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Loudoun County Board of Supervisors, Transportation and Land Use Committee, Wednesday, June 21, 2023

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[00:01:15] Hi, Jim. This is Chad. Can you hear me?

[00:01:32] Hello. Hey, Jim. Hello, Jim. Can you hear me?

[00:01:49] Yep, I can hear you. Can you hear us okay? Can you turn your video on just for a sec, just to test? All right. Thanks. Hello. Can you hear me?

[00:02:05] Yep, I can hear you, Jim. Can you hear us?

[00:02:16] Okay. Signing off.

[00:04:32] Thanks, Jacqueline.

[00:06:46] Good evening, everybody.

[00:08:56] Welcome to the June Transportation and Land Use Committee meeting falling on the summer solstice, the longest evening of the year, greatest amount of daylight of the year, but we will not reflect that in the length of this TLUC meeting tonight.

[00:09:13] So we hope to get out of here in a fairly reasonable time. As always, I like to start off with a completely useless piece of information. So I actually have two tonight. And since I didn't do my

homework before the meeting, I will fall back on a flying story or two, which is always nice. So I skydived in my senior year at the Air Force Academy.

[00:09:32] Did you know that the human body, when it jumps out of an airplane, takes 10 seconds to fall 1,000 feet and 5 seconds to fall every 1,000 feet after that? That's how you time when to open your parachute. And the second piece of useless information is that the F-16, I believe, was the first airplane in history to be able to pull 9 Gs.

[00:09:51] That's nine times your body weight. So if you're pulling 9 Gs in the F-16, you cannot move anything. You cannot lift your arm. You can't move your head. You can't move anything. So you need to set the way you are before you pull your 9Gs and then pull 9Gs. And when they first designed the airplane, guys kept coming back.

[00:10:08] Actually, it was guys. Now it's men and women come back from a 9G mission, and there would be red spots all over the lower part of their forearm. And they couldn't figure out what was going on, and they finally figured out that under 9Gs, all the blood pools down into your extremities, and it pools so hard that it bursts the ends of the capillaries in your veins, and they come up as red spots all over your skin and they're called g measles and that is a pretty common thing now for airplanes that can pull nine g's so with that i will lead you all in the

[00:10:41] pledge of allegiance thank you my allegiance to the side 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 thank you all for being here tonight we have a full agenda but it's pretty interesting and I don't think it's going to take an excessive amount of time we will start off I'd like to call to order that June 21st 2023 transportation and land use committee meeting this room has a hearing loop if you need hearing assistance switch your hearing aids to telecoil mode if you need a headset we

[00:11:19] have those available as well as please see the clerk to request one we will start off we'll run the agenda in order tonight so let's start off with the Planning Commission 2022 annual report. Good evening, Mr. Glendale, Ms. Marsh. Ms. Marsh, Mr. Glendale, in that order. Good evening, TLAC. You have the floor. I'm Jackie Marsh with the Department of Planning and Zoning. I'm pleased to present the Planning Commission's 2022 annual report.

[00:11:54] We are bringing this to TLAC in accordance with the board's rules of procedure, and I don't have any updates to the item. Happy to answer any questions. Very good. Do we have any questions at all on the planning commission report chair randall you're new here do you have any questions i don't have any questions except to i have a comment the planning commission has been working really very hard for a very long time on the zone well on everything but on the zoning ordinance uh rewrite and on brabano those two those two things specifically and i know that it was a lot of meetings on both of those a lot of work sessions they made our job on brabana so much

[00:12:34] easier because they did so much work and so my only comment is to say thank you to them they don't get a lot of shine and they work really hard so to say thank you to them and thank you for to staff thanks mr. Kirshner thank you I didn't have any questions I read the whole item for the most part I think I read probably about 20 pages I'm gonna skip the last one but I was a little I was amazed at how many applications that come through and I kind of want to echo what Chair Randall is saying and just compliment this Planning Commission for all the work that they've done. And I know we're going to have to tackle what they sent to us in our next item we're

[00:13:13] going to talk about here. So I'm not really looking forward to that, but I am looking forward to it at the same time. But the one thing I did want to mention is I do think that when the next board is seated that we should probably consider giving them a little bit of a pay raise since given, I've seen how much amount of work that they do, so it might be worthwhile looking at that. Thanks. Thank you.

[00:13:36] Vice Chair. Only question is, how is my planning commissioner behaving? Is he treating you all well? He's one of the best behaved commissioners. Okay. That's what I was anticipating and expecting, so I really want to thank him, though, on a serious note for his service, for being my planning commissioner. He's also the mayor of Hillsborough, and even though that's a very small town he does a lot of heavy lifting not only for Hillsborough for but for other parts of the county and the county as a whole and I want to thank that all of the planning commissioners for all of the work that they've done and all of the extra work that they've done this throughout

[00:14:14] this whole term for them I know it's been a lot of extra meetings for the Zohar process and I really want to thank staff you guys have done a tremendous tremendous work working with the Planning Commission and with the public so thank you all and that's it thank you Mr. Rice chair and I'll pile on in a good way with all of this kudos here the this is our gargantuan task as we will see here in about a minute and a half when we go into the zoning ordinance rewrite but over the course of the last four years staff and the Planning Commissioners have just done a superlative

[00:14:53] job it's a really really difficult difficult job it's a thousand page document that hasn't been looked at in 20 years. And if ever there was a testament why we need to update these documents more frequently, this is the amount of work that the staff and the Planning Commission have had to do is a testament to just how much work that entailed. So thank you

[00:15:19] all very much. You've done fantastic. And we will move on to the next item. Thank you. Good evening, all. The floor is yours. Good evening, Chair Turner and members of TLUC. My name is Brian Wegener and I'm with the Department of Planning and Zoning. We do have a PowerPoint presentation

[00:15:56] that we'd like to give. Great. I need help with that. The purpose of this item is to update TLUC on the work of the Planning Commission and their progress on the zoning

[00:16:33] ordinance rewrite. And also to discuss a potential path forward for board review revision and adoption of the new draft zoning ordinance. The commission, they had two hearings on the new ordinance. The first was August of 2022. The second was January of 2023. They also had 25 work sessions. That includes two parking

[00:17:13] subcommittee meetings and six uses subcommittee meetings. The commission forwarded the zoning ordinance rewrite to the board with a recommendation of approval. They also recommended running additional scenarios that would help us understand the impacts of the new regulations and how they would impact development in the

[00:17:49] county. I don't know what that means. Can you explain the second? I think I know because I think I remember talking to Charles, I think it was you, when we talked about this but can you explain that second I can't yep so the Commission had us work with a consultant to impose the draft open space regulations on on existing approved development in the county just to ensure that our existing developments would be able to meet those open space standards

[00:18:27] and what the impacts those new standards would have on development and I can't remember how many scenarios there were but maybe there were four or five and initially the conclusion was that some of the regulations may be too stringent or confusing and having those scenarios helped us refine the language and clarify the regulations and I think we also changed some of the standards as well so

[00:19:03] going through that exercise again and looking at some of the other sections would probably be helpful. Thank you. Mr. Turner could I jump in and Brian I'm sorry to interrupt your presentation but the point is pretty impactful for moving forward through the board process so we learned during the review by the Planning Commission that as an example in the case of open space regulations that it was very helpful to show a scenario or a picture of what the regulations would look like on a particular piece of property.

[00:19:43] So we did about four or five of those in front of the commission and they were able to ask questions and see a picture. If in the absence of that, they'd have to be relying on the text or the percentages required for open space. So visually seeing that, that led to the end recommendation when the commission...

[00:20:05] made their recommendation of approval to the board on the 8th which was test driving the ordinance in terms of the usability with some scenarios with testing one section of regulations along with other sections that test driving will ensure the usability the the ability to administer and enforce the ordinance and so that was a key recommendation that was coming forward from them And so at this point in time, we are, we'll probably get to it a little bit later

[00:20:41] in the discussion, we are working with our consultants to do that very thing. So that will be available for the board review to take a look at. - Thank you.

[00:20:58] - The commission also recommended that the board consider eight additional potential CPAMs and or ZOAMs that are listed here on the screen, following adoption of the new zoning ordinance. There wasn't adequate policy guidance to incorporate these into the XOR, or the topic required a more concentrated effort that exceeded the scope of the XOR.

[00:21:28] So the commission recommends that these be addressed in the future. The one that I'll highlight for you now, just so it's clear, where it says Western Loudoun, The commission talked about a whole range of topics from limited breweries, limited distilleries, Virginia Farm wineries, livery stables, equine event facilities, indoor recreation, and hours of operation for outdoor lighting and music.

[00:22:05] Staff wants to highlight the top 10 major issues. These are topics that received public comment and generated discussion at the commission. The first is attainable housing. Stakeholders have expressed concerns that the attainable housing regulations need more flexibility.

[00:22:28] Concerns focused on the requirements for attainable housing units that they be compatible with market rate units, interspersed with market rate units, and linking the delivery of attainable units to market rate units.

[00:22:47] staff and the commission have worked with stakeholders to add more flexibility and opportunities for modifications to the regulations. The next topic is community scale solar facilities.

[00:23:06] The commission discussed the possibility of allowing solar facilities more broadly in the County. The ZOR defines what we call site-specific or accessory solar facilities, which is basically like solar

panels that serve your use, as well as utility-scale solar facilities, which are the large establishments. And we added standards for both of those types. The commission

[00:23:40] wanted the board to consider a future effort to identify policies and regulations to guide a middle tier scale which we called community scale the next topic is data center use specific standards as part of the ZOR staff engaged with the data center coalition during the development of strengthened regulations for data centers.

[00:24:15] The commission further strengthened the standards to mitigate impacts on residential uses that are adjacent to data centers. For example, the commission increased the building setback adjacent to residential uses from 100 feet to 200 feet, increased the triggering distance for requiring a 15-foot building step back from within 200 feet to within 400 feet of the adjacent residential property line, required an enhanced buffer with a berm,

[00:24:53] limited generator testing to weekdays between 8 a.m. and 5 p.m., limited the use of generators to back up emergency use only, and required noise modeling and lighting plans. The next topic is farm definition and rural economy uses.

[00:25:16] Throughout the Zora project, there has been public input and commission discussion on a variety of rural economy uses. Topics included adding a definition of farm, mitigating impacts associated with limited breweries, limited distilleries, and Virginia farm wineries, livery stables and equine event facilities, indoor recreation, and outdoor lighting and music hours.

[00:25:47] Staff recommends additional policy guidance and public engagement on these topics following adoption of the zoning ordinance. Energy storage facilities are currently allowed by special exception in industrial zoning districts.

[00:26:08] Staff recommends these facilities continue to be allowed by special exception in industrial districts only. The commission recommends allowing the use by right in industrial districts, adding the use as a minor special exception in the office park district, adding the use as a special exception in TR-10, JLMA-1, JLMA-2, and JLMA-3, and reducing setbacks from 100 feet to 50 feet from all non-residential lot lines.

[00:26:43] Staff continue to recommend that before expanding the use permissions, for energy storage facilities that the county work with a consultant to assist the fire marshal and building official with developing stringent fire and life safety standards if i could interrupt there mr wicker for just a second i want to clarify that for the members of the teluk committee so staff's recommendation was to leave energy storage in the industrial the three industrial

[00:27:17] classified parcels as specs and the board voted and I want to say it was five four to allow those three categories to be by right energy storage do I have that correct the commission made that vote yes I don't have the vote in front of me but okay that sounds right thank you okay the next use is flex building the county has worked closely with multiple stakeholders on this topic the ZOR

[00:27:52] updates the term flex industrial to flex building to reflect the changing nature of the uses that occupy these buildings. Fewer industrial uses and more uses such as recreation establishments, daycare centers, and religious assembly uses are occupying these buildings. Any use allowed in the underlying zoning district is allowed within a flex building. Up to 10 percent of the lot may be used for outdoor storage, subject to screening requirements.

[00:28:29] Flex buildings without outdoor storage are now also allowed in urban and suburban zoning districts, which is expanded from the current permission in just the industrial and office districts. And the minimum amount of required parking has been reduced.

[00:28:49] Flexibility in the zoning ordinance. The public has expressed concern that the ZOR is less flexible than the existing zoning ordinance. The ZOR takes a different approach to flexibility that is more consistent with the Code of Virginia.

[00:29:07] It is flexible and it has more opportunities for administrative review. The ZOR also includes a new PUD zoning district. An applicant can request a rezoning to the totally customizable PUD district that is consistent with the 2019 general plan without the need to request modifications to a base zoning district.

[00:29:31] The commission recommended that the 20-acre minimum district size for PUD districts be modifiable, which would allow for a more creative and customizable infill projects on properties smaller than 20 acres.

[00:29:52] Mountainside Overlay District, to address public comments and to implement the general plan, the rewrite strengthens MOD protections. For example, it increases the setback for springs from 100 feet to 300 feet, and there are new standards for non-residential development to mitigate environmental and safety impacts associated with tree cover clearing and land-disturbing activity in the MOD.

[00:30:24] Open space. To implement the general plan open space policies, a new approach in the draft ordinance prioritizes quality open space with three tiers. An applicant can provide less open space if that open space is higher quality, such as tree conservation areas, wildlife, habitat, and archaeological and historic resources.

[00:30:51] And lastly, sign development plans and digital plans. The draft ordinance moves the review of standalone SIDP applications to the BZA to reduce the review time for applicants to one meeting.

[00:31:07] SIDP applications that co-process with other legislative cases will continue to be reviewed by the commission and board. The ZOR adds regulations for digital signs, whereas today they are only allowed by approval of a SIDP.

[00:31:25] The commission discussed digital signs during multiple work sessions. The primary concern was ensuring that the size of digital signs in suburban areas did not detract from the suburban character. So in terms of next steps, staff is actively compiling the Commission's draft ordinance, incorporating motions from the June 5th and June 8th Commission Work Sessions.

[00:31:57] We plan to publish the Commission's draft ordinance on July 6th to coincide with the legal notice for the board public hearing. The latest version of the draft ordinance that is publicly available is the draft dated June 2nd, 2023, which the board can find attached to the June 5th, 2023 Commission work session item.

[00:32:21] The board public hearing dedicated to the ZOR is tentatively scheduled for July 26th. Throughout July, staff plans to brief each board member on the commission's draft ordinance and the district commissioner will be invited to attend those meetings.

[00:32:45] The commission chair and vice chair have been invited to provide a brief presentation to the board at the board public hearing. Staff is also continuing to engage with stakeholders and answer their questions. Staff is actively working with a consultant to develop two resources to assist the board's review of

the ZOR the first is a crosswalk between the draft ordinance and the current ordinance to help you find information because the

[00:33:22] the new ordinance is completely restructured so some of the sections have been moved around and the second is an analysis of the public comments received to date on this slide and the next slide staff offers one potential path forward for the board's consideration this tentative schedule shows committee of the whole work sessions on Mondays in September October

[00:33:59] and November. A couple of Thursdays are included due to some county holidays. Staff suggests grouping certain chapters together because they go hand in hand. And that concludes the presentation. We are happy to answer your questions. Thank you very much. I was really impressed with the way you laid out this item. And I think this is a really nice starting outline for us to move forward it really gives us some good good direction questions

[00:34:33] committee members thank you chair and thank you guys for and gals for coming forward and presenting this I have lots and lots of questions I'm probably won't get to them all but I'm sure I'll have them answered as we go throughout this process I just want to kind of go back to the Planning Commission's recommendations a couple quick questions there these are these recommendations actually are for future correct these have not necessarily been addressed in the zoning ordinance that will be coming to us. Is that correct? I just wanted to make sure I understood that. You're asking about the list of eight that we highlighted. Yeah it's

[00:35:10] like the floodplain overlay district, use restriction mountainside overlay, evergreens mills, land in lieu of affordable dwellings. Yes those would all be future projects. Okay fair enough. So moving to the next slide and these are some questions when I went through the presentation previously earlier today. I kind of envision potentially and I'm sure that the board will make some of these decisions but for example I look at the energy storage facility to me this is maybe one of the and we're always talking about diversifying our economy and our land use possibilities this to me is it could be the next data center wave of the future quite frankly

[00:35:47] simply because um it's it's very inexpensive in terms or in terms of the the burden on the county there there are potentially a lot of various areas that we could put these energy storage facility And I foresee that maybe we may at some point want to take some time and work on this and give this to the Planning Commission to flesh out significantly.

[00:36:11] We do address this in the current zoning ordinance to some degree, and I think you said that we talked about doing a special exception, but it was voted 5-4. I think the chair mentioned that. Can you address that? I can do it. So the approved motion was to allow these by right, and this is the recommendation from the Planning Commission.

[00:36:31] Okay, good. In IP, GI, and MRHI. Okay. And so our position, staff's position, was one of just practicality in terms of a process. We recognize very clearly that the use should be included in the ordinance.

[00:36:49] There should be a definition of it in the ordinance, and there is. There is a draft definition for your review. And the concern that we had was that there were some observations from fire and rescue and fire marshal's office that safety standards need to be met.

[00:37:10] And right now, what better way in terms of review than to require a special exception and a referral process to allow comments to be generated? The commission felt that time was of the essence to recognize, I think, the point that you're making, that this is an emerging use, there's a lot of interest in it, and we should figure out how to accommodate it.

[00:37:34] Their interest in recommending that these uses be allowed by Wright was subject to a caveat that we were going to provide to Mr. Turner's original question, which is that standards need to be in place.

[00:37:53] Commissioner Combs cited a number of life safety code references that have applicability. Our concern, again, was practical, that if you had somebody submit a site plan, which for use that's allowed by right, the ability for us to review and approve a site plan and ultimately issue a permit, in the absence of those standards, would put a huge question mark on the process.

[00:38:20] And so we were in a very collegial mode with the commission on the last evening when they made that recommendation that we would continue to look into how those standards could be codified, otherwise relied upon for the process, and we'd be telling you as it got to the board where we were with that.

[00:38:41] So it wasn't like make a line in the sand that it's got to be permitted by special exception or it's got to be permitted by right. Their recommendation is to make it permitted by right. Our obligation is to confirm those standards, how they could be applied, and explain that to you as we move forward.

[00:39:03] I'm out of time, but what chapter would that fall under? Those three and four because it would be a use permission in three and a use specific standard in four. And I'm sorry, that needed a little bit more explanation, and I hate to run out your time. Sorry, you have until 9-11. It's all good.

[00:39:22] Thank you, Chair Turner. I don't have any questions right now. I just wanted to thank staff and the Planning Commission for all the work that you've done with the chapters.

[00:39:38] I look forward to looking into this, because I know this is extremely important for us to update our zoning ordinance. And thank you again. Chair Randall. Thank you, Mr. Chairman. I think I might need more than one round of questioning.

[00:39:55] My first discussion was about the attainable housing. When you said that there were, you know, the concerns that were listed by the stakeholders groups, were there any concerns, because you listed a lot of the things, that people didn't want more attainable homes?

[00:40:12] Was that ever a concern that came up? And then the second part of that is you said that people wanted them to be dispersed through the community, as do I very much have said that many times. However, if the attainable home is built with LIHTC funding by Virginia Code, they have to all go in one building, which I sorely disagree with, but that's just how that goes.

[00:40:35] And I always want to level set the community when we start these things because they give suggestions that are reasonable and right, but sometimes we can't, we can do nothing with it because we're just not allowed. And so I guess what I'm saying is when those suggestions come up that we cannot impact, I would prefer people get told that at that time.

[00:41:00] I think that the specific use standards recommended for the data centers are not really reasonable. I wish I could say I thought they would, but generators from 8 to 5 and things like that, I don't

think those are reasonable standards. I think the youth standards have been put forward literally to sell, and to say that the part about not having other energy if the data center goes down, those are not reasonable standards.

[00:41:27] If we're going to have a data center market, which there's, you know, we have a bit of a love-hate relationship with the data center community, and I understand their concerns, but we don't need to have one if we're going to sabotage it with U standards. And so I have to kind of push back on that some. I do want to remind everybody that although a public hearing will be on July 26th, there will be many opportunities for people to address the board and the staff on these items. They can always email us.

[00:41:58] They come to any BOS meeting doing public comments and talk to us. They can call us. I don't want people to think it's just one time they can do that. I'm a little confused by the reduction setbacks of the energy storage facility when everything else was just the opposite. The setbacks were just the opposite.

[00:42:15] On the zoning ordinance schedule, 10-16, a whole meeting just for signs. I don't know that we're going to need a whole meeting just for signs. I hope we don't need a whole meeting just for signs, especially when some of the other days like 10 30 is really really full but we have one meeting just for signs and so we may i may want i may play with those dates of not not so much the dates but what we discussed on the on the dates i may play with those a little bit i think that it's a very good schedule but i don't know that this that that what we're discussing each day is so i may we may

[00:42:53] play with what we're discussing but i do like the schedule and i and i very much like that as it is right now we would get this thing out before um the end of the term my last question is what we voted for last night on the data center um what what do you call it what would we call it um conference plan amendment yeah will the how will that and do you think that will impact the schedule thank you mr chairman so i i do not think that the motion last night will um automatically affect the schedule. We have not discussed or made any changes to the schedule here. My concern

[00:43:31] that I raised last night was that as questions have come up and as issues have arisen, part of our way to address that while keeping things moving forward on task was to pull in help from other divisions throughout the department. So if we run into too many of those at the board, it could take away some of the capacity we had to address those. But as it stands right now, we're hopeful that we've worked through a lot of that already so there's I do not I do not think there's an automatic effect in the schedule at this point it was more a note of caution last night the the the the meeting about signs we would love to have only one part of the reason that we

[00:44:10] left that as as a meeting devoted to it is that the commission talked about signs no less than four times really partly because we would they would talk about it we would revise things we'd bring it back a month later and they would have forgotten some of the conversation and the numbers that they were talking about so we would be happy to have as little conversation about signs as possible the the other uh thing that the question at the beginning of your comments about attainable housing we've received thousands of comments over the course of this so i i don't want to say that there's never been comments that have come in that were negative to attainable housing as a concept but what we were highlighting were primarily concerns that we heard from the industry

[00:44:48] about flexibility that they wanted to see or or different triggers that they thought may or may not work or there was a better trigger out there so we have worked through a lot of those um we are aware that there there probably are still a few members the industry that would prefer to be able to modify even

more but we think we are a fairly reasonable place right now that it's an improvement over what we have currently okay i will have i would like another round mr mr chairman mr royce chair thank you mr chairman and thank you to staff i know it's a ton of work that you all have done to get to this point so thank you very much I know there's a ton of work to be done

[00:45:25] before we get where we want to be apparently we don't have enough time left on this particular board to do it all in your opinion am I right in saying that I think that's really at the will of the board and what issues you see when you look at the draft hopefully you love it and we could cut some of these meetings off. That'd be great for everybody. Am I right in saying that slide four and slide five are both lists of things that you recommend to be done in future CPAMs and zoams?

[00:45:58] Four is for future projects. Five, a couple of those are, but we have addressed a lot of five in the draft that you will be reviewing. Okay. Energy storage facilities, is that something that you have addressed or that you think needs to be addressed in the future? Both. We have addressed it somewhat. We think more work is needed. I agree with that. I think more work is needed. I also think more work is needed. I basically agree with what you've said more work is needed on because these are, to me, hot-button issues that we really need a lot more, in my opinion,

[00:46:35] focused public comment on and more focused thought on instead of trying to push some of these things through during this board's term which is honestly going to fly by I am going to be out of country just so everyone knows October 12th through 25th which was planned about a year ago so I cannot get out of that just wanted to throw that out there I saw some of the planned

[00:47:09] meetings in this are during that period that crosswalk program that you talked about that to help us find stuff in the old in the old plan and in the new draft plan is that something that you're going to be helping us with training our staff how to use that ahead of time before it's actually whenever it's ready but before it's needed so we're looking at a couple of different options one of them would be relatively standard paper it might be big but it would be simple to use we we have discussed trying to do something that's a little bit more automated as well and

[00:47:47] if we are if we do go that route then we can we'd be happy to provide some training to aids and any board members gotcha and i probably will need another round also mr chairman okay um just off the top of your head do you know flex buildings are allowed in the suburban mixed use place type yes they would be i think they are right are they now and they will be under the rewrite or are they not now but they will be under the rewrite their flex the suburban mixed use is the place type from

[00:48:19] the general plan but the zoning districts are IP and GI okay so that so that that then so flex is allowed in those zoning districts and right now those only just allowed under suburban mixed use place type wherever the IP and GI is if it is coterminous to a suburban mixed use it is allowed and we have no plans or direction to do anything different.

[00:48:50] Okay. I just want to recap really quickly on the vote last night on the data center map and where it fits in the overall scheme of things. So last night we approved up to \$90,000 for a consultant to begin the mapping process for data centers.

[00:49:06] I was leaning either side of the fence six or seven times last night and actually didn't make up my mind until the chair said all those in favor i finally made up my mind um because i really really really don't want to delay the zoning ordinance rewrite process but i also agreed with the argument that we really

do want to send a message that uncontrolled growth of data centers throughout Loudoun County is not where we want to go so I'm personally just saying this personally if the staff gets to the point where they're

[00:49:41] continually finding themselves having to say zoning ordinance rewrite or the data center map please come back to the table or the board or both and say we're getting into a bind here can we look at this again because I really want to I'm hoping you're right that it doesn't have that big of an impact so the process is right now there are some performance standards in the zoning ordinance rewrite for data centers the anticipation is that there will be a separate and now we have a separate initiative to do the data center map with consultants and then the anticipation is

[00:50:17] that there will be a plan and an aligned zoning ordinance amendment regarding data center performance standards and uses correct generally yes okay um and then I have to echo the chair's sentiment I will have a source who called me and I won't reveal the source's name for plausible deniability, but that source said every single discussion we had about signs turned into a downward, dark spiral. And it's just one of those discussions where it always gets out of

[00:50:52] hand and it always takes more time than necessary. So I'm fully in accord with the chair that we really need to keep a tight leash on the science discussion. That's all I had. Let's do a second

[00:51:03] around. Chair Randall. Yeah, thank you, Mr. Chairman. You're good? Okay. A couple more things. So I'm going to respectfully disagree with my friend Tony. I'd like to get this thing out as soon as possible, and I'd like to get it out in this term, because right now the comp plan and the zoning ordinance are out of compliance, and I have a feeling that if we push this to another term, not knowing which of us would be on this day on another term,

[00:51:36] Having done all this work right now, a new board that could be, you know, a difference of one person or a difference of, what, seven possibly people would have to almost start all the way over getting all the information. And it would probably take them another, at least a year, maybe more than that.

[00:51:54] And during all that time, the comp plan and the zoning ordinance, there are other compliance, and that just creates havoc. So although I hope to see my colleagues back next year, we just don't know. I also will say that one of the biggest concerns I've heard and one of the things that I'm also very concerned about is that the zoning is not malleable and flexible enough.

[00:52:18] And that's tough because it's zoning, you know, so you do want your zoning to be clear and not be so, you know, kind of mischief so people don't understand what's going on. You don't have any ambiguity in your zoning. At the same time, you want it to be able to not be, to move.

[00:52:36] I mean, zoning's law, that is true. But you want to be able to move when you have new ideas come up or things happen. I mean, I think that, you know, when the zoning noise was written, there really wasn't data centers. What would have happened if we would have been able to kind of do something different when data centers came online, except for having to allow them, whether we wanted to allow them or not, everywhere that we allowed them?

[00:53:00] And so I do hear that concern that, you know, and I will be watching for that. I will want to add flexibility where and when that might be, and we'll be talking to people who know better than I know when we have that discussion. That might have been on.

[00:53:18] Mr. Buffington asked my question about the energy storage facilities, although I didn't understand why that was the one that they actually changed the setback to be closer, not further. The commission generally, the changes that they made different from staff's recommendation were more permissive.

[00:53:39] I know, but only for the energy storage facility was more permissive. For everything else, it was tighter. That's what I'm saying. I don't have an issue with it. I'm just wondering why the difference only for the energy storage facilities. Okay, good answer.

[00:53:58] I don't know if that's – they made data centers more stringent for sure. Absolutely. It just depended on the use. I think of the ones we've highlighted here, that's probably the one that they made less stringent. Yeah, yeah, yeah, and I don't know why. There were numerous other uses and things that we've adjusted in similar manners.

[00:54:13] Do you have an opinion on, and if you don't feel comfortable, I totally get that, on the data center recommendations and if they're reasonable for the data centers? So we met with the data center coalition repeatedly for many months, probably years even at this point, try to find some middle ground on regulations that worked for them that also were stricter and provided more certainty for the board and the public and everyone involved i think some of

[00:54:48] the changes that the commission made beyond that are probably too stringent especially some of the the setbacks and things that really limit either where things can be on the site or which sites could even fit them at all i understand the point of trying to make things maybe a bit stricter closer to residential but I'm not sure that we hit the mark there exactly yet yeah I might have one more question about that Mr. Turner if I could respond to a couple things outside of the board members time because I think it's worth it at this point with respect to the to the data

[00:55:26] center setbacks and step backs which is the new a new requirement when you go vertical bring your second story back, if you're within 400 feet of residential, the net impact will be to reduce the ability to have data centers on smaller properties that might be adjacent to residential. And that might be the answer that you wind up with and you're comfortable with it. But sheer distance alone is not the only way to approach separation of uses. You could buffer, screen, and berm

[00:56:05] to avoid some of the negative consequences that we've seen when the two uses are too close to each other. There may be different approaches, and I think the commission was aware of that, but wound up with a 200-foot setback adjacent to residential and 400-foot applying the step back for vertical.

[00:56:27] We do know that other jurisdictions are looking at the same type of thing, And you're going to have to, you'll have to be the judge of what the happy medium is. But do you want to take the sites totally out of play where they otherwise might meet your place type guidance and be a permissible use in a district in an area where you want to have it?

[00:56:50] So that was just one observation we had about that. And then to the chair's point about flexibility, from the very beginning, I think those that have been, came to the project and picked it up, we got the message. this needs to be flexible. And I think that came from us no longer using the application and acronym for a ZMOD, because we felt that the guidance from the state code was more appropriate to a ZMAP or special exception. So if you'll take a moment when you get time to look at new

[00:57:25] Appendix C, which is a guide to all of the flexible regulations that are in the draft right now, There's a combination of administrative provisions where the zoning administrator could look at conditions, and if the language exists in order to grant a modification, Webster's term modification, that could occur.

[00:57:47] Then in combination with folks having the ability when they submit a legislative application to seek a Webster's term modification with their concept plan, that's capable, that's hugely capable of providing flexibility and then for chapter four for the use standards if you can't meet any of those you can apply for a special exception for relief very similar to article 5 and the revised 93 where you can seek relief from a performance standard that you can't meet via a

[00:58:20] process and um and so it all all leads to let's say you want to rezone a piece of property into something incredibly creative that we don't even know what it looks like right now. Brian's point earlier was that planned unit development district, planned development, you could submit that and you show us what you want to do, but the board would be the one who has the legislative discretion to approve it. So look at Appendix C and you will see a wide variety, a wide array of modification

[00:58:55] options. If you don't feel that's flexible enough, then the board process will allow for you to adjust that. Thank you. Mr. Kirshner. Thank you, Chair. And I'm very, very happy to hear the effort that's been put into the flexibility because on my three and a half years on this board, I know that flexibility is something I've been trying to, I've been stressing with the staff, but again, I understand the difficulty of it. So I really appreciate that scenario. I'm looking forward to seeing practically how that works out, which kind of brings me to my other point and question.

[00:59:31] I have a couple here. You talked about running these scenarios before on open space. Is the concept that potential scenarios will be run on some of these other zoning aspects to give us some idea? Is it something that we can request?

[00:59:47] Say, hey, can you run us a few scenarios on how this is going to work on what have worked on this project or this project, this project? Give us some idea because I think that may be asked. And I think from a practical perspective, it's easier for us to grasp and understand. Right now, we are planning to move into this round with a board review by giving the consultant's direction to sample some scenarios for test drive.

[01:00:10] I think we are able to leave the option open for the board to say, hey, could you look at this, as a particular instance arises. So, yes. Okay. And the question about the signs, are rural use signs in the sign portion or it's going to be in the rural uses in all likelihood?

[01:00:34] I was going to ask that. There are standards for rural signs in the draft. Okay. So there are in the draft, but will that be addressed under the sign development plan portion or the sign portion, or will that be addressed in a different place? It's in Chapter 8.

[01:00:50] The regulations are in Chapter 8. So they will be in Chapter 8. They're in there, and there's also the ability to apply for a sign development plan. That's in Chapter 10, which is a procedural chapter. So the regulations, if you want to go look at rural signs, then you would look in Chapter 8.

[01:01:10] Okay. And then I had one other question. Oh, I know what it was. The rural economy issues, those are still kind of unresolved issues. Is that on the top 10, those are issues that perhaps Planning Commission may need for more time to look at?

[01:01:26] Or are you saying those are top 10 issues of things that were addressed? Because my understanding was very little that was addressed. Very little addressed in the draft. Maybe future work. Very little addressed in the draft, so therefore there's a need for future work. It's not just policy direction.

[01:01:43] It's also communication, engagement, explanation to the business community. What we found very clearly was that there are varying stages of compliance with existing regulations, and there are new regulations from the state code with regard to farm wineries and the amount of grapes that they grow.

[01:02:03] So keeping that in mind, and then also the issues that we have dealt with in the legislative arena over agritourism uses and agricultural structures, there will be forthcoming discussion at the General Assembly, And we need to balance all of that and communicate to our rural business owners existing regulations, potential for new, and then what is the board direction on changing those things.

[01:02:31] And not do it piecemeal or with very little notice, which is what the mode we were in a few months ago with the commission. Gotcha. Thank you. Mr. Vice Chair. Thank you, Mr. Chairman. Mr. Kirschner just asked a lot of my questions, and Mr. Yud, the additional information you provided on data centers was helpful, very helpful, reduced a lot of my questions.

[01:02:56] So one question, though, on data centers, do we define the height of a story, if it's going to be one story? What's the max height of a story? So I believe this is accurate.

[01:03:12] We'll verify. Being in the ordinance, everything is by feet. The issue with the story is from the general plan perspective. So we say three stories, and then we define the story as generally 12 feet. And that's where a lot of the issues with applications coming through has been. It's been general plan, not the ordinance. The data center seems to, their story is different than our story.

[01:03:31] Correct. But as long as the district allows 90 feet, as long as their whatever number of stories is at 90 feet or less, they can do it. Okay, so we're doing max height is what. But then if you're talking about those step backs, then I think the height, the max height of a story comes more into play instead of just the overall max height.

[01:03:54] Because what if the first floor is 40 feet? So the step back was not, it's the horizontal distance from the furthest exterior wall to what comes back. It's not worried about the vertical aspect of that. So their first story, if it goes up 30 feet and then steps back, would be okay.

[01:04:13] or if it's 20 feet and then steps back, the step back itself, just that characteristic of the design is what's being calculated. Okay. I guess in that case, then I'm wondering how stringent we need to be on the actual setting a max height for a story.

[01:04:30] So that's a discussion we could have in the future. Thank you for the information on flexibility. I think it's important, but we also have to find a good balance and not go too far where we just lose control because there's so much flexibility. You answered my sign question, the scenario question.

[01:04:51] With the mountainside overlay districts, you said increasing the stream setbacks from, was it 100 feet or yards to 400 feet or yards? And I could have both of those numbers wrong, but. The setback for springs increased from 100 feet to 300 feet.

[01:05:11] 100 to 300 feet, gotcha. Were you saying springs or streams? I meant to say whatever you just said. Springs is the number. You said springs, right? Okay, sorry. 100 to 300, got it. Not sure where I'll be on that.

[01:05:29] I've heard from both sides on this. I actually own a property on the mountainside. It's in Clark County, so it's different, and it won't be affected by these regulations. But I've heard from both sides on this. Like, already, you know, there's not enough flexibility. We can't do anything with the property we own on the mountainside.

[01:05:47] And then you hear the other side, it went, we're losing all of our mountainside. You know, there's going to be nothing left but a dirt hill before you know it. So we do have to find the proper balance on that. The energy storage facility. So some of the new areas you were recommending, I heard JLMA or JMLA.

[01:06:08] So you're talking Western Loudoun? I don't think we said JLMA. Well, there was a provision for special exception for those zones. I said by right, IPGI, MRHI. Okay. So the by right stuff was not Western Loudoun for the energy storage facilities.

[01:06:29] And then, oh, thank you, Mr. Chairman. I think in the discussions with the data center coalition, this is a portent of things to come in Loudoun County, but frankly, I think it's a thing.

[01:06:46] It's coming worldwide. I don't think anybody in the world anticipated the explosion of data center growth over the last 15 years worldwide. And I'm sure we are not the only community in America or worldwide that is having this discussion of how do we rationally and reasonably gain some kind of managerial control over the explosive growth of data centers.

[01:07:07] I understand the awkwardness that puts the data center community in because they've really had a blank check for growth for years now. And communities are saying, we've got to manage this. We've got to channel this growth in a hopefully benign way, but we've got to do it. So that tension in that discussion is going to continue, and we're all grownups here, we're all professionals, but we should not be surprised that that kind of tension is going on.

[01:07:32] So I really applaud the fact that the staff and the planning commission worked with the data center coalition, but these are going to be tension points as we go forward, and when we begin to discuss them separately in a separate CPAM and ZOAM, then we're going to continue to have that kind of tension discussion.

[01:07:49] It's just, we can expect it. I have a question about planned unit development. By what criteria will staff make a recommendation for a PUD application? If they can do anything they want, I'm just curious, how does staff make a recommendation?

[01:08:07] It's not anything you'd want. It's consistency with the place type of the revised general plan, of the 2019 comprehensive plan. So you would need to be consistent with that. And if you thought, well, man, a creative idea down in the transition area for urban policy area type density, no, you need to be consistent with that place type and the provisions of the comp plan and, you know, policies that would guide future development in that geographic location.

[01:08:39] that's the first and foremost but what where the relief is in the room for customization and creativity is a relaxation of the bulk regulations yard setback building height and the the right mix of uses mix of uses would probably come from the place type because when you look at that you're you're seeing the arrangement of uses so obviously tied back to the comp plan. But there's two sides of that coin. On the one side, staff can draw from various factors as to whether or not they can support the application or not. But on the other side of that

[01:09:16] coin is the applicant has less guidance as to how out of the box they can think. I mean, they're going to be encouraged to get way outside the box with these kinds of applications, but they don't really have a whole lot of anticipatory understanding of where staff is going to come down on some of these innovative ideas because there's nothing really in writing that's going to constrain them.

[01:09:40] It's going to be, I think it's a great move. I just, it's going to be really interesting to see how it evolves because it's going to be a lot more give and take than I think we've seen so far. Let's go for a second round. Madam Chair. Thank you, Mr. Chairman. I will try to be quick. It strikes me that the five of us have been discussing this for an hour already, which makes us the biggest geeks in all of Virginia, I do believe. Well, let's remember who we're talking to. Except for staff, who joined us in our geekhood. So was there any discussion at all

[01:10:19] about adaptive reuse, and especially like in areas of strip malls and things like that? We have a lot of, well, a lot may be not true. We have some places in Loudoun County that Unfortunately, the retail's not working anymore for a lot of different reasons. We can go through it all.

[01:10:35] And it would be appropriate for adaptive reuse. And I didn't see any of that in there. And maybe it's just put under something else. So is there any discussion of adaptive reuse and what we would do with those areas? That's my first question. My second thing, though, to me, to be a little more clear, because I think I wasn't very clear, Mr. Yates, I was more speaking of kind of performance standards on data centers versus data centers that exist already, so in other words, are some of these ideas that the planning commissions come up with, are they meaning for those to apply to data centers that exist

[01:11:12] right now? Now, for ones coming online, I don't know that I have any issues with a setback or a step back, and I don't know that I understand the difference between those, but for data centers that we have right now to start talking about when you can, a generator and things like that. That's a different issue, and it will affect how the data centers are already here are used. And really, the hope, the goal is always that we don't have data centers near residential neighborhoods at all anyway. Now, we may not be able to control that because there may be by right usage, but we will do all that we can to not have data centers so

[01:11:50] close to homes that they are having those issues. And, of course, what we learned with data centers and generators. It's a lot of times what the equipment actually is. So for us to say you can use it from eight to five without even talking about what type of equipment it is, is it screened in, should it be changed, it's such a sweeping discussion for data centers that already exist.

[01:12:14] So I was more talking about that a little bit. Yeah, our performance standards would apply to somebody going forward, and that's the way it was in 2014 when the when the first performance standards for data centers were adopted into the ordinance there were folks who have site plans pending and they wanted to know well when did these new new performance standards apply to me you'll have that decision too which is how do you recognize applications that are in process but these performance standards are meant

[01:12:52] to be applicable to new development moving forward? Everything else will be, things that are on the ground will be grandfathered in already, yeah. And the adaptive use question? So there is some of that in here, and it's a very tricky topic and something that the commission actually pushed, I'd say, beyond where we were comfortable because traditionally adaptive reuse is for historic structures.

[01:13:17] They asked us to look into adaptive reuse for, I'm not even sure the best way necessarily to define this office and commercial, but without any look at the age or anything of that nature. I agree with that. The issue is, and the county attorney's office also advised, is that the issue was switching uses beyond what was legislatively approved in the past.

[01:13:43] What an interesting discussion we're going to have about that then, aren't we? Essentially. I think we are. Yeah. Well, and we have time to get into that later, but I think I agree with the commission, and And I would like to have that discussion with the attorney because we don't want to do anything that we shouldn't be doing.

[01:13:59] But, I mean, we have strip malls that are just sitting empty. It doesn't make any sense not to do something with that, to adaptively reuse it, maybe not commercial, maybe to residential or something else, right? So, okay, we can have that discussion. We have a little bit of time.

[01:14:14] Just to, Madam Chair, to keep in mind, the really good example of what we're seeing is interest in properties that are zoned IP that may have office, flex office, number of years old, warehouses that are underutilized that are being purchased by data center entities for conversion.

[01:14:42] And so you may want to look into that, but at the end of the day, you're really guided by the comp plan land use and the place type and the district regulations.

[01:14:59] So for adaptive reuse, if you had that underutilized office building and you thought, wow, what potential for a mixed-use community, a residential community, a senior community, something that's close by to services already, at the end of the day, you need to take that through a legislative process to allow the residential in a district that it isn't allowed already.

[01:15:23] But then you'd first have to ask yourself, is that consistent with the land-use place type? So it's all coming back. Is that not spot zoning, though? Not necessarily. I think if you had a little postage stamp of commercial in the sea of residential or non-residential in a sea of residential area, it probably would be, and someone could make a case for that.

[01:15:49] But I'm tying it back to what is our plan, and if the land mass of available land is getting scarcer, then the decisions need to be made in your long-range land use plan. But if you're talking about adaptive reuse, the use that you want to adapt that building into has to be permitted in the zoning district.

[01:16:13] And so I think in the conversations we had with the Planning Commission, that's pretty much where some of that ended up, which was you're going to need to come back to a rezoning anyway. Thank you. Farms and rural economy.

[01:16:33] The impression I got from the item was that there was a brief discussion, but it was largely deferred to a ZOAM, CPAM discussion after the ZOA was approved. Is that correct? We do need your help with that because consistently through the review of uses that the Planning Commission was undertaking, the idea to introduce a new definition of farm was being raised, and several commissioners brought it forward.

[01:17:00] We had some concerns about that because there is a tieback to the term farm in the state code under a number of instances. And so we didn't want to pull that into the ordinance and then have it somehow contradict how we have been permitting agricultural uses, rural economy uses, where great investment has been made and they're there.

[01:17:23] All of a sudden, the new definition comes along that might be problematic. We made that point repeatedly and consistently to the commission. However, that draft motion kept coming up. If somebody wants to be a farm or a ranch, those uses would be permitted under how we treat agricultural uses already.

[01:17:42] So we didn't quite see the connection, but we're open to learning more about the catalyst for such a change. Just thought that there might be some implications that would be more problematic. And that discussion is what the ZOC got wrapped around the axle about early on, right?

[01:17:58] Early on, but to their credit, there wasn't an awful lot of draft text available, but the idea of changing rule uses based on where they were at that point in time carried through all the way to where we are right now.

[01:18:13] I just want to point out to my colleagues is that the purpose of the ZOR is to bring the zoning ordinance into alignment with the existing comprehensive plan. So when we start getting into new definitions that we're folding into the ZOR, we really end up down a rabbit hole that can really get really problematic. So is there any discussion about noise standards for data centers in the zoning ordinance rewrite?

[01:18:37] Were the noise standards deferred to the CPAMs, OM, separately down the road? So they are tied to the noise standards that are pertinent to the whole ordinance. There's nothing specific to data centers. And if you're also hinting at the more recent issues we've been dealing with, there's nothing addressing some of the more recent concerns we've heard.

[01:19:00] That, I think, would definitely need to move on to a later project than being captured in this just because of the technical nature of it. But they would be required to do a noise study. And one of the things that was added was to capture the noise before the data center and then after and see what that difference is and ensure that that difference is minimal.

[01:19:21] And you alluded to it based on some of the things we're seeing now. I'm not so sure noise is the broadest definition that we can use going forward. there could be a whole other lot of annoying environmental aspects to the data centers based on new technology that we've got to somehow capture. But I think that's probably a discussion for the future. Any other questions, Mr. Vice-Chair? Thank you, Mr. Chairman. Regarding the, I guess, initiative by some to try and define the word farm, so you're saying we currently use the state definition of farm? We have a variety of uses that rely heavily on state code definition. Farm winery

[01:20:01] and Farm Brewery are two very good examples of that. To introduce, as I said before, a new definition of farm when there are relationships of the term in many facets of the state code, we were concerned about that. Are there other instances with other sort of definitions where that you can think of, because you know this a lot better than I do, where we have some sort of definition for it and it's kind of different from whatever the state definition is and it causes problems i mean i definitely see what you're saying where that could cause problems

[01:20:35] i don't have other examples at this point i can i can look to things that we've struggled with in the past where we endeavored greatly to be consistent with the state code and would not want to be inconsistent because that puts our um our local regulations at risk and then whoever whoever might have relied on that would be would would not be a good thing so wonderfully it's it's making me wonder if we

even have if we even have the authority being a dylan rule to change to to define that when the state defines it do they give us the authority to do that or is that something

[01:21:13] the state wants to do it's not that clear cut if we could crosswalk from state code to zoning term perfectly in every instance it would be a great world but we really don't have that ability What our concern was is that we have relied upon provisions of the state code to help us craft the definitions and terms that are permitted in our ordinance and have been for a number of years.

[01:21:39] To introduce something that might conflict with that, we didn't want to go forward and create that problem if, in fact, a problem exists. We also knew at the same time, Mr. Buffington, that we had these other external issues happening.

[01:21:57] One was the state code change regarding the amount of grapes certain classes of farm wineries need to plant. And that increased, right? That increased, but it's tied in a sort of a ratio to the class one, class two, class three wineries.

[01:22:16] We can provide that information to you. It was provided to the Planning Commission. We also know that almost every year we struggle with where the General Assembly might head with agricultural structures, of which many of them are incorporated into the rural economy uses, their location, their use, their adaptation.

[01:22:38] As we deal with that, we also didn't want to create a conflict in the ordinance. Bottom line, if it was farm and ranch that somebody wanted really badly, those uses could otherwise be accommodated in our existing language under agricultural uses anyway.

[01:22:54] So we weren't quite sure where it was coming from. Thank you, Monsieur. I think that's all the questions we have. Great work, good discussion, and more to come. So thank you all very much. Mr. Turner, I just wanted to say very briefly that Judy Burkett could not be here tonight.

[01:23:12] She's under the weather, but she has just done a phenomenal job, as well as all of Dan's staff. Many of them are in the room here who stuck with us through the Planning Commission review, but also your Planning Commissioners did an excellent job. All nine of them were present and accounted for for the discussions, and you should be very proud of them as your representatives on the Planning Commission.

[01:23:35] And I think the comments that we made at the start of the meeting and at the start of this item tonight, please don't take those lightly. I mean, I think every member of the Board of Supervisors is profoundly grateful to the professionalism and the accomplishments of the people in this room, the staff, and of our planning commission.

[01:23:52] So I absolutely agree and wholeheartedly support what you're saying. Thank you all very much. We really do appreciate your hard work. Thank you. Next item will be the sidewalk and trail program equity study, arguably the densest single item that has ever been before the Board of Supervisors.

[01:24:24] Thank you all very much.

[01:24:49] This was a really interesting item, but man, oh man, did I have to read this through carefully and repeatedly. So do you have a presentation? It would be great if you do. Yes, we do. I'll just introduce the folks at the table here. Good evening, Mr. Chair and members of the committee.

[01:25:06] I'm Lou Moserack, Assistant Director with DTCI. Here at the table tonight, we have Nancy Boyd, our Director, along with Largo, Senior Traffic Engineer, And Daniel McRae and Jacob Youngblood are consultants with Kim LeHorn. As you may recall, we were here last on this topic in September of 2022 with the Phase 1 Sidewalk and Trails Equity Study.

[01:25:31] There was additional information requested, and we're here tonight to present the results of the Phase 2 Equity Study, along with some overview of the associated rural prioritization study as well. So with that, I'll turn it over to Laura for the presentation.

[01:25:49] Hello, members of TELEC. Good evening. Thank you for having us here tonight. The sidewalk and trail program was initiated in the FY 2019 Capital Improvement Program and was intended to provide funding for planning, design, and construction activities of approximately three to five miles of sidewalk or trail per year, funding starting in FY 2022.

[01:26:10] So to determine which segments would be selected for implementation, DTCI initiated, that's county staff, initiated a data-driven prioritization effort. And that initial prioritization effort resulted in the June 2020 Sidewalk and Shared Use Path Prioritization Study, which was presented to the board on July 21st, 2020.

[01:26:32] That study had a prioritized list of segments, but we realized that the criteria, the prioritization criteria that we had used for that study didn't cater to more rural uses or land uses in our rural west.

[01:26:50] And so we initiated, well, after that study, we initiated in September of 2021 a rural analysis. Also at the TLUC meeting in February 2021, TLUC requested that we incorporate equity considerations into the prioritized list, and we split that effort up into two phases.

[01:27:10] Phase one results were presented last September, and the phase two we will be presenting tonight. So the way it works is that the rule analysis incorporated, well, we ranked the rule segments and then we incorporated those rule segments into the urban and suburban segments from the June 2020 sidewalk and shared use path study.

[01:27:33] And that resulted in a countywide prioritized list. And then we use that countywide prioritized list in the phase two equity analysis to result in a, what we're referring to as the 2023 revised countywide prioritized list. And that's the list. It's in Attachment 3, Appendix C, that we are recommending, that TLAC recommends the board endorse so that we can move forward with selecting segments to complete using the sidewalk and trail program.

[01:28:05] So this presentation will go over both some results from the rural analysis as well as the results from the equity phase two analysis. Next slide, Jacob, please. So the real prioritization analysis, we expanded the number of organizations that we reached out to to develop the prioritization criteria.

[01:28:31] In total, we engaged these representative stakeholders a total of three times throughout the course of the study. And I will turn it over to Danielle to talk about the results of that stakeholder engagement and the prioritization criteria we came up with.

[01:28:47] So the project team engaged the stakeholders that Laura just mentioned on multiple occasions throughout the study and collectively we identified criteria and the group being shown here on the screen. Five different criteria groups and the stakeholders also provided input on suggested weighting criteria and

the appropriate weights or distributions for each of these five different categories, keeping in mind the rural nature of the county and users that would use sidewalk and trails in the rural parts of the county.

[01:29:21] The safety and comfort and activity generator categories ranked the highest. They received the highest weighting. The distribution of those weights are shown on table one of the item. So as a result of that criteria, prioritization criteria, the missing sidewalk and trail segments in the rural parts of the county were all weighted.

[01:29:46] And the next slide shows a map of the county. And the highest prioritized segments that combined total a top 25 miles of missing sidewalk and trails in the rural parts of the county are shown on this map in red.

[01:30:02] You'll notice that the red lines are clustered around or generally concentrated around the regional trails, the WNOD trail, and also Route 7. So this map shows the results of the rural prioritization and the top 25 miles.

[01:30:21] The next slide shows the revised county-wide prioritized segment list. So this is essentially when you combine the results of the suburban-urban segment list along with the rural results.

[01:30:38] And one thing of note is that of the combined list, 19% of the missing segments are in the rural parts of the county. The next slide here is a summary of how all missing sidewalk and trail segments for the networks across the full county are distributed from, in bins from zero to 100, we have the number of segments with blue indicating those number of segments in the rural parts of the county, and the orange color is the number of segments in the urban suburban parts of the county.

[01:31:15] A few takeaways with this is that there's generally a normal distribution for both groupings, and the bulk of urban, suburban sidewalk and trails are generally higher than the average score for the rural segments.

[01:31:33] And the far bucket to the right, which is the 95 percentile, 95 to 100 percentile bucket, that's where you have the top 18 miles that we would make a recommendation for selecting projects from. Thank you, Danielle. So we took that combined countywide priorities list, as I said, and combined it into forward it to the equity phase two study. As a reminder, we were directed by the Transportation and Land Use Committee to incorporate equity considerations into a revised

[01:32:08] prioritized list. So we use the results of both the countywide priorities list from the rural study as well as the results of the sidewalk and trails program equity phase one study to inform how we would incorporate equity considerations.

[01:32:26] We used an outcome-based approach, which basically sought to achieve a similar completion rate in our sidewalk and trails network across all geographic boundaries in the county. And I'll let Danielle go into a lot more detail on that.

[01:32:42] Go ahead. So next I'll talk about the data sources we used as part of this phase two equity analysis. The results from the rule analysis, results from the combined county-wide the updated list that we referred to area earlier were included those accessibility scores from that updated county-wide list and also the phase one equity results those were all used as inputs to a process the graphic shown here on the screen is a funnel and the funnel indicates four different steps which are outlined in more detail in your board item and attachment three these steps helped us first identify

[01:33:23] the equity considerations and incorporate them to the missing sidewalk control program and then produce a revised prioritized segment list for the entire county, which resulted in what we're calling the March 2023 prioritized segment list. So those are the four steps that we walked through.

[01:33:42] More details are in the item. Sticking with data sources, I want to revisit the geographic boundaries that we use for this study. We use the census track, the U.S. census tracks, which are shown on this graphic and outlined in white. There are a total of 65 census tracks across the county, across Loudoun County, and we've also overlaid the policy area so that you can see where policy areas align with those census tracks. It's really important to understand that the data we used are associated with each of the census tracks, and I'll get into more detail about the data we used, but these are the geographic boundaries we used, those census

[01:34:21] tracts specific to the county. And they were categorized by rural area and urban area. And so those are two terms that you'll hear us speak more about. Now, the data that we applied for each of those geographic areas is considered the social vulnerability index.

[01:34:38] This is data from the Center for Disease Control, and it's a measure for how vulnerable a population is within a given geographic boundary. This data, the data that we used is from the 2010 U.S. Census and also the 2018 American Community Survey.

[01:34:55] And as a reminder, the four different themes that we were analyzing included the socioeconomic status, household composition and disability, minority status and language, and housing type and transportation, all informed by the different factors shown there on the screen.

[01:35:12] A couple things I want to note about this graphic is that those colors you see will appear later when we talk about the results of the four different themes. This data is very valuable and useful when you are pursuing USDOT federal funding and other discretionary funds for transportation projects.

[01:35:32] So this social vulnerability data is used nationwide. So continuing on with data sources, to understand how each geographic area in the county is represented with social vulnerability data, we identified three different groups, below average vulnerability, medium vulnerability, and higher vulnerability. And I'm going to walk through how we define those three different groups using that national data and the census

[01:36:08] tracks here in Loudoun. The graphic that's shown on the screen here is an example of how we used a composite score. And I'm going to walk through this graphic. This is for an urban area, but a similar process was completed for all of our geographic areas and the themes. So from left to right on this graphic, we have the social vulnerability plotted. Each dot on this graphic represents a community or the census tract. So there are a total of 65 census tracts plotted on this graphic. The further you are to the right, the more vulnerable the population is in that

[01:36:46] geographic area. From bottom to top, we have the completion rate of sidewalk control projects in the county. So from zero to 100, if a census track is plotted at 100, that indicates that the full network that's planned for the CTP on collector roadways is completely built out. So the higher the dot is on that graphic, the more complete your sidewalk control network is. So that just gives you the lay of the land of the graphic there and we have the below vulnerability group

[01:37:21] medium vulnerability group and higher vulnerability group defined by green orange and red and for each of those groups we calculated what the average completion rate is for that group so how what

is the average completion rate of sidewalk control projects for each of those groups for this particular geographic area. And that's represented by your horizontal line. So the green line is reflective of the average completion rate for below average vulnerability. The orange solid line is the average completion rate for medium vulnerability. And the red solid horizontal

[01:38:00] line is your average completion rate of projects for your higher vulnerability. All of this data is really important because what we ultimately wanted to do was to understand what the percent difference is. And so as we advance forward, you'll see that there's a delta, a difference between your green line, yeah, a delta, the difference between that green line, which is considered your baseline for a below average vulnerability group. And so that difference between the green line and your orange line is the percent difference for your medium

[01:38:36] vulnerability group. Can I stop you right here? Yes, you can. This is an aha moment for me. This is a great chart. So let me make sure I'm explaining this right or I'm interpreting this right. So the reason there's a green dashed line going across is because that's the standard to which we are going to aspire with all SVIs. Yes, that's how we achieve an outcome base.

[01:38:58] Okay. So now you look at the, just as a glance, this tells me the medium SVI group is the one we have to work the most on to get it up to the green standard. It has the highest delta between the green line and where it is right now yes and the second most uh one is and this is the the gray double arrows that you've got circled there is the high svi group which may be not so bad a little bit work but not so bad to get it up to standard um this is this is the key slide when this goes to the board this is the key slide that we're going to want to look at thank you very much thank you

[01:39:33] for that exactly how you explained it the delta there or the percent difference is what we will apply when we consider equity considerations. And keep in mind, this is an example graph. This is one chart. We developed the same exercise for the rural area and for each of the SVI themes.

[01:39:54] And so that information is helpful for when we go to the next table. So this table summarizes the percent differences across all four SVI themes and for each of the geographic groupings. For the urban and suburban census tracts, they're listed in the two columns to the left, and the rural census tracts are on the two columns to the right. For each medium vulnerability and higher vulnerability, we have both of those groups for each geographic boundary.

[01:40:29] Where you see a check mark, that means that the horizontal line or the average completion rate is greater than or equal to that baseline. So that is equal to the below average vulnerability completion rate. So you can consider that success. There's no need to apply a percent difference.

[01:40:48] There is no percent difference. The numbers that are shown there are the percent differences that we're most interested in across different census tracts. And so this table summarizes the values. The next slide will show you graphically where these distributions are. So this map, when we revisit the full distribution of census tracts across the entire county, we're now highlighting the highest percent difference for each census track across the county. And this map also gives you

[01:41:25] an indication that where there's a darker intensity of color that indicates a greater percentage. So the darker the intensity of color, the greater the intensity or the higher the value or that percent difference is. And so we selected the highest percent difference, which is shown on this graphic, to update

our census tracts accordingly. And a couple things I want to note here is that of 62 census tracts in the county, 20 of those census tracts did not receive an average completion

[01:42:00] difference. So there was no percentage difference applied. Those are shown in the white. There's no color added to it. Therefore, 42 census tracts could benefit from increased service delivery of sidewalk control improvements. And those 42 census tracts are shown in a color on this map. The three census tracts that are not referenced here include the Dulles Airport and two census tracts in Leesburg where there are no planned sidewalk controls. So that's why the number I mentioned is 62 and not 65. So as a result, these percent differences were applied to the geographic area

[01:42:38] And we now have a updated 2023 revised countywide list that incorporates equity considerations. And now Jacob's going to talk about the results and what those results look like. Yes.

[01:42:54] So after applying those equity considerations to all the segments in the county, we took that revised list and we analyzed it across three future scenarios. Those being the top 18, top 33, and the top 48 miles.

[01:43:12] And so first off, we wanted to evaluate whether the distribution or the proportion of segments in the rural and urban suburban areas remained consistent after we applied the equity considerations. So on the graphic on the right, you can see that the top 18 miles before the equity considerations and then the top 18 afterwards.

[01:43:35] The proportion of rural segments remains pretty consistent, 10% before 9% afterwards. And then as we advance through the program to the top 33 miles and the top 48 miles, we see the proportion of rural segments increases.

[01:43:52] Then moving forward from there, we calculated the average completion percentages across each of the scenarios for each of those vulnerability groups and the SVI themes. And then we compared the differences between each of the scenarios to be able to evaluate whether the new prioritized list was effective or not.

[01:44:20] So first, kind of diving in with the urban-suburban findings, our ultimate goal here is basically to get those differences to 0% or to become positive. And so on that graph on the right, you see the green line horizontal in the middle is that 0% that we're trying to reach.

[01:44:41] The vertical axis is showing you the value of the difference. So a negative value is saying that the completion, the average completion percentage for that group is below the baseline that we were aiming for.

[01:44:58] And when it's positive, it means that we've reached our goal. The horizontal axis is showing you the different themes and then the different vulnerability groups within them. And then the gray bars on here are showing you the groups where we already achieved our goal.

[01:45:19] And so there was no considerations applied there. And so these errors that have just appeared, they're showing where we have applied a consideration. And as you can see that in each case, they are trending towards that 0% line as we advance further through the program, showing that we're succeeding in providing better service of sidewalks and trails to vulnerable areas within the county.

[01:45:52] This is showing the rural segments, the graph displaying the same thing. We have the green line in the middle showing that 0% goal that we're trying to meet. And the grey bars are covering up the

groups where we've already met our goal.

[01:46:10] And once again, the three that we made adjustments or that we applied equity considerations to each show a consistent improvement. In particular here, we've got a big improvement in the household composition and disability where we saw some of the largest differences prior to applying the equity considerations.

[01:46:37] And so kind of bringing that all together, we kind of rolled it up all the different themes into the composite score where we didn't apply any considerations based on this particular value. But you do still see that both in the urban, suburban, and the rural areas, We're seeing a trend towards that 0% difference.

[01:47:03] And while when we reach the top 48 miles, we don't reach an equal service across all groups, we are still improving the service to vulnerable communities within the county. And I'll hand it over to Laura for the conclusion.

[01:47:20] Thank you, Jacob. So ultimately, this study enabled us to incorporate equity considerations into the sidewalk and trails program prioritization when we look at the top 48 miles we see an improvement in service to socially vulnerable areas but we aren't achieving that zero percent difference goal and so there's further room for improvement as we continue to implement the sidewalk and trail program we've also noticed that the revised countywide prioritize segment list

[01:47:57] That's the list that we're asking you to recommend, well, that we're recommending that you recommend the board endorse. It serves areas of greatest access opportunity while also providing infrastructure close to socially vulnerable census tracts.

[01:48:14] And accelerated investment in the sidewalk and trail program would further improve our ability to improve that service. Going forward, the next steps is to obtain endorsement for the 2023 revised county-wide priority segment list, at which point in time we would advance the recommended sidewalk and trail projects listed in attachment four of the item for concept development and cost estimation.

[01:48:49] and then looking more longer term we aim to staff recommends that the saddle control prioritize list be updated every five years and so that will be a kind of the next step in the planning process for this effort and that's it for the presentation thank you for your attention thank you very much um i am inclined to go to a motion and ask our questions in the motion are we okay with that

[01:49:22] Okay. I move that the Transportation Landsies Committee recommend that the Board of Supervisors endorse the 2023 revised county-wide prioritized segment list as represented by the table titled, quote, Adjusted Segment Scores and Project Rankings, unquote.

[01:49:39] Found in Appendix C of the report titled Sidewalk and Shared Use Path Prioritization Project Equity Analysis, Phase 2, dated March 2023. Presented in Attachment 3 to this June 21st, 2023 Transportation and Land Use Committee staff report.

[01:49:55] Seconded by the Vice Chair. Let's have a round of questions. Madam Chair. Thank you, Mr. Chairman. First of all, this is just next level, right? I got to ask, I mean, I feel like I just took a stats course or something.

[01:50:13] That was incredible. Really, Nick, you all are not like born knowing this stuff. What did you, how did you, was it a class or something? That was absolutely incredible. So thank you. It's also important

because, you know, when you look at stats and data and stuff, you find that people who are in socially vulnerable groups usually have like less green space less safe site walks to walk on less trails to enjoy which means that then they have a higher degrees of health problems and that type of stuff so it all really does go hand in hand and so it it it

[01:50:53] sounds kind of like just squishy liberal stuff but then when you start looking at the the consequences for not having sidewalks, just sidewalks or trails in your community. You really figure out how quickly it impacts you. My only question, this may not be a question you all can answer, and really seriously, this is incredibly impressive. My only question is on the household composition and disability, I understand why it's 65 and older. I understand why it's 17 or younger. I understand why it's a civilian with a disability. I do not understand

[01:51:28] why single-parent household falls into that section does anyone can anyone help me grasp that part no okay I can dive in so attachment attachment 3 of the board item appendix G provides the documentation on how this data is developed okay so we'll look at that well I will and I may not be able to explain explicitly for that particular factor but this is data from the CDC and No, no, I understand that's coming from, yeah, a very reputable source.

[01:52:05] I'm just curious as to why that's there, especially for that area, because if you talk to Mr. Buffington, he will tell you that the day that I got most upset in this day is last term was around sidewalks for people with different abilities and curb cuts and all that stuff, and so no issue.

[01:52:24] It just seems strange that single-parent household is put in the disability area, because it's not a disability to be a single-parent household. No, and I don't think that it's getting at that point of the theme. I think it's more getting at the household composition and the makeup of a household. If there is a single-parent household or a home with a single parent, that the vulnerability of that...

[01:52:46] Yeah, I would have thought that area would be under the socioeconomic status, though. It's just a strange place to put that one is all. Okay. But I'm just curious. I will go read the supporting data. I will go read it. We can follow up with more detail. No, no, I'll go read it. And if I still have questions, I'll let you know.

[01:53:03] Thank you. And good job. Really great job. Supervisor Glass. Thank you, Chair Turner. And I would agree with Chair Randall about you all doing a fantastic job with this.

[01:53:18] Thank you. I was looking at the attachment with the ranks, project rank per 2023, and that's the recommended next set of sidewalk and trail projects. And I was looking, and I saw that number 27 is Old Ox Road, Rock Hill Road Connections.

[01:53:43] Do you all have any information on what, I'm just asking, I'm not sure if you all would know, would you all know what Fairfax County plans are for Rock Hill after it crosses the county line?

[01:53:59] Have you all had any information from them? We have had some ongoing discussions with Fairfax on other transportation initiatives that straddle the county line. We haven't specifically talked about this, but it's certainly something we can add to our agenda for our next meeting with them.

[01:54:17] I generally know that they have, you know, bike pad facilities planned around their metro station there, but specifically I don't have an answer. Okay, thank you. So since Rock Hill Road might require extensive reconstruction to complete the sidewalk project, would staff recommend this project be

removed from the sidewalk and trails program and be a standalone cip project so staff doesn't have any recommendations regarding that project at this time our plan is to move into conceptual

[01:54:53] development like development of concept diagrams for this where we would talk to fairfax county to find out what they're doing and if there's an ability to partner on the project and determine whether or not more extensive improvements need to be made to rock hill road itself along with the sidewalk project at that time we would develop a recommendation okay thank you mr vice chair thank you mr chairman uh wow great work on this i don't know how you all come up with this numbers

[01:55:30] but it's impressive so thank you um it's important that our sidewalk and trail program is done equitably, and looking at it from a Western Loudoun perspective, it appears to me, and please let me know if I'm right here, I think I'm right, that when you, based on our old plan and what you all are recommending, we're moving more in the right direction where Western Loudoun will be, receive more equity by receiving more sidewalks and trails, because really the biggest

[01:56:07] equity gap that we had was in Western Loudoun is what you found. Am I right? Okay. And so the changes seek to fix that problem. And so I think most importantly is that we did this and whatever the results were, were whatever the results were. But as a Western Loudoun supervisor, I'm thankful that the results were this so that we can fix the problem. But if it had been something else, I would have been supportive either way, because however it shakes out, we do need to have equitable sidewalk and trails program.

[01:56:46] So, again, thank you for all your work, and I support the packet motion. Thank you very much. I'm going to jump up on my high horse here and repeat what I said from the dais the other day. This is woke. This right here is woke. We've got the full spectrum of politics on this dais right now, from left to right, and yet I think all of us agree.

[01:57:07] I don't think I'm putting words on anybody's mouth. I want to repeat what the vice chair just said, that we developed a set of objective standards. We looked at our sidewalks and trails program, and we said, do all of our citizens have a comparable access to sidewalks and trails?

[01:57:24] And if not, why not? And using those objective standards, what we found was, lo and behold, based on equity considerations, certain segments of our citizenry do not have equal access. And so now we can change our resources, adjust our priorities, and we can come up with a master list that looks through that lens, that equity lens, to say it's not right or fair that certain segments of our population, certain demographic breakouts or census tracts should have less access to sidewalks and trails than other census tracts.

[01:57:59] And we will correct that. That is the absolute definition of equity and woke in a functioning way, and I just want to note for anybody out there that's watching this that we have the full political spectrum right here that has embraced this process and believes it is a very positive process that has worked very well.

[01:58:17] And I know that may put some in an awkward political situation, but the reality is we're looking at the data. The data speaks for itself, and to your words, Mr. Vice Chair, that's exactly right. you would have backed up whatever conclusion we came with based on what the data said because that's what we're about here success by looking at data and I think it's a terrific effort I'm really proud of you guys and proud of the county team that put this together it was a real challenge I don't need to know all the granular

details God knows I don't because you just can't pick them all up but what I needed to get out of this presentation was I have a very high level of confidence

[01:58:55] that you understand the granular details and that you can, based on data, prioritize our county resources in a way that makes sense. And I have a very high level of confidence in that. So with that, we have a motion on the table, seconded.

[01:59:11] Any other discussion? All in favor for the motion, please say aye. Aye. Any opposed? That motion will pass 5-0. Thank you all very much. That's great work. Appreciate it. Consensus from the group.

[01:59:26] Do we want to take a 20-minute dinner break or do we want to press on? Sylvia? Okay, I think we're going to press on, Madam Chair. I understand, thank you. And with that, we will ask the presentation for the permanent pump and haul request to come forward.

[02:00:01] Good evening. If you all could introduce yourselves, that'd be great. Good evening, Chair. Good evening, everyone. My name is George Kahn.

[02:00:17] I'm with the Loudoun County Health Department, and I have two members here from representing the applicant. John Stokely with Dewberry. Henry Slicker with Sheets. So this evening we're here to consider an item, request for permanent pump and haul from Casey Gadger LLC, was requesting permanent pump and haul for a sheets gas station.

[02:00:43] It's a new construction to be constructed. Currently where this facility is proposed, they are pump and haul around this facility. Sewer is not available currently. You know, the nearest sewer is about 1,100 feet away.

[02:01:00] There is a proposal to bring it at some point in the future as described in the applicant package. Per the item that you're here to consider, you know, this does not meet the health department definition of support because it does not serve a residential structure that, you know, there's no other option. A determination was made by the Department of Zoning, which says that, you know, it does not meet the general plan currently. So, you know, it is part of the JMLA. It is planned to be served by central utility. However,

[02:01:35] central utility have not yet been extended to the subject property. So with that in mind, you know we would we have the applicant here they have some um information they would like to share with you and then we'll take any questions you have thank you the applicant please feel free even though this is considered a permanent pump and haul we really view this as temporary according to the developer across the street michael capretti we've been in conversations with him as well as the industrial park that we're a part of the schedule for sewer and water to the area is

[02:02:14] currently 2025 we would like the opportunity to move forward with construction in you know the 2024 or so time frame that originally the the schedule was a little you know pushed it was a year in advance and now I got pushed back a year but that's really created a gap just wanted to let you know that we were looking at that is not a permanent scenario but a temporary scenario. And under the definition, you know, we had to apply for a permanent. We currently operate

[02:02:51] about five pump and haul sites across our company. When we do have situations that we have the ability to hook up to public utilities, we do. These sites are closely monitored. They are on schedules you know we take this very seriously lastly and just and I think it was also in maybe an email that you

might have received we do have six plan facilities throughout the county with with additional some more facilities as well and you know we're just always looking forward to working with you all

[02:03:29] thank you very much questions mr. Kirschner thank you chair and welcome gentlemen and thank you for the presentation I've read the full item pretty thoroughly. I have a couple follow-up questions. I think a couple of them were answered. So obviously we have the emergency pump and haul temporary and permanent. The first question I have and for either the applicant or staff, can you talk to me a little bit about what is the difference in terms of what they actually look like, what you have to do? Are they pretty much the same and we just use those labels within our approval process? Not really. So for instance, when you

[02:04:07] think of an emergency pump and haul, this is when you have an operating system. So you already have a system that's approved. Maybe there's a malfunction there. So what's the difference between the temporary and permanent pump? So temporary now, temporary is less than a year when sewer is coming. I understand in terms of the time frame, but the actual infrastructure, what you put in, how you manage it. So there's nothing really difference between a temporary and a permanent in terms of what's in the grung itself. It's just based on time frame.

[02:04:32] Okay. So if we thought this was going to be less than 12 months, and I understand it's not being, That's why we're calling it permanent, and that was one of the questions that I asked the applicant. Would we approve it if we thought it was a temporary and water and sewer were coming much sooner? Correct. We would approve it?

[02:04:48] Yes. Okay. So my question to the applicant is, assuming Capretti's property, the infrastructure goes in, sounds like they're not going to start until 2020-25, let's say it comes in a year later or two years later, is your plan to hook up at that point? Yes, absolutely.

[02:05:07] As John can attest, you know, we have, you know, we've been working on a site plan where we have, you know, the pump and haul set up in such a way that when these connections do become available, it's a pretty seamless transition for us. Operations speaking, as well as easy for the utilities to be.

[02:05:25] So from a business perspective, this is truly a temporary, for a business perspective, I understand from definition it's different. But from a business perspective, this is, hey, we'd like to get this project off the ground sooner rather than later. I understand in business time is money. Yes. And obviously you have plans and development and everything gets more expensive, including especially in this time of inflation.

[02:05:46] So I would like to try to see you guys get started sooner rather than later if everything else is in course. And if it, I mean, I'm guessing you're going to have to spend more money just to put this in, but from a business analysis, it makes more sense for you. And it truly is a form of a temporary, sir, did you have a, were you going to add to that?

[02:06:04] I forgot what I was going to say. That's okay. I must've answered it. So, okay. Do you want to add anything to what I just said? Is that a correct analysis and what I've gone through here? Yeah, that's exactly right. It will cost us more money to do the pump and haul scenario, drill a well.

[02:06:23] you know, as you pointed out, time is money and getting something open sooner and having those costs, you know, the store facility created already is beneficial for us. And can I just have one last

question? I know I'm out of time. I know you've committed to, hey, once it's there, but I guess my other question is, are they required to once it comes?

[02:06:47] So if the committee supports it, this then goes to the full board. If the full board approves it, Then what's next is a three-way agreement is drafted between the county administration, the health department, and the applicant. Part of the agreement, within that agreement, is a clause that stipulates if sewer is available and when sewer becomes available, they must connect.

[02:07:06] Okay, I'm good. Thank you. Thank you, Mr. Chairman. I forget what I was about to say all the time, so I'm with you. I think it was around 1992. One of my first jobs was working at Sheetz in Clark County, and it was Route 340 and Route 50 intersection in Waterloo.

[02:07:28] Store 192. Yeah. Yep. Yep. Stocked a lot of freezers in there. So I appreciate Sheetz. So in the attachment here, there's an email chain, and part of that is a response from Loudon Water Project Engineer Safina Singh saying that currently no public sewer or water is available to this parcel.

[02:07:54] Infrastructure won't be in place until 2025. So is that still accurate to the best of everybody's knowledge? According to the Loud and Water JLMA site, that's the current date, fourth quarter, 2025. Okay, so Mr. Crowbuth or anybody else from county staff, are you aware of anything that could change that with discussions that we may be having with the town of Leesburg?

[02:08:22] Would that, and whether their water serves or our water serves, would that possibly affect this area? We're not aware of anything at this time. Okay, yeah, I didn't think so. I personally would be fine with this as long as they're in the motion that we pass, and I think Motion 2 has it.

[02:08:41] As soon as public water is there, you guys would hook up, and that is what's in Motion 2, correct, legally? So what would happen if they refused to hook up once public water was there?

[02:09:00] Would there be a process for us to just basically shut them down from a health perspective? so what would happen you know the three-way agreement really grants them the ability to apply for a permit for the pump and hall so the pump and hall is a permitted thing they would then violate the permit so then we could pull the permit for the permit yeah yes i mean i don't know why they would not hook up there's every incentive to hook up and it's cheaper so i'm sure i'm sure they will i have to go with what's here from loud and water 2025 right now um it's already midway 2023 you know i don't by the time you build this sheets it will it'll be a matter of

[02:09:40] months probably that you're doing this hopefully that 2025 time frame um comes to fruition so i think i'm okay with this honestly um in the last situation when this came forward i think i approved that one too and there's been others in the past where i was against it for one reason or another but i think i'm okay with this one thank you mr chairman thank you uh i think it's pretty straightforward item and the factors are pretty evident so it's your district Mr. Vice Chair would you like to make the motion is it yours okay sure make the motion sure so I just

[02:10:16] want to follow up what Supervisor Buffington said if we pass the draft motion then there will you will you will enter the applicant will enter into an agreement with the county that they will hook up water at a certain time or when it becomes available is that correct yes it would go from TLOC to the board and if the board approves it then we would go into the draft the three-way agreement so we that's kind of we don't actually need to put that in the motion because you'll have the agreement if they violate that agreement then they their permit gets pulled correct um that is a that is standard procedure um within the

regulations that we draft that agreement okay i just want to clarify um thank you for allowing me that that leeway um mr chairman

[02:10:54] yeah yeah i think we would prefer that the uh that the motion mention the obligation of entering into that three-way contract, because if there is a fault, a default, that is essentially a contractual obligation, and that's the mechanism in which the county attorney's office would exercise some means to force the connection.

[02:11:24] Chair, if I can follow up with a question. Chair, if I could follow up with a question. So if that's the case, why is that not in the draft motion? And if so, which motion should we put forward?

[02:11:40] I don't see that language in there that, wait a minute, unless I read it wrong. It's in the second line. It goes on to say, Board of Supervisors, that the county enter into a contractual agreement with ACK Gettger.

[02:12:02] Okay, and that was a motion I was planning on reading, so you don't need to add to that motion. Correct. I just, I interpreted your comment that you were going to redact that portion. No, no, I was going to read that in there. Okay, thanks. I move that the Transportation and Land Use Committee recommend to the Board of Supervisors that the county not enter into, or enter into, right?

[02:12:25] I would just remove not enter. No. Which one am I reading? Number two. All right. The TLUC Alternatives 2, correct? All right. Draft motion number two. Draft motion number two.

[02:12:40] It's or. Okay, I see. I'm looking at the wrong one. All right. I move that the Transportation and Land Use Committee recommend to the Board of Supervisors that the county enter into a contractual agreement, KCK, Gittier, is that correct? LLC and the Virginia Department of Health to allow permanent pump and haul services to serve the proposed facility located at Parcel Pin 150-26-6169 upon considerations that, one, the permanent pump and haul permit will be active only until the sewer connection to the property has been established, two, one,

[02:13:14] All costs associated with a pump-and-haul operation and ultimately the approved connection to the public sewer shall be borne by KCK Gettger LLC shall also be responsible for ensuring that the pump-and-haul provider submits all required reports, records, and receipts through the health department's online tracking system and, four, this pump-and-haul approval shall only be for the gas service station and its uses and must be abandoned when public essential sewer is available to the properties, pursuant to the properties mentioned, at which time all pump and haul tanks

[02:13:50] and appurtenances must be properly abandoned by the owner at that time by permit. Is there a second? Second by the vice chair. Opening comments? No, don't really have any opening comments.

[02:14:06] I think you answered all my questions. Thank you, gentlemen, for coming in. And again, I think when we can, we should approve these, especially when we know water and sewer is coming. and I appreciate the staff doing the work on it. Thank you. - Mr. Vice Chair. - Thank you, Mr. Chairman. Supervisor Kirshner, when you were reading the motion, right before condition number one, you said upon considerations that, and then number one, did you mean upon conditions that?

[02:14:33] Okay, I just wanted to make sure-- - Thank you for that clarification. - Making conditions and not recommending considerations. No further comment. Thank you, Mr. Chairman. I'll be supportive. - Thank you. I will vote in the affirmative on this one to move it forward to the board.

[02:14:48] I want to let you guys know, I think the world of the Sheets team, I really do. I enjoy working with you guys. I will probably be a no vote on the board on this one. I'm concerned about the level of activity at the Sheets station, and we could be significantly outside the 12-month window, and that gives me real concern.

[02:15:07] Maybe I'll hear something different between now and then, but I'm happy to move it on to the board. But I'll probably be a no vote at the board. Supervisor Glass. Yes, thank you for coming out here, and I'll be supporting this as well. I know that Sheets is one of the businesses that's in my district as well, and we appreciate you all being here.

[02:15:31] Thank you. Any closing remarks, Supervisor Kirshner? Motion before us has been made and seconded. No further discussion. All those in favor, please say aye.

[02:15:48] Aye. Any opposed? That motion will pass 4-0-1 with Chair Randall off the desk. Thank you all very much. And our last item is the Federal Aviation Administration community process to mitigate aircraft noise within the area of the Airport Impact Overlay District.

[02:16:08] If we could have staff come forward.

[02:16:30] Good evening. Good evening, Mr. Chairman. The floor is yours. Okay, and good evening, committee members. So, for the record, I'm Josh Peters. I'm with the Department of Planning and Zoning. and this item is the third in a series of regular updates to this committee on efforts by county staff to engage with the federal aviation administration on noise concerns around dulles airport so this is a regular update to the committee but i'll note that it is also an action item for tonight because there's a letter in draft letter included in your packet for

[02:17:05] endorsement the committee chooses to do that so i'm going to provide a little bit of background and then three points of update here. So by way of background, the committee will recall that this effort began in January of this year when the board adopted an updated airport impact overlay district that was based on updated noise contours for Dulles Airport.

[02:17:26] So during that process, concerns were raised by members of the community that led the board to direct staff to engage the FAA to explore options for minimizing that airport noise and those impacts on the surrounding community. So Chair Turner, you did request that staff provide an update to this committee as a standing item until the issue is resolved, and so that's what this is.

[02:17:48] This is, here we are. The item before the committee summarizes the staff activity since the last TLUC meeting, which was in May, May 17, between then and now, so really just the last month. So point number one, update number one, our efforts to contact the FAA Community Engagement Officer.

[02:18:08] The committee may recall that during our May 17 presentation, we reported that staff spoke with the FAA community engagement officer by telephone, and that staff person acknowledged receipt of our previous correspondence and advised that her staff was preparing a response to be sent from their office by May 12th.

[02:18:29] We still have not received that response. We haven't received it yet, but trust that we will ultimately make contact and meet with the FAA. Now that we have our consultant under contract, and I'll explain that in a second, staff is using this period to develop our proposal and prepare for that meeting with FAA staff.

[02:18:51] So speaking of the consultant, county staff and representatives from Vionair held a project kickoff meeting on June 6th. And at that meeting, we discussed the project scope, schedule, and milestones that were included in their contract.

[02:19:07] Bionair has reported an estimated timeline to complete their baseline and departure rule modification proposal and modeling at approximately 180 days. That's six months. And following review of that work, they will need an additional 90 days to prepare a written report ready for submission to the FAA.

[02:19:29] So we're talking about nine months' worth of work in that contract. The report will cover operational questions that need to be answered for the FAA and demonstrate the noise modeling comparisons at various locations in the impacted area for the baseline and proposed scenarios.

[02:19:45] So you get the idea. They are modeling out where the flight paths go, the frequency of those flight paths, and then the various scenarios that we could be discussing with the FAA as alternatives.

[02:20:04] So Vionair will be seeking input from the community leaders at the outset of the modeling process to develop a proposal that is responsive to the community expectations and desires. At this point, we anticipate the community engagement process to occur in the fall, possibly September to October time frame, and that date is somewhat strategic or intentional because it follows the August break.

[02:20:31] Hopefully everybody is back in town, but that also includes the consultant is back in town because they're away during the August time as well. At the conclusion of the scenario development and modeling portion of the project, staff will bring a presentation to the committee for discussion and feedback.

[02:20:47] And based on those timeframes that I just gave you, that looks to be about second quarter of 2024 calendar year. The third point, and this is dealing with a draft comment letter. So the third update point is during our last presentation, we reported that the FAA opened a public comment period on their noise policies and the metrics used to measure airport noise.

[02:21:13] The committee directed staff to prepare a draft letter for the board's consideration to submit to the FAA. That draft letter is provided to you as attachment to. So the letter includes high-level feedback from the board members and the community, and it would ultimately require a signature from Cher Randall or request a signature from Cher Randall to send it on to the FAA by the end of the comment period, which is July 31st.

[02:21:43] So staff is seeking your feedback on the letter. We are recommending that TLUC recommend endorsement of the letter to the board to send it on by that July 31 date. So that is the update, that's your action item, and happy to take any questions.

[02:22:01] Thank you very much. Questions? Mr. Oh, yeah, Supervised Glass. Thank you, Chair Turner. Thank you for the presentation, and I did look over the letter, and I don't see any problems with it. It looks good to send out.

[02:22:17] So I do have a question. So when you said, well, in the packet that says that staff feels confident that we'll hear back from the FAA, Does our consultant feel confident that we will hear back from the FAA soon?

[02:22:36] So I don't know about soon. I think what we are is we've had an informal discussion with them by phone, and there was a commitment to engage, and I think delays happen. So we acknowledge that, and I don't think we have a reason to just lose faith that we're going to end up having that meeting.

[02:22:53] I'll keep faith alive. I do have constituents that continue to contact me about the noise from the aircraft. So I'd just like to hopefully hear something soon from the FAA.

[02:23:09] Well, and I don't think I actually answered your question. So our consultant actually did express confidence in communicating with the FAA, and they even have direct communication with the FAA as well. So they do this on a fairly routine basis. Okay. Well, that's good to hear.

[02:23:25] Thank you. Mr. Vice Chair. Thank you, Mr. Chairman. What you just said makes me feel a little better. It seems to me that so far dealing with the FAA's community engagement officer has been less than ideal and a little frustrating, frankly.

[02:23:44] But I'm glad that at least our consultant is confident that we're going to get a response from them soon. I like the letter. I'm going to support the motion. And I appreciate the part in there about the public information officers, all of the different ways that they have put out there this open comment period by the FAA.

[02:24:06] So I'm pretty confident, at least in my district, that Brambleton is well aware of that, and I'm pretty confident that they've made their community members well aware of that. I think you even put in there that there was like 140 individuals on our list to do with this issue that you sent them either an email about it directly or something via the mail.

[02:24:28] Is that right? Mr. Grobooth, can you confirm? Yes, that is correct. Our Office of Public Affairs and Communications has a blog list that individuals have signed up for that exceeds 140 or so individuals and they pushed that information out as directed by T. Luck at our May meeting. Yeah so that's very helpful I'm assuming that's probably mostly Birchwood community residents over there in Brambleton which I'm glad that they're getting this information not only from our regular channels but also directly fed to them because they've

[02:25:06] signed up for this blog so thank you staff I know this is a little frustrating for you all probably as it is for us because you're trying to communicate with somebody and they're not really communicating in the proper manner back to us. But as we said previously, this is not something that's going to happen quickly. We're talking years, I think.

[02:25:30] So, you know, keep chugging along and I appreciate Chair Turner for asking for these updates. Thank you. I think the letter is terrific. I think the fact that it highlights the fact that land use decisions are made based on our projections of air traffic off of the airport is spot on, and I think that's good to emphasize that.

[02:25:53] I really like the idea that we're proposing two separate noise studies, a long-term one and an intermediate-term one. That makes a whole lot of sense. Yeah, we're kind of, this is a tough one dealing with the FAA.

[02:26:08] They're in a bunch of turmoil. I get all that. And this could be protracted. But I really believe, and I want to thank the virtual group, particularly Carolyn McCauley, for recommending Vion Air. They've got experience working with the FAA.

[02:26:24] They know how to do noise studies, really detailed noise studies, far beyond any of the standards that anybody else does. They know how to design departure flight paths. And I think if we can present a really data-based solution for both EMWA and for the FAA, I think we will suddenly move forward fairly quickly if we can be an exemplar for other airport areas and how to do this the right way.

[02:26:50] So I'm very encouraged by the letter, and I think it's a great letter, and I'm more than happy to forward this on. So I will, at that point, make a motion here, and we will finish this up. I move that the Transportation and Land Use Committee recommend to the Board of Supervisors that the draft comment letter be endorsed by the Board of Supervisors and direction given to staff to submit the letter to the Federal Aviation Administration prior to the July 31, 2023 deadline.

[02:27:22] I'll give that second to Supervisor Glash. He was a fraction of the second before you. I have no opening comments. I think I said everything. Any other discussion items on this? Seeing none, I have no close. All those in favor, please say aye. Aye. Any opposed? That motion will pass 4-0-1 with Chair Randall off the desk.

[02:27:40] Thank you both very much. I appreciate it. And without further ado, we are adjourned. Thank you.



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