfax County with content that aligns with Fairfax County's brand, mission, values, and goals. Our coverage extends to promoting the county's strategic plan, amplifying the chairman's report on the state of the county, highlighting the diverse expertise of county agencies, and providing a platform for board members to maintain an open dialogue with their constituents. We also introduced 16 Around Fairfax, a show featuring social media-friendly videos highlighting the latest community events,

[01:12:16] programs, and services happening around the county. Over the years, our commitment to excellence has resulted in over 300 national and local media awards, including Emmys and being honored by the Alliance for Community Media as the best government access station in the country. 19 times. We are proud to provide residents with essential and accessible government information. We connect.

[01:12:45] We inform. We engage. We are Channel 16, celebrating 40 years of excellence in government television. That's excellent. Very well done. And before we come forward and pose for a photo, I think all of us have props that we want to make sure we get up there for the camera to see.

[01:13:12] See if we can do this right. We did that so well, we get to stay on the air now.

[01:13:29] With that, if our Amazing Channel 16 team could come forward and pose for a photo, I will join you with the resolution if the board could rise.

[01:13:43] All right.

[01:15:41] Next up, we have board matters. And as we always do, these have been compiled digitally, and we will go alphabetically by district, following myself and Vice Chairman Smith. And I'm going to hand the gavel over to Vice Chairman Smith.

[01:15:57] I have two board matters. First, I move to approve without objection the proclamation request listed in this document to be presented inside or outside of the boardroom as appropriate. And that is a resolution to recognize Carla Bruce, Chief Equity Officer, for her 25 years of service to the county as she retires on September 20th.

[01:16:22] A resolution jointly with Supervisor Lust to recognize Lee Comick for his years of service as the president of the North Franconia Civic Association. A proclamation to recognize 2024 Volunteer Fest event that Volunteer Fairfax organizes annually.

[01:16:39] This year, the event is scheduled to be held on November 1st at Celebrate Fairfax's The Park at Tyson's headquarters. And finally, a proclamation to recognize the Fairfax County History Commission on its 55th anniversary this year. Additionally, the History Commission's annual history conference that will mark its 20th anniversary will be held on November 2nd with the theme, We Are Fairfax County, The Power of Place, Home.

[01:17:06] Without objection, it's so ordered. Thank you. And next up, I have a resolution to celebrate Fairfax County Olympians and FCPD representatives from the 2024 Paris Summer Games. This summer, as we all know, we had the privilege of witnessing exceptional athletes from around the world compete in the Paris Olympics. More than 10,000 athletes from 206 nations participated in the 2024 Summer Olympics,

competing across more than 45 different sports disciplines. Team USA brought home 126 medals, 40 gold, 44 silver,

[01:17:43] and 42 bronze. The Olympic Games not only showcase remarkable talent and athleticism, but also embody the spirit of global unity, cultural exchange, and shared excellence. As I often say, we're fortunate to live in one of the most talented regions in the United States, And this year, 17 athletes from Virginia competed in the 2024 Olympics, and I'm proud to share that four of them are from right here in Fairfax County.

[01:18:13] McLean's Claire Collins placed fifth in the women's eight rowing event. Greg Duncan, who grew up in Oakton, and placed eighth in the men's diving three-meter springboard synchro event. Hadley Hussinison, who attended Potomac School in McLean, placed 7th in the women's team and 12th in women's individual fencing events.

[01:18:37] And Griffin Yao, who grew up in Clifton and helped his team to an 8th place finish in men's soccer. Additionally, at least 11 athletes from the region represented Team USA in the Paralympics in Paris from August 29th to September 8th, where more than 4,000 athletes from around the world competed in 22 sports and 549 medal events.

[01:19:01] These local Parapalympians were part of a 225-member team representing Maryland and Virginia at the Games and include Fairfax County's own Trevon Jennifer, competed in wheelchair basketball in his fourth Olympic Games for Team USA.

[01:19:19] On September 7th, Fairfax County's own Trevon Jennifer and his team brought home the gold in wheelchair basketball. This is Trevon's fourth Olympic Games for Team USA. We're incredibly proud of every one of Fairfax County's Olympians and Paralympians.

[01:19:35] And lastly, I would like to acknowledge the team of highly skilled FCPD officers who were deployed to Paris, working closely with the French National Police to ensure the safety of athletes, spectators, and Olympic staff. As we know, our Fairfax County Police Department was one of only four police departments out of 18,000 in the United States to receive this honor.

[01:20:01] Notably, the entire cost of their participation was covered by the French government. The FCPD selection is a testament to the department's high standards, professionalism, and dedication to public safety. This opportunity to represent Fairfax County on the world stage underscores the exceptional training and capabilities of our officers.

[01:20:21] I move that the Office of Public Affairs prepare resolutions to recognize our talented Fairfax County Olympians, Paralympians, and the 12 FCPD officers who served at the Paris Summer Olympics in or out of the boardroom at a future date.

[01:20:39] I'll second that motion. Is there any discussion? I think it's obvious the athletes that were there, I think we all followed them through the games and followed their success and certainly want to recognize them individually for all of their work and how they've excelled athletically.

[01:20:59] and as the board matter states, too, also represent those officers who were deployed to Paris. I was asked several times at different events about how that came about, and it's clear it came about because of the reputation that our department has, that internationally we were asked, as we are in other ways in public safety, because we lead by example.

[01:21:21] And I want to thank those officers for taking this assignment and representing Fairfax County in a great way and what an opportunity also for them to build relationships with other law enforcement agencies from across the world. Just a real tribute to the work of our Fairfax County Police Department.

[01:21:40] Thank you. All those in favor of the motion, say aye. Aye. Anyone opposed? Any abstentions? That motion carries. Mr. Chairman. Thank you very much, Vice Chairman Smith, and that is the end of my board matters. Next up is you. Thank you. This is an announcement about Parktoberfest.

[01:21:57] The Friends of E.C. Lawrence Park are once again inviting everyone to celebrate Parktoberfest on October 5, 2024, beginning at 12 noon and ending at 5 p.m. Located on Cables Mills grounds off of Walney Road, this year's Parktoberfest features live music, good food, vendor stands, and cold seasonal brunes from Sully's Ono Brewery.

[01:22:20] I ask without objection that this information be shared with the public. Without objection, it is so ordered. Supervisor Smith. That's it. Thank you, Supervisor Smith. Supervisor Walkinshaw. Thank you, Mr. Chairman. I have one written board matter and one announcement. The written board matter is the joint board matter with you, Mr. Chairman, and Supervisor Stork to designate Energy Efficiency Day.

[01:22:41] In 2016, the American Council for an Energy Efficient Economy established the first Wednesday in October as Energy Efficiency Day, and it's been celebrated every year since. The goal is to highlight the many steps that we can take to cut energy waste, which leads to reduce energy costs, healthier homes, and more climate-resilient communities.

[01:23:02] When we improve energy efficiency in our residential, transportation, and commercial sectors, we're taking the most immediate measures possible to meet our energy needs, lower utility bills, and reduce pollution. Thanks in part to appliance efficiency standards, U.S. households can save up to $500 annually just by replacing older, less efficient appliances.

[01:23:23] In addition to the financial savings, improving energy efficiency reduces the amount of electricity required to power our homes, which helps decrease harmful greenhouse gas emissions. For community-like ours that are aiming for carbon neutrality, energy efficiency is critical for achieving the emissions reductions targets outlined in our CCAP plan.

[01:23:45] Since 2009, we've built 24-lead silver, 18-lead gold, and one-lead platinum building. We've been implementing energy-saving measures across our facilities, including replacing heating, ventilation, and cooling systems with higher-efficiency systems and installing solar where feasible.

[01:24:04] We've already installed rooftop solar panels on seven county facilities, and FCPS has plans to install solar panels at nine schools over the next 18 months. It's worth noting that Fairfax County's facilities consumed less energy for operations and produced fewer greenhouse gas emissions in FY 2023 than they have in any year since the county started tracking our data.

[01:24:31] These measures are a significant economic driver, supporting millions of jobs across the nation and many right here in Fairfax County. On Energy Efficiency Day, we encourage everyone to do their part by learning about energy efficiency measures they can take. We also encourage residents, HOAs, businesses, and faith communities to learn about the many incentives available at the federal, state, and local levels to help them incorporate these practices into their daily lives and operations.

[01:24:58] Therefore, Mr. Chairman, we request that the county designate October 2nd, 2024, as Energy Efficiency Day in Fairfax County, and that the Office of Public Affairs be directed to disseminate information to residents highlighting the importance of Energy Efficiency Day. We also request that the Office of Environmental and Energy Coordination register the county as a participant in Energy Efficiency Day 2024 on the official website, energyefficiencyday.org, where energy efficiency tips can be found and shared in honor of this day.

[01:25:28] And I'm happy to second that motion. Is there any discussion on the motion? Seeing and hearing? Yes, Supervisor Walton. I'll just put in a plug related to this. On October 26th at Lake Braddock High School, we'll be hosting our second annual climate action conference.

[01:25:45] Chairman McKay will be there as well. And this year's focus is on health. And we have a speaker from the National Children's Medical Center who has done research on the impacts of climate change and specifically air pollution on children's health, so childhood asthma rates, et cetera.

[01:26:05] And we have an inciting program planned where we're going to talk about the opportunities and incentives available for people to reduce their emissions and help make our kids even healthier. Thank you, Mr. Chairman. Excellent. Thank you, Supervisor Walkinshaw. And that's the second annual, I have to give you credit, the first annual last year, Supervisor Stork and I joined you and Congressman Connolly and didn't know what to expect and walked in and the room was packed full of people.

[01:26:32] So, good job in getting the word out. You did good job in getting the word out. We had a meet this year, so I'm looking forward to it. All right. With that, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries.

[01:26:48] Thank you, Mr. Chairman. Just one announcement. On Saturday, September 21st from 10 a.m. to 2 p.m. at 4716 Wakefield Chapel Road in Annandale, we will be hosting the annual Oak Hill Day open house.

[01:27:06] And my colleagues know Oak Hill is a historic 18th century Georgian-style home, which is a remnant of the Ravensworth tract, the one remaining home from the Ravensworth tract, which originally totaled more than 22,000 acres, the largest tract in Fairfax County.

[01:27:22] We will have tours throughout the day. And this year, kind of a new portion of the event, we're going to have a panel discussion at 11 a.m. where we're going to go a little bit beyond the history of just Oak Hill and take a broader look at history in the area.

[01:27:41] And we have some great panelists. It'll be moderated by Tom Shoup, who was previously Braddock District's representative on the History Commission and wrote a book that I've shared previously, A Place Called ILDA, Race and Resilience at a Northern Virginia Crossroads. We will have former chairman of the board, Sharon Bouliva, and Braddock District Supervisor, Sharon Bouliva, whose work guaranteed the preservation of Oak Hill and public access to Oak Hill.

[01:28:07] We'll have Brian Heintz, who teaches really a fascinating class at West Springfield High School, I think maybe the only applied history class in FCPS. So his students are doing active and applied history, Brian Heintz.

[01:28:24] And then recent addition to the panel, we have Marion Dobbins, who's a descendant of the nearby community in the Providence District, the Pines, and author of works about forgotten black

communities in Fairfax County. So we have really exciting, exciting program coming up.

[01:28:42] Maybe it's in the Mason District. Yeah, Mason District. Yeah, yeah. But very excited to have Marion Dobbins as well. So that's Saturday, September 21st, starting at 10 a.m. Thank you, Mr. Chairman. Thank you very much, Supervisor Walkinshaw. Next up is Supervisor Bierman.

[01:28:59] Thank you, Mr. Chairman. One board matter and a few announcements. The board matter is for the 50th anniversary of the Closet of the Greater Herndon Area. The Closet of the Greater Herndon Area is a faith-based, volunteer-driven organization that was founded in 1974 to give families the opportunity to buy used clothes, household articles, and other items at affordable prices, to use the profits to benefit low-income families in the greater Herndon area, to provide items at no charge to persons referred to by an authorized agency, and to encourage community involvement.

[01:29:33] To serve these purposes, the Closet has operated the Closet Thrift Shop, selling donated merchandise for the past 50 years. In 2023, they sold over $1.2 million worth of merchandise and gave away over $100,000 worth of free clothing and household goods.

[01:29:49] In 2023, 475 volunteers logged over 18,000 hours serving the closet. Since 1974, the closet has given away over $3 million in clothing and household goods to individuals referred by local social service agencies.

[01:30:04] It's provided more than over $3 million in grants to support over 50 different nonprofit organizations serving the greater Herndon area. It has contributed nearly $780,000 in scholarship funds to area high schools and created employment opportunities for nearly 100 people, many of whom are immigrants with English as a second language.

[01:30:23] The Closet currently employs 24 individuals and offers them competitive wages, health insurance, paid vacation time, and holidays, and maintains a 401k retirement plan for employees. The closet has been a tremendous asset to the greater Herndon area and will celebrate its 50th anniversary at October 23rd, 2024 dinner.

[01:30:43] Therefore, I move that the Board of Supervisors direct staff to prepare a resolution honoring the 50th anniversary of the closet to be presented to the closet at its October 23rd, 2024 anniversary dinner. I'm happy to second that motion. Any discussion on the motion?

[01:31:01] Seeing and hearing none, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Supervisor Beerman. Terrific. It's obviously just a wonderful organization, and I'm happy to support it. Wanted to offer a few upcoming announcements about events they're happening in the Drainsville District.

[01:31:20] We've got a busy two weeks coming up. On Saturday in Herndon is the Que Pasa Festival from the Latino Chamber of Commerce. It's going to be from 12 to 6. A big festival should be a lot of fun to celebrate our community in Herndon.

[01:31:36] That same day, I will also be dropping by Riverbend Park for the Native American Festival put on by FC, the Fairfax County Park Authority. And then before the next board meeting, I also wanted to highlight two other great events. Again, the Fairfax County Park Authority, in conjunction with other groups, is doing salsa in the park on Friday, September 20th at the Alabama Drive Park.

[01:32:00] uh, to celebrate Latino conservation week. Um, uh, no promises that I will be dancing, but I will be there. Um, and then lastly, uh, a really, uh, fun thing that's happening in downtown McLean at Franklin Sherman elementary, uh, the McLean, uh, revitalization corporation on, uh, Friday, September 20th. So after the salsa, you can come out and watch despicable me three uh uh with the community as well uh first uh movie night um that I think we've ever had in McLean so we're we're looking forward to that it's going to be a busy couple weeks but lots of fun

[01:32:36] stuff uh going on not only in my district in all of your districts as well um but I just wanted to make those quick announcements thank you thank you very much uh Supervisor Beerman Supervisor Lusk thank you Mr. Chairman I have a few uh board matters and I'll have one announcement um I'll start with the Community Services Board satellite locations, which is a joint board matter with you, Mr. Chairman, Supervisor Palachuk, Supervisor Bierman, and myself. The Fairfax Falls Church Community Services Board, CSB, provides community-based services for youth, adults, and families who are affected by

[01:33:15] developmental disability, mental illness, and/or substance abuse. Our CSB staff, led by Darrell Washington have been working diligently to extend their life-saving services to all communities within Fairfax County. In fact, since June of this year, satellite services have been extended in three locations, including the Frank County District. On August 2nd, 2024, I was happy to join CSB staff for the opening of the CSB satellite location at the High Blue Valley Community Center. At the site, evidence-based treatment is now available

[01:33:49] individuals ages 5 to 18 in need of behavioral health and psychiatric services. Services include same-day assessment, individual, family, and group therapy, peer support, medication management. These services have also been extended to the James Lee Community Center and the Herndon Resource Center.

[01:34:08] This is in addition to the expansion of youth medication-assisted treatment, YMAT, services at the Jerry Highland Governmental Center South County Center this past June. YMAT is the use of FDA-approved medications in combination with counseling and behavioral therapies to treat substance use disorders and prevent opioid overdose. These are significant accomplishments in terms of expanding access to high-quality services and care to all areas of Fairfax County.

[01:34:41] Our challenge now is to build community awareness of these important services that are now available closer to where our residents live. With that said, Mr. Chairman, we would like to move without objection that the Board of Supervisors direct the Office of Public Affairs in coordination with the Department of Neighborhood and Community Services, Department of Family Services, and Fairfax County's public schools to assist the Fairfax Community Services Board by promoting this community awareness of services now available at the satellite locations that have opened in Fairfax County since June of 2024.

[01:35:15] And without objection, that is so ordered. Supervisor Lusk. Thank you, Mr. Chairman. Second is a joint board matter with yourself regarding fire prevention week's proclamation. Mr. Chairman, fire prevention week is October 6, 2024 through October 12, 2024.

[01:35:34] This year, all Fairfax County fire stations will host their fire safety prevention events on Saturday, October 12, from 10 a.m. to 4 p.m., and all are encouraged to attend. Therefore, we move with our objection that the Board of Supervisors designate October 6, 2024, through October 12, 2024, as Fire

Prevention Week, and a proclamation be prepared by the Office of Public Affairs for presentation within the boardroom on Tuesday, October 8, 2024.

[01:36:02] And I'm looking at Mr. Castrilli, and we have that on the docket, so thank you for that. And without objection, that is so ordered. Supervisor Lusk. Thank you, Mr. Chairman. Next is a board matter regarding Mount Eagle Elementary School and their celebration of their 75th anniversary.

[01:36:20] On Saturday, September 14, 2024, Mount Eagle Elementary School will celebrate its 75th anniversary, its Diamond Jubilee. There will be a celebration at the school from noon until 3 p.m. with games, food, and great food to celebrate this historic milestone. Therefore, Mr. Chairman, I move without objection that a proclamation be created to recognize the 75th anniversary of Mount Eagle Elementary School.

[01:36:44] to be prepared by the Office of Public Affairs and to be presented at their anniversary celebration to be held on Sunday, September 14, 2024. Supervisor Stewart. Thank you, Mr. Chairman. I also wanted to see if the maker would add my name to that.

[01:37:02] Part of Mount Eagle has about a third of the enrollment is from Mount Vernon District and would like to have my name added. I will not be able to be there this Saturday, but absolutely would want to be part of the resolution. Have no issues with that. Happy to do it, Mr. Chairman. So we'll coordinate the three of our signatures quickly to make sure we can get this into Supervisor Lusk's hands for the event.

[01:37:23] Yes, sir. And we did share information with OPA early because we knew that this was kind of a tight turnaround. So they are aware of it. Excellent. So without objection, that is so ordered. Supervisor Lusk. Yes, sir. And then last, and I guess I'll need to add this to the motion that you made earlier, Mr. Chairman.

[01:37:40] So we do have, this was a little confusing because it appeared that this particular member was in the city of Alexandria, but it's now been determined. The city of Alexandria claimed credit for this individual, and that's why they were not on my board matter. So we will absolutely allow you to read it, but we will absolutely include this medal recipient now that we can confirm the address of this individual is in the Alexandria section of Fairfax County.

[01:38:08] That is correct, Mr. Chairman. And I will call Mayor Wilson at the conclusion of our meeting today with great glee, Supervisor Lusk. Yeah, I imagine that was an oversight on their part. But clearly, we want to claim our Olympian here in Fairfax County.

[01:38:26] So, Mr. Chairman, I would like to recognize rower and Franconia District resident Christian Tabash, who won the bronze medal for the United States at the Paris Olympic Games in the men's eight rowing team competition. This medal is the first for the United States in the men's eight since the 2008 Tokyo Olympic Games.

[01:38:46] Christian has roots in the D.C. metro area. He's rowed for four years at Gonzaga College High School and was named a 2016 All-Met First Team by the Washington Post. He then rowed for four years at Harvard University, graduating with a degree in government, and then he did one year at the University of California at Berkeley as a graduate student.

[01:39:07] So with that background, Mr. Chairman, I would like to move without objection that the Board of Supervisors direct the Office of Public Affairs to prepare a proclamation for Christian Tabash to be

presented either within or outside the board auditorium. And without objection, that is so ordered, and I have been directed to reach out to Mayor Wilson, who's a 30-year friend of mine that I've known since our collegiate days and takes great credit when the news is good involving Alexandria to claim it's the city of Alexandria, but when the news isn't good, it must be in Fairfax County.

[01:39:42] So this is another example of that, Mayor Wilson. Thank you, Supervisor Lusk. And I would just add that I did grow up in the city of Alexandria, so I do have an allegiance to the city as well. My grandparents are from there, and my whole family is from there. But in this case, this is a Fairfax County victory.

[01:39:59] We want to claim it. So with that, Mr. Sherman, I'll just do one last announcement, and I'll just note that we had the Bridge Walk, which was held on August 17th. And I want to acknowledge that it was a great opportunity to bring members of the community, particularly in Springfield, including Fort Belvoir.

[01:40:20] We had the VFW. We had the American Legion. We had the Boy Scouts. It was just an amazing day where we got to welcome the new Garrison Commander, Colonel Stewart. And we also welcomed our new commander for the Front County District Station, Major Kuhar.

[01:40:36] And it was a little warm, but it did not rain. so the beauty is we were able to do the community covenant which recognizes the partnership between fort belvoir and fairfax county and basically establishes the collaboration that we will continue going forward and that this has been in existence and i want to give credit to mr chairman and also to dana kaufman for the years of work that was done before this year this was the first year that we were able to bring it back since the pandemic in person and people came out in um in droves so we're excited to be able to do that so what i'd like to do mr chairman is give you

[01:41:15] your signed we've got all the signatures on this now covenant and i've also put it in a nice frame so you can put it somewhere nice in your office so thank you mr chairman thank thank you supervisor lusk appreciate it and uh for those who have not seen this um and and this is good because the ones that are in my office the signatures of many of us around the dais are on this and they faded so bad you can hardly see them now and so this is a copy of the covenant and this is signed by all the

[01:41:49] elected officials who are proud to represent parts of fort belvore in the areas around fort belvore and so thank you for that supervisor luskin certainly glad to hear the tradition of holding the Bridgewalk is back and started not only as a celebration of Fort Belvoir and the military presence in and around the Springfield community, but also was deliberately done across Veterans Bridge because Veterans Bridge was one of the many early revitalization projects in Central Springfield that could also celebrate the revitalization of Central Springfield, which is occurring at an even more rapid pace now.

[01:42:29] Yes, sir. So a great community celebration. And, Mr. Chairman, if I could, I made one little oversight, and I want to thank Supervisor Stewart for being in attendance at the Bridgewalk. He was there and was able to actually put his own signature on it in person. So, grateful for his participation and all the others who were there as well.

[01:42:49] So, thank you, Mr. Chairman. Thank you. Thank you very much, Supervisor Lusk. And next up is Supervisor Alcorn. Thank you, Mr. Chairman. No board matters, but just one announcement, really more of a thank you. I just wanted to let the board know, I think everyone is aware that we have had in

Reston a significant homeless encampment on county property in Reston that's had as many as 47 individuals staying on this property that's become known as the Hill.

[01:43:20] And, you know, we did, Fairfax County opened the temporary overnight shelter a few weeks ago, and as a result of that, and also as a result of really extraordinary efforts by so many folks, several of whom I want to thank here, I'm pleased to announce that as of 9.30 this morning, I got a text, all Hill occupants have left the encampment.

[01:43:46] This has been really an extraordinary amount of work by a lot of folks, and I want to thank the county executive and Chris Leonard, Tom Arnold, Tom Fleetwood, Tom Barnett, the OPEH team, also Chairman McKay and this board for their support.

[01:44:12] And also in my office, Gwen Minton has done a tremendous amount on this, and our nonprofits, Cornerstones and Reston Strong. So they and also all the folks I haven't named, but all the volunteers in the community that have put their time and their money towards making this successful.

[01:44:34] You know, obviously this is not the end of homelessness in Reston by any means, but really it can be a model, I think, for county and community collaboration, leading with compassion. And it really has addressed in a meaningful way this truly vexing problem in our community.

[01:44:58] So I just want to thank everybody who's been a part of that. Thank you, Mr. Chairman. Thank you, Supervisor Alcorn. and thank you and your team because you had a clear view from your office of what was going on. And I can remember years ago meeting with you and meeting with the individuals that, you know, were telling their stories and how they became homeless and, you know, the challenges that they faced.

[01:45:22] And I think the most important part of this story is the way this operation was done with compassion leading the way. All of these individuals were provided resources, opportunities, time to transition, access to support services and nonprofits, quite a contrast to what we've seen happening in other parts of the country.

[01:45:47] And I think this is a testament not only to the ingenuity of a lot of our county staff and partners, but also just the heart and soul of our county, that this is a vexing problem. This is not the end of homelessness in that area. But there's right ways to approach the challenge and help people towards self-sufficiency, and then there's other ways to just act as if these people don't exist.

[01:46:12] And clearly, that's not what we do in Fairfax County. And so thank you for mentioning that. Thank you. Next up is Supervisor Jimenez. Thank you, Mr. Chairman. I have one board matter and three announcements. we are quite busy in Mason District these days and clear that we are we're back. Mr. Chairman I have one board matter with you and Supervisor Palchek. Mr. Chairman as you and our colleagues on the board are aware Fairfax County is home to a vibrant and diverse community with individuals

[01:46:47] hailing from across the globe. A significant portion of our residents from Central and South America in particular have decided to call Fairfax County home. Over the course of the last several months, county staff, along with my office, other board offices, our community, and the consulates of El Salvador, Guatemala, and Honduras worked to bring resources and services to our residents.

[01:47:09] These efforts gave access to our community in meeting their needs, such as renewing passports and getting copies of their official government documents. Given our cultural richness, I believe it is important to highlight our commonalities, such as our basic tenet of self-governance. On On September 15, 1821, El Salvador, Honduras, and Guatemala, alongside other Central American nations, declared their independence from Spain, marking a significant milestone in their history.

[01:47:39] Therefore, Mr. Chairman, as we approach this historic date, I ask without objection that the Office of Public Affairs prepare a resolution recognizing September 15, 2024, as the Independence Day of El Salvador, Honduras, and Guatemala to be presented outside of the border.

[01:47:55] And without objection, that is so ordered. And thank you, Supervisor Jimenez, for bringing this forward. This will be the first time we've been able to do this, so look forward to it. Thank you. Supervisor Jimenez. Mr. Chairman, I have three announcements, as I mentioned.

[01:48:11] And before I start going through this, and I'll be quick, it was so great to see you in Mason District over the weekend to celebrate Restaurant Week. I just want to say thank you for coming out. I know you were very busy, and you had so many different things on your birthday weekend. So I just wanted to say, you know, a belated happy birthday, and thank you so much for coming out.

[01:48:29] Now I'll jump into these announcements. Thank you, sir. You're up, Mr. Bierman. The floor is yours, sir. The first that you're very familiar with as you've joined me in kicking off the first ever Mason District Restaurant Week this past Sunday, happening now through Sunday, September 15th.

[01:48:49] There are a total of 10 restaurants in the Mason District who chose to participate in this inaugural event. So be sure to be on the lookout on my office's social media platforms throughout the week where we will be sharing information. I have some flyers handy for those on the dais who are interested in learning more.

[01:49:06] I would also like to thank Celebrate Fairfax and the Crossroads Corner Coalition for partnering with my office to make this a reality. We are extremely excited to highlight and showcase small businesses, local businesses in Fairfax County, specifically Mason District, and lift up and put a spotlight on all the wonderful diversity and cultural food that they have to offer.

[01:49:28] My second announcement is to share that Mason District will be hosting this year's Hispanic Heritage Month celebration on Saturday, October 5th, from 10 a.m. to 2 p.m. at the Woodrow Wilson Library in Colmore. I invite you all to join us for a day of performances, food, and to enjoy the richness of cultures that our Hispanic community brings to the county.

[01:49:50] I would also like to thank you, Mr. Chairman and Supervisor Palchek and Supervisor Stork, along with your staff that have been part of planning this event. I would also like to thank our nonprofit partners at HACAN for joining forces with us, along with Celebrate Fairfax and county staff from across agencies for their willingness to assist and participate in this event.

[01:50:10] I look forward to all of you joining us on October 5th. All right, we're almost done, I promise. There's a lot going on in Mason District as we've come back from summer. And my last announcement is to share that the Taste of Annandale will take place Saturday, September 21st at the Eileen Garnett Civic Space in Annandale.

[01:50:30] The event is hosted by the Annandale Mason Roundtable and will run from 10.30 a.m. until 6 p.m. on the 21st. And for those of you who are runners, there will be a taste of Annandale 5K preceding the event that begins at 9.30 a.m. that morning.

[01:50:48] I have flyers for those who may be interested in participating. Mr. Chairman, that is all I have for today. Thank you. Excellent. Thank you. Busy times in Mason District. Thank you, Supervisor Jimenez. Next up is Supervisor Stork. Thank you, Mr. Chairman.

[01:51:04] The first item I have is Redacting Unlawful Racial Covenants from Fairfax County Government Property Deeds, and this is with unanimous support of our board and greatly appreciative of all your folks, all the efforts. Supervisor Lusk and I attended something recently, and it was called A History of Fairfax County's Racial Covenants Lecture, presented by Dr. Kristen Moon, Professor of History and American Studies at the University of Mary Washington, and sponsored by the Nature Forward, South County Task Force, Fairfax NAACP, Mount Vernon Regional Historical Society, and Gum Springs Historical Society Museum.

[01:51:40] It was exciting to see over 100 residents in attendance, and Dr. Moon's research, presentation, and the meeting discussions were fascinating. In the Northern Virginia suburbs, a racial covenant in property deeds were one of the many ways segregated neighborhoods were created in Fairfax County from the early 1900s until they were declared null in 1968.

[01:52:01] Dr. Moon and other researchers are uncovering and documenting these covenants and other segregationist tools in order to educate residents about our history. Dr. Moon presented new research on the history and locations of racial covenants on subdivision properties in the Richmond Highway area as well as throughout Fairfax County with a focus on the practice in the Highville Valley Farm subdivision adjacent to Gum Springs.

[01:52:23] She also discussed the history and lingering impacts of these covenants and shared an online interactive map that she and other researchers created which is included in the recent online report Documenting Exclusion and Resilience in Northern Virginia released in spring 2024.

[01:52:40] Report and interactive map document the history of racial covenants barring blacks and others not of Caucasian race from owning property in the Northern Virginia suburbs. These deed restrictions dating mainly from the 1930s and 40s were nullified by the Fair Housing Act of 1968.

[01:52:57] This has been codified in Virginia Code 36-96.6, which declares that racial covenants, among others, are void by operation of law. Thus, even without a recorded release of such covenants, the county could not and would not seek to enforce them under any circumstances.

[01:53:15] However, we recognize the significance and importance of removing this legacy. Dr. Moon also discussed a 2020 Virginia law that makes it easier for property owners and organizations to remove or redact old racial covenants language from property deeds and encourage folks to do so.

[01:53:32] Per Virginia Code subsection 55.1-300.1, a real property owner can release a restrictive covenant that is prohibited by subsection A of subsection 36-96.6 by recording a certificate of release of certain prohibited covenants.

[01:53:49] The certificate can be recorded before a deed is recorded or when the owner discovers the covenant and chooses to release it. As part of her presentation, Dr. Moon shared that she had been

reviewing Fairfax County government property deeds and found some that contained racial covenants.

[01:54:06] Dr. Moon provided a list of these deeds and has indicated she has more to share. Beyond that, the process of formally releasing all of these covenants would require the review of more than 730 often complex deeds. Some are interns in various county staff offices and the clerks of court may be able to assist with this review.

[01:54:27] There currently are no staff resources dedicated to such a project. In response to Dr. Moon's presentation, Supervisor Lusk and I committed to bringing this matter to the Board of Supervisors for consideration. This matter in conjunction with the board matter presented by me, Chairman McKay, and Supervisor Lusk on June 11, 2024, titled Recognizing Fairfax County's Historic Black Communities, Their Preservation and Ongoing Vitality, reflects an ongoing interest in reckoning with our past to gain a deeper understanding of how history influences the present opportunity landscape in Fairfax County.

[01:55:02] Therefore, I move that the Board of Supervisors without objection direct the county attorney to draft their standard form release consistent with the requirement of Virginia's subsection 55.1-300.1, starting with the list provided by Dr. Moon and continuing as specific and lawful racial covenants are identified by county staff or the clerks of court, the county attorney is directed to file a form release of such covenants in the Fairfax County land records.

[01:55:31] As such, as time and resources permit, county staff, in coordination with the clerks of court, should review other property deeds to county-owned properties to identify any unlawful racial covenants so that a formal release of such covenants may be filed by the county attorney.

[01:55:50] Update the Board on this progress annually through an appropriate means and direct the Office of Public Affairs to publicize the availability of standard form release set forth in Virginia Code subsection 55.1-300.1 and to publicize information about any workshops that might be organized by county staff or the clerks of court relating to the formal release of racial covenants.

[01:56:16] And thank you, Supervisor Historic. I know you moved this without objection, but I think we should vote on this because this is really important. And I appreciate you bringing it forward and you and Supervisor Lusk participating. I had a staff member from my office there as well and was just fascinated by this.

[01:56:37] But also, we've known about this for a while, and there hasn't been an organized way to deal with this issue. And so this is hoping to put organization behind it and to track our success in making sure this happens. And so with that, I'm happy to second it, along with Supervisor Lusk.

[01:56:55] Any further discussion? Supervisor Stork. Mr. Chairman, I wanted to recognize our county attorney, Beth Teer. Spent a lot of time over the last week working with her. I mean, as you may or may not fully understand, I didn't fully understand, The amount of work required to change all these needs is not something that we can do tomorrow.

[01:57:16] But it is something that I think by our decision today, we can start that process and clearly over time make a difference. But the county attorney and her efforts in organizing and helping to coordinate some of the language in here was very instrumental in, I think, the quality of the product that you see here today.

[01:57:34] Excellent. Thank you. Thank you for that. That being said, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Supervisor Stork. Thank you, Mr. Chairman. I'm going to summarize a little bit the next one.

[01:57:50] This is in conjunction with yourself and with Supervisor Lusk. Mr. Chairman, I am proud to announce that this summer, Good Shepherd Housing and Family Services acquired their 100th home. This milestone was achieved during the GSH's 50th anniversary year and is a testament to their unwavering commitment to providing affordable housing for everyone in our community.

[01:58:10] This three-bedroom unit in Lorton will be for rent at rates affordable to those whose income is at or below 60% of the area median income, or what we call AMI. The acquisition was made possible through a combination of HOME and HOME Community Housing Development Organization, CHDO, and GSH resources.

[01:58:35] Over 1,000 working-class families have been served throughout the 50-year history of Good Shepherd Housing, with 83% of those households having children. In addition to the rental assistance, they also provide emergency financial aid, And I think the most powerful thing they do is their individualized case management.

[01:58:54] They have a program called ABC Apartments Budgeting and Counseling, which really helps families to not only be able to go to a house, but also to keep it because of how they manage their budget. As former board chair of Good Shepherd Housing and helping kickstart GSH's property acquisition program 25 years ago, this moment is especially meaningful to me.

[01:59:17] Please join me in congratulating GSH on this remarkable achievement and ensuring that everyone has a place to call home. Therefore, without objection, we ask that a proclamation be signed by the sponsor of this board matter and presented to GSH outside the boardroom on September 23rd at the ribbon-cutting celebration in recognition of their 100th property and their ongoing dedication to building a stronger community.

[01:59:41] And without objection, that is so ordered, Supervisor Stewart. Thank you, Mr. Chairman. And the last item is, particularly I know Mr. Chairman, but I think others will recognize this name, Dean Norton. After 55 years, and this is done jointly with the Chairman, after 55 years of dedicated service to George Washington's Mount Vernon, in our community, Dean Norton, who literally lives very nearby the estate, Dean Norton, the Director of Horticulture and Livestock, will be retiring at the end of this year.

[02:00:14] As the longest-serving employee at Mount Vernon, Dean's journey began on June 23, 1969. You can imagine that. And since then, his life's work, and truly his life's work, has been to preserve and enhance the historic landscapes of George Washington's estate.

[02:00:30] His deep love for this national treasure, combined with his horticultural expertise, has made him a cherished figure, both as a garden historian and as a beloved ambassador for Mount Vernon. Throughout his remarkable tenure, Dean has been at the heart of many historic and horticultural projects, including the restoration of Washington's Botanical Garden, Upper Garden, Bowling Green, and Fruit Garden and Nursery.

[02:00:54] Thanks to his dedication, the beauty of Mount Vernon's landscape will be preserved and appreciated for generations to come. Dean has shared his knowledge and passion for historic preservation with audiences across the country, earning numerous awards, including the Garden Club of America's

prestigious Elizabeth Craig Weaver Procter National Medal and the American Horticultural Society Professional Award, along with many more accolades.

[02:01:20] You may even have Kahneman sharing information and interviews on today's show on Good Morning America. In 2023, he was appointed by President Biden to the Committee for the Preservation of the White House, which is very appropriate. Upon his retirement, Dean will be honored with the title of Director of Horticultural and Livestock Emeritus and the Mount Vernon Ladies Association is compiling an oral history of his invaluable contributions which will become part of its permanent archives.

[02:01:48] Therefore, without objection, I ask that a proclamation be signed by the sponsors of this board matter and presented to Dean Norton either in or out of the boardroom prior to his retirement at the end of the year to honor his extraordinary career and lasting legacy at George Washington's Mount. And without objection, it is so ordered, it's hard to imagine Mount Vernon without Dean.

[02:02:09] And so what a treasure he has been to that treasured property. So thank you for bringing our attention to that, Supervisor Stork. And Mr. Chairman, I have just one last item, something that many of us get received already, actually our staff members do, but the Department of Economic Initiative is via their Fairfax Corps.

[02:02:28] You might remember Fairfax Corps from our committee meeting. C-O-R-E, is sending a monthly newsletter to all subscribers. They have more than 5,500 of Fairfax Corps' economic initiatives who are interested in low and no-cost ways to grow their business.

[02:02:44] This short missive is designed to showcase the many opportunities that Fairfax County, our partners, and other local governments have available to help small businesses and entrepreneurs. In particular, in the latest September edition, which I have here, it has two things that are particularly important to me.

[02:03:03] One is the Green Business Partners Networking Event, Be Green, Sea Green, Be Green, Sea Green. It's a free event. It's on September 19th from 5.30 to 7 o'clock in Tyson's. Registration is requested. And then the last item, or the second item, and there's many others in here, Made in Fairfax Local Business Expo on Fort Belvoir is seeking vendors for a pop-up market on September 19th from 10 a.m. to 2 p.m.

[02:03:29] And, again, Made in Fairfax is a brand and initiative that we've had because we know it's a core part of how we get more folks involved and, frankly, take some of the creative talent and apply it with products that can be sold and utilized in Fairfax County. So thank you, Mr. Chairman.

[02:03:44] Thank you, Supervisor Stork. And next up is Supervisor Palczyk. Thank you, Mr. Chairman. I have just one written board matter and then one announcement. Members of the board, I'm thrilled to invite the community to the inaugural Providence Day and back to school celebration on Saturday, October 5th from 11 a.m. to 3 p.m. at the George C. Marshall High School, 7731 Leesburg Pike.

[02:04:09] We have partnered with Chair and Providence District School Board member Carl Frisch, Celebrate Fairfax, and Neighborhood and Community Services to create a community event that celebrates the vibrant, diverse community we are proud to call home. In addition to Marshall High School being accessible by car, bus, or bike, shuttle services will run from the Jim Scott Community Center and the James Lee Community Center throughout the event.

[02:04:35] We have an exciting lineup of interactive, family-friendly activities plan to include a pumpkin painting, thanks to Potomac Farm Market's pumpkin donations, face painting, fitness challenges, giveaways, and prizes. To keep our families engaged and entertained, Zigzag the Magic Man will join us with his magic tricks, and Vocal Arts of Fairfax will perform a Broadway medley. We are extending the fun to the parking lot with the Wonder Wagon, the Purple Monster, an electric school bus, an electric trash truck, and a variety of public safety vehicles, including patrol cars, boats, a seatbelt convincer, and fire trucks. This free

[02:05:14] family-friendly event will highlight local organizations and businesses and is a wonderful opportunity to meet your neighbors and prepare for a successful school year. I hope you can come celebrate with your friends, family, and community. Last but certainly not least, we will have a community spotlight award ceremony to highlight our wonderful community members for the volunteer services. To submit your nomination, sign up to table or volunteer, or to learn more about this fantastic community event, please visit fairfaxcounty.gov slash providence. And therefore,

[02:05:51] I move without objection that the Office of Public Affairs publicize this event on the appropriate channels. I invite my colleagues, especially my neighboring colleagues and community members, to join us at Providence Day and back-to-school celebration. I know it's become a very busy day, So completely understand if we all have plenty of events in our community.

[02:06:11] And without objection, that is so ordered. Supervisor Palczyk. Thank you, Mr. Chairman. I just have an announcement about an event happening tomorrow at INOVA. I know we'll be here on September 25th recognizing Sickle Cell Awareness Month, which is this month.

[02:06:27] Valerie Bate was here with us this morning with Channel 16. and she and others are helping to organize the Sickle Cell Town Meeting that will be tomorrow evening from 5 to 8 p.m. at 8100 Innovation Park Drive on the second floor of the INUWA campus.

[02:06:47] You can join for a night of support, networking, education, entertainment, and a dinner. It will be a great opportunity to connect with vendors and community organizations. For more information, you can email adultsicklecellcenter at inova.org or call 571-472-1957.

[02:07:09] Very much want to thank them and the Heart of Gold Foundation for putting on this important event. Thank you, Supervisor Paucek. And finally, Supervisor Herity. Yes, Mr. Chairman, I have several. The first one is to proclaim October 2024, Cybersecurity Month in Fairfax County.

[02:07:29] And I'm going to basically summarize this, but we all know the importance of cybersecurity. There was an incident recently that reminded us, and Fairfax County made it through that fairly well. We've made significant investments in supporting open government, and there's obviously the balance with security.

[02:07:54] Therefore, Mr. Chairman, without objection, I ask the Board of Supervisors to proclaim October 2024 a Cybersecurity Month in Fairfax County, direct staff to invite appropriate individuals to appear before the Board on October 8, 2024, to be presented with the proclamation, and further to direct the Office of Public Affairs to promote this proclamation and Department of Information Technology's annual Security Awareness Day event for Fairfax County employees to be held on Thursday, October 10th, 2024. This event will provide staff opportunities to hear from industry experts on many things that can be done in securing access

[02:08:32] to personal data as well as the data that they have access to at work. And without objection, that is so ordered. Mr. Chairman, the second one is to designate October 7th through the 11th, 2024 as Digital Inclusion Week at Fairfax County. It's a national campaign supported by National Digital Inclusion Alliance. This year's theme is Stronger Together: Mobilizing Towards Sustainability. Hundreds of localities sponsor special events and campaigns to raise awareness and increase digital equity in their communities. Fairfax County is no different. Cox will be the lead on doing

[02:09:11] that in Fairfax County. The idea of digital equity means affordable digital hardware and connections, awareness of digital resources and services, access to specific digital tools advancement of digital lit literary skills Fairfax County has demonstrated an ongoing commitment to digital equity making significant strides as we know we've got we had a briefing we've got about 20,000 households that don't have a computer at home or an internet subscription earlier this year we developed a five-year digital equity action plan if you're gonna hear an update on that in our next IT committee meeting and with that I'm

[02:09:50] I'm going to jump to the motion. We're partnering with Cox first and ANOVA to host the Digital Equity Summit. Therefore, I move without objection that the board designate October 7th through 11th, 2024, as Digital Inclusion Week, and direct the Office of Public Affairs to prepare a proclamation to be presented at the Digital Equity Summit event on October 10th, 2024.

[02:10:11] And without objection, it is so ordered. I do want to mention that Cox was here earlier today, and we recognized them. It was an event at Murraygate in Franconia District when I was Franconia District Supervisor where we were trying to get Internet connectivity for a Boys and Girls Club activity center in Murraygate Village that gave, originally pointed out this challenge, at least to me, and that led to the board matter I did that kicked off this entire effort.

[02:10:44] And so it's hard to believe, you know, all the years that have passed since then, but we are making progress in this area and progress by drawing attention to the fact that we do not have digital equity at this point. And it's not because of the efforts of the county and Cox and some of our corporate entities, but it started there in Franconia District at Murray Gate Village, a property owned by the Fairfax County RHA and has grown demonstrably since then.

[02:11:13] And so without objection, that is so ordered. Supervisor Herity. It has come a long way from the computer clubs where people had to go places to get computer access. Now we're trying to get it into homes. So it has come a long way. NVTC did a great job in the early days trying to, with their computer clubs.

[02:11:34] The next one is Government Contracting Day. Fairfax County is one of the most dynamic and vibrant local economies in the world, A main driver of this economic success is the presence of a large number of successful government contracting firms that are either headquartered here in Fairfax or have a large presence.

[02:11:51] Some of those large contracting firms with headquarters in the county are General Dynamics, Leidos, Northrop Grumman, Booz, Allen Hamilton, Prospecta, SAIC, and Mantec. In addition to these large companies, there are numerous, and just as importantly, numerous small and mid-sized firms that provide essential services to the federal government while also providing jobs for our residents and boosting the tax base we need to fund county services.

[02:12:16] To honor these companies, the Greater Washington Government Contract Awards will be held on November 6, 2024. This is the region's premier event honoring the best of government contracting industry and is presented by the Northern Virginia Chamber and Professional Services Council.

[02:12:31] Mr. Chairman, I ask without objection that November 6, 2024, be declared Government Contracting Day in Fairfax County and a proclamation be prepared to be presented outside the boardroom. And without objection, that is so ordered. Supervisor Herity. The next one I distributed earlier this morning, and it is being done jointly with the prior planning commissioner members that served with Pete Murphy, Supervisor Jimenez, Supervisor Alcorn, Supervisor Lusk.

[02:13:01] I want to ask for a recognition of Pete Murphy on his retirement from service on the planning commission. Commissioner Pete Murphy has been an active member of the community for many decades. His dedication to public service has been exemplified by his work on task forces and numerous leadership roles, including the Honorary Chief of the Burke Volunteer Fire and Rescue Department, the Fort Belvoir BRAC Area Plan Review Committee, the Route 28 Task Force, the Capital Improvement Program Committee, Baseball Selection Task Force, and so many others.

[02:13:35] After serving on the Planning Commission for over four decades, Pete has decided to step down from this role. In 1982, Pete was appointed planning commission by the Board of Supervisors under Marie Travesky, serving as its chairman from 1989 until 2023, which is a remarkable run considering the change in everything over those years.

[02:14:00] During that time, he played a critical role in transforming the county from a sleepy bedroom committee to the economic powerhouse it is today. He's been a leader in forming the land use policies in Fairfax County as we know it from Springfield District cases like Fairfax Corner and Fair Lakes to county-wide cases like the Tyson's plan.

[02:14:20] He watched as the need for monopoles grew, larger and more efficient transportation projects were needed, metro expanded, densities changed, land use requirements were tested and changed, and he attended many late-night meetings on sometimes controversial land use cases. His vast knowledge of the planning process and Fairfax County's foundation contributes to how the commission operated, conducts business, and makes decisions in how we grew as a county.

[02:14:46] His steady leadership is one of the critical elements that enabled Fairfax County's development success. He guided the planning commission as chairman for 34 years before stepping down. Pete stayed on as a commissioner and is now ready to continue serving the community from a different role.

[02:15:02] feels that it's time to pass the torch to a new generation so they can understand the challenging yet rewarding experience his position entails. During his time as chairman he's received multiple awards and I'm not going to list them all because most of them you know them. Lastly and most importantly I want to thank Pete for our friendship and his willingness willingness to serve the residents of the Springfield District and the county over all those years. Pete will continue to support the residents of Springfield District as a part-time member of my staff and will be assisting in the transition of a new Planning Commissioner. Therefore, Mr. Chairman, I ask without objection that a

[02:15:40] resolution be prepared for Commissioner Murphy recognizing his decades of service as both the Commissioner and as Chairman of the Planning Commission to be presented before the board and

that he is recognized at a ceremony prior to the board meeting. Obviously, without objection, Pete's an institution and we'll I'll look forward to sharing our thoughts with him at that opportunity.

[02:16:04] So thank you for the board matter and for recognizing all that Pete's done for everyone in Fairfax County, literally. And I had a couple of candidates in mind still looking. Those are some incredibly huge shoes to fill.

[02:16:24] Yes, and I think a reminder to all of us how hard it is to find good people to make the kind of commitment it takes to be on the Planning Commission. And those at the dais who have served on the Planning Commission know it better than anyone, but it is a tough role to fill, period, even tougher when you're following in the footsteps of Pete Murphy.

[02:16:47] Well, and it's been the conversations with the former planning commissions that have changed a few minds to from. So it is a all of you that have done it on the dais know it's a it's a it's a not an easy job. So thank you.

[02:17:03] Big, big, big commitment for sure. All right. With that, we're going to move on to administrative items. And let me ask Supervisor Smith, do you have a motion to approve admin items one through eight? I move approval of admin items 1 through 8.

[02:17:20] Second. You've heard the motion. It's been seconded by myself and Supervisor Palczyk. Any discussion on the motion? Any items that board members need to have polled or have questions on? Seeing and hearing none, we will move on to our action items.

[02:17:36] We have four of those. First is action 1, presentation of the delinquent tax list. Excuse me. Oh, we didn't vote. Okay. It was that obvious, huh? All those in favor. as Supervisor Smith moved and as Supervisor Palchuk and I seconded, all those in favor of the motion to approve our admin items, please say aye. Aye.

[02:17:58] Aye. Any opposed? Any abstentions? That motion carries. We are on action items. Action item number one, as I said, is presentation of the delinquent tax list for tax year 2023-FY 2024. Supervisor Smith.

[02:18:16] I move approval of the county executive's recommendation. You've heard the motion. I'm happy to second that. Is there any discussion? Any discussion? I will just say thank DTA for all their efforts in collecting revenues for the county. As you can see here, an extraordinarily low number of delinquent tax accounts due to your good work, and we thank you for that. All those in favor of the motion, please say aye.

[02:18:42] Aye. Any opposed? Any abstentions? That motion carries. Thank you. Action item number two is authorization of the amended and restated interim real estate exchange agreement between the Fairfax County Board of Supervisors and Inova Healthcare Services regarding the joint redevelopment at Reston Town Center North in the Hunter Mill District. And before I turn to Supervisor Alcorn, as you all know, because you appointed me to this position earlier this year, I serve without compensation on the ANOVA Health Systems Board of Trustees and out of an abundance of caution

[02:19:20] and not because it is legally required. I am voluntarily recusing myself from action item number two and will not be participating in the discussion or voting on the matter. And so I am going to leave the dais for a moment and leave this in Vice Chair Supervisor Smith's hands.

[02:19:41] Thank you. Supervisor Bierman. I just will also add that, as you know, earlier this year, the board appointed me to serve on this ANOVA Healthcare Quality and Reliability Committee. I receive no compensation for the service, have abundance of caution, and not because it is legally required.

[02:19:58] I am also voluntarily recusing myself from action item number two, and I will be standing outside with Jeff. I will not be participating in the discussion or voting on the matter. Thank you. Thank you. Now I will call on Supervisor Alcorn for a motion. Thank you, Madam Vice-Chair. I move approval of the county executive's recommendation.

[02:20:16] I'll second that with, I think it was Supervisor Lusk and Palchuk. Any discussion on the motion? Supervisor Alcorn? Just very quickly, thank you. So this is an ongoing process. I want to thank staff very much for bringing this to the board.

[02:20:32] We are making progress. The thank yous and announcements that I made during board matters are directly related to this. This is absolutely critical to getting a new homeless shelter that's badly needed and a new regional library amongst other public facilities that are planned for this.

[02:20:52] So I'm very pleased this is moving forward and really appreciate the board's support. Thank you. Supervisor Herity? I was just curious if there was a set timeline because as you pointed out, I mean, we had the plan for a shelter approved eight years ago.

[02:21:08] And as you said earlier this morning, there's definitely the need. But, I mean, I think I was just curious if there's a timeline associated. Yeah, thank you. Appreciate you asking that. As a board, I think about a year ago, I think we did pass a motion to expedite this process and move forward.

[02:21:27] So I'd ask county staff basically to summarize what the timeline is looking like now. Right now, we are in the process, once we get this item approved, to restart the design and development for the zoning application.

[02:21:48] The process at this point looks like we are looking for the end of 26 for completion of the design for the board item, I mean, for the zoning plan amendment.

[02:22:05] And then at that point, we would be doing the REEA negotiations, I believe. Brian Wolfe with the county attorney's office. The next steps would be parallel tracks of proceeding with the land use application as well as negotiating the related transactional documents with ANOVA to effectuate the land swap.

[02:22:26] Of course, after that would be the design and then ultimately construction of the facilities. And Madam Chair, if I could, there is in the package, I forget which attachment it is, But it does show a timeline here, so you can take a look at that as well.

[02:22:41] Thank you. Seeing no further discussion, all those in favor of the motion say aye. Aye. Anyone opposed? Any abstentions? That motion carries. Thank you. And the chairman will be right back.

[02:22:57] Thank you, Supervisor Smith. And that brings us to make sure I don't lose our place here.

[02:23:14] Action item number three, which is a grant agreement between the Virginia Resources Authority and Fairfax County for the Little Pimmett-run tributary at Woodland Terrace Project in the Drainsville District, Supervisor Beerman. I move approval of action item three per the county executive's recommendation.

[02:23:33] I'm happy to second that motion. Is there any discussion on the motion? Any discussion on the motion. Seeing and hearing none, all those in favor of action item three, please say aye. Aye. Any opposed? Any abstentions? That motion carries. And finally brings us to action item number four, which is grant agreement between the Virginia Resources Authority and Fairfax County for the voluntary acquisition of three parcels at 83 land parcels at 8800 Richmond Highway to restore the riparian buffer and floodplain functions in the Mount Vernon District.

[02:24:07] Supervisor Stork. I move the county executive's recommendation. I'm happy to second that motion. Is there any discussion? Any discussion? Seeing and hearing none. All those in favor of action item 4, please say aye. Aye.

[02:24:23] Any opposed? Any abstentions? That motion carries, and that brings us up to closed session, and let me ask the county attorney how long we need for closed session. Mr. Chairman, I estimate approximately 45 minutes.

[02:24:40] 45 minutes which would put us back here at 145 as the board knows we are beginning public hearings early today because of the number of them plus we have an action item action item number five scheduled at 2 30 p.m. today so the board should the motion that I'm getting ready to ask supervisor Smith to make should that pass the board will report to close session at 145 on the dot not 146 145 so that we can make sure we start on time at 2 30. supervisor smith mr chairman i

[02:25:19] move that the board of supervisors recess and go into closed session for discussion and consideration of matters enumerated in virginia code section 2.2-3711 and listed in the attached agenda for this meeting and in addition as permitted by virginia code sections 2.2-3711 a 7 and 8 Lefebvre et al. versus Fairfax County et al.

[02:25:42] Case number 1, colon 23-CV-01605, United States District Court for the Eastern District of Virginia, Alexandria Division. You've heard the motion. It's been seconded by Supervisor Palchuk.

[02:25:57] Any discussion on the motion? Seeing and hearing none, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. The board will break for lunch and report to closed session at 1.45.

[05:06:05] The board is back, having just completed closed session. And at this time, I'm going to look to our vice chair, Kathy Smith, for a motion to bring us out of closed session. Mr. Chairman, I move that the board of supervisors certify that to the best of each member's knowledge.

[05:06:22] Only public business matters lawfully exempted from the open meeting requirements by virtue of Virginia Code Section 2.2-3711 and only such public business matters as were identified in the motion by which closed session was convened were heard, discussed, or considered by the Board of Supervisors during the closed session.

[05:06:41] You've heard the motion. It's been seconded by Supervisor Pouchik. Any discussion on the motion? Any discussion on the motion? Seeing and hearing none, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Motion's coming out of closed session. Supervisor Smith.

[05:06:58] I move that the Board of Supervisors ratify the steps taken by county attorney during the Board's August recess to pursue an interlocutory appeal in Warren H. Scheng et al. v. Board of Supervisors

of Fairfax County, Virginia, case number CL-2023-8569, Fairfax County Circuit Court, as outlined by the county attorney in closed session.

[05:07:21] You've heard the motion. It's been seconded, multiply seconded. Supervisor Luss-Powczyk and the chair will second that. Discussion on the motion. Seeing and hearing none, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions?

[05:07:36] That motion carries, and I believe that was the only item coming out of closed session. So at this time, we're going to move forward with the items on our formal agenda, and our first item is an action item today. And this action item was held over from this afternoon as a request for a minor variation.

[05:07:57] Board approval, let me read action item number five, board approval of a minor variation request for RZ2020-PR-008 by West Park Corporate Center, LLC, to increase the height of one building by 11.28 percent above what is shown on the conceptual development plan, final development plan, CDP, FTP, in the Providence District.

[05:08:22] And I would remind everyone that these requests are not public hearings. We'll begin our public hearings after this action item is finished, although they do have an affidavit. So at this time, could the applicant please reaffirm the affidavit?

[05:08:42] Thank you very much. Mr. Gill, are there any disclosures from board members? Any disclosures from board members? Seeing and hearing none, I will now recognize county staff for a staff presentation. Good afternoon. I am Lauren Hall with the Department of Planning and Development.

[05:09:00] I am presenting an action item for your consideration today under the minor variation process. The subject property, 8484 West Park Drive in the West Park Corporate Center, is zoned planned development commercial and located in Tyson's in the northwest quadrant of West Park Drive and Route 7. The site is governed by RZ 2020 PR 008 and FDP 2020 PR 008, which together permitted an existing office development to remain generally as previously developed when land area

[05:09:36] was removed from a parcel for the extension of the borough. The proffered elements of the conceptual and final development plans list the maximum building height as 125 feet. The West Park Corporate Center, LLC, proposes to add a rooftop amenity space that will increase the building height by 14.1 feet and 11.28% increase to 139.1 feet.

[05:10:03] A viewshed exhibit demonstrates that the height increase would not cause the rooftop amenity addition to exceed the elevation of existing rooftop mechanical equipment, which is excluded from the calculation of maximum building height and that a person will not be able to view the added height from a public sidewalk along route 7 nor from west park drive this concludes my presentation thank you very much are there any questions of county staff seeing and hearing none at this time i would recognize the applicant for an applicant's presentation if you so choose it's

[05:10:34] up to you okay uh any questions of the applicant seeing and hearing none uh closing any closing comments or a recommendation from county staff? Yes. As outlined in the board matter, the requested minor variation does not affect any proffered conditions related to use, density, or intensity, and the requested height increase of 14.1 feet does not exceed 15 feet or 15 percent of the approved building height, and the PDC district does not have a specified maximum height.

[05:11:07] Staff believes the change will not have a materially adverse impact on adjacent properties. Staff, therefore, believes that approval of this minor variation request to increase the building height to 139.1 feet for 8484 West Park Drive meets the requirements of the zoning ordinance and recommends that the Board waive the requirement of a public hearing and approve this minor variation request.

[05:11:35] Thank you very much. Last call. Any questions for staff or the applicant? Seeing and hearing none, this is in the Providence District, and at this time I'd recognize Supervisor Palchuk for a motion. Thank you, Mr. Chairman. I believe this is my first time doing a motion for minor variation.

[05:11:50] So we're doing the public hearing, but it's not a public hearing. First of all, just before I read my motion, I want to thank the staff who've been involved in this, and my office, and the applicants. And I agree that not only will it not impede the views or be detrimental, it will be a great asset and benefit.

[05:12:07] Those of you who had the chance to go out to West Park, see the beginning of the Tyson Circuit Trail coming along, as well as the hawk signal and just really in a time when we know office is really struggling between the office uses the restaurant i don't know if it's open yet and then additional amenities will help this area continue to be a place where communities and businesses want to locate or relocate and support this part of the community and i'm getting a head nod from my neighbor across the street. So I think he approves as well. With that, I will read my motion. In accordance with

[05:12:47] Zoning Ordinance Subsection 8100.5.A2 and Virginia Code 15.2-2302, I move that the Board of Supervisors waive the requirement for public hearing and approve a minor variation of RZ2020-PR-008 to increase the height of one building by 11.28% above what is shown on the conceptual development plan and final development plan that was proffered under Proffer 2 as detailed in Action Item 5.

[05:13:24] You've heard the motion. It's been seconded by Supervisor Lusk. Any discussion on the motion? No further discussion. Seeing and hearing none. All those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? And that motion carries. Thank you.

[05:13:40] We are now going to move on to the rest of our public hearings. And before I call the first public meeting, I do want to make a few remarks. As most of you are here today or aware, due to a staff procedural error, all public hearings that were held at the July 16th, 2024 Board of Supervisors meeting must be re-heard today.

[05:14:02] And due to the same error, those hearings that had been scheduled for July 30th were not heard were also rescheduled for today. On July 30th, I stated that it was not the board's intent to defer any of these, but we were compelled to do so to meet our legally mandated notice requirements.

[05:14:20] At my request, the county executive conducted a review of what led to the error as well as the county's public hearing advertising processes. While this mistake was caused by unintentional human error and fortunately was ultimately discovered by staff, it did result in impacts to our applicants, the staff, and the public.

[05:14:38] As such, it is important to put in place systems of checks and balances so that this doesn't happen again. The county executive has assured me and the rest of the board that he has done so by taking a number of steps, including additional staff training on changes made by the General Assembly that impact the Board of Supervisors, the Planning Commission, and the Board of Zoning Appeals, and implementing a new workflow that refines the advertisement procedures and includes a standard of

checks three weeks before each board meeting to ensure that our legally mandated advertisement requirements are administered correctly.

[05:15:12] We again apologize to anyone impacted by this error and any inconvenience that it may have caused. I also want to reiterate that all testimony received on July 16th will be included as part of the record of today's public hearings for the Board's consideration. At that time, we had two speakers for the proposed amendments to the Uniform Retirement Systems Ordinance, Two speakers on the proposed plan amendment 2023-CW-1CP, for sale workforce dwelling unit policy and program, and 59 speakers on the proposed zoning ordinance amendment regarding data centers.

[05:15:47] Having said that, the board invites the testimony of all who wish to speak to the matters on our agenda this afternoon, regardless of whether you testified on July 16th, but did want to make assurances that anyone who did testify on July 16th, Their testimony has already been captured and will be part of the final record.

[05:16:06] With that being said, individuals wishing to provide testimony today had a number of options. They can testify here in person or they can provide testimony by phone or YouTube video. At the designated point in the public hearing, I will call for any speakers from the speakers list and they will either come forward or their video will be shown or they will be connected by telephone.

[05:16:27] There would then be an opportunity for anyone else who would like to speak to the application to come down to the podium or to call in at 703-324-1020. Speakers testifying via video must have signed up and submitted their video no later than 9 a.m. on the day prior to the hearing.

[05:16:47] For public hearing testimony, you're given three minutes to speak as an individual. If you're a spokesperson for a group, you are given five minutes. Now, having said all of that, I will call our first public hearing, which is a public hearing on SE 2024-HM-00004, ST Wheelie, LLC, in the Hunter Mill District. And could we please have the applicant reaffirm the affidavit? Good afternoon, Chairman, members of the board. My name is Kathy Taylor from the law firm of Walsh Colucci. On behalf of the applicant, I do reaffirm

[05:17:24] the affidavit dated August 23, 2024. Thank you very much. Are there any disclosures from board members. Disclosures from board members. Seeing and hearing none, I will now recognize county staff for a staff presentation. Thank you, Mr. Chairman. I'm Kevin McMahon with the Department of Planning and Development, and the applicant proposes a special exception to permit certain sign modifications to establish a sign plan for a multifamily residential building in Reston.

[05:17:52] The subject site is zoned PRM and is approximately one quarter mile to the southwest of the Wheely Reston East Metro Station. The property contains approximately 1.84 acres and is developed with the Russell at Reston Station. It's a six-story multifamily building consisting of 260 residential units. The special exception sign plan contains a total of 10 signs, including three freestanding, five building mounted and two pavement signs with a total area of 104 square feet.

[05:18:31] Two specific modifications of the ordinance are being requested to permit an increase in the number of signs and sign area for freestanding and building mounted signs on the property. And on this slide, you can see a few of the signs that are being proposed. And that concludes my presentation.

[05:18:48] Thank you very much for that presentation. At this time, we'd welcome the applicant's presentation. Good afternoon again, Kathy Taylor from the law firm of Walsh Colucci. I do only have a few

brief remarks. As you heard, this is a fairly straightforward and simple application for a signed plan.

[05:19:06] By way of quick background, the existing multifamily community known today as Russell at Reston Station was part of a larger rezoning that was approved back in 2016. Previously, it was known as Lincoln at Wheelie Station. In accordance with the approval, the six-story residential apartment was built in 2020 and later that same year, the previous owner sold the property to the current owner, who is the applicant.

[05:19:31] So at time of purchase, there was only one approved sign on site, which was a freestanding sign at the community entrance. There was no signage to identify the building itself or provide any direction or wayfinding to the community's amenities. So as you heard, the signs that you see in the plan properly reflect these important and necessary signage for the existing residential community that will have minimal impact on the surrounding neighbors.

[05:19:55] As such, staff and the Planning Commission have recommended approval of this application, and I do request your favorable consideration in this case. And with that, I am happy to answer any questions that you may have. Thank you very much. Are there any questions of staff or the applicant? Seeing and hearing none, this is a public hearing.

[05:20:14] I have no speakers who have signed up in advance to testify. Is there anyone here in the auditorium who wishes to speak on this subject? Anyone who wishes to testify on this matter? Seeing and hearing no one, let me ask if anyone has called in. There are no callers. No callers.

[05:20:30] I assume the applicant waives rebuttal. Seeing the affirmative, any closing comments or recommendation from county staff? Yes, sir. On June 26, 2024, the Planning Commission recommended approval of the requested special exception application subject to the development conditions dated June 12, 2024, and staff concurs with this recommendation.

[05:20:52] Thank you. Thank you very much. Last check. Questions from board members. Seeing and hearing none, I'll now close the public hearing and recognize Supervisor Alcorn for a motion. Thank you, Mr. Chairman. I'd request that the applicant confirm for the record their agreement with the development conditions dated June 12, 2024. On behalf of the applicant, we do agree to the development conditions dated June 12, 2024.

[05:21:12] Thank you very much. So I'll go ahead, Mr. Chairman, and move that the Board of Supervisors approve SC 2024-HM-00004 subject to the development conditions dated June 12, 2024. Second. You've heard the motion and the second by Supervisor Palachuk.

[05:21:29] Any discussion on the motion? Seeing and hearing none. All those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Thank you very much. Our next public hearing is a public hearing on SEA 98-M-009-03, Most Reverend Michael F. Burbridge, Bishop of the Catholic Diocese of Arlington and his successors in office in the Mason District, and could we please have the applicant reaffirm the affidavit?

[05:22:02] Good afternoon. I am Anne-Marie McKinnon of the Catholic Diocese of Arlington on behalf of Bishop Burbage, Bishop of the Catholic Diocese of Arlington, and I affirm the affidavit dated June 7, 2024. Thank you very much. Are there any disclosures? Any disclosures? Seeing and hearing none, I will now recognize county staff for a staff presentation.

[05:22:28] Thank you, Mr. Chairman. I'm William O'Donnell with the Department of Planning and Development, presenting for Emma Estes, who is no longer working for the county. The applicant requests a special exception amendment to permit a child care center with up to 100 children in the R3 zoning district within the Mason district.

[05:22:47] The 12-acre application site is located at 4329 Sano Street in Linconia Heights area. The property and surrounding properties are zoned R3. The comprehensive plan also recommends public facility uses. The site is developed with an existing religious assembly use with accessory educational uses, including existing K-8 private school with enrollment up to 300 students and a college with enrollment up to 35 students.

[05:23:17] The proposal would amend the previous approval to allow a child care use for up to 100 students. The cumulative maximum enrollment for the private school would remain 300 and would include both pre-K and K-8 age groups.

[05:23:36] No new construction or changes to the religious assembly, private school, or college uses are proposed. The only change is to allow education of pre-K-aged children in the existing facilities, which is considered a child care. And as there are no overall increase in capacity on site and no site modifications, nor new construction, the proposal does not pose any new impacts.

[05:24:01] Staff finds the proposed special exception meets the standards of the comprehensive plan and the zoning ordinance. That concludes my presentation. Thank you very much. At this time, we welcome a presentation from the applicant. Thank you.

[05:24:16] Again, Anne-Marie McKinnon with the Catholic Diocese of Arlington. We want to thank staff, Emma Estes, who has departed, and also Billy for their assistance in helping us work through this. The parish and the school are very eager to hopefully gain approval for this application because they would like to utilize current existing capacity for smaller, presumably smaller, younger children within the existing facility.

[05:24:41] No changes, no physical changes, no construction, and no disruptions to the site are anticipated. That's all I have. Thank you. And if you have any questions, I'm glad to respond to those. Excellent. Thank you very much. Any questions of staff or the applicant? Seeing and hearing none. Thank you very much. You may have a seat.

[05:25:01] This is a public hearing, and I have no speakers who have signed up in advance to testify on this matter. Is there anyone present who would like to speak on this subject? Anyone present who would like to testify? This is a public hearing. Seeing and hearing no one, let me ask the clerk if we have any callers.

[05:25:17] There are no callers. No callers. I assume the applicant waives rebuttal. Closing comments and a recommendation from county staff. Thank you, Mr. Chairman. On July 17, 2024, the PC recommended approval of the application and the waivers and modifications, and staff concurs with those recommendations.

[05:25:36] Thank you very much. Any questions from board members? Seeing and hearing none, I will now close the public hearing and recognize Supervisor Jimenez for a motion. Thank you, Mr. Chairman. I would like to ask the applicant to confirm their agreement to the development conditions dated July 22nd, 2024.

[05:25:53] The applicant is in agreement with the development conditions of July 22nd, 2024. Thank you. Mr. Chairman, I move that the Board of Supervisors approve SEA-98-M-009-03, subject to development conditions dated July 22nd, 2024.

[05:26:12] I further move that the Board of Supervisors reaffirmed the previously granted waivers and modifications, including modifications of the transitional screening requirements along the southern, eastern, and western property boundaries, waiver of the barrier requirement along the southern, eastern, and western property boundaries, waiver of the interior parking lot landscaping requirement, modifications of the peripheral parking lot landscape requirement.

[05:26:40] You've heard the motion. It's been multiply seconded. Any discussion on the motion? Seeing and hearing none. All those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? And that motion carries. Thank you very much. Next, we have a public hearing on SC2023-HM-00028, Kidsdom Montessori, Inc., and Imran A. Mufti in the Hunter Mill District.

[05:27:10] And as soon as they are ready, if we could please have the applicant come down and reaffirm the affidavit. Good afternoon. This is Imran Ufti, and good afternoon, all board members, and I reaffirmed the affidavit.

[05:27:28] And the date of the affidavit? Do you have the date of the affidavit? I think it was end of 2023. Can we get staff to confirm the date of the affidavit? It's November 7, 2023. And so you're reaffirming the affidavit of November 7, 2023.

[05:27:47] Thank you very much, sir. Appreciate it. Are there any disclosures of board members? Any disclosures of board members? Seeing and hearing none. At this time, we'd recognize county staff for a staff presentation. Good afternoon, Mr. Chairman and members of the board. I'm Karen Yee with the Department of Planning and Development. The subject property is located on 10900 Barron Cameron Avenue. The 1.69 acre property is zoned QDH2 and contains a single family detached dwelling. The SE request is to allow a home day care facility with up to 12 children and two non-residential employees. The home daycare facility will be located on the main

[05:28:27] floor of the house and includes two outdoor play areas in the rear yard. To address comments from neighbors at the PC public hearing, the applicant installed additional landscaping along the rear lot line and moved the outdoor play area fence back an additional five feet so that it is now 20 feet from the rear property line. The fencing on the applicant's property has been repaired and the fallen tree stump has been repositioned from the eastern property line. This concludes stock presentation. Thank you. Thank you very much. At this time, we'd welcome an applicant's

[05:28:58] presentation, if you have one. No, sir. As she stated, we have taken care of the recommendations of the Planning Commission, and that's about it. Thank you. Okay. Thank you. Any questions of staff or the applicant? Seeing and hearing none, this is a public hearing, and I have no speakers who have signed up in advance to testify on this matter. Is there anyone here present who would like to speak on this subject? Anyone here who would like to testify on this matter? This is a

[05:29:28] public hearing. Seeing and hearing no one, let me ask the clerk if anyone has called in. There are no callers. No one has called in. Assume the applicant waives rebuttal. Closing comments and a recommendation from county staff. On June 26, 2024, the Planning Commission recommended approval of the application subject to the proposed development conditions now dated August 27, 2024. Staff

concurs. Thank you very much. Last call. Any questions from board members? Seeing and hearing none, I will now close the public hearing and recognize Supervisor Alcorn for a motion.

[05:30:02] Thank you, Mr. Chairman. This was a case that had a lot of discussion at the Planning Commission. I want to thank the applicant for working with the neighbors and with the Planning Commissioner, 100 Mill Planning Commissioner, to sort through some of those issues. And frankly, I pray that going forward there will be peace in the neighborhood, and this will go fine.

[05:30:25] But I do encourage you to keep working with your neighbors constructively. I do need to ask if the applicant could come forward and confirm for the record their agreement to the development conditions dated August 27th, 2024.

[05:30:41] Do you agree to those development conditions? Yes. Yes, I do. The fence that she stated has been marked back, and I have the material, but it is construction is still ongoing.

[05:30:58] Okay. But you agree to the development conditions? Yes. Okay. Yes. All right. Thank you. Thank you. Okay. Thank you very much. So with that, Mr. Chairman, I move that the Board of Supervisors approve SC-2023-HM-00028, subject to the development conditions dated August 27th, 2024.

[05:31:17] And I'm happy to second that motion along with several others, Supervisor Herity, Supervisor Lusk. Any discussion on the motion? Any discussion on the motion? Seeing and hearing none. All those in favor of the motion, please say aye. Aye. Aye. Any opposed? Any abstentions? And that motion carries. Thank you.

[05:31:36] Next, we have a public hearing on RZ 2023-SU-00017, concurrent with PCA 78-S-063-14, Pulte Home Company, LLC, in the Sully District.

[05:31:56] And as soon as the applicant is ready, we would appreciate a reaffirmation of the affidavit. Thank you, Mr. Chairman, members of the board. My name is Lynn Strobel. I represent the applicant. There are two affidavits, one for the PCA, one for the RZ.

[05:32:12] I reaffirm both affidavits dated June 27, 2024. Thank you. Thank you very much. Any disclosures from board members? Any disclosures from board members? Seeing and hearing none, I'll now recognize county staff for a staff presentation. Thank you, Mr. Chairman and members of the board.

[05:32:30] I'm Tapa DeCole with the Department of Planning and Development, And today I'll be presenting this rezone request by Pulte Home Company. The subject property is located in Westfields in the northeast quadrant of the Newbrook Drive and Poplar Tree Road intersection.

[05:32:46] The site is zoned to the I-4 district within a water supply protection overlay and airport noise overlay. The site is currently being utilized as office space. The applicant requests approval to rezone the site to the PDH-16 district to permit the development of a residential community.

[05:33:05] The community would consist of multifamily buildings, stacked townhomes, and single-family attached. The units would transition from higher density along Newbrook Drive to lower density along the Walney Estates neighborhood. The final development would result in a density of 13.36 dwelling units per acre, inclusive of bonus density for affordable housing and workforce dwellings.

[05:33:29] Forty-five percent of the site will be dedicated to open space, including passive and active recreational amenities. space will be connected through a network of publicly accessible sidewalks trails and streets the applicant has designed the park space to commemorate eleanor c lawrence by integrating

a variety of garden spaces throughout the site revised proffers dated september 5th 2024 were added to the supplemental package and included an additional commitment to providing wayfinding signage to the eleanor c lawrence park no other substantial changes were made overall staff finds that the proposed

[05:34:05] application to be in conformance with the comprehensive plan and generally conforms to the requirements of the zoning ordinance thank you thank you very much at this time we welcome the applicant's presentation excuse me uh thank you mr chairman and members of the board i do have a brief presentation only because we did have some speakers at the planning commission and we have made modifications to the proffers since the planning commission hearing which i would like to just make you aware of um as we go forward with this hearing so just very briefly as

[05:34:41] was mentioned um is this on okay technology is not my strong suit i apologize thank you so we go to the first slide um as was mentioned this property is located within landing at j at westfields this was the land unit that was the subject of a plan amendment to allow residential development in this

[05:35:10] area which originally was an office park for office and industrial uses that's okay i'm just going to go ahead and we'll catch up because i think that some of my first slides are just a little bit of background so i would say that if you take a look at the aerial of the property it's about 23 acres it's zoned i-4 we are proposing a rezoning to the pdh-16 district so it is a change of use from office to commercial this development will be built in two phases

[05:35:48] oh good can we go back just maybe two well I will just keep going this development will be in two phases I think that was something that was important that we've worked on during the processing of this application this will allow for two of the existing low-rise office buildings to remain and that will allow some existing small tenants to finish out their leases and then the second phase of development the ultimate development will complete this proposal that will include a mix of residential you uses as was mentioned

[05:36:25] the the defining characteristic of this proposal is the open space there will be about ten point five two acres of open space about forty five percent of the site it is a combination of public and private open space just very briefly we have a linear park that will be along Newbrook Road the southern portion of which will be installed with the first phase of development we also have a common green that will be a focal point for the community that will also be installed with phase one and then we have a variety of pocket parks they will

[05:37:03] be both public and private and will are designed and intended to appeal to a variety of ages and then lastly we've also ensured connectivity including an off-site trail connection to the Eleanor C. Lawrence Park. Regarding traffic, I know that there were some concerns that were raised by the community about traffic. What you'll see here is that for the a.m. and p.m. peak, we actually are reducing the number of trips. We do have a larger overall number of daily trips but by 510, so not a significant impact. And then we took a closer look

[05:37:42] and put a finer point on the traffic on Walney Road, as that was something that was raised. And when we analyze that impact, if you look at Graphic 3, you'll see that this really is not anticipated to impact Walney Road.

[05:37:58] We've only got two more trips in the AM peak. Other than that, it is neutral. These are some of the existing proffers that were presented to the Planning Commission. They'll look familiar. You see them

in many of your cases for green building certification, noise mitigation, parks and open space, and affordable housing.

[05:38:18] What I really wanted to focus on, on the revisions that have been made since the Planning Commission, some of them at the request of FCDOT, they were looking for some flexibility on a crosswalk, on the location of a bus stop. Also, I did reach out to the community, understanding their concerns, and adding some proffers regarding the timing of the off-site pedestrian connection we're installing a wildlife crossing sign clarified construction hours and then also clarified this off-site easement that will take folks to the park and then for the park authority as was mentioned installation of a

[05:38:57] wayfinding sign and prioritizing our contribution to eleanor c lawrence park so we have gone through a number of steps in this application we've had meetings with the westfields business owners association and its architectural review board and they are favorable if you're familiar with westfields you know that that's not an easy task so we're very happy that we come to you with a supportive proposal from them we also presented to the sully district council who had no objection the staff recommends approval the planning commission recommends approval and i would ask for your favorable consideration today. I'd be happy to answer any questions. We also brought

[05:39:35] representatives of Pulte, a civil engineering firm, and the traffic consultant, if you have anything specific for them. And I appreciate your time this afternoon. Thank you. Thank you very much for that presentation. Are there any questions of staff or the applicant? Okay. Thank you very much. This is a public hearing, and I have no speakers who have signed up in advance to testify on this matter. Is there anyone present who would like to testify? This is a public hearing. If you could come on down start by stating your name and address and the clerk will record your name and address for the record and after this gentleman is there

[05:40:12] anyone else who wishes to testify on this matter who's present anyone else who wishes to testify okay welcome the floor is yours well thank you very much my name is David Dundon I'm sorry what else did you need just your address oh four seven zero four Layfield Valley Drive Chantilly 45 year resident of the County, a 29-year resident of the community contiguous to that intersection with Poplar and Walney.

[05:40:40] I've looked at the application. No doubt this will be approved, but I just want to say for the record, as a resident who travels those roads, particularly the Poplar and the Walney Road, twice a day, even though I'm retired, we head over to Wegmans, like many others.

[05:40:59] Not only were we shocked to see the housing development contiguous to Wegmans, multifamily and some other things, we saw these yellow signs about this proposed 13 units per acre. I cannot believe this will not impact the traffic.

[05:41:18] It's impossible. If anybody travels that today, you get caught in a gridlock morning and afternoon each way. I looked at the demographics report 2023 put out by the county.

[05:41:36] Multifamily unit development is the only type of composition that's forecasted to increase between now and 2030. Single-family, single-family attached are declining. Bottom line, what's the impact on the quality of life in this county, in this community?

[05:41:56] The aesthetics, frankly, are being degraded. I think it's manageable. I have no opposition to affordable housing, but where does it stop? How many of these applications for the record have ever been

disapproved?

[05:42:13] Is that public information? So with that, that concludes my remarks. I just wanted to go on record. Thank you for the opportunity to speak. Thank you very much for your testimony. Is there anyone else present who wishes to testify on this matter?

[05:42:28] This is a public hearing. Seeing and hearing no one, let me ask the clerk if anyone has called in. are no callers no callers um give the applicant an opportunity for rebuttal no thank you okay at this time uh closing comments or recommendation from county staff thank you mr chairman on july 24 2024 the planning commission recommended approval of this application and staff does agree with that recommendation thank you thank you very much uh final call questions from board members seeing and hearing none uh at this time i will close the public hearing and recognize

[05:43:06] supervisor smith for a motion thank you mr chairman i move that the board of supervisors approve rz-2023-su-00017 and its associated conceptual development plan subject to the proffers dated september 5 2024 i also move that the board of supervisors approve pca-78-s-063-14 and i finally move that the board of supervisors approve the waivers and modifications listed on the handout dated july 24 2024 which would made part of the record you've heard the motion and the

[05:43:43] second from supervisor beerman uh discussion on the motion any discussion on the motion supervisor smith thank you just briefly first i want to thank tabitha and billy for all their work this process was long going through this um you know the reality is we need more housing we have people with there's jobs out there people need to be able to live in our community so it is an economic development issue that we provide more housing and by providing more housing we'll get more affordable housing and the other part of the process that i think is really good and something we did really well in the westfield's business park area is that we have the standard

[05:44:21] contribution to schools but we also added remind me billy twenty five hundred dollars extra or two $2,000. $2,000. $2,500 per unit. Okay. And then there's contributions to the parks. So, you know, as we get new residences, there is support for the community to make sure it's a nice community. And I think with this, that you do have some of the open space that will be for the public also, that it helps the business park, that we're diversifying what's in the business park. So I am very supportive of this application and I look for my colleague's support. Thank you, Mr. Chairman. Thank you very

[05:44:59] much, Supervisor Smith, for those comments. And I do appreciate the gentleman who testified. I do want to answer one of the questions that he raised, which is how many cases like this get denied. And there are cases that get denied at this board, but more importantly, there are hundreds, if not thousands, of cases that never make it to this board because they don't get this far.

[05:45:19] They are rejected by the community, rejected by a supervisor, modified by the applicant substantially. And so the cases that get this far have gone through a very long process. What we don't quantify is how many cases are out there that never make it to this point.

[05:45:37] And it's an immeasurable but very large number. So I just want to make that clear for the record. With that, all those in favor of the motion, please say aye. Aye. Any opposed? any abstentions. And that motion carries. Thank you very much. Our next public hearing is a public hearing to consider proposed amendments to Fairfax County Code section 84.1-6-3, increasing taxicab rates. And I am going to allow the staff to come down and get settled. Obviously, we don't have an

[05:46:13] affidavit for this item, but as soon as our county staff is ready, we would welcome a county staff presentation. Good afternoon. My name is Amanda Castle. I'm the Division Director of Consumer Services in the Department of Cable and Consumer Services. I'm joined by Director Rebecca Makeley,

[05:46:54] John Burton from our County Attorney's Office, and Regulation and Licensing Branch Chief Carl Newcomb. On February 22nd of 2024, the taxicab industry filed a petition, its first petition in 10 years, requesting an increase to the taxicab base rate, subsequent mileage rates, and wait time rates.

[05:47:14] Prior to this petition, the Board of Supervisors approved several emergency taxicab fuel surcharges, which expired on June 30th of 2023. Today, we're holding a public hearing to consider proposed amendments to increase taxicab rates.

[05:47:31] Pursuant to Fairfax County Code Chapter 84.1, DCCS's director conducted an analysis and determined that the proposed taxicab rate increase was justified. To further consider the impact on consumers, the Consumer Protection Commission held a public hearing on May 21st, and the CPC voted to recommend that the Board approve the proposed amendments.

[05:47:55] The county executive recommends approval of the proposed amendments to Fairfax County Code Chapter 84.1-6-3 with the amended rates and charges effective upon adoption. Thank you. Thank you very much for that presentation. Are there any questions of staff? Any questions of staff? Seeing and hearing none, this is a public hearing. I do have two speakers who have signed up in advance to testify. Robert Whitfield, who I know is here, followed by is Kyle Summers here. Kyle Summers will be speaker number one. I'm sorry, speaker number two.

[05:48:34] Speaker number one is Robert Whitfield, representative of the Fairfax County Taxpayers Alliance. Welcome, Mr. Whitfield. I'm not sure what they're doing.

[05:48:50] I'm Rob Whitfield, and thank you for the opportunity to speak before you, Board of Supervisors. I have been a frequent user of red-top and yellow-top cabs in the last year since I've been in a nursing home.

[05:49:05] First of all, people like me are very reliant on this kind of mobility. And I guess you could say the good news is that many of the drivers are courteous. And during the day, the service is fine.

[05:49:22] Usually pickups occur within 15 minutes of calling. But somehow after 6 o'clock at night, the whole system changes. And coming here today, I talked to a driver and he said many of the drivers go home at 5 p.m.

[05:49:39] And so I've sent a memo yesterday to Amanda, I'm sorry, I've forgotten her last name, and followed up with one this morning. I don't know how the regulations work and how your code works in terms of, you know, what period of time they're licensed.

[05:49:59] But it seems to me that for this kind of essential consumer service, there has to be some level of reliability upon which the public using the taxi cab service can rely. I came here in July for, I think it was a hearing on the data centers. I called the yellow top or red top cab at 8.45 and I was told a cab was a mile and a half away would be there within 15 minutes I actually turned down a ride with somebody I waited over two hours and no cab

[05:50:38] showed up and then I got told we're looking for a we're looking for a driver and eventually I gave up and somebody picked me up came from Annandale picked me up and I got a ride home I went last

night to supervisor Alcorn had a town hall in Reston and so I booked a cab at 5 15 to pick me up at 6.15. At 6.20, when the cab hadn't showed up, I called the dispatcher, and I got the same message I had gotten at the end of July. We're looking for a driver. That doesn't give the public

[05:51:18] any sense of assurance. Now, I don't know what my level of expectation should be, but we need, and I'm not opposed to the rate, the proposed rate increase, but I think we need to enhance the regulations that govern the service provided. And so I'm certainly open to this. This is not an area I know what to suggest. But what I've suggested to Amanda is that even if you approve the rate increase, that you have a follow-on motion for the board to consider

[05:51:53] how to, I'm going to say, make the taxicab regulations more effective. And I'm not opposed to a further rate increase in the evenings if that's what the problem is, but in return we have to have a level of service. I don't know if the right word is guaranteed, but I think it's reasonable to expect that some reasonable level of service be maintained because I assume that there are other companies out there who may not be licensed. In fact, I was told yesterday by Amanda that there are companies who are not licensed, who are operating, and so that may be a different problem.

[05:52:34] So, I mean, the good conclusion last night is that the guy at the front desk of the nursing home called me an Uber, and I got to Walter's meeting on time, and I got a ride home from somebody from the meeting. But for people like me that rely on this taxicab service, what kind of assurances can the board give me that the level of service is going to be provided that's reasonable? I'd be happy to answer any questions. Thank you very much, Mr. Whitfield, for your testimony. And speaker number two is Kyle Summers, who is the Chief Operating Officer of Old Dominion

[05:53:11] Transportation Group, Inc. Welcome. Good afternoon. Thank you very much for allowing me to speak for a few moments. First and foremost, I want to apologize for the poor experience that you had the last night in July and we were notified of the complaint today and we started an investigation and we left a voicemail but we'll call again tomorrow and I'll speak with you about what happened. Completely agree with him. You should expect reliable transportation. You can expect a guaranteed ride whenever you order it. Any failure is unacceptable and we would like we address them as we're notified and as they happen.

[05:53:51] For many industries, COVID was a complete game changer, right? And for us especially, and this goes across the world in the transportation industry, even our competitors, Uber, Lyft, are experiencing the same issues of finding drivers, especially after hours.

[05:54:10] It is very hard to have enough drivers on the road, but it is something we're working on. And all the participants in this industry are really fighting to get the drivers to come to them and service the work. We support this motion to increase the rates.

[05:54:28] We believe that the drivers deserve it. All the money for this increase goes to them. Nothing is taken from the company. We do believe that this will attract drivers to invest more into their cars and then also attract them to drive in Fairfax County.

[05:54:44] I'm happy to answer any questions, but I want to thank the staff and you all for addressing this. Thank you very much. And that is the end of the speakers I have that have signed up in advance to testify. Is there anyone else here present who would like to speak on this subject?

[05:55:00] This is a public hearing. Anyone else who would like to testify? Seeing and hearing no one, let me ask the clerk if anyone has called in. There are no callers. No one has called in. Closing comments and a recommendation from county staff. The county executive recommends approval of the proposed amendments to Fairfax County Code Chapter 84.1-6-3 with the amended rates and charges effective upon adoption.

[05:55:31] Thank you. Thank you. Are there any questions from board members? Seeing and hearing none, all those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? And that motion carries. Thank you very much. Oh, you didn't?

[05:55:50] Oh, okay. Well, let's go backwards for a moment and correct the record. I'm going to let Supervisor Smith make the motion. I move approval of the County Executive Recommendation, which supports amendments to Fairfax County Code Section 84.1-6-3, rates, fares, and charges established for taxicabs effective upon adoption.

[05:56:11] Second. You've heard the motion and the second. All those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. There's a lot of public hearings today. There's a lot of public hearings. We are going to move on, however, to the next one, which is a public hearing on AF 2024-SP-00001, AR98-S-001-03, Beerley Local Agricultural and Forestral District Renewal in the Springfield District.

[05:56:44] And if we could please have staff, please give us a short presentation. Yes, thank you, Mr. Chairman and members of the board. My name is Natalie DeGraff from the Department of Planning and Development. This application requests a renewal of the Beerly Local Agricultural and Floral District for an eight-year term.

[05:57:04] The 23-acre property is zoned R1 and is in the Water Supply Protection Overlay District. It is planned for low-density residential. This site is located entirely within the Occoquan Watershed and contains environmentally sensitive areas.

[05:57:19] A soil and water quality conservation plan is not required as there is no agricultural use. The area forester visited the property and found the forest resource in good condition and noted that the applicant should continue to follow the forest management plan developed for the property in 2007.

[05:57:37] The property satisfies all but one Group A applicable criteria and two Group B criteria. That concludes my presentation. Thank you. Thank you very much. At this time, it's not required, but we'd welcome a presentation from the applicant. Good afternoon, Mr. Chairman and board members.

[05:57:58] I appreciate your consideration of my renewal application. As I had mentioned to the Planning Commission in June, I am very grateful that Fairfax County continues to offer and support this program, as it is an invaluable resource for the preservation of our property, hopefully for years to come.

[05:58:19] So, again, thank you for your consideration. Thank you very much. Are there any questions of staff or the applicant? Questions of staff or the applicant? Okay. This is a public hearing, and I have no one who has signed up in advance to testify on this matter.

[05:58:35] Is there anyone here who would like to speak on this subject? This is a public hearing. Anyone who would like to testify? Seeing and hearing no one, let me ask the clerk if anyone has called in. There

are no callers. No callers. Assuming the applicant waives rebuttal, closing, comments, and a recommendation from county staff.

[05:58:54] Thank you. The Planning Commission and Agricultural and Forestal District Advisory Committee recommended approval subject to the proposed ordinance provisions and staff concurs with this recommendation. Thank you. Thank you very much. Last check. Any questions from board members? Seeing and hearing none. I will now close the public hearing and recognize Supervisor Herity for a motion. Yes, Mr. Chairman. First, thank you for taking such good care of your property and keeping it the way it is. If I could have you, the applicant state for the record, their acceptance of the ordinance provisions dated June 12th, 2024? Yes. All right. With that, Mr. Chairman, I move that

[05:59:33] the Board of Supervisors approve AF 2024-SP-0001 and amend Penix F of the County Code to renew the Barely Local Agricultural and Forestal District subject to ordinance provisions dated June 12th, 2024, which are contained in the staff report. So moved. Second. Second that motion along with several other of my colleagues, Supervisor Bierman and Smith. Any discussion on the motion? Seeing and hearing none, all those in favor of the motion, please say aye. Aye. Any opposed?

[06:00:06] Any abstentions? And that motion carries. Thank you very much. Next, we have a public hearing on AF2023-SP-00007. Let's see. AR2016-SP-001-01 Dyer Local Agricultural and Forestry District Renewal, also in the Springfield District, and at this time we'd recognize county staff for a staff presentation.

[06:00:36] Thank you, Mr. Chairman and members of the board. My name is William Nance from the Department of Planning and Development. This application requests to renew the Dyer Local Agricultural and Forestry District for an eight-year term.

[06:00:59] The 39-acre property is zoned residential conservation and is in the water supply protection overlay district. It is planned for low-density residential uses and private open space. This site is in the Pope's Head Creek watershed and contains perennial streams and other environmentally sensitive features.

[06:01:17] A soil and water quality conservation plan was prepared by the Northern Virginia Soil and Water Conservation District and recommends manure, nutrient, and pest management, erosion control, and RPA protection. The area forester inspected the property and the previous plan recommendations were carried forward.

[06:01:35] The proposed district renewal satisfies the applicable Group A criteria and three of the applicable criteria in Group B. Thank you. That concludes my presentation. Thank you very much. Are there any questions of staff? Seeing and hearing none, this is a public hearing, and I have no speakers who have signed up in advance to testify on this matter. Is there anyone here present who would like to speak on this matter? Anyone here present who would like to speak on this matter? The applicant is welcome. Welcome. Thank you for your consideration for this to preserve some green space.

[06:02:14] We're honored to keep it up. Excellent. Thank you. And thank you for being here and for doing that. With that, let me verify again that there's no one here that would like to testify on this matter. This is a public hearing.

[06:02:30] Let me ask the clerk if anyone has called in. There are no callers. No callers. Applicant waives rebuttal. Closing comments and a recommendation from county staff. The Planning Commission and

Agricultural and Forestal District Advisory Committee recommended approval of the application subject to the proposed ordinance provisions.

[06:02:47] Staff concurs with this recommendation. Thank you. Thank you. Are there any questions of staff? Any questions of staff? Seeing and hearing none, I will now close the public hearing and recognize Supervisor Herity for a motion. Again, I want to thank you for what you're doing to keep your property in such good shape and in an agricultural and forestal district.

[06:03:07] Request the applicant state for the record their acceptance of the ordinance provisions dated June 12, 2024. Yes. Thank you. With that, Mr. Chairman, I move the Board of Supervisors to approve AF-2023-SP-0007 and amend Appendix F of the County Code to renew the Dyer Local Agricultural and Forestal District subject to the ordinance provisions dated June 12, 2024.

[06:03:36] So moved. And a full chorus of seconds. This is looking good. The Chair will join in those seconds. Any discussion on the motion? Seeing and hearing none. All those in favor of the motion, please say aye. Aye. Aye. Any opposed? Any abstentions? And that motion carries. Thank you all very much.

[06:03:54] Thank you again. Our next public hearing is a public hearing on proposed plan amendment SSPA 2023-3-1 FCA, Fairlake Study Phase 1, located north of Interstate 66, between West Ox Road and Stringfellow Road in the Springfield District.

[06:04:18] And at this time, I would recognize county staff for a presentation. Thank you, Mr. Chairman. I'm Michael Linsky from the Department of Planning and Development, and I'm joined by Graham Owen, also with DPD. The Board of Supervisors authorized a planning study of the Fair Lakes area as part of the 2023 Comprehensive Plan Work Program.

[06:04:42] The study was then reauthorized in September of 2023 with a two-phase approach. The current amendment is Phase 1, which would allow one site-specific proposal, known as Parkway Woods, to move ahead of the larger study, as well as consideration of editorial revisions. and Phase II will be a future, more comprehensive study of the larger Fair Lakes area.

[06:05:02] The Fair Lakes development is located primarily in subunit E1 of the Comprehensive Plans Fairfax Center area. Fair Lakes was planned and zoned in 1984 as an employment-focused mixed-use area, and then additional site-specific plan options were adopted in 2007 and amended in 2017 to provide additional flexibility.

[06:05:20] The 2017 amendment also included a new vision and design guidelines for Fair Lakes, meant to guide the review of development proposals. The Phase I editorial revisions would ensure that that adopted vision and design guidelines apply consistently to all future redevelopment in the subunit.

[06:05:37] And then the four-acre Parkway Wood site lies on the south side of Fairlakes Parkway, just west of the Fairfax County Parkway. The proposal would redevelop the site of a former 54,000-square-foot office building with up to 400,000 square feet of multifamily residential use. An associated rezoning application is also under review.

[06:05:56] The Fairlakes vision supports potential redevelopment of the site with residential use. However, a site-specific amendment is required to provide the additional planned intensity to support the proposal. The adopted Fair Lakes design guidelines, which guide the rezoning review, adequately address most planned considerations.

[06:06:12] However, staff does propose two site-specific conditions that reemphasize building height compatibility, as well as the preservation of mature trees along Fair Lakes Parkway. That concludes the staff presentation. Thank you very much. Are there any questions of staff? Any questions of staff? Seeing and hearing none, this is a public hearing.

[06:06:31] I have one speaker who has signed up in advance to testify, Andrew Painter, who is an attorney for the Peterson Companies and has five minutes to testify. Is there anyone else here after Mr. Painter who would like to speak on this matter? Okay, welcome. Mr. Chairman, thank you very much. Again, Andrew Painter with the law firm of Walsh Colucci speaking on behalf of the Peterson Companies.

[06:06:50] It is the owner of the Parkway Wood site, and for the last two years, our team has worked cooperatively with staff and Supervisor Herity's office and the Planning Commission on the proposed plan amendment. It will facilitate the underlying zoning case, which is scheduled to come before the Planning Commission next Wednesday. And we do appreciate the efforts of staff, and particularly Mr. Linsky and Mr. Owen.

[06:07:09] As many of you all know, Fair Lakes has built out in accordance with its original vision. Today, it is considered one of the best work and living environments in the D.C. area. But 35 years on, its commercial and retail components do find itself at a crossroads in terms of where to go for the next two decades.

[06:07:24] So this planned amendment will help support the retail and restaurant offerings at the shopping center. It will help drive the demand for the shops at Fairlake, which is right across the street, and Fairlake Center, which is just a stone throw away. It will create more modern mixed-use environment in Fairlake, and it will increase the supply of housing in an area of the county that has the infrastructure available to support and accommodate new future growth.

[06:07:48] So with that, we respectfully request adoption of the draft text, and we look forward to working with this board to make it a reality. Thank you. Thank you very much. Is there anyone else here who wishes to testify on this matter? This is a public hearing. Seeing and hearing no one, let me ask the clerk if anyone has called in.

[06:08:05] There are no callers. No callers. Closing comments and a recommendation from county staff. Thank you. On June 16, 2024, the Planning Commission recommended adoption of the staff recommendation as contained in the staff report. And the amendment was also reviewed by the Springfield Land Use Committee, which also recommended adoption of the staff recommendation.

[06:08:25] And staff concurs. Thank you. Thank you very much Last check questions from board members seeing and hearing none. I will now close the public hearing and recognize Supervisor Herity for a motion Yeah, I'm gonna go ahead and just start with my comments first It is Andrew Painter done it more eloquently stated and I probably will this is the first step in really relooking at Fair Lakes Party didn't mention was the I 66 transportation improvements have really opened this area up to kind of a broader to look at it What could be possible there now that you don't have a parking lot?

[06:08:59] You actually have a functioning highway that provides mass transit and express lanes and carpool options and that sort of thing So I want to state start by thanking the staff We had a few challenges with urban parks, and I think we with some work. We made them through them so grandma Mike Thank you for that The amendment like I said provides the first phase of the study to update the comprehensive

plan for subunit e1 of the Fairfax County area plan and This is a site-specific option for up to 400,000 square feet of multifamily residential that's ready to move forward.

[06:09:35] So we're going to do that while we take the broader look. This went through Springfield Land Use Committee and the Planning Commission with unanimous support. Therefore, I've got two separate motions. I'm going to do them separately. Mr. Chairman, I move the Board of Supervisors adopt the Planning Commission recommendation for plan amendment SSPA 2023-Roman numeral 3-2FCA as found on pages 27 to 35 of the staff reported dated May 22, 2024.

[06:10:08] So moved. Motion has been made and multiply seconded. Discussion on the motion? Any discussion on the motion? Seeing and hearing none. All those in favor of the motion, please say aye. Aye. Any opposed? Any abstentions? That motion carries. Supervisor Herity.

[06:10:24] And the second one's on the broader work program. As a second matter, the Board's action on the amendment represents the first phase of Fair Lakes Planning Study and was initially authorized to be considered with another SSPA site, Argonne Plaza, which we'll need to move forward at a later date.

[06:10:39] I move that the consideration of a plan amendment for the second SSPA site parcel 56-2 double circle 1 s sorry 9a as well as the broader visioning study should remain on the comprehensive plan amendment work program as tier 2 amendments so moved you've heard the motion it's been multiply seconded discussion on the motion seeing and hearing none all those in favor of the motion please say aye aye any opposed any abstentions that motion carries. Thank you very much. Thank you, Mr. Chair. Next up is a public hearing to consider

[06:11:15] adopting an ordinance expanding the Madison Residential Parking Permit District, District 11 in the Hunter Mill District. And as soon as they are ready, we would welcome a staff presentation. Good afternoon, Chairman McKay, members of the board. I'm Henry Stein-McCartney,

[06:11:53] Fairfax County Department of Transportation. This is a public hearing to consider expanding the Madison Residential Permit Parking District, District 11, to include Cary Lane from Vail Road to Jerry Lane, as shown on Attachment 2.

[06:12:09] Residents along this block of Cary Lane have requested expansion of the Madison RPPD District due to the unreasonable burdens of access to their property caused by the parking of non-resident vehicles during school hours. Based on the fulfillment of all other requirements set forth in Fairfax County Code, staff recommends approval of this expansion as proposed thank you very much for that presentation and this is a public hearing and I have no speakers who have signed up in advance to testify on this matter is there anyone present who would like to speak on this subject yes if you could please come on down state your

[06:12:47] name and address for the record you will be speaker number one and is there anyone else present who would like to speak on this matter okay welcome the floor is yours. Hi, good afternoon. I'm Julie Foley. I'm at 2400 Cary Lane, right where the intersection of Jerry is. We appreciate you guys considering this and hopefully it will go through. The burden is basically the school found us. The kids found our street. The opposite of the other side of Cary on the opposite of Val has had signs for a number of years. What happened was while the

[06:13:27] school was under construction. They had nowhere to park, so they expanded. And I guess we were within walking distance, considerable for those kids, between having no sidewalks and basically

their vehicles damaging people's front lawns for parking and trash. So we decided to go ahead and go forth and put forth this petition. And I know we only needed eight, but I think just about everybody was going to sign it just to keep them off our lawns basically as well as not having access for any kind of emergency vehicles and there's some days we were lucky to get our own

[06:14:03] vehicles through so thank you very much thank you and you and you said your name was foley is that right fully julie fully julie fully great thank you very much thank you for your testimony is there anyone else here present who would like to testify anyone else who would like to testify seeing and hearing uh no one let me ask the clerk if anyone has called in there are no callers no callers closing comments and a recommendation from county staff staff recommends approval of this item thank you very much i will now close the public hearing and recognize supervisor alcorn for a motion thank you mr chairman i want to thank miss foley for coming out this evening and i just

[06:14:41] point out for the board there's uh one of our pedestrian improvement projects is literally about 50 feet down the road from the vale road intersection that this abuts so i agree this is not a great place for people to be running across the street students or otherwise so with that mr. chairman I move that the board adopt the amendment shown as attachment one to appendix G of the Fairfax County code is shown in the board package to expand the Madison our PPD district number 11 you've heard the motion it's been multiply seconded discussion on the motion any discussion

[06:15:21] on the motion seeing and hearing none all those in favor of the motion please say aye. Aye. Any opposed? Any abstentions? That motion carries. Thank you very much. Our next public hearing is to consider proposed amendments to the Uniform Retirement Systems Ordinances, and as soon as staff is ready, we would welcome a staff presentation. Good afternoon, Mr. Chairman and members of the board. I'm Jeff Weiler, Executive Director of Retirement Systems.

[06:16:00] I'm here to present proposed changes to the Uniform Retirement Systems Code regarding military and other public safety service purchases. As you know, on May 21st, 2024, the board adopted changes to the police and uniform retirement systems ordinances, which were to codify terms ratified in the collective bargaining agreements with the Police Benevolent Association and IAFF Local 2068, specifically to allow firefighters, police officers, and animal control police officers to purchase up to four years of military service credits, and for police and animal control officers, other sworn law enforcement experience. Today, based on testimony you heard on May 21st and input from

[06:16:40] the Unifront Retirement Board, we're here to recommend some additional changes to the URS code, specifically to allow all members of URS, not just firefighters and animal control police, to purchase military service credit and for all members to be able to purchase other public safety experience as well. The terms are the same as what was adopted on May 21st, meaning it is limited to no more than four years of service.

[06:17:05] The members can make installment payments for up to 48 months, and the member must pay the full cost. The cost to the member is based on calculations and assumptions made by the county's actuary, Chiron, basically is the difference between what the member's benefit would have been after service is purchased minus what the benefit would have been without the service purchase.

[06:17:27] The methodology has been presented to and discussed in several employee group meetings. To reiterate, the employee pays the full cost of any service purchase, meaning the URS will be no better or worse off funding-wise, and the county's liability for future benefit payments will not go up or down.

[06:17:45] Like any projections of future retirement benefit payments, this is based on assumptions recommended by the actuary and adopted by the URS Board of Trustees. The actual cost of any service purchased will vary. Any given employee may stay longer or not as long as assumed.

[06:18:02] Any given retiree may have a longer or shorter lifespan than assumed and raises for any year in the future may be higher or lower. Those are the kind of things that vary. that completes my presentation i'm glad to take any questions that you might have thank you very much for that presentation are there any questions of staff i know we we asked some at the last meeting i don't see any at this time this is a public hearing i have no speakers who have signed up in advance to testify on this matter i'll just reiterate as i did earlier today the testimony we received on any of the cases we're rehearing today of course is part of the record already

[06:18:38] and so if there's no one here present who would like to testify on this matter let me verify with the clerk that no one has called in there are no callers no one has called in okay any closing comments or recommendation from county staff staff recommends adoption please thank you very much last check questions from board members seeing and hearing none I will now close the public hearing and recognize Supervisor Jimenez for a motion well thank you Mr. Chairman Mr. Chairman

[06:19:07] I move that the Board adopt a proposed amendment for the Uniform Retirement System Ordinance for the purpose of adding certain provisions with respect to active duty military service and other public safety service purchases. You've heard the motion and the second.

[06:19:23] I think multiple seconds, including mine. Discussion on the motion. Any further discussion on the motion? Seeing and hearing none, all those in favor, please say aye. Aye. Any opposed? Any abstentions? And that motion carries. Thank you very much. Next is a public hearing on proposed plan amendment 2023-CW-1CP for sale workforce dwelling unit policy and program.

[06:19:51] And again, once staff is settled, we would welcome a county staff presentation.

[06:20:16] Good afternoon, Mr. Chairman, members of the Board of Supervisors. My name is Megan Van Dam. I work for the Department of Housing and Community Development. I'm joined by Tom Fleetwood, Grace Hyman, also from Housing, Susan Timoner from the County Attorney's Office, and from the Department of Planning and Development, Leah Nebauer, Graham Owen, Tracy Strong, and Kelly Utkinson.

[06:20:38] The Workforce Learning Unit Policy is found in the Comprehensive Plan as an inclusionary housing tool that the county uses to secure affordable housing opportunities in higher density residential mixed-use developments in the county. The county-wide expectation is that 12% of the total new residential development should be dedicated to the WDU program. The programs serve households between 80 and 120 percent of AMI as shown in this slide. A task force convened in 2023 to examine challenges to the program focusing on the difficulties with sales of the units set at higher AMI levels. Following a presentation of their recommendations, the board authorized the plan amendment on December 5, 2023 and directed

[06:21:16] staff to evaluate revisions to the policies based on the task force recommendations and consistency between the for sale and rental program and the effectiveness of the 100% AMI tier. Staff was also directed to prepare revisions to the administrative policy guidelines for the Workforce Welling Unit program for consideration in line with the proposed plan amendment.

[06:21:35] These are being prepared separately and will be published shortly. The proposed plan amendment incorporates the task force recommendations to shift the affordability levels to a new range of 70 to 100% of the area made in income to promote greater family accommodations and to expand the geography of the policy, as listed on this slide.

[06:21:54] The amendment also proposes to add minimum bedroom and living room sizes in furtherance of accommodating larger households, refine language about monetary contributions in lieu of WDUs, and make sedatorial changes. The revisions would affect both the policy plan and the area plans of the comprehensive plan. During this work, staff also recognized that recommendations related to the monetary contributions for proposed non-residential development in the Tysons plan and for continuing care facilities have not been escalated annually based on the consumer price index per the adopted comprehensive plan. Since adjusting these contribution rates would be outside of the scope of the for sale WDU policy revision, staff recommends that the board directs staff to prepare an action item

[06:22:31] to revise these rates based on the CPI and procedures for their regular update. During the process, we conducted extensive outreach, which we shared at the June 18th board housing committee meeting, which we'll be happy to discuss if anyone has any questions. Thank you, Mr. Chairman. That concludes my presentation. Thank you very much. Are there any questions of staff? Seeing and hearing none, this is a public hearing. I have no speakers who have signed up in advance to testify on this matter. Is there anyone present in the auditorium that would like to speak on this subject? This is a public hearing. Anyone who would like to testify? Seeing and hearing no one, let me ask if the clerk

[06:23:07] has any callers. There are no callers. No callers. Closing comments and a recommendation from county staff? Yes, on June 12, 2024, the Planning Commission voted unanimously 10 to 0 in support of the staff recommendations for the policy changes. They also recommend it as a separate follow-on motion to direct staff to prepare an action item to revise these rates based on the CPI and procedures for the regular update.

[06:23:31] With these recommendations, the amendment will right-size the program to current affordability needs. Staff concurs with the Planning Commission recommendation. Thank you very much. At this time, I will close the public hearing and recognize Supervisor Smith for a motion. Thank you, Mr. Chairman.

[06:23:46] I'm going to make a couple of comments and then have the motion. The Workforce Dwelling Unit, or WDU Policy Plan Amendment, consists of important changes to the For Sale WD program, which is one of several tools providing inclusionary affordable housing. The amendment shifts the affordability levels of the program so that the program serves families with the greatest need, helps to address the demand for family-sized units, and extends the program application to properties in new market-rate neighborhoods outside of development centers.

[06:24:17] In preparing this plan amendment, staff engaged neighborhood and industry groups. Comments received during the engagement process were largely positive and supported the county's commitment to providing affordable housing. Staff considered the comments and have reasonably responded to them.

[06:24:33] Questions about potential changes to the guidance on WDU transfers between unit types and developments with multiple unit types will be addressed in the future changes to the WDU administrative guidelines. On June 12, 2024, the Planning Commission recommended to the Board to move the staff

recommendation forward, as well as recommended a follow-on motion for staff to prepare a Board item to both increase the non-residential contribution rate for affordable housing and procedure starts annual update.

[06:25:02] I support both of these actions. Therefore, Mr. Chairman, I move that the Board of Supervisors adopt the Planning Commission recommendation for pa 2023-cw-1cp which is consistent with the staff recommendation and found in the staff report dated may 22 2024 i further move that the board of supervisors direct staff to prepare an action item to update the non-residential monetary contributions in such such sections as tyson's and the continuing care facility policy based on the annual increase in cpi and to outline procedures for the regular update heard the motion has been

[06:25:40] multiply seconded as it was last time any discussion on the motion discussion on the motion supervisor Alcorn yeah thank you mr. chairman I I just want to thank staff again for slogging through all this this is this is a policy that really it's been I think almost 20 years since it's been updated and it's time and also So I'm very pleased we're going to be looking at the non-residential contribution.

[06:26:09] That's another policy that it's been coming up on a couple of decades. So thank you all for doing this. Thank you, Supervisor Stork, Supervisor Palchuk. I'm sorry, Supervisor Alcorn, Supervisor Palchuk. Thank you, Mr. Chairman. I just, again, briefly want to add my gratitude to staff and to Supervisor Smith for chairing the work on this.

[06:26:32] I think there's a lot that was said. In addition, as we've discussed, that at a time when the average home price for single-family homes in the county has reached a million dollars, why this is so critical. We cannot hire a workforce that can afford to live here and to fill the many jobs that we have.

[06:26:52] So I know there can sometimes be misconceptions about what we mean by workforce and affordable housing. I think it's very clear here that we're trying to help families, as many have done for decades. live here, raise a family, and retire here. So there's no perfect policy, but I appreciate all the outreach that was done to the community and to industry and trying to have the best possible outcome for this iterative process of improvement.

[06:27:17] Thank you. Thank you very much. And I know a lot of us shared a lot of our thoughts on this when it came through initially, and all of those, of course, are a part of the record. You have heard the motion. It's been multiply seconded. Is there any further discussion? Seeing and hearing none, all those in favor of the motion, please say aye.

[06:27:36] Aye. Any opposed? Heardy nay. Any abstentions? And that motion carries 9 to 1. And with that, our next public hearing is scheduled at 4.30. It is not quite 4.30, so we cannot begin until 4.30.

[06:27:54] The board will take a brief recess, and we'll return for our final public hearing at 4.30.

[06:54:51] The board is back after a short recess for our final public hearing of the day.

[06:59:10] And before we begin that public hearing, just a few announcements. As I stated at the beginning of today's public hearings, due to a staff procedural error, all public hearings that were held on July 16th, 2024, Board of Supervisors meeting, including the public hearing on data centers, must be reheard today.

[06:59:30] And I want to reiterate that all testimony received on July 16th will be included and is included as part of the record of today's public hearings for the board's consideration. Having said that, the board

invites the testimony of all who wish to speak on this matter, regardless of whether you testified on July 16th or not.

[06:59:50] So I just want to reiterate that if you did already testify, we have that information for the record, but anyone is able to testify as well today. And so with that, I am going to call our final public hearing of the day, which is a public hearing on proposed zoning ordinance amendments regarding data centers.

[07:00:10] And I will now at this time recognize county staff for a staff presentation. Thank you, Mr. Chairman. I'm Carmen Bishop in the Zoning Administration Division, and I'm joined by Leslie Johnson, Zoning Administrator, Tracy Strunk, Director of the Department of Planning and Development.

[07:00:26] I'm also joined by Corinne Bebeck, Senior Planner, and Katie Herman, Branch Chief in the Planning Division with DPD. The proposed amendment revises the permissions and the use-specific standards to strengthen the requirements for data centers for compatibility with surrounding uses and to address noise and building design.

[07:00:50] Various ranges and options are included in the text in the staff report, and where options are presented, staff recommends option one and that's the option that i'll be highlighting in this presentation so beginning with the permissions and starting with that top table for the conventional districts the amendment adds an se for the i4 i5 and i6 districts and this is going to pair with some additional use standards that i'll be going over in just a moment and would allow for certain of those standards to be modified with a special exception and then moving to the bottom table

[07:01:26] with the plan districts the amendment removes the allowance for a data center in the prc district there are no existing or planned data centers in the prc and the only other industrial uses allowed are beverage production and small scale production and both of those can have a customer focus that would be compatible with the town center and convention conference center areas and then the permissions are also revised in pdc and ptc to require an se and this is because the proffers

[07:02:00] sometimes broadly allow all or most of the uses allowed in the district and so this will ensure that that location has been planned for a data center now moving into the use specific standards the first standard that we have requires the enclosure of equipment and this standard is proposed to be revised the revised standard would apply in all zoning districts where data centers are allowed including the i-4 i-5 and i-6 the purpose is stated to mitigate visual and noise impacts it'll apply to all hvac and power equipment including your backup generators

[07:02:39] and accessory electrical substations the standard is also revised to acknowledge that it isn't always mechanically feasible to enclose all types of cooling systems and if that is the case then a screening wall would still be required to provide that visual and noise mitigation for the c3 and c4 districts the maximum size of 40 000 square feet is retained but the amendment proposes to remove the allowance for a larger size with the repurposing of an existing building

[07:03:13] the i4 district is supposed is proposed to be added to the standard that currently applies to i2 and i3 and this limits the maximum size to 80 000 square feet and like with the c3 and c4 the allowance for a larger size with repurposing is removed now in all five of these districts a larger size would be allowed with special exception approval and i do want to add to that actually i'm going to go back and say um no

maximum size is proposed in the i-5 and the i-6 and this is in order to encourage data centers to locate in those heavier industrial districts

[07:03:52] all right so moving on to the minimum distances we have a minimum distance uh from the building and any equipment from a nearby residential lot line so this will apply to a residential zoning district even if the property is not developed with a residential use and to a property developed with a residential use even if it is zoned to another district the text includes a 200 foot minimum distance from residential for the building and the equipment

[07:04:26] but provides for consideration of up to 500 feet the planning commission recommended 200 feet for the building and 500 feet for the equipment unless that equipment is located on the other side of the building from the residential the amendment also includes a minimum distance of one half mile from a metro station and provides for consideration of up to one mile and the planning commission did recommend that one mile and then both of these minimum distances from residential and from metro could be reduced with a special exception now of course the zoning district setbacks they continue

[07:05:05] to apply as well and transitional screening and transitional screening was updated earlier this year to require 50 feet of transitional screening between industrial and residential uses and this is the largest transitional screening yard that we have in the zoning ordinance the proposed amendment includes submission requirements for a noise study and this would be submitted with a rezoning or special exception and then also with site before site plan approval so this will apply

[07:05:41] to buy right development as well and then a post-construction study would be required before issuance of the certificate of occupancy the proposed amendment includes building design standards for a buy right development with a main entrance feature facade variation and fenestration and then a more flexible provision would apply with a rezoning or special exception where architectural renderings could be submitted for review thank you and we are happy to answer any questions thank you very much for that presentation are there any questions of staff

[07:06:17] any questions of staff supervisor alcorn uh thank you question uh first uh for carmen so um i have a question relating to has been called grandfathering we're not trying to use that we're trying not to to use that in a word anymore, but exemptions for, and I want to ask specifically about the Planning Commission recommendation. How many proposed data centers would be quote-unquote in play or have to come into compliance with the Zoning Ordinance Amendment, assuming we adopt

[07:06:55] something today that are currently under review by LDS? Sure. The planning commission, it did recommend provisions relating to previous approvals to be added to what's appendix one of the zoning ordinance. And so currently there are six applications that have been accepted and they're in the review queue, but they haven't been yet approved. Okay. And of those six, how many are potentially at least depending upon what is adopted non-conforming let's say if we did

[07:07:31] you know the one mile from metro as recommended by the planning commission and and also the setback from residential. Sure and actually I want to qualify a little bit when I say there are six that's six that don't have any kind of previous approval for a data center. Right. So there are others at play but they have some kind of previous approval already okay excuse me so for the distance from metro um of the six there is one uh that would be it's between a half a mile and a mile

[07:08:05] so um it wouldn't meet the mile how about distance from residential and of that um based on the information that i have and some of that is um information that's been provided by an applicant's engineer or attorney. It's not necessarily reflected on the plan that I've been able to review yet, but I believe there's just one that would require either special exception or a redesign because it clearly would not meet the distance. Okay, but just to be clear, for all six, they would still be subject to the enclosure screening, the noise

[07:08:41] study, and then the building design requirements. Is that correct that's correct okay um and so quick question for the county attorney uh in terms of the board's discretion uh do we have the legislative discretion to adopt either the planning commission recommendation on exemptions or uh to do none at all or something perhaps in between but let's just say planning commission or no none uh supervisor alcorn yes it's a decision that's within the board's legislative discretion. It's a policy decision driven in part by policy and partly by

[07:09:21] precedent. But yes, it is within your discretion to make that determination. Okay, thanks. So just as a heads up, this is something I'm going to be listening for during the public hearing as a poly decision that will affect the way I vote. So thank you. And I know we may have a number of questions after the testimony, but before I call the first speaker, I do want to record set one thing I think that's important because I get asked by a lot of folks about why we're here today and that wasn't really covered in the presentation so I want to restate why we're here today. It's

[07:09:57] clear as more requests for data centers have come in to the region and it's very clear to all of us what was happening in our neighboring jurisdictions especially in Loudoun and Prince William County that we had concern over data centers and the process here was launched on May 9th 2023 on my motion, my motion, for us to look into this issue, supported by Supervisor Smith and Supervisor Stork, at which time the board directed staff to research and provide recommendations of best practice regarding data centers.

[07:10:31] We launched this process again because of what we were seeing in neighboring jurisdictions. And to quote one of my neighboring chair colleagues, You guys are very lucky to get ahead of something that we wish we would have had an opportunity to go back and set forth the type of conditions that you're looking at in Fairfax County now in our jurisdictions.

[07:10:52] In accordance with that direction, an interagency staff team, with the assistance of an independent third-party consultant research data centers, met with numerous stakeholders and provided a report to the Board of Supervisors on January 9th of 2024 of best practice.

[07:11:10] The proposed zoning ordinance amendment is based on the research included in the data center's report and recommendations, the discussion at the Board's Land Use Policy Committee meeting on March 12, 2024, and staff's further research and outreach. On March 19, 2024, on my motion, with Supervisors Smith and Jimenez, the Board directed staff to prepare a zoning ordinance amendment to strengthen the current provisions for data centers and authorize the scheduling of public hearings on an amendment before the board in July of 2024, which of course happened, and now because of an error in the advertisement,

[07:11:48] we are here again to rehear this zoning ordinance amendment. This did not happen because of an application. This did not happen because of industry. This happened because we were concerned about what was happening around us, and we wanted to get ahead of a problem.

[07:12:04] I have seen a lot of information out there that is just factually incorrect, and I just want to make sure everybody in this auditorium knows the board voluntarily wanted to look at this issue and develop recommendations because our ordinances void of very specific recommendations dealing with data centers in Fairfax County.

[07:12:25] So we are attempting to get ahead of a particular problem, and I'll have more comments later on that, but I think it's important for everybody to understand why we are here today. And it is simply because we want to put in place protections for data centers in Fairfax County and not repeat the challenges that have been faced in neighboring Prince William and Loudoun counties.

[07:12:46] And by order of magnitude, we have three million square feet of data centers in Fairfax County. There are 40 million in Loudoun County. So I think it's important for us to understand we're not here fixing necessarily a problem the same way Loudoun is.

[07:13:04] We are attempting to get ahead of a situation and protect our residents in the best way, the fairest way, practical. And the board asked for this. We wanted this input. We want the best product as a result of testimony that we're going to hear today.

[07:13:21] And so with that, we are going to move into the public hearing. I have 55 speakers who have signed up in advance to testify. And as I mentioned at our last public hearing, I see a lot of the same people here. So let's be respectful of each other's time. Because we're hearing this again, I will stop people when the red light is on.

[07:13:41] That means your time is completed to testify. And please be respectful of the other 55-plus speakers that we might hear from tonight. Respect their time. With that, I am going to call the first five speakers. If they can be down here close to the podium and ready to testify, that will save everybody a lot of time this evening as I call those speakers.

[07:14:03] Speaker number one is Donna Jacobson, to be followed by Renee Grebe, James Parmalee, Ronald Wilcox, and speaker number five is William Walsh. If I have called your name, please come down. There's plenty of seats right down here in the front.

[07:14:19] A couple of rows so that you're ready when it is your turn to testify. And speaker number one is Donna Jacobson, who is president of the Lafayette Village Community Association and has five minutes. Welcome. Thank you. Yes, my name is Donna Jacobson, and I represent Lafayette Village Community Association and Mason District.

[07:14:39] We agree with the Planning Commission's recommendations on the Data Center Zoning Ordinance Amendment. However, there are two additional points which we would like to make. In regards to data center applications being covered under the new ZOA, the Board of Supervisors has the authority to set an applicability date.

[07:15:02] In setting such a date, the Board needs to select a date which serves to best achieve the goals of the ZOA. In this case, an applicability date for nominations accepted by the county as of January 31, 2024, respects the unique interest of each supervisor's district, benefits the overall interest of the county, and ensures that residents nearest to the proposed data centers have a voice in the process.

[07:15:33] A date of January 31st is also fair to developers who submitted their site plans prior to being put on notice that data center requirements were going to change. This notice began with the issuance of

the county staff report dated January 9th of this year and culminated with the January 23rd Board of Supervisors meeting at which the Board based its approval of the Chantilly Premier Data Center rezoning in part on the application's ability to meet the county staff report.

[07:16:11] The only two applications which would be affected by this applicability date are the Starwood Plaza 500 site in Mason District and the Word of Grace site in Hunter, Mill, and Sully districts.

[07:16:29] Both applications have generated the greatest public and county concern, and both are large data centers located within a few hundred feet of residential communities. Secondly, we also think that all data centers should be special exception use.

[07:16:47] Data centers are unlike other types of developments. They have issues associated with them such as size, noise, water, and power usage, which makes it difficult to place them by right in existing zoning categories. Even if you choose to place data centers by right in industrial districts, there are many of these districts which are adjacent to residential communities, so the name is deceiving.

[07:17:14] Having large by-right data centers in these districts would negatively affect the residents living in nearby communities. Additionally, the Board of Supervisors needs to determine its responsibility for assisting Fairfax County in retaining a variety of different industrial enterprises.

[07:17:38] Fairfax County only has a limited amount of land, which is zoned as either I-5 or I-6. Allowing large by-right data centers in these areas would eventually have a negative effect on the development of other industrial businesses.

[07:17:56] Therefore, I need to ask the board, is it wise to allow by-right data centers the opportunity and the ability to consume all the existing land in these industrial districts? Also, wouldn't it be better for Fairfax County's long-term economy to have a variety of industrial businesses rather than placing all its eggs in one basket?

[07:18:23] If Fairfax County wishes to retain a diversified economy, having data centers be special exception uses would assist the county in achieving this goal. However, if the Board of Supervisors does not see fit to require all data centers to be special exception uses, then I hope you will at least require data centers to meet a size requirement of less than 250,000 square feet prior to being allowed by Wright and I-5 and I-6 districts.

[07:18:57] This size requirement would allow for more industrial diversity, which would be good for the county's overall economy. Plus, it would allow residents' input with respect to extremely large data centers and the negative effects which they will have on adjacent residential communities.

[07:19:17] Thank you for your time. Thank you. Speaker number two is Renee Grebe from the Northern Virginia Conservation Advocate and Nature Forward. Welcome. Thank you. Good afternoon, Chairman McKay and members of the board. I'm Renee Grebe, a Fairfax County resident and Nature Forwards Northern Virginia conservation advocate.

[07:19:37] Just last month, I couldn't help but uncomfortably and ironically laugh at the special exception request that I saw come through the weekly accepted zoning application digest email. It was filed for a drive-through ATM and deposit box in a Hunter Mill district.

[07:19:52] Under the currently proposed data center's DOA, the process to build a data center, development which could ultimately come with significant impacts to residents, could be easier, by right,

than building a drive-through ATM and deposit box, a development ostensibly meant to benefit residents.

[07:20:10] A funny dichotomy. While I was disappointed last week to miss attending the Data Center Frontier Trends Summit in Reston, I was on vacation. I'm grateful to my nature-forward colleagues, our Director of Conservation and our Maryland Conservation Advocate, for attending.

[07:20:26] And what was heard consistently at the conference was that the industry is interested in increasing regulations in order to weed out the lowest common denominator. Conscientious data center developers and companies want a level playing field. They don't want to lose out to companies willing to cut corners.

[07:20:45] Let's not make Fairfax County's DOA weaker than our neighboring jurisdictions. With a weaker ZOA, Fairfax County would be incentivizing data centers to be built here cheaper, easier, with fewer restrictions and fewer protections for our residents. Let's not make Fairfax County the lowest common denominator where companies come to cut corners.

[07:21:06] Please do, as you just said, Beth, today, we want to get ahead of this. We do have 3 million feet now. We have already over 4 million square feet coming that's already been approved. As we also found out at the data center conference, square footage is becoming not too helpful because things are getting denser and denser, so energy uses and the need for more and more generators to power those is going up.

[07:21:31] In July, I testified here asking that the changes to the COA reflect the promises we heard back from several of you in January of this year. So I'm asking again today that the changes you vote on today to help to, as Supervisor Wackenshaw had clearly stated, established standards that are the highest in the Commonwealth, if not the highest in the nation. Nature4 wants that too, Supervisor Wackenshaw. In July, I focused on the standards that we saw reflected in the approved Chantilly Premier Data Center.

[07:22:00] It was at that application's public hearing in January where promises for strong standards by several of you were made. And while I recognize that not all of the high standards of that application can be met in the ZOA language, as some were met through the rezoning process, The Chantilly Premier was also a special exception.

[07:22:17] The process that the Chantilly Premier data center followed as an SE allowed site-specific conditions to be applied. This same process can improve outcomes for all data centers. If we were to have all data centers meet the Chantilly Premier standard, what Supervisor Stork anticipated our future board standards are going to be for data centers, then this ZOA ensuring that all data centers be a special exception is one necessary piece of that puzzle to achieve that vision.

[07:22:43] It's not everything. but it's a necessary piece. Making all data centers with a special exception is consistent with what you said, Chairman McKay, on WJLA yesterday, that we want an ordinance that's robust in protecting the environment and mitigating some of the real concerns people have with them.

[07:23:00] Residents have lined up to tell you many concerns with them, and concerns can also vary by site. Plaza 500 is almost exclusively in an RPA. The Westfax data center was approved without one Fairfax concerns regarding the real and direct impacts to residents in the Meadow at Chantilly mobile home community who will have HVAC equipment and diesel backup generators 50 feet from their home. And I'm glad that the current proposed language is going to be covering that. It's hard to anticipate every significant impact to potential neighbors of data centers in our ZOA, but it's far easier to identify them as they come up in site-specific ways. Fairfax County needs that flexibility to protect its residences in

[07:23:36] exchange for the need that data center companies have to build here. That's not too much to ask. Nature Forward asks that this new, stronger ZOA be applied to all currently submitted but not yet approved data center applications. I'm glad to hear that's possible to do.

[07:23:51] We don't have time or opportunity to waste on this. And lastly, Nature Forward also asks you to commit to expedite the adoption of policies to mitigate the significant carbon, energy, and water resource impacts associated with data centers. Data center development is continuing at a rapid pace, and NOVA is the epicenter, and we need stronger policies quickly.

[07:24:10] I don't have a data center being built next to me yet, but if I did, I'd want stronger protections. If one was being built next to you, you would want stronger protections too. You have many speakers after me, but after they are through, what are you going to do? What will the language that's being proposed in this, what outcomes will it achieve?

[07:24:29] Thank you for your consideration. Thank you very much. Speaker number three is James Parmelee, to be followed by Ronald Wilcox, William Walsh, George Landreth, John Roddy. If I called your name, please make sure you're down here close. Welcome. Well, welcome back to the June 16th hearing.

[07:24:49] Like Yogi Berra said, it's deja vu all over again. And as I mentioned a couple of months ago, the number one issue in Fairfax County is not data centers. It's the economy, but the two are closely related. And the question I ask is, is Fairfax County doing all that it can to protect its taxpayers in this disastrous economy?

[07:25:11] Grocery prices are through the roof. Insurance costs are ridiculous. Fast food has become a luxury item for many cash-strapped families. And taxes keep going up and up. What are other counties doing to ease the burden? You all mentioned Loudoun.

[07:25:28] Loudoun County's real estate tax rate has been dropping for decades. And a big reason for that has been data centers. In Loudoun, over 30% of their tax collections in 2023 came from data centers. Over 30%.

[07:25:43] Just from one source. data centers. Not surprisingly, the real estate tax rate in Loudoun County declined simultaneously with that from $1.28.50 in 2012 to $0.86.50 in 2024. Not bad. Fairfax County should follow their lead to at least keep property taxes from increasing. How can we make that happen here? One way is we should realize the benefits that data centers can bring to the county budget not make them harder and harder to build with additional one-size-fits-all poorly thought

[07:26:19] out regulations it's not like this county hasn't seen a lot of development and it's likely to see a whole lot more and data center development i mean if you're looking at looking at it as are we going to keep everything everything's going to be a garden that's one thing but we're looking at places that we're going to develop you guys are going to develop so if you're going to have development data centers have a lighter footprint than a lot of other sources of development The county's budget is huge and unwieldy.

[07:26:51] Residential taxpayers are already leaving the county because they can't afford it. You can't put so much of a burden on residential taxpayers forever, or else you may run out of residence to tax. Imagine a future where Fairfax County receives a third of its taxes from data centers.

[07:27:09] Now imagine a future where it doesn't. In that future, is this board prepared to cut social services by a third? Are you prepared to cut police by a third? Are you prepared to cut firefighters by a

third? Of course not, but you're not going to do that.

[07:27:25] So it's currently at your call. If you decide to vote against data centers anyway, after my fine, well-reasoned argument, I hope you'll at least grandfather in the ones that are already in the process. This board has been financially strangling the residents whose taxes have laid the golden eggs.

[07:27:43] You need a new goose to lay new golden eggs. That goose could be data centers, and I'll respect the time there. Thank you. Thank you very much. Speaker number four is Ronald Wilcox. Welcome. Mr. Chairman, members of the Board of Supervisors, my name is Ronald Wilcox, and I have lived in Fairfax County for almost 20 years in the Springfield Magisterial District, Pat Harities District, and I appreciate his good service to us.

[07:28:13] I'm here to express my unequivocal support for the technological marvel called the Data Center. We should make it easier in Fairfax County for data centers to bring their economic benefits to Fairfax County you have begun the process of looking at a potential meals tax in Fairfax County a tax that would certainly hit the lowest income groups the hardest along with other tax increases passed by the board we're facing a possibility of people being unable to afford to live in Fairfax County and myself I'm getting near to that point because property tax rate

[07:28:51] increases have driven my rent out of sight there is a way to write excuse me There is a way to increase Fairfax County tax base without increasing the need for county services at the same rate, to bring in development of Fairfax County that pays its own way while not congesting the roads, to bring in development of Fairfax County that doesn't overcrowd our schools.

[07:29:18] Compared to many other land uses, data centers are a lower impact land use and they provide a lot of social good by making possible cloud computing, which improves the lives of all Virginians. In fact, data centers can provide a wave of revenue for our county with very little impact on social services, again, schools and such.

[07:29:38] As you consider zoning in Fairfax County, let's keep in mind our need for economic growth in Fairfax County. And let's do it with businesses and the county working together, not separated by new additional broad brush regulations that don't take potential future innovations into account.

[07:29:55] If you do make the unfortunate decision to add some of these unnecessary restrictions as a matter of fairness, projects who are in the approval process should be grandfathered in. But I hope you make the right decision and work with data centers, not against them.

[07:30:11] Thank you very much. Thank you. Speaker number five is William Walsh, to be followed by George Landreth, John Roddy, and Scott Peterson. If I called your name, please be ready to testify. We are on speaker number five. Good afternoon.

[07:30:29] As you consider zoning issues and the role of data centers in Fairfax County, I hope you keep in mind the benefits that data centers can bring to our community. We have had an ongoing problem with real estate tax increases in Fairfax County that have hit homeowners hard, made rents more expensive, and potentially are pricing people out of living in our county.

[07:30:52] We need a better balance of business properties to residential properties to more efficiently distribute the burden of financing our local county government. And when looking at business properties and revenue sources, data centers have a lot going for them.

[07:31:09] They add to our tax base without adding the cost of things like social services or additional traffic needing new roads. Data centers provide quality construction jobs to build and then quality high-tech jobs for their incoming employees. For those who have complaints about data centers and want to restrict them, it is important to remember that the choice is not generally between building data centers as opposed to creating park lands.

[07:31:38] For those who have complaints, Fairfax County has limited land. If data centers are taken off the table, it is likely that plenty of other commercial development will be approved. Smoggier development, louder development, development leading to crowded schools or large residential and retail development, which will crowd roads and create infrastructure expense.

[07:32:04] Alternatively, data centers can be cleaner and quieter and can ease that burden on our schools, our roads, and our taxpayers. They may not be a perfect solution, but considering the economic influx and potential tax-lowering benefits they can bring to Fairfax County, Data centers deserve a fair look.

[07:32:25] Our state of Virginia currently has the largest number of data centers in the world. And as an incubator of this growing and important industry, we owe it to ourselves and this essential technology to get this right. And I think the industry talent is here to get it right.

[07:32:44] Let's not fall into the trap of adding new government regulations that push these businesses out of Fairfax County. Now, while I hope you reject the proposed restrictions, if you do end up implementing any of them, at the very least, I think you should grandfather in projects that are in the pipeline and not change the rules in the middle of their progress.

[07:33:08] As you all go through this process, please keep in mind the numerous benefits of data centers and be willing to work with this pining industry. Thank you for your time. Thank you. Speaker number six is George Landreth, we're followed by John Roddy, Scott Peterson, Mario Zampello. Welcome.

[07:33:28] Thank you. Good evening. I'm, or actually I guess this afternoon, I guess it's close. It's kind of on the cusp. But at any rate, I'm grateful to be here tonight to speak. My name is George Landreth. I live in Chantilly, Virginia, but I was born and raised in Fairfax County and live near Poplertree Elementary School.

[07:33:47] and all seven of my children are graduates of Fairfax County Public Schools, so I've been here a while. You can probably tell that by looking at my face. But at any rate, I wanted to speak this evening to express my support for data centers for a variety of reasons, some of which I've already covered, so I'll be brief.

[07:34:04] But data centers generate high-paying jobs, which don't just benefit the people who earn those wages, but help other businesses in the area that have to have people frequent them, that have resources. Likewise, data centers generate a lot of taxes, and pay a lot of taxes, I mean, so they can lower the tax burden on Fairfax County residents, which are already paying among the highest in the nation because of the property values here and so forth.

[07:34:31] And it's not just homeowners who pay that. Renters do, too. So anybody who lives here are paying those rates. And they also diversify our tax base, which I think everyone understands that when you diversify your portfolio, you usually do better. And that's a smart move, and we ought to do that.

[07:34:47] That'll help our long-term fiscal outlook for Fairfax County. And likewise, data centers place very light demand on social services because you don't have to build, like me and my seven kids. I'm not saying I had to build a new school for just those seven, but, you know, that required new schools when you have a lot of people like that showing up.

[07:35:06] So you don't have to build new schools or roads or those kinds of things, which are very expensive. And I also think that if we look at this and say, you know, if the county's proposed rules and regulations place heavy burdens on data centers and seem to make data centers more difficult to establish, all we really do is prevent them from showing up or reduce the number that show up.

[07:35:27] And I think that would be unwise and unhelpful and even perhaps foolish when you look at some of the fiscal issues that might be there. And so, like I said, I think these are the kind of businesses we ought to be welcoming and encouraging to be here because of the benefits they would provide.

[07:35:44] And, you know, as one speaker said, we're not just choosing between a parkland and a data center. It's actually other things. And I don't think we ought to be discouraging them. We certainly want to make sure that we have, you know, reasonable rules, but we don't want to discourage the establishment of data centers as I see it.

[07:36:00] I think the bottom line is data centers are great. We need more good-paying jobs. We need to expand our tax base. And we need economic growth to benefit not only the people who get those good jobs, but their neighbors. And so I encourage the board to make sure that the county's policies encourage good jobs, economic expansion of our tax base, so that tax rates don't continue to skyrocket and don't continue to make home ownership or even just living in Fairfax County possible.

[07:36:25] I know a ton of people who end up leaving after a short period of time because they can't afford it anymore. And so they end up moving further out. And so I think we ought to make sure that Fairfax County is a welcoming community because these are good people. We don't need to kick them out. Thank you. Thank you very much.

[07:36:40] Speaker number seven is John Roddy, to be followed by Scott Peterson, Mario Zampiello, and Peter Weyrich, if I called your name. Please be close. Speaker number seven, Mr. Roddy, welcome. Thank you, Supervisor McKay and board members. My name is John Roddy.

[07:36:56] I'm the CEO of William A. Hazel. William A. Hazel is a heavy civil and site development contractor that's been headquartered in Fairfax County since 1964. This morning we employed 513 individuals, many of whom are employed on local data center projects and are residents of Fairfax County.

[07:37:17] As lifelong members of the county, we understand the benefits of data centers to the county and its residents. We did the site work on the first data center in the region for AOL in 1999. As I expect everyone here knows, the office real estate construction market where Fairfax has had so much success over the years is currently dead.

[07:37:39] And if it weren't for data center construction, a significant part of our workforce would be laid off. For 60 years, William A. Hazel has been a responsible member of the community. And Fairfax County has always been a business-friendly environment. This is one of the reasons for the success of Fairfax County over the years.

[07:37:58] But as you've heard everybody else say, for the most part, the county has a significant budget shortfall that will rely on some painful changes. Obviously, our adjacent counties are not in the same situation, and Fairfax has got to make a choice.

[07:38:19] Business doesn't like surprises. When I heard the planning response to Board Member Alcorn's question, it was clear that they were aware of the risk that this discussion brings in the form of surprises, particularly to projects in the pipeline.

[07:38:39] That will send a very bad message to the business community. I would request that you vote it down. Thank you. Thank you. Speaker number eight is Scott Peterson. Hi, I am Scott Peterson, chairman of the board of Faith Alliance for Climate Solutions. Well, you know, it's always good to start with a laugh, right? I tried to make you laugh a little bit during this long meeting,

[07:39:14] but actually this cartoon is not really funny because the mission of Faith Alliance for Climate Solutions has is to sound an urgent moral call to reduce climate pollution. And what's missing in this entire discussion, we feel, is that data centers currently threaten to destroy the carbon

[07:39:43] goals that we've worked so hard to achieve. You can turn off that silly slide now. So over the summer, we've been studying the complicated issue. And here are three priorities we've come up with.

[07:40:01] One is that the Virginia Clean Economy Act's carbon reduction goals must remain paramount. Land use policy needs to be strengthened to prevent adverse impacts on our neighbors and communities.

[07:40:20] And FACTS supports all recommendations of the Planning Commission. And a special exception process must be included. We recognize that increasing the number of data centers in Fairfax County may solve some very real problems.

[07:40:40] They generate tax revenue. They could help fulfill the county budget shortfall. They could forestall big residential tax increases. What's not to like about that?

[07:40:58] Well, we can learn from the experience of our neighbors in Loudoun County. We asked Loudoun County Supervisor Mike Turner, the expert on how data centers have changed Loudoun County, for his advice. And he explained, there has not been a single day in the past 14 years when a data center was not under construction in Loudoun County.

[07:41:26] 181 data centers are located in Loudoun's data center alley in 30 square miles, more than anywhere else on earth. Spurred by public outcry, Loudoun County supervisors finally, this year, denied a proposal for a massive data center and passed a resolution to limit buy-write size.

[07:41:53] So how have the data center developers responded? Well, the trend is actually accelerating to buy an office park, tear it down, and build a data center. Why? Because they're paying between $2,000 and $3,000,000 an acre, where other developers are normally paying $200,000 to $300,000 an acre.

[07:42:18] And now developers are turning their sights on other neighboring jurisdictions with less supervision, less restrictions, such as Fairfax County. So I asked Supervisor Turner what advice he had for you, Fairfax County Supervisors, and he said tell them do not allow data center developers buy right privileges without special exception reviews.

[07:42:47] Without it, you're going to give up a major weapon when you need to protect, you may need to protect the voters that elected you. In October 2023, Dominion Energy said it received customer orders to double the amount of data centers in Virginia by 2028.

[07:43:06] So where's all the energy going to come from to power data centers? Well, right now, fossil fuels. Coal and natural gas. Antiquated coal-powered electricity plants in West Virginia will be kept running. A new natural gas-powered power plant in Chesterfield County will be built largely to meet data center electricity demands.

[07:43:27] The North Anna nuclear plant, scheduled to be decommissioned, was granted a 20-year extension, despite there still not being a place to dispose of nuclear waste. The intermittent power of solar is unlikely to meet the demand, even with battery storage.

[07:43:44] So we aren't expert enough to know what the technological solution is. Perhaps it'll be horizontal geothermal wells. So emissions are going to go up. Carbon goals are in danger. Turner warns that pressure on local elected officials will increase, as it has in Loudoun County, demanding you curtail growth, impose stricter performance standards, or face election consequences.

[07:44:18] I'm not saying no to data centers. I created that graphic using Microsoft AI. I'm saying fight for your carbon reduction goals and don't give up this powerful tool of special exception.

[07:44:34] Thank you very much. Speaker number nine is Mario Zampiello. Is speaker number nine here? If you could come on down to be followed by Peter Weyrich, Will McLaughlin, and David White. If I called you, there's a lot of seats down here close, folks. Come down close so that you're ready to testify.

[07:44:52] We're on speaker number nine. Welcome. Thank you, Chairman McKay and the Board of Supervisors. My name is Mario Zampiello, and I've been a Fairfax County resident my whole life and a taxpayer in this county since 1989. My kids all went to Fairfax County schools.

[07:45:11] My wife has been a Fairfax County school teacher, and we've actually supported Kathy Smith for over 25 years. Quit laughing. Fairfax County has been a great place to bring up my kids. We've been enjoying all the services at Fairfax County.

[07:45:27] I see the adjacent counties building data centers on the buy-write properties, and as a result, they've added tax revenues. It's allowed these counties to significantly reduce their taxes and improve the services to their residents.

[07:45:43] That's key. I believe that Fairfax County needs the data centers. The fiscal responsibility they can provide is vital. Fairfax County is facing a shortfall in considering raising property taxes and imposing consumer taxes.

[07:45:58] Both of these taxes are going to hurt the residents of Fairfax County. Why tax me and the other members of our community when these projects are viable and they want to be here and we can benefit from them? So let's ensure Fairfax County remains an attractive place to place these chief developments.

[07:46:17] And with the board's pre-planning and lessons learned by others, as Chairman McKay mentioned earlier, you guys will put this together and promote a balance of data centers to secure our economic future to benefit our community.

[07:46:33] Let's make Fairfax County a place where my kids will want to bring up their kids, and then instead of going to adjacent counties with lower taxes and better benefits. Thank you for your time. Thank you. Speaker number 10, Peter Weyrich. Is Mr. Weyrich here? Okay. Will McLaughlin and David White, please be ready. Speaker number 10, welcome. Good afternoon, Mr. Chairman of Fairfax County Board of

Supervisors. My name is Peter Weyrich. I'm a private resident. I live in Manchester Lakes. Mr. Harrity here, correct me if I'm wrong, is the only member of the Board of Supervisors

[07:47:12] who has recommended a deep dive in the county budget. That's not very good. Data centers are important to try to back off the county on further tax increases. Tax increases concerning property for average homeowners like myself is about 6%.

[07:47:30] Your out-migration topped some $31,000 in this county over the past year, and the reputation for this is not good. It's important, as always, to strike the right balance between county government and business. If these data centers are allowed to be properly developed and supervised with special exceptions, as is mentioned, then I think that they're a good thing. My understanding is they come with power infrastructure that can be developed that they have to pay for. It allows private concerns to control their data, which I think is very good, as opposed to breaches from

[07:48:08] the cloud. And I think the county has a golden opportunity to offer some real tax breaks that can encourage business instead of simply raising taxes above across the board, a meal tax, a bag tax, what have you. I've lived here since March of 1967. Fairfax County has been a great county.

[07:48:29] It's one of the richest counties in the country, but I think things can be managed better and that's what we expect and we expect to be heard. So I appreciate this public comment period. I don't want to see 181 data centers here necessarily. But I think we do have room to look at some good options for these things and to weigh the pros and cons, environmental benefits, maybe some negative aspects, make sure that they're not making too much noise, and so on and so forth.

[07:49:06] So thank you for hearing me out. Thank you. Thank you very much. Speaker number 11 is Will Will McLaughlin will be followed by David White. Welcome. Thank you. Good evening. I wore my fancy high-vis shirt just in case any heavy construction equipment decided to back into the room.

[07:49:27] I also prepared a statement to keep me to the timeline so I don't kind of just ramble on. My name is Will McLaughlin. I'm one of the founding partners of AmeriCans, formerly known as G.I. Johns. We are a service-disabled, veteran-owned small business providing portable restroom services. We were headquartered in Manassas, Virginia, since we started the business in 2020.

[07:49:48] From inception, AmeriCAN's mission has been twofold. First, hire as many veterans and community members from the areas we serve as possible, and second, to support Gold Star families, that is, the immediate family of fallen American service members who died while wearing the uniform in service of the country. Our mission has been clear from the beginning.

[07:50:05] Whether we can impact one or 100 veterans, we will make a difference. Today, AmeriCAN employs six team members of the 60 in the business that live in Fairfax County. Of those, three are veterans who have served our country. In pursuit of our second mission, we have donated just over $287,000 to date in support of Gold Star families, directly supporting those fallen members' children's educations or programs providing family support services.

[07:50:32] What does any of this have to do with data centers? The success of Americans and our ability to impact veterans' causes is a direct result of the extensive opportunity we are afforded working on projects like Fairfax County data center construction. We provide the toilets. We are humbled, like many local small businesses working in concert with this industry, to be considered the backbone of this community, and we are proud to partner with the data center industry in the never-ending pursuit of our mission. We

hope to be able to provide and grow here in Fairfax County so that Americans can continue sending the country's gold star children to college and positively impacting the outcomes of lost service members' families. In witness to

[07:51:11] that impact, I would like to provide the following statement from one of our former veteran employees. When I think of leadership, there's a textbook answer, and then there is a definition you gain personally throughout your life experiences. My definition of leadership is one's ability to influence. When I think of Patrick and Will, the co-owners of Americans, that definition holds even truer. I'm an Army veteran who served this country for 15 years and served multiple tours to Iraq and Afghanistan. I'm proud of my time in service, but I also suffered from PTSD from my combat exposure and ended up landing me with legal problems. When Will and Pat heard about my story, they didn't even know

[07:51:49] who I was, just that I was a vet who had fallen, and they reached out to help me back on my feet, a stranger but a fellow brother-in-arms. What they did helped me get back my fight, and now I am going for my master's degree in operations management. Though I have since moved on from the company, they have been nothing but supportive. I am now married and working as a project manager, living my best life, all because they reached out a helping hand. I will always be grateful and will always have the most sincere respect for Americans. Please consider our mission as a small business, And this testament to its impact on this one life as you determine your decision.

[07:52:25] Thank you for your time. Thank you very much. Speaker number 12 is David White to be followed by Colin, David Shepard, then Nitin Dagra, and Sonia Brihi by phone. Welcome. Thank you, Chairman McKay, esteemed members of the board.

[07:52:42] Thank you for your dedication to our community and for giving me the floor this evening. My name is David White, and I am president of Superior Paving Corporation. My family's roots in Fairfax County span generations. Both my children and I were actually born in Fairfax Hospital.

[07:53:00] My father, my kids, and I were all educated in Fairfax County schools and have proudly worn the mantle of Fairfax student-athletes. No, it wasn't basketball. This county isn't just the backdrop of my life. It is intertwined with the milestones of my family's journey.

[07:53:16] Superior paving began here in 1976 under my father's and his two business partners' vision, and it has thrived thanks to Fairfax's nurturing business environment. Our work includes vital infrastructure projects such as Transform 66, Fairfax County Parkway improvements, Route 28 interchange improvements, just to name a few of the essential thoroughfares that support our community's daily rhythms.

[07:53:44] Our infrastructure projects also do include data centers, which support not only our businesses by putting food on the table for our employees and their families, but also the economic stability of our county. It is disheartening, however, to witness the fiscal shortfalls within our county when neighboring counties are thriving from data center revenues.

[07:54:10] These facilities are not just revenue streams. They are opportunities, opportunities for us to secure a stable and prosperous future for our Fairfax families. The taxes generated by these data centers can support schools, the same schools my children now attend, the one my father attended, I attended.

[07:54:32] Over the long run, these taxes can help alleviate the pressure of raising taxes on property owners, remove the meals tax, which impacts all of us in Fairfax County. So let's bridge the gap between

our community's potential and performance.

[07:54:50] Let's fund education and relieve tax burdens. Let's provide a foundation for success that every residence of Fairfax County deserves. As a lifelong member of this community, my commitment is unwavering. I urge you to demonstrate foresight and courage by investing in strategies that bridge gaps, foster long-term growth, so let's ensure that our policies reflect the ambition and promise of Fairfax County.

[07:55:17] Thank you for your consideration of this pivotal opportunity, and by embracing strategic investments, we can transform this potential into a lasting success for every family in Fairfax. Thank you for your time.

[07:55:32] Thank you. Speaker number 13, David Shepard. Mr. Shepard, are you on the line? Yes, I am. Can you hear me? We can. Welcome. The floor is yours. Well, thank you for letting me call in, and thank you to the board. Most of the good things and the good points I wanted to make have really already been taken as I've listed on hold, but I will say just a couple things and be brief.

[07:55:56] I grew up in Fairfax County. I went to Fairfax County's public school, spent my entire life here, so I love the county. I love the pro-business sort of atmosphere of the county and all the county has to offer. And my concern is data centers are going to be very important in terms of revenue and maybe even more important than we can imagine today.

[07:56:14] Because as the population, Virginia's population continues to decline, people are leaving. People are leaving Fairfax County. And data centers could be very valuable and crucial, really, in terms of revenue. So while I agree with Mr. Wyreckley, he said you don't necessarily need 180 data centers, some, but we shouldn't be discriminatory towards them either.

[07:56:37] I think they can be very valuable, and that's really all I have to say, but I appreciate you listening. Thank you. Speaker number 14 is Nitin Dagra, and he will be followed by a call from Sonia Brihi, Susan Switek, and Connie Hartke.

[07:56:57] If I called your name, please make sure you're down here close to testify. This is Speaker 14. Welcome. Thank you for giving me the opportunity to speak. I just want to enforce that this is not us versus them. This is a decision that impacts all of us, no matter what the decision is made.

[07:57:15] I just want to call out some of the concerns that I have. First of all, climate change is a concern that impacts all of us, and that has been covered already. and I read a report, the county's report that came out in 23 late and 24 early, January 24, which had listed concerns about air and water quality on residential life.

[07:57:36] So that's one. Second, I want to talk about I have eczema, which is a severe autoimmune condition. My kids have it. My whole family is impacted. I already have air and water filters at home on top of whatever water we get. So with the air and water quality being impacted, So this is a direct impact to people like me who have autoimmune conditions, and there's a whole lot of research that the autoimmune conditions get worsened as these impacts worsen in terms of air and water quality.

[07:58:04] So that's another one. And I think I've heard a lot of argument about revenue. I want to call attention to one of the issues. I come from Punjab in India, and there were farmers' protests for almost two years over there. Green revolution came in the 60s. We became sufficient in food back there.

[07:58:21] We got well also in terms of financially, but the experts who initiated that green revolution led us to a monocrop culture back there. 85% of the crops are two or three only, which has led to severe degradation of soil, water, food, and public health.

[07:58:38] Some of the regions have become cancer hotbeds. And why I'm saying that? Because same experts are now questioning their own intentions and decisions and the long-term impacts that they are now seeing. So with heavily invested into one kind of business, I hope we are not taking a decision which is going to take us on to that similar road.

[07:58:58] Another one I want to call out as a resident that when I bought this property, my intention was not to live so close where all I see is data centers. I went on Waxpool Road today after, I don't know, a year or so, and all I saw was data centers one after the other.

[07:59:15] Tree cover is gone. It doesn't look like that I'm, you know, if that is going to, what's going to happen in Fairfax, that doesn't look like to me a residential community. And just for empathy, I just want to call out one comment that I saw a lot on the social media where people were asking for the officials to put them in our shoes and what would they feel if data centers are built right next to their home. And I want to pose this respectfully as something that I saw.

[07:59:46] And at the end, I just want to say my ask is to make all data centers a special exception, like we have regulations on speed limit and putting a seat belt while we are driving. Thank you. Thank you.

[08:00:02] Speaker number 15 is Sonia Breehee. Ms. Breehee, can you hear me okay? I can, yes. Welcome. The floor is yours. Great. Thank you. Good evening, Chairman and Supervisors. My name is Sonia Breehee. I'm the Northern Virginia Advocacy Manager for the Coalition for Smarter Growth and a resident of Fairfax County.

[08:00:22] CSG advocates for walkable, bikeable, inclusive, and transit-oriented communities as the most sustainable and equitable way for our region to grow and provide opportunities for all. I recognize the need for data centers given the current technology we all use.

[08:00:39] But as data centers and their supporting infrastructure proliferate in our region, we must do more to ensure we get this right. Where we put them and how we address their impact on our communities and our environment are critical. I ask that you support the amendments that were adopted by the Planning Commission to strengthen the proposed zoning ordinance amendment.

[08:01:01] I'd like to focus today on the amendment regarding proximity to the metro. PSG supports requiring data centers be located at least a mile from metro station entrances. The county should be investing in walkable communities, housing and jobs near transit, not building data centers in these valuable areas.

[08:01:22] Data centers have few on-site employees and take up valuable space where we should prioritize more homes close to transit. This undermines the county's smart growth in transportation goals. Looking at 2024 ridership numbers at Silver Line Extension Station, the Louding Gateway Station, which is surrounded by data centers, has the lowest ridership of the Silver Line Station, significantly lower than the other Silver Line stations, and it has the lowest ridership of the entire metro system.

[08:01:55] Post-pandemic, we're seeing the greatest numbers of riders returning to stations with the most transit-oriented development in place. Even up to a mile away from our station, While perhaps not

walkable to some, people are able to regularly use Metro through our first and last mile connections like bus and other micromobility options.

[08:02:15] We have made significant investments in the Silver Line and Metro as a whole and must continue to support its success by prioritizing mixed-use development with homes and jobs closest to our transit stations, not data centers. Additionally, we ask that you require that all data center developments be subject to a more thorough special exception review.

[08:02:38] A special exception gives the board more flexibility to work with developers to address issues such as best available technology for diesel generators, which currently are not well regulated, and better address site-specific issues. We also ask that the county expedite needed policies to mitigate the significant carbon emission, reduce the energy demand, and regulate increasing water use of data centers.

[08:03:04] As our technology use continues to evolve, let's make sure we put adequate safeguards in place so that the expansion of data centers in Fairfax does not undermine important county goals we've invested so much in. Thank you for your time.

[08:03:21] Thank you very much. Speaker number 16, Susan Swiatek. Are you here? Speaker number 16? I don't see anyone. Speaker number 17, Connie Hartke. Connie Hartke here. Speaker number 18, Isabella Hale. Isabella Hale.

[08:03:44] Speaker number 19, Kate Maisel. Okay. We have one here to be followed by Robert Whitfield. Speaker number 20. Speaker number 21, Wendy Mewson. Welcome, Speaker 19. Miss Maisel, welcome.

[08:04:01] Hello again. Good evening. I'm Kate Maisel. my family and I live in Pleasant Valley, a community that is surrounded by industrial districts in which the county would like to continue permitting enormous data centers by right, double the size anywhere else in the county. It is also in a water supply and resource protection area. Regardless of what the data center industry wants us to believe, air-only cooling systems are not sufficient for AI technology. Through the Freedom of Information Act, the Financial Times reported in August that data centers in Fairfax, Loudoun, Prince William, and Falkier counties consumed 1.85 billion gallons of water in 2023,

[08:04:40] a 61 percent increase from 2019. That number will only continue to grow as the land grab by data centers in the Sully District continues to accelerate. The data center report and recommendations indicates a conservative daily use of 100 gallons per 1,000 square feet, with 8.3 million square feet of data centers approved or in site plan review, almost all of which are in the Sully district, over 300 million more gallons of our drinking water will be taken away by data centers.

[08:05:09] The comprehensive plan requires that we protect our water supply, but by right data centers don't need to adhere to the comprehensive plan. Clearly, the county is not protecting our water supply. Allowing data centers to store hundreds of thousands of gallons of diesel fuel next to Cub Run's stream, which is a source for our drinking water and is in an area perforated with faults that connect to our underlying water table is reckless. Homes in our community experience experienced foundation damage from the 2011 earthquake. Without the special exception process to mitigate these potential issues, we are flirting with disaster. Why is it that those of us who live

[08:05:46] in Sully are not being afforded the same protections as the rest of the county? Because of the 1.0 floor area ratio, unique to the Sully district, we will never be allowed to participate in the special exception process. We will never be allowed to mitigate the impacts of this industry. how is this acceptable

please stop putting us in the environment last and the data centers first please don't give away the only chance we have through the special exception process northern virginia is becoming internationally known as an area chock full of data centers we seemingly can't avoid that but let's at least become known for making sure that they're responsibly designed placed and regulated we already have several of these hulking monolithic

[08:06:24] eyesores and no amount of fenestration makes them attractive they're all sitting empty near neighborhoods waiting for power. Dominion now predicts that we'll take as much as seven years for local data centers to be connected to the grid. If we have to wait that long for the already highly questionable tax benefit, then why are we rushing things? Let's take our time and make sure that things are done right, one application at a time. Thank you. Thank you. Speaker number 20 is Robert Whitfield, to be followed by Wendy Muson, Cynthia Shang, and Jeffrey Flading, and Fran O'Neill.

[08:06:59] If I called your name, please make sure you're down here close and ready. Welcome speaker number 20, Mr. Whitfield. Mr. Chairman, members of the Board of Supervisors, I'm Rob Whitfield, and I've lived in Fairfax County since 1977, and obviously we've seen enormous change in the county in the last 46 years.

[08:07:23] I am somewhat agnostic on data centers, but in terms of the economic impacts and the economic benefits, I'm clearly not agnostic. This county has obviously in the last 20, 30 years gone through cycles of boom and bust in the office markets in which I had worked 30 years ago. And now we're in a point where in a down cycle, I don't know the latest data, but office buildings are worth less

[08:07:58] than half of what they were before COVID-19. And meanwhile, we've had changes in the transportation industry so that the ridership on the metro system is less than half on metro rail, less than half what it was 10 years ago. And we've built this colossal project to Dulles Airport, which I call the biggest Ponzi scheme in Virginia history. And now somebody is trying to push people to move

[08:08:30] close to instead of data centers for which the traffic load is minimal they want to cram people into the metro station areas meanwhile it was 18 months ago since tom bachadney announced his retirement and we still haven't replaced the head of the transportation department how do we expect anything to work right if you don't execute playing right. So I guess I've heard a lot of

[08:09:02] interesting testimony, but we certainly don't need more meals taxes and more tax. The people studying the metro plan are proposing all sorts of additional taxes on the people out here, but we can't afford it. People are leaving this area now because of the tax burden.

[08:09:23] So what I would like is a fiscal impact analysis of the data centers. I know that Mr. Doshi has done some work. I don't know whether we've updated that. I would like to see things balanced between both the what are the environmental risks and what are the economic consequences and the tax benefits.

[08:09:47] So we need to have a, before we make final decisions, we need to have a balanced picture of what gets done in this county. And so we probably need some overall financial planning to give the public who live here a better sense of what we can expect in the next five years.

[08:10:05] Thank you. Thank you. Speaker number 21 is Wendy Mewson, to be followed by Cynthia Shang, Jeffrey Flading, and Fran O'Neill. We are on speaker number 21. Welcome. Thank you. Wendy Mewson, Pleasant Valley.

[08:10:21] The World Health Organization and the American National Standards Institute recommend daytime noise levels in schools of less than 35 decibels for the best acoustic environment for optimal teaching and learning conditions. Excessive noise is detrimental to concentration, auditory discrimination, and speech perception, leading to reduced academic performance.

[08:10:43] The effects are magnified for hearing-impaired students and students who are not being taught in their first language. Those of you up there who were teachers probably know this. With a whopping 72 decibels allowed in industrial districts, the excessive, continuous, ever-present low-frequency noise is detrimental to our school children.

[08:11:02] Sound travels through weak points, including doors, windows, vents, and duct work, and portable classrooms used to alleviate overcrowding are even worse, acoustically speaking. The Virginia Department of Education and their 2020 Guidelines for School Facilities states proximity to noise and other pollution sources should be considered when evaluating an existing or potential school site. It goes on to recommend that location of schools near electric power transmission lines or other environmental hazards should be avoided. Without the special exception process, we in the county are denied the opportunity to evaluate and mitigate the negative

[08:11:39] impacts on our schools and other nearby uses. Right now, Flores Elementary, Carson Middle, Westfield High Schools are all taking a hit because they are in the Route 28 tax district where by-right uses are allowed to 1.0 floor area ratio. Anywhere else in the county the data centers being considered would be required to go through the special exception process because they are over the 0.5 floor area ratio, but here we in the county are being denied the chance to evaluate and mitigate their negative impacts. For example, a recently submitted site plan for a massive 648,000-square-foot data center campus

[08:12:16] with a substation and over 70 tractor-trailer-sized generators. Seventy has been submitted near Westfield High School. The location is also adjacent to Cub Run Stream and a pet boarding and veterinary facility. The question is not only is the county prepared to spend millions to sound insulate schools from data center noise, but also how the constant noise unique to the data center industry from its HVACs, generators, and substation will affect the health and well-being of the pets boarded or receiving treatment.

[08:12:47] What will the impact on this business be? Will it be driven out because the constant noise stresses the animals out or because the land has become too expensive for them to continue to operate? How will we know the negative impacts on the surrounding uses if we don't allow those uses and the professionals who run them to weigh in?

[08:13:05] It's one thing for you to limit our time to speak up at these hearings, But to deny us in the county a voice through the special exception process, as we watch bi-right data center development threaten our school children, local businesses, home values, air quality, and drinking water safety is, quite frankly, reprehensible.

[08:13:24] Thank you. Thank you. Speaker number 22 is Cynthia Shang. Thank you.

[08:13:42] I'm Cynthia Shang, president of Save Pleasant Valley. There are 11.7 million square feet of data centers existing approved or in-site plan review right now, over 8 million in the Sully District alone, almost all within the last three years.

[08:14:04] We are on a fast track to surpass Prince William County by year end and reach a third of that of Loudoun County. But Fairfax County has almost tripled the population density of either of these counties.

So how can we ignore the fact that so many more people will be affected?

[08:14:23] SULLI is being targeted because of the Route 28 tax district, which is, quote, governed by the zoning ordinance regulations regarding allowable uses, unquote, and permits, as you've heard, a 1.0 floor area ratio.

[08:14:39] Huge data centers can be built double the size here without the rigorous review and public process afforded to everyone else in the county for data centers half the size. Leaving data centers as allowable uses denies us that process.

[08:14:58] We are being penalized for choosing to live in Sully. With Loudon moving to eliminate by-right data centers, a size limit of 250,000 square feet would remedy this disparity and allow the experts in the county to require mitigations for the most egregiously large data centers near homes, schools, and our precious water supply, while still keeping the county open for business.

[08:15:23] And as you can see here on this slide, clearly Chantilly Premier was required to mitigate and address the issues of the comprehensive plan. Concerns have been raised that a size limit would just encourage additional site plans to avoid the special exception process.

[08:15:42] And it is true that the industry has tried to game the system. We're already seeing this with the Boggle Drive application, where a draft proffer is attempting to be used to lower the floor area ratio because the final proper would put the applicant above the site-specific FAR.

[08:15:59] This 648,000-square-foot application is the footprint of Lambeau Field, the second-largest stadium in the NFL. The site is located, as you heard, near residential communities and Cub Run Stream, and this data center will have a switching station, overhead electrical lines, and will store hundreds of thousands of gallons of diesel fuel on site.

[08:16:22] Both above and below ground diesel fuel storage tanks are regulated, so why is it that gas stations require a special exception? But a data center that requires more fuel storage than several sheets gas stations does not.

[08:16:39] For those living near the I-5, the proposed zoning ordinance merely requires a noise study first rather than waiting for people to complain, A 200-foot setback, which does not take visual impacts into account, especially for communities which may be lower in land elevation, turning that 75-foot-tall building into a looming 100-foot-tall building, requires a half-mile setback from metro, so why not that same requirement for residents and schools, and a requirement to make them less ugly.

[08:17:13] Sodium is a byproduct of the cooling process and is detrimental to those with high blood pressure, diabetes, and kidney problems. Only because of the comprehensive plan is the 402,000-square-foot data center known as Chantilly Premier mitigating sodium at the source, saving the county an estimated billion dollars retrofitting water treatment plants, and maybe saving lives.

[08:17:36] Only because of the comprehensive plan did Chantilly Premier have to meet the guidelines for the increased FAR, a fact that is critical to the Route 28 tax district. Only because of the comprehensive plan did Chantilly Premier have to provide additional landscape buffering, a LEED-certified green building, and additional water and environmental protections.

[08:17:58] Without the special exception process, all the good work that was accomplished with Chantilly Premier will be completely negated by other, closer, larger by-right data centers.

[08:18:14] We have never seen an onslaught like this. No other industry has so rapidly consumed I-5 land. Not crematoriums, not freight warehouses, and sadly, not craft breweries. As the price of land skyrockets due to the data center industry, where are other industrial uses supposed to go?

[08:18:38] Where are we going to put all that electronic waste? Have we learned nothing from Lowne? In closing, please don't penalize those of us who chose to live in Sully. Please choose to require the special exception process for all data centers, or at least a size limit in the I-5.

[08:18:55] Thank you. Thank you. Speaker number 23 is Jeffrey Flading, followed by Fran O'Neill, Don Slayman, Jeff Parnes. Welcome. Good evening. Yes, my name is Jeffrey Flading.

[08:19:11] I'm from the Sully District. I'm speaking on behalf of the Fairfax National Estates Homeowners Association. Data centers should not be by right. Data centers should require an SE, something which has such a significant impact on the health and property values of citizens, must be considered in a transparent environment where citizens have an opportunity to review and comment on what's being done to their neighborhoods.

[08:19:35] While I'm sure the supervisors understand and long for the potential taxes that may come from data centers, I don't perceive that most of the supervisors fully understand them. I understand that there is big money and lobbying efforts behind trying to make it quicker and easier to plop data centers all over the county.

[08:19:54] Some of that lobbying and money can be seen here tonight. I have been in many data centers, as one aspect of my professional career was selecting, sizing, and managing the movement of federal government customers into data centers and cloud computing. Data centers are effective for what they offer in today's technology for the customers.

[08:20:13] However, having been in many, they are loud. They move lots of air for cooling, consume huge amounts of power, and have backup generators, usually diesel, that are dirty and loud when they must run. And I think it was last year, the state almost was going to run during the day, which is bizarre.

[08:20:33] I would not want one in my backyard. Supervisors, you would not want one in your backyard. The citizens deserve transparency and open hearings before one is placed near their communities. Making dentist centers by right is an abrogation of your responsibilities to look out for the health and welfare of Fairfax County citizens.

[08:20:50] What you do know of data centers most likely is based on data centers of recent past and rosy presentations by data center developers. But do you really appreciate the computing demands and loads that are coming from data centers that support artificial intelligence processing?

[08:21:08] The demand for data centers that support AI processing is coming much quicker than most would have projected just a year ago. The power use and heat generation that will be associated with future data centers that support AI processing is vastly greater than from traditional data centers.

[08:21:24] As an example, traditional data centers are designed with an average of 5 to 10 kilowatts per rack of computers as an average density. The advent of AI now requires 60 or more kilowatts per rack. On average, something you might be able to relate to, a chat GPT query, some of you may have played with this, an AI query with chat GPT requires nearly 10 times as much electricity to process as a Google search.

[08:21:52] In that difference lies a coming sea change in how the world at large will consume power and how much it will cost. Data centers will add massive draw on the local power grid. Much more cooling will also be needed by the data centers. AI data centers can be huge energy black holes.

[08:22:10] In some larger AI data centers, consuming as much energy as 30,000 homes. I understand that the increase in power capacity that the utility providers will need to add over the years, costs which will be borne by every electric customer in the area are not the immediate concern of the Board of Supervisors when considering by-right development versus special exceptions and hearings, but it is something that by facilitating more rapid data center development you will impact. My point with these few examples of huge increases coming in processing demands is to try to make you pause and think.

[08:22:44] Perhaps in a time of such great change for data centers, it may be wise for you not to charge into allowing by-right development throughout the county. It may be more responsible to not proceed as quickly. There is time for public hearings and the special exception process for facilities which will impact the health, property values, safety, and utility loads on the citizens of Fairfax County.

[08:23:07] The citizens deserve transparency in the process and an opportunity to participate in the review of every data center. Thank you. Thank you. Speaker number 24 is Fran O'Neill, to be followed by Don Slayman, Jeff Parnes, and Robert Rafferty.

[08:23:25] Welcome, Mr. O'Neill. Thank you very much. Thank you for the opportunity to speak to you, and thank you very much for your public service. It's greatly appreciated. I'm here tonight to speak in support of the special exception requirement, and I'd like to make three simple points for your respectful consideration, if I may.

[08:23:45] The first one I'm calling the inevitable surprises embedded in complex systems. If you'll spare me just a very quick moment of my own background, I spent a good part of my adult life working in very large, complex systems, helping organizations, public and private, I've worked in most of the federal bureaucracies, to apply the quality management principles of W. Edwards Deming, who was the father of the modern quality movement. Most people don't know his name, but he's had a ubiquitous impact.

[08:24:19] Deming always wanted to start out with an understanding of the system. And one of the things I've learned from many years of working in large systems is they are full of surprises. Some of those surprises are delightful, some of them are damaging, some of them are devastating.

[08:24:38] The point I want to make is this parade of people that you have heard on both sides of this issue are like a battalion of red flags, and underneath each of those red flags is a set of possible surprises, negative surprises.

[08:24:57] Not all of them will happen, but some of them will. But the point I make is that you can reduce the probability, not the inevitability of all of them, but the probability of many of them by the special exception requirement for the 250,000 square foot threshold.

[08:25:14] That would be like buying an insurance policy. It would be extremely wise, in my humble opinion, for you to do that. Second point, Sully residents, correct me if I'm wrong, Sully residents would have a disproportionate burden of industrial development placed upon them compared to other districts.

[08:25:39] Consider, for example, the impact of people living too close to industrial development. It's perfectly awful, and it's also full of surprises. Consider the impact of displaced businesses, businesses that

will be told, get out of here, you got to go. The impact on their family, the impact on the diversity of businesses, the business culture, the impact on their customers, go down the list of all these various concerns, and you will have embedded surprises in every single one of them in addition to this disproportionate burden issue.

[08:26:13] These impacts won't disappear in large systems. I can tell you for sure cause and effect operate very slowly. They happen over long periods of time. Number three, I know I'm running out of time. You have been told businesses will balk at the special exception requirement process. With all due respect to that point of view, I respectfully disagree.

[08:26:34] Never let the hitter call the balls and strikes. The fans, in this case the citizens, want you to do that. Set a high standard, adopt the right requirement, and the people of the county will respect you for putting them first. And those who want to be here will be here.

[08:26:51] Thank you very much. Appreciate it. Thank you. We are now on speaker number 25, Don Slayman, to be followed by Jeff Parnes, Robert Rafferty, and Douglas Bell. And speaker number 25 is video testimony. Good evening.

[08:27:07] My name is Don Slayman. I work for the Altricians Union, Local 26. Thank you, Chairman McKay, for allowing me to address your board this evening. Thank you, board members, for listening. I appreciate the opportunity to discuss the data center industry and what it means to my local union.

[08:27:29] I'm not here to prescribe particulars in the legislation you are discussing, pending. I'm here to speak about the benefits of this industry to my local union and to the region. The data center industry has been a boon for this local.

[08:27:48] We've grown from almost 8,000 members when I arrived in 2018 to almost 14,000 today. We've bought in 1,000 members since the first of the year. We welcome 500 apprentices to our freshman class in August. Normally, we bring in 300 to 325.

[08:28:07] It's solely because of the data center industry. Normally, under periods of spiked interest rates that we have experienced the last couple of years, would wreak havoc upon a local construction union. But we felt no pain.

[08:28:23] We grew through the entire era. And that's because of the data center industry. It's not only the construction, which is a boon to this local union, but the maintenance. It's a misnomer that no one works in these facilities after they're completed. Yes, there's very few folks working for the end user on operations.

[08:28:42] But we have over 30 members working in every completed data center, working for six or seven different contractors in any given day, working on control systems, working on upgrades, working on energy efficiencies, working on security cameras, working on swapping components and servers and gear and bringing in new customers and placing them in these co-locator systems.

[08:29:10] All kinds of work, maintenance. And these are clean, safe environments where workers are making six figures in a clean, safe environment. And not only do we have the construction and the maintenance, but we also have great production work associated with this industry because of the economies of scale.

[08:29:29] And that's why I'm so concerned about discouraging this industry in any way. The economies of scale that have been produced here because this market being larger than the next six largest markets for data centers in this country combined has enabled our contractors, or actually have made them to meet the demands, build prefabrication and shops to build modular components and to build cabinets and racks.

[08:30:08] switch gear and pre-assemble all kinds of equipment to bring on, to bring into the new buildings. Because of the economies of scale, we're exporting that same equipment for this market all over the country and overseas. And I can't tell you the importance of having six-figure blue-collar production jobs so close to the seat of power. I've spent my entire career with the National AFL sale for 24 years dealing with the de-industrialization and the ruin it

[08:30:43] brought upon communities when a mine, a factory, a mill would leave. Matter of fact, my job was to organize other local unions to hold the hands of the workers and give them encouragement and made them understand that somebody cares. So I've watched as the de-industrialization, as the wiped out communities all over, and I am so thrilled to see an industry that's growing,

[08:31:05] An industry in its nascent stage is unionized. Usually union industries get organized as they mature. This industry from the get-go, because of the continuous operating system, the nature of it, to rely on highly skilled workforce because the liability is so large, has been unionized since the get-go.

[08:31:24] And then when you take in that the largest source of labor costs is the power generation and the distribution that's needed to run these operations, a regulated monopoly, this is a heavily unionized industry.

[08:31:41] And if you just give this industry patience, they'll resolve some of the other problems, like the water, like the noise. Some of them were poorly designed. They've mitigated that. And the biggest problem is the energy and SMRs.

[08:31:57] If we're patient, small-module reactors will be able to relieve the grid and solve our energy problems. It's going to happen if we can keep the industry here. Thank you. Speaker number 26 is Jeffrey Parnes, to be followed by Robert Rafferty, Douglas Bell, and Steve Cholick.

[08:32:20] If I called your name, please be down here close, ready to testify. Welcome. Good evening. Thank you for the opportunity to speak. My name is Jeff Parnes. I'm a resident of Fairfax County for close to 44 years, and I'm in my fifth decade of speaking before the board.

[08:32:37] I represent the Sully District Council of Citizens Associations, which, with the Western Fairfax County Citizens Association, form the Joint Sully District Land Use and Transportation Committee. We have sent the board three of our resolutions.

[08:32:56] The first resolution called for special exceptions near residential development when data centers are developed. We also asked in the second resolution that data centers be, as I should say, as the Planning Commission recommended, that all future data center plans and recommendations be comply with the current considered amendment rather than the previous amendment.

[08:33:28] We should be making this not retroactive, but as part of the process. In our third resolution, we reaffirmed the previous two and wished that the county come up with a report that actually indicates the level of economic development that data centers will give the county.

[08:33:49] We've heard that they will be a fountain of money, but we're not certain that compared to other conditions that there might be detriments. We need to consider whether or not people will have depressed real estate values based on their proximity to data centers.

[08:34:08] Whether or not the additional costs required to be paid for by residential customers, by both Dominion Power and Novac, for the additional power supplies. They're not paid for by the data centers, they're paid by the residents and other users of the current electrical system.

[08:34:29] We wanted to know whether or not there's any depressed real estate values of sites in proximity to data centers. The anticipated costs resulting from air and water pollution for the data centers. And the anticipated costs to public health resulting from data centers, including hospitalizations, illnesses, missed work, and school absences.

[08:34:49] The reductions in tax revenue from any state-level legislative credits or tax breaks for data centers. whether the above listed credits or costs are greater or less than the anticipated real estate revenue. We appreciate the opportunity to speak to you. We again ask that you consider special exception for the rather than having it by right. That is our chief concern as well as the environmental ones. We thank you for your consideration. Thank you very much. Speaker number 27, Robert Rafferty. Robert Rafferty here. Speaker number 27. Okay, not seeing him.

[08:35:27] Speaker number 28 is Douglas Bell, who has submitted video testimony. Good evening. My name is Douglas Bell, and I have previously testified before the Board of Supervisors and the Planning Commission regarding the proposed data center zoning amendment.

[08:35:44] I currently serve as Senior Principal Consultant and President of Kavanaugh-Tachi Associates, an acoustical consulting firm founded in 1975. In the course of my nearly 40-year career, I have consulted on over 1,000 environmental noise projects. Additionally, I co-authored a textbook on the topic of industrial noise control.

[08:36:03] As a subject matter expert in environmental noise, I'm speaking to offer further insights. I also want to briefly reiterate a few substantial points I made in my previous testimony. The proposed amendment includes various design restrictions purportedly targeting noise impacts associated with data centers.

[08:36:22] Specifically, these restrictions include imposing increased setbacks in mandatory enclosure or shielding of sound-producing equipment. It is my opinion that these restrictions only impose a burden on developers without achieving any of the intended goals. Firstly, there is no compelling evidence that data centers are more acoustically impactful than other permitted industrial uses.

[08:36:45] In fact, it is my opinion that from an acoustic standpoint, data centers represent one of the more benign uses permitted on commercial and industrial zoned land. The noise sources are predictable and controllable. Following good design practices, data centers can be built to meet appropriate noise standards and not produce an adverse acoustical impact at acoustic-sensitive receptors.

[08:37:08] Note that during the planning commission meeting that I attended, we heard from county staff that in Fairfax County there have only been two complaints against data centers, neither related to noise. Secondly, the Fairfax County Noise Ordinance sets noise-level standards at the receiving property line for all industrial uses, including data centers in the I-5 and I-6 districts.

[08:37:30] It is crucial to understand that the receiving property determines the limit, ensuring residential districts are well protected. In my professional opinion, these standards are equitable and practical, having served the jurisdiction effectively for decades.

[08:37:47] A zoning amendment which stipulates arbitrary setbacks and mandatory enclosure and or screening is not an effective tool for managing noise. In conclusion, the existing noise ordinance is equitable and practical, setting an appropriate standard for the development of data centers in Fairfax County.

[08:38:06] There is no need to impose additional restrictions, which only serve to limit development and design options. Thank you for taking the time to listen to my testimony. Thank you. We're on speaker number 29, Stephen Chuluk, to be followed by Patrick Murphy, who's a call-in, Shane McClung, video testimony, and Kate Smiley in person.

[08:38:30] Welcome, Mr. Chulak. Good evening, members of the board. I appreciate the opportunity to speak. My name is Stephen Chulak. I've lived in Centerville since 1979. I'm president of the West Fairfax County Citizens Association, and I serve on the Joint Land Use Committee with Jeff Parnes.

[08:38:51] My comments do not have the benefit of reviewing the recent proposed changes by the county. on. You'll have to bear with me. I'm trying to grasp the idea that the Board of Supervisors is content to permit the conversion of all I-5, I-6, let's call them industrial properties, to data center use. Isn't that what Byright allows? When these zonings were established and applied to the properties, it could not have imagined that buildings of this size

[08:39:29] and that would require this amount of electrical power would be built on these properties. The buildings have numerous chillers and generators broadcasting noise into adjacent neighborhoods.

[08:39:47] Development of these properties would require electrical transmission lines to be run cross-county and numerous plants to provide the power. that we would be living in an environment where the 10 warmest years in the 174-year record have all occurred during the last decade.

[08:40:06] Forgive my naivete, could the Board of Supervisors decide that steel mills and oil refineries be installed by Wright as well? I realize that this is somewhat an apples to oranges comparison, but I think it makes a point.

[08:40:24] Some industrial locations are quite close to residential, and I do not believe such businesses should have bought our residential neighborhoods. To my knowledge, we do not have a steel mills or oil refineries in Virginia, but we do have petroleum storage facilities here. I will remind you of the petroleum leak from the former Star Enterprise Terminal on Pickett Road that was discovered in 1990.

[08:40:48] The event required substantial cleanup and remediation to the site in adjacent Mantua neighborhood. In October of 2022, there was a fuel spill in Leesburg from an overfilled generator belonging to Loudoun Hospital's Cornwall campus.

[08:41:04] Fire crews contained a fuel spill that polluted a stream in the creek, an effort originally anticipated to take several days to complete. It seems that the various boards of supervisors of the region avoid denying any proposal to build a data center, lest it be built in a neighboring county.

[08:41:21] Surely a blanket by-right development ignores the need to consider the number of data centers already constructed or approved. How many data centers can the area handle? With the hundreds of data

centers and the thousands of generators that would accompany these facilities, what happens if there's an area-wide outage?

[08:41:40] Do we really want thousands of power generators running at once? Could all these data centers threaten the grid? Could a competition arise between data centers and other customers, especially residential ones? Power densities are quite high today.

[08:41:57] In previous generations, concerns used to be limited to a local community. Increasingly, we are a global community. We are all linked by needs for food, clean water, clean air, and reliable electricity. We can no longer afford a laissez-faire attitude any longer.

[08:42:13] Today, there are more people and entities that represent barriers to such unbridled growth. I recall that one of the speakers at the July hearing echoed a question that I've been pondering. What is the purpose of zoning? One of the goals should be to segregate industrial uses from residential ones.

[08:42:33] People are asking for careful consideration to where data centers are developed, careful siding, sufficient setbacks. 200 feet is not enough. Careful landscaping and camouflage. People are asking for answers to the following.

[08:42:49] How many data centers do we need? How that number compares to our power and water availability. How an installation impacts the quality of life of the neighbors. How the local data center industry impacts our microclimate and microenvironment. You might expect community reticence about building large numbers of data centers in a warming environment.

[08:43:10] These data centers are not plain vanilla warehouses. Each data center and its proposed site offer their own requirements and challenges. These should be considered in a public forum where interested parties should be able to voice their concerns. Citizens are concerned about anticipated bad behavior by data center developers.

[08:43:30] In my separate letter to the Board of Supervisors, I identified several instances. Okay, finishing up. 20 years ago, our neighboring county used to have a rallying cry. "Don't Fairfax Loudon."

[08:43:47] In 2024, our rallying cry should be, "Don't Loudon, Fairfax." Once again, I ask you to listen to your better angels and put an end to this indiscriminate data center development. I ask you to retain the requirement that data centers be subject to public hearings.

[08:44:05] Such developments are potentially too large or too impactful on neighboring properties on the electric and water infrastructure. - Thank you very much for your testimony. We're going to move on to speaker number 30, Patrick Murphy. Is Mr. Murphy on the line?

[08:44:20] Welcome. The floor is yours. Thank you. Good evening, Chairman and Board members. My name is Patrick Murphy, and I'm a professional electrical engineer registered in 15 states, including the Commonwealth of Virginia. I have 24 years of professional experience and have been specifically involved with data centers for 19 of those years.

[08:44:36] I own Critical Power Consulting, also known as CPC, a utility power consulting firm that has been in business for almost seven years. CPC helps large power users, 90% of which are data centers throughout North America, navigate electric utilities, overall process, and help developers obtain the power they need to support their projects.

[08:44:54] I testified in front of the Planning Commission and the Board of Supervisors meetings earlier this summer. I want to briefly reiterate the points from those testimonies. Within Northern Virginia, all transmission infrastructure and most substation projects for data center power services are solely under Dominion Energy control.

[08:45:10] Dominion Energy has the obligation to serve since they are the franchise electric utility for most of the area in question. This is deemed as such under the Commonwealth of Virginia Code of Law, Title 56, Chapter 23. Typical large data center power projects were taking at least three to five years to complete.

[08:45:27] They are now being told that the Dominion Energy power procurement process is upwards of seven years. This is due to many factors, long lead time equipment for the infrastructure. The transmission routing process, which in most instances requires a certificate of public convenience and necessity filing by the Commonwealth and typically takes 12 to 24 months.

[08:45:48] 12 of those months is for Dominion Energy to develop the filing, and the remaining 12 months is for state review and approval. Another factor for the new five- to seven-year timeline is the land procurement for substations and transmission reservoirs. Dominion requires not only an approved state plan, but a lot of detailed information prior to starting any review of a potential data center project.

[08:46:07] The committee now requires the end user to require land for a substation, whether it's on or off-site, unless there is power available in the immediate vicinity to satisfy the requirement. This also impacts the time of process as well as potential sites for data center development. By adding a special exception requirement to the site plan submission for any data center, this could now extend the typical five- to seven-year timeline even further, which will force data center developers to look elsewhere outside of Fairfax County for their projects.

[08:46:34] In comments specific to the proposed zoning ordinance changes, proposed zoning amendment language suggests requiring and closing all power supply equipment. This is not practical as would require additional cooling and mechanical equipment and will make data center building less efficient instead of relying on outside air to cool the equipment.

[08:46:54] Enclosing this equipment is a life-seeking concern and contradicts the county's plan to reduce noise emissions. Power supply equipment produces heat, and closing the equipment means the heat will need to be managed, which means more mechanical equipment, which will then increase the noise. An incident such as fire, albeit rare, creates a higher life safety issue when enclosed versus open air.

[08:47:15] In conclusion, the sands are shifting below our feet on power procurement, which adds complexity and uncertainty to the process. This makes finding viable data center sites more difficult and further imposing restrictions will only further the development of new data centers, which will provide ample benefits to counties.

[08:47:33] Thank you for your time. Thank you. We are on Speaker 31, Shane McClung, who submitted video testimony. I am the representative of the Lansdowne Community Association, which comprises of 619 homes with over 1,000 voting residents of Fairfax County who are deeply concerned by the impact of data centers, on our communities. Your vote on the data center zoning ordinance amendment will send the following messages to us as constituents. A vote to exempt unapproved data centers like Plaza 500 from

[08:48:11] enhanced protections is a red line that we will not accept. Special treatment to data center developers and multinational corporations that puts their financial windfall over my quality of life is an affront to us as residents and voters.

[08:48:28] A vote allowing data centers to not follow newer and safer noise pollution standards, such as a grandfathering clause, once the data centers are built and running, like the new Amazon data center on Lowestdale Road, is a vote against the well-being of the constituents.

[08:48:45] A vote for by-right data centers is a vote to silence our voice. A vote for a minuscule 200-foot setback from residents is a vote for our physical, mental, and environmental harm from the known impacts of data centers against livable communities.

[08:49:06] A vote to allow data centers within a mile of the metro is a vote to undermine the community's commitment to smart growth and transit. The Board of Supervisors must require the inadequate, incomplete, and rushed Plaza 500 site plan application to comply with a new data center zoning ordinance.

[08:49:29] Pass the Planning Commission unanimously approved recommendation that requires any data center to be at least one mile distance from a metro station entrance. Pass the Planning Commission unanimously approved recommendation that all ground equipment must be 500 feet from residence or located behind the data center building.

[08:49:54] Require a special exception for all data centers, especially those in industrial districts adjacent to residential districts. And expand the residential setback to 1,000 feet. Thank you for your time and attention.

[08:50:12] Thank you. Speaker number 32 is Kate Smiley. Kate Smiley to be followed by Mary Bowen, Jason Stanford, and Timothy Pendergrass. If I've read your name, please make sure you're down here and ready to testify.

[08:50:27] We're on speaker number 32. Welcome. Good afternoon. Evening. I think we can safely say evening. Thank you very much for the opportunity to speak to you today. My name is Kate Smiley, and I'm director of Virginia Government Affairs at the Data Center Coalition. The Data Center Coalition, or DCC, is a national membership organization based here in Northern Virginia that includes leading data center owners and operators.

[08:50:52] We are very grateful for the opportunity to have met with county staff as a part of their stakeholder outreach efforts in developing these recommendations. Fairfax County has traditionally welcomed data center development, and we hope to continue to grow the county's partnership with this critical, reliable, growing industry moving forward.

[08:51:10] As you all know, data centers are the backbone of the modern economy. They involve huge financial investments in buildings and equipment, with some projects exceeding $1 billion in capital investment. These investments enable the data-driven processes, goods, and services deployed by many other sectors of our 21st century innovation economy, including technology, advanced manufacturing, AI, cyber, cybersecurity, healthcare, and other key industries, many of which are also located here in Fairfax County.

[08:51:42] Let's talk data centers here in Fairfax County. Data centers here create thousands of construction jobs as facilities are built. They provide quality, high-wage jobs that support ongoing operations within data centers themselves.

[08:51:58] And data centers catalyze a larger ecosystem of small businesses. You've heard from one here tonight. I think they're known as Americans. It used to be G.I. Johns. Everything from that company to restaurants, hotels, rental car agencies, Fiverr, HVAC installers, and many more.

[08:52:16] Across Virginia as a whole, data centers directly and indirectly supported more than 78,000 jobs last year. This industry is especially beneficial to Fairfax, given the county's economic makeup. An April 2024 study by the Northern Virginia Technology Council showed that nearly one-third of Fairfax County jobs are in technology fields that data centers support, including AI and cybersecurity.

[08:52:40] But beyond job creation and economic investment, data centers provide other significant community benefits to the county, including supporting the county's tax base and its quality of life priorities. From 2018 to 2022, Fairfax County collected more than $114 million in revenue from the data center industry.

[08:53:01] This growing source of revenue helps the county fund schools, parks, libraries, and other community priorities. Further data center investment in Fairfax County will provide additional support for these quality of life priorities. As noted in a recent Washington Post article, Loudoun and Prince William counties this year were able to allocate data center revenues to provide their residents with tax relief while funding their government priorities.

[08:53:26] Data centers are also significant economic development engines across Northern Virginia communities. In Loudoun County, data centers contributed $26 in tax revenue for every dollar of local public services they required. In Prince William, data centers generated $13 in tax revenue for every dollar of services required.

[08:53:47] For comparison, fiscal benefit-to-cost ratios for every other type of development rarely exceeded $4 for every $1 in services from the county. In considering the opportunity to grow data center investment in the county, we would I would note that the guidelines, as amended by the Planning Commission, suggest a relatively narrow aperture in terms of the number of developable parcels and the design aspects of the county may consider for data center projects.

[08:54:14] This very well may then limit the number of companies that invest in the county and the number of potential projects. Again, we are very appreciative of the opportunity to have met with staff as part of their stakeholder outreach efforts, and I, on behalf of the data center coalition, very much appreciate the opportunity to offer comments this evening. Thank you very much. Thank you. Speaker number 33 is Mary Bowen, to be followed by Jason Stanford, Timothy Pendergrass, and Reagan George. Welcome.

[08:54:47] Good evening. As a longtime resident of Fairfax County and licensed real estate broker practicing throughout the Northern Virginia region, I am proud to live and work in an area which is highly regarded by many in our country and sought after by those considering moving to a place where the education is top-notch and real estate values continue to be maintained.

[08:55:10] Much of my role in helping people choose a home to live involves also choosing a lifestyle and a community in which they and their families can thrive. Much of what has been discussed this evening is

that of a disruption in the quality of life for residents of our county that data centers which are too close to residential neighborhoods will bring unless the Board of Supervisors votes to pass strict regulations. For many of those who come to this area, they do so for their own personal goals. And our homes serve as our oasis

[08:55:45] and a retreat away from the hustle and bustle of everyday life in the Washington, D.C. area. There's no reason that any of us should have to come home in the evenings and weekends only to extreme disruption of peace. A little over three years ago, I purchased a property that sits adjacent to the Plaza 500, location in the Mason District of Fairfax County. I can currently walk outside and see the industrial park just across the trees in the distance, and this has a pending application to be turned into a data center. My neighbors have approached me to seek my professional real estate

[08:56:22] opinion on whether or not their property values will be affected by the possible building of a future data center. I know for a fact I cannot calm their fears about future quality of life. I have many family and friends that live in Supervisor Lusk's district. It's just over the line from the Mason district, and many of their homes sit within one mile of the future of Plaza 500. They too have expressed extreme concern over the future use of this area because of the major impacts to sound and quality of life. So in the words of Chairman McKay earlier this year,

[08:56:58] I urge you, the Board, to approve the toughest, quote, strictest guidelines possible because we should be demanding the highest standards, the highest environmental standards, and we should limit the data center's proximity appropriately away from residential property.

[08:57:15] The long-range property values of people depends on it and the planet depends on it. I implore the Board of Supervisors to unanimously pass the approved recommendations of the Planning Commission, which includes the full unapproved site plans, and those that have pending applications also need to meet these standards.

[08:57:35] No grandfathering in, please. Thank you. Speaker number 34 is Jason Stanford, to be followed by Timothy Pendergrass, Reagan George, Matt Westover. If I've called your name, please come down closer and be ready to testify.

[08:57:52] Mr. Stanford, welcome. Thank you for the opportunity to comment today, Mr. Chairman and members of the Board of Supervisors. My name is Jason Stanford, president of the Northern Virginia Transportation Alliance. The alliance is a partnership of businesses, citizens, and community members and organizations who support investing in our transportation network to improve the quality of life and economic prosperity of our community.

[08:58:16] community. In 2020, the COVID-19 pandemic upended our region's economy and the transportation system that we all rely on. And today, we are still adjusting to our region's new normal. Currently, Metro Rail's average weekday rail ridership is around 60% of pre-pandemic levels. And the DMV Moves Task Force recently identified a $35 billion shortfall in funding for necessary maintenance of the system over the next 25 years, and that's just for Metro.

[08:58:49] At the same time, the office market that has long supported local budgets and transportation improvements in our community is struggling. Without a quick and significant pivot to strengthen Fairfax County's commercial tax base, elected leaders will be forced to make extremely tough decisions about the

future of Metro, the Fairfax Connector, roadway, bike, and pedestrian improvements that our community needs to grow and thrive.

[08:59:15] Data centers represent a tremendous opportunity to flip the script and provide vital revenue for transportation and other essential county infrastructure. At the same time, data centers have a minimal impact on transportation in our community.

[08:59:32] Expanding opportunities for data centers in Fairfax County is clearly a win-win for the county and our region's transportation network. So please oppose any regulation that would negatively affect expansion of this important industry that is key to our region's economic and transportation future.

[08:59:52] Thank you. Thank you for your testimony. Our next speaker is Timothy Pendergrass, followed by Reagan George, Matt Westover, and Frederick Costello. And if I've called your name, please come down close to the front. Thank you. Good evening, Mr. Chairman.

[09:00:11] Supervisors, my name is Tim Pendergrass. and as the HOA board president I represent the community of ridges at Edsel. I had the pleasure to address you in July and I thank you for the opportunity to briefly speak tonight. We'll call it public hearing the sequel. There are many experts in the data center field that you have or will hear speak tonight and I'm sure that you've had many engagements and appeals from the developers and planners over the last few months. I appreciate the chance to stand as the expert for

[09:00:45] my community of residents. Our community is over 20 years old and is made up of babies and toddlers, school-aged children, parents and grandparents, and four-legged friends. We also lie merely 200 feet from a proposed data center and electric substation at Plaza 500. If you think that I'm here to oppose data centers, you would be wrong. I understand the need for these massive structures, housing the computer systems and components that allow us to back up and store our data, and I understand the ever-growing consumption of data.

[09:01:21] I concede the benefit of jobs provided to build and maintain these industrial data warehouses, and I'll acknowledge that they provide a lucrative basis for income to the county. But, as a resident, I will also state the obvious.

[09:01:38] These structures and their accompanying electric substations do not belong a couple hundred feet from a residential area. I'll point out that they're an assault to our senses with the light, pollution emissions, visual blight, and noise, like an airplane idling on the tarmac that never ever leaves. And to those who would counter that the noise is low level, a professor of audio technology cautioned that low frequency noise comes in long wavelengths that are not absorbed and are not able to be blocked, and we are affected by these wavelengths.

[09:02:17] The CDC warns that continuous low-frequency noise can cause hearing damage, stress, anxiety, and even heart disease. Hmm, not exactly something that should be allowed next to residential communities. Tonight, we, your residents and constituents of the county over which you preside, need protective measures to shield us from data centers being able to build without public discussion in our backyards.

[09:02:43] We ask that you please not abdicate your responsibility. We ask you to set an applicability date in the best interest of the residents that achieves the goal and purpose of the data center zoning ordinance

amendment. Setting that date for 31 January 2024 respects each of your districts as well as the benefits and interests of the county.

[09:03:06] It also ensures that residents closest to the proposed data center build have a voice in the process. Shouldn't we have that? Our communities around Plaza 500 already know firsthand that the data center developers show no interest in engaging with residents.

[09:03:24] Buy right data center builds leave the residents most impacted with zero voice and leave you, the board, with zero control. In June, your planning commission voted to reject grandfathering on data center applications that are not yet approved.

[09:03:40] We ask you to do the same. Your planning commission voted unanimously for a one-mile setback from metro stations without special exception. We ask you to do the same. In addition, we ask you to expand the residential setback to 200 feet, from 200 rather, to 1,000.

[09:03:57] I can easily toss a ball from the backyard and hit a data center 200 feet away, and I don't have a great shoulder. You can make the reasonable choice and ensure residents have a voice in this process. Use your authority across the county.

[09:04:13] Place the safeguards of your residents above the monetary interests of the data center developers. Tonight is your opportunity to truly make Fairfax that gold standard to which you have committed and perhaps a benchmark for the nation. Thank you for your time.

[09:04:31] Thank you for your testimony. Is Reagan George here? Come on down. And then Matt Westover, Frederick Costello, and then Robert Anderson and Whitney Redding is going to be a video. one of those as a call. I did look over to the side. So anybody that I called, please come closer.

[09:04:50] Thank you, Vice Chairman. Thank you. I was able to testify several months ago, and I'm probably going to just let my testimony then stand. I got to thinking about what was said at that last meeting, and the things that stuck to me were the idea of a setback and the idea of faux windows. I was born and raised in Houston, and I don't know if you're familiar with the Houston geography, but east of Houston is a little town called Baytown. Baytown has five of the largest refineries in America. They also have a ship channel that runs right through them.

[09:05:28] They load, besides producing petroleum products like gasoline, they also load grain like rice and wheat, etc. Every five years something explodes there. No matter what they do, something explodes.

[09:05:45] You can take a refinery and set it back a mile and you'll still see it. You don't need to put faux windows on grain silos. The questions you all are trying to deal with is like you're trying to create a utopia. Be thankful that you don't have refineries and a ship channel running right through your city. Thank you. Thank you for your testimony. Matt Westover. Good evening, Vice Chair

[09:06:23] Smith. Thank you very much. Members of the board, my name is Matt Westover. I am a resident of the Springfield District. I'd like to thank the board for its careful consideration of this matter. I'm here tonight as a resident of the county. I am also an attorney who practices in Fairfax in Northern Virginia who represents and assists data center developers and operators in the county and surrounding jurisdictions. And I know the board heard from a lot of people back in July and a lot of people tonight, so I want to keep my remarks brief. But I'm here once again to urge the board that if it enacts any changes to the zoning ordinance tonight, that it also adopt

[09:07:00] grandfathering language or waiver language transition rules, whatever term we would like to use for that, Supervisor Alcorn, to exempt projects that are currently in the site plan process but don't have a final approval just yet.

[09:07:16] As I believe this board heard from multiple people in July, the applicants for those projects have relied in good faith on the rules that this board adopted. They have made significant investments in those projects in the millions, sometimes in the tens of millions of dollars.

[09:07:34] Changing the rules at this stage in the game while those projects are in the pipeline could have significant consequences, not just on the data center industry. And I think most people testified in July as to the profound impacts that this board's decision tonight could have on other industries as well, from everything from affordable housing to other commercial development.

[09:07:56] Lastly, grandfathering language It's not controversial. It's not uncommon. Within this past year alone, our neighbors in Loudoun, Falkier, Stafford, have all enacted such provisions when they made significant changes to their zoning ordinance to address data center development.

[09:08:14] As a result, I again ask this board to do the same if it adopts any changes to the ordinance tonight. Thank you. Thank you for your testimony. Next is Frederick Costello. Oh, that's a call. We were actually unable to reach Mr. Costello. Thank you. Okay, our next speaker in person is Robert Anderson, and then we'll have a video, and then Ann Bennett, followed by Thomas Cranmer and Ross Shearer, and then Scott Gorbett.

[09:08:42] So if anybody I called could be closer, that would be great. I'm ready to go here. Okay, this is going to be a lot less than three minutes. Members of the board, as with all industrial expansion, mass data storage does have its negatives.

[09:08:57] I am a neutral party and have no stake whatsoever in the establishment and data centers in Fairfax County. However, I do recall in recent years two major industrial expansions which caused ire among governments and the citizenry projects which have proved to be beneficial.

[09:09:17] The first being the excavation of D.C. streets to run fiber optic cable. The government then insisted on confiscatory fees, which could have halted the citywide project. Eventually, the fiber was pulled. And now, can we imagine conducting business in D.C. or surrounding environs without the benefit of high-speed fiber optic cable?

[09:09:42] Now, the second one is more close to home. The second case I'll bring to you is the Dominion Power Lines, which were to have had the deleterious effect of causing site pollution throughout the county.

[09:09:58] Now, I live right next to these power lines, and because they have the 300-yard valence period, the only site pollution I see are herds of deer, warrens of rabbits, an occasional counter with a fox and a nesting ground.

[09:10:15] for Red Wing Blackbirds. Now, if those power lines weren't there, we would see the urban blight, the 7-Elevens, the Waffle Houses, and other evidences of urban blight. Now, of course, data centers will not be a paradise. However, unlike big manufacturing or distribution plants like Amazon, malls, or office spaces, data centers maintain small staffs and therefore or have no need for burdensome or more infrastructure like plumbing.

[09:10:55] And I ask the county to consider not putting so many burdensome regulations on our data centers. I thank you for your time. Thank you for your testimony. Now we have a video from Whitney Redding. Hi, my name is Whitney Redding.

[09:11:17] I'm with Friends of Homes Run, and I'm here tonight to speak to you about three reasons why friends of homes run strongly believes that all data centers should be subject to a special exception process instead of by right ever so we're standing right now in turkey cock run turkey cock run is part of a stream valley and the stream valleys throughout northern virginia are protected under the chesapeake bay act and the reason they're protected is because they uh these stream valleys preserve serve so many functions you know they protect us from our stormwater damage they

[09:11:56] our habitat and wildlife corridors the sequester carbon um you name it they provide um a way for the birds to find their way when they're migrating i mean it just goes on and on they filter the pollutants out of the wild water which becomes our drinking water you get the idea anyway so the The way the resource protection areas were set up in the 1980s is that 100 feet from either side of the stream is supposed to be protected from undue harms and development.

[09:12:30] So the first reason why we believe that all data centers should be special exceptions is because not all industrial districts are the same. This is actually Turkey Cochrane is this close, not 100 feet, but something much, much closer to what is already on this particular neighboring property and which is proposed to be by right data center complex of two data centers plus a substation.

[09:13:02] So you see where I'm going with this? It's kind of like, if it's a by-right, all the developers have to do is minimal improvements to things like stormwater, site-specific things like stormwater. But if it were a special exception process, that would give the county the leverage it needs to ask for better.

[09:13:22] I mean, 79% of this 10-acre property is supposedly in the resource protection area, and this is our one opportunity to help improve how stormwater happens. So we become much more resilient for our future generations with how we handle our streams.

[09:13:41] Okay, second reason why we really oppose by rights is the substation. Way over there is where that townhouse is. That would be right next door to the new substation. Substations are utilities. Utilities are exempt from the regulations of the resource protection area.

[09:14:00] So they have the right to go into the resource protection area with all their power lines. So obviously that would be an additional impact on the resource protection area and its ability to perform all its ecological services. The last reason I want to bring up for today of why we believe that resource protection areas should be protected through special exception process from data centers just going wherever there's an I-5 is the townhouse community right across the way.

[09:14:33] So that over there is townhouse community, lovely homes, very high density. And it is, it is a little farther away from the stream than where the potential, where this particular property is.

[09:14:53] But in fact, the way it's situated now, this, this stream valley is kind of caught in the middle. It's kind of like stuck in the setback. And, you know, the people in the townhomes might think that it's a relief because there's some beautiful greenery around.

[09:15:12] But, in fact, instead of being affected by just one high-intensity human impact, the townhomes, this stream valley is going to also be impacted by this megaplex, as I like to call it.

[09:15:28] So instead of the buffer of 100 feet to either side protecting the stream, It's like the resource protection area is instead protecting one high-impact human, high-intense development from the impacts of another.

[09:15:48] And that was not why they were set up. So please do the right thing. Please make sure that there is no such thing as a data center that goes up by right, but rather that there's wonderful conversations happening to make sure that in the seven years it might take for all of these data centers to come online, what with the power grid concerns.

[09:16:12] That's plenty of time to go through a special exception process and really get it right. Thank you very much. Thank you very much. We are now on speaker number 41, Ann Bennett, to be followed by Thomas Cranmer, Ross Shearer, and Scott Gorbitt.

[09:16:31] If I've called your name, please be ready to testify. We're on speaker 41. Welcome. Hi, thank you. Ann Bennett, Sierra Club in the Mason District. Each time I come before you on this subject, the news about environmental impacts of data centers get worse. Let's start with Dominion's recent announcement that large data center projects could face a seven-year wait for power hookups.

[09:16:54] Relying on this sector for tax revenue is beginning to look risky. Then we have Dominion sharing last week that it has received requests for nearly 50 gigawatts, double the projection from earlier this year, 2024.

[09:17:10] This is shocking, but not really surprising if you track projects as I do. The energy required is the equivalent of a mind-blowing 50 new coal plants or 30 North Anna power plants. Whether Fairfax has 3 million square feet or 7 or 12, it's what's coming that matters.

[09:17:30] How many soccer fields, churches, and warehouses will become data centers, and how will they be regulated? Loudon should not be your North Star. Loudon's board figured out too late that buy-write approvals and weak regulation created problems for adjacent communities, carbon increases, an unbalanced mix of development, and now quality of life issues.

[09:17:53] Have you been to Arcola or Sterling or Ashburn lately? Unlike two or three years ago when we did not face this dire situation, this board now benefits from knowing the magnitude of the problem. And yet, as proposed, the COA is weaker than ordinances in neighboring jurisdictions, Stafford, Fauquier, and Leesburg, that now require special exception approval.

[09:18:16] We now know the extent to which greenlighting gas data centers also means greenlighting fossil fuels. With carbon emissions expected to at least double, according to Dominion, we are reaching the point where this level of data center development has become a mitigation project, both for localities and the state together.

[09:18:35] In a few years from now, if the ZOA goes forward as is, I think your kids and grandkids inheriting the legacy that these buildings will leave might ask you why you chose not to use the power invested in you to place reasonable development conditions on these power plants.

[09:18:52] Make a company like Amazon, one of the largest, most profitable in the world, go through the special exception process as they do in other parts of the state. Keep dirty diesel generators away from residential. Update the noise ordinance to reduce the unique 24-7 noise impacts.

[09:19:10] Require setbacks of at least 500 feet. Require solar just even for the lights. Keep data centers far enough from their schools. And that you chose to streamline buy-write approval instead of allowing public input and SE conditions on these projects.

[09:19:27] Chose not to reduce the emissions associated with this industry while knowing data centers drive more carbon. Chose to delay environmental performance standards and policies that could reduce energy and water use, opening the door for unsustainable new projects to be approved before standards are codified.

[09:19:48] To magically hope that the same companies who claim that even basic common-sense zoning guardrails would be too onerous. We learned from CCAP, companies don't just line up to voluntarily cut carbon. In CCAP, you asked residents to help reduce the county's carbon footprint, but we can't accomplish that without you mandating meaningful environmental standards on these greenhouse emitters, and we will pay for it.

[09:20:14] Sierra Club and dozens of environmental organizations have asked you to do more, and now is the time. You've heard us advocate to strengthen the COA, including at least 500 feet setbacks. SEs, keeping data centers a mile from transit, placing toxic equipment away from people.

[09:20:32] We also formally ask you to commit tonight to a follow-on motion to expedite the adoptions of these policies to mitigate the significant carbon, energy, and water resource impacts associated with data centers and hold the industry accountable for them and their associated costs.

[09:20:51] You can now see why accepted applications also need to adhere to greater standards. In Sully, Amazon's two data centers under construction on EDS Drive, a stone's throw away from a playground, ball fields, and townhomes.

[09:21:08] How will noise impact those residents and children there? We all rely on you to represent our best interests when regulating these companies because we're the ones who will live with the consequences. long after the developers are gone thank you for your work on this effort i know it's complicated but there is so much more you can do thank you so much thank you uh we are now on speaker number 42 tom cranmer to be followed by ross shearer scott gorvitt are any of those speakers here

[09:21:43] uh tom i see tom coming on down is ross shearer or scott gorvitt here okay uh ross ross why don't you come forward and testify. Tom, you'll be next right after him. I don't want anyone to fall here. Why don't we take them in the opposite order here to give you a moment, Tom. I thought I was supposed to bring 14 copies. You can. You can leave those with the clerk right there. So we are on Speaker 43, Ross Shearer, and we'll

[09:22:18] go back to Speaker 42, Tom Cranmer, in a moment. Welcome. Okay, well, thank you. I'm I'm Ross Shearer. I live in the northeast quadrant of Vienna, where I've been for 41 years. So you can tell I'm at least 41 years old.

[09:22:37] So here it goes. Thank you this evening for taking on this ever-rising burden of data centers that they're imposing on communities. This is a big banks and a big data issue on an industrial scale.

[09:22:54] So the question is whether local self-governance will deliver for the people of Fairfax County or concede to the applicant's use of traditional warehouse zoning as its Trojan horse for shipping heavy

industry into our residential neighborhoods. There are many concerns that have been presented, such as size, location, pollution, noise, and water.

[09:23:16] A very competent staff report lays a lot of this out. When it is required for data center cooling, water rises to the top among the concerns that I see. That water may be the same treated water that we require for drinking and cooking, bathing and swimming.

[09:23:36] Most of our water originates from the Potomac. I recall summers when drought brought the Potomac's flow under Chain Bridge to a seeming trickle. What is the public response during severe droughts? Water-cooled commercial buildings can raise their thermostats, residents can conserve, we can let lawns die back, bathe less, but do data centers slow down to process data more slowly and generate less heat, or will they have the authority, the national security necessity, the commercial economic significance under the Supreme Court's major questions doctrine, to ignore local mandates to reduce water use.

[09:24:16] To borrow another classic metaphor, will these engines of the new economy become a transmuted armada of fire-breathing dragons that can deny us the essentials of life and demand human sacrifice? And that sacrifice is real. It's begun.

[09:24:33] Heat-related deaths are on the rise with over 2,300 mortalities from hyperthermia in the United States last year. Clearly, planning properly for water crisis has arrived, and it must be accountable to the public. The data centers should be designed for the highest efficiency attainable today for cooling and for water use.

[09:24:54] Their daily consumption impact should be publicly reported, verified independently, including electricity use, water use, water discharge separately for treated water and stormwater, and the diesel engine running time.

[09:25:10] And the water discharge data should include information about mineral content and data operator additions to it. Thank you. Thank you very much. We're now on speaker number 42, Thomas Cranmer, to be followed by Scott Gorvitt and Renato Aronson. Welcome.

[09:25:32] Thanks very much, Mr. Chairman, and thank you for everybody showing up at this lead hour and waiting for the great debate. This is my second time that I've had a chance to talk about this subject, but I want to raise an important point.

[09:25:55] Since data centers are concentrated in Loudoun and Fairfax, this exposes us to nuclear war in a big time. This is a great target, not only the Pentagon, but also all the data centers.

[09:26:14] It's a huge problem. Nobody wants to talk about nuclear war except a handful of people. You should think about this. I've pointed this out several times about the importance of being prepared and getting enough water available for everybody, encouraging people to think about this.

[09:26:34] Jack Keane talked about this today. Tulsi Gabbard talked about it today. You've got to listen to these people who understand what's going on. Now, one of the big things that also people get hit on an ordinary basis is with these data centers, the consumer tax impact.

[09:26:58] If you build a great big thing right next to you from a vacant lot, your property value goes up. Guess what? The taxes go up according to all of your assessors. And this is a real problem for anybody who lives right near a data center or a vacant lot where there's going to be a data center.

[09:27:24] So people should think about this. This is a disaster for a lot of people, but it's never talked about. These things take huge amounts of electricity. It can take such an incredible amount of electricity that it basically could break the electrical system.

[09:27:47] The transmission here in the United States is totally inadequate for this. I've been involved in electricity now for most of my life, And this is one of the most worrisome periods. We just don't build transmission.

[09:28:03] We don't build enough power plants. And these things are not just little things that require the cell phone electricity. It's a lot more. It's a huge amount.

[09:28:19] Also, it's a big drain on your water. Anybody who has payments to water, per water, have a real problem. My maid panics every time she thinks of using a washing machine because we tell her, well, I've just got a well.

[09:28:41] But every place where she works, this is a real problem, water. And these things take a lot. We need to make it clear that every data center should be reviewed in a forum where people can hear exactly what the facts are.

[09:29:04] not just the size of the building, but all the other things that go with it and the cost to people who live near it. I thank you very much for considering my comments and giving my post another chance to talk about it.

[09:29:24] Thank you. Thanks very much. We are now on speaker number 44, Scott Gorvitt, to be followed by a series of videos, speaker 45 and 46. And then we'll be on to Bradley Duncan. If I called your name, please be ready to testify. Welcome, Mr. Gorgon.

[09:29:41] Thank you very much, Chairman McKay, Kathy Smith, hometown supervisors on my team. Thank you for letting me speak in front of you tonight, 27-year citizen of the county. I'm not against data centers. I'm here to represent the support of special exceptions, SEs, so the citizens can understand the development that's coming upon them.

[09:30:05] I've titled my speech tonight by having the privilege and presence to come in and talk with the five team supervisors that I got to meet with earlier. It's perception versus perspective. It happened on the fly while I was working with the team. Perspective versus the perception.

[09:30:21] The perception in Fairfax County is that we're fighting over the data center development. But the perception of the Fairfax County citizens is the debate over the by-right versus the SE affected our community. The Board of Supervisors' perception is more tax revenue for the county, more build-out for developers, and if you buy here, you have a buy right to develop.

[09:30:47] Your citizens' perspective and the stressors that are causing most of the conversations I get on a phone call when I'm trying to do things in my backyard is that they want the government, our hometown government, to do its role in protecting us and use the comprehensive plan and use the data center report to provide the citizens as much cushion as possible.

[09:31:12] The perspective that you're under as supervisors is the only people in the county that are doing the talking are the developers, not the citizens. The citizens' process is being cut out. The voice of the citizens is being left out.

[09:31:30] The media is picking up on it. The view of where you sit isn't pleasant from the citizen's standpoint because we want the democracy to participate with the businesses that are coming into our communities. The perspective is, why rush when you have two to five years of electricity concerns in the build-out?

[09:31:49] The SE has plenty of time to work itself out. Perspective versus perception. Perspective of the citizens who have worked harder on deals and have seen many eyes and many ears on many processes know you get better outcomes.

[09:32:05] The perspective is that we know our land better. We know our communities better. We always have a better sense than the new people coming into the development path. The SE process, perspective versus perception, is already in place for ATMs, car washes, gas stations.

[09:32:25] What is the difference when you have 350,000 gallons below a data center and someone has to go through a special SE process for 20,000 gallons for a gas station? It's a conversation that allows people to work things out. So why can't that process be done here?

[09:32:44] The compromise that was proposed, perception versus perspective, was I-5 districts over 250,000 square feet be moved into the SE. The site plan submitted would be backdated, and they should be subject to the new zoning amendments.

[09:33:01] And from the chairman's point of view, we could waive county fees to offset what the attorney said that people have spent costs and time. I totally agree that they spent costs and time, but we have fees that can be waived to offset the people to protect them. Thank you, Mr. Glorbit.

[09:33:17] In conclusion, your time has expired. If you could wrap up real quick here, we've got a lot of folks who want to be heard. Please amend your vote. Look for the I-5 size compromise, perception versus perspective. Thank you, home team. Thank you very much. We now are on Speaker 45, Renato Aronson, who has submitted video testimony.

[09:33:35] Good afternoon. We are a family of four who live in the Brentwood community. We are sending this video to ask the board to vote on the side of the residents regarding the data center's noting order.

[09:33:53] We are worried about the health of our growing family living so close to a potential data center. There are unknown health risks and we feel like putting a data center so close to a residential home puts our children at direct risk. My wife and I are born and raised in Fairfax County and hope to raise our family here as well.

[09:34:12] The construction of the data center will lower the quality of life for us and our families. Please consider your residents' strong consideration. Our community is full of growing families who share the same concerns. Data centers like the ones scheduled to be built in Plaza 500 are way too close to our homes and have other suitable locations that are not so close to metros and families who are raising children.

[09:34:34] Please vote on the side of your residents. Thank you. Speaker number 46 is Eric Abomel, who submitted video testimony as well. Board of Supervisors, thank you for letting us address this meeting.

[09:34:55] We are Lori and Eric Baumel, Fairfax County residents. We are parents, grandparents, and we're here in our home in the Brent Point development. We request that the board require the Plaza 500 data center to comply with the new zoning ordinance to protect our county residents.

[09:35:15] All I-Write data centers, applications accepted by the county after January 31st, 2024, must comply with the new zoning ordinance amendments. We all understand the need for technological progress and development.

[09:35:33] I am a practicing physician, software developer, and entrepreneur, and have also developed several small commercial real estate projects over the years. Development needs to be site-specific and in character with the neighborhood.

[09:35:48] To shoehorn an immense data center within 200 feet of our pre-existing residence and other residences provide no conceivable protection for us and our neighbors. The two massive 70 foot tall 200,000 plus square foot buildings will not just be an aesthetic issue but will provide continuous disturbingly loud cooling system noise 24 hours a day, seven days a week, 365 days a year.

[09:36:23] The project's power demands would require Dominion Energy to build a high voltage substation right behind us with 123 foot high power transmission lines.

[09:36:41] The construction will be even closer to the resource protection area watershed, beautiful Turkey Cock Run, right here behind us. Projects of this scale should be sited with much more reasonable setback requirements, such as 1,000 feet from existing residences.

[09:37:04] This would provide protection for constant noise pollution, which will disturb our sleep, peaceful enjoyment, and property values for our neighbors. After construction is completed, data centers require very little on-site employment.

[09:37:20] Usage will provide negligible long-term job growth for the county. Our economy has evolving needs, but we need to balance smart development with protection for Fairfax County residents. Supervisors, this is a legacy vote for the board.

[09:37:39] Please, please uphold your responsibility to the county's residents. Thank you very much for your time. We are on Speaker 47, Bradley Duncan, to be followed by Tyler Ray, Brian Sterling, and Alicia Campos.

[09:37:59] Welcome. Good evening. My name is Brad Duncan, and I'm an associate principal consultant with Cavanaugh Tachi, an acoustic consulting firm in Boston, Massachusetts. You heard from my colleague Doug Bell earlier this evening. I have a master's degree in acoustics, and I have eight years of experience in assessing sound impacts from industrial and transportation sources in projects ranging from aircraft noise to battery storage installations.

[09:38:27] In recent years, I have consulted on multiple data center facilities, including some in Fairfax County. In the course of preparing for analysis of industrial sound sources, I have familiarized myself with dozens of state and local noise codes. A noise code like the Fairfax County Noise Ordinance benefits both developers and the community by providing unambiguous sound level limits as an objective standard for sound emissions from industrial projects.

[09:38:54] In addition, the Fairfax Code appropriately sets sound level limits with consideration for factors such as land use and the time of day. It is my opinion that the Fairfax County Notice Regulations define appropriate limits, which are clearly stated. In my experience, data center projects are successful in balancing the objectives of developers with the need for an acceptable sound environment for the community when three factors are part of the design process.

[09:39:21] First, the community has clearly defined objective standards to serve as goals for the developer to achieve. Second, the developer commissions a sound study to determine the feasibility of a design with regard to achieving these goals. Third, post-construction sound measurements are performed to verify performance and to identify any problems to be remediated.

[09:39:45] With regard to the proposed amendments, it is my opinion that some of the new restrictions would impose a burden on developers without providing an acoustic benefit to the community. First, a property line setback would not succeed in reducing sound levels at the property line or beyond, since the developer will design a project for compliance with property line sound level limits.

[09:40:09] Likewise, a requirement for an enclosure of facility equipment will not provide an acoustic benefit, since additional equipment to cool the enclosure will produce its own noise, and the project will still be designed to the sound level limits of the noise ordinance.

[09:40:26] In conclusion, it's my opinion that with regard to the sound produced by data centers, the community is best served by addressing noise through the framework of the existing noise ordinance. Additional requirements for setbacks and equipment enclosures do not, in themselves, provide additional noise benefits for the community.

[09:40:46] Rather, these should be left as tools for the developer to consider, along with other design choices, in achieving the goal of compliance with the noise regulation. Thank you. Speaker number 48 is Tyler Ray, president of the Brenmar Point Homeowners Association, to be followed by Brian Sterling, Alicia Campos, and Julie Stranley. Welcome.

[09:41:10] Great. Good evening. My name is Tyler Ray. I'm the president of the Brent Point Homeowners Association, directly next to the unapproved Plaza 500 data center application. I stand before you tonight asking you to put your constituents above out-of-control corporations, asking you to value quality of life over profit at all costs, and asking you, as a matter of equity, to provide residents the simple right to a public hearing and this board's review of massive data centers that your own county staff and the Planning Commission have said are not appropriate feet from residents.

[09:41:49] I'm asking you to require the two closest data center site plans to residents the Word of Grace and Starward Plaza 500 proposals to adhere to the new zoning ordinance amendments. Requiring that the Plaza 500 and Word of Grace data center site plans comply with the zoning ordinance amendment is not basing countywide policy on two applications, but countywide standards should apply countywide and not arbitrarily exclude these two sites.

[09:42:17] Give our communities the same process and protections that all future data center applications will receive and that you've already provided to the Chantilly Premier Data Center. The developer of these two applications, Starwood Capital Group, has demonstrated time and again not to be a good-faith actor and specifically targets sites directly adjacent to residents that other developers chose not to pursue.

[09:42:42] They're like the tech startups of the data center industry, seeking to come in, not play by the rules, and break things, but the things that they're breaking are our neighborhoods. Do not reward the bad acts that the developer Starwood Capital Group has displayed to the county time and time again.

[09:42:58] But don't just take my word for it. But listen to former Planning Commissioner Julie Stranley, who will lay out a pattern and practice of this developer to deceive the county when they were before the

Planning Commission in 2022. They have proven themselves incapable of adhering to simple standards and are exactly the reason why this data center zoning ordinance is needed.

[09:43:19] This developer cannot be trusted to regulate themselves. Send the message that this kind of behavior is not acceptable in Fairfax County. Developers and the public alike have been put on notice as far back as May 2023 that data center requirements were changing.

[09:43:36] This was reaffirmed with the release of the data center report and recommendations on January 9, 2024, followed by the key approval of the Chantilly Premier Data Center on January 23, 2024, where the county recommendations were cited continuously by many of you as a key factor for their approval.

[09:43:54] Not only did you provide notice, but you already began applying new standards to data center applications coming before the board. It should be no different with the buy-write applications of Plaza 500 and Word of Grace that were accepted after the data center report and recommendations and the Chantilly Premier decision.

[09:44:12] Let's be clear. We all had notice, and we all knew what the expectations of the Fairfax County Board of Supervisors were for data centers. The Planning Commission recognized this notice and needed to act as quickly as possible when it unanimously passed its recommendations, which required unapproved data center applications to comply with the Zoning Ordinance Amendment.

[09:44:33] Historically, this board has 93% of the zoning amendments by the Board of Supervisors, 631 of the 681 zoning amendments that have been done since 1978 required applications not yet approved to comply with new zoning ordinance amendments, and your constituents are asking you to do that again tonight. Importantly, according to Land Development Services, they made the deliberate choice to not provide a recommendation on applicability language in their staff report.

[09:45:04] Let's look at what other Northern Virginia counties have done. You heard previously from the representative attorney for Starwood, Matt Westover, tonight. Attorneys for the data center developers have cited examples of other counties, but they failed to provide the whole picture.

[09:45:20] They strategically admitted in their list of examples that Prince William County required all pending site plans to comply with new zoning ordinances when they adopted additional data center protections in 2019. They also failed to provide crucial context for other Northern Virginia jurisdictions that exempted data center applications from new zoning ordinances.

[09:45:40] They left out that when they made this decision, it was on the basis that those applications would be subject to public hearings and board approval, which is what occurred in Stafford County, or that were already subject to more stringent data center standards like in Fauquier County. And also importantly, let's look at Loudoun County.

[09:45:58] The Board of Supervisors just recently approved an intent to amend the zoning ordinance to require all data centers be approved under a special exception. So, to sum it all up, we have a situation where the Plaza 500 data center will replace a quiet office, park, and warehouse with a double the height, 70-foot tall, and 461,000 square foot data center.

[09:46:20] We ask you to go with reason, go with rationality, require both of these data centers to comply with the new zoning ordinance. Thank you. Thank you. Speaker number 49 is Brian Sterling, to be

followed by Alicia Campos, Julie Stranley, and Ethan Heinzelman.

[09:46:39] Welcome. Thank you. Good evening, Mr. Chairman and Supervisors of the Board. My name is Brian Sterling. I'm speaking on behalf of my neighbors in the Save Bryn Mawr Coalition.

[09:46:54] We ask that you adopt the Planning Commission's recommendation in full and only consider strengthening provisions to protect residential neighbors. On the issue of applicability, we believe it would be inexcusable to exempt pending data center site plans from any new standards you adopt tonight.

[09:47:11] Virginia Code repeatedly states that the landowner's rights vest only upon approval, including approval of administrative applications like site plans. The law is clear on the issue of submitted, accepted, and approved.

[09:47:28] Fairfax County's own systems follow this logic. The rules in existence at the time of approval control. Virginia law provides all the regulatory certainty and predictability needed. This table is the baseline for understanding the developer's request for special treatment of pending applications.

[09:47:49] These six site plans have been submitted and accepted for review by the county. No approval or disapproval decisions have been made as of today. The Planning Commission disagreed with a developer's request to exempt pending site plans from following the new rules.

[09:48:09] The commission unanimously approved text affirming that an applicant owner may continue to rely on prior approval of their applications. This was a thorough, considered, and fair response, consistent with the overwhelming majority of county practice, as well as other neighboring jurisdictions.

[09:48:28] If the commission's recommendation is adopted by you tonight, all pending site plans must comply with the new rules. Importantly, the commission's recommendation is consistent with state law.

[09:48:44] In other words, because of the absence of text about site plans accepted for review, Virginia law will control. So, we can have the same result tonight without any action on your part. A zoning ordinance amendment adopted tonight without any Appendix 1 applicability language means all pending site plans must comply with the new rules.

[09:49:09] At the last hearing, you requested staff develop language that would address site plans that had been approved or accepted for review on or before July 16th, the date of the hearing. This table shows the effect of the text prepared by the staff.

[09:49:25] Four applications would follow existing rules and two would need to comply with any new rules you adopt. To be clear, choosing an application date would be a departure from the baseline operation of Virginia law, the commission's recommendation, and the true acts of neighboring jurisdictions that confirmed their pending applications would receive public hearings or otherwise be subject to heightened standards when they amended their ordinances.

[09:49:53] But if you would like to choose a date, we believe that January 31st is the best choice. Choosing an application date should be situation dependent. The date is unique and perfect to balancing the equities in this situation in this county. A date of January 31st accounts for site plans submitted prior to being put on notice that the data center requirements were going to change through the January 9th report and the January 23rd board approval of Chantilly Premier.

[09:50:23] Fairness means resisting the urge for a blanket exception. You should consider each of these six cases and the merits of when notice was given and expectations set. The further out you set dates to

exempt accepted applications, the further and further away you stray from Virginia law, the recommendation of the Planning Commission, the example of other jurisdictions, and the loudly expressed desires of your constituents. Next month will be two years since Starwood Capital Group darkened our door. I'll never forget the first and only meeting they

[09:50:57] agreed to have with us. It was still when people were uncomfortable to meet indoors without masks, So we stood in their parking lot to talk about data centers and listened to promises to put up more speed signs and install curbs to limit traffic. Look, I appreciate your time and the consideration of my community's point of view, even though this may not be the most interesting debate to happen tonight. But in short, we're not going back. We're not going back to a time before the January 9th staff report detailing the significant protections that residents need.

[09:51:34] We're not going back before January 23rd when this board lauded Vice Chair Smith for successfully negotiating the Chantilly Premier Data Center proffers that set the example for highest standards. We're not going back to rewarding corporate greed when a developer tries to beat county government to the punch on reasonable regulations.

[09:51:55] We still don't have those signs and curbs, by the way. Don't take us back because we're not going back. Thank you. Speaker number 50 is Alicia Campos. Is Ms. Campos here? Hi, I'm on the line.

[09:52:10] I'm sorry, you're on the line. We can hear you perfect. The floor is yours. Okay, thank you. Chairman and members of the board, thank you all for giving me the opportunity to speak with you all this evening. My name is Alicia Campos, and I have been a proud resident of Jefferson Green for the last four and a half years, a community I've grown to love and call home.

[09:52:28] I'm here today to advocate for the strongest residential protections against the state of the Denmark community. To blame the data center issues solely on companies like Microsoft, Amazon, Google, or Cypress One is naively only looking at one side of the coin.

[09:52:44] We are also a part of the problem. A recent 2023 study found that the average human creates 1.7 gigabytes of data daily. That's the equivalent of 1,700 photos on your iPhone or about an hour and a half of standard resolution video. And that number is only going up. I mean, think about it.

[09:52:59] Our lives today revolve around the use of our phone or having access to the Internet. Work emails, Google calendars, Amazon orders, music playlists, Netflix, Google Nest, your dating profiles, ring doorbells, Uber Eats, TikToks, Instagram Reels. Our dependency on these apps is limitless.

[09:53:17] When we continue to rely on these services, we each create more data, which means we will need more data centers. That is why it's our duty tonight to set a precedent on where and when and how we position these data centers. As I was writing my testimony, I began to research, and I figured what would be best is to look for guidance from those who have actually experienced living near a data center.

[09:53:39] I came across a small community based in Chandler, Arizona, that were inundated with data centers back in 2018. To learn more, I called two residential advocates named Bob and Kathy Devenbrook. They told me a story of how an approval decision made in an economic downturn had created a lasting environmental and financial impact on their residents.

[09:53:59] These issues surrounding the data centers have far outweighed the advertised benefits these companies once toted. They live about one-eighth of a mile from their nearest data center, which is about

700 feet away. They even have a major street separating their home from the data center, and they still face dozens of issues.

[09:54:15] From our short 25-minute conversation, these are some of the things that I learned. They explained the real issue is that the data center is dependent on a cooling system known as a chiller. These chillers run 24-7, 365 without any breaks. They explained neighbors closest to the data center felt as the noise had entered their homes like an unwanted health guest.

[09:54:33] They could hear the humming constantly. They couldn't sleep, and they had to use music or TV to drown out the noise. Bob explained his backyard, which was once his personal oasis, was whipped away from him. His sacred place to relax after work or to host barbecues on the weekends was now pushed back inside because of the humming noise being heard from blocks away.

[09:54:53] What concerned them most was the lasting financial impact on their homes and their community tax dollars. One resident trying to leave the constant humming started the process of selling their home. They learned they had to disclose the constant noise being made to any potential buyer. It made an already special situation worse and decreased the overall value of their home.

[09:55:11] At the beginning, the data center company promised to be good neighbors, but all attempts to address these constant complaints went unanswered, leaving the hundreds of complaints to be filed and reviewed constantly by the city. Throughout its creation of the data center, their local police department was dispatched dozens of times over the constant noise.

[09:55:30] We are on the brink of making the same mistake of the small Arizona community. To assume we'll have different outcomes is nearing close to the definition of insanity. I asked them what finally made a difference, and without hesitation, they said it took just one city council member like themselves to listen and voice their concerns.

[09:55:46] We can continue to listen to corporate experts and theorize what life might be like, so let's choose to listen to real residents who have dealt with this issue in real life. So today, I'm discussing my neighborhood, but tomorrow it could be yours. We aren't moving away from data, but running towards it. Not addressing these concerns today is only going to make matters worse.

[09:56:05] I'm asking each of you to understand the weight and consideration of the precedent we set here tonight. Thank you. Thank you. Speaker number 51 is Julie Stranley. Ms. Stranley is actually, will be by phone now, but we need to get her connected. Okay. Why don't we – we're going to go through the rest of the ones listed here, and then we'll get to her.

[09:56:25] We only have a couple more. 52 is Ethan Heitzelman. Is Ethan on the phone? Can you hear me okay? Yes, I can. Thank you. Can you hear me okay? We can. Welcome. The floor is yours. All right. Thank you, Board of Supervisors, for the opportunity to speak to you tonight.

[09:56:44] My name is Ethan Heitzelman, and I'm a resident of Fairfax County. And I agree with the benefits that the data center proponents have voiced today and in previous meetings, but I want to point out one extremely important fact. At no point in this meeting or any other meeting have I heard anyone say that they would like a data center built 200 feet from their home.

[09:57:06] The benefits of data centers already cited are great things, but at what cost will they come? At what cost are we willing to chase these potential benefits? Are you willing to pursue these benefits at the

expense of current residents? I say build data centers in Fairfax County and build them wherever is appropriate.

[09:57:26] But do not, please, do not put a data center 200 feet from my home without giving me so much of the comments on the matter. Force data center developers to have a discussion with their future neighbors. That is the only way we will realize the mutual benefits data center owners and Fairfax resident neighbors alike.

[09:57:44] I happen to work for a real estate developer, and despite Mr. Westover's warning about the signal you'd be sending to the data center industry if you do not grandfather PLATSA 500 into our existing week standard, I can tell you there is not a developer in the country who believes they will complete a major real estate development without having to work closely with local municipalities and adapt as required by those municipalities along the way.

[09:58:09] So with all due respect, Mr. Westover and his clients who are listening, I assume today, they are hoping that you are gullible enough to believe his warning. I'm also a CPA, so I want to make one quick point about data center impact on property taxes, which has been a popular argument for proponents of data centers.

[09:58:28] I have in my hand a spam text message I received several days ago paid for by Digital Infrastructure for Virginia. It reads, what would you do if your property taxes were lower? Well, I'll tell you the most likely thing I would do is lose money on the sale of my principal residence. Even if property tax rates are lowered, the amount of property tax paid by each resident will continue to increase as long as our property values continue to increase as well. At current Fairfax County property tax rates, every $1,000 I pay in property tax equals roughly $89,000 of

[09:59:05] property value as assessed by the county. I offered that information to put the property tax question in perspective for my fellow Fairfax County residents. Lower property taxes should not necessarily be our end goal here. We could get property taxes down to zero by making our houses worthless. And if we surround our houses by data centers, that is exactly what will happen. Now, if Mr. Westover or anybody else proposing data centers be built 200 feet from our homes is willing to take on the loss of property values for those of us impacted, then maybe we might

[09:59:40] have an alternate solution, but I am assuming nobody in the audience right now is nodding their head, although I'm not there to see it. So if anybody is, please let me know, and I will connect with them directly. Thank you, Ethan. All this is to say. Thank you for your testimony, Ethan. Your time is up, but thank you.

[09:59:58] I run out of time? Yes, you are, but thank you for your testimony. Okay, thank you. We are now on Speaker 53, Barbara Comstock, to be followed by Vince Dale, James Hart, and then we will go back to Julie Stranley. Welcome, Barbara.

[10:00:18] Thank you. Good evening. I'm here for NetChoice today, and I've been here before for both the Planning Commission and your previous meetings, and discussed how my legislation when I was in the General Assembly allowed these tax incentives that have allowed the Commonwealth to become second to none in terms of data center development and revenue, not just in Virginia, but around the world.

[10:00:52] In 2023, data centers in Virginia supported $31 billion in economic output. In 2022, data centers paid $40 million in taxes to the Commonwealth and $1 billion to local governments in Virginia.

The data center industry is the backbone of our thriving tax sector in Virginia, which once again enabled Virginia to be named the number one state for business by CNBC.

[10:01:18] for the record sixth time, and the revenue from data centers is also vital to our top school system, which also received high marks from the CNBC ratings. And as you know, four of the top six capital investment companies build data centers, investing close to $100 billion, which is more than energy, telecom, pharma, or manufacturing, with that investment trend continuing to grow throughout the U.S.

[10:01:47] and has been discussed tonight, data centers pay large amounts in taxes while placing few demands on local public services. So as the county's January report on the industry pointed out, data centers produce positive tax revenues, job creation with good wages, and few impacts on the transportation system or schools.

[10:02:13] And Dominion Energy indicated that the same report, that data center growth does not pose a risk in terms of reliability to residential or other customers on energy. So as I previously testified, the benefits to the state and the county of data centers really diversify the tax base.

[10:02:41] So today I would like to associate myself with the previous expert testimony here that has pointed out that the Planning Commission recommendations did go too far in going beyond the staff recommendations. So these regulations signal that the data center industry, that they aren't, you know, welcome, which runs contrary to the, you know, Virginia, you know, being in the enviable position of being best in the country for business.

[10:03:13] Therefore, I would like to align with the data center experts' recommendations and support for the original staff recommendations on the 200-foot setback because any greater distance will decrease the aperture for future projects.

[10:03:35] And also I support a metro radius restriction of a half mile or less to avoid limiting data center development. And then I also do support the grandfathering of the sites already in the site plan review process to prevent setting a precedent that negatively impacts on future economic development.

[10:03:59] So, again, I appreciate your analysis here. And also, as you know, the industry does work well with both our business community and our educational community. So thank you again for the opportunity to discuss with you.

[10:04:16] Thank you. Thank you. Speaker number 54 is Vince Dale. Vince is here to be followed by James Hart, who I see as speaker number 55. 56 will be Julie Stranley. Welcome. Thank you. Good evening.

[10:04:31] Thank you for the opportunity to speak. My name is Vincent Dale, and I represent Carter Machinery. We are the local Caterpillar equipment dealer. So we've been serving the area and our customers and communities since 1927. We sell and service and take care of the generators that are using these data centers.

[10:04:50] I've served for 25 years at Carter. It's been my pleasure, and we do our best in all aspects to take care and be mindful of communities and aspects of that. We service data centers not only here in Fairfax County, but also all over the nation.

[10:05:06] Many employees that we have are residents of Fairfax County, so I also want to represent them. We work hard to do our best to be mindful of the community, the residents there as well. There's a lot of

concerns about generators these days. Today's generators are subsequently cleaner than data centers of the past.

[10:05:25] Caterpillar has developed a research test technology over the past few years to make those generators much better, much cleaner, much better for the environment. So they are always in enclosed areas. So why is that good? It's safety.

[10:05:41] It's also security. It's airflow. It's noise reduction. Surrounding counties have recently amended their zoning ordinance. And part of that zoning ordinance amendments county officials have grandfathered existing data centers.

[10:05:57] The projects have been submitted and applications and are under review. Not grandfathering these existing projects sends a bad signal to the business community and to the data center community and will deter some future developments. So it's vital for Fairfax County to go ahead and bring those in and those that are grandfathered and grandfathered those in.

[10:06:19] So Carter, we support 100% data center development and believe that the industry is continually improving and working to make more improvements to better provide service and for all the stakeholders, including the communities. Thanks for the opportunity to speak. Thank you. Speaker number 55 is James Hart, to be followed by Speaker 56, Julie Strandley by phone.

[10:06:42] If you are here and you have not testified and you wish to, please make sure you come down and sign in with the clerk off to the far right of the dais. So if you have not testified and you would like to, please make sure that you are signed up. Welcome. Good evening, Mr. Chairman, ladies and gentlemen.

[10:06:58] My name is Jim Hart. I live at 6504 Trillium House Lane. Watching this process is a bit like watching a Greek play. You have a general sense that things are going to end badly. The kings and queens are all doing the wrong things, but they can't help it.

[10:07:17] No matter what spin is put on this, this zoning ordinance amendment process ends in failure if data centers remain of by right use. Someone had asked, what's the difference? What difference does it make between a special exception process and a by-right use?

[10:07:33] What do we get? You get two big things. You get the benefit of the green building policy, and you get citizen engagement. The green building policy sets expectations for a level of excellence in development applications. It provides a context for discussions about the details of an application and mitigation of impact.

[10:07:54] But it's not part of the ordinance. It's only in the comp plan. It is irrelevant on by-right development. It never kicks in. And despite all the press releases about the county's strong commitment to the environment, maybe the intention is to exempt data centers, consistent with the Gartner Report mentality.

[10:08:14] The Gartner Report, several years ago, was a wrong turn for Fairfax County, a package of recommendations to streamline and speed up development approvals, provide flexibility, and be more business-friendly. That streamlining, of course, came at the expense of citizen engagement and environmental protection for the last four or five years.

[10:08:36] But filthy, high-impact uses like data centers warrant evaluation in the context of the green building policy, and that is your responsibility. Without a special exception process, without consideration

of green building objectives, what is required is only the rock-bottom minimum, not the level of excellence we expect and deserve.

[10:08:59] The second big issue is citizen engagement. Notice to neighbors and an opportunity to be heard should not be streamlined away by a consultant's recommendation. The board should welcome, with open arms, constructive citizen comments at public hearings which may improve an application and help mitigate the impacts.

[10:09:19] It disrespects citizens and advocacy groups to cut them out of the process and leave data centers by right. Citizen engagement over the last few years has been minimized through ZMOD and other initiatives abolishing public hearings, making uses by right or administrative approvals.

[10:09:38] But data centers, a significant change in regional land use, deserve a more nuanced scrutiny than a classification as a by right use. Public hearings may lengthen your meetings, but again, that is part of your responsibility to the county.

[10:09:53] I'd ask that you make data centers a special exception use in all zoning districts. Thank you. Thank you. Speaker number 56 is Julie Stranley. Can you hear me? Yes, I can. Thank you very much. Thank you.

[10:10:08] Good evening. My name is Julie Stranley, and thank you for the opportunity to testify by phone. I just had rotator cuff surgery, and I really appreciate the consideration. You may remember me. i served two terms as the planning commissioner for the mason district from 2015 to 2022 i served alongside jim hart and i agree with everything that he had to say in his testimony just now i joined thousands of other fairfax county residents and voters to strongly support the planning commission recommendations including the affirmation that the new gold standard rule applies to all submitted but not yet approved applications including but not limited to plaza

[10:10:48] 500. This would be consistent with Virginia Code 15.2-2307 and would not grant the multi-billion dollar data center venture capital fund special treatment on the backs of Fairfax County residents and taxpayers. In addition, all data centers should be subject to a special exception process.

[10:11:10] As the planning commissioner for Mason District, I handled the Plaza 500 case and the October 2022 public hearing. I was also at that site visit mentioned by Mr. Sterling previously. If you review the submissions, the Plaza 500 Property Owners LLP is actually kind of a front for the data center developer Starwood Capital. Starwood CEO Barry Stern Legend's team screwed up. They paid $91 million for reassess value, and no one closes on property until the rezoning is approved. Now they are begging the county to bail them out with special treatment. A few lessons to be learned from that public hearing. During the hearing, Fairfax County

[10:11:48] staff told us that these massive data centers should be subjected to public engagement due to their massive impact. Second, the public hearing exposed Starwood's true intention to build a copyright data center. The public hearing allowed us to get to the bottom of this. They stated in their justifications, their community meetings, and their public testimony that they only wanted to rezone the I-3 portion of the property to I-5 to improve leasability. Their overall lease rate was already 92%.

[10:12:19] They thought they could fool Fairfax County officials and residents into agreeing to a rezoning so they could build a massive buy-right data center next to homes and the RPA. When they declined to

proper out a buy-right data center, I told them I had the votes to recommend that the board denied the rezoning request.

[10:12:38] They immediately asked for an indefinite deferral. And public records even showed that they were already working with Dominion for a substation. Earlier this year, Starwood submitted an application that was accepted for review, meaning minimal requirements, but was so poorly done, it was returned to the applicant.

[10:12:58] They only recently submitted a staff-required update. Plus, Plus 100's application has not been approved, and they have no vested rights. Tyler Ray, the HOA president at Brent Point, sent you all a memo documenting the Virginia Code statutory requirements. Today, the county attorney and staff confirmed his assertion.

[10:13:17] The board has the authority to require unapproved data centers to comply with new rules. I have repeatedly said that Brent Point advocacy is among the best and most reliable I have seen. I said this in November of 2022, and I maintain that today. To put things in perspective, the Chick-fil-A on Little River Turnpipes required an F.E.

[10:13:38] A data center on the Plaza 500 site and all data centers must be subject to an F.E. Julie, thank you for your testimony. Your time expired a while ago, but I appreciate your testimony. Can I add one thing? Very quickly, please.

[10:13:54] I'm sorry, I did not hear that, and I had time for myself there. I guess I searched slowly. As the planning commissioner, I led the effort to remove the racist Jim Crow term grandfathering from the donating ordinance. Please keep that in mind, and please do not exempt unaccured data centers from the new rules.

[10:14:10] Thank you. We are going to go back to Speaker No. 16, who I understand is here now, has arrived, Susan Swiatek. I hope I'm saying that right. Welcome. The floor is yours. Okay, thank you.

[10:14:28] I come before you just as a taxpayer in Fairfax County who sees the real estate values going up and up and up, but also the taxation going up and up. And I really turn a jaundiced eye towards the fact that the citizens voted down the meals tax when it was presented to the voters, but yet the board has now decided to go forward with a meals tax.

[10:14:51] And I bring that up because it seems like the octopus tentacles are always looking for more money, but the way you could get more money is to be more business friendly. And I really support the concept of data centers. We all need more data centers. We all want more power, but we don't want the power station built in our backyard.

[10:15:10] We all want to use our gaming and our AI, and we know that cryptocurrency uses blockchain technology. That involves an awful lot of transactions to make it real. And I just want to say that I think we had some testimony today about mitigation efforts about sound.

[10:15:30] We had testimony in other directions saying, don't look at a data center that was built seven years ago and say that's the way it has to be. I mean, every year there's innovation. And I think we should lead the world with this innovation in Fairfax County and say, yes, we can build a data center that will have a footprint that can be acceptable to all parties.

[10:15:50] Maybe not everyone, but it will be reasonable. And also we had the acoustic expert here today saying there are ways to make the sound not be so loud. So I think it's a fallacy to look at something that was even built 10 or 7 years ago. Technology moves very quickly and very efficiently, and let's look at all the options.

[10:16:11] Don't close the door on data centers. I mean, Loudoun County may have made some missteps here and there with some people are unhappy, but it's 30% of their tax base. So let's not turn our backs on it. Let's not do a meals tax. Let's try to, you know, spend within our budget, be reasonable, and let's be business-friendly here in Fairfax County.

[10:16:33] Thank you. Thank you. I now have one, two, three, four, five, seven more people who have signed up to speak, so I'm going to call them in the order that they signed up. Please be down here and ready to testify. Jim McDonald, Harry Hogan Young, Terry Clower, and Lynn Strobel are the first four.

[10:16:56] Welcome, Mr. McDonald. Thank you, Chairman McKay and members of the board. My name is Jim McDonald. I work for Meritech, a global IT and services and consulting company. I've had the pleasure of working for Meritech for 20 years and bring with me 35 years of experience in the industry.

[10:17:14] My main area of focus is generators, a critical component in the development of data centers. I testified in front of this board on July 16th, and my testimony is public record. I just wanted to briefly reiterate a couple of points. Generator technology has come a long way.

[10:17:31] Fairfax County does not need to mandate generators as the EPA and Virginia DEQ standards are already pushing the industry to use cleaner and more efficient generators. There is nothing further that Fairfax needs to do. Today's generators are achieving 90 to 95 percent reduction in emissions, and clients I work with are already using these generators, which underscores the industry's commitment to sustainability and environmental stewardship.

[10:18:00] Furthermore, generators are already fully enclosed. Enclosures provide equipment protection, offer better security, provide better airflow management, and reduce noise pollution. Despite their critical role in data center design, generators are in a supporting role.

[10:18:17] Generators typically only run 15 to 20 minutes a month for testing. This is a very limited amount of time that the generators are run during the year. Testing is typically during usual business hours to limit the impact on community.

[10:18:34] Safety and reliability are also paramount. Diesel tanks are double-walled and equipped with leak detection systems, ensuring that there are no spills and any leak is quickly mitigated. In my experience, working with generators and diesel tanks have never encountered a leak issue with modern double-walled tanks.

[10:18:49] I would hope the Board considers these facts when making their decision this evening. Thank you for your time. Thank you for your testimony. Our next speaker is Perry Hogan-Young, to be followed by Terry Clower, Lynn Strobel, and Holden Foxworth.

[10:19:05] Welcome. Good evening. This is a letter I wrote to whom it may concern on the Fairfax County Board of Supervisors, etc.

[10:19:22] As far as I know right now, I think that the best change to Fairfax County zoning regulations concerning data centers in our area might possibly be to not change them.

[10:19:38] The reality behind this potential decision just might be because of ongoing revenue concerns. I think that we probably know that these data centers might appear to be capable of generating a significant amount of revenue to the county without requiring the increased spending that other development of those areas just might require.

[10:20:05] under those other various circumstances which just may be rather difficult to predict for most people. Therefore, I would suggest voting no on the proposed zoning regulation changes.

[10:20:24] Thank you for considering my ideas on the matter. Sincerely, Perry Hogan, 6507 out of our trail, Centerville, Virginia, 20121-3842.

[10:20:40] Thank you. Thank you. Our next speaker is Terry Clower, followed by Lynn Strobel and Holden Foxworth. Welcome. Thank you, Mr. McKay and members of the board. I'm not going to take up much time other than just to remind you of the letters and information that we had sent.

[10:21:01] My name is Terry Clower. I am the director of the Center for Regional Analysis and the Stephen Fuller Institute at George Mason University. I am also the Northern Virginia Chair in Local Government, which I found out recently actually was originally called the Fairfax Chair in Local Government.

[10:21:17] Interesting. But as we've heard many different views and particularly on the impacts of data centers on property values for many, As I stated to you in summertime, we've done the analysis. We looked at all home sales in Fairfax County in 2023.

[10:21:36] We statistically modeled those factors that affect home sales. We got about a 90% explanation rate on the value changes, and data centers have no discernible impact at all on property values of what was sold in Fairfax County.

[10:21:51] That suggests to me that existing zoning may be working. More importantly, and as I expressed to you, I'm very concerned about the direction of our regional economy and the economy of Fairfax, that we are no longer as competitive as we used to be, and that data centers represent an infrastructural component of the economy of the mid-21st century, and we need them here if we want to compete against other regions of this country, the Dallas area, parts of Florida, Arizona, Ohio, etc.

[10:22:25] If we want to be successful, we need the infrastructure that is represented by the data center industry. And I would hope that we can address through policy and through technology many of the concerns that our citizens have about these.

[10:22:42] But again, we need to see growth in that sector. If for no other reason than the tax base is currently under some stress, and between what we're going to have to do to keep Metro active and what we're going to have to do to keep the services and amenities in this community as high as we need them to be competitive, we need that tax base.

[10:23:04] Thank you very much. Thank you. Our next speaker is Lynn Strobel, to be followed by Holden Foxworth, Brad Gray, and Daniel Ben Chitrit. Welcome. Good evening Mr. Chairman, members of the Board of Supervisors. My name is Lynn Strobel. I'm an attorney practicing in Fairfax County. I've been doing it for a number of years and I just would like to present four points if I may. I know you've had a long day so I will be brief.

[10:23:33] I just want to say, first of all, that I do not support or agree to requiring a special exception for data centers on land zone to the I-5 and I-6 districts. I think we need to remember that the I-5 and I-6

districts are the most intense industrial districts in the Fairfax County Zoning Ordinance and permit many uses that I think arguably are more noxious than data centers.

[10:23:59] And I also would like to point out that not only are the I-5 and I-6 districts kind of the places where we should encourage data centers, but there's not that many areas like that in Fairfax County for development. This will not become Loudoun County.

[10:24:15] I just want to make that clear. Number two, reasonable setbacks would be appropriate. I want to point out that staff recommended a 200-foot setback. I would also point out in the current zoning ordinance, the greatest setback required, and that's for interstate highways, is 200 feet.

[10:24:33] So I do think that a 200-foot setback remains reasonable. Number three, I want to touch on the importance of grandfathering, and I apologize, maybe there's a better term for that. But I want to say that a developer who has invested a significant amount of time, money, and effort in the submission of a site plan should be permitted to complete the process under the regulations in place when that site plan was submitted.

[10:25:02] I think that is basic fairness. It doesn't matter if it's a data center, if it's an office building, if it's a residential building. And I think that is some of the concern that you hear from members of the business community, because if you don't provide some sort of protection in this instance, what's to stop not providing protection in another instance?

[10:25:22] And then lastly, I will just say that I do believe the Fairfax County economy needs data centers. We've all seen what the market has been for office in recent months, recent years, and I do believe that it's something that will benefit Fairfax County when doing the budget, and that's also a use that there's clearly a demand for.

[10:25:45] As was mentioned by one of the most recent speakers, we all want to have cell phones, we want to have storage for our photographs, we want to use AI, but we have to have a place to store that. And so that is something that is needed in Fairfax County and will have the benefit of providing revenue.

[10:26:06] So with that, I'd be happy to answer any questions. I thank you very much. Thank you. Speaker number 62 is Holden Foxworth to be followed by Brad Gray and Daniel Ben Chitrit. Welcome. Good evening, Board of Supervisors.

[10:26:22] My name is Holden Foxworth. I actively work in the data center industry, and I currently pursue and develop data centers in both Fairfax County and across the United States. As a continuation of my previous testimony, I'm here to express my support for the continued development of data centers in the county.

[10:26:42] Tonight's decision is a crucial step toward ensuring this community remains competitive, economically resilient, and future-focused. Data centers are the backbone of our increasingly digital economy. As more businesses, schools, and government services move online, the demand for data storage and processing power grows exponentially.

[10:27:03] By embracing data center development, Fairfax County will position itself as a leader in the technology space, attracting high-paying jobs and investments that will benefit the local economy for decades. As the birthplace of data centers, why not Fairfax County?

[10:27:20] From my experiences in jurisdictions across the country, I can confirm that Fairfax County's current zoning ordinance imposes some of the strictest regulation in the country. To be clear, if unreasonable regulation is imposed, the data center industry will relocate to other jurisdictions and out-of-state where legislators are scrambling to incentivize development.

[10:27:41] And with this migration, so will go the benefits. Thank you for your time. Thank you. Speaker number 63 is Brad Gray, to be followed by Daniel Ben Chitrit. If you are here to testify and you have not already testified, please come down and sign in with the clerk.

[10:27:57] Welcome. Thank you. Good evening chairman. Good evening board. I'll be very brief tonight. I am a Fairfax County resident First off, my name is Brad Gray. I am a Fairfax County resident as well as a business owner I have previously testified in front of the board I'd like to reiterate my support for by right data centers in Fairfax County and the jobs and tax revenues they provide Especially in the I-5 and I-6 districts They should be welcomed, and new taxes, like the proposed meals tax, should be rejected.

[10:28:31] Thank you for your time tonight. Thank you. Our next speaker is, and our final speaker that I have at this point, is Daniel Ben Chitrit. Welcome. Thank you. I'll also keep it brief, seeing as it's getting late, and I spoke last time.

[10:28:50] Just wanted to kind of reiterate a couple of things that I heard today. So the first thing is businesses are for-profit, right? They lay people off, they cut corners, they do things to make the shareholders value. That's always going to be their incentive.

[10:29:05] They're not there to make the neighbors happy or the residents that they might be impacting happy. They're there to make money. And so why should we let them regulate themselves when, if we know that they're only going to do things that are in their best interest, not the best interest of others?

[10:29:23] It's also on the, and I don't know the right term outside of grandfathering, but the idea of precedence, right? Saying, hey, you know, if you put it in now, you're going to be changed. It kind of goes both ways. If you don't allow those changes to happen, what you're basically telling businesses is as long as you know that something might be happening, you can just ram something through quickly to get it in.

[10:29:48] It's not approved yet, but you've put it in, and now you're just basically telling the developers, well, as long as you get something in before we make those changes, you're in the clear. So I think the precedent can be dangerous going both ways, and I want to point that out. And then the last thing, and I think that just came up, there might be other potentially worse things that could be added in the I-5, I-6 zoning.

[10:30:11] That's what I think I just heard. And if those things are going to be put in 200 feet from a residential backyard, we should increase the zoning restrictions on those as well. We shouldn't just say, oh, because other things are of value right now. We should just allow everything.

[10:30:29] We should put ourselves to a higher standard. Also, according to Zoning Ordinance 4102.7.n, I believe, it actually says the smallest setback currently is, I think, 400 feet for sawmilling. I'm not 100% sure on that, but that's the information that I just got from the zoning ordinance myself.

[10:30:50] But I thank you for the time. Thank you very much. And that is the end of our speakers who have signed up in advance, or I guess we're getting some more. Let me ask while we're doing that, the clerk, if anyone is on the phone. Yes, there are four people on the phone.

[10:31:05] Okay.

[10:31:15] Okay. Was she signed up before or just signed up just now? Okay. Um, the four people who are on the phone, have they been on hold for a while? Um, not, uh, not for too long. Uh, two of them had been signed up to speak and were, um, were not present in the auditorium and two were call-ins recently.

[10:31:34] Okay, so, so let's go with, uh, Melanie McCormick, who's here in person. Uh, we'll take her testimony and then we'll go to the phone lines. Um, and you will be Speaker 65. Melanie McCormick, welcome. Thank you very much for, uh, squeezing me in.

[10:31:50] Uh, this was very impromptu on my part. But I wanted to introduce myself. My name is Mel, and my partner and I bought a home in Bryn Mawr in early February. Now we were not aware of the Plaza 500 situation. Otherwise, to be honest, we might not have purchased our home.

[10:32:11] We work in tech consulting. We understand the good, bad, and the ugly of data centers. We understand that they're a trade-off in the technology space. We make part of our living from big corporations that value the services. But we don't know what we don't know.

[10:32:29] And the one thread that ran through every person who spoke up here today is that there are still outstanding questions. And it would not hurt to take a pause and look at each different potential development as it comes, and make sure that it fits for that community.

[10:32:50] So I am not for or against data centers by and large, but I'm interested in leaning on our County of Fairfax, Virginia representatives to make decisions on a case-by-case basis, taking my interests as a resident to heart when they make those calls.

[10:33:11] Thank you. Appreciate your time. Thank you. And if we could please get the name of the first caller. Yes, the first caller is Isabella Hale, and she was speaker number 18. Speaker number 18, so we're going to go back to speaker number 18.

[10:33:30] Okay, Ms. Hale, welcome. Can you hear us? Yes, hi. Hi, Mr. McCabe. Hi, Board of Supervisors. I was employed in the IT field for more than 20 years, And I've lived in Fairfax County for over 30 years, and I'm a graduate of George Mason University in science and IT.

[10:33:58] And my son also is employed as a software principal engineer. I'm a UVA grad. So we have an invested interest in having data centers. And I am now retired from the field, but I do remember vividly back when data centers were leaving Fairfax County for lower taxes and lower regulation areas right after the Y2K and year 2000.

[10:34:26] So now that high-tech companies are looking to build more data centers in Fairfax, we, the residents and employees and employers in data technology, should be more welcoming by seeking to lower tax rates and deregulate the current zoning regulations, which cause the loss of jobs and revenue in Fairfax County.

[10:34:47] So my approach to this is a longtime resident of Fairfax County and a taxpayer. And the Fairfax County Supervisor Board at that time, when I was in the field, and apparently there's a lot of still controversy from what I've just heard, drove away a lot of businesses by the massive amount of regulations and taxes in the county.

[10:35:13] And so I would just like to say let's not repeat that same mistake again. Let's build more data centers and use their tax revenue to lower tax rates for everyone. And let's try to bring in high-tech jobs

and draw more big high-tech businesses to Fairfax County.

[10:35:31] We need to build an attractive and more better economy in Fairfax County. And let's not chase it away with additional burdensome local government regulations. And I just want to add in there, I didn't know that you could say, I'm against the meal tax.

[10:35:47] I'm against the meal tax. So thank you for your time and attention to this important matter. And have a great evening, because I know everybody's looking forward to hearing the debate tonight. Or just getting some sleep.

[10:36:07] Let me ask the clerk if you could announce the next caller for us. Yes, the next caller is going to be Robert Rafferty, who was number 27 on the list. Number 27. Mr. Rafferty, welcome. Hi, hi there. Thank you for this opportunity.

[10:36:23] I'll make it really quick because there is a big media event, big presidential debate tonight. So maybe that will even put you to sleep. But anyway, I live in Centerville, Virginia. My wife and I have been long-time residents here.

[10:36:39] We went to high school, Annandale High School, went to George Mason. I work in the area of corporate finance. So Fairfax County is one of my favorite places to be. And I really appreciate your work. But I'll make it quick and brief, and I just wanted to give you this testimony to you all, to the Board of Supervisors, on whether or not to pass this additional regulation on data centers.

[10:37:05] Basically, I'm asking you to oppose the new regulations on data centers, which is a very promising, you know, high-tech economy sector of the future. And data centers can bring in a lot of revenue on their own and also be a magnet for other high-tech businesses.

[10:37:24] And then those businesses are magnets for other businesses. So I'm hoping that this will continue the momentum in Fairfax County, and I really appreciate this opportunity to hear me out.

[10:37:40] Thank you. Thank you. And I will have the clerk announce our next caller. The next caller is Humon Chavez, who will be speaking as an individual. Okay. Welcome. Welcome. Hello? Hello. Can you hear me? Yes, we can. The floor is yours.

[10:37:57] Good evening. And I'm a Franconia District resident, and I live right off of Route 1 corridor. So I know what excessive noise is like on a regular basis, and I know what basic restrictions in engineering design noise can be controlled.

[10:38:17] That being said, board, please consider your ethos. You all are smart individuals. You've got your degree, and you know what the impacts are for data centers in Fairfax County. You will understand what they will do to our environment.

[10:38:36] Resource usage, waste, heat generation. The cost of it will bring to utility users, which is everyone, and the list goes on and on and on. Consider your ethos. Are we prepared to deal with the pros and cons?

[10:38:54] Can we really guarantee that data centers will add revenue to the county's budget? If so, of course, more money to help with county services in our schools. Sounds good. Yeah, that sounds good. But if this would take place, there's a lot of room in that Springfield district, especially in Fairfax Station and Clifton, where these centers can go.

[10:39:20] I'm hearing a bunch of people speaking today stating all the reasons under the sun of how these data centers will be so beneficial and help our budget. Well, by golly, if you're going to bring data centers here, put them in your backyard.

[10:39:36] Stop trying to put them in Cassie's district in Sully and put these burdens on her and her residents where many of her residents don't want them. It seems like your supporters want them. So don't hold back. Put them in your district then. You don't want more affordable housing, especially in your district where we need it.

[10:39:56] So what do we need to do? If it comes to it, we need to come together and compromise. The data centers should go under the special exemptions process. And if there's more property tax dollars that come to our county, please guarantee that some of it will go to services and affordable housing.

[10:40:15] And I pray to God that you do the right thing and use some of that unoccupied land in that district I talked about earlier for this housing. Thank you. Thank you. And do we have more callers?

[10:40:31] We do. We have one more caller, Joy Waller, who is speaking on behalf of the North Franconia Civic Association. Okay, welcome. Hi, this is Joy Waller, and I'm testifying on behalf of the North Franconia Civic Association because homes in our neighborhood are directly across the interstate from the potential Plasma 500 data center.

[10:40:54] We support the strongest possible protection for residents. I haven't heard all of the testimony this evening, but I'm always confused because why is it that the data center industry representatives who seem to be out in full force tonight never seem to say that they live anywhere near one and they're totally fine no one is saying that data centers aren't needed we're saying that reasonable regulations are needed to protect the residents we know that the county wants the tax dollars provided by data centers which is reasonable and understandable but without the reasonable protections those tax dollars are going to come

[10:41:30] at the misery of the residents who live near these data centers like the Bryn Mawr neighborhood. The Plaza 500 data center should not be grandfathered. All pending data centers and by right data centers like the Plaza 500 data center should be required to comply with the regulations you enact this evening. Thank you very much. Thank you. And do we have any additional callers? There are no additional callers. Okay. And let me just verify nobody else here present who has not already testified that seeks to testify. This is a public hearing.

[10:42:03] seeing and hearing uh no one uh let me go back to our county staff for closing comments and a recommendation thank you the planning commission held a public hearing on june 5th and on june 6 planning commission recommended approval of the amendment with the text as shown in the staff report dated may 17 2024 and where options are included the planning commission recommended option one but with the changes to the residential setback and the metro setback that i mentioned before and the planning commission as we previously discussed did recommend adding provisions relating

[10:42:41] to previous approvals to appendix one of the zoning ordinance now after listening to the testimony staff would like to offer that an additional sentence could be added to the provision for the enclosure or the screening of the mechanical equipment that would require in addition to the enclosure excuse me or the screening where that's not possible that all ground level equipment could be required to have a visually solid wall or barrier to further augment that visual and noise mitigation thank you

[10:43:16] okay we are now going to begin questions from board members questions from board members and let me let me just start by putting one on the table because I just want a clarification. There's been a lot of discussion about by right and not by right.

[10:43:34] Carmen, can you clarify the zoning districts and circumstances where data centers today are currently permitted by right, but would require a special exception if this amendment is approved? Sure. So while the amendment is structured to encourage data centers to locate in the heavier industrial districts of i5 and i6 it also does result most likely in more special exceptions because the i4 is added to the standard that sets a maximum size of 80,000 square feet so

[10:44:12] anything more than 80,000 square feet in i4 would require a special exception and then in all districts where they are allowed and that's the c3 and c4 those are your commercial office districts but only up to 40 000 square feet by right and then the i2 i3 and i4 they're allowed but again only up to the 80 000 square feet and then in i5 and i6 and the pdc and ptc and all of those districts uh there would be the requirement for the minimum distance from residential and the minimum distance from metro and if those are not met it would also trigger the requirement for a

[10:44:51] special exception so the amendment tries to strike a balance between encouraging them to locate in the heavier industrial districts while also requiring more special exceptions in certain circumstances and i will also add that it's also it's true in all cases for uses where if there's a proffered plan as what or they need a rezoning as was the case with chantilly premier that of course requires an application before the board or an increase in floor area ratio or an increase in

[10:45:26] height as was with chantilly premier that also requires a special exception there so there are different circumstances which can cause an application to be brought before the board But it is staff's contention that if we do not adopt these changes, there are far more opportunities for by-right development in our existing ordinance than would be allowed under this sort of ordinance amendment.

[10:45:51] That's correct. Okay. Other questions? Other questions that board members have? I can't be the only one that has a question after all this testimony. Someone think of one. I know it's late, and I know we've been at this for a while, and we've had an opportunity to ask many, many questions.

[10:46:14] I'm trying to respond to some of the testimony that we received, and I just wanted to make sure that nobody is leaving here thinking that if this zoning ordinance amendment is approved, that there are more by-right opportunities in Fairfax County.

[10:46:30] In fact, there will be less, and I just want to make that clear because it probably is not clear to many people based on the testimony that we received. Supervisor pal chick. Thank you. Mr. Chairman, and I think this is following a little bit on your question I'm looking at a chart. We were given with districts of the most areas where by right is permitted I don't know if you've seen this but my assumption that this is solely looking at the zoning district and not any of the other Specification I'm just looking at Providence and I know that while we may have i3 i4 i5 that

[10:47:06] the majority are either close to residential within that mile of Metro Which currently there are some As well as I assume this does not include the other Items that you've mentioned that we are that the proposal increases The need to go to special exception for a lot of reasons beyond just the zoning type of that district I don't know if that made sense I think it's easy to look at just the zoning but there are so many other overlapping requirements that this is probably not

[10:47:45] accurate of all of the areas within each district where by right would be allowed yeah that's correct so there are the use specific standards that are going to affect whether an application needs to come to the board for a special exception thing and more restrictive than what is being assumed thank you Okay, Supervisor Behrman to be followed by Supervisor Walkinshaw.

[10:48:12] Through the special exception process, can you regulate carbon emissions?

[10:48:25] It's an easy question. The answer is no, folks. I will say that through the special exception process, we do typically obtain commitments for LEED certification. But I'm talking about the generators, which are subject to DEQ, and you can't regulate through the special exception process.

[10:48:44] Correct. So anybody who says that you'd get the generators out of the special exception process, you couldn't get that out of that. Correct. For through the special exception process, how about regulating water usage? I'm not sure if I understand your question.

[10:49:08] I'm asking about what we can do through development conditions and what we can't do through development conditions. And I could have waited, but I wanted to ask some questions because, frankly, I said this in my newsletter. I've said this in conversations with many folks in this room who I've met with, but there are lots of things which people have been sold as achievable through a special exception process that aren't achievable through a special exception process.

[10:49:37] So that's really important, I think, for everybody to understand about what we're looking at here. And I could ask more questions, but I've obviously made my point. Go ahead. Supervisor Walkinshaw. Thank you, Mr. Chairman.

[10:49:53] Just a question on precedent and applicability and applicability dates. I mean, maybe for the zoning administrator, could you share with us what is this county's and this board's precedent with respect to zoning ordinance amendments that make a zoning category much more restrictive?

[10:50:19] As I think most of us would agree, this one does. It circumscribes, to use the term from a frustrated member of industry, reduces the aperture for data centers in Fairfax County. What is our historical precedent in terms of applicability of pending applications in zoning ordinance amendments like that?

[10:50:44] Leslie Johnson, the zoning administrator. You know, when it really depends on the amendment and the broadness and the scope of the amendment, to your point, the examples, you know, when we're trying to make it and I was actually scrolling through our legislative history this evening to kind of look back and see, OK, because one of the speakers talked about, you know, the number.

[10:51:11] And for the most part, the vast majority of our amendments are more permissive, meaning they allow somebody to do things that they're not allowed to do or that we're trying to harmonize our ordinance with the state code or things like that where, you know, we would be preempted anyway.

[10:51:32] You know, the amendments that, the big amendments that come to mind years ago, the RC amendment, where we, you know, put some restrictions and created on the RC district and what you could do in there. The CNI district, which was in the late 80s, early 90s, that reduced the FAR and the building height for office uses in industrial districts.

[10:51:58] And we had a lot of exemptions for applications that were in the process, and the county did have to address a multitude of lawsuits. And we also talked about the fact that if you had proffers, those

proffers would supersede.

[10:52:17] More recently, I think, and of course, this is an example, and we look at that. I mean, we're trying to, ultimately, it's the board's prerogative. It's the board's decision, as the county attorney had earlier said. We always look when we're drafting text and what the implications will be.

[10:52:37] You know, our goal is to try to not make nonconformities because those are always difficult to deal with and they could last for a long time. And we also look at trying to keep people whole. I mean, if they're already in the process, we see that with application fees.

[10:52:55] When we increase our fees, you know, we look at that and, you know, if you've gotten your application in and submitted, you know, for the most part prior to that date, then, you know, then you get to use the lower fee. I don't know, but so I think our precedent has been that we are more permissive and in our ordinances and we are very careful about the exemptions that we provide and look at the overall impact.

[10:53:26] But ultimately, it's the board's decision because it's part of the legislative process, and, you know, and staff will help, you know, guide and make recommendations and give you facts in order to make that decision. Is that helpful?

[10:53:42] So this is a difficult question because, and I have some follow-ups on this, because there was a number cited earlier about the board's history on this, and I think it's complete apples and oranges for the reasons you just said. We consider hundreds of zoning ordinance amendments.

[10:54:01] Some are very small. And as you said, some zoning ordinance amendments permit a new use to be established in the county. Well, in that case, obviously, we want applicants to come in under the new use. And so there's plenty of times where we're doing something very different than this zoning ordinance.

[10:54:19] So looking at those raw numbers doesn't really tell you anything. I guess the question I have is you're absolutely right. We generally try to prevent non-conforming uses from existing. They cause lots of challenges for owners, for neighbors.

[10:54:36] And so I want to ask this question. If a non-conforming use, hypothetically, one of the data centers that is approved under the old standards is built to the old standards and wanted to come in to modernize that facility and bring it up to the new standards, It would have to come all the way through a special exception application to make potentially improvements in technology and other things to the data center.

[10:55:09] And so a non-conforming use would be, in fact, decentivized from potentially making some improvements because they might have to weigh that against coming all the way back through a special exception process and open up the entire use once again to a whole new public hearing and process.

[10:55:32] And so one of the challenges with the nonconforming use, and I've run into this, where they exist in the county, owners of these properties want to make reasonable improvements to their property, only to find out in doing that they have to come all the way back through our county process. And so instead of rewarding potentially good behavior, we, in fact, put another hurdle in the way of them to come through the process.

[10:55:53] Is that something that is fair to say? Yes, we've seen that. Again, I think that each case is different, and it depends on what they're asking for, because sometimes it might be very minor, and it

could be gone through the process.

[10:56:12] And we've tried to amend the ordinance for minor variations. You had one today to, again, accommodate some of those smaller-type changes without having to go through the whole process. So we are looking, but yes, I would agree with your statement.

[10:56:27] And let me ask another question. It is typically our practice when one files a site plan with the county that the zoning ordinance under which that site plan is compared or evaluated against is the zoning ordinance that's in effect the day the site plan is accepted by the county.

[10:56:48] Is that the general practice of the county? Yes. In other words, if you submitted a site plan today under today's zoning ordinance, and it was changed at a later date, our general practice wouldn't be to go back to that applicant and say, now you have to go back and change your site plan because the board just changed something, and now you have to go back and correct that in your plan with site plans.

[10:57:13] And that's why we have some of the exemptions. And it really depends on what the issue is. And, you know, when you're talking about, especially when you're talking about adding additional standards onto an existing use that we already have in the zoning ordinance, as a matter of course, I think we would do that research just to see what, because the board's going to ask us that question.

[10:57:46] so we would do that research but you know they would when that application is filed um they would begin their review under that ordinance that is in effect at that time okay okay other questions board members have other questions okay uh seeing and hearing none uh at this time i will close the public hearing and recognize supervisor smith for a motion thank you mr chairman i have a single motion with multiple parts i move that the board of supervisors adopt the proposed zoning ordinance

[10:58:25] amendment for data centers as set forth in the staff report dated may 17 2024 where options are presented i move that option one be adopted except for the following the proposed standard for screening of equipment in subsection 4102.6.A, one in parens, be revised to read.

[10:58:50] To provide visual screening and reduce noise levels, any equipment necessary for cooling, ventilating, or otherwise operating the facility, including power generators or other power supply equipment, must be fully enclosed, except where determined by the director not to be mechanically feasible based on the manufacturer specifications.

[10:59:15] If the director determines it is not mechanically feasible to fully enclose the equipment, it must be screened by a wall or similar barrier. In addition, any equipment as referenced above that is located on the ground and any accessory electrical substation must be screened from view, from abutting lots and from rights-of-way by a visually solid wall or a building.

[10:59:43] This standard does not apply to solar panels. The proposed standard for a minimum distance from residential in subsection 4102.6.a, foreign parens, be revised to read.

[11:00:00] 4. Minimum distance from residential. A. Any data center building must be located at least 200 feet from the lot line of an R district or a property developed with a residential use. B, if located on the ground, any equipment for cooling, ventilating, or otherwise operating the facility, including any power generator or other power supply equipment, must be either, one, located at least 300 feet from the lot line of an R district or a property developed with a residential use,

[11:00:35] or 2. Separated from the lot line of an R-district or a property developed with a residential use by the principal data center building. C. Lesser distances may be allowed with special exception approval in accordance with subsection 8100.3.

[11:00:54] D. For the purpose of this provision, an R-district does not include an area within a public street right-of-way. And in the proposed standard for a minimum distance from a metro station in subsection 4102.6.a, 5 in parens, one-half mile is changed to one mile.

[11:01:18] I move that the amendment to chapters 112.1 and 112.2 of the county code take effect at 12.01 a.m. on September 11, 2024. And I further move that Appendix 1, provisions relating to previous approvals, subsection 2.b, be updated to include the following language for the data center zoning ordinance amendment.

[11:01:44] Data centers. A, any site plan for a data center accepted for review on or before July 16, 2024, will be reviewed based on the provisions of the zoning ordinance in effect on July 16, 2024, if, one, the site plan is approved by July 16, 2025, the approval remains valid, And three, the uses, features, and structures are established or constructed in accordance with approved plans and permits.

[11:02:20] An approved plan may be revised notwithstanding this amendment if it does not aggravate conflicts with the amendment. Building permits and other related subsequent plan and permit submissions may be accepted, and new approvals may be granted consistent with the approved site plan.

[11:02:36] The applicant slash owner may elect to have the above applications reviewed in their entirety under the provisions of this amendment. B. For all applications for rezonings and related development plans, special exceptions, site plans, or building permits that include a data center approved on or before July 16, 2024, the applicant owner may continue under their previous approval.

[11:03:06] Subsequent plan and permit submissions may be accepted and new approvals may be granted consistent with those approvals. Revisions to such prior approvals may be approved if they do not aggravate conflicts with this amendment. Second. You've heard the motion and the second discussion on the motion.

[11:03:26] Discussion on the motion. Let me start with Supervisor Smith and then we'll go around. okay so we have had a lot of community input through this process and you know it's been beneficial to staff and to the board when we started this process we knew there would be parts to the process we decided to start with the zoning ordinance which we could achieve in a timely manner staff is working on the policy plan and the comprehensive plan and we'll be able to look at what should go in there we also asked staff to come back to us with information about

[11:04:03] substations, and so we have more work to do. We're not done today. Carmen, you have this, like, so internalized when you listed all these things. I'm very impressed. We have increased the standards in the zoning ordinance. We've removed permissions in the PRC district, town center, and convention center, conference center areas. Also, planned districts will require special exception approval.

[11:04:31] Equipment screening was added to all districts to provide screening and reduce noise. In the I-4, we added I-4 to the I-2 and I-3 that already have a maximum size of 80,000 square feet of ground floor area, but there is an SE possible.

[11:04:54] There's a new standard for 200 feet setback from property with residential use. The distance from Metro is one mile. That is something new. It's new that we have a noise study for buy, write, and SE prior to site plan approval and prior to the non-residential use permit to show compliance with the noise ordinance.

[11:05:14] It's new that we have building designs such as facade variation, faux windows closer to residential requires variation in massing. And with the issue of exceptions, this is something that the board typically does.

[11:05:31] When somebody is in the process, whether it's a data center, whether it's a church, whether it's any kind of building that somebody's coming through, there's an expectation that they will be able to follow through with the process they started with.

[11:05:48] And, you know, we did have caution over this. We did say that July 16th was the date we would have first been able to act. And so we put it out there because we didn't want people to just come in with applications. And so we wanted the applications to be accepted.

[11:06:06] And so we did add some guardrails when we talked about that. I list some of those other things in the zoning ordinance because I think so much of the discussion became around the I-5 and I-6 district. And this zoning ordinance purposely is putting them there, but we added protections in the other districts.

[11:06:28] And I think this is really important work. Our job is to balance. It's never going to be perfect in everybody's eyes. To me, this zoning ordinance balances. It adds protections. It reacts to things that we've heard from the community about noise and distance.

[11:06:46] And I hope my colleagues will support the amendment. Thank you. And it should be stated at this point, I know, Supervisor Smith, you have later a follow-on motion. So I do want to make sure we make note of that, and folks stay tuned for that.

[11:07:02] Supervisor Bierman. May I ask that that follow-on motion be read right now? Because I think it is a critical component of what we are looking at today. And I think it's worth, as we are discussing what the current motion is, that people also understand what we have in the follow-on motion.

[11:07:21] I have no objection to that if the maker of the motion wants to read that at this time, too. I mean, it is wholly pertinent, and probably many of the comments that several of us want to make will be about it as well, and then we can consolidate our comments about both the main motion and the follow-on motion.

[11:07:39] Supervisor Smith. I can do that now that I have my sip of water. Okay, so here's my follow-on motion. This zoning ordinance amendment is a step forward in regulating data centers, but there is remaining work to be done. My follow-on motion includes several parts to direct staff's next steps in the consideration of approaches to address the impacts of data centers.

[11:08:01] As we know, energy demand and transmission are regulated by the state and are major topics for data centers. The state's Joint Legislative Audit and Review Commission, JLARC, has been directed to study data centers, and they will be providing the report by the end of the year.

[11:08:17] That study will include, among other items, an assessment of the impacts of the data center industry on energy demand in Virginia, including the state's ability to transition from fossil fuels to renewable energy sources. The study will also review how zoning and regulatory restrictions can affect

data center development. At the county level, we will also want to continue to review the energy efficiency of data centers. Regarding water quality, concentrated salts from evaporative cooling systems discharged from data centers and other facilities are a concern within the service area of the Upper Occoquan Service Authority, UOSA. As the wastewater is discharged

[11:08:56] to UOSA's treatment plant, which discharges the treated water to the Bull Run River upstream of the Occoquan Reservoir, a major drinking water source for Northern Virginia. A salazination study of the Occoquan watershed is underway through the Occoquan Watershed Monitoring Lab, with results expected in 2025. The county's wastewater ordinance provides sufficient authority to require pretreatment and monitoring of industrial wastewater discharges, should that be advised by the research and required by UOSA.

[11:09:30] The initial phase of community outreach for the Policy Plan Amendment to the Comprehensive Plan is complete, with the second phase of community outreach and topic-specific research underway. This plan amendment includes the opportunity to review and update the land use and environment elements of the Policy Plan.

[11:09:47] This effort will likely include important considerations for additional guidelines for data center applications subject to rezoning or special exception approval. review should include an evaluation of the measures that industry is implementing to address energy demand and other environmental issues. Staff anticipates public hearings for this plan amendment in the fall of 2025. The need to review county permissions and standards for substations has been previously identified by the board, including as part of a joint board matter with myself, Chairman McKay, and Supervisor Jimenez in March. As a result, the consideration of zoning

[11:10:26] ordinance revisions for electrical substations has been included as a priority one item on the Zoning Ordinance Work Program. Therefore, I move the Board direct A, the Department of Planning and Development, DPD, to review the energy efficiency commitments of data centers that are approved by right and by rezoning or special exception, including data centers approved before and after the effective date of the amendment. The review should include an assessment of commitments to LEED or other green building certifications for data centers across the county and report back to the board within 12 months of the

[11:11:04] effective date of the amendment. B, DPD to consider additional guidelines within the land use and environment elements of the policy plan to address land use and environmental issues related to data centers, including water demand, water quality, air quality, noise, and other topics in conjunction with the ongoing policy plan update c department of public works and environmental services to monitor the waste to monitor the wastewater issues and concerns identified collaboratively by fairfax water and the upper ocaquan service authority and to report back to the board with any findings and

[11:11:44] recommendations from the salinization study as it becomes available d dpd to present information to the board's land use policy committee this fall on potential changes to permissions and use standards for electric electrical substations second and that motion is also seconded so for purposes of discussion let's discuss both the recommended motion for approval and the follow-on motion supervisor beerman so first off i want to thank uh vice chair smith for all of her work on

[11:12:20] this and for taking the views and the thoughts of members of the dais into not only her motion but her follow-on motion I thought it was really important to also read that follow-on motion because in

addition to what supervisor sorry vice chair smith was saying about setbacks what she was saying about one mile from metro what she was saying about reducing and I think the words that were used by people who testified was reducing the aperture. I think Supervisor Walkinshaw

[11:12:55] said that as well. Those were all things that were bargained for as a part of this process to create a compromise, but also along with that was to set us up for the future for what we can and what we can't do through a zoning ordinance amendment alone. In my view, and I've said this to lots of you who've come and talked to me. And I wrote it in my, I made a rookie mistake as a new member of the board. I wrote 2,500 words in my newsletter on July 18th. You can read it

[11:13:30] with all of my thoughts on this. Don't ever write something that long. But in my view, a lot of the things that people think the special exception process will get them, it will not. I think it's nice that Loudoun County has now decided that it can throw in a special exception process and it's going to change everything.

[11:13:54] But the ironic thing was one of the people purporting to want a special exception process here noted that in Loudoun County, they're now complaining because the special exception process didn't even change anything. It didn't even slow down, you know, data center, you know, development.

[11:14:10] It certainly didn't fix the environmental problems created by data centers. It just didn't. It did not fix the environmental problems created by data centers, and the environmental issues are not going to be fixed by a zoning ordinance amendment. They're not. Now, to me, one of the key and important questions here, and I said this at the Chantilly Premier event, and let me step back for just a second and make a note of the Chantilly Premier thing.

[11:14:42] Personally, sitting up here, I thought that the outcome in Chantilly Premier was excellent. What's very funny to me is the people sitting in the room that night who now come in and say the outcome in Chantilly Premier was excellent did not that night think that the outcome in Chantilly Premier was excellent.

[11:15:00] They did not come here to say that we should approve that. I point that out only because to some degree that tests one of the assumptions that was made to me in a conversation with a resident and you said, well, the special exception process will give us a voice and we will feel better. So maybe you're right. But I will point out that the result in the special exception process, like the result in that case, is that there will be data centers that will be approved that you will still be mad about or that you will still think we're not approved with enough

[11:15:32] development conditions. It is not a panacea. And the zoning ordinance is not a panacea to deal with some of these problems. Now, one line that I put into my extremely lengthy newsletter was that I had, I agreed with a lot of what I was hearing across the spectrum, and I had certain disagreements across the spectrum as well. You know, the folks who came in from industry and sort of said, well, just trust us, it's all going to be fine, the generators are perfect, you know, No, I don't agree with that either.

[11:16:10] That's why we have a follow-on motion to try and verify, to try and look at what the actual next stage of data center development in our area accounts for. Another thing I said at that Chantilly Premier thing that I was thinking about up here is the question of, I said data centers were sui generis.

[11:16:31] So, you know, term for unique. And when it comes to power usage, there's sui generis. There's nothing like them. And I agree with that. What I think I might disagree with in respect to a lot of the

testimony tonight is whether they are sui generis as a land use case.

[11:16:48] You know, in I-5 and I-6, you can put a crematorium without a special exception. You can put an Amazon Fulfillment Center without a special exception. And I can tell you, if you care about noise in your neighborhood, living next to an Amazon Fulfillment Center is going to be a heck of a lot louder than a data center.

[11:17:07] So what I think we have done here is I think we have tried, and you can tell me that we got the balance wrong, that's okay. We have tried to figure out a balance between all of these competing issues. We have tried to figure out if we're going to have data centers in this county, where are they going to go?

[11:17:27] Where does it make sense for them to go? And we have tried to say that if we're going to have data centers in this county, what are we going to do to ensure that over time we do not end up sitting here in 10 years or 15 years and regretting it?

[11:17:43] What are we going to do to make sure that we have tried to be at the forefront of this issue? Because, by the way, they aren't built here. They're being built somewhere. They are being built. So this idea of, oh, you don't put it here, so you've saved all that.

[11:17:59] You've fixed climate change by not putting it here. they will be built somewhere else. Although with some of their tax revenue, we maybe can address a lot of the things in CCAP that we don't right now have money to address. So I think that Vice Chair Smith has done a very good job here bringing together a lot of voices, coming up with a compromise. I want to thank everybody who has testified. If you think that it doesn't matter that you came and testified, you're crazy because we actually did sit up here and listen to all of you. And again, my 2,500-word newsletter will show that I was listening to you. But what we

[11:18:37] have come up with, in my view, is a worthy compromise that is going to move the county forward right now and that is going to put in place processes that help us get better in the future. Thank you. Thank you, Supervisor Beerman. Supervisor Walkinshaw. Thank you, Mr. Chairman.

[11:18:54] I also want to thank everyone who has participated in this process. I think there was only one a speaker tonight from the braddock district but i want to thank her uh for coming um and you know i did i i i sat down on my computer and watched the the entire planning commission public hearing and have now i got to got to hear this hearing twice um so i feel like i've i've got to know all of you a little bit those of you who've been here three times but i do appreciate uh you participating in the process i wanted to just ask a question if that's all right about the follow-on

[11:19:29] motion um maybe of staff but um possibly of the maker um a item a in the follow-on motion that directs dpd to review the energy efficiency commitments of data centers etc i just want to confirm and you know they they they tend to operate behind the scenes but our office of energy and environmental coordination has been part of the data center team from the beginning supported the staff report work I just want to make sure that in this review of energy efficiency

[11:20:02] commitments etc etc that they will be consulted and be part of that process to support DPD in that effort this is Korean but back with the Department of Planning and Development yes we will coordinate with OEC on that review okay great thank you one of the early speakers said if a data center were being built next to me I'd want stronger protections and I think we all agree with that. And this zoning ordinance amendment provides stronger protections than exist today in very significant ways. As has been said, it circumscribes where data centers can be built.

[11:20:41] It limits where data centers can be built in Fairfax County. It limits the size of data centers in most districts, and it limits the height and the density of data centers in all districts. It requires screening and enclosure of equipment, and I appreciate Chair Smith for incorporating this from the Planning Commission.

[11:21:05] It ensures that equipment will be further from residential districts, if not on the other side of the data center structure itself. It establishes a setback from residential districts, as we've said. It establishes, quite frankly, a very significant one-mile radius from metro, and I would challenge anyone to look at our metro stations on Google Earth and draw a one-mile circle, and you'll see a lot of land uses there on the ground and planned that are not transit-oriented development.

[11:21:40] A lot of industrial use within a mile of our metro stations, and data centers won't be one of them. It requires an upfront noise study, again, a requirement that doesn't exist today. So if a data center were being built next to any of us, you want to have these stronger protections that this zoning ordinance amendment provides.

[11:21:59] I want to just speak quickly to the energy efficiency elements of this, which have been a focus of mine throughout the process, and Supervisor Beerman spoke to a bit. You know, I have asked a few times about the ASHRAE 90.4 standard versus LEED and have spent a lot of time on this.

[11:22:22] I will just say one of the speakers said that absent the applicability of the green building policy that we could get through the SE, we would be at, quote, the rock bottom in terms of energy efficiency. And the good news is that that is not true. That is not true.

[11:22:39] One of the things we've been doing on the legislative committee that I've been doing for the last five years, and Chairman McKay and others are doing longer than that, was trying to encourage the Commonwealth of Virginia to adopt stronger building codes. And somewhat to my surprise, somewhat to my surprise, they actually have.

[11:22:56] They adopted the IECC codes for commercial buildings, and importantly for data centers, they adopted the ASHRAE 90.4 energy efficiency standards, which is not the rock bottom of energy efficiency standards for data centers. Actually, it is one of the strongest and most influential energy standards that exists, and engineers and experts will debate this.

[11:23:20] You can read the papers on the 7th and 8th page of the Google results, as I have. There's a debate around this, but some would say they're stronger than the PUE standards and stronger than the energy efficiency commitments you can get through LEED. Most states, including our neighboring states, have not adopted that ASHRAE 90.4 standard.

[11:23:40] So all things being equal, a data center built here in Virginia is going to be more energy efficient than a data center built in most other states in the country. Now, I think the follow-on motion is really important because I want to know the delta between data centers that are built by right to the ASHRAE 90.4 standard and data centers that achieve a LEED certification.

[11:24:04] I want to know how many by right data centers are achieving a LEED certification because of commitments that they've made as a business or not. And I think the follow-on motion will help us to do that. but but we will not be at the rock bottom when it comes to energy efficiency based on the existing code in virginia that's a piece of good news uh you know this has been a hard process this is a difficult

issue but i think when you look at it what we are doing here and you heard the frustration from industry it is limiting where and how data centers can be built in the county and i've heard

[11:24:40] talk about other jurisdictions in the region and what they might do. They haven't done that. Loudoun County, wonderful members of the Board of Supervisors there in Loudoun County, they have talked about doing what we're doing here tonight. They have talked about perhaps requiring SEs on all data centers or eliminating by-right data centers. They have disagreement on their board about that, and maybe they will do it, but they have not done that. Prince William County has has not done that so so so we are leading we are setting an important standard here and I assure you in addition to the policy plan this is not

[11:25:20] the last time we will talk about data centers at this dice and on this board I think this is a strong step in the right direction that will protect us from some of the challenges that our neighbors have felt thank you thank you supervisor Lusk thank you very much mr. chairman I'll first acknowledge that there is a a very significant push and pull that we are evaluating these requirements around as we are thinking about what those requirements will be on new data center construction here in Fairfax County. I'm going to hearken back a number of years. When I first started working at the Economic

[11:25:59] Development Authority, and this goes back to 1998, I was hired to be the e-commerce and internet person. So during that time, which is kind of fascinating, Fairfax County was the east coast switch for the internet. So half of the world's internet traffic went through 8100 Boone Boulevard and it flowed out to the west coast and out into Palo Alto, California. Now this was a pretty significant period for Fairfax County. When we think about the growth of the county, we were the

[11:26:37] epicenter for broadband, telecom, and data. The sectors that were driving this economy at that time were companies that were growing and expanding. MFS, UUNet, PSINet, AT&T Broadband, and eventually this little company called Verizon sort of popped up in about 2000. What happened is because of the significant growth that was occurring, we had lots of data centers, Tysons, Reston, Herndon, Chantilly, all over the place.

[11:27:14] But because of the expansion of that growth, we saw that expansion going out into Loudoun County and also into Prince William County. And what we've also noted is that the underpinning for our economy today continues to be data.

[11:27:36] It continues to be telecom, and it plays a pretty outsized role, specifically as it relates to what we see with AI, what we're going to hopefully see with quantum computing, and then again, all the data needs that are being surrounded by so many devices.

[11:27:55] And as you think about it, as I look at my own colleagues here at the dais, phones, laptops, And iPads, all the things that we're using are going to make that even greater. What we've also seen is that as some of the larger companies have grown into this market, so you think about the Googles, the Microsofts, the Salesforce, as those companies have grown in this market, they want to be closer to these data centers because there's something called latency.

[11:28:28] You want to reduce your latency because you want to be as close as you can to ensure you have a faster connectivity. So again, what we've seen with the Economic Development Authority is the growth in AI, quantum, and space are areas that we're very focused on.

[11:28:45] In addition, you think about sensor technologies. We talk about autonomous vehicles. All of these things are fueling the need and the growth for data centers. And let's be frank here. This is a part of the economic future for Fairfax County, and we want to be a player in these areas.

[11:29:07] I look at my own district and was really surprised, and I think the chairman will recall. During the BRAC process, we approved additional square footage for buildings that would be connected to the government use.

[11:29:24] We thought there was going to be an opportunity for expansion of these buildings for contractors who were supporting Fort Belvoir. Two office buildings got constructed, and they were more than 200,000 square feet.

[11:29:39] They ended up being vacant for over seven years. So what that did was it reduced the opportunity for the county as it related to us collecting revenues. So if you look at the value of those buildings as they were office versus what they are now becoming, so those two office buildings have been taken down.

[11:30:03] They're being built with a data center that's 240,000 square feet. you look at the comparison between what the value was for the office building versus the data center, and that value has gone up more than five times.

[11:30:19] And then what you've seen with the value from a taxing standpoint, that's gone up over 10 times. So it just helps us kind of understand kind of the value for these economic development opportunities with data centers.

[11:30:34] And I'll say we have to appreciate the balance that has to be struck here. I heard my colleagues talking about this earlier, and I agree fully with them. We've got to ensure that we're addressing kind of the issues around noise, and we've got to be sensitive to the environmental impacts and the visual.

[11:30:55] I mean, for me personally, whenever I'm driving through Loudoun County and looking at some of these structures, they're not the most attractive buildings to be looking at. So clearly what we've done here in this ordinance is to address the issues around noise with setbacks and with enclosures.

[11:31:17] We've also talked about these issues around the environment that Supervisor Walkinshaw and others have kind of expressed as it relates to the follow-on motion. I think the following line motion is so important in helping us to get answers and get some direction around those environmental issues.

[11:31:38] So I feel that this is a positive step in terms of addressing that balance. And I'm personally, you know, supportive of what's been done. I want to thank my colleagues and I also want to thank the vice chair for the work that she's done in pulling this together.

[11:31:59] because I know that this is a pretty Herculean effort and again just thinking about the future viability of the county it's so important that we have opportunities to look for ways to expand the tech the commercial tax base so thank you mr. chairman okay other discussion Supervisor Harrity yeah I'm gonna try to keep this quick and I'm gonna maybe play off the two supervisors that spoke before me but you know it's interesting tonight how balance the the the testimony was you know the need for economic growth the need for job opportunities uh the need

[11:32:37] for revenue that that supervisor less kind of hit on and highlighted and the need for protections for our neighborhoods which supervisor walk and shall pretty much list i'm not going to go

through all the protections that that he listed but you know in in our job and it's it's it's a very difficult job is to balance those two things and you know it it's where we are isn't exactly where I want to be I had we've had conversations but I think it's a I think it's a good balance I think a couple of things that that weren't in it and I keep going to heavy industrial these areas have been zoned heavy industrial

[11:33:16] you mentioned creamer crematorium but you can also do junkyards you can do warehouses it's so it we're putting them where people that bought near them knew that that was going to be heavy industrial and we're putting a 200 foot buffer so I mean I think this strikes the strikes the right balance I'll make another thing on generators that the industry has come a long way on generators and I think there's still a ways to go on generators we still have to solve power which is probably the biggest problem and that's why the the

[11:33:51] follow-on motions I will ask I believe for one friendly a moment amendment and I didn't talk to you about this on the follow-on motions and this is a concern I brought up at the data center public hearing and that is the absorption of our industrial that's going to go to data centers versus our total industrial if that could just get added to whatever report comes back in 12 months just so that we can look at the absorption of our of our i5 and i6 or it actually all of our industrial might as well just make it all the industrial if the seconders and maker don't mind that I think that would be useful but I want to

[11:34:30] thank staff and and supervisor Smith I think it's we've we've got a we've done the best we can at balancing amongst all of us I'll be supporting the motion supervisor Stewart thank you mr. chairman and many things have been said that I'm very comfortable with I'm going to try to make my summary and just a minute or two I think the future is flexibility I think this gives us some flexibility also look at the past and where we've been Mount Vernon district has I think probably the largest number of I 5 I 6 and industrial properties in

[11:35:08] general not only do we have the tank farms which everybody knows about but we also have the the sewage treatment plant former landfills you name it we got it and and how those have evolved over time even in fact what you're going to be hearing more about it you've already heard about some of it which is some of those industrial properties are getting repurposed now, not only Lorton Prison that's now a beautiful liberty and community, but also the work that we've done with Fairfax Peak and maybe having other things on our landfills. Those are all the kinds of flexibility, the kinds of things that we

[11:35:43] need to be open to and consider. Those are key parts of why I support this. I think I-5 and I-6 are heavy industrial. If you give me a choice of a tank farm or a data center, I think that's a pretty easy decision for most folks. But I also recognize that it is truly the balance that everybody's talked about here. And that balance, that year-long process that we've been involved with, and it's been actually more than a year that we've been involved with this, has come about, that balance has come about by the really intensive interactions, communications we've had,

[11:36:19] not only among ourselves, the Planning Commission, all of you, and just the voluminous letters, reports, motions, et cetera, that we've gotten. And I think we've boiled that down to some key compromises, and that is the word for some of these items, absolutely.

[11:36:39] But we've also set some key requirements, which is, I think, the other part of what we've done that differentiates us with maybe surrounding districts is that we've set some standards that I think are reasonable and greater than what otherwise exists, and I think they will serve us well longer term, and

clearly the follow-on motion is a way to monitor that and ensure that we protect what we've done, but also, more importantly, look at flexibility or other changes in the future that might enhance that even more.

[11:37:09] So thank you. Thank you. Supervisor Alcorn. Thank you, Mr. Chairman. Two quick things. First of all, in the follow-on motion, item B, talking about land use environmental elements of the policy plan, lists good things, water demand, water quality, air quality, noise, and other topics.

[11:37:25] I would ask, as staff looks at this, there's one topic that was brought up tonight that hasn't been mentioned yet, or maybe in passing by Supervisor Herity, and that's power generation. We had a speaker mention small modular reactors as likely necessary for powering data centers, basically, without overburdening the grid.

[11:37:50] That is absolutely critical. We need to be out in front of that and start looking at how that might fit within our comprehensive plan framework. On the other side, there's also fusion reactors.

[11:38:05] I was at the committee for Dulles breakfast last week, and the head of Dominion's power generation development was gushing about that and basically saying he thought that we truly are only a few years from that.

[11:38:21] That offers real promise for a whole lot of clean power, and that's something I would love to see our policy plan anticipate and, frankly, to see us in Fairfax County. be be out in front uh and right there with that really uh amazing change that's that's coming um so that's on on the follow-on motion on the main motion um i disagree with my colleagues i would prefer a special exception for all data centers um but in the spirit of compromise uh

[11:38:56] and to try to protect some of the hunter mill residents that uh would be only 174 feet uh from a data center that's going into the sully district i would just like to focus on the provisions relating to previous approvals also known as applicability or grandfathering i think the planning commission got it right it is a policy decision the county attorney has affirmed that i know we've already had some discussion on that and this has been distributed to members of board but i would move to amend the main motions respect to amendment one provisions relating to

[11:39:34] previous approvals and instead update subsection 2b to include the following language data centers for all applications for rezoning and related development plans special exceptions site plans or building permits that include a data center approved before september 11th 2024 the applicant owner may continue under the previous approval. Subsequent plan and permit submissions may be accepted and new approvals may be granted, consistent with those prior approvals. Revisions to such prior approvals may be approved if they do not aggravate conflicts with this amendment,

[11:40:09] and so move. Okay, you've heard the motion and a second by Supervisor Jimenez. Now we're going to, many of us haven't even spoken on the main motion yet, but now we're going to shift to the amendment. Discussion on the amendment? Any discussion on the amendment? Supervisor Jimenez.

[11:40:32] Thank you, Mr. Chairman, and I do want to start off by thanking both everyone in the audience and all of our speakers this evening and all of the hard work that Supervisor Vice Chair Smith has done. I know the tireless work that's gone into all getting us to this point, so thank you, and thank you to Supervisor Alcorn for putting this forward. I'm seconding this motion because while I support the intent of the direction of the ordinance, there are additional steps I believe should be taken. Although this is a

county-wide ordinance, my focus is on the unique challenges Mason District residents are facing. These added measures would be critical in addressing

[11:41:10] concerns specific to our community and ensuring that future developments align with the standards we need to maintain the quality of life that our residents deserve. Thank you, Mr. Chairman. Thank you, Supervisor Jimenez. Further discussion on the amendment? Supervisor Walkinshaw.

[11:41:25] I guess I have a question on the amendment. So I'm assuming it's the amendment that you shared. So you're not making any change to subsection 1A. You're making the change, and you say update subsection 2B.

[11:41:52] Does that mean you're replacing the language that's currently in? Yes, it's a substitute motion. Okay, but only with respect to subsection 2B? If I can ask staff, is that correct? Yes, I'm sorry.

[11:42:10] I think what you're doing is just substituting the one paragraph is your motion. So, and it only relates to subsection 2B, and the rest of the motion read by Supervisor Smith would, under your motion, remain the same, with the exception of the provisions relating specifically to 2B.

[11:42:35] Ah, got it. Okay, so you are replacing all of 1A in the motion, 1A and 1B, with your language. Got it. Okay, further discussion? You know, I think I appreciate the spirit in which the amendment was offered.

[11:42:58] I just recently saw this, and I know what the intent behind it is, and I appreciate that. But I think the concern that I have is a couple-fold. One, as we had a conversation earlier with the zoning administrator, when the board adopts the zoning ordinance amendment that affects in a restrictive manner plans and applications that are in process, we either establish a delayed effective date, as we recently did with parking reimagined, or we permit them to be exempt from the new regulation.

[11:43:35] And my understanding is we do this typically, obviously, as a general sense of fairness and concern that changing the rules for a pending application could prompt unnecessary challenges to all of the new regulations that we are considering here today.

[11:43:52] And we're aware that there are four pending site plans accepted prior to July 16th, which was referenced in the original motion, that could be exempt. And this is an atypically small number, as I mentioned earlier.

[11:44:07] We don't, you know, this is a very unusual zoning ordinance amendment. Two of the pending plans, Dulles Gateway and McLaren, meet the proposed standards that are in the motion. These applicants who have process or in the process site plans meet the requirements should Supervisor Smith's original motion pass, they meet those.

[11:44:31] Two of them don't. A word of grace that was referenced by Supervisor Alcorn absolutely meets the building setback requirement under the new proposed motion that Supervisor Smith mentions, but its generators do not. It meets all the other standards that we are considering.

[11:44:51] At Starwood, the Starwood 500 meets all of the standards that are under consideration except for the distance from Metro, which is 0.6 miles versus a mile under Supervisor Smith's motion, although I would point out 0.6 miles is further than the original staff recommendation of a half a mile.

[11:45:14] So it actually meets all of those standards except for the metro one. The closest point of the building is 260 feet from residential, and the generator is 390 feet from residential.

[11:45:30] So actually in excess of what the new standards under the SC would be. And so we're not dealing here in my mind with a significant change above and beyond the criteria that's in Supervisor Smith's motion for us to go against what our precedent is in zoning ordinance amendments of this type and run the risk unnecessarily of potentially disrupting all of the other provisions that are in the zoning ordinance amendment that we are pursuing.

[11:46:05] We have seen recently that there are some people more interested in going to court than actually helping us solve these problems. And so we have to be mindful, and we've had conversations with counsel. We have to be mindful of the entire magnitude of the issues that we are discussing here.

[11:46:27] And I just don't feel like the delta between the pending site plans and the changes that are in Supervisor Smith's motion are significant enough for us to cause that type of precedential disruption in what our normal practice would be.

[11:46:44] And so for that reason, while I appreciate the amendment, I would have appreciated seeing it earlier, but while I appreciate the amendment, thankfully, we had already done a pretty clear check on the six pending plans that are in and compared them against what the recommendations are that we are hearing to move forward in the main motion.

[11:47:06] And so thankfully, we had that data already for at least this one supervisor to be able to make that decision. Any other discussion on the amendment, then we're going to go back to the main motion on the amendment. Supervisor Walkinshaw. Yeah, and look, this is obviously a difficult issue.

[11:47:26] I agree with the chairman's comments that there's not much delta between these applications that are in the process and the standards that we're about to vote on. You know, for me, and I've thought a lot about this and wrestled with this and met with a lot of the folks involved and passionate about it, But for me, it would be a very high bar to change the rules in the middle of the game, which I think is what we would be doing.

[11:47:56] And look, I don't have any sympathy for data center developers, believe me. Probably none of us do. But if we could do it with respect to data centers, we set a precedent and we could do it in other situations. Imagine for a moment a faith community that has passed the hat for a decade to raise money to try to expand their worship hall in a way that maybe reduces the setback that they have with their neighbors.

[11:48:24] And they raise money and invest money and hire architects based on the rules that exist. and they file an application and their application is accepted and they go through the process back and forth, back and forth, back and forth with our staff expending time and money and energy.

[11:48:43] And then we come along and change the rules and say, well, actually, we're going to change the zoning ordinance and worship halls have to be circular. You can't build them that way anymore. And they've got to start over. I don't think any of us would think that was fair if it was our faith community that was in that situation or any other use. And despite the fact that I have no sympathy for data center developers, I do think we've got to treat everybody fairly. And I think to change the rules in the middle of the process would not be doing that. Thank you, Supervisor Walkinshaw. And I just want to add one other thing, then I'm going to turn to Supervisor Stort, because I did forget to mention this. I began tonight's public hearing reminding people why

[11:49:23] we're here. And I want to reiterate that for a moment, because if we were to do what the substitute motion prescribes, we would in fact be saying we're writing a zoning ordinance in reaction to pending plans that are in for data centers. And I want to reiterate, I started this process by board matter. I started this process because of what was happening in Loudoun and Prince William, not because of what was happening in Fairfax County, but what was happening in Loudon and Prince William, and we wanted to get ahead of that. When we write a zoning ordinance,

[11:50:00] we shouldn't be writing a zoning ordinance based on an application. We should be writing a zoning ordinance based on what is in the best interest of the county to apply to future actions that could be taken. This is one of the reasons the zoning ordinance is a living document.

[11:50:17] This is one of the reasons the zoning ordinance is not designed to chase an individual application, And I think it would be a disservice, myself, to take this entire process that we've gone through to try to come up with the best standards we can for data centers moving forward in Fairfax County and then to try to overlay that over an instance or a plan that is pending right now is not the way we should be writing the zoning ordinance.

[11:50:48] We should be writing the zoning ordinance based on what we think is the best for the entire landscape of the county, what zoning districts matter, what the setbacks are, what all these things are that we put in place are not meant to chase an application, but are meant actually to have the purity of what we want to have in our living document that guides all future data center development.

[11:51:11] And so I just want to reiterate, because a lot of people have come up to me, as I mentioned earlier, and think this is in reaction to a case. We don't rewrite the entire zoning ordinance in Fairfax County, certainly not one of this magnitude, in reaction to a case.

[11:51:28] We do it in reaction to what's happening out there, what's happening around us, what we're seeing happening in other jurisdictions, and we try to get ahead of problems as best we can. Supervisor Stork. I literally was just going to add on to Supervisor Waukesha's comment because I have a small business hat perspective, and there's no better way to kill a small business than to change the rules.

[11:51:54] I realize this isn't what we're talking about, but precedent and process that we follow is what makes us business friendly. It's what helps us to attract people here because they understand that we're going to be consistent and hopefully flexible.

[11:52:10] I recognize in the situation that there is an impact, and whether it's as significant as the community believes, time will tell, but it's no doubt impact that's concerning to them. They absolutely understand why they're here, understand why they've spoken with us, and understand why they're wanting to see something done differently.

[11:52:30] But the differential doesn't outweigh the precedent that I think we'll be setting. So that's why I'm going to not support the substitute. Thank you. We're going to vote on the substitute, then we're going to go back to the main motion for further discussion, including for a couple of us that haven't spoken on the main motion yet.

[11:52:50] All those in favor of the amendment, say aye. Aye. All those opposed, say nay. Nay. Division, Supervisor Herity. Herity, nay. Thorpe, nay. Altrick, nay. Smith, nay. Bierman, nay.

[11:53:06] Walkinshaw, nay. Lust, nay. Humana's, aye. The chair votes nay, and the motion fails. We're back to the main motion. and I'm trying to remember who has not spoken on the main motion. I know myself has not. Has anyone else not spoken on the main motion and would like to?

[11:53:24] Okay, so let me just wrap up very briefly. I promise I won't take a lot of time here. I don't expect thank you notes from my colleagues for asking that we do this. But I will say this has been a very, very, very important exercise for us to go through.

[11:53:42] It hasn't been the most pleasant, but this is a tough, tough issue, and it's an issue that required and should have required our attention, the Planning Commission's attention, the community's attention. And I will echo something Supervisor Herity said earlier, because I think it's really important.

[11:54:00] If you go back, and I went back and watched the Planning Commission hearing, as Supervisor Walkinshaw said he did, and then we sat here for the first public hearing, and we've sat here tonight and heard from nearly 70 people again. And at the end of the day, the testimony has been very balanced.

[11:54:18] And that tells me a lot about where we are, because there are folks who want us to do nothing. There was one person who even humorously said that the data industry was lobbying to make data centers easier and faster to approve, and that's why we were doing this.

[11:54:38] I tried not to laugh out loud because what we're doing here is taking a quantum leap forward to put in place restrictions on data centers that come as close as we can to meeting the concerns that people have raised with us about data centers.

[11:54:56] Nobody in the data industry came forward and said, Chairman McKay, would you start a study to figure out how you can put more regulations on our use? Not once did that happen. And so the reason we did this is because it is in the public's interest for us to figure out how we can get ahead of a problem that exists and is quite clearly apparent in the jurisdictions around us.

[11:55:22] And so that's why we started this process, and we did it the right way. People may disagree, but we did it the right way. We went out and we did a study. We looked at best practice. We looked all over the country. Our staff analyzed this for months on end.

[11:55:37] We've had plenty of meetings for discussion. We've had multiple public hearings. We've had input from many, many stakeholders to get to this point. What I would call the way we do business in Fairfax County is to try to hear as many different viewpoints as we possibly can and come together in something that substantially moves the needle forward.

[11:56:00] I don't expect many people to leave here today feeling like they won, but Fairfax County won because we came up with a new zoning ordinance, new language that does all the things my colleagues have mentioned, a quantum leap forward, a quantum leap forward from the ordinance that this now will overtake. Specific language dealing with data centers, specific requirements on data centers, a specific analysis of existing data center uses and plans that are being processed in a study of this moving forward. And as others have mentioned, the follow-on motion and some of

[11:56:39] the other actions that will be taken to deal with data centers. And I will quote, I'm not going to name this person, it probably wouldn't be hard to figure out, but one of my colleagues in a neighboring jurisdiction who was mentioned several times here today said, Jeff, I really wish we had done what you're

doing 10 years ago before the data center boom happened in our jurisdiction because you can't go back and undo that.

[11:57:06] What we are putting in place are zoning ordinance regulations that can guide data centers, that tell the data industry, data center industry, we want data centers, but we want them in the right place, we want them under the right conditions, and we want them as best we can establish in this zoning ordinance to protect the neighboring communities around them.

[11:57:30] No zoning ordinance is perfect. There's a lot of different layers here that are put in place, but anyone who walks out of here and doesn't think this is a quantum leap forward from where we were before, I would challenge you to go back and read the language because it is a quantum leap forward and it's the way the process is meant to work and it is the way that Fairfax County comes together on a very difficult subject and is the responsible thing to do. Not do this hastily after all the horses are let out of the barn, which is what's happened around us, and then overreact and propose you're doing things that you haven't even done yet because you've damaged the community significantly already.

[11:58:08] We've seen that across the country, and we want to make sure that that's not the situation that we're in in this particular case. And so I believe that this is the right, someone used the word balance, I wouldn't even use balance because I think, if anything, this is imbalanced.

[11:58:25] And it's imbalanced in favor of protections, and it's imbalanced in favor of environmental standards that are supreme compared to most any other jurisdiction. But as some of my colleagues mentioned, it also acknowledges that this is an important industry, and it's an industry like every industry, that deserves a place in our zoning ordinance somewhere. This will become perhaps the most regulated. It was mentioned earlier. This is the most significant setback that exists anywhere else in our zoning ordinance. The zoning districts that this is allowed in by

[11:59:03] right are very small compared to the by right allowances for a lot of other uses. And so when you look at that in its totality, and you've been doing this for a while, you can see that very clearly. And so I do want to thank the staff for the work that they've done on this, because this has been literally the folks who are here in front of us, their life's work for the last year.

[11:59:28] And as I mentioned earlier, this is a living document. The board can always amend the zoning ordinance in this particular case we've gone through a comprehensive exhausting process to do that that i believe at the end of the day is fair to the people involved and sends a message that fairfax county is continuing to do what it does well which is take differing viewpoints and try to come up with a solution as best we can to resolve as many of those as we can and with that I will support the main motion and thank my colleagues as well.

[12:00:04] With that, if there's not further discussion, all those in favor of, yes. I'm sorry. I just wanted to be sure that for the record, they were absolutely clear what the board is about to vote on and whether you've now combined the follow-on motion with the substantive motion regarding the zoning order.

[12:00:23] We are going to vote on the motion and then we are going to vote on the follow-on motion separately. Thank you. And the motion as amended with the friendly amendment, I'm sorry, that's in the substitute motion, the friendly amendment, the friendly amendments in the substitute motion. So a follow on motion.

[12:00:38] And so we are voting on the main motion that Supervisor Smith made, and then we will vote on the follow on motion. All those in favor of the main motion, please say aye. Aye. Any opposed? No. Any abstentions? And that motion passes 8-2.

[12:00:56] Now, we will vote on the follow-on motion with the friendly amendment offered by Supervisor Herity that was agreed to by the maker and the seconder of the motion. All those in favor of the follow-on motion, please say aye. Aye. Any opposed?

[12:01:12] Any abstentions? And the follow-on motion is passed 10 to 0. And if there is no additional business to come before the board, that marks the conclusion of a very long board meeting that began at 9.30 this morning, and the board is adjourned.



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