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Loudoun County Board of Supervisors, Public Hearing, Wednesday, July 12, 2023

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Length 4h 12m (video)

- Official meeting video (county, Granicus): <https://loudoun.granicus.com/player/clip/7346>
- Agenda (Granicus): https://loudoun.granicus.com/AgendaViewer.php?view_id=73&clip_id=7346

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[00:05:15] I know. Well, good evening, supervisors. Good evening, staff. Good evening, Loudon. I'd like to call to order the July 12, 2023 Loudon County Board of Supervisors public hearing. This room has a hearing loop. If you need hearing assistance, please switch your hearing aid to the telecom mode. If you need a headset, we have those available as well. Please see the clerk to request one. Would everyone please join me in the Pledge of Allegiance?

[00:08:10] Okay, supervisors, this is the first night, first public hearing where we are using the new rules that we voted on because of the new law enacted by the General Assembly.

[00:08:38] So it might be a little light on my feet because this is the first time I'm doing this. And so I may look to Mr. Rogers to make sure I'm straight, but I'm pretty sure I know what I'm doing. But if I need to get some help, I will. And just be patient with me if you don't mind.

[00:08:56] As a reminder to all members of the public, if you are addressing the board this evening, you may only sign up to speak on one item on matters that are before the board for our public hearing. Due to the broadcast delay, any members of the public who are not in the boardroom wishing to address the board on items 2, 3, 4, 5, 6, 7, 11, or 12, which are on the consolidated hearing agenda, please call the number that is scrolling across your screen at this time.

[00:09:26] All members of the public who have signed up to speak will be allotted two and a half minutes. If you're in the boardroom, when your name is called, please come to the podium, state your name for the record. The timer on the podium will indicate how long you have to speak.

[00:09:43] When your time is up, please yield the floor to the next speaker. If you're providing comments via phone, I'm going to ask you, if you're going to be on the phone, to use your own stopwatch, your cell phone, or something to track your time because I don't stop people when they get like at 30 seconds because it throws you off and you kind of miss where you are, but I will stop you when you get to two and a half minutes, and so you cannot see our timer on your screen if you're on your phone, so please put yourself on your own timer.

[00:10:14] When taking public input for items, I will first ask if there's anyone in the boardroom wishing to speak, then I will go to the moderator and ask if there are any people via the telephone and please note that there is a slight delay between the broadcast and the boardroom. Today's moderator is Andy.

[00:10:32] Pause, Andy, can you hear us, sir? Yes, I can. Wonderful, wonderful. Okay, supervisors, tonight is the night that we actually have two public hearings to start with jointly. First is the, well, we open the public hearing, but we also open the public hearing for the Virginia Department of Transportation item for consideration, which is really just one item.

[00:10:56] It's a secondary road six-year plan for FY 2024 construction improvement priority list 2011 to 2022 countywide. If you are here today and you want to speak regarding this item, if you've not already done so, please see the clerk to sign up right now.

[00:11:24] I will call you when it is your turn. And the way I do it is, if you're in the boardroom while public speaking is still going on, if you get in under that wire, I will absolutely let you speak. But if we start debating the actual issue, at that point, I won't call for speakers anymore.

[00:11:41] So if you do want to speak, please sign up right now. The first thing we're going to do is ask Susan Glass and Nancy Boy from Capital and Infrastructure to introduce everyone at the table and to do a presentation.

[00:11:56] Good evening, everyone. Good evening. I'm Susan Glass from the Department of Transportation and Capital Infrastructure. Sitting to my right is Lou Moserak, and we have Kim McCool from VDOT, Nancy Boyd, and Sunil Tauri also from VDOT. So tonight's item, we do not have a presentation. We're just going to be referring to the item itself. The secondary road six-year plan is presented to the board on an annual basis at a joint public hearing with VDOT. It allocates state funding from the Highway

[00:12:33] District Grant Program, which are to be used for improving unpaved roads to carry over 50 vehicles per day. And we also, the second page of the plan, which is part of attachment one, establishes a priority order for paving the roads that have been previously selected by the board. Historically, the board has directed that the secondary road six-year funds are to be used to hard surface roads under VDOT's Rural Rustic Road Program. That program provides for hard surfacing of gravel roads within the existing right-of-way without having to adhere to specific design standards,

[00:13:12] and it maintains the rural character of the roadside. It's a practical approach to paving that preserves the rural nature of the roadway. Other improvements could be constructed using the district grant unpaved funds however that would require engineered solutions which do not have the same

flexibility that the rural rustic road program offers the most recent plan that was adopted last year on June 15 2022 the FY 2023 to 2028 plan at that meeting we received direction from the board to

[00:13:51] program Goshen Road and Hogback Mountain Road in that order for this plan that's for you tonight. The previously adopted plan also programmed money to pave Cochran Mill Road as the next road to be paved in FY 2024. As we began working on the plan, we realized that Luckstone, who owns several parcels along Cochran Mill Road, had submitted rezoning applications to redevelop their property. So based on the intensity of their proposed uses,

[00:14:26] staff is recommending deferring the paving of Cochran Mill Road until those applications are acted upon by the board and that delay is reflected in this plan. So by postponing Cochran Mill Road it allowed us to advance the improvements that the board previously directed. So that's to pave Goshen Road and Hogback Mountain Road. It also presented an opportunity for us to program additional roads for paving and the plan that is before you this evening reflects the proposed

[00:15:01] paving of portions of three roads John Wolford Road Old Wheatland Road and can be road I would like to point out to you that attachment two in the item provides cost estimates that were previously requested by various board members for you know potentially paving roads those roads are not on the list to be paved those are just cost estimates for your information only the first road I would like to discuss is John Wolford Road which is in the Blue Ridge election district currently

[00:15:37] Miss Glass can I stop you and ask you a question that might help before we all go on when you say pave you're not talking about the the process that we colloquially call pave in place you're talking about paving the road correct no it's probably closer to pave in place okay can you do me a favor and describe what pave in place versus what paving is because I don't think everyone knows that and I don't know if everyone knows that we're talking about pave in place and I'm not even sure if everyone even calls it pave in place okay yeah um sure I'll try and answer that um under the

[00:16:15] the Rural Rustic Road Program, when we are talking about paving roads, we do a full pavement section, if you will. We have base material with asphalt on the top, so that's what we're referring to when we talk about paving these roads. There are other, you know, less thick pavement sections that can be done, but when we've done these roads in the past, we've done the full pavement section.

[00:16:44] due to longevity, we can get, you know, at least we'd like to get 20 years out of these pavements before we need to go back. And that's what you're discussing for these roads, right? That's what the level set to make sure everyone, we're all talking about the same thing. Okay, thank you. And I'd like to add that it's typically done within the existing footprint of the road, the existing right-of-way, and it doesn't, typically it does not involve taking down trees.

[00:17:09] Correct. And we're essentially paving what is gravel today, we'll be replacing with a hard surface pavement. One more time, a little louder. Excuse me. What is, you would see gravel to the road today, we would be replacing that with our pavement section.

[00:17:27] But it's not wider or anything else like that. It doesn't widen the footprint of takeout trees. Correct. Okay. Thank you very much. I'm sorry to interrupt you. I just wanted to be sure everyone was talking on the same page or singing on the same page. whatever it's called thank you all right so over in the blue ridge district there's a short segment of John Wolford Road that's located on the west side of Berlin

turnpike route 287 and it's like a gap between two paved sections so that is presented it's a section between creek point

[00:18:00] place and plank court additionally the catoctin district received a petition that has 112 signatures to pave old wheatland road that was presented by a resident of old wheatland estates the item currently proposes to pave the section between verts lane and milltown road there's a that old wheatland road currently has two sections of pavement one coming off of route

[00:18:33] nine and it goes to blue ridge bluebird ridge lane and then there's a segment on the eastern end that is paved between Milltown Road about a little less than a mile or so.

[00:18:50] The Old Wheatland Estates is a by-right development that has about 75 homes. The developer there paid the county a cash contribution of \$612,000 in 2010 to be used for paving the road.

[00:19:08] The funds have been earning interest. The current balance is a little over \$680,000. Staff has received three letters of opposition to paving this segment of road.

[00:19:26] That was from the Waterford Citizens Association, the Waterford Foundation, and the Heritage Commission. They're concerned about the potential of cut-through traffic and preserving the county's historic rural road network and the potential impact that paving the road may have on the Waterford Preserving the Landmark project.

[00:19:52] So that's on there. Canby Road is the other road that is proposed to be paved. That road is currently paved between East Colonial Highway. It's about a half a mile up to the top of the ridge, and then the pavement stops.

[00:20:10] The request that came in from a resident there is to extend the pavement past Longview Crest Place, which is a length of approximately 300 feet. And I note that staff has received four letters of opposition from residents along Canby Road who are concerned about the impact that paving Canby Road would have.

[00:20:36] If the board, I would also like to point out that the plan that's presented to you tonight has about \$3.7 million of funding that's available to be programmed in the future in fiscal years 26, 27, and 28 for any other roads that you all would like to have paved.

[00:20:57] And finally, included in the item is a report that is the gravel road maintenance report. That's for your information only. would just like to point out that the district grant unpaved road funds cannot be used for maintenance they can only be used for capital improvements i will also note that we did receive as we were preparing the plan a request from the catoctin or excuse me algonkian district

[00:21:31] for paving the eastern segment of potomac drive however we could not include that in the plan because the road only has about 20 trips per day and it does not meet the minimum qualification of 50 trips per day to receive the funds from the secondary road six-year plan.

[00:21:51] VDOT previously estimated that it will cost \$250,000 to pave that section of road. Ms. Beckman said, I'll pay it. So if the county does desire to pave that section of road, you could appropriate funds for VDOT to do so.

[00:22:15] Okay. You're good? Yes, I'm good. Supervisors, we have quite a few speakers, but before we do that, we're going to ask any questions that we may have as staff. If you have questions, please turn your light on. I'm going to go to Mr. Kirshner first because a lot of this is in his district. A lot, yeah.

[00:22:33] Thank you, staff, for everything you've done on this. Thank you for meeting with me. I want to thank all the groups who I've met with over the last couple of months discussing these roads. I've been out driving rural rustic roads and dirt roads for the last month or so, looking at everything, trying to make the best decision. I know there's really kind of two competing, there's really two kind of competing things, and I got a couple questions for staff. The competing things as I see it through basically are the concerns for safety, the residents cut through and speed and then of course the secondary is uh the rural character and sometimes they are competing so we're trying to make the best decision we can up here the

[00:23:11] question I have for staff and Susan you mentioned a couple of things um first of all you mentioned the letters the three letters you got in opposition did you get letters in support of the of the wheatland paving of the portion of it I did not receive any letters other than the um petition that that was submitted to your office from Mr. Ostrich.

[00:23:37] Okay, and does that have signatures on it? How many signatures? Yes, sir, 112. 112 signatures from residents that use that road, off from that road? Yes, it appears to be residents in the Old Wheatland Estates subdivision as well as the adjacent Rosemont Farm, which is also known as Trevor Hill.

[00:24:02] One of the questions I know I discussed for you, I think would be helpful for my colleagues is if you hard, and I use hard surfacing because paving can mean different things, but if you hard surface a portion of a road, you can also put different coverings on it, and maybe that's a VDOT question or whatnot, but you can put different coverings on it, and we've done that before. I think there's a section out of Ogbeck, what might be more commonly known as chip and tar. Can you speak to that that would kind of help preserve some of the car rural feel sure I'll take that thanks um you're correct on hogback mountain uh what we

[00:24:38] did some years back it was actually with the research council and they did a section there where they did what we call fdr for a base material where we strengthened the base and then we put um a thinner layer of asphalt on top that mimics more of a tar and ship it has um it has more of a gravel look and feel as you drive on it they actually did three different slightly different mixes of that during that test section to see how they would perform would that type be eligible to be used on for example wheatland road if we were to approve this sure we can look

[00:25:17] at doing different types of surfaces we as I said we did the base material the fdr which gives us the strength, and then we can definitely work with you on what that surface material might look like. Okay. And we also, in I believe it was 2021, we also did Nixon Road, which has a similar look and feel as well, and we did that under the Rural Rustic Road Program.

[00:25:41] Okay, thank you. I'm out of time. Thank you, Mr. Kirsten. You know what, supervisors, I should have taken the consolidated agenda before we did this item because it would have cleaned the room out. I'm sorry. Since we're in the island, I'm going to keep going, but it would have cleaned the room out, had I done the consolidated agenda next.

[00:26:00] I looked out, and I was like, where's Ricky Keech doing here? Then I realized the consolidated agenda, and so that was an oversight on my part. I actually had planned to do that and forgot. I apologize. You have to sit here now and listen to very, very fascinating road conversations, but I apologize for that.

[00:26:19] Mr. Letourneau? Thank you. Well, hopefully my questions are a little bit easier. I am very, very excited that Goshen Road was able to be accelerated. We've been fighting to get that as part of the

program. And now we're going to be able to move it up in the list as kind of the first road to go.

[00:26:37] I just did want to ask, kind of under the best case scenario, when do you think the earliest that the road could actually be paved is provided the board takes action tonight? So after tonight's action, the funding will be assigned to that road and we will have access to the funding to start initiate our investigation of the road that we need to do.

[00:27:00] And what we need to do, we have procured a contractor we have on board that was procured very recently. So after we do the investigation and we have to take care of some of the environmental and other things that we have to do to get it prepared before we give it to the contractor.

[00:27:17] And given where we are today in the year, after we give it to the contractor is when we will know what the contractor can or cannot do. But certainly these other investigative items can be started once we have access to the funds.

[00:27:35] So, I mean, do you do think that next year is a, you know, reasonable? It could very well be. Excellent. Well, thank you, Sunil. And I would just emphasize whatever else happens with every other road, I want to make sure that we leave here tonight at least having advanced this one so that they can get started with that funding allocation.

[00:27:54] Thank you. Ms. Bricksman. Thank you, Madam Chair. When would this all be happening if you get the funding and it's approved and all that? Timeline.

[00:28:11] As far as Goshen Road, the funding is, we have the funding, we just need your approval. Oh, okay. Basically, in order to, this is your priorities and this is what you'd like us to get started working on. So we've done some preliminary steps, but we haven't, like, done the soil warings.

[00:28:30] We haven't spent any money yet on these roads. So after we receive your approval, it's there. There's just some administrative tasks we need to do. Okay, so end of the year or next year? For Goshen Road, we could start on those administrative tasks right away.

[00:28:48] Okay. What I'm getting at is if we can find funding for the Potomac stretch in my district, could it be done at the same time? Maybe I should have just asked that. Sure. Or, like, I'm wondering if we have to align the funding to get it.

[00:29:05] Do you know what I mean? Right. So if funding was found outside of the secondary six-year road program for Potomac, that's a little different. We haven't set that project up yet, but it is a smaller project, so it's something we could approach our contractor with and talk to him about scheduling it and things like that.

[00:29:28] But I'm hearing it would be kind of a separate thing then. If I can add to what Kim is saying is that because the funding will come from the county to us, there is an additional step we have to do is set up an agreement to receive the funds. I got it. I got it. So it will be next year earliest where we can do it.

[00:29:44] Okay, awesome. Thanks. And then VDOT maintains them once the paving is done. Okay. And on the charts or on the graphics, there was a red line and then sometimes a blue line. Is the blue line the already paved part, or is that part going to stay gravel?

[00:30:06] The red denotes which section would be paved. The blue is coming off the county's mapping system. Oh, okay, okay. okay I mean I you know I'll follow the district supervisors leads on on how they want to handle it in their own district but well one thing I did do on this I got a little bit nervous because I

know EX2 Adventures does the gravel grinder in the county and so I checked with them to to make sure that we weren't hard surfacing any of the gravel grinder roads and also um Potomac uh Potomac

[00:30:43] Heritage Trail Association I know that they're kind of have their eyes on some gravel roads for some routing through the county and they also said that none of the roads being considered at least right now are any of those roads that they've been looking at for for trails so thank you thank you madam chair mr. Turner thank madam chair there's seven criteria to establish a rural rustic road and the seventh criteria is the citizens who live along the road should support the improvement can you you may have already done it can you describe for me the mechanism whereby you

[00:31:14] determine that the citizens who live along the road approve the changes well we have the petition from the folks on old wheatland road did was that did we initiate and ask for that or did they preemptively take the petition themselves they took the initiative to go out and get the signatures and i believe provided it to supervisor kirschner's office do we know how many people live on the road If it's 1,000, then that's only a 10% petition.

[00:31:48] So, again, what's the mechanism that we determine the majority of the people that live on the road and want the change? Supervisor Turner, I think you're inquiring as to whether we poll the area, and we don't.

[00:32:04] We haven't as a rule. Typically, we've relied on the public process that we've done every year in putting together the list through this public hearing process to try to solicit. And that's what I'm getting at. So there's no formal mechanism. So presumably we go through the public announcement process, and then we assume that we're going to hear from people who either A, support it, or B, oppose it through that public process.

[00:32:32] And then the presumption is if we don't hear anything, then the majority of people who live on that road approve of the change. That's historically how we've done it, correct. Okay. That's interesting, because it seems to me that's a pretty important criteria. and I only thought about it because I have seen some of the emails and then I just want to say that I used to have a house on the outside of Waterford I was in the village but I went down to a meeting in the village and I know that we recently I've recently in the last I don't know what three or four years improved the road that runs through downtown Waterford in the village

[00:33:07] the road used to be level with this the side of the road on each side and now with the base and the asphalt, it's at least a one-foot drop-off from that road on either side with no markings, no curbs, which strikes me as not optimum. It's easy to drive off the side of that road and down a one-foot drop-off on the side of that road. And the only reason I bring that up, I don't want to try and go back and rehash that, but I would be highly sensitive to how we improve these rural rustic roads. Um, I'm not sure slapping down a foot of asphalt is the way to go on some

[00:33:46] of these rural rustic roads. You guys know your job obviously better than I do, but, but I, I was struck by that. I thought, I don't know if this is the way I would have improved this, this Waterford road this way. Supervisor Turner, if I may. Um, so just a couple of points I'll make about the community of Waterford. Um, I wouldn't say that the way that that road at that location or those roads and how they've been paved would be how they would be paved in the rural areas. There were a couple of different things that they were dealing with, one of which was controlling water. And so there's a couple different things that factored into how those roads were paved in those locations as well. Okay.

[00:34:23] Thank you very much. Mr. Buffington. Thank you, Mr. Buffington. Thank you, Madam Chair. On the issue you brought up, Supervisor Turner, of the community support of folks who live on the road, I think that's the key. One of the main issues here at play um unfortunately from a county level we don't we don't deal with that uh yet where we are proactively reaching out to everybody who has an address off of that road via the mail or some other method to to get their input on this um what my office has done in the past with

[00:34:59] uh some of the roads in my district like williams gap road where we took it upon ourself within my office to do that, where I literally went knocking on doors, sent mailers, a couple rounds of mailers. If I didn't hear back, I went back and knocked on doors, tried to figure that out, because for me, it's a very high percentage that is needed before we will pave a rural rustic road or a gravel road, because our gravel roads are so important to us here in Western Loudoun County. They're an amenity.

[00:35:28] There's something that would share us. I think when I first came on eight years ago, we had close to 300 miles of them now i think it's closer to 260 miles unfortunately some are more important than others based on the history of the roads i think old wheatland road in particular is one of the more important roads but that's what my office has done in the past and when someone calls me saying hey i just moved into my new cluster development off of a old gravel road can you please pave it because my car is getting dirty and i just broke the front right shock or whatever

[00:36:03] I tell them absolutely not you can take the initiative yourself to go and get a petition done by 80 percent of the people or more on the who live on the road saying they want it and then I'll consider it but until you do that because my staff's not going to do it I'm not even going to consider it and so that's how we've handled it within my district hopefully we can get to a point where the county staff is able to proactively take care of that because it's really burdensome on a district with only a couple staff members and the supervisor to do that, especially on some of these roads that have hundreds of residents living off of them.

[00:36:43] Thank you. Thank you, Mr. Buffington. I'm going to associate myself with much of what Mr. Buffington just said. I'm not sure I would have been that blunt, but I think he makes a point. A lot of our rural rustic roads, the road itself is historic, and so we have to be really careful what we do and how we do it.

[00:37:02] And with respect, you know, I think it's the same discussion we have with people, you know, who moved near the airport and call me and tell me they can hear airplanes. And I go, well, I can understand why that happens. You moved by the airport.

[00:37:18] It's kind of the same thing. If you move near these roads and, you know, I've heard everything from my car got damaged to my daughter has asthma and all the dirt that it kicks up makes her asthma worse, which I really do care about. But I also, you know, most people, when they move in, they don't move in with the promise that this road's going to be paved.

[00:37:39] And if they do, the promise is not a real promise. And so I'm really careful about, you know, altering things that are historic in there. And so I really have to have a, you know, a majority. I don't know if it needs to be 80%, but a majority of the constituents who live on those roads say that they want these roads paved before I'll do anything.

[00:38:02] I think that part of, you know, rural living is rural roads. And it's like, you know, having a critter in your backyard. No, thank you. But if you move into that part of the county, you may get a critter in your backyard.

[00:38:18] And so I am less likely to pave roads than more likely. And if I'm going to do that, I need to really know that the community at large is asking for it. I need to see a majority of people doing that. And I have just a very, I have a lot of respect for the historic nature of some of our roads.

[00:38:40] And so that's not a no for me, but it is a, you know, 10% of people won't get me there. 15% of people won't get me there. One person or even three people won't get me there. I need to see real numbers. And I need to understand the thinking of, well, tell me when you moved in and tell me what you thought was going to happen.

[00:39:00] And I hope it don't sound disrespectful because I don't mean to be disrespectful, but once you pave a road and change something, it's changed forever. It doesn't change back later. And so it's real important that if we make these changes, the changes rural and historic places, that we darn sure better know that we're doing it because we absolutely have to for life, health, safety, and not just for convenience.

[00:39:26] There are a few things that I will do for convenience that has a long-term impact on history. So a lot of what Mr. Buffington said, I would associate myself with those comments. We do have a lot of speakers on this item.

[00:39:44] So again, I am sorry, because I should have consolidated the agenda first, and so that is my mistake. But we will go through the speakers. You have two and a half minutes. When I call your name, please come to the podium closest to you. I will call your names in advance, so if you want to kind of get ready or line up, you know that you're coming next.

[00:40:01] The first speaker will be William Clark, followed by Cody Francis, followed by Emily Houston, followed by Jane Covington. Good evening, sir. Comments, so I apologize if they're redundant to some of the things you've just said.

[00:40:18] My name is William Clark. I live off Old Wheatlands Road. Thank you for the opportunity to speak to you tonight and for your stewardship of the county. Yes, I bought off a dirt road five years ago, and I don't want to be the guy that buys near the airport and then complains about the noise. So we'll ignore the contradictory claims made by the builder at the time and just get on with it.

[00:40:37] You can step outside and see how the passenger side of my truck is ruined by scratches from tree branches as I try to get over and dodge people coming at me in the middle of the road. Because they are avoiding potholes, rocks, and the drop-off edges. It's not if, but when I have a collision on the blind hills and the blind turns because someone's in the middle of the road dodging edge hazards instead of looking more forward.

[00:40:56] My driver's side mirrors have been twice by oncoming cars coming that close. Several neighbors have blown out or cut tires, sometimes two tires at once. My very beefy truck is being pounded to death by the washboarding on the dirt and the ridiculous hodgepodge patchwork of attempted repairs on the two paved ends.

[00:41:12] I've given up keeping my vehicles clean. It's not dust. It's the gritty, rocky talcum that gets in every crevice of the engine compartment, door jams, and hatch shields. If it rains after a graveling, forget

it. Horrible black slush, worse than snow. You can't bring the car in a garage. I have to change the car filters monthly.

[00:41:31] Around every nine months, one of our cars needs its alignment, and we are careful. I've kept an informal log over the five years of every time the road is re-graveled. I know gravel is cheap, but by now continuing to gravel, grade, and patch over and over and over again, cannot continue to be cost effective.

[00:41:47] It's astonishing to me as I drive around that I frequently see already paved roads servicing fewer homes and with less traffic in pretty darn good condition being resurfaced while our road remains dirt. To those against paving to preserve the look of rural Loudoun, I hear your view very much, but respectfully I find it a little illogical.

[00:42:05] You want the road to remain the way it was during horse and buggy days, but today we have trucks and cars. The houses are new and modern, not log cabins. There are power lines, street lights, electric house lights, satellite dishes, swimming pools, cell phone towers, and even mailboxes. The street signs are there whether the road is paved or not. The only thing not modernized is the road itself, and that makes no sense in one of the wealthiest counties of the nation.

[00:42:27] The rural rustic road program is a pretty good solution for a case like this. You worry about increased traffic cut-throughs. I believe this is false. A simple examination of the map shows there is no advantage to cutting through on Old Wheatlands Road. I've tried it off and on over five years. It doesn't work. Some are concerned about the pavement's increased speeding. There are already some people speeding they tend not to live in the neighborhood or the road and these people will speed whether the road is dirt asphalt potholes or jello sir thank you so much your time i know it goes fast your time is up though i'm sorry thank you cody francis followed by emily houston followed by jane covington good evening mr francis good evening chair randall and members

[00:43:05] of the board um my name is cody francis i live on canby road one of the roads that has been discuss this evening. I grew up on Quarter Branch Road, if you know that road over another gravel road in Lovettsville. I'm here tonight to say I do support the draft edition or the proposed edition of the roads that were described tonight. I'll speak primarily to Canby. There's a short segment that was described tonight. It's an area that VDOT is frequently maintaining the route

[00:43:41] today in fact they brought another load of stone they put down some dust control and had the motor grader out there and you know frankly they're very responsive when when we call and complain that it needs fixing then they come out and do that it does get beat up pretty badly in that area and my one concern with the proposed plan is that the area that's beat up is just going to get moved about 300 feet down the road because the subdivision that is served off of that the Longview Crest Estates, there's only maybe about 10% of the traffic on that road.

[00:44:16] There's a winery that's pretty popular down the road, Casanel Vineyard or Winery. There's also quite a few other homes down that way. The one other thing that I would point out is that road does serve already as a cut-through.

[00:44:32] For those that know the roads of Loudoun, when Route 7 and Colonial Highway are backed up, that is your last out before sitting in that traffic. And many people have figured that out, and they'll take that road to cut through to Thomas Mill Road and over to Dry Mill or down to Route 704 if they're heading south.

[00:44:52] So in my opinion, it probably makes sense to pave more of it. I probably won't really benefit from that. Speeds do increase a little bit when you pave. But when I look at Sands Road, where this rural rustic pavement was done some time back, that's really nice.

[00:45:09] I ride my bike on that fairly frequently. It's speeds are not too high there. I don't think they'll be too high on any of these roads with this rural rustic program. So I'm in support of that. Last item is that I think what we're talking about is a little bit less than 1% of the road budget for the county.

[00:45:28] It's about \$14 million six years versus \$1.4 billion six-year total. Thanks. Thank you, Mr. Francis. Emily Houston, followed by Jane Covington, followed by Lisa O'Donnell. Good evening. Hello.

[00:45:44] Emily Houston, representing the Rural Roads Committee. Yesterday, we sent you a letter describing our concerns about the six-year plan, and I apologize for not also sending it to DTIC. But I'd like to expand on some key points made in that letter.

[00:46:01] You've heard me speak at previous hearings about developing a superior aggregate surface for unpaved roads. And over the years, we've also emphasized the need for drainage improvements as faulty or absent drainage is a primary source of maintenance headaches.

[00:46:16] What is key for you to understand today is that while projects to identify a superior aggregate and better drainage methods that were done on Old Waterford Road were labeled as tests, but they actually employed proven methods and materials already available to VDOT.

[00:46:34] So we are not in a position of sitting here waiting for the results of more experiments before we can bring our unpaved roads into the 21st century. The ability to construct a high-quality gravel road has already been demonstrated.

[00:46:51] It can be done now. We therefore ask that you accept the district grant funds designated by state code for improvement of unpaved roads and use them for capital improvement projects to fix drainage, shape the roads with a proper crown, place the aggregate surface using compacting equipment and mixing in binding agents.

[00:47:13] Again, this could be done now and it could be done on Old Wheatland Road. We do not need to default to the use of asphalt to give residents a better road while retaining its rural character, calming traffic, and allowing recreational use. Another key point, there is an urgent need for a transparent and technical system for managing these roads and making paving decisions.

[00:47:37] Thanks largely to the efforts of our committee, the Transportation Research Council is developing a statewide rating and evaluation system for unpaved roads. On August 3rd, we are meeting with Dr. Michael Fitch, Director of the Research Council, to learn more about this critical project.

[00:47:55] It will be a vital tool to enhance VDOT's ability to properly manage our unpaved roads and take us toward a technical rather than a political process for decision making. And I'd like to just make one comment about cluster subdivisions that were mentioned and the numbers of people on petitions.

[00:48:15] The cluster subdivisions will outnumber the existing residents. Thank you. Jane Covington, followed by Lisa O'Donnell, followed by Mary Sheehan. Good evening, Ms. Covington. Good evening.

[00:48:31] Thank you so much for letting me speak. Thank you for your time. I'm here on behalf of the Heritage Commission tonight. I'm here to ask that you consider the county's already stated vision when

voting to pave or not to pave. According to the countywide transportation plan, and I quote, the impact that roads have on the rural landscape must be considered during the design of road improvement.

[00:48:58] These sites are closely tied to their rural setting and can be negatively affected by road projects. Paving has implications beyond the immediate roadway, and therefore please consider the impact on the surrounding landscape and context.

[00:49:14] There is a difference between the rural context and the suburban context. There are numerous examples of when gravel roads are paved, traffic volume and speed increase. With the case of Old Wheatland, consider the impact of encouraging more cut-through traffic into the village of Waterford and across the surrounding landscape.

[00:49:36] Consider this impact when the county is already investing public funds to reduce traffic volume and speeds in the village of Waterford through preserving the landmark initiative. Please don't fund two conflicting public initiatives.

[00:49:56] VDOT, through its work on Old Waterford Road, has demonstrated it has the means and methods to economically improve a gravel road. We know it's possible to have both, safe and effective travel while preserving our gravel roads. And I want to use the last 30 seconds to speak as a citizen.

[00:50:15] I live on a gravel road, and I want you to consider these as a public resource. I run on the roads. I ride my bike on the roads. Changing the surface, whether it be paved in place or tar and chip or whatever you want to call it, does change how that road is used.

[00:50:33] There's always increased volume and speed we know Loudoun needs our parks and I hope you consider these a public asset Thank you, everyone. Thank you. Thank you, Miss Covington. And Would you like to have a microphone ma'am a hand mic? Okay. All right You are Miss O'Donnell? I am. Wonderful. After you ma'am would be Mary Sheehan and Robert Meeks Good evening and thank you for your consideration of these issues My name is Lise O'Donnell. I'm going to give you just a little bit of background because I think

[00:51:09] it's important to what I have to say. I'm a Loudoun County native. Graduated from Loudoun County High School in 1982. My family goes back to the 1800s in this county. My grandfather was the volunteer fire chief in Percival for more than 20 years. Wade Palmer was his name. My grandmother was the first ever guidance counselor in the Loudoun County Public Schools. I care about this county. I left in 1990 after finishing law school because I couldn't afford to buy a home in Loudoun County despite my husband and I being two working professionals. It took me 30 years to come

[00:51:47] back. I always considered Loudoun as home and finally two years ago made it back to Loudoun and live in Waterford off of Old Wheatland Road and that's what I'm here to speak about this evening and i'm asking the board to move forward with the paving of old wheatland road i've listened very carefully to the arguments against it and i appreciate very much chair rendall your comments about preserving the history given my history in the county but i think the previous speakers

[00:52:22] comments about everything else has changed and personally yes loudness changed dramatically since when I grew up here, but in, and I, there's even a Facebook page that you all I'm sure have seen, born and raised only to be pushed out. Well, I'm the one who says, but I came back because it's even better than it was before. Some modernization I think is beneficial. And I echo what the

[00:52:57] previous speaker said about the dangers of Old Wheatland Road as it stands. It is riddled with potholes drop-offs on the side of the road the blind hills and he's absolutely right you I travel that road daily and the cars tend to travel down the center of the gravel road to avoid all the potholes and the rumble strips along the side well that's just a danger especially on a road that's curvy with blind hills and I know you've heard all the stories about you know the cars Ms. O'Donnell, I'm so sorry, and your time is up.

[00:53:37] It's nice to meet the original Loudoun resident, though, so it's nice to meet you, but your time is up, ma'am. Our next speaker will be Mary Sheehan, followed by Robert Meeks, followed by Madeline Skinner. Good evening.

[00:53:53] Good evening. Good evening, Chair Randall, supervisors. My name is Mary Sheehan from the Waterford Citizens Association. I'm here to urge you not to support paving Old Wheatland Road. Old Wheatland Road, which young Colonel Washington traveled, runs between Route 9 and the village of Waterford.

[00:54:13] And while residents along the road are affected by this paving proposal, of course, I'd like to point out that those at the receiving end of the traffic are also affected, and that's the case of Waterford. And supervisors are aware that Waterford is collaborating with DTIC, for which we are very, very grateful, on a Preserve the Landmark program to calm cut-through traffic in the village.

[00:54:36] We're concerned, however, that paving Old Wheatland would increase that traffic. Moreover, importantly, in excluding the road's most dangerous section at the end where it reaches Route 9, the proposal also misses an opportunity to create a safe left-hand turn onto Route 9, which would likely reduce village traffic.

[00:54:59] So it seems to us that the project seems a bit at odds with DTIC's very own efforts in Waterford. And I'd just like to point out that over two decades ago, Milltown Road connecting Lovitzville and Waterford was paved. And to our knowledge, it was done without considering alternatives, without modeling effects on traffic or consulting affected communities.

[00:55:22] It resulted in an astonishing growth in Waterford cut-through traffic, today over 9,000 vehicles per day. So we support the goal of safe roadways and efficient motorist travel and appreciate the distinctions between pave and place and the different surfacing.

[00:55:39] But please, please do not allow a repeat of Milltown. Paving our historic gravel roads will change them forever, and it will lead to more traffic and faster speeds. So in concluding, if you value Loudoun's historic villages and the road network that is a heritage resource that connects them, we urge you not to support paving Old Wheatland, to instead support applying funds for drainage, roadbed, and intersection improvements that ensure safety and quality, and to support a transparent, criteria-based approach to selecting historic rural roads for improvement,

[00:56:17] which includes a range of options in addition to paving, and prioritizing that discussion with the community that you mentioned. Thank you. Thank you. Thank you. Robert Meeks, followed by Madeline Skinner, followed by Sandy Thinnell. Good evening, sir.

[00:56:36] Good evening. Thank you very much. I thank you for your service. You have what is kind of a thankless job, and I really appreciate it. I live on Highfield Park Lane, which is off of Canby Road. We live in the Van de Venter House built in 1908.

[00:56:51] We were able to recently get that on the National Register. Our house owned the land that became Longview Crest, and I think we sort of indirectly feel a little bit of stewardship. What is now the Longview Crest was the driveway for our house.

[00:57:09] uh from 1908 until we bought the house from the developer uh there is um some of my neighbors are here and we'll speak a little bit more about this but we're on Canby road every day as walkers we walk our dog there uh and i will say that those pot holes uh which a lot of people have complained about are a godsend. That is the only thing that stops the traffic on Route 7, the traffic at 7 and 9, and I'm sure you're familiar with the Route 9 expansion plans to increase

[00:57:47] the on-ramp. That is what stops when those back up. More people coming down Canby Road. So I don't want to get myself in trouble, but if there weren't potholes, I'd go maybe make some potholes so there were more. This paving plan will just move those potholes 300 feet further down. And I'm not sure that's like the best conception of this. I further was very glad to hear Supervisor Turner say, you know, we just found out about this on Monday. And I dare say

[00:58:25] that if the residents on Canby Road, particularly downstream, not in Longview Crest, were to become aware of this, the opposition would be less genteel than it will probably be tonight.

[00:58:42] So I would urge you to really strongly consider not paving this, and perhaps in the future we can look at some sort of way of engineering this. I was lucky to meet Ms. Houston, and she explained some of the things that had happened on Waterford Road. That could be an elegant solution for this.

[00:59:02] Thank you. Thank you, Mr. Meeks, and we would prefer if you don't go make potholes yourself. Thank you very much. Madeline Skinner, followed by Sandy Finnell, followed by Robert Mueller. Good evening. Good evening, Chair Randall, Supervisors. My name is Madeline Skinner, and I live on Greggsville Road in Philomont, the southern, still rural part of the road.

[00:59:23] I am proud of our road, and because of Supervisor Buffington, because he listened to us and worked with us, we were able to save our portion of the road from being paved. and turned into a dangerously narrow and hilly straightaway. So instead, I get to wave to dog owners, bicyclists, dedicated walkers, and more who feel safe from the impatient and reckless speeders.

[00:59:45] With the help of the Rural Roads Committee, I learned so much while working to save Greggsville. I came in a little late to the fight, but honestly, I never thought two million dollars would be spent on a road that had very light use and only connected to two other gravel roads. I always called it the road to nowhere.

[01:00:02] I guess the resident who lived in one of the subdivisions on the north side who contributed \$264,000 to a state official who's now retired considered it a great investment to keep his Porsche clean. That is a lot of car washes. So when I do drive on the pave-in-place portion of Greggsville, the drive is stressful because it never should have qualified for paving.

[01:00:23] I feel sorry for the residents who are risking harm as they walk their dogs or walk along trying not to fall off the pavement into an 8- or 10-inch drop in too many spots with no safe shoulders. Should this road have been paved? Absolutely not. Were there deciding factors? Yeah, about 264,000 of them.

[01:00:39] So when I was researching this gravel road, we only found two road incidents, a side swipe and hitting an unidentified animal. Within only a few months after paving, I personally saw the result of one

accident and a neighbor sent me a picture of another, so much for the safety factor.

[01:00:55] The list of rural roads slated to be paved is mind-numbing. Please stop paving on a whim of a whiner. Please stop paving, using paving as the only answer. Develop an actual process of selection, one that bases the decision on objective, analytical, and transparent criteria.

[01:01:11] And don't involve politics or money, and if it's proven that the road meets the criteria, then use the proven alternatives to paving. These varied techniques and materials have achieved some excellent results. Stop appealing the new residents that want clean cars and should have stayed in their suburban lifestyles. Wouldn't it be less stressful for you as a supervisor to be able to point them to an established and documented county process?

[01:01:33] I want to just mention, if you get a chance, please drive Greggsville Road. You can look at the two differences of the pavement place and the gravel side. It is very dangerous. You can just imagine the speed to increase when you're on the gravel. So please take that into consideration. Thank you, Ms. Skinner.

[01:01:49] Sandy Fennell, followed by Robert Mueller, followed by Kevin McWilliams. Good evening, ma'am. Good evening. I'm Sandy Fennell, and my husband Chris and I are the owners of the horse farm at 17877 Canby Road.

[01:02:10] Our pastures and paddocks create a one-quarter-mile border along Canby Road. While we can see the desire for the small section of Canby on the upper end from Colonial Highway to be finished paved to Longview Crest, we absolutely disagree with the paving of all of Canby Road.

[01:02:31] Seven years ago, Chris and I made the decision to leave the congestion of Arlington County and fulfill a dream to buy a farm, preferably one with historic merit. We quickly zeroed in on Western Loudoun for its natural beauty, rich agricultural heritage, and as an equestrian to be in the epicenter of the horse world.

[01:02:55] When we found the farm on Canby Road, we immediately fell in love. it fulfilled both of our wishes. The quiet rural nature of the road was perfect for riding. The pastures were breathtaking, and the farm buildings were much as they existed from the mid-1700s, save some modern modifications over the years, and a little rebuild after a Civil War fire.

[01:03:23] I was quickly coerced by equestrian neighbors to join the rich local history of fox hunting. I joined the Loudoun Hunt, which is preparing to turn 130 years old in the next year. It's a sport that's obviously steeped in a lot of Loudoun County tradition, and we are very blessed that below Canby Road are the two hunt fixtures of Valley View Farm and Diggs Valley Farm.

[01:03:54] Besides field hunters, Diggs Valley often has pony clubbers riding on it as well as pleasure riders. During the fall and winter, it's not unusual to see a whipper inn riding down Canby Road chasing after a rogue hound that's popped up on the gravel surface.

[01:04:14] For us as farmers, riders, and also gravel bike riders, dog walkers, and joggers, it's imperative that the gravel surface be protected because that's our way of hearing oncoming traffic on an unpaid surface.

[01:04:34] We can hear and safely move to the side. Thank you. Thank you. Thank you very much, Ms. Finnell. Our next speaker is Robert Mueller, followed by Kevin McWilliams, followed by Aaron Walter.

Good evening, sir.

[01:04:50] Good evening. Thank you all for your time. My name is Robert Mueller. I live on Canby Road. Rob's actually a neighbor directly to us, to the right. My wife and I grew up in Western Loudoun. My dad, actually talking about Fox County, my dad's 74.

[01:05:05] He's a farrier, so he shoes horses and grew up on a farm. We moved to Western Loudoun to get back to a place we wanted to be and raise a family. We love Cambie Road. We love the rural nature of it. We love just everything about the quality of the road and the setup there.

[01:05:24] We do oppose the paving because we are concerned. We actually are the property where the pavement turns to gravel. So that's our property front. And so we watch firsthand every day as we're outside with our kids who are five and six cars accelerating from the gravel to the pavement shortly after they grow the gravel or hit the brakes as they're heading towards the gravel.

[01:05:47] And to us, that's, as Rob said, it's our saving grace as far as protecting or at least slowing down local traffic and people running late to get to practice or to work or people who are passing through because there's an accident on Route 7. So I just want to thank you again for your time and just let you know that we oppose the paving of Canby, that stretch or any past that.

[01:06:12] Thank you. Thank you. Thank you, sir. Kevin McWilliams, followed by Aaron Walter, followed by David Lutz. David Lutz, I do believe. Good evening, sir. Good evening. It's Kenny McWilliams. Madam Chairman, I'd like to speak to you one of the points that you made.

[01:06:29] in 1995 this board approved paving of old wheatland you may not know that it wasn't paved but i bought my property when it was to be paved and so from where i sit that hasn't been been done and that's one reason why i purchased my property where i did that's point one mr kershner point two about this cut through which the three uh they're the three naysayers that are spoken to the board tonight, I didn't hear that any of them live off of Old Wheatland Road. Maybe they do, but I didn't

[01:07:05] hear that. It's easy to throw stones and say no, no, no. Mr. Turner, there are 77 houses in Old Wheatland Estates and about 25 in Rosemont Farm where I live, so that's 102. Our petition had 112 signatures on it. The people who live off Old Wheatland Road want it paved. Now, back to this cut-through issue? Does this make sense? The naysayers will come and say, oh, there's going to be all this cut-through traffic. Where's your data on that? Does it make sense? Old Wheatland Road,

[01:07:40] for the board, just so you know, Old Wheatland Road already has pavement on both ends. Look at your paper that they prepared for you. Both ends of Old Wheatland Road are paved. We believe in compromise, right? So we have a compromise position out there. We just want about another mile paved to take in all those residents that are asking for this to be done. And oh, by the way, the developer gave the county over nearly \$700,000. What are you going to do if you vote this one down? You're

[01:08:18] going to give him his money back? This has been in county coffers for 10 years, this money. And so we would like this money spent for what it was asked for, to put some pavement down on this road that I was here in 2005, 18 years ago, and the board approved it again when I was here. And guess what? Old Wheatland Estates put their petition in. And so everybody said, well, there will be a lot of traffic, too much traffic. That hasn't proved true. And that's why Old Wheatland Estates brought this petition forward. I'm back here in 2023. I don't think all that. I'm 70 years old. I don't

[01:08:56] think I'll last another 18 years to come back to this board and ask that you just pay. And we're not asking for the whole thing. Look at your paper. We're asking for a little piece, just another little piece that you already have about \$700,000 for donated by the developer out there. Thank you very much. Thank you, sir. Aaron Walter, followed by David Lutz. I think that says Lutz, followed by Lori Campbell. Good evening. Hi, good evening. Thank you for having us today, and thank you for

[01:09:31] hearing us out. I'm a long resident of Canby Road. We've lived there for over 15 years, and getting back to Turner, your point, we actually organized a community meeting a few years ago about the gable, about the gable farm issue, which actually borders part of the Canby Road residence. We had a community meeting. We had more than 75 people that came out. I have reached out.

[01:10:07] I personally found out about this about two days ago. Myself, I've reached out to many members of the community and none of them know anything about this issue. So I wanted to start off with that to say I'm not as prepared as I normally would be for speaking to you today because I just found out about it. I've talked to six at least long-time members. I didn't have that much time to make phone calls today, but none of them knew anything about this.

[01:10:39] That being said, I mean, I agree with Rob. I thank the potholes. We have been there for 15 years, we're very, very close to the transition point. We watch it all day long. People speed until they get to the gravel, and then they slow down. And conversely, when they leave the gravel, they press on that accelerator. We've called the police. We've had numerous issues there due to this. I personally walk on the road every day. I basically jaunt as fast as I can down the

[01:11:18] gravel down the pavement section to get to the gravel because then I know I'm safe to walk. So I feel like this Canby Road issue to me has not been well communicated to the community that it affects. I do understand that it is just 300 feet, but I would not want any more of Canby paved. Also, just as a note, this 300 feet, we're talking about like 12 houses. I mean, on that, that would serve in that Longview, I believe, 12 to 14 houses. I haven't drove back

[01:11:55] to count. I meant to drive back to count today, but fortunately I ran out of time. But there's not many people that- Oh, ma'am, your time is up. I'm sorry. Oh, sorry. I'm so sorry. It was a good conversation I was having with my eyes with you, and I am really sorry your time is up. Well, thank you for your time. Thank you for your extra time, even. David Lutz, followed by Lori Campbell, followed by Jim Bingle.

[01:12:20] Good evening, sir. Good evening. I'm David Lutz. I live in Old Wheatlands Estates. I think we're kind of reaching the point where you're hearing some things again over and over again. The first gentleman that spoke and then the gentleman that spoke two ago kind of summarized up everything I have to say. There's money to do this.

[01:12:37] We have an opportunity to do this. We should take advantage of the opportunity and pay Old Wheatlands. It goes from bad to worse very quickly. Just after a rain, good rain, mediocre rain, it just, the potholes are crazy. People are swerving all over the place. You kind of have to slow down almost to a stop to decide who's going to go to the right versus the left in certain cases.

[01:12:58] I think we just need to go ahead and take care of it and get it done, even a portion of it, right? People talk about the cut through and the gravel slows it down, and I guess maybe there's some merit to that to some degree. But if you don't do the whole thing, but you just get up through Old Wheatlands and Trevor Hill, that's the majority of the residents on Old Wheatlands.

[01:13:16] And I think you'd satisfy quite a number of people, still keep the cut-through option mitigated, I guess, would be the best way to say it. But I certainly support paving it. Thank you. Thank you, sir. Lori Campbell, followed by Jim Bingo, followed by Jim Osterich, I think.

[01:13:36] Good evening. Good evening. Thank you for the opportunity. I live in Loudoun County, immediately in the area of Canby and the Longview intersection. I think that the community is unique in that there are several homes along Canby, to include those that are part of the Longview Crest community.

[01:13:58] And a couple of the homes have the luxury of being directly off of paved roadway. I am impacted at that intersection that's being referred to where there are significant issues with the dirt road. And just to fulfill some of the comments that were made or questions that were asked initially, my husband and I, our recent residents to Virginia bought that house about a few years ago.

[01:14:25] It's a relatively new community. It was obvious that we were transitioning from a paved road to a dirt road as we entered the community. We had no issues with that. We love the charm of Loudoun County. That's what drew us here from Maryland, where we raised our family, and we felt privileged to be here, and we still do.

[01:14:44] I think the county has been very responsive about making repairs to that road, but the issues are significant. It's not just a couple potholes. I think that there's huge safety concerns at this point. I think there's environmental impacts, which I know people a lot of times want to scoff at the opposing side of it, But it's, you know, there's impacts to having those trucks come out there on a continuous basis, the materials that are used, the damage that's caused to personal property, and the waste that's produced as a result of that.

[01:15:17] So given the fact that there apparently is no other option at this point, and it needs to be addressed sooner rather than later, I'm going to say that I'm in favor of paving that roadway. Thank you. Thank you. Jim Bingle is followed by a remote speaker, and that would be Jim Osterich, and that's a remote speaker, followed by Derek Van Nutt.

[01:15:43] Good evening, Ms. Bingle. Good evening, Chair Randall and board members. I'm Jim Bingle, speaking for the Piedmont Environmental Council. For the Secondary Roads Six-Year Plan, PEC supports an alternative to the proposed paving of sections of Old Wheatland, John Wolford, and Canby Roads as more appropriate construction improvement plan.

[01:16:02] There are better solutions for creating a gravel surface that can address the drainage and surface treatment issues that are causing travel problems in terms of ease of travel. Even the rural rustic roads approach to paving for convenience is a solution that brings a different set of problems to the local community.

[01:16:21] We strongly support the work and suggestions of the Rural Roads Committee of the Loudoun Preservation and Conservation Coalition in their years-long work with VDOT and the county to develop consistent and objective criteria to manage Loudoun's gravel roads and avoid paving.

[01:16:38] A replicable, transparent, and less expensive alternative to manage Loudoun's gravel roads would have multiple benefits and would be widely embraced. Despite the controversy that you're hearing here, just as complete streets with sidewalks and bike trails offer benefits to residents in Loudoun's developed areas, gravel roads can meet similar needs and offer some of the same benefits without adding infrastructure.

[01:17:06] We regularly hear from residents who live across the rural west that paving our gravel roads would diminish the value that they provide to walkers, equestrians, and cyclists because drivers are forced to slow down and share the road. Beyond the direct benefit to residents, the character of Loudoun's historic villages and countryside is entwined in its gravel roads, as everybody has spoken to here tonight.

[01:17:28] They enhance the historic charm and setting of our countryside for residents and visitors alike. Please listen to the requests for avoiding paving and find a more targeted solution to the problems on these roads.

[01:17:45] they can surely be improved without paving. Thank you. - Thank you, Ms. Bingo. Remote speaker, we have Jim Ostrich, followed by Derek Van Nutt, who's not remote. He's in the room. And gosh, I'm going to spell your name 'cause I do not want to mispronounce your name, and will you come up if you pronounce it for me?

[01:18:07] I'd really appreciate that. It's J-A-C-H-I-M-O-T-E-R-O, so the last name was Oterio, but if you would pronounce your first name, I would appreciate it. But now we're going to go to the remote speaker. Andy, you're there? Andy?

[01:18:24] I know, that's the remote speaker's name, Jim. Hey, yes. I have Jared here first. You have who? Jared Smith. I don't have Jared Smith on my list first. I'm just going down my list. Who's Jared Smith? Wait.

[01:18:40] Andy, is that you talking to me? That is me. Okay. Andy, I don't have Jared Smith. I don't know who Jared Smith is. I have Jim Ostrich. Yes, I have him after Jared. Oh, we have Matthew Jarrett.

[01:18:56] Okay. He's on my list here. All right. Why? But there's room on this side. Anyway, okay. We'll go to Jarrett Smith and then Jim Ostrich and then Derek Van Nutt. Is that you? Okay.

[01:19:11] We're going to do two remote speakers. We're ready, sir. Good evening. Can everybody hear me okay? We can hear you fine. I want to thank everybody for taking time to listen to our concerns and also just hear kind of our point of view in regards to the road improvements that we're looking to accomplish.

[01:19:30] I, too, live off of Canby Road. I live on Molesby's Fox. I'm the next-door neighbor to Laurie Campbell, who just recently spoke, as well as the adjacent neighbor to Mr. Mueller and Rod Meeks. I've lived in the community now for close to seven years. I agree with all the comments that you heard from Laurie and some folks in regards to property damage and also some of the other issues that are involved with the gravel road, but I do want to focus on the safety issues that we have seen and witnessed over the last seven years. I understand that everybody's focused right now on the plot holes

[01:20:10] slowing cars down, but I want to call everybody's attention to the fact that Canby Road, specifically Longview Crest and Mosby's Overlook, have a significant amount of residents that have school-aged children. There are school buses that are there continually throughout the school year, picking up elementary school kids middle school kids and high school kids I've witnessed with my children as well as other families instances where kids are getting on and off these school buses and cars are swerving trying to avoid the potholes or not paying attention to school buses nor the kids

[01:20:44] children are coming off and on the bus having to avoid stepping in huge potholes and putting themselves in danger as they cross the road entering into Longview that's one of the I understand that not everybody is considering but there's safety issues with children involved it's just not drivers um i have also as we've lived in this community for seven years been a victim to having issues with my because these

roads are not repaired as timely as everybody thinks they go for weeks and weeks at a time specifically during the winter where people are driving on the grass

[01:21:21] they're driving on opposite side road we even have a resident that has put up markers on his property to keep people from driving on the grass which just recently came down over the last couple weeks they've been up for probably over a year because cars are swerved up over the grass the grass areas we're not asking for the whole road to be paved we're asking for two to three hundred feet the road itself up to that point is paved there are residents there mr smith can you see your clock because your your time is up sir all right thank you very much thank you sir thank you

[01:21:59] And we have another remote speaker, Jim. I think it's Ostrich, but I'm not sure. Correct, Madam Chairwoman. Thank you for this opportunity. First, I'd like to say that I am very grateful to the Virginia Department of Transportation and Mr. Kirshner and all my neighbors that are here today remotely as well as in person to defend and make the case for paving Old Wheatland Road.

[01:22:31] I'm a resident, three-and-a-half-year resident of Old Wheatland Estates, and the points, comments from your original speaker, Mr. Clark, were all on point, every single point that he made.

[01:22:49] I would only add that there's actually nine blind curves, not blind curves, blind hills along that stretch of Old Wheatland Road from Milltown all the way to Route 9. The initiator of the petition that you have before you, and it took a little over a year and a half, and we are a majority.

[01:23:12] The point that was made earlier by, I think, Supervisor Turner is just irrelevant. The number of residents beyond Rosemont Farm Place or Trevor Hill to the west are minimal.

[01:23:31] We are the majority between Old Wheatland Estates and Trevor Hill, Madam Chairwoman, and I could go on and on about all problems that exist, and it's not that we don't love the National Historic Landmark that we live in.

[01:23:50] We absolutely do. We just need a decent pavement to get to our paved communities at the very least. And so I, again, thank you, the board, Mr. Kirshner in particular, and everyone in support, because as VDOT told me two years ago, it's time to pave Old Wheatland Road.

[01:24:21] So with that, Madam Chairwoman, again, thank you, and have a pleasant evening. Thank you, sir. Thank you very much. Mr. Van Nutt, you are next. Thank you for waiting, sir. And then I think it's Mr. Oterio, followed by Thomas, I can't read the hand.

[01:24:45] Dill? Thomas Dill, okay. Yep, handwriting, handwriting. Ready when you are. Great, thank you. Thank you, Chair Randall. Thank you, supervisors. My name is Derek Van Nutt. i'm in the catocting district i live off old wheatland road i'm not representing any of the other communities it sounds like there's folks here doing that i'm simply representing the constituents from old wheatland road and we have a good majority of them here and i'm one of the 112 that signed this petition because the road it's dangerous and i don't think that simply having

[01:25:22] that as a gravel road as it is and not paving that short section preserves any kind of historic value for the community. I think the money that we have already contributed to this. We can pave it very easily. There's a compromise on the table. And if you can approve part of the plan, I think you need to consider this part of the plan. I think there's other roads that have opposition but I think this road we have a lot of support the 112 I would imagine is a far majority of the the folks on that road I don't have anything

[01:26:01] additional to add I understand the the your important jobs of finding that balance between the community desires and the preserving the historic nature of the community but I really don't understand how not paving that part of the road that small part of the road really changes much in that nature and And for the opposition, the speed, we, the homeowners, aren't looking to speed.

[01:26:26] I think there's also a compromise if speed is an issue that we put things in the road to prevent speeders. I think that's fine. I think there's solutions that need to be evaluated rather than saying yes to all of it, no to all of it. I think there is a lot of compromise to be had, and I think we're willing to have that discussion.

[01:26:45] And we have funding there to help support a lot of that. Thank you. Mr. Minot, I have one question. So, and I asked this question just for clarity. You said you're representing, are you formally representing all the neighbors?

[01:27:00] Not formally, no. Okay, okay. James, the speaker before me, I would imagine he'd be the formal representative. Okay. He's the one submitting the petition. He asked me to come. He couldn't be here today because of work. I understand, okay. So I'm here informally, but I guess maybe on behalf of James. I understand.

[01:27:16] Thank you very much, sir. I think it's Mr. Oterio, Followed by Thomas Deal. Good evening, sir. Would you pronounce your first name for me? Thank you so much for having me. My first name is pronounced Joachim. Joachim. Nice to meet you, sir.

[01:27:31] My last name is Otero. Otero. I'm a resident of the Old Wheatland Estates off Old Wheatland Road. I've been in Loudoun County about 18 years. I've been living in Old Wheatland Estates almost six years. And I just wanted to have the opportunity today to express my support for the proposition before the board to improve the road.

[01:27:51] even if it's only the compromised version, which is a shorter length than the entire length of the road. It is a very hazardous journey up and down that road from one end to the other because of the nature of the blind curves and the turns and the steep and sharp drop-offs.

[01:28:13] And, you know, every time it does rain, we do get a lot of potholes and other kinds of obstacles. You have to really go slow, and it does beat up your vehicle. But I also wanted to say that I do appreciate all of the commentary today about the rural nature of the county and the historical value of the historic road program.

[01:28:37] I'm an advocate for all that as well. So it's a tough decision, but I just wanted to express my support for approving and encourage you to approve the proposal to pave or use some other type of aggregate with binding agent or some other type of service to improve the road and make it a safe road to drive upon.

[01:28:58] And Mr. Kirshner, I haven't met you yet, but we're neighbors, so nice to meet you, sir. Thank you. Thank you, sir. Thomas Dale, and then he's followed by two people who are both remote, Pete Barker and Chris Finnell. Good evening, sir.

[01:29:14] Good evening. Thank you very much for the opportunity to speak, and I apologize about my bad handwriting. That's okay. I'm sorry. I've lived at Trevor Hill for the last nine years.

[01:29:31] I moved to the Northern Virginia area in 1975. My daughter, at the time I was living in Sterling Park, was born in Loudoun Memorial Hospital back in 1979.

[01:29:51] I've seen a lot of changes in Loudoun County over that time period. Um, I've seen huge changes also in Fairfax and in Prince William County. Development has certainly come to Northern Virginia. Um, one of the things about property rights that I've noticed when it comes to, um, development is that developers have a lot of leeway in so far as what they want to do.

[01:30:20] And then they throw the burden, if you will, on the local county, the local towns and so forth, insofar as coping with additional schools, additional roads, additional sanitation, but they have their way. There is a considerable amount of traffic that goes through Waterford. I was getting up at 4.15 in the morning to drive into Tyson's Corner, where I was working, until I retired a couple years ago. Massive amounts of cars coming down

[01:30:55] mill town out of Lovettsville excuse me um and that is where the traffic is coming into uh um waterford uh the petition of 112 signatures i did a back of the envelope count there's about 124 houses by my count that live off of old wheatland which is where i am uh much of old wheatland is a straightaway. But at the corners, it is very dangerous. Rain will wash away the shoulders.

[01:31:29] It makes it hazardous. The potholes, as you've heard, are terrible. And we really need to be doing something and finding other solutions. Don't mean to push anything else on you, but frankly, a bypass around the village of Waterford would make a heck of a lot of sense.

[01:31:46] Don't know where you get the money to do that, but it would alleviate a lot of the problems. Thank you, sir. And the historic nature. Thank you very much. Thank you very much. Our last two speakers are both remote, Pete Barker and Chris Fennell. Okay, this is Dr. Pete Barker.

[01:32:04] I'm a biologist. We have a farm on Canby Road. I'm the vulgar neighbor that Colonel Meeks mentioned a little bit earlier. And I would like to just put my two cents in here. I don't believe the paving can extend even one foot, much less all the way down the road or 15 feet down the road or whatever.

[01:32:29] This area has been very rural. Our home was built in 1740, which means that the resident of the first house on this property quite likely watched Braddock's army roll by on Dry Mill Road.

[01:32:45] I don't favor transforming the neighborhood into classic suburban with curbs and sidewalks and all that. That's not why we moved here. So I'm completely in support of Colonel Meeks, and they're in love that I do not favor paving.

[01:33:08] That's it. Thank you very much. And our last speaker is also remote, and that is Chris Fennell. Okay. Thank you. Yes, my name is Chris Fennell, and my wife, Sandy, spoke earlier about our property on Canby Road.

[01:33:24] And I echo the comments of the previous gentleman, but I want to emphasize, I happen to be an engineer with plus years of home building and land development experience. In this instance, rather than talk about a technical thing, I'm going to build upon what, at the beginning of this, several of the chair and the council members mentioned, was process.

[01:33:47] I happen to be out of town on business, and this is so important that I didn't even find out about this until yesterday. My wife didn't find out. The network went, I'm sitting in my car on the side of the road. I'm out of town on a business trip because this is critical, as the chair mentioned.

[01:34:06] What happens is forever. It's not reversible. The previous gentleman said, we too live in a property that's from 1740, including white oak trees that are from 1740. are within 15 feet of the road. So the fact that this process could go on without transparency and active community engagement, as opposed to, oh no, our process is we just wait to hear what happens. That's really not appropriate because this is irreversible. What could happen here?

[01:34:41] We moved to Canby Road because we cherish the environment, not to change it. If we wanted to change it as the chair said we should have moved somewhere else. So the point is that Canby Road is a unique place relatively close in to Leesburg that has been for centuries. It started as a footpath. There are ancient maps showing the Native Americans using the ridge line as a footpath move across the top of the Catoctin Ridge. What gives us the right to change that and say we need

[01:35:19] to pave it we our property happens to be the straightaway as the other gentlemen were wide open straight stretch with pastures on the side that will be the place where where if it were paved where the speeds will really really pick up and lastly i am also a bicyclist uh moved to louden and became an avid gravel biker canby road hosts dozens of gravel bikers saturday mornings in the evenings, use it as, here's that dirty word, a cut-through, a network of gravel roads.

[01:35:58] Sir, I'm sorry, your time is up. Okay, very good. Thank you very much. Thank you very much. All right, that is all of our speakers. Thank you all for coming in. I think those comments were about even on either side, actually. I appreciate all of you all coming in. Supervisors, as is my practice, although I know there are other motions on the dais, As is my practice, I'm gonna first go to the motion in the packet motion first, I always do that, and then we will go from there based on what happens in the packet motion.

[01:36:32] Now, it is possible, let me just ask, does anyone want to make the packet motion? Mr. Kirshner? - Madam, I'm sure I'd be willing to make the packet motion. There is a slight amendment to the Wheatland, all the Wheatland proposal, I've spoken with staff about it and obviously I have some comments.

[01:36:48] I also know that Mr. Laterno would like to-- I know, but that's a separate and different... But his is first, yeah, and then we'll come back. It's actually splitting the motion, but let's just split it to do you first and then come back and make the packet motion and then we'll see.

[01:37:06] And then Ms. Bricksman has a motion on the dais as well. Mr. Buffen has a motion on the dais as well. It will just depend, really, because some of the motions will be void if other motions pass. So let's just go to Ms. Leternos because his is a splitting of the motion, basically.

[01:37:23] Yeah, so, and I need to explain it because I need to move to suspend the rules, but it will be only for the purpose of funding the Goshen Road project tonight. So I will move to suspend the rules. Second. Okay, and motion to be made and second it.

[01:37:39] Okay, as I said, this is only for the purpose of moving this tonight. The reason I'm doing it is because it is FY, it's \$180,000. Wait, he's speaking on the motion to suspend just so people understand why I'm doing it. There's only \$108,000 left out of \$2 million.

[01:37:55] It is FY24, which has already started. I think Mr. Tuare would confirm the sooner you get this money, the sooner you can start working on this particular project. And we discussed prior to the meeting trying to get this one funded tonight so that you can start working.

[01:38:12] Is that accurate, Sunil? Yes, the activities on the project can begin as long as the funding is allocated to it. Yes, so I'm only asking on this one. That's why I'm making a motion to suspend. Okay. Motion made to suspend. Anybody else on that?

[01:38:29] All in favor say aye. Aye. Any opposed? That motion will pass 9-0. Mr. Attorney, should I make a motion? Yes. I will move that the Board of Supervisors approve funding for the, I'm doing this a little bit on the fly, for the Goshen Road Project UPC T25243 and FY24 as part of the FY24-29 Secondary Road Six-Year Plan and FY24 Construction Improvement Budget Priority List provided to the Board of Supervisors at the July 12th public hearing staff report.

[01:39:07] Motion made, Mr. Buffington. Discussion on the motion, Mr. Letourneau. Is that motion adequately? No, it's a pretty clear motion. Okay, just making sure, technically speaking, I think Susan has a, Ms. Glass has a question. Yes, ma'am. May I suggest that you also include the Rural Rustic Road designation or Goshen Road?

[01:39:28] Absolutely. I further move that the Board of Supervisors approve resolutions designating Goshen Road as a Rural Rustic Road, I guess, as provided in Attachment 3. Is that doing it for you?

[01:39:44] Okay. That's the purpose of the funding. July 12, 2023, Board of Trustees, Public Hearing Staff Report. All right. Discussion on the motion? No? No, I'm just, we've been trying to get this one done. It's exciting to get this done. there was no speakers here in opposition to it this is a very different situation this is in eastern southeastern laden county next to a major high school next to another major road project that will be opening soon and we get constant complaints about it so um yep okay anybody else all people say aye aye any opposed that motion will pass 9-0 all right in order i'm going to go

[01:40:21] to Mr. Kirshner next to make the motion in this, well, basically the motion in the package. Mr. Kirshner, if your motion that you're making varies quite a bit, in my opinion, from the motion in the package, then we may need to talk about that.

[01:40:37] Because really, what I always do is go to the packet motion next. So let's just give it to you. The only amendment that I have, Madam Chair, and maybe I should explain the amendment, and then read the only amendment. No, no, no. That's not, no, no. No, no. So that people understand. Okay, I will read the motion, and then I will...

[01:40:52] Well, do you want to suspend the... No, I do not want to suspend the rules. I want this to go to the September business meeting. There needs further discussion with the various entities. All right. Yes, so it'll be September public hearing, excuse me, yes. We've changed the process.

[01:41:07] Would you like to make the motion? I will. I move that the Board of Supervisors for the FY 2024 and FY 2029 Secondary Road Six-Year Plan an FI 2024 construction improvement budget priority list to the September 13, 2023 Board of Supervisors public hearing for action, with the exception that the old Wheatland Road portion be shortened from the proposal in the packet to go from Rosemont Place, also known as the Trevor Subdivision, to, I'll get it real quick, I'm sorry,

[01:41:47] I lost my train of thought, to Milltown. I'm sorry, you might have lost my... So basically the motion packet, shortening the road slightly, as was mentioned by several speakers, not to end at Virch Lane, but instead to end at Rosemont Place. So I have two points of clarification.

[01:42:05] You said move it to the public hearing for action, and this may get to our new rules. We can move it to the public hearing. You don't have to say, because we can leave it in the public hearing if we need it to. So when you say for action, do you, is, are you...

[01:42:24] That's the motion. That's the draft motion. Oh, okay. That's right. So what's your intention, though, to act on it in that public hearing? Yes, but specifically I have some comments on that. But go ahead. That's my motion. And then my second question, and this is for the clarification, so everything else but the Wheatland Road, you want that in there?

[01:42:42] And everything that's in the attachments, you want all that to stay in there? Nothing else changed in the motion but that? Correct. Okay, all right. This is public hearing, so we're just moving it forward for action. Okay, discussion on the motion. Mr. Kirshner. Thank you, Madam Chair. Do we have a second? I'm not sure. Do I have a...

[01:43:00] Okay, thank you. I just want to make sure it's legit here. So there's so much I can say. I have a very short period of time to say it in, and I really appreciate every single speaker that's come out. I want everyone to know that I'm extremely sensitive to our historic roads, and I want to do all I can to continue to preserve them as much as possible. But then I also have many, many residents on a number of our historical roads, and I got my, I told the folks on Wheatland specifically, you got to bring a petition for it. I took a playbook out of Supervisor Buffington's playbook, and I said, listen, you need a majority, a significant majority of people on the road,

[01:43:39] and as you heard, they took a year and a half, so, but I also appreciate what Waterford had to say, especially in terms of, hey, we're a little concerned about possible cut-through traffic, And so I believe the compromise position at this point is to ask that the only for the paving to go up to Rosemont Place.

[01:43:58] I've spoken with staff and VDOT, and they say they can actually put perhaps that tar and chip to make it keep the character look of it. But I think going all the way to Vert's Lane is probably problematic. I think we need to continue to preserve that portion of the dirt road to help reduce and discourage the pass-through traffic, especially when that roundabout begins to get built at 287 and Route 9.

[01:44:23] I know that doesn't make everybody happy. I wish I could make everybody happy here. And, again, this is just moving it forward for discussion. I was a bit surprised, and so I am not as enthusiastic about Canby in any way. I know it's only a short portion, but I think I specifically need to get out and meet some of the folks, look at the road a little more carefully.

[01:44:44] I had not heard any opposition literally until today concerning the Canby Road. So a lot of the comments that were put forward did give me pause. I want to move it forward because obviously I want to see what happens. And I have asked staff as part of is to reach out to the various groups, both on the compromise position, specifically in Wheatland.

[01:45:03] But I'm also going to personally reach out to the folks on Canby. Again, this is not I am not in favor of paving all of Canby. This is a very short section. I think a number of the residents had reached out to ask that it be paved. And so I think that's how this ultimately made it on the list of the rural rustic roads.

[01:45:19] So that is the motion. I think I have 40 seconds left, which is never the case. You've got to keep talking just because you've got 30 seconds left. So again, I— Oh, I guess you do. Yeah. Had other thoughts.

[01:45:36] And I really appreciate everybody that came out and spoke. So I would like, I would really like to hear from the groups that spoke against the paving of Old Wheatland, and also I would like them to work with our staff to see if there's any other tweaks to this that we can come up with to make it better and to come to more of a consensus.

[01:46:00] That may not be ultimately possible, but thank you, Madam Chair. Thank you, sir. Mr. Turner. Thank you, Madam Chair. I'm happy to support the motion. I commend the citizens on Old Wheatland Road. You made a persuasive case. Convince me that the majority of people in Old Wheatland support the paving of the road.

[01:46:19] We haven't heard from any of the other roads except Canby Road, and so I'm going to assume by default that they approve, or at least the majority approve. I have real concerns about Canby, and I kind of feel like the vote is mixed and still out there, so I'd like to hear some more discussion.

[01:46:35] But as I mentioned in my comments, I think if we're going to include in the rural Rustic Road designation as part of Virginia Code a criteria that a majority of the residents along the road wanted improved, we have to come up with a systematic way to determine if a majority of the people on the road want that change.

[01:46:55] I don't think we've done that, and I'll defer to the district supervisor as we move forward. If nothing changes when we come to the public hearing, I will probably vote to split this motion and vote against Canby Road because I don't think we made a case that the majority of residents want it, but we have some time to adjust to that, so I'm happy to support the motion. Thank you.

[01:47:19] Thank you. Ms. Brixman. Thank you, Madam Chair. Happy to support the motion. Appreciate all those who came to speak about it. I had a couple questions for staff because we're talking about proffer money that was proffered for Old Wheatland Road.

[01:47:35] And my question is, does that mean that that development was approved by this board? Because for proffer money to come, it had to have been approved, right? Or was it buy-right? It was buy-right. Yeah, it was buy-right, yeah. Okay, so how do we have proffer money if it was buy-right?

[01:47:52] It's not proffer money. It's funds that were contributed by the developer pursuant to a buy-write application. Oh, interesting. Okay. And a speaker mentioned that that money's been sitting there for 10 years. And so do we run the risk of losing that money if we don't do the project within 10 or 12 years? Because I know some of those contributions, we run out of time.

[01:48:17] If it were proffer money, we might be running up a clock, but this is a cash contribution pursuant to a subdivision application, and the Code of Virginia hasn't put a time clock on that yet. Oh, okay, that's great.

[01:48:33] So we're not under the gun to get it done. That's great news. So you might have just answered my second question along those lines of the contribution for the road being paved. there's no stipulation as to how long it has to be paved if the whole road has to be paved or or not right like we in other words we can do what supervisor kirschner wants to do without risking losing the money that is correct there is a excuse me an agreement it was in the board packet

[01:49:09] as attachment number i think five no attachment five has a copy of the cash contribution agreement that accompanied the payment and the county in this agreement agreed that the funds

deposited by that subdivider the developer would be used for paving in place 6169 feet of state road 698 old wheatland road from its current end of paving near milltown road westward to the edge of the

[01:49:43] property's frontage on old wheatland road and then it references a pavement section that was shown on their preliminary plot. May I ask the county attorney? Sure, absolutely you may. Does that bind us in any way to paving the whole thing? Like, can we do what Supervisor Kirshner wants given that language? Yes, I mean, based on that language, we could use that as much as that funds to pave that area that we want. Okay, all right, thank you. Thank you, Ms. Brixman. Mr. Letourneau.

[01:50:17] Yeah, I just want to make one quick point because I think it might be helpful for some of the residents other than Goshen Road which we just dealt with Hogback Mountain and John Wolford every one of these other projects is in a future fiscal year it is not to be done immediately so I know there were some comments from people saying that they felt blindsided or they didn't know well this is a six-year program so these are spread out over the six years and correct me if I'm wrong but I believe the board does a check back on this annually every year so it is not as if anything other than those three would actually happen in the next year it is a you know so there

[01:50:54] is time for discussion and there have been modifications made in the past even if a road is in the six-year plan from year from one year to the next so i just wanted to make that point because nobody really brought that up but i think it's important i also just had a question i guess for leo um and i might as well ask it why does this fall under the rules on a public having to be acted at a public hearing because it's not a land use case i thought that was only for land use and development mr rogers mr hamstreet yes so to simplify in for staff and the board

[01:51:30] we recommended that the board adopt the same rules for all items coming to public hearing mostly because of the advertising requirements but it so does this have advertising requirements associated with it for a future action like we couldn't send this to another business meeting because that's what we always normally did mr. Rogers it is it's not covered by the new state code section so what we're doing is trying to make this simple on the staff so we don't mess up on one of these items but if you don't have to advertise then what what are you gonna mess up on the board would send it to a future meeting to answer I mean we typically handle this at a business

[01:52:09] meeting in fact if you look at the item it said that so I mean I'm not I'm not I don't have a strong feeling one or the other but I do worry a little about overloading public hearings especially if there are items that we don't have to act on at a public hearing that are just a normal business item why we wouldn't just maintain our practice if there's not an advertising requirement there's not we're trying to keep it in uniform we would ask you suspend the rules because you just modified them in terms of sending public hearing items to future public hearings but did our rules cover every item or just those that fall under the statute they cover every item so the rules everything that comes to public hearing remains in a public

[01:52:45] hearing meeting yeah i i would also if you don't mind in your time the other the other thing that i would take into consideration is that in a public hearing on an issue any any amount of speakers can speak if they'd like to in a board meeting there's a limited amount of time and all the speakers that spoke tonight would not have been able to speak if we had been doing this in a business meeting versus a public hearing so that's the other thing so they can all can well no wait Wait, but doesn't our rules say that we only allow the input at the first public hearing?

[01:53:20] No, no, they can only speak on one issue at a public hearing. No. But in a public hearing, they can only speak... No, but if we forward this to another public hearing, there's no requirement we have another input, right? I don't know what the new law says about this. Do you all know what the new law says about that?

[01:53:36] So the board rules would be a public hearing every time it's heard. What is waived is if there is an applicant and it's a legislative item, the applicant's presentation is waived. Right. But not the comment. Not the comment.

[01:53:52] Not the public comment. I asked that question. All right. We've got to talk offline. I literally asked that question on this. Go back and look at the record. And I was told we do not have to have the full... Did we talk that by me? No. Oh, okay. I asked the question to staff. All right. Well, I know... Okay. All right. We'll have this discussion.

[01:54:08] Point of clarification, Madam Chair. Yes. I believe that if it comes to the second public hearing, it goes into the new portion as a returning item, and as a returning item, it's not eligible for additional comment. Is that correct? That is not correct. It's a public hearing. It goes from public hearing to public hearing. What is waived is if it's a legislative item, the applicant's presentation is not held.

[01:54:34] Exactly. Thank you. And because it's not a business meeting, we can have unlimited speakers on the item versus a business meeting where we wouldn't be able to have all the speakers that we had. Yes, sir? So to answer Supervisor Letourneau's question, this is not a land-use item.

[01:54:49] Why do we need to have public hearing? I guess that was your original question. Because these are secondary, right? Was that your question? That was his original question, but I think we just threw it. Original question. Yeah. Because these are secondary funds, and if there's more than \$100,000, then we are required to have a joint fund.

[01:55:05] That's the BDOT, yeah, that was your BDOT. Let's be thankful you're on. We're going to stop this discussion now and keep going, because I think we've, this is office conversation. Mr. Buffington. Thank you, Madam Chair. Sunil, here's talking about a second public input session.

[01:55:23] We know that there has to be at least one. Thank you, Madam Chair. I'll support the motion to send it to another public hearing. When we get to that public hearing, I'll probably ask, if no one else does, that the motion be divided so that we can vote separately on Old Wheatland Road and Canby Road.

[01:55:39] And when you're ready, Madam Chair, I have a procedural motion for the future. Wonderful. Okay. I don't have any other, well, all I would say is that it helps to have received all these comments, especially the Wheatland Road's comment.

[01:55:56] I cannot imagine any reason that I would support the Canby Road paving. I just don't see that happening. I want to give Breitland Road a lot of thought because, as I said before, once you change a road, it's changed forever, so it's changed for people who are living in that house 50 years from now, 100 years from now, so I'm going to, I have thought, I have to give it thought, which is good, and I also want to say, Mr. Meeks, I'm going to call you because your house sounds fascinating, and I want to know more about the historic nature of the houses you're living in, so give your call.

[01:56:31] All right. The motion was made by Supervisor Kirchner and seconded by Supervisor Umstott. All in people can say aye. Aye. Any opposed? That motion will pass 9-0. Mr. Buckingham, would you like to

make another motion?

[01:56:49] Thank you, Madam Chair, and I apologize to my colleagues that you don't have this. I just work with staff to come up with this motion. I move that the Board of Supervisors direct staff for future rural road paving projects to poll residents along the road and provide the polling results to the Board of Supervisors as part of the packet item.

[01:57:10] Second. That motion was made and loudly seconded by Mr. Kirshner. Discussion on the motion, Mr. Buckingham. Thank you, Madam Chair. Thank you, Supervisor Kirshner and Supervisor Turner for bringing this up. This is something I wish I had made this motion.

[01:57:26] I've been thinking about this for years, and I just thought that talking about it during the item would result in it. It never did, unfortunately, and that's my fault. Should have made a motion, had the board vote on this to direct staff. Basically, what they're going to do is go off and do a little bit of research and come back to us at a future meeting with some options that we can consider for how to improve this process in the future so that when we get this packet on the Thursday before the meeting, it includes in the packet, which we read to prepare for the item, what percentage of the community, how they feel on this.

[01:58:05] Do they support the paving or do they not support the paving? And as I said, that's something in my office. We've been doing that on our own. It's too hard for our little district offices to do this and also keep up with everything else that's going on. But county staff hopefully can do this and do a much better job of it than we would.

[01:58:24] And I think it's just smart business to do this going forward and have this information be part of our decision-making process. And it also ensures that everybody, at least who lives along the road, actually knows that their road is being considered for paving and has more information and can come to these meetings and let us know how they feel.

[01:58:42] So, thank you. Mr. Kirshner? I appreciate Supervisor Buffington making this motion. It's a really good motion. I think it's really going to be a really good practice. I just want to say that I certainly would offer the help of my staff wherever needed during that reach-out process simply because I think it's helpful for us to know and hear the comments along the way.

[01:59:03] So we would certainly offer our support in staff doing that as we address the six-year plan and the rural roads in the future. Thank you, Madam Chair. Thank you. I would say, obviously, I'll support the motion. I would say two things.

[01:59:18] I haven't gone and driven this road. I am going to do that before we get to the next public hearing because it's always good to kind of do a little field trip and actually drive on which you go see what you think you know because you always learn something. I do think that some of these roads are a county asset, and so, yes, the people who live there are most impacted, but it's also an asset to the county.

[01:59:43] And so I look at them like that as well. And then I'm also going to perhaps try to find some information on the accident numbers, be they serious accidents, side swipes, whatever the accident numbers are in these roads.

[02:00:00] Because if we're going to use safety as a point by which we'll make decisions, I'd like to know what those numbers say. I believe that, for me, safety is really, I can think of no other criteria that should come first except for safety so I'm going to pull safety numbers and accident numbers on the roads as well

because I keep hearing that there are a lot of accidents on these non-paid roads and I want to go see those numbers and so I will reach out to the Sheriff's Department and do that as well although

[02:00:35] what I might do Mr. Buffington do you mind if I make a friendly and to the seconder do you mind if I make a friendly to your amendment I mean sorry to your motion to see if the staff can you all reach out to the sheriff and do that and see what the accidents are on this road is that possible yes we can if you would you accept that as a friendly absolutely would the seconds accept that as a friendly i i would i'm not sure it's germane to the motion but are you asking for the for on the previous motion or the one which says in future ask the staff to reach out no what on the motion that he just made are you the motion His motion was for future six-year plan.

[02:01:13] Your statement was for these roads that we're dealing with today. For these roads right now, yes. Yeah, I mean, I guess you can add it. That's fine. That's fine to what they are, yeah. Would that also include and in the future for each road? I can do that and in the future, too, because it would help to know. Because, yes, because it would help to know, yes.

[02:01:31] So thank you, thank you. All right, motion was made by me. Can I do a closing? Sure. Because I got a text message from the Western Loudoun Station commander who's in the back of the room, wave your hand or something, T.J. DeLitta, he does a great job. He said, hey, please feel free to let everybody know that they can come back and get a business card from me if you have any speeding issues or anything like that. He is your man, and he will work to address those issues. So thank you, T.J. Thank you, Madam Chair.

[02:02:03] Thank you. Thank you, sir. All in favor say aye. Any opposed? That motion will pass 9-0. thank you everyone okay we're going to do the consent agenda oh you do have a motion there's one more motion this item everybody sit back down staff to tell me I have to move I have to move to suspend the rules to make this motion so I moved to suspend the rules well we don't have any idea what you're suspending the rules you may want to say why you okay okay why it's a discussion on the motion of why you're suspending the rules I'm suspending the

[02:02:41] rules because we're not doing the packet rules that we have now in public hearings so I'm trying to know what you said but okay well I because I'm doing something different than what it we were supposed to do by the rules the new rules I want to send this my request for staff to report back to Finance Committee that's it all right most amazing second professor Buffington already. Any discussion? All in favor say aye. Any opposed? The motion passed 9-0. Ms. Bricksman.

[02:03:19] Thank you, Madam Chair. I move the Board of Supervisors direct staff to research potential funding sources to pave the eastern segment of Potomac Drive to a rural rustic standard and return to a future Finance Government Operations Committee meeting with recommendations for a funding source. Motion made and seconded by the Chair of the Finance Committee. The Kush on the motion, Ms. Bricksman.

[02:03:42] Thank you, Madam Chair. If I might start by asking staff a quick question. Is it less expensive to do rural rustic standard, or is it less expensive to do just regular paving of a road by VDOT standards? It's typically less expensive to do rural rustic because the footprint is confined.

[02:04:03] Okay, great. So Ms. Glass mentioned earlier that it's going to be about \$250,000. This road and segment does not qualify for the Rural Rustic Program because less than 50 cars use the road. So we need

to find funding for it.

[02:04:21] And so this asks staff to report back to the Finance Committee to see if there's some proffer dollars somewhere not being used or any other ideas on how we might get this road paved. Our office was contacted in May to ask why VDOT hadn't paved the eastern half of Potomac Drive, and a constituent requested that it get paved.

[02:04:43] There are about, I think, five or six houses on Potomac Drive. It's behind the Smith Circle community, kind of near the Seldon's Island area. So I appreciate my colleagues supporting. This is just exploratory, and just to see if we have some pockets somewhere that we could tap.

[02:05:02] Thank you, Madam Chair. Mr. Letourneau? I think you answered the question. So this cannot be eligible for the VDOT six-year plan? Right. May I answer, Madam Chair? You may answer, yes. Because it doesn't have 50 trips per day.

[02:05:19] It only has like 22 to 25, I think staff said, per day. And so it doesn't qualify for the Rural Rustic Roads program. But you want to do it to the Rural Rustic Standard anyway? Yeah, I think so. I think that's fine. Yeah. Okay. Yes, because it's less expensive.

[02:05:36] I guess we'll see. It'll be an upgrade. All right. Thanks. My only question, I know I put staff kind of on the spot a little bit, but what does your capacity look like? Because we've done a lot tonight, and you all are really busy, and I don't want to overwhelm you. So how's your capacity looking right now?

[02:05:58] Okay, that's an answer. You might be talking about today. It's been about a 12-hour day today. But after today, we'll be better. My staff was part of that, I'm sure. Oh, gosh.

[02:06:14] Okay. Okay. Yes. Thank you, Madam Chair. We love our staff. You guys are doing a great job. So my question is to Vida and Sunil. If everything were to come back and we did identify funding, would you all be able to pave a road to the rural rustic standard that's not in this program?

[02:06:38] Yes. Yes. Okay. Thanks. Ms. McVick, would you like to close? thank you madam chair this isn't this is not urgent I mean it's I want to address it I want to get I want to get answers to it but it's not like we're having accidents and people running off the road and people getting hurt and that that's not the complaint we've been getting it's just that they would like to have the road paved so if it comes in the fall sometime I'm fine with it and as you notice I sent it to a future finance committee without saying the

[02:07:12] Without a date, and the finance chair, Ms. Umstead, agreed that she's fine with it coming to finance. Thank you, Madam Chair. I was just looking at Ms. Glass's face when this was all happening. All right, so we're not going to say a date of the future finance. You're going to put it on there when you think it.

[02:07:29] Okay, sounds good. All right, motions made by Supervisor Brickson, seconded by Supervisor Umstead. All the people who say aye. Any opposed? That motion will pass 9-0. Okay, now we are finished with this item. Thank you all very much. Everybody, we are going to do the consent agenda right now.

[02:07:50] I'm sorry, the consolidated agenda right now. The consolidated agenda items are as follows. The board will hear the following items of the consolidated hearing. As a reminder, these items are being considered consolidated because there are no outstanding issues.

[02:08:06] Staff has recommended approval. The applicant has waived their presentation time. and no public speakers registered in advance to speak to the board. Item two, Comcast cable TV franchise

agreement renewal. Item three, establishment of a new section of codified ordinance of Loudoun County, Chapter 656, Conduct in Washington Metropolitan Area Transit Authority Facilities and Vehicles.

[02:08:31] Yeah. Item four, substantial amendment to the five-year 2021 through 2025 consolidated plan in the FY24 Annual Action Plan. Item 5, relocation of the Middleburg Precinct polling place.

[02:08:49] Item 6, realign boundaries of precinct at 711 Carter and 714 Rock Ridge to eliminate a split precinct. Item 7, ZMOD 2022-0076, The Human Bean, which is a coffee shop.

[02:09:06] Item 11, SPMI 2023-0005, Wee Wells Child Care Home, Child Care Home, yes. Item 12, resolution approving the public use of necessity of acquiring certain real property and authorizing the acquisition of imminent domain, North Star Boulevard, Phase 1, Route 50 to Evergreen Rail's Road Expansion Project, and I think that might be all.

[02:09:37] Madam Chair, point of clarification, isn't number nine supposed to be on consolidated? It is not. Oh, it's not? Okay, because I didn't ask for that to come off. Well, thank you very much. Okay, just wanted to make that clear. Thank you very much, but it is not. Well, before you do that, are there any speakers who'd like to speak on any of these consolidated hearing items?

[02:09:59] Andy, do we have anybody that'd like to speak on these items? No, we don't. Okay, the consolidated hearing is closed, and we will go item by item now down the consolidated hearing sheet. Supervisors, your motion should be in your package for the sheet.

[02:10:18] All right. And it's your point of clarification. Yes, sir. Under the new rules, I'm trying to sort out the old rules and new rules. In the old rules, if it was on the consolidated agenda and we approved it, was it passed or was it sent to the next meeting?

[02:10:34] It was passed. So if I want to have the equivalent tonight, then I need to move to suspend the rules tonight. You don't have to ever suspend the rules on the consolidated agenda, is that correct, Mr. Rogers? Correct. That's correct. Yes, that's correct. Well, I've got two options here.

[02:10:51] One motion moves it to the next meeting for approval. If I want to approve it tonight, like I would under the old rules, if it was on the consolidated agenda, then according to the item, I have to move to suspend the rules and then... What item? Are you talking about a specific item? Yeah, item 11. I'm sorry?

[02:11:07] Item 11. Item 11. Consolidated agenda approves the item. Consolidated agenda approves the item. Yes, for right now, tonight, without needing the suspension of the rules. It is approved as of tonight.

[02:11:23] Thank you. Okay. All right. So we will start down the consolidated agenda item. I will do item number two because this is a countywide item. I move the board of supervisors approve the motion to be for the approval of the Comcast cable TV franchise agreement renewal as provided in the July 12, 2023 public hearing item number two, staff report.

[02:11:45] Motion has been made and seconded by Supervisor Armstead. Discussion on that motion. Hearing none, all people say aye. Mr. Turner, you want to say aye? Mr. Turner, you want to say aye? Mr. Turner.

[02:12:03] That motion will pass. I don't even know yet. 801, I think, because, no? Oh, no, 81, you're right. If you're going to help me, you've got to be helpful.

[02:12:20] Thank you. Yeah, but you've got to be helpful. 8-0-1. But Ms. Brixman's gone. It's 8-0-1. Jeez. Yes. Thank you. Are we going to do this one? Item number three. I was going to ask you what you'd like to do with that one, Mr. Letourneau.

[02:12:37] I would. Thank you. I move the Board of Supervisors to approve. Motion to be to adopt the proposed new section of the codified ordinances as provided in the July 12, 2023 public hearing. Item three, staff reports. Second. That motion was made in second by Mr. Unstead, Mr. Letourneau.

[02:12:56] Yeah, I just wanted to thank my colleagues, thank Supervisor Saints, who worked with us on language here to come to a compromise on these ordinances. And on behalf of Metro, thank the board for adopting these. We actually, in the time that we last discussed this and now, we actually had an individual who did jump on top of a train.

[02:13:15] It was not in Loudoun, but who jumped. It's called train surfing. it's one of these terrible things it's out there on tiktok and stuff do not do it do not watch it but it's happened um and that's one of the items that's covered in this i believe that one is a higher level crime because we really don't want people to do that but that's just an example of the type of things that we did not have covered in our ordinance that we are covering now as well as some of the other things that we discussed so i appreciate it and i'm glad that we are adopting this tonight thank you miss brixman thank you madam chair um i'm really glad that we were able

[02:13:48] to work to make many of these unclassified misdemeanors, because I honestly thought it was ridiculous that someone would be charged with a class one misdemeanor for walking barefoot in a metro. And I really want to start having some conversations about how we can prohibit firearms on metro, and we'll be working on that through Metro Washington Council of Governments.

[02:14:14] Thank you, Madam Chair. Thank you. I recently had a meeting with ATU, and I thought it was going to be a discussion around wages and benefits and things like that. And I said to some of the Metro workers, what's on your mind?

[02:14:32] And I was blown away with her answer. She said, what we want more than anything else is for Metro employees to be trained in de-escalation techniques. I thought that is really an interesting statement, that they want to be trained in de-escalation techniques. I still believe we overcharge and over-incarcerate in this country, and I have all the stats and facts to prove that out.

[02:14:58] But the fact that the Metro needs de-escalation, that the Metro workers are like de-escalation techniques, doesn't just speak to what's happening in Metro. I think it speaks to what's happening in our Commonwealth and in our country to a large degree, and things that we have to work on changing and fixing and just doing better all the way around.

[02:15:21] It shouldn't be that driving a bus or a conductor on a train is a life-threatening job. That just shouldn't be. It just shouldn't be. So, yeah, that's all. Mr. Letourneau. No, you're absolutely right. The operator assaults, we have a check-in on this at the Metro Board every so often, and it's a it's a it's a much too high number and we do have our employees who feel at risk at times and of course we have one who is tragically murdered so she mentioned him yeah um so it is absolutely a real issue i appreciate you bringing that up yeah all right uh motion made by supervisor

[02:15:59] um letourneau did you second that second by supervisor umstead on paper say aye Any opposed? That motion will pass 9-0. Item 4 is also a county-wide item. I move that the Board of Supervisors

approve Motion 1B for approval of the substantial amendments to the five-year 2021-2025 CDBG Consolidated Plan and the FY CDBG Annual Action Plan is provided to the July 12, 2023 public hearing.

[02:16:31] Item number 4, Supplemental Staff Report. Motions made, seconded by Supervisor Umstead. What? Our Supervisor Umstead, who we all know is the seconder of motions in public hearing.

[02:16:47] So let's not fool ourselves. Let's not change things right now. We're not new. She always seconds things in public hearing. That's how it goes. My only discussion, as I read this item, it's a very good item.

[02:17:09] Thank you to staff and everyone who always works on our CDBG items. Any other discussion? I want people to say, please say aye. Aye. Any opposed? That motion will pass 9-0. The next motion is in the Blue Ridge District for now.

[02:17:27] Mr. Buffington. Thank you, Madam Chair. I move that the Board of Supervisors approve Motion 1B for approval of the relocation of the Middleburg Precinct polling place, as provided in the July 12, 2023 public hearing, item number five, staff report. Really? Wow.

[02:17:49] I have no further comment. Thank you, Madam Chair. Motions made and incorrectly seconded by Supervisor Glass for no good reason. Discussion on the motion? Seeing none, all in favor, please say aye.

[02:18:06] Aye. Opposed, that motion will pass 9-0. The next motion is both a split between the Blue Ridge District and the Sterling District. It used to be Dulles, actually, guys. I don't know what's going on here. So, I don't, Mr. Sains, Mr. Bubbenton, Mr., I don't know, it said.

[02:18:28] I'm sure of that. I know those precincts. Okay, well, I'll just give it to Mr. Twain. It's your district right now? Okay. All right, I'll take it. I'll move the Board of Supervisors to approve Motion 1B for approval of the realignment of borders of precinct 713 Carter and 714 Rock Ridge as provided in the July 12, 2023 public hearing items number six staff report.

[02:18:51] Second. Motion made seconded by whose district is this, I guess. Mr. Letourneau's discussion on this motion. Mr. Letourneau? Yeah, I just wanted to say so this was in Dulles, but this is actually a sensible split. There's an HOA here at Loudoun Valley Estates and the way this is actually splitting it's right at the HOA boundary line So all one HOA would be in one precinct, and the other goes to the other.

[02:19:18] We're doing this to match, I believe, a House of Delegates, was it, boundary line that didn't quite follow ours, so we have to clean it up. But the way that they split this makes a lot of sense, so I just wanted to say that. I know these precincts well, having represented them for all that time.

[02:19:34] And I actually lived at the boundary for a couple years, so there you go. Okay. Anything else? That's how I know it's my district. all right all in favor please say aye any opposed that motion will pass 9-0 before he leaves everyone should have a turn sitting by Tony one was just do it just do it it's quite the adventure the next motion is and the human being and it is in the Sterling district mr. Sains thank you I move that the board of supervisors approve motion motion to be for approval for the zoning modification

[02:20:13] as provided on July 12, 2023, public hearing item number seven, staff report. Motion's made seconded by Ms. Bricksman. Discussions on the motion. I'll just say, if you're in the Sterling area off of Church Road, please stop by the Human Bean and get some coffee and some sweet treats.

[02:20:37] All right, anybody else? All right, all the people who say aye. Any opposed? That motion will pass 9-0. The next motion is in the Ashburn District It is the Wee Whales Child Care Home. Mr. Turner.

[02:20:52] I move that the Board of Supervisors approve motion 2B for approval of a minor special exception as provided in the July 12, 2023 public hearing item number 11 staff report. Motions made and seconded by Supervisor Brickman. Discussion, Mr. Turner. Only to say that in the future, I can tell you I will always approve any motion that has the words Wee Whales in it.

[02:21:13] And all I have is thank you that we don't have to do these anymore, these child care centers anymore i love the new process that that they come like this anybody else all right all the people please say aye all right any opposed that motion will pass 9-0 and then the last one we have is the blue ridge district today the dullest and little river district later but i'm gonna go mr buffington for this motion thank you madam chair i move that the board of supervisors approve motion to be for approval of the proposed resolution as provided in July 12, 2023, public hearing, item number 12, staff report.

[02:21:51] Motion made, segmented by Mr. Letourneau, discussion and motion. Thank you, Madam Chair. This is a resolution approving the public use and necessity of acquiring certain real property and authorizing the acquisition by eminent domain regarding North Star Boulevard, Phase 1, from Route 50 to Evergreen Mills Road, that extension project.

[02:22:09] This is one that has been a priority for the county since I've been on the board. I know that our staff has worked very hard to try and get this property through other ways, and we haven't gotten there yet. So that means we've been working at least eight years that I'm aware of to try and get that.

[02:22:27] This is for a public purpose. It's an absolute necessity that we move forward with this project as fast as possible and get it done quickly and safely for the benefit of the residents of Loudoun County. And so I fully support this, and hopefully, usually when we pass these, these resolutions authorizing use of eminent domain we actually don't have to use eminent domain because once the residents learn that we we may we are authorizing our staff to use that if necessary they usually come to some sort of agreement before actually utilizing eminent domain so hopefully they won't need to do that but if they do they have our authority to do so thank you

[02:23:07] thank you anybody else on people say aye any opposed that motion will pass 9-0 and that is the consolidated agenda. Before we take, no, you all are cool, you're good. Before we take a quick break, let me ask Supervisor Glass and Mr. Rogers a question.

[02:23:31] On item number nine, the Broad Run Business Center, which is right now in the Broad Run District, will be in the Sterling District. It is my understanding, if I'm not correct, please correct me, that the proffers on this item are not ready. And so this would be pushed to another public hearing anyway when the profits would be ready and we would hear the whole thing at that time.

[02:23:54] If the applicant wants to do their presentation right now, absolutely, you can do that. But if the motion is going to be to push it, to put it on another public hearing because the profits are not ready to do anyway, does the applicant want to go?

[02:24:09] And can we just go to a motion after asking, does anyone want to speak on this and go to a motion? Mr. Rogers. Yes, Madam Chair, you're correct. The proffers came in after the deadline. We were able to take a look at them, but it's not ready for action tonight. So when you put it off to the next public hearing, then the public would have an opportunity to speak.

[02:24:29] If you want, the applicant can speak tonight, and then they won't be able to speak at the next public hearing, or they could speak at the next public hearing. Well, can the applicant come to the table

real quick? Because it just makes no sense to me to speak tonight when you're going to have proffers that are going to be in place at the next public hearing, but then you wouldn't be able to speak at the next public hearing when the proffers are in place.

[02:24:51] So I'll let you all decide what you want to do to the applicant, that's up to you, but it may make more sense to speak when the proffers are in place. What, what, what? You have a point of clarification? - Yes, I do, Madam Chair. I think that our county attorney said they can present at the second public hearing.

[02:25:11] - I just said that, but they can do tonight if they want. I didn't say that. But they can't do both. So is the applicant here? Is the applicant here? Because, well, if the applicant's here and they want to go tonight, we have to let them.

[02:25:27] But if they don't want to go tonight, we can wait until the next public hearing. Did you guys get all that that I just said? I think so, but I may have a question. Good evening, Madam Chair. Members of the board, Brian Winterhalter with DLA Piper. I'm here with Howie and Ryan David of Urban Engineering.

[02:25:45] I think we would be inclined to agree that it would make sense to present at the next meeting. However, I do want to ask just to make sure that that would then be the second meeting, not the first meeting, so that we don't have to go to a third meeting.

[02:26:04] That would be, we're not doing it in this meeting, so that would be the public hearing. That would be the second hearing. You can present in full at the next public hearing. And that would be the second meeting, so that would be okay. Yes, and you can present in full at that meeting. I think that would be fine. It just makes, yeah, it just makes, it's just a little more, makes more sense.

[02:26:22] All right, thank you. Thank you. The next public meeting, the next public hearing date is September 13th. Before you leave, I'm going to go to Ms. Glass to make a motion to send this to the next public hearing. Thank you, Madam Chair.

[02:26:37] I move that the Board of Supervisors forward ZRTD-2022-0006 Broad Run Business Center to the September 13th, 2023 Board of Supervisors public hearing for action. Motions made and seconded.

[02:26:54] Ms. Glass, would you like to speak on the motion? I just want to thank staff for their work on this application. I know there's been a lot of changes with this application in the recent weeks. I also want to thank the applicant agreeing to come to include some of the proffers I requested as part of this application as they will make any future development on this parcel a more cohesive area with the surrounding area.

[02:27:23] I did. I did. I did. I did. I did that. All I want to say is thank you. I just I want you all to be able to present when the proffers are finished and you can't do both. So I want you to have time to do when the proffers are finished. So, you watched a fascinating discussion on rural roads in Loudoun County, and I will welcome you back in September for a public hearing where you will have a full 10 minutes to give your presentation.

[02:27:49] Thank you, Madam Chair. Okay. Ms. Glass, would you like to have a closing? No closing. All right. A motion was made by Supervisor Glass. Who seconded this? Mr. Sane seconded it. All in people say aye. Aye. Any opposed? That passed 9-0. We'll see you in September. All right.

[02:28:05] of us let's take a break because we do have two items left and they are they may take a little bit

[02:28:10] longer so let's take a 15 minute break thanks everyone okay we are back it has been 15 minutes

[02:46:56] and so we are back people start running to the front of the room okay um we are doing item number i believe is it eight item number eight loud and west which is in the um catoctin and right now it's Nicotaukton District. It will be in the Leesburg Little River District, and Ms. Bricksman asked to take this off of the consent agenda, so I will first go to the staff for a presentation, and then

[02:47:36] we'll go from there. Good evening, board. I would like to introduce Allison Britton to the Board of Supervisors this evening. She is one of our newest planners in land use. We're very excited to have her on board. Allison, we like you so much. We're not going to pick on you or anything. We're just so happy you're here. Welcome. Welcome, Allison. Welcome. Supervisors, I'm assuming, Ms. Bricksman,

[02:48:11] you want the six slide presentation on this one? Okay. We're ready when you are. All right. Thank you. This application is for Loudon West. The subject property is a 94.9 acre portion of a 145.02 acre parcel. It's located on the east side of Sicklin Road north of the Dulles Greenway in the Catoctin Election District. This property is zoned Plan Development Industrial Park, PDIP, under the revised 1993 Loudoun County Zoning Ordinance, and is located in the transition

[02:48:46] policy area in the transition light industrial place type. The applicant is requesting a zoning concept plan amendment to amend the previously approved proffers to eliminate restrictions for building height allowing building heights according to the PDIP regulations and to eliminate a requirement generators be located at the ground level to allow elevated or stacked generator orientation. The current proffers limit building height for buildings located within 150 feet of a former eastern boundary line. A boundary line adjustment approved at the end of 2021 consolidated

[02:49:22] the subject parcel with the property to the east and as a result this proffer applies to what is now an internal location. You can see on the graphic here what was the eastern boundaries highlighted in red and what is currently the parcel area is the blue area. The current proffers limit building height to this area to a maximum of 470 feet above sea level excluding mechanical equipment and this location on the site is estimated to be about 380 feet above sea level which would allow a building height for approximately up to 90 feet. Removing this

[02:49:55] restriction would allow an additional about 10 feet. The PDIP zoning district allows a maximum building height of 60 feet up to 100 feet with a setback distance of one foot for each one foot of height that exceeds the 60 foot limit from streets or lot lines that do not constitute boundaries of districts with lower maximum height restrictions. The applicant additionally proposes a proper revision that would eliminate the requirement for generators to be located at ground level to allow generators to locate either at the ground level or in an elevated or stacked

[02:50:31] manner and screen from view the applicant further proposes generators not locate between sickland road and any buildings the planning commission forwarded this application to the board with a recommendation of approval and staff support board approval subject to the proffer statement this application is consistent with the transition light industrial place type of the 2019 general plan and the revised 1993 zoning ordinance so with that i'm happy to answer any questions okay so um just give me one second this is in the leesburg catoctin district and so although i know

[02:51:08] miss bricksman took it off of consent i'm going to go to the district supervisors first again i'm just being um consistent so i will ask miss umstatt do you have any questions uh the only questions i i just

haven't and welcome uh everybody is delighted to see you uh but um my understanding is that the proffers are in accordance with our policies and that the application meets our policies across the board and and i i will not complain about my good friend

[02:51:46] from the Algonquian District poaching in my territory. We're moving items from my district off of Consolidated. I think you just did. Thank you. I think it's a little past progressive, but okay.

[02:52:06] Mr. Kirshner, this is also the Catoctin District. Do you have anything before I go to Ms. Brixman? I don't have anything, Judge. Okay, Ms. Brixman? Thank you, Madam. Thank you. Wait, what did you say? Judge. Judge. I've been in court all day. Sorry. Oh, you said judge.

[02:52:21] I know that makes you feel good. Your Honor. I mean, I support the application. So part of the reason I wanted to have the discussion about this was because I was a little bit confused.

[02:52:38] And I'm a little bit worried that we have to pass things at public hearing. And so I just wanted to make sure that we're transparent. You know, this might be the one time that the public gets to see and talk about this and have a presentation about any items, right?

[02:52:53] This is all new to us. And I also had a couple questions because I was a little bit confused about what actually happened with the boundary line. So first of all, do we have any data centers as of yet in the transitional policy area? Okay.

[02:53:09] And then why do we have the rule about generators being on the ground? That was a specific proffer. wasn't something that was part of the revised 1993 zoning ordinance at the time I wasn't able to find any indication that was a part of the proffer negotiations the applicant came in it wasn't the same applicant it was a different applicant I want to say 2019 and they came in with the zoning concept plan amendment to change the original Z map for Stonewall Business Park

[02:53:43] and the generator placement was one of the proffers that they added themselves so a former applicant added the proffer that they would put the generators on the ground if there were to be generators presumably so they weren't seen by the neighbors or that they that they didn't go over the 60 foot requirement i know that where the generators were going that was a discussion during the last review i okay remember it was a part of the commission discussion so that is why the applicant had that in there now they are proposing to locate those generators on the ground. Oh, now they are putting them on the ground. That's what the proffer contemplates is

[02:54:23] locating the generators on the ground level in an elevated or stacked manner. Now I'm really confused. I thought you said that the last applicant proffered to put them on the ground. No, that is what this applicant is coming in to change is to eliminate that proffer in its entirety. Now they would allow generators to be located on the ground level. And stacked.

[02:54:51] It could be in a stacked manner, yes. Can you go to the map that shows the boundary line, please? So this is sicklin? This is sicklin here. This is sicklin, okay.

[02:55:08] And what did they do? They acquired this property? The parcel boundary was consolidated. So the original application was for this property, and now it's for both of them together?

[02:55:23] The application originally was the parcel boundary highlighted in yellow. Since that time, the parcel boundary has shifted to the area in blue, but this application contemplates just changing a piece of

the previous proffers, and since the previous proffers only apply to that yellow portion, this application also only applies to that portion of the overall parcel.

[02:55:46] Thank you. I will come back if I need to. I do need a point of, I think we have lots of confusion going up here about the, don't stop my time, I'm not asking the applicant questions about the new rules. It is not true that we have to approve something at a public hearing.

[02:56:03] That is not correct. We don't have to. It's just that if we don't and if we send it someplace else, it's a suspension of the rules. And so I don't want everyone to think that every public hearing, whatever we have in front of us, has to be approved at that moment because it doesn't.

[02:56:22] It doesn't. It just takes extra steps and maybe a second advertisement, or probably a second advertisement. So I know this is confusing, and we have to get used to it, but I don't want people to feel like they have to rush into things because they're going to have one time to see it and only one time to see it.

[02:56:38] You can move it to another public hearing. You can move it, as we just did a little while ago, to a subcommittee meeting. You can move it to other places, but you may have to suspend the rules to do that.

[02:56:54] That's not correct? So, well, if we're talking about a legislative application or an ordinance, it has to be approved in a public hearing. Yes, you can move it to a public hearing. Correct. So the board on any item can move, without suspension of the rules, you can move it to a standing committee for discussion.

[02:57:17] You can move it to a board meeting for discussion, but a legislative item or an ordinance cannot be approved in any meeting other than a public hearing. Yes. But my point is, the first time you see it in a public hearing doesn't mean that's the day you have to do something with it.

[02:57:33] That's correct. Yeah, that is my, that's, because that's the point I made. Yeah, so the board rules even say that for an item being heard the first time, unless it's on the consolidated agenda, it requires a suspension of the rules in order to approve it. Exactly. Okay. Can I make a, can I just, on that topic, I guess.

[02:57:54] The point of clarification? Yeah, and your point of clarification. The previous motions when we did a consolidated agenda, the previous, under the old rules, was usually to approve the item if it was on consolidated and there were no speakers.

[02:58:14] So the base motion now will be on consolidated that it's moving to another public hearing. The packet motion will normally be... No, that's not correct. So consolidated agenda, may I venture? Yes. So, consolidated agenda, nothing has changed.

[02:58:31] So, anything on the consolidated agenda, the motion is for approval. Okay. Without having to spin the rules. Right, so this item, if we had left the consolidated agenda motion and not talked about it, it would have been approved tonight. I'm just responding to your statement of, this is the first time we see it and we have to act tonight.

[02:58:49] And I was just saying, not necessarily, that's all I'm saying. Not necessarily, but the packet motion was to pass it on consolidated. I know that. I wasn't speaking to you. I wasn't really speaking to you. I was saying just in general, this is a first night of the new policy. I'm just trying to get people familiar with the new policy in general. It doesn't mean that if you don't feel comfortable with something at a first public hearing, you have to pass it that night. That is all I'm trying to say.

[02:59:17] Thank you. You're welcome. Mr. Sainz. Thank you. I just have one question. Oh, I'm sorry. Hold on. Mr. Buffington. I'm sorry. That's probably my fault, Madam Chair. I just now put my light on. Following up on a question from Supervisor Briskman just for staff, my understanding of where data centers currently are within the TPA, they are north of Sicklin Road, and none of them are below that.

[02:59:45] And Sicklin Road is basically the portion I'm talking about is up near the Dulles Greenway. Most of the existing data centers that are in the TPA are north of the Greenway. I think there's one south of the Greenway, but it's not very far south of the Greenway.

[03:00:02] Is that accurate? There's none in any other part below Sickland Road, I believe, is accurate. True North is located south of the Greenway. You knew that was fine. Just north between the Greenway and Sickland Road, right? Yes. Yeah.

[03:00:18] So True North is probably the southernmost data center in the transition policy area. the rest are north and that's the very that's kind of the tip the northern most area of the transition policy area and i think that change um for north of the dulles greenway came from the 2012-2016 board a change that they made that allowed that to happen in the tpa north of the greenway and then the last board made a decision on true north which i voted against yes did i thank

[03:00:55] Okay. One question is the stacked generators. Does that mean, because traditionally when you see a generator, they're like next to each other or on the floor, but with stacked, when I hear stacked, I'm thinking they're going to sit on top of each other. Is that an accurate definition? They're going to sit on top of each other?

[03:01:24] yes okay so one will be on the ground one be on on top okay and then the location remind this is going to be pretty much like right next door to panda power plant is that accurate yes and and then so that means it's on the same side where the loud and water treatment facility is as well okay so and would it be accurate to say this is an industrial area or yeah okay all right thank you will there be oh that may be a question for the applicant do you know they would be screened

[03:01:58] the generators they will be screened okay all right hi how are you um you have 10 minutes you can sit there or you can stand at the podium either way it's fine with us i'll sit here if that's okay that's absolutely fine um good evening madam chair and members of the board my name is mark baker i'm with bowman agent for the applicant i have with me dave buxbaum who's a senior vice president for the owners association and the applicant for the property tonight i wanted to at least begin by reaffirming the affidavit the property's been

[03:02:34] posted it's been maintained we've notified adjacent property owners and all that information signed affidavits and notarized have been turned over to miss britton so thank you for the staff and their help and assistance in this going through the process so allison i trust you're going to drive by the looks of this. So if you could go to the next slide, please. And hopefully this will answer Supervisor Briskman's questions here. This is how the property started, if you

[03:03:08] will. It was two parcels, and you see that property line dividing the two parcels on the right-hand side, Loudon West and Stonewall Creek Business Park. Stonewall Creek Business Park used to be piece of the property that is now Hayden Technologies, right to the east, or right of the property, and I'll show you more about that in a minute. All we're asking to change this evening is two proffers related to Loudoun West. If we could go to the next, please. So back in about

[03:03:43] 20, this application has a ZCPA back in 2018, and then obviously we're amending the previous amendment to that application. When the owner and applicant started looking at the property back in 2019, doing due diligence, we recommended at the time, since they owned both sides of the property, that they consolidate the property and unify it as one piece of property. So that's what

[03:04:20] where that boundary line, that previous parcel line, went away. We consolidated the property. Now, as you know, when you consolidate property, the zoning lines do not change with the application. So we still have a Loudoun West zoning application that applies to a piece of the property and a Stonewall Creek business park set of proffers that apply to another part.

[03:04:45] They're similar and they're related. And we're only addressing Loudoun West tonight. Next, please. Okay, this might be a little hard to see by the looks, at least from back here. But Loudoun West is located and surrounded.

[03:05:02] To the east is obviously Stonewall Creek, which is owned by the applicant. Further east is Hayden Technologies. To the north, just behind us, is Panda Energy. And then to the northern tip of the property is Cochran Mill Road.

[03:05:22] Then south and west of this property is Sicklin Road. And then the large piece of road below us is the Dulles Greenway. So essentially, it's surrounded by PDIP or industrial-like uses, with the exception of Kamek Brothers, which is a TR-10 zoning app, or excuse me, zoning designation.

[03:05:50] Next, please. So what we're asking is to change two proffers related to Loudoun West. One deals with that common property line that we talked about earlier, that the parcel line went away, but the zoning line does not. And that parcel line related to building height, and then the second proffer is dealing with stacked generators. We did pursue a Z-Core back in 2021 asking if we could place the generators above one another, stacked, which is industry

[03:06:25] standard. And staff said, we can't make that decision as an administrative action. It has to go to the legislative process. So that's why we're here, or one of the reasons. So next slide. So this is the first one. We're asking to delete this property, or excuse me, this proffer in its entirety. This proffer deals with the common property line, and this proffer back in the day dealt with what was residential property to the west. What's now Scannell Distribution Center to

[03:07:03] the west, they used to be residential property. And so when this application came through, there were a number of proffers set up that generators had to be facing away from the residential property. We couldn't stack them on top of one another. And so that's different than the zoning ordinance allows today and industry standards. So that deals with the stack generators.

[03:07:29] In the case of the building height, this would no longer apply because the person owns both sides of the property. So that's why we're asking for this proffer to be deleted in its entirety. Next. So this is the one that still deals with building height.

[03:07:47] Like I said, the previous parcels are owned by the same entity. Proffer 33, for all intents and purposes, is no longer applicable. And the zoning ordinance covers building height that we have to adhere to. And so that's an excerpt from the zoning ordinance as to what Ms. Britton has already explained, 60 feet and then anything up to 100 with a one-to-one setback from the road.

[03:08:13] And that's what we would be obligated to do for this property. Next. The other proffer, the second one, deals with stack generators. If you'll notice the strikeout that's above it, it says any generators shall be located at the ground level and shall be screened.

[03:08:34] Therein lied the problem, the four-letter word shall. And that's why staff did not feel comfortable making an administrative decision. So we're here before you this evening to strike that part of the proffer and say that we can put them on the ground or elevated or stacked, meaning one on top of another. And that is industry standards. The zoning ordinance allows that today to be done. And so the proffer that we have, it says generators may be either elevated, or excuse me, on the ground or elevated, stacked, and they shall be screened. We kept the shall be screened from the other previous proffer.

[03:09:14] And then staff also asked for further protection is that the generators shall not be located between the buildings and Sicklin Road. And we had no problem with staff's recommendation, and we added it to the proffer. Next. Just a little bit of status as to where we are on the project. Like I said, the applicants started looking at this back in 2019. The proffers had a lot of infrastructure that was part of this, extension of water lines, and specifically a regional pump station. There was a pump station that was going to be constructed on this property

[03:09:50] for the data center, and what was determined in conversations with Loudon Water, they said, we need a regional pump station, and we'd like to put it on your property. And so the applicant decided, working with Loudon Water, that they would build a regional pump station, not just for our site, but also for the site to the left, Genell Distribution Center, and properties part of the JLMA West further to the north. So that's the regional pump station in the northern part of

[03:10:24] the property that's there. Okay. You've got the two data centers that are there. We also have a distribution substation that's there. The pink line on the right is the Dominion overhead line, And that Dominion overhead line is directly adjacent to the property, and so the substation that is for this site is going to connect to that overhead line, run across our property over to the substation.

[03:10:56] And so that's what's being proposed. That is, there's already agreements in place between Dominion and Novec and the owner, and expected energization, I am not saying that very well, is in Q3, 2024. So the intention of this application is really to clean up the proffers.

[03:11:17] Next. And so here we are asking for approval of this application. As has already been stated, the Planning Commission approved it. Staff's recommending approval, and we would ask for your favorable recommendation as well.

[03:11:35] If appropriate, we would ask, if possible, to suspend the rules and approve this application if it is as simple as we think it is. I understand. Thank you very much. All right. Again, Ms. Umstead, this is your district first, and then Mr. Kurtz, Kirstner. I'm not offended by that. I'm fine with that. Ms. Umstead, do you have any questions?

[03:12:11] The only clarification that I would request is at one point there was residential adjacent and what you indicated, but I wanted to make sure I understood correctly, is that residential is not there presently, that the two properties have been combined under one owner.

[03:12:34] and so this project would not negatively impact any residential that is absolutely correct the property to the west was canal they had individual residences those properties have been consolidated and the distribution center is currently under construction mr. Kirschner no madam chair I have no

questions miss Brixman thank you madam chair thank you for clarifying that with that presentation I appreciate it so the maximum building height now can be the zoning ordinance

[03:13:13] allows up to 60 feet and then up to a maximum of 100 feet with a one-to-one setback so anything over 60 feet tall for every foot you go up you have to add a foot to your setback gotcha okay So maximum is 100?

[03:13:32] It would be. Okay. And that applies to the generators and the data centers? Well, generators you normally don't have at 100 feet, but that's the building itself. The generators themselves are usually at about 45 feet, give or take, 45, 48 feet.

[03:13:51] That's the screen wall, and the generators are 30. If they're stacked, then they could be 90 feet? Oh, no. That's one generator on top of another, and that's about 33 feet. Oh, stacking it was only 33 feet, okay. Correct, 33 rounded up.

[03:14:07] And there is a screen wall on the ends, and that screen wall covers both generators stacked on one another and some of the air flume above that, which is about 48 foot of screen. It's hard for me to visualize. I might like to see a picture at some point.

[03:14:24] That's fine. Can we go to the next slide, please? Okay. Here on the left side is the building itself. and as you can see there are two generators that are stacked one on top of another that you see on the left view and there's the wall and those are about 33 feet and then there's a ventilator on top on the right side both stack generators and ventilators are screened the substation is only to serve this site or will there be extra energy going to the grid from that substation no the substation is specifically for this site it's a dedicated substation it's called okay all right

[03:15:03] Thank you. That's all I have. Thank you, Madam Chair. Thank you. Mr. Buffington. Thank you, Madam Chair. With the stack generators, would the first one start on ground level? It is just off of the ground. It sets on kind of a stilts, if you will, to allow ventilation.

[03:15:25] Yeah. Basically, ground level. It's not the first one, the bottom one. The first one is. It's not going to be 50 feet in the air. No. Right? And there's no intent with this to put it on the roof of the building? The generator? No, you have mechanical equipment up there.

[03:15:40] The generators are not on there. Okay, thanks. Is there anybody from the public who'd like to speak on this item? Seeing none, I'm going to go to a motion, and Ms. Umstead would like to make a motion. Thank you, Madam Chair.

[03:15:56] I move that the Board of Supervisors suspend the rules. Motion's made to suspend the rules. Motion's made to suspend the rules for obvious reasons. Discussion on the motion?

[03:16:13] No, this has Planning Commission approval, staff approval, is in compliance with the comprehensive plan, and will have no impact on residential, and it started out on the consolidated agenda. Okay. Anybody else? All the people say aye.

[03:16:28] Aye. Any opposed? That motion will pass 9-0. Do you have to make a motion? And I would like to make a motion that the Board of Supervisors approve ZCPA-2022-0011, Loudon-West, subject to the proffer statement dated June 21, 2023, and based on the findings for approval provided as Attachments 1 and 2 to the July 12, 2023 Board of Supervisors Public Hearing Staff Report.

[03:17:00] Motion to be made seconded by Mr. Kirshner. Discussion on the motion, Ms. Umstead. No further comments. Mr. Turner. Thank you, Madam Chair. I'll approve the motion, and I think this is a good application. But as I looked at this application, and I sort of, it was pulled off consolidated, I thought we might have a bigger discussion on just voting no on data centers in general.

[03:17:24] And so I did some homework this morning. I spent two or three hours. And I'll be contacting each of you in the intervening week. I will be making a motion at the next board business meeting to modify the DPZ work plan. Mr. Turner, you want to save that?

[03:17:41] And at the end of this meeting, I will ask for any people who want to make announcements, but that's not really a thing we should do in the discussion of the motion, but I'll come back to you. Mr. Letourneau. Yeah, I just wanted to make a comment briefly. So this is where we want data centers to go.

[03:17:57] There are places in the county where I don't want data centers to go, such as the jk3 application next to residential housing and some of us that did support true north it was because we wanted to create an outlet area for data centers to grow knowing that we have these residential conflicts so i see this as very consistent with that in an area that there's not residential in an industrial area and therefore i will support the motion thank you miss brixman i just thought i should make some comments since i was the one with all the questions You don't have to.

[03:18:29] Well, I just wanted to say thank you, and I did have a lot of questions about it, so I just wanted to make sure I had a full understanding before I let it go through unconsolidated. Thank you. And I will say that that's okay. I think that if you're going to take some self-consolidated agenda, you should talk to the supervisor in that district and maybe the chair.

[03:18:50] But I also think that it's okay to ask questions because these are important decisions that impact all of our constituents, to be quite honest. And if you have questions after you talk to that district supervisor, just to let them know, it's okay to take something off. And so please don't apologize for doing your due diligence in this.

[03:19:12] Otherwise, I would associate myself with Mr. Letourneau's comments. It is an appropriate place for a data center to be located. Otherwise, I have all kinds of concerns, but it is an appropriate place. the generators will be screened so that's that's good and so I have no issues like to close all right all people say hi any opposed the motion passed 9-0 thank you gentlemen okay the last item was also taken off consolidated by Miss Bricksman it is item number is it 10 it is 10

[03:19:46] item number 10 the staff please come to the table good evening supervisors my name is Grace Austin instead. I am here. Obviously, I am not Rob Donaldson, so I will make a note that I am here in Rob's stead because he's moved on to another position, but I'm now the project manager for this. Is she new too, Jackie? No, Grace has been with us for two years, but

[03:20:26] we... You have another come down, talk to the board? We actually had her, she did a lot of graphics for the zoning ordinance rewrite, so she was sort of shifted to some other duties, but we're glad to have her back. It's good to have you in the boardroom. We really want to thank her for her help. All right. It's a fairly short presentation.

[03:20:48] It is in the, I think it's in the Sterling, no, it's in the Broad Run District and will be in the Sterling District next time. And so are you both good with the presentation? Yep. Yes. Okay. Presentation. So this is a 8.17 acre parcel that is in the Broad Run District.

[03:21:08] And it is east of Route 28 and south of Route 7. The proposal is for a commission permit for utility substation distribution to serve the immediate area. And also this application includes a minor special exception to eliminate the type 4 buffer yard planting requirement and replace that with an architectural wall as well as a green wall that the applicant has agreed to.

[03:21:35] the type for buffer yard is in reference to the fact that this this property is zoned but plant plan development office park under the 1993 revised zoning ordinance as of April 4th 2011 so this parcel is located in a suburban mixed-use place type and it is adjoining suburban mixed-use parcels is adjacent to office buildings and a hotel.

[03:22:07] The character of this area does... The character and extent was evaluated by the Planning Commission as having visual impact on Atlantic Boulevard Road Corridor, which was why the applicant has agreed to do this wall, as well as the green wall screening, which is directly adjacent to the hotel that is across the street from it.

[03:22:29] Here's a graphic showing the visual impact related to this proposal. And here's some images of the wall, as well as the green wall illustrative. I'll let the applicant speak more to that.

[03:22:45] The Planning Commission voted to approve the Commission Permit 702 based on the Commission Permit Platt and based on findings for approval at the Commission Public Hearing on June 27, 2023. The SPMI, or the minor special exception, is not subject to commission recommendation.

[03:23:05] And staff does support board ratification of the commission permit and board approval of the SPMI subject to conditions of approval. I will note also that the commission permit, there's a 60-day timeline for approving for the board to ratify the approval of the commission permit.

[03:23:23] And the deadline for that is August 26, 2023. So we won't be back before that, yeah. All right. Anything else? Grace, you're good? That's all. Thank you. Thank you very much. Questions, I will go to the district supervisor first, Ms. Glass.

[03:23:41] Thank you, Madam Chair, and thank you, staff, for the presentation. Is Dominion dedicating to the county a nearby 10-acre parcel to be used for park as part of the substation application? I'm not aware. That is true. I'm sorry.

[03:23:58] But let me just say, hold on. Stop for time. Mr. Rogers. Yes, this is really not part of the substation application. It was part of the transmission line that ran through the county property and Loudon Water.

[03:24:17] And yes, they are in the process of dedicating, excuse me, dedicating the 10.2 acre parcel just sat of Vestals Gap Park. But we couldn't make a decision based on that or not based on that, right? Absolutely not. Okay. It's already a done deal on it.

[03:24:33] I just want that on the record. So, okay. Thank you, Madam Chair. Sure. Sorry to time again, please. Can staff describe what a green wall is? So in this context, it is a wire mesh that's being placed onto an existing retaining wall, and there are vines to be planted to grow into that metal wiring.

[03:25:00] And the condition basically states that the applicant needs to maintain the living material, the plant material so that it remains green. Thank you. That's all questions I have. Ms. Bricksman. Oh, well, I'll come back to you. Ms. Bricksman. Thank you, Madam Chair. What is a type four buffer yard? What is that supposed to look like? Sure. Give me one second. So the type four buffer yard is a side yard that requires a

minimum of 25 feet of width. That includes two canopy trees, five understory trees, 10 shrubs, and eight evergreen trees. It also requires a six-foot-high

[03:25:40] fence wall or berm, providing a minimum opacity of 95%. It's very similar to the buffer yard type C in the current zoning ordinance. Okay, and there's a shared use path either there or being proffered to go there. How wide is this shared use path? I believe it's an existing shared use path on the parcel. Do we know how wide it is? I can ask them if you don't know. I believe it should be the county standard of 10 feet wide. Okay, okay. Could you put the map up again of where this,

[03:26:15] yeah, there we go. Thank you. So are you aware that we have a feasibility study now that was just kicked off for Algonquian Parkway to have bike facilities coming under the bridge and then hopefully to connect to the shared use paths that would go that is going right past that site i i am not personally aware but i i believe you i'm sorry

[03:26:47] yes yes um pdop and pdtc are the surrounding uh zoning designations um do those zoning designations allow um for by right data center pdop does do allow for by right data center the other district is sorry go ahead pdtc pdtc does but it's subject to additional regulations additional regulations okay and then do we know if this area here is included in the dulles town center

[03:27:25] revitalization project i know you may not that's maybe throwing you off a little bit but do we know if this is, there's a hotel here. We don't have any formal applications in yet for the Dulles Town Center revitalization, so it could be, it could not. Yeah, so my colleagues might know, but I think that all through here, we're looking at doing suburban mixed-use housing as part of the Dulles Town Center revitalization. I just wanted to make sure I don't have any other.

[03:28:01] Do you know if this area is identified as inappropriate for data centers under the data center mapping project that went through TLUC recently? This isn't a suburban mixed-use place type. Therefore, I would imagine that data centers would not be considered a core use.

[03:28:20] Exactly. Yeah. Thank you. Okay. Mr. Sains. Oh, I'm smoking him. Thank you, Madam Chair. This is a substation, right? That's correct. Can you go to slide six in our presentation?

[03:28:38] So the picture on the left, the architectural screen wall, I'm very excited to see that. I hope that every substation has one of those around it from now on going forward because these substations are being attacked, and there are groups of people who are encouraging other groups of people in this country to do this throughout the country in order to bring down power in areas in order to have some sort of negative impact on what's going on so they can bring more attention to whatever it is that they are, however they feel about whatever issue.

[03:29:12] So I'm glad that that's there. My question is, it would be nice if all of that kind of goes away because of whatever buffer you're putting on the outside of it. So this green wall illustrative on the right, would these trees here grow to obscure the view of this wall from the adjacent roadways?

[03:29:34] So those are not trees. Those are the vines on the green wall. This SPMI is specifically to remove the requirement for that buffer yard, so there would not be trees in front of that side of the wall. However, there would be trees on the other sides as part of the landscape requirements.

[03:29:52] Would those vines eventually grow over that whole concrete area on the lower half of that picture? No, they would just be on the retaining wall that is on the lower side of that, or half of that wall.

but not the brownish colored wall above it.

[03:30:08] That's correct. Okay. And then on the other road, on the other side of the left side, would those trees do that? Would they obscure vision of this wall eventually when they grow to full height? I think, yes, that eventually to full height, some of those trees would obscure the wall.

[03:30:28] I guess my question for the applicant would be, would they be willing to do the same thing on the opposite side to obscure the full height of the wall from view eventually so but I'll ask that question for the for the applicant thanks thank you mr. say okay so there's not there's what this is owned again this is planned development office park and there is no substation there at this time correct there is not there is what is it what is anything there at this

[03:31:06] time no this other than the retaining wall I believe that's there in the sidewalk that's there and the substation is not a by right use here it is it is but it requires a commission permit it was a commission permit okay it's before you because also because of the SPMI the request to remove the buffer yard okay I think the next the rest of my questions will also be for the applicant thank you very much hi how are you lovely how are you guys I'm very good you have ten minutes you can sit there and present or you can stand at the podium either way is up was fine with also here if Grace doesn't mind

[03:31:44] driving grace you're driving excellent so if you want to next slide grace so So as Grace has kind of highlighted, I'll leave more time just for you guys' questions. I know we're kind of late tonight. The commission permit, of course, is the key component.

[03:32:00] As Grace noted, this is PDOP. We are buy right as a distribution substation. The commission permit is purely related to the comp plan, and its appropriateness based on the comp plan. The second item is the minor special exception, as Grace noted, which is purely for the frontage along Atlantic and dealing with some constraints that really limit our ability to provide what I would call deeply rooted or tall woody species.

[03:32:25] Grace, if you want to go to the next sheet. So, again, our location, we're on the perimeter of that, as Supervisor Breskman noted, future intended redevelopment, higher intensity, higher intensity uses. We are approximate to the Route 28 corridor.

[03:32:41] The other thing to note, as Mr. Rogers was noting, There was a previous board move, November, I believe, of 2021, which provisioned the transmission corridor that accesses this property and provides the power this substation needs as a distribution substation.

[03:33:00] It is not dedicated. It is not specific to data centers. It is a grid component for this specific region. The characters in keeping with the Dulles Town Center architectural extents. The footprint is limited, of course, based on the minimums that we need.

[03:33:16] And then, Grace, if you don't want to go to the next sheet. So the main drivers for the SPMI, I'll jump to you right real quick. So there is the existing shared-use trail, as Roger Bristman noted. It is already built. The lights are installed. There's electrical conduit routed between those, and that's along that frontage there.

[03:33:33] Then, additionally, those kind of orange areas in the top right, those are existing stormwater culverts coming from under Atlantic from other properties. There's a lot of storm water that comes to the north side of our property here, and we are not touching any of that currently. And then that little purple

strip that you kind of see there, that's between our security perimeter and the retaining wall, which is necessary to build this upstation because there's a lot of topo fall from the southwest corner to the stream corridor.

[03:33:59] And so between all of those aspects and the limitations, I usually say buffers have three components. One is your horizontal land area. So we can accommodate that based on the ordinance requirements. There's the vertical aspect, which is the six-foot fence, which Grace noted. We are, and I'll get to that in a second, provisioning and enhancement to that.

[03:34:18] And then there's a plant component. So we can't do woody species, but we can do some other vegetative finishes, and that's kind of what we're working on. So, Grace, if you don't mind going to the next sheet. So for the retaining wall finish, we ended up with two vertical faces, right? The first one was the security fence that you saw up top, which Supervisor Buffington was noting, and then the retaining wall.

[03:34:38] So the retaining wall finish is we're provisioning this green wall system. It's a stainless steel cable system. This is actually shot from a system we installed back in 2020 at Georgetown. And it is a vine system, as you can see, which gets installed at the base and then grows up the face of that wall as mitigation visually.

[03:34:57] And that's how that works. Grace, we don't mind going to the next sheet. So this is kind of another shot from a different angle from what Grace had showed previously. This is looking southbound down Atlantic. You can see the EdgeCore data center in the back left corner there, and then you've got that security fence that Supervisor Buffington is referencing up on top.

[03:35:15] We have worked with staff, and we provisioned a charcoal finish for that in keeping with some of the other architectural finishes in the area, the old, I think it's the AIT building behind this. And we are also provisioning charcoal pigment in the retaining wall as well.

[03:35:31] So those are kind of the key aspects going on with that item. You can see the light poles and the shared use path in this visual as well. And then, of course, we have the minimum 10-foot, basically, force protection measure between the top of the retaining wall and the security wall. We cannot put green wall on that.

[03:35:46] We did talk with the commission about that because of security issues for two items. One is climbing. Two is obscuring or hiding objects that could be hazardous to the substation. So those are the main items kind of constraining and generating a lot of our needs for modification on Atlantic.

[03:36:02] Again, these are the only ones. everything else is per zoning ordinance at this point happy to answer any questions thank you thank you thank you thank you miss um stop oh thank you madam chair I'm sorry no no I'm sorry miss miss glass thank you madam chair and thank you for the presentation can and I know you you just did but can you briefly explain why there's no space to add the landscaping buffer between the substation and Atlantic Boulevard yes so in general one that shared use path is actually not in right-of-way that's an easement that we have provisioned within the property so

[03:36:42] it's a public access easement and then in addition to that easement we also provisioned electrical conduit and the light poles behind that and we have routing so i can't put any kind of trees or anything like that putting on my landscape architect hat in that area then we need the retaining wall because essentially the substation has a certain design constraints where we can only have so much slope there's a lot of slope on this property so the retaining wall gets provisioned at that point. It has a footing.

We can't have anything in conflict with that in case we were to compromise it. And then on top of that, we need the security perimeter, which I kind of described the constraints there, and then your security fence itself. So between all those components, we can get that horizontal distance, we can get your vertical, but there are a lot of

[03:37:20] different elements in there which preclude us from putting trees in due to those constraints. Thank you. Good. Thank you. Ms. Umstead. Thank you, Madam Chair. On your green wall, which I love, and I intend to support this application.

[03:37:38] But on your green wall, is there an opportunity to have any native plants, native vines that also provide food for wildlife, birds, or will it just be visually nice to look at?

[03:38:01] Both. We did talk with staff and the commission, Commissioner Kirchner as well, trying to work through that. And, yes, we are provisioning native vines in here as much as possible. We did note, and this is going back to my L.A. hat again, this is more or less a cliff face condition. So finding actual natives, we don't have a ton of cliffs.

[03:38:16] You've got to go further west, obviously. But, yes, we have provision that we will include natives, I think, up to 70%. I'd have to check, Grace. But that is the intent at this point, to cover it with natives as much as possible. All right. And would any of them provide any kind of food for hummingbirds, butterflies, anything like that?

[03:38:38] Or is it mostly just going to be visual? It would be more, again, I'm doing the planting plan, and currently we do have 100% natives on it. And they are not hummingbirds. It would be more avian species that feed on the berries.

[03:38:53] All right. That sounds good to me. Thank you. Ms. Brooksman? Thank you, Madam Chair. So are you saying it's not possible to move that wall so that you can fit in the type four buffer yard that's required by our zoning?

[03:39:12] Based on the site constraints, and there are two parcels here. There's one on the other side, and this is part of the whole conversation with transmission. This was the one that was selected through that discussion to provision the substation and based on the constraints. There's really no way to fit, and again, trees.

[03:39:28] We're still doing the vertical screening and the horizontal setback, essentially, just not trees. And we're putting vines in, ground cover, all that. When you say constraints, you just don't have a parcel that's big enough for what you want to build. Could you not build something smaller or get a bigger parcel? We would always love a bigger parcel. That would be great.

[03:39:46] That would be great. But you can't make the substation smaller in order to meet our zoning requirements. We have shrunk as tight as we possibly can in this instance, yeah. Okay. And then what is the power going to from this substation?

[03:40:04] I'll defer to the PM. Again, it's a distribution regional service, so it just has circuits servicing the grid in this segment. It will be serving those edge core data centers in the bottom, and that was part of that original provision that this sends a couple circuits that way.

[03:40:21] So will there be any circuits going north or west from this substation? At this point, I am not aware of any. Again, Dominion does not prospectively build to provision we follow, so...

[03:40:36] So right now, all the power from that substation is earmarked. There's not going to be any extra power. In other words, there's not going to be any induced demand created by putting this substation here. Let me say it this way, maybe.

[03:40:57] A portion of that will be feeding the existing EdgeCorp data centers. We are not at least aware of any sort of circuits being serviced or provisioned or set aside for any other areas. We have federal requirements for baseline for the load. Substation we're coming off of is BICO, which is the southwest, south of the Loudon Water Facilities.

[03:41:17] And that's how we kind of route up here from the Washtenaw-Dominion Trail, if you look back to some of the number 11 stuff. Yeah, I remember when we talked about it. And so that's maxed out, and so this has to provision reliability. So even if you were to build, let's say, enhanced multi-use high-rise, that's a higher energy use. So the moment you add those, you need additional power for that area.

[03:41:34] Now, how much? We would need other people, engineers, in on that to discuss. Will there be extra power or not at this substation? I'm going to defer to Jeff. Do we know if we are maxed out? Normally it's dedicated if that's the case. Real quick, can you go back a slide or two as well? That one. You're not proposing to do these trees, right? That's not going to be part of what you're doing. Nope. Just the green wall and the vines you see on the bottom. This is just a carriage. It's not going to look like this.

[03:42:07] The wall and the vines will, yes. Thank you. Okay. Mr. Sains. Oh, you had the answer? Yes. Yeah, as far as the capacity to the substation, so as Andrew mentioned, other substations in the area are maxed out right now to where they're exceeding or at their max amount of capacity.

[03:42:27] So this helps the region. Yes, this is for, as Andrew mentioned, for EDGCOR, but it gets the region with our substations in this area at a more comfortable level for Dominion. I do not, I cannot speak to if all of it is already accounted for, but all I can say is it gets us more comfortable to where our substations are not overloaded.

[03:42:46] which they are in this region. Okay, Mr. Bruffington. Thank you, Madam Chair. So I'm convinced this is needed. You wouldn't be doing it if it wasn't needed. So can you go forward a couple of slides? Yeah, yes.

[03:43:05] So had we not asked for the sidewalk easement and the lights easement, might there be room for the trees? Okay, so we asked for it, you gave it to us, and now there's no room for the trees. I get it. The retaining wall, which is this bottom, a half is going to be covered basically that whole thing will eventually be green from live vegetation right yes there are vines planted one question I had on that you said yes so thank you one question I'm sorry to interrupt you you said something about aliens you said alien something

[03:43:39] alien species she said feeding feeding avian sorry avian so bird species that actually said Do you want to feed avian or alien? Avian. I want to feed alien in Allen County. I'll keep my eye out, though. We'll feed alien in Allen County.

[03:43:55] That's on the record, right? So, and then you explained that the reason this won't be green with the live foliage or vegetation is because it would be easier to climb that wall that way. Yeah, and that's also... For security reasons, you don't want to do that.

[03:44:11] That's why we also can't put trees within that distance, too. We do the same thing on federal facilities. I totally get that and appreciate that you're thinking about that. So then the next thing, logically, is what color are we going to make this, right? And so you're saying it won't be this color. You're saying it'll be like a charcoal color, which is like a darker...

[03:44:29] That actually is it. Some of the substations in Loudon have been a buff finish, which is a little more yellow. It doesn't look like that based on this rendering, but it's a charcoal finish. Actually, Grace, I think we have it. Can you go up? Go two slides up for me. Keep going.

[03:44:46] We'll keep going. Oh, it's not in the back. Oh, yeah, we're going in the back. Sorry. Go one more for me. There it is. So the left is actually the charcoal. That looks, to me, brown. I'll note that on my screen it looks gray.

[03:45:03] Really? It's the joys of digital presentation. All right. So maybe I'm a little colorblind or something. But basically, it's going to be a grayish color. It'll be a grayish color. It's not a raw concrete, and it's not a yellow buff like we've seen on some of the others. And we're putting the same pigment in the retaining wall so they match.

[03:45:20] Yeah. To me, it sounds you're doing the best you can, and you're thinking about security and the visual impact of it, and you're doing what's needed for providing power for the area. So I understand some of my colleagues' concerns, but I will be supporting.

[03:45:37] Thank you. Thank you. Mr. Sainz. Thank you, Madam Chair. So I'll continue on the conversation regarding who is getting the power from this station. So you said it's going to be the three data centers for EDGE Corps, And will that be all or would this also give power to the area like, say, Dulles Town Center and the homes and the hotel that are there as well, give them extra power?

[03:46:00] Yes, I guess EdgeCorp does not take all the power and it does provision. Again, we have we can get up to a line and then we have to have a certain amount based on regulations. When we get there, it's a hazard or dangerous because if one were to go out, we have to have extra coverage. So we're just basically building back up that bucket. So we have it again.

[03:46:16] So, yes, there is more power in there that serves the local community, the hotels, et cetera, infill development. So from the station that's over on Pacific, the Beco station? A little further southwest, yes. Is this going to be what voltage power? It's 230 transmission coming in to 38.5 distribution voltage.

[03:46:36] Okay, so not the newer, what is it, 5 or the higher? 500 is the high end, but we don't have that coming from there. And then, so this will not power the previously approved data centers that would be going on Mary's Road whenever they get built or any of those.

[03:46:51] like I'd say a ridge top circle this will not power any down Mary's Road this would cover that growth that is expected that Mary's Road area will it cover the ridge top circle area as well possibly or off of I do not know okay and I wish we could do a live shot to zoom out and so you can see the whole area but and then just remind folks so it's going to go from from Biko which is on Pacific Boulevard follow I guess you could say Loudoun County or so Loudoun water area by the football facility and then cross over at some point to 28 and then do the

[03:47:30] connection possibly is that is that accurate okay yes okay and leave that is my questions thank you um I think mr. Buffington said it correctly I think when he said you're doing the best you can because

quite frankly I don't want any of this here at all to be honest but it's not it's it doesn't like this is not an option for us it's on a by right use but it's not in the way that we usually think of by right but it's not an option either and you know if we have to have it and I do not want it I think

[03:48:07] you're doing the best you possibly can with the with the foil that you're putting on it what did you say about Dulles Town Center Mall I think Supervisor Bristol was referencing some of the planning intent for Dulles Town Center to be redeveloped with higher intensity uses multi-use development those kinds of things and so it was more referencing whenever you increase density so like we talk about how much power does 500 homes when it's single family but if we go high rise you're intensifying energy use there I don't know if that's what's going to happen in Dulles Town Cinema I think it's going to something different I think it's going to be more like a turn turned turned out not such an inward basing mall I thought you said it looked like Dulles Town

[03:48:45] Cinema I was going to tell you I've been there a couple times it does not look like Dulles Town you know there are times that the frustration about this job is doing the best you can even though you you don't particularly like what's what's happening and that's the moment I'm having right now Mr. Buffington's right I don't know that we can do any better with this because it's going to be a substation and there's just not you know eventually it's going to be a substation it would be now or after some prolonged hearings.

[03:49:22] Either way, eventually it's probably going to be a substation. And so if we're going to have a substation, I think that you're doing the best you can with it. So you all are doing nothing wrong, but I'm going to probably be forced to support this because it's just how it is.

[03:49:40] Are there any members of the public who would like to speak on this item? Amy, you? No? Nobody? No? Nobody? Okay. you're good amy back there um this is miss um glasses district so i'm going to go to her first for a motion thank you madam chair i move that the board of supervisors suspend the rules motion been made to suspend the rules second by miss um stat discussion on that motion yes madam chair um i and i i ask this because um this has been on our consolidated agenda

[03:50:17] Planning has approved it, staff recommended approval, and I would like for us to move along with this. This is really important when we talk about substations and having power in our area.

[03:50:34] And that's pretty much what I need to say. Thank you. Anybody else? I will say again what I said before. I think that there were times when somebody would take something off consolidate because they just think it's important to do that for their to understand what they're voting for and I think that's fine as long as they talk to the district supervisor because you only get one vote at these things sometime you need to be sure that you know what you know before you vote so that's all I'll say. Ms. Glass would you like a closing? No Madam Chair. Okay. All in favor say aye. Aye. Any opposed? That motion will

[03:51:10] pass 801. Mr. Letourneau has left the dais. Ms. Glass would you like to make another motion? Yes Madam Chair. I move the Board of Supervisors ratify the Planning Commission's approval, CMPT-2022-0001, DTC substation, subject to the commission permit plat dated June 13, 2023, and based on the findings for approval provided as attachments 1 and 2 to the July 12, 2023, Board of Supervisors public hearing staff report.

[03:51:40] I further move that the Board of Supervisors approve SPMI-2023-0001 DTC substation subject to the conditions of approval dated June 23, 2023, and based on the findings for approval provided as

attachments 1 and 3 to the July 12, 2023 Board of Supervisors public hearing staff report.

[03:52:05] Madam Chair, I'd like to split the motion. Okay, just give me a second. Sorry, I thought they were already split. I was surprised when she... Just give me a second. Motion's been made and seconded. Before we split the motion, I'm going to allow Ms. Glass to do an opening. Ms. Glass. Thank you, Madam Chair.

[03:52:21] I moved to suspend the rules and approve this application because it's ready for action. I've been working with Dominion for months on this application, going back and forth over different options for making the concrete wall more aesthetically pleasing.

[03:52:38] After examining stone murals, any amount of landscaping, we arrived on a green wall, which is vegetation that grows up the retaining wall to make it more appealing. With the green wall, we'll have much less surface area of plain concrete.

[03:52:55] While putting in a substation right on Atlantic Boulevard with no buffer is no ideal, I know Dominion has looked long and hard at possible locations. This is the best location and substation we can get in the area as Dominion works to address their capacity needs to supply the proliferation of data centers.

[03:53:18] I want to thank Dominion for their working with me to arrive at some sort of option to make the retaining wall of the substation more appealing. And I want to thank planning staff for their work on this application. Thank you. Okay. I have always allowed people to split a motion.

[03:53:37] That will not change tonight. So, Ms. Bricksman, what do you want to do with this motion? I want to support the commission permit, and I would like to vote no against the SPI. So you've got to tell me where we split in the motion. Where it was split in the packet.

[03:53:54] There's two different motions. There's a CMPT motion, and there's an SPI motion. Read the motion that you want to support, please. I move the Board of Supervisors ratify the Planning Commission's approval of CMPT-2022-001-DTC substation, subject to the commission permit plat, dated June 13th, 2023, and based on the findings for approval provided as attachments one and two to the July 12th, 2023 Board of Supervisors public hearing staff report.

[03:54:23] Okay, Ms. Glass, do you have any objection to Ms. Brickson's splitting the motion? No, I do not. As a seconder, do you have any objection to Ms. Brickson? Okay, does anyone want to speak on the first part of this motion, just the part Ms. Brickson just read?

[03:54:40] All right. Seeing none, all people say aye. aye are there any opposed that motion will pass 801 now miss brixman you want to do a second part of the motion will you read that you don't spmi i move the border wait wait wait but you want to read you want to split that motion into for it to say something different it's one of a no on it okay all right then i'm going to go back to miss miss glass you want to make that motion again Thank you, Madam Chair.

[03:55:11] I move that the Board of Supervisors approve SPMI-2023-0001 DTC substation subject to the conditions of approval dated June 23, 2023, and based on the findings for approval provided as attachments 1 and 3 to the July 12, 2023 Board of Supervisors public hearing staff report.

[03:55:34] And that's still going to be seconded by Ms. Umstead. I'm assuming you've already given your opening on this. Okay, so on this part of the motion alone, Would you like to make any statements? You've

made an opening for this part of the motion, yes? You have? Yes? No? I'm sorry. You're finished making your statement because it was for all of it.

[03:55:52] Anybody else want to speak on this part of the motion? Ms. Bricksman. Thank you, Madam Chair. So I understand that you guys are doing the best you can. I appreciate the presentation. I cannot support this SPMI because it doesn't have the buffer yard.

[03:56:09] I know what I'm going to hear from my constituents. that are just north of here when that gets built and they are going to wonder why this huge substation is going in i have to believe that if dominion wanted to adhere to our zoning policies that dominion could have found a bigger place a bigger parcel to build it to build the substation so i can't in good conscience vote for this knowing that our zoning ordinance requires a

[03:56:46] type four buffer and knowing the activity that's going to be happening around that area with the bike paths the shared use paths the the redevelopment of the mall i just can't in my heart in my stomach honestly i i'm having heartburn over this honestly and so i just can't in good conscience vote yes on this so i'm just going to register a no vote thank you madam chair thank you like this might be for leo leo is is there any way that that what would happen if the

[03:57:19] board did not support the substation that's feeling like the the substation is a zoning issue rather than H the SPMI what happened if we didn't yeah the zoning issue on the SPMI is a zoning issue rather than a transmission issue this is for the Board of Supervisors to decide not the state corporation Commission with with this if we if we voted no on this would it go to the state corporation Commission it would not this does not go to the state Corporation Commission. This is before

[03:57:56] the board. Okay. Then I need a little clarification. I think everyone's now a little bit confused. I think you're just confused. But that was my job, so yay me. Miss Glass, did you have a point of clarification?

[03:58:15] Yes. So you said that this doesn't have to do with SEC, but if this is not approved and I'm trying to figure out what are the repercussions.

[03:58:31] The State Corporation Commission approves the transmission line so the transmission line where we dedicated right away and got the Vestal Gap Park property that goes to the State Corporation Commission and they had to approve the alignment substations or trans like this the substations that they're putting our zoning issues and then the Board of Supervisors needs to make land use decisions based on those as to whether or not that's consistent with the comp plan which you've already decided it is and then whether or not the special exception is acceptable so that's but that's before the Board of Supervisors that issue so if we don't accept the SPMI

[03:59:09] then then it won't be built that's what I think you could ask that question of the applicant but there's that possibility that you would not be able to get as much power in this area as needed okay so normally I don't do this could go back for a second time to people but I think that my question led to some confusion. I know you've just cleared something up for me that I wasn't aware of. I had a different understanding. So I'm going to let people ask points of clarification just so everyone knows that they know what they're doing right now. So Mr. Buffington. Thank you Madam Chair. I guess

[03:59:47] my question is to the applicant. If we voted this down and it was denied, would you not just either by right or, and I'm not sure if it would be by right or not, or if you had to come back to us, you'd just come back with the kind of the same thing minus the sidewalk and the lights and then you'd have the trees

is that right yeah i mean at this point again we shoehorn this guy in here and there are two parcels the one the vessels gap one's the other side we bought both of them

[04:00:22] looked at both of them because that was what essentially we got cornered in terms of where we needed to be and we went back and forth between them and it made the most sense for vessels to be an expansion existing park the routing comes through here this routing is just for this substation that was being referenced.

[04:00:38] So there's not a lot of reason to bring it up here. I mean, we'd have to look. We'd have to study. There's a lot of complications. If we got rid of the easement that you gave us for the sidewalk and the easement for the lights or the proffer, whatever it was, for the lights, would there be room for the trees?

[04:00:55] If those were not existing, yes, we could fit the trees in, yes. Okay, so basically the board needs to decide if we want the trees or the sidewalk and the lights. Now I see it, but thank you, Madam Chair. I, I, Grace? The sidewalk and the lighting, I believe, is from a previous application on this property, so it's not subject to this particular application.

[04:01:19] It's a proffer that's already been committed to back in 2011. We still have time. And the sidewalk already exists. Okay, but could the applicant not come back in next time if we were to deny this and request that those proffers from the previous, from the other one be changed to not for the so that they would not have to dedicate the the sidewalk and the lights could that be the case because then there would be room i believe for the for the trees i personally that would be possible however the sidewalk is already built and i don't know if staff would support

[04:01:55] removing the existing sidewalk but the board could either way not that we don't appreciate your opinion um to me it's a decision between what they're proposing here with sidewalk and lights and, you know, some drawn-out process where we end up not having the sidewalk and lights and end up with trees and no sidewalk and lights and somebody walking in the road or riding their bike in the road and getting injured.

[04:02:24] It's like a safety issue. So I'd rather just approve this tonight and be done with it. I think you did everything you could to bring forward something that is as good as it can be. You know, we need the power. We need your power to be secured with that security wall so that we have consistent power, and you're doing the best to make it look as good as you can while supporting our multimodal efforts.

[04:02:49] Your second extra time is up. Thank you. I'm going to go to Mr. Sainz and then come back because I am heck of confused right now, to be quite honest. Mr. Sainz? Thank you. All right, so hypothetically, say if the SPM is voted down, Do you have another location already in mind for this area or no?

[04:03:12] No. And you mentioned earlier you – Can you, Grace, go to the picture where it shows where Vestal Gap is in the picture, please? Yeah, you're probably going to have to go to yours. While she's pulling that up, you said you own that property now.

[04:03:31] Is that correct? We own both parcels because that's part of the agreement that was discussed for the Vestal's Gap as part of that whole agreement. And to note, it took us five years to get these parcels and then go through the whole board routing and the SEC. So finding another property, we don't have anything. Okay, so hypothetically, if you were to say, again, hypothetically this is voted down at this

location, could you say, hmm, okay, we got vessels gaps, let's put in a vessel gaps, but you would probably have to come back the same way for that application, too, or is that not accurate?

[04:03:57] I think those are legal land use discussions that are outside of our understanding. Leo, Madam Chair? Yes. If they hypothetically voted this down, they said, oh, we got the vessel gap, which is right next door across the street. Do they have to come back as an application for that property, or you don't know?

[04:04:14] You can answer that question. If they came back on a separate piece of property, they'd have to come back for a separate application. I think that's what you're saying, is the property that Dominion owns just south of Vestal's Gap. That property, which you can see there is about 10.2 acres, they committed to convey that to the county in exchange for the running of the transmission lines, which would ultimately dead end at this substation.

[04:04:41] So, it was the understanding of the parties that the county would get that property, that the power lines would go in, dual power lines, mind you, not just to serve the east side of Route 28, but the west side, and then would dead end at this substation.

[04:04:58] Correct. Okay. All right. Okay. Well, your answer to Madam Chair's question earlier just kind of changed things in my understanding on this application. Okay. Thank you.

[04:05:16] Let me see if I can wrap this up. So Dominion has to provide power to our data centers. You have to, correct? Is that right? We have an obligation to serve any user. To serve an end user, whomever that end user.

[04:05:32] Whomever that may be. We do not respect. I understand. I understand that. Yeah, I said that wrong. You said that correctly. Thank you. But this location is not a by right use for this use. And so if we said no, it wouldn't be like it would happen anyway.

[04:05:49] It's not a by-right use. What you're saying is you haven't been able to find another location that would serve an end user in this area. Is that what you're saying? Distribution is localized.

[04:06:09] I've got two minutes and ten seconds, sir. It's a localized service. So it does serve that region as the discussion has continued. It's not just serving EdgeCorp. But, again, this is not a by-right use. So you all chose this location because you believe it's a good location to serve an end user that has to be served.

[04:06:33] But if we said no, we wouldn't go to the State Corporation Commission, and it's not a by-right use either. Are those two things correct, Mr. Rogers? Are those two things correct? You are correct in that this does not go to the State Corporation Commission.

[04:06:51] with regard to by right there is a special minor special exception needed to do what dominion wants to do on this site yeah so i think that's a complaining question as to the by right versus minor specs do you guys have a different answer sure so yeah the the minor special exception is therefore is not by right okay that's the answer um i have no idea what i'm doing now so you feel like, Dominion feels like that they have, that there is no other site available that

[04:07:30] would work for you to serve the customer that has to be served. This is my last question. Mr. Rogers, if we said no to this, and it's not a by-right use, we can't go to the state corporation committee, if we said no to this, could the end user who needs the power come back to the county and say, I'm going to take you all to court because you are not letting me get the power that I need, whomever that end user might be?

[04:07:56] No, I mean, if the county said no to this, the only litigation could be Dominion. Dominion would have to say what the decision of the board was was inappropriate for some reason. Based on what? The board's legislative decision as to whether or not to approve the...

[04:08:12] I understand that, but okay, but the end user could not come back to the county. Yes, that is correct. Okay, it's not a by-right use, wouldn't go to the state corporation committee, end user can't come back to the county. All those three things are correct. All right. That is all correct. I would say this. At this point, it's lined up for approval.

[04:08:28] If the board were thinking about turning it down, we would ask you put it off to another meeting. You can't go off to another meeting. We could on the minor special exception. Oh, on the minor special exception. Why? We've already approved the comp plan. We're going to vote on this.

[04:08:43] We're going to vote on this, and we'll see how it goes. We have to vote on this. There's a motion on the table. It's only an option. Okay, so the motion was, I don't even know, the motion was made by Supervisor Glass Okay, and first of all, thank you, Dominion.

[04:09:03] You all have been very, you've been great with all the questions, and we never have two rounds of questions, and we did, so thank you very much. We appreciate that. All right. All in favor, say aye. Opposed? Nay. That motion will pass.

[04:09:20] I think it was 4-3-1. That's what I think it was. Was it Supervisor Brixman? Supervisor? Supervisor Attorney? You did what? You voted aye. 5-3-1.

[04:09:37] Supervisors, Bricksman, Randall, Sains, voting against the motion. Thank you. Like your hair is gray now, right? I know, I know, I know. Thank you. All right, I think that's all for tonight.

[04:09:54] Well, yeah. Okay, wait, everybody have a... Wait, when I bang the gavel, everybody can get up. Mr. No, it's not. I spent about three hours this morning trying to figure out since the TLUC meetings last spring when we laid out the data center map and we realized we wanted data centers in certain places and not in other places and maybe in third places I have been trying to figure out a way that we can use market incentives legal incentives anything that we can do to try and get out in front of data center management in Loudoun County

[04:10:31] the reason we are here is because the comprehensive plan in the zoning ordinance was not comprehensively rewritten every five years the way Virginia Code requires it. We were able to pass on that because every time we passed a CPAM, technically we were revising the comprehensive plan. So what we have here is we are behind the eight ball and we find ourselves with no management tools to be able to have any decision-making authority when we are presented with data center options like we'll either prove this data center the way it is or we're going to make a bad data center or worse you either approve this dense housing condition or we're going to

[04:11:08] build a data center so you want to tell what I have been trying to figure out how we can get ahead of it and I think I have figured it out after talking with county staff okay if we basically you have to pass a CPAM and the underlying zoning ordinance related to data center development simultaneously so that they are in concert and you end up with a single product at the end of process where the comprehensive plan the zoning ordinance align and you then have your management tools to be able to management data center growth I have a motion to modify the DPZ work plan at the next board meeting I will send it around to everyone tomorrow for you to look at it and then I will call each of

[04:11:46] you and happy answer any questions between now and the next board meeting I think we have a way forward let me just kind of so in the past people have I bought things that were big items to the board without having discussion first. So I asked Mr. Turner today to say he was going to bring something to the board on Tuesday to make sure it's in the package by tomorrow so it goes out in the package and to call his colleagues over the weekend to have a discussion so it doesn't walk up on the dais for the first time on Tuesday.

[04:12:18] So all that was just to say something that could be coming in the package and coming to the board meeting on Tuesday. Alright, I think that is it. We are adjourned.



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