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Loudoun County Board of Supervisors, Transportation and Land Use Committee, Wednesday, February 22, 2023

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[00:10:27] Good evening, everyone, and welcome to the Transportation and Land Use Committee meeting for February 22nd, 2023. This room has a hearing loop. If you need hearing assistance, switch your hearing aids to the telecoil mode. If you need a headset, we have those available as well.

[00:10:43] Please see the clerk to request one. We have a quorum. Chair Randall will not be here tonight. She has called me to let me know that she can't make it. Supervisor Kirshner will be here, but just a little bit late, so we'll start off, obviously, with the information items.

[00:11:02] As always, I like to start off with, which is normally a piece of useless information, but tonight will be a Black History Month trivia question. And in an unusual bid to the audience, anyone who knows the answer, please feel free to call it out. Who said injustice anywhere is a threat to justice everywhere?

[00:11:25] Martin Luther King. Martin Luther King. What year did Rosa Parks' bus boycott happen? Now think about it. Brown v. Board of Education was 54, 55. So she actually was legal and not having to move to the back of the bus.

[00:11:42] Who said life is not a spectator sport? Jackie Robinson. Which president officially recognized Black History Month? Gerald Ford. Who said if there is no struggle, there is no progress?

[00:12:04] Frederick Douglass. This one, Chair Randall would know because I believe her grandfather was involved in this. Members of this labor union helped to build the nation's black middle class and civil rights movement, the Brotherhood of Sleeping Car Porters.

[00:12:21] What state was the first to elect a black governor doing so in 1989? Come on. Virginia. Thank you. Now, this one's embarrassing because I remember when he had this name, and I remember when he changed it.

[00:12:37] What was Muhammad Ali's original name? Cassius Clay. Who wrote the best-selling memoir, I Know Why the Caged Bird Sings?

[00:12:55] Maya Angelou. Who was the first African-American ever to appear on a U.S. postage stamp? Booker T. Washington. Who was the first African-American woman to win five Grammy Awards in one year? Lauryn Hill.

[00:13:11] Who said, if not us, then who? If not now, then when? John Lewis. Everyone, please join me in the pledge. Pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, liberty and justice for all.

[00:13:39] Thank you, everyone, for coming tonight. We have a little piece of administrative business to attend to before we get started. I would like to nominate Supervisor Buffington to be the vice chair of the Transportation and Land Use Committee. Can I have a second?

[00:13:55] Thank you. I have a second. Any discussion? I don't think there is any. Would you like to discuss the issue? I just wanted to thank you for the honor. Thank you very much. We do not need to suspend the rules. We have a quorum, so all those in favor, please say aye. Aye. Any opposed?

[00:14:11] Congratulations. Happy to have you aboard. We will start off with our, oops, what else do we have here? I guess we'll start off with the first information item, the Western Hills Watershed Management Plan. If I could have staff come to the table.

[00:14:27] Thank you. Good evening, Mr. Chairman, committee members.

[00:14:43] Good to see you. I am going to turn it over to Gwen Kennedy, our Natural Resources Division Manager, to give a brief presentation on this item. Thank you. Ms. Kennedy.

[00:14:59] Hello. It's strange to see you up here without a legislative update to follow. All right. Well, good evening, Chair Turner and members of the committee. Tonight, I'm going to give you a brief overview of the Western Hills Watershed Management Plan. If you recall, during the environmental summit, staff was given direction to provide an overview of the plan to the board.

[00:15:20] In summary, I will go over the purpose of watershed management plans, history of watershed management plans completed in the county, the project history of the Western Hills Watershed Management Plan, or if you hear me say WMP, that's what that stands for, watershed management plan, goals of the plan, a high level regarding the plan's recommendations, and a brief conclusion.

[00:15:43] The purpose of a Watershed Management Plan is to assess current and future conditions to identify water resource concerns, create a potential projects and actions portfolio, and develop an implementation plan outlining priorities.

[00:16:01] The intention of a Watershed Management Plan is not to serve as a commitment for actions or represent obligations for funding. Rather, it is meant to provide a roadmap for future programmatic decisions. Since all recommended actions are voluntary, an adaptive management approach is used for these plans, as they are implemented over time.

[00:16:21] This approach includes modifying action strategies based on community acceptance and availability of funding. As noted on page 179 of the Loudoun County General Plan, there have been several efforts since 2001 regarding water resources, including the Comprehensive Watershed Management Plan completed in 2008.

[00:16:42] The Comprehensive WMP focused on watershed management activities across the entire county and was the result of previous work by a stakeholder group that developed a consensus strategy to guide future steps of the watershed management process for the county.

[00:16:59] Watershed management plans have been completed for two different watersheds. The Upper Broad Run Watershed Management Plan was completed in 2014. This plan was developed as a pilot and template for future plans, such as the Western Hills Watershed Management Plan, the second plan that was completed.

[00:17:16] Before providing a brief history of the watershed management plan, it is important to note why Western Hills was chosen. Western Hills watershed area has a complex geology, a variety of water sources, and unlike the former plan completed, studied a mostly rural area. It is approximately 77 square miles within the watershed, and it's completely contained within Loudoun County and includes the towns of Percival, Round Hill, and Hamilton. As shown by this project history, the Western

[00:17:52] Hills WMP took approximately three years to complete once the watershed was selected in December of 2016. The board provided direction in February of 2017 to finalize the scope of work for the plan. Once the scope of work was developed, a request for proposal was issued to secure professional engineering and consulting services to assist staff with the plan. Staff worked jointly with the consultant on the plan, completing it in June of 2019. The plan was reviewed by stakeholders in the Water Resource Technical Advisory Committee at the time and was endorsed by WARTEC, which is the Water Resource Technical Advisory Committee, on November 12, 2019.

[00:18:35] As noted on page 3 of the executive summary in 2-1 of the full report, there were five goals for the plan. These included improving local watershed and stream conditions to meet Clean Water Act goals of supporting aquatic life use and contact recreation, preventing further degradation of stream habitat, physical integrity, and water quality as watershed lands are developed, promoting access to streams and streamside areas for recreation, educating local businesses in watershed residents about watershed stewardship, and finally incorporating groundwater conditions as an integral component of the watershed management planning process for the county.

[00:19:19] Results from desktop analysis, field investigations, and modeling of current and future nutrient loads were used to develop recommendations within the plan. There are two main types of recommendations to highlight. First, the plan provides specific site-based watershed improvement actions That include projects focused on stream restoration, riparian tree planting, conversion of existing stormwater management facilities, new stormwater management facilities, and watershed programmatic enhancement.

[00:19:49] In addition, the plan notes at least 25 programmatic recommendations. As shown on page 17 of the executive summary in page 10-5 of the report, many of these programmatic recommendations focus on education efforts and coordination among different stakeholders.

[00:20:04] To illustrate both project and programmatic recommendations from the plan, we thought it would be helpful to provide examples related to tree planting. As shown throughout the plan, there are tree planting opportunities in neighborhoods as well as publicly owned sites.

[00:20:22] For example, based on reforestation assessments, the plan estimates potential for almost 35 acres of planting area on publicly owned land. Most require minimal site preparation, with many of the sites having a high percentage of turf.

[00:20:35] As shown on page 18 of the executive summary on page 10-6 of the report, one of the programmatic actions is watershed education and activities through coordination with partners such as the Loudoun Soil and Water Conservation District, the Master Gardeners, HOAs, and other organizations to develop and promote educational programs that encourage residents to take action and encourage communities to complete recommended practices on community lands.

[00:21:04] Examples of community involvement activities include a regular offering of community stewardship advanced tree plantings and distributing free trees to residents. Recently, General Services has been working with the Environmental Commission to develop possible proposals related to projects in the watershed management plans.

[00:21:29] Discussion up to this point has focused on neighborhood source assessment projects. Projects considered through neighborhood source assessments include tree plantings, storm drain markings, buffer improvements, pet waste stations, public education on downspout retrofits, fertilizer reductions, sustainable landscaping, and stormwater control measures.

[00:21:50] The plan describes methods used to delineate and assess neighborhoods within the Western Hills watershed, and similar methods can be used to assess other neighborhoods. In conclusion, the Western Hills Watershed Management Plan provides strategies to assist the community in meeting water quality goals.

[00:22:06] This includes specific projects that can be implemented or programmatic recommendations, all of which can serve as roadmaps for future activities. And with that, I'll answer any questions. Thank you very much, Ms. Kennedy. I appreciate it. Let's do three-minute rounds.

[00:22:22] Questions? Supervisor Glass. Thank you, Chair Turner. Thank you for this presentation. This was very interesting. So you said this is the western watershed, right?

[00:22:41] Western Hills. Western Hills. And then I saw on the map there was the upper Broad Run and the lower Broad Run. Do we have other watersheds in Loudoun? Yes. So according to the map, let me go back because I think it will be helpful to see it.

[00:22:58] So we have 10 different watersheds, two of which have had watershed management plans completed. eight which have not, which includes Catoctin, Limestone, Lower Goose, Middle Goose, Upper Goose, Sugarland, Lower Broad Run, and Cub and Bull Run.

[00:23:15] Okay. Now, when you were talking about possible tree plantings, is that just specifically for the Western Hills, or could that be for other areas? So, in relation to project-specific, it's going to be specific to

different areas that looked at Western Hills.

[00:23:36] but basically the programmatic things could be applied to any watershed within the county um that's kind of how they were designed but in general if it's project specific and it's in the plan it's specific to the western hills okay thank you mr vice chair thank you mr chairman um i love this update this is great um actually live in percival so thank you for focusing on the western Hills one. My only comments about the work that you did within here is that it's great. I don't

[00:24:11] really have any questions. I'm excited about the tree planting projects that you're going to be looking further into where you'd be doing little community projects and giving away the trees for folks to plant. Is that right? We have done that in the past as part of Arbor Day, I think in conjunction with Soil and Water Conservation District or Extension Office. I guess a broader question I have while we're on this topic and it's not specific to this watershed management plan and it only comes it only was brought to my attention because last night I watched a show

[00:24:46] on a documentary from the issues that California is having with air water and how a lot of the water has become so privatized that it's owned by a lot of it is owned by one family and they're using it for their agricultural needs in I guess central California and since they've begun doing that on such a massive scale people who just live in that area and have lived there for a long time their wells are actually running dry because of how much water this farm is and and number of

[00:25:24] farms are using and so these people for some of these people and I don't know when this video was made but for the last three years they've had to have bottled water delivered every day and their wells have remained dry while the neighboring farm is like has running water to the trees is like you know uh sprinkling the trees and all of that and so is there anything in Loudoun County to prevent someone from drilling on their property a whole bunch of wells and just constantly sucking up water and bottling it and selling it or just doing what they want with it to the point

[00:26:03] where they're using more water than they probably should be and other people's wells are now going dry. And is there any, as part of this, is any of this to see what is the status of our water resources and are they, you know, plentiful, are they at risk as far as the water resource itself?

[00:26:26] Is that within the scope of this at all? So, I mean, part of this specific study did look at assessment of groundwater resources, and we were using, there was more water than what we were using.

[00:26:43] So, but in terms of, I mean, we do do a report every year that kind of looks at water and recharge and those types of things. So we are looking at that on a constant basis. Now, in terms of regulation, the only thing I can think of off the top of my head is that when we're doing, we have, as part of the facility standards manual, a requirement in relation to hydrogeological studies, but that's only in terms of making sure that there's an adequate water supply for the actual development that's coming in.

[00:27:20] So we do look at that as part of, and they have to show that as part of the review, but other than that i'm not aware of anything we would have to do some more research i'm out of time um thank you very much um two or three questions first um the um when i was doing the research on mr crony lord to crony on was on my staff and chair randall's staff did the research for the source water bmi um i got down into the weeds and dug into water quality of a lot of loudon county major streams and tributaries, principally Goose and Broad Run, but all of our major waterways are

[00:27:59] impaired to some greater or lesser degree. Does this plan specify actions to clean up and remove that impairment specifically by waterway, or is that too granular for this plan? So I think that we, so the way it works is that we do look at subwatersheds in ways to make improvements to sub-watersheds using different types of projects.

[00:28:26] Not specifically to the area you're speaking of, but in ways, yes. I mean, the whole point is to help improve water quality, right? So we're trying to give project ideas, programmatic ideas that basically try to improve water quality to address some of the things that you're talking about. So there would be specific actions that say, we want to improve the water quality in this water body right here, and here's the steps that we recommend to take to do it.

[00:28:48] Within the watershed, yes. Okay, within the watershed, correct. We recently, I think we passed, was it a BMI? I think it was a BMI. Yeah, we freed up some money, but we were concerned about management of the floodplain because of the way Loudon had designated its floodplain.

[00:29:08] We couldn't plant inside any portion of the floodplain without demonstrating an engineering study that proved no rise anywhere in the floodplain to what we planted. I have to believe that that program is going to overlap this program.

[00:29:24] Is there some mechanism for the two programs to talk to each other? Because I've got to believe there's floodplains in the Western Hills water management plan. And so if we just hand out trees and say, go plant, and people start planting trees in this floodplain area when we're trying this other program and saying, no, no, no, we've got to get an engineering study, what's the interface between those two initiatives?

[00:29:47] I think that that's probably an education effort that we can work with the Department of General Services on and other entities to ensure that that's adequately addressed and educated for the public. Okay. And the last one in my last 35 seconds, NACO's, I'm on the Energy Environment and Land Use Committee in NACO.

[00:30:08] One of their big issues is I think the final ruling of Waters of the United States just came out. Are you familiar with that? Does it impact on this plan at all? I haven't had a chance to look at the final ruling, so we would have to do some research to figure out what implications it would have.

[00:30:25] Okay, you might want to take a look at that, because I really don't know what the implications are, but it's pretty far-reaching as to what they designate as borders of the U.S. Second round, Supervisor Glass, any other questions? Yes, thank you.

[00:30:42] Actually, I was thinking about a neighborhood that I've been talking to about a swale that they're having, issue as well as like the back area it's I believe that's their floodplain area and they had talked about the trees are dying in that area and you know the concern of wanting to have you know wanting to bring trees back in there if you know because the discussion was that the trees are dying

[00:31:16] but what can we do to you know to plant more trees so what is the process or who should I go to in order to have that conversation if that's even possible I mean you can send them to me and I can try to figure out who the best staff would be to address something like that okay ah all right thank you thank you Mr. Chairman um I'm just trying to think how the county can at least begin

[00:31:53] discussions of the topic that I brought up I mean I don't think we're at we're in any risk of anything like that happening here um anytime in the foreseeable future but it's probably worth a discussion at least at the environmental committee level to talk about you know how can we protect the actual resource itself and so i guess i'm i'm wondering and maybe i can take this offline with mr hemstreet or someone to figure out what might be the best way to to start those conversations at some level and where would be the right place mr chairman if you wouldn't

[00:32:29] mind could i ask mr hemstreet through you you may i mean could we just ask staff to have bring that up at the next environmental committee meeting i'd refer to the director would the water resource technical committee be the right um yeah so the the water resources technical advisory committee actually got rolled into the environmental commission so i think one approach we could take and my recommendation would be for staff to go to that commission and sort of give an overview of the regulatory structure, water rights in Virginia, what our local regulations and

[00:33:07] local requirements can and can't do, and then perhaps that commission could provide a recommendation on whether there's ways to strengthen that or whether they believe we're adequately covered by existing regulations. Do you think that would be a big new workload for you all?

[00:33:24] No, I think we can do that. It's just a matter of putting together what we already do day to day, so we can certainly do that. Would staff need any direction from us to do that, or are we good?

[00:33:45] So the committee would refer that to the full board for a directive? Okay. Maybe I'll work with staff offline and then make a motion at the next meeting or something like that instead of trying to do it right here.

[00:34:05] Thank you. Mr. Chairman, could I add specific to Supervisor Buffington's question? I'd invite the committee members, if you're interested in the groundwater issue, that in the executive summary, pages 9 through 13 of the attachment, is a high-level overview of the groundwater issue, and there's much more technical information embedded in the report itself.

[00:34:31] Thanks. Thank you. Supervisor Gleis, any other questions? Any other questions? I think we're done. Thank you all very much for your update. appreciate it. If we could have the Unmet Housing Needs Strategic Plan update team

[00:34:45] come forward. Good evening. Is your mic on? There you go. Good evening, Committee

[00:35:22] Chair and Turner and Board Supervisors. I'm John Hall with the Department of Housing and Community Development. We are here before you this evening to present the second quarter, fiscal year quarter, for the Unmet Housing Needs Strategic Plan. We have a presentation to go to or we can dive into questions. I think I'd like the presentation, if you would. Okay, thank you. Assistant Director Brian Regan will give you the presentation. Thank you. Good evening. It's my pleasure to update you on the second quarter of fiscal year 2023 as it pertains to the Unmet Housing Needs Strategic Plan and its implementation.

[00:35:57] I know we got the wrong presentation up. We got short-term residential rentals up. Thank you.

[00:36:13] Apologize for that. That's all right. We'll just penalize you five minutes, you're president. I don't know. I'm kidding. Fair enough. Tonight is now the fourth update that TLAC will be provided regarding the unmet housing needs strategic plan first i want to provide the committee with a brief summary of the

plan's second quarter fiscal year 2023 highlights since the last update was provided in november on november 15th the board adopted the proposed 2023 legislative program to include several housing related legislative initiatives to include the enforcement of virginia residential landlord and tenant act by localities rent stabilization and rent increase notification

[00:36:51] right to counsel for households facing eviction and a statewide eviction prevention program on november 16th the teluk received an information item related to the zoning ordinance rewrite project multi-family affordable dwelling unit exemption removal analysis update you will be hearing an update on that item from one of my colleagues shortly this evening and finally on december 6th the board approved a proposed real estate purchase and sales contract for the purchase for the purpose of constructing a 450-unit mixed-income multifamily rental building, of which 25% of the units would be income-restricted at the former Ashburn North Park and Ride lot.

[00:37:29] As a reminder, when looking at the plan, annual attainable goals are defined as any housing for sale or rent entering the marketplace each year, affordable to families with incomes at or below 100% of the area median income. In 2022, for a family of four, that is \$142,300.

[00:37:47] Such housing can be directly provided through county programs such as the affordable dwelling unit program or indirectly provided through initiatives such as rental, down payment or monthly payment assistance programs. This slide shows the county's attainable housing goals for each year through 2040.

[00:38:06] The top line in blue represents the total number of units to be provided for each year. The bottom line in orange represents the number of new units that will be provided. So for fiscal year 23, the annual goal is 500 units, with 350 of those considered as new units.

[00:38:26] What you see on this slide is a recap of what the county accomplished in fiscal years 2021 and 2022. In fiscal year 2021, the county exceeded its goal of 250 units by providing 292 units. In fiscal year 2022, the county did not exceed its increased goal of 500 units, but still provided numerous housing opportunities for its citizens. In summary, over the last two fiscal years, the county was able to provide 473 attainable housing options for those that desperately need affordable housing in Loudoun County. DHCD is happy to report that although only halfway through

[00:39:03] fiscal year 23, the county has already surpassed the number of units provided in all of fiscal year 2022 and is approaching the number of units provided in fiscal year 2021. In fiscal year 2023, The county is holding fast to its aggressive goal of providing 500 units, including 350 new units and 150 opportunities for households to access attainable housing.

[00:39:28] During the second quarter of this fiscal year, the county and its partners provided 21 new units and 52 opportunities to access units. 60% of these units were related to rental and 40% were related to purchase. Thus far, this fiscal year, the county and its partners have provided 129 new units and 103 opportunities to access units for a total of 232 units, which is approaching the halfway point of this fiscal year's goal.

[00:39:59] On the left-hand side of the chart, the area median income level corresponds with the household that has been assisted. In this second quarter, a majority of the households that were assisted earned under 50% of the area median income, which is currently \$71,150 for a household of four, with a

substantial number of households earning under 30% of the area median income, which is currently \$42,700 for a household of four.

[00:40:27] Within these numbers, units were provided in the following manner, ADU Purchase Program, the ADU Rental Program, the Housing Choice Voucher Program, the State Rental Assistance Program, which is housing for individuals with developmental disabilities that choose to live independently, and the County's Homeownership Loan Program, including the Down Payment Closing Cost Assistance Program, and the SPARC Program, in which Virginia Housing provides an allocation of funds to reduce the interest rate on eligible loans by 1%.

[00:40:55] It is important to note that a pipeline of units is accumulating as a result of the County's Affordable Multifamily Housing Loan Program and the County's use of Amazon REACH funds. I'd also like to remind the committee that just last night, the board approved the loan application for Avonlea Senior Apartments, which will add 130 units.

[00:41:13] As it stands right now, approximately 532 attainable units are slated to be delivered over the next two to three years from these funding sources alone and not taking into account any of the county's existing programs. In addition to the numerical targets and board actions, the item also includes a summary of DHCD's robust community outreach efforts between the department and key external partners and the board's approval of a rezoning at Innovation Multifamily and a concept plan amendment at One Loudoun, which will collectively add 185 attainable units to the county's inventory.

[00:41:49] And at this time, John and I will gladly take any questions that you may have. Thank you very much. That's pretty good news. That looks really good. Thank you very much. Questions? Supervisor Glass. Yes. And thank you for this presentation. I just need a little clarification.

[00:42:07] If you could put the second quarter back up. So you said, okay, so the second quarter, fiscal year 23, we have a total of 73. And total to date, 232.

[00:42:24] Now, are these units that people are able to either buy or rent right now? Or are they, you know, will be within 23? Yes, that's a great question.

[00:42:40] And these are units that have actually been leased or purchased. Okay. And you said, okay, so it's 232 now, and our goal is 500. Do you think that we will, there's a possibility that we could be close to reaching 500 where we're going right now?

[00:43:06] So, yes, we're going to be very close to reaching 500. Our goal and my motivation is to create the opportunity for victory to get to the 500. And we have quite a few projects that are in progress. Some of them will finish later this fall.

[00:43:25] But some of our activities, such as our housing choice voucher issuances, we will have the opportunity to issue vouchers that may lease up that will increase that access column to push us closer and over the 500 milestone.

[00:43:42] Okay, so where I see rental, there is a negative or less than 60%. There's zero right here. So does that mean that we don't have for that group of folks the AMI right there?

[00:44:01] That is correct. So as a similar point in comparison to the first quarter, so Loudon View was provided, and those units are for 60% and below. So in this particular quarter, there weren't any units specific to that AMI level and below that were provided. Okay.

[00:44:17] Thank you. Mr. Vice Chair. Oh, sorry. Thank you very much. I just have a couple of questions. And if I butcher the phraseology, which you used, I apologize. Obviously, we have the new units. As a board, I think we're pretty familiar with a lot of the process since we're approving a lot of these rezonings that come in and the requirement.

[00:44:38] I think we're going to have a discussion a little bit about some aspects of that later tonight. But you called it the ability to access affordable housing. Is that what you, is that, okay. Is that the right phraseology? Okay. Correct. Talk to me a little bit about that. What kind of things are, I mean, I'm assuming that's fixing up old habitable, inhabitable buildings or buildings.

[00:45:00] Talk to me a little bit about that, because that's obviously not new housing. So the overarching is the preservation of affordable housing. We could label it. That also would include our voucher issuances. So providing access to housing that is affordable through various Section 8 programs, such as the Housing Choice Voucher Program, project-based rental assistance, project-based voucher opportunities.

[00:45:28] So that's one area, but the overarching would be the preservation of affordable housing. Okay. And so on this chart, we don't really have it. We have access there. So for this year alone, those that fall under that would be 103.

[00:45:44] Is that correct? Correct. Okay, and that's largely voucher assistance, or does it vary? It's a mix of programs, so it doesn't necessarily result in the actual construction of a unit. So as Don was saying, either a voucher, our ADU rental program, if a new family leases, it's not creating a new unit, but it's giving that family an opportunity to rent.

[00:46:08] Also, our down payment and closing cost assistance program, where it doesn't constitute a physical unit, but we're able to provide a little bit of a boost for that person to enter a household, become a first-time home buyer. I got it. I got it. And that's why I guess that would fall under the purchase five and three under the various income levels. Okay. I'm curious. This question just hit me while you guys were going through this. And I know the 500 goal is part of our strategic plan. How do we come up with that number? I can answer that if you want. Why is it not 300 or 1,000? I sat in front of my

[00:46:42] computer one night with my calculator. That explains it. So when the plan came out, there was not a glide path. But the plan specified we need to get, I want to say, 16,000 units by 2040. Okay. And I think there was a number in there that estimated the percentage of those that would be new, which is how I came up with the 8,900 new of that 16,000.

[00:47:05] So then I just took a notional glide path over that period of time and said this is what that looks like. And it's pretty daunting. These are really, really aggressive goals. The staff has really embraced it. And what it lets us do is it just shows us how hard this is going to be and how much we have to think outside the box in order to make these goals.

[00:47:25] But that was really the answer is the staff identified in the plan the aggregate by 2040, and all I did was decrement it down and say, okay, we'll give you a few years to ramp up, and then we've got to hit steady, and we're going to top out the number of new units we can do.

[00:47:40] And at that point, the access programs need to start picking up some of that slack so that we don't put all the burden on the developers to do that because we only got 8,900 that are on the schedule. That's where it came from. All right. That's helpful. Thank you. Now I know. Thank you, Mr. Chairman.

[00:47:56] It sounds like we here in Loudoun are doing a great job, and thank you all for that. Question. The 16,000 by 2040, wasn't that a regional number and not just a Loudoun-specific number? That is Loudoun-specific.

[00:48:14] That is Loudoun. So what was the regional number? I would have to look. I don't have that readily available, sir. Are we getting quarterly updates on this? When you say the regional number is from the Washington Council of Governments or some other region?

[00:48:29] Yeah, that's what I was referring to. So, yes, we get quarterly updates. I know that, in general, when I compare other jurisdictions, such as the District of Columbia, their goal is 1,000 units per year. We were just starting, and as Chair Turner mentioned, we divided our number over the 20 or 18-year period, but we can get you the exact regional goals.

[00:48:56] I'm just, if we could start tracking this regionally based on whatever that number was determined regionally that we need to meet, and if we could find out what the other jurisdictions, what their goals are to see, you know, can we look at this from a regional perspective and be able to track where we're at.

[00:49:14] And is Loudoun doing more than we should? Is Loudoun doing less than we should as part of the regional goal? You know, is anybody not pulling their weight? Just so that we're aware and can have, you know, in some of these other meetings that we attend, we can have these conversations and just know what's going on more regionally instead of just here in Loudoun County.

[00:49:34] We can certainly do that. I participate on quarterly calls with the other housing directors in the region, so I can easily gather that information from Washcog. Thank you. And thank you, Mr. Chairman. Thank you. Correct me if I'm wrong on this, but I consider the new unit ADU generation, I'll use ADU, attainable housing generation, to be relatively inelastic and the access units that we generate to be relatively elastic.

[00:50:03] And let me define those terms. So inelastic means the county can have some influence. We can offer density bumps for more ADUs. there's some things we can do to incentivize within the things like what we're going to talk about later on tonight, which is the waiver of over four floors and an elevator for ADUs.

[00:50:21] That's going to generate more ADUs. But I think we have a lot more flexibility and latitude to influence the access figure with some really innovative programs like closing assistance, down payment assistance, affordable by design, which I guess would be new units. But is that right, do we have a lot more county control over the access category than we do over the new unit category, which seems to be awfully market dependent? Right. I follow your train of thought.

[00:50:53] I would have to analyze it a little bit farther. I know that there are a lot of programs for access. For example, the Section 8 program that many of you will just think of as the voucher. There are 10 different rental programs just in Section 8 by itself. And so we administer nine of those.

[00:51:17] And so it's about expanding our footprint in that arena. And there are some other programs that we could explore as well. So I think you're most likely correct. Okay. And then another question occurred to me when we talked about, I saw the one project that has a number of houses that are income limited.

[00:51:36] When we say income limited, does that by definition mean they're income limited so that they are only accessible by families who qualify as attainable under 100% AMI or less? Yes, that is correct.

[00:51:51] There's usually some income eligibility guideline, and depending on which program, it usually caps out at 80% area median income, and for Section 42, Low Income Housing Tax Credit, it's 60%. In our current program, if a development specifies 15 units in development are ADUs, they must be occupied by ADU-qualifying families?

[00:52:14] Yes. Okay. Correct. All right. So it's interesting. I guess my question then would be, what's the function of income-limiting certain properties? Why not just call them ADUs, or is it the same thing? No, I don't believe it's the same thing.

[00:52:33] depending on the type of project and the type of sources of funds that are at that specific project. If they are federal dollars, again, it could be Section 42, low-income housing tax credits. It could be a Section 8, project-based rental assistance. It could be funding that we're giving for project-based vouchers.

[00:52:52] So it really depends on the program, and sometimes it's a hybrid of several, and so you have different income guidelines for a certain number of units at a property. Okay, great. Thank you. Supervisor Kirshner, Mr. Vice Chair.

[00:53:09] I met a constituent the other night. He's living in an ADU, and he stopped me at the door, and he said, I am now paying taxes on the full market value of my home, even though I have to give up half of the equity when I sell the home.

[00:53:27] Can you do something about that? Well, there's two layers to that I want to just address here really quickly. The first layer is, do we consider that part of their payback program by virtue of having lived in an affordable unit for 15 years at a reduced rate.

[00:53:48] So, for example, their payback is half the equity when they sell the house goes to the county to pay us back for the program. But they're also paying full taxes when they only get half the equity. Is that also part of the payback package? Do we consider that part of the payback package?

[00:54:04] We do not. So the ADU program started in 1993. For the, up until about, I'll say approximately five to six years ago, the household would pay their property taxes based on the control value, the ADU control value for as long as the property was there.

[00:54:20] It wasn't until about five to six years ago that a determination was made through the county in conjunction with the commissioner of the revenues office that if after 15 years, according to the Code of Virginia, if the unit could be sold at market, which is the current policy, then the unit needs to be taxed at market.

[00:54:36] So that was the justification there. Okay. So now my question is, we currently have a legislative priority or a legislative request to, and I want to say, let me read this correctly, for multifamily and congregate affordable properties to establish a separate tax rate for those properties.

[00:54:54] Have we considered rolling in ADUs to also qualify for a separate tax rate so that they would still have to pay back half the equity when they sell the house, but they would be taxed at the lower tax rate. Basically, their portion of the, I don't know how you would figure it out, but their portion of the value,

market value of the house, discounted by the fact that they're going to have to pay back half their equity. To date, that has not been a discussion.

[00:55:25] And I just got, for clarification purposes, when an ADU homeowner decides to sell, the only portion that is split 50-50 between the county and the owner is what the owner is able to sell-it-for-it market and the ADU control value at that time, so not the entire Delta area. Right. I knew that.

[00:55:40] I understood that. Anybody else have any questions? Because I'm going to ask another one if we don't. Okay. So I think we have a legislative initiative. It's in our legislative package to give relief, tax relief, to different separate property, housing property tax classification for multifamily and congregate affordable properties.

[00:56:01] So the proposal then is, can we roll in ADU properties to be eligible for a separate tax classification. So they don't end up paying taxes on the full market value when they're not going to get the full market value when they sell the house. We're not familiar with that legislative agenda item. I think it may fall under a DFS or mental health perhaps, but I can follow up and get you an answer. If you could just check with Mr. Freeman and see. He should know that it's in the legislative package. We just want to add in, see if we can add in affordable ADUs as a

[00:56:35] separate tax codification with that other group. Okay, will do. Thank you. Really good work. I really, I know it's a silly thing, but the color coding of where we're doing is really helpful. One thing I thought about when I was coming in earlier is if there was some way, and this is not, this is not, I'm not asking you to do this. Just think about it. It would be nice if I could glance through these color codes and see ones that you are obviously going to require a board vote on to implement. That would be helpful because all the board members, when they're reviewing this package from now on, will look at it and say, okay, eventually they're going to come to us for an

[00:57:11] answer on this item. Just a suggestion. Okay. Is there a specific color you would like? No, no. I usually like trying to use a traffic signal, you know, red, yellow, green, but I think we've already exhausted those. I was thinking maybe just a red asterisk by the symbol to just highlight the fact this is going to come to the board for for a vote okay we'll do thank you that's great anything else anybody thank you all very much i appreciate it next up we have our first action item which will be the zoning ordinance rewrite project and the multifamily affordable

[00:57:50] dwelling unit exemption removal analysis update that's a title and a half good evening good evening my name is rebecca king i'm with the loudon county department of housing and community Development. I'm here tonight to share feedback from multifamily stakeholders on the multifamily ADU exemption removal analysis study and seek board direction on this exemption. I don't have a formal presentation, but want to share a brief update. Upon the request from this committee in November, DHCD staff met with the Affordable Dwelling Unit Advisory Board and the Housing

[00:58:29] Advisory Board in December. Additionally, staff invited a group of 75 market rate and affordable housing developers, in addition to representatives from NAOP and NVBIA, the Northern Virginia Building Industry Association, to a virtual discussion on February 2nd.

[00:58:46] Twenty-five people attended. The project's consultant was also present to answer any technical questions we might have received on the study. From all three meetings, staff heard a mix of reactions to the study. Some stakeholders expressed concern about requiring ADUs in attached multifamily buildings

over four stories. Other stakeholders said providing ADUs in attached multifamily buildings at four to seven stories would be feasible. And then others shared concerns about the level of the requirement. We also heard much discussion about the need for more cost offsets and incentives,

[00:59:22] such as parking reductions and reduced fees. In summary, we heard a mix of reactions to the study. However, we did not hear concerns about the methodology or the approach taken in the study. Based on the study and the feedback we received, the recommendation before you is to amend the multifamily ADU exemption and require that attached multifamily developments of four to seven stories provide ADUs and that staff incorporate and work on this revision as part of the overall zoning ordinance rewrite.

[00:59:55] I'm glad to share more about what we heard and answer any questions you may have. Thank you very much. Questions? I don't have any questions, but I just want to thank you for this information. I think this is a job well done, and I'll wholeheartedly support this.

[01:00:15] I'm really excited that we're talking about increasing our ADUs in the county. You know, hear all the time from different constituents concerned about not being able to afford to live here and how their family members have to move out into Winchester and other areas and would like to live here, and we are doing something about this.

[01:00:41] Thank you. Mr. Rice-Kircher. Thank you. Yeah, so I read through this item pretty quickly. I didn't get the chance to fully digest in the study, so I apologize if some of my questions are a little rudimentary and elementary, but I understand enough to maybe be dangerous here. So this study basically only focused on those multifamily dwellings, four stories to seven stories, correct?

[01:01:06] So what this study did was look at recent developments in Loudoun as kind of real-life inputs into a model they built based on seven that have been done recently of more than four stories. The study would have included developments of eight or more stories.

[01:01:23] We just didn't have any at the time that they could kind of get real data from. So that's partly why the data set was focused on four to seven stories. I will also say WSP's research and data showed that there's much more different cost analysis you need to do when you're talking about eight plus stories.

[01:01:39] So that's why we also focused on four to seven. Of our policy areas, how many policy areas can we actually have multifamily dwellings this tall? So I'm just wondering how beneficial do we actually think it will be long term providing us ADUs? So that's a great question, and I'm going to defer to Dan in a minute, Dan Galindo from Planning and Zoning, as that's a little bit out of my purview.

[01:02:00] But I will say the urban policy area is one place for sure, obviously. And certain policy areas, not policy areas, but place types within the suburban policy area, it might be possible to go up to five stories, like suburban mixed use, I believe.

[01:02:16] Okay. So Dan, go ahead. Yes, that's accurate. From a comprehensive plan standpoint, there may be some parcels that have additional zoning rights from previous decisions and just history. So there could be some other kind of one-offs, but generally that would be where we would expect it.

[01:02:33] Okay. But we don't really know. I mean, I guess it's really hard to predict what the net ADU is going to be if we approve this. Because to me, if I'm a developer and I'm coming in and I'm, like, coming

into the urban policy area and now all of a sudden I have to private, now that's going to cut the bottom line, okay?

[01:02:54] That's also going to put more pressure on just the overall costs to the county. And so are we going to actually have a detrimental – it's going to potentially reduce, as I think I saw as one of the discussions here, reduce the overall units potentially, even those that are in market units so that seemed to be a little unclear in this discussion that I that we saw in here and is there any kind of conclusion on that? So that's a great question

[01:03:27] and I the reason there's not a conclusion in in the item is that there's so many factors that a developer would consider in a multi-family building in Loudoun County of four to seven stories and this is one requirement that would impact their bottom line but there's a number of other pieces at play here and it's part of why staff is recommending it be part of the zoning rewrite because if other incentives are part of the package that also changes the math and right now for example there is language for affordable units that you would get some benefit in terms

[01:04:01] of parking so if you can build one structured parking level instead of two there's a significant cost savings in terms of the outlay of cost so then it you know if you can stack enough incentives then the ADUs are offset and the idea is with the density bonus you can offset with additional market rate units so given where we hope you know development trends go in suburban mixed use in the urban policy area the idea is that there would be enough offsets that you wouldn't feel it but I can't guarantee that yeah so that's it's not a clean answer and it seems to me just if I can

[01:04:37] finish up with one last comment chair it would seem to me that obviously the higher requirement of ADUs for these units or for these four to seven stories is the higher requirement they have, the more impactful it's going to be perhaps on those market units and perhaps the overall inventory. So that's just my two cents. And let me just follow through that thought. Just to be clear, it's not a higher ADU rate. Up until now, four through seven stories have been exempt from the ADU requirement of six or 10 or 15 percent or whatever it is. What I found really fascinating

[01:05:14] was feedback, because when we first talked about this the last time, I had a developer friend of mine say, oh, you're going to kill your ADU market, because nobody's going to build over four stories, because they're going to avoid this. And in fact, we got mixed responses from a number of stakeholder groups, and the consultant demonstrated there's an impact, but I would have to call it a relatively insignificant impact. It's well within the margin of acceptability to redo your pro forma and say, does this project pay for itself or not, given the new rules? And we can't predict. To your point, Supervisor Kirshner, I don't know. I live in, I think,

[01:05:51] the tallest building in Loudoun County, building I live in, Lansdowne Woods, 11 stories. I don't know a whole lot of six and seven story new multifamily developments that are going up anytime soon. So I don't know that this is going to generate a whole lot more ADUs. It is nice, though, to have some data to back up the fact that, all things considered, this is an insignificant impact on the pro forma and on the net operating revenue that they're going to get, or net revenue they're going to get from their project.

[01:06:19] And so I think it's a really good study, and I'm more than happy to support this motion. Any other questions, Supervisor, Mr. Vice Chair? Okay. We're going to have to take a vote here, Mr. Vice Chair, so heads up. Okay. Let me get the draft motion here.

[01:06:42] Okay. I move the Transportation and Land Use Committee recommend to the Board of Supervisors that the board direct staff to remove the multifamily affordable dwelling unit exemption from the zoning ordinance and require that multifamily developments of four to seven stories provide affordable dwelling units. I further move that the Transportation and Land Use Committee recommend to the Board of Supervisors that the board direct staff to move forward with incorporating these revisions into the zoning ordinance rewrite project. I have a second from supervisor glass i have no discussion uh any other discussion on the motion seeing none all those in

[01:07:18] favor please say aye aye any opposed that vote will pass 4-0-1 with supervise with chair randall off the dais thank you all very much good study appreciate it and if we could have the final item

[01:07:32] team come to the table short terminals six o'clock as we used to say in my last flying squad and we

[01:08:10] are hopping and popping. This is great. I'm sure you do. I'm sure you do. This one is going to be a little tough, but I think we're going to do just fine. Thank you all very much. I appreciate it.

[01:08:26] We are ready for a presentation. I would like the presentation if you have one. Yeah, I'll just begin by saying that Ryan Reed is one of our deputies and administrators. We'll be doing the presentation this evening. Michelle Lohr, other deputy, and myself, Mark Stoltz. We have Dan, Beth Erickson, and Jason Hobby. We're all here to help answer questions at the conclusion.

[01:08:46] Thank you very much. Ryan? All right. Thank you, Mark. Okay, I'll start with just a brief overview, kind of remind everybody of the purpose, what we're doing here. Zoning Ordinance Amendment 2018-1 is a proposed amendment to the revised 1993 Zoning Ordinance to establish short-term residential rental uses in the zoning ordinance.

[01:09:07] An important thing to remind everybody of is that a short-term rental use is defined as a residential rental for less than 30 consecutive days so that's what we're addressing here and we've broken into two basic categories the first type is a proposed use the short-term rental residential accessory which is proposed as an accessory use and that's certainly important and the distinction between the two the second type is the short-term rental commercial whole house which is proposed as a principal use located in a single family dwelling that is used solely as a short-term rental use

[01:09:46] can i interrupt here just for a second this i got hung up on this the first two times i read this item so i want to make sure everybody's on the same page and i want to make sure i'm on the same page because i think i have it as soon as i saw the word accessory i envisioned a little mini house out in the backyard that you go out to which it could be but it also means you're living in a principal residence that has four bedrooms you continue to live in the principal residence and you rent out the one to four of those bedrooms for profit.

[01:10:18] That's a short-term rental residential accessory category, correct? That's correct, sir. Okay, so it's in the same house, but you're renting out bedrooms. A commercial whole house is like an Airbnb where I roll into town and my significant other and I stay for five days in a whole house, and we live in that whole house.

[01:10:39] That's a commercial whole house category. That's correct, sir. Okay, great. Thank you very much. appreciate that. And so for moving forward with the presentation tonight, when I say short-term rental residential accessory, I'll refer to that as the accessory use, just so I don't trip over my words. And

with the short-term rental commercial whole house, I'll call that the commercial whole house. And it is limited in which zoning districts it is a by right use versus a, in some districts

[01:11:09] is a minor special exception and others a special exception use. So at the January 11th board public hearing we had 30 speakers show up provide public input and a number of issues were discussed and many of those issues are listed on the screen. Staff can briefly highlight each issue and explain the proposed changes that we've made to the draft text or we can discuss any or all of these specific issues that the committee members would like to discuss. We have individual slides for each,

[01:11:44] as well as a slide that's not included on the list. That's the notice to adjacent property owners, which was a recommendation from the planning commission that staff does not support. So would you like us to give a summary or go into specific? I don't want to put everybody on the spot and say if you read the item, because it's kind of, that's going to guide the conversation.

[01:12:05] I think probably most of us have. What I think I would like to do is go down that list. I'll of that slide and get a sense from the committee as to where we are, because I think a number of these are going to be non-contentious. And then if we hit one where there's some contention, we may take a separate vote on that item and see whether that item stays in or is in some way amended or comes out. So if you don't mind, let's work down the list. If you can provide a brief summary, and then we'll do a round of questions and see where we are on each one of these.

[01:12:40] all right and if my brief summary doesn't go into enough detail we can dive a little bit that'd be great okay everybody okay with that thank you so the first one the rental period staff recommends this is for the accessory use so the residential accessory use staff recommends maintaining that 180 day limit that was in the draft text for the board public hearing for occupancy staff recommends keeping what was proposed at the board public hearing with four guest rooms or eight guests for a single-family dwelling and four guests for a single-family attached or multi-family dwelling

[01:13:18] for the residential accessory. Commercial whole house, we recommend keeping that at a maximum of 10 guests. Lot requirements is one where we reviewed the text and listened to the public comments, and staff recommends removing the minimum lot area, the five-acre minimum lot area for the commercial whole house and that was originally there because we were making it somewhat equitable to a bed-and-breakfast in use where private parties are permitted and so impact to neighboring properties is a

[01:13:55] consideration several draft texts ago with the short-term residential rentals we removed the private party accommodation so those are prohibited with short-term residential rentals so therefore the need for a larger lot and to lessen the impact to neighboring properties is not as important because those private parties the same thing goes with our recommendation and our review of the yard and setback requirements we remove we recommend removing the 15 foot minimum setback regardless of zoning district from those requirements and going with the base setback for that zoning district

[01:14:35] parking requirements another one that we sat down we reviewed again and we recommend reducing the parking requirements to require one parking space in addition to what is required for that principal use so if it's a single family dwelling and it's required x amount of parking spaces we want x plus one now there's another key part of that in the originally in the text just for the residential accessory we had the ability for the zoning administrator to make modifications

[01:15:10] to the parking requirements in certain conditions, and that would be an administrative modification. We carried forward that language into the commercial whole house as well. We recommend having that ability, that authority for the zoning administrator to modify those standards in certain conditions in both the accessory use and the commercial whole house.

[01:15:32] Moving along to proactive enforcement, that's where we've recommended the third-party software for education and identifying the requirements to aid in compliance. No proactive enforcement is recommended and enforcement action we propose will only occur if a complaint has been filed.

[01:15:54] So we're going to call it proactive education where we compare the county's database to what the party software provide people with information on how to become compliant but not issue notices of violation. Affordable dwelling units, staff continues to recommend that short-term residential rental units not be permitted in ADUs or AHUs. And the short-term residential rental commercial whole house in different policy areas. We did hear some feedback regarding, hey, it's different in

[01:16:31] the east versus the west. We look at that as policy areas. Certainly, they have different characteristics. But zoning districts with traditionally smaller lots are proposed to require either a minor special exception or a special exception for a commercial whole house use, which would allow for additional scrutiny and investigation on a case-by-case basis. And the board could adopt conditions with that special exception approval to mitigate any neighboring impacts. And finally, as I mentioned previously, not on this slide, but the final issue is the

[01:17:09] notice to adjacent property owners. That is recommended by Planning Commission, but not supported by staff. Oh, I skipped grandfathering. Oh, yes. Grandfathering is the last there on your stage. With the removal of the requirement for the minimum lot size area and the setbacks, staff do not believe that grandfathering provisions are necessary in most situations.

[01:17:34] Thank you very much. I appreciate that. We'll get into a little bit more questions and Q&A on each one of these as we go through. Let's start with rental period 180-day limit. Any concerns or questions about the 180-day limit, Supervisor Glass? No, I don't. Supervisor Kirsch.

[01:17:51] So I have a question on this. I think I'm okay with it. I think most short-term residential rentals are probably okay with it simply because they're not renting their places more than 180 days. Why are we choosing 180, though? and you know if one if you have a airbnb for example it's very successful because of its location and whatnot why couldn't and is that just that that's that's not for the whole house commercial that's just for okay that's correct all right so let me come back to that because i think if if it is part of your principal dwelling that kind of makes sense but back to mr turner's or

[01:18:25] supervisor turner's point he he differentiated the short-term residential uh i guess um accessory sorry thank you for helping me with the word accessory unit that could also be a small house on your property is that correct or even a large house on your property or would that not be a large house on your property all one because the reason i ask this is because there are many lots in the west that have multiple houses on them you live in one you do short-term residential rentals

[01:18:59] in the other and so would you would those become accessory or could would you make them whole house Those would be accessory, the way this is written? The way it's written, those would be accessory. Right. So you're now, even though you have a house that has six or seven rooms in it, you fall under the accessory and all these restrictions, even though you have this gargantuan house.

[01:19:21] Am I correct? One of the things I think that it's important to differentiate, in that instance, if I am reading it correctly, if you live in one house and you have a second house on your property and you want to use it you would make that a commercial whole house rental but he just said the way i understood and this is why i want to bury down on this what do you have that option is the way the staff see it that you actually have that option to make it a commercial whole house even though it's on the same price of property you would have that option but you couldn't do both you couldn't have a residential accessory and a commercial house on the same

[01:19:59] property so you could choose which one you wanted to do what if you had two because sometimes you have these larger that had multiple houses because they had tenants and servants and now they've made could you make two of them because i think one of the restrictions in here you could only have one per piece of property right the way we've kind of addressed the i guess multiple structures is that the overall occupancy would be have to be retained on that property so you couldn't exceed the the occupancy cap if you were using more than one building for your rental so you could do that

[01:20:34] but you would be capped based on your occupancy limit for the rental period. And then the other thing we did is if you are using more than one, each building would have to be under the same rental contract, but you could do that.

[01:20:50] Okay, so I'm a little confused, and I'm sorry because I've— If I could just interrupt for a second. No, no, no, you're fine. What I like to do is stop the clock. This is an important point, and I want you to be able to drill down until the end of it. So keep going and stop the clock. We may go to committee a whole here, but go ahead, Supervisor.

[01:21:06] Yeah, and I think we may have to because I've got so many questions. Yeah, yeah, yeah. Three minutes is going to be a problem. In fact, any objection? Go to the Committee of the Whole. Let's go to a committee. Do I need to vote for that? Joe, do you know? Anybody know? Sorry. Let's just do it. We're going to go to the Committee of the Whole, all right?

[01:21:22] And we don't need to run the clock. I'll move us along if we get hung up on a particular issue. So go ahead, Supervisor. So along with that, I would like to see someone who has, I can think of multiple properties right now. It may have been an old estate or whatnot, and they have multiple housing units, some of them which are falling down right now, and they would like to fix them up.

[01:21:44] A couple of them which they would like to make short-term rentals, probably whole house rentals because they're larger. I want to make sure that they are able to do that with each house because even though it's all contiguous to one piece of property, and the way I understood the explanation was they would be restricted as to the number of folks they had, So they couldn't have 8 in this house or 10 in this house and 10 in this house in the same night.

[01:22:11] Correct. So I don't think that's right. I think we want to encourage people to fix these up. We want to encourage them to, you know, because we have lots of weddings, lots of events in Western Loudoun. Obviously, if those structures, we don't want to encourage people to build these units, but we want them to encourage to use the ones that are currently there.

[01:22:31] And so that's where I think we need to kind of parse this. Any thoughts on that? Yeah, again, first, just to back up a little bit, I would say that to establish a commercial whole house, it has to be considered a dwelling unit.

[01:22:46] So in most cases, you're only allowed to have one principal dwelling unit per lot. You can't have accessory dwelling units, depending on the size of the lot kind of dictates how many accessory units you can have. So first and foremost, you couldn't just build any number of dwellings and convert them to commercial whole house.

[01:23:05] It has to be within the limits that the parcel would allow a dwelling unit. So I would just caution you there that first and foremost, it's a dwelling unit. Then you can use it as a commercial whole house, again, based on the standards we have in the ordinance, some of which can be modified.

[01:23:23] But we did think it was important just because of the potential impact to neighborhoods and surrounding areas that that capacity limit for a commercial house would apply to the property so that you couldn't have multiple dwellings that could have a lot of people in there at the same time that could cause a lot of impacts. Well, I think we need a grandfathering on that though.

[01:23:47] Let me try and clarify too. Now I have some questions. So let's say you've got, I don't know, 20 acre lot and you've got four whole houses on that lot. One of them is a principal residence. You've got three other houses, each of which has five bedrooms. Okay.

[01:24:05] Is it correct that you can declare that parcel with those four houses, one principal residence, three houses, each with five bedrooms, you can declare that parcel commercial whole house, or you can declare that parcel residential accessory, but you can't say this house is commercial whole house and these two houses are residential accessory. Is that correct?

[01:24:30] That's correct. So they've all got to either be residential accessory with the eight occupancy limit and four bedroom limit or they've all got to be commercial whole houses with a five bedroom 10 occupancy limit correct for the parcel for the total for the parcel right for the for the parcel correct but one of the things I think that is important especially supervisor Kirschner when you're thinking about the rural policy area in the west is that there are multiple paths to get people to what they want to do with their property so in your instance if you have multiple dwelling units on a property and they want to have a higher intensity of use, I would recommend that they look

[01:25:09] at going through a bed and breakfast process, which would allow them to have different path to what they want to do than this. This is only one, if you will, arrow in the quiver. There's a lot of different ways to get there. And so I think that that is also to provide a little additional context to it. I would say that on five acres, if you were looking to have, in the instance that you just pulled out, if all of them could be full commercial whole house rentals, you could have up to 30 people on a residential lot at that moment, by the example that you gave. So I think that if

[01:25:46] somebody wants to do that, I would recommend that they do that through the bed and breakfast, which would, again, allow a more transparent way of looking at that, and hopefully an easier path. But let's be honest, you could rent those out full-time and have 30 full-time, 360 days a year.

[01:26:04] If I just want to rent every single one of those full-time and not do it through the short-term, so it's less of an impact than if I rent them full-time. Am I correct about that? Full-house rent, four of them, his scenario. Again, yeah, this is only for short-term rentals. I understand that, but what we talked about here was impacts.

[01:26:23] We're concerned about impacts. We might have over 30 people there, but you could rent it full-time. So if I have a whole house or I have multiple whole house on one, why should I not be allowed to use

all of them as commercial short-term rentals? But am I correct that you could do that under the bed-and-breakfast ordinance, correct?

[01:26:41] It could be an avenue to be able to do that. Or a country. 360 days a year. As a bed-and-breakfast, you've changed the use. Right. So the point here is, if the owner of the parcel decides to pursue a short-term rental option, then this ordinance would apply and all the restrictions, so it can either be commercial whole house or it can be residential accessory, no more than 180 days.

[01:27:10] But if they wanted to rent those three extra houses, whole house, full-time as properties, then they could follow the bed and breakfast avenue and do that. I can't speak specifically to that scenario, but I think that that should be explored.

[01:27:28] I would just like to add, Supervisor Kirshner, I think what you were talking about is rental outside of the context of the short-term rental, so like a regular tenant. A regular tenant. There's none of this regulation. What I would say to that is, and I think Mark touched on it earlier on, is that you can have one principal dwelling unit on a lot, and then you're allowed a certain number of accessory dwelling units depending.

[01:27:51] I think you're allowed one kind of buy-write, and then for every X number of acres, you can have one more up to a certain limit. So in Beth's example of a five-acre lot, even if you had four existing houses, unless you could prove that somehow they were nonconforming and in use ever since Loudoun County adopted its zoning ordinance, you could have your principal dwelling and one accessory dwelling on five acres.

[01:28:15] The other two houses, you'd have to turn into something else, a storage building. They might just have to sit there unused, and that's existing zoning. And obviously, I'm not talking about a five-acre lot. I'm talking about lots that are much larger, and that's why I don't want good intentions to catch have unforeseen consequences, I think, ultimately.

[01:28:36] It's why I'm asking some of these questions and when I read through it. But the key here to me is we're talking about short-term rentals, and we're defining short-term rentals as 180 days or less. If we're going to talk about more than 180 days, we're not falling under the short-term rental ordinance.

[01:28:53] Yeah. You are for a commercial whole house rental. The 180-day limit, again, is only for your residential accessory part of the short-term rental. And the reason we chose 180 days is because that's supposed to be an accessory use, meaning— Got it. So if it's commercial whole house, you don't have the 180-day limit.

[01:29:11] Commercial house, there's no limit. Okay, so let me— You have a house—I'm sorry. That's right. But you have a house limit, it sounds like. So what if I have—I was looking at a property recently, Bellevue Farm. They have three complete houses on that one lot, 74 acres. so under this would i be able to live in one and rent out the other two or would i be restricted to that are you asking could you do like commercial house uh yeah both of them at the same time as long as the overall occupancy for the commercial house is not exceeded at any one so i could have five in one and five another not 10 in one and 10 in the other yes even though they're very large

[01:29:49] houses yes see i'd see i think that's a problem i think we have to do it by house and not by lot sorry go ahead I'm sorry and also there's also the ability to request a modification of these five six hundred standards through the minor special exception and that is one of the items that is not specifically

prohibited from requesting a modification but at least that would be on the case of the minor special exception process would require so you could look case by case at those situations okay I have a question on this one is it accurate that if in that

[01:30:25] case I could have I have to either choose commercial whole house or residential accessory and I can't do a mixture of that and do both on my parcel even though I have the house I live in and two or three other houses on my lot that's correct the way it's written right now we've also built in that you can't do like a b&b in because we didn't want a compounded use upon use as best let's point out if you want to go to more intensity there are other uses that are more

[01:30:56] I understand. I'm just thinking if I had two houses on my 74 acres and I lived in one, I might want to rent out a couple of rooms in the one I live in, but also rent out the other one. And I couldn't do that, is what you're saying, because you have to choose one or the other one.

[01:31:13] I believe the way it's written right now that you could, you know, basically you have one of these types of uses, one of these short-term type of uses that you could put on there, on your property. Mr. Chairman, I wonder if this item is something where we go through and decide what we're good with and then see what we're left with, see if we can fix those things.

[01:31:35] We're already wrapped around the axle with what we're good on. So we've got to try and achieve consensus on the ones that we're talking about. So let me take it back to the original discussion, which is 180 days as defined as a short-term rental. Are we okay with 180 days if we're talking about short-term rentals?

[01:31:52] It's not just short-term. It's the non-commercials. That's right. Short-term residential accessory. I'm fine with that. And I think, okay, so we're okay with 180 days. Can I ask you another? Sure. Just finish my point. Maybe we end up here tonight with one or two issues that we just don't figure out tonight, and I wonder if maybe we consider, if that happens, just bringing those two issues back to the next TLUC if needed.

[01:32:18] We can do that. I'm reluctant to do that. I want to try and reach consensus. I agree. I'm not adverse to pulling a vote and getting a majority vote recommended to the board. so that we move the process along. But I'm open to that if we have to do that. I want to make sure I understand what I heard.

[01:32:34] And I'm sorry to beat this into the ground, but this really is confusing. So we have a parcel. I live in a house that has four bedrooms in it. It's my principal residence. There's three other houses on the parcel, each of which has five bedrooms. If I decide I want to make the parcel commercial whole house, my principal residence has to remain the principal residence.

[01:32:57] I can't rent out rooms in my house as an accessory use if I want the whole parcel to be commercial whole house. That's correct. I can rent the other three houses as commercial whole house, and I can rent them for 360 days if I want to, and I can put 10 people in each of those three houses.

[01:33:15] No. No. And total at a time. 10 people total among the three houses for the lot. Right. Got it. My other option is if I decide I want to rent out the rooms in my principal residence, then the only option I have for those other three homes is to call them residential accessories.

[01:33:36] And then I'm capped at eight people, including the rooms in my house and those three houses. Correct. That's right. If I may, I believe that commercial whole house rental, you can have a commercial

whole house rental and live in it as long as you want to. You know, so there's nothing.

[01:33:51] If you have a commercial whole house rental, it doesn't mean you have to vacate it after 100 or after 10 days or whatever it might be. if i had a house i could make it a commercial whole house rental and i could rent it out whenever i want i could still live in it as my principal dwelling there's nothing that prohibits you from doing that so in the scenario that you put forward i could have my house be my principal dwelling i could have it be a commercial whole house rental and i could have other commercial whole house rentals on the same property just the the aggregate cannot exceed what is the overall But there's nothing that prohibits you from living in your commercial whole house rental the entire time.

[01:34:31] That answers the issue I had. Yeah. And what's your issue again? The problem is if you have 74 acres and you've got three houses on, you're only allowed to have five people per house at a time. And there are certain times of the year that are busier than others. People want to come out to the west. They want to enjoy the businesses. And I think that's problematic.

[01:34:47] Obviously, you're not going to have three houses on five acres. I mean, we just. It doesn't matter the acreage. But three houses. Right. So you're going to have larger acreage with a couple of homes. And now you're restrained by this, and I think that's a problem. I don't know what the answer is, but I think that's a problem.

[01:35:03] And the reason we went with a max of 10 people on a parcel that is commercial whole house is because we don't want party properties. Well, that's the next one. Right? That's right. Right. Okay, that's what I thought. And if I also may add one bit of clarity as well, Supervisor Kirshner, when you're looking at it doesn't matter in terms of how many structures or whatever it might be, I think the other important component of this is that they have to come in under one rental agreement.

[01:35:33] So, and I think that that's important as well. So when you're looking at having, if you had three houses, you couldn't rent this grouping under one rental agreement, this grouping under another rental agreement, this grouping under another agreement. So you can't have the Smiths, the Jones, and whatever would be if they aren't all coming in under one.

[01:35:53] That's, again, why you would look to direct them into a bed-and-breakfast if that is what they're looking to do. If you're looking to make sure that you have the flexibility of multiple rental contracts, it would be a bed-and-breakfast. All right. But I don't understand the logic in that. Okay.

[01:36:09] But I think I do. And if I'm wrong on this, jump on it. But I think because my daughter and I stayed in Airbnb out in Sedona, and it's a whole fence community, and it's condos, and it's going Airbnb. the whole neighborhood's going Airbnb. I think what we're trying to do here is to say you have to decide what you're going to do with your parcel. We don't want you to be able to divide up your parcel to make it a business enterprise with multiple rental properties on the parcel all

[01:36:44] taking place simultaneously. We want the parcel defined as it's a commercial whole house or it's a residential accessory use as a parcel. If we get into the point where we're taking a parcel, maybe 70 acres, and you've got multiple business entities under separate rental contracts going on on that property. That's a wholly different business entity that we don't, I don't think we want to encourage and certainly not address it under this ordinance. So I think that's the problem here is we're trying, we're getting, you're saying if I want to establish a business enterprise on 70 acres with five houses, and I want to rent some rooms in this one, and I rent

[01:37:21] the whole house in this one, and I want 10 people in each one of these houses, you've now created a community of business properties that are operating effectively as that whole parcel is operating as a business, completely separate and outside of what we're trying to accomplish here in the short-term rental. Am I off track here, or is that?

[01:37:38] You're correct. And I think the other thing, the other important thing we're trying to hit at, too, is that if somebody wants to do something more intensely, as described, there are those uses country in, for example, but they have different standards, different limitations. So there's the ability to do it. And if you allow a commercial house to do that, it basically circumvents the country in use and all the requirements for that.

[01:38:00] So it is a scale. It's sort of a level of intensity that goes up. You start at short-term rentals. Then you go to B&B homestay, B&B in, country in. So, you know, you're going up based on intensity of use. So this is the lower intensity, intended to be a lower intensity, because it does have standards geared at, you know, These are basically going to be put in existing neighborhoods where there is concern, where people that are renting on the short-term basis don't necessarily have the same care as if somebody's living in there as their permanent dwelling.

[01:38:35] So the limitations are really geared at lessening impacts to the neighborhoods where these things are going to be established, especially by right. Those that are on smaller lots are going to be minor specs or specs where you can look at the impacts more closely.

[01:38:51] But even as a by-right use, there's going to be some cases where they could go in fairly small areas. So there's a concern for intensity and impacts is why we try to count. And I think, and I don't want to put words in the mouth to Brad Kirshner, but I think what's happening is this ordinance is intended to address an issue this big.

[01:39:14] And your what-if is, but what if the universe is this big? And then let's make the ordinance work for this universe as well. and that's not the intent of the ordinance the intent of the ordinance is that if we go outside this universe we need different we need we're going to go to different ordinances we got to go to bed and breakfast we got to find a different avenue that addresses that but within this universe this ordinance addresses this universe so your what if is supposing a completely different marketplace no as supervisor we can decide how big that universe is okay fair enough that's true so that's really why i want to probe this and and staff does make a really good point and that is

[01:39:51] you know once you get to more intense uses you can go up to other things i don't i haven't studied those enough to know if this is bordering on that and then you go above that i mean we're going to get to the occupancy and i have some questions about that as well i'm fine with 180 days for the accessory dwelling etc i'm just concerned that that we you may you may require individuals who really don't have the money to come in for special exceptions when they have multiple especially in These old estates have multiple houses that could create a problem.

[01:40:23] So I don't know if there's any way to address that. But, again, it's very different if you have 74 acres than if you're in a neighborhood. And so why should the person on 74 acres versus the person in a neighborhood have to come in and say, oh, now I need a special exception so I can have 10 people, if that's what we end up with, 10 people per house?

[01:40:45] Okay, let's try this. Yeah, I don't want to beat this one down, but I don't want to forget it either. So let's put this one on the back burner for just a second and then work down the list and see where we are on the list for the short-term rental ordinance and go from there. Your light's on, Supervin. I was just going to say, I hear the scenario and I hear staff's answer.

[01:41:05] And it sounds reasonable to me that if you're beyond a certain intensity, then you should probably be looking at something else other than short-term residential rental. And so it sounds reasonable to me to leave it like that if there's other options for someone who wants to do a more intense usage.

[01:41:26] We do have to be careful that we are implementing an ordinance that is going to result in good neighbors and not more problems, the type of problems that we don't want to be dealing with in the future.

[01:41:41] So if we were going to change that to be or change this to accommodate the scenario, I would want that to be something that is pushed to another meeting and given time for the public and the guild and folks to comment so that I had more information to base my decision on.

[01:42:01] I wouldn't feel comfortable tonight expanding it to accommodate that scenario when I know there's other things that would accommodate that scenario that are probably better, would better accommodate it than what we're envisioning with this.

[01:42:16] And I agree with that sentiment. I'd like to keep the conversation tonight and reserve the right that if we vote this out tonight and it comes up to the board, I think your concerns need to be addressed and they need to be raised. We've got time between now and when it comes to the board to kind of flesh those out and nail those down a little bit more.

[01:42:32] So let's try and stay within the construct of the short-term rental piece. What's the next one on the list here? Occupancy. I have nothing. Supervisor Glass, do you have anything? I don't either. I'm okay with the 10 and the 8. Supervisor Kirshner, you want to talk about occupancy? Well, again, scenario.

[01:42:50] If I got a six-bedroom home with a septic system that can support 13, I could have someone there full-time outside of the short term, and that's far more intense use. So why are we capping this at 10 versus, say, 12? Because there are, again, larger units.

[01:43:07] And, you know, someone who has a two-bedroom and they're going to do a whole house commercial rental, that's not going to be a problem for them. Again, it's kind of those, why are we capping it at 10? Why not make it 12? Or why do we even have a limit? Because there are other things that limit what people can do in there.

[01:43:26] For example, if you have a five-bedroom house, well, that's, and you have a few kids, because I've read through the regulation itself, it says this doesn't, I mean, the way the regulation reads, you could have 10 people in one room, and all the other rooms could be vacant, just because it says it doesn't limit the number of people per room. I'm sure there's some reason behind that. But why not 12? I mean, it seems to me that if you've got a family of 13, and two or three of those are kids, why can't they come rent a five-bedroom home and stay in it? I think that's you know grandma grandpa couple you know son son or daughter-in-law and come and they're

[01:44:01] coming out for a wedding I mean so the question is why the cap at 10 yeah why the cap so I think a lot of that goes back to the the outreach that we had had and there was quite a bit of discussion on what that number should be whether it's eight whether it's 10 whether it's 12 but it was a decision to make it somewhere in that range versus I think you know going from what we heard from public outreach when it got to, say, 14, 18, 20, then we are running the risk of that quote-unquote

[01:44:33] party house and the intensity, the parking, the impact to the neighbors, remembering that many of these are in residential areas. I think Beth had some interaction or some input on regarding the cap. We did. And part of it was that we also looked at what is the predominant size of house in Loudoun County. And so we went with five being on the upper scale of what is the average house in Loudoun County. So while certainly there may be, excuse me, and there clearly are six bedroom

[01:45:09] houses, the predominant was within that four to five bedrooms. So if you put two people in each bedroom, that's how you get to the maximum of 10. That doesn't include kids. Well, but also, also, we're capping it at 10. So if you have a six bedroom house, and you could theoretically accommodate 12, 13, 14 people, we're just saying in the ordinance, if you're going to be a short term rental, you're capped at 10. Okay, I'm okay with that. I wouldn't, I'd like to see at least 12. I think that's a little, makes a little more sense, given there are a few bigger homes. I mean,

[01:45:47] I'll be honest, I've got one myself, I'm gonna be very frank about it. And, and, you know, 11 or 12 people come periodically. That's not often. It's not like you get that all the time. Most time it's two or three people, but there are instances like that and I'm not alone. I'm okay with the staff recommendation with 10. I know the BNB Guild looked at that. They represent a lot of folks who are doing this. They say they're fine with that. I heard from one individual who I know does a lot of this in the county that it should be six so that we don't have party house problems um so that being the case i think keeping you know not not going down

[01:46:23] to six but keeping it at 10 is probably okay at least for me and i feel the same way i feel the same way um having it at 10 okay i'm trying to think of how to work this um i think what i'd like to do is we can have a vote on this if you want it's pretty obvious it's going to go 3-1 If the vote passes, then the sense of the committee is that we include, we keep staff's recommendation for this item in the recommendation going forward.

[01:46:55] What I want to know is, is this a showstopper? If you lose this vote, Supervisor Kirshner, 3-1, is that going to result in a no vote on approving the ordinance as it finally comes down? No, I don't think so. I mean, I think 12 is reasonable.

[01:47:10] It's two extra people, and it doesn't happen very often. And I tell you one thing, just for argument here, since we're on the committee of the whole, if I can speak. Sure. The party house that everyone's concerned about, that we're trying to regulate here, happens seldom. But once in a while it does happen, and there are other ways to deal with that.

[01:47:28] And you know what? It's going to happen regardless of what this number is. I'm just telling you that. I agree with that. But I would counter it with there's no substantive difference between 10 and 12. You could have five in a house and have those same alternative options to address a party that's out of control as you would if it was 10.

[01:47:47] I mean, it's an arbitrary line. The reason I go with 10 is only because these guys have done exhaustive outreach and analysis and study, and they came up with 10. And I can't find a better reason to not use 10. Well, the only difference I would take is if you're a person that follows the law, it is not negligible.

[01:48:09] Okay. All right. Do we want to take a vote? I think we have a sense of a... I did have a question, though, a couple of questions. So I wanted to revisit the discussion that you had on Countryside. It was discussed at the public hearing.

[01:48:27] And there's a court order that they're in the 1972 zoning ordinance, so they can't update to the current ordinance. Is that correct? There is a process where they could petition the court to be able to come under the new ordinance, but it does take a court action because it's a court order that basically keeps countryside under the 1972 ordinance.

[01:48:54] So this particular amendment is not going to impact those properties, but we are looking at ways to address short-term rentals in countryside. So we're getting close to coming up with where we think how the regulations or how that should be administered in terms of a commercial law house and a short-term rental, but they would not be subject to these regulations.

[01:49:18] Okay, and I received a couple of emails regarding Kinkora, well, actually short-term rentals that are advertising Kinkora and Moorfield Station. And my question is, if you can verify if HOAs have the ability to restrict short-term rentals more than the county does?

[01:49:41] Yes. They are? Yes. Okay. We just, the county doesn't enforce their additional, you know, if they would impose no short-term rentals, the county doesn't get involved in enforcing those private agreements, but they can do that if they wish. They can be more restrictive. Okay. Thank you. Okay. I think, I don't think we have any showstoppers so far, though your objection is noted to Supervisor Kirshner, and certainly I would assume that will come forward into the discussion with the board.

[01:50:12] I think we can probably address lot requirements and yard setback in the item. You specifically addressed that, and the lot requirement and yard setback issue that was raised at the public hearing has been obviated by the change in the language, I believe, in the draft language.

[01:50:28] I have no problems with the lot requirement being, I believe, eliminated, right? There's no minimum lot size anymore. That's correct. And yard setback, there's no setback anymore either, correct? You would have the setback of the district you're in, but if, for example, you have a nonconforming structure that was put there legally but encroaches in that yard, you would still be able to use that dwelling as a commercial whole house where before it had to be 15 feet in order to use it.

[01:50:55] So that's been eliminated. Okay. I'm okay with that. Is that essentially grandfathered is what you're saying? Well, it's not grandfathered, but nonconformity means that if you have a structure, say, encroaching in a required yard that's required now. Right. and that structure was legally established at the time, then it can be used for any use in that ordinance.

[01:51:14] Okay, so not exactly grandfathering, but non-conforming. Okay, all right, parking requirements. Can you briefly review the parking requirements again? Yeah, I'm not going to interpose what I thought I heard.

[01:51:29] Just hit the parking again, where we are with, not what it was, but where we are now with the draft ordinance. Sure, so the parking requirements now kind of mirror what a residential parking requirement is so in agricultural districts it's three spaces for a single family dwelling all other zoning districts it's two spaces per single family dwelling we're recommending that parking requirement which is minimum for say a house plus one so plus that

[01:52:04] owner operator has a parking space that they can come to if they need to show up or if they're in a residential accessory, they're living there right now, they have some guests, they have enough parking for those guests. So that is, that's what we've changed it to, kind of the residential plus one, but also with that authority for the administrator, the zoning administrator, to modify the requirements in certain conditions administratively.

[01:52:33] Here's my question. So let's say I'm in a commercial whole house rental, and I rent the house out, and it's got four bedrooms.

[01:52:50] I can put eight people. Commercial house, I can put 10 people, right? Or is it two per bedroom max? It's two per bedroom max. Two per bedroom max. So let's say I got five bedrooms. So I can rent out that as a commercial whole house. It's a single-family detached.

[01:53:06] So I've got three parking spots at that house, and I can rent it out to 10 people with three parking spots. Yes. What's wrong with this picture? Well, I would add that, and it was mentioned a little bit earlier, is there can only be one rental contract.

[01:53:24] So those 10 people are a group. It's not three different entities or four or five different parties, groups of people, not party house parties, coming to there. It's not individuals coming to make up that 10 guests maximum, but it is a group that should all have some sort of relationship.

[01:53:46] Okay, and there was never a consideration for an additional off-lot spot for every bedroom? Is that excessive? Was that ever in the mix anywhere? I don't recall that. Michelle, do you recall? Are we still in committee?

[01:54:03] It was in the previous draft, I believe. I think the concern that I had seen and heard from folks was that the initial draft was requiring too many parking spaces. And you might have a small house on a small lot, commercial whole house, and we're making them have excessive parking spaces.

[01:54:26] And then basically the whole yard becomes a parking lot, when in reality they probably would not use that amount of parking spaces. So I think with the recommendation, I haven't heard any issue from the Bed and Breakfast Guild or other people that I know that are doing Airbnbs.

[01:54:44] So I personally am fine with the current staff recommendation. Where a commercial whole house is three spots. Plus one, I guess, in the... So you would have four? In the rural areas. Okay, all right. Three or four. And then what's the parking now for, as proposed in the draft, for residential accessory?

[01:55:03] The same. Same. Same. Yes. And keep in mind with the commercial whole house that those parcels that are on typically smaller lots in those districts, those would be either a minor special exception or a special exception use so that the board could look at the capacity for those parcels and what the parking situation is in that neighborhood.

[01:55:26] Okay. So if I stay in an Airbnb and it is a residential accessory and I go to the Airbnb and the owners are out of town, I've got a rental car because I've flown into town to use this Airbnb, the

presumption is that that organic parking capacity for that residence is going to be sufficient even if the owners are there that that is planned for those bedrooms to be used by occupants of that house and that organic parking is sufficient for the occupants of that house that's the theory correct that's correct yes okay all right uh super right kirschner

[01:56:06] you have anything i'm parking the only question i had on parking is um i'm sorry i'm doing with emergency so i had to step away from the conversation but we we have one additional unit is that or one additional parking space for either is that correct that's correct how much are nor how much are normally required for regular residential so regular residential and agricultural districts yes three three other districts is two okay so if it's just why would we require one extra one in the whole house commercial i think that was our our idea was

[01:56:43] in emergency situations where the operator needs to come and there is potentially a limited parking situation then there's at least one parking space that they can come and address issues so we're limiting the number of people going to be at the house but we're requiring one parking spot an extra parking spot on a standalone commercial i just it doesn't make i i mean i'm probably that's probably not going to be an issue honestly with most of these agricultural district areas um which is where the bulk of these are but i'm still kind of hung up on the on the

[01:57:23] restriction that we're putting because i mean my family go to vermont for example we rent a house Fourteen people, it's a five-bedroom house, 14 people stay there. No problem. But we're going to limit it here in Loudoun County. I think we're just going to discourage people from coming. That's the other issue.

[01:57:38] Sorry. Still hung up on that. Okay. Anything else on parking? Okay. Proactive enforcement. As I understand proactive enforcement, it is third-party, I'll say, IT solution for proactive education for infractions.

[01:58:01] And proactive enforcement, it's really reactive enforcement through the normal noise ordinance disturbance ordinance mechanism, right? So with proactive education, we have a third-party vendor through whatever applications they apply says, okay, there's a violation going on here.

[01:58:18] We send out educational materials, say you're in violation. Here's how you can fix your infraction. Fix it. And if they don't fix it and continue to violate and create an infraction, then we have the option of the normal ordinance for that we would have if someone was was making too much noise or partying or excessively or whatever have i described that correctly yeah and i would just add throughout our public outreach one of the comments we frequently heard is the importance of enforcing the regulations and these standards so one concept the original concept was yes we would use the third party to kind of help us keep us informed of who's registering on the

[01:58:58] on these platforms and then we can check to make sure they've registered for the tax stuff, but also that they've come in and gotten a zoning permit as they're supposed to and abide by the regulations. So that's also why I think in the upcoming budget, we were hoping to add another zoning enforcement person to kind of help coordinate this. But even if we don't go to actually proactively sending violations, we do still want to make those folks aware that there are regulations and requirements and educate them on what they need to do. I think most people will try to come under and operate legally. So I think it'll be worth the effort to get people to come

[01:59:37] in and register and get their zoning permits. And so that's the purpose of it now that we're thinking that would be the best approach. Okay. I have no other questions on the, Mr. Kirshen. So we're talking about proactive enforcement. So I'm going to open up a little bit of a can of worms here. I'm very not happy at all with a requirement of a zoning permit. I think that going to be so burdensome on people why we don't have zoning permits now and so that you mentioned in your comments well that will also help you know make sure people why do we need a requirement that

[02:00:13] these short-term rentals come in for a zoning permit all uses in the county require zoning permit that's really the whole purpose of this regulation is is to regulate the not not just put regulations in but say now you have to come in and now we're gonna we're gonna come out and approve you because that's the way I read the statute. We're going to come out and approve you to say that you can actually operate. Yes, basically any use that establishes in the county is required to get a zoning permit. And in the event we find somebody that's operating use without it, that's a violation of the zoning ordinance. Of course, we're not proactively sending a

[02:00:50] violation, nor would we in this case, we just send information that you are required under the zoning ordinance to get a zoning permit. But before they could operate, you're going to require that they get a zoning permit and that you're going to come out and you're going to, there's a bunch of, I think it's list subsection D, there's a whole bunch of things they're going to have to do.

[02:01:14] Is that correct? As part of the zoning permit application, yeah. And we are, you know, the other thing is that we're not looking to shut people down that are out there now operating. One of the things we'll bring forward with the motion to adopt is a grace period to where, you know, we would set some time parameter where folks that are operating without a zoning permit will have time to come in and get that and come into compliance with the ordinance.

[02:01:39] If they've gotten a permit and they're operating under a B&B and got a zoning permit for that, they don't really need to do anything. They can continue to operate under the zoning permit they have. But we do have some of these short-term rentals that are operating without any kind of zoning approval. And if I may add on to that, from an industry perspective, this is common practice across the United States. So when you're looking at places like Asheville, Nashville, that have a high intensity of use of short-term residential rentals because it's an important part of their product. It is actually, it's one of the best practices that we looked at is that when people show their listing, one of the last

[02:02:16] photos is their zoning permit or their occupancy permit. So I think it's something that people are also looking for when they are booking short-term residential rentals is to make sure that the place that they are going to is has some of the basic components that would be required for a zoning permit so it's not unusual is my point it may not be unusual I think it's because one we're already requiring registration because that's a really a tax revenue thing correct yeah the registration is not a zoning approval it is just for tax purpose it's just for tax purpose correct can we put in some of the rules that we're talking about tonight without requiring

[02:02:53] a zoning permit or is that essentially because we're creating a new section of the zoning ordinance you got to get a zoning permit it's a new use so we want to be consistent similar to any other use in the county that they would have to obtain a zoning permit okay um again yeah let's let's wind this yeah i just think we're getting more burdensome this is going to be harder on people who are trying to use these accessory or stand alone um i think it's going to discourage it and i don't think that's really what we want to

do mr vice chair thank you um so regarding the zoning permit you're saying that this is no different than any other use the language in here is the

[02:03:30] same as the language for other use other new uses right is there anything different in this language than the other new uses um we just tried to clarify in in this particular use different uses have different requirements but in order for us to view the zoning permit the the draft text does have certain elements that we want submitted as part of the zoning permit application just for clarity it's not to say other uses we wouldn't ask for similar things but it's something i have the ability to request to make sure that they're showing and demonstrating that they're going to meet the zoning ordinance for that use. And is that something where, in the way it's written in

[02:04:09] the draft, you would absolutely every time go out in advance and actually inspect to make sure everything's as stated in what they submitted, or are you just reserving the right to do that? Right, I believe. And is that consistent with other new uses? I think we may have put something in there in terms of inspecting for safety purposes like you know making sure that there's fire extinguishers and smoke detectors things like that we don't usually proactively go out and do an inspection to make sure they comply well i will say we do that but it's part of the

[02:04:46] occupancy permit standard that typically that occurs so they'll get their zoning permit and after they have you know built the structure for example the zoning inspectors go out and do an inspection prior to occupancy to make sure that they're complying and is this any different than we're doing for the bed and breakfasts no as far as that part as far as i know it's the same um so that's for me i'm good with that um proactive enforcement i'm trying to learn a little bit more about that um my understanding is we're not actually doing proactive enforcement unless

[02:05:20] there's a complaint so that would be the same as anything else in the county we're complaint driven And is that what you're proposing here? That's correct. That's correct. Now, originally, I think when we came to the public hearing, we were proposing. Right, but you've changed that. You've changed that.

[02:05:35] And so my question, I guess, is maybe we need to change the language here and the bullet point because I don't want. It sounds like we're not being, we're not suggesting proactive enforcement. So maybe we just change the language so that the public doesn't think we are.

[02:05:51] And proactive education slash reactive enforcement, to me, is the right terminology. I agree. Okay. And then last comment on this one, I'm okay with permitting. If you want to operate a short-term rental, you ought to be guided by an ordinance, and you need a permit to be able to operate under that ordinance.

[02:06:08] That's just kind of the way it is. Every Airbnb I've ever gone to, I'm sure they have a zoning permit in order to operate as an Airbnb, and that's just the way it goes. I acknowledge your disagreement with that, Supervisor Kirshner, but I think we've got a 3-1 vote on that one.

[02:06:26] And last question, if you don't mind, Mr. Chairman. That's an administrative process, right? It's not a special exception for each one of these or anything like that, right? Well, like the only, the commercial whole house in some districts, it has a minor specs or specs to establish it. Whereas by right, the by right would only require a zoning permit.

[02:06:43] Yeah. Okay. Thank you. That answers my question. Okay. Affordable dwelling units. Am I correct that we're basically saying if you are in an ADU, you can't rent out as residential accessory part of

the house that you're living in as an ADU?

[02:07:02] correct? Correct. And similarly, if you are in an ADU home, you can't do a commercial whole house rental of that home if you're in an ADU home. Here's my question. The 15-year period runs out and that is now being taxed as a market rate unit. At that point, can you rent it as a short-term rental? Yes. I would say once the timeline is up. ADU period is up, then you're treated just as you're living in a commercial home and you can do this. If it's converted to market rate, yeah, you would be okay um other staff may disagree they're coming down to the table no uh hope i

[02:07:41] didn't misspeak no i don't know brian fix me if i do yeah so the property for 50 years and for as long as that the occupant has to occupy the home as their primary domicile so that's where there's a little bit of contradiction here okay so that all right so then that's a different answer so what you're saying is for that 50 years five zero they're operating as an adu and they should not this, they should not be able to do a short-term rental for this unit? The commercial whole house, correct. They have to live in the unit as their primary residence. So in an instance where they're

[02:08:16] renting out the whole house, the assumption is that they're not living there. They'll be living elsewhere. Well, but I can make the case if we're commercial, oh, that's right. If we're commercial house, 180 day limit doesn't apply, correct? Right. Okay. All right. So let's set that aside for just a second and let's look at residential accessory. So now you're still within the 55-0 year period as an ADU, you're outside the 15-year period where you're receiving benefits. You're now being taxed on the whole value of the house. Can you rent out rooms in the house as residential accessory? In the specific rooms, yes, as long as they are living in the ADU as their primary.

[02:08:53] As their primary. Okay. So the key is it's got to be the principal residence. Correct. Are we okay with that? Yeah. And that's why definitely the commercial house will be off the table. But the short accessory, I think, is the one that after the 15-year. Okay. I can actually live with that. So what we're saying is if you're living in an ADU unit, you have the option under this ordinance to rent out rooms within that unit for profit as a short-term residential accessory after 15 years when you're now paying taxes on the full market value, but you never have the option for the 50 years to rent it as a commercial whole house. I'm okay with that, I think. Mr.

[02:09:30] Brother Glass, any concerns on that? Questions? Okay. Mr. President Kirshner. Thank you. We're good on that. I think the next two are pretty easy and quick, short-term rental commercial whole house in different policy areas. And that's what you just referred to, Mark, I think is in certain policy areas where you are, it may require a minor or a specs in order for you to operate as a commercial whole house. Right. Part of the comments we heard is that, you know, one size doesn't fit all with these and that in the West, there are going to be different impacts than the East. And so they

[02:10:04] Some thought there should be different requirements, but our feeling is that in those areas that are primarily in the eastern or non-rural areas, on these smaller, higher-density lots, it's going to require minor specs.

[02:10:19] So then you could look from the legislative process, impose any additional conditions or things to address specific impacts. So we think that process handles that concern. Okay. Any questions, concerns? So that's based on policy area?

[02:10:37] No, it would be based on zoning districts. So the more broader comment was that in the east-west should be treated differently. And so not across the board, but like I say, in different zoning districts, the use is treated differently, at least the commercial house.

[02:10:55] Now, the short-term accessory, that's permitted across the board by right. It's just the commercial whole house in those certain zoning districts that requires the legislative approval. I haven't heard anything from the guild or anybody about this, that they're in disagreement, so I think I'm fine with it.

[02:11:11] And then grandfathering really quickly, basically, we think it went away. We think we've accommodated all the things that would require a grandfather clause that we heard in the public comments. Well, I think, again, through the process, we've heard from some that thought if they were registered that they should be grandfathered, meaning not subject to any of the regulations.

[02:11:32] Then I think at the public hearing, we heard we've got these requirements such as the setback in the lot that we're not going to meet. They should be grandfathered. I do think those were fixed. But I wouldn't want to say that, you know, by those two things, we fixed the grandfathering comment. There's still a voice out there that feels like those that have come in and registered for the tax should be grandfathered.

[02:11:54] And staff's position is that that registration really isn't a zoning review or approval. And we just feel like that everybody should be operated under the same rules. And again, we're looking at trying to implement a grace period, you know, working with folks.

[02:12:09] We're not trying to be punitive, but we just want to try to gain compliance. And we will be working with people to do that in a timely manner. Okay. Yeah, Mr. Vice Chair, Justin. Thank you, Mr. Chairman. The Guild is requesting a waiver clause. I'm sure you're aware of what they're requesting.

[02:12:26] Can you speak on that, your staff's opinion on that? I'm not sure of a waiver clause. I know, I think one of their comments was they felt like, because in the ordinance, some of these use regulations cannot be modified. And we've pointed out in the regulations those that we felt like, if you modify these, it kind of changes the whole nature of the use.

[02:12:45] So we selected certain elements of the use standards that can and can't be modified. And it may be, from my recollection, Michelle, if you correct me if I'm wrong or remember differently, but I think they were of the thought that all of the regulations should be modifiable.

[02:13:01] since it's going to the board, all those mods would go through the board. They felt like the board should have flexibility to be able to modify anything in the regulations. So I think that's what they mean by that comment. Thank you. I'd like to hear what Mr. Kirshner has to say.

[02:13:17] I'm not sure where I'm at on the ask. I would agree with Mr. Buffington in his question. I'm not quite sure. I would like to hear more from the industry to make sure that there are some things we're not missing other than that. I think we have addressed some of the things through a lot of the changes, and I do.

[02:13:32] I mean, I'm being a little forward tonight because I am concerned about some things, but I do appreciate the staff did listen to a lot of the comments, has made some changes since the last draft that's

come in. I do have two additional questions absent from this, if that's okay. All right. So there are two aspects of the draft that I have a question on.

[02:13:51] The first is I think it's in both the short-term accessory as well as the standalone, and that is all rooms that may be used for overnight comfort must have at least two means, and it looks like it's been amended, continuous and unobstructed egress travel to the outside of the dwelling unit on the ground floor.

[02:14:14] That just means you need two entrances. Is that correct? Yeah, two ways to get in and out of them. And it's just on the ground floor. It's not anywhere else. Because when I first read that, I'm like, are they saying you have to have a fire escape from the second floor? But that's not. It's just two entrances.

[02:14:30] You don't need a fire escape or something. It's a means of egress to get outside. Right. It's usually the door and a window. Okay, all right. I just wanted to make sure I understood that because when I first read it, I'm like, kind of alarmed me. Well, the purpose of that is you're staying in a place that you're not familiar with, so there's a way to get out.

[02:14:47] Yeah, window and a door is basically what you're telling me. Okay, perfect. No problems there. That's just a safety thing. I appreciate it. The last question I have is on the exterior lighting requirement. I'm sure some of the staff sitting at the table are familiar, and I know Mr. Buffington is.

[02:15:03] It's what's going on with the Middleburg barn. They had lights up prior to 2018 for a country in. Now the county is asking them to come into compliance, and they're asking for a \$30,000 bond, and \$50,000 bond the county already has.

[02:15:24] Now, I'm not asking you to address that. I think I'd like to talk to some of you folks offline. But I'm concerned that some of the—I mean, again, I understand the outside lighting is a safety thing. But I'd like you to explain what you mean by that requirement in the written statute in terms of that regulation.

[02:15:42] And are we going to find ourselves in situations where someone is simply trying to rent their accessory dwelling unit is now going to put up a \$30,000 or \$50,000 bond to make this kind of thing happen? These are the sort of regulations I'm concerned about that's going to make it very difficult for people to do.

[02:16:05] Yeah, I think those lighting requirements are similar to other uses in the zoning ordinance.

[02:16:24] And, again, it's just trying to address potential, you know, light impacts for the use. I don't think in the case of a commercial house or accessory, usually those are just done through a zoning permit application, not a site plan. Usually the site plans are what's bonded.

[02:16:41] So I don't think in this case you would ever have a situation where you would have to be required to place a bond for that requirement for these uses. And it looks like that the pole-mounted exterior light for short-term rental commercial house use is 12 feet.

[02:17:01] Is that the maximum? The height of 12 feet. And those other requirements, it's 5652. A2 and A3. They have to be fully shielded, and A3 is the hours of operation that they have to be turned off between 10 p.m. and 6 a.m.

[02:17:21] So those are the only two requirements. And this probably came from the B&B requirements as well. So when we prepared these, we did look to the B&B type, which are similar uses, to kind of mimic some of those requirements, which is why that's probably in here. All right.

[02:17:37] Thank you. Thank you, Mr. Chairman. I think I'm good with everything right now. And even if we send it to the full board, it would go to public hearing at some point, too. And so I think there's plenty of opportunity. No, no. I think we've already had public hearing. Did we?

[02:17:52] Right. Yeah. We had the public hearing. So we go to full board for a decision? We'll go to full board for a decision. I feel like there's still plenty of opportunity for public input and the break between us and them gives the Guild and anybody else time to give us more input. I think so too. Yeah, Beth.

[02:18:10] If I may, just draw to your attention, and I'm happy to meet with anybody to go over it as well, but within your packet is the study period. We studied short-term residential rentals for 20 months, and through that you will see information I think that addresses Supervisor Kirshner, which is looking at maximum sleeping capacity, another reason of why we landed where we did based on the information that was here.

[02:18:34] But I think one of the other things that's important to realize as you are considering this, the largest concentration of short-term residential rentals are actually in the east. They're in Ashburn, Sterling, are the top locations for short-term residential rentals.

[02:18:51] So when you're thinking about this, understand that when you're looking at this, and again, This was a study period that ended in December 2020, but it was an extensive study period. And I'm happy Supervisor Kirschner left my bottle of water back there to provide you with more information regarding one of these beautiful charts, sir.

[02:19:14] So I'll follow back up with Stacy, and I'll provide that to you. It's a dense packet. We have been at this for so many years that I think the packet that came to you was 127 pages. But a lot of that is that backup of the public input, the study period, which will helpfully help provide some of that insight and guidance.

[02:19:36] But if I may, just very quickly, I am really proud of this process. I have not seen or been involved in a process like this where it has been so thoughtfully presented, but also that staff has heard those public comments. And I think it is a best practice in many ways.

[02:19:55] so I just want to take this moment to thank the staff, to thank everybody who has come out to speak on it, the many, many people who attended each of our focus groups as we did our outreach, the Bed and Breakfast Guild. It has been a well-studied discussion and a well-studied issue.

[02:20:11] So I'm grateful, and I'm also grateful to you for your careful consideration on what is a very important topic, but it's also important to the hospitality industry, so thank you. Great. Recap, I think we're all good on everything. Supervisor Kirshner, your concerns are on occupancy and on the zoning permit requirement.

[02:20:30] Those are your principal concerns, and you can clearly carry those forward to the board for that discussion. And we all agree that there may be some grandfathering issues that may come up between now and the next board meeting, and we're open to talk about those. But I think we're ready for a vote, so I'm going to make a motion. I'm sorry.

[02:20:45] We have one more item. We also had the other issue, which was the notice to adjacent property owners. We just wanted to make sure that you were clear that we were recommending that. But I think the

general consensus was pretty quickly, no, we're not going to notify neighbors any more than the normal public process. Yeah, yeah.

[02:21:00] Okay. Thank you. Mr. Chairman, I have one other thing to clarify. Sorry. You guys are in the way of victory here, but go ahead. We are, but I don't want to misrepresent something. Whenever we spoke earlier about affordable dwelling units as a residential accessory being allowed in ADUs, the way that it's worded right now is fairly simple, that any ADU provided according to the ordinance cannot have that.

[02:21:24] and we were kind of splitting hairs at 15 years versus 50, I would recommend either that we try to address that language slightly or that we just allow residential accessory across the board. And Ms. Sidnor has been eyeing me back and forth about this.

[02:21:40] From a housing staff standpoint, they don't really have a concern about that being used as an accessory use. So we don't necessarily want to penalize them across the board for that. So we'd leave it to your guidance on if you want to focus on the 15-year period from before or if it's okay with you just to remove that one piece?

[02:22:01] I can try to restate that. If we remove that completely, then we are allowing occupants of an ADU unit inside of 15 years to rent out rooms under the residential accessory provision, correct?

[02:22:17] Correct. I disagree with that. Me too. I don't think that if you're getting a benefit from the county for living in an ADU unit that you should be able to make a profit-making business venture off of the county taxpayer dime during that 15-year period. So what I would like to see is the language say, if you're in an ADU prior to the 15-year mark, then you cannot do residential accessory. You can't do short-term rentals. After the 15-year mark, you're eligible to do residential accessory rentals, and you can

[02:22:51] never do commercial whole house. Have I stated that correctly, everybody? Are we all on board with that as a recommendation you said never you never if it well for 50 years okay for 50 years you can't do commercial whole house if you're in an adu but you can do residential accessory as long as the 15-year period's up when you're now being taxed on the whole market value of the house okay can i make one comment mr chairman um i i think i remember i recall chair randall bringing this up and she had some sort of concern about this so maybe i just recommend to you all since and she's not here to reach out to her after this meeting.

[02:23:31] I suspect she's going to disagree with me on this. I think we can deal with that at the board. And do I need to amend the motion, or can you take that? Do we need to formally make that motion to amend the ADU portion to what I just said? Or can I say, as amended, did you capture it all?

[02:23:50] I think if you leave it as is, it would go in the direction which you're directing, right? Good. And so we can follow up there to make sure Chair Randall's aware and see if she wants to maybe make a different recommendation. All right, so the motion's good then as is.

[02:24:08] Yeah. You've got to get a mic. Just for clarification, the ADU ordinance right now allows an owner of an ADU within the first 15 years to rent part of their house as long as they are living.

[02:24:29] So in terms of that, there is no difference between the first 15 years and the following 35. Under the ordinance now? Yes, sir. Interesting. So a taxpayer living in an ADU unit right now prior to the 15-year mark can rent out rooms in their house?

[02:24:45] Yes. Interesting. Okay. So then we don't need to make any changes. I don't agree with that, but okay. I'm not going to stir the pot. Well, in that case, we wouldn't need to make the change to remove that section. Not prohibited.

[02:25:03] Right now it is prohibited. In the ordinance? In the ordinance right now, the current draft. Okay. So there is a disconnect right now between the current ADU ordinance and this proposal ordinance? The comment was that right now they can do not short-term, but a regular rental.

[02:25:19] A short-term probably isn't addressed under that. So if you're, you know, does make some logic, if you're allowing an ADU to be rented out, you know, more than 30 days, you could probably make a case that should be. I think we should align both ordinances.

[02:25:36] Okay. Yes. Okay. And I'm sorry, Chair Turner. So then you're saying to allow them, okay, I agree. And I think Chair Randall will be okay with that. Yeah. Okay. I move that the Transportation and Land Use Committee forward ZOAM 2018-0001 provide as attachments 1, 2, and 3 to the February 22, 2023 Transportation and Land Use Committee action item to the Board of Supervisors with a recommendation of approval.

[02:26:06] Second. Seconded by the Vice Chair. I don't need any more discussion. Does anybody else? Yeah. Going once, going twice? Supervisor Carson? Locked. You don't want to hear from me. So I'm gonna vote no, not because I don't want to just move forward, but because I wanna make sure it's on the record that it wasn't UNS, some of the things that we talked about was not UNS.

[02:26:26] So when everyone's reviewing their packet when we get to the business meeting. But that doesn't, I don't want that no vote to reflect poorly on all the work the staff has done, especially you, Beth. I know you have worked really, really hard on this. And there's a lot of great things that have come out of the public process, a lot of the great changes, great discussion.

[02:26:47] Thank you for being willing to send this to TLUC. I think that was my motion to send it to TLUC. I think, obviously, we vetted a lot of the questions that were had here. We made a few changes. We've expressed our concerns, and I think it was a very, very, I agree with Ms. Erickson. It was a great process.

[02:27:03] Not quite done yet. I would like to see a few changes. Maybe we will bring those amendments to the full board and talk about them there. I think there are minor tweaks. Again, I think my overall arching thing here is too much regulation on an industry that is doing extremely well right now.

[02:27:20] I understand some of it. A lot of it makes sense. We also want to make sure people come and are safe, but we don't want to discourage people from doing this. And so some of the comments that I brought forward had those concerns. So that's largely why I'm voting no. Thank you. Mr. Turner, if I could interrupt just for clarity, I know you made the motion, but we probably need you also to include in your motion to revise the ordinance for that ADU change to make sure that's part of the record that the TELUC is recommending that.

[02:27:50] Okay, then if I can just continue. Yes. I further move that staff amend the proposed draft ordinance to allow ADU occupants prior to 15 years to make short-term residential accessory rentals?

[02:28:14] Residential accessory, yeah. Does that work? Yeah, we get the gist there. Did we capture that? Yes, sir. Everybody okay with that friendly amendment? I'm okay with it. And that, to clarify, is just

consistent with the regular zoning ordinance. That aligns with the current ADU guidelines for over 30 days.

[02:28:32] Yeah, and I think the ordinance, they were talking about the codified ordinance in terms of the other requirements for full rentals. All that's good. Okay, so we have a motion and a second, and I think we're just about ready for a vote.

[02:28:51] I want to commend everybody. I think it's terrific work. I really agree, and it's just really, really good work. So thank you all very much for working. Am I correct? Zoan 2018-001, so this was first quarter 2018 when we started this process.

[02:29:08] We're now five years down the road, but I agree. It's a really good product. and so good for you guys all in favor please say aye aye all opposed that motion will carry 3-1-1 and thank you all very much for your presentation and for your hard work and we have one more motion that the vice chair is going to make thank you mr chairman i move that the transportation and land use committee recommend that the board of supervisors direct staff to provide an overview of groundwater protection regulations in virginia and loudon county to the environmental commission

[02:29:46] by june 2023 to receive feedback on potential gaps for further research second thank you mr mr chairman uh no big opening this was a conversation we had earlier this evening in regards to uh one of the information items on watershed management plan and uh what i'm trying to accomplish here is just for the environmental commission to have a briefing from staff and a discussion to see if there's anything that we might need to do uh looking forward to make sure that we're actually protecting the water our water resource in loudon county going forward to make

[02:30:23] sure that we continue to have a publicly available water resource in loudon county for the foreseeable future so that's all got it we have a motion on the table seconded by myself uh any other discussion yes so my question is i understand that this is very important um but is this going to burden our staff on this information that you're looking to receive?

[02:30:53] Thank you for the question, Ms. Glass. I did ask staff that earlier during the watershed management plan. They said it, correct me if I'm wrong, Mr. Hemstreet or Mr. Krobos, but they said that it wouldn't be much. They could just put together a presentation, and it was not a heavy lift, I think, was there.

[02:31:10] The question I asked was, is this a heavy lift? And the answer was basically no. Okay, then I'll support the motion. Thank you. Thank you. All right. Motion made and seconded. All those in favor, please say aye. Aye. Any opposed?

[02:31:26] That motion will carry 4-0-1. And without any further business, we are adjourned. Thank you all very much. Burgers, milk burgers, milk burgers.



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