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Loudoun County Board of Supervisors, Public Hearing, Wednesday, June 14, 2023

Date Wednesday, June 14, 2023
Place Board Room, First Floor, Government Center, 1 Harrison Street SE, Leesburg, Virginia
Length 1h 44m (video)

- Official meeting video (county, Granicus): <https://loudoun.granicus.com/player/clip/7318>
- Agenda (Granicus): https://loudoun.granicus.com/AgendaViewer.php?view_id=73&clip_id=7318

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

[00:02:22] All right. We are going to call to order the June 14th, 2023 Loudoun County Board of Supervisors public hearing. This room has a hearing loop. If you need hearing assistance, switch your hearing aids to telecoil mode. If you need a headset, we have those available as well. Please see the clerk to request one.

[00:02:43] As a reminder to all members of the public addressing the board this evening, You may only sign up to speak on matters that have been advertised for this public hearing. Due to the broadcast delay, any members of the public who are not in the boardroom wishing to address the board on items 3, 4, 5, and 7, which are on the consolidated hearing agenda, please call the number scrolling across your screen at this time.

[00:03:11] For my colleagues on the board, a number of items have come off the consolidated agenda due to folks signing up to speak. So those items still remaining on the consolidated agenda are 3, 4, 5, and 7.

[00:03:29] All members of the public who have signed up to speak will be allotted two and a half minutes. If you are in the boardroom, we ask when your name is called, please come to the podium and state your name for the record. the timer on the podium will indicate your remaining time when your time has expired please yield the floor to the next speaker if you are providing your comments via phone i ask that

you use a stopwatch to track your time i will monitor your time in the boardroom as well and notify you when your time has expired when taking public input for items i will first ask if there is

[00:04:06] anyone in the boardroom wishing to speak, then I will go to the moderator and ask if there are any speakers via online. Please note that there is a slight delay between the broadcast and the boardroom. On remote participation, pursuant to Virginia Code Section 2.2-3708.3 and the board's rules of orders, Supervisor Glass and Vice Chair Sains requested to participate in this meeting by electronic communication and are participating remotely from Ghana. A physical quorum of the

[00:04:44] Board of Supervisors is present in the boardroom and the board has made arrangements for the voices of Supervisor Glass and Vice Chair Sains to be heard by all persons in the boardroom. Supervisor Glass and Vice Chair Sains have made this request within the required time frame and the county attorney has determined that Supervisor Glass and Vice Chair Sainz meet the qualifications to participate remotely. The board will record in its minutes that Supervisor Glass and Vice Chair Sainz participated remotely from a private location in Ghana due to travel. The board will hear

[00:05:22] the following items as a consolidated hearing. As a reminder, the items are being consolidated because there are no outstanding issues staff has recommended approval the applicant has waived their presentation time and no public speakers registered in advance to speak to the board so those items are item number three a proposed ordinance creating ravana at innovation station community

[00:05:55] Development Authority. Item number four, AGDT-2023-0001, a request for withdrawal of land belonging to Guinea Bridge, LLC, from the New Mount Gilead Agricultural and Forestal District.

[00:06:11] Item number five, SPMI-2022-0007 and SPMI-2022-0008, Shadow Creek Banquet Facility, Item number seven, Specs 2022-0031, Dulles Trade Center West.

[00:06:37] Those are the items on the consolidated agenda. Are there any members of the public in the boardroom tonight wishing to speak to the board regarding any of those consolidated hearing items that I just mentioned?

[00:06:54] So I'm not seeing anybody jumping up. And I think Lisa, is it Lisa who is, Lisa Kins, do you have anyone on the phone who wants to speak to one of the consolidated items?

[00:07:14] No, I do not, not at this time. Thank you very much. So seeing none, I am closing the consolidated public hearing. Board members, please refer to the document entitled Consolidated Hearing Motion Sheet that was distributed via email and placed at your dais seats.

[00:07:34] I'm going to hopefully make this easy and read these since there have been some things going on and off consolidated. So the first one is item number three, The proposed ordinance creating the Ravana at Innovation Station Community Development Authority, 2011, currently in the Broad Run District, and in 2022 in the Sterling District.

[00:08:05] I'm going to move that the Board of Supervisors approve motion one to forward the proposed ordinance to the July 18th, 2023, Board of Supervisor Business Meeting for Action. Is there a second? Second. Second by Supervisor Buffington.

[00:08:23] Is there any discussion on that at all? Okay, we'll move on to the next one. And the next one is item number four, which is AGDT 2023-0001, Request for Withdrawal of Land Belonging to Guinea Bridge, LLC, from the New Mount Gilead Agricultural and Forestal District 2011.

[00:08:49] This is in Blue Ridge in 2022. It'll be in Catoctin. Does either one of my colleagues to my right want to make the motion? Supervisor Rumstadt. Yes, sir. The board should vote on each item as independent motions.

[00:09:05] Individually? Yes, ma'am. Okay. All right. Well, let's go back then to item number three. So we had a motion by myself seconded by Supervisor Buffington. All in favor, please say aye. Aye. Any opposed? Aye. And that was Sylvia and Karan.

[00:09:23] All right. Well, welcome, you guys. So that will pass 7-0-2 with Chair Randall and Supervisor Letourneau off the dais.

[00:09:39] All right. Now we go to item number four. And who wanted that motion? Madam Chair, I move that the Board of Supervisors approve motion 2B for the approval of the request to withdraw the new Mount Gilead Agricultural and Forestal District as provided in the June 14, 2023 public hearing item number four, staff report. Second. Second. So motion by Supervisor Buffington, second by Supervisor Kirshner.

[00:10:06] Any discussion on that? I'll just say quickly that that's to place this land in the conservation easement, which is a stronger protection than this current protection. So I'm pleased to do this. Thank you. Great. Supervisor Kirshner. I was going to say the same thing.

[00:10:22] So thank you for the folks who are removing this and placing it in conservation. That's what we'd love to see in the West. Thank you. Yeah, it did not. So Supervisor Bristman has asked for clarification before I go to a vote on this.

[00:10:49] Number one is no longer on consolidated, so we will be taking it up separately. So I think we have a speaker or more on that. Not a problem. Not a problem. It's confusing tonight. All right. No more comments on item number four. All in favor, please say aye. Any opposed?

[00:11:10] Aye. Aye. Okay. So we have seven ayes, any opposed, and zero nays, and we have two absent from the dais, Chair Randall and Supervisor Letourneau.

[00:11:30] All right. The next item on consolidated is item number five, and that is SPMI-2022-0007 and SPMI-2022-0008, Shadow Creek Banquet Facility 2011.

[00:11:54] It was in Blue Ridge in 2022, moved to Catoctin. Does anyone to my right want to make a motion? I'll be happy to. All right. I move the Board of Supervisors approve motion 2B for the approval of the minor special exception as provided in the June 14th, 2023 public hearing item number five, staff report.

[00:12:14] Is there a second? Second. Motion made by Supervisor Kirshner, seconded by Supervisor Buffington. Any commentary on that? Okay. All in favor, please say aye. Aye. Aye. Thank you. Any opposed, say nay. All right. That will pass 7-0-2 with Chair Randall and Supervisor Letourneau off the dais. We now move on to item number seven, which is Spex-2022-0031, Dulles Trade Center West. 2011, it's in Blue Ridge. 2022

[00:12:54] 2 in Little River. Supervisor Buffington, would you like to make a motion? Yes, Madam Chair. I move that the Board of Supervisors approve Motion 2B for the approval of the special exception as provided in the June 14, 2023 public hearing item number 7 staff report. Is there a second?

[00:13:11] I'll second. All right. It has been moved and seconded. Any conversation on this? Seeing none, I'll call for the vote. All in favor, please say aye. Aye. Aye. Any opposed, say nay.

[00:13:27] Nay. All right, so we have six ayes, one nay, Supervisor Briskman, and two off the dais, Chair Randall and Supervisor Letourneau.

[00:13:43] All right, we now move, well, I think that is it on what remained on the consolidated agenda. All right. We're going to now move to the item number one, which is the Resident Curator Lease Agreement with the Loudon Freedom Center in the Leesburg District.

[00:14:15] And we have Ernie. Welcome. Well, good evening, Supervisor Umstead, members of the board. Thank you very much for this opportunity. We bring before you for public hearing and seeking board approval for a lease with the London Freedom Center to curate the 20 Union Street property on behalf of the county.

[00:14:37] So staff has no modifications or additions to the staff report. We stand ready for any questions you may have. Any questions for Mr. Brown? All right. Seeing none. Thank you.

[00:14:53] we do have some speakers for item number one the first speaker we have signed up is Jackson Roberts who will be followed by Larry Sims and Pastor Michelle Thomas do we have either Jackson Roberts is Jackson Roberts here? All right. Okay, Mr. Roberts, it is wonderful. Oh my goodness. Are you

[00:15:32] related to the very famous Mr. Roberts standing with you? Yes. That is wonderful and I am so impressed. All right. We are happy to hear whatever you have to say to us. You have two and a half minutes. Thank you. Good evening, Supervisors. As you may know, I am Jackson Roberts, grandson of Jim Roberts. The reason I want to preserve the school on Union Street is because it was a big part of the beginning of education in Loudoun County for black people. My grandfather and

[00:16:09] great-grandfather attended school there. Because of the history that is in this school, I think it should be preserved for farther generations to love. That's why I ask you to please approve the preservation of this school. Thank you. Thank you very much, Mr. Roberts. That was wonderful.

[00:16:30] Thank you. And thank you, Mr. Roberts, for being here. My pleasure. All right. All right. Our next speaker is Larry Sims. Mr. Sims. Jackson is a tough act to follow, but we'll try. Good evening, Board. I am here in support for leasing the Union School to the Loudoun Freedom Center,

[00:17:03] and I am a retired Loudoun County school teacher of some 44 years and a lifelong Loudoun resident. The Loudoun School Board, Board of Supervisors, have the opportunity to make the Union Street school a valuable, proud asset to Loudoun County history, keeping the Union Street school's ideals and original purpose alive. This can and will be done through the Loudoun Freedom Center. I want

[00:17:38] to thank you guys for your time, and I know you will be making a good decision on keeping history alive, particularly black history. Thank you. Thank you, Mr. Sims. Pastor Michelle Thomas, Welcome. Tough acts to follow. It's hard when you pass it and have anything to say.

[00:18:03] But I approached the board tonight just to ask for your vote of confidence. The Loudoun Freedom Center has spent the last eight years educating teachers, teaching them how to teach African-American history in a more competent, authentic way.

[00:18:19] There's no better place to do that than here at the Union Street School, especially while we have those who were forced to endure this segregated education still with us, i.e. Mr. Roberts and his lovely wife

and others that are really supporting this project.

[00:18:39] Thousands of children have gone through the Journey to Freedom history program where they take field trips and they learn how to really process history and connect the dots to local history.

[00:18:55] Some of the reports from children after they take field trips, and we've even taken them to Union Street. They've not been able to go in like they would want, but go around, and they just think it is absolutely amazing and they cannot wait.

[00:19:11] Union Street is just not a place to visit. it's going to be the home of the first African-American museum in Loudoun County that is going to drive visitors to the county and it is also going to set the stage for what we're going to do educationally in Loudoun County. There's also another component that we cannot forget that there are underrepresented people among us that really need a gateway or a bridge, if you will, to get into IT. The Loudoun Freedom Center has spent the last year and a half partnering with data centers and also Microsoft to come up with programming that really takes the barriers out of

[00:19:51] learning IT, getting certified, and then getting into the job market. To date, we've had over 100 students go through our programs. That is going to be housed at Union Street, if you guys so choose. Of these 100 students, we've had over 188 certs to be achieved, and so this is going to be a great place for people to thrive. And so thank you so much for all that you have done and all that you will do to preserve African American history in Loudoun. Thank you, ma'am, very much. Are there

[00:20:24] any other speakers on this issue? All right. Seeing none, I'm going to close the public hearing. I'm going to make a motion that the Board of Supervisors suspend the rules. Second. Second by supervisor buffington and i'm going to make the following motion i move that the board of supervisors approve the lease with loudon freedom center incorporated for the union street school

[00:20:54] property provided as attachment one yes we do have to vote on suspension thank you um all in favor of suspending the rules please say aye okay any opposed aye okay any opposed and that will pass 702 and thank you Tony I'm now going to make the motion in our packet I move that the Board of Supervisors approve the lease with Loudoun Freedom Center incorporated for the Union Street School property provided as attachment one to

[00:21:32] the June 14th 2023 Board of Supervisors public hearing staff report I further move that the Board of Supervisors authorize the county administrator or his designee to execute the lease in final form approved by the county attorney or his designee is proposed in the June 14th 2023 public hearing staff report I give it to you it was simultaneous but supervisor briskman can have the second

[00:22:06] any discussion on this supervisor Buffington thank you madam chair I'm glad to see the resident curator program being used and I hope it goes as as planned, as described in this item tonight.

[00:22:22] Thank you all for being interested. Supervisor Brisbane, and then Kirshner. Thank you very much, Supervisor Olmstead. I am very pleased to support this motion, and I want to thank the Loudoun Freedom Center, Pastor Michelle, NAACP, and everyone that has worked so hard to preserve our history in Loudoun County and preserve the African-American history in Loudoun County.

[00:22:48] And I am very pleased that to the extent that we can, this property is going back into the hands of the rightful owners who can tell the truth and the true story about the history of African Americans in

Loudoun County and the history of African American education or struggles with education in Loudoun County.

[00:23:12] So thank you very much, staff, for putting this together, and we really appreciate it, and I'm very much looking forward to visiting Union Street. school. Thank you. Very good. Supervisor Kirshner. Thank you. I'm not going to say too much because my voice is kind of shot tonight, but thank you for those who spoke, especially you, young man.

[00:23:30] That's quite an endeavor. Appreciate you coming up and saying that. One of my favorite sayings is, and I'm glad to be hearing that it's being used as a museum, but one of my favorite sayings is, if we forget history, we're bound to repeat it. So I'm really excited to see the museum come in. So thank you very much for doing that. I'm very happy to support this. Very good. All in favor please say aye aye aye aye any opposed say nay and that will pass 7-0-2 with chair randall and supervisor letourneau off the dais all right um thank you all uh mr roberts especially

[00:24:09] and mr roberts pastor michelle mr sims we're going to go on to the next item which is number to the adoption of the regional fair housing plan. And I believe Supervisor Brislin had requested a staff report on this.

[00:24:48] Thank you all for being here. Good evening, President and Chair Umstad and members of the board. I'm John Hall with the Department of Housing and Community Development. I'm joined this evening with staff that I'll introduce to my immediate right.

[00:25:04] We have our Community Development Block Grant Program Manager, Johnette Powell. our new fair housing coordinator melinda niebel followed by our new housing initiatives project manager christine hillock and our assistant director brian reagan this evening we will present to you the regional adoption of the the regional housing plan for the area which will be presented by miss hillock thank you john and good evening board members tonight we bring for consideration an item regarding approval of the regional fair housing plan

[00:25:42] An information item on this plan was presented to the Finance Committee on March 14, 2023. To start with an overview, Loudoun County is one of eight participating jurisdictions in the Washington, D.C. region working to develop a regional fair housing plan.

[00:25:59] The regional process has been coordinated by the Metropolitan Washington Council of Governments, who has contracted with various consultants to complete the plan. The plan has been referred to by other names throughout the process, including the regional analysis of impediments to fair housing choice.

[00:26:17] As a requirement to receive HUD funding, such as the Community Development Block Grant and Home Investment Partnerships, DHCD is required to conduct a fair housing analysis and plan. Prior to this regional approach, jurisdictions, including Loudoun, completed their own standalone fair housing plans.

[00:26:34] This is the first time since 1997 that a regional fair housing plan has been created. In February of 2023, HUD also published a notice of proposed rulemaking to affirmatively further fair housing. The rule will be finalized in coming months, and the regional fair housing plan will aid Loudon in meeting the AFFH mandate. A final draft regional fair housing plan was published for public comment on January 31st,

2023, for a 60-day period. Loudoun did hold a public hearing during that time on March 8 to receive public comment and this plan will cover the period of

[00:27:12] 2022 to 2026. The plan is broken into an executive summary and jurisdictional sections. County specific sections include an assessment of past goals that's included on page 9 to 15 of the Loudoun plan. It also includes a fair housing analysis, fair housing resources, and a section on fair housing goals. There are seven regional goals and three Loudoun specific goals which we will discuss in more detail in a few minutes. Community engagement for the plan was extensive and occurred both regionally and locally. A summary of regional community engagement is included on

[00:27:51] pages one through eight of the executive summary document, and a summary of local Loudoun outreach was included as attachment one in the finance committee item in March. Just to share some highlights on community engagement. That process began back in the spring of 2021 with a series of familiarization presentations to Loudoun County boards and nonprofits. That was followed by three sessions that were held in coordination with COG by the Arlington-based nonprofit called Challenging Racism. Those sessions were both education and discussion on topics

[00:28:30] related to fair housing. There was also an online survey, a regional online survey that was in both English and Spanish. Over 400 Loudoun County residents completed that survey. In October of 2021, Loudoun also held two local meetings, both a focus group by invitation and a public meeting that was open to the public that was a virtual session to gather input on the plan. Then in between the period of January and March of 2022, COG and its consultants conducted over 50

[00:29:07] interviews with stakeholders and decision makers, including Chair Randall and several department directors in Loudoun County. And then in March of 2022, COG also held a series of topical meetings with specific communities, including the Spanish-speaking community, immigrant community, LGBTQ plus community, the older adult community, and persons with disabilities. The next two slides provide an overview of regional public input although it's the themes that you see here are not inconsistent with some of the themes that we also heard on the local level some of those themes include the following safe affordable housing is

[00:29:46] difficult to find due to the lack of income poor condition or a bill inability to save for a security deposit or down payment top reasons reported for discrimination were income level race or ethnicity or source of income there is a need for more spanish-speaking housing counselors as well as local government staff to consent to continue with some of the community input themes these included that there's not enough program information available in languages such as amara arabic chinese and other languages there's a need for more housing for seniors who have a disability and landlords are sometimes are often not abiding

[00:30:24] by reasonable accommodation regulations the next two slides can contain a summary of the of the fair housing analysis that was conducted by COGS consultants using HUD and census data. This information is loud and specific. Some of these themes or some of this analysis includes the following. Of non-U.S. born residents, India is the most common country of origin followed by El Salvador. Spanish is the most prevalently spoken language for people with limited English proficiency. Asian or Pacific Islander and Hispanic populations have grown significantly

[00:31:02] since 1990. The areas with the highest percentages of renters are near Leesburg and Sterling. Loudoun residents have relatively high access to proficient schools, though this varies dramatically by

race and ethnicity. Access to low-poverty neighborhoods is very high for all racial and ethnic groups in Loudoun County. Loudoun County scores the highest in the region on access to environmentally healthy neighborhoods, and Loudoun County has the highest proportion of owner-occupied households by race. Every group in Loudoun has a home ownership rate of over 50%.

[00:31:40] So as I mentioned before there are seven regional goals which are outlined on pages 144 to 150 of the Loudoun plan as well as included in the executive summary. There are three Loudoun specific goals which are listed here on this slide as well on pages 150 to 151 of the draft plan.

[00:32:00] There's some additional details on those pages. The three Loudoun specific goals are as follows: the first is to increase the supply of housing that is affordable to low and moderate income families the second is to reform zoning and land use policies to expand access to fair housing choice by increasing the development geographic distribution and supply of affordable housing and i will note that the first of those two goals are also regional goals and are very well aligned with what we are trying to accomplish in the unmet housing strategic plan and then the third loud and specific goal is to expand and increase support for fair housing outreach education and enforcement

[00:32:39] and we are happy to report that we have made progress already in that area as you all know in fiscal year of 2023 the board approved a fair housing coordinator position that position was hired filled in march by miss nebel and we're very excited that she will now be overseeing implementation of this plan and loudon's fair housing goals so our next steps are as follows Tonight, staff seeks the Board of Supervisors' adoption of the regional plan.

[00:33:09] The remaining seven jurisdictions also will go through the process of approving the plan by July of this year. And after all of the jurisdictions have approved the plan, then COG will submit the regional plan to HUD. And that is expected to happen this fall.

[00:33:24] And with that, we are happy to take any questions you might have. Thank you very much, board members. Any questions? Supervisor Briskman and then Supervisor Buffington. Thanks, I have a couple questions. On goal number two, is this being addressed in the current zoning ordinance, or will it have to be something that we kind of go back and take a look at? And then, along with zoning, can we include the Office of Equity as a referral on housing applications as they come through the process?

[00:33:59] Okay, Supervisor Brissomar, I'll start. Your first question is if our zoning ordinance rewrite is taken into account, goal two, which yes, in part it is, but we also want to increase the areas of the county where we are funding projects.

[00:34:21] So our department will also be looking at ways when we evaluate proposals, we will have bonus points or different incentives for developers to hopefully develop in more areas than where we currently are seeing, such as Sterling and Leesburg.

[00:34:37] Okay, okay. Now this 20% number on affordable, I've had some debate with my friends in the development community who say that the 20% goal is not 20% of new build. It's 20% of overall housing in the county. But in this item, it seems to me that it reads 20% of new build should be affordable. Is that correct? That that's our goal?

[00:35:03] I'm going to defer to Mr. Regan on that one. The 20% is not strictly constrained to new. So that is both new units and access to units. Okay. Okay. So I get the sense that the Biden administration order

and this HUD initiative is trying to put teeth into the original Fair Housing Act, which didn't have teeth despite the best efforts of the senior Senator Romney.

[00:35:37] um so is that the case first of all and secondly what are the teeth because it doesn't look like we can write an ordinance so so what are the teeth if we find someone in violation of fair housing is that at the federal level now or is it going to be at the local level the question about a local ordinance wasn't really answered in the item i don't think we can write a local ordinance to to hold people accountable i guess so in the virginia fair housing law as well as in the fair Housing Act, it does give local jurisdictions the authority to write an ordinance. So if

[00:36:13] that was something that Loudoun County wanted to pursue, that we do have the authority to do that. Okay, we most definitely will. I'm happy to hear that. In terms of enforcement, the analysis of impediments or the Fair Housing Regional Report is primarily aimed at creating or addressing structural issues and enforcement of structural past discriminations and ensuring fair housing choice for all people in communities so it's less about individual enforcement and more about community-wide access. Right now enforcement has to go through the Virginia Fair Housing Office for any complaints and we're working closely with

[00:36:51] them to ensure that all complaints are addressed and that people know their rights by increasing education and outreach. Thank you very much. Supervisor Buffington. Thank you and thank you all for the presentation and all your work on this. This is a large packet item, so I probably missed it, but I've been trying to figure it out. I know our goal is 16,000 affordable units by 2040, right? Yes. Okay, and I see that there are seven other jurisdictions in this regional study.

[00:37:21] Do we have their goals by 2040 also, their number? We are working with Council of Government to consolidate the numbers, their initial response to us today when we followed up from a month or so ago is they referred us to the Urban Institute's report with HAN, which is Housing Affordable Nonprofit Developers, their tool that came out at the end of May, which I think we reported on in TELUC, but we're trying to ensure that those numbers align. But what Carr told us today was

[00:37:59] that that report and that tool complements COG's efforts. So for now, what I have is the Urban Institute's report that was just released in April of 2023, and it looks like their projections go, their focus on 2020 through 2030 by increasing, having a 75 percent, 75,000 unit increase above everybody's goals. So I have that data and I can share this report with you. That's all we have at

[00:38:31] this juncture. Yeah. So I just want to be clear what I'm trying to figure out because doing the affordable housing, which I very much support, costs money. It's subsidized housing. Somebody's paying for that. So I want to make sure that we're doing our fair share, but I also want to make sure that surrounding jurisdictions are doing their fair share. And I just want to understand what is the fair share and has anyone looked at it and who's saying what the fair shares are so if you could please at some point when you have the information send out an email to me and I guess

[00:39:08] you see my colleagues on the board so we're all on the same page with the answer to that question again I strongly support the affordable housing it was one of the things I ran on during the last campaign I just want to make sure that we're doing our fair share and not less than that and not more than that thank you okay thank you thank you very much um thank you all uh for for a very good job we're going to now see if we have any speakers i do not have anybody signed up in advance is there

[00:39:41] anyone in the audience who would like to speak to this issue is there anyone online or on the phone who would like to speak to this issue? No speakers online. Thank you so much. All right, I'm going to close the public hearing.

[00:39:59] Supervisor Brisman, do you have a motion? I do. I move the Board of Supervisors suspend the rules. I'll second that. All right. All in favor of suspending the rules, please say aye.

[00:40:15] Aye. Any opposed, say nay. All right, that will pass 702 with Chair Randall and Supervisor Letourneau off the dais. Do you have another motion, Supervisor Briskman? Yes, I move the Board of Supervisors approve the regional fair housing plan provided as attachment one to the June 14, 2023, Board of Supervisors public hearing staff report.

[00:40:42] Is there a second? Do you like a second? I will second. Okay. All right. Supervisor Briskman, any remarks? Thank you. So I sit on the Metro Washington Council of Governments um board of directors and so we've been talking about uh housing and transportation regional issues for quite some time now and um supervisor buffington i i checked because i kind of had the same concerns as you and i'll have to go back and check again but i was not super concerned when i kind of compared the numbers i do think that they are uh equitably trying to distribute the the asks

[00:41:22] for affordable housing across the region but i would be interested as well um to see to see what you come up with on that i i believe that i believe that the ask is fair for loudon county when i looked at the numbers um i'm really proud that we're doing this um i believe i didn't quite understand like get the real answer but let me ask one more time what happens if we let me ask it this way what happens if we don't adopt this will there be some repercussions from hud if we don't adopt this and then send it to COG?

[00:41:57] So the immediate result would be we would fall out of our agreement with the Council of Governments to participate in an effort we've been working on for the last couple of years. But that being so, instead of being eight, it would be seven jurisdictions.

[00:42:13] Then we would ultimately be responsible for conducting our own analysis of impediments with that window basically of having the opportunity to produce it being gone. So then we would be out of compliance with HUD until we were able to complete it, which is always a risk of receiving additional funding.

[00:42:34] Gotcha. So that answers my question a little bit better. So there are repercussions to not working on analysis and providing affordable housing in your jurisdiction, and those repercussions weren't necessarily in place before. but now they will be despite the fact that we started this conversation in our nation back in 1968 right we started this conversation when I was actually a baby dating myself a little bit but so I'm really glad that we are doing this finally and I'm glad the Biden administration sent down that ruling in that order so that we could start doing work like this and I very much look forward

[00:43:13] to um i look forward to the the overall cog plan did you have one other thing yes if i could just make one comment um to what you said so we've always had an accountability mechanism featured in or at least you know the u.s department of housing urban development so we have always had to present an analysis of impediment at least every five years when we do a new consolidated plan but this is the last few years has been the first concerted effort for regions to come together

[00:43:47] based on a lot of the similarities and challenges that we face for example we all have the same metropolitan statistical data for housing so it would make sense if we so choose it's a it's a voluntary act

activity to come together and streamline our resources to to get the biggest being of our buck.

[00:44:09] But that accountability mechanism has been there. Okay. Okay, great. Thank you for clarifying that. Supervisor Turner. Thank you. Supervisor Umstadt. The two names for this are the analysis of impediments to fair housing and the fair housing plan.

[00:44:29] One is an analysis, and one connotes action as a result of the analysis. And I can't find a specific action plan anywhere in here that says step one, step two, step three, this is what we're going to do. Now, I didn't read the whole thing, and I skimmed the executive summary.

[00:44:45] Am I missing something here, or is our unmet housing needs strategic plan our action portion of this plan? No, our action part of this fair housing plan are going to be the three goals that we still have up on the screen here, And that's to increase the supply of housing that is affordable to low and moderate income families, which aligns with the unmet housing needs strategic plan.

[00:45:09] So there are 133 key action items that we will be working. That's how that will feed into it. And then with reforming zoning and land use policies to expand access to fair housing. So we want to create more rooftops across the county, but we want to also give residents more options to live in various parts of the county.

[00:45:28] And that can be effectuated through the zoning ordinance rewrite, but also with providing incentives and resources as we give funding out to developers to incentivize them to develop in other parts. So that's how we envision, as well as the third one is outreach, more outreach and education to help reduce the incidences of discriminatory practices and reasonable accommodations as it comes to fair housing, things of that nature.

[00:45:54] Thank you. As I read this item, and then I got a briefing for the TLUC pre-agenda meeting the other day, we'll discuss in TLUC the sidewalks and trails program and the new equity lens that we're applying to that program. The terms woke and equity are thrown around, weaponized in the political environment, and they're largely pejorative and really insulting the way they're usually used these days, and that's unfortunate.

[00:46:19] This right here is what woke and equity means. What it means is it's an acknowledgment that for three centuries, we have built processes, programs, and systems with an sometimes intentional but largely often unintentional bias in those programs that disenfranchise certain Americans of certain demographic groups.

[00:46:41] And what woke and equity means, it doesn't mean a handout. It doesn't mean you identify these groups and give them things simply because they're in that demographic group. It recognizes that there may be a bias. It establishes objective metrics to measure whether there's a bias or not.

[00:46:57] Then you conduct the analysis, and if you determine that, in fact, there is a bias, you come up with a plan to counteract the bias. That's the positive working definition of woke and equity, and this plan is a living representation of exactly that, an awareness that there could be a bias. Let's find out. Let's objectively measure it. If there is, let's fix it. Thank you. Thank you. Supervisor Brissman, you have a closing?

[00:47:21] Thank you, Madam Chair. I mean, I will associate myself with much of what Supervisor Turner said, and our new fair housing officer said that this is structural, and we are analyzing the structure and

trying to figure out how to make it better for folks to actually have a roof over their head.

[00:47:45] If people don't have a roof over their head, nothing else really matters. You don't make it to school often. You may not make it to work. You're dependent on other people. You lose your independence. You lose your self-worth, all of the above.

[00:48:03] And it has been happening for decades and decades. And the number of, the percentage of folks that own, I looked at a statistic recently that a really high percentage of folks in Loudoun County own their homes, which is great.

[00:48:21] But our community was also designed that way, because if you can't afford to own the home, then you don't deserve to live here, is the message. And so I'm really glad that we're working toward these goals. I view it as kind of a combination of the Unmet Housing Needs Strategic Plan and kind of goals that we're developing through COG and this effort.

[00:48:44] And I think you guys are doing a really, really great job, and I'm really excited that we have staffed up the office so that we could do the work. The work is important, and indeed the statistics and the numbers and the analysis support the work and are undeniable.

[00:49:02] they're really undeniable if you read this item and the reasons why people feel as if they can't get housing. The disparities and the prejudice that has been at play comes out in the survey results that we have in this item. So once again, I'm really proud of what our county is doing here and all the work that you've been doing. And I appreciate my colleagues supporting this motion.

[00:49:31] Thank you. Thank you. All in favor of the motion, please say aye. Aye. Karan? Aye. Sorry about that.

[00:49:47] Okay. Thank you. Any opposed, say nay. This will pass 7-0-2 with Chair Randall and Supervisor Letourneau off the dais. Thank you very much, the whole team. Thank you.

[00:50:02] All right. We're moving. Item number six is in the Broad Run District. And when we get to that point, I will be asking Supervisor Glass for a motion. But in the meantime, members of the public wishing to address the board regarding this item who have not yet already done so, please call the number scrolling across your screen.

[00:50:29] And we have a staff report. This is ZRTD-2022-0004 in Terra Sky, Transdullles, currently in the Broad Run District.

[00:50:45] It will move over into the Sterling District. So, staff, anything new? Thank you. Sorry, I'm standing in for Lori Radcliffe-Meyer. She was unavailable this evening. Since the packet has gone out, the applicant has submitted revised proffers in response through some conversations they had with a district supervisor as part of their presentation.

[00:51:09] They'll make note of those changes. Other than that, we're happy to waive the presentation, defer to the applicant, and they can answer any questions. All right. Any questions from board members? Supervisor Glass, any questions? Yes, I just had one question.

[00:51:27] Could staff give a summary of what the updates are for the proffers? Sure, and I'll have the applicant affirm them. There were two changes, one's to add additional design guidelines for potential data center use and also a prohibition on overhead power lines for any lines that would serve as data center use on the property.

[00:51:49] Thank you. Supervisor Sains, do you have any questions? Thank you, Supervisor. Just to clarify, because I'm looking at the packet, I don't see the updated language, or is it not updated in the packet yet?

[00:52:08] It is not updated in the packet yet. We have received the revised proffers. The county attorney's office has made some small recommendations that the applicant has addressed. So if you do move this to a business meeting, we'll be prepared to have the board vote then. Okay, and can you confirm that they did not make any proper statement regarding height for their potential development, any height restrictions?

[00:52:35] Beyond the ordinance requirement, no, sir. Okay, all right, thank you. Supervisor Turner, questions? Maybe for the applicant, I'm really fascinated. This is news to me, a proffer prohibiting overhead power lines.

[00:52:52] Can you expound on that? Because that's a pretty significant proffer, unless they're tapping into a nearby substation that already exists. Let me reread the proffer. They agreed that all new utility distribution lines located on the property shall be placed underground. Oh, on the property.

[00:53:07] Yeah, on the property. On the property. Correct. I apologize. Okay, so we could have transmission lines traveling to the boundaries of the parcel, and then it dives underground on the distribution lines. Correct. I know there are the lines that are on the WNUD trail, which this abuts, so it may not require separate service, but, again, I'll let the applicant respond.

[00:53:27] Okay, thank you. Supervisor Brixman, did you? That was one of my questions on the power lines. My second question is, what is the zoning height restriction according to our code? So PDIP is almost 100 feet with a step-back requirement adjacent to residential.

[00:53:46] Okay, and are they meeting the step-back requirement, or is there a ZMOD for that? There's not a ZMOD. They will meet the requirements of the ordinance. Okay, okay, thank you. All right, the applicant, Colleen, as you know, because you've done this so many times, it's 10 minutes for presentation.

[00:54:04] I'm hoping to use much less than that, wait for my presentation to get pulled up. I was hoping that Supervisor Glass was going to be someplace where I could get a good view of the city, you know, the countryside in Ghana and where she is.

[00:54:22] But for the record, my name is Colleen Gillis. I'm an attorney with Cooley, and I'm here tonight on behalf of my client, Opiden, who is the purchaser, the recent purchaser of this parcel. Next slide. The parcel is about 8.8 acres, and this is a good aerial view of that.

[00:54:42] Next slide. the site itself is within the planned place type for suburban employment so next slide the the ask here is to bring it out of the 1972 zoning ordinance and bring it into the most current pdip zoning ordinance consistent with the zrted process and that is not inconsistent with the underlying place type of suburban employment next slide the existing conditions on the site we We figured we'd give you a little bit of this view, a couple of different views of it.

[00:55:13] In the top picture, you can see quite clearly that for lease sign. There are tenants in the building, but it's been very difficult to tenant anywhere close to the entirety of the building, which is part of the reason why we're coming in for the ZRTD. The previous owner of this property tried for quite a long time to get additional tenants into the building and does not have tenants.

[00:55:35] to be very clear, any redevelopment of this parcel will not happen until those leases have run their course, which range anywhere from about a year and a half to three and a half years from right now.

Supervisor Turner, you asked a question about overhead transmission power lines. I know it's not a great picture, but in the bottom right, you can actually see one of those overhead transmission lines behind the property running along the W and OD trail. And so, you know, Our proffer is to make sure that any onsite power lines are undergrounded, and hopefully that assuages some of your concerns.

[00:56:11] Next slide. As we work through this process, we've been grateful for staff support. I've worked with them to resolve any of the outstanding issues, but planning commissioners as well as supervisors have asked us questions along the way, which we've been happy to address. When we were at the planning commission, we were asked about the separation between residential lots on the other side the W&OD trail, the lots, not the homes. And we measured that. There'll be a minimum of 130 feet of separation between the lots and any future development because on this parcel, there is an

[00:56:46] already recorded existing 30-foot landscape easement for the benefit of the county. And so that will not go away. It's an additional requirement on the property to increase separation and landscaping. Next slide. And then as Marchand already identified, we've added a number of proffers, architectural requirements for data centers, change in building height, step backs, fenestration, building material, accent material, supervisor.

[00:57:11] SANE's asked us specifically to ensure that windows or faux windows with glass would be on all building facades. And so we've added that. And then as we've talked about now quite a bit, we will underground any onsite utilities. Next slide.

[00:57:28] Additionally, and we're gonna talk a little bit more about this in the next application, But one of Supervisor Sane's focuses, as we've talked with him, has been around the trail network in the vicinity of this property. You can see from the green line on this, that is a preferred shared use path on our property.

[00:57:50] As you know from a ZRTD, you're not necessarily asked to do that, but the client in this case, the applicant in this case, has been willing to do that. The red lines that you'll see, those are proffered with the next application that we're going to talk about. The light, thank you so much, Marsha, I appreciate it.

[00:58:07] The lighter purple is also a new off-site connection that we're proffering to do with the next application. And then that darker purple or blue line that wraps around the corner there of Sterling Boulevard and Davis Drive will complete that segment of Trail Network.

[00:58:24] And so we're really proud of this commitment. We're going, I think, a little bit above and beyond of what you would typically expect with the ZRTD, but we think it's the right thing to do for this neighborhood. And with that, I'm happy to answer any questions. Thank you very much. I'm going to go first to Supervisor Glass.

[00:58:40] Sylvia, any questions? Thank you, Madam Chair. I don't have any questions. I had spoken with Colleen and her team, and they've answered my questions. Thank you.

[00:58:55] Thank you. Vice Chair Sains, any questions? Yes thank you supervisor I'm dead. Ms Gillis for because obviously you have this application then as soon as we get done with this one we're going to do another one I wish we could have done both at the same time I think obviously that's not possible but is it the plan once these are you know if they're approved would you be knocking down the two office buildings and knocking down the two flex industrial buildings and combining the lots into one uh big lot? Yeah so um as I

[00:59:32] i mentioned earlier we've got a number of tenants in these buildings they're not fully tenanted but they are partially tenanted and we're going to wait for those leases to run out they are not we are not kicking anybody out um this is this is ultimately you know a possibility that we would knock these down um i think that that i would speak for my client that if there is some amazing tenant amazing user that wants to go in here that makes financial sense that we would be willing to entertain that but yeah the plan is would be to revitalize and redevelop these parcels okay and what are is data center one of those options yes and again i'll be direct and it's going to be

[01:00:12] direct in short because my time is limited is the plan to possibly knock the four structures down and make it into one lot and possibly do data centers on this lot yes and as you can clearly see in the picture there's residents um post close proximity to to this property why is it that the applicant even though yes we understand that you don't have to do height restrictions and then most of the bubble i shouldn't say most all the buildings in this corridor are single story buildings besides the office buildings that will possibly be knocked down why is the applicant

[01:00:49] refusing to do height restrictions so that the we're going to comply with the ordinance requirements as marchant said earlier the ordinance allows any development in this in this corridor or in this zoning district to be built to 60 feet in height, and that if we want to go taller, we've got to step those buildings back. One thing that I know I've mentioned in conversations with you already is that obviously with the length of time that the tenants have valid leases on these parcels, we don't see redeveloping these properties for another three and a half plus years, because

[01:01:28] that's how long it's going to take these users to get out. As you know, you're contemplating adopting a new ordinance and we would envision having to develop in accordance with that ordinance which i know will have additional parameters for that development on the site okay well i'll just point out you know yes you you don't have to do uh height restrictions you have up to 60 feet you just mentioned in your presentation you don't have to do the extra sidewalks but you're going to do it anyway so i just want to point out you could choose to do height restrictions but again you guys just choose not to do something but yeah there are certain things that we can obviously without a user in mind without a future tenant in mind it's very

[01:02:08] hard to figure out what that envelope would look like we felt like doing those trail connections were an effort for to to do something in good faith with the community and and we knew that we could we felt confident that we could do this and constrain the parcel like that thank you very much supervisor briskman thank you uh supervisor umstead um what what is this right here that is a bank it's a truest bank it's a truest bank and it's operating but they only have up to three years on their lease no no no that is not part of the application apologies for the this is not that

[01:02:43] is not part of the application at all it's these it's right that is the that parcel those two buildings are okay these this is the next one then uh that does yes that area is the next application Okay. So how close will the potential data centers be to the W&OD?

[01:03:03] So I don't know the setback required by the ordinance. I don't know that off the top of my head, but we're going to comply with whatever the ordinance would. Will you commit to not putting generators against the W&OD trail? I don't know that we've got a design yet. I'm not sure that that's possible because, but I'm kind of being flat footed here.

[01:03:26] Can we look at that and circle back? I've got to have a conversation. That would be great. I mean, have you been on the W&OD lately? Yeah. I mean, the data centers right up against the W&OD are really loud. The generators are really loud. Okay. Supervisor Briskman, the setback is 75 feet for buildings, 35 feet for parking.

[01:03:45] And they do have the easement that would run the 130. It's a 30-foot easement, 100-foot width of the right-of-way for the W&OD trail. So to that point, if I'm doing this correctly, Marshawn, 100 feet for the W&OD trail plus 75 feet building setback on our parcel, the closest a building could be to those residential lots would be 175 feet.

[01:04:07] And then 35 feet for the parking. Yep. Thank you. Okay. All right. Thank you. I still would love to see no generators against the W&OD trail. Okay. I will have a conversation with the client. Thank you. And do you know what the square footage could be here of data sets?

[01:04:25] center? Hold on. Our engineer is pulling that together right now. And your FAR? FAR in the PDIP district is a 0.6 by right, and we're not asking for a special exception to go above that.

[01:04:40] Okay. 230? 230,000 square feet. 230,000 square feet. So not one of these huge data centers that you would typically see along Loudoun County Parkway or Data Center Alley. They might be big to these people. All those houses might be big to them. Understood. Yeah. Thank you. All right.

[01:05:03] Colleen, thank you very much. Absolutely. So we have no members of the public who've signed up in advance. Do we have any folks in the room who want to speak to this? All right.

[01:05:19] Do we have anyone online who would like to speak to this? No speakers online. Thank you so much. All right. I'm going to go to Supervisor Glass. I believe you wanted to make a motion.

[01:05:36] Yes, I do. All right. I move that the Board of Supervisors forward ZRTD-2022-0004 Intera Sky Trans-Dallas to the June 20th, 2023 Board of Supervisors business meeting for action.

[01:05:54] Is there a second? Second by Supervisor Buffington. Supervisor Glass, would you like to give any initial comments? Yes, thank you. I want to thank the applicant for working with me to address concerns regarding the certainty that these parcels will develop as data centers.

[01:06:15] Through my discussions with the applicant, we were able to extend the 30-foot landscaping buffer between this parcel and the nearby houses, provided increased architectural guidelines to make the data centers look more like office buildings as possible, and the applicant will construct missing sidewalk links in the area.

[01:06:36] Although I do not like seeing popular flex industrial buildings likely to be torn down for more data centers and have concerns over the height that a data center at this location could be built to, I feel we negotiated the best application we could in the CRTD process.

[01:06:55] Thank you, Supervisor Glass. Anyone else care to speak to this? All right, seeing none, I'm going to call for the vote. So, Supervisor Brissman, you want to speak? I did, yeah.

[01:07:11] We're in the motion, right? Yes. Yes. Yes, I can't in good conscience vote yes on this, and I probably will not vote yes on it, although I appreciate your work. It just kind of makes me sick to my stomach to put data centers right there next to those homes and right next to the WNOD trail.

[01:07:37] So I won't be supporting this. Thank you. Thank you, Supervisor Buffington. Thank you, Madam Chair. I will be supporting it. I appreciate that you all, in my opinion, have gone above and beyond what you were required to do for this, being that it's in the Route 28 tax district.

[01:07:53] So thank you for working with Supervisor Glass and any other supervisors that you've worked with. I appreciate your efforts, and I will be supporting this. And before I go to Supervisor Glass for closing, I would just also like to echo Mr. Buffington's comments.

[01:08:10] I appreciate your client's willingness to invest in Loudoun County. And I very much appreciate the extra measures you have gone to to make this as aesthetically pleasing as possible.

[01:08:27] So thank you very much. Supervisor Glass, do you have any closing? No, I do not. All right. All in favor, please say aye. Aye. I will vote aye. Any opposed, say nay.

[01:08:45] All right. I am only hearing one nay. Supervisor Sainz, we have one, two, three, four, five ayes, two nays being Supervisor Briskman and Supervisor Sainz, And to absent from the dais, Chair Randall and Supervisor Letourneau.

[01:09:13] Thank you very, very much. All right, we now, I believe, move on to item number eight, ZRTD 2022-0005, Obadun Investment Company, Broad Run District.

[01:09:33] in 2011, moving into the Sterling District. I'm going to, again, when we get to that point, turn to Supervisor Glass for a motion. Members of the public wishing to address the board regarding this item and who have not already done so, please call the numbers scrolling across your screen.

[01:09:54] I will now turn the time over to staff for any updates and presentation. Dan, anything new on this? - Hi, good evening, Supervisor Umstead, members of the board no real updates other though this mirrors exactly the entire sky application there was a additional proper submitted on behalf of the board members and I can just give a quick update to those proffers sure so as shown in the last presentation there was a off-site shared use path added in

[01:10:28] those parcels between the opposite and parcels and the bank property there are data center architectural standards that mirror those in an entire sky all new utility distribution lines located on the property shall be underground just like in TerraSky and the only real difference here is there's a landscape easement to mirror the landscape easement in the entire sky application which is a 30-foot landscape easement on the property on the I'm sorry on the eastern side of the property on the WOND trail and that's really all the updates okay if supervisors have any questions I'd be happy to answer them

[01:11:06] great um questions i'll first go to um supervisors glass and saints supervisor glass any questions i have no questions thank you supervisor sains any questions oh yes thank you supervisor obstet does the so to make sure we're on the same page the design standards that are proffered again you know that were submitted um that are not showing any in that package right now will be updated before the next meeting is that correct that's correct yes okay and when was there any

[01:11:42] um proffer in regards to soundproofing for for these buildings they say to become if they were to become data centers no sir okay all right thank you all right supervisor briskman thank you supervisor um said um were there any z mods for um uh reduced setback or higher building heights associated with this application? Yes. No, ma'am. Okay. And is this also the suburban employment place type? Yes, ma'am. Do you know what was envisioned in the suburban employment place type

[01:12:18] when it was created? Yes. Give me one second. I can actually add that up. So the core uses are office, light production, research development, contractor without outdoor storage and flux space, as well as retail and service complementary uses. However, it does, as a conditional use, look at institutional uses, civic uses, public facilities, special activities, products and recreation, data centers, and warehousing. So there's a whole spectrum of things that could be

[01:12:54] put there if someone would want to invest in another type of development on this property or the previous property. There's a whole plethora of things they could do. Yes, ma'am. Okay, thank you. All right. Thank you, staff. And we're going to move back to Colleen for the applicant.

[01:13:16] Madam Chair? I'm sorry. Sylvia? Yes. I would like to waive the presentation since we've discussed a lot of it, unless one of my colleagues would like the presentation.

[01:13:31] All right. Does any member of the board want a presentation? Supervisor Bristman wants a presentation. I'll go fast. It's not the exact same presentation, but I'll go super fast.

[01:13:53] Ready to time me, and I'm going to go faster. Just everybody's going to act surprised when I show you some of the same slides, okay? Colleen, before you start, let me ask Supervisor Glass, because I know this is important to her. Sylvia, are you going to be with us for the next 15 minutes on this, or should we reconsider and waive the presentation?

[01:14:18] Are you at risk of not being able to hang in there until the end of this? Oh, I can hang in there. All right. Colleen, go ahead. I'll go fast. I'll go fast. I know the time difference. My name is Colleen Gillis. I'm an attorney with Cooley here on behalf of Opiden. Next slide.

[01:14:34] Supervisor Rissman, you asked a question last time. Density. This is a seven-acre site, and at a .6 FAR can be developed with 183,000 square feet. Next slide. It is, likewise, subject to the Suburban Employment Place site, which allows for heights up to eight stories or 96 feet within the place type.

[01:14:53] Next slide. This one is zoned also, PDIP under the 93 zoning ordinance. Next slide. And these are the existing conditions. If you haven't been out to the site, this is what the site looks like right now. Definitely not consistent with that idea of suburban employment, for sure, as it exists today.

[01:15:10] And, again, this one also has existing tenants and leases in these buildings. Next slide. We've added, I know that Rob mentioned this, the lighter green band, we've mirrored at the request of Supervisor Glass, we've mirrored and added a landscape easement along the W&OD trail, just like it already exists on the neighboring property.

[01:15:30] We've also added all of those architectural requirements I already discussed, windows, faux windows on all building facades per the request of Supervisor Sains and underground utilities. Next slide. The trail connection that is highlighted with the purple star, that trail connection I talked about in the last presentation is proffered with this application.

[01:15:52] So we talked about it last time, but yes, it's proffered with this application. And with that, I'm happy to answer any questions. That was fast. Thank you very much. Supervisor Glass, any questions for the applicant? No questions. Thank you. My questions weren't answered.

[01:16:08] thank you uh supervisor sayings any questions for the applicant yes supervisor i'm said thank you well the applicant be willing to proffer language for uh soundproofing if the if this turns into a data

center on these parcels um we would have to talk to sound engineers etc at this point we're not prepared to to add that proffer but can you um but you'll review it we will definitely

[01:16:37] investigate yep okay and that is it right thank you thank you uh supervisor briskman so um on this site you can do 96 feet tall but on the previous one no i didn't mention on the last presentation the comp plan the comp plan recommends buildings of up to eight stories and that equates to 96 feet I'm just explaining that the comp plan designation recommends calls for buildings that are taller than what we were talking about.

[01:17:15] Okay, but how tall are the buildings you're thinking about here? 60 feet is the by right height. If we want to go any taller than that, we have to step the building further back on all sides in order to increase the height past 60 feet. Okay. As with the last application, would the applicant proffer to not put any generators for these data centers against the W&OD?

[01:17:39] So, I just haven't had a chance to follow between last application and this one. But you'll ask. Well, we'll ask. For the record, I'd like to see that. Yeah, well, for the record, we will look. Just like the last one. Okay, okay. I think those were all my questions. Thank you. Thanks. Very good. Thank you, Colleen.

[01:17:57] All right. We have no members of the public signed up in advance. Is there anyone here who wants to speak to this? Don't see any. Anyone online or on the phone? We have no one online.

[01:18:12] Thank you very, very much. So we are now going to close this public hearing. And Supervisor Glass, would you like to make a motion? Yes, I would. I move that the Board of Supervisors for ZRTD-2022-0005 Open Dan Investment Company to the June 20th, 2023 Board of Supervisors Business Meeting for action.

[01:18:44] Second. Second. Motion by Supervisor Glass. Second by Supervisor Buffington. Supervisor Glass, any initial comments? I will let my comments from the previous ZRTD speak for this application. All right, thank you.

[01:19:02] Supervisor Sains, any comments? Only comment is, I hope, yes, the applicant will take seriously into consideration putting some soundproofing if these parcels go into data center along with the improved design standards.

[01:19:20] So I hope they take that seriously and add this in before it comes back in front of us. Thank you. Thank you. Supervisor Brisbane and then Supervisor Turner. Yes, Madam Chair, if I might ask a question of the applicant. in my time. What about the tenants in these buildings?

[01:19:38] Same. Am I haste to go through the presentation quickly? We are not kicking anybody out. We are not, we're letting all of those leases run their course. And similarly, they have lease terms of up to three and a half years here. Okay. Okay. And so if they have lease terms up to three and a half years, why bring the application now? Like if you don't think you're going to do this for three years, Why bring the application now?

[01:20:09] You know, it's just really just getting it ready for redevelopment, understanding what's happening, and, you know, the world can change. And so this is so- You mean like our zoning ordinance could change? Yeah, but we are proffered to be, in the proffers, we are proffering to develop in accordance with the zoning ordinance as amended from time to time.

[01:20:29] So we will be subject to that, but it's just, it's obviously, you guys don't like it, we don't like it to come in here and go, I need to be done. We need to be done. We have a tenant. So we're trying to be thoughtful in advance. Okay. Well, thank you so much for the presentation, and thanks for answering my questions. I do appreciate it. You know I appreciate you, but I'll be voting no. Thank you.

[01:20:52] Supervisor Turner. Thank you. I think Ms. Gillis just answered my question. If it's going to take three and a half years, and the world can change, as you point out, everybody can move out three months from now for some unforeseen circumstances and so my question was the staff but I think you just answered it so we have new data center design standards in the zoning ordinance rewrite and I think we're contemplating others in a zoo am after the zoning ordinance rewrite is approved and you are bound by those changes is that correct that's correct okay that's what

[01:21:28] I needed thank you thank you supervisor Buffington thank you madam chair I would just use my comments from the last item for this item. I just want that to be on the record. Thank you. Thank you very much. And I will say before turning over to Supervisor Glass for closing, again, thank you for your willingness to invest in our county, and thank you for being such a good citizen and for being here tonight. We deeply appreciate it. Supervisor Glass, any final

[01:22:02] comments um just uh thank you all for um working on this um this project with my office and um i ask for my colleagues to vote on this application thank you thank you all right um all in favor please say aye aye aye all opposed please say nay nay all right i have one two three four five I votes, two nay votes being supervisors, Briskman

[01:22:40] and Sains, and two of our folks off the dais, Chair Randall and Supervisor Letourneau. Thank you all very, very much. Thank you. Thanks. We have, I believe, one last item that was taken off consent because we have a speaker to it.

[01:23:00] That is item number nine, CMPT CMPT-2022-0004, and SPEX-2022-0040, Infra Towers, Evergreen Mill.

[01:23:29] This application is in Catoctin, both previously and going forward. Do we have a staff presentation? Or if not, would you prefer to take questions? Staff has a presentation prepared, if you'd like.

[01:23:47] Otherwise, I'm happy to answer questions. Supervisor Kirshner, this is your district. Is it pretty quick? I can go quick. Okay. Thank you. You're welcome. Again, my name is Rob Donaldson with Loudoun County Planning and Zoning. So this is an approximately 3.4-acre site south of Leesburg in the AR1 Agricultural Rule 1 zoning district.

[01:24:06] It's in the Rule North place type, and as we just said, in the Catoctin Election District. So the proposal for us is a commission permit and special exception for 130-foot-tall telecommunications monopole with a 6-foot lightning rod on top inside a 2,500-square-foot of 50-by-50 fenced equipment compound.

[01:24:25] Just a note, this 130-foot height is was negotiated at the planning commission originally the applicant came in at 150 and this was changed at the work session and again this this site is subject to a 20-foot wide type c landscape buffer most of it you can see in the green is made up from existing vegetation on site that's being put in the tree conservation area the blue is going to be a planted type c buffer and what was also negotiated at the planning commission is that instead of doing the normal kind of floral plantings they're going to utilize trees that are actually found on site

[01:25:02] so it'll kind of look contiguous of the forest on site. This tower will co-locate up to four wireless carriers and the facility will be made of quartz and steel which will weather to an orange brown color and the antennas cables and such are painted to match. The Loudoun County General Plan aims wireless connectivity as a high priority in the rural policy area. If existing tall structures are now available which they weren't in this case the county recommends that new monopoles be located in or near existing mature vegetation which it is in this case and again the site is

[01:25:38] located internal to a site surrounded by three sides of forested area. There were conditions again to address the height the color and the screening mitigation for the surrounding single family homes. I will mention that the closest homes to the site are the furthest one away is within 500 feet and the closest is within 300 feet just so the board knows with that said the Planning Commission recommended approval staff also recommends approval as conditioned the applications are consistent with the special exception criteria in the Loudoun County revised 1993 zoning ordinance and with that I'm happy to answer any questions wonderful thank you so much

[01:26:14] supervisor Kirshner any questions I don't have any questions for staff thank you all right supervisor glass any questions no questions thank you thank you. Supervisor Sainz, any questions? No, ma'am. All right. Thank you. Thank you very much.

[01:26:39] Did Matt, did you all want to give any kind of presentation or just answer any questions that may arise? We're happy to answer any questions that the board may have, but we would be happy to leave our presentation for time. All right. Supervisor Kirshner? I just have a couple. Can you talk to us a little bit about the reception and the need in that particular area? I didn't I looked through the item, and I didn't see any circles that I'm used to seeing in terms of reception.

[01:27:10] I know we've gotten some feedback from some of the public stating they have some issues and others that oppose because of the height. So the first question is reception. The second question is those comments that we got that were concerned about the height, were that prior to bringing it from 150 down to 130?

[01:27:29] And do we know if those have or have not been satisfied? so the the concern over height was um a community concern concern it was frankly one member of the community that came out and spoke staffed and never had a concern with height the concern really uh i guess a couple of the members of the planning commission if i'm kind of coming back to me and i apologize this is like my second my second public hearing in a row two nights in a row um there was a concern because we were asking for a height of 150 and under federal statute we are permitted to

[01:28:03] go 20 feet above that we never needed nor wanted to go above that 150 feet and so given that federal statute being in place we confirmed that the Loudoun County zoning ordinance kind of codifies this at the local level we dropped the request to 130 feet knowing that we are permitted to add that 20 feet to get back up to the 150 that we originally were seeking, but thus then limiting it.

[01:28:30] That would literally be the max that we could go to. To answer your second question, there is a service need here. There's some coverage maps that I could go through that really just speak to how lowering the height any lower than what we've lowered it to would really be a detriment to adding this cell tower in the first place.

[01:28:51] but there is a large need for an AT&T sales hour here. They are the primary leasee, lessee of this site, and obviously there will be available opportunities for co-location from other providers as well. So, yeah, that was my second follow-up question.

[01:29:09] Do we have any co-leasees at this point that you can speak of? Supervisor Kirshner, I'm Tierney Rao with Himford Towers. Me too. You too. We, at this time, have a signed lease with AT&T. We have structural capacity for three additional carriers.

[01:29:27] We don't have a signed lease with additional carriers at this point. Based on the Loudoun County maps where there are existing structure locations and our competitive market analysis, we believe that this will be a sought-after location for the other carriers as well. All right, so you do anticipate that.

[01:29:43] Have you had any interest yet, or is it just too early? We have not marketed it yet. and usually what happens is the carriers other than the one who's the anchor tenant like to see the steel in the air great thank you okay no problem if you want me to address coverage a little bit i can so so like matt said we do have um coverage maps available in our presentation if the you know if the supervisors would like to see them and visually get an understanding of the coverage objectives but what essentially was the catalyst for this tower was that all of the other structures that AT&T was co-located on in this area

[01:30:21] were overrun and so they were starting to get a degradation of coverage on all of their existing towers because there's just too much there's just too much need for the growth that's happened in the county and for the number of people that are trying to get coverage in the area and so there are specific things of course this is a first net site so it's going to be an emergency responder site. It is also looking to cover the high school. There are parts of the southern downtown part of Leesburg that also have some very diminishing coverage areas that they're concerned about.

[01:31:00] And then there is actually a map, and again, this is completely up to you if you want to see it, but it kind of shows impact areas if we lower the height, how that will be affected, and where we could lose some of that coverage. But essentially, that's the drive for the need in the area is the existing sites are overrun.

[01:31:21] And if I may, just to add some color to that, if you looked at AT&T's website, it would show that they have coverage in this area, and that is technically true. But what is at risk here is that as the number of users have increased over time, as Tierney mentioned, the quality of that signal degrades.

[01:31:43] And so as more and more users are trying to use the towers that already exist, then this becomes a donut hole. Where if you're in this area and there's already high use on these existing towers, you may be left without signal and be unable to make a phone call. And obviously, with the existing homes that are there for their emergency responses, with a lot of people not having landlines these days, and the proposed other existing uses there, it poses a safety concern.

[01:32:08] So that's what we're trying to address with this application. Thank you. I appreciate it. Thank you. All right. Supervisor Glass, any questions for the applicant? No questions. Thank you. Supervisor Sains, any questions? No, thank you.

[01:32:27] All right. Thank you, Matt. We are now going to, we have two speakers signed up. Courtney Andres and Doug Rapport. Ms. Andres, thank you for being here.

[01:32:50] Thank you for giving me an opportunity to speak. My name is Courtney Andres. On the map that you just saw there, my house is the one that's directly north of, yeah, you can pull it up, directly north of the site. It, you know, actually, yeah, where the arrow is, that's my house.

[01:33:08] So as you can see, the placement of the site is not good for me. I will look directly out my kitchen window and see it. There's no trees that are tall enough to block 130 feet. And I do appreciate that after the planning session, there was some additional work, you know, that they went back to shorten.

[01:33:26] But shortening from 150 or 170 to 130 or 150 is really not that much of a difference to me. I do understand some concerns that were raised at the Planning Commission about cell coverage. There was also actually contrary views from some of the Planning Commissioners at that time saying that, you know, they'd been there at the Virginia Sportsplex, which is right on the other side of that site, and they didn't have any bad coverage.

[01:33:55] I, you know, am curious about, you know, what other sites could be options. This is right in the middle of a wooded area. As you can see, homes around it, you know, there are other sites that I would think would be better for it.

[01:34:10] In addition, it's a gravel road behind me that is going to be used to access this site. And I'm sure the other speaker, he lives on that road, so I'm not sure, you know, that's just another bit of heavy machinery five or six times a month that's going to be traveling on that road very close to my home.

[01:34:29] So I wanted to come here and speak. It's important to me. I've lived in Loudoun County my whole life. was born and raised here. I'm raising my children here. I love where I live and I really don't want this in my backyard. So thank you for the time. Thank you very much. Mr. Rapport, welcome and thank you for being here. Thank you for having me. My name is Doug Rapport and as you can see on the site map, my home is directly to the west, to the left right there. That's my house. I don't think

[01:35:08] there's anybody that has a larger impact by this than I do. Not only do I share a border with them, but you can't quite see it on here. I also have an easement that my driveway goes at the end of 100 acres and goes down to the west right there. So I have a very big concern with what was going on. I have to say the applicant has been amazing to work with. They have answered every question incredibly timely they've been very flexible i could not have asked for anything better it is for the supervisors that have been around a long time diametrically opposite to what happened when

[01:35:47] the evergreen sportsplex was built these guys have been fantastic to deal with could not be happier it is surrounded by trees i've lived in this home i built the home and have lived there for almost 15 years, we have poor cell coverage and lousy at times. I have had AT&T, Verizon, and T-Mobile, and on a good day, I get one bar in my house. Thank goodness for Verizon Vios, so I have high speed internet access. But just so people understand, if I don't have a cell signal,

[01:36:20] even though I have Wi-Fi and voice on the Wi-Fi, if I don't have cell signal, I can't make a phone call. So having this tower here, and I certainly hope we get the other carriers because I don't have AT&T today. This is an absolutely wonderful idea. Contrary to what the other person just said, with the height of the trees, I don't think any, I can't see the height of the trees when I look out my house. So there's no way I'm going to be able to see the tower because I can't even see the top of the trees right now. So absolutely fully supporting this. I urge all of the supervisors to also support it.

[01:36:59] And Supervisor Kirshner, thank you so much for your office. I know I had called in. You got some questions answered for me, so I appreciate it. And please, everybody, support this. We need it. Thank you very much. Is there anybody else in the boardroom who would like to speak to this?

[01:37:16] Is there anyone online or on the phone who would like to speak to this? No one is on the line. All right, thank you very much. We are going to then close this public hearing and bring it back to Mr. Kirshner.

[01:37:36] Madam Chair, I would move to suspend the rules. All right, we have a motion to suspend the rules made by Mr. Kirshner, seconded by Mr. Buffington. All in favor of suspending the rules, please say aye.

[01:37:52] Aye. Any opposed, say nay. All right, that will be 702 with Chair Randall and Supervisor Letourneau off the dais.

[01:38:08] And Mr. Kirshner, would you like to make a motion? I will, and that's 2B, correct? I want to make sure I'm making the right one. Let me go to staff because the General Assembly has been making our lives difficult. 2B would be the appropriate motion. All right, yes, 2B.

[01:38:24] So I'll make the motion. I move the Board of Supervisors ratify the Planning Commission's approval of CMPT-2022-0004 Infratower Evergreen Mill subject to the planning to the commission permit Platt dated May 3rd, 2023, and approve special exception 2022-0040 Infratower's Evergreen Mill subject to the conditions of approval dated May 3rd, 2023, and based on the findings of approval provided as attachments 1, 2, and 3 to the June 14, 2023 Board of Supervisors Public Hearing staff report.

[01:39:04] Is there a second? Second by Mr. Buffington. Mr. Kirshner, any initial comments? I do. Thank you, Madam Chair, and I want to thank everybody who's involved. I want to thank both of the speakers who came out tonight and those who have contacted my office as well as the applicant and the staff for your hard work.

[01:39:22] I know these towers sometimes and pretty much I shouldn't say sometimes every time are somewhat controversial and in my thinking in my office we take a very try to take a very balanced approach to these as we remember we had an application come through in the west upon the mountains and so we really I'm very sensitive to the line of sight that these have for folks and yeah I'm also very sensitive to the need that we have in this modern world in the need of cell phones and especially the need as was mentioned this is going to be a first net receiver as well and how

[01:39:58] important that is for our first responders so there is a real balancing act between the quality of life what we see what we don't see how many people impact how many people doesn't impact the need for safety and the need for convenience and so both speakers who came out tonight our vote my vote on this specifically has has no it i don't want it to reflect in any way either of positions but we do try to balance this the best we can and i appreciate both your comments this is a public process this is you know it's gone through a number of different renditions including the planning commission as well as um you know some previous i think the applicant met with some

[01:40:35] of the community and so all your comments they were not ignored they were taken into consideration and um i just find that the overwhelming need for these sorts of things and we are is needed in this particular I've been there as well just from a first-hand experience and do have some issues as I go up and down Evergreen Mill so I appreciate it and thank you for to my colleagues for support of this.

Thank you Supervisor Buffington. Thank you Madam Chair. My only question because I got just got some information from my staff what will the color of this pole be? It'll be the

[01:41:13] The Corten rusted, like, natural color of steel, and the steel is actually pre-aged before it's installed, so it will be, when it's installed, it will be that color, that kind of rust brown color that blends into the background. All the way up, all 130 feet?

[01:41:32] Does that really blend into the sky? I mean, the other ones that I'm familiar with have been gray above 100 feet, so they blend into the sky better. Supervisor Buffington, it is, fully oxidized. It's an oxidase finish, so it's kind of like a rust patina finish on it.

[01:41:51] And it's something that we presented to the county because it's something that has been used in the past in the county and something that is used in terms of a visual mitigation piece. So that's why we propose the Corten Steel because I think it's a preferred option in Loudoun County.

[01:42:15] Okay. Go ahead. And I'll also say we did do a balloon visual test from several other locations. Kind of looking at this, there was only one location where it was barely visible above the tree line. So we were primarily focused with that quartet and steel on making sure that the people that were closer in had that blending visual effect because the amount of people that will be able to see this from far away where the sky would be more of a concern is extremely limited.

[01:42:41] Okay, that makes a little more sense. Staff, if we approve as is, are they required to keep it that color, or could they change it if they want it to a different color? No, they're conditioned to that color. Okay. All right. Thank you.

[01:42:59] Supervisor Glass, any questions? No questions. Thank you. Supervisor Sainz, any questions? Not for me. Okay. Thank you.

[01:43:16] Supervisor Kirshner, do you have a closing? No, Madam Chair. All right. All in favor, please say aye. Aye. Any opposed, say nay. I'm going to count that as seven eyes, zero nays, and two off the dais, Chair Randall and Supervisor Letourneau.

[01:43:43] Ms. Rao, is it? Thank you for being here. And Matt, thanks. Thank you. Thank you. All right. With no other business, I call the public hearing adjourned. There is food in the Lovettsville room if anyone needs it.



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