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Loudoun County Board of Supervisors, Public Hearing, Wednesday, January 11, 2023

Date Wednesday, January 11, 2023
Place Board Room, First Floor, Government Center, 1 Harrison Street SE, Leesburg, Virginia
Length 5h 2m (video)

- Official meeting video (county, Granicus): <https://loudoun.granicus.com/player/clip/7161>
- Agenda (Granicus): https://loudoun.granicus.com/AgendaViewer.php?view_id=73&clip_id=7161

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Speech-to-text: whisper.cpp, model large-v3-turbo. Produced 2026-10-20. Each paragraph starts with its time [HH:MM:SS] in the meeting video.

[00:09:07] Good evening, supervisors. Good evening, staff. Good evening, Loudon. We have lots of Loudon in the room tonight. I'd like to call the January 11, 2023 Loudon County Board of Supervisors public hearing to order. This room has a hearing loop. If you need a hearing aid, please switch your, if you need hearing assistance, please switch your hearing aid to the telecom board.

[00:09:27] If you need a headset, we have those available as well. Please see the clerk to my left. As a reminder, if you are a member of the public and you want to address the board this evening, you may sign up to speak only on things, on matters that are actually on the agenda and have already been advertised for a public hearing.

[00:09:43] Due to the broadcast delay, if you are speaking and you're not in the boardroom, there will be a bit of a delay between you on the phone and you're hearing yourself in the boardroom. People who are wishing to address items number three, four, six, and eight, Those items are on the consolidated agenda.

[00:10:03] Please call the number if you're watching us, scrolling across your screen right now. If you have signed up to speak, you'll be allotted two and a half minutes, just so you know. Come to the podium closest to you, and when your time's up, we link with the podium to the next speaker. If you're speaking via WebEx, you can see the clock on your screen as you're talking.

[00:10:24] If you're speaking on the phone, you can't see the clock, and so what I'm going to ask you to do is to time yourself, Because I'm not going to stop you when you get to two minutes because it's going to throw you off. And so I will stop you at two and a half minutes, but I won't interrupt your flow before that. If you're providing your, oh, I did that, okay.

[00:10:43] When taking items for public input, I will first ask if there's anyone in the boardroom who wishes to speak. And then I will ask for anybody on the WebEx, and I'll go to the moderator. Amy, can you hear me? Madam Chair, I can hear you loud and clear.

[00:11:01] I don't think you're Amy. My name is Andy. Oh, okay, let's fix that then. Thank you, Andy. We're going to fix that.

[00:11:17] As a reminder, item one, granting of easements to Loudon Sanitation Authority, Water and Signature Authority for the Deed of Easement was advertised as deferred, and we will not hear it at this meeting. Before we do anything else, would everyone please join me in the Pledge of Allegiance?

[00:11:37] Okay, before I go through the consolidated agenda, let me say this.

[00:11:58] There are some things that we've already decided that we're going to do, to be quite honest, and I just want to walk through them for the public to know. Hold on one second. So the item on the short-term rentals, all the emails we have received have almost been about two things.

[00:12:24] They've almost all been about the five acres and the setback. It would be tough to try to, for lack of a better word, fix those things right now. There has not been anyone who I have talked to about this who've had any issues with making the fixes that are needed.

[00:12:46] But to do it from the day it's in public hearing would be really, really hard. And so when we get to that item, the motion will be to send that to TLUC for one meeting and then get it back here for the March meeting. If that's okay with the TLUC chair, Mr. Turner.

[00:13:04] Okay. You can feel free to stay and speak right now. Absolutely. But the item will not be, barring something strange happening, the item will not be voted on tonight because it will go to TLUC. It's just easier to do it and do it correctly in TLUC than to try to do it from the dais right now. But you can still feel free to stay and speak. I've also kind of moved the items around a little bit so you're not here so some people are not here all night long um there will

[00:13:38] also be some discussions on red hill on a motion that i have i would make that announcement on the on the motion when we get to that item and the last thing before the consolidated agenda supervisors when we did our rules of order we neglected to discuss um times for the public hearing so we're not going to do anything right now but i do want you all to be thinking about do you want to move the public hearing up an hour to five it would be oh y'all like this oftentimes

[00:14:12] oftentimes because a public hearing is for the public the public doesn't often get off until five and so to move it up means people can't come however i could also always adjust the agenda so that so that items that are heavy public comment will be heard after six o'clock i can definitely do that and we may still be able to get out of here a little bit earlier so I'll send out kind of a straw poll or something later on before the next meeting to see if we want to have any any meeting changes change of time for the public hearing time but we won't describe do that

[00:14:51] tonight but I'm just a heads up that that's coming is your light on for a reason sir may you have a point of clarification on something yeah madam chair just want to point out to our citizens TLUC is a transportation and land use committee we do not have a January meeting we we'll have a February meeting. That's the third week in February.

[00:15:06] Yeah, it'll be well advertised. Thank you. All right. The board will hear the following items as a consolidated hearing. As a reminder, those items are being consolidated because there are no outstanding issues. Staff has recommended approval. The applicant has waived their presentation time. And no public speaker is registered in advance to speak.

[00:15:24] Those items are, number three, the review and renewal modification or termination of the Lockett's Agricultural and Forestry District. Item number four, renewal and renewal modification of the Oatlands Agricultural and Forester District.

[00:15:40] Number six, special exception is the Poland Road Data Center Yard Expansion. And number eight, SPMI 2022-0004 Route 7 Brewing Company. Are there any members of the public in this boardroom right now who wish to speak on any of those issues?

[00:15:57] Andy, do you have anybody on the WebEx who wish to speak on any of those issues? No, Madam Chair. Thank you very much. Okay, seeing none, we're going to close the consolidated hearing and go to motions. The first motion is in the Catoctin District, Mr. Kirshner. Thank you, Madam Chair.

[00:16:13] On item number three, I move the Board of Supervisors approve motion 2B for the renewal of the AFD as provided in the January 11, 2023 public hearing item number three, staff report. Motion's been made and seconded at discussion on the motion. Seeing none, all in favor, please say aye.

[00:16:33] Opposed? That motion will pass 801. Mr. Turner has just left a taus. He didn't want to vote on that. Number four is also in the Catoctin District, Mr. Kirshner. Thank you, Madam Chair. On item number four, I move the Board of Supervisors approve motion 2B for the renewal of the AFD as provided in the January 11, 2023 public hearing.

[00:16:53] Item number four, staff report. Motion is made second by Mr. Buffington. Discussion on that item? Seeing none, all in favor say aye. Opposed? That motion will also pass 801. Number four is in the Dulles District, Mr. Letourneau. I move the Board of Supervisors approve motion 2B.

[00:17:11] for the approval of the special exception as provided in the January 11, 2023, Public Hearing Item 6, Staff Report. That motion has been made and seconded by Supervisor Umstead. That motion that, by the way, I'm sorry, I should have said it, is the Poland Road Data Center Yard Expansion. Discussion on that motion, Mr. DeTerno?

[00:17:28] No discussion. No discussion. Anybody else? All on the paper, please say aye. Any opposed? That motion will pass 9-0. Welcome back, Mr. Turner. On number seven, the brewing company, seven brewing companies in the Algonquian District, Miss, number eight, rather, Miss Bricksman.

[00:17:50] Thank you, Madam Chair. I move the Board of Supervisors approve Motion 2B for the approval of the minor special exception as provided in the January 11, 2023 public hearing item number eight, staff report. Motion is made second that Mr. Bufferton got there first.

[00:18:07] Thank you, Mr. Bufferton. Question on the motion. Thank you, Madam Chair. I would like to just say a few words. I appreciate my colleagues supporting this, approving this tonight. So we'll save

ourselves a little bit of time by not having it go to a board meeting. And I am super excited.

[00:18:23] This will be the first microbrew in Algonquian District. So that's awesome. I'm very excited. It's a 4,700-square-foot facility, and this allows them just to do, like, minor manufacturing, basically make beer. And even more exciting is that Route 7 Brewery is a woman and minority-owned business and will be operated by a Loudoun County resident.

[00:18:47] And, you know, I'm just very excited that we're expanding our economic diversity, especially in the Algonquian District. One thing I will say, just to put on the record, that we are growing there. It's around Lexington 7 area and Smith Circle, and there's businesses opening up there.

[00:19:05] And businesses, of course, want folks driving down Route 7 to know they're there. And so we have a lot of the, and I don't, I call them the wavy flag signs, which I'm not sure even permitted under our zoning. And also some sort of homemade built signs that you see on the hill when you're driving toward Leesburg on Route 7.

[00:19:25] And so I really would love if the businesses, and I'll get with the businesses as well, but I want them to come in with a request for a special exception to do like a unified sign for them in that area on Route 7. So otherwise, I'm super excited.

[00:19:40] They promised they're going to have sour beers. So I can't wait for the ribbon cutting. Thank you, Madam Chair. Okay, so I'm not sure what to say about like a supervisor like, yay, beer. Yay, sour beer.

[00:19:56] I like beer. Miss, oh, God, Miss Bixman, that is so good to be in a campaign. Miss Bixman, why wouldn't you encourage people to go down, to come off of Route 7 and go down River Point, which goes all the way through to Loudoun County Parkway instead of going down Route 7?

[00:20:13] Why wouldn't that be a more logical route to take? If you're going west on Route 7, there's... Yeah, no, you can. You can't turn right anymore, remember, at Blue, not Blue Mall. No, you can get off on Ashburn Village Boulevard, go down, and then River Point runs all the way to from.

[00:20:31] Riverside Drive. Riverside Drive. Well, Riverside Drive goes all the way from Lansdowne Boulevard all the way to the Parkway, Loudoun County Parkway. It goes right past that to Route 7. I frankly don't care how people drive there. But my point is when people are going down Route 7, they can't necessarily see, either way on Route 7, they can't necessarily see that.

[00:20:52] The same thing with Cascades Marketplace. They can't really see that there's businesses, restaurants, retail in there because there's a hill. And so the businesses are trying to put signage. You may want to talk to BDOT because BDOT might feel like that signage is right there. It may not be safe.

[00:21:08] We'll go through the process. Thank you, Madam Chair. Thank you. All right. Anybody else? All in favor, please say aye. Any opposed? That motion will pass 9-0. We're going to do item number two first because I don't think it's going to take that long to do. and that is the proposed amendment to the Chapter 201, the codified, which is allowed in County.

[00:21:26] The voting, precincts, and polling place of supervisors, this was on the consolidated agenda. It was pulled off the consolidated agenda because there were some changes made. The changes made had not been seen by the public, and so that's why it had to come off. I think as they come to the table, they can just detail the changes that were made because otherwise it was all in our package already.

[00:21:48] Good evening. And Mr. Keech and Ms. Brown, where are they? Are they in the room? Oh, there you are. Where's Ms. Keech? Mr. Keech, where are you at? You want to come down? I know I didn't see Ricky Keech down here. All right, we're ready when you are.

[00:22:06] Good afternoon, Madam Chair and board members. So since we sent out the packet with the supplemental changes that we discovered in the ordinance, we came across yesterday a few others.

[00:22:24] What we did is we looked at the number of registered voters in the precincts as the lines were drawn, And we came across the Eagle Ridge Precinct, exceeded the statutory limit of 5,000 registered voters when you create or redraw the boundary lines for a precinct.

[00:22:45] So we went back into the ordinance and were able to follow Clayburn Parkway and then north on Waxpool Road and slide those people in that area into the hillside precinct, precinct 615.

[00:23:01] Is this the Aspirin District, Mr. Turner? Broadbride District, okay, all right. And so, of course, a majority of those people already in that particular area had voted in the past at Hillside, in the Hillside Precinct.

[00:23:18] So we did that and then did a population comparison again, and we were able to then lower the number of registered voters to, we had, it had been at 58, 69. and we were able to lower it to 4-2-2-5 and then Hillside went from 25-14 up to 4-1-58.

[00:23:41] So we were taking lots of parts. Can you do those one more time for me? Do you mind? What do you want me to? The numbers one more time if you're on. Okay, so it went from 58-69 for Eagle Ridge to 4-2-2-5 and then Hillside went from 25-14 to 4-1-58 when we made the precinct boundary adjustment.

[00:24:04] So we did that, and then also it was brought to our attention that several of our maps had a couple of errors on the labeling. So we fixed Mill Run Precinct in the Broad Run District to reflect the proper voting location of Mill Run Elementary School and the address on that.

[00:24:25] We then had to misspelled Stewart W. Weller Elementary School on the map labeling and then in some of the boundary descriptions I wrote the boundary descriptions and I indicated that we were following the eastbound lane of the Dulles Greenway because that is where it appeared that the state line ran in it just when they were mapped the mapping I think was just not as precise to put it on the eastbound lane and that was brought to our

[00:24:58] attention so we just updated the maps to clearly reflect that it's on the eastbound lane that's it yes ma'am good okay supervisors if you have questions please put your light on mr eternal yeah i'm going to ask a question that's actually not in my district so i hope you don't mind supervisor bufferton was there any thought to utilizing the new elaine thompson elementary school for the john champ precinct instead of john champ only because i never really like it when a entire precinct exists and the voting location is kind of nowhere near where the precinct is

[00:25:35] and it's true in that case too but elaine thompson could be closer and not having to cross 50 for those residents compared to john champ i'm just asking if that was a consideration i did notice that school in the area um and so john champ technically was divided up um and parts of it went to are in four different precincts now due to the size of the piece of john champ that is closest to that elementary school is actually in a different house of delegate district from the

[00:26:11] other john champ where we're going to keep them at gotcha so that would be why yes sir okay thank you very much miss glass thank you madam chair um i received a uh constituent question about why there must be two precincts vote at the Ashburn Elementary.

[00:26:30] There's the Russell Branch and Ashbrook precincts. Is the size of each precinct large enough or large enough that they cannot be combined into one precinct? Let me just double check.

[00:26:50] So Russell Branch is at 2651. Ashbrook is at 1736. So the population, I believe we could potentially consider putting the two of them together.

[00:27:06] Okay. Okay. So my mathematician over here indicates that it brings the total up to 4,307. And so, again, technically, we like to keep the precincts a little bit smaller than that.

[00:27:24] Now, I know that we have a lot of them that are at the 4,000, but we're kind of at this point, We started doing the precinct changes after the November election, so we've tried to do a whole lot in a little bit of time, and so we weren't able to really devote lots of time to splitting large precincts at this point, and we're run out of voting locations.

[00:27:49] I think that as we move forward and get more data on early voting trends, it might be something that we might consider. Okay. I have one more question. So could the area that contains the Regency at Belmont Chase, which is the 55-plus community, be moved from the Marblehead Precinct to the Ashbrook Precinct?

[00:28:15] That area, it's bounded by Claiborne Parkway, Route 7, and Ashburn Village Boulevard, and Russell Branch Parkway. Because this plan, the community has to pass, I guess it's three precincts, so it's like three and a half miles.

[00:28:34] away where they would go to Ashburn Senior Center and it's a 10 minute drive so I'd like to know if that area could be moved and they could they vote at Ashburn Elementary we can certainly take a look at it and see what the population of that particular area is to determine if it's something that is It's feasible, because if we take a whole lot of people out of Marblehead, that might cause some issues.

[00:29:11] Okay, okay. Just asking. Thank you. But we will take a look at it. Thank you. My only question is this. Our meeting on the 17th is just a packed meeting with one now, possibly two, closed sessions. If we move this item to the meeting on January 7th, I'm sorry, March 7th, is that too late by Attorney General's standards?

[00:29:38] We need to do it on the 17th. It would be my preference that we do our due diligence to keep it on the 17th, if at all possible, because one of the issues that we're finding is that until we update the voter records with election districts we don't have the ability to check candidate petitions neither do either of the parties if they're holding a June primary is there any would anyone have any heart they can suspend in the rules

[00:30:13] and doing it tonight I plan on make that motion we would have a motion madam chair you still need to do the okay adjustments that are necessary and at this point in the day we'd like to we'd like to try our best to come to the 17th, so it is not ready for action.

[00:30:31] Sounds like the 17th has to be the date. Okay. I move that the Board of Supervisors forward amendments. Oh, I'm sorry. Does anyone want to speak on this item? No? No, you're good? Okay. I move the Board of Supervisors forward amendments to Chapter 209 of the Codified Windsor-Lowden County

voting, pretends, and polling places to the January 17, 2023 Board of Supervisors business meeting for action.

[00:30:55] Motions made second by Supervisor Sains. My only discussion is you all are doing an amazing job to have to have to deal with not only the new precincts that were drawn by the board but the new districts drawn by drawn for state senators and state delegates and to make all those precincts mesh is a very very heavy lift and a very hard task I will tell you all you all have done a great job all year long just period I have been so pleased and so thankful that you have been the two people who have been over our department

[00:31:31] of elections, doing a tough time, but to go through all that you've gone through and have to do this is also really, really hard. I think it's important to have the right number of people in voting precincts, because although it may look nice to see long lines, we may think, oh, that's how democracy works, really long lines of the voting precinct is a type of voter suppression, because now that everyone can stay in that line and vote, people got to get home, they have kids, all kind of things.

[00:32:00] And so the fact that you're trying to even these out and put a fairly even number at every precinct is important. So thank you. Mr. Turner. Thank you, Madam Chair. I just want to echo that. When you're campaigning and you're out knocking on doors, the sheer enormity of what our elections department has accomplished and what they accomplish all the time, but every 10 years after the census, it's just staggering, the complexity of this project.

[00:32:26] So I commend you all. You're doing just phenomenal work. I really appreciate it, and we all do. So thank you very much. Ms. Glass. Thank you, Madam Chair. And I also like to echo that as well. And I know that the special elections last year put some challenging aspects into the timeline.

[00:32:44] And I also appreciate you all. I'm looking at the requests I had for the Regency, and I understand if it cannot be accommodated. Thank you for your work. Ms. Bricksman. Thank you, Madam Chair. I just wanted to take this opportunity, Ms. Brown and Mr. Keech, to thank you for everything that you do for this county to ensure that we have secure, safe, and free and fair elections in Loudoun County.

[00:33:12] I appreciate you. I think that you guys do a phenomenal job. You are regionally recognized for the work that you do, and you should be very, very proud, and we are very, very proud of you. And I just wanted to take the opportunity to say that because you're not often here with us.

[00:33:31] And so, again, thank you, thank you, thank you from me and from all the residents of Loudoun County for all the work you do. Motion made by Chair Randall, seconded by Vice Chair Sainz. Move this to the January 17th board meeting. All in favor, please say aye. Any opposed? That motion will pass 9-0.

[00:33:46] Thank you very much. Supervisors, we're going to move to the Red Hill item. Staff, please come to the table. Mr. Rogers. So, I asked the staff to write up a motion, and they did.

[00:34:09] That was for me on this item, and I'm asking this because I need to ask it before we get into the item, to write up a motion that reads, and I'm not making a motion right now, that the community has moved from the RPA to the TPA, and I further move that there is no increase in density.

[00:34:34] There's no increase in density. So that motion is not the motion in our package. When we move this to another meeting, which is the motion in our package, can we move, can we be specific in how we move it?

[00:34:54] Can I move, can I move that motion to be the motion that we move forward? Yeah, that's my question. Yes, Madam Chair. The motion in the package is to move to a future meeting. You could indicate that that's the motion, one of the motions you'd like for consideration at that time.

[00:35:09] Because that, I only ask, because that motion's not in here for consideration. I mean, a flat out no is in here for consideration, or a flat out yes. but a yes to the moving from the RPA to the TPA and a no to increase in density is not in the package. So I like to, okay, when we get there, then I will do that.

[00:35:27] So then we have that option at that time. All right. Good evening, everyone. You guys getting ready? Okay. By the way, we do have a supplemental on this item, supervisors.

[00:35:44] No, we don't. No, we don't. We have a presentation. So good evening. I'm Pat Gillio, Project Manager for CPAM 2020-002, Red Hill Community. The CPAM was first initiated by the board back on December 1st, 2020, following the approval of CPAM 2020-001, Public Facilities in the Rural Policy Area, which also established a middle school site on the county-owned property within the Red Hill Community.

[00:36:15] The board, during its deliberations in 2020, recognized the unique geographic location. Where the middle school site is, would you? It'll be on the next slide. Recognize the unique geographic location, the presence of central utilities surrounding the Red Hill community initiated the CPAM to consider moving the Red Hill community from the RPA to the TPA.

[00:36:37] The board, at their May 17th, 2020 business meeting, approved a work plan to complete the CPAM in an 11-month period and designate the Red Hill community as the transition large lot neighborhood place type with a density of one dwelling unit per three acres. Public outreach meetings were held in July and September, and the Planning Commission held a public hearing on October 25, 2022.

[00:36:59] Five members of the public spoke, all of whom were residents of the Red Hill community and advocated for increased residential densities and designation of the area as the transition small lot neighborhood place type. However, the Commission, during their deliberations, discussed the existing and surrounding development pattern and the appropriateness of moving the Red Hill community into the TPA and designating it as the transition at large lot neighborhood place type.

[00:37:25] The commission forwarded the item to the board with a recommendation of approval. The commission also approved an additional motion recommending that the board develop a scope of work and time frame for the evaluation of the phase two area of the TPA to consider the areas within the upper broad run and Red Hill TPA subareas appropriate for higher density residential development.

[00:37:46] So for background, the Red Hill community is located on the far eastern boundary of the RPA and is bound on the northwest by Green Mill Preserve and on the east by Evergreen Mills Road. The Red Hill community is comprised of 41 parcels totaling 424 acres.

[00:38:07] Approximately 173 acres or 40% of the total area within the Red Hill community is owned by the county and is currently being developed with a middle school site. The boundaries of the county-owned property are outlined in purple on the screen. All the properties within the Red Hill community are zoned Agricultural Rule 3, which allows for a variety of rural economy and agricultural uses, along with by-right residential development at a density of one dwelling unit per three acres.

[00:38:34] All the properties surrounding the Red Hill community are currently served by central utilities provided by Loudon Water, including Green Mill Preserve, which is located within the RPA. Moving the

Red Hill community into the TPA will allow for the future extension of central utilities to serve the area as properties are developed in conformance with the policies of the 2019 general plan.

[00:38:55] So simply, the CPAM proposes changes to the policy and plan land use designation for the area that moves the Red Hill community from the RPA to the TPA, designates the Red Hill community as a new TPA subarea, and changes the community's designation from the rural place type, rural north place type, to the transition large lot neighborhood place type.

[00:39:19] The transition large lot neighborhood place type, depicted in pale yellow on the proposed place type map on the right, is the predominant place type within the TPA and forms the edge along the majority of the RPA. The place type is characterized by clustered residential development with a minimum of 50% of the development area in open space.

[00:39:42] The proposed creation of the Red Hill TPA subarea in designation as the transition large lot neighborhood place type with a planned residential density of one dwelling unit per three acres recognizes the existing underlying A3 zoning of all properties within the Red Hill community and will result in no net increase in potential residential density for the area.

[00:40:04] So with that, that concludes my presentation. Staff supports board approval of the CPAM. Thank you, sir. Thank you very much. Supervisors, questions for staff. Please turn your lights on. Mr. Turner. Thank you, Madam Chair. I see there's a depiction in here of the runways at Dulles.

[00:40:25] I don't suppose you have a picture of the overlay and how the overlay fits to this property. you? So these are located outside of those noise contours. The furthest one, outside the one mile buffer? That's correct. On the current overlay? That's correct. Okay, thank you. Ms. Bricksman?

[00:40:44] Thank you, Madam Chair. Could you put just like one of the maps up? Actually, the one that shows Green Mill Preserve? Oh, it was working a second ago. There it goes. There you go. Was this cluster development right here, do you know? That actually predates. Board approval. It's a very early rezoning and so that it is a village concept which we had a pdrv village

[00:41:19] concept and so that's why it is very unique and it predates our previous revised general plan and we no longer have those provisions in the rural policy area for that type of development okay and um let me see if i understand what what you said correctly doing this cpam does not change the underlying zoning ordinance so that if it is one home per three acres, that is the same as the zoning that it is right now, even though it's in rural policy area?

[00:41:54] That is correct. Okay. So there will be no increased density? That is correct. Okay. Thank you. That is exactly what I want to put in the motion. So although that is correct, I want it in the motion.

[00:42:11] And so that's why I want that to be included in the motion that we send on to the next meeting, because it's really important that we can say one thing, but something else to put that in the motion, that there will be no increase of density and no zoning changes. And so what is there now, if this is to happen, will be there then.

[00:42:32] Okay. All right. Thank you. All right. We have seven speakers on this item. It is my practice every time to give a professional courtesy to other elected officials in the room and call on them first.

[00:42:50] So I'm going to do that right now. So my first speaker for the evening will be Mayor Kelly Burke, followed by Mayor Bridge Littleton, followed by Mayor Scott Ramsey, followed by Mayor Chris Hornbaker.

Good evening, Mayor Burke. Good evening.

[00:43:07] Good evening, Chair Randall and board members. Thank you very much for allowing me to come forward. I am Kelly Burke, and I'm the mayor of the town of Leesburg, and I'm here today with my fellow colleagues from the Coalition of Loudoun Towns. We're here today with concerns about the Red Hill Development CPAM. While we know and support the addition of the school site to the TPA, we are concerned about the additional acreage of this site being moved out of the rural policy area into the transition policy area.

[00:43:34] I know that each of you remember that during the comp plan discussion, Colt's concerns about reducing the rural policy area and the implication of doing so was discussed at length. During those discussions, there were statements of support from board members not to move any additional land out of the rural policy area.

[00:43:52] Now you are considering doing just that. This is a nibbling away of this very important policy area that tries to preserve the rural component to the county. If you approve this change, you are making a precedence that will be hard to discount in other areas of the county, and that's a real concern.

[00:44:09] The rural policy area is important, and we want to make sure that it's preserved. This change that you're considering might have implications for policy areas around other locations, like Leesburg. This change may make it harder to say no to these other areas in the county.

[00:44:25] So please take our concerns seriously. We know that each of you value the rural policy area. You understand the importance of it and don't want to do it any harm. But if we keep nibbling around the edges and pulling more acres out of the rural policy area, There will be no edges to nibble.

[00:44:41] We can't afford to lose the uniqueness of our western area. Thank you all very much for all of your hard work and your dedication to the people of Loudoun County. And thank you for listening to me tonight. Thank you, Mayor Burke. Mayor Littleton, you will be followed by Mayor Ramsey and Mayor Hornbaker.

[00:44:58] Good evening. Good evening. Happy New Year. Happy New Year. Madam Chair, members of the board, again, as always, thank you for allowing us the time to speak to you this evening on the Red Hill issue. This is actually the second time Colt is appearing before the board on these properties and questions and around this issue.

[00:45:15] The first time, back on November 12, 2020, the Coalition of Loudoun Town sent a letter to the board and spoke at the public hearing on CPAM 2020-001. In that letter, we raised our objections to the breaching of the long-standing county policy against extending county utilities into the rural policy area, something that is actually fundamental and defining to what the rural policy area is.

[00:45:40] At that time, the comprehensive plan was not even yet a year old when this precedent-setting change was being considered. It was expressed to Colt by the board that the choice between moving the border of the TPA to incorporate the school or allowing the extension of utilities for the public buildings into the RPA for those hookups was what was at issue, but that both happening was not on the table.

[00:46:09] The county approved the CPAM to extend utilities into the rural policy area, and a new precedent was formed. Unfortunately, we have returned a little over two years later to now oppose the next breaching of a longstanding tradition of protecting the RPA.

[00:46:27] While we understand the public policy needs to have adequate school facilities for our students, We do not understand the need to move the border given the prior CPAM extending utilities as needed, nor the breaching of this tradition for residential land. These policy areas were defined with great care by the Stakeholders Committee, with input from untold thousands of Loudoners on what was what we wanted to see for the next 20 years.

[00:46:55] And those desires, hopes, and ambitions should be given due deference. To quote a supervisor from November of 2020, the ink is not even dry on the comprehensive plan, and we're already making fundamental changes.

[00:47:11] We urge the board to disapprove moving the TPA-RPA border, especially for the residential lots in question. Again, as always, thank you all so much for considering our input, and we really appreciate the partnership we have with you. Thank you. Thank you, sir. Good evening, Mayor.

[00:47:29] Greetings, Chair and Supervisors. I'm here both on behalf of Colt as well as the town of Roundhill. Over two years ago, Colt opposed the new board policy of extending utilities into the RPA for adjoining public uses instead of, as Bridge mentioned, just adjusting the TPA boundary, and we are now opposed to this CPAM.

[00:47:47] MS-14 is a necessary facility. We support it, but its site, once determined during your real estate negotiations, could have been added to the TPA years ago. It would have been a non-controversial CPAM, which we could have supported. But instead, you instead chose to extend utilities into the RPA for public facilities without engaging in case-by-case CPAMs.

[00:48:06] But because of this particularly bad policy that we disagree with, the CPAM before you today is not necessary for MS-14. If your staff report presents it as a school-related application with no change in density, instead of making clear the true change that would occur if you passed this amendment, the real effect is to extend utilities into Q1, and the only significant outcome would be to enable rezonings within Q1 for high-density residential.

[00:48:30] All other changes are trivial compared to that outcome which you are enabling. Otherwise, you have no reason to process this amendment. Even more concerning is what this board has done with the precedent on Q1. You've created an incentive now for county staff to seek cheaper RPA land for future public facility needs, and you've created an incentive for yourselves to use the offer of extending potential utilities to adjoining rural parcels to help negotiate, behind closed doors, the best possible real estate deals for those facilities.

[00:48:59] Please do not view the TPA boundary as just a description of where utilities currently happen to exist. It should be a strong statement of future board policy. So, if your intention is still to approve this particular CPAM, please view Q1 as a one-time fix of a unique historical hole in the central system map and not a playbook that can be run again and again and again to further erode the RPA under the guise of obtaining public facilities at the lowest possible cost.

[00:49:30] Favor future public facilities on sites already served by the central system or that can be served by a municipal system. And definitely do not favor sites that will get bundled with adjoining residential land, enabling it for future residential rezonings. Please do not go back to this playbook.

[00:49:46] Thank you very much for your time and service. I appreciate everything you do for the county. Thank you, Mayor Ramsey. Good evening. Good evening. I'm here. My name is Chris Hornbaker. I'm here

both as the newest member of Colt as well as an 11-day-old mayor of the town of Lovettsville.

[00:50:06] So I appreciate it. There's a, stop his clock. There is a tradition that the newest member of Colt has to wash the chair of the board's car. Are you aware of that?

[00:50:23] I thought the tradition also meant that the... No, that's the tradition. I checked it out. As long as the newest member of Colt has to invite the chair to the next karaoke in Lovitzville and I get to choose. Listen, I'll take that deal.

[00:50:41] No, no, no. I will take that deal. You're all invited. You've never heard me sing, so you don't know what you're doing right now. So I'll take that deal. All right, thank you, sir. And member of Brisbane, I will say that the town of Lovitzville loves our beer as well. Start us clock again. Thanks, Chris. I won't take up too much of your time, but I did, as a four-day-old member, did see this coming before the board and did raise concerns.

[00:51:10] As a member of a much smaller jurisdiction of both the Planning Commission and the Town Council for the last six years, I see something as what is the current need, what is the future need, and what is this action doing to both? I'm a realist or a pessimist at heart, and I see that the fact that I do appreciate that the proposed motion would commit to having no increase in density.

[00:51:42] However, that does not hold future boards to that commitment and changing it, changing especially the residential from what is the most, I'm sorry, the least restrictive in density from the rural policy perspective and having it from some of the most restrictive in the transition policy sets up a rezoning that would allow for existing residential in this space.

[00:52:16] I would not like to see, and again, would not like to see as the precedent, other areas in the county, including us up north. So thank you very much. Thank you, sir. Thank you very much. Our next speakers are William Steedley, followed by Suzanne Steedley, followed by Mr. R.E. Spencer.

[00:52:37] Good evening, sir. Good evening. Thank you. My name is William Steedley, and I'm a 20-year resident of Red Hill. My neighbors and I recommend that Red Hill neighborhood's housing density be increased as part of this CPAM to support Loudoun's housing need commensurate with the intensive three-school complex now being imposed upon our neighborhood.

[00:52:56] Ground has been broken. I have submitted copies of our signed letter to this effect, and now that the schools occupy about 40% of Red Hill, our properties account for most of the remainder. While we appreciate this CPAM provides for central utilities, increased density is also necessary for our Red Hill community to make use of them.

[00:53:13] otherwise they are unaffordable. Increased density is consistent with our previous input over the years, and the chart we have submitted is thus only an update that documents factors such as eastern access to the new Metro Silver Line and other points east through Ryan Road, which continues to be widened, as well as the fact that we're surrounded by central utilities. With the schools now under construction, the appropriateness of increased density for the remainder of Red Hill is clear. I say for the remainder because the three-school complex will mean a daily population increase to Red Hill of over 5,000 students. Now that, dear supervisors, is increased density.

[00:53:50] It's common sense that many of those 5,000 students should be able to live within walking distance of their schools in the remainder of a Red Hill neighborhood with increased housing density.

Please consider Loudoun's need for more housing. Families are being priced out of Loudoun. Increased density in Red Hill presents an opportunity for additional housing in a particularly appropriate location given the three schools in the neighborhood. Every little bit helps. With regard to the mayor's input and all and with all due respect none live in Red Hill or anywhere close to Red Hill nor have any constituents in Red Hill. They don't live in the shadow of what

[00:54:27] will be the shadow of these schools during the daytime and they don't live within the lighting beams of what these schools will represent in the nighttime. Stakeholders and the comment about the stakeholders committee is, I believe, inaccurate. The stakeholders committee recommended that Red Hill as Q1 have increased density, even though that's not how the board acted. With regard to the staff's report that the properties adjacent to the east of the schools is 10-acre zoning, while that may be true, those properties have been converted to the comprehensive plan designation of small lot with up to four acres, and that's how it's being applied for and being developed. So we would like the same adjacent development in our community. We're merely

[00:55:07] asking for the same. Thank you very much for your time. Please pardon me leaving shortly. I mean no disrespect. We have a midweek service to attend. I understand. Suzanne Steedley, you will be followed by M. R. Spencer. Good evening, Ms. Steedley. Hi, my name is Suzanne Steedley. In regards to the CPAM, I would like to speak about density for the Red Hill neighborhood. I would like the CPAM to include increased density. There is such a lack of housing in Loudoun County right now, and this neighborhood is one example of where more housing could be built for those who can't find any. The lack of affordable housing is taking a toll on families, my family being a prime example. My oldest son and

[00:55:43] his wife had to buy a townhome in Winchester even though he works in Fairfax because they could not afford housing in Loudoun County. They had to shift their household even though their families and activities are here still in Loudoun County. My oldest daughter's family with our five grandchildren had to move over an hour away to Martinsburg, West Virginia to be able to afford a single-family house. And it's not just us. We also have friends who are in the same situation with their children moving out of Loudoun County because they can't afford it. And now they themselves are considering moving westward in order to be closer to them. The lack of housing is literally uprooting longtime Loudoun County residents, which is a shame. The Red Hill neighborhood is a perfect location to provide additional homes. Rewriting the CPAM to include

[00:56:22] higher density would not only provide more housing, but it would also be consistent with the intense public school development that is being built in our Red Hill neighborhood. High-density housing is what is typically around public schools in Loudoun County. As we see with the five existing schools that are all within three miles of our home in the Red Hill neighborhood, what surrounds them?

[00:56:41] High-density. So our neighborhood should be the same. And as you might imagine, if anything, our neighborhood should offer more housing than these other communities because nearly half of my neighborhood is going to be occupied by the largest school complex in Loudoun County. Three schools all on one campus, including a parking garage and a 6,000-seat stadium that is going to bring the most intensive use of land to my doorstep.

[00:57:04] Increased density only makes sense for the CPAM for the Red Hill Road neighborhood. The last thing I would like to mention, as the blasting from the three-school megaplex has already begun in Red Hill, is our concern for our wells. I appreciate that some of our wells are being monitored for any adverse

effects from blasting, but what will be done five years from now if the watering of the school's ball fields using well water causes our wells to go dry great that we are now a transition policy that we can have public water and sewer but what good does that do for us individual homeowners we cannot afford to have this infrastructure brought to our homes that is what developers of high density

[00:57:41] communities do and can afford this is yet another reason why the red hill neighborhood should be higher density to go along with the intense use of the 170-ish acres for the school megaplex thank you. Thank you. And our last speaker is Mr. M.R.M.E. No, let's do that again. Mr. R.E. Spencer. Good evening, sir. Thank you, Madam Chairwoman. I appreciate the opportunity to speak and excuse the mask. My mother's in nursing facilities, so I have to be careful about respiratory conditions.

[00:58:15] Once more, I'd like to join the voices of my neighbors, the Steedleys, along with the Dailies, and Wynn families who have already submitted our letter in writing advocating for increased density for the Red Hill neighborhood. As owners of, since 1975, one of the largest parcels on Red Hill Road, the addition of the large-scale public school complex literally across the street from our property, it's approximately the distance between you and me right now, Madam Chairwoman, It clearly signals the need for higher density commensurate with the scale of a 5,000 student school project.

[00:58:54] As already the Arcola Farms neighborhood directly across from Red Hill and Ryan Hill Roads, the Ryan Hill Road and Red Hill intersection from our property has been designated as Transition Small Lot Neighborhood. It's on this map right here. You can see the brown section that's indicated as Arcola Farms.

[00:59:13] It is patently evident that the county's vision for the development pattern of this entire neighborhood, which ours is just kitty-corner to the northwest, should be for increased density. While we are very grateful for the recommended change for the Red Hill community from the RPA to the TPA in the CPAM, the single-dwelling unit per three-acre designation simply cannot support affordable access to the water and sewer infrastructure that the TPA will provide.

[00:59:41] Furthermore, the appeals by some of the mayors of communities far, far further to the north and west of our Red Hill community appear to misleadingly and oversimplify the deliberative process the commission and board have undertaken for the appropriate development of the Red Hill community, given its location on the very edge between east and west Loudoun.

[01:00:00] A prior CPAM recommendation of higher density, recommended higher density, and we feel the board should more immediately revisit that recommendation. Thank you very much for the opportunity to speak. Thank you, Mr. Spencer. I appreciate that. All right. Seeing no other speakers.

[01:00:18] Madam Chair, there's one speaker on the line. Oh, okay. He's on my list. What's his name? Mark Wynn. He's a remote speaker. Okay. There he is. All right. He's on my list. Mr. Wynn, can you hear us? I can. Yes, I can. We're ready for you, sir. We're ready for you, sir.

[01:00:38] Yes, ma'am. First, I want to thank the board for bringing CPAM to this point. With especially reference to the Red Hill Road area, it always has been about keeping the current density to this area.

[01:00:58] The parcel that was purchased by the county, the biggest part of the hole in the donut, if it was developed PR3 or three-acre zoning, it would have been 58 homes, approximately 300 people.

[01:01:16] But with the schools at the middle school estimated 1,600, high school 2,100, elementary 1,100, just under 5,000, we know how good the school board is on an estimate. Virtually 5,000 versus 300, where's the density there?

[01:01:38] If the county truly wants to continue growing and preserve the nature of the West and meet the needs of the growth, They have to truly do some smart growth.

[01:01:57] Population in 2010, 300,000 approximately. Population in 2020, approximately 450. The growth is coming, no matter what the previous board, present board, or the future board wants.

[01:02:20] The question is, will it continue to be hodgepodge, or will it truly be a comprehensive plan? If a certain amount of land was targeted every 10 to 20 years for development, developers could submit futuristic plans that would best meet the growth.

[01:02:39] And the county staff would have the appropriate time to work on it, and the residents would have the appropriate time to prepare for it. As somebody that's been working and trying to make sense of this growth over 20 years, something has to change.

[01:03:02] With everything that the mayors have done today, I hope that I heard in your speech, Madam Chair, that this is going to continue to another session. Mr. Nguyen, thank you, sir. Your time is up. Thank you. All right.

[01:03:19] This is Mr. Buffington's district. Mr. Buffington, we can do this one of two ways. Well, first of all, we will go around and we'll do a round of questions for staff. But when you get to the motion, we can do this one of two ways. you can make your motion, and I can make a friendly onto your motion, that we'll send it to the next meeting, or I'll make a substitute motion to your motion.

[01:03:41] I don't support the motion. I don't support the idea of doing this, so let's not waste time. We'll jump straight to your motion, and then I'll vote no. Okay, cool. Wonderful. Let's do questions for staff first. Supervisors, do you have... Oh, we did... Okay. Okay. So then I'm going to make the motion. I'm going to try to do two motions.

[01:03:59] I move the board of supervisors approve CPAM 2020-0002 Red Hill Community. Now, I can't say it's provided. I can say it's provided in attachment one, Board Supervisors Public Hearing Staff Report, and I further move that I don't have the motion with me right now, so I'm working on top of my head. I further move. No, that's not it, Mr. Sains.

[01:04:24] I further move that no additional density is allowed and no zoning change would be allowed in the zoning district. Is that okay? You guys got what I'm doing here?

[01:04:40] You need something more. We understand, ma'am. You got that? Okay. All right. Discussion on the motion. Okay. Can I ask a point of clarification? Oh, wow. Here we go. Yes. Just point of clarification. It sounds like you're moving to suspend the rules and vote on it tonight. Are you not moving to send it to the next meeting?

[01:04:56] Didn't I not say that? I thought you said to approve it. No, no. I'm sorry. I should have said to move this to the next meeting. I'm sorry. We are not approving this tonight. If I didn't say that, I apologize. We are not suspending the rules and doing it tonight. Is that your question, too? Do you have a point for clarification, or do you want to speak on the motion?

[01:05:15] I'd like to speak on the motion. Okay, speak on the motion first. Was there a second to this? Second. Yeah, okay, second. All right, so with due respect to the mayors who are my friends, except Mr. Hornberger. Hornberger.

[01:05:33] They washed in my car. I wouldn't let him do it. With due respect to you all, I'm going to respectfully say I don't believe that you are describing what happened in the comp plan correctly. This area, Q1, was always a question what we were going to do with it.

[01:05:51] And the reason we did nothing with it is because we didn't know what was going to happen with the schools. Had the schools not come, I would do nothing with this right now, to be quite honest. But it is illogical to me to have a development right above, a development right below, and schools all around it.

[01:06:10] And there's a donut hole of people who don't get to have water and sewer. And the truth is that this is one of these moments where, you know, when you don't do a comp plan in the fastest growing county in the country for 18 years, these are some of the things that happened.

[01:06:25] Things that were put in the rural policy area 18 years ago are no longer rural. And to just continue to say the rural because it's on a map is not fair to the residents. My time should be going. So I'm going to just very respectfully disagree with you all.

[01:06:45] I don't believe this is chipping away. I believe that this was the one policy area that still had questions attached to it of what we were going to do when we found that would happen to the schools. Mayor Ramsey, I think what you said is pretty spot on, that this is a one-off because it was something that was kind of left lingering from the comprehensive plan time.

[01:07:10] So that's why I feel like this is like the completion now that we know what's happening in this area, not something that would happen again. So I'm going to respectfully disagree with my mayor and friends about how this was described. To the people who live in Red Hill, I'm going to disagree with you also.

[01:07:25] There was never, ever, ever, ever any intention of increasing the density in this area. And in fact, we only started hearing this fairly recently. We heard for a long time to please move from the RPA to the TPA for the purpose of water and sewer.

[01:07:41] But the density question is a fairly new question. And with respect, I will also say there is no way in God's heaven that if we did put density in this area, and we're not going to, that density would be appropriate for attainable homes because the amount of density that you have to put in the area before you even get to attainable or affordable homes is so high.

[01:08:04] It is so high. This wouldn't be the area for that. So the argument of this will help with attainable housing in Loudoun County is an argument that is not appropriate for this moment. That's why we're going to see so much of our attainable housing, our affordable housing at the Metro, because you can do such high density at the Metro.

[01:08:22] So that is not also a correct statement. So I do believe that this idea or this motion of moving it into the TPA for the purpose of giving you water and sewer but not increasing density is the right thing to do that is that is that is why that is my motion with respect to everybody in the room further discussion on

the motion um mr. Turner I think I saw your light first thank you madam chair I just want to clarify you said move it to the next meeting you mean a future meeting correct no I

[01:08:56] the next meeting? January 17th. Well, no, let's move to the March 7th. February 7th. Is it February 7th? Can we check? Can somebody check? Is it February 7th? February 7th is the next business meeting. Okay, thank you.

[01:09:24] It's the first meeting in February. Okay. Okay, yeah. And the only other thing I'd say is I'm virtually certain. I remember we, this left the stakeholders committee doing what we're proposing now. It didn't survive the Planning Commission and the board but it left the stakeholders committee recommending doing what we're doing right now I remember that discussion maybe I'm wrong but that's that is my memory thank manager thank you miss um I'm stuck and thank you madam chair I will support the motion tonight I really appreciate the mayor's making the multiple arguments they made I thought those were very well presented and persuasive.

[01:10:01] I tend to agree with the chair that getting water and sewer out to an existing area is a good idea, even if it is low density. But listening to some of the citizens tonight, I will be approaching staff and asking whether it is as impractical as the residents of Red Hill seem to think it is that they could actually afford to access that water and sewer.

[01:10:35] But for tonight, I will support the chair's motion. Thank you. Thank you. Ms. Brixman. Thank you, Madam Chair. I'll be supporting the motion. I agree with keeping the underlying zoning the same. I just had a question for staff, if I may, and it sort of follows up with what Supervisor Olmstead was asking.

[01:10:56] I was a little confused by some of the comments talking about wells. The school complex, because we're doing this, will be on public water, not well water, right? That is correct. Okay. And then if a resident should want to be on Loudon water, I presume, would they have to put in the infrastructure themselves or will it come to the road and then they do it from the road to their home? Do you know that? We would have to speak to Loudon

[01:11:30] Water in terms of that process, but generally the extension of central water and utilities within the TPA occur as growth occurs. So currently there are no plans to extend it onto those private properties based on the the current plans for the school so so the one point in the residents arguments that they will not get public water unless there's development is kind of true because it would only be as there's more dense development the public water could go to those other properties that has been the process throughout the tpa right however along evergreen

[01:12:10] mill road um those properties with that frontage there already are utilities in that area so they are proximate to that. So the distance are not as great. So it is feasible. Okay. Okay. Okay. I am, I have a little bit of experience with this in the broad run farms area. Um, as you may know that the EPA is bringing in water and then Latin water is helping some residents get it to their homes, but some of them have to get it, the pipes from their home to the road. So that's just what I was thinking about. All right. Thank you, Madam Chair. Happy to support. Thank you, ma'am. Mr.

[01:12:42] Thank you. So, Supervisor Turner, I believe, is not only correct. I think that, Dan, you may remember, the recommendation from the State Holders Committee, and I made a motion during the comp plan, was to move this to transition area, transition compact neighborhood, right?

[01:12:58] You did. I remember that discussion. Yes, I believe so. So, the recommendation for the State of Labor's Committee was to increase density, and Supervisor Meyer and I, I believe, made this motion in the complaint discussion, and I think it failed like 5-4, very narrowly.

[01:13:16] So, therefore, I am already on the record saying I thought that this should be higher density, not because I don't support the rural policy area, but because it is not rural. It is proximate to Brambleton, adjacent to it. It is in eastern Loudoun County, and now it is immediately adjacent to, as was accurately described, the largest school complex in the entire county. So, at a minimum, I will certainly support moving forward with this tonight because at least it sets up a situation pending the investigation that Supervisor Umstead is going

[01:13:53] to do which I will do as well about the feasibility of actually water adding water and sewer but at least from a policy perspective it allows those residents to have water and sewer um because no offense to the mayors I appreciate you being here and what you're saying but what you're really doing is telling all these folks that they should live on septic tanks the rest of their lives when there's a giant gleaming school complex immediately next door that has water and sewer and so you're all you all represent people like we do I don't think you want to tell one of your constituents that there's 19 I think uh what was it there's 19 tanks that are more than 40 years old

[01:14:32] in that location so those folks deserve the opportunity to be putting up with what they're putting up with because not one person in this room would want to put up with the type of construction that's occurring next door to them and will be for years and then living with those daily impacts for us to try to tell them that they're in the rural policy area next to all that is really kind of insulting to them so this is kind of the minimum step that we should be doing to at least give them that opportunity to get into and then you know there's nothing binding any future board to anything so I mean no matter what we do so that will be a discussion at some point or it won't be depending on you know the will of the board at the time and whether anything

[01:15:11] makes sense, but at least we should give them the chance to have water and sewer. So, I will be supportive. Thank you. Mr. Buffington? Thank you, Madam Chair. No disrespect to Supervisor LeTurneau, but the problem with that argument is that each time you move the line, a new group of people will be asking you to move the line. And so, at some point, if you really care about the rural policy area and our different policy areas and not upzoning them to higher density, then you have to hold the line. And so it should be no surprise to anyone, including my constituents who live there who want this, that I don't support it. I haven't supported it from day one. I completely

[01:15:51] understand why you're asking for this. If I live there, I might ask for this as well. But I see it as a bigger issue. It's a policy area issue. And that is one that I've heard from a lot more constituents that they care deeply about not moving the line. And so I can't support moving the line. And just this motion, even with the additional motion that I assume we're going to get at the February 7th meeting, which says we're going to move the line but not increase the density, it's just a motion, as Supervisor Letourneau said, that we're going with right now.

[01:16:28] It doesn't stop even this board from making another motion at another meeting that does increase the density. And it's a necessary step to change the zoning if you're going to go from what it is now at the density it is now to tpa and a higher density so it's once for one step further towards the higher density and I just simply can't support it and which is consistent with where I've been the whole time so

thank you madam chair thank you mr buffington mr kirschner thank you madam chair and first of all i want to thank everyone for coming out tonight and speak

[01:17:02] this is not an easy um from my perspective as one of i guess three representatives that represent folks in Western Loudon, this is not a real easy decision for me. I think I've heard a lot of various compelling arguments on both sides. I think part of our job as board members sitting up here is when you do do planning, there kind of sometimes are these one-offs. And this is certainly one that's been put forward as a possibility of being a one-off. And I see the arguments on both sides. I think we should be very strong in terms of protecting the rural policy area, because the rural policy area is one of those things that we can see creep. But every

[01:17:39] once in a while there is a small piece of land like this, as Mr. Letourneau said, that maybe makes sense. But it is not in our comp plan as a rural policy. So I, and I really appreciate the chair's motion that she is going to put forward in terms of not increasing this, but I think it just kind of opens it up to potential future increase by future boards. And I don't know if the juice is really worth the squeeze in this particular area. So I think kind of the tiebreaker for me, after hearing all the arguments, and I'm going to not support this tonight, is really deferring to the supervisor who represents this area. He's going to, you know, he's heard from

[01:18:17] his constituents. I think it's very important. I think if I had one of these in my district that I represent, you know, I would listen to all sides very carefully. And if it was a real close call like this, I would ask that my fellow supervisors support me on it. So I'm going to vote no. I'm moving this forward for a variety of reasons, even though I do see both arguments on both sides, and I really appreciate everybody coming out.

[01:18:39] Thank you, Madam Chair. Thank you. Would you put slide number three back up, please?

[01:18:52] Preserve, correct? It has water and sewer? Yes. It does. So there's water and sewer here. There's water and sewer. This will all be water and sewer, correct? Yes? This is Red Hill. This is Red Hill.

[01:19:13] This is Red Hill. So this will have water and sewer, and this will have water and sewer, but this won't? No, the entire area I know, I know the entire area, but that's part of the entire area correct this won't i mean if we if we if we did nothing this doesn't have water and sewer now is what i'm saying correct correct all right so you know you know yeah of course yeah of course it does so i i think the mr buffington with with due respect first of all

[01:19:46] you know i say this all with him these are my constituents as well but i think the the holding the line doesn't make sense when the line was breached many, many, many years ago before probably anybody on this board was here, when decisions were made to put water and sewer and green mill, and when this much development was put around them.

[01:20:15] So rule in name only is no longer rule, and it doesn't help the citizens. And it just seems unfair to me to say, well, we're going to hold the line no matter how much it damages or doesn't make sense to this small one neighborhood.

[01:20:35] And so, you know, Mayor Ramsey, as he often does, speaks in beautiful prose and more poetically than I do. I agree with how he said and what he said, that this is a one moment.

[01:20:50] And really, it is the only thing left over from the comp plan that we didn't really complete. But now we know that the school complex is going to be around it. I just don't see the logic in not allowing people to have water and sewer. At the same time, I also, you know, you're right, any board can change anything.

[01:21:11] So if that's the case, why are we here ever? Because any board can change anything we ever do, any board, at any time. So the argument that it can't be changed, of course it can't be changed. But we are at least saying at this moment that we do not want to see density in that, increased density in that area.

[01:21:29] That's the motion. All right, I made the motion. It was seconded by Supervisor Brixman. All in favor, please say aye. Opposed? That motion will pass 6-3 with Supervisors Kirshner, Buffington, and Sains.

[01:21:46] Did you say yay? Did you say aye? I'm sorry. I'm sorry. Then that's a 7-2 motion. Supervisor Buffington and Kirshner voting against the motion. Thank you, everyone, and we'll be back here on this item on February 7th. All right. Supervisors.

[01:22:04] North Star doesn't, the North Star item doesn't have any speakers, and we can probably knock it out fast enough. Oh, and it has speakers now? When did that happen? Okay, five.

[01:22:23] Just give me a second. It's a lot. Oh, it's a whole lot. All right, there are five speakers on the North Star item. Okay, I know everyone's here for the short-term rentals.

[01:22:42] I get it, but it doesn't make sense to do, to let, I mean, I think the North Star item's going to go much faster, and I'm not going to have them all sit through every one for the short-term rental item, especially when we know it's probably going to go to Tulek. So let's go and do the North Star item right now. Supervisors, is everybody good still?

[01:22:59] You're cool? You're fine? All right. Good evening. Good evening, Board of Supervisors. My name is Grace Austenstead. I'm the project manager for Novec North Star substation. This site is in the Blue Ridge Election District, which is now the Little River Election District.

[01:23:20] It's still the Blue Ridge, but yeah. All right. soon-to-be Little River Election District. The site is north of Racefield Lane and west of Youngwood Lane, and north of Route 50 in the South Riding and Arcola area. The site is 9.43 acres, and it's spread out over four parcels, including the proposed access easements, two of which are zoned planned development industrial park, or PDIP, and two are split-zoned, PDIP and single-family residential.

[01:23:53] The county is currently reviewing an application to subdivide one of the parcels to separate the areas that are PDIP and R1 into their own parcels. This area is within the Airport Impact Overlay District within the LDN 65 and higher noise contour.

[01:24:10] The area is designated in the Loudoun County 2019 General Plan as within the Suburban Policy Area, Suburban Employment Place Type, but it is directly adjacent to the Suburban Neighborhood Place Type. So what is pertinent to understand in this area are the surrounding uses.

[01:24:28] Directly to the west and south are future data center uses. And to the east is future North Star Boulevard, which is expected to be built out by November 2024. And directly to the north is Willisford Community, which is our one residential.

[01:24:47] And also across Quail Ridge Lake, there to the west is the Loudon Meadows Community. So the future data centers that are located on this map are 1, 2, and 3 labeled on the parcel to the south and west.

[01:25:04] They are part of a fast-track modified process site plan. The one currently under construction is labeled 1, and 2 and 3 are on the site plan as future data center uses.

[01:25:21] So this is an application for a commission permit for an electrical utility substation distribution to serve those new ride data centers as well as other data centers in the vicinity. There is also a SPECS as part of this application.

[01:25:38] Initially, the substation will be accessed via an existing driveway from Racefield Lane. And once North Star Boulevard is complete, the site will be accessed from a driveway off of North Star Boulevard through an area of a parcel zone single-family residential, or R1, and that's that small blue area.

[01:25:54] on the top. Part of this application is also a minor special exception to eliminate the required buffer yards on the west and portion of the south side. Consistent with previous substation approvals with the modification of buffer yards next to data centers, staff has recommended that the applicant provide a 100% opaque wall made of a fiberglass composite material on the west and section of the south sides where the applicant is proposing to not provide landscaping. The applicant is also proposing to provide an enhanced type C buffer yard on the north side that will be 30 feet wide

[01:26:33] which is five feet wider than what the zoning ordinance would expect in this location. Also a 20 percent increase in plant density to 144 plant units per 100 linear feet. There will also be a 12 foot high chain link fence with an opaque mesh. It will be an opacity of 95 percent on the north side and on the east side of the substation. And then on the east side, the applicant will be providing the landscape buffer yard. Also note that the applicant did change since the planning commission to provide 100% evergreen plants in the 30-foot wide buffer on the north side,

[01:27:12] 70% of which will be evergreen trees that are at a minimum of eight feet tall when they're planted, and then also 40 percent will be evergreen shrubs. So the staff encourages the board to consider the location, character, and extent of this proposal. This use is primarily in the suburban employment place type and adjoins the suburban neighborhood and is near to the transition large lot neighborhood place type. The substation is proposed to be adjacent to existing electrical utility infrastructure, residential uses, and future data centers, as well as future North Star

[01:27:48] Boulevard. The 2019 General Plan electrical policies support timely delivery of electrical service and locating substations proximate to the transmission corridors and to uses they serve. The county has limited authority to dictate locations of power lines and substations, but can consider the appearance and visual impact on surrounding uses and encourages adequate screening. The 2019 General Plan encourages using design techniques to minimize visual impact of substations on adjacent travel corridors and residential communities so this map shows what

[01:28:24] staff considered when considering the visual impact on adjacent communities the viewshed from Willisford from Loudon Meadows as well as from future North Star Boulevard the substation is within the viewsheds of those three sites which merits the 100% opaque walls where landscaping is being eliminated as well as that 35 sorry 30 feet wide enhanced buffer on the north side The closest residential property is approximately 252 feet from the substation to the north.

[01:28:56] The 2019 general plan states that consideration should be given to the appearance of data center substations and power lines, and adequate screening of these facilities should be provided. So a few notes about the visual character of the substation as well. The visual, the substation should be, will be

approximately 75 feet tall, which is similar to the adjacent major power line that runs along the east side of the property which is at a maximum height of 120 feet tall with power lines running from that major power line to the

[01:29:31] substation site which would be about 100 feet tall. These are some visuals that were provided by the applicant showing a view from the Willowsford community showing both the substation enhanced buffer yard as well as plantings that they are planning to provide to the Willowsford community for them to plant within their own HOA. So on the left side is with plantings and existing vegetation and then on the right side is with the HOA provided plantings. So the planning

[01:30:10] commission approved this application the CMPT application 531 subject to the commission permit Platt and based on findings for approval at the commission work session on December 8, 2022. The commission forwarded the specs to the board of supervisors with a recommendation of approval, subject to conditions of approval and based on findings for approval. And the SPMI is not subject to commission recommendation. However, they did provide a recommendation that the board approve the SPMI if the applicant provides the fiberglass composite fence on the north side.

[01:30:44] Staff supports board ratification of the commission permit approval and board approval of specs and SPMI subject to conditions of approval as is. Recommended conditions include the applicant's proposed screening and buffering. Staff finds the proposed chain-link fence and 30-foot, sorry, proposed chain-link fence and 30-foot wide enhanced buffer on the north side are adequate screening for the north side and that the walls on the west and south side are also adequate screening. I will make a note, though, that with discussions that I've had with the board. If the board decides to follow the commission's recommendation and require the

[01:31:23] applicant provide a 100% opaque wall on the north side facing Willisford, staff is recommending that the board forward the SPMI application to the next business meeting so that the applicant can change the plat to reflect the changes and staff can update the conditions. The critical action date on the commission permit is February 6th. Thank you. That concludes my presentation.

[01:31:43] February 6th? February 6th. Okay, that's going to be my question. Okay, thank you. Supervisors I have questions for staff. Ms. Bricksman. Thank you, Madam Chair. The data centers that are depicted, you said they have a site plan on file for those data centers.

[01:32:01] Is that because it's a by-right property for data centers or it's a previously approved legislative action? Those are by-right approvals. Those are by-right approvals. Okay. And then do we really have authority as a board to deny the building of the substation?

[01:32:20] You do have the authority to deny the commission permit. However, the applicant could provide a substation at this location without a commission permit as a dedicated substation as opposed to a distribution substation, which basically means that they're providing power to those data centers to which the substation belongs.

[01:32:48] Okay. I'm not sure I'm digesting understanding that. So in other words, there's going to be a substation, whether it's the permanent substation or the distribution substation. So the difference between a dedicated substation and a distribution substation, the distribution substation has the ability to provide power to multiple users, whereas a dedicated substation can be built by an owner to provide power.

[01:33:15] I'm tracking on that now. Okay. So in other words, if we don't approve this, they could just do a dedicated substation just for those data centers right there that are on the site plan. That's correct. Okay. What does a composite chain link fence look like? It sounds fairly ugly. So are you referring to the composite fiberglass wall or to the chain link fence?

[01:33:37] They're two separate products. Well, first, do we have to make a choice? In other words, whether we want the fiberglass wall or the chain link fence? The board, because this application is subject to a minor special exception, the board does have a choice on what the applicant does to mitigate the visual impact of this use.

[01:34:00] And it can be natural, it can be a chain link mesh fence, or it can be the composite fiberglass wall. Those are the three choices? All of those are appropriate, yes. All of those are appropriate. Okay. I guess it's hard for me to figure out which one would look the best because I don't see pictures of them.

[01:34:22] So I can maybe dig in to that before the January 17th meeting. Do we have EMF reading requirements in our zoning ordinance? We do not. And so, okay, interesting.

[01:34:40] All right, I think that is all the questions. Oh, what is south of Racefield Lane? What is south of Racefield Lane? Is it houses? Is it its data centers? I believe it's a combination of both, but primarily, I think that this is also the location of several, I think, JK2, JK data center applications in this location.

[01:35:04] Thank you. Thank you, Mr. Buffington. Thank you, Madam Chair. So the reason they're here before the board and not just building this by right is because they want the ability to serve more than one customer, right? That's correct. And because of that, we're able to get more proffers from them than we would if they just went buy-right, right?

[01:35:25] Because they are asking for a minor special exception to modify their buffer yards, we are able to impose conditions. And that's conditions that they provide more than they would otherwise have to provide if they just went buy-right, right? That's correct. Can you list some of those things that they're providing here that they would not have to provide if they just went buy-right?

[01:35:49] Yes. The higher fence, the buffering? So the minimum requirements for a substation, even if it's dedicated, would be to provide a 6-foot high, 95% opaque fence with 25-foot wide type C buffers on all sides.

[01:36:08] But what is being provided is an enhanced buffer on the north side that's wider, that's more dense, that has more evergreens. They are not providing landscaping on the west and south sides, but they are providing a 100% 12-foot tall wall on that side.

[01:36:25] And if we asked the applicant to provide more proffers than they're already providing, and they decide not to do that, and we deny the application for whatever reasons, not just because they would decide not to do that, but we deny it for proper reasons if that's how the board feels, then they could just move forward with by right at the minimum county requirements for buffers and fence height and all of that.

[01:36:50] Is that correct? That's correct. Okay. And that decision would just be up to them? Yes. Okay. The 30-foot, so now we're talking about on the north side that it's a 30-foot buffer. Did the fence of the north side move 10-foot closer or 10-foot further to the north towards Willowsford or not?

[01:37:13] Did it stay for it? The fence has not moved at all during the application process. All right, so there's still really 40 feet in distance between the Willowsford Conservancy property and the fence, right? Approximately, yes. It's just that approximately 10 foot of it has to be an easement to get to the landlocked.

[01:37:32] To outlaw A, yeah, that's correct. The landlocked parcel on the north side. Okay. Can staff speak on whether or not this is, from a safety standpoint, putting an electrical substation the distance that it is to the Washington Gas Facility and whether or not that would be safe if one of the facilities or both, well, I guess if both caught fire, it would not be safe, right?

[01:38:01] obviously if if the electrical substation were to catch fire how do we know that the Washington gas facility is not just going to blow up in flames because this is a concern that I receive from Willisford can you speak on that okay so his time is up and so normally I would I would I have hard stops but you two look so confused right now to that question can you can you succinctly clarify the question I understand the question I'm not sure that we can answer it I was asking if Fire and Rescue mentioned that in their referral and they did not, but we can look into it prior to

[01:38:37] your action. Okay, thank you. Mr. Leterner. Yeah, so on the east side, which is sort of the entrance side of the substation, I know there's a lot of focus on the north side because that's where Willisford is and that's where residents are, but in reality, once North Star Boulevard is built, for most of the public, what they're really going to see of this is probably from driving past it on the road so the type there's a type c buffer there with a six foot fence obviously there has to

[01:39:11] be the entrance and egress area but was there ever any discussion of just doing the same buffer all the way around you are speaking to the 25 foot yeah the type c buffer that's like here along the on the east side yeah so the the applicant came in with the application to remove the buffer yards on the west side and the south side so that was not it was never proposed to be all the way around

[01:39:46] what was there any discussion of anything enhanced on the east side beyond the type c buffer no okay is it feasible from the county staff's perspective to do that or would it and I can ask the applicant, too, or would it impact their ability to operate too much?

[01:40:08] Like, similar to how Supervisor Buffington was just asking, the reason why we have a 30-foot buffer on the north side is really because we have to have an egress. Could you do a 30-foot buffer with an 8-foot high fence or a 12-foot fence on the east side? From staff's perspective, because the applicant has not asked to modify that buffer yard, it is an extended ask.

[01:40:33] Yeah, I see. I guess the point I'm trying to make is just that I want to make sure from a visibility standpoint this isn't overly visible when you're driving on North Star Boulevard because that's how most people end up seeing these substations. And certainly we have one on Route 50 that's more visible than I would like it.

[01:40:52] So I'm trying to learn from these things and address it going forward so we can have some further discussion about it. Thank you. Thank you. Can we go to page 7? Now, I know that this is the, yes, the applicant's rendering, but is this realistic?

[01:41:13] And I'm asking that because the community view, no, no, we can't clap. The community view, and I will talk to you all. The community view, those trees are huge. Those are 20-year-old trees in that picture, right? And if Mr. Letourneau is saying what he's saying, we have a 75-foot tall building, at least for a long time, even with a lone North Star, you're going to see this substation.

[01:41:38] are you not? You are, right? Okay, so this is a 20-year in the future picture, maybe, when those trees and such get there, correct? And I mean, I'll talk to you all about this, the applicant. I just think it's important that when we do this, we give realistic renderings, not with the best possible, best possible, but a realistic ideal of what's going to be coming. Understanding what everything that Mr. Buffington just said, because it made perfect sense, but this is not a realistic rendering. And I just want to put that out there just for fact's sake. Do you all agree with that?

[01:42:16] I definitely agree that the trees that are in this image are definitely at least 20 years into our growth. Yeah, they are. Okay. Wonderful. Good evening. How are you? You have 10 minutes. You can stay where you are or stand at the podium. Ready when you are. Thank you, Madam Chair.

[01:42:35] Gifford Hampshire with the firm of Blankenship and Keith, and I represent Novak, the applicant. And with me today is Kurt Crouch, who is the director of engineering and land permitting with NOVAC, and also Jake Holmes with Dewberry Engineers, and we're the team on the project. Next slide, please.

[01:42:54] Grace did a fantastic job in that presentation of going over the components of the application. And so I'm not going to belabor things that have really already been discussed, But I will say that maybe just to repeat, the purpose here, again, is to serve data center capacity that is currently in part under construction and other capacity that will be under construction soon.

[01:43:23] As Grace indicated, there is also a subdivision plan in the process, and our closing on the property, at least the part that we will buy from J.K. Racefield, is contingent on that subdivision plan approval. The discussion about that, and we'll see this in pictorial terms in a moment, the discussion about the 40-foot buffer that became a 30-foot buffer, as Supervisor Buffington indicated, was because we were in the process of the subdivision plan approval, the county actually asked for an access road so that the property that is called Outlot A that is owned by the Conservancy will not be landlocked.

[01:44:01] But as Supervisor Buffington said, that land will remain open except for the access road to provide, in addition to the buffer, space between the substation and the community to the north. Next slide, please.

[01:44:18] Judge Grace has already talked about this location. We don't need to go over that again, but I would like just to say and remind the board that after all this property is zoned largely industrial PDIP and as was indicated data centers which are after all industrial uses are currently on a construction there right now and our job here tonight as a Planning Commission's job was to is to respect the adjoining community and do the very best we can to provide an appropriate protection and buffer between this industrial zone industrially zoned land and the residentially zoned land both to the

[01:44:54] north and the west next slide please and this is a good picture that shows what was indicated before and so if the board will the direction again north is is up and with the Willisford community is to the north we the SPMI that we were before you for and importantly only applies to the west and also a good portion of the south adjoining data centers so when we got into the Planning

[01:45:29] Commission and hearings and even before that in review of staff because we were asking for that exception to the landscaping requirement as Grace indicated that we were asked to compensate for that by putting up a 12 foot fiberglass wall to screen the residential community and that's what we've

done it's important to keep in mind that we are not we are not asking for any sort of a waiver of the buffering requirement to the north.

[01:45:56] In fact, on the contrary, what we are doing is enhancing that ordinary buffer requirement in, as Grace indicated, in a couple different ways. First of all, we are increasing the width from 25 to 30 feet above the minimum standard. We are increasing the density of the plantings to 120% of the required plantings, going from 120 plant units per 100 linear feet to 144 plant units per 100 linear feet.

[01:46:29] We are, as Grace indicated, we have made a commitment that instead of a mixture of evergreens and deciduous trees, we have committed in response to community concerns to 100% evergreens, with an increase in the percentage of those evergreens being trees, going from 40% to 70% evergreen trees, and every single one of those trees being 8 feet instead of 6 feet in height.

[01:46:58] And that's at the time of planting, that they will be 8 feet in height. Keep in mind also that in that area, we will also have a 12-foot, behind that screening, we will have a 12-foot, 5-inch chain-length fence.

[01:47:16] And in response to Supervisor Letourneau's question, just as a matter of information, that fence goes all the way down the east side as well. It's not 6 feet on the east side. It's 12 feet on the east side as well with the standard buffer. And it's also 12 feet behind the area on the south side facing North Star Boulevard, and we've got a good picture of that in a moment.

[01:47:39] You will see the area, in response to Supervisor Letourneau's question, we are preserving. You will see there that portion of the buffer, we are not asking for a waiver that adjoins the Dominion switching station side that would be facing North Star Boulevard to protect the view of the traveling public.

[01:47:59] Next slide, please. This is a picture, and there was a question, I think, from Supervisor Bristman about what the wall will look like. This is our rendering of the wall. Before the Planning Commission, we had some actual samples sitting right up here on the table. But it looks very much like it's indistinguishable from any distance from a brick wall or a concrete wall.

[01:48:24] And it's a very attractive. You didn't say a mortuary wall. I didn't say it. I slipped. Excuse me. Yeah. A mortar wall is what I meant. They could have them in mortuaries, too. Who knows? But it's fiberglass. But it's a very attractive wall.

[01:48:41] And it's not inexpensive either. and that's the approximate color that it could be made. Next slide, please. This is the North Star view that I was referring to a little while ago, Supervisor La Torna, that from North Star Boulevard, and granted this is a rendering, but what it's intended to show is the existing vegetation is being preserved, and we are also not asking for a waiver, the buffer from this view to preserve the view as best we can given that it's an electrical substation, given that there are very high transmission lines there already,

[01:49:20] as best we can do to shield the proposed substation from the traveling public. Next slide, please. I don't need to show these again, but the next one is the slide that we were discussing. Next slide, please, is that one.

[01:49:37] Now, I do understand the Chair's point that this is 20 years in the future. But after all, we are engaged in land use planning and we need to care about what things are gonna look like 20 years in the future. And so this is why we included that buffering.

[01:49:53] It's not gonna provide immediate protection, but please keep in mind in terms of reasonable measures to accommodate legitimate concerns, we have reached an agreement with the Willisford Conservancy to provide 840 plantings at considerable expense that will be put in here pursuant to not to our plan but to their plan in order to preserve this area. But this is over and above what the county is regulating. This is a private deal that we have made through the good offices of Supervisor Buffington's office to try to go above and beyond

[01:50:30] to preserve the viewshed from this community. Next slide, please. This is a view from the west. If you remember that diagram, the community to the west across the lake is actually 1,400 feet away. And when you go out there, this is not completely accurate because there's some vegetation between where the perspective is here and the lake that helps to shield the view. But the other point is that the data center will be largely behind, excuse me, the utility station will be largely behind the data center with that portion that is

[01:51:09] not behind the data center, behind that fiberglass wall that I just mentioned, at 1,400 feet away. So we feel like we've done a good job with that. Next slide, please. And as part of the site plan of which the data center is a part, there is a commitment for plantings.

[01:51:30] This is the site plan at issue under which that data center is being built and the future buildings will be built. In addition to everything we're doing, that site plan requires that line of trees to be constructed between the community and the lake and the data centers.

[01:51:48] So that's even additional protection for the community. Next slide, please. And this is a picture of the plan that shows that. It's a little hard to see in this detail, but the lake is to the east there above, and you will see that sort of hatched area is what is called the lowland patch, which is a mixture of large and small deciduous trees.

[01:52:15] So that's what we really wanted to show you. It is true that we have made a decision not to pursue a dedicated substation here precisely because we have a public service responsibility to serve not just one data center, but as many as we can in the spirit of public service.

[01:52:35] And so that is what we're trying to do in an industrially zoned area with providing the best protection that we can for the viewshed of the adjoining residential communities. Thank you. Thank you very much. Okay, we have, I think, four speakers in the room and one on the WebEx, although maybe somebody on the WebEx, maybe all five in the room.

[01:52:58] Yeah, we're going to have, yeah, we will. Yeah, we're doing that right now. We also are trying to, okay, questions for the applicant? Ms. Bricksman? Thank you. What percentage of Novex power comes from renewable energy?

[01:53:18] I'll let Mr. Crouch answer that. I do not have the exact percentage, but we do have a biomass plant, and it's down below Richmond. But other than that, that's just all I know. So I can get you those percentages if you want that, but I don't have that on the end.

[01:53:36] How much additional power will you be providing aside from what you're providing to the data centers? From this substation? Yeah. So this is a 300 megawatt substation, 150 of that will be going to the Microsoft substation, and 150 megawatts will be going to the data centers to the east.

[01:53:58] So it's essentially serving two customers out of this station. It's serving two data center customers out of this data center. It's a 300 megawatt data center, and 150 is going to Microsoft, and 150 is going to the other data center?

[01:54:14] That is correct. So there's really no community benefit to the, so I was under the impression that you were coming in because you wanted it to be a data center that provided power to other things other than, so you could just do a dedicated to those two customers, right?

[01:54:34] Ms. Supervisor Risman, the county's position on that is if we serve, and we've been through this with the county, is that if we serve more than one data center, it becomes a public use, which requires a commission permit. Okay, so that's interesting. So that's interesting. This is just solely for data centers, though.

[01:54:52] There's some concerns from the Willowsford HOA, and they would like some agreements from NOVAC on EMF readings, a promise for no more structures than are in this application, and then additional safety protocols when it comes to the Washington Gas Facility.

[01:55:12] Are you willing to work with the Willowsford community to do that? Mr. Crouch will follow me, but I'd just like to say that we've been working with the We'll assert community for some time with respect to the plantings, and we will certainly continue to work with them on any concerns.

[01:55:29] With respect to Washington Gas, we can just say that we've been working closely with Washington Gas, and their engineers and our engineers have not identified any risk of conflagration of fire or anything else with respect to the proximity of the substations, and we don't know any science with respect to EMF.

[01:55:50] Okay, I'm running out of time. Can you increase the width of the northern landscape buffer to 40 feet from 30 feet? We have been through that, ma'am. We cannot because of the limitations both on-site and off-site to the south.

[01:56:09] The on-site limitations have to do with stormwater management and other requirements for site plan approval and development, and the off-site requirements have to do with an eagle's nest that's to the south that we had to work around when identifying the boundaries of the site.

[01:56:27] Thank you. Thank you. Mr. Letourneau. Yeah, so just so I understand the beginning part of that back and forth. So if without this substation application, you would have to do two substations, one to serve each customer, essentially, if you were to do it by right, right?

[01:56:42] That's correct. All right. So I think we can hopefully agree that it's better to do one than two. Just so I also understand, so you're maintaining the existing vegetation on the North Star side, But on just the sort of the southeast quadrant of that, because then you mentioned there's a 12-foot mesh chain-link fence.

[01:57:02] Does that look like a chain-link fence, or does the mesh change the appearance of the fence? Well, the mesh is very tight. It's not the chain-link fence that you think of. That's okay. Could you provide just an example of what that looks like?

[01:57:18] Obviously, you don't have it with you, and you can't do it right now. Right. Keep in mind that the chain link fence will be behind the buffering that we're going to keep. And the only place that you would, well, the places where the chain link fence is not will be where the fiberglass wall is.

[01:57:40] So any chain link fence is going to be screened by the buffering, by the landscaping. Right. And as far as an example, I don't know whether we have a picture anywhere in the staff report or not. I don't remember seeing one. I didn't see it, but maybe I missed it. Yeah. So, but across the whole sort of eastern frontage, can you just go back to that view, one of your slides?

[01:58:11] You're speaking to the— In case you all wondering why I'm diving so deep, Briarfield Estates will be in the Dulles District in the next— I'm just trying to make sure that I'm looking at it from how they would be looking at it. Oh, okay. Are you talking about the view from across the lake?

[01:58:30] No, I'm talking about the view from North Star Boulevard. All right. That's it right there. Right. So where is North Star in this? Are you supposed to be on North Star, this picture? I think so, approximately, yes, sir. Okay, that seems like a long way.

[01:58:47] Do you know how many feet that is? It doesn't look like it's that far on the map, but... We think about 1,000 feet. Okay, that is a long way. Okay, the green that I'm seeing there that's sort of behind the trees, is that the mesh fence?

[01:59:09] That, I think, is the buffering. No, that's the fence for the Washington Gate. Oh, I'm sorry. That's the fence for the Washington Gas Facility that's there. That's in front. That's in front, right. So that's really what people would probably see more. That's what they see now, or will see when the road is constructed.

[01:59:26] Got it. Okay. I think I understand. Thank you. Thank you, Mr. Buffington. Thank you, Madam Chair. So what is your plan if the board denies this whole request? What will you do? Well, that would have to be of some discussion, but one option would be to do what Supervisor LeTorno was suggesting is we would reformulate our plans to build two.

[01:59:51] If we find the land, we would have to find the land to do that, of course. So this would likely be one, and another one would likely be somewhere not too far from here since considering the customer that you have to serve. Right. And all of that would be buy-write. Right. And it, you know, frankly would not serve the goals of the comprehensive plan to co-locate these facilities and reduce the number.

[02:00:12] What is the color of the mesh in the fiberglass that you plan on putting in? The fence with the mesh and the fiberglass, is it green or some other color? The fence itself is just a chain-link fence. It's not a, I think there was a. What color weavings would you put in between?

[02:00:29] It's a galvanized. No, that is a 5-8 mesh chain-link fence. It does not have a, it's a galvanized. How is it opaque if it's a chain-link fence with nothing weaved in between the fence? It says in the item that it's 90% opaque. 95, right, because the mesh is so small.

[02:00:46] There is mesh. Yes, it's a very small mesh, but it's not colorized. What color is it? It's metal, right? Yeah, the individual squares in the chain-link fence is 5-8, so it's just a really small mesh chain-link fence. You're not answering the color question. I don't care about that.

[02:01:02] It is a galvanized chain-link fence. There is no... So it's going to be a silver-looking thing from a distance. Yeah, there is no mesh. And then when it rusts, is it going to rust? It is not going to rust. Okay. Why not do a masonry wall? It's all four sides, especially given the current situation in the country where people are going and shooting substations and causing power outages to massive amounts of people for unknown numbers of time, amounts of time.

[02:01:29] I have no idea why you wouldn't do four masonry walls all the way around this, 12 feet high, to protect your asset. Supervisor Buffington, as many things in life are, it's a balance of cost versus benefit. and to do that to put a masonry wall i'm sorry i understand um when you build this you're going to have to move some dirt right and so can you use some of that dirt on the north side to build a berm that some of these trees you're going to be planting go on willowsford's asking for that i don't i don't know the question just just make note because i'm running out of time that's a

[02:02:07] request that i'm making the masonry wall is a request that i'm making i know i haven't asked you that in the past. I'm asking now because the national security system or situation in our country has changed and because Willisford has changed what they're asking for. Can you speak on the safety of, well, you already did speak on the safety.

[02:02:27] You said that there was no concerns raised. You've been working with the engineers as far as the location of Washington Gas and your facility. I'm out of time. Thanks. So, I don't need to, oh, Mr. Sainz? Thank you, Madam Chair. Yeah, I wasn't going to say anything. I met with the applicants the other day, but Supervisor Buffington brought up a very good point and something I had a conversation with in my meeting is, yeah, I don't see, to me it makes sense, and it's, I would say, just good business and be a good community partner to go ahead and build the four walls with the masonry fence similar to your counterparts, Dominion, they do it every day when they build

[02:03:06] the substations, and also, if you could, put some color to it to blend into the aesthetics around uh you know around the substation that would be nice as you mentioned in this illustration that's up if that's the washington gas fence it's green and and matches uh the surrounding areas so why not do something similar as well i know that's something that's probably not your no more practice but i think that's something you guys should definitely look into um into doing and again you know everybody says they want to be good community partners and and uh and you know in the neighborhoods that you're in.

[02:03:44] So I think if this wasn't coming to pass, that should be definitely something you should strongly look into considering and doing. It's not that difficult and definitely not of the extraordinary for a company your size to do. So with that, I will be quiet.

[02:04:01] Thank you. I want to associate myself with Mr. Buffington's questions and I don't need to say more than that because I don't need to. All right, we're going to go to our speakers. We have, is this correct? We have five in the room. Is that correct? None on the phone, five in the room.

[02:04:17] Okay, wonderful. Alicia Malek, followed by Megan Moore, followed by Billy Rosha. And if I say your name incorrectly, I apologize if you can feel free to correct me. Good evening. Good evening. Hello.

[02:04:33] All right. Thank you so much for the opportunity to speak this evening. Today, we are presenting to the board a petition that includes over 820 names of residents from Willowsford and Loudoun County in opposition to the North Star substation application. Our residents are engaged in this, and they are paying close attention.

[02:04:49] Many are present in the rooms here today. The residents are concerned of decreased home values, visual impacts, and safety issues for the substation being so close to us. But I want to emphasize the issue of the safety concerns, not only about the EMF health fears, but more about the immediate safety of our children. If you look at slide one of the Willisford presentation deck, you can see the aerial view of our properties.

[02:05:09] In just these homes alone, we have over 120 children in ages from one and a half to 16 years old. We are extremely concerned with the safety of having a substation so close to a Washington gas easement, especially if there is a substation fire or a gas leak. We want documentation that Washington Gas has worked with the NOVIC for mitigation strategies to avoid any potential catastrophes from occurring.

[02:05:30] This is an opportunity for the Board to show their constituents, especially the Willowsford community, that they understand our challenges having our neighborhoods surrounded by data centers and substations, and require these large entities like NOVIC to put in reasonable request to protect our community. We understand that we cannot move the substation. We understand that the substation is by right. However, the medication strategies provided by the applicant will not provide a sufficient buffer in the immediate future. Our asks are simple and reasonable. If you refer to slide two, you can see the letter Novak sent to our Board of Supervisors, Tony Buffington's office, stating that they will increase the buffer

[02:06:05] from 25 feet to 40 feet. We are asking Novak to fulfill their promise. We are asking for masonry wall not only not only in the south and west side but on the north side where they are building these large radiation structures only 200 feet from our homes we are asking for large berms with large evergreen trees to help with the immediate visual impact while we much appreciate novex agreement with the tree planting proposal these trees will not provide a sufficient buffer for at least 20 years we are asking for a guarantee in writing that these structures are going to be upgraded in the future a review of the safety protocols having a substation directly adjacent into a gas easement and provide EMF readings so residents can decide if they want to move

[02:06:45] due to any health concerns. If you please refer to slide three, you will see three very large substations that are literally surrounding our Willisford Grange neighborhood. It is not fair that one neighborhood bears the brunt of all the electrical needs for the data centers in the Blue Ridge District with minimal buffers and protection to neighboring residents.

[02:07:03] Please use this as an opportunity to show us, your constituents, that you support us, that you support these very reasonable and Feasible Mitigation Requests for the Willisford Residence. - Thank you very much, your time's up, I appreciate it. Megan Moore, followed by Ridley Rocha, followed by Matt Adams.

[02:07:25] - My name is Megan Moore and I'm really thankful for your time today. I'm hoping to help you understand better the challenges with the visual impact that you were discussing significantly. I live in Willisford and my house is directly across the street from the proposed substation and will be directly impacted by your vote today.

[02:07:41] I'd like to speak to you about that visual impact. NOVAC has offered to provide funds to plant trees on the Willis Conservancy property, an area that was formerly a sod farm and does not have any trees or shrubs. We appreciate that this needed gesture, this will mitigate the negative visual impact in the long term in about 15 to 20 years.

[02:08:02] The NOVAC presentation of those proposed tree plantings misrepresents the land in question. It is important to note that the elevation of the homes that back the substation land are at a higher elevation than the NOVAC rendering depicts. Their photographs were taken in a valley that is 15 feet lower than where the homes sit.

[02:08:21] If you turn to page 4, we have provided you with photos from both the exterior level of our home, as well as a photo of the current construction viewed from the resident home, so you can see what the land actually looks like. We were able to identify the height of the mature trees using Google Earth, and if you look at the photograph, you can see the height of those trees is approximately 70 feet.

[02:08:40] This is the same height of the substation structures that are proposed on that land. So you can imagine that the substation structure will be significantly more visible than what Novak is depicting. Next, if you turn to page five, the walking trail that runs along the perimeter of the neighborhood will be less than 50 feet from the substation.

[02:08:59] This trail is heavily used by adults and children in the community. And as you can see from both the photos, the majority of the forest has already been removed and some of the areas do not have trees at all. We want to emphasize and feel that our examples illustrate that the tree plantings and the proposed 30-foot buffer will not be sufficient to minimize the visual impact that is currently proposed. It is essential that the wall, the berms with large trees, we're asking for loblolly pines that will be 120 feet. The current proposal has a max height of 40 feet in their trees at the mature height, an increased setback and berms. This will minimize the visual impact to our community.

[02:09:39] Thank you. Do you know if those trees are native to Virginia that you just mentioned? The loblolly, Yes, they are. Okay, thank you. Yeah. All right, our next speaker is Billy Rocha, followed by Matt Adams, followed by Frank Blackstone. Good evening.

[02:09:56] All right, good evening. All right, thanks for the opportunity to speak this evening. My name is Bill Rocha, and I'm speaking as resident of Willowsford. I'd like to start kind of by saying that, you know, we really wish these data centers and substations, you know, we think they should be placed appropriately in industrial stretches of Loudoun County, not adjacent to residential properties with minimal buffers.

[02:10:20] And that's really what we're worried about, this buffer here. We understand that the proposed North Star substation location is problematic since it's an area zoned by our zoned PDIP and is right against our residential community. Due to the zoning issue, we've already had over nine known incidents of homes being damaged due to the proximity of the construction of the data centers and the site work associated with the substation.

[02:10:43] And really, thank God there's been no injuries. If you reference the sustained damage slides that we provided, it's slide six. You'll see that there's been exterior natural gas leaks, foundation damage, and water in basements at seven houses in the same vicinity, one of mine, one of those being my house.

[02:10:59] There was a cut water line that resulted in no water service on Christmas Eve. And really the most serious is we had some incidents of fly rocks from irresponsible blasting, and this was the day before Thanksgiving was the worst incident. There was a large rock that was ejected from the construction site into our neighborhood.

[02:11:18] It ripped through my neighbor's roof, across the street, through their attic, and landed in their master bedroom. If rocks this size are being shot through houses, it really is a miracle that no one was injured or killed. That very same day that that incident happened, we had over 20 kids playing football in the backyard of the house next door.

[02:11:34] It was the day before Thanksgiving, and it was the Turkey Bowl. My eight-year-old son was actually playing there. So we're kind of all wondering, what are we supposed to do? Are we supposed to

shelter in place while this construction is going on? I can say I run a large commercial construction company, and this type of planning and execution is completely unacceptable.

[02:11:51] So how are we going to be protected when blasting and heavy construction starts on this substation? And we understand that, you know, the current application and the location of this is, you know, was reviewed against an older, you know, 1993 zoning ordinance, so that's why it's located where it is.

[02:12:08] And I do remember when Supervisor Buffington came with Chuck Kuhn to gain, you know, support for Mr. Kuhn's JK technology rezoning application back in February of 2019. This outreach was much appreciated. We really didn't know what was going on and what the possibilities were.

[02:12:27] And Mr. Kuhn kind of presented a binary choice between condos or a data center with the way the property was zoned. I'm sorry. I hate to stop residents when you speak to us, but your time's up. If you didn't get it all in, you can either email to us or hand it to our clerk.

[02:12:44] Okay. Yeah, thank you much. Thank you. Our next speaker is Matt Adams, and you will be followed by Frank Blackstone. Good evening, Mr. Adams. Good evening. Thank you, Chair and Board. Thanks for letting us speak tonight. We thank you for all of you for your public service to us.

[02:13:01] You know, I came up here to talk to the timeline slide, which is actually slide number seven. I'm going to summarize that with such a limited amount of time. I think the key point, the key takeaway here is that we have asked in writing and via multiple channels and via multiple offices, multiple ways for these exact conditions of approval that we've asked for.

[02:13:22] We feel like what Novec has done, while it's, you know, we appreciate it, is substandard. It's really not going to fit the bill here. I think what I really wanted to say is that we are in an era now where we're setting precedents. We're putting substations incredibly close to residential areas.

[02:13:41] These are where our kids live. There are health and safety concerns. As you've heard, we've had problems with the overall construction. So our ask here tonight is for you to support the conditions of approval that we're asking. say no to this until we can get the conditions in place that will make us feel comfortable with our children, with our safety, and everything else. You know, this is sort of a situation where once the camel gets in the tent, we can't get it out. So I would presume that if we simply rubber stamp these large projects like this and allow them to move forward without adequate protections

[02:14:18] for our citizens, your constituents, it will happen again and again. And before you know it, we will not live in a beautiful pastoral county that is safe and protected so we would ask for you to please consider these conditions of approval very seriously we believe that they are very reasonable they're affordable they are doable we understand by right we understand we cannot move it we understand it will happen but we are asking for more reasonable accommodations here and that's that's really what we're asking for tonight so what we'd like for you to do is to please vote this down tonight send it and let's do the conditions of approval as we've

[02:14:56] requested very reasonably thank you thank you I do want to mr. Rogers I do want to be really clear so this is a this is not just an application this is a commercial commission permit yes it is both so if we and they have a critical action date of this of the 6th of February correct that's on the commission permit and the commission permit if we don't take action on the commission permit by the date of the 6th

it just goes into effect correct that is correct okay all right i want to make sure that we that our timeline is is narrow because if we don't do something it

[02:15:33] goes into effect as is so i want to make sure you guys know everyone knows that good evening mr blackstone happy new year happy new year good to see all of you i want to say first before i start thank you each for your service your time and efforts in this community it is very much appreciated. I'm not sure I need to say much more. I truly appreciate, I'm Frank Blackstone, by the way. I'm here on behalf of the Willisford HOA board. I'm the vice president. It's 2,300 plus houses. It's in Mr. Buffington's district. And in the transition policy area, this is obviously

[02:16:08] directed south exactly of our Willisford Grange community. We're simply asking for a number of additional mitigation strategies and these residents have, and with Supervisor Buffington's help, spoken to these folks for several years to try and get these strategies put into place and we're now at the inflection point. I appreciate all of you having the ability to look at and consider the different items that we brought to your attention. The masonry wall, the berm with additional screening. The evergreen trees that actually will provide somewhat of a visual impact.

[02:16:48] As Clint Eastwood say, shrubs ain't making it. So let's just be realistic about what we should do and what we can do to sort of mitigate this. On the north side, particularly, Mr. Letourneau's concept on the east side, people will be seeing it. The masonry walls that Supervisor Buffinon, Supervisor Sainz have brought up our good ideas. That's why we've included them. And we would consider talking some more on this. We'd like you guys to go into the works session and fix this so that you take these and put these as conditions of approval to these people. We've tried to work

[02:17:26] with them. They told us directly in writing in June of 21 that we're going to do a 40-foot buffer. And now it's back to 30. Some of the things that they have done to our sister organization, which is a separate one. The Conservancy is good, but those plantings are not the rendering that they're showing. They're small trees. So that's what we're asking for. We'd like this actually to be conditions of approval. If not, we'd like it to go put into your work session to figure out how we can get this into a situation that helps them and us, or in the alternative to

[02:18:02] deny the application. We understand the implications of that. Thank you all for your service. Thank you for your consideration and your time. Thank you, Mr. Blackstone. Appreciate it. Mr. Buffington, would you like to make a motion? Madam Chair, I move that the Board of Supervisors forward commission permit 2021-0012, specs 2021-0047, and SPMI 2021-0007, Novak North Star substation to a future Board of Supervisors business meeting in January of 2023 for action.

[02:18:40] And I guess that would have to be the January 17th meeting. Motions made and seconded by the Attorney General. Mr. Robinson, I'd like to have an opening. Yeah, I want to thank everyone who has shown interest in this, and they've shown interest for a long time.

[02:18:59] I think both sides have good intentions. I know I was a little hard on the applicant earlier. It's because I think things have changed a little bit since we last met on this, And the things that I asked for before made sense at the time. The wall now makes sense for safety reasons beyond just a kid might walk over there or something like that.

[02:19:21] We have people going around with sniper rifles, shooting out substations, and it causes major power loss to thousands of people for unknown numbers of days or weeks. One of the latest instances was

recently in North Carolina.

[02:19:37] And this is happening nationwide and really globally. And it's so easy for any idiot with a gun that just hates whoever or is pissed to go and do this. So I think the concrete wall is really something you guys should strongly consider.

[02:19:52] I'm asking you to consider it around all four sides for safety reasons, for your own asset. So please do that. I'm asking for that whatever walls be put there be painted green. So even if you say you don't want to do this and you move forward with a buy right, please paint the walls green, whatever they are.

[02:20:13] The 10-foot berm on the north side, I'm asking for that. I hope you'll move enough dirt that you'll save money by doing this, by not having to haul it off somewhere else. Just make a little berm on the north side. When you go to plant the trees, plant them on the berm. Again, I want to thank everybody who's been involved with this.

[02:20:33] The community has been involved in this. Even that meeting with Chuck Kuhn years ago, we didn't realize it was going to take this long before this came to this point. But with COVID and everything, it ended up taking this long. So, again, thank you on both sides.

[02:20:49] I'll get another opportunity to speak here in a few minutes. Thank you. Mr. Letourneau. Thank you. Mr. Rogers, so we have a commission permit and we have a minor special exception. What is tied into which? Because we obviously have the critical action date coming on the commission permit, and we don't have work sessions in the Board of Supervisors.

[02:21:09] So we have a lot to sort out here in a quick time frame. The critical action date is on the commission permit. The commission permit, if it's not acted on by the board, would assume to be approved. So the board has to take action on the commission permit or assume it be approved, but you could delay the special exception.

[02:21:29] So we could put, if there were modifications to what the applicant is proposing, such as a wall or some increased change to the buffering, that could be modified in the minor special exception and the board could still approve the commission permit.

[02:21:45] That's correct. Okay. So, I mean, I'm all for sort of supporting Supervisor Buffington and the effort. I think, you know, it is important to recognize the applicant is going well beyond what the county standards are. So the worst thing for everybody in the room would be for the applicant to walk away from this and say, you know what, we're just going to do two by right.

[02:22:06] substations and they will not have this buffering they will simply be the basic county requirement with nothing additional so that is why we have to push to a point and then understand what a reasonable accommodation is and i think it's appropriate for us to to raise some of these issues that have been raised tonight and that's why i raised some of them um but it is still important to acknowledge that the applicant is going beyond what the county requires and the board does not have the legal ability to defend a denial when that happens. So this is, you know,

[02:22:41] the fact that they're engaging with us is a shine of good faith because they really don't even have to. It would just be a longer process for them from a legal standpoint. I have had these concerns and, you know, there are two other data center applications that were special exceptions adjacent to residential

homes that four of us on the board voted against for this reason because this is not the first one of these that we will see they are going to need substations as well and so my mantra has been very consistent that we should not be putting data centers next to residential homes unfortunately the board did do that in a couple of occasions not this one this

[02:23:20] was by right but I agree with what some of the speakers said because how we handle this could be a blueprint for how we handle those ones when they come as well. And they are going to come. Thank you, Mr. Letourneau. You know, the truth is everything we're talking about is by right.

[02:23:40] Willisburg is a by right community. This station is a by right. And that's, you know, it's tough because it's so hard to plan when it's all by right. I would, and Mr. Blackstone, I might be giving you a call i'm honestly curious as to why willisburg sold the land and and i would love the answer to that and so i don't know mr well but serious i mean i'm not i'm not mr black i'll give you a call mr blackstone no no no no no no no no no i'll give you okay it was the developer

[02:24:19] it was the developer he just said okay all right okay gotcha um this this is this frustrating all the way around for obvious reasons um what Ms. Letourneau has just said is correct Novak we don't want you to walk away and just go wash my hands of all of it and do do all of it with minimal um proffers we don't want you to do that at the same time you know if I lived there that this was my family I'd be asking for the same things that they're asking for so I you know you know there are times that that's kind of always where I go what if that was what if that was me and I'd be

[02:24:57] asking. I don't think it's unrealistic. So it's tough. And I will associate myself with Mr. Buffington's comments. I will work with Mr. Buffington as the county chair and support you in any way that we are doing this. On another whole and completely different note, if Novak can give me an actual person that I can get a hold of during storms, that'd be fantastic.

[02:25:20] It is impossible to get anybody from NOVAC on the phone during storms and power outages. So just, like, put it on a sticky, hand it to me. That would be fantastic and great. Thank you very much. Mr. Repton, would you like a closing? Yeah, I just want to make clear for the record, since I know a lot of you guys said it, but you're not being recorded, and it's not on the record.

[02:25:44] Willowsford did sell this land, so had they not done that, this wouldn't be happening, but it was not the HOA. It was the developer. And so you had nothing to do with it. There was no say from the community that the developer didn't ask anybody. They just did it.

[02:26:01] So it is what it is at this point, and we have to do our best with what we have. To the applicant, I want to apologize because up until I had not received this letter from the HOA until today, as far as I know, I've received some requests from individuals within the Willowsford community asking for some of this stuff but I don't think I received as far as my staff is able to find right now this particular letter which has more requests than I previously asked you for so I'm sorry for

[02:26:37] hitting you with this at today's meeting for the first time I would have liked to ask you this stuff in advance but it's because I just received the letter from the HOA today and that's best of my understanding I'm sure they'll let me know if that's not true after this but I'm asking I know you don't have to do all of this stuff that we've asked for. I think it's in your best interest to do it for safety reasons for your asset. But I'm also asking just from the bottom of my heart kind of. And I do like you all. I do appreciate you all. You know, you provide power. We all want

[02:27:12] power. Every one of our houses has power. And we're very, very thankful for it. But I mean, these people live really close to where this is going to go one way or the other. So please do them right you know I'm just begging you really to please do the best you can with this and do them right um Mr. Letourneau brings up some very valid points if we we can only push so hard and then we got to kind of find some sort of compromise because if if they walk away from the table and say going by right they need two of these so there's going to be another one somewhere else

[02:27:51] and they're just going to build it and we're not going to get any of these additional things And I know there's people shaking their heads no, but Leo, am I right? That's our county attorney. They would have the ability to build substations that serve just their property.

[02:28:10] Yes, sir. Right. And without all of these additional above county requirements that we're getting? That's correct. Okay. So I don't know if they would do that or not. Maybe they would just go away and not build them at all, but I don't think that's the case. I think you'd provide power to the data centers that we know are coming.

[02:28:28] So please do these folks right. I would appreciate it. Thank you, Mr. Buffington. I associate myself with your begging. I do. All right. Motion was made by Mr. Buffington, seconded by Mr. Letourneau, correct, Mr. Letourneau?

[02:28:44] Okay. All people can say aye. Any opposed? That motion will pass 9-0. All right. Thank you. I'm actually starting to see who's standing up to leave before we go. Who's still here for the next item?

[02:29:01] That's a lot of leaving. supervisors and people and and and loud and we have this this next time is going to take a very long time because we have a lot of speakers either in the room or on the phone we need to take about 10 minute break before we get here and we come back we have nothing else but this item left the um short-term rentals and so we'll pick that short-term rentals items up as soon as we come back from break i'm gonna give us about 10 minutes to just kind of stretch our feet and go

[02:29:31] grab some food, okay? Thank you. So we are back. Thank you, everyone, for waiting. I'm

[02:54:12] going to have staff actually do the full presentation. If you were not here at the beginning of the meeting, I would say again what I said at the beginning of the meeting. The motion tonight would be to send this to TLUC because the two most outstanding issues are the five acres and the setback it's hard to and probably we shouldn't try to do that that type of tweaking of an application or whatever or or an item on the dais at the moment and so it will go to the february teluk meeting come back to the march 7th meeting so that we have time to address further

[02:54:51] address the two issues that we keep that we've heard about and i haven't heard anyone who have had opposition to fixing, for lack of a better word, those two issues. So that would be the motion. So there would be no final vote tonight because it would go to TELUC.

[02:55:11] And please continue to send emails and such and talk to us between, well, until we come back to the final on the 7th of February. Okay? Thank you. Good evening staff. Thank you for being here and we're going to go on and do the the full presentation um miss erickson thank you for coming as well ma'am we're having a little bit of technical difficulty so if you so i should keep talking minutes we'll get the presentation they're having technical difficulties i can sing

[02:55:43] no i can't sing i promise you but but miss glass can i've heard it and so can supervisor turner okay okay got a little choir going on up here okay i think we're ready to roll now you guys are ready now thank you very much apologies we're ready when you are okay chair randalls and members of the board of supervisors and members of the public i'm michelle lord deputy

[02:56:21] zoning administrator in planning and zoning serving as the project manager for this project with me tonight at the table are dan glinda the director of planning and zoning Mark Stultz, the Zoning Administrator, and Beth Erickson with Visit Loudon. ZOAM 2018-0001 is a proposed amendment to the revised 1993 Zoning Ordinance to establish short-term residential rental uses in the zoning ordinance.

[02:56:49] A short-term rental use is defined as residential rental for less than 30 consecutive days. The first type proposed is, there are two different types that are proposed. The first type proposed is short-term residential rental accessory, which is proposed as an accessory use in a single-family detached, single-family attached, or multifamily dwelling.

[02:57:11] The use would permit rental for a maximum of 180 days per calendar year for up to four bedrooms and eight guests, depending on the type of dwelling unit. And the second type is short-term rental commercial whole house, which is proposed as a principal use located in a single-family detached dwelling that is used solely as a short-term rental use.

[02:57:32] The dwelling could be rented 365 days per year for up to five bedrooms and 10 guests at a time. The short-term rental commercial whole house use is proposed to be permitted in certain districts either by right with minor special exception approval or special exception approval. The amendments also propose to establish new definitions and additional regulations for both types of short-term residential rental uses. By way of background, the effort to provide for short-term

[02:58:12] rental residential uses in Loudoun County began in 2017 when the board directed staff to prepare registration and taxation requirements in the codified ordinance and to prepare amendments to the zoning ordinance regarding such uses. The board adopted the first phase of this by establishing the short-term rental registration requirements effective July 1st of 2018. The second phase of implementation is adoption of the zoning requirements for short-term residential rental

[02:58:47] uses. The zoning ordinance amendment effort was initially included in the 2018 work plan and has been retained in all subsequent work plans. Resolution of intent to amend the zoning ordinance to include short-term residential rentals was adopted on July 18th, 2019, which was revised on October 17th, 2019, to also provide for amendments for short-term rental commercial whole house use.

[02:59:13] The zoning ordinance amendment was discussed by the Zoning Ordinance Review Committee in August and October of 2021. Staff considered the amendments received while finalizing the proposed text. In addition to meetings with the Zoning Ordinance Committee, ZOAM 2018-1 has included extensive public and stakeholder outreach, including an online survey and outreach sessions in 2019 and additional sessions in 2021 and 2022, including meetings with Visit Loudon, the Bed and Breakfast Guild, the Loudon Local Business League, Loudon Coalition of Homeowners

[02:59:49] and Condominium Associations, Loudon Preservation and Conservation Coalition, a countywide public outreach meeting, and a meeting with the Rural Economic Development Council. As mentioned earlier, two types of short-term residential rentals are proposed. The rental of an entire single-family dwelling is termed short-term rental commercial whole House and is proposed to be permitted by

right in the AR1, AR2, A10, A3, RC, JLMA20, TR10, TR3, and PDRV zoning districts. This use is proposed as a minor special exception use in the

[03:00:24] CR1, CR2, CR3, CR4, JLMA123, the TR2, TR1, R1, R2, and PDCV zoning districts, and as a special exception use in the R3, R4, R8, PDTC, and PDMUB zoning districts. The short-term rental residential accessory use is proposed to be added to the list of uses permitted as an accessory use to residential uses. Additional regulations including management requirements, rental capacity, and parking requirements are proposed for both the residential accessory and commercial whole

[03:01:02] house uses. Minimum lot area and minimum distance requirements from property lines are proposed for the commercial whole house use. Definitions are also proposed for both the residential accessory and commercial whole house uses in the Article 8 of the zoning ordinance. Throughout the review of the ZOAM, various issues were identified.

[03:01:25] One issue is enforcement of the proposed regulations. Staff is recommending proactive enforcement and the adoption of one full-time zoning and the addition of one full-time zoning inspector to aid in this enforcement. It is also recommending utilizing software that is available that can monitor short-term rental activity in the county and then information can be used to determine whether providers are in compliance with county regulations. Another issue discussed was the number of days that a residential accessory use could be rented. The draft text limits rental

[03:01:59] to 180 days, which is less than half of the calendar year, to ensure that the principal use is maintained as a residence. The 180-day limit was supported by the public comment and included in the draft forwarded by the Planning Commission. The Planning Commission discussed the potential for negative impacts of short-term rentals on rural villages, but did not make any specific recommendations. The draft text forwarded by the commission includes regulations to lessen impacts on adjacent properties, including that a commercial whole house use must be located no closer than 15 feet from all property lines or the minimum yard requirements of the applicable

[03:02:36] zoning district. Further minimum parking requirements should also reduce impacts. The commercial whole house use is being proposed as a minor special exception or special exception use in those districts that have smaller lots and therefore the potential impacts can be reviewed on a case-by-case basis. The Planning Commission also discussed potential impacts on affordable housing.

[03:03:00] As recommended by the Department of Housing and Community Development, neither the short-term rental use types are proposed as permitted in affordable dwelling units or unmet housing needs units. DHCD also suggested expanding the restrictions of any type of affordable units, including workforce housing, from being used for short-term rentals. In general, DHCD is concerned about impacts, including reducing affordably priced home inventory and smaller housing opportunities. It is staff's belief that aside from not permitting the commercial whole house

[03:03:36] use, there is no clear regulatory approach that could fully address this issue. The amendments proposed would not apply to properties administered under the 1972 zoning ordinance as that ordinance cannot be amended. During and after the county outreach sessions in February 2022, staff received many comments regarding the impacts that short-term residential rental uses are having on residential properties administered under the 1972 zoning ordinance, such as Countryside and Mirror Ridge in eastern Loudoun County that are subject to a court order. The zoning administrator will issue an advisory pending stating how short-term rental uses will be governed under the 1972

[03:04:15] zoning ordinance. Another issue was raised was that of adopting grandfathering rules to exempt existing short-term rental uses from the new regulations or establishing a grace period to extend the time for existing short-term rentals to meet the new regulations. Staff does not support a grandfathering provision as the proposed regulations are intended to address potential impacts on neighborhoods. Staff recommends that all short-term rental uses be treated equally and be subject to the regulations.

[03:04:44] While staff does not support grandfathering rules, either a grace period or future effective date is recommended to allow existing short-term rental uses to comply with the new regulations. A draft motion is included with this item proposing an effective date of July 1, 2023. Section 5-600.

[03:05:02] How are those two statements not in complete odds of one another, the bottom two bullets? I think a grandfathering provision would basically say that any existing short-term rental that's existing would not be subject to the amendments, where a grace period basically is, if you don't have a grandfathering and saying that, you know, once this is adopted, everyone will be under the same set of rules, but we're going to, the grace period is a time period that would allow folks to come under the ordinance.

[03:05:40] Therefore, we wouldn't take any kind of enforcement action during that grace period to give people an opportunity to come into compliance with the ordinance. So it's two different concepts. basically um carrying on um section 5-600 of the zoning ordinance currently permits the board to approve modifications of additional regulations through the minor special exception process

[03:06:18] the draft text specifically excludes modifications to certain regulations comments were received from the public in support of allowing applications to modify all of the regulations however staff believes that the specified regulations could not be should not be modifiable as they maintain the basic characteristics of the use and are necessary for safety and adequate enforcement.

[03:06:41] The draft text recommended by the Commission includes a list of requirements for the short-term residential uses that are not modifiable. Another issue is the Planning Commission's recommendation to require notification of a proposed commercial whole house use. Staff further reviewed the draft text recommended by the Commission to require an applicant to notify adjacent property owners of a proposed commercial whole house use and was unable to find any authority under the Code of Virginia to require applicants to provide such notice.

[03:07:08] To address the Commission's recommendation for a notice requirement, staff revised the draft text to require county staff to provide such notice. However, staff does not support the notification requirement as there are currently no notification requirements in the zoning ordinance for by-right uses except for the child care home use, which requires notice under the Code of Virginia.

[03:07:28] Requiring notice would treat commercial whole house uses differently from other permitted by-right uses and would not give the adjacent property owner the ability to affect the ultimate approval of the zoning permit for a use that meets all applicable zoning ordinance requirements. It should be noted that property owners will be notified of such use when a minor special exception or special exception is required.

[03:07:49] As previously discussed, staff recommends a July 1, 2023 effective date to allow for marketing and public outreach to the industry so that existing and future short-term rental uses can comply with the

new regulations. The additional time will allow the staff to procure the services for third-party compliance monitoring.

[03:08:06] In summary, the Planning Commission and staff recommend approval of ZOAM 2018-0001. Attachments 1, 2, and 3 of the item include the proposed draft text with proposed changes in blue text made after the Planning Commission hearing. Staff does not support the Planning Commission-recommended requirement to notify adjacent property owners of the establishment of a buy-right commercial whole house rental use.

[03:08:29] And while staff does not support grandfathering rules which would exempt properties from the new regulations, an effective date of July 1, 2023 is recommended to allow existing short-term rental uses to comply with the new regulations. Further, staff recommends an additional zoning inspector to assist with proactive enforcement of the new regulations.

[03:08:47] This concludes staff's presentation. Wow. So, thank you. Thank you. No matter what we end up doing on this, there have been so many people who have put so much work into this. for since 2017 to be quite honest so thank you very much supervisors let's go with questions right now if you have questions put your lights on mr. Turner thank you madam chair did I understand you correctly staff supports a grant and not a grandfathering a grace period yes we do can you explain to me how a grace period helps somebody that doesn't meet the setback or doesn't live on five

[03:09:27] acres well there is certain cases like for the setback there's the possibility to modify certain of these standards, which we talked about. So that would be one option where they could do that. It may be cases where they're not going to be able to address it administratively, but there might be that process.

[03:09:46] So it would be case by case as to how that works. Okay. So just to make sure I understand, so there will be some avenue for homeowners on less than five acres or don't have the setback to somehow during the grace period come into compliance?

[03:10:10] Yeah, I think one of the things, yeah, because, again, it depends on what the grace period is, where if it does require some kind of a legislative application, it may be that that can't get processed in that time. But I think from a staff perspective, as long as they were in the process of trying to achieve that approval, you know, that the grace period could be extended.

[03:10:27] We just don't, you know, we need to cut it off at some point where if nobody's taking any action to try to come into compliance that, you know, that the process would have to happen. Okay, but to be clear, we're basically saying we would provide a grace period to allow legislative action to allow a house that is not, doesn't have a sufficient setback and is on less than five acres to come into compliance.

[03:10:52] I'm still having trouble understanding the practical mechanism by which they come into compliance. Yeah, the minor special exception is the process to modify the standards that require those things. Now, I don't think, as Michelle, I don't believe that those two were things that we said you can't modify. So they would submit a legislative application for a minor exception to those two criteria?

[03:11:13] Right. Correct. What's the average cost of a minor exception legislative application? I could look that up for you. If you could get that to me, I'd appreciate it. Because we're now asking those people that their only avenue to modify those two requirements is through a legislative action that could be pretty costly.

[03:11:29] And could I just add on to that? So the proposed amendment is for a 15-foot minimum setback from all lot lines or the minimum yard requirement of the zoning district, whichever is greater. And the regulations, as written now, state that the applicable zoning district standards could not be modified by minor special exception.

[03:11:54] So we don't even have the minor special exception option as a remedial. Depending on what the yard requirement is for that. Yeah, because any use or building in the district requires you to meet the district yard requirements. Okay, can I just ask in my last 10 seconds, I can't understand why we have a requirement in there of five acres or more and a setback.

[03:12:15] Why do we have that in there? The setback was basically to try to address, particularly in villages where you have small properties, where in certain cases it may allow homes to be close to property lines. So there was a concern that a commercial house may have more impacts than somebody actually lives in that house.

[03:12:32] where they would want it set back at least a minimum distance. That was just an attempt to have some separation that may not be covered by the district regulations. I would point out that in those small lots, typically to do a commercial house the way it's set up right now, it would require, in most cases like that, would require minor specs or specs to do it anyway.

[03:12:53] So it could be addressed that way. Thank you. Thank you. Mr. Kirshner. Thank you, Madam Chair. And I have far more questions than we have time for, and so that's one of the reasons I'm requesting to be sent to a TLOG session. To kind of just briefly piggyback, I'm assuming we have the five-acre, and correct me if I'm wrong, and I might shoot some rapid questions at you, but I'm assuming we have the five-acre restriction simply because that's the way the B&B ends are set up.

[03:13:19] Is that correct? That's correct. But yet the B&B ends are allowed to have 20 events a year, and we restrict that for the commercial whole houses. So I think that's one of the things that Supervisor Turner is trying to get at.

[03:13:35] And I think this is why we have to have a more robust discussion is I think those restrictions are there, for example, for the B&B Inn because they have larger events. These places are just places that come in. I mean, I have one myself, and, you know, I'm not having events, but it's on more than five acres, so I'm not going to have an issue personally, but I know other folks that will.

[03:13:57] And so I think that's one of the things I would like to address in the TELUC. The 15-foot setback, I continue to struggle with that as well. I would prefer to see a grandfather for existing structures because it doesn't make sense to me. If you have a house that you can rent full-time, you don't have the same setback requirements.

[03:14:14] It exists. So why do we require it for short-term rentals? And I understand some of the impacts, but I think that maybe can be addressed in other ways. And so perhaps we can have that discussion more robustly in the TLUC session that we have.

[03:14:30] Ten guests. So I struggle with this one a little bit, and I would love some answers. You don't have to give it to me tonight, and I'm sorry I'm talking at you. But the 10-guest requirement, it's interesting because I went back and looked at the B&B Homestay Inn and County Inn, and they break that down based upon guest room, not number of guests.

[03:14:53] So I'm not sure why that is different here than it is there. I'll give you a perfect example. I have a standalone commercial coal house right now. I have enough rooms to probably hold 12 people.

[03:15:09] Now, I don't usually have 12 people. Normally I have two or three at a time. But once in a while over Christmas or a holiday, people come in town. They want to have their family there because they have family in town. They want to stay there. So to me, I want to look at those restrictions a little bit for those who may have kind of similar situations. I'm a little concerned about the proactive enforcement.

[03:15:27] I'm assuming as staff, you've talked about this. What does this look like to you? Because I don't think we really have that in other zoning where we're going out and proactively enforce. It's normally complaint-based. So why are we recommending that here? And what's that look like? Maybe you can answer that one now in my last 30 seconds.

[03:15:47] I have many other concerns that we can address later, but those are some of the bigger ones. I think the reason, I guess we just heard throughout the process, throughout the whole outreach, input and comments, one of the key things we always heard was that these regulations need to be enforced. And there was a concern that if we simply rely on the complaint-based, that a lot of these would go under noncompliance.

[03:16:11] So it was just a matter of truth. In the last two seconds, can we make those, require those complaints be in writing rather than anonymous tips? Because I think. Yeah, we do. The complaints do have to be in writing in order for us to pursue any kind of investigation. So it was an attempt basically to address those concerns to make sure that we were making sure all the, and particularly with this use, because of the potential impacts to existing neighborhoods, that we would want to do that properly.

[03:16:38] That's why we did that. Thank you, Mr. Kirsten. Mr. Buffington? Thank you, Madam Chair, and thanks, staff and everyone, for all their work on this. I'm not sure about this grace period idea. I think grandfathering makes more sense. You have to literally move a house to get it into compliance, so we need to talk more about that.

[03:16:58] Proactive enforcement, I simply don't support it. We don't do that on anything else. We shouldn't start doing that with this, and then we're going to get asked to start doing that with everything else in the county. Parking, I think we need to have more talk about parking. Maximum renters, am I right with commercial whole house, can be 10, and residential can be 8.

[03:17:18] I think maybe 8 is a better number than 10. Once you get over 8, my experience from the complaints that I've seen in the district is that you have a major party that does upset the neighborhood, and we end up hearing about it. The setbacks, I think we need to find some other way to deal with that other than just 15 feet from the borders.

[03:17:41] What if, I mean, in that case, if there are 15, I don't know, is it 15 feet or yards? Feet. Feet. So if your goal is to keep this house that's an Airbnb away from this house that's not an Airbnb at least 30 feet, then maybe we base it on that.

[03:17:59] So they're only five feet from the border, but there's no house within 30 feet, so it's fine. But no matter what, we need to figure out the setback thing. Notice to adjacent neighbors or property owners by the applicant, I think, is ridiculous.

[03:18:15] No disrespect. It's just going to cause who knows what between neighbors, and it's unnecessary because it wouldn't matter. The neighbor doesn't have a chance to say no anyway, so why are we making them do that? The effective date of July 1st might be too soon.

[03:18:31] I don't know. I think we need more discussion about that. I need to find this list of non-modifiable things that you all are proposing. That's in the packet probably, right? I just missed it. Okay, so I'll have my staff pull that out. I think that's all I got.

[03:18:48] Thank you. Thank you, Ms. Bricksman. Thank you, Madam Chair. Could we not resolve the 15-foot setback issue if we were to include language that exempts adaptive reuse of historic or agricultural buildings from the minimum lot area or setback area?

[03:19:11] Yes, I think that's one alternative to do that. Okay, so that might be a good discussion to have in TLOC. When you say proactive enforcement, is that the person that we want to hire to compare the list of who's registered and who's?

[03:19:32] That's different. Okay, I need to ask what that proactive enforcement is. But on the hiring of the third party, to me, wouldn't that belong more in the treasurer's office than the zoning office if it's about collecting revenue instead of the zoning office?

[03:19:55] We've talked to a company who's done some work in Loudoun County, did some work for Visit Loudoun to get some estimates on what costs would be. And it's a software program that certain employees would have access to that would run the numbers and find out where they are located in the county.

[03:20:11] And then we could proactively notify if we notice that someone doesn't have a zoning permit, they may be registered, but they may not have a zoning permit. but we could let them know what the requirements are, that they need to be registered and that they need to have a zoning permit and then these are the regulations that are in the ordinance so that we can help them comply.

[03:20:38] - And does that translate, do you think Ms. Erickson, to what we were discussing before to the revenue that we would like the county to be receiving? - I think that there needs to be a coordinated effort to understand who is registered so that tax, the Department of Revenue can really monitor where the funding is coming from and whether or not people are paying their applicable taxes.

[03:21:02] Okay. And please tell me I'm wrong. I heard you say Countryside would not be subject to this. Did you say that? Yes, I did. Countryside is, by court order, is still administered under the 1972 zoning ordinance, so therefore any changes we make to the Revised 93 would not apply.

[03:21:28] However, the zoning administrator is going to write an advisory opinion to state how short-term rentals can be administered under the 1972. But we have to look at uses that are permitted under the 1972 zoning ordinance. Okay, I'm sorry.

[03:21:44] I'm going to cut you off for just a second. Countryside is where I get the most complaints about this, and that's a big problem. And if it requires maybe going down to the General Assembly and getting that fixed, I'm really happy to support that. Thank you. A couple of things. One, I don't, Mark, I understood your rationale for proactive enforcement.

[03:22:09] I don't know that I heard you say how it looks, how that happens, what we do. That's the first thing. Secondly, if you go to page 15, can you all explain to me why affordable dwelling units and housing

needs units are prohibited?

[03:22:28] is that correct? They are prohibited. Can you explain to me the rationale for that? Take a shot at that one. I mean, I think from the housing standpoint, those units do have limitations in terms of the number, you know, the use of the dwelling. And so I think it's just my understanding that by allowing the ADUs and the AHUs to do this, particularly if they're renting out the whole house and not there, that there could be issues with the intent of trying to keep those under the occupancy of those that need the dwelling units for their principal dwelling.

[03:23:06] Well, it wouldn't change the person who's in the house permanently, though, right? Right. I mean, clearly the commercial whole house, which is a principal use, would not be able to do it under an ADU-HU. I think we could look at, you know, options to allow some short-term rental of their dwelling.

[03:23:24] I mean, I just, you know, just because you're in an affordable dwelling unit or an unmet housing need you and it doesn't mean you might not go on vacation for for three four days it it doesn't it's it's literally like you you were telling people because of the type of because they're in an adu that they can't ever make any extra money when everybody else can and i don't know i don't understand the rationale for that and with due respect i don't agree with that not the commercial but the short-term rental right and you know they would why why they wouldn't have

[03:23:59] the same opportunities and fall under the same ordinance that everybody else is escaping me. We can try to get a following, additional information, if you look, on that. Okay, that would be great. I know I didn't do a very good job. No, no, no. This is a lot, and you guys have done an amazing job. We've been doing this for a long time.

[03:24:15] All of you, Ms. Erickson, you've been, like, literally the Commonwealth's expert in this. So the questions are not meant to be criticism. They're just that, just questions. I will go back to my previous question. How do you do proactive enforcement?

[03:24:32] I understand why you want to do it, but how does it look? At least in my mind, having the software or being able to do a scrubbing to determine who's actually registered on some of these websites for short-term rentals, to do a check to see that they've, number one, registered under the county registry, but also have obtained zoning permits for the use.

[03:24:52] In the event they haven't, it's not necessarily meant to be punitive, but we just want to be it to be aware of where these are to educate the folks that are doing it that there are zoning requirements that apply to you and make sure that they're aware and that they come in and get all their approvals that they need I don't think I hear enforcement I think I hear education yeah I mean I guess if it got to the point where somebody refused to come in and get a zoning permit for the use and establish it it could get to the level of a of a nano V issue to them a violation do you have something to add to that yes I think that what I saw in the item is really two different separate things one of which is a proactive enforcement

[03:25:31] which again is something that can be explained but I think by the by the folks here at the table but I would like to speak to the compliance which is that third party and that really is an opportunity to educate so it is something that would take a burden off of county staff because it's an automated system other municipalities have gone into these agreements and again it really is looking at educating, sending information forward.

[03:26:00] This is the registration process. These are the ordinances that surround this opportunity, and then also will help take what they're seeing on the platforms, because that's the beauty of it. They're all platforms, so they can scrub the information, and then reconcile that with county staff to take a look at really understanding if they are compliant from collection remittance of tax.

[03:26:24] That's kind of where that left off in terms of education and compliance. Regarding the proactive enforcement, that would be, I think, a different level. Yep. Okay. All right. Wonderful. Thank you. Thank you very much. We have quite a few speakers, and everyone, thank you for hanging out with us.

[03:26:42] We do appreciate it. I'm just going to go right down the list. I don't, if I do have, if we do have anyone who is, because I don't think there's anyone anymore who's, most of the people are in the room not on WebEx at this point. So, our first speaker is Vincent Anad, followed by Jonathan Daniel, followed by David Hunt.

[03:27:04] Did we lose all three of those people? Mr. Anad, Mr. Daniel, Mr. Hunt. After that is Byron Chatwick, followed by Kayla Lombardi, followed by Haley Holdsworth. Mr. Chatwick, Ms. Lombardi, and Ms. Holdsworth.

[03:27:25] Chair Randall, we're sorry. We missed that you started with the remote public speaker, so we do have the first speaker on the line. Oh, I'm sorry. Did I? Ah, okay. All right. All right. All right. All right.

[03:27:40] So then let's do whoever's on the line, then I'll go back to the ones in the room. Okay. Since we caught Mr. Anad, let's go ahead and do that person. Hello, everyone. My name is Vinny Anad, and I'm a small business owner in Peonin Spring, right across from the trail.

[03:28:01] I want to voice my concern against this new proposed regulation to give you a brief overview the last two years were really tough on us, I'm pretty sure anyone who is into small business they know what I'm saying, last two years it was really tough for the business and things have started going into right directions, but I'm afraid that regulation things will turn around again and a lot of people who are coming to a beautiful Loudoun, visiting the trail visiting the small restaurants, breweries, wineries, they all will be affected, and so do the small business in Loudoun County.

[03:28:40] And I don't really see a reason why we have all these stringent regulations for small business, for people who are just making their living rather than focusing on the large businesses. So that's my concern.

[03:28:56] So please, please do not make any regulation which will actually prohibit people coming into Loudoun, business coming into Loudoun, and money going into other counties. Please, thank you. Thank you, Mr. Anad. Okay, let's go to the list of speakers in the room.

[03:29:14] The first speaker will be Donald Walker Jr., followed by Fred George, followed by Ann George. Good evening, Mr. Walker. Thank you, Belord. Thank you, staff. Thank you, Lord. I know this has been a long time. I've been doing short-term rentals since 2010.

[03:29:32] I've been doing short-term rentals in Loudoun County, where I was born, since 2017. I've been speaking in front of the board since 2017. We need to get this regulation done, and we need to get it right. I think we can probably work on that tonight or send it to TLUC, but I'm glad you all are taking the time to do this.

[03:29:51] The board needs to accept all registered compliant owners that are working now. There's 165 of us that have been compliant on the list, give or take a few that we might not know about. But I believe that we should be able to continue to operate, and a grace period won't work because if we can't get them in now, six months won't fix it.

[03:30:12] If we can extend a grace period until I want to stop doing this, that could be acceptable. The non-conforming structures are primarily what we have out in the West. As you know, they sit close to the road where the road wasn't built when the house was put up in the 1800s.

[03:30:30] So it's going to be challenging to figure out the setback on that. No amount of time could probably fix that. Telling our neighbors, we should all do that. We're a business. Sometimes we are running like a daycare for adults.

[03:30:45] They need help with the Wi-Fi, finding the right places to go. So I have no problem notifying the neighbors. In fact, if the county would hand out my phone number, that's even better. It's more advertisement. So we don't have a problem doing that. The enforcement aspect, I believe that fully needs to be with the tax office.

[03:31:02] I believe that they do need the tools of host compliance, and they need to be able to report those numbers. And the tax office can currently go out and serve papers to people that are not compliant. They've done it. They need help doing it with Airbnb currently on another topic, but they can find us.

[03:31:19] So I think we can get that part pretty much figured out. To get this through tonight, which I'd hope you could do because it's been a long time, but I do know it needs to be right for everybody, You need to redline the setbacks. Houses were built. They're acceptable when they were built.

[03:31:35] They should be able to be used. Change the max, the guest amount from 12 to 20 people. If you go above eight, then maybe add a little bit more detail that the house has more separation. The neighbors are more notified. This entire thing needs to be modifiable.

[03:31:51] We can't see what the future is going to bring. If we'd given this regulation what it was probably going to get in 2019, we wouldn't have the tourism. Well, Mr. George, I just give you my gavel at this point.

[03:32:09] Mr. George, you're next, followed by, and George, followed by Peter Dalton. Yeah, my name's Fred George III. I've met a lot of you in passing and other places. I'm 11th generation Loudoun County. I'm very proud of that. I'm a grandfather.

[03:32:26] I'm retired. I still farm. I still do a lot of things. My wife and I have a good bit of rental property and love it, so most of it's historic stuff, and we try to take very good care of it. And we found that by doing these Airbnbs, it's a benefit to us, of course, but we've had some really nice people come in from all over the country, excuse me, all over the country.

[03:32:52] I mean, and we've become friends with them, and we've sold one couple of dogs, and we're friends with them. And one of the great benefits of having the short-term rentals is nobody's going to tear your property up.

[03:33:11] And I can give you every story that you can imagine the way people tear stuff up. And when you're going to your property every three or four days, you're keeping it in a pristine, clean, great environment for people to come to.

[03:33:27] And that's one of the great benefits to me. I don't have to go back in if somebody's been there for six or eight months or two or three years. and then you've got to go in and redo the whole place. Got a lot of speakers. This is my two-and-a-half-minute claim to fame here tonight.

[03:33:47] Thank you for your time, and my wife is next. Thank you. Ms. George, you should have just come up and stopped him. You'll be followed by Ann George, followed by Peter Dalton, and followed by Beckwith Bully. Good evening. Good evening.

[03:34:02] I would have stopped him, but he still had a minute to come up. I don't want to repeat everything he said, But the fact is, we have had a lot of rental property over the years. And just recently, I'll use COVID as an example.

[03:34:21] Our tenants were told, all tenants were told, that they didn't have to pay their rent because they couldn't go to work. But nobody told me I didn't have to pay my mortgage or pay my insurance or pay my taxes. And we actually had only one tenant.

[03:34:38] We were fortunate. One tenant took advantage of that and got us for about \$14,000 that we'll never see. It's gone. So having the opportunity to use our property in this way, it enables us, like he said, to keep an eye on our property.

[03:34:54] A property we recently redid in Lovettsville is absolutely beautiful, and it was run down and probably would have been torn down by a developer. And we brought it back to life, and it's beautiful. And I would hate to have somebody move into it and tear it up, as I've seen with one of my husband's cousin's properties.

[03:35:13] He just redid his property, and people moved into it, and now six months later, he's having to evict them, and they've destroyed the property. So I'm asking, please don't make, I mean, I understand there has to be regulation, but please don't make it so onerous that we're not allowed, that we can't continue, and that it's not worthwhile, because we're both retired, and we depend on it.

[03:35:35] It's part of our livelihood, part of our income is what we do, and so we just would appreciate to be able to continue. We're happy to pay our taxes. We're happy to comply with regulation that's within reason. Thank you very much.

[03:35:51] Thank you, ma'am. Ann George, followed by Peter Dalton, followed by Beckwith, I think it's Bollet. Is Ann George in the room? That was you. Okay. Peter Dalton, followed by Beckwith Bollet, I think I'm saying your name right, followed by Jean Marie Belson.

[03:36:12] Good evening, sir. Good evening. My name is Peter Dalton. I own two short-term rentals on my farm in Philomont. It's literally how I pay for my farm. When I bought it, it was way above my pay grade. But being able to put two Airbnbs on the property allows me to own 25 acres in Loudoun.

[03:36:29] Really concerned about some of the negative effects that the regulations could have on my income, as well as local businesses. You know, the proposed regulations, such as being near a property line or a hillside, would have a major impact on, you know, as Donnie said, many of the short-term rentals in Loudoun. And many of these, like on my farm, which dates back to the 1700s, were built prior to these regulations. As far as the acreage and number of people limitation, again, this would eliminate a lot of short-term rentals. You know, people who have a guest house and a main house or multiple cottages, you

just wouldn't be able to accommodate the amount of people that you possibly could. I think it's also important to understand that many local

[03:37:09] businesses and tourism-dependent areas such as Western Loudoun rely on visitors to survive. I mean, businesses like farmer's markets, wedding venues, wineries, all of these benefit greatly from the influx of tourists that are brought in on these short-term rental platforms.

[03:37:25] You know, decreasing the number of short-term rentals in these areas will lead to a decrease in the number of visitors, and as a result, a decrease in revenue for local businesses. Last time I checked, there wasn't a Hilton in Philemont. So additionally, short-term rentals have been known to help increase the affordability of travel for many people to tourist destinations.

[03:37:45] It provides affordable accommodation options and short-term rentals make it possible for people to visit and stay in a given area and in turn support local businesses and boost tourism in general. We have multiple wedding venues around us. We know all those people. We love those people. They blast out our Airbnbs.

[03:38:02] people love being able to go to a wedding venue and then being able to basically walk or stagger their way back to our cottages when they're done with the after party. So I think that's just another bonus. They can live here for a while, they can eat, they can support all these local businesses.

[03:38:18] And then lastly, like I said before, I think it's important to note that this is an important source of income to a lot of people here in Western Loudoun. And the more regulations that are brought upon here, the more it decreases the money out of our pocket. And I don't know about everybody in here, but I can frankly use every red cent I could get right now.

[03:38:34] So, thank you. Thank you, sir. Beckwith-Pollet, followed by Jean-Marie Beltson, followed by Scotty Boss Bureau. Good evening, ma'am. Good evening, Madam Chair, members of the board, staff. Thank you for allowing me to speak this evening.

[03:38:51] I've got a lot of issues with this regulation, and I'm going to fire some things off, and then I'm going to ask some questions. First of all, grandfathering. I don't see any reason whatsoever that these folks in this room that have paid their taxes, that have followed the rules that have been presented to them, should not be grandfathered into this program.

[03:39:13] I see zero reasons for that. Setbacks. The 15-foot setback on a house that was built prior to 1930 or a road being built is absolutely absurd. I don't understand why there's a regulation, because I can sell it. It can be rented to 20 people on a yearly basis, but yet you're going to put a short-term rental setback on a property that was built way before.

[03:39:37] It should go away. The acreage doesn't make any sense either because it can be sold, it can be rented to 20 people. Why are you putting a regulation on acreage? So I thank you that that's going back to T-Lot. There are some other concerns that I have, and that's this transfer tax.

[03:40:01] you're already getting money. Visit Loudoun has already provided you with a number from March of 2019 to the end of 20, which is what, \$180,000? And that was in COVID. So we can only guess what that number is right now. How are you going to make up that money? Is it going to be with enforcement fees? Is that where the money is going to come from? So I think that's something that needs to be

considered and looked at. When I speak to Western Loudoun, you guys bring up affordable housing, I'm sorry, I can be considered an expert on affordable housing, and I can tell

[03:40:37] you that not one of these is going to be a concern for affordable housing at all. Name one larger property on acreage in Western Loudoun that is affordable to rent. There's nothing. We don't have affordable housing in that area. Short-term rentals are a positive impact, and if you're going to take some of these away from these folks, this is small business. How are you taking their income away, and you're not providing it with a different affordable housing for some folks.

[03:41:06] I'm almost done. What is your solution? Are you going to put a Hilton in Philomont or in Lovett'sville? Or are you going to allow the drunks to stay on the roads in Loudoun? Or are we going to get a place to stay for the night so that they can enjoy our county? Thank you. Thank you. Did I say your last name right?

[03:41:22] Everybody says they're wrong. It's Bola. Bola. I'm sorry. I apologize. Jean-Marie Beltson followed by Scotty, say his name for me, Tony? Scotty Vosburel. And then followed by Kate Shersmeet. Good evening. Good evening. Thank you, Madam Chair and Board.

[03:41:38] I appreciate you all staying late. I know how tired I am. I can only imagine how tired you are. I'm here to represent short-term rentals, as you know. I'm going to share some excerpts from my guest book. So in 18 months, I have had only positive experiences as a short-term renter or renter from Florida, excuse me, could not ask for a better stay or visit in Western Loudoun County while working for the Loudoun Arts Film Festival. A guest from New York City, it will be hard to

[03:42:12] ever find words to express how exquisite my experience was while staying at your cottage. See you again soon. From Texas, really enjoyed my first visit to Wild Hair Adventures, which is my airbnb in loudon county who knew virginia was so beautiful texas right pennsylvania um guests these guests were traveling from pittsburgh on their way to outer banks they just happened to stop by enjoyed spending time in loudon county the scenery is unbeatable see you next summer

[03:42:46] north carolina we had the most wonderful weekend we could excuse me we had the most wonderful weekend, we cannot wait to come back. Denver, more Florida, more North Carolina. If these regulations come into effect, this affects me on my three acres. I'm out here living my dream. I came out here to buy in Western Loudoun so I could have an Airbnb or short-term rental. I have my eight alpacas. I have my pot-bellied pig. And I have DC friends come out and say, you're living the dream.

[03:43:22] I am. I get to have people from all over the U.S. and from out of state, or excuse me, out of the country, come stay on my little piece of paradise. It's my business to host these people, these guests, and share my alpacas, my art studio, and Western Loudoun. If you guys put these restrictions into place, you're not only taking away my business, you're taking away my dream. And I don't, that's not fair. I understand there's regulations. I understand there's a need, but be realistic.

[03:44:00] I've been doing this for 18 months and I haven't had a complaint. I'm paying taxes. I think there should be a balance. I think there should be. Ma'am, I'm sorry. No, that's not. No, I just think there should be some consideration for those who are existing.

[03:44:18] - Okay, thank you very much. I appreciate it. Scotty Vospero, followed by Kate Zurchme, followed by Ted Dorden. Good evening. - Thank you for letting me talk today.

[03:44:34] I've been here before. We've been doing this for a lot of years. I feel like we really haven't gotten anywhere. It's a little frustrating, but I totally respect the board in the zoning people's opinions but to those of us who have done what we were supposed to from the beginning, we've registered, we've paid the taxes, we have no problems with it.

[03:44:58] It's a little frustrating to be told that, we were told we would probably be grandfathered in and now we're being told that's probably not gonna happen anymore. I'm looking at this and it doesn't look like a whole lot of it is gonna apply to my unit but there's still a lot of, I mean, there's been taxes paid, there's been, We have been in business for about five years, and we have hundreds of reviews of people who stay with us.

[03:45:21] We've not had a lot of bad experiences. We've never had any complaints from people. We live on our property. We have a separate unit that gets rented out. I cannot rent it. I will not rent it to people regularly because I have children who live far away, and when they come with their families and want to stay with us, I have to have a place to put them.

[03:45:41] I have parents who live in Texas, and when they come to live with me, they are not staying in my home. So they're lovely people, but they don't get to sleep in my house. But it's just a way that it needs, I mean, sometimes these are just the things that have to happen, and it's not that I don't want to help people who need a place to live, it's that it just won't work, because when they come to visit, I have no place to put them.

[03:46:06] And, you know, we've worked hard to keep it, and my biggest problem is the 180-day rule. why does that matter um so you're going to get half the taxes you get from me now um you know and i don't understand it i live there there's not you know parties aren't a problem i feel like we're trying to fix a problem that doesn't exist yet um and maybe it's just western loudon versus eastern loudon i don't know but where am i supposed to send these people who won't any longer be able to stay with us we have many many repeat guests and covid was actually really good to us we had people from D.C. that came once a month for two years, and it was great, and we became

[03:46:46] friends, and it was lovely, and that was lots of income for Loudon and, you know, a little bit of income for us, and we really enjoyed it, and those are the kinds of things that won't happen anymore if we put some of these restrictions. Thank you. Kate Churchmead, followed by Ted Dorden, followed by Eddie Johnson, and by the way, as you come up, Ms. Churchmead, thank you for the email back and forth.

[03:47:09] you really helped me clarify some things, so I appreciate that. Thank you so much. First of all, thank you so much for addressing this issue. It's been on the table for a long time. Really appreciate all your support, all the opportunity to provide feedback, and the opportunity to be here today. My name is Kate Zerschmeid, and our family owns and operates Great Country Farms, Bluemont Vineyard and Dirt Farm Brewing in Bluemont. We offer five short-term rental cottages within walking distance to our venues which provide an oasis for guests to make a quick escape to Loudoun's beautiful countryside. These regulations would put three of those

[03:47:46] properties in jeopardy. This short-term rental provides year-round income for our working farm that helps us to provide consistent jobs and retain quality employees. I'd like to express some concerns about some of the specifics in this zoning ordinance. First, the five-acre minimum would limit the revenue potential of our daughter's home which is on a 3.4 acre parcel next to our farm she's newly

married and living with her husband in kentucky while he is stationed at fort knox with the u.s army they are able to keep their home in loudon due to their short-term rental

[03:48:20] income as he prepares for his next deployment this week the short-term rental affords our daughter the flexibility to come home and enjoy the support of her family while he serves our Great Nation. I'd suggest that perhaps three acres would be a better minimum or this item be removed completely. The proposed 15 setback puts two other properties in jeopardy. We offer an adaptively revitalized log cabin and a historic home in Blumont, both originally built in the 1800s.

[03:48:54] For existing structures, I'd like to suggest that at least the original footprint of an adaptively reuse structure be exempt from this 15-foot minimum if that cannot be struck completely. Additionally, I'd like to suggest that the board direct staff to provide a legacy option as part of this zoning proposal. We have been registered with the county since 2018 and safely operate our cottages and pay the appropriate taxes. We also support the recent amendment to include one-bedroom stays in the tax base as well and would like to see the board permit registered operators such as ourselves to continue to operate under a legacy proposal.

[03:49:34] Thank you for your consideration tonight, and thank you for all the time spent on this. I appreciate the opportunity to support the process as it moves forward through TLAC. Thank you. Thank you. Thank you very much, Mr. Chmeet. Excuse me.

[03:49:50] Ted Darden, followed by Eddie Johnson. Good evening, sir. Hi, how are you? I'm well. How are you doing? Thank you for the opportunity to come and talk. I'm Ted Durden, and I'm the owner of Creek's Edge Winery, and we're located in Taylorstown, Virginia.

[03:50:11] The issue that I have is the short-term rentals have been absolutely wonderful for our business because, like, we don't have hotels and things like that, and people want to come to the area to see how nice it is, and they come and it's walking, it's enjoyable.

[03:50:29] It would be very hurtful to our business if the short-terms went away. The other thing is, we're in the historic district. Those setbacks don't exist. Those things have been there forever. I don't know how you can do that.

[03:50:46] As someone said, you have to move a house. You can't do that. I think that grandfathering should be part of it. And as far as three acres, again, I'm in the historic district. They don't have three-acre parcels.

[03:51:02] But anyway, I just wanted to say thank you, and it would really harm my business if you did away with the short-term rentals. Have a good night. Thank you, sir. Thank you very much. Eddie Johnson, followed by Chris Shipp, followed by Waldo Tibbetts. Good evening, sir.

[03:51:21] Good evening. Thank you all for your time. I personally do not own any short-term rentals. I'm kind of here on behalf of a person who has lived in Loudoun on and off his entire life, that's worked on farms, managed and operated restaurants, small businesses. Since I could flip pizzas at seven, I can say right now, I know a lot of these short-term rental folks because of this business.

[03:51:44] They come in with their guests, and they recommend all these local places. It is actually a big mover of income to a smaller restaurant or even farms now. If you have a very small store, they would rather go shop there as opposed to your Wegmans or whatever large chain you have.

[03:52:04] So I just wanted to let everyone here know that, yeah, these small rental properties do a lot of business, not just the rental itself. And thank you very much. Thank you, sir. Chris Shipp, followed by Waldo Tibbetts, followed by Caleb Max. Good evening, sir.

[03:52:23] Yeah, good evening. Good evening, Chair Randall and Honorable Members of Board of Supervisors. I'm Chris Shipp. I think most of you have been before me before, seen me before. I'm the president of Loudoun Mutual Insurance Company, Loudoun County's oldest business, formed in 1849. We're a co-op, and we insure a lot of the short-term rentals.

[03:52:42] I want to thank you for the opportunity to provide some insight on some of the issues here, and thank you for your willingness to listen, because that's always important. Two reasons why I'd like to express my concerns with potential zoning changes for short-term rentals. First, economically. Economically, these businesses greatly benefit Loudoun Mutual.

[03:53:01] Last year, we wrote \$800,000, that's correct, \$800,000 in revenue insuring short-term rentals. So this is a significant part of our business. We've never had an issue. It's been growing. It's been virtually problem-free. And quite frankly, a lot of large companies don't like to insure them.

[03:53:19] We do. So we are a genuine example of the revenue multiplier that you have with short-term rentals in Loudoun County and throughout Virginia. Again, these are good business partners for us. They're good businesses for this county.

[03:53:36] And let's properly license them and empower them, but let's not put them out of existence. Second, I want to help preserve and protect small businesses. Hopefully, prevent these small businesses from having to go through what Loudoun Mutual had to go through.

[03:53:54] I would remind you that it took us eight years and over a half a million dollars in legal fees to allow us to stay your oldest business in Loudoun County. I don't think these folks can afford to go through that process, and I would hate to see them go through that process.

[03:54:10] So I would ask for you, in your wisdom, to be extra careful. Be careful of unintended consequences. Be careful of group punishment. Maybe there's a bad actor out there, but just please encourage, preserve, and protect these short-term rentals because they're wonderful businesses.

[03:54:33] They benefit our county tremendously, and they have a tremendous multiplier effect. You've heard that multiple times. So thank you for your very thoughtful approach to this matter. Thank you for your consideration of all the stakeholders here, and thank you for your work as Board of Supervisors.

[03:54:50] You have a very difficult job, and I appreciate this opportunity. Mr. Sharpe, thank you very much. Waldo Tibbetts, followed by Caleb Max, followed by Sherry Schiltz. Good evening, sir. Good evening. Thank you for allowing me to speak this evening.

[03:55:06] In 2005, I moved out to Loudoun County with my family, and we built what we deemed to be our dream home. It was a house that was a classically-style farmhouse that we insisted be made to look like it had lived or been in the Virginia countryside for over 100 years, never once knowing or having any idea that we might potentially end up in the hospitality business.

[03:55:33] It was the farthest thing from my wife's and my ideas. Fast forward to 2015, we took a little flyer and we joined Airbnb. Very quickly, that escalated into something far bigger than we ever anticipated.

[03:55:52] We quickly became a full certified state B&B and began running a wedding business. In the interim period, we have had over 100 weddings at our property.

[03:56:07] We have generated untold hundreds of thousands of dollars worth of revenue, tourism revenue for the county. To me, I wanted to say that the specifics of this legislation do not impact us specifically as a business the way we're configured.

[03:56:29] We're on 12 acres. We don't ever get into some of this stuff, but it will significantly impact the ecosystem around us. We have built our business on the uniqueness of being in Loudoun County, being in a beautiful location, having a beautiful home, exquisite views.

[03:56:54] And that has been the linchpin of, I think, our success. And we have always pushed very hard to make sure that it is local businesses. And because there's a paucity of hotel rooms in the area, these short-term rentals are absolutely critical.

[03:57:13] And anything that will impact their availability inevitably will significantly degrade and impact our ability to continue to grow our business and be as successful as we've been.

[03:57:29] So I just wanted to say, please be very, very mindful of the, as somebody said, unintended consequences of taking these actions. Thank you very much. Thank you. Thank you. Caleb Max followed by Sherry Shields followed by Reagan Walker. Good evening Mr. Max. Hey how you doing? Thank you board. Thank you for everyone for being here. My name is Caleb Max and I'm a resident of western Loudoun County. I've lived in Loudoun County since 2006. In 2021 I bought the farm of my dreams right down the street from my parents house. It has 17 acres of the pond in a creek and a big red barn. I raise Angus cattle on my property which I've done ever since I

[03:58:08] participated in 4-H at the Loudoun County Fair. The home is a log cabin built in the 1980s. To afford it, I had to put my entire life savings into the property. I also put a lot of time and money over the last year modernizing the house. My road is anchored on one end by a large vineyard and on the other end a brewery. Additionally, our road has the largest Christmas tree farm in Loudoun. Needless to say, the agritourism and traffic associated with it is significant. If I were not able to Airbnb my property, I would not be able to afford it. I imagine other folks are in similar situations and we've heard from them tonight. We need proper regulation. No one here is saying that we do not. I'm not even opposed to septic and fire marshal inspections on my

[03:58:47] property, but we must get rid of the 15-foot setback. So many homes in Western Loudoun are historic and therefore close to modern roads. We must also make short-term rentals legal for up to 20 people. I would also ask that any changes to the current law have a grandfather clause for those currently in operation with a waiver period for compliance. I cannot afford to be shut down for six months, and neither can my fellow citizens behind me. Also, do not fund an enforcement agency outside of the Commissioner of the Revenue. If businesses in my neighborhood can have hundreds of cars and people attending concerts on my street, I should be allowed to

[03:59:23] rent my property to those same people. So they're not driving back to D.C. drunk, and I like to call them the blitzed beltwayers that are often on my road. Do not shut down an important part of Loudoun's economy, Western Loudoun, for improper use violations in the East. And I'll use my many times I thought I had two minutes uh just to say you know I'm a big fan of Ronald Reagan he had a quote and I thought of it when we were talking about the uh the the having the group go out and do uh compliance is

anytime the government knocks your door and says they're here to help it's bad news and I think that's how a lot of us uh in the rural economy feel so

[04:00:02] thank you for your time thank you sir uh Sherry Shields followed by Reagan Walker followed by Terry Williams. Sherry Shields, are you still here? Oh, I am. I'm short. I'm sorry. Good evening.

[04:00:22] I'm Sherry Shields. I'm the owner and innkeeper of Hidden View Bed and Breakfast. I'm also the vice president of properties of the Loudoun County Bed and Breakfast Guild. Of course, now it wants the internet. Our nonprofit association historically was only traditional B&Bs. However, we have evolved and now include additional types of short-term rentals as lodging properties based on the quality of their properties and the personal service that they provide to their guests in helping them experience Loudoun County. Currently, we represent about 75 lodging properties and partner tourism-related businesses, including B&B homestays, traditional B&B inns,

[04:01:02] accessory use, STRs, and whole house rentals. We appreciate the work that has gone into the proposed amendments over the years. In addition, we value Visit Loudoun for all of its public outreach efforts. However, the Guild would also like to understand the rationale behind several new requirements, such as the proposed setbacks for STRs that aren't required for other stays, such as long-term rentals or primary residences, the added acreage component that differs from existing zoning already in place, where did the numbers originate for the minimum lot size and the maximum number of guests, the limited accessory use of a primary residence to 180 days,

[04:01:41] when the business model ensures on-site supervision and management similar to that of a B&B homestay. Regarding the modification option for the special exception or minor special exception, we'd like to see clearer messaging to help avoid confusion or different interpretations.

[04:01:58] Businesses should always be able to state their case for review and consideration, since like STRs, no one had a crystal ball to see this coming. Additionally, for the 165 registered STRs, in lieu of grandfathering, because we've heard there's some restrictions with that, we ask that a waiver be added to the 2023 STR regulation.

[04:02:19] This would provide a zoning permit to enable these compliant properties to do as much with their businesses as a new STR owner who registers after the regulation passes. Thank you for your time and attention. Ms. Shields, you are speaking on behalf and for the breakfast bill.

[04:02:36] Loudoun County Bed and Breakfast. Okay, thank you, ma'am. Thank you. Reagan Walker, followed by Terry Williams, followed by James Crabtree. Good evening, ma'am. Good evening, Madam Chair and Board. Thank you so much for giving us the opportunity to speak this evening.

[04:02:52] My name is Reagan Walker, and I own Waterford Reservations. We own and operate short-term rentals in Western Loudoun. I have had the pleasure of meeting with some of you one-on-one and or your staff, and I really appreciate the chance we got to chat with you and show you our properties and our areas of concern with the proposed regulation.

[04:03:10] As a quick metric, in 2022 alone from Airbnb, we have seen approximately 1,800 reservations. If you average this, about two guests per property, this is roughly 3,800 guests. These are people visiting for weddings, events, weekend getaways, more recently the Harry Potter event, visiting family work, funerals, workshops, medical, the list goes on.

[04:03:35] I have provided you all handouts to take with you. This tells you a little more about our business and our areas of concern. Particularly with us, the 15-foot setbacks comes into play. These proposed regulations for the short-term commercial whole house greatly affect some of our key properties, making them non-compliant. Note that these properties are older structures that predate 1900, which we renovated into beautiful one-bedroom cottages. These properties are what we consider a perfect fit for the short-term commercial whole house and they were

[04:04:09] renovated just to be that however because of the location they don't meet that setback and even more concerning is the fact that the way the regulation is written we wouldn't have a chance to um kind of request and apply for special exception for those as as it stands right now another area of concern is lot size we request that this be lowered to three acres with the the number of guests six. This would be a main structure hosting four and a small accessory hosting two. I am asking that you please consider these regulations and making them acceptable for all pre-existing non-conforming properties. We have put our heart and soul into this business

[04:04:47] and we believe our business greatly complements this county and the community in a very very positive way. I thank you again for your time. Happy New Year. Thank you. Ms. Walker the number of guest six minimum or maximum um i'm sorry what said the number of guests guess six oh uh for the three acre uh six okay okay okay thank you terry williams followed by james crabtree followed by and i think these people are have come into the room um was it georgian overman was it haley holtzworth that came into the room also was that the other person nadia okay thank you good evening

[04:05:25] good evening chat around how are you i'm well thank you good good thank you for everybody for your time uh so i have a property in paonian springs i have three rentals on the property we run out the basement but then we we have a detached garage where we redid the the loft above it and we rent it out it has uh no sink no water no bathroom uh but it is cute it's comfy there's a tv and a microwave and and uh you know that kind of thing but people still rent it uh quite of it. There's an outhouse at the bottom of the stairs, and then there's a hose on the side of

[04:05:57] the house, and they still rent it quite a bit. They also have a campsite in the far part of the property. I built a little fire pit, and I pitched a tent, and that started renting as well. Due to COVID, there was a limit of 10 people in one sitting, and so we put 10 as the minimum or the maximum, but there's been several groups of people from college that reunite. They've come of women and men, two different groups.

[04:06:25] We've had girls that want to go hiking and rafting in Harper's Ferry. They'll come and they'll stay there. We've had women who bring their kids camping, and they feel safe, and they always mention that they would much rather be here than be up in the mountains somewhere where they don't know anybody and who knows what animals are lurking around the tent.

[04:06:43] It's super comfortable here, and so a single mother will bring both their kids and come. We've had two fathers bring their sons for Father's Day and teach them how to fish and camp and that kind of stuff. So we offer something that's different than pretty much everywhere else. I would actually go with it. There's nowhere to camp in Loudoun anywhere.

[04:07:00] So our first rental was actually a group of conservations from all over the country. They came and did a big project here. And due to COVID, all the campsites were shut down. So we were actually the

only place in about a hundred mile radius that they could even stay at. But we've had people propose on our property.

[04:07:17] They see the property. It's nice. It has a pond. It has a little bridge. goes out to the island so we've had you know couples come and propose and the girlfriends came and decorated the bridge and we've had a couple get married and then they stayed their first night in our loft so we decorated it with champagne and rose petals and that kind of thing so we give an experience that you're not going to get pretty much anywhere else and so this new regulation will it will cut out two of the properties and a lot of the outside stuff that the people love to come and do so we've had repeat clients that come and and they'll come They want to come just for our place.

[04:07:50] So we would appreciate, you know, you keeping us with the grandfather. That'd be great. Thank you for your time. Thank you. Thank you very much. Camping. Nope. Okay.

[04:08:10] James Crabtree, and you will be followed by Georgianne Overman and Nadia. I'm sorry. I don't want to mess up your last name. Sack Happy, I think it is. But is Mr. Crabtree in the room? No?

[04:08:25] Okay, how about Ms. Overton, Overman? Yes, ma'am. And then after you will be James Gross and Gary Higgins. Good evening, ma'am. Hello, thank you very much.

[04:08:41] My name is George Ann Overman. I'm the director of the Loudoun Local Business League. We appreciate that the five acres and the 15-foot setback is going to be sent to TLUC, But there are other issues that need to be addressed as well, which many of the people here tonight have spoken about, particularly the need to protect existing registered short-term rental properties whose owners have paid applicable taxes.

[04:09:09] We've identified within our group about 165 to 170 such registered properties as of December of 2022, and I've provided those statistics and numbers to y'all. Some of these businesses have operated for as long as five years with the county's full encouragement.

[04:09:31] They complied with all necessary requirements that the county imposed at the time and throughout their existence. Protecting them will have little impact on the county because there aren't that many of them. A zoning permit does not provide them with a health department permit or building and development permit or fire marshal permits.

[04:09:51] These things would all be required regardless of grandfathering. The proposed minimum parking is excessive. There's a requirement of up to six parking spaces for these short-term B&Bs. This is a parking lot. It's bigger than the unit that's being rented.

[04:10:08] A parking lot of one space for a one-bedroom unit and two spaces for larger units is more than adequate. On-street parking should be allowed. There are zoning districts that that's all the parking you have. It shouldn't matter that yours is a short-term rental rather than a home.

[04:10:27] If the on-street parking is allowed for the house, it should be allowed for the rental as well. The historic property exemption needs to be expanded beyond the county zoning districts that allow the historic districts. We've got many, many small historic properties.

[04:10:45] They need to be protected. Fifty-year properties, properties that have been around for 50 years, were built at least 50 years ago, can qualify for the National Register of Historic Places. Waive for them the lot size, parking, setbacks, and the number of short-term rentals per parcel.

[04:11:06] Finally, delete the notification to neighbor's requirement. The registry is available as a public document. It provides the ownership information that a resident may wish to provide. That's all I have to say. Thank you very much. Thank you very much. And once again, Nadia, I think it's Sagafi.

[04:11:25] Sagafi, hi, how are you? And then you'll be followed by James Gross and Gary Higgins. Good evening, ma'am. Good evening, Madam Chair. Nice briefly meeting you earlier and board. So full disclosure, I am new to this party. I am also partner of a bed and breakfast in Loudoun County.

[04:11:45] But in this situation, I think we've heard from all the business owners. I obviously side and empathize. But I'm in a unique position. I had a fire at my home um historic home in waterford and thank god there wasn't much damage to the original structure as obviously that's why I bought it I loved the I mean 1793 so the history the the build all of it um so I guess when there's a fire and you I have family obviously I'm from Loudoun County um but you don't know where to go right so of course there's hotels of course there

[04:12:22] resorts, sure, salamander, 20 grand a month. How about, you know, Lansdowne, or don't even talk about, please, the hotels in Leesburg, right? So options are very limited. And it, you know, when you do have a longer timeframe, like maybe six months, which is what my, I guess what they're telling me it might take because of zoning, permitting, code, you know, all of that. So yeah, so I would have six months of not knowing what to do with my life, you know, no kitchen, no, no stability, right? So obviously that's traumatizing. So then not having a place to go is probably, thank God I didn't have to go through that because I have been renting from

[04:13:00] local Airbnbs. So again, there is obviously, we've been growing as a county for 20 years, as you mentioned, 18 years, and the need is going to arise, right? You are going to have to accommodate these people. So whether it's going to be in a hotel, a larger business, management groups that you have no oversight over you know how they structure their taxes I mean there's no benefit but at some point that is going to have to be and even then it wouldn't you know accommodate someone in my position so again my house is historic if you wanted to restore your

[04:13:36] house if you needed to make renovations you would need a short-term rental that is furnished that is viable that is livable and that you can pretend you know you're like on a little stay cave for six months while your house is being revamped right so 14 seconds um I was hoping somebody else would have touched on this so I wouldn't have to talk about it but I am in a unique position because now I am the renter and it has been a godsend to have comparable living space in Loudoun County where I can commute to work, where I can see my family and finish. Thank you, thank you for that perspective, thank you. Absolutely, thank you all for your time. James I think that's Gosses followed by Gary Higgins, followed

[04:14:15] by Chris Shorris Good evening sir Good evening, thank you for the opportunity to address you I've been a registered Airbnb or short-term rental owner since 2017.

[04:14:36] I have kind of gradually moved away from short-term rental to I do mostly three-month rentals and more right now. And that's one of the things I'd like to express my concerns about this time for rentals. I think the description in the proposed offering is too vague.

[04:14:53] I don't agree with the 180 days, but I also don't agree with how that would fit in with my situation of renting 30-day rentals. Does that mean I can rent three of them, or do I fall completely out of it?

[04:15:09] I think that needs to be clarified. I think that the amount of time that a residential accessory rental could rent should be eliminated. Airbnbs, short-term rentals, short-term rents serve a purpose.

[04:15:25] If you know anything about the wedding business in Loudoun County, you'll know that during the wedding season, you can't get a hotel room on the weekend. You cannot. And they're building a couple more hotels, but they're still going to fill up too. So when it comes to the wedding season, people will start looking for other places to stay. And if they stay in Loudoun County, they also will do business in Loudoun County. Always like to go to the wineries,

[04:15:57] the farmers markets, the restaurants. So when you consider regulating this industry, consider the fact that they do serve a need. We support the other businesses in the county. Hotels may not be so positive about us, but if they can't accommodate the need, then the wedding business will suffer. So it all is like a house of cards. So the setbacks, big concern, the amount of time you can rent, the short-term, the accessory. We're there. We manage the property. There's no reason

[04:16:33] why it has to be 180 days. So thank you for your time. Thank you, sir. Thank you. Gary Higgins, followed by Chris Torres, followed by Shannon Culper. Good evening, Mr. Higgins. Good evening, Madam Chair and members of the board. Happy New Year. My name is Gary Higgins from Waterford, Virginia. I'm glad to hear that this item is going back to committee because it needs some additional work. When I was elected to this board, we had had no B&Bs that were approved over the two previous boards, and so we got together with Visit Loudoun

[04:17:10] and the B&B Guild, and we wrote basically the regs that are in front of you with the addition of short-term rentals. Those came out of my office. We came together and we created a wonderful industry in Loudoun that is thriving at this time and dovetails with the rest of our tourism and agritourism business that's going on and the wineries.

[04:17:31] Ms. Airston, I'm sure, can correct me, but to last I recall, we were the largest revenue-producing county in the state for agritourism at \$180 million. It's probably more than that now. And so we don't want to kill the goose that has laid the golden egg.

[04:17:48] Some of the issues before you that need to be taken care of have been mentioned already, but the five-acre requirement makes no sense for short-term rentals. It was a requirement for B&Bs that had events, and the short-term rentals don't have any events.

[04:18:04] The setbacks in western Loudoun County will put most of these people out of business. These are antique and historic buildings that have been repurposed as rentals. And if you drive through some of these small towns, these buildings share common walls. So you can't get 15-foot setbacks between the buildings and the roads.

[04:18:24] There needs to be grandfathering provisions for the existing operators and historic structures. Commercial whole house rental at 10 guests makes no sense when B&Bs are not limited for the same reason. This proactive enforcement and third-party enforcement compliance service scares the heck out of me.

[04:18:45] We've never done that in this county. Our zoning has always been based on complaint-driven and not people out looking for problems. And then the parking requirements are inconsistent and need to be looked at. In one place, you can have five parking spaces for six parking spots for five bedrooms.

[04:19:03] In another place, you can't. So it makes no sense. I would ask you to please listen to these owners and do not put unreasonable restrictions on their businesses and take us back to when we didn't have any new B&Bs. It's a great industry, and with your help, it can continue to be a great industry.

[04:19:23] So thank you very much. Appreciate the opportunity to be here with you. Thank you, Mr. Higgins. Mr. Chris Suarez, followed by Shannon Coper, followed by, on the Webex, Jonathan Daniel. Good evening, sir. Good evening, everyone. My name is Chris Suarez. I'm the general manager of Bear Chase Brewing Company.

[04:19:40] I'm also the vice president of partners for the Loudoun County Brewers Bed and Breakfast Association, and I'm also the chair of the Loudoun County Brewers Association. So I'm very involved in Western Atlanta County. I currently have two properties that are considered short-term rentals, and one property that is a licensed bed and breakfast.

[04:19:58] If these regulations go through, I am most likely going to lose one of my properties. It sits on six acres of land, but four and a half of those acres in West Virginia. I'm not allowed to apply for a bed and breakfast because I do not meet the Atlanta County land requirements for that. So my only option is to stay a short-term rental.

[04:20:17] Regarding the proposed amendments, establishing short-term rentals, know and appreciate all the work that everyone has done i have had many calls emails and conversations with everyone including a lot of people in this room however bear chase does not support the document as it's presented and we are happy that it is going to go to tluck so there is more eyes on this i believe that this should be put into working groups and allow the rdc the new rdc committee that is going to be formed to take a look at this while working with the bed and breakfast association so that we have a better understanding of what is being proposed and the reasons behind it. I would like the following items to be further research. Gather updated

[04:20:55] information. COVID has changed how we do our business. I am not the same business when I started in 2017. Eliminate the 180 days for accessory use of a primary residence. Eliminate the additional acreage component that differs from what is already in the place for zoning.

[04:21:13] Eliminate the setbacks that are not considered when the building was built and allow for modifications so the Board of Supervisors can review changes, review the changes in the business models that might be coming down the road. I'd be happy to be part of any of these working groups, talk to the TLUC or anyone else that has any questions about our properties. And I know as a fact that the bed and breakfast guild would also be available and also many of the short-term rentals owners that are behind me in this room. We'd all be happy to continue to answer and discuss what is the best option for Loudoun County. We do agree that there There needs to be rules and regulations, but we need to make sure that the business can still operate

[04:21:50] and without being fearful of when and what they're going to get shut down on. Thank you guys very much. And I also appreciate you guys approving Route 7. Thank you, Mr. Forrest. Shannon Culper, I think that is the name, and you're going to be followed on the WebEx, on the phone, by Jonathan Daniel and David Hunt.

[04:22:11] Good evening. Good evening. My name is Shannon Casper. I would like to speak in favor of the changes that have been proposed for the 15-foot set to eliminate the 15-foot setback, which includes the

historic homes and the five-acre minimum and the parking requirements.

[04:22:31] Can you speak up just a little bit, ma'am? Yes. I'm speaking in favor of the proposed changes that you've heard many of the owners vocalize this evening. I was born and raised in Fairfax County, was drawn to Loudoun County after college with my young family in 1997.

[04:22:51] We moved to Loudoun County not knowing much about it, fell in love with it, and have raised all of our five children here. All five of my children have graduated from Woodgrove High School. For over 20 years, I've also been a professional full-time real estate agent in Loudoun County, primarily in Loudoun County.

[04:23:12] Short-term criminals have also become increasingly an absolute essential part of my business and the business of other real estate agents. When we have relocating clients, there are very few options when a corporate relocation is happening. They end up in Fairfax County, eastern Loudoun, or in an area which is typically between 35 to 50 minutes away from where they're actually doing their home search.

[04:23:41] The search for homes in Central and Western Loudoun County, by them staying in these properties, they fall in love with the area. They're able to see much more than they could if they just had a few hours to drive around. They're able to investigate schools, churches, communities, all of the local businesses, which you've heard many of them speak tonight.

[04:24:03] The breweries, the wineries, our absolutely adorable antique shops, the farm markets. All of this falls into the agritourism part that has been growing and has been also becoming a draw for people moving to Loudoun County.

[04:24:24] The rolling hills of western Loudoun County are a very special place and are very close to my heart because it is also where I reside. I would strongly consider the board to consider the changes that have been suggested so that it does not harm the property owners who have been following the rules to have these short-term rentals and also all of the benefits that come along with that for the economy.

[04:24:55] Your time is up. Thank you so much. I appreciate it. On the phone is Jonathan Daniel followed by David Hunt followed by Byron Chadwick. Good evening, Chair and the Board. This is Jonathan Daniel.

[04:25:13] I support Supervisor Kirshner about his grandfathering of his existing structures on the setbacks, not just grandfathering existing businesses because I feel like I don't have a current Airbnb or short-term rental, but I would like to keep that option open for myself.

[04:25:35] Currently, I live in Waterford and have bought a home also in Waterford Village. That had been vacant for four years and had no running water. It's under historic easement since 1976 and is also in the historic district for the county for another set of oversight.

[04:25:57] And there are many small structures that are vulnerable to being vacant within our village. And there actually are quite a few that sit vacant because they cannot be used. And the shortfalls sort of support this way of utilizing historic structures.

[04:26:17] So the setback requirement and actually the parking requirements are very prohibitive. And there are many homes that are on 0.1 of an acre. The one that we're fixing up is on 0.2 of an acre.

[04:26:35] So if there's a spot for the property manager and then one for each bedroom, That's three parking spaces, which there really isn't much land space for the home to put that parking. So, yeah, I think that's all I want to say.

[04:26:58] All right, thank you very much. Thank you, Mr. Daniel. David Hunt, followed by Byron Chadwick, followed by Kayla Lombardi. Good evening, Madam Chair and board members, and I want to thank you for your endurance tonight and for the opportunity to speak.

[04:27:16] I'm a longtime resident of the Waterford area and very concerned about the impact of this proposed ordinance on the historic structures and viability of our many rural village economies. As you know, these short-term rentals are small businesses and extremely beneficial to Loudoun's tourism economy.

[04:27:34] We've discussed the generators of tax revenue, multipliers with the breweries, wineries, wedding venues, and other rural businesses, which are a major draw for Loudoun. Many of these sites are historic structures which have been renovated to the benefit of the county and are a primary draw in Western County for visitors who want herewith this connection to our history.

[04:27:55] And as you know, there are no traditional hotels in Western Loudoun. The problem with the zoning proposal is that it's a one-size-fits-all approach. What works in broadlands often creates unnecessary conflicts in the rural villages. They recognize this problem but did not address it in the proposed change.

[04:28:13] Because there is no grandfathering provision, and apparently, as I understand the staff's proposal, there's not currently a process to resolve issues such as setback or slope issues. These properties have been in some cases for hundreds of years, and a process must exist to resolve these issues.

[04:28:31] I'm asking the county to work to support these historic sites and not penalize or eliminate them as viable businesses. I see having a waiver or grandfathering process as a critical fix for the proposed ordinance. Certainly, these sites could be rented full-time, but not as an Airbnb, and that makes absolutely no sense.

[04:28:49] By way of comment, there are many other zoning ordinances that are inconsistent with many of our small historic villages, as Jonathan just illustrated. And if Loudoun values these rural villages and extensive work done to restore these historic structures in our history, there must be a way to allow these to be financially viable, both for the benefit of the owners and for the benefit of the county coffers.

[04:29:12] So thank you very much for your time. Thank you, Mr. Hunt. Byron Chadwick, followed by Kayla Lombardi, followed by Haley Holtzworth. Madam Chair, Brian Chadwick is not online. Okay.

[04:29:28] Ms. Lombardi would be next, followed by Haley Holtzworth, followed by Tammy Del Gallo. No, it's not.

[04:29:45] I don't know what that is. Andy? Andy? That might be what that is, actually. Andy, are you there? Yes.

[04:30:00] Sorry, that was coming from the speaker. Is Ms. Lombardi on the line? She would be my next speaker. She is, however, when we unmute her, that noise comes through. She's on the line, but can you all talk to her directly?

[04:30:19] Can you tell her what's happening so she knows what's happening? We can try if you want to go ahead and move forward. Yeah, I'm going to go to the next person. Please tell her what's going on so she doesn't just think we're skipping over her or something. Okay? So then it would be Tammy, I think it's Del Gallo, followed by Elaine, oh my gosh, La Montaigne.

[04:30:45] Madam Chair, Tommy is not on the call, but Haley Holdsworth is. Haley Holdsworth is, okay. All right, let's go to her and then go to Elaine. No, they're in the room. They're in the room.

[04:31:01] Okay, wonderful. Good evening, everyone. Thank you guys for being here late with us this evening. My name is Haley Holdsworth, and my husband and I are entering our eighth year of military service in the U.S. Army. Although we live across the country, Loudoun County has always been home to both of us, as my husband grew up in Leesburg and I am Western Loudoun.

[04:31:23] While stationed in D.C., we purchased our home in Bluemont, Virginia, on 3.46-acre plot of land. Our orders following D.C. have taken us to Oklahoma and Kentucky, but the ability to short-term rent the house has allowed us to hold on to our home in Bluemont.

[04:31:40] During these assignments, my husband has deployed twice, and the short-term rental has allowed me the opportunity to return home to the support of my family and his while he's serving our great sons. We are at risk of losing the short-term rental income potential that enables us to keep this home under the proposed zoning.

[04:31:58] Our house sits on the 3.46-acre parcel that does not meet the proposed five-acre minimum, making the home ineligible to be offered as a short-term rental. If the five-acre minimum is adopted, the home could be offered as a long-term rental, but this would reduce income as well as eliminate the option for us to stay at the home during military leave.

[04:32:18] As we prepare for another six-month deployment ahead of us, the short-term rental ability is even more important to our family at this time. I appreciate your consideration of the impact the proposed zoning has on our family and likely others in the area, as you've heard here tonight, and ask that you eliminate the five-acre minimum or reduce it to the three-acre minimum based on previous zoning that enabled the formation of so many rural lots here in Western Loudoun.

[04:32:48] Thank you for your time tonight and consideration and further discussion. Thank you, Ms. Holdsworth, and thank you for your service. Were we able to get Ms. Lombardi on? Madam Chair, we were not able to hear her on our end, and then I also tried to call her on her cell phone.

[04:33:05] I was going to say, did we hang up and call her, and that didn't work either? It did not. It went to, it rang and then went to voicemail. All right, so I have her email. I will send her an email tomorrow. All right, thank you. Elaine LaMontagne, followed by Tom Albert, followed by Tim Dennis.

[04:33:26] Hi, my name is Elaine Lamontagne, and I own a 200-year-old farmhouse on 14 acres in Bluemont that's been converted to a short-term lease property. And I'm opposed to the property setback regulation that you're proposing.

[04:33:46] This, as you heard most of the evening, this is going to eliminate many of the current properties that are functioning today as Airbnbs or short-term rentals. And if it does become a requirement, I'm asking the Board of Supervisors at least to think about or consider grandfathering existing properties or allowing exceptions to the ruling, particularly for some of these historic properties.

[04:34:19] To move forward with the proposals that you have will considerably reduce the tax income and other revenues in Loudoun County, as you've heard over and over. My guests frequent the restaurants, the stores, the wineries, and all of the retail operations in the area, and all of that revenue would disappear if this ruling goes forward.

[04:34:47] So I appreciate your consideration, and particularly of the property setback piece of it. So thank you very much. Thank you, Ms. Lamontine. Tom Albert, followed by Tim Dennis, followed by John Fug.

[04:35:06] Hi there. My name is Tom Albert. I'm a resident of Western Loudoun County. I own a technology company in artificial intelligence and cybersecurity. And for years, we've been using these Airbnbs as our primary location where when clients come into town or partners, where they will stay at these beautiful Airbnbs, and many of which are renovated.

[04:35:32] Oftentimes, they'll even bring their spouse, give them kind of a destination. And these folks come into town, and they spend a fair amount of money and revenue at the wineries and the breweries. And so from that perspective, it's really central to our business. I mean, the opportunity to stay at these Airbnbs and kind of be catered to, these are often tech executives, they perform far, far greater than driving back into, you know, into the rest area or somewhere like that.

[04:35:59] So from my perspective, you know, any kind of regulations that would impede that functional aspect of our business would be certainly impactful and negatively so. In many ways, I did look through the regulations. I see them personally as pretty draconian and not necessarily modern. And so what I'd say is that my recommendation is certainly to, you know, without saying everything everybody else said, is to revisit the regulations or the regulations.

[04:36:29] And then beyond that, I think it's important to bring an advisor that owns these Airbnbs onto the decision-making panel specifically so that they can help guide and shape realistic requirements. Thank you. Thank you.

[04:36:46] Tim Dennis, followed by John Fug, followed by Tanya Laughlin. Andy, do we have Tim Dennis?

[04:37:03] Mr. Dennis is on the line, and we have him on the line. I'm sorry, I am. I apologize, I was muted. Madam Chair, members of the board, my name is Tim Dennis. I'm a resident of Waterford. Thank you for the opportunity to have input on this critical short-term rental ZOAM.

[04:37:18] In 2017, one of our sons married an amazing young lady he met at Harmony Middle School. The wedding was at Bro Vineyard. Almost a year in advance of the wedding, we found it virtually impossible to secure all the necessary hotel rooms for family members traveling to Latin as far away as Michigan, New Hampshire, and South Carolina.

[04:37:41] We were able to secure a few remaining rooms in Leesburg and desert Smead's lovely B&B in Hillsboro for a few members of the wedding. Most family members and their dollars went to hotels outside the county. Since then, in the rural policy area, many individuals and individual property owners have invested in short-term rental properties and operations to meet this critical shortfall in hotel rooms.

[04:38:10] This activity is in complete alignment with the county's strategic planning efforts to ensure a vibrant rural economy. I believe most Loudoun residents recognize the need for reasonable zoning guardrails, but believe the need is for a light and reasonable hand, not a heavy hand, that destroys previous investments that have been made in response to the county's rural policies.

[04:38:38] In fact, much of this ZOAM is actually in conflict with the board's rural strategic plan. I don't believe a full special exception with application fees that could reach \$32,000 in county fees alone is at best delusional based on the economics of a short-term rental.

[04:39:01] The staff could not possibly even assess all the special exceptions and minor specs in the approximate four-month grace period they've proposed. Specs will choke off private investment and waste both the board's time and a massive amount of staff time who are already overburdened bigger and more complex issues.

[04:39:24] This is something that should be managed going forward with a responsive administrative regulatory process. Our family strongly encourages you to protect the existing investment in short-term rentals and ensure micro-hospitality community can continue to reasonably thrive and support our rural economy.

[04:39:46] Thank you, and good luck, and we appreciate everything you're doing. Thank you, Mr. Dennis. We have four more speakers, John Fug, followed by Tanya Laughlin, followed by Haley Laughlin, and Austin Schindler. Good evening.

[04:40:03] My name is John Fugue. I've been a resident of Loudoun County for close to 50 years. And it wasn't too long ago that we had A3 zoning, which would have changed the whole texture of what you're referring to with the five acres required for the homes.

[04:40:23] I don't want to be redundant in some of the things I'm saying, but I don't think we need to focus on the five-acre minimum. Also, I think the 15-foot setback is a little onerous since some of these homes were built when the roads in front of them were horse-trailed and maybe buggies at best.

[04:40:44] We've got a lot of unique and historic properties that should be allowed to be shared with the visitors to Loudoun County, and we're very blessed to be able to have them to come and see our lovely countryside. And I would encourage that you take a hard look at this.

[04:41:01] I'm so glad you're going back to your board or your groups to get this squared away. Thank you very much. Thank you, sir. Our last three speakers are Tanya Laughlin, followed by Haley Laughlin, Austin Schindler. Madam Speaker, Tanya, along with the remaining two other speakers, are not online.

[04:41:22] Okay, so that would be all of our speakers, am I correct? Okay, that's all of our speakers. I'm going to go to a motion as soon as Ms. Erickson says what she's going to say. Thank you. I will be very brief. Normally, I would have signed up to speak at the podium, and I just want to say that this evening, you certainly have heard of the entrepreneurial spirit and the passion of these small business owners, and I will tell you that their description of the ecosystem of tourism in Loudoun County, especially western Loudoun County, could not have been better articulated, even though I will say the insurance was a new one. That was

[04:41:57] interesting, but I will also say that they really did hit on the importance of tourism in terms of historic preservation, farm preservation, and open space. You know it is certainly important that we get this right. I want to thank the board, I want to thank staff. This has been a very long time in coming and I know that we will get this right. This has been a thoughtful process and I'm very proud of the way that Loudoun County has gone. I will tell you that I am very pleased that this is going back to TLAC.

[04:42:27] I think that when we make these minor edits that we have been discussing, I think we're going to have one heck of a good runway to ensure that these businesses are sustainable, successful, and continue to contribute. So thank you so much for your time tonight.

[04:42:43] Thank you, Ms. Erickson. I move the board forward ZOAM 218-0001 to the transportation land use February committee meeting for further discussion. I'll give that second to Mr. Buffington just because I heard him first.

[04:43:00] Discussion on the motion. So, wow. First, thank you, everyone, who came in here tonight. I learned a lot sitting here tonight. And some of the things that I actually hadn't thought about were, you know, all the cottage businesses that grow up around the stays.

[04:43:24] And so I really hadn't really thought about that a lot. You know, I want to say that our staff has been working on these things for a very long time, and I have so much appreciation.

[04:43:40] And sometimes we get it spot on right away, and sometimes we don't. But I will always, always appreciate how much work the staff does, even if something needs to be tweaked and changed. We do have people, one suggestion was from the industry of short-term rentals, who's been working.

[04:43:59] In fact, many people who've been working on this, and so we do have that. Mr. Suarez, as much as I just think you're fantastic and really appreciate Bear Chase, I do not believe this needs to go back one more time to a working group in the RADDC because so many of this came out of RADDC already, and RADDC has been a huge part of this whole discussion since 2017 on.

[04:44:26] I actually, you know, having heard almost the same thing from everybody, I think that some of the things we heard are now fairly obvious, the grandfathering, the setback, the acreage. Those things, I don't think they're going to be that hard to fix, quite honestly, and get right.

[04:44:48] I don't want to stay anywhere that doesn't have a working toilet, and I don't want to go camping. However, your place sounds very interesting. It sounds very interesting. A privy. Yeah, I don't want to do a privy. I don't want to do a privy.

[04:45:04] It sounds very interesting. I agree with 98% of what was said. The only thing I will always take exception to is that there were some speakers who kind of said, maybe this is eastern, this is not western Loudoun.

[04:45:21] Loudoun County is one marvelous, fantastic county. And while it is true that because we have different policy areas, we have to look at things different in the policy areas, I never want to have language that kind of pits one side against the other. The truth is, Loudoun County is such an amazing county because Eastern Loudoun County compliments Western Loudoun County and Western Loudoun County compliments Eastern Loudoun County.

[04:45:43] I say all the time, if you want a great staycation, if you want a great vacation in your own county, go to Western Loudoun County and stay at one of these amazing places. And so I want to make sure that we don't get into that talk. As county chair, I want to make sure that we have a whole wonderful county effort.

[04:46:04] So I'll have a closing, but I will go to other individuals. Ms. Umstadt. Thank you, ma'am. I'm very happy this is going to TLUC because if it came to us tonight, I'd have to vote against it.

[04:46:20] I tend to agree with those who could not understand or accept the minimum setback and minimum acreage requirements. I don't see the point of those either. I don't see the point of the very limited parking requirements, and I do tend to agree that proactive enforcement makes me nervous.

[04:46:49] I haven't yet decided where I would stand on the 180 days, but I'll look at what comes out of TLUC. I think this has become very, very complicated, And while I think everybody should pay their fair share of taxes, and thanks to those who've been doing so for years, I don't see the need for this intensive level of regulation.

[04:47:21] So I will support the motion to send it to TLUC. Thank you. Thank you, Ms. Hubsett. Mr. Kirshner? Thank you, Madam Chair. First of all, thank you, Madam Chair, for being willing to send this to TLUC upon my request. I greatly appreciate it, and I think what was said tonight are a lot of the reasons it needs to go there just to kind of massage and get some of this right so we don't really hurt this incredibly amazing, vibrant industry, which, quite frankly, tonight showed Econ 101 and how all these various businesses that came in here, to the point, as was mentioned, the insurance, I'd never thought of that.

[04:48:00] Thank you, Mr. Scheidt, for coming and talk about that. And the restaurants and the wedding venues and the vineyards and the breweries and how they all need to put people up and how these Airbnb and obviously the bed and breakfasts as well, who are already in a regulation, are doing such a great job.

[04:48:16] And I want to thank the staff for all the stakeholders, for those who have put a lot of time into this. We are at the finish. We have the last 100 yards here to go. We've got to have another meeting kind of to button this up and make sure that we protect a very important industry. But there were a few glaring things that were put forward tonight, some of which I mentioned, some which were mentioned by my colleagues, and some which were mentioned by some of the speakers.

[04:48:38] You know, this is a very important issue to the county. The bed and breakfasts and the Airbnb industry are super key and integral parts, as we mentioned. Just for example, I wanted to mention my personal Airbnb has been in synergy, as many others have, with the recent Harry Potter event that we had here.

[04:48:58] I literally think throughout December, November, and now into January, practically every weekend, and a few times throughout the week, we have booked that because people needed places to stay. And they've been coming in all over the East Coast, even from the Mississippi. So that's just an anecdotal example.

[04:49:17] So important to our tourism. The last time the board updated the B&B regulations back in May of 2014, that ZOAM, that particular industry, was unleashed from regulations that had prevented the establishment of any new B&Bs in the prior five years.

[04:49:33] However, now that has succeeded extremely well. And the effort this time is really to align the existing B&B industry with the new short-term residential rentals to make sure that these are not provisions in the current draft that take us backward and prevent continued strength to Loudoun's B&B short-term residential rental industry and hurt the Western economy.

[04:49:53] It's important that we send this to TLUC, and I'm very glad that my colleagues are going to support that. So thank you, Madam Chair. Mr. Kirshen, you think you should be recusing yourself from this item since you have all these properties that you've written out yourself? This has no impact on me the way it's written.

[04:50:13] Yeah, but the way you want to change it, it will. Ms. Glass? Literally, it has no impact on me. Ms. Glass? Very little. I'm messing with you. Ms. Glass? Very little. So he changed to very little. Ms. Glass. Thank you, Madam Chair.

[04:50:29] I'd just like to thank staff for the hard work that you've done for this. I would have to agree with my colleagues. This is a very arduous and complex matter that we have here.

[04:50:50] I'd also like to thank Donnie Walker and Reagan Walker for speaking with me about this matter. They have just been able to answer my questions. I've also went out, I think it's the beginning of my term, to visit some of their properties and just how wonderful they are and just lovely places to go out, and hopefully I'll be able to come and visit one of your places,

[04:51:29] not just one of theirs, but we have plenty out there to visit and just take part and have a staycation. I also would like if any of my colleagues haven't gone out to tour them, I would suggest that you go out and visit and just see all of the wonderful places that we have out in the western part of Loudoun County.

[04:52:00] When I went out there, I didn't know how much we had out there and, you know, the lovely places that we have out in the western part of Loudoun. And you all, just as Chair Randall said, you make our place just a wonderful place to come and visit.

[04:52:21] So thank you. Thank you. Mr. Turner? Thank you, Madam Chair. Just to set the framework, my daughter and I have really been pursuing over the last three months buying an Airbnb property in Sedona, Arizona.

[04:52:41] So we've done a lot of research on this over the last three months or so. Our break-even is 15 days a month. That's 180 days a year. That's our break-even. If we don't do more than 180 days a year, we're not making a profit. So I really am struggling to figure out why we're capping ourselves at 180 days a year.

[04:53:00] I really resonate with a gentleman that said the owners of these properties keep these properties immaculate because they have outside renters coming in periodically. Every Airbnb my daughter have ever stayed in is pristine. I mean, it's a real credit to the community what the property looks like.

[04:53:16] It's really pretty amazing. I agree with that. I don't think I've agreed with Mr. Higgins on a single thing in seven years, but tonight I have to say I agree with him that he, largely through his efforts and a lot of other people, have worked very hard to create an industry that didn't exist before, and now it does, and it's thriving.

[04:53:35] And I think our goal really ought to be to give him a pat on the back and give them a tailwind instead of a headwind going forward, and I think we all want to do that. Coming to TELUC, my questions are going to be setback. Why? Five acres. Why? 180-day limit. Why? Maximum rooms, maximum guests.

[04:53:53] Why? Third-party enforcement. I don't, as my default, agree with that, but let's talk about it. Parking limits. Why? And why can't we grandfather an existing property? So that's what I have for the agenda going into TELUC. So, staff, that's kind of what we're going to focus on when it gets down to TELUC. Thank you.

[04:54:09] Thank you, sir. Ms. Bricksman. Thank you, Madam Chair. I'm a little disappointed a number of people have left because I'd like to offer a little bit of a different perspective on this item. I want to preserve the tourism industry. I want the setback issue resolved.

[04:54:30] I want the three-acre issue resolved, and I would prefer it be done with the language on adaptive reuse, and this is why. We have 69 of these units in Sterling, 47 in Ashburn, and 40 in Leesburg.

[04:54:49] This is not just a rural issue. I appreciate small businesses, and people say it takes guts to run for office. I think it takes more guts to run a small business and have a livelihood doing that. However, not all of these people who own these properties are good neighbors. I invite you to look at newmanhospitality.com. This organization owns 20 of the 27 properties, STRs, in my district,

[04:55:24] and they are doing it as an investment tool, portfolio investment, for clients who are attracted to high-income, short-term rental opportunities. So this is a portfolio business for them and they're coming into the county to buy up properties specifically to make a bunch of money on short-term rentals and these are in dense neighborhoods where the parking is very very limited where the properties are much much smaller and a lot of my constituents have a problem with

[04:55:58] it they're not all good neighbors so i want us to really think about the unintended consequences of saying we can't have parking requirements. If you want to have one of these in my district and you say on-street parking is okay, a lot of people are going to be upset with that because that's a business and they should have parking for that business. So I just want us to really, I'm really glad it's going to TLUC as well. This has really enlightened me as to what's going on in my

[04:56:34] district and and now why my constituents are complaining newman owns 20 only in algonkian and i think beth if i'm correct you said algonkian has the most intense str use right now so we have to look at this as chair randall said as a whole county and maybe we need to look at it policy area by policy area because i will have a big problem with just flat out grandfathering in all of these properties that a lot of my constituents have a problem with so it's not just a rural issue b&b

[04:57:12] issue weddings and and all of that i just want to put that on the table thank you thank you thank you so much mr buckington thank you madam chair that's a good question for staff if you could let us know could we even look at this and make different regulations based on policy area versus the way you've been looking at it so far um so i don't have a solo i do have two solo stoves and I have several tents there the solo stoves are out right now I'm thinking about putting the tents out so thank you for for coming in I'm going to be on Airbnb probably by tomorrow afternoon

[04:57:47] with my tents so if anybody wants it but all kidding aside thanks for coming in a lot of good input I know a lot of us took notes and I heard from Supervisor Letourneau that he's probably just going to listen to whatever I say on this right Supervisor Letourneau no but maybe we can get you out to Western Loudon on this issue.

[04:58:08] So I look forward to making that effort. This is the right motion. Clearly, we have a lot of work to do, and so we'll send it to T-Luck. We'll do that, a lot of work. Hopefully, you guys will stay involved and keep us on the right track. Thanks for all you do. Thank you. So, in closing, Ms. Brixman, my friend, I want to make sure that when you said, you know, as Chair Randall said, well, I did say it's a whole county issue, but I wasn't saying what you're saying. I don't want to have those two things completed, to be quite honest. I think the issue you raised is valid and needs to be discussed,

[04:58:46] but they are bad actors, and we should not make ordinances that address bad actors while harming everybody else who's doing the right thing. So I think we have to be really careful about that.

[04:59:06] And it gets hard because, you know, we have basically four policy areas in the county. So, you know, how much, you know, policy area to policy area, how different do we want it to be? Especially if we're talking about, you know, active enforcement, which I don't think we should be doing that.

[04:59:25] I'm not quite sure how that works. But, you know, we need to find a way to address the bad actor in your district or parts of eastern Loudoun County while not doing anything to harm the businesses in other areas.

[04:59:43] And so I think those are two different things with much respect to you, my friend. I talk all the time about the importance of finding ways for western Loudoun County to monetize their land. And sometimes people don't like that term, but I don't know what other term to use.

[04:59:59] And, you know, we talk about B&Bs, we talk about equine, and we talk about wineries and breweries. And this is just another way to make sure that land is monetized, as well as I said before, bringing up the cottage industry.

[05:00:18] I don't think that this is as heavy a lift as some of my colleagues seem to think this is. I think Mr. Turner kind of laid out the issues. And they're not, in my opinion, they have to be taken care of and made clear.

[05:00:34] But they're not that difficult. They're really not. And I think to a large degree, a lot of the answers were provided here tonight. It may take a little longer to put them on paper. But I think we're very close, to use a football analogy.

[05:00:50] I think we're right at the goal line, to be quite honest. and we just got to get the ball across it. I don't think it's going to take that much longer to do that. Maybe I should use a track analogy because I ran track. I didn't play football. But I think we're really close tonight, and so much of what I learned tonight you all taught me.

[05:01:09] So thank you very, very much. I appreciate it very much. So the motion that was made by me and seconded by Mr. Buffington, right? Okay. Was to send this to TLUC. the TELUC meeting in February.

[05:01:25] So, what date is that, Mr. Turner? Do you know yet? Okay. Just to put on the 15th. I just want to, on the record, the 15th. Does that sound right?

[05:01:41] We're going to go with that. And this is why we have staff. Thank you very much. All right, so the 22nd, We will be sending this to the TLEC meeting on the 22nd.

[05:02:02] All in favor, please say aye. Aye. Opposed? That motion will pass 9-0. Point of personal privilege. Happy Founders Day to the good women of Delta Sigma Theta sorority on Friday.

[05:02:19] Thank you, everybody. We are adjourned. Taking over the world. Oop.

