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Loudoun County Board of Supervisors, Transportation and Land Use Committee, Wednesday, May 17, 2023

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- Official meeting video (county, Granicus): <https://loudoun.granicus.com/player/clip/7271>
- Agenda (Granicus): https://loudoun.granicus.com/AgendaViewer.php?view_id=73&clip_id=7271

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[00:07:17] 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. Please see the clerk to request one. As you may know, the board and most of the other committees always have words of inspiration. The Transportation Land Use Committee has useless information to start off the meeting, just to kind of break the trend.

[00:07:37] So our evening's useless information is the notion of the byline, that when a reporter writes the report, there is a byline. and that came from General Joseph Hooker during his two big battles were Antietam and Chancellorsville, and he insisted that all reporters that traveled with his army sign their name to their reports.

[00:07:58] He said, if they're going to lie about me, at least everybody can know who they are. General William Tecumseh Sherman, when notified that three reporters were in a battle and had been killed, was quoted as saying, then we shall have news from hell by morning. Please join me in the Pledge of Allegiance.

[00:08:15] I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all. Well, thank you, everybody, for coming tonight.

[00:08:32] We have an interesting agenda, I think, and it should move right along. And our dinner tonight is meat, not the vegan portobello whipped feta cheese sandwich I was offered last night. There's real meat in the room, so we will have that after we finish our meeting.

[00:08:51] First up is a discussion of the Transfer Development Rights Program. I'd like to invite Mayor Littleton, the Middleburg mayor, forward to the table for his presentation and ask staff to support him as needed. Just some intro to this. I attended a summit that was hosted by Mayor Littleton some couple of weeks ago, I guess, and he did this presentation on transfer development rights.

[00:09:17] It's an excellent presentation. It's really good food for thought. We'll open it to discussion after the presentation. I would like to caveat it at the beginning. There are a number of facts and figures and a bunch of data in this briefing. We have no reason to consider it anything other than accurate.

[00:09:34] I just want to make the caveat. This is not a county briefing. This is Mayor Littleton's briefing, and it's his data. We haven't checked it or verified it, but it is his briefing. It's not a county briefing. So with that, Mayor Littleton, you have the floor. Thank you for joining us. Supervisor Turner, Madam Chair, members of the board, county administrator, planning staff, thank you guys for allowing us to run through this presentation with you.

[00:10:01] With me is a member of our town council. His name is Chris Bernard. Chris and I were the ones who chaired and hosted this summit, which was on April 11th, which, you know, sort of culminated in the day to go through this idea around a transfer of development rights program.

[00:10:20] To sort of put a quick thumbnail on Supervisor Turner's comment, the data here is all data that was gathered from, you know, county websites or GIS mapping, but our staff put it all together, and so it is, I would not take it as accurate to the 100 square feet, but, you know, larger than that, I mean, we did a really good job of being as detailed as we could, counting parcel by parcel, adding acreages up, and things like that.

[00:10:52] So, and at a high level, you know, this is not meant to be, if the county wanted to do a TDR program of this fashion, The ready-to-go product, right? This is a directional document on where things could go based on where we currently stand and where economic development plans to go, where the county's looking at going.

[00:11:17] And our hope here is that the opportunity is self-evident and that it's worthy of the right level of detailed work that really smart folks in planning and land use can do to take it and make it a product that that could be something the county embarks on so um we've had very very good responses from uh i mean the economic development community the housing community the data center community and the preservation community on their they really feel that there is a good there there here so an interesting one um so

[00:11:56] yeah we're very proud of the work and you know we're continuing to have multiple conversations with organizations and groups about this and you know we will we will continue to spend effort and time to make it better and better so again thank you for the time to allow us to present it and with that we'll get started so next slide and you know some of these slides I will go through very quickly because need not be told to you what the basis of it is. I want to be as efficient with your all's time as possible. So, you know, right here, this was, you know, level setting our summit

[00:12:35] when we were handling it. You know, Loudoun, it's a great place to live, work, and play. We've got a lot of great things. We've got a lot of challenges. And I'm sorry. And learn. And yes, exactly. And always make better. So, you know, but the two things I would highlight on this slide is, you know, we do have challenges, right? We have a lot of infrastructure needs we need to attack.

[00:12:59] The capital needs assessment has a lot of things that need to be addressed. Those have to be funded. Those need land. We want to preserve our farming community. And we want to make sure that Loudoun remains a beautiful tourism destination, which is a great, you know, feather in our cap, you know, not compared by anybody else in the state. Next slide. Okay, next slide. So data centers, huge benefit to the county. There's no need to even, you know, go into the details on this. They've been a great source of revenue and advantages for the county in a lot of ways. Next slide. But they come with their challenges. The challenges are, you know, they are visually

[00:13:39] unappealing. They are consuming large portions of land in eastern Loudoun, land which is, you know, becoming which is driving up the price uh it's disproportionately affecting land values which is putting in a huge crunch on affordable housing something that you know i know chair randall and i have talked about this a lot supervisor busington i've talked about this a lot it's it's it's i i think that the county is right and this is a the number one crisis that we're facing um mixed use industrials now beginning to squeeze schools right how much is the county spending for every school site that they need and then the amenities you know where are the amenities going to come from

[00:14:17] to provide to our most populated areas and it's consuming huge amounts of water and power there's environmental concerns there and then they had their own challenges I love that that picture there because that's the I call it the HOA of HOA associations Ben Kiefler is on their board and he actually lives there so you know that's that's that's a tough site when you wake up every morning

[00:14:42] Okay, next slide. Next slide. And just go ahead. Yeah, there you go. Perfect. So again, no need to stress how important our rural agritourism economy is. The map there on the left shows where the prime farmland is and secondary farmland, which is really key to having a thriving agritourism and farming community.

[00:15:07] If we lose those lands through poor planning, they don't ever come back. So those are assets we really have to focus on preserving, and, you know, we can see where they are. So next slide. And, oh, by the way, as we go through this, if you have questions at all, please, by all means, throw them at us.

[00:15:27] Some of this data is a couple years old, but it's, you know, what we have that's the most up-to-date as of now. Agriturbs is a \$500 million industry in Loudoun County alone. It supports over 20,000 jobs. While Western Loudoun is rural in nature, only about 35% of that acreage is actually the Primag soil.

[00:15:48] So you're talking about 80,000 acres of the 227,000. On the right there, you can start to see the threat to that acreage, and it's a real threat. So the rate of loss from 07 to 2012, a five-year period, was 5%.

[00:16:05] between 2012 and 2017, it doubled. Same thing with the loss of farms. So if we're losing 10% at that current rate, pretty soon, you can add up the math, we're going to lose this golden treasure that we have. Next slide. And I think just go ahead and hit the, there you go. I will not go through this. The point of this slide to the people in the community was when we talk about cluster development and how cluster development has an impact on rural land, we wanted to make the point, it's not this. This is not what we're talking about that's the threat to Western Loudoun.

[00:16:41] Hit the next slide. It's this, right? It's cluster developments that are, you know, sparsely populated out from each other, but the ideal place to put those, and I, again, not making bad out of anybody who's a developer, right? They're good, hardworking people doing what they're permitted to do within the zoning rules to create a quality product and to sell it, right?

[00:17:07] But the most advantageous land that will perk is prime agricultural soil. So there's no wonder that that is where they would want to put a cluster. And again, it's totally permitted, which is fine. So go to the next slide. So this is a really sort of interesting slideshow of what the real threat is.

[00:17:33] And this, again, comes from the county's GeoHub maps. And so you look at Loudoun County right now, everything that's in that light green is where land is currently in conservation easement. And as Chris Miller said at the summit, Loudoun has done and the people in Loudoun have done a phenomenal job at putting a lot of land in conservation easement.

[00:17:55] I mean, we're one of the highest amount of, you know, rural land that's in conservation easement. But that's also always got to be relative because we actually have a very large county that has a very large rural west. So when you look at it as a percentage, you know, it's actually still a small percentage.

[00:18:13] So go to the next slide. Okay, so in the AR North zoning district, these are the plots of land which are currently vacant that are larger than 20 acres, which means a cluster development could be done on it.

[00:18:32] So every one of those black dots stand today is a clusturable lot by right. Hit the next one. Those are the ones in AR South, which is 40 acres or more that could be clustered.

[00:18:48] And again, these are vacant lots. So not built, but are buildable. Next slide. Those are the ones that have been improved. So if you think about that, that is where the development has happened.

[00:19:04] So, and that's the current existing ones in AR North. If you go to the next slide, those are the ones in AR South. I'm sorry, did you say improved or approved?

[00:19:21] Improved. I don't know what you mean by that. So, and I'm going to call a, I'm going to phone a friend. Right, it already has at least one house on it, one house or more. So it is already under some form of, exactly, exactly.

[00:19:41] It's developed land. So if you take the next slide, or actually if you go back one. So as it stands today, when you look at the purple, the blue, and the black, those are the lots.

[00:19:56] This is not individual houses. This is lots that are clusterable, that are clustered, have one existing home or more on them, or could be clusterable, okay? And that's, again, today, existing zoning by right.

[00:20:13] But, and again, I want to give a lot of credit to Ms. Walsh Copeland. she looked at all of the lots that are in Loudoun County where there are adjoining lots that have a common owner. And if that common owner consolidated the lot, it would now either reach 20 acres for AR North or 40 acres for AR South, which would then become automatically a clusterable lot.

[00:20:40] So if you add that to the mix, next slide, those are the reds. So those are the reds. So in the future, those common owners, you know, by right, could consolidate their lot and now get over 20 or over 40 and could then do a cluster development. And then the next one here, next slide, those are the ones that

are already the existing residential HOA communities. Okay, so again, these are lots, not individual housing units, but I think it does demonstrate that there is a real threat

[00:21:17] to those prime ag soils. So when you go to the, or excuse me, to rural Loudoun in general. So you go to the next slide and tap it one more time. Thank you. So that really sort of tells the story between what's in Geohub and, you know, if again, you consolidate those lots, what it could look like if the owners did that. And interestingly, when you look at the line level data, a lot of those lots are actually owned by, you know, LLCs or companies. It's not an act, you know, it's not

[00:21:52] Joe and Jane Smith. Go to the next slide. One more time. Right. So at the end, you know, that shows that the risk and the threat is a real one. Okay. Next slide. Okay. Data centers. Now, this map here comes from Buddy Reiser's report from the Loudoun County Economic Development in 2022, where they looked at potential development for future data centers. As you read his report, the report states

[00:22:29] that the ideal amount of data center square footage in Loudoun County is 50 million square feet. That was sort of their premise, that that would be, in their estimation, the right balance. So we, in our analysis, just took and assumed that, okay, let's say 50 million is the right number. Where are we now? Where do we go? And how do we get there the most efficient way possible?

[00:22:55] So to date, there's about 30 million square feet of data centers that are either built and or under development. So that leaves a delta of 20 million square feet that the county would look towards placing those data centers, you know, somewhere in Loudoun County. If you break it out, the purple areas are where data centers currently are, existing or in development. That's about 4,600 acres. The green in Buddy's report is where data centers could go, but they haven't yet,

[00:23:28] based on place type. Red is where they could go, but the county has said they shouldn't be going there. That's not the right location. And the yellow is they can't go now, but it should be considered. And you see the acreage breakout for each one of those. Next slide. Actually go back.

[00:23:49] Yeah, right there. Okay. So let's break it down by the numbers. If today we have achieved 30 million square feet of data centers, and we've done that with about 4,600 acres, it means that we're on average utilizing about 6,500 square feet of data center space per acre. So that would be the whole lot, right? So if somebody bought a 100-acre lot, they're going to end up putting about 6,500 square feet of data center per acre. Now, again, there's the lot coverage ratio they can't exceed,

[00:24:23] there's setbacks they can't exceed, but that's at a total square value number. And so if each acre has 43,000 square feet in it, we're using about 14% of the total land set aside for the data center to actually do the square footage. Two things drive that, lock coverage ratio and floor area ratio. So when we look at PDIP and PDOP, and again, we're in the middle of the ZOR right now, so those numbers may or may not change. Lock coverage ratio is between the two of those is

[00:25:02] about 0.4 by right, and the FAR is about 0.6 by right. I think in one of them, it's 0.6. The other I want 0.65. And the height limitation is 60 feet. Okay, next slide. And that's in the purple zones.

[00:25:22] So that's how it has been done up to date. In the green zones, this is, again, where data centers could go by place type under the new comp plan, but have not gone yet. There's about 10,000 acres in those green parcels today. Again, it doesn't mean that they're going to go there, but they are allowed, and that would be a board decision. These are large areas of prime suburban policy area land. A lot of them are

located near industrial areas, so the areas where that is the case, that's good. But they're also intermixed and adjacent to a lot of residential

[00:25:59] areas. That's not good, especially if you already live there. And this land, if it was totally utilized for data centers, it would basically double the amount of acreage. So again, I know that's not the county's plan, but on the maps, that's where the ideal prime area for consideration is. Next slide. Okay. The red areas are where data centers are allowed by right right now. But again, the county has determined that those are not ideal places for them to go. It's too close to residential areas. It's the Route 7 corridor. I think you guys had a hearing about this, you

[00:26:38] know, within the last month talking about this concern. So we totally agree. That's about 2,500 acres and that's a different challenge that the board is faced with and the yellow area is again transition policy area it's about 2,300 acres the it's not approved data centers are not approved in the TPA but a buddy's report said it should be considered as a place that would you know could be could be open in the future especially because there's power and water close by there okay next slide. Okay, so if the county wants to achieve 20 million square feet of additional data center space

[00:27:18] and all that the data center folks can do is utilize the current existing zoning of 0.4 lock coverage ratio, 0.6 FAR, it's going to need a significant additional amount of land to to be able to achieve that. Um, excuse me. Um, what you could do and what the county should be looking at, you know, outside of just the TDR program as a way to achieve this is if you allow the data centers to have a higher FAR, and if you allow them to build up, you could get the same

[00:27:56] amount of square footage of floor area with using less overall land. Now, again, that only works if, Again, if the number is 50 million, the number is 50 million, you stick to the 50 million, right? You can't say, well, we'll allow these data centers to use more land, so now we can go to 75 million.

[00:28:16] That's just, that's continuing to push the balloon. The other result, if you're able to do this, is you can take out or off the table, putting them closer proximity to residential and viewshed corridors. You would have to, you could limit the need to extend water and power because you're not having to use as many acres to achieve it.

[00:28:40] And you'll save acres, acreage in the east for those other more important needs like affordable housing, school zones, mixed use industrial, CNA needs, parks, things like that. So the question is, how do we allow the more efficient use of data center property in the East to relieve some of the pressure that's being caused by how they currently build them?

[00:29:12] Next slide. And so when we looked at this, I don't know if you guys saw that animation. When we looked at this, we basically said, if you did it a certain way, and we'll go through that, could you confine the data centers, again, achieving the 50 million square feet to one specific area? And again, a lot of work has to be done on this with county planning to make sure it works right. But you could almost confine the remaining amount of data centers to achieve

[00:29:46] 50 million square feet in that purple area that's outlined in orange in the middle. So the other areas which you know are on the table for consideration of data centers you wouldn't need to penetrate into those areas um okay next slide um so here's how the numbers sort of whoops so here's how the numbers kind of break out uh again using the current utilization rate um on

[00:30:23] data centers to to to land you would need an additional 3100 acres of land to accommodate the 20 million square feet of data center again that's as we're currently or we have done it up to this point. If you increase the FAR from 0.6 to 0.8, you'd need 775 less acres to achieve that 20 million square feet. If you increase it to 1.0, you'd need 1,200 less acres to achieve the same amount of 20 million square feet. And if you increase it to 1.2, obviously you'd save

[00:30:55] half the land. So you'd only need 1,550 acres and you'd save 1,550 acres. Next slide. So more efficient, effective utilization of data center land could really be an advantageous thing for the county to look at and take some of the value and pressures off of the state we currently find ourselves in. So how do we do this? Next slide. As my grandfather always used to say, free lunches

[00:31:27] are way more expensive than it used to be. So should this be something that we look to a TDR program that could make this happen in a private sector, non-government funded approach.

[00:31:42] Next slide. Okay. I won't go through this. You all know how TDRs work, right? You have a sending area. You have a receiving area. Somebody buys a development right or a better utilization right from one person and transfers it to the receiving area, and then that person gets cash money for giving up their building right for the place that you want to protect. Everybody thinks, you know, the land gets put in conservation easement. It's actually not a conservation easement. It's a deeded restriction that they give up the development right. The net effect is the same thing. The sending area gives

[00:32:22] up its right to build anything on it in the future. And what's interesting about Loudoun County, and actually about Virginia is that a traditional TDR program is trades housing density in one area for housing density in another area. Virginia code also authorizes a county to have a TDR program which transfers housing density in ascending area for additional FAR or lot coverage ratio increase in a receiving area for industrial uses. I mean, it's almost like this code provision was

[00:33:00] tailor-made for Loudoun County. I believe it was added to the state code in 2015. Next slide. And that's the code provision, you know, readily available. Okay, next slide. Okay, so we take our easement map, and we take the Loudoun County Economic Development Maps, if you hit next, overlay the two, and, you know, see what this would look like.

[00:33:28] So the first thing that a TDR program would do is you'd identify the sending areas. Hit the next slide. So, again, these are notional. This is not actually, you know, what it should be or could be. That would be through all the hard work. I do want to give Charles Judd a big shout-out.

[00:33:49] One of the things he pointed out was as you define the sending areas, if there are high-target areas that you want to prioritize to get targeted first, they get an additional amount of FAR that you could get if you buy there. So maybe somebody gets 1.2 for one sending area and only 1.0 for the other sending area.

[00:34:09] Clearly, the economics would drive the folks to buy those first, which I thought was a great suggestion to make something like that work. The next thing you do is identify the sending areas, or excuse me, the receiving areas. So hit the next slide. So those yellow diamonds define where the county would, you know, potentially could define the sending areas where a data center operator would get additional FAR if they bought that density credit from those areas in the West. And you can define the sending areas. So it's not that you would take away someone's data center, right? But you'd say, hey, if you're going to build here,

[00:34:49] you get standard FAR, it's 0.6. And you can't even get an increase, don't even come and ever ask us. But if you want to go buy a development right from somebody else, you can, and it would be a buy right thing for them. I know that's the data center guys have said one of their biggest concerns is whenever they come in for FAR or lock coverage ratio, it's a legislative process.

[00:35:09] It's uncertain. It's timely. It's expensive. So you define the sending areas as where you want to allow those credits to go, and they cannot go anywhere else. So you can target where you incentivize the data center development to happen. And hit the next slide.

[00:35:26] The data center folks would pay, next slide, one more time, would pay the landowners in the West for those development rights. Market rate would drive this, so there's no price setting. There will, you know, just like conservation easements today, there will be brokers who broker the deal that everybody gets a win. It's a private transaction and no government money be involved.

[00:35:56] Next slide. So here would be the win-win. Hit the next slide. So over time, and I would think, you know, hopefully it would be very quickly, especially since these are driven by the market, the data center folks would buy those development rights. The development rights would be extinguished in these sending areas, and the data centers would focus their development in the areas that would be most financially attractive for them. You take it out of the view sheds, you put it in the industrial areas, all through incentives, not through harming or limiting anybody.

[00:36:30] Um, greater areas of Eastern Loudoun could be freed up for things that are suffering under data center development pressure right now. Um, it should, you know, relax land prices, uh, to help address affordable housing, mixed use industrial, the CNA amenity needs.

[00:36:48] Um, and again, you can concentrate data centers purely in the areas that you want them. And, um, so hit the next slide.

[00:37:03] So then, do we start to look at these other areas and take them off the table or make them, you know, it's less and less attractive for those to get developed and the county still achieves, again, let's say the baseline is 50 million square feet, where you want to go. Next slide. Perfect.

[00:37:21] At the end of the day, though, it always comes down to the numbers. Again, this is our calculation of what we think is possible. It does not mean that this is ground truth. It's, again, directional. So, again, taking the baseline, if you have a 0.6 FAR, in order to achieve that 20 million square feet, you're going to need about 3,100 acres of data center.

[00:37:46] If you look at that over time on what the current land value is, I know it's more than 2.5 million, but let's just use a baseline of 2.5 million. To acquire that amount of land, that's \$7.7 billion of spend to acquire those 3,100 acres. That's a lot of money. And so if you, and I'll just go to the second one here. If you allow a TDR program where they could go up to a 0.8 FAR,

[00:38:21] and let's say the extinguishing of a development right per acre is \$20,000. All right. So a person in the West has 10 acres, and if they want to extinguish their development rights per acre, they could get \$200,000 for doing that. The total value of that land, if you only needed to use 2,300 acres, is \$5.8 billion, which would be a net savings of \$1.9 billion. We made the assumption that the data center guys would like to put half of that savings in their pocket, right? There needs

[00:39:00] to be goodness for them as well. If you did that, that would result in \$968 million, which would be available for the purchase of the development rights in the West. Again, if you used a \$20,000 value per acre to extinguish those development rights, this has the potential of taking out of development 48,000 acres. That is meaningful. That is real. That's basically two-thirds of the prime agricultural soils that are still in existence in Loudoun County today. If you took that one step

[00:39:38] further and basically allowed data center folks to double their FAR, again, all in the right ways, the numbers right there speak for themselves. You'd say 1,500 acres, that's \$1.9 billion of savings on the table from the avoidance of land acquisition. If you only put half of that towards TDRs, there's the potential to save 96,000 acres. So again, are these hard, fast, true numbers?

[00:40:09] No. This is a directional computation. But again, if the data center community is allowed to realize 50% of the savings, and maybe the market only allows them to realize 30% of the savings, Because brokers will be very good at getting top dollar for the development value.

[00:40:34] It's real and it's meaningful. So I think that's it. Next slide. Yep. So that's what we presented. And, again, at a very high level, that's where everything is. And as our town attorney, Martin, says, we stand ready to answer any questions.

[00:40:53] Thank you, Mayor Littleton. That was excellent. We really appreciate it. And thank you to STAP. Thank you, Ms. Walsh-Copeland, for your support. I know you put a lot of work into this as well. I'd like to go to a committee of the whole without objection so we can ask questions, but I want to lay out some additional foundational arguments for the discussion, some things that even have evolved since I talked with Mayor Littleton on this concept.

[00:41:22] So the broad concept is you have people who want something in the east, people who are willing to give something in the west, the sending area and the receiving area. We're running out of acreage in the east. What the demand now is for, as we run out of acreage, is floor area ratio for data centers in the east.

[00:41:41] However, we don't want data centers anywhere in the east. There are areas we don't want data centers and areas we're okay with data centers. And the notion here is that if you have a commodity that someone wants and you have a commodity that someone is willing to sell, then you've got a potential for an exchange or a transfer.

[00:42:04] The basic concept that's presented here is, and I'm taking a personal point here because I do want to set these framework ideas. I've thought this through quite a bit, and it'll advance the discussion, I think. The key here is this is a tool by which we can say, if you own data center land in eastern Loudoun County that is here, you don't get to use the TDR program.

[00:42:31] If you own data center land along Route 7, you don't get access to the TDR program. You want to increase your FAR, you've got to come for a legislative approval. But if you own data center land where we're okay with data centers, in Data Center Alley, for example, then you can expand the size and the height of your data center, the floor area and the height of your data center, simply by going through an application process and purchasing that additional FAR from a landowner in the West.

[00:43:00] The permutation that I hadn't considered, and I had a trusted colleague approach me about a week ago and say, Yeah, except the West is getting benefited and the East is not. We're getting more and bigger and taller data centers in the East to save the West.

[00:43:21] Interesting concept. I had never actually thought about it in that frame of reference because a TDR program by definition means you have the economy and the community wants increased density over here. you want less density over here, and so you're willing to trade the potential for density over here to areas where you're okay with more density. But that's not necessarily the situation we have here. So I began to ask myself, is there a way this program could even be fine-tuned additionally to an additional feature in that we could benefit the East and or the West with a TDR program?

[00:43:59] So for example, let me give you an example. What if we expanded the program and had a category of purchase whereby a data center in data center alley wanted to increase FAR in a data center there, and they could buy the data center development rights along Route 7 as the sending area.

[00:44:17] So you create a subset sending area in eastern Loudoun to even more incentivize shaping eastern Loudoun by allowing them to buy initial floor area ratio in areas where we want to keep parkland, along the Goose Creek, along Route 7.

[00:44:34] They become eligible for the TDR program. And the way you could mix that is by pricing, I would assume. You could have various incentives, and you'd want to get a balance to where buying land in the west roughly costs the same value as buying the areas in the east that we would like to protect.

[00:44:52] It's very complicated. I haven't thought it all through yet. But with a PDR program, which is basically we buy development rights from the west, it's basically neutral. Everybody's taxpayer dollars get used, but it's basically neutral for eastern Loudoun County.

[00:45:10] But what a TDR program really gets interesting is when we can really begin to shape the data center growth in eastern Loudoun County to the benefit of eastern Loudoun County and western Loudoun County by BIMO's development. So that's a twist to this program that occurred to me since I talked to Bridge, and it can enter into the discussion.

[00:45:30] There's a whole lot that needs to go into this, but I wanted this introduced primarily so that everybody understands. There is a tool here. We have a comparative advantage market. We have something somebody wants and something somebody's willing to sell. That means we can work a deal here.

[00:45:46] We just got to figure it out. It's complex. So with that, I'll shut up, go to committee of the whole, and please feel free to ask your questions. Lights on. Supervisor Glass, you were first to get yours on. Thank you, Chair Turner. So my question is, are we talking about changing the Zeta zoning ordinance change, what we're talking about?

[00:46:04] When we're talking about, you know, the program with the TDR and making sure that, you know, certain areas, for example, on Route 7, aren't used for data centers and they're able to use that program to preserve that area for a particular area, you know, not to build in that certain area.

[00:46:36] I'm going to defer to staff on this. How would you fit a TDR program? Where would it fit? Would it fall into the zoning ordinance? So at a high level, you would have to amend the zoning ordinance in order to allow the transfer to take place. By state code, you also have to identify the sending and receiving areas in the comprehensive plan as well.

[00:46:55] The specifics of how much you have to change in either case are going to depend on the kind of program you want to institute. If there's a lot of sending and receiving areas, the number of districts that

you would have to modify and the zoning ordinance would increase and things of that nature. So it could be small or it could be a very big project, depending on how much you want to change and where those areas are located geographically.

[00:47:17] Okay. And when you're talking about the FAR, and it was 1.0 or 1.2, that was my concern for, I'm thinking particularly in broad run, where, you know, we could have 100 feet high data centers along, you know, Route 7 or Loudoun County Parkway.

[00:47:43] I think that's my concern, what I have there. And again, you would select where you want to make that parcel eligible for the TDR program. So if you have a data center along Route 7 or you have a data center next to an existing residential area, they would not be eligible for the TDR program because you don't want a 100-foot high data center, and you certainly don't want it by right where they don't have to come to us for legislative approval.

[00:48:06] But there are other areas where you would say, if you're going to build a giant data center and you want to protect some other parcel in Loudoun County to do it, and you want to do it in this location where you're already surrounded by other data centers, we're okay with that. So, one more question. So, the suggestion for the certain areas where you had the diamonds that looked like it was near Dulles Airport? It was, we chose, and again, that's just notional, right? Inside 606 to the airport property line. So, sort of east of 606, you know, that just,

[00:48:41] that's all industrial right now. It's where all the power lines are. It just sort of made natural sense um you can't put houses there because the contours so again but that was we picked it because we liked it but dan and his great staff will come up with a with with the right areas to meet your goals okay thank you i'm gonna move to super right cursor super right cursor thank you chair and and thank you mayor um littleton and and uh is it bernard is that thank you for being here and staff as well um so um mayor you've you've kind of hit on something i've been kind of kicking around ever

[00:49:19] since I was on this board in the last three and a half years trying to figure out how to make a TDR program work. And I think that the great thing about a TDR program that I have always liked is it kind of removes the government as the middleman and allows really for the free market to work. And I think the counties that I've looked at, including Frederick and Winship, Frederick area, Frederick County has them. Falk here has a TDR program. We're one of the only counties that has still a significant rural area that really doesn't have a TDR program sorts, at least in the general D.C. metropolitan area.

[00:49:52] So I think it's something very worthwhile looking at. And we also have an additional advantage that those counties do not have. They normally look at development rights, trading development rights in one area for more higher density, and it's generally housing or some level of commerce. But we have a data center industry that we could potentially capitalize on.

[00:50:12] I really appreciate what the chair has said here, and that is how can we also benefit the east?

[00:50:28] I have been kind of kicking that thought around as well, especially in some of the areas that you pointed out in your presentation, that, hey, these could potentially be less desirable areas to develop once we increase the FAR in a very specific industrial area, which I think would solve a lot of the problems that we've been kicking around here on TLUC for a long, long time, which is where do we want data, how are we going to take people's development rights away, you know, and it could potentially solve a myriad of problems.

[00:50:46] But, of course, it does come with some of its own issues that would arise. I mean, I think also just the road construction that we're needing now, the infrastructure, it could be more concentrated potentially. I mean, I think really this concept that you've presented to us today, and correct me if I'm wrong, is significantly concentrating our data center development, benefiting places perhaps, as Supervisor Turner said, in the east, but largely in the west as well.

[00:51:12] I love the concept of, hey, if we can trade development rights and give a little bit higher value to those areas. Specifically, one of the things that we are as a board looking at, and that is the prime ag soil areas, maybe a 1.2 ratio or however that works. So if you've got 20 acres of prime ag soils, you get a higher conversion for that over to your expansion of a data center.

[00:51:37] I think that is a great and very quick way. Now, one of the things, and thanks, first of all, also for meeting with me the other day and going through all this. I had a lot of questions. I think you answered them all. I'm sure we have a lot of questions. But I think this is a very worthwhile endeavor to investigate at CSU because we can be very deliberate in how we decide what this looks like.

[00:51:57] It's not something that's broad-based. It's hard. We can literally control receiving and sending areas. So one of the things that you had mentioned to me in our conversation was you guesstimate. That's a great word, guesstimate.

[00:52:13] I like it. Perfect. But 70,000 to 80,000 acres of the bulk land, and I think you kind of went through that exercise early, that really is developable. And I don't know if you mentioned it in your presentation, but I assume all those little dots that popped up on that land, potential joinable land that could be developed over 20 acres, et cetera, that was the 70,000 or 80,000 acres you thought.

[00:52:33] Is am I correct about that it's it's actually everything in Loudoun so even even on that map where a lot is 100 acres but it's on steep slope it's still 100 acres so it still meets the cluster ability even though you couldn't build on it so but yeah when you look at all those dots on that map the overwhelming majority of them are right in the middle of of of the rural policy area where we want to save the prime agricultural soil so absolutely okay so I think that's that's pretty achievable now I don't know how fine-tuned and maybe this is something staff can weigh on and

[00:53:09] If they want what's interesting to me and I think we would delve into the process is how fine-tuned we could actually get is this is this a something that we could do parcel by parcel and say you're this parcel is eligible this parcel is eligible this parcel is eligible and create a map within our mapping system or would we have larger areas do we know or is that still unknown the specifics are unknown but yes you could go parcel by parcel to create you you wouldn't want to pick a parcel here and a parcel there, but you can collect a cluster of parcels as one of those sending areas, yes.

[00:53:42] Right. And obviously those parcels that were previously identified could put kind of general areas of those parcels and major areas where we have Prime Ag could be captured in that as a field of... Okay. I'm going to move on.

[00:53:57] Yeah, go ahead. I'm going to take up the whole next. Thank you, Mr. Chairman, and I may need another round, too, because I'm going to have a lot of questions, comments. First of all, thank you. A lot of work has been done on this. And I do appreciate it. It does, you know, these times as county chair, I kind of go, okay, is anyone not benefiting? And I do think that this is not as beneficial for the east as the west, but we can talk those things through. And I realize that this is, although a lot of work was put in it, it's still kind

of in its infancy. A lot more work can come to it and a lot more we can read things out. I will say first, I really

[00:54:34] appreciated your two slides on data centers the pros and the cons often people kind of go you know well not often but sometimes people go they're all good and they're nothing but good or they're all bad and neither of those things are correct there are pros and there are cons and you hit on both of them very clearly having said that when i talk to residents even people who i very very clearly detail how much data centers are saving us saving them in tax dollars their comments are almost Almost without, no kidding, 95% of people in the East, please stop building data centers.

[00:55:08] Just please stop building them. They do not really care that it's saving tax dollars. They have said to me, I'll pay more in taxes. I mean, I've heard that over and over again. I also have just a couple of questions. Well, I have a lot of questions, but let's start off with this. When you all talk about Primax oil, what I've learned over the past months is that the term Primax soil is something very specific. There are, I think, eight different types of soils that are buildable that you can build on, and only one is Primax soil specifically.

[00:55:41] So are you talking about soils that's buildable, or are you literally talking about Primax soil? So it's a great question. I absolutely did not intend or do I want to create any confusion with the primax soil zoan that's going on so yeah okay so i think the best way to to look at this way and maybe to phrase it this way is land that is farmable farmable land okay that's much that's probably the best way to say that's a lot more helpful so you're saying so then the 35 percent is farmable land correct okay that's that's that's that's much more helpful thank you i i did think

[00:56:17] that to that that although the discussion about the data center data centers was a really realistic discussion i also thought that the maps that showed um what is possible by by right was not so much realistic but the worst possible thing outlook oh sure that was buddy's map so we had to have a starting no not the data center map the other map the the the map of of uh parcels in the west that could be that are could have housing it was like you know at the at the very worst this is what it could look like and that's okay because you have to know the very worst is you know right what's authorized by zoning yeah but i don't know but i don't know that i believe it's the

[00:56:54] most realistic thing it's it's the worst possible thing sure and things change over time right yeah yeah and you hope that that never happens having said that was the assumption for that map especially that last map where you had the you know the the purple and the black and all the different colors was the assumption that the only thing that would happen or could happen to some of those lots in the west was housing that nothing else could happen on there because you know one of my um one of my goals since I've been chair is to talk about how do people how can you make money off

[00:57:29] your land if you want to keep it in farm land let's do that but my the challenge has been no matter what I have presented or we have talked about um a lot of times western Loudoun County says absolutely not you know we're doing the comp plan and it was people came to me and said please put in the comp plan that we can have solar arrays in our in our in the comp plan and we put that in we come back you know and then and then those literally the exact same people said no way no solar arrays i'm like oh okay you know i we we've talked about um um drones because you don't

[00:58:05] you literally don't even put anything on the land no way no how drone so no matter what we say it's like no no no no no sure so when when you were showing us all those little parcels of land was the

assumption that nothing would happen there if it would be housing or nothing no the assumption was like route seven it is that is what could be done by right today and so what will happen with that land is but but housing doesn't it could be done it doesn't have to be the only no no no i i understand but i mean the way i always look at zoning is i mean in the town we just literally had a zoning text amendment request where a person wanted to change an entire

[00:58:43] district to allow a hotel right and so because there was a proposal on the table and our you know one a lot of folks said well that would be a nice development and i said well wait a minute there's 40 parcels in this zoning district you're now making this an allowable use in all of them yeah doesn't mean that it's going to happen yeah because you can't do spot zoning right exactly that's exactly right so that map is a representation of what could what could you know that a cluster development lot or a cluster development is authorized there that's the way to look at that helps and i would i would add one other thing and i and i i meant to mention this at the summit and

[00:59:22] i totally forgot those dots are not to scale so you know every one of those dots is so you can see it that dot's probably 200 acres sure right well it's 20 acres or more right exactly it's not Yes, I got that, yeah. I'm still confused by improved meant there is one house already there.

[00:59:45] I don't know what you're trying to say on that. Unimproved would be I bought 10 acres of land and there's no house on it. I just have land. It's just interesting that they're calling a home on the land is improved when you don't, that's what you actually don't want.

[01:00:02] That's why it's like, that's why I kept saying, are you saying improved or uproved? No, no, improved. Yeah, it's it's a real estate term. It's a real estate term. Improved land is anything that is not. OK, thank you. Because I'm thinking, why is it an improvement if you don't want a house and there's a house there?

[01:00:19] No, it has an improvement on it. OK, it's a real estate term. I did not know that real estate term. Or a subjective look at whether it's better or not. We can call it damaged. Damaged land. I would have understood that, actually. That would have made more sense to me. I have more you missed out because I have I can come back yeah let's move okay I'll have more thank you very much we'll be here I don't have much to say um I think it's great I would love to see some of these ideas happen and by the way thanks thanks to all of you I know you've all put

[01:00:55] a lot of work into this and Maura who's here and lots of other people who are not here um very impressive work but it's it's simple but it's really hard to get to a lot of great work by our county staff and in working with the public would need to take place and i think we've already identified that tdrs is something we want to do now we got a few more ideas of of how it could be done and what are the benefits and things that need to be considered legally and all of these

[01:01:30] other considerations that need to happen. But I think key in it is when you're identifying the sending areas and the receiving areas is, goes back to what Supervisor Turner and Chair Randall and basically all of my colleagues have said, is that it has to benefit the East and the West. And I think it was a great idea. You have to have some of your sending areas be in Eastern Loudoun. They can't all be in Western Loudoun. And so there needs, that's the best way to have a benefit for eastern loudon is have some sending areas in eastern loudon and if you if you

[01:02:06] if you set it up right if you set it up wrong you'll have the the developers in eastern loudon target all of the sending areas in western loudon county first just because it's cheaper but if you set it up right where they get more incentives so it's just about equal they get more incentives if they go to a an eastern loud and sending area and buy there then it could work and it could do exactly what you want set it up so they're paired yeah so that you can't just buy one of each west

[01:02:44] you've got to buy combined you can have to buy one in one yeah or 25 75 what that's it's a great idea if we were able to get to that point yeah when when for everyone and we're talking it's private money. It's not taxpayer dollars that are funding this. And with less housing that we would be building in the West and less whatever that we would be building in the East, that's a lot less infrastructure that we're going to need. And that's a lot less public money again. I mean,

[01:03:18] it's just way less money that we as a county would be spending in taxpayer dollars. And a lot of what we do is controlling development. And we would have a lot more control over where things are being developed and where they're not being developed and i think i think if we can get there which i think we can just matter of the will of the board and the public then it's going to be great i don't think i'll be on this board at that point when we get there but uh we've already started the idea we're moving in that direction and now we're getting good ideas along the way

[01:03:53] to to focus you know the work thank you um i'd like to just ask a couple of questions of staff here real quick. So right now, the PDR program analysis is tabled for, I want to say, fall of 24. Do I have that right? No, we anticipate bringing an item to finance this fall. This fall.

[01:04:17] Okay. Do you need a recommendation from TLUC to include a TDR discussion with this PDR discussion in the item you're going to bring to finance? I think it'd be very premature to bring a TDR our program at that same time. There would have to be a lot of nuts and bolts worked out before we could bring that forward for further consideration. Okay, so let me ask it more open-ended. If it sounds like we have a consensus on TLUC that this is a good idea we ought to look at further, what would a next step be that staff would be comfortable with? Where we ended when

[01:04:54] we last discussed an idea similar to this with TLUC a couple of years ago was for a market study to see what the market might look like for such a program. So that would probably be the next logical step if we were going to keep moving forward okay we'll think about that thank you very much um let's do another round uh i think mr person was before well i was going to go the same oh okay okay we'll defer supervisor glass thank you uh so my question is when we for for tdrs when

[01:05:26] we talk about um um putting um we call it prime ag soil into conservation is that is the is that land usable or is it just not used at all so like would someone still yeah would someone still farm yes if there's a conservation easement there typically are still other uses that can occur it's just a limited amount of them okay what are the what are the limitations what could they use

[01:06:02] on it i mean it varies easement by easement but out west it's most commonly agriculture agriculture related uses parks maybe recreation i mean it's but it's it tends to be things where there's not a lot of building like actual buildings being placed on the property okay and so on the eastern side where you have more suburban areas if we put you know certain lands if we're saying we're not going to use that for data centers is could we would there be like a

[01:06:34] limitation of what could be built on those parcels as well? Well, in order for the transfer to actually occur, yes, you would have to place a limitation on the properties that are sending the right somewhere else. Sitting right here at the table right now, I do not know the feasibility of transferring the square foot of a specific use to another property for specific use, or if it would need to be something broader than that. Because when you're transferring a residential unit from one place to another or to the square footage of commercial, you are not

[01:07:11] building that unit. If we take the potential for data center out of one place, let's put it somewhere else, all of the other uses allowed in that district can still get up to that maximum FAR, so we would need to look at the legalities and how all of that would function. Okay, that makes sense. Thank you. Supervisor Kershner. Thank you, Chair. So a couple questions, and this might be for Mayor. You flashed up, sorry, I'm eating a piece of candy because I needed to. You flashed up a statute that allows this to be done. Does that law allow to purchase just a particular type of

[01:07:48] development right? So, for example, if we went with a concept similar to what Supervisor Turner mentioned, and that is, hey, we'll sell development rights for data centers on parcels that will put those up for sale under the TDR program. Could those rights under that statute potentially be developed, or would it have to be extinguished all development rights, or don't we know that?

[01:08:10] I don't know the answer. You know, Supervisor Turner comes up with, you know, that's what I love about this TDR program is there's so much flexibility you can really define your future I had never never even thought about that from that from like the route seven corridor so you'd have to I'd have to go back and read it but the authority granted in the state code is very broad yeah I mean it's like pick a sending area pick a receiving area define the metrics of success that you want and you can do it by sending and receiving area down to you know as Dan mentioned a lot so if you want to go that level of detail you've got that control so it would be a legal question for

[01:08:48] leo okay well that's something i think think even if we extend most of the development rights like half the development rights on a lot you could still build other things that you wanted to see in those places and through a private industry really manage some of the things that we don't have that ability to legally quite frankly and we wouldn't necessarily want to if we were going to allow the free market to work second question for staff you mentioned a market study would that be done that that wouldn't be done through our staff that would be done through a private entity is that fair yes we contract that out and and i'm assuming we don't have the cost of that con how much of a con but how how quickly could something like is that how much staff time does that take

[01:09:26] for i mean we would be starting from scratch because as to the best of my recollection when we brought this idea forward last time because there were other things are more interested in pursuing we just tabled no no i understand that but so i i don't really know offhand right now we'd have to look into it is that and that maybe that suggests that the chair is give maybe at the next t like me to give him some concept how much would this take to get something at least um something started in the pipeline because i think that would be a great interest to all of us and also i think if there's enough interest on the board to do that then finally the third question

[01:10:02] i had from a practical perspective and i've seen several that work different ways and and maybe you have a particular concept but it would seem to me like those who want to sell their their development rights and those who want to purchase and there will be some central clearinghouse would that be

something that's done through the county where there's a clearinghouse or would that be a private entity that we would set up yeah I mean work you know it's a great question right and I've actually thought about that right there's the two big things around around this are do you just let private brokers figure it out themselves do you

[01:10:37] enable some type of online marketplace where you're not running the transaction you're just making you know it's like realtor.com or something right the buyers and sellers find each other we didn't think about how that would be done but it's a great question because it's key for execution especially if you want things to move quickly so if that would be a county thing or that's a private sector thing or it's a state thing I think the question is it's got to be done so who does it how does it get done but we have not looked at that I think it'd be I think

[01:11:14] it'd be critical to have successful execution to do that Dan did you have so what we've put in the previous items was that you essentially need the TDR bank I believe we we kind of looked at it more from it being a county controlled thing but that doesn't I can't say right now that's a requirement it's possible that it could be done elsewhere the biggest thing for from the state code standpoint is just that we need to have a system for monitoring the severance ownership assignment and the transfer of all that in place.

[01:11:43] We need to be able to track it to make sure one thing here goes to one thing here. Yeah, I know like Frederick County, for example, I think they literally have theirs written on paper. They got receiving and sending properties, and then they just kind of match them up. I mean, it's pretty simple. Now, this obviously would be far more complex, but we're a far more complex county in what we're potentially looking at here.

[01:12:04] But we have an opportunity that may have never really been done, certainly with data center industry in the history of the United States. Thank you, Mr. Chairman. Mayor, by the way, Mr. Buffington and I, Mr. Buffington supported me last year as I added the word learn into live, work, learn, and play.

[01:12:27] That's where that came from. So get on board, Middleburg. We'll catch up. It's such an interesting conversation. I actually made a motion to have TDRs studied last term, and the motion did not pass, which is unfortunate. But it's taken us four years to get back to where we were, but here we are, and good.

[01:12:47] Joe, I have a question for you, Mr. Kroboth. So part of what, and if I don't get this right, Mayor, please get me, tell me. Part of what Mr. Mayor Littleton is talking about is FAR and vertical building. We have been, we don't disallow vertical building to a certain height with data centers.

[01:13:10] For the most part, data centers have, we have encouraged that already. And so I don't want people to think that, you know, that if we put something like this in place, it could just be overnight data centers are going to want to go vertical.

[01:13:26] I don't know if it costs more to build vertical or what, but this is not the first time we've asked, we've talked about vertical building we've talked about design centers just in general so can you tell me can you talk to me about that what is the what is the height limit for a data center and and do we know what their and dan you may know what what their appetite has been for doing this because we can put all this forward and they can say no so sure the so first of all there are height limitations in various zoning districts, and Mr. Galindo can probably speak in more detail

[01:14:04] to this. You may also be aware that there are discussions in the new proposed zoning ordinance to create minimum height levels, and there are implications on certain height levels. If a building wants to exceed a certain height, it has to step back the building and also increase the setback on the ground. So there are implications of going higher in that regard. I don't know if Mr. Galindo wants to expand upon that. I think you're, you've covered the height well. I think the one thing to recognize, and I know this was discussed at a previous board meeting within the

[01:14:41] past couple of months, if you're setting up a transfer development rights, you're setting it up so that it's by right. So you were removing the ability to have legislative control over that transfer period okay um as part of that you would have to amend the zoning to either create a new district or to amend an existing district so you might need to take away the special exception opportunity to increase far or some of the modification abilities to increase height so we would have to work through all that as well yeah so then that that's i mean and that's why i said before you know this is our first run at this and this is in its infancy there's a lot to work out but that's really good to know because it does impact some of what the mayor has said to

[01:15:19] me if i could add something so i did i have spoken to several folks in the data center development community especially you know a couple of folks at amazon and a couple couple things that came out of those conversations number one uh when you walk through it again at a high level they said the the the overwhelming um excitement from them was if i can get the same far at the same square footage with less acreage and everything else remains the same, I'm in. Because I am going to need to buy less land. I'm going to need to pay for less utility hookups and things like that.

[01:15:58] That's not just land savings. It's operational savings. It's staff savings. It's long-term maintenance and O&M costs. There is a upfront massive savings and then a long tail savings that goes along with it. The second... Let me just stop you there and say, and I don't want to say the name of data centers because I think that's not I shouldn't do that but that has not been the discussion they've had with me I I love that sure and I hope that is what throughout the the community they feel that way but that is not I mean I've heard you know things like the building cost are more because you may have to use different materials to go vertically so I've heard

[01:16:34] other things and so if if you're hearing that that's good but that's not I've I've I've not heard that I've not heard enthusiasm about going vertically I want them to go vertical or and again maybe it's vertical so so vertical you know you have to use different materials if you go up to a certain point not if you maybe if it's 10 feet it's the same materials yeah right and it's also about if I buy 100 acres and I can only put data centers on 40 acres if I now let them put data centers on 60 acres at the same height yeah you know I just got 20 acres of data center yeah for

[01:17:07] so then the other thing that they had mentioned was um oh goodness you asked the question and oh i know what it was i know what it was um from a from a zoning perspective right um they have told me that they are very gun shy coming in for legislative approvals for additional far and additional height because it's an expensive process it's a lengthy process and you know they feel that sometimes there's a negative connotation that goes with uh you know there's

[01:17:43] There's a community aspect to it that, that, that, that is, you know, is whether founded or not is, is, is hard. So they would love to avoid that. They would love to avoid that. But they're doing it. And I mean, every time we have a data stream discussion, it is a special exception for this or this or this or this.

[01:18:02] It is, it is constant. So I, I mean, they may be gun shy, but they're not, they're doing it. My other question is, and I, I, this, this is going to be a hard one, right? OK, there there is a place, an area of the transition policy area that is ripe for data center development right now, because if you go out there, it is nothing but power lines and a water source and by the by the county line and all those types, all that types of things.

[01:18:35] I think we all know the area we're talking about. I don't want to put a name on it. I think I'll know the area we're talking about. We have said, you know, and I've you know, I've said a couple of times about this area. I said no before I ever saw the area, and once I saw the area, I thought, huh, I don't know what else you would put here besides data centers.

[01:18:54] I mean, you can put, it's an industrial area. It's an industrial area in the transition policy area, but it's a very industrial area already. What would be, in this whole discussion, an appetite for doing this TDR, but the receiving area is an already prime industrial area in the transition policy area?

[01:19:18] So I've been on the tour. I've been on the three-hour tour. It wasn't Goodlickens Island. So, you know, in that parcel in specific, you know, I'll just say at a policy level, you know, I'm always very reluctant to state hard policy in a comp plan and say, you know, we shall do specific things and not specific things in a specific area.

[01:19:43] And then, you know, two years later go, oh, yeah, but, you know. And that's the spot. This 2,000 acres is fine. That's the spot zoning discussion, because hopefully, I mean, it is. I mean, if we could do spot zoning, that would be what would happen there. That's that discussion that we, you know, that I guess by law we're not, by Virginia Coe, we're not allowed to do that.

[01:20:03] So we say transition policy areas, transition policy area. And then we have this whole area where it just makes sense and you can't do it. Well, I would argue that it makes sense for industrial uses. It doesn't have to be data set. No, no.

[01:20:19] And I said that. So, I mean, yes, we're, I mean, we spoke to the flex space community. They're having a lot of pressure now. Oh, my gosh, are they ever. We need those flex spaces for the goods and services. So maybe you give an FAR incentive if they do flex, right?

[01:20:34] It doesn't have to be limited to the data center. And truthfully, listen, I would, I'm not sure that there's anyone, maybe one other colleague of mine who talks about the importance and the need for more flex space. But let's face it, you know, people who are selling their land want to sell it to data centers for obvious reasons.

[01:20:51] This we know. And so, yes, yes, if that could be flex industrial, that would be, I mean, any, truthfully, we need so much flex industrial. I would have most of these parcels go that way. But that's just not realistic. And, again, you know, one thing about you and I, we have a very realistic relationship, and we talk very frank.

[01:21:11] And no one who could, if they can sell it for data center, then they will because of just the money. That's just true. Sure, and what I would add to that is in that area that you're specifically talking about, data centers aren't authorized. Yeah, I know. Just because someone has the ability to potentially make that.

[01:21:26] That's why I asked the question. That's why I said, that's why I asked, what's your appetite for that? That's because if it was available, we could spot zone it. It's not because it's in the TDR. So, yeah. TPA. Jeez.

[01:21:43] It's already been a long day. It has already. So that's all the, you know, that's all the questions I have, Chairman. I will say that, first of all, again, thank you. Clearly, there's been a lot of work done on this and a lot of thought done on it. I do think that, you know, I want to dig into it more before I go kind of let's go.

[01:22:01] I have always believed in having a TDR program. I know we're not maybe ready to make that motion yet, but when we are, I'm happy to put that motion on the table as I did before. But I also want to make sure that this really is just as good a deal for East as it is the West.

[01:22:18] And I would just need to do more and talk more and talk with you more. But I really appreciate you being here, though. Chair Randall, I really appreciate it. Our job is to make this as easy for you guys as possible. Anything we can do, anything we can share, we're here to help.

[01:22:36] I know your number. I have your phone number. Thank you. Thank you, Madam Chair. Just to wrap up the conversation here real quickly, a couple of things. First, I read an article a couple of years ago that the optimum height of a data center is three stories, that the cost per megawatt goes down to three stories and up above three stories.

[01:22:56] I don't know if that equates to 60 feet or not, but it did talk in terms of stories. The second one is it occurred to me that you could also create a situation whereby you don't necessarily have to buy an extinguishment of the data center rights on a PDOP parcel along Route 7, for example.

[01:23:15] You could just do a one-for-one purchase of the FAR. So buy down the FAR, which is maybe 0.45 or 0.6, just buy it down to 0.1. So you could still theoretically build a data center, but you can't go over 0.1 FAR because they purchased the FAR directly from the property.

[01:23:34] So what I'd like to do, and staff, let me know if you're okay with this. I think we have consensus that we would like to go a step further and maybe get a study of how we would go forward, what we would do to include this. Is that enough direction to staff to come back at the next TLUC meeting, kind of give us an outline of what next steps might be or a subsequent TLUC meeting?

[01:23:54] Or do you need a motion? How do we move this forward? Mr. Chair, I would suggest that you consider asking DPZ to include this as part of the work plan discussion that comes to you on a regular basis, and our next work plan is July?

[01:24:17] Yes. Second. First meeting in July, I think we're targeting? Yes. So if that's acceptable to the committee. That works for me, if we could just include it in DPZ work plan. And then a couple of the criteria that I think we've touched on in this discussion, the feasibility of a TDR program and the characteristics of the TDR program should be that it has to benefit the east and the west.

[01:24:41] It cannot just benefit the west exclusively. And I'm going to leave the aperture that wide open. It's just we want to see benefits both east and west, however that program would look and whatever permutations you'd have to go through to make that work.

[01:24:56] that's that's a key feature of the program um and anything else anybody can think of i just the tdr is not going to go anywhere if we're punishing one part of loudon county in order to help another part

of Loudoun County so that's the critical concept but yeah just roll it into the DBZ program I know if we don't need a motion is that enough guidance I believe that PDRs and TDR the concept of those is already a topic in the work plan but TDRs are currently on hold but are a component of that.

[01:25:28] Okay. Mr. Chairman, may I ask Mr. Krobach a question? Sure. Mr. Krobach, why are TDRs on hold? I'm sorry, Madam Chair, I didn't. Why are TDRs, you said TDRs are on hold? Is it just because of the work plan? There's so much going on right now with it? That, and that was the prioritization.

[01:25:45] Okay, yeah, that's what I thought. Action by the board, yes. All right, thank you, sir. And just to be clear, so the direction is, the PDR program is in the DPZ work plan. It's on hold right now, And our desire is to roll in a concept for TDRs as part of that discussion.

[01:26:03] So that becomes a package of PDR-TDR discussion that remains on hold, but is now loaded into the work plan. So right now, my conceptualization of this is that we already have a paragraph about PDR that we're updating you about where things stand. At the end of each of the sections of the work plan, we mention new ideas and new things that have come up.

[01:26:23] So with the one in July, we'll mention this discussion and come back to you with some of the information that you've asked about. so that then the board can consider whether to add that to the work plan formally, what the prioritization should be, and things of that nature. Okay. And in the back of my mind, I'm thinking about a marketing study funded out of end-of-year fund balance.

[01:26:42] That's kind of floating around out there. But any other questions or any comments or thoughts? Chair. Yeah. My only thought is, obviously, these things take time. I understand that. Obviously, the sooner we can get this moving and into the pipeline, because I do think we're going to get into this and we're going to realize, hey, we can do something here.

[01:27:07] So I think it's going to be something that's going to work. How it actually ends up working and nuts and bolts at the end of the day is kind of the big question. But the sooner we can kind of get that in the work plan, I mean, I would even, when we get to the discussion of the work plan, I would be even willing to potentially move this in front of the PDR program because we kind of know how that generally works, but we've already done some work on that.

[01:27:27] but I just want to express my sentiments on that. Great. Well, Mayor Littleton, and is it Mr. Bernard? Yeah, Mr. Bernard and Mayor Littleton, thank you very much. It's a very good presentation, very just chock full of great information, and thank you for all your hard work, and we will probably invite you back.

[01:27:44] That's great. Well, again, thank you all for your time. We really appreciate it, and your openness to the idea, and we're here to help in any way we can. Thank you very much, and staff, thank you very much for your support. We appreciate it. All right, our next item is the update on the Unmet Housing Needs Strategic Plan, if we can have that team come forward.

[01:28:15] Good evening.

[01:28:36] Good evening, Chair Turner, Madam Chair Randall, members of the board. I'm John Hall with the Department of Housing and Community Development. Staff and I are proud to be here this evening to present to you the third quarter's Unmet Housing Needs Strategic Plan report.

[01:28:51] I am joined by Christine Hillock, who is our new Housing Initiatives Project Manager, who came on board. uh, just in this position, uh, just a couple of weeks ago, but she is no stranger to Loudoun County government. And then our assistant director, Brian Regan, who is going to give this evening's presentation. All right. Thank you, Mr. Hall. Uh, good evening chair Turner, members of the committee. Uh, tonight I'll be updating the committee on the third quarter of fiscal year 2023, as it pertains to the unmet housing, the strategic plan tonight is now the fifth update that T luck will be provided regarding the plan. First, I want to provide

[01:29:31] the committee with a brief summary of the plan's third quarter fiscal year 23 highlights since the last update was provided in february and the board certainly has been active on january 17th the board adopted the 2023 payment standards and utility allowances for the county's housing choice voucher program also on january 17th the board adopted the proposed activities and funding allocations for the preservation of affordable housing and displacement services this 12 million dollar allocation and ARPA funding will be used for displacement services rental assistance and housing preservation. On February 21st the board approved the loan application for Avonlea senior

[01:30:07] apartments for a loan amount not to exceed just a bit over six million dollars from the county's affordable multi-family housing loan program. The application will have a 75-year affordability period with 130 newly constructed attainable rental units. On March 21st the board directed staff to amend the multifamily affordable dwelling unit exemption found in the zoning ordinance by increasing the minimum number of stories for multifamily attached buildings that are exempt from the ADU program from four or more stories with an elevator to eight or more stories with an elevator and further directed staff to proceed with incorporating these envisions into the zoning

[01:30:45] ordinance rewrite. Also on March 21st the board authorized the county to become a participating jurisdiction in the home investment partnerships grant program for the very first time and made appropriation of county resources in the amount of 234 368 dollars to satisfy the required 25 local match to secure home funds in the amount of 515 632 dollars for fiscal year 2024 and on march 29th staff from dhcd in conjunction with staff from the u.s department of housing and urban development held a housing choice voucher landlord workshop which informed current and prospective

[01:31:23] landlords and property managers of the benefits of participating in the Housing Choice Voucher Program and opened an opportunity to have questions answered by county and federal staff. Happy to report that approximately 27 landlords were in attendance. Within 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. As an informational aside to the committee, the updated AMI for the region was released this week and now stands at

[01:31:57] \$152,100, which is a \$9,800 increase from 2022's AMI of \$142,300. Such housing can be directly provided through county programs such as the Affordable Dwelling Unit Program or indirectly provided through initiatives such as down payment assistance or rental subsidy assistance programs.

[01:32:18] This slide shows the county's attainable housing goal for each year through 2040. The top line in blue represents the total number of units to be provided for each year. And the bottom line in orange represents the number of new units that will be provided. The delta in between are what we consider the access to units.

[01:32:37] For fiscal year 23, the annual goal is 500 units with 350 of those considered new units. What you see on this slide is a summary of what the county has accomplished in fiscal years 2021 and 2022. 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.

[01:33:01] DHCD is pleased to report that nine months into fiscal year 2023, the county has already surpassed the number of units provided in all of fiscal year 2022 and has equaled the number of units provided in fiscal year 21 and is in the midst of its best year thus far in terms of attainable unit production. The county is holding fast to its aggressive goal of providing 500 units this year, including 350 new units and 150 opportunities for households to access attainable housing. During the third quarter of this fiscal year, the county and its partners provided 20 new units and 39 opportunities to access units. 53% of these units were related to

[01:33:40] rental and 47% were related to purchase, so almost an equal 50-50 split there. Thus far this fiscal year, the county and its partners have provided 149 new units and 142 opportunities to access units for an overall total of 291 units. It is important to note that a pipeline of units is accumulating as a result of the county's affordable multifamily housing loan program.

[01:34:03] As it stands right now, approximately 440 new attainable units are slated to be delivered in fiscal year 2024 or soon thereafter from this funding source alone and not taking into account any of the county's existing programs. On the left-hand side of the chart, the area median income level corresponds with the household that has been assisted. In this third quarter, a majority of households that were assisted with rental units earned under 50% of the area median income, which is currently \$76,050 for a household of four, and a majority of households that were assisted with for purchase units earned under 70 percent of the area median income which is

[01:34:40] currently 106,500 for a household of four. In addition to the numerical targets and board actions the staff report also includes a summary of DHCD's robust community outreach efforts between the department and key external partnerships and the board's January approval of a rezoning at Belmont Park which will add 16 for purchase attainable units to the county's inventory. And at this time, staff will gladly take any questions that you may have. Thank you, Mr. Is it Regan or Regan? It is Regan. Regan. Thank you.

[01:35:12] That's what I thought when I heard Don say. Well, thank you very much. I really appreciate it. Let's do three-minute rounds. Chair Randall. Thank you, Mr. Regan. Thank you, Mr. Hall. So, I just finished writing my state of the county address, and there's a large section in there about our strategic housing program, which is going very, very well.

[01:35:36] It is pretty astounding how well we're doing for when we pass the future counseling program. So I really, really appreciate the work that staff is doing. So let's just start with that. And now I have questions. I recently had a community meeting with New Virginia Majority.

[01:35:59] The room was absolutely packed, probably 100 people in that room. And the message that they gave to me is that they're very well aware of some of our new housing initiatives, but for whatever reason, the opportunities are not reaching that community.

[01:36:23] And I know we're trying to do a lot of community outreach or in-reach or whatever the terms are that we're doing right now. Are we putting everything in multiple language? what are we doing?

Because I was surprised at how vocally and how virulently they felt like that our efforts, although many were not being felt by that community. That's one of my questions.

[01:36:55] The new attainable units that you just spoke about, are those all for rent or any of those for purchase. That's my second question. Have we done anything or is there anything we can do in working with some of our landlords of our bigger apartment buildings, the larger apartment buildings, to talk about the issue that of when someone is renting an apartment, it doesn't always report a positive on their credit rating. If they miss it, it will report a negative on their credit rating, but when they're paying it on time, it doesn't report a positive on their credit rating, which means when they go to buy a house, they don't have a credit rating, which actually is a problem.

[01:37:36] The AMI you talked about, I think you said 152, is that for a family of four? That was for a family of four? Yes, yes, ma'am. And my last question is about the displacement money. So when we have displacement money, we have funds for displacement, and I agree that the You know, the funds should be used for displacement and not for rent buy-down because rent buy-down, especially if it's a six-month rent buy-down, you're just not going to get to that many families and the money's just not going to go as far.

[01:38:08] But when we have displacement issues, where are we putting those people? I mean, because a lot of times there's nothing that is as – they're not going to pay the same – they're going to pay more unless we're moving them to other counties. Are we doing that? Where are we putting money?

[01:38:24] Where are you putting people who are taking advantage of our displacement funds? Thank you, Mr. Chairman. Thank you, Mr. Vice Chair. Oh, are they going to respond? Go ahead, Mr.

[01:38:40] Okay, thank you. We're going to assign the question. So Ms. Hillock was just our community development outreach staffer before being promoted into this position. So I was going to see if she can respond a little bit about the question to the outreach opportunities for New Virginia Majority's membership.

[01:39:04] Good evening. It's nice to see you all. Nice to, I'm very excited to be in this new position. As Mr. Hall said, I'm moving out of the position, which was community development specialist. And that position is focused on community outreach and public education.

[01:39:22] To answer that question, just to give a little bit of information, there is a summary of all of our outreach efforts in each of the quarterly reports. But just to give some examples of some of the efforts that we've taken recently, we do try to be at as many community events as we can with our staff being the size it is.

[01:39:41] We recently were at Latino Festival, which was held at the Shenandoah Building on May 7th, and we do try to attend, like I said, as many of those events as we possibly can. We find that really to be very effective to be actually out in the community talking to folks. And then we are looking at translating our materials into multiple languages.

[01:40:01] And just one example, we did recently translate some of our key documents for the Affordable Dwelling Unit program into Spanish. And so we will continue to look at that and address those needs. Thank you. Mr. Vice Chair.

[01:40:21] Just to refer back to you, Randall, so the numbers of the attainable, which numbers were you referring to, whether or not they were purchased or rental? Gosh, I've got to go back and look at it.

[01:40:38] There were 440. Those are rental. Those are all rental? Yes, ma'am. Okay. And in terms of the landlord with the credit reporting, as of right now, there is nothing in Virginia Code that says that positive reporting has to be a factor.

[01:40:54] However, we highly encourage it and think it would be useful for the next legislative program to do so. Because like you said, there is a lot of clamor from our communities where you miss one single payment. You could be on time for 10, 15, 20 years, and nobody, well, nobody, the curate bureaus would have no idea.

[01:41:14] But you miss one single payment for whatever reason, and it's a big red flag. So whether that or putting it into one of our criteria for our funding to make sure that that is a possibility. but I think a lot of the time it has to go to personnel at the community to actually do that every single time and the funding and the cost.

[01:41:33] Yeah, that is correct. And the fourth question that you had, actually, I guess it was the fifth. The fourth question was the AMI, which we answered, which is 152, which was published by HUD just two days ago.

[01:41:48] But the fifth question is, what are we doing with our displacement dollars and where are we putting people? So the ARPA dollars that were allotted to us, we have drafted the RFP. It has not been published yet. It's going through the review, and we expect to have that published within the next 30 days.

[01:42:10] With that RFP, we are anticipating engaging third-party contractors to actually do the assessments of the families to figure out what their needs are and to, if the households must be displaced, to relocate them in places primarily where they can afford, where it's sustainable.

[01:42:30] Not necessarily the priority is to place them outside of the county. We are working internally to leverage as many programs as possible so that we can provide alternative housing for residents who have housing instability.

[01:42:47] One example I'd like to give is with our Housing Choice Voucher Program, we are working to, actually we have called in all 160 households that are on that particular waiting list. So far, we've had three out of our four sessions and only 21 households of the 160 have shown up.

[01:43:09] The last particular event will be tomorrow. And so whatever those numbers are, we will process their formal applications and determine eligibility and issue vouchers to those who may be eligible using any available resources we have out of our Housing Choice Voucher Program, as well as our incoming home investment partnerships grant where we can use tenant-based rental assistance to help those families or additional families as well.

[01:43:41] So those are some of the things that we're working to do to help Loudoun County residents achieve housing stability. Mr. Vice Chair. Thank you, Mr. Chairman. So for a while now, I've been asking for regional information, and you included it in this item, so thank you so much.

[01:44:03] I just have a couple questions about that because I'm trying to track our goal of \$16,000 by 2040 or 16,000 new affordable units in Loudoun by 2040 and see how that jives with the regional plan. And what, well, correct me if I'm wrong, what you're saying in here is that the best regional number that you have comes from a target that was established in the 2019 Urban Institute report that calls for production of 374,000 new affordable homes by 2030.

[01:44:38] Is that right? That is correct in conjunction with the COG forecasts that were provided as well. But COG does not break it down by jurisdiction. It provides it as a regional goal. And is COG using that same number? COG is using their own numbers. And from what we heard from your request last time, is that COG will be breaking it down by jurisdiction over the next month or two.

[01:45:02] And when that information is released, we'll send it to you and then include it in the next report. Do you know if their goal, if whatever number they're using, when is the forecast year to get to that number? We're using 2040. Are they using 2040 or 2030? If you don't know, it's fine.

[01:45:20] I'm not sure offhand on the COG side. I'm not sure. And I just wanted to clarify, the Urban Institute number that we provided in the report was in conjunction with the recent housing resource indicator tool that was released by hand, the Housing Association of Nonprofit Developers.

[01:45:38] here in Northern Virginia. So the Council of Governments did not have their numbers ready for us. They'll be ready probably later this month or next month, and we'll provide that. But we wanted to at least provide some data that we had at our disposal. So MWCOC, you're saying, though, is going to say what they think each jurisdiction needs to do to meet the regional goal as far as the number?

[01:46:01] They already have. The goals that they provide were regional. They did not break that out. But from what we understand from their staff is that they will be introducing goals by jurisdiction over the next month or two. Okay. And I look forward to seeing that.

[01:46:17] I'll go check on that. Yeah. Madam Chair, Mr. Chairman, if you don't mind. Madam Chair, if you do get that information, could you please share it with us? Because I'm just trying to figure out, you know, somebody should be looking at this. Mr. Chairman, if you don't mind, I actually chaired that board in COG.

[01:46:33] That's why I'm looking at you. You're like, I chaired that committee in COG that did that. So that's been done, and I will make sure you get it. Thank you. Thank you. Really quick for me, a couple of things.

[01:46:50] First, the body language I get from this report is really good news. Am I accurately reading that? It sounds like we're doing pretty well. Yes, absolutely. Yeah, I mean, it sounds like we're doing very well. And I want to ask a question, which you're crazy if you don't answer yes, but give me an honest answer.

[01:47:13] I get the impression that the plan is driving your focus and your actions to a very large extent. So I know that's why I say yes is an obvious answer. You're not going to say, oh, no, no, no, we're ignoring the plan. I'm sure you're working with the plan.

[01:47:29] But the goal of a really good working plan is that you're referring to it every day on a regular basis. You're looking at where are we on this? What does this mean? If this development goes in, what's it going to do to our goal chart? Is that accurate? Is that kind of how you're using it?

[01:47:46] Yes, that is very accurate. We look at the key action items as our drivers to, you know, how many can be accomplished in a reporting cycle, a quarterly cycle. Great, great. Because that comes across. A couple of questions.

[01:48:02] Does staff take into consideration affordable housing inside the towns as part of your count? Yes. Okay, good. The ADU program, after 15 years, they can leave the ADU program and sell the house market rate.

[01:48:22] But the county has right of first refusal. Have we bought those? Are we buying those houses? Is there any program to do that? No, and the rationale is if the county were to purchase after 15 years, they would need to be bought at market and not the ADU value. Okay, so that basically discourages us from buying the house.

[01:48:42] We would have to buy it at market and then essentially sell it to a certificate holder at a much lower sales price. Oh, got it. Okay, got it. So it would be a loss. Correct. And then lastly, under Objective 5, Strategy 5-2A, and this is on page 20 of the item here, there's a statement in there that Department of Planning and Zoning incorporates the TLUC recommendations for the criteria when evaluating land development proposals during the interim.

[01:49:12] We checked with DPC, and the answer we got was no, they're not. So the plan is saying that the new TLUC-approved criteria, and I want to say it's for suburban. Maybe I'm mixing apples and oranges here. Hang on a second.

[01:49:27] We just had this e-conversation earlier, so I'm going to ask Mr. Galindo to respond. So what I clarified with staff earlier is that the strategic plan includes language that essentially added to the existing general plan language specific to those suburban compact neighborhood criteria.

[01:49:48] It was suburban coming. And then TELUC did additional work on it. So there's similar but differing language. It's the TELUC effort that still needs to be folded into the general plan, and maybe it would make sense to amend the strategic plan so they sync up completely at that time. What we're using right now is the language from the strategic plan, not from TELUC's efforts.

[01:50:07] So it's very similar, but it is a little bit different. Well, but the current strategic plan is seven criteria, and then we had a whole TELUC discussion around revising the seven criteria and came up with six criteria. So your short answer is we're still using the plan language. We're not using the TLUC recommended language, which is six criteria.

[01:50:26] Correct. Okay. All right. So then that item in the unmet housing needs strategic plan probably needs to be corrected because right now it says we are in jibe and we're not. Okay? Yes. I had another thought there, and it jumped right on my brain.

[01:50:42] So I'll go to Subraza Glass. Thank you, Chairman. I actually thought of this question when I was listening to Chair Randall and she was talking about speaking to New Virginia majority and going and you had mentioned you had gone, well, staff had gone to one of the events.

[01:51:05] So do we have staff members that are Spanish speakers or do we have interpreters that go to these events? Currently on staff, there are three native Spanish speakers. Okay, thank you. And then we also outsource and contract interpreters for some of our public hearings and other special events that we have.

[01:51:27] Okay, thank you. Thank you, Mr. Chairman. Mr. Reagan, it is a great idea for this to go to put this in the general, to put this in our alleged program next year. If I'm lucky enough to be back on this day, that is exactly what we will do.

[01:51:46] But that didn't quite get to my answer. My question, and I may have not been clear, so I apologize. My question is, are we already doing anything to work with the landlords or the landowners of

some of our larger spaces where we know a lot of people who are living there, are living in attainable homes and may need to try to start building good credit?

[01:52:17] Are we doing anything to work with those landlords to say, you know, this is how you report they're paying on time? This is why I report they're paying on time. Are we making any efforts to do that? And I'm asking that question because they're never going to be able to, you know, buy a home if they cannot build credit.

[01:52:38] And you live in an apartment for 15, 20, literally 25 years, and you've not built good credit, although you're paying it on time. So are we doing anything toward that effort at all? But I think the ideal of putting in a LEDGE program is such a good ideal.

[01:52:55] Specific to that initiative, currently, no. That's something that we can certainly, we have, you know, the department recently hired a fair housing coordinator that can certainly undertake that activity. You know we I know that miss Hillock is now in her new position But the community development specialist position could provide that outreach and that's something that we could definitely pursue over the next few months It's all I feel like you're gonna be a very busy person, but but what a great cause to be busy doing so I'm so glad you're in this position Absolutely. Thank you. And that is something that is called for in the plan is to develop a landlord outreach team My only other marching orders on that

[01:53:31] My only other and last question is, you know, there are times we really do believe we're doing everything we can possibly do to reach a community, and the community is not being reached, and it's not for lack of our good efforts.

[01:53:49] Have we actually asked them, have we said to them, what do you need us to do, because they have leaders in that community who could answer these questions, Ms. Omar, Ms. Saeed. Have we said to them, why do you think some of the members of this community is not being reached, and what can we do to help reach this community?

[01:54:08] Because the very clear message to me was, thank you for all that you're doing. We know all the leaders know that we're doing, but you're not reaching us. It was a tough meeting. So thank you. Any other questions?

[01:54:26] Thank you all very much. We appreciate the update. Great job. Thank you. next up is the update on the community approach to the faa if i could have staff come forward for

[01:54:39] that item and we do have a motion at the end of this item good evening again good evening so as members of t-lec will recall this item is related to the january 2023 adoption of the new airport overlay impact district that was based on the new noise contour map for dulles airport and the

[01:55:17] concerns that were raised by the community which led the board to direct staff to engage the faa to explore options for minimizing airport noise. Chair Turner has requested staff provide an update to the committee as a standing item until resolved, so we came last month, this month, and we will continue to do so. The item that was presented in my discussion here will summarize staff activities since the last TLUC meeting in April.

[01:55:40] We've continued to try to engage with FAA staff. On February 10th and April 5th, correspondence was sent to the FAA's acting administrator and the Eastern Division Community Engagement Officer. As of this point in time, staff has not received a formal response letter from either.

[01:55:56] On Friday, April 21st, the FAA distributed a press release indicating that the acting administrator, Billy Nolan, will retire and depart the organization at the end of April. So staff redirected our efforts to communicate with the FAA Eastern Region's Community Engagement Officer. A correspondence that was previously sent on April 5th, as I mentioned, has not yet received a written response.

[01:56:17] However, on May 2nd, staff did speak with Vado Simmons, the FAA Community Engagement Officer, by telephone. The conversation was brief. She indicated that she needed to leave for a planned meeting, but she did acknowledge receipt of both of our letters, the one to the acting administrator as well to the one to her.

[01:56:35] She advised that her staff is reviewing our letters and preparing a response, and she also indicated that that response would be sent from their office on Friday, May 12th. So to date, we have not received that response yet through the Postal Service or by email, but we would hopefully anticipate it shortly. On April 28th, the FAA also issued a press release announcing the opening of a public comment period to submit comments on their noise policies and the metrics used to measure airport noise. The FAA is also offering webinars to help educate the public on airport noise issues and the process for submitting comments. The comment period opened May 1st and will close July 31st.

[01:57:13] And so the reason that this is an action item and not an information item is that we are seeking guidance from the committee to determine if the committee as well as the board ultimately would like the staff to prepare a comment letter for submission to the FAA on this topic. If the board agrees and direct staff to prepare such a letter, staff will use our consultant to assist the comment preparation, and we would then return to the committee for endorsement and seek board approval prior to submission. Regarding our consultant, as previously reported, we solicited proposals from engineering firms to assist the county with technical issues and complete some noise modeling. This information was essential once we actually engaged the FAA staff to discuss

[01:57:50] our proposed solutions. Proposals were received, and we have selected vineyard for this assignment, And a kickoff meeting has been set for June 6th. And so that is all updated at this time. Are there any questions from the committee members? - Thank you very much. I don't see any lights, so I have a couple of points and questions.

[01:58:09] First of all, I'm gonna make a motion here just shortly recommending that we, in fact, submit a letter of comment for the FAA noise policy, public comment period, squeaking wheel gets the grease. And we've been squeaking pretty loud and pretty effectively, so I wanna keep that momentum going And we'll make that motion here in a second.

[01:58:30] Second, interestingly, I was driving yesterday. Was it yesterday? Yes. I was going down to and coming back to the Arcola Center. What's it when you put the shovels in the ground?

[01:58:49] Yes, thank you very much. Groundbreaking. And they happen to have successive departures off runway 3-0 straight ahead, right along the route that we are advocating for. And I, going down and coming back, rolled down the windows of the car.

[01:59:05] I watched the airplanes take off. They flew right down the Broad Run Valley. And I had difficulty hearing them out of the car. And my estimate was by three miles, which is what we're suggesting, they were in the neighborhood of 3,000 feet. And I thought, that's what we want on every departure.

[01:59:24] I timed them, and I know that the answer that we've been getting is that when you maintain runway heading, You have to extend the departure separation from 30 seconds to a minute. They don't, if the previous airplane deviates by two to three degrees, I think is the answer, then that can go back to 30 seconds.

[01:59:46] I timed the airplanes, and there was easily three or four minutes between departures from what I was looking at. So I would have perceived no impact at all based on straight-ahead departures. It was a very interesting process. But with that, we have a question?

[02:00:02] Yes, Chairman Turner, sending the letter, are you talking about sending it soon to the acting FAA administrator?

[02:00:17] Or are you talking about waiting until the new, I think the acting administrator is retiring this summer. So are you talking about sending it now or waiting until? I think, I don't think it's acting director or director specific.

[02:00:35] It's an FAA, a public comment period for the new noise policy. And so who's ever in charge is going to get the letter and fold that into the process, correct? Right. We would just submit it in the preferred form for them as part of that comment period. Right. So this is a public comment period. They're asking for it to be submitted.

[02:00:51] So I think we should submit it. Okay. So if you're familiar with Shawshank Redemption and when Andy Dufresne kept sending a letter about getting a library in there. That's how I feel about right now.

[02:01:08] That's exactly right. We'll just keep sending them. Wow. Well, he did get his library, so. Real quick, I have a question. On the open comment period for noise policy, is that just for Dulles, or is that their noise policy as a whole for the region, or?

[02:01:24] I believe it's nationwide, but is it nationwide? It's national level. So it's national level, okay. National policy. Re-examining the national policy on noise and how noise is measured. Okay. how the sound exposure is is this something we should alert our affected HOAs potentially as to allowing them to weigh in on this process that it's maybe something that we could do because I'm I'm not I certainly wouldn't be aware of it but for the fact that I'm on this board and I'm being told about it by our staff so it's not something we follow so it might be worth allowing them to wave in I think it would be that we as we could be a conduit to them to let them do that and who

[02:02:04] will who if we pass this will staff be writing a letter and then we look at it to approve it Working with the T-Luck Chair, what is the thought process on that? Staff would work with HOAs, would work with our consultant, would work with other experts who are engaging with us on the issue.

[02:02:22] We would develop a draft letter, bring it back to this committee. This committee would endorse it, and then it would float up to the board for the board to endorse it. And the window of opportunity closes July 31st. That was my next question. Okay, thank you.

[02:02:38] That's all my questions. Mr. Manichang. First of all, Mr. Kerbhoff, I love having you in the dance with us. It's great. You are specific in your answers, and so thank you. I just want to say that recently one of our local papers had one of those polls in there, and it was like, what should be done about airport noise?

[02:03:02] And one of the answers were, stop building homes near the airport, and that answer got like 67% of the votes. We haven't approved any homes near the airport. We haven't. This board hasn't. The last board hasn't. We haven't approved. These homes were entitled, I don't even know when, like 20 years ago or something. And so I just want to kind of put that out there that obviously we're not going to be dealing with this issue while approving homes near the airport.

[02:03:31] This is the Birchwood community for the most part, and these homes in this area were entitled a long time ago when the flight paths were different, when the flight paths were different. So I just want to kind of, sometimes I see that type of thing, and I think it's just so disingenuous, and I just feel I need to have set the record straight.

[02:03:50] Thank you, Mr. Chairman. Mr. Vice Chair. Thank you. Supervisor Kirshner asked my question, but to go a little further on that, when you are, when staff is writing the letter for us to then review, are you going to take into consideration a lot of the feedback we've already received from, especially Brambleton, and you are?

[02:04:13] Yes, absolutely. Okay, great. And would there be any sense in notifying just the public in general in certain areas? I mean, they can submit comments, too, during this period? Yes, we can work with our public affairs and communications office and do see how we can spread the word and raise the awareness of FAA's opening.

[02:04:39] Thank you. And if I can, I'll make the motion here and then talk inside the motion a couple of things that I want to emphasize. I move that Transportation Lanes Committee recommend to the Board of Supervisors that staff be directed to prepare a comment letter to the Federal Aviation Administration, FAA, applicable to the topic of civil aviation noise policy, and return to TLUC and the Board of Supervisors for endorsement of the letter before submission to the FAA.

[02:05:06] Seconded by the Vice Chair. Discussion, if I could ask staff in crafting that letter, one of the issues I'd like to see is whether or not we want to, in the letter, tell the FAA to mandate airports as to the nature and horizon of noise studies. So we have a situation right now where an FAA-approved noise study is a five- to eight-year lookout of likely operations in five to eight years.

[02:05:39] EMWA decided on its own to do a full-capacity study as far into the future as Dulles would go, and the FAA doesn't recognize that as a valid noise study. I would like to see the FAA mandate. If you're going to do a noise study at an airport, it ought to be standardized around the United States. And I don't know if that's the right answer, but let's talk to our experts in the community and see if they agree with that.

[02:06:02] That whole thrash around which model did you use was really annoying. And then the other thing is to recommend, once we get our draft letter or the template, it would probably be fairly easy for us to share our letter with the various community organizations to have them just copy that letter and put their signatures on the same letter and to get some more to more input. I don't know. I'm open to suggestions on that, Mr. Kroba.

[02:06:32] Well, that may be the case. I think that's a discussion for the evening that we bring the draft letter to you because our letter may have a little bit different context since we are a local political jurisdiction as opposed to an individual or a neighborhood. But it could very well be they they certainly

could put a cover letter on it and say we endorse the board of supervisors letter but i think that's at that time that we look at the letter okay that's time to do

[02:07:09] that any other discussion on the motion i have no closing comments all those in favor say aye aye any opposed that motion will pass five zero thank you both very much appreciate it and we have two more items up which are bylaws changes and um these should go fairly quickly i hope unless

[02:07:30] there's any controversy I didn't perceive that there were any that's what I'm going to do good evening if you could introduce yourself really quickly good evening chair Turner and members of the committee my name is Diana I am with the Department of Planning and Zoning and I'm here

[02:08:05] with the Historic District Review Committee bylaws conversion with me at the table is the Historic District Review Committee Chairman Mr. Carl Riedel and then to my left is the Department of Planning and Zoning Director, Mr. Daniel Galindo. So there are six deviations from the board's approved template. The reason the Historic District Review Committee bylaws deviate from the template is to carry over bylaws that were previously adopted by the HGRC that pertain to the procedural functions of the committee and the Certificate of Appropriateness review process. Of these

[02:08:43] deviations, the most significant of note are Article 3, Section A1 under membership, which pertains to the HGRC's composition and sets a maximum of seven voting members. This revision was added in order to maintain an odd number of members in the HGRC's composition to facilitate a quorum. This change is also proposed in order to be consistent with the language proposed with the zoning ordinance rewrite. Also of note is Article 3, Section B.5, also under membership. This language

[02:09:18] was amended from the previous HGRC bylaws to address communications concerning HGRC applications. The previous language was vague. And so with the help of the county attorney's office, the bylaw language was amended to clearly specify the exact nature of conversations that would be inappropriate for HGRC members to engage in with applicants and to reemphasize that discussions regarding applications occur only in open meetings.

[02:09:48] I'm happy to answer any questions if you have any, but thank you for your time. Thank you very much. Any questions? I move the Transportation and Land Use Committee recommend that the Board of Supervisors approve the revised Historic District Review Committee bylaws as provided in Attachment 1 of the May 17, 2023 Transportation and Land Use Committee action item.

[02:10:08] Second by the Vice Chair. Discussion? Madam Chair. Just to say that the HDRC is one of the committees that we don't see a lot, but you all are doing a lot, and you do it for applications all the time, and especially recently, I have noticed how the uptick in the very good work you're doing.

[02:10:27] I know there's some discussions right now around the Colton area in Lansdowne and just some other areas, and so I have followed the things you are doing, and I just want to say I appreciate you all. Thank you, Madam Chair. Senator Kirshner.

[02:10:44] Thank you, Chair. I just, the Chair stole my words. I just wanted to personally thank you. Oftentimes these ad hoc committees go without recognition. So thank you, Chair, for all the work that you do on the chair. Thank you, staff, for going through this and following this template to rewrite this to make things a little simpler.

[02:11:01] And we're always here at your service, so I appreciate all the work that you're doing. Mr. Vice Chair. Thank you. Just to add myself to the list of thank yous, and if you could please share that with your committee and staff. Thank you. And I have no closing.

[02:11:17] All those in favor of the motion, please say aye. Aye. Any opposed? That motion will pass 5-0. Thank you very much. And our last item is the Agricultural District Advisory Committee bylaws update. Good evening.

[02:11:45] Good evening, Chair Turner, Chair Randall, and supervisors. I'm Rachel Evenchuk with Planning and Zoning Department. I'm joined by the Chair of the Agricultural District Advisory Committee, Eleanor Meredith, and, of course, Director Galindo.

[02:12:04] I have no formal presentation. This item includes both the Agricultural District Advisory Committee bylaws update and the 2022 Agricultural and Forestal District's Annual Report. The AGDAC adopted their revised bylaws at their meeting on April 3rd.

[02:12:23] There are six ways that they differ from the Ad Hoc Committee's recommended template. In terms of Article 2 is the Creation Authority, which comes from Virginia Code Section 15.2-4304A.

[02:12:41] It also differs in terms of membership and attendance as, again, as Virginia Code mandates the advisory committee to make recommendations to the governing body and the planning commission.

[02:13:01] Article 7A meetings varies from the board adopted template, again, because of how it defines what the ADAC is permitted to do, which relates to the renewal, creation, addition, modification, or termination of districts.

[02:13:24] And that pretty much covers it, and it also presents the annual report with data through June 30th of 2022. I'm available for any questions. Thank you very much. Questions? Supervisor Kershner.

[02:13:39] Thank you. Again, thank you for all your work. I was at the two meetings ago or maybe three meetings ago, and it was great work to do. It was really good to catch up. I'm not always able to make them, but I really appreciate all that you're doing. It's such an important land use tool that we have.

[02:13:56] And one of the things I did notice in the annual report, which I just wanted to point out for my fellow supervisors and those who are here in the room, is my understanding that the rate of renewal failures has declined significantly, and I'm assuming that's largely, I think it's now down to 3%.

[02:14:14] Is that what I read? I'm trying to read this a little bit ago. So it's down to like 3%, which is excellent, and I'm assuming that's because we're just doing a much better job at getting out the word, or not getting out the word, but the automatic renewal process.

[02:14:30] Is that accurate? Can you speak to that? That's for two reasons. In 2011, board required applications from parcels that are from 5 to 20 acres, which was a new requirement.

[02:14:46] And as well, there was a policy that the board began that staff agrees with. We did an analysis in 2017, which provides that the districts will be four years rather than the previous 10 years. And also, staff has, since 2018, at the suggestion of Commission of the Revenue, WIRTS, we've been going out into the field, if we don't get applications back, leaving additional applications.

[02:15:17] Throughout, we've always been trying to get additional contact information, which is easier to have when the districts are only four years rather than 10 years with the active land market that there is in

this county. Okay. So, some of it, just the shortening of the period has made a big difference.

[02:15:34] just they activate going out and keeping that information updated that's that's correct okay well thank you for all your service thank you for your work i appreciate it i just want to thank you as well uh as we did with the last uh committee and please take that back and and thank everyone on the committee from the board please thank you thank you very much all of you i move the transportation lane use committee recommend that the board of supervisors approve the revised agricultural district advisory committee bylaws as provided in attachment one and accept the 2022

[02:16:08] Agricultural and Forestry District Program annual report provided as attachment 3 to the May 17, 2023 Transportation and Land Use Committee action item. Seconded by the Vice Chair. I have no opening discussion. Comments? No. Closed. All those in favor of the motion, please say aye. Aye. Any opposed? That motion will pass 5 to 0. Thank you all very much and good evening. We are, before we adjourn, Mr. Kroboth, I just want to ask you one thing. I like the idea of going through public affairs to issue a notice to invite the public to comment on the FAA noise policy do you need a

[02:16:45] motion for us to ask you to do that or is that is that part of the process no sir we we see this project or directive from the board to be kind of a multi-department support that includes planning and zoning county administration and public affairs and that's why you see mr. dusty smith from public affairs sitting at the table with mr. galindo great very very good thank you all very Thank you very much.

[02:17:11] Mr. Galindo, thank you very much. You got a heavy lift tonight. Thank you. Thank you all.



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