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Loudoun County Board of Supervisors, Committee of the Whole Work Session, Monday, October 16, 2023

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- Official meeting video (county, Granicus): <https://loudoun.granicus.com/player/clip/7438>
- Agenda (Granicus): https://loudoun.granicus.com/AgendaViewer.php?view_id=73&clip_id=7438

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[00:01:58] Well, good afternoon, supervisors. Good afternoon, staff. Good evening, supervisor. Good evening, staff. Good evening, loud. And I'd like to call to order the October 16, 2023 Board of Supervisors Zoning Ordinance Rewrite Session, Work Session.

[00:02:13] This room has a hearing loop. If you need hearing assistance, switch your hearing aids to the telecall mode. If you need a headset, we have those available as well. Please see the clerk to request one. Mr. Buffington will not be here with us tonight. And I have not heard from any other supervisor who we don't see, so I'm assuming they would be here a little bit later.

[00:02:34] They'll be coming in. Would everyone please join me in the pledge? Well, there's Mr. Letourneau. I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

[00:02:56] Mr. Sains and Mr. Kirshner have a Pledge of Allegiance contest up here, evidently. I guess that's what that is. So, Loudon, I have had a god-awful weekend.

[00:03:14] My aunt, who's more like a sister to me, passed away, and I've had a tough weekend. And so if it were anyone else, I would tell them to use your support system and lean on people to help you. And so I'm going to do that good self-talk to myself and once again pass the gavel to Mr. Turner to run this meeting I

was in a meeting with him this morning on the end Friday about affordability and so he is completely up to up to par and and up to date because every meeting I've been in

[00:03:52] he's been in with me and so without objection I'm going to allow Mr. Turner to chair this meeting Mr. Hems, like three places? That's a little harsh.

[00:04:15] He might get chilly, so he might want to use it. You only have so much for me right now. Thank you, Madam Chair. Very briefly, let me lay out the way we're going to do this tonight.

[00:04:35] It shouldn't be a surprise to anybody, but just kind of go over some housekeeping issues, and then I do have one little administrative note I want to make at the top of the meeting. So we've changed the flow a little bit this evening at the request of some of the stakeholder groups.

[00:04:55] So what we're going to do tonight is we will start off with a presentation by staff on Chapter 7. They'll do their presentation. We'll do a round of questions from the board members. And then we will have stakeholder comments.

[00:05:16] Actually, I take that back. Is that right? No, no, that's not right. That's not right. um yeah take the gavel back staffs going to do their presentations and we're going to ask questions and then we will have stakeholder comments before we go into any of the motions we're going to we used to do the the carryover motions up front and the stakeholder said we would like an opportunity to be able to comment before those carryover motions are discussed so we will come out of the the staff presentation with the questions uh we will um then have stakeholder comments on all of

[00:05:55] motions and whatever else the stakeholders would like to talk about and then we will go into the committee of the whole and go through all of the motions as a single package as a committee of the whole we'll have one minute set on the clock for committee of the whole the three minutes is on there right now for questions for staff after the presentation and we'll do the one minute on the clock it's not a hard and fast rule it's just a guide please keep your comments as short as possible i will tell you that we had a very good meeting on friday uh and then another good meeting uh today on chapter nine I believe sections one two and three in chapter nine and a lot of the

[00:06:34] modifiability questions related to chapter seven are covered in the motions tonight so there is a consensus among those we've talked to Friday and today and county staff that we don't need the modifiable ability meeting on Wednesday and unless something radically different happens tonight that might require that and stakeholders please feel free if you think very strongly that we should have a meeting on Wednesday then you feel free to say so in the comments and we'll discuss it but right now the plan is not to hold the modifiability meeting to cancel the meeting on Wednesday unless something changes so with that and without further ado I think if I could ask

[00:07:11] staff to do the presentation on chapter 7 that would be great thank you and good evening board I'm Rick Hancock and I'll be presenting this item or the chapter 7 development standards so development standards is part of our, in chapter seven, this is part of the continuing zoning ordinance reorganization. So this chapter would include many regulations for the first time in their own chapter, as opposed to in separate zoning regulations, zoning district regulations.

[00:07:44] So we're including site development, such as density, lot requirements, open space has its own section now, tree planting, replacement, preservation, landscaping requirements, light parking requirements is also in this chapter transportation requirements for vehicles bicycle and pedestrian

routes additionally utilities in specific sewer and water but all types of utilities home or owners associations such as homeowners associations property owners associations

[00:08:19] have their own section and are treated similarly throughout the zoning ordinance now it also includes the Rural Hamlet development option for the Legacy A3 and A10 zoning districts. As I mentioned briefly at the beginning, part of the reasons we put these development standards in this chapter is so that we can provide them consistently throughout the county, with particular emphasis, I would say, for open space, utilities, and owners' associations.

[00:08:51] Currently, depending on the zoning district, there are some nuances, a little bit different way we take a look at these things and we want to look at them from county-wide basis. We've also updated many of the standards such as clarifying the relationship between buffers, yards, and setbacks. Sometimes those terms get confused and we've also updated some of the lot frontage and access requirements to be more modern. We've also for the first time included transition standards so that new development when it goes in is a better neighbor to the existing development that

[00:09:28] is previously existing. So in the issues identified in the report there are a few and so I'd like to go through these briefly. So open space is a new section to treat open space and we've standardized how open space is calculated. So part of this is based on the general plans concepts of open space and so what we're really trying to do is get quality open space. So we do this particularly

[00:09:59] in table 702.2 by assigning factors, three tiers of factors for different, based on the characteristic of the open space. So you have 100% or bonus factor for environmentally sensitive areas and public dedications, for example, for parks. There's the standard or 100% factor for most of your open space types.

[00:10:28] And then finally, there's a 50%. It's a reduced, it's for marginal open space or off-site open space. We do allow, particularly with the approval of a special exception, to be able to provide some of your open space off-site, but that needs to be limited to half and would only count for 50%.

[00:10:53] there are there have been some things that we've worked through this has been an issue that has received a fair amount of public comment during the public review during the planning commission and even since the planning commission and so we've worked with many of those who have made comments and we we have a solution and so one of those is to allow a project-wide approval for open space so essentially if you get a concept development plan approved you

[00:11:26] can identify where the open space is going to be provided instead of being stuck at each and every individual site plan, which may or may not fit with the entire development. We also propose to exempt public facilities from the open space requirements. We propose to allow modification of the required open space amount for redevelopment where the previous approvals or previous requirements were for a lower amount of open space and so this would be up to the board's

[00:12:05] discretion where the board can say no you need to provide the full amount as it is required today or the board could say you know what let's just get the same amount of open space that was previously required for redevelopment only we've also added some flexibility to the types of open space so for example buffers and screens there's a type of open space for buffers and screenings We're less concerned with the width on that than we are with the type or how it screens.

[00:12:33] So we're looking at plant units. So we'd like to shift that. We've also added a new type of open space called supplemental landscaping. So if you can't meet that minimum 20-foot dimension, you don't get zero value.

[00:12:52] You get a 50% value, so it's less. And it's got to still be an average of 10 feet wide and at least 400 square feet. And then we also propose to remove the restriction on certain types of open space to no more than 50% of required open space, with the notable exception of being the off-site open space.

[00:13:20] That would still be limited to that 50% required. And then we also have some language to clarify that only required open space is subject to an easement. and there are only some very specific requirements that kind of trigger that open space easement requirement we can get into that if you'd like during discussion there's another issue that we would like to bring to your attention and would like to receive direction and that is the the

[00:13:52] planning commission decided to increase the setbacks along route 7 from the fairfax county line to the the broad run to 75 feet for parking and 100 feet for building. Now this previously was reduced down to 50 feet in 2007 and there have actually been a few projects that have been improved since that time. One of those is shown here on the screen, the shops at Potomac Corner, which as you can see

[00:14:24] wouldn't exist in its present configuration at all if this were to be adopted. And the reason why staff is bringing this to your attention is that there isn't any general plan guidance on this. There's nothing in the general plan that relates to the setbacks along Route 7, and we see this as a deviation from board-established policy and wanted to highlight that. We also have some changes to the use buffer matrix in Section 70403. When this was originally drafted up, it was just

[00:14:58] converting existing requirements in Revise 93. Well, as you know, there have been a number of changes to the use requirements in chapters three and four. And so how we're categorizing uses doesn't really line up with how we had treated them when we put this original matrix together.

[00:15:18] And another issue is that it's really implemented by a zoning administrator's advisory opinion. It was issued in 2019 when this section of the ordinance was most recently updated. What we are proposing to do is revise some of the names and characteristics of these groups. It reduces the number from 13 down to 12, but we're also proposing to add a new appendix, an appendix D, that is based on the classification and grouping of land

[00:15:52] uses as provided in chapter three. And so this way, everybody from staff to the applicant can know, depending on the use that they're proposing, what those buffer requirements are going to be. We also have three additional issues with regards to parking.

[00:16:13] I don't have motions in the packet tonight regarding these. We're anticipating some additional discussion perhaps on Wednesday, which may not happen. So for these three items, we will be coming forward at a later meeting with motions representing these items.

[00:16:35] So one is residential parking ratios. Generally, the Planning Commission increased a lot of the residential parking requirements. They did break the uses out a little bit differently. They currently exist in the revised 93. They looked at types of dwellings, if it's a single-family attached or a multifamily stacked, for example, the number of bedrooms, if it's a one to two or three, also the size of garage, if it's a one- or two-car garage and felt like there were different parking demands based on that.

[00:17:08] additionally the size of the lot so for a single-family detached on a narrow lot there isn't as much street frontage and so there would be less available on the street so the planning commission felt like there should be an increased or additional requirements to make sure that there's still enough that's provided for the entire neighborhood we would like to note that there are lower parking ratios in the urban zoning districts so even though generally there's more in the urban there's less and staff does have a clarifying issue with what is existing in the draft zoning

[00:17:43] ordinance kind of have some ambiguity on the single family attached when it has a one or two car garage and so we want to clarify on that that it only relates to the three-bedroom dwellings parking for attainable housing the draft ordinance provides for automatic reductions based on the affordability limits we've had i've had a productive discussion with kim hart

[00:18:14] and we have an alternative parking reduction for multi-family attached ahu units those can function a little bit differently than your generic attainable housing and so we will be coming forward to you with a proposed staff motion to adopt a flat rate option for AHU multifamily attached. Additionally, even though these are automatic reductions, other reductions

[00:18:50] are still available based on location and presenting a parking adjustment as any other project would be able to. And finally, for electronic vehicle parking, the Planning Commission draft includes ev parking only if a project meets three requirements one is a parking adjustment is approved two it's in an urban suburban or office and industrial zoning district and three it's at

[00:19:21] least 10 000 square feet of building addition or building however it doesn't give amounts it just parking is required. And so what we will be looking forward to is direction to add amounts, basically percentages. We're looking at 10% for residential and lodging uses, 2% for commercial civic and industrial uses, and then no EV requirements for other types of uses. Included

[00:19:56] in your packet is the revisions that we have to the utilities section. We've actually had quite a bit of revision since the planning commission adopted the draft zoning ordinance and this is to well we we considered a lot of things and to address concerns from loud and water and other county departments and also some of the changes made to chapters three and four this updates the water and sewer standards in the zoning districts it better implements the leesburg jlma policy for

[00:20:31] leesburg jlma zoning districts which is new with the revised with the 2019 general plan and it also requires central water and sewer for new development in the transition zoning districts and of course staff does have a few quality control revisions that we think make the zoning ordinance better this concludes my presentation and i'm certainly happy to do my best to answer your questions thank you thank you mr hancock uh questions please put your lights on uh supervisor brisman

[00:21:08] thank you um on slide five i'm a little bit confused does it are you indicating that um if a project has environmentally sensitive areas and or public dedication areas that they get a 150% credit? Essentially, yes. So it's kind of a, it's a, it's a carrot approach to getting the types of open space that we're looking forward to. So for example, if there's wetlands on the site,

[00:21:45] or there's an historic element to the site, like there's been a phase one archaeological, we know that this is a, this is an important piece that we want to preserve. We, we give them a bonus bonus credit for it okay so that means they get 100 credit plus 50 percent yeah so essentially if there's an acre of that

they would count as an acre and a half okay i need to read the definition of open space again but i mean wetlands aren't necessarily usable aren't

[00:22:21] necessarily developable but they can be developed over and currently under the revised and the current zoning ordinance, you get the same credit if you pave over the wetlands and landscape it with non-wetlands as you do if you kept the wetlands. And so we're trying to encourage keeping the environmental benefits, right? Okay. All right. And then on slide nine, am I to read this correctly, that we are increasing the requirements for parking

[00:22:57] on SFA, SFD, multifamily attached, multi... So that's a generalization. Okay. So there are a variety of more different categories of residential uses provided in the draft ordinance.

[00:23:21] Also, we provide different rates based on the type of zoning district it's in. So if it's in an urban district versus a rural district. Okay, okay. I'm running out of time. Was there any discussion about the requiring, I think it was a townhouse garage, only count for half a space?

[00:23:42] And are we expecting some motions on that? We could certainly entertain motions on that. I haven't seen anything yet on that. I know that at least was brought up during the public hearing. Okay, all right. Yeah, we'll probably be in touch on that because I think a garage should count as a full space.

[00:24:03] Because if we do have space, then we have to increase asphalt on the rest of the project. and i don't know that it's enforceable so all right thank you thank you and i should say uh the we did not say it up front the room has a hearing loop so if you need to set your hearing aid to telecoil mode please do that and we have headsets available if you need them supervisor letourneau um i'm definitely going to want to dive in deeply on parking but let me start with this one um so there's provisions in here allowing for administrative reductions of parking

[00:24:39] requirements of up to 35 percent can you explain how and when that would apply or occur and whether that applies to both residential and commercial districts yes that would apply to any of the parking ratios that exist so if a project just as currently they can apply either for a z mod or a special exception before the board to reduce those parking rates we have an administrative procedure so that if they meet you know they provide the transportation studies and showing that they don't need the parking etc then it can be approved by the zoning administrator now

[00:25:19] it's capped at 35 percent so anything more than 35 percent would have to go to a special exception yeah i know i was preaching modifiability but this may be one where i i'm not necessarily comfortable giving that to staff as opposed to a board z mod so i may have something on that when we take this back up i i assume the parking issue is going to keep uh it's going to stay with us just for a little bit um so is there anything really any changes to the flex industrial areas on parking standards because those of us that have those know there's

[00:25:55] truly constant issues going on there with vehicles and what happens is just while you're looking when you have a building say a flex building and it has like five different auto uses they each get like five or six spots it's nowhere near adequate they've got customers coming and going they have cars that can't move and so it spills out all over the place and it spills out into the street and you talk to the sheriff's office they do a ton of uh they write a lot of tickets in there all that kind of stuff so were there any changes to any of those standards around that type of we did

[00:26:34] actually add a standard for particularly for the auto repair so to draw a distinction between storage of vehicles with parking requirements so you can't store the vehicle you can't have a vehicle that you're doing work on in a required parking space it has to be above and beyond so okay to try and address that particular problem sales combined with storage uh i believe we do the same thing for the sales as well so in a parking you know if you're you're selling automobiles there's a parking requirement but that's that's exclusive of your display area

[00:27:12] okay okay and then the last 15 seconds i'll go to the can of worms that is the affordable i guess i'm not quite understanding why we would throw out a consideration for the size of the unit even if it's an affordable unit.

[00:27:31] In other words, a one-bedroom versus a two-bedroom versus a three-bedroom. Because the compromise I saw is sort of a standard across the board. Actually, no. So the compromise would be, oh, let me back up, and I'll give a little better answer for you.

[00:27:47] So the draft has it based on affordability. So that would take into account the size of the unit, the numbers, the affordability. So it's based on the rate that's provided in Table 706021.

[00:28:06] So if it's a single-family attached or if it's a single-family detached or multifamily, it's going to have a different rate. So you get a reduction that's a percentage. I meant within multifamily, but we'll go back to that. But the compromise is that for the AHU multifamily attached, you could have an alternate metric of one and a half parking spaces per unit, regardless of unit size.

[00:28:32] Supervisor, question. Thank you, Chair. So I have just a couple of questions. I had some of the same concerns that Supervisor LeTurne did on the parking, so I look forward to seeing what his thoughts are on that in terms of motions. Just out of curiosity on the Hamlet option now for A3 and A10, What was the discussion behind it?

[00:28:50] I mean, I think this is a really good thing from my understanding of the way hamlets work, but I didn't even realize it wasn't allowed. But can you talk to me a little bit about what the discussion and thinking was behind that? Well, there wasn't actually too much discussion. So this is an existing provision in the revised 93.

[00:29:07] Right. So really it's just transferring it into the new zoning ordinance. We kind of had to find a new home for it because it's not really a zoning district. Okay. The open space requirements for public dedication, you get the 150%. What is public dedication defined?

[00:29:24] What would that entail? Would that anything that's donated for public use, or does it have to be recreational? Can you give me some? Yeah, so there's actually more than one. And so obviously public dedication, that's a lot of things. So I'm talking about specifically dedicated land that is dedicated to and acceptable by the county for a public park.

[00:29:46] That would be just a park. That would be the 150%. We do have a. Does it have to. I'm sorry. I mean, it doesn't have to be adjacent to part of the development. It would have to be part of the development. OK.

[00:30:02] To get that. Or part of a donation as part of the part of the development that donation. So to speak. Right. So we do actually have another category for dedicated for public use, land that's dedicated to the county for public use, excluding parks and roads, and that would be a 50%.

[00:30:22] Okay. So that's to kind of help, because we do have some public facility needs, right, schools, to try and help move that along. That would make some sense. The setbacks, the recommended, I think, 100-foot setbacks you had mentioned in your presentation that previous rule currently exists, and you guys are giving this some thought in terms of suggestions to us, that the current rule is 50 feet.

[00:30:48] Do you have any, did you want to elaborate on that, Elilio? In other words, you said it wasn't part of the general plan, really, so this is maybe the Planning Commission went above and beyond. What was the Planning Commission's discussion and thought process in here, and can you as staff kind of weighing a little bit more in terms of what your thought process is um i think it came down to the planning commission felt like there should be a bigger buffer okay along route seven okay um it it does get quite a bit bigger um after the broad run and up into leesburg for example

[00:31:19] yeah um but uh our our position is it's kind of a interesting break point and before that we already have some development that's within that one that i got it one last question on the ev requirement in suburban is that would that be in public parking is that is that chargers is that is that what you're referring to by ev parking yeah is that in public parking spots uh so in a commercial center for example if uh they got a parking reduction and they were over 10 000 square feet then they would have to provide ev parking that's that's essentially the infrastructure so

[00:31:57] that you can park this park there i get it okay thank you supervisor i'm sorry thank you mr chair Um, so two areas, uh, again, parking, of course it's always parking. Um, and I, I don't want to in any way, um, make it more difficult for, uh, affordable housing developers to build, um, affordable housing.

[00:32:26] But based on my observations in Leesburg, not necessarily elsewhere, but in Leesburg, we can often have a one-bedroom apartment with an entire family living in it, potentially with two working folks, both of whom have cars.

[00:32:47] a two-bedroom. We'll sometimes have two entire families, four cars, a three-bedroom, three entire families, potentially six cars. So we don't always match what I think our assumptions here might be as far as parking needs. We had a small Rambler in Leesburg, and we had one story, probably a two-bedroom Rambler, and every evening we would have about nine vehicles

[00:33:23] parked on that lot. So our constituents aren't necessarily living the way this might assume they are. And so I wonder, when we looked at the parking needs, did anybody go around and say, you know, what are the parking needs in this subdivision or in this townhouse community or in this apartment block?

[00:33:51] We also have a lot of spillover from our very modest apartment units onto the neighborhood streets, which has resulted in the town having to put in place residential parking restrictions.

[00:34:07] But there just seems never to be enough parking. And I wonder where are we as a county seeing all this additional parking space that isn't being utilized? I don't see it in Leesburg. It could just be my district that doesn't experience this the way I think we assume it would in this rewrite.

[00:34:31] Any thoughts on that? So I think that was particularly why the Planning Commission spent so much time on the parking. They've received a number of concerns. It's always when the project comes up, there isn't enough parking, it feels like, generally for your residential projects.

[00:34:49] And so that's why generally there is an increase in the parking that's required. And they also looked at only counting garage spaces as a half a space. They felt like maybe 50 percent, if on a good day, are using the garages for parking.

[00:35:08] And so it just kind of exacerbates the problem. With regards to affordable housing, that was also part of the reason why they felt like the reductions based on affordability was probably a safer bet to go. However, we have received projects that have been approved and have provided parking studies and surveys of AHU, multifamily attached, which showed that it was about one and a half spaces or less per unit.

[00:35:37] And that included projects, I believe, in Leesburg, but all the most recently approved multifamily affordable projects in the county were included in that study. So there is some science behind that number.

[00:35:54] But the other, have we done it? Some of these were, anyway, we've thought about it a lot, yes. Okay, all right. Thank you. Thank you, Chair Turner.

[00:36:09] I guess I have a parking question as well, and that is what I see within some of the HOAs are folks that may have a small business, and with that small business, they may have a truck with the signage, you know, for their business, and the issue that I'm seeing is that, you know, some of the HOAs don't allow them to park their vehicles, you know, on the HOA.

[00:36:40] So they're having a hard time trying to find places for them to park. And so with that, then they are parking in different areas on, you know, on main roads. And so then I'm getting people to call and say that it's unsafe for them to drive because of all of the, you know, all of the large vehicles that are parked on the side of the road.

[00:37:09] I think that's one of the issues that I'm seeing. if we have tried to help alleviate that problem that my constituents are calling me about. Yeah, I think your concern raises kind of an interesting conundrum with parking.

[00:37:27] And that's why it's difficult to get hard, fast scientific numbers on this. And that's because a lot of this depends on how far are you willing to walk? Are you willing to put up with the parking ticket every so often? And there's a certain amount of fungibility on that.

[00:37:44] And how do you determine the best way to put these numbers so that everybody's happy and you don't use up too much land area for parking? So it's certainly a balancing act. As far as the owners' associations, we don't have anything that restricts them, basically because they're private agreements on how they run internally, on what they exclude from within them.

[00:38:14] We do have a section on oversized vehicle parking, which includes commercial vehicles and where they can be parked and how long they can be parked there. That's okay. Thank you. First of all, let's have a whole discussion on transit.

[00:38:32] Maybe if we have a whole discussion on transit, we won't need to have a whole discussion on parking. Just saying. Let's go to slide 7, please. Because, and that is Route 7 from Fairfax to Broad Run. What is allowed in that stretch?

[00:38:51] What types of, because we're talking about commercial buildings, right, or office buildings, correct? So there are commercial, there's actually some residential that's allowed in there. I mean, there's

a variety. A whole variety of things. Yeah. So I remember last term we had this long discussion around on our main corridors where the goal is to put parking behind the buildings.

[00:39:14] And so even if we said the building setback is only 100 feet, that would be okay if we put the parking behind the building. But at 75 feet, you don't want the parking in front of the building no matter what. It just doesn't make your corridor look very, very good.

[00:39:29] And so am I imagining that we had that discussion before? I wasn't present for that discussion if we had it, and it could have been. But I think you've pointed out something that's a very good observation here, is that when you do have a smaller setback for the parking than you do for the building, you're encouraging the parking to go up front.

[00:39:51] Exactly. And from an urban design perspective, you want the parking. Especially along your main roads, right? Exactly. So there may be something that we want to do with this because I don't want to see the parking in front. I want to see it in the side. I want to see it in the back.

[00:40:08] And then my only other question, because all the other questions have been fairly well answered, is when we talk about the EV charging stations, commercial includes retail, correct? Yes. Okay. Because it just didn't say it was one that wanted to make sure.

[00:40:24] Yeah, that's based on the new use classifications that are used in Chapter 3. Okay. All right. Open space, we have determined that open space doesn't necessarily mean green space, right? That's correct. Okay. All right. Which is a little bit different from the way we have, particularly in the commercial areas where there's a requirement for a landscaped open space that is different from open space.

[00:40:47] Right, yeah, yeah. Okay, thank you. Mr. Chairman, that one question I asked on the setback around Route 7 and the parking, it may be something that we need to do in a motion or something different for that one.

[00:41:04] Thank you. Thank you, Madam Chair. I just want to clarify some things. So right now, the draft zoning ordinance does not count a garage as a half a space? It counts a garage as a half space. So we accept that the draft incorporates the Planning Commission recommendation of a half space or garage.

[00:41:23] So if we didn't want that, we would need a motion to make it a full space? Correct. Okay. Conversely, right now, the draft ordinance sets us back 100 feet for a building and 75 feet for parking along from Fairfax to Route 28.

[00:41:41] if we want to change that back the way it is pursuant to staff's recommendation we need a motion to change that back that is correct okay um just everybody's aware uh we don't plan to make a motion to approve chapter seven tonight parking is going to be a major issue that's going to come back i've got at least three or four motions and i'm thinking about to clarify language on parking so we will come back on i'm sure on chapter seven um i want to point out to everybody There were a number of attachments that were sent out at 5.30 this evening

[00:42:14] in another supplemental, and they're rolled into the final approval of Chapter 7 and all its attachments. So please make sure you read those attachments. They are comprehensive and extensive. So when we get down to the point where we think we're going to approve Chapter 7, make sure you're aware of what those attachments say.

[00:42:39] And I think those were all the questions I had on Chapter 7 in the presentation. Thank you very much. I appreciate that. We will move on to the stakeholders' comments. And the first stakeholder to speak will be Molly Novotny.

[00:42:57] Molly, if you can hold on one second. No, I'm sorry. I didn't see you late. All right. Come on up. Good evening.

[00:43:13] My name is Molly Novotny. I'm a planner at Cooley and pleased to be here before you tonight. I'm going to talk on two things briefly, parking, which you guys have already started the discussion on, as well as height. so in terms of parking i spoke at your first public hearing asking for that garage space to be counted as a full parking space the planning commission looked at parking in two ways one they looked to reduce the garage space to a half space but at the same time they also increased for the stacked units spaces to be off lot and so they were they were capturing their desire to increase parking in two ways we're fine with that added half space off lot for those stacked units but But we do think the parking garages should count as a full space.

[00:43:53] The second thing I'd like to talk about is building height. And right now in the current ordinance, building height, you need to account for what is adjacent to you in terms of building height. And it says your height can be reduced if you are adjacent to a district that has a lower height, a lower maximum height.

[00:44:12] And we want to make sure that in table 7.01.07A, building height, that that maximum height includes height permitted by special exception. It's just, that's how staff perceives it today. And we want to make sure that that's carried forward, that it would be the maximum height by special exception in an adjacent district.

[00:44:33] Thank you. Thank you. Our next speaker is Bill Junda.

[00:44:47] Good evening. Thank you. My name is Bill Junda. I'm a civil engineer with Gordon. And tonight I'm representing the Commercial Development Stakeholder Group. There are a number of staff motions tonight that align with the modifiability discussions from the last two weeks and we fully support all those motions again. So we again, thank staff for that.

[00:45:04] Also wanted to thank staff for their hard work on the open space provisions. I think that's part of what the packet you got at 530. There was some things that were missing from the original packet. We worked collaboratively with Rick Hancock and his team and the new ZOR does increase the requirement for open space on commercial and all properties, but commercial properties in particular.

[00:45:23] So the requirement goes up, and we collaborated with Rick on some case studies, some projects on what the actual effect was, and kind of fine-tuned that table a little bit. And while it's still more than we would like, we do support the changes that Rick is now proposing. So we appreciate staff's help with that.

[00:45:40] As far as parking goes, I'll just say that I agree that the full garage space should count in a residential unit. That becomes an enforcement issue with HOA or towing or whatever it is if people are not using their garages and they're parking illegally. We do also support Kim Hart's motion that he's been working on for the alternative option for parking for AHUs.

[00:46:02] I think that's a good option. We've looked at both the AMI reductions as well as the reduction he's proposing. I think each of them work depending on your situation. I'd also like to fully support motion number two that hopefully Supervisor Glass will bring forward.

[00:46:18] This is the motion I spoke about last Thursday as well. This is really just to clarify the results of Motion 29 from September 26. The original motion was just to clarify that the new 200-foot setback from data centers to residential would still apply even if the two uses were separated by a road.

[00:46:36] It was just a clarification motion, and the way it got interpreted, at least according to Zoning Administrator Mark Stoltz, was that the way it was worded, that 200-foot setback would be added to the road width. the instance of like the greenway which is a 260 foot wide road it would actually result in a 460 foot setback if you had the uses on either side that was not the intent of that motion that was not part of the discussion you all had a committee of a whole so i ask that that just be clarified and fixed and with that i'll be available to answer any other questions you have thank you

[00:47:08] mr jen uh next speaker was aaron swissom good evening good evening thank you for the opportunity to speak before you this evening i'm aaron swissom i'm an attorney at walsh collucci I, in particular, want to talk to you about that half space in the garage.

[00:47:34] So that appears two places in the draft ordinance. It's in Note 1 of Table 7.06.02 and in the text of 7.06.11c2. And I want to note that this not only fails to recognize that most households, mine included, use those garage spaces to park in, but as Supervisor Bristman noted, it adds asphalt to projects.

[00:48:00] That not only increases overall cost and disincentivizes the use of garages in dwelling units, which is integral for design in both the urban and suburban districts, but it leads to real stormwater implications.

[00:48:17] That's not only an increased development cost. That's an increased carrying cost for HOAs because they are ultimately responsible for the maintenance of those structures once they're installed. I also wanted to note that this also, when paired with the additional open space requirements, which, again, I want to echo Bill's thanks to staff.

[00:48:43] We've been working really collaboratively. Really does seem to prioritize parking over the inclusion of open space or building space for units. And that's particularly true because a lot of the development that's happening in eastern Loudoun is happening on infill or redevelopment sites.

[00:49:04] There are very few greenfield properties left. And so the properties that we're coming to you with for residential rezonings already have some warts or already have constraints to them. And I think all we're asking, we understand, you know, what staff is trying to get out.

[00:49:20] We understand and appreciate the board feedback. We just want to make sure that that half space in the garage is really a full space to both make it easier for us to develop, to make it cheaper for individual lot owners and HOAs, and to allow us to protect more environmental resources.

[00:49:41] So thank you very much. I'm happy to talk to any of you about that more specifically as well. Thank you. Thank you, Ms. Husson. Mr. Hart.

[00:49:57] Good evening, Mr. Chair and members of the board. I'm Kim Haar. I build attainable housing, and I'm addressing issue number five tonight on page seven, which is the parking ratio for attainable

housing. The staff, planning commission, and all of us in the housing industry actually agree that the parking ratio for attainable housing should be reduced.

[00:50:20] Unnecessary parking spaces, unused parking spaces, start at \$10,000 in space for surface parking and go to \$30,000 or \$40,000 per space for unused structured parking spaces. Not counting the land, not counting the infrastructure for stormwater. And then the empty spaces, as was just mentioned, also add unnecessary surface area, impervious surface area.

[00:50:43] Staff has proposed in this draft, and the Planning Commission has agreed, that the way to calculate that reduction should be tied to AMI. I and we in industry have two problems with that. First, there really isn't any substantive research yet that ties reduced parking to AMI.

[00:51:03] we'd like to have some, but it isn't there. And second, that AMI approach doesn't really match the research that we have done on the kinds of properties I build, which are the multifamily attached AHUs. And I would point out to you, supervisor, that there is a difference between the multifamily attached properties, which are managed and have people that track that, and the townhomes that you've been concerned about in your particular situation.

[00:51:32] We have over the years supplied two studies. I did one for my properties, 322 dwelling units on three buildings. That was 1.2 parking ratio. And Kim Lee Horn did one for Mr. Capretti on 958 units. That was 1.3.

[00:51:51] So I think that the 1.5, it does have quite a bit of space to have, make sure there's enough parking even after you go there. And I did realize in reading the comments that staff had over the last couple of weeks that I really had missed that whole part about there really is a difference on the townhomes and the two-over-twos.

[00:52:13] So that's where we came to the proposal I made over the weekend that we really look at where the research is and we say it's okay to stick with the AMI for the townhomes and the two-over-twos, but I really would like multifamily AHUs to be treated separately because we do have good data on that, which is very supportable.

[00:52:33] And I'm pleased, very pleased that staff agrees that we might have a deal on that. So thank you. Thank you, Mr. Hart. Next up, Ms. Jemmingle. Good evening, board members.

[00:52:53] I'm Jen Bingle, representing Conservation and Preservation, Stakeholder Group 5. We appreciate the chance to be heard and can't stress enough what a difference the current approach has meant for us up until today. As participants, we haven't been relegated so far to bystander status while the final critical decisions are being made to manage industry's concerns and implement our community's vision for the county's future at the same time.

[00:53:21] I do have to say our HOA colleagues should also have a seat at the table. But anyway, we appreciate staff's efforts to implement the comp plan and in the draft ordinance. And we're generally very pleased with the open space and development standards as they were previously proposed.

[00:53:38] So you didn't hear from us because we were happy. So we don't like many of the changes that have been made to address the complaints. And we still have many questions about what's come out, both in the first and second supplementals.

[00:53:56] So there are some questions that might be answered, but we haven't had a chance to look at them. But specifically, our concerns mostly revolve around Section 7.02, including all of the staff's proposed changes for that section of open space, where buffer screening changes and limited landscaping, getting a 50% factor, and the table regarding open space eligibility.

[00:54:24] And in addition to that, we still have concerns on modifiability and questions that we probably need to sit with staff and get clarified. So as far as we're concerned, don't rush. Please, within the framework that we have, we still have questions that we'd like to get answered.

[00:54:43] And regarding residential parking standards, understand that we don't want more asphalt. But Loudoun is also not set up to easily take an alternative to driving your car, and that's a reality. So as long as we're not integrating our land use and transportation, we're going to have this problem, and we have to do that.

[00:55:07] So I want to say that whether it's for market rate housing or for attainable housing, people need their cars to get around in Loudoun County. It's an unfortunate reality. I wish it were different, but I hope you'll consider these thoughts. Thank you. Thank you, Ms. Bingle.

[00:55:23] And our final speaker is Mr. Michael Myers. Hi, I'm Michael Myers, representing wildlife conservation stakeholders tonight. We are generally supportive of the previously proposed draft language in Chapter 7 in regards to open space, in particular the qualifying characteristics for open space eligibility in Table 7.02-2 for 150% open space calculations, especially including archaeological and heritage resources, linear parks and trails, tree conservation areas, Virginia natural heritage resources, and wildlife habitat. While we initially offered other potential solutions, the previously proposed

[00:56:01] text does provide incentives to protect the more valuable open space areas. Not all open space is equal and is important to identify and protect ecologically valuable areas and to enlist subject matter expertise to ensure the quality and value of those areas. We do not support and have grave concerns about the drafted changes to section 7.02 in response to the concerns outlined in the original staff packet and supplemental 2 number attachment 4. These changes do not incentivize protecting valuable open space rather they make it easier to include narrower and less valuable space in the calculations. Narrow strips on the edges of parking lots and buildings provide little to no value to wildlife or humans, and canopy trees initially planted in narrow spaces often

[00:56:41] do not survive, nor do we support exempting public facilities from open space development standards. These proposed changes are contrary to the purpose of the open space section of the zoning ordinance and the 2019 general plan's open space goals. In addition, I am unsure of the potential implications of motion three regarding flexibility in the risk or buffer area. While we are supportive of finding ways to incentivize protecting existing trees, it doesn't make sense to sacrifice the risk or minimum buffer width to do so.

[00:57:09] The minimum risk or buffer and protecting trees should both be prioritized. These edits seem that it would result in less overall habitat being protected. Ending on a positive note, we want to express our support for motions raised by Supervisor Sayings, numbers six and 13, to prohibit the planting of invasive species and defining invasive species.

[00:57:30] Requiring 80% native plants is a big step in the right direction and prohibiting invasive species is another big step in the right direction to ensure that valuable and useful open space is created and

protected in the first place. Invasive species cause a lot of economic harm to residents, businesses, and public facilities, and this edit will help lessen the future burden.

[00:57:49] Thank you for your time and consideration. Thank you, Mr. Myers. With that, I will take us into a committee of the whole. I move that the board move to a committee of the whole. Is there a second? Second. Supervisor Kirshner, any discussion? All those in favor, please say aye.

[00:58:05] Aye. Any opposed? We are now on a committee of the whole. We have one minute on the clock, as Chair Randall pointed out. We don't need timing during committee of the whole. I like to leave it up there anyway as an encouragement for everyone to keep your comments brief, please, as we go through the motions. There's sort of an insidious psychological response when you see zeros on the clock, and I like that response.

[00:58:27] So we're going to keep that there. And we will move right into motions. First motion is motion number one, Supervisor Briskman. Thank you, Chair Turner. I move motion one on section 4.0602 data centers table, 4.0602.01 facade standards.

[00:58:57] Is there a, it's moved, is there a second? Okay. Moved and seconded by Chair Randall. Go ahead. Opening comments, Supervisor Bruce. Sure, thank you. So we discussed this a lot at our last session.

[00:59:14] Initially, Vice Chair Sains had a motion to require primary facades on all four sides of data centers, and that, I think it was withdrawn, and then Supervisor Letourneau made a motion that we require the primary facade if there's roads or residential, but I thought, and hopefully some of my colleagues agree, that we need to have primary facades.

[00:59:41] If we're going to list where we have the primary facades, we better think exactly where we would want those primary facades. So we worked with staff to kind of list out exactly where we would want primary facades.

[00:59:58] I do have one question for staff, and that is one thing we thought might be missing here was the roads, which is what Supervisor Letourneau specifically wanted last session. so I'm open to a friendly for want to add roads to it but um oh I'm out of time was it a minute no no no no it's oh okay it's just a guideline oh okay thanks um anyway I the staff has no objection and they do point out something about big box retail and I'll just say that we don't get complaints about big box retail and big box retail aren't normally 100 feet tall uh maybe they're

[01:00:35] two stories at the most they don't have big generators they don't make a lot of noise necessarily they might they might generate a lot more traffic but um i just don't think that's that's a fair comparison um so i guess that's all i have for right now thank you thank you so far as brisbane any comments on the motion so resolute turno yeah a couple comments first of all i think i'm very intentional in this topic and saying i do want to discourage data centers next to residential so i'm okay with us having standards that apply to data centers here because i don't want them next to residential and i want everybody out there to know that that said i do think we

[01:01:15] should have roadways as part of this but i think it goes too far in some other areas so the areas that i would not support having the full facade requirement would be animal care business companion animal pet grooming veterinary clinic postal service civic religious assembly cemetery limited brewery and i'm not sure if i support financial services food and beverage sales servant government and retail.

Government, I think, is a broad one that applies to a lot of different types of facilities. And I was going to ask exactly what that covers, anything that could be a government

[01:01:53] use. I'm thinking, and Supervisor Brisman can explain, that the idea with this was basically anything in which there could be people on the other side. I think that's probably a bit much, particularly if we did include roadways. Some of these types of businesses are pretty common in flex industrial areas, like Limited Brewery.

[01:02:16] There's quite a few of them mixed into our flex areas. So I'd be worried about exactly what the implications of that would be. So, I mean, I could certainly add the friendly related to roads, public roadway. I don't know if you want me to try all these other ones I would take out or we want to debate them individually or how you'd like to.

[01:02:37] We'll be here all our night if we start wickering the list of things. Yeah. We want a principal facade. Supervisor Brisbane, any suggestions on, I'd like to make a friendly to add hospitals to the list. So I don't know if my colleagues have others. Is there anything you'd like to say? The hospitals were also in my notes as well.

[01:02:53] I see some points on those. There are some that I think could probably be taken out. Do we, just as Mr. Chairman, I know we don't want to keep prolonging things. Do we want to haggle over this offline and then come back and do it? Why don't we do that?

[01:03:09] If you don't mind, Supervisor Brisbane. Are there other comments related to this that you'd like to make. I had a question. So I wanted to ask staff, so does staff have a viewpoint on why we shouldn't use facades at front different zoning districts instead of facades at front different uses?

[01:03:30] So I think, you know, when I'm thinking about facades that are principal with residential and commercial, you know, I can understand having, you know, having it around all the four areas or three or facing the residential or commercial versus it being in an industrialized area? So staff originally was looking at this from the

[01:04:04] perspective of the focus on residential and really broadened what would trigger a principal facade to be not just existing, but anything approved or even just a zoning district that permits residential, which is fairly broad, and especially in the specifics of some of these properties we're talking about. Beyond that, it was not ever statural consideration to address data centers adjacency to other industrial uses, for sure, nor commercial and retail type activities, because that's not really, at least in our experience, where we've heard the most

[01:04:42] concern expressed either directly by residents or by board members and planning commissioners as the various applications have gone through. Okay, thank you. Supervisor Armstrong. Thank you very much, Mr. Chair. I mean, I've expressed my concerns about this approach before.

[01:04:59] I do think that I don't know how we can argue that this approach would be fair, given that it does not address big box retail. If I look at the Costco in Leesburg, We've got one side that is a principal facade and three sides that are not, and there's nothing fancy about them.

[01:05:27] Target and Leesburg has at least two sides that are not principal facades, but they aren't required to gussy them up. Same applies to Kohl's. So you've got big box retail, no requirements like these

being imposed on that, and yet the impact, from my perspective, is identical to that of a data center, and I'm not advocating that we should start requiring four principal facades on big-box retail.

[01:06:01] The lack of fairness in this provision bothers me a lot, and I don't think it's necessary. I would simply say that while I agree that a data center going in next to existing residential, is not going to fill the residents with joy.

[01:06:22] There are a number of places where the data center use predates the residential rezoning. And to expect the pre-approved data center use to take a second seat and an after-the-fact set of requirements I think also is not fair.

[01:06:48] The boards just never should have approved residential next to industrial property. We're seeing this around the edges of Leesburg, and I imagine other places. I would not be able to support this motion as drafted. Thank you, Suivizer. I'm not Mr. Vice-Chair.

[01:07:07] Thank you, Chair. Yeah, I had conversations with Supervisor Brisbane offline before bringing you this, and I felt there were some that were on this list that went a little bit too far. um so those were financial services animal care businesses companion animal pet grooming veterinarian services personal service civic so i'll be in favor of removing those um and to staff i just want to clarify so we we're going to add in rose do we need to say residential as

[01:07:40] well or is that covered already residential is already covered and i just want to make sure yeah no he said rose so i just want to make sure residential was covered in a previous motion so i just want to make sure that was not overlooked with this one and then to supervisor almost does comments as staff just mentioned we have not gotten any complaints as far as I know I know my office hasn't gotten complaints about how a box store looks compared to the data centers and that's why we're bringing these motions regarding some design standards and curb appeal because we

[01:08:15] know for a fact we are getting complaints left and right regarding their their appearances and then um to say you're you're not happy with uh rezoning of of applications near residential uh memory serves me well you vote for every single data center um be it uh zone for it or zone for it zone not for it and there's plenty of applications you voted for the rezoning which were right next to residential or planned to be residential so that's interesting that you're making those comments now about that um so yeah so hopefully we can come to an understanding on this item because I think it's still a good one to have to

[01:08:54] make sure we have some principal facades near residential roads and some of these establishments that are listed on the list so thank you. Thank you Mr. Chairman a couple things there's no such thing as a pre-approved data center zoning there's no such thing as data center zoning the zoning is commercial zoning the zoning is office zoning and there's no such thing as data center zoning so it can't be pre-approved data center zoning. And a lot of this data center, a lot of this use that the data centers are on are from a time when a zoning ordinance was written that the

[01:09:29] words data centers didn't even exist. I mean like they literally did not exist. And so I don't know that we can make that jump. I've been to the Coles at Leesburg. There's no helm within 200 feet of the Coles in Leesburg. So I don't think that applies. I like the idea that maybe taking a second and possibly because there's a motion and a second the table do um table net for a second to kind of do some grappling you know for instance when we say religious assemblies do we want to say standalone religious assemblies because houses of faith by and large are in neighborhoods

[01:10:07] if they're standalone a lot of houses of faith are in you can find them in an industrial area but it's hard to just so religious assemblies because that a religious assembly is the congregation that's not the building i'm not sure what we mean by religious assembly um same thing the community center so i i think i i get what miss briggs been trying to go but i also get what mr letourneau's trying to say so somewhere in some where some of these things make perfect sense others don't not as much and they and we have to kind of clear up clear up what we're trying to say is, are we saying a house of faith? Are we saying

[01:10:46] anywhere people gather and they're worshipping? Not the same thing. And so we may need to just take a second, table this so we can kind of weed out some of what we're trying to say here. Thank you, Mr. Chairman.

[01:11:02] Thank you, Madam Chair. Subvisor Letourneau, do you have other comments? I'm sorry, no. I would agree with what Chair Reynolds said. No, nothing. We have two options here. I think we can table this for future discussion and talk offline and bring this motion back. If someone would like to do that, table it to a future session. I'll entertain that motion. Alternatively, we can split this motion and vote on each of these uses, up or down.

[01:11:30] We could probably do fairly quickly. Although we don't, with respect, Mr. Chairman, we don't have to table it for a future meeting. We can table it for today and just you can table things for 20 minutes from now to have like a discussion and try to figure something out.

[01:11:46] I'll entertain that. I'll make a motion to table this item for 20 minutes. No. How about we just not say? Let me make a motion to table to a time certain later this evening. To a time not specified later this evening. Is there a second?

[01:12:01] Sir, second. Moved and seconded to table. All those in favor say aye. Aye. Aye. Any opposed? That motion is tabled until later this evening. I have been advised that Supervisor Glass has withdrawn motion number two.

[01:12:19] Does anyone else wish to make that motion? I'll make that motion, Mr. Chair. Supervisor Umstadt moves motion number two, is there a second? Seconded by Supervisor Kirshner. Discussion, Supervisor Umstadt? For the purpose of, point of order, yes.

[01:12:37] For the purpose of the public, we may want to read the motion. Okay, we -- The motion maker, at least the top line, the motion maker should read the motion for the purpose of transparency to the public. All right, Supervisor Glass, would you like to read the -- I'm sorry all right this motion number two is on table 4.06.02 - 2. g data centers setbacks and building massing when adjacent to residential and this is

[01:13:13] to accomplish what I may have been mr. Junda brought up earlier an unintentional inclusion of a road as an addition to a 200 foot setback. This motion would correct that unintentional increase in the setback where there was a road adjacent to a data center property. Thank you. Other discussion? Supervisor, Chair Randall. I will not be supporting this

[01:13:50] motion as far as I'm concerned. I'm sorry? Yeah. As far as I'm concerned, 200 feet is still too close to a residential neighborhood. I have no issue with the data center being a good deal farther than that in the residential neighborhood. Thank you, Mr. Chairman. Thank you. Other comments? Subvisor Letourneau. Yeah, I don't, I kind of question the notion this was unintentional.

[01:14:09] I don't think it was. My intent was 200 feet from the edge of a road, regardless of what road, regardless of how big the road is, 200 feet from the edge of a road that a car could travel on or somebody could see. So the way I read this, that would allow the road to include, be included in that 200 feet, and I do not want that, so I will vote no. Other comments? Opposed, Supervisor Armstrong? Thank you, Mr. Chair. The problem with voting this down is you then would enable

[01:14:40] a residential community adjacent to a data center to have less protection than basically a road or a residential community across a road from a data center.

[01:15:00] And to me, even if your goal is to protect passers-by from the view of a data center, that makes no sense. I don't see the logic in doing it that way. I think Supervisor Glass's proposed motion for tonight made a lot of sense.

[01:15:18] So I would ask for support. Thank you. Thank you. Moved and seconded. May I ask for a quick point of clarification? Professor Amstead, I'm not, can you say what you just said again? Can you explain that one more time?

[01:15:35] Because I didn't catch what you were trying to say there. All right, this is the same thing I said before when this issue first came up at a previous meeting. Under, if we vote this down, what we are doing is saying that A data center can be put in adjacent to a residential community with a 200-foot setback.

[01:16:06] That community will then be 200 feet from the data center. However, by saying that the road can be an additional barrier for another residential community, You're now going to have a residential community against a road having a much greater setback from the data center than the residential community that is adjacent to the data center without a road intervening.

[01:16:36] So that's the situation we are setting up, which probably isn't going to make the people in the immediately adjacent residential neighborhood all that happy because they won't get the additional 160 feet, whatever, the width of the greenway to benefit them in the way that a community on the other side of, let's just say, the greenway would benefit.

[01:17:03] Thank you. Supervisor Glass. Thank you. I think I need some clarification because I'm thinking that if there's a four-lane road that's 100 feet across, right, that's 100 feet,

[01:17:24] so then wouldn't they have to have another 100 feet setback from the road to make the 200 feet in order for it to have that much setback against the residential area?

[01:17:47] Or if the road is 150 feet, then that, am I? Right now, and anybody, please correct me if I'm wrong. Right now, the motion is a 200-foot setback from residential. And the way it's written right now, that does not include the width of the road.

[01:18:11] So if the road's 100 feet wide, the requirement right now is a 200-foot setback from the edge of the road plus 100-feet road, so it's 300-foot setback. The motion, or the motion that Supervisor Umstadt has made, says include the road in the setback width. So if your requirement is a 200-foot setback and it's a 100-foot wide road, then your setback 100 feet from the edge of the road.

[01:18:33] The way it sits right now, without the motion, it's 200 feet from the edge of the road. Any other questions? So I think another way of saying this is, is the goal here to keep a setback 200 feet from any portion of the residential property?

[01:18:57] or from the houses themselves. Because I think what Supervisor Armstead is saying, you could have houses here and a data center here and have a 200-foot setback. Or you could have houses here, a road, and then an additional 200 setback. So now you have 300, 350 feet from the houses.

[01:19:13] And so if the goal in the motion is, we want to make sure there's 200 feet from houses, then this motion makes sense. If your goal is, no, I want 200 feet from the property where this road is on, then you don't want the motion. Does that make sense? I think the debate is, do you want it from the homes or do you want it from anywhere in the neighborhood?

[01:19:35] And I think the debate is more fundamental than that. For me, the debate is we should not be talking about data centers next to residential, period. Therefore, if we're going to have the conversation of data centers next to residential, anything that makes it further away is okay with me.

[01:19:53] I don't want a data center next to a residential neighborhood. Ding, ding, ding, ding, ding. Yeah, Madam Chair. Yeah, and I'm not trying to be funny. I'm really not. If what Mr. Supervisor Turner just explained is not correct, then if I'm missing something, and I'm dead serious, if I'm missing something, help me out because Mr. Turner's explanation was the one that seemed to make sense to me.

[01:20:31] And actually, Mr. Kirshner said the same thing. They both pretty much said the same thing, which is if you want a data center just 200 feet and no more, then this is a good motion. If you want to include the road, which would make it more than 200 feet possibly, then you're not voting for this one.

[01:20:47] That's how I heard that. So if you're trying to say something different, help me understand what you're trying to say, because otherwise, at this moment, I'm not going to support this motion unless there is something I'm missing. Okay. Staff wrote a fairly simple description of what the motion does.

[01:21:10] This motion does not reduce the minimum required 200-foot separation between data centers and residential, but clarifies that intervening roads can be included in the setback measurement. So what it creates is a fundamental inconsistency in this zoning ordinance if what the board wants to do is increase the setback from residential.

[01:21:38] So in one location, you're going to have a 200-foot setback from an adjacent residential community. In another situation, you're going to have a road between the data center plus a 200-foot setback from another group of homes.

[01:21:58] So you've got an inconsistency built into the zoning ordinance if this motion fails. And that's what I think is certainly I would like to correct.

[01:22:15] But that's what some of us are trying to correct, that you have a consistent rule for data centers next to residential. But at the very least, there will be no less than 200 feet no matter what. okay i'm cool i know what okay i won't be supporting the motion i mean we we the it was intentional that we actually added the road to the buffer in any case it gets data centers farther away from homes and so i won't be supporting the motion the motion allows data centers to be

[01:22:52] to use a road as a 200 foot buffer and nothing else so they could build the data center right to the curb and say oh you know there's houses across the street well okay you're shaking your head probably there's some dimension of setback no matter what okay i agree with you there's some amount of setback but i don't want the road to be included as part of the setback it should be on their property thank you thank you just make a point a parliamentary inquiry i don't mean to be a smart you know what in cow do

we not have the same rules with open closing debate in the middle because like we seem to be all over the place here i thought i was about to move the previous

[01:23:30] question but but don't we what our standard going forward for the rest of the night would our standard practice be opening debate closing like normal we're in a committee of the whole but i i believe the rules that doesn't mean those rules don't apply i mean we could if i could yeah normally you don't have motions in the committee as a whole right but that's that's but but when you do you can do you can do what he's doing it's a committee as a whole but normally committee We need to hold the discussion outside of emotion.

[01:23:56] But if it's inside of emotion, you can't... I'm more asking because if I want to speak again after somebody's already given a closing... Yes, you can. I can't. You can't. If that's how we're going to do it. You can't. I was under the impression we weren't doing it. You can't. I'm not sure we should be, but okay. And with that, I move the previous question. Is there a second? I have a second from Sufzaia Briskin.

[01:24:13] That's not debatable. All those in favor of cutting off debate, say aye. Aye. I move the... I move the previous question, So that's a move to cut off debate. So we have to vote on that. So all those in favor of cutting off debate.

[01:24:29] Hold on. Can we get, we don't need to, we don't need to do that. I didn't want to do another round of comments and there were still lights on. I agree, but that's why. Okay. Let's get some of this motion and then let's ask Tim over there and Courtney, who I think are looking this up right now for some clarification. Mr. Chairman, I really would ask the board's pleasure, the chair's pleasure and the board's pleasure, if staff can just talk technically about how this would work.

[01:24:57] Because the setback needs to be taken from a property line or a right-of-way line. So I'm having trouble following the discussion as to how we get a setback with an intervening road. Because the setback would have to be from the abutting right-of-way line, not from an imaginary line across the street.

[01:25:17] So I really think staff needs to explain how this would work technically so that the board understands exactly what it's voting on. All right. I withdraw my motion to the previous question. staff, can we talk about this? What's the language explained right now? It's a 200-foot setback. How do you interpret that? So I would need to pull up the language to see if it was specific last time, but from a general standpoint, if the setback is from the zoning district boundary where the data center or the residential is allowed, that would incorporate the potential for a right-of-way

[01:25:52] to be within it. So if you've got a residential boundary here, a right-of-way that's some various length let's say it's 150 200 feet would be from this point so you'd go another 50 feet and that would be your minimum that's allowed but to supervisor brisbane's point earlier that district is going to have its own setbacks which may be 50 may be greater depends on what that specific district is so in on every individual property that distance is still going to have some some um it can be different from property to property if the intention is for that to be from the

[01:26:28] district then this motion is not necessary if it is for there to be a 200 foot setback when property lines are adjacent to a budding whichever term you want to use residential properties then it would go from the front property line across that street 200 feet from there so the question is the property line from the from the let's in this case let's call it the front property line of the data center property so the question is what the board therefore that sounds to me like

[01:26:59] the motion's not needed that that all the motion is saying is what exists now if the because we've i've heard different things from the board members if the board wants the road to be allowed to be included then the motion's not needed we'll just make sure the language that's that's incorporated references the zoning district boundary now you just lost me um now you just lost me because if you're saying the question is which is it from the zoning district boundary or your front property line that's the question for the board where is it 200 feet from because if it's from the zoning

[01:27:36] district line, then it can incorporate the right-of-way already. I've heard a number of board members say they do not want that to happen. But that would require a motion to specify that the 200 feet has to be from the edge of the road, the right-of-way, not from the property line.

[01:27:51] I think regardless of the previous motion, at this point, it'd be best for the board just to clarify where they want that 200 feet from, the front property line of the data center property or from a zoning district that would allow residential? All right.

[01:28:09] We've got a motion on the table seconded that the 200-foot setback will be from the district boundary slash property line and include a right-of-way. Do I have that correct? Does everybody agree with that? Can I have a motion that's on the table that seconded is to include any right-of-way in the 200-foot setback?

[01:28:30] Can I ask a clarifying question? Sure, sure. So doesn't it matter, does it not matter whether the right-of-way is on which, whether it's on the residential or the data center zoning district, would that not make a difference? It wouldn't because roads are not zoned. Okay.

[01:28:46] Okay. So how do you understand, can I, how do you understand this motion then? Because now I'm a little bit more confused. The end intent of this motion, as I would read it, would be for this to count from the zoning district boundary.

[01:29:05] So in this case, the scenario we're kind of generally talking around, on the other side of the road, the edge of that residential zoning district, 200 feet from there. Gotcha. Including the road. Including the road. Okay, good. And that's the way it is right now, without this motion? Or this motion will clarify that that's how we want it to be?

[01:29:23] This motion will clarify that. Okay. Everybody got that? So that's the motion that we have in seconded right now to clarify that, that it includes the right-of-way. Any other discussion? All those in favor, please say aye.

[01:29:39] All those opposed, please say no. no that motion will fail uh two six correct two six yeah that motion will fail two six one that's right two six one well that was fun mr chairman can we do you mind if we take a can we take a five minute break please we absolutely can let's take a five minute break please try and hold it to five minutes and we can discuss motion number one if you'd like to do that

[01:30:12] yeah that's probably true thank you everybody for your tolerance we're working on motion number one

[01:47:22] and refining that language. Without objection, I'm going to take us out of a committee of the whole to try and get some structure back into the discussion, which kind of got off the rails. So we are now out of the committee of the whole, and we will assume normal protocols with three minutes on the clock. And please don't feel obligated to take up all three minutes as we go through these motions.

[01:47:44] All right. I believe Supervisor Briskman would like to amend her previous motion. Thank you, Chair Turner. I move the Board of Supervisors approve Motion 1 as amended as follows.

[01:48:04] In number 2, to remove financial services and government from the list. In number 3, to remove companion animal pet grooming veterinary services, Postal Service Civic to remove those uses. In number 3, add hospital to number 3, and that's it.

[01:48:27] And it was seconded by Chair Randall. Are you okay with that amendment, Chair Randall, for a second? Supervisor Briskman, wasn't animal care also coming out?

[01:48:44] She said that. No, she said companion animal. I'm sorry, yes, animal care businesses. There's two different ones. There are two different ones. You're right. We'll take that one out as well. That's fine. And limited brewery you didn't want to take out? I can explain. Okay. I will say yes and then wait for your explanation.

[01:49:02] Okay. Opening comments for Supervisor Briskman. Thank you. So thank you, everyone, for your patience. I really appreciate it. I'll work from that one, Madam Chair. Limited brewery is only a rural use. It's called something else if it's in a different policy area. It's manufactured something, something.

[01:49:20] It's called craft beverage manufacturer in other parts of the county. So we're just adding extra protections to those uses in the rural area. Religious assembly, by the definition in the zoning ordinance rewrite draft, includes structures and structured buildings.

[01:49:40] So the term assembly means something a little bit different than we might think people assembling together. And so I'm recommending we keep that in there because it would protect a church or a synagogue. And then adding hospital, obviously.

[01:49:57] And I think that's everything. Thank you, Chair Turner. Motion as amended is made and seconded in any other discussion, questions. Supervisor Turner. Thank you. So just on that religious institution point, just for everyone's clarity. So if we're talking about an industrial park, say Dulles Trade Center West or something, and a religious institution is using one of those spaces, this definition of religious institution does not apply to that?

[01:50:32] It does apply. It does apply. It does not or it does apply? It does. It does apply. That's the opposite of what our discussion in the recess was. So the discussion, if I might, Matt, in your time, the discussion was the difficulty with this is the flex industrial areas where an assemblage might go.

[01:51:01] And that would mean that if there's already a data center built next to that flex industrial area and then an assembly goes in there, that the facades would be out of compliance, but there would not be a remedy for that because it's a use that came in.

[01:51:17] Yeah, but if I may reclaim, my concern would be, though, is I would not want to stop a data center from going into an industrial park as a future, or at least requiring a facade because on a new data center, there's somebody's renting an industrial park that is a religious institution.

[01:51:35] So I think that one should come out is where I'm going. Does staff have any way to resolve this to protect the structures that are independent and protect the flex industrial areas, industrial areas, freestanding?

[01:51:56] But we don't want to have a new definition go in. That's the problem. We may need some time to think about it. But I guess when you get into requirements based on the uses solely, it doesn't matter

what zoning district it is. There are certain districts that allow multiple uses.

[01:52:13] Okay. All right. I'll take it out just to get it passed tonight, and if we want to revisit it, if staff can give me another motion. We'll call that a friendly, and it's accepted. Yeah. Okay, yeah, that was going to be my suggestion for tonight. Let's get it out, and then hopefully we'll find a different definition.

[01:52:30] Anyway, other than that, I think we came to an agreement on most of these issues, and it's a little bit of a compromise. Any other discussion on this motion from Hill? Hearing none, all those in favor, please say aye.

[01:52:47] Aye. any post that motion will pass six to one all right motion number three that's a staff motion and I will make that motion I move section 6.01 point C river stream corridor resources risker determining the width of the risker and I'm gonna read this one because it's a little complex I move that the board directs staff to revise section 6.01 C to include a new provision that allows additional flexibility for the risk or buffer area as follows C determining the

[01:53:25] width of the risk or the risk or must be provided in accordance with table 6.01 - 1 unless a property is located entirely within risk or any risk or buff area located beyond the applicable minimum width of the risk or in table 6.01 - 1 may be reduced in accordance with the following one by providing an area or areas of revegetation elsewhere on the same property there's an equivalent in size to the area that the risk rebuffer is reduced by and contiguous to an existing naturally vegetated area, or two, by retaining an existing forested area or areas outside and adjacent to

[01:54:02] the risk rebuff area in a tree conservation area consistent with the facility standards manual subject to approval by the zoning administrator. Is there a second? Second by Supervisor Briskman. discussion. I would just like staff to address Ms. Bingle's comments earlier. Was it Ms. Bingle?

[01:54:23] I can't remember. There was a discussion and comments on reducing the risker. Can you just address those real quick? Thank you, Brian. Sure. So we got a motion from a supervisor a while back that was proposing to let the risker width be modifiable by 10%, I think it was. And we looked at chapter six and found that it was already modifiable, but that it included a big typo and wasn't very clear. So what this motion does is it clarifies how the risker might be

[01:54:59] modified, and it includes the same language that we have in the Scenic Creek Valley buffer in the current ordinance. And that allows the zoning administrator to modify the width by zoning determination, which is administrative. Okay. Thank you. Thank you. Any questions for staff?

[01:55:24] Yeah. Supervisor Returnal. Yeah. So is, I couldn't really tell, is the revegetation requirement the same as it was in the 93 ordinance or did it change? We'll have to check to verify what's in revise 93 okay um because i mean if we're if we're doing replanting there may be some logic to having more than a one-for-one on that just because so i guess i'll i'll support this tonight but i'd be

[01:55:57] interested in that okay supervisor i'm so thank you mr chair can staff provide two scenarios one if this doesn't pass and another if it does let's say you have um a farm adjacent to a stream Can you give us a sense of exactly how this changes that property owner's experience?

[01:56:50] I think the way it works now is the applicant needs to provide a graphic that shows what they're preserving, where the reduction is located, and that gets evaluated by zoning staff. And I think we send it on referral to the natural resources team in building and development, and they also look at it, they might

even go out and inspect the site to ensure that the right areas are being preserved. And I did just confirm that this revegetation concept is new. This is not

[01:57:23] in the current ordinance, but the other language is in there. I didn't catch or understand any of that last part. How, so you explained how it currently works, what happens, what changes?

[01:57:44] So this allows them to reduce, reduce a buffer width in one area while expanding that buffer width in a number, in another area under number two. Under number one, it allows them to reduce that buffer width by taking the area that it's reduced by and basically relocating it um as revegetation adjacent to other contiguous areas of natural vegetation so it's just providing flexibility if you want to reduce that width you can use one or the other option all right okay

[01:58:20] thank you other questions comments i have one um if the purpose of the risker is to protect a river and stream cord or resource and you come up with a formula for a width of area that you need to protect that resource. And then you allow someone to build into that buffer around that resource, but allow them to compensate elsewhere away from that resource. Isn't the net result regarding the resource vis-a-vis just the resource, isn't the net result a negative for that resource,

[01:58:58] no matter what you've done elsewhere on the site? I mean, I think it may have been Mr. Myers that said he's worried about us playing around with a risker. And it sounds to me like you're taking things out of the specific purpose of that band of land around that resource and allowing people to dig into it and then replace it elsewhere on the property in a way that does not benefit the resource you're trying to protect. So I think that would be generally accurate.

[01:59:25] Obviously, every property is different and the width of all of the various things that be around that stream may ultimately still provide enough protection for the stream, even if you're reducing that's one area but in this case since it is limited to zoning administrator the zoning administrator's modification process it could be no more than 20 percent so there is a modification there is a limitation on it elsewhere in the ordinance however if the board would want to place a limitation here that would be smaller than that to limit how much leeway they would

[02:00:03] have to your point then that would be something staff could be supportive of too okay so that Right now, there is a 20% limit on how much they can do this. Did I hear that correctly? Yes. For anything that can be modified administratively by the zoning administrator, there's an overall limitation of 20% that it can be modified by.

[02:00:20] Anything beyond that would go to the board, depending on what the case is. I'm going to give the staff the benefit of the doubt. You guys have researched this a whole lot more than I have. Any other questions or comments? Motion's been made and seconded. All those in favor, please say aye. Aye. Any opposed?

[02:00:35] That motion will pass with Mr. Saines off the dais. That motion will pass 7-1-1. Next motion is a staff motion.

[02:00:51] I will make that one. And at this point, you'll note over in the remarks section or in the staff background of the section, the same phrase, this motion is a result of the board zoning ordinance rewrite working group discussions on modifiability held September 19, 2023 and October 4, 2023.

[02:01:09] three. I just want to clarify with step before we take these votes. So basically, this is a direct result of the modifiability discussions we've had. And you've incorporated those discussions into these, you've codified those discussions into these. And so we want to be very careful if we change anything based on the agreement that we've had with with the stakeholders. Is that correct? Yes, codification might be slightly strong, because these are essentially expressing the idea you're directing us to go and execute that idea. So there's not redlining here. But right yes okay very good thank you uh with that in mind and i will move uh motion for section 7.03

[02:01:45] tree canopy requirements is there a second second was super as a kershner any discussion i have no opening comments seeing no discussion i have no close all those in favor please say aye aye any opposed that motion will pass uh 801 uh i will move motion five section 7.04.02 street trees again this was a result of the modifiable working group is there a second second by chair randall

[02:02:19] i have no opening comments any discussions on this item one discussion item yes if i might ask staff So we had an issue with the Cascades Marketplace revitalization in that there are mature street trees, and staff was concerned that it wouldn't be compliant with our new regulations of how large a bed should be for a street tree.

[02:02:47] I don't know if any of you remember this happening, but the idea was they would have had to have ripped out the street trees that are already there for 20 years and then make a better, I don't know what you call it, a bed for the tree and replant a tree. And the Cascades marketplace folks, I believe, were able to get a Z mod, so they didn't have to do that. But my concern with street trees, and this might have to be another topic, but I just wanted to bring it up tonight. My concern with street trees and revitalization is that we aren't taking out mature

[02:03:21] trees in order to come up to compliance with some of our environmental initiatives, if that makes sense so does staff is this contemplated at all in the zoning ordinance rewrite and if not should i bring a motion about that um actually in 703e there is a section on deviations on tree planting specifically so maybe we can talk to you and your staff and make sure that we account for that okay perfect thank you uh thank you i just wanted to bring that up tonight and kind of preview that we might need to do something a little different thank you thank you happy to support any other

[02:04:00] the comments seeing none all those in favor please say aye aye any opposed that motion will pass 801 supervisor Sains's motion is motion number six all right thank you and actually I'll read the whole thing since it's a new one I move that the board direct staff to add a new provision to section 7.0 4.0 7 point B point 2 point F to prohibit the planting of invasive plants as follows F and native plant and pollinator habitat requirements to support native plant pollinator habitats. Plant units must be provided as follows. One, native plant requirement, a minimum

[02:04:36] of 80% of the plant units must consist of native plant species. And two, pollinator habitat requirement, a minimum of 75% of all of the small decadence trees and shrubs provided must produce conspicuents flowers at some point during their growing season. And three, invasive plant prohibition planting any invasive plant species is prohibited second second by super i'm going to take that second i'm going to take that second for the last month i'm going to take that second moved by uh

[02:05:10] supervisor saints and seconded by supervisor turn right opening comment uh thank you chair yeah um you know you mentioned that uh you're reached out by the loud and invasive group and they did a good job of reaching out to believe to all of our offices we took a meeting with them they provided some

good contacts and information as you know we've had some issues with some uh some invasive species plants and and that brought some uh how can i say some bad bad actors to our to our area as of late one is the i guess what is the the spotted lantern and then some other things as

[02:05:47] well so um in order to kind of make sure these things don't happen or continue to happen and happen moving forward uh the idea of you know making sure we're at least 80 native plants here in the county i think is a step in the right direction i was mentioned earlier and um hopefully we can get everybody to support support this and and get this initiative moving forward i know mr turner has a bmi coming uh coming tomorrow that'll also um take some action in in this um in this area so thank you and just briefly i do have bmi coming tomorrow on invasives

[02:06:22] And Mr. Littman, Mike Littman, and his group will be here tomorrow with a number of comments supporting this new program. It's a very interesting program, and I think it's very worthwhile. So I'm more than happy to second this. Supervisor, I'm sorry. Yes, thank you, Mr. Chair. Just clarification on this.

[02:06:40] Do these rules apply solely to developers building a new community, or do they impact everybody? lives in the county? It should just apply to new developments in the county. All right. But when you say that, does it apply to the initial plantings by the developer or does it apply to

[02:07:18] homeowners' subsequent plantings on their own properties? I believe it's just in the initial phase. There is a companion and a related element in the open space requirements where they have to constantly maintain the open space, but that's a little bit different than what's being proposed here, and this is just on those original development plans. Okay, it doesn't sound like we're certain

[02:07:51] about that. The development as they come forward and we review the plans don't take into account future changes by a homeowner on a particular site unless we require an additional permit for that, which we don't require zoning permits for landscaping. And do you believe there is no way that this provision could be used to prevent a homeowner from planting an invasive species of

[02:08:25] plant if that is what the homeowner wanted to do? That there is no way that this restriction would then be applied later to a homeowner? I do not believe that that would be the case because we're not looking at plant units for individual homeowners.

[02:08:44] There isn't a trigger that would require a review. So they have to meet these requirements before they can get their site plan approved or their development approved. And then after, subsequently, for the homeowner itself, they would be able to do it.

[02:09:06] That's not contemplated in this zoning ordinance. Yeah, just to tag on to that, I do think that is correct. It would only be where staff is reviewing a plan where landscaping is required that we would review this and apply it. So if a homeowner just goes and plants, we don't review that kind of thing.

[02:09:23] So this would not come into play in that situation. All right. Thank you. Sure. Thank you, Chair Turner. I just wanted to thank Vice Chair Sains for bringing up this motion.

[02:09:41] I also had a conversation with Mr. Littman, who's one of my constituents, and he had given me a lot of information regarding invasive plants. And we had a discussion about the Bradford Pair, where a lot of the homes in my neighborhood had that.

[02:10:03] And I know we had one in our yard, and then one storm came and just came tumbling down. And then when he told me and, you know, found out that it's, you know, that is an invasive tree and that it suppresses growth in layers below and it alters the soil, you know, and those are things that we don't really know about these plants that we, you know, that are put in.

[02:10:28] And so I'm so glad that we are really making the change to make sure that we have a native species to be planted in our areas. Thank you. Thank you. Supervisor Briskman. Thank you, Chair Turner. Well, part of the reason I wanted to second this motion is because I think that I wanted to give some credit to my planning commissioner because I strongly believe that the reason applications are now coming to us on a regular basis with an 80% native planting requirement is because she has been falling on her sword for this issue

[02:11:05] the entire term, and now it's just a regular thing because they know they can't get past my planning commissioner without putting 80% native in there and also consistently asking for pollinator areas on applications. Also, as an officer with the Cascades HOA, she's been doing this in our community in Algonquian for years and years, and one of the largest HOAs in the county, and I believe that she also pretty much helped draft the initiative that you guys are bringing forward.

[02:11:40] So that was my interest in seconding the motion, but I'm really glad that we're going to do this. I think that it's going to help the environment in the end, and I'm really happy to support. Thank you. - Thank you, Supervisor Letourneau. - Yeah, I'm actually a co-sponsor with Supervisor Turner on that item tomorrow.

[02:11:59] The point I just wanted to make in response to Supervisor Umstead is, I think the idea here is only forward-looking. So essentially, we have this existing issue in the county, but we just don't want to double down on it. So for instance, there's a new section of an existing master development that has an application in.

[02:12:16] They'll have tree plantings. We want to make sure, even though in the past, They may have planted certain trees that we would now consider invasive species. They don't do that going forward. So it only applies at that level. There's not a homeowner requirement or anything like that.

[02:12:32] So I will support. Thank you. Senator Staines, closing. No closing. Motions made and seconded. All those in favor, please say aye. Aye. Any opposed? That motion will pass 801. The next one, two, three motions are all modifiability motions from the September 19th working group.

[02:12:55] I'll make these motions. I move motion seven, section 706, 7.06.10, compact, walkable, urban, CW, parking distance. This is a staff motion. Is there a second?

[02:13:11] Second by Chair Randall. I have no comment on this. Any other discussion? on the motion seeing none all those in favor please say aye aye any opposed that motion will pass 801 uh next motion is motion number eight i'll make that i move section 7.07.01 private roads providing access to single-family detached dwelling units um and uh is there a second second by chair randall again i have no opening any items questions there's a question on this it's gonna be one of those things that you guys are probably gonna have to go back and research but

[02:13:50] I do have several communities that have single-family homes on private roads, and I'm just curious if in the past it always required a modification or if at some point it did not. I can't guarantee every

time, but yes, this is going back to put in modification language that was similar to what was in the revised 93.

[02:14:11] Any other comments, questions? All those in favor, please say aye. Aye. Any opposed, that motion will pass 801. Motion number 9, I move motion number 9, table 7.07.02-1, road pattern and distance between intersections requirements by zoning district.

[02:14:32] Second by Supervisor Glass. I have no opening. Questions, comments, Supervisor Luterno? So is this through ZMOD or is this administrative? Are you asking what the motion?

[02:14:49] What the motion would do? The motion would make it a legislative approval on a concept development plan. Okay, so we have to come to the board. Yes. Okay. um i'm still a little bit on the fence on this you well know that i have stepped in on some of these situations um but i feel a little better that at least it's board review um so i'll think about my concern is just i think there are some of these situations where um well you know first

[02:15:25] of all vdot won't probably approve them anyway um so we waste a lot of time on this and then when they do i'm not sure they should sometimes um based on the experience of of um the real world which they don't always have so um if we put this provision in there i guess we're just allowing somebody to ask for it so i can probably live with it but we'll see other comments questions motions made and seconded all those in favor please say aye aye any opposed that motion will pass 801. We are not going to vote to endorse chapter 7 because we've got a whole lot of

[02:16:04] more questions and motions potentially coming on chapter 7. Next motion is motion number 11. That is Supervisor Buffington's motion, which has been carried forward, I think, twice so far. And I'm not going to make that one, though, because I don't fully understand it, but I'm open to anybody who would like to make that motion on Supervisor Buffington's They have.

[02:16:32] Not that I understand or don't understand. I just think that it's not. He will be back before we close this process out. And so I think we can carry it until he comes back. Okay. Then we will let that one sit. Let's see. What do we have left?

[02:16:50] Motion 12 is an addition to Chapter 12. Motion 13 is. Yeah, I think we can do 13. Supervisor Sains, you want to make that motion? Yes, sir. I move that the board direct staff to include a definition of the term invasive plant in chapter 12 definition as follows invasive plant plant species intentionally or accidentally introduced by human activity into a region in which they did not involve and cause harm to natural resources economic activity or humans plus any plant from any of the following categories a plants a plants shown on the virginia department of conservation and recreation virginia

[02:17:30] invasive plant species list being plants shown on the united states department of agriculture official source for invasive or noxious plant species. And if I said that wrong, please correct me. Second. Motion made, seconded by Supervisor Brissman, opening statement.

[02:17:47] Nope, I'll just say, again, I think this is a step in the right direction. Thank you to, again, the Loudon Invasive group and to my staff, Christy and Tiani, for their efforts on this and doing the research and finding these lists. And I think this is a good thing.

[02:18:05] Supervisor Brissman. Oh, I'm good. Thank you. Sorry. Accidentally. Any other comments, questions? Question. I'm sorry? Yes, ma'am. Yes, thank you. So the way I read this, that in general, we are

not restricting invasive plants unless they cause harm to natural resources, economic activity, or humans, and then a separate category plus any plant from any of the following categories,

[02:18:41] And then you have A and B lists of plants. Are the plants on these two lists causing harm to natural resources, economic activity, or humans?

[02:18:57] Or do some of the plants on those two lists not do any of those harmful things? We did vet this definition with NRT, and they agreed that the plants that were listed were causing the harm in our area so yes so they're causing harm okay thank you any other comments thoughts questions motions made the second end all those in favor please say aye aye any opposed that motion will pass 801 and i will back up and i will make motion number 12 which is the incremental addition i move

[02:19:37] that the board direct staff to add a definition of incremental addition to chapter 12 as follows incremental addition in addition to an existing zoning district that does not meet the minimum zoning district size. Incremental additions will be required to meet zoning district requirements identified in the respective zoning district additions that exceed the minimum zoning district size must meet all zoning district requirements. Is there a second? I second. Second from Supervisor Briskman. I have no opening and no discussion. Questions or comments? Supervisor, Chair Randall.

[02:20:09] First of all, this is a fine motion, no problem at all. I want to like literally start right now and I'll go right through October 30th on this discussion. Staff and Dan especially, what you all have done over the past month has been extraordinary.

[02:20:29] And I want to just take a second and say that the amount of meetings you've been in, the amount of time you've put in, the amount of listening and changing on the fly, the amount of creativity and ideas that you've come up with in the last month, everyone.

[02:20:49] But, you know, I believe in publicly thanking people. Dan, you have cracked me up, to be quite honest, over the past couple. Because you have this look on your face sometimes when you know you got it right. It's just a great look. But, you know, I'll talk about the stakeholder industry group area, and we'll do all this later.

[02:21:11] But just to last, the amount of time you and Kate have spent just in the past week has been extraordinary. And so many of these things that we're passing tonight with staff approval came from all these work sessions that we've had with the community and with stakeholders.

[02:21:28] And if you see, you know, the stakeholders have not said they want everything to be exactly what they've said. They want it, you know, to be in the process and listen to and collaborate and working. And that has happened in a very, very rare way. The past, gosh, I don't know, six weeks or so, and so much of it has been you all at the table, Kate and others.

[02:21:51] Joe, you are to be commended. Dan, I've really enjoyed working with you. I'm going to say it more than once, but I just wanted to say it tonight. I feel like I've just seen you so much this past couple of weeks, and I really do appreciate the work you all have done. Thank you. And I am chair for another 30 seconds and may never get to do this again.

[02:22:08] So I would like to suspend the rules of decorum so that the board can give a round of applause to county staff for their work. And with that, we are adjourned. Thank you. Chair Turner.

[02:22:24] I'm sorry. I'm sorry. Yeah, Mr. Amstreet. As I said, I may never be the chair again, for obvious reasons. Motion has been made and seconded. All those in favor, please say aye.

[02:22:40] Aye. Any opposed? That motion will pass 801. Before you hit that gavel, Mr. Speaker, if I may, there is a child missing in our county. His name is Cole Humphreys. He is, hold on just a second, in Leesburg.

[02:22:58] He is 13. He's 5'10". He's 160 pounds. His eyes are brown. His hair is brown. He left for school this morning and never made it to school. The Leesburg Police Department is looking for him. He goes to Smartsmill School. He never made it there. They have shared it.

[02:23:15] His mother has shared it. And so Cole Humphreys is kind of all over Facebook. If you need to know how he looks, you can go to the Leesburg Police Department page. It's on there. You can see it on there just so you can see how this child looks.

[02:23:30] He's only 13 years old. Thank you. Thank you, Mr. Chairman. Thank you, Madam Chair. Any other business? Mr. Amster. Chair Turner, are either you or Chair Randall going to formally cancel Wednesday's work session? Without objection. He qualified it based off of what was going to happen at the meeting.

[02:23:49] You did, and I don't, as anyone, I'm open for discussion or suggestion. I have not heard anything at tonight's meeting that will cause us not to cancel the meeting on Wednesday. Dan? I agree. Yeah, no, we were. Without objection, then, we will formally cancel the meeting on Wednesday. Work session.

[02:24:05] Work session. Yep, thank you. We are adjourned. Thank you all.



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