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Loudoun County Board of Supervisors, Committee of the Whole Work Session, Monday, October 23, 2023

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- Agenda (Granicus): https://loudoun.granicus.com/AgendaViewer.php?view_id=73&clip_id=7447

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[00:00:01] All right. Well, good evening, supervisors. Good evening, staff. Good evening, Loudon.

[00:09:21] I'd like to call to order the October 23rd Board of Supervisors Zoning Ordinance Rewrite Work Session. This room has a hearing loop. If you need hearing assistance, please switch your hearing aid to the telecall mode. If you need a headset, we have those available as well. Please see the clerk to request one.

[00:09:39] Would everybody please join me in the Pledge of Allegiance? I pledge allegiance to the flag of the United States of America and to a republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

[00:09:56] I don't have any clue what's happening over here, but okay. Before we get to the staff presentation, I do want to stop and thank Supervisor Turner.

[00:10:13] I haven't had my sea legs under me for a couple of weeks. I've had a lot of stuff going on with my life and my family and a death, a close death in my family. And Mr. Turner has stepped in and run the meetings and done a great job. And along with his staff, Mr. Turner, I say all the time, you've got to rely on the people around you when you need to.

[00:10:32] And I relied on you. You did a great job. I appreciate it. Thank you. So with that, supervisors, we're going to do this by, in this order, then do the staff presentation. and then we will ask questions of staff we will hear from stakeholders and then we will go into a a fairly short committee as a whole to and and one of the reasons i want to go into the committee as a whole is to hear the conversations amongst ourselves mr um mr turner and mr letourneau

[00:11:06] have been working really hard along with stakeholders on the parking issues we've had a lot of discussions two by two by two over the weekend, and I kind of want to just have everyone hear some of the conclusions that have been reached. There are, based on some of the many discussions that have happened two by two this weekend, there are many, not many, but a good number of motions that will come out of the package tonight that don't have to be made. And so although we are going to have a very long evening, it may not be quite as long as we previously thought, because there are some motions that will be lifted

[00:11:41] it out based on some things and I also want to I have a couple questions to ask staff as well and so the committee as a whole probably be 20 minutes and I will again say you know for me as a whole 20 minutes please nobody take up 15 that's a 20 minutes of one person talking that'd be great I Mr. Buffington will not be here tonight Miss Glass is not feeling well she will not be here tonight I do expect Ms. Letourneau to come into the room.

[00:12:09] With that, we are ready. Thank you, Chair Randall and board members. This evening, we are considering Chapter 8 of the Draft Zoning Ordinance, which is signage. The sign ordinance overall has been extensively rewritten and reorganized to reflect changes to case law that generally prohibit standards that discriminate based on a sign's content.

[00:12:33] By content, we mean not only the sign's message, but the user. The draft zoning ordinance aims to be content neutral by focusing on a sign's physical characteristics, such as the height, size, setback, number, and lighting for signage.

[00:12:49] As we go through the presentation and the discussion, keep in mind that government signs are exempt from the sign ordinance. Examples of government signs would be traffic signs, historical markers, a public school sign, or even a mural or art display commissioned by the county for a public park, for example.

[00:13:14] The sign ordinance is organized by the sign categories that are shown on the screen. And again, these are based on a sign's physical characteristics. A freestanding sign, we're all familiar with that. a sign that's mounted on the ground an attached sign is a sign that's attached to a building wall it could also be attached to the window of a building inside or outside window or even on the awning attached to the building incidental sign category has a lot of different it's almost a catch-all from miscellaneous sign types it could be the banner that you see on a lamp post it could

[00:13:53] be hours of operation. It could also be a temporary sign. The next category is historic signs. And again, that's not historical markers because those are exempt. This is a sign that is actually historic itself. It meets that definition of historic resource. And lastly, murals and art displays. And digital and illuminate. Digital and illuminated as well. You are really paying attention. You caught me. You caught me. So for each of those sign categories, the standards are

[00:14:30] provided in six sign groups, urban, suburban, mixed use, neighborhood, commercial, employment, and industrial, and rural. And the intent is for the signs to be in character with each of those zoning district groups. So now I'd like to walk you through what's new in addition to the overall approach of being content neutral first the draft zoning ordinance like we mentioned includes sign categories specifically for murals and art displays under the current zoning ordinance murals and art displays count towards the maximum allowed wall and freestanding signs but in the draft

[00:15:09] zoning ordinance murals and art displays are allowed in addition to the other sign types and that's the incentive for these types of murals and art displays another difference is that the draft zoning ordinance includes unique sign standards specific to villages currently in the zoning ordinance today they're a part of the rural sign regulations so this will allow villages to have the types of signs that downtowns have such as sidewalk signs light post banners murals and art displays moving on additional new

[00:15:47] features under the current zoning ordinance the only way to have a digital sign is through a sign development plan and that does include a Planning Commission and Board of Supervisors public hearing the draft zoning ordinance includes standards for digital signs in the zoning ordinance it does not allow digital signs for rural or neighborhood sign groups however some of these standards are a hold time of six seconds transitions required to dissolve or fade and no flashing or scrolling messages and the way we derived those

[00:16:24] regulations we're looking at digital signs that the board had approved in the past another thing that's new is a revised sign development review plan that should be shorter because it only requires one public hearing where the Board of Zoning Appeals reviews a standalone sign plan however the board and the Planning Commission continued to review a sign development plan that's co-processed with other legislative applications. Lastly, we added a couple of prohibited signs to address some previous comments by the board. Obscene signs as defined in the Code of Virginia

[00:17:03] and any sign advertising illegal activity or products. I have to stop you right now. Can somebody read the Code of Virginia's definition for obscene signs? We did read it, yes. Would you like us to read that to you? I am asking for that, yes, if you have that pulled up. We don't have it pulled up but we can read it it pertains to like sexually explicit signage um even porn pornography but we're happy to read it it's a pretty long paragraph would you like us to uh finish

[00:17:39] the presentation and we can look it up yes yes okay we're almost done so that's that's perfect timing and staff has identified no outstanding issues with the overall sign chapter i did want you to know that the Planning Commission discussed signs of five work sessions and they did focus on four primary topics they wanted to make sure that multi-tenant non-residential buildings such as flex and industrial buildings have adequate signage they wanted to ensure that the size of digital signs in suburban zoning districts did not negatively negatively impact the

[00:18:16] suburban character of the existing areas they also as we mentioned and wanted to develop separate sign standards for villages. And lastly, they wanted to ensure adequate signage in rural zoning districts without detracting from rural character. So that concludes the staff's presentation. And we're happy to read to you the definition of obscene signs. And then if you'd

[00:18:44] like to ask questions. Okay. Yes. All right. A shameful or morbid interest in nudity, sexual conduct sexual excitement excretory functions or products thereof or sodomy i don't even know that word

and which goes substantially beyond customary limits of candor in description or representation of such matters and which taken as a whole does not have serious literary artistic political or

[00:19:15] scientific value okay that's actually very helpful okay wasn't that long i i it was uncomfortable I usually don't say those words and I didn't say one of them you are on mic okay um don't be a long night okay supervisors do you have questions for

[00:19:50] staff please put your light up miss Bricksman thank you so I got hung up on a couple things with the signs and I'll start with the route 7 question I had And I understand that there's all different, you know, uses and districts along Route 7.

[00:20:07] What I was essentially trying to get at is I've heard a number of concerns by businesses that are in, say, Cascades Marketplace or Countryside, that there's not an ability to tell people that are on Route 7 that they're there.

[00:20:24] And I come to the, so that's, I want to know how to solve that problem. And it sounds like what you're saying is that they have to go to the property owner that's on Route 7 and get permission to put up some sort of advertising or sign. That's not really what we're trying to say.

[00:20:42] That would be an off-premise sign, and that's prohibited in the current and draft zoning ordinance. And that's consistent with the Code of Virginia. So the Code of Virginia says that you can't have an off-premise sign. It's not that direct.

[00:21:00] Maybe Courtney will want to jump in. So, sorry, the issue of off-premises signs has been the subject of many cases at the Supreme Court of the United States, where there was a case a few years ago where it made it seem like you couldn't regulate that at all.

[00:21:19] And then more recently, there was another case that pulled it back a little bit. So it's a First Amendment issue. So what we've tried to do is craft the ordinance, and we worked with the consultant who has drafted signed ordinances across the country to, the best we could, align it with what the federal case law does.

[00:21:40] It's not a matter of the Code of Virginia not allowing it. It's the First Amendment jurisprudence coming out of the federal courts is what we're trying to deal with. Okay. So my question is still along those lines. How did the Dulles Town Center accomplish that sign then across from Countryside Boulevard, which appears to me to be flashy and all that? Do they own that property? And that's how they were able to put that? They own that corner. Okay. Okay. Thanks. All right.

[00:22:10] And then the murals question, and I think that I'll probably be bringing a motion to try and resolve this because, you know, as we're revitalizing areas and even maybe as we're building new areas, I think that we want more art in the community.

[00:22:27] And I feel like this is a little bit restrictive to say that you can only have 40% of a building covered or 400 square feet. Excuse me. So is there anything in Virginia law that would preclude us from allowing more of a mural without doing a site development plan?

[00:22:44] I am not aware of anything in the Code of Virginia regarding that. And how much does a site development plan cost? I'll have to ask the staff. Do we know? We can certainly look it up. It's a process. We can certainly look it up. I think I'm out of time. Thank you. But if I could add, the Planning Commission was really concerned since murals are new and public art.

[00:23:04] While we wanted to encourage it, the commission was concerned about not just allowing too much right at the beginning until we kind of had a transition period to test it out, and also a larger mural or art display would be allowed through a signed development plan.

[00:23:20] But we'll tell you what the fee for that would be. Mr. Letourneau. Yeah, are there any aspects of this chapter that could not be modified through a SIDP? The prohibited signage, that would not be able to be modified.

[00:23:41] Like the signs that we just discussed. Those, correct. Did I ask you to read that again? No, no, no, no. So that, obscene signs, what other prohibited signs? There's snipe signs, the kind you see someone like that will staple a concert or a yard sale on a pole.

[00:24:03] Feather signs, those big balloons that some people will put out beside car dealerships. Okay. Those types of things are prohibited. You can't even with an SIDP, you can't do that. Everything else you could modify with an SIDP, right?

[00:24:20] 8.03 is our section on prohibited signs, and one of those is those attention-getting devices. Another would be the off-premise sign, so it's located on a property to which it doesn't directly pertain. You can request through a sign development plan a modification of the location of the sign, the size of the sign.

[00:24:42] So therefore, while the zoning ordinance does not allow that by permitted through the ordinance itself, you can go through a sign development plan and request some of these, not necessarily an obscene sign, but there are sections where it says unless it's provided for in this chapter.

[00:25:02] So therefore, if you modify the sign, that chapter then you can have that okay so it sounds like we need to clarify that because even among staff we have differences yeah um and i was gonna i was gonna say would you say that generally the the actions that the planning commission took on signs and i think they spent a lot of time on this would reduce the need for sidps yes one of their goals to try to reduce the number that was their goals and initially staff proposed no sidps we just enlarged all the signs and how it ended up

[00:25:36] was larger more signs larger signs and sidps yeah okay all right mr kirschner thank you madam chair and to kind of piggyback off what um supervisor laterno talked about we you you kind of started with the proposal it's bigger just simply because a lot of times when these signs come through to us they're kind of rubber stamped and there was my understanding that when the planning commission looked at at least for signage in the eastern part of the county they're like let's look at all everything that's been approved over the last x number of years they've been seem to be rubber stamp. So let's start kind of with that as the premise. Is that a fair statement? Yes, that is.

[00:26:11] Okay. And so that's a large part how we got to where we are in terms of before. All right. So my next question is on the rural signage. I see a few changes here and there. My understanding is the plan commission did a lot of work on this and spent a lot of time on it as a whole. Can you talk about some of the major, how major are those changes from what we have now? And can you talk about maybe the biggest changes overall is that possible it's tough because the approach is so

[00:26:43] different under the current zoning ordinance it's farm signs or a sign for a church it's all it's based on a user and we're completely doing a different approach so a ground sign is a ground sign is a ground sign except in western loud and the planning commission um divided rural and non-residential for

the sign category so there's at least a couple of differences where signage is smaller and allowed less if it's in a residential area the biggest change is part of one at one of the motions that chair Randall submitted

[00:27:23] is allowing a sign every 500 feet that was intended to respond to the public not the public but really rural economy use is wanting more signage so at one sign every 500 feet is i would say the the biggest change for western loudon okay did we address temporary signage for example if you have a farmer's market on a weekend and you want to put up temporary signage or anything like is any of that dressed in this or is it only permanent signage so we do we do regulate temporary signage so that would be an incidental sign incidental that would qualify

[00:28:02] incidental yes and it was there much change to that there really was not it's still the same process okay thank you thank you very much back in February I took a question to the Planning Department about the feasibility of a

[00:28:33] business that was allowed to use uplighting on the walls of their building to convert that into an elementary school mural. And I was told that that kind of use of their uplighting permission would not be legal. That a mural using a projector to put, say, elementary school

[00:29:05] children's drawings on the side of the building would be considered artwork. So how would we handle such a request if these amendments go forward? Can you clarify? Did you say it was at a public school? No, it would be a privately owned building. And they wanted to display the local elementary school kindergarten artwork as a mural they wanted but they wanted to do it with light

[00:29:43] so not painting on the building but projecting the drawings on the side of their building that is a good question that's not something we contemplated there are illumination standards for signage and i think we probably should contemplate that because that's not what we considered we consider murals being painted or attached to the wall, and then illumination, the uplighting or different types of lighting would be completely a different category. So we would need to put some thought into that. All right. Do you think it is possible to put thought into that as part of this

[00:30:23] process, or would this have to come to us in the future as an amendment? I believe we could think about it between now and the next work session and just see how those the lighting standards would apply that's my that's my concern because in some zoning district groups sign groups the lighting is not allowed the type of external lighting so we would have to really think that through but we'll do that between now and the next meeting thank you very much mr. Sainz thank you

[00:30:58] Madam Chair. Thank you for the presentation. So we recently just approved a sign I guess a sign special exception whatever the proper term is forgive me for a business in Sterling off of Route 28. I just was curious would that application would that be able to fit with the motions that are being presented? If you know the application if not then you can answer. I'm not 100% sure that I know the exact application but I know we've had

[00:31:31] some being processed lately one of them was um at the corner of 28 and like where the wegmans is and i believe those properties are in the 1972 zoning ordinance that's why it was a special exception or zoning modification um so this is just going to apply to properties under the currently under the 93 zoning ordinance not under the 1972 but if you're asking for the sizes i can look into that i'll forward it my office sent it to you okay i was the application i'm

[00:32:05] talking about it's on route 28 on the side of where the mall is and uh the golf range and the indoor golf cart um facility if you're familiar with that yeah we'd have to look at the property to verify what ordinance okay and then also just to clarify any of the motions that are presented um i think supervisor the turner if he asked the question if i heard correctly all any of these no matter what where they would still most of majority of them would still come in front of the board for for approval or not if you beat if it's if it's a

[00:32:42] standalone that would go to the Board of Zoning Appeals now if it is a standalone if the application is just for modification of the sign regulations that will go directly to the Board of Zoning Appeals if it is part of a rezoning or a special exception for a specific use and with that they're processing a signed development plan that would come to the Planning commission and the board of supervisors for approval okay and then last question you have to answer it tonight also if you want to do research and come back um last board term i believe we did this we approved um over at one loudon they did murals on the back side of the

[00:33:21] movie theater um so would that would that application be changed with anything that's being presented i would that application is already approved so they can continue as approved but I think that was larger than 40% of that wall, so they would still need the signed development plan approval for that.

[00:33:41] Well, if you can use that application as an example, what's being presented from the Planning Commission and see how that would relate, that would be greatly appreciated. Okay. Thank you. How long does it do to get a signed development plan through?

[00:33:59] They usually are not standalones. They're often attached to a rezoning or special exceptions, so it can be nine months. And this may be a good time to answer the fee question. Wait. Okay. After my time's over, you can answer that.

[00:34:15] Yes, ma'am. Yes, ma'am. Snipe signs, as you call them, those are almost impossible to regulate. And so, you know, my dog's lost is one of those signs. I can't see why we wouldn't. I don't know, I think that's a bit of overregulation that it's almost impossible to enforce anyway, to be honest.

[00:34:35] So I'm going to just want some thoughts on that. A non-governmental commercial building mural, that's, who decides, do they, like, so they put the application in and the SIDP is part of it?

[00:34:56] Did they show it to us at that time so we can, so do we say yes or no, the board, or is there an arts commission who says that? Who decides that that is an appropriate site? I think the definition made sense, and it was pretty clear, but who makes that final decision?

[00:35:13] And then my next question is about the rural policy area. As I'm sure there were lots of discussions had, and there were, I do disagree. In fact, I strongly disagree that the decision reached by the Planning Commission and approved by the board does keep the character of the rural policy area.

[00:35:34] I think that it's going to have so many signs dotted throughout our rural policy area it takes away from the area. And my question is, are any of those signs meant for the purpose of wayfinding? so finding something because that those signs you know all those signs for wayfinding would have made sense many years ago before everybody had gps in their hand but now everybody does have gps in their hand and i'm not sure that that having that many signs available in the rural policy area for the purpose of the rural economy makes sense anymore when people can get to where they're going without having to have signs everywhere and i do not agree that it's actually

[00:36:14] in keeping with the culture or the look. Now, my hesitation is for those two motions, motions 40 and 44, those two motions are just about the rural policy area. And so I have hesitation of making those motions right now, but I do want to say that I strongly disagree with the conclusion that has been made and agree to on signs in that area.

[00:36:42] I think I'm finished. Thank you. Okay, to answer, you know, the first question, who decides? The first question is a snipe signs question. Oh, the snipe signs, you're right. They're everywhere, and if it's in the VDOT right-of-way, we do have an agreement where we can remove them.

[00:36:59] But you're right, they're everywhere. People are going to lose their cats and dogs. But that's a carryover. We carried over the same prohibited signs and then just added those two new ones. Okay. For who decides on a mural, because we're going with the case law and it's content neutral, there's not an art commission review of the content or what's on the mural.

[00:37:23] So what an applicant would do is submit a sign permit just like any other sign, and the staff would see if it meets the criteria, which are basically, you know, the size, the height, how much does it cover the side of the building. so there's no regulation over the content if it exceeds the size then it would come to the bza or the planning commission and board okay i'll talk more about this and when it gets to committee as a whole okay okay yeah and then the last sign the last question the wayfinding

[00:38:00] sign sign in in rural policy here the signs that are in the zoning ordinance draft are not for the purposes of wayfinding that would be an off-site sign and so these are signs that are on the parcel to which they are directing the attention okay okay i'll ask more about that then too okay thank you thank you very much thank you okay we have stakeholders we're going to hear from now before we do any motions we're going to hear from stakeholders and then we'll go to the committee

[00:38:34] as a whole um our stakeholders this evening and i will call you in advance um from the business community, we have Amanda Williams. From the commercial development community, we have Michelle Rossetti. From the residential development community, we have Erin Swishelm. From the affordable housing, we have Kim Hart. From conservation and preservation, we have Robert Pollard. And from animal and wildlife, we have Gladys Lewis. So if Ms. Williams could come to the

[00:39:04] podium. Good evening. Good evening. My name is Amanda Williams, a land use attorney with Cooley. Nice to see you, and I'm here representing the Business Stakeholder Group and the Chamber this evening.

[00:39:22] Thanks for the opportunity to speak, and of course, thanks for your work and for staff's extensive work on this. I'll touch on a few quick things, most of which have been discussed at some level already. First, the regulations related to murals and the need, what we believe is the need for additional flexibility there. Murals are not generally regulated under the current ordinance, And we do think that what is proposed will really limit and prevent a lot of that creative placemaking type murals and art that you can find in places like Mosaic, as an example, and are currently being planned for projects like Cascades Marketplace.

[00:39:55] So we would like you to consider narrowing the applicability of those regulations to apply to only those murals that include advertising and not just any mural. Also, off-site signage, which has obviously been discussed currently, at least how we read it.

[00:40:11] and I think this at least needs to be clarified, that an off-site sign is completely prohibited under Section 8.03a, so that the board could not approve one even through a sign development plan. We understand the concern about billboards and that kind of sign, but there are scenarios where off-site signage can be important, like hospitals, for example, that might need signage that's not directly on site to provide necessary visibility for the public. So we propose moving off-site signs from Section 8.03A to Section 8.03B as a sign type that can only be permitted by the board

[00:40:47] through a sign development plan. So not that it will be permitted by right, but that it could possibly be permitted by the board through a sign development plan. And then lastly, we'd suggest revising Section 10.11.03C to have the Planning Commission and the board approve all sign development plans. I recognize you've already discussed Chapter 10, but this is obviously still relevant for this evening. Currently, the BZA is identified under the draft as the reviewing body for a standalone signed development plan. Oftentimes, signed development plans aren't actually done as part of the rezoning or the special exception application and are processed separately a year

[00:41:24] or so later than that. So for consistency purposes, we think it's more appropriate to have the same body that reviewed that rezoning and approved the zoning application also then review the signed development plan, instead of an entirely different body. So that's all I have. Thank you again for your time. Ms. Williams, just to clarify, so are you seeing the planning commission and board review the signed development plans and the BZA, or except for the BZA? Not the BZA. Keep the signed development plans, whether it's standalone, or it's with the rezoning. Okay, all right, thank

[00:41:59] you. Thank you. Commercial development, Michelle Rossetti, are you? Good evening. Good evening. Good evening, Madam Chair and members of the board.

[00:42:16] My name is Michelle Rosati. I'm a zoning attorney with Holland at Night, but this evening I'm speaking on behalf of the Commercial Development Stakeholder Group. Just to continue a theme, we want to express our thanks to county staff. They're doing a great job on a monumental task, as is the board. We're very grateful to have this productive collaboration.

[00:42:34] We have a lot before you this evening. I want to just highlight a couple things that are actually not about signs, but that are also in the package for tonight. Motion 23 from the board item revises table 7.04.02.1 to reflect a 50-foot setback for buildings and parking on Route 7 from the Fairfax County line to Broad Run versus the 75 and 100 feet that is in the current draft.

[00:43:00] As staff indicated in their recent Chapter 7 presentation, that 50-foot setback's been in place for over 15 years, and there's not anything in the general plan that indicates that there should be that kind of dramatic shift in board policy about that setback.

[00:43:16] Staff supports retaining the 50-foot setback that's currently in the Section 5.1403 matrix in the revised 93 ordinance, and we concur with staff that this is appropriate. With respect to parking reductions for attainable housing, as an industry on details, we support our residential development colleagues, but we do have a critical interest in making sure that attainable housing is viable here in Loudoun County, so we do want to have our voice heard on that.

[00:43:43] we're generally supportive of all of these proposed reductions to the parking requirements for attainable housing uh you know whether it's by ami levels uh or the simpler 1.5 space rule that's been proposed uh as well as the the option in your motion 27 tonight for a 15 percent reduction across the board

seems like there's a lot of consensus that that could work and be simpler than some of these other rules but they all go in the right direction and i think the important thing is that we want to be heard saying we think this is really important and we urge the board to take a hard look at what those parking requirements are for attainable housing finally i

[00:44:20] just want to touch on open space we want to thank staff for working with the stakeholders on the open space tables the version that's in the supplemental reflects months of work between us and staff and we're grateful that it's there of course open space is important overall the open space requirements are going up and we understand that's a critical board policy but i think that the way that it's calculated in the tables makes a lot more sense, and it's more rational.

[00:44:43] Thank you so much for the opportunity to be heard in the stakeholder process. We appreciate it. You got a lot in. Good job. You did. Thank you, Madam Chair. Thank you. Presidential Development is Eric Swishelm, and then Affordable Housing is or Affordable Attainable Housing is Kim Hart.

[00:45:02] Good evening. Good evening, Madam Chair. Good evening, members of the Board of Supervisors. My name is Erin Swishelm. I'm an attorney, land use attorney here in Leesburg. I'm here on behalf of residential developers this evening.

[00:45:20] I want to apologize up front that my one comment about Chapter 8 is pretty down in the weeds. So Table 8.04-1 regulates ground signs generally and does not appear to allow ground signs generally for residential uses in the neighborhood zoning districts.

[00:45:39] So that will include the suburban residential neighborhood districts where a lot of suburban housing developments are occurring. However, Table 8.04-4, which governs entry signs generally, does allow for that, but they're supposed to be classified as ground signs.

[00:45:56] So we would just ask that the tables be amended to be consistent with one another to note that the only ground signs that are allowed, there are ground signs allowed in those districts that are only for entrances to subdivisions.

[00:46:14] And then I wanted to talk a little bit about the things that are not Chapter 8 this evening. I wanted to thank staff and support motions one through five, which pertain to lot size minimums, yards, and lot coverage in the transition small lot neighborhood and transition compact neighborhood zoning districts.

[00:46:34] We really think that that's a great addition and edit to those districts and really want to thank staff for their flexibility there. support motion 25 which removes note number one in table 7.06.02-1 stating that garage spaces only count for half a space you heard me on that last time we were here I won't belabor it again and then I wanted to note that we support the draft text as it relates to motion 43 entrance signs and I'm talking there about the residential entrance signs however if the board wishes to

[00:47:10] reduce the signage areas in rural districts the staff suggested compromises are the preferred option. And the reason I say that is because ground-mounted signs are measured to include all background elements as well, not just the text area of the signs. So thank you very much for your time this evening. Thank you. Thank you so much. For affordable, attainable housing, we have Kim Hart. And for conservation preservation, we have Robert Pollock. Good evening, Mr. Hart.

[00:47:36] Good evening, my friends. Here we are again. Barbara and I were talking the other day. We're feeling exhausted. First of all, about reduction of parking for attainable housing, I'd like to take my hat off to Supervisor Letourneau. Motion 27 is better than the work we've done to date on this. A flat 15% reduction is a really good idea. First of all, it's simple and easy to apply.

[00:48:07] Second, it's based on the information we have at the time of the concept development plan. And thirdly, since it starts from the table, it already accounts for the difference in bedroom types. So he outsmarted me on this one. Well done. And I'd like to be clear that industry, myself, NAOP, NVBIA, we all support Motion 27 tonight.

[00:48:28] We just want to be clear that it does, we still do want to make sure that you allow the other reductions for structured parking, age-restricted, and alternative transportation. I didn't see that being left out, so I think that as long as that stays in, we're fine. And then I think you ought to basically kind of keep this open for modification in the future because there's going to be more research.

[00:48:51] There is hopefully going to be a better transportation system in Loudoun. And as it exists today, we're way higher out here on these ratios than our folks to the east. So we just do need to be able to modify in the future. Finally, I do actually have something to say about signs.

[00:49:06] First, I was to wall signs, and I've submitted a motion, although a little bit late, that I think it's important that apartment buildings be seen more as commercial buildings than residential buildings. When you take a building that I build that's about the size of this building, five stories high, maybe 150, 200 feet wide, to have its sign limited to 10 square feet is kind of silly.

[00:49:29] You can't see it, and nobody can find you, either residents or guests. So we just need to change the footnote that allows those apartment buildings to be considered more as a commercial building than a residential building. And then finally, as to murals, I started out by saying murals should be bigger, but I really like the proposal that Molly put forward last week that really regulation on size, I think, doesn't make a lot of sense.

[00:49:57] So I'd like to support that side of it. So thank you and appreciate all your good work on this. We're making progress. Thank you. Thank you. Robert Pollard, speaking on conservation preservation. And then our last person will be glad is Lewis on animal and wildlife. Good evening, sir.

[00:50:13] Okay. Well, Chair Randall, I'm members of the board. I'm Bob Pollard speaking for the preservation community. First, we want to thank county staff and the Planning Commission for all their hard work on this chapter, and we greatly appreciate the many motions that supervisors submitted to support this and other chapters. One important clarification, we believe that the comments and most motions apply to rural areas countywide, not just to the rural policy area.

[00:50:42] Looking forward, we request that any future zoning amendment incorporate the changes on signage in Chapter 8. We need to get this right because too many signs erode Loudoun's natural beauty and its heritage resources, the very things that bring so many people to visit Loudoun.

[00:51:02] We believe physical signs are increasingly superfluous, given that almost everyone uses navigation devices on cars and smartphones nowadays. We support staff's prohibition of off-premise signs and the requirement of a sign development plan for animated or neon lighting.

[00:51:22] We're grateful that staff has met a number of our requests with just one exception. We wish to limit the size of ground and pole signs in non-residential rural areas, and we oppose the placement of linear signs along Loudoun's Roads except at the entrance to an address.

[00:51:41] More on this from the next speaker. We support staff's proposal to reduce the signs of both commercial ground and pole signs and reduce their height to 10 feet. Thank you. We support staff's proposal to cut sizes of both entry signs in rural residential villages and neighborhoods and of wall signs in non-residential rural areas.

[00:52:05] Again, thank you. Finally, a word on enforcement. We think the county should revise its rule whereby staff can't initiate action on zoning violations until and unless a citizen files a formal complaint. Citizens won't report on their neighbors if they fear retaliation, so implementation is often uneven. Now, we're not asking that staff snoop around looking for each and every violation, but they should have the power to investigate if they spot a major infraction. Currently, there's too few enforcement staff to do this. That argues

[00:52:44] for hiring more personnel. Why? Because you need proper enforcement of zoning for good governance. Thank you very much. Thank you, sir. Thank you. And our last speaker is Ms. Lewis. Good evening. Chairman Randall and members of the board, I'm Gladys Lewis, and I'm here tonight representing six garden clubs, Leesburg, Falker and Loudoun, Middleburg, Upperville, Percival and Catoclin.

[00:53:10] Members are just residents, voters and taxpayers. We know most Loudoun residents would agree with us. We all love Loudoun and want to keep it beautiful. Planning Commissioners worked very hard, but we would suggest a couple of changes. First, reduce sign size to 20 square feet for NR rural non-residential properties on our major roads. 30 to 40 square foot signs on main roads are too large and would clutter and harm views for residents and tourists alike. Second, do not allow extra signage depending on road frontage for NR properties. Such signs would change our roadside

[00:53:50] views, discourage tourists, and dishearten residents. A farm north of Leesburg on 15 has about two miles of road frontage. They would be allowed 20 40-square-foot signs under the current draft and 6 40-square-foot signs under the staff motion, five feet from the VDOT right away.

[00:54:12] Please don't consider the staff motion to allow these signs. Should you approve these signs, they will be at odds with Loudoun's reputation for beautiful byways and views and would destroy that sigh of relief we breathe as we drive to our destination, winery or home.

[00:54:31] Loudoun's beauty attracts a variety of tourists, those who enjoy local vineyards and breweries, buy fresh produce, meat and flowers, and others who attend sporting and entertainment events. We don't understand why some of these businesses, which depend on our beautiful rural roads, would want to clutter them with so many signs.

[00:54:51] We are also dismayed by the increase in signage in commercial areas of the county. We citizens can find our businesses now. Increases will be unappealing to shoppers and are unnecessary. Currently, businesses all over the county thrive using signs that fit our ordinances.

[00:55:09] Many have small signs. Multiple oversized signs don't draw more customers. In fact, many deter them. Besides, customers use GPS, as my cohort said. Remember former Leesburg mayor's question to business owners who wanted a bigger sign.

[00:55:26] Do you think the residents of Leesburg are so dumb they can't find your business with the current sign allowed? Thank you. I'm just going to answer that question for the entire board. The residents of Loudoun County are brilliant people, each and every one.

[00:55:44] Okay. Thank you. Thank you to all the stakeholders and all the groups that have put stakeholders forward, and thank you to the staff. We're going to go into a committee as a whole. I'm going to put just 20 minutes up, and hopefully that will be enough. Supervisors, remember, a committee as a whole means everyone's talking, so please don't take all the time that you need, and if somebody has made your point, you may not need to make it a second time.

[00:56:09] So if we can put 20 minutes up for a committee as a whole, And if you have questions, thoughts, anything before we go start doing motions, this will be the time to do that. Ms. Bricksman. Thank you. So I'm not sure I caught, I'm sure staff did catch what Ms. Williams said about moving off-site signage to an alternate section in the zoning ordinance.

[00:56:34] Would that resolve the perceived or real conflict with code for off-site signage? Because I feel like we're kind of stuck here. We can't really do anything different. We would like to talk about that offline with our legal counsel just to make sure.

[00:56:52] But we can bring that back as a response in our next supplemental. And then on the murals, are we bound by code on the murals as well? No. Okay. So on the murals, we can make a local decision as to how we want to handle them.

[00:57:11] Yes. As far as the size, yes. Okay. Okay, great. Thank you. I will probably want to bring a motion as well on the murals. You've probably figured that out by now. Thank you. So I'm going to want, I really do want to hear Mr. Turner and Mr.

[00:57:27] Letourneau's conversation on parking because I think that Mr. Turner is going to take some motions away and go with Mr. Letourneau's motion or something. So, so I'm going to, I'm going to encourage you all to talk amongst yourselves through the chair right now. Anything, but, but, but if you could, if you could come, If you could inform everyone how you all got to the conclusions you came on parking.

[00:57:52] Well, I think Supervisor Turner and I probably, judging from this motion here, have a different conclusion on this issue. Oh, did you? Okay. On the affordable issue, though, which is what Mr. Hart was speaking about, which was Motion 27, I was looking for a simpler solution that took into account the mix of unit types in an affordable housing project.

[00:58:17] So what staff had proposed had a straight 1.5 allowance. But, you know, I understand the way that a lot of these projects are coming forward right now. They're heavily geared towards one bedrooms, but that may change in the future.

[00:58:33] And we don't know, you know, what happens. So let's just say hypothetically that there's an affordable housing project that's all three bedrooms. Well, we would have the exact same parking allowance for that as we would for an affordable housing project with all one bedrooms. So that didn't make any sense to me to have a straight 1.5 per unit.

[00:58:52] So we had the idea of just taking our existing table, which does account for unit size. So the smaller the unit, the fewer the parking spaces and vice versa, and just reducing it by 15% to account for

likely a reduction that you would see in an affordable project based on the data that Mr. Hartman has had.

[00:59:13] So a three-bedroom will still have more parking spaces than a one-bedroom. there will be a 15% reduction from what a market rate would have, but it would still account for that. That's good, okay. So that was the, that was that, that's what that motion was. That's not how I read that, so that's really, that is really helpful.

[00:59:29] Okay. Okay. I was actually going to ask staff, though, on a different topic, on the science. Did you do any analysis on what SIDPs the board actually approved over time? Yes, that's exactly what we did, and that's how we got to where we are, yes.

[00:59:49] that's how we got to where we are yes okay so the the boards i think this is an important point the the board has been approving sidps with significantly larger signage than what's in the ordinance so the language that stats propose on the sign ordinance is really is it fair to say reflective of what the board's approvals have been over the last i don't know decade or so it is reflective larger signs are permitted in the draft zoning ordinance yes okay and but it's because the board has been approving those correct all right um looking at this one i'm sure

[01:00:26] supervisor turner will discuss this i i personally would prefer to well okay i guess he's saying that he's he's putting you're putting standards on based on the size of the of the garage i don't know i my only comment we'll have a discussion i'm sure is i came i came away even more strongly feeling that after knocking doors this weekend how many how many cars were how many homes had zero cars in the garage and you couldn't fit one in because it was all being used for storage and so I generally think at some point we have to reflect what how people actually use their homes and not

[01:01:04] how we wish that they use their homes because people have a lot of stuff and they just do and at some point we have to just acknowledge they don't use certainly not two spaces in their garage and a lot of times not even one because of all the stuff so I'm not I'd have to do some math on what these look like and how this works or not but that's just my that's the kind of direction I was going I agree with what the Planning Commission did on that for that reason okay mr. Turner yeah so the evolution on the parking thanks to supervisor Luterno the 15% was really kind of a breakthrough we had

[01:01:40] proposed based on some discussions with industry for affordable housings have a base rate of 1.5 spots per unit and then you can adjust to not go lower than 1.2 The 15% reduction works fine.

[01:01:57] We're happy with it. Industry seems to be happy with it. I believe there's a motion in here where I do want to apply the minimum ratio of 1.2 spots per unit to multifamily attached AHU projects. I've already talked to Mr. Hart, and he can live with the 1.2 minimum on AHU projects, so that works fine.

[01:02:18] There's another motion I have in here, and I want to talk to staff to make sure I have edited it correctly. But the goal is, on non-affordable units, you can make any number of reductions, but we have taken out the latitude to go above more than a 35% reduction on non-affordable units.

[01:02:37] We want the floor to be no more, under any circumstances, than a 35% reduction off the table on market rate units. That's my intent. I don't know if I've achieved that with a motion. We can talk about it when we get into the motion, but that's my intent. Regarding the amendment here, a friendly amendment, I talked with Supervisor Breskman, the long discussion I had with industry is, and Mr. Hart pointed out, if you go to a half a space per unit for the garage, what you're doing is requiring more asphalt and cutting into your affordable units.

[01:03:12] So basically, when you go to half a unit, you basically lose affordable units because you've required more asphalt. And I have, almost since I came into this job, I went out and actually measured Matt Leslie's townhouse garage in Goose Creek Village.

[01:03:30] I mean, we measured it out. And so we came to the conclusion that an 11-foot wide, 18-foot deep single-car garage should be able to accommodate a car. The person may choose not to do that, but it should be able to accommodate a car with sufficient side and back storage for a workbench, for storage units, and those sorts of things.

[01:03:48] Same for a 20-foot-wide, 18-foot-deep two-car garage. So the amendment basically says the standard in the note now is a half a car per garage space, unless in your application you proffer a minimum of an 11-by-18-foot single or a 20-by-18-foot double, in which case you can count it as a whole space.

[01:04:11] And then when we made that change, we said you need to change the note for lines 10, 11, and 12, which applies to multifamily attached AHU units so that that proffered language does not apply to lines 10 11 and 12 in the table you just take the note one off of those three lines because we don't want it to apply to the multifamily attached uh that garage restriction extra benefit to apply to the multifamily attached so that's all the that's the evolution of the whole parking issue so i think as a wrap-up i think generally 15 reduction for affordables no less than 1.2 for a multifamily attached AHU project, and then we're seeking

[01:04:50] no more than a 35% reduction on the table rate for market rate units. That's the wrap-up of it. Thank you. Mr. Turner, what motions would you come out of the package based on your information? Based on that discussion, what motions would you not be making?

[01:05:06] I will pull motions 32 and 34. 32 and 34. 27 stands. Alright, Mr. Kirshner. Thank you, Madam Chair.

[01:05:23] A couple questions. I know one of the things we've been talking a lot about, and I spoke with Chair Randall about it a little bit before, was we were going to try to not address a lot of things in the rural area under the zoning ordinance rewrite, but kind of put that to next year.

[01:05:40] Obviously, there are some significant changes, potentially at least based upon what was said by some of our stakeholder groups tonight. So that concerns me a little bit. Some of these things don't bother me as much, but there were some things that would be consistent. The question I guess I have for staff and the chair, I don't, I'm a little concerned about passing Chair Randall's motions on one hand, because we've kind of said, hey, we're going to hold off on this.

[01:06:05] But on the other hand, I'm concerned that maybe we are allowing, for example, more signs along a road footage than we actually, than I actually realized was, was there. So, so I'm caught a little bit in it because, and I don't feel like some of the industry, because we said we were going to set these aside, perhaps had a full opportunity to weigh in.

[01:06:24] So I guess there's a couple different ways my thoughts are we can do this. We could delay these motions until later and then have a further, deeper discussion. Or if there was a way to not include these as part of the package adoption, but maybe that's not possible.

[01:06:42] Can staff maybe weigh in on that? Yes, and this has been something I've been really thinking about. I think if you do one thing, you would take out the one sign per 500 feet. because if you do nothing

that's gonna happen that's gonna be allowed that would be my recommendation okay okay if I can add one other thing I think the conversation has grown as in the course of our time talking about the Zohr with the with the board the the Planning Commission's original recommendation was to cover specific topics limited breweries limited distilleries Virginia

[01:07:18] farm wineries stable livery stables equine event facility uses indoor recreation and outdoor lighting and music hours of operation So as they propose it, that would be something that would move to the future effort. If the board wants to add additional topics beyond those, whether as part of this process or whenever we bring the DPZ work plan to you, we're going to need additional guidance of staff from the board about what you want to be included in that future project, because I think some things are potentially getting pushed that go beyond what the commission was originally contemplating.

[01:07:52] Contemplating pushing? Yes. But the commission wasn't the one to decide to push anything to a zone where I'm a rural zone that was us that did that they made a recommendation about certain topics that we didn't feel could be incorporated within ZOR so some of I think some as y'all continue discussing things on different chapters there have been certain things that probably aren't included within that list that you are going to want to have covered in the future effort I'm just saying we need to capture that I see whenever we're we're done but we think we should not so so we probably won't get to these motions before a break so let you and I talk at a break sounds good okay

[01:08:31] Ms. Umstead. Thank you, Madam Chair. So for staff, if I drive north on 15, are there any existing signs between Leesburg and Point of Rocks that would be illegal under the new proposed rules?

[01:08:50] If they have approved sign permits, if they've been legally constructed and put on the property, they would be in compliance with their approved permit. I don't think we could speak to every sign that's out there and whether or not they have a permit.

[01:09:13] So if their sign got torn down, blew away, and they came back in and wanted to put up a replacement sign of that same size and quality, would any be illegal? They would need to apply for a new permit and meet the zoning ordinance requirements at the time of their permit.

[01:09:37] Right. But that doesn't quite answer my question. So I drive north on 15. I see a number of signs. I don't object to them. I find them actually charming, like Farmer John's vegetables and fruits or whatever.

[01:09:54] Are these signs going to become illegal? I don't know if they're legal now. I would have to look at the property and the signs that are there. So I would hate to say that they're there now legally.

[01:10:10] Okay. And we didn't have anyone speak tonight, I believe, from the rural business community on signage for rural businesses? No, we did not, if that's a question.

[01:10:26] No. Okay. All right. Thank you very much. So I'll come back to you, Ms. Umstead. I mean, Ms. Bricksburg. So I'm going to very respectfully, because I have a lot of respect for Michelle Rosati, but I'm going to very respectfully disagree on motion 23.

[01:10:46] I actually do not want to decrease these setbacks. And I asked a question the other day, and I never really got an answer. When we talk about the parking setback, what if the parking is in front of the development, of the structure? Because now you have parking that's fairly close to the road.

[01:11:04] And I think that it makes, these are our main corridors, and I want to see more setback. In fact, I want to see more setback than we have, not less. And my decision as far as parking would be based on where the parking was. Did they have to be on the side or the back versus in the front?

[01:11:21] And so I am going to say right now that I'm going to not support Motion 23 because I don't think it's, for our main corridors, I don't think things closer to the road. and I definitely don't think parking closer to the road is a good look.

[01:11:39] So I'm just letting you all know that right now, okay? I'm going to be opposing that motion. With due respect, I'm going to be opposing that motion. I am, and Mr. Kirshner and I will talk, and Mr. Pollard, if you hang around, we'll talk when we take a break because it's only motions 44 and 40 that relate just to the rural policy area and all the other signed motions are to the entire county.

[01:12:06] i'm a little confused because so you're basically saying they're not wayfinding signs so a person has found their found their way to where they want to go yet still there's these signs every couple like lots of signs every couple of feet i mean like there's a sign like what a sign of an apple and then the next sign's a peach or i mean i i'm a little i i it's like if they if they know where they're going to the farmer john's market they know farmer john has vegetables and fruit I don't know if we need a sign every couple of feet to say, and by the way, he has a watermelon, and by the way, he has this, by the way, he has that.

[01:12:42] And so I think that maybe you all's suggestion is a good suggestion as far as, you know, how many signs we can have. And I think Mr. Kirshner's suggestion, because I am uncomfortable with telling a whole group of people, we're going to discuss this next term, whomever happens to be lucky enough to be sitting up here, and then doing some of that stuff now.

[01:13:04] But I also am equally uncomfortable with leaving things the way they are because I do think it clutters our rural policy area much too much. I don't understand why we're limiting murals. I don't. I don't understand.

[01:13:23] Yet it might be new for us, but it's not new. I mean, people do murals, you know, locations. I mean, there have done lots of murals. And so I don't know why we would limit a mural. i i don't get that so help me understand that um i also you know it's it the ordinance was in the the code was interesting and it makes sense but it's still subjective right it's still subjective and so since we don't look at what the content of the mural is we just look at the size and stuff

[01:14:00] so there's a mural that we say yes to based on size and such and then one day we you know get up and it's on the sides of a data center and we all go, oh my gosh, and grab our pearls. What happens next when we go, yeah, that's inappropriate. What happens now?

[01:14:16] Because now there's the mural that we didn't stop because it met all the requirements. So now what happens? Do they go to court? Does it just stay up there? I mean, what happens next? Help me out. Tell me what's happening. There's nothing legally we could do.

[01:14:31] It would meet the approved sign permit. It's there. So I guess, you know, I don't know that I think making ordinances are completely non-enforceable makes any sense to me, right? I don't, yeah, I mean, it's, I don't know what to do with this one.

[01:14:52] I don't know what to do with this one. I'll think about this one, too. Ms. Briggsman, thank you. Thank you very much. So on the garage sizes that are proposed in the, what will be a different, little bit of a

different motion that I bring, I just wanted to know, what are the required garage sizes right now?

[01:15:09] There's no minimum size required for garages in the facility standards manual or certainly not the zoning ordinance. Okay. There's no requirement. I guess my question is, are these measurements bigger than the average garage that gets built?

[01:15:30] Anybody can answer that. The answer is, I'm seeing someone shake her head. So this is... We can look. This is really, it's not really a land use. It's more a building code issue.

[01:15:47] So it's not something that we deal with every day as far as land use. The size of a garage, it's more a part of the construction process. A common parking space in a lot is 9 by 18 or 10 by 20. So these aren't out of the realm of normal.

[01:16:06] But I couldn't tell you what the average garage space is offhand. Okay. All right. Thank you. Six seconds. Go. Just very quickly, I can get in under 30, I think.

[01:16:22] Motion 16 and 17, stakeholders five and six about a month ago asked me. They had some what they felt were fairly strong motions and ideas they wanted introduced. And I said, I'm happy to do that, but let's distill those down, pun intended, let's distill those down to those that are absolutely essential to have in this ZOR, rather than to hold off until the rural ZOAM.

[01:16:45] So we distilled them down to four, and for various reasons, Three of those four became too hard to do and got pushed off to the rural ZOAM. Motion 16 and 17 basically make uses from farm winery and limited distillery in Chapter 4, specifically so that we can bring and invoke Chapter 7 noise ordinances and have them apply to limited distilleries and farm wineries.

[01:17:11] Limited brewery, I think, is already subject to Chapter 7. So the only reason those are being introduced is not to get into the definitions of those types of events. and they follow code for the definition. It's just to be able to enforce the noise ordinance in Chapter 7 for those two uses.

[01:17:26] I do have one additional. No, no, no, no, no, no. Committee as a whole is over, and I let you go pass for a long time, so we're done now with Committee as a whole. Sorry. Okay, supervisors, here we go with a whole bevy of motions.

[01:17:44] We're going to entertain motions from prior work sessions as well as today's work session that were included in attachment 23 of your supplemental that was 455 pages long. It was published Friday. But just to say, the reason it was so long is because they just put things back in that we've seen in the past.

[01:18:02] And so this wasn't 455 pages of new information. We've seen all this stuff over again. It was just so we didn't have to comb through our package to find it over, just so you know. You have paper copies in front of you.

[01:18:19] Okay, let's start with chapter, okay, I've lost my place just that fast. Just give me a second. There we go. Start with chapter two, zoning motions, and I'm going to do the staff motions at this point.

[01:18:38] I move the board direct staff to revise table 2.02.01-1, zoning district dimensional standards to reduce a single-family attached townhouse minimum lot for width for end units from 24 feet to 19 feet.

[01:19:05] All right, so I'm going to make some of the motions because they're staff motions. It doesn't mean I'm going to support the motion because I might not support the motion. In fact, I don't support this

motion. But, well, if somebody else wants to make the staff motions, they can feel free to do that. But, oh, this is not the one I was thinking about.

[01:19:28] I'm sorry. No, this is not the one I was thinking about. I'm sorry, I've been with a lot of motions going on. Okay, I have nothing on this motion. I'm good on this motion. Ms. Bricksman, on the motion. Motion one. Chapter two, motion one. Okay, I'm sorry, Madam Chair.

[01:19:44] I just wanted to make a point of clarification. I think you only need to say I move motion one. Well, I don't know where everyone knows what these are, and so I'm, you know. Thank you. Is that all you had? That's all I had. Mr. Sains.

[01:19:59] Yeah, just quickly, why is staff interested in going down from 24 to 19? Because we talk to most realtors or anybody that knows about town, most people will say, oh, the end unit is the bigger unit. So if your end unit is available, get the end unit, not the B-swish in the middle.

[01:20:16] So just out of curiosity, why the recommendation? We were responding to industry who actually build these units, and we felt like that was one more area of flexibility that we could add. So you're responding to the builder?

[01:20:32] Yes. Just because they proposed it, but we don't know why? Well, no, several industry builders have been telling staff this for several months, and so that as we went through and made the other Chapter 2 revisions, we saw this as another opportunity where we could add some flexibility and be responsive.

[01:20:54] Okay, but that still kind of doesn't answer the question, why? Anybody know? Are you asking if we can tell you why the five feet is important? Yes.

[01:21:09] Like why the recommendation from 24 to 19, why? I don't know where the 19 came from. We should all do. I can say from everything we've talked about. 24 feet to 19 feet. From everything we've talked about in Chapter 9, the industry has been adamant that the smaller the numbers are, the numbers work better for them overall to provide more attainable housing, whether by the programs we have or by design.

[01:21:33] But I can't speak right now to where 19 feet came from as opposed to 20. I'd have to look into that. Okay, now is this for affordable units and regular unit, market rate units from regular, or is it just? This is for any unit. For any unit. Okay, all right.

[01:21:50] Okay, well, we don't know why they proposed it, but we have it. Okay, thank you. Mr., are you coming in? No? Okay, I'm sorry? Yes, you can. Can I speak? Yes. Oh, okay. We're in the motion. No, we're in the motion.

[01:22:06] All right, now, I was all set, but I kind of don't like voting on something where no one can really tell us exactly why. 19 seems kind of arbitrary so maybe on this one we could i'm sure folks out there could probably tell us but probably not in the middle of the meeting so maybe we kind of not vote on this one right now actually i don't mind somebody from the stakeholder committee if they know the answer coming up to giving us the answer that is not an issue for me if without objection if anyone comes up wants to do that i am happy to let that happen i'd rather no one vote than have to put it off I see somebody coming, Madam Chair.

[01:22:46] Yes, sir. Can they answer that? We're going to stop your time. Your time has stopped. I'm sorry, match time. All those clarity because it's one and two are pretty much similar. Okay. Hi, Erin Swiss, I'm

again, Land Use Attorney. My understanding from conversations I've had with folks in the stakeholder community is it has to do with the width of units that you can provide as an end unit, and that relates to overall affordability, right?

[01:23:12] So both for actual ADUs and then more affordable by design units, supervisor saying, so that would allow a, like, 16-foot unit to be an end unit. So smaller units tend to lead to lower prices overall when you're looking at affordable by design.

[01:23:32] And then when it comes to, like, ADUs, those units would have fewer carrying costs and, you know, kind of underwritten costs and would increase or decrease the amount that's lost on those ADUs.

[01:23:50] Okay. Thank you. Yes. So, guys, this is just for in units. Can I ask a question? Yes. Yes. Start your time again. Is this, though, modifiable now? Is that table modifiable? So if somebody wanted to come in with a project, which most townhouses probably would be, they could request a modification from the 24-foot lot width, right?

[01:24:16] Correct. All right. Because I understand the argument, but at the same time, most of the end units are not the affordable units. And I do have some aesthetic issues, quite frankly, just with some of these projects that just feel like every square inch is crammed.

[01:24:38] And a little breathing room is nice, some of the different sizes of units. So I'm kind of not really sold on this one. Well, I think just in the past the in-units have not been the affordable units, but it doesn't mean they didn't have to be.

[01:24:57] And, frankly, I'd like for somebody who's buying an attainable home to have the option of having an in-unit. I don't think that they have to have to be ones that are in the middle. I like this option. If this was just for ADUs, AHUs, I wouldn't support it, but this is for all the way through the spectrum.

[01:25:13] And so we're not focusing on just that. And it is just the end units. And truthfully, we don't have as many tools as I wish we did to get to the accessible housing issue that we have in Loudoun.

[01:25:33] Affordable by design is one tool of hopefully others, but it's certainly a tool that even if it gives us just a couple more, will take and since it is modifiable I do not see an issue with this so I'll be supporting this motion I will all right all the people say aye aye opposed okay so give me that if you're an eight that might be a four four one two how many were people up here one two three four five six seven okay so I think that

[01:26:08] failed if you're if you're no raise your hand on that past you didn't vote anything to start with if you're saying that then there's nothing on the motion at all. It doesn't fail or pass. It's a 4-4-1 vote. It's a 4-4-1 vote. It neither fails nor passes. We will have a discussion and bring this one back. Okay.

[01:26:35] All right. Exactly. Okay. Number two, I move the Board's direct staff to revise Table 2.2-1. It's basically the same thing. Tenders to reduce single-family attached townhomes minimum lot for in units from 22 to 19 feet. That's the motion. Okay. Guys, we're even serious about creating attainable homes and we're not.

[01:26:59] Yes, ma'am. Sorry. The last vote you said was 4-4-1 but there's only oh that's right there's two people miss so there's only seven of you here oh no it didn't it wasn't for three because he abstained so is it three three three three one it's three three one three three one i'm sorry yes yes you can change your okay

so the last motion miss briggs has been changing her vote to an eye which means that motion will now pass with mr mr Mr. Turner, Ms. Brixman, Chair Randall, Ms. Umstadt, voting for the motion.

[01:27:37] So it's a 4-3-2. Oh, and then it's not a 2. You're still abstaining? Okay, Mr. Motion. Mr. Sayes is still abstaining, but that motion passes. The first motion passes. Second motion is not very different, actually, and I'm going to go back to what I was about to say.

[01:27:58] We are either trying to get attainable homes or we're not, and the industry is trying to work with us to get attainable homes. And we can't, I don't know why we're talking about it if we're not going to do it. And it wouldn't be every end unit in every complex.

[01:28:14] It would be modifiable. There's not even that much room left to build these, to build townhomes anyway. I mean, it's not like there's a whole lot of land left in Loudoun County at this point. We are down to not that many spaces to build homes.

[01:28:30] And now we're going to say the very few tools we have to maybe get a couple of more attainable by design units. We're going to say no to them based on what based on what I don't understand. I don't understand this. So anyway, Mr.

[01:28:47] Because it really hasn't been explained. That's why. Like why 19 feet? Why not 20 feet? Why not 21 feet? Why not 22 feet? Like I'm not I may be open to supporting this at some point, but nobody here could give us an answer. We had to call somebody up and then I hear that argument a little bit, but I mean, that's like saying literally any reduction here could be, you could make the same argument for.

[01:29:09] So I just want to understand a little bit better how this works in the real world. And because it's modifiable, I have less concern with it staying as it is because anybody coming in for a townhouse project is probably coming with a special exception. And if they wanted to do this, they can put that in as one of their things that they're modifying.

[01:29:29] So maybe it would be better if I just abstain at this point because I'm not necessarily against it, but I just didn't feel like we really got a very good answer even when we got the answer. That's why. That's all. Mr. Turner. Thank you, Madam Chair. Staff has been in extensive conversations with industry for weeks, if not months.

[01:29:47] This is a simple motion about five feet on end units. Staff and the industry say that if we approve this, it increases attainable housing. This is a no-brainer. and if we do this for 46 motions you better pack a lunch because we're going to be here until 10 o'clock tomorrow morning this is an easy motion it should pass without a comment okay Mr. Kirshner I'm going to comment I know it's amazing I just I kind of agree with Supervisor LeTerno was it was

[01:30:23] I came in here I even had written a support this motion but then after the explanation was given I was kind of like yeah well if it's modifiable why are we kind of doing this so I think I mean I may just abstain as well. I'm not against it per se, but there's not a full explanation. That's all. Mr. Sains. Thank you. And yeah, same here. I had on my sheet two supporters, but again, I had one question, which was why and why the numbers. And unfortunately, Mr. Turner, I guess maybe you didn't hear what staff said. They couldn't even answer the question.

[01:30:53] What do you mean, who cares? If it was a slam dunk, they should have been able to answer the question. But that's not the right answer to say who cares because they can't even answer the question.

We're not doing that. We're not doing that. We're not talking to each other. And yes, to the point about, okay, this is for affordability, but again, if it's modifiable, any application, they can come in with whatever size of units they wanted to build, most likely.

[01:31:11] And again, it was pointed out by Supervisor Letourneau, if you pay attention to any of our applications, none of the end units ever are proposed as affordable units. They're always in the middle because the middle units are always smaller than the end units. So that's why I brought the question, why the number?

[01:31:28] We couldn't even get a straight answer on that. So that's why I switched from supporting it to abstaining on the vote, and I'll do so for this one, too. Thank you. Well, you're making my point, though. We're basically saying if you have to have an accessible home, you have to live in the middle. You can never have an in-unit, which is ridiculous to me.

[01:31:44] Of course they can have in-units, of course. But the answer, we've never done it that way, is not an answer to not start doing something different. That's a horrible answer. I want people who have to go into accessible homes to be able to have the option here and there to have an in-unit.

[01:32:02] Secondly, you know, I'm going to, this is one of these moments where I say to the industry, the industry wants to build attainable homes too, and they're not making money off of them. They want to have people be able to live here. We talk all the time about our firefighters, our sheriff's deputies, our nurses.

[01:32:20] We do this talk all the time. This is when we put our talk into action, and we're saying for this motion, two feet is the, we don't know why 19, I don't think anyone said go down to four feet. We said two feet on this motion, two feet, and more clarity, okay, I'll give you all that, but it's two feet, and I just think, I would never say no one needs to comment.

[01:32:46] please comment if you want to we are going to be here a long time but but staff agrees industry agrees which is again not always the reason it's two feet we need homes I want people to have in units if possible we don't have that much land left anyway to build anything this isn't this is one of the easy ones for me all right I think we're going to have half the board abstain all in Please say aye. Aye.

[01:33:17] All opposed and abstentions. Okay, so that will pass. Four, with Ms. Umstead, myself, Ms. Brixman, Mr. Turner. No, well, no, 4032, because two people are not here.

[01:33:35] So that will pass. Chair Randall, before you act on motion three, the fire marshal would like to address the board, if that's okay. Mr. Kiger? Mr. Kiger can address me anytime he wants. Hello, sir. Good to see you. On this motion, sir?

[01:33:55] This is a little more global, I guess, in response to the requested setbacks. I had to go back and find an email that I received on September 13th as part of the Zoning Ordinance Rewrite Committee.

[01:34:13] They were looking for specific information regarding side yards, setbacks, looking at reducing it. They were looking at my input from where I sit with providing factual information, whether I did or did not agree with allowing a reduction.

[01:34:38] So I'll read you my response. I didn't go through individual townhouse, single family dwelling, stacked, anything like that. Mine was more global. Okay. And I felt that it was appropriate to try to get the venue to be able to speak to the board collectively on this item.

[01:34:55] Okay. Okay. So in the absence of legislation or local ordinances that require a more restrictive position for fire protection to include mandatory installation of fire suppression sprinkler systems, non-combustible building materials, fire retardant exterior components, et cetera, in good faith, I cannot recommend or support reducing separation between occupancies.

[01:35:19] While I understand this response will not be the one desired for those in the development industry, or as we're seeing with board, I understand, fire separation distances as they exist today have proven to be insufficient or extremely challenging to defend against while trying to contain a fire or fires to a single occupancy.

[01:35:41] As a firefighter that has experienced these types of challenges firsthand within the county, as the fire official now, it would be extremely short-sighted of me to provide any recommendation which lessens those requirements in the absence of more substantial fire protection plans being in place.

[01:36:03] That is my response. So the issue is really doing the decrease with no more fire suppression there.

[01:36:19] I mean, if there was more fire suppression added, would you have a different opinion? I would. There would be a little more latitude. Okay. Things such as non-combustible exterior siding. I can give you a specific reference to an incident that occurred last summer down between Leesburg and Ashburn where a townhouse was fully involved within literally minutes of 9-1-1 being called.

[01:36:52] the family was able to make it out. And probably one reason why we did not end up with a row of townhouses on fire behind that townhouse was because it had non-combustible siding on it. And that is under existing requirements. As an example, the radiant heat, I know that we're talking literally my height, five feet, of some reductions with those distances, but even at 10 feet, we're already seeing problems with our existing standards, let alone reducing those.

[01:37:31] Without the non-combustible, you're seeing these. Yes, ma'am. Okay. Let me ask staff, is it reasonable to change this motion to put in language that says that non-combustible exterior siding is that correct so i want to be very transparent with something okay is none of my recommendations have been studied and such it's been studied but nothing from where i sit is the fire official uh on the front end would be through building and development

[01:38:06] through the uh requirements of the building official with construction codes is i can make all the recommendations that I want, but it cannot affect the price of building those.

[01:38:22] And the recommendation you just made, that's just one of others you might make if you have more time to think this through. Yes, ma'am. Okay. Thank you. Thank you. I appreciate that. Okay, supervisors, thank you. And hang her out because we have some things we're going to do tonight. Okay. Yeah, stay right there.

[01:38:39] Supervisors, I'm not going to make this motion. Does anyone else want to make this motion? Mr. Turner? Oh, sorry. Does anyone want to make this motion? No. Mr. Turner? I don't, but I do recommend that we have some further discussion in the interim here so that we can get to the bottom of that issue.

[01:38:56] And it then leads me to the question, Dan, without this motion, and thank you, Mr. Kager, I really do appreciate that. Without this motion, we have a motion tonight, Dan, to put this chapter to bed.

[01:39:14] Without this motion, can we do that tonight and then come back to that later? What would be your suggestion? The board has already endorsed chapters and then made motions afterwards. Those are all straw holes, so there's nothing preventing you from bringing a motion back for the 30th, or later for that matter, if you'd like to endorse it tonight and then still continue to work on it.

[01:39:34] Or you could just wait on your door. Okay, that might be what happens then. Okay, that might be what happens. All right, that sounds great. That sounds just wonderful. All right, supervisors, then go to chapter, I'm sorry, motion four. And it is Table 2.03, .02-1, Traditional Small Lot Neighborhood Zoning District Dimensional Standards.

[01:39:58] It's to revise table to remove 50% maximum lot coverage requirement in the Transitional Small Lot Zoning District. That's the motion. There's a motion on the table. Are you seconding the motion?

[01:40:14] I had a question. Is anyone seconding this motion? We can't ask questions without a second to the motion. This motion has been made and seconded. Is it a clarifying question for the motion, Mr. Sainz? Yes, it is a clarifying question. I'll go to you first then. Does staff feel that this motion will make it possible for builders to build bigger houses?

[01:40:35] No. We think as long as they meet the yard requirements, they're going to meet the open space requirements and not build larger houses. So do you feel they'll be able to build smaller houses, or just depending on the lot size, they'll just be able to build on the size that's available?

[01:40:54] We feel like there's really no impact based on these lots. They're so small, and as long as they meet the yards, the setbacks that are required, that's why we were taking that lot coverage out, because it's really ineffective.

[01:41:10] It would have no effect because the lots are so small. Okay, and would that hold for, if I may, Madam Chair, number five, because they're related? Well, let's wait, because you're at a point of clarification right now, so hold on. Okay. That's for the people. Mr. Turner.

[01:41:26] All right, thank you. Yeah, I had the same exact issue with this, and I actually thought this could be a case where we're going to hurt affordability by encouraging larger units. I'm thinking of the Fleetwood South application, which was in a transition compact neighborhood. I have a hard time believing that in that application, removing the lot coverage wouldn't have resulted in larger units, which is ultimately, I think, where we got anyway, but the board at least voted that way.

[01:41:55] but I'm not quite following in every case. You don't think that removing the lot coverage maximum would have any impact? I don't think we could say every case. I'm thinking of some cases where I think it could.

[01:42:12] So my concern for those that aren't necessarily following this is if you allow more lot coverage, then you allow larger units. But if you remember back to the comprehensive plan, what we were trying to do with the transition compact neighborhood was actually get more naturally affordable units by encouraging people to build smaller units, even single family detached smaller units or the quad duplex type of stuff which we have seen a little bit of so i was a little concerned i was concerned for that reason on this motion and i'm i'm not sure i'm quite ready to say that all those concerns have been alleviated at this moment yeah

[01:42:51] okay mrs brixman thank you uh what is the size of a small lot uh 9 000 square feet maximum for tsn 7,000 square feet in the TCN. Can you tell me what that is as far as an acre? An acre is 43 560s.

[01:43:14] Okay, so it's like an eighth or fourth? Really small. It's really small. And this is just for the transitional policy area? Yes, they're the new zoning districts for the transition policy area. And they're supposed to be a transition in very compact. So that's the whole nature of the small lots but what's the open space requirement it's 50 percent interesting for the development for the development so they could have like a bunch of common open space but like

[01:43:51] no front yard basically well the front yards are 10 10 feet gotcha okay all right i'm good thank you um an open space in this area open space is also um uh concreted areas is not open space it's an equal green space correct that's right for for residential properties it could mean you know a community gathering space it's not necessarily green you know the picnic tables and

[01:44:25] the the tot lots that's in it also i mean couldn't it also it it couldn't be some space that's just concrete or asphalt that's not a community gathering space that's my understanding mr hancock do you want to address that that to me that is not open space if it's i don't think open space either. I'm just asking that, do we call that open space? No, not directly. So you'd have to qualify for one of the types of open space in the table 702. Just a concrete pad area wouldn't qualify for that. But there are active recreation requirements. So if it was a sports

[01:45:03] court, that could be open space. Yeah, yeah, yeah. To Mr. Letourneau's point, do you guys have a response I mean wouldn't this wouldn't this push us to have larger homes which are less affordable it's it's possible we would have to do further study we have to do further study to bring back the facts on this one okay let me try this differently it could it's not going to it's not going to push someone in a way that requires it could it allow it yes it could also allow a larger single floor home instead of having the homes go up it gives you more flexibility to

[01:45:41] spread the square footage out. It's like a rancher instead of two, three. Okay. Not many. Yeah, yeah, these are, yeah, these are little lots with my house. But the acreage is how, what's the acreage? It's not, the maximum lot size is 9,000 square feet, which is a little less than a quarter of an acre. And so you're going to put an, how big of a house could go on that? Well, it's not, there's nothing limiting it, but other than to Judy's point, there's various setbacks and the

[01:46:21] other standards that reign in what the buildable area could be. Okay, let me try it this way. Is it any way saying yes to this gets us to more, a larger attainable home inventory? Larger?

[01:46:37] I mean, more attainable home inventory. Does it help with the attainable home inventory? Is anything about this going to help us get more attainable? Well, to my point earlier, it would allow for different types of housing to potentially be built that would be limited by by pushing the area they could build on a lot down even further the smaller you go the more the developer wants to go up but if you have a home that's potentially still the same size there's a single level it's easier to age in place it there's other benefits

[01:47:11] that aren't just attainable housing okay that's a good point that's a good point okay we don't have any ranch homes okay this one's tough this one's tough this one's tough he doesn't nope yes i know But I'm sorry, but no, we haven't gone out of order because you were asking a point of clarification, which is why I cut you off from asking just just talking in general.

[01:47:41] But if you want to talk right now before, actually, no, because I've already talked to guys, I'm trying to run these meetings like I run every other meeting so we're not big surprise and stuff. Let's just kind of all keep it together up here. Right. We have a long night in front of us. We're going to call this vote and see how this goes. All in favor.

[01:48:01] I made the motion. Mr. Turner seconded the motion. All in favor say aye. All opposed. Mr. Sainz is going to abstain. So that is a, yes, she's off today, yes, because I'm a no.

[01:48:23] I'm a no. I'm a no. So that motion will fail. And I don't, we don't know. Two, three, three. Is that right? Yes. Yes. Yeah. Oh, no, no, because one abstained. What was that? What was that?

[01:48:38] Three, two, three, one. Yes, yes. With Mr. Letourneau, Mr. Kirshner, and Chair Randall voting against the motion. Is that right? You voted against.

[01:48:54] Okay. All right. With three absent. Yes, with three absent. Y'all good? All right. Let's go to number five, which is much the same motion, actually. And again, for the purpose of the discussion, I will make the motion.

[01:49:13] For the purpose of the discussion, I will make the motion. I'm with the Board of Direct Staff to revise, oh, the table 2.03-1, Transition Compact Neighborhood Zoning District Dimensional Standards. This is a different neighborhood. So to revise table, to remove 50% single-family detached maximum and 60% single-family attached maximum lot coverage required for the Transitional Compact Neighborhood Zoning District.

[01:49:41] Motion made and seconded. I don't know. I want to hear discussion on the motion because it's a different zoning district. it's not quite the same thing. Mr. Letourneau? Yeah, so the compact neighborhood are even smaller lots, right? Can you describe the difference? Single-family detached lots of a maximum size of 7,000 square feet. Duplex, triplex, and quadruplex have no maximum, but because of the nature of what they are, it kind of limits the size that the lots will be anyway. And the difference between small lot? Small lot was 9,000 square feet. Yeah, so it's 2,000 square feet less. So I think

[01:50:14] the argument on the applicability of the 50 or 60 percent maximum lot coverage is better here in terms of flexibility and I have less concern about it impacting affordability because these lots are that much smaller and now you really are getting into pretty small lots where I don't think that's going to make that much of a difference on so I'm more likely to support this than I was the last one. Mr. Sains? Thank you. Does staff feel that this would permit more impervious surface

[01:50:49] on the lot? Would it permit? Yes, because by removing the coverage requirement, you're not limiting how much impervious surface there could be on that one lot. And would that hold for the previous item as well? Yes. Okay. All right. Thank you. I do like the idea because I do think you're correct, Mr. Galena. I don't think we have ranch homes in Loudoun County. Not a lot. Unless they're and, like, well, that's true.

[01:51:22] There are Sterling Park and, like, Potomac Green. But we could have more. And I do like the idea that maybe because it's a ranch, you could do more age and place than those. So, and this is a different zoning district. So, all right, I think I'm okay with this one.

[01:51:39] All right, all the people say aye. Aye. Opposed. Abstain. Did you say anything? Okay. Okay. Two, three, four, five. So that's six, three. With three people, six, zero, three. two people being off the dais okay

all right all right i move the board supervisors indoors chapter two zoning district zoem 2020-0001 zoning ordinance rewriters presented in attachment five to the october 23rd 2020 through 2023 board supervisors committee of the whole work session

[01:52:15] supplemental action items to all revisions reflections and the motions approved by the board supervisors on the october 23rd 2023 board supervisors committee as a whole work session during its previous work sessions. I further move that the Board of Supervisors direct staff to make the additional staff recommended revisions for Chapter 2 as presented in the attachment 6 of the October 2023 Board of Supervisors Committee as a whole work session supplemental action item and attachment 7 correction sheet to the October 23rd supplemental action item.

[01:52:43] Motions made to endorse this chapter and second it. I don't really have any discussion. I think that we may have to come back to number 3 at some point after we get some information about the things that Chief Kiger was talking about. Otherwise, I think that this chapter can go to bed.

[01:53:00] Anybody else? Ms. Rixman. Thank you. So the changes that are in this chapter, were they all made based on motions or straw polls? Yes, all your motions to date have been straw polls.

[01:53:16] Yes. Okay, so like, for example, when I see TRC 2.0101E3B and there's a whole bunch of stuff crossed out, we already considered that in a straw poll, right? It's the third column down in attachment six.

[01:53:32] Are you looking at the draft zoning ordinance? I'm looking at attachment six for chapter two. Oh, yeah, the quality control.

[01:53:48] Those you did previously endorse those. Okay, all right, thank you. I'm good, thanks. All right, motion was made and seconded by Supervisor Sains to endorse chapter two.

[01:54:07] All in favor say aye. Any opposed? That motion will pass, 5-1-2, 5-1-2, no, 1-2-3-4, 6-1-2, yes, with Ms. Umstead being against the motion, and Ms. Glass and Mr. Buffington being up to this. All right, chapter three motions.

[01:54:42] There are a lot of motions in here that Ms. Glass has made. She's not here. Chair Randall, I'm so sorry to interrupt. I spoke incorrectly to Supervisor Bristman's question. the I further move part of the number six motion.

[01:55:00] I don't think you made that motion. I did. Did you make the I further move? Okay, I'm sorry. I nodded off apparently. That's okay. So to clarify, that was the endorsement of the attachment she was asking about. Yes, I did, and I did. I promise I did. Thank you. That's okay. All right. Chapter three, number seven, it's a motion from Ms. Glass.

[01:55:27] Mr. Sainz, would you mind making that motion? Not a problem. I move that the board directs staff to add convention or exhibition facility as a special exception used in the Industrial Park Zoning District. Second.

[01:55:43] Would you like to open? I believe this is in regards to previous conversations that the board, along with Ms. Glass, has had regarding possible art facility or something to that effect.

[01:56:00] So I'm definitely in support of it. And I will give that second to Ms. Bricksman. All right, Mr. Kirshner. I just want a clarifying question. Thank you, Madam Chair. Is that this is not presently allowed,

so a special exception would actually make it more attainable in this, and under this zoning district, correct?

[01:56:20] Yes, that's correct. Okay, thank you. I support the motion. All right, we've got to close. All right, all in favor, please say aye. Any opposed? That motion will pass, 702. Chapter 3, number 8, Mr. Turner.

[01:56:39] Thank you, Madam Chair. I move motion 8, Chapter 3, Uses Data Centers. I will second that. Very briefly, data centers are popping up in office park-zoned districts all over the county, and right now we have very little control over even visibility of those because they're developing so fast by right.

[01:57:01] All this does is attempt to establish and reassert some managerial control for the board over OP districts. Thank you. Anybody else to speak on that? Nope. All right. All in favor say aye. Aye. Opposed? Nay. Abstention.

[01:57:20] Okay, so that one will pass five, um, four. I didn't abstain? No, no. I said any abstentions. I'm asking that anyone abstain. I'm voting for this. So, yeah, so I think it was just Ms. Umstead and Mr. Kirshner who voted no and then we have two people off the dais.

[01:57:44] Okay, thank you. Yep, five, two, yes. All right. Number nine. Mr. Letourneau. Do I have to go right to a motion or can I have a little discussion on this first? No, you've got to go to a motion right now. I'll go to a motion to have the discussion.

[01:58:01] I move the board direct staff to remove wholesale distribution, warehousing, and storage as permitted use in the commercial light industrial zoning district. Okay, you can discuss on the motion. You have an opening and a closing. Yeah, so I'm open to some discussion over a special exception designation, but what I'm trying to get at here is, so the CLI zoning district only exists in the Route 50 corridor, all of the properties on the south side of Route 50 are basically a checkerboard with residential housing mixed in and some commercial uses. My concern would be this type of use right now, we sort of mix in with all the other industrial districts.

[01:58:41] But I think it's true, and staff can jump in here, that this last mile distribution or that type of use can generate a lot more traffic than a normal flex industrial or even a normal warehouse type of type.

[01:58:59] It's the distribution that I'm really getting at here that's a concern because of the road network and we have a lot of individual parcels here that don't have good access and would require access directly on Route 50 from individual lots, yet we have a county policy that doesn't permit access to Route 50 on those lots because of the future plan to go to limited access.

[01:59:24] So I'm trying to sort of head off what I see could be future problems and also deal with a traffic generation issue. Staff doesn't support the motion because it says warehousing type uses are envisioned in the county's industrial districts. But would you not acknowledge that the CLI district is kind of a different animal completely than all the other ones?

[01:59:47] You are correct. It is along Route 50. It was there to replace the light industrial district that was under the 72 ordinance. I can't speak to the traffic generations. That would be something that the Department of Transportation and Capital Infrastructure would have to speak to.

[02:00:08] Okay. The uses are a variety of uses. It is similar in nature to the RC when there is such a variety of uses that are permitted there. Something that is not here that I would want to mention is that

there are existing businesses that are there under these uses, and so if they wanted to come in and expand, they would need the special exception, or if they removed it, they would not be in conforming.

[02:00:39] If I did this as a special exception, staff would be more comfortable. Yes. And then could we put performance standards with a special exception, though? You could put conditions of approval with the special exception, yes. All right, so I will go ahead for the purpose of discussion this evening.

[02:00:55] I'm not sure if you'll allow me to modify my motion to make wholesale distribution warehouses and storage a special exception use in the Stoning District. Okay. Who gave me a second? That was your second? Yeah. Do you agree with that? Yes, that's fine. Okay, so you're good? Okay.

[02:01:11] Do you want to talk on this? I just want. No. You can go on, ask your question. Okay, good. All in favor with the modified amended motion as he stated it and seconded by Ms. Bricksman.

[02:01:32] All in favor, please say aye. Aye. Any opposed? Okay. Okay, that motion will pass 6-1-2 with Ms. Umstead voting against the motion and two people being off the dais. Okay. We are going to go on and do the endorse this chapter.

[02:01:51] I move the Board of Supervisors to endorse Chapter 3, Uses of ZOAM 2020-0001, Zoning Ordinance Rewrite, as presented in the Attachment 8 to the October 23rd, 2023, Board of Supervisors Committee of the Whole Work Session Supplemental Action Item, subject to all revisions reflected in the motions approved by the Board of Supervisors during its October 23rd, 2023, Board of Supervisors Committee of the Whole Work Session, and during its previous work sessions.

[02:02:19] I further move the Board of Supervisors direct staff to make the additional staff recommended revisions for Chapter 3 as presented in Attachment 9 to the October 23rd, 2023 Board of Supervisors Committee as a Whole Work Session Supplemental Action Item and Attachment 10 Correction Sheet to the October 23rd, 2023 Supplemental Action Item.

[02:02:41] The motion is made and seconded by Supervisor Sains. This motion is the endorsement of the chapter, and I don't think we even have anything kind of hanging out there for later on this chapter. I think we hit it all on this one, so that's great.

[02:03:00] Anybody else? All in favor, please say aye. Aye. Opposed? That motion will pass 6-1-2 with Ms. Umstead voting against the motion, Ms. Glass and Mr. Buckingham being off the dais. Okay, as we go into Chapter 4, there's a couple things.

[02:03:16] One, there's a lot of motions on Chapter 4, a lot. And Chief Cogger, I think we're going to meet you up here for some of these discussions on Chapter 4. I also have been told that the motion put forward by Supervisor Glass, which is motion number 12, is really not needed because we had this discussion and did this the other day on the dais, and so we didn't give staff any different instructions to need this motion.

[02:03:46] So I'm going to pull this motion, motion 12, because it's just not required. It's just not needed. And then we'll go from there on all the other use standards. After we do this chapter, which are a lot, we will take our break. So chapter 4, number 11, Ms. Bricksman.

[02:04:05] Thank you, Madam Chair. There is a motion 17, if I might. Wait, what are you doing right now? If motion 17 passes, I'd like to add distillery limited to motion.

[02:04:20] Wait, whoa, whoa, whoa, whoa, whoa, whoa. If motion 17 passes, I'd like to add limited distillery to motion 11. I'm sorry, aren't we on motion 11? We're on motion 11, which is data centers.

[02:04:37] I know. I want to add the distillery. I'm adding standalone religious assembly. If motion 17 passes, then I would add distillery. I'm asking you to do 17 first. Well, but 17 is not your motion.

[02:04:54] It's Mr. Turner's motion. Okay. Okay. Point of clarification, ma'am. Yes. I think what Suarez Brissman is saying is right now limited distillery is not a use in Chapter 4. So she can't add it as a limited use because it's not a limited use.

[02:05:11] If 17 passes, it becomes a use in Chapter 4 and she can now add it. I understand. Would you like to make the motion, Mr. Turner? Sure. Sorry, I didn't think you understood. Too much mansplaining. Motion 17, I move motion 17, Section 4.08, Chapter 3, Uses, Chapter 12, Definitions, Limited Distillery.

[02:05:34] Motions made, thank you by Supervisor Turner. I'm sorry, motion made by Supervisor Turner, thank you by Supervisor Bricksman. Mr. Turner? Thank you, Madam Chair. Again, I briefed it during the Committee of the Whole. I'm just bringing this motion to add Limited Distillery to the Chapter 4 Uses so that it can bring into play the Chapter 7 noise restrictions on those uses.

[02:05:56] If I could, I do have a question for staff, Madam Chair. Sure. Stakeholder Group 5 and 6 has asked if we could add a Section C under the definition of limited distillery, and that Section C is intensity character colon outdoor tasting rooms or similar outdoor activities must be set back at least 50 feet from all lot lines of adjacent agriculturally or residentially zoned properties under separate ownership until zoning amendment until the zoning amendment review i'm not convinced that that's appropriate to add that subparagraph and that isn't if that isn't a

[02:06:34] rural discussion but i wanted to check with you before i made a friendly to my own motion my thinking is the same as yours i'm reluctant to to just add that without thoroughly looking at it in the context of Western Loudoun and the Futures OAM. Okay, that was my thought. Thank you for confirming that. So my motion stands as made, Madam Chair. Okay, Mr. Kirshner. Thank you, Madam Chair. If I could ask staff a question concerning this, I understand what Mr. Turner, I think, is trying to do in part, but if we adopt this motion, Motion 17 as currently read, how does it change how we're operating right now, or would operate if we didn't adopt it?

[02:07:14] Because my understanding is we're treating distilleries largely like we are breweries. Yes, currently the use is not specifically listed in the zoning ordinance, so we administer it similar to the, we administer it the way we do limited brewery. That's one of the reasons in the staff background section, one of the recommendations is that we repeat the use-specific standards that are there currently for brewery.

[02:07:39] That way we are treating both uses the same. Okay, so just adopting this motion, how different will that be then than how we're treating breweries at the moment, limited breweries? It would be, we heard that you did not want to add the intensity and character, so that would not be regulated where it is now.

[02:08:02] Okay. And I believe the other one is regard to the public access easements. That would not be subject to, the distilleries would not be subject to that either. Okay. So, Mr. Turner's motion, part of this was so that these establishments would be subject to the zoning ordinance. Is that needed?

[02:08:28] They would be subject to... Or to the sound ordinance. There are additional standards in the noise requirements that are to specific uses within the Chapter 4 requirements. All uses are subject to the noise standards.

[02:08:46] However, there are specific uses within Chapter 4 use-specific standards that have an additional level of noise standard that's applied. This would be implying that additional noise standard. And what is that additional noise standard? So we're all clear here because that concerns me.

[02:09:05] It's the outdoor music, right? Yeah, so the additional standards would be to prohibit loading and unloading or other noise-producing activities within 200 feet of an existing principal dwelling, and to prohibit outdoor music after 11 p.m.

[02:09:22] So that's presently not prohibited? I guess maybe I want to make sure I understand the question. If this motion passed, what you've just listed would now be prohibited? Yes, if the motion passes, that would be prohibited for limited distilleries.

[02:09:41] and is it currently prohibited for for limited breweries yes okay uh okay that was that thank you for that part okay so basically we're going to be treating these distilleries pretty much the way we're treating limited distilleries is that correct that's correct it's bringing the two in alignment with each other similar and that's basically the way we're treating them now yes all right all right thank you uh mr saynes thank you will this motion align with the

[02:10:14] the Virginia state code or is there something different it doesn't conflict with the state code in what way do you mean does it align with the state code what like what is the state code mentioned now or what's the rules for limited distillery for in the state code Courtney do you know the answer to that question Mr. Hobby has joined us sorry that's fine Mr. Hobby's here I'm sorry could you repeat the question does this align with the Virginia state code for

[02:10:52] limited distilleries or is it they'll be separate does the the question is Does the motion make this align with Virginia State Code for limited distilleries? I'm still a little unclear as to what currently is, after this discussion, what is still included in the motion and what is not.

[02:11:14] I'm sorry. All right. Okay, just give me a sec. Mr. Sains, he's asking for a point of clarification. I will go back to you for that in just a sec. He needs a point of clarification.

[02:11:31] - Yeah, I need a point, that was my main question. Because the reason why I asked that question 'cause I believe Visit Loudon and others, I believe, would like to see it aligned with the, would be more inclined to see it aligned with the state code. So that was my question, that's why I'm asking.

[02:11:46] I don't, Madam Chair. I see some members of one of those organizations here now, that they, could you allow them to come in? - Who is it? Who do you see here? - I see Ms. Copeland and Ms. Bingle are in the audience, I believe they're with the-- - They're not.

[02:12:04] - Farm Bureau, no? - No, no, no, no, no, no, no, no, that's not, no. - I'm just asking you if that's allowed for them to come and answer the question. - No, no, no, no, because that is not one of our, stop this time, that is not one of our industry areas that we're talking to right now.

[02:12:23] We've saved those. I'm gonna come to you just a second, Mr. Turner. You're like Arnold Horsiak and Welcome Back Carter right now, that's not one of the industry areas that we are having speak during this zone ordinance right now. And so I believe you have a colleague that has the answer, and I will come to him next.

[02:12:44] But we're not going to do that, because they're here for a different industry area. Okay. But would you like to have, would you like to see a Mr. I'd like to hear from staff and Ms. Sidner first before Mr.

Turner. Okay, all right. I think staff just said they have no idea. Ms. Sidner?

[02:13:01] So I guess I would have to do specifically what is the concern about state code I mean, the motion adopts the definition of limited distillery from the state code. So in that regard, it would align. I think I heard one of the purposes for this was to subject those that used to the additional noise requirements.

[02:13:21] I do not believe that that would conflict with the state code. So beyond that, I'm not aware of a conflict between this regulation and the state code. If someone had a specific concern, then we could look at it. But just from that perspective, I don't see an issue.

[02:13:39] That answers my question. Thank you. Okay. Mr. Turner, would you like to do any clarification on her answer or anything else on that? Yeah. So I talked with Visit Loudon at length. The original definition came in, which is more extensive than this.

[02:13:55] After talking with Visit Loudon, I went into the Virginia Code. The Virginia Code doesn't specify anything. It doesn't even define limited distillery. It simply says this kind of establishment can be issued a limited distillery license, which is why what I did here in the motion was say any establishment issued a limited distillery license in accordance with Virginia code to establish, in fact, what it is that we're trying to create a use for.

[02:14:21] And then once we create the use, all the noise ordinance related to it has nothing, no corollary in Virginia code. That's strictly allowed ordinance. I understand. Thank you. Ms. Umstead. Oh, thank you, Madam Chair. So the challenge with this is we don't have anybody from either side on this.

[02:14:43] We don't apparently have anyone advocating for this from the industry, and we also don't have any residents who are in close proximity to any of these facilities. And so it makes it really hard to decide what the best approach is.

[02:15:07] Apparently, we are seeing more and more criminal complaints being made to the sheriff's office about too much noise in the rural areas, noise being generated by event venues, wineries, breweries, and now theoretically maybe various kinds of distilleries.

[02:15:28] I think that's going to become more of a problem for the board as those folks come to the board for some kind of relief. But I wish we had people in the room tonight that I could ask for both sides of this issue.

[02:15:45] I'll probably be voting no because I don't think I've got enough information. Thank you. So we do have people who've advocated for this issue. That's why it's in the package because they would send us this information. and there are people in the room and people who have strongly advocated, although I do agree that we haven't...

[02:16:04] I don't know that... I am being very careful about doing rural policy things right now. Very careful. I don't know that this applies because this is totally new. All this does is align distilleries to breweries, but it doesn't take anything from breweries.

[02:16:20] Breweries won't have... There's nothing less than anyone gets than they have right now, So nothing is being taken away from anything that's in the rural policy area. If it was, I would not support this. I just would not. But since it's not, I think I can support this.

[02:16:37] It's just basically saying that there's nothing on distilleries. Let's put something here so that when we do get to the rural zone, we have something in here already. We've at least talked about distilleries. But am I correct? This doesn't impact breweries or take anything away from breweries at all, correct?

[02:16:54] Correct. this question does not relate to breweries it does not this is this not pertain okay all right so so as as as light on my feet as i am about doing things in the rural policy area i think this one is the exception i'll make because it's it's an industry it's it's it's a blank hole and we're basically putting some structure around it for later but there's nothing that is nothing that's being lost right there in the in the rural policy area right now so i think i can get get my head around this one. Mr. Turner, would you like a closing? Thank you, Madam Chair. So the intent behind this was to say Loudon's noise ordinance, which applies to commercial establishments,

[02:17:34] it's just a noise ordinance, it's not even commercial establishment, ought to apply fairly and equally to all entities within Loudoun County. And right now, the farm winery and the limited distillery are not subject to that noise ordinance because they don't have a defined use in Chapter four. All this does is establish a common base of regulation regarding noise to establishments where it clearly ought to apply. So that's all I was trying to do here. Okay. Thank you. All right.

[02:18:03] All in favor, please say aye. Aye. Any opposed? And we have two people who are not here. So that's a 6-1-2 vote with Mr. Buffington and Glasstein here, and Ms. Umstead, Ms. Umstead is voting no.

[02:18:19] Madam Chair, may I interrupt briefly? I'm sorry? Can I interrupt just to clarify the last motion? Sure, sure, sure. So the one thing we want to note is that because we're separating this from limited brewery, and this is listed on the right-hand column, that there are standard, use specific standards for a limited brewery that were not captured in that motion.

[02:18:37] So part of staff's recommendation was that those be carried over. I don't believe that was part of the motion that ended up being made. So if you would like to do that, we need that further instruction. I don't think we were trying to do that. Okay. No, I think that's right. I don't think we're trying to do that because we weren't trying to do anything with breweries right now.

[02:18:52] Well, no, but because the distillery was defined as a brewery essentially for the purposes of regulation, it had more standards before that were not carried over by the motion that was just made. If you want some examples, location right now, a limited brewery, distillery are treated the same.

[02:19:13] So they would need to be located on land zone agriculture. They would need to have at least 10 acres of contiguous land. outdoor activities must be set back 50 feet from all lot lines limited distilleries would not be subject to those regulations because they are not part of this motion they currently are now because we treat them administratively the same just tell us what motion we need to make i don't know what you just said to me mr kirsten do you have anything are you good are you good so do you mind

[02:19:47] if i have a point of clarification yeah point of clarification so if we had just left it alone and and not passed Supervisor Turner's motion, you would have carried them over for further rural zoning ordinance amendment discussion and continue to treat them as if you are treating limited breweries now.

[02:20:06] Is that correct? That is correct. Well, that's what I was concerned of. That's what I ask. Well, no, I'm sorry. I don't mean to say that. No, I'm sorry. That's the concern. That's why when we start messing

with one area, we have other areas arise. And Supervisor Turner's point was that this noise ordinance would have to now apply, but you're going to apply the noise ordinance the same way anyway.

[02:20:29] We'll apply the general noise ordinance. Kind of circling back to Supervisor Sain's question earlier, the Code of Virginia speaks to that the noise standards for breweries can't be any more restrictive than other uses except for amplified music.

[02:20:45] That additional standard that Supervisor Turner was trying to impose on distilleries was the amplified music time regulations. However, because we currently do not have distillery as a distinctive use in the zoning ordinance, we administer it as it is a brewery. This motion would create a separate use and separate use specific standards for distillery that are not duplicative of limited brewery. So if you look at attachment 11 in the supplemental or page 304

[02:21:23] of the supplemental those are the use specific standards for limited brewery and if you compare that to the language you would scroll back up to the motion for distillery or down whichever way it is so let me just ask I actually asked a question does this change anything at all with our breweries it doesn't the issue is that it's changing what happens for a distillery the result of the motion is that they're somewhat less regulated than they were before because of how we were administering it okay we just want to make that clear okay Mr. Turner how do you feel

[02:22:00] about that uh the law of unintended consequences has smacked me in the face here um my intent of bringing this was to apply the noise ordinance but it appears from what I'm hearing is that in making the effort to apply the noise ordinance I've dragged in a whole bundle of additional repercussions on a limited distillery that we really haven't thought through or discussed which leads me to believe I would probably entertain a motion to re-vote that last motion. So moved.

[02:22:34] Defer this to the rural zone. Okay, so let's make a motion to reconsider the last vote. I move that we reconsider our last vote. I second that. Okay, discussion on that. All in favor say aye. Aye. Aye. Any opposed?

[02:22:54] All right, so we've got to make consideration. Let's make another motion to We just remake the motion. Or just take the motion out. Or just take it out. Just make that motion that you want to, I've lost a word, that you want to, what's the word?

[02:23:14] Withdrawal. Withdrawal the last motion and it is no longer. I move to withdraw motion 17. And it is no longer viable. Mr. Kirsten, would you like to make a second? Yes, you do. Say second. Oh, second. That was the motion. Sorry. No discussion.

[02:23:29] No discussion. Ms. Brixman, discussion? Okay, Ms. Brixman, discussion? All of the people who say aye? Aye. Opposed? Okay. Ms. Brixman, having done that and wasted that 15 minutes, would you like to make a motion?

[02:23:46] Yes, ma'am. I move motion 11, section 4.0602, data centers, table 4.0602-1, facade standards. Do you want me to read it, Madam Chair? No, that's up to you. Okay. Okay, motion's made for facade standards.

[02:24:03] Is there a second on her motion? Second. Motion is made and seconded by Supervisor Turner. Discussion on the motion. Ms. Bricksman. Thank you, Madam Chair. So this goes back to our discussion

about where primary facades should be on data centers, and we had a discussion about what is a religious assembly, and they can assemble in a lot of different places.

[02:24:25] So this fixes that so that any standalone religious building would require a data center have a primary facade if it was facing that church or synagogue or temple thank you madam chair thank you anybody else second closing no ma'am okay uh motion is made by supervisor brixman second by supervisor turner all people say aye opposed nay how many nays did i get on that one two nays okay

[02:25:00] that motion will pass five two two with um supervisors kirsch i mean yes kirschner and i'm stat voting nay on that all right i don't uh we are on we are on so chapter uh uh item number 12 it goes away because we don't need it so now we're on item number 13 which is our motion number 13 which is from supervisor saints and glass supervisor saints would like to make that motion chief kai would you like to come down to the podium sir i think we may have questions yeah sure i'll move that the board direct staff to revise section 4.07.02.b to add

[02:25:40] new requirement for soundproofing when when a utility scale energy storage facility is located on property adjacent to residential which would read as follows i'm not going to read the whole thing i'll save some time and then have an opening okay you can go i'm sorry i'm sorry motion made second by miss brixman um before we do anything else mr kiger do you have anything on this did you want to say no ma'am okay thank you stay close yes Mr. Sainz would you like to have an opening no I'll just simply say this language is similar to a recently endorsed requirement for data centers this induces similar language in regards to soundproofing screening for just like

[02:26:20] we did for data centers this will apply to the energy storage facilities Mr. Kirschner so I have Just a couple of questions on energy facilities. Do we have noise issues with energy storage facilities?

[02:26:38] I don't know enough about them to really understand that. Can anyone speak to that? I mean, obviously, I would imagine with all those batteries and whatnot, they would have some heat being generated, but I can't imagine it's anything like a data center. They can make a humming sound. Yes, a humming sound. So would this motion require that those soundproofing be put in, even if it's not going to be impactful at the property line or anything along those lines?

[02:27:05] Or is it just a mitigating factor that would be automatically put in every time? Do we know? It looks like it's automatically required based on the wording of the motion. So if technology changes or the humming sound is to the point where you can't even hear it, they're still going to have to spend all this money on these energy storage facilities to put soundproofing equipment in that may not be needed.

[02:27:35] That would be my concern here. I would be all in favor of this, but this is pretty new. And just requiring it automatically doesn't seem to me to be perhaps the right requirement unless there's been a little bit more study.

[02:27:50] And I know this is a new industry, and this is something we definitely want to come here into the county. So I'm a little concerned about just wholesale saying we're requiring soundproofing requirements when no one seems to know whether they would actually be needed or not, unless someone can speak to that otherwise.

[02:28:06] Okay. Mr. Turner? Madam Chair? Yes. I would like to just add to advise the board that these battery energy storage facilities of the utility scale, they will be installed inside of a cabinet or inside of a building, a shed that meets the NFPA requirements.

[02:28:30] So they are already in a shelter like this. Unlike you would see like a pad-mounted transformer, this would come inside of a building. So you do not believe this motion is needed, is what you're saying?

[02:28:46] That's what I'm recommending, yes. So, okay, so let me just... I can show you photographs. No, let me just say this back to you to make sure I understand what you're saying, because, so you're saying you do not believe this motion is needed, because what the motion is is already required, that they are already in a facility, a small facility that patched the noise already.

[02:29:11] Correct, and they're subject to the noise standards already. So it already applies. Okay. Well, Mr. Sains, would you want to keep the motion on the table? Oh, yes. Oh, yes is the answer. Okay.

[02:29:27] Okay. There's an oh, yes. Ms. Bricksman. Thank you, Madam Chair. So who would enforce this? Zoning enforcement. Just the county. Right. As an application comes through, it would have to show compliance with this on its legislative application, its site plan, what have you.

[02:29:46] So what if Dominion owned it and wanted to put it on property that Dominion owns, would we have any authority? Yes. So they would still have to come to us?

[02:30:03] Yes. Okay. All right. Thank you. Mr. Letourneau? But couldn't these potentially have cooling units? And the cooling units could be external. So we put these exact same standards in place for data centers.

[02:30:20] And I think you could make the same argument that Supervisor Kirshner just made, which is that at some point in the foreseeable or not future, maybe technology improves to the point where you wouldn't need to do that. But, you know, I was about to say, I don't know that we can completely future-proof the zoning ordinance.

[02:30:39] So with the prospect of cooling units involved here, I think it would be reasonable and fair to apply the same standard that we have for data centers to these. And then if at some point in time that is not necessary or needed, then we can pull it back.

[02:30:57] But you don't have it, and it's not in the zoning ordinance, and something gets built, you can't apply it retroactively to those structures anyway. So I think in this case, given where this is, I would be more comfortable supporting the motion.

[02:31:13] Mr. Turner? Thank you, Mr. Turner. Mr. Turner? Thank you, Madam Chair. I'd like to propose a friendly, if Vice Chair Sains will accept it, just add the words to the very last sentence at the end, in compliance with Section 7.0503. right now the words are in there and they are descriptive but not prescriptive because there's no objective measure all this does is tie it to 55 decibels at the receiving property line in 7.0503 so in other words in compliance with section 7.0503 so you're saying well actually the next motion 14 actually covers what you're just talking about mr. turner where motion to

[02:31:52] adhere to noise to study standards as follows so that's that's actually the the next motion on 14 um so if you want to combine the two uh to combine 13 and 14 then i'll be i'll definitely accept that yes with the following caveat i think the g subsection i just said 7.0503 because it captures all of 7.0503 i think the g subsection just talks about how to conduct the noise study but the 55 decibel limit isn't subsequent so how about we just let this stand okay then i'll accept

[02:32:28] that friendly and then still we'll do. Madam Chair. Yes. So I'd like to add that the the text that the board has already. I'm sorry Mr. Kroboth just one second. Just I'm sorry Mr. Turner we're still in your

time. Were you finished? I'm done. You are done. Okay Mr. Kroboth. I just wanted to remind the board that the text that has already been adopted by the board endorsed by the board for section 40702 stipulates that all of section 705 applies to battery energy storage devices already. You've already made that action. I think you're

[02:33:04] speaking on the next motion though. Well, Supervisor Turner just Okay, well, but the friendly was about the next motion. And that document is attachment 14 to your supplement. Right. What does adjacent mean? So story facilities located in property adjacent to residential. What distance are you in the, when we talk about data centers, because we're trying to match these things, what does adjacent mean? Butting or directly on the opposite side of a dedicated public road. So it's not a length standard? No, not specifically.

[02:33:41] Not a specific length standard. Okay. All right. All right. Motions made by Supervisor Sainz. Second, I think, by Supervisor Bricksman with an accepted friendly from Supervisor Turner. Would you like to have a closing? Yes, ma'am. Thank you. Yeah, I think, you know, we had a good conversation.

[02:33:58] You know, yes, this is a new industry that is a potential here in our area and I look at just similar to the data scenarios where we didn't have any guardrails or any protections for these things and then as we saw the effects of those for many years we put in place some soundproofing measurements and buffering and such so I think we need to do the exact same thing for for this item for this industry as well yes he might be enclosed in a case but we don't know if that case is soundproof or not we know there's going to be some equipment outside there to be making noise we just heard from staff that there

[02:34:33] is buzzing from this from this utility so I think it makes sense for us to do do this and in place of having them in starting to come into our county so thank you okay all in favor with the including the the friendly please say I oppose any opposed he was a friendly attached by Mr. Turner it was accepted. No, not quite. That's why it was a friendly. Sorry. Would you like to say what the

[02:35:10] friendly was, Mr. Turner, so Mr. Kirscher can be on? My friendly was the motion 13, and it simply added the words in compliance with section 7.05.03. The motion 14 afterwards specifically says if you're going to do a noise study, you have to do it in compliance with subparagraph G.

[02:35:27] Mine's a little less restrictive and just wraps the whole thing into 70503. You're actually going to go with nay for now nay for now okay I think that was uh six one two I think that's what that was with Mr. Kirshner being a nay and then people up beyond today's okay now we're going to go back to section 14 which is also sands and glass and we would just kind of have a discussion about the discussion Mr. Korboff you may want to reiterate what you just said Mr. Sands would you like to make the motion yeah I'll make the move I'll move the board direct staff to add a new subsection to

[02:36:02] section 4.07.02.B that requires utility scale energy storage facilities to adhere to the noise study standards as follows. Noise studies, the use is subject to the noise study standards pursuant to section 7.05.03.G. Okay. Motion is made. Second by Ms. Bricksman. Mr. Sains on the opening.

[02:36:25] Thank you. This would require the pre and post construction noise study that is also required that we just voted for earlier that approved for data center. So pretty much just taking the same steps and applying it here to this new industry as well.

[02:36:42] Okay. So, Mr. Kroboth, what were you saying on this one? Say that again, please, for me. What I was referring to, Madam Chair, is that all of Section 7.05, which both board members have been referring

to, already are subject to battery energy storage.

[02:37:00] So, this is just a redundant statement within the ordinance. it's perfectly fine if that's what the board wants to do. So once again, let me ask this question. You don't think this motion is needed? No, no, no. I don't think it's needed because it's covered under what you've already approved, but there's no harm in doing it.

[02:37:20] There's no inconsistency created. Yeah, I don't think it is either, but okay, that's fine. Anybody else want to speak on this? Mr. Kirshner. Yeah, I mean, I would support it because this is the concept that I think we do need to follow, but not requiring the mandates that were previously required without the study.

[02:37:38] So I would support this, but it sounds like it's already in the code. But we're going to vote on it anyway. Okay. We'd like to have a closing. All the people who please say aye. Aye. Any opposed? That motion will pass 702. Number 15 is Ms. Glass, just Ms. Glass.

[02:37:57] Yeah, so would you like to make that? Sure, I'll make that. Okay, Ms. Brixman's going to make that. Thank you. I move motion 15, Section 4.07.02.B.11, Energy Storage Facility. Motion's made. Mr. Sainz would like to make a motion, make a second motion.

[02:38:17] Okay, motion's made and second by Mr. Sainz. Ms. Bricksman. So this applies buffer C, buffer type C, to the utility scale energy storage facilities. We already have this on, you know, like transformers and those sorts of things, so I think it's a very reasonable thing to add for the utility scale energy storage facility.

[02:38:40] appreciate Supervisor Glass's office working on this and happy to make the motion. Thank you. Thank you. Anybody else? Seeing none, all people say aye. Any opposed? That motion will pass 702.

[02:38:57] Mr. Turner. I'm withdrawing 16, Madam Chair. You're withdrawing 16. Okay. All right. 16 has been withdrawn. 17 has been dealt with already. We're going to go to 18. Are you withdrawing that too? Not mine, Madam Chair. That's not yours. I'm sorry. That's, oh, that's yours. Oh, that's yours. Hi. How's it going? I'll make this motion. I'm with the Board of Direct staff to change agricultural processing as a standalone principal use from a minor special exception to a permitted

[02:39:33] use and to add new use-specific standards for standalone principal agricultural processing uses that are based on the regulations for small business uses as depicted in the attachment 15 to the october 23rd 2023 communities whole work session supplemental action item second motion main second before i go any further does this impact anywhere in the county anywhere in the county or this is is this just a rural policy area motion this is just for the ar1 and ar2

[02:40:09] zoning districts? AR1 and AR2, you have some of those? Well, she didn't say AR3. She didn't say AR3. So the answer, this is just for rural zoning districts? Yes. Help me understand, and I don't mind making staff motions that I may or may not support. Help me understand why you all think this motion is important when it only applies to the rural zoning area. I am very, very, very antsy about doing things that only apply to the rural zoning area when we have said to them, go away,

[02:40:49] Enjoy yourself. Have a holiday. Take some time. We'll see you in January. And now we do this, there are going to be people who are going to feel like, and rightly so, that this board has been, and not staff, but this board has been less than transparent if we do this. Tell me why this is important for us to do

this right now. This has been a very large topic of discussion from the farming community within the rural areas.

[02:41:24] We have had numerous meetings with them about how the rural farming community works now and how they process their items, how they want to do it within their own areas.

[02:41:40] The Planning Commission brought this forward. Currently, the zoning ordinance only allows agricultural processing as an accessory use. I'm not arguing with the actual motion. I'm asking why now? Why now and not wait until it rules OM?

[02:41:56] That's what I'm asking. I understand the motion, but why now? This is something that we can address now. We currently have the small business regulations and agricultural processing could be viewed similarly to a small business within the rural areas.

[02:42:16] We already have these standards in place, and therefore this would create a tier system to allow agricultural processing as a permitted use. During the discussion, did you hear anyone who had another view on this item? No, we have only heard people who support adding agricultural processing.

[02:42:38] The entire time we did public hearings and all those things, Newton didn't hear any other opinions on this one? No, no negative opinions. Okay, that's helpful. Thank you. Mr. Kirshner? So thank you, Madam Chair, for those concerns. I share a lot of those same concerns. In this particular motion, I'm going to support this because if you read in the kind of the description, I think this is what gives me, this gives more freedom to agricultural uses.

[02:43:02] And I think the concern is we don't want to overregulate our agricultural uses. And this is just one of those that they've been asking, the Farm Bureau and others have been asking for a while. Right now we can use it as an accessory use, but we'd kind of like to open up a piece of land as a standalone or, you know, wherever it would fit.

[02:43:22] And I think it just promotes agriculture in the western land, which really completely fits under our general plan. And so I'm willing to make an exception once in a while. I think this is one of those exceptions, and I agree. I don't think all I've seen in the e-mails and discussions with our rural farmers and whatnot is this is something that is really needed and wanted and perhaps would be used.

[02:43:44] So I feel pretty comfortable making this without stepping on any toes or going far afield of what we're trying to do. So thank you, madam. Okay. Mr. Turner? Thank you, Madam Chair. I'd like to ask staff for clarification. Stakeholders 5 and 6 are proposing two friendly amendments.

[02:44:01] I just want to run them by you to find out. They are suggesting that the language in three paragraphs, 408-12B1B, 408-12B2B, and 408-12B3A1, which currently says at least 51% of the products used for processing and or preparation must be, it currently says, derived from on-site agriculture.

[02:44:22] They'd like to change all those instances to have it say derived from agricultural operations in Loudoun County. Are you okay with that change? Interesting. No? Is that no, you're not okay? No, we're not okay with that proposal as a friendly amendment.

[02:44:39] Okay. And then the second one is they asked in attachment 15 to defer the discussion on subparagraph 4812CE and CG, which deals with setbacks and screening to the rural zoning conversation.

[02:44:58] If this is going to pass as is, can we defer subparagraphs E and G to the rural zoning because setbacks and screening are pretty problematic? Is that possible? If it's not, I understand. Before I answer

that, I wanted to go back and further address the first question that you asked.

[02:45:14] So there are two ways to get agricultural with this proposed motion. there are two ways to do agricultural processing within the AR zoning districts. The first would be that 51% comes from on-site agriculture.

[02:45:32] That is the only standard that we have subject to that accessory use. The standards that are proposed are for when there is no on-site agriculture and it is the only use on the property.

[02:45:51] And that's why we're asking for 51% to come from on-site, because that is the purpose of that, is to be accessory to the principal use of the property, which is agriculture, not the processing of the agriculture. Really quick, I've got 50 seconds.

[02:46:07] Can you answer the deferring subparagraphs, E and G, the setbacks in the screening? Is that possible? We could defer them, and then the setbacks would just be whatever the zoning district setback would be, if that's your wish. If you can do that, then if you'd accept that as a friendly, then I'd make that as a friendly.

[02:46:26] So you're asking me, will I accept that as a friendly, not staff? Oh, I'm sorry. Thank you. Thank you. Well, okay. You've got to ask staff. No, no, no, I don't have, we don't ask staff to accept a friendly.

[02:46:42] That's not, no, we don't. You accept the friendly. I will, and I'm going to turn to the seconder of the motion, which was Mr. Kirshner. I need to understand the friendly. It was a little confusing. There are two subparagraphs in attachment 15 that deal, because as I understand, we're establishing use standards, correct?

[02:46:58] So the use standards, say, establishes pretty severe setback and screening requirements if we accept this motion of the definition of ag processing. And what the rule group has said, stakeholders five and six, has said, we're okay with everything that you've got here in the motion, except for E and G, those two subparagraphs.

[02:47:16] Those are problematic, and we'd like to have more discussion about those. Can we pass the motion and just defer the discussion on those two subparagraphs to the rural zoning discussion? Yes, that's fine. Thank you. Thank you. All right. Ms. Umstead. Thank you very much.

[02:47:33] Going back to the 51% requirement, that requirement exists separate from whether this motion passes or fails. That is the current requirement in the draft ordinance, yes.

[02:47:48] Whether this motion passes or fails, that will stay. All right. I would just like to toss out there in relation to that requirement, you can have a crop failure on one farm, and with that 51% or greater requirement, you're then shutting down even the processing element to that farmer's ability to make an income.

[02:48:20] So, if and when we get to that point, I would probably favor changing that 51% requirement of on-site product to maybe in the county. But since this does not impact that, I'm inclined to support this.

[02:48:43] Thank you. All right. Before I do a closing, Mr. Turner has found a typo. Oh, I'm sorry. I'll come to you just a second. Do you find a typo? Yeah, Madam Chair, the attachment 15, inappropriately, it's got the definitions of agriculture, silviculture reversed incorrectly.

[02:49:06] And so what they've asked apparently several times in the past, it's in 408.01, B1 and 2, agriculture that currently is one, agricultural silviculture should really be agriculture, non-silviculture, and subparagraph 2 where it says currently agriculture, non-silviculture should be agriculture, silviculture.

[02:49:26] That correction is on the quality control attachment, so we are aware of that one. That's correct. Thank you very much. Thank you. Mr. Sainz. Thank you. So when we talk about processing, I'm thinking about so somebody's going to bring in and process their product or whatever.

[02:49:41] That's what we're talking about. So will this allow, say, folks from like Maryland or Pennsylvania to come and process their items on site, or would that preclude that operation from happening? Currently, the accessory agricultural processing requires 51% of the product come from on-site, so the other 49% could come from anywhere else.

[02:50:11] And then when you say on-site, that means, say, if it's, I guess, apple trees on-site, 51% of the apple trees to be processed. 51% of the products being processed have to come from the apple trees on-site. 49% can come from elsewhere.

[02:50:27] All right, all right, just want to make sure. All right, thank you. Thank you. I made the motion. I think Mr. Kirsten, you seconded the motion, right? Okay. I don't have a closing except to say thank you. Again, I understand the motion. I just want to make sure that there's nobody next year when this board or whomever is here, whomever sitting here, we start this and somebody says, but you said you weren't going to discuss this until next year.

[02:50:55] I just want to keep guarding against that because that wouldn't be very, in my opinion, not very transparent. But all right. But you said you've heard no pushback on this at all. All right. All in favor, please say aye. Any opposed? That motion will pass 702.

[02:51:12] All right. I move the Board of Supervisors endorse Chapter 4. Use specific standards of ZOM 2020-0001, Zoning Ordinance Rewrite, is presented in the Attachment 11 to the October 23, 2023 Board Supervisors Committee of the Whole Work Session supplemental action item subject to our revisions reflected in the motions approved by the Board Supervisors during its October 23, 2023 Committee as a Whole Work Session and previous work sessions.

[02:51:39] I further move the Board Supervisors direct staff to make the additional staff recommended revisions for Chapter 4 as presented in Attachment 12 to the October 23rd, 2023 Board Supervisors Committee of the Whole Work Session supplemental action item and Attachment 13 Correction Sheet and Attachment 14 Draft Text for Energy Storage Facilities to the October 23rd, 2023 supplemental action item.

[02:52:06] Motion is made and seconded. Before we go any further, Chief Cogger, are you still here? Do you have anything you're concerned about at all? No. No. Okay. Well, not in life. I'm sure there's some things in life that you find concerning.

[02:52:24] But in the motions that were made tonight, you're fine. Okay, unless anybody has any specific questions. Okay, thank you, sir. All right. Any other discussion on Chapter 4 motions? You're just very funny sometimes, but thank you very much.

[02:52:41] Any other discussion on Chapter 4 motions? Seeing none, all in favor, say aye. Aye. Opposed? Nay. You're opposing Chapter 4? Okay. Okay. That motion, you said what? All right. Okay.

[02:53:14] That motion will pass 5-2-2 with Supervisor Umstad and Kirshner being against and Supervisors Sains, I mean, I'm saying Glass and Bubbington being off the dais. Okay, we've just endorsed three chapters tonight, and we're not finished. But we are going to take a break because we've been in the dais for almost three hours.

[02:53:32] We're going to take about a 15-minute break, everybody. Thank you very much.

[03:00:58] Okay, let's get it back together here, guys.

[03:30:35] All right, we're going to keep it moving.

[03:31:03] Supervisors, well, he's leaving the dais, and so I guess I won't do that. I was going to jump to the signs discussion because we may lose one more colleague who wants to discuss signs. But I won't do that. I will go to Chapter 7, which is the development standards. And we will do Chapter 7.

[03:31:24] Gosh, there's a lot of chapters. Actually, Mr. Kirshner, you're going to be here for a sec. I'm going to jump to signs. I'm going to jump to Chapter 8, just in case you, you know, are not going to hang out with us forever. I'm going to jump to signs. Okay. Supervisor, we're going to start with signs, and that starts on page 20.

[03:31:46] All right. I will not be making the motion on number 40 right now. I will be making the motion on 41, though.

[03:32:03] All right. I move to the rec staff to revise Table 8.04 as follows. Revise table April 4-1, reduce the maximum cumulative area for ground signs from 120 square feet to 50 square feet, reduce the maximum individual sign areas for ground signs from 60 square feet to 40 square feet, and reduce the maximum individual sign height for ground signs from 15 to 10 square feet.

[03:32:29] That's the motion. Motion made and seconded. So this motion, I should first say, does not pertain to just the rural policy area, and so just so you know that. These are ground signs. These signs are, quite frankly, awfully big.

[03:32:48] And especially if it's not just the rural policy area, I'm not quite sure what the goal is of ground signs being this large. Again, they're not wayfinding signs. And so you would have found your way there already and then have these enormous ground signs around.

[03:33:06] So I'm not really sure why they are this large. So that's the motion and that's the rationale discussion motion. Mr. Letourneau. Yeah, I am inclined to stick with the staff and planning commission draft on this just because they really did put a lot of work on this.

[03:33:23] On this particular one, these are only commercial, but I am kind of concerned that going down this much is too much. The other factor here is the question that I asked at the beginning of the night many hours ago now was that the board typically has been supporting SIDPs that are consistent with what the larger numbers are here, right?

[03:33:52] Yes, that's correct. In fact, I'm not sure we've ever rejected one of this nature, at least in my decade plus doing this. So, if the board's going to approve signs this large every single time, then I'm not sure why we're making somebody go through an SIDP and the whole process when we haven't seen one yet that we haven't.

[03:34:14] So, for that reason, I'm going to, I mean, again, the Planning Commission had a lot of discussion on this, and I think they've really attempted to get it right, and so I'm going to stick with that. Okay. Ms. Brixman? Thank you, Madam Chair. Is Chapter 8 modifiable?

[03:34:31] Would this be modifiable? It's modifiable through the signed development plan, yes. Okay, yeah, I know I seconded the motion, but I don't think I'm going to support it either. Okay, yeah, no, that's fine. You know, Mr. Turner is right, and most of these I have voted against when we do it.

[03:34:52] I voted against them. I've been very consistent. I don't think it makes the county look good, and I think it looks cluttery, and I don't believe it's needed for businesses, and so I don't support it.

[03:35:09] And so that's where I am. I mean, sometimes it's just my consistent thinking on these no matter what. So anybody else? All right, I'm able to say aye. That would be me. Any opposed? Anybody who's going to abstain?

[03:35:27] All right, so that would be me for it. All right, number, that was 41. I will not be making 43 either. um i will be making 42 i move staff to direct wait a minute i just i just did 40 i just did 42 i'm sorry i just did i just did what did i just do you did 41 sorry i moved staff i moved to back staff to revise table um 8.04-2 as follows reduce the maximum cumulative area pole sign pole signs

[03:36:04] from 120 square feet to 50 square feet reduce the maximum individual sign area pole size from 20 square feet to 10 square feet reduce the maximum individual sign height for pole size from 50 to 10 okay that motion would fail for lack of a second number 43 i won't be making number 44 i won't be making right now um but i wait a minute why i just must have missed something i must have

[03:36:35] missed because i'm not doing the endorsement of this yet hold on no no no um hey look where's the one we're actually doing half of it is it 40 okay i gotta go backwards then i'm sorry i'm sorry 40 i'm sorry so listen closely on 40 if you don't mind i move staff to the i moved to direct staff to revise table 8.04-1 as follows reduce the maximum number of allowed ground signs in the rural non-residential sign group from one per 500 linear feet off-road frontage to one at the property

[03:37:14] entrance motions made in second okay as you see i'm not making the second half of this motion right now and i will talk about that in a second i do think that the number of signs allowed we're not talking about the size of signs talking about the number of signs allowed is just overkill and i do not believe since they're not wayfinding signs it's helpful and i want to remind everyone of this when a person gets to that location and again they'll need the signs to get there they're already there once they turn on to the property that they're going to they can be all the signs

[03:37:49] they want once they turn onto the property. This is signs that are on the road. So once you turn onto the property of the farmer's market, there can be signs for peaches, plums, cherries, whatever on the property. They don't have to be all the way down the road. And so this part of the motion just simply says that we're going to reduce the number of signs on the actual road.

[03:38:13] Mr. Kirshner? Thank you, Madam Chair. So I had a couple questions for staff, if that's okay. Sure. So obviously, temporary signs could be put out if you had like a weekend farmer's market, as long as they were picked up afterwards that this would not impact that. Is that correct? That's correct. Okay. And so it's more we're talking about permanent signs within whatever the size ends up being. And so what was that? What was the thinking, if you recall, and I don't know, during the discussion of the Planning Commission as to the concept of one up to 100, 500 linear feet of road frontage?

[03:38:47] I believe that there were examples of businesses in rural Loudoun, and they had asked the linear feet of the property, and using it as an example, based this number. Okay, and that was the extent of what you recall was the reasoning behind this, I guess.

[03:39:09] They felt that that was an appropriate distance between the signs, and that there may not be more than one entrance, or there may be two entrances. Okay, but wayfinding signs would still be allowed for these farm markets, rural places, wineries, brewers.

[03:39:31] Is that correct? Off-site signs is not currently. So if it's on the property, you know, if it's on their property, they would be allowed. Is that not? Internally, like a miscellaneous and incidental sign where they could point you to the parking areas or the different features within the property.

[03:39:51] Okay. Yes. All right. Thank you. Thank you. Mr. Turner. Madam Chair, would you accept a friendly to add and poll signs to ground signs in the third line? How would that read? I'm sorry. Reduce the maximum number of allowed ground signs and poll signs in the rural non-residential sign group.

[03:40:14] Yes, I will accept that. Mr. Kirchner. Can I just, can I help, so you would only be allowed to have one poll sign or one ground sign? No, he, I'm sorry, go on. Or you would be able to have one of each? Mr. Turner, I need to ask. No, no, it's the same, it's the same restriction. It's just you're including poll signs with ground signs in the restriction that you can only have one per 500 linear feet.

[03:40:37] I guess your question is relevant. If you've got a ground sign, it means you can't have a poll sign. If you can't have a poll sign, you can't have a ground sign. It's true. What you're saying is of those two, you can only have one at the property entrance. At the property entrance. Okay. That makes sense because the way the ordinance is written, they're counted together, ground signs or poll signs.

[03:40:59] That's fine. I'm sorry, Mr. Turner, are you finished? Mr. Letourneau? I think we're getting pretty restrictive now so which I realize is probably the intent but so basically we're talking about even if this this is all your own property right so on your own property you can have one sign every tenth of a mile basically that's how the planning commission recommended it yes on your own property no that's not every 500 feet which is about a tenth of a

[03:41:28] mile yeah that's not how the well that's what this motion is no that's not so can I ask you a clarifying question you can stop this time are you asking once you go get onto that property no I'm talking about the frontage of the property on the road okay so I read the motion to say along the frontage of the road let's just say you have frontage that is you know a half a mile of frontage you could potentially have close to five sides is that right under the motion the way it

[03:42:08] was originally written the way it was originally so how does the motion change that then because it's saying just one at the property entrance only one at the property entrance so only one not one every 500 feet yes yeah so I could see that maybe one per 500 is a little much but I think one total I mean you could have a property that's you know has got miles of frontage I have a hard time telling a property owner they can't put a sign up you know at all except for at the property insurance so that's this is especially with that friendly amendment which makes it even

[03:42:47] more restrictive I don't think I'm there thank you okay all right anybody else um so let me just say you I I I table no that's not the right word I didn't make some motions because what we're going to do well there's a couple of things one again I don't want I really don't want to make a lot of motions regarding the rural policy area right now.

[03:43:15] So what we've asked staff to do is to come back on Monday with just basically to say that the language we have in this current zoning ordinance will hold. Nothing will change. With the exception of this, what we're talking about right now, nothing will change until we get to a future ZOM.

[03:43:34] And so, in other words, if we do nothing, nothing happens different until we get to a future zoe am except for except for the discussion we're having having right now that is not because i don't agree with the agree with the language i do it is because we have told a lot of people we're going to discuss this later and so i don't want to go back on my word for that but when we get there later because we're holding it where it's at right now the same language can come back

[03:44:08] probably will come back for the future as far as this one is concerned i actually and i'm in the west like i guess not more than mr kirsten mr buffington but i'm there a lot and again if someone's going to a person's property for whatever i don't think there's miles and miles and miles but but you they get there usually by a gps and there's a sign at the entrance and they turn on and there's all the signs that they want to have when they turn on

[03:44:41] So I actually think that the amount of signage and the size, but we're just talking about the amount right now, actually takes away from the rural character of Western Loudoun County.

[03:44:57] And so we're not talking about size right now, and we're not talking about anything but how many signs right now. That's all this is. So that's why I made the motion. All right, on this narrow motion, all in favor, please say aye.

[03:45:15] Aye. Opposed? No. All right, so ayes are four, is that right? Four, and then we have four, two, three, four, two, three, so that will pass. And because, so four, two, three, that will pass, that part of the motion.

[03:45:35] Because we have so much to do on this deal, and because staff's going to bring some things back for us, we are not going to endorse this chapter tonight. We will wait until Monday to endorse this chapter, okay? Okay? Yes, yes, yes. Okay. Let's go back to Chapter 2, page 9.

[03:45:54] Was it page 9? I think it was page 9. Okay, Development Standards, which is Chapter 7. All right. Motion 20. That's where we stopped at, right?

[03:46:10] That's where we stopped. I got that right? Okay. I move the Board of Supervisors direct staff, this is a staff motion, to revise Section 7.02 to make additional staff recommendations revisions as presented in Attachment 18 to the October 23rd, 2023 Board Supervisors' Committee of the whole work session supplemental item.

[03:46:32] Okay, there's a motion and a second. Staff, I'm making motions for the staff, but then I'm fine with doing that. Having said that, as I said before, I'm not sure I'm going to support everything. Can you all explain to me your rationale for this motion? So motion 20 has a few quality control issues that were included in there.

[03:46:55] And the best thing I can say is that they were discussed in whole at the last meeting. So I guess I'd need a little more. There's a number of things here. So probably a big one is, and there's another motion right after this, Supervisor Sains has.

[03:47:17] But there were a few quality – well, there were a few edits that we made in consultation and after, as was presented today, a lengthy discussion with NAOP and their concerns. And we felt like it was a

way that we could kind of meet both requirements, both understand and be able to get the types of open space that the general plan is asking for, so higher quality open space, whereas also allowing some flexibility for design where they don't quite meet other standards that we had originally anticipated.

[03:47:56] Okay. If there's a specific item, I can certainly address that. No, it's fine. I just wanted to make sure we knew what we're doing here. Anybody have any discussion on this, Mr. Sainz? Well, I guess the only thing is, do you believe the next motion is in conflict with this motion? Not directly. So there's a lot more in Motion 20 than just what Motion 21 speaks to.

[03:48:16] And certainly if both of them pass, 21 was passed, would be passed most recently. And so whatever goes with that would then supersede what could be passed with motion 20.

[03:48:32] Okay. Mr. Sainz. Thank you. Actually, I was not going to make the motion for 21 because we got the answers and I feel they're sufficient and I don't think we need it. But I was going to make a friendly to add motion 22 to 20. If you want me to read the language, I can.

[03:48:48] To add motion 22 to 20? Yes, ma'am. Well, I don't want to do that. I'm going to take one motion at a time. Okie dokie. All right. Yeah, let's not do that. And I don't think we have anybody. I have no closing. Does anybody have any issues on 20? All right.

[03:49:03] All in favor, say aye. Aye. Any opposed? That motion will pass 6-0-3. All right. So, Mr. Sainz, would you like to make your motion? Yeah, like I said, I'm going to skip over 21. I'm not making that motion, but I'm going to make motion 22. I move that the board direct staff to revise table 7.02-2, open space eligibility line nine as follows, type B, type C, type three road corridor or gateway corridor, buffers are screening required pursuant to section 7.04, cannot be located on lots for single family dwellings except as provided in section 7.02.D.1.B.

[03:49:43] - Okay, I will second that for the reasons for discussion. Mr. Sainz. - Thank you. I feel this motion, the proposed motion more accurately captures the type of buffers that would be eligible for credit as open space. Staff would have quality control revision regarding this requirement that would be superseded with approval of this motion.

[03:50:02] Yeah, that's a good motion. Yeah, yeah, yeah. Anybody else? That's good. All right, all in favor, please say aye. Any opposed? That motion will pass 603. Mr. Sands, so you're not making motion 21 at all?

[03:50:18] Okay. Okay. Motion 23, I'm not making this motion. Would anyone else like to make this motion? Because I can't make this motion. Can I ask a question?

[03:50:37] Not outside of a motion right now, no. Mm-mm, there's just no way. I can't make this motion. Okay, with no motion, this motion will fail and go away.

[03:50:53] Number 24 is staff, use buffer matrix. That sounds like a movie. Whoa, whoa, whoa, whoa. I'm with the board of direct staff to revise table 7.04.03 to make staff recommend revisions as prepared in attachment 20 to the October 23, October 23, 2023 Board Supervisors Committee of the Whole Work Session Supplemental Action Item.

[03:51:18] I further move the Board of the WREC staff to add attachment D to the draft zoning ordinance to make the staff recommendation's addition to put addition as presented to the attachment 21 to the October 23, 2023 Board of the WREC staff committee as a Whole Work Session Supplemental Action Item.

[03:51:40] All right, motion's made. And second, same thing. staff happy to make that motion could you talk about a little bit yeah um simply put this is these are needed changes because the way that we classify uses and the definitions for some of these uses in chapters three and four that we've gone through kind of changes the underlying rationale behind how the current table 70403-1 is constructed and so it doesn't really matchup or align to how we've got these new definitions. We didn't really realize this

[03:52:19] until after we were done with the Planning Commission. Yep. I got you. I got you. All right. Anybody else? Mr. Turner? All in favor to say aye. Any opposed? That motion will pass 6-3. Mr. Turner, I think we're...

[03:52:34] Madam Chair, I move motion 23, table 7.0402-1, structure and parking setbacks on Route 7 from Fairfax County, a broad run. I'll second it for discussion. You're supposed to leave. I'm not sure why you're even here.

[03:52:54] anymore. The voters voted for me, just so you know. Not to stay the whole meeting. I actually think they did. Discussion, Mr. Turner. Thank you, Madam Chair. I understand what the Planning Commission was trying to do here, but it has no basis in data. It has no basis in anything other than the fact that they don't like the way Route 7 looks on this section of the road, and so they're going to fix it by arbitrarily doubling the setbacks. It's going to automatically make at least three businesses along that road that I saw as examples non-conforming and any existing businesses encroach on the new setback as non-conforming, it achieves

[03:53:34] virtually no purpose that I can see other than just arbitrarily increasing setbacks because it felt like the right thing to do. I understand that section of Route 7 is crowded and congested, but it's crowded and congested right now. I think this is going to create unnecessary heartache and really achieved no substantive purpose along that road.

[03:53:53] Do you mind if I ask you why you made the motion? Because the motion right now, the draft, has the setbacks increased. The motion reduces the setbacks back to what they were before. Am I correct in that, Steph? Back to what they are in the revised 93, yes.

[03:54:08] The motion reduces the setbacks to what they are now. We passed a motion that set them back further, and now we're moving them back to where the Planning Commission did. Okay, I think I missed that. Ms. Brixton? Thank you. Yeah, I've been thinking about this for a while now, and it's a tough area right there.

[03:54:31] I was wondering, does staff know how many structures would be in violation now? I don't have a number to give you. I know that there's a number of businesses. There were the examples that were provided in last week's supplemental packet were three specific businesses that have been built since 2007 when this setback was reduced.

[03:54:59] And I believe there's other, I think there's a church as well, at least with parking lot area for many businesses as well within that setback. And I believe there's also some single-family homes in there as well. There's definitely single-family homes there, because I was just there the other day.

[03:55:17] Do you think the Baha'i would be non-conforming? Um, I don't know on that. I think the parking lot probably would be, but I, I, I don't know. Oh, wait, you might be talking about the, the, that new strip of like restaurants and then, yeah, they're very close.

[03:55:36] Shops at Potomac, I think is what that's called. Shops at Potomac. Yes, that definitely would be, that building would not exist today. So that new setback would run through the middle of that building. So the complication for those businesses would be? They would be non-conforming.

[03:55:52] And that's all, like they don't have a ton of repercussions. They would just be non-conforming, or if they came back to try and do something, then they might have a problem. They wanted to do an addition or... So directly, it would be difficult, so they would have to essentially get a special exception to be not non-conforming anymore to do those changes.

[03:56:15] But there are other issues with the business that's non-conforming. I'll probably support this. Thank you. I'm sorry, I need a point of clarification, because I'm reading this just the opposite of what Mr. Turner read.

[03:56:31] I can make the same argument he just made. Are you saying, is this motion saying that the setback is 100 feet and you want to reduce it to 50 or vice versa? In the Planning Commission draft, the Planning Commission created a 100-foot building setback and a 75-foot parking setback along this stretch of Route 7.

[03:57:00] Okay. What this motion does is it moves it back to the 50-foot setback, both parking and building that exists in the current revised 1993 zoning ordinance. Okay, I'm sorry. That was my point of clarification. I'm still... Okay, go on, Mr. Sains. Thank you. Okay, so... Oh, I'm sorry. No, not Mr. Sains. Mr. Turner, I'm sorry, Mr. Sains. For those of us not quite as familiar with our Route 7 geography, I wouldn't be asking this question if it was Route 50. Where exactly is the broad run here that this is referring to so i i know the fairfax county line in sterling but

[03:57:35] how far 28 essentially route 28 essentially route 28 yes oh okay and then what is the setback from route 28 to the west as you get toward leesburg leesburg is it 50 feet no it's it's much bigger much bigger yeah i think like and that that was previous policy yeah it's 200 feet there was

[03:58:02] There was actually some discussion by the board, I think, maybe it wasn't this legislative session, but the time before about those setbacks on that section of Route 7 from essentially 28 towards Leesburg. Okay. But that wasn't changed in the draft zoning ordinance?

[03:58:21] Correct. That was not changed at all. This is the only segment that had a different number than what is currently existing. Okay. So can I ask a question then about, and maybe this might be somewhat for Mr. Turner. So if it stays at 100 feet, then you have existing uses that are now out of compliance.

[03:58:41] Correct. And so that would impact them if they wanted to do anything in the future? Correct. If they wanted to expand or remodel or anything? Correct. Or non-conforming uses? Okay. Non-conforming structures, too. Normally, I would think we want the buffers to be as big as they can, but I get, yeah, Yeah, but I think, Mr. Turner, is it correct to say through the chair, your argument is that that ship has kind of sailed, and it all is what it is, and you don't want a whole bunch of non-conforming uses?

[03:59:10] It's my district. I can comment again. Well, if he wants to ask me a question, you can ask me a question. Well, I'm sorry. I don't mean to be stepping in. I'm honestly just trying to figure this out. So, well, okay, I just asked Mr. Turner because he made the motion, but whoever wants to answer through the chair either one of them your concern is that miss bricksman may not answer through the chair through the chair yes you may it goes through i think three districts actually the strip between fairfax county border did you just say i can answer yes the chair the strip between

[03:59:47] the fairfax county border and route 28 is an established strip the planning commission decided that this is too congested so i'm going to arbitrarily set a 100 foot setback for i got that part but the impact on the existing business is if they want it's going to set it's going to put a whole strip of businesses in non-conforming which means okay if they want to add improve any of that's going to be yeah they can't do any legislative app it's a nightmare well this seems like an unfortunate situation and something that 20 years ago probably the buffer should have

[04:00:19] been changed but because it wasn't i can see why you're making the motion okay mr sains thank you And I think the last, well, I think my first board term, we had the Potomac's, the shops at the Potomac that you use as an example.

[04:00:40] I think that was the last application where we actually voted anything that was right on top of Route 7 that I can think of in this strip besides Lexington 7 that's further down. So a little bit different. So you're saying with this motion, this would take the shops at Potomac and make them not in compliance.

[04:01:00] Is that? With this motion, they would be fine. Well, they would be fine. They would be fine. Without this motion, that building, that commercial building, and others along this section of Route 7 would be non-conforming.

[04:01:18] Because the planning commission changed what is currently in the zoning ordinance to something that's more restrictive. okay so they were fine and now if we pass this they would not be fine is that what you're saying they would be they would not if we pass this they will remain okay if we pass this they will remain okay yes okay all right because because if you don't pass this then say if they wanted to do something then they'll be out of exactly oh they will have problems because the planning commission changed it i mean it's this is the time to do it if it's going to be done right right but that's

[04:01:57] that's the concern and so if they wanted to do something now moving forward if you know without this they would have to they would would they come in front of us for a special exception or they would have to get a special exception to remove the non-conformity okay yeah yeah because it just makes extra stuff and we made the issue for them because before they were fine it was in 2007 that when the board decided to reduce it down to 50 feet yeah right okay um and what just Just out of curiosity, what is the setback for, is it Texas Roadhouse over in Lexington 7?

[04:02:33] What is the setback for that area? I know it's super big. Just out of curiosity. I think they're at the... Okay, let me ask another one.

[04:02:50] Yeah, that's a good point. Supervisor Kushner in my ear. Nova, the Wendy's, that Exxon gas station, the Target Shopping Center, are those in conformance right now with this or no? I don't know where those are as well. The vast majority of things along 7 are in compliance because they were built prior to the change.

[04:03:09] Okay. It's just the things that have been built in the past, what, 15-ish years that potentially are not. It looks like Texas Roadhouse is, I missed the, I lost the measurement. Texas Roadhouse is approximately 300 feet from the right-of-way of seven.

[04:03:26] That would be nice to have. Okay, and then, oh, I think your time's up. Yeah, I was going to ask one more. So, listen, basically the argument up here is it's already a mess, so let's just keep it a mess. That's what the argument up here is right now, which is a completely illogical argument to me.

[04:03:43] If things are nonconforming, people can come in for a spec, then we can fix that. But to have things closer to Route 7 and to have parking that would be in the front, if parking can now be in the front of a structure, but to do that even more, it's only 75 feet away.

[04:04:02] So that's just illogical. You want to try to make your roads, especially your main corridor, look better and this doesn't do that and so yes there's some things there but you but who doesn't believe that a lot of things in this area are going to be adaptively reused and changed in the next months we have areas down there which is surface parking for as far as the eye can see and then it's not going to be there in 10 years we're going to do something different with these areas we are we know we are we should so we're just saying that we're going to do the same thing

[04:04:40] again even if you try to fix it that just makes no sense to me this that corridor is is not attractive and when we have a chance to make it more attractive in the future we're saying we're not going to because it's not attractive now that's just illogical to me it just is having things that close to the road i mean texas roadhouse doesn't feel that far back far away and now we're saying it could be what a hundred it's a 300 feet and we're saying it could be just just what 50 50 think about where it looks right now you're gonna say that's gonna be 50 feet away

[04:05:18] come on i strongly strongly strongly disagree with this motion and we you know we've said all night with the planning commission taking a lot of time we really looked at this and really worked on this really thought about this and now we're going this we're going so what the planning commission did who's gonna throw that right out i agree with the planning commission on this with With respect to staff and Mr. Turner and everybody else, totally disagree with you.

[04:05:47] Not voting for this. All the people who say aye. Oppose, me, and the whole planning commission. Thank you. Listen, oh, listen, listen. Just make, make, okay, I'm cool. Oh, God.

[04:06:05] Listen, April clock gets it right twice a day. That is where I'm at. Okay, so now we were at number 25. Okay, so Ms. Bricksman. We were at 25, right?

[04:06:21] sure thank you I move motion 25 table seven point zero six zero two dash one parking ratios by land use and zoning district category and seven point zero six dot one one dot c dot two residential parking garage and driveway spaces I'm I move that the board direct staff to amend note one comma table seven point

[04:06:55] 0602-1 and section 7.06.11.c.2 to read residential garage spaces are counted as half spaces it's the blue sheet are counted as half spaces unless the applicant proffers garage dimensions at or greater than 11 feet wide by 18 feet deep for a single or 20 feet wide by 18 feet deep double I further move that the board direct staff to delete note 1 in lines 10 11 and 12 of

[04:07:30] the table 7.0602-1 which apply to MFA units okay hold it hold it has this motion gone out at all before we walked up this on the dais at all no I do not believe I should be allowing this motion this day is right now I just don't it hasn't gone out at all it hasn't been it hasn't gone out at all this the the the public has not seen this motion this is intended as an amendment to the motion that's in the package this is not a separate motion there's an amendment

[04:08:10] to the motion that's in the package I can make the package motion and then accept a friendly from Supervisor Turner if you want to do it that way the friendly from Supervisor Turner was sent out I believe to everyone today right was it was distributed on the desk okay cuz yeah I I don't I do not feel real

comfortable letting the motion walk up here to that if I it's an amend it's an amended motion about the 0.5 parking spaces if I could get a second maybe we could talk about it okay so what this does is the half space for a garage

[04:08:47] parking space has been an issue we've talked about a lot we had questions about it during the committee of a whole tonight the original motion simply eliminated that and made it that that the applicant could count it as a full space but in our discussions we wanted to put a caveat on there that they can count it as a full space as long as it's a true large enough parking space and so that's where mr. Turner's addition came in with the measurements of what would

[04:09:23] constitute an actual parking space so they can count it as one so you you read a motion and then amended the motion on the at the moment the blue sheet was I understand that did you read the motion and then amend the motion at the moment you read them no I read the blue sheet motion okay that's what I'm saying you can't that that's we can't do that um yeah okay no it's fine it's fine it's just that's just it's just not we we should at least make the package motion that went out and then amend that motion on the dais to do a friendly member or something

[04:10:00] we shouldn't just pull a whole new motion on the dais and make that motion that's just not how we should do this. People have not seen it. That is all I'm saying. But now, having said that, the motion before you is the motion on the blue sheet that has been made by Supervisor Bricksman, seconded by Supervisor Turner.

[04:10:18] I'm going to ask Supervisor Bricksman to read that motion one more time, please. Thank you, Madam Chair. I move that the Board of Supervisors direct staff to amend Note 1, Table 7.0602-1 and Section 7.06.11.

[04:10:36] c.2 to read residential garage spaces are counted as half spaces unless the applicant proffers garage dimensions at or greater than 11 feet wide by 18 feet deep single or 20 feet wide by 18 feet deep double i further move that the board direct staff to delete note one in lines 10 11 and 12 of Table 7.06.02-1, which apply to MFA units.

[04:11:08] Okay, thank you. And you've given an opening. Who else would like to speak on this motion? Mr. Materno? Yeah, I don't support. Or the, well, I understand the blue sheet is an amendment, but it's a really specific amendment, and I really would have to go and start looking at what the actual dimensions of all these garages are to be able to tell whether I think that that's a reasonable argument or not.

[04:11:35] I'm still not sure I would do 0.5 and less. I might do like a half credit type of thing or something. But the bigger issue is I don't necessarily think it's about the space of the garage. I think it's about how people use their garages. And people use their garages as storage.

[04:11:50] And the Planning Commission's draft reflects that by giving you essentially half credit. So if you have a two-car garage, you'll get credit for one space. Don't forget, you also get credit for two spaces in the driveway for a single-family detached home. So essentially, the Planning Commission is saying between the garage and the driveway, you get credit for three spaces instead of four spaces.

[04:12:11] There is absolutely nobody who's using four spaces today, and you couldn't even if you wanted to. You'd never fit all those cars in. But even three, I think, is more than fair when you look at how these are actually getting used because people use their garages for storage.

[04:12:28] We deal constantly with complaints around parking. literally spent last yesterday at four o'clock standing in a new community one of our absolute newest in the dullest district listening to a whole slew of residents who had gathered around because they spotted me all single-family detached houses complaining about the lack of parking and it was because none of the garages aren't being used some people have visitors so on and so forth the streets are fairly narrow we allow you know we're allowing units pretty close together there's not a real room between houses. You have mailboxes. There's just not a lot of parking. And so the

[04:13:03] planning commission was trying to get us some parking and a little breathing room in these. And so I understand, you know, it wasn't necessarily probably the most popular motion, but I think it's something we can live with. It doesn't completely eliminate the garage as a parking space. It just is realistic in terms of how it's actually used by saying, if you have a two-car garage, you get credit for one space. And I would challenge everybody out there to look at most two car garages in the county and actually try to open your doors and with with kids try to get your kid in one of these which i've done and i'm kind of not convinced that even a 20 by 18

[04:13:42] with my minivan and you know the suv and a bunch of kids you can really do that i just don't see it happening and so and i think that's the way most people live and i think if we took a poll of our residents the vast majority would agree with me on this so i wouldn't i wouldn't support this. Thank you. Thank you. Mr. Kirshner. Yeah, I just have a quick question. I want to make sure I'm reading this right. And I think given Mr. Letourneau's comments, I think I am. If it is that size, then you get a whole credit. Is that the purpose behind this? It's just not clear in the motion itself. Okay. I don't think I would support this just simply because that's, this is

[04:14:17] not the way. I mean, I have a three car garage and I don't park a single car in there. So I can't barely I can barely get my kid six boys bikes in there so that's just and I just know that's the way we as Americans live so Mr. Courtney yes yes thank you thank you Madam Chair I actually have to thank you for asking Ms. Brisman to read the motion again because the second time she read it a word in there proffers jumped out at me so as you know proffers are voluntary so we do not

[04:14:53] typically have provisions in our zoning ordinance that say you can do this you can do something if you proffer something else and so um yeah i'm thinking that the way to accomplish perhaps what you're trying is i think and staff can correct me but i think that parking count may be modifiable on the cdp and if so someone could come in and request that modification as part of their cdp which gets you so it's still they're having to proffer something but it's i i just as this is

[04:15:32] written it's i think it's problematic yep yep yep yep i agree i agree completely um mr turner thank you madam chair i completely disagree with ms sydner and i defer to her legal expertise but if it's not in a profit won't get done the only way to incentivize builders to build garages to these dimensions is either put in the facility standards manual, which I've been saying for four years, it's still not in there, or to ask them to say they'll build the garages.

[04:16:01] They'll say they'll build the garages, and they won't build the garages. And that's not meant to impugn the building industry, but we've seen before if it's not a proffer, it doesn't get done. The proffer adds the requirement. It is still a voluntary proffer. They don't have to build to those dimensions. Then they can accept a half a spot for each garage.

[04:16:19] It simply says, if you proffer them, then you have the right to use more garage space. I talked with the development community and the stakeholder group on this, and everybody was hard into their separate corners between a half a space and one space.

[04:16:36] If you make it a half space, I agree, you'll get more parking and you'll get less affordable housing. That's just the practical consequence of requiring a half space for parking in the garages. This creates a parkable garage. I've used every garage I've ever owned, so everybody that's not using the garage to pack it out, okay, fine, but I've used every garage I've ever owned.

[04:16:57] I stood in an 11-foot by 18-foot garage, and it is plenty of room. This threads the needle. This is an attempt at a reasonable compromise with substantive data-driven decision-making for the applicant that they can figure out how many spaces they have and make sense.

[04:17:16] It doesn't sound like it's going to pass, and that's a shame. But I think this was the answer to the solution that people were pretty upset about. Mr. Sainz. Thank you. Can I ask the makers of the motion, where do they get the dimensions from, and what are the current dimensions now for garages, if they know?

[04:17:37] So the maker of the motion is Ms. Brixman. Ms. Brixman, do you know the answer to that? I think I know the answer to that. First of all, we don't have required dimensions, because I asked staff that earlier tonight during the committee on the whole. We don't have required dimensions. Secondly, Supervisor Turner came up with these dimensions by going and investigating and measuring garages.

[04:17:57] So maybe the question is Mr. Turner. Mr. Turner, do you want to answer that? I measured garages, and I looked at the garage, and I looked at the size of the SUV that was sitting in the garage, and I said, I think this is reasonable, and I went to the development stakeholders and said, is this reasonable?

[04:18:12] and I said, yeah, we can live with this. So how many garages did you measure? One. I looked at a large SUV in a garage, and I said, this is acceptable. I measured one garage. I could have measured 10 garages. I still would have bought the original garage.

[04:18:28] Thank you, thank you. Thank you. Does staff know what the standard garage sizes are, or is it just different sizes all over the place for every development? They differ. They're different. Okay. And then, Madam Chair, to Ms. Sidnor, can you speak to Mr. Turner?

[04:18:47] comment that what he just said about what you just said so the CDP modification I'm sorry may I answer madam chair okay so the way we have worked through this new modifiability process is that instead of having what you call a Z mod if you have a rezoning case you come in and you say I want to modify these regulations and then that just becomes a part of your concept development plan the concept development plan is proffered it is the very first proffer and any proffer statement is that you proffer to develop consistent

[04:19:24] with their in substantial conformance with the concept development plan so under that new kind of way we're doing the modifications any modification that is approved becomes part of the proffer so in this instance if someone came and said we want to get more than a half space credit for our garage and so to offset that I'm going to give you this condition I'm going to give you this proffer this extra thing to make up for that so then that would become a part of their proffers and it would be for them to proffer what is necessary to mitigate

[04:20:01] it for that development rather than the ordinance requiring a specific proffer that's the difference before my time runs out because I understand what the applicant the makers of the motion are trying to get on there appreciate it but again I'm chair through you to to our county attorney's office do you feel this motion is legal or does it need to be edited in some form or fashion I think we could rework it to accomplish the objective but without requiring a specific proffer as I read it now

[04:20:34] it requires a specific proffer if you want to get relief from the point five thank you my time is up so I'm going to object to this motion for the exact opposite reasons Mr. Letourneau's objecting to this motion listen you can do whatever you want to with your garage we still built a garage for you. You still built a garage, a one-car garage, a two-car garage. That's like saying, like, well, we built a tot lot also, but they don't want to use it as a tot lot. They want to use it as something else. It's there for that use. Use it or not, it's there for that use.

[04:21:06] And truthfully, the more spaces we build, the more asphalt we do, the water runoff is a different issue. It's not good for the environment. We can talk, we can have discussions about what we want to do with our transit discussions and where we want to have more transit options coming through.

[04:21:24] We can have all kinds of discussions if we want to. But the truth is, we, if there's a garage, there's a garage. I mean, there's also something, these things called storage facilities. That's also an option if you want to put your stuff somewhere. It is. And so I'm not going to say we're going to put more asphalt down, more concrete, less green space, less, and create water runoff issues because people are using their garage for something different. No. And then that gives you then fewer homes. That doesn't make any sense to me. So I'm going to oppose this

[04:22:03] because I think a garage is a garage, period. So that's why I'm going to oppose it. So just the opposite reason for Mr. Letourneau's opposing it. All right. Madam Chair, may I comment? Yes. Two points. One, Mr. Hancock noted something. We commonly, when we've been talking about these, think about legislative applications, but there is the possibility that someone comes in for a by-right development, they would still be subject to whatever the standard is. And so if the board

[04:22:38] did want to allow the sort of either-or option, we would need to change this language probably to make that clearer instead of just focusing on it and changing on a CDP. I think the other thing that in this, Ms. Sidner said something similar is that if the, I think the staff understands the intention, so we would probably recommend a motion that would state that intention to us and let us work out the details instead of something that's quoted in the motion, given.

[04:23:06] Yeah, so we have the motion on the table. I need to go ahead, Ms. Brixman, for a closing. The motion's on the table, so what I would need to do then is two things. I can ask the maker of the motion and the seconder to table the motion for now and then give you language that they're trying to get to to come back to something or we can go and take the motion take the vote in the motion which i do not believe is going to pass at this moment so miss miss brixman would you like to table this motion thank you madam chair um i i'd like to make

[04:23:38] a closing okay and then table the motion um thank you i listen i i agree with madam chair that it's It's not the applicant's job or our job to legislate how somebody should use their garage.

[04:24:04] A garage is a garage is a garage, in which case they should get one parking space for the garage. That's what it is. It's one parking space. And I understand Supervisor Letourneau's concerns. I see a little

bit of that in my district, but I also see attainable housing projects that we've built that have asphalt everywhere creating heat islands and water runoff and all these things that we don't want in our community so i i understand that my colleagues are um

[04:24:40] uncomfortable with the uh the language and maybe uncomfortable with the measurements so i would like to work with staff a little longer and bring it back next monday so right now i will withdraw my motion with an intent to bring it back on the 30th all right um motion is tabled. And Mr. Turner, you're good with that too, right? Okay, there's no discussion on table. A motion to table. All the people who say aye. Any opposed? All right, that will come back.

[04:25:13] What is the next motion? Let me just ask, are there any more motions on this dais that did not go out in the package? No, I'm not kidding. I'm deadly serious here. Okay, then Mr. Turner. Okay, so this This one we get to Mr. Turner and Mr. Turner.

[04:25:30] Tell me again what motions you're not making, sir. I've forgotten, Madam Chair. We're going to have to withdraw them when we get to them. I think it's 32 and 34. 32 and it wasn't 26? No. Okay. All right. Then go on and make this motion, please. I move motion 26, section 7.06.02.C, reduced parking ratios.

[04:25:54] I'm going to read it because I have a question about it. move that the board direct staff to revise section 7.0602 c as follows c reduced parking ratios in accordance with section 70602c the parking ratios provided in table 706021 may be reduced the reductions of section 7.0602c are not subject to section 7.06.08 except to exceed the specified limits or to exceed a cumulative reduction of 35 percent additional parking reductions may be be provided pursuant to section 7.0608.

[04:26:29] Motion is made and seconded by Ms. Bricksman. Discussion on the motion, Mr. Turner. Can I ask staff, my intent here is with any combination of parking reductions that we never allow more than a 35% reduction from the base parking in the table.

[04:26:44] Have I achieved that with this language? You achieved that with this language. Okay. Whereas previously the affordable housing was kind of dealt with separately and wasn't part of the cumulative. Yeah. So that's good. That's what my intent is. Other than affordable housing, if it's base table housing, it does not get more than a 35% cumulative reduction.

[04:27:04] So even with the affordable housing, attainable housing, they wouldn't be able to get more than they would max out at 35% unless that, you know, we've got some motions on that already, but you wouldn't be able to combine things to be greater than 35%.

[04:27:22] that's what I want to do okay thank you very much there's a number of ways you can reduce parking and just very briefly we thought a 35 percent absolute reduction in parking was was sufficient limit and yeah and so I'll leave it at that thank you madam chair okay mr. letourneau so I support the concept for sure I appreciate you making this motion and bringing this up I guess my only question is I was actually thinking more like 25 or 30 percent so if I may through chair Randall how did you end up

[04:27:56] at 35 percent mr turner uh 35 percent was in the language before that's the existing language but there was a caveat that said if you meet more reductions you can go below 35 percent you need to go exceed 35 percent we just wanted to get rid of that and say let's just set the floor yeah if if you want to make a friendly to have some lesser percentage i can probably be open to that i will make a friendly for 25 i'll accept that okay thank you um i think the reality is As you stated, there's only so low you should go no matter what.

[04:28:36] And when you look at some of these credits per se, there's not solid evidence they truly reduce a lot of parking, put it that way. I think we want them to, and that's fine, and therefore you can do the reduction, and it still incentivizes it.

[04:28:51] But, again, we don't want to make – we're making a lot of assumptions with some of these. I'll just leave it at that. Okay. And, Ms. Bricksman, you accept that friendly? Sure. All right. Okay.

[04:29:08] Motion made by Supervisor Turner second by Supervisor Brixman with the friendly from Supervisor LeTourneau Any discussion on the motion? All in favor, please say aye. Aye. Any opposed? That motion passed 6-0-3 Okay, motion 27. Mr. LeTourneau is this the, I'm trying to get to the motion you were talking about Mr. LeTourneau The kind of, is it 27? Yeah, 27 is the attainable housing one that I think there's consensus on, at least I hope Mr. Hart stood up and then sat back down

[04:29:43] you said hey yeah you heard it um okay should i make the motion yes all right i i move uh motion 27 section 7-0602 c1 reduced parking ratios attainable housing uh do you want me to read it or i guess it's relatively short i want you to read it only because there's so many strikeouts and stuff i move the board direct staff to revise section 70602 c1 as follows one attainable housing parking ratios for dwelling units provided pursuant to chapter nine attainable housing are reduced by 15%.

[04:30:14] And then parking for attainable rental units must be included in the rental price. Motion made and seconded by Supervisor Turner. So this replaces the language that sets a straight 1.5 spaces per unit for multifamily attached AHUs.

[04:30:34] And again, the reason for that is because if you set a standard just flat 1.5, you make no accounting for what the actual unit mix is in the building so if you have a building that has more two and three bedrooms you're going to need more parking and if you don't then you'll need probably less than 1.5 and so this actually allows you more flexibility to go in either direction there it's also much more simple so if you look at all this language that's struck out here this gets into this all all this ami stuff and you're 30 50 10 it's just very simple it takes our existing parking standards and then

[04:31:12] and reduces them by 15% across the board. So if you're requiring X number of spaces for a three-bedroom unit, it's this, and so on. So I think this is a simple, clean way to do this. Thank you. Mr. Turner. Thank you, Madam Chair.

[04:31:29] I just want to say to staff, I think I understand what you were trying to accomplish with the AMI breakouts. And I think it was really kind of two things. First, it created an incentive for extra parking for the various categories of AMI.

[04:31:49] The only thing that I thought was an issue was I don't know that we have any data that those brackets of AMI need more parking. And feel free to chime in if that's not correct. I just thought this was a simpler solution than the AMI breakdown in the absence of hard data that said at the various AMI breakdowns that the parking requirements were different.

[04:32:14] Certainly would be a simpler solution. So in a presentation that was given for Montgomery County is looking at parking by the same people who did Fairfax County when they did theirs, and it was represented that these numbers bear out.

[04:32:31] 34% of households that qualify for 30% AMI, they don't even own a car, right? So we worked on this with folks from affordable housing and with our office of housing and community development. And

we felt like this was a good way to actually target these types of developments that we get. We certainly understand that most of the attainable housing that we get is 60% AMI. We don't really get that many units that are 30% or 50%. If we want to go 15%, that actually is great for people who do 60%

[04:33:10] AMI because they get an extra 5% off. It's not so good for those who provide those very low units. I was just going to clarify, your phrasing said more parking, but it's a reduction. I think you just inverted your wording. I did. You're right. You're correct. I did. Ms. Bricksman?

[04:33:33] Is this modifiable? It's not directly modifiable, but you could still request for more reduction. You can always request for more reduction through the parking reduction or even the special exception for parking reduction. Okay, so if someone wanted to build a full building at 30% AMI or wanted to have a lot of 30% AMI distributed throughout their project, they could come in and say that they would like a parking reduction, further parking reduction because of the

[04:34:10] type of units? Yes, that is correct. Okay, thank you. Yes, yes, yes. All right, I think Mr. Letourneau, would you like to make a closing?

[04:34:27] No, I think we've covered it. All right, great. All in favor, please say aye. Any opposed? That motion will pass 603. Staff, number 28, before the motion was vastly changed, you have down that you believe that motion number 28 conflicted with motion number 27.

[04:34:48] Motion number 27 was vastly changed. Do you still think that conflict exists? And would you do anything different with the motion in 28 now? It still conflicts. Yes, it still does conflict because under here you've got the AMI reductions.

[04:35:06] This motion would add, in addition to the AMI reductions, there was an option for the AHU multifamily attached, right? So if there's no more. What if we left the AMIs out? The previous motion got rid of the AMI.

[04:35:21] So, yeah, but for this one, okay. But this one has it in there. So tell me why it's still, tell me why, tell me again, I'm sorry, tell me why it conflicts. Can I? Yeah, just give me a second. Tell me why you think it conflicts. Half of the language that's still quoted here was just deleted by the previous motion.

[04:35:40] So we have to read the motion differently. Well, you don't need it. If you want to make it, but you don't need it. That's what I was saying. That's what I was asking. That's what I was trying to explain. My motion covered all of this. So number 28 is just not needed? Yes. Okay. All right. That's what, okay.

[04:35:56] That's what I said. And tell me why we needed it all. That was that part. Okay. Motion number 28, then, is where we're at, and that is Mr. Turner. I'm sorry, 29. Mr. Turner. Thank you, Madam Chair. The motion I would like to make, staff, is simply the section, the last part of the section, that multifamily AHU reductions are limited to 1.2 parking spaces per dwelling unit, at least 1.2 parking spaces per dwelling unit.

[04:36:28] You follow what I'm saying? So I want everything that just passed under Supervisal Returner's motion, but I do want to introduce the lowest parking ratio for AHU's multifamily attached as 1.2 spots per unit.

[04:36:46] Can I do that in this motion? That's the motion I want to make. I think I can do it verbally. I think you can do it with a motion, sure. Okay. However, I think it does conflict with the previous motion

that just got approved because we're going to a flat 15%. If there's a flat 15%, there already are units that are at one and a half, or there are units that are at one parking space per.

[04:37:08] But to your point, you can make adjustments to the flat 15%. So what this does is simply establish a floor for multifamily attached AHU units that if you take a combination of reductions and you are a multifamily attached AHU unit, you cannot go below 1.2 no matter what.

[04:37:29] I understand. Would you like to put a motion on the table, Mr. Turner? I'll take a shot. And then we can talk inside the motion. I move that the board direct staff to revise section 7.06.02 C.1.8.2 as follows.

[04:37:50] Multifamily attached AHU. The cumulative reductions for a multifamily attached AHU development cannot exceed, cannot be less than 1.

[04:38:08] 2 parking spaces per dwelling unit. Okay, so that's not the motion, and that's a new motion that was amazingly made up on the fly. I think what you just said was what you were trying to say in how it's written.

[04:38:28] And so I'm going to go on for the purpose of discussion and second that. And I actually want to hear why staff thinks it's in conflict to number 27. But Mr. Turner, if you want to have an opening first, you can. Yeah, I think I said that correctly.

[04:38:44] If I could just get the jazz hands from Mr. Hart back there in the back, if I said that correctly, that would be nice. Well, Mr. Hart, okay. Thank you very much. Staff, do you think that's in conflict to 27 with how he just said that?

[04:39:03] Okay. We could do it that way. Certainly could. I think that way it's not in conflict. We'd have to come up with some language. I do note that there are already some units that are not attainable housing that are less than 1.2.

[04:39:20] So this would mean if I'm that type of unit, I have to provide one. I have to provide more parking. I guess I, let me look at that. Multifamily attached one bedroom is one dwelling unit, one per dwelling unit in the urban.

[04:39:40] So that would require 1.2 spaces. Which is more? For this motion, which is more. Mr. Turner, you want to keep this motion? The other thing I would say is that the previous motion that was adopted, Supervisor Turner, with regards to 70602C with the friendly amendment, capped it at 25%.

[04:40:01] So there already is a cap. You can't go past the 25%. Mr. Turner, would you like to withdraw your motion? No, I think I'm okay, because I think the 1.2, let me ask this question. Is the 1.2, okay, obviously the developer would calculate it for each unit, but doesn't the ratio have to apply to the aggregate number of units and the aggregate number of parking spaces?

[04:40:27] In other words, as long as you're 1.2 or higher, dividing total units by total parking spaces, you're okay. Even if some of the units go below 1.2, your aggregate ratio for your full development is 1.2 or higher? If that's the intention, then yes, we could do that.

[04:40:48] Okay. I think I'm going to leave it the way it is. Mr. Hart, do you want to speak on this? You may. Good evening again.

[04:41:07] Indulgence. I just want to say that I think Supervisor Turner is on the right track. It's very, very uncommon to have a property that would be all one-bedroom units. So in the aggregate, it's unlikely to get

to just 1.0. So I'm fine with the 1.2 limit.

[04:41:24] But I did, the reason I stood up previously, I think the conflict might be with 26. I think the limit at 25% may not work. I didn't have enough time to quite do the math on that. But I think setting the limit at 25% doesn't accomplish, I don't think I can get the full 15% and still stay within the 25% limit.

[04:41:48] So that's my concern. I think that's where the conflict is. So we may have to go back to 26, but on 29, you believe in the aggregate, it's good. And it won't require more spaces in the aggregate. Is that what you're saying? I think the 1.2 is okay.

[04:42:04] Okay. All right. Ms. Bricksman. Thank you, Mr. Hart. Ms. Bricksman. Based on what staff said, I won't be supporting the motion because staff said that we could require more parking in some areas if we have this 1.2. I think that the motion that we just passed satisfies the 15 percent, satisfies what we need, and I don't think that we should complicate things any further. Thank you.

[04:42:28] Thank you. Mr. Sainz? Thank you. In staff's opinion, and Mr. Hart, if that's possible, did you feel it is better to do 28 and 29 and not 27 and 29? Wait, what? 28. No, because 28 was complete. We didn't need 28 anymore. I'm asking the different combinations. We did 27 and 29 right now. They skipped over 28. I'm asking is it better to do 28 and 29 instead i think better is is it's hard to say one is better

[04:43:07] 28 reflected work that staff did with members of the industry to find a compromise that everyone agreed to initially prior to supervisor turn on providing his motion so 28 set the table and then 29 the original 29 built off of it so that would have worked fine 20 27 is an alternative way of trying to attack the same thing so what we're partly trying to do similar what mr hart was saying is trying to do some quick math to see if the cap at 1.2 um right still makes sense yeah i don't know that we are completely comfortable in that yet but i understand the intent i just

[04:43:46] we may end up with something that undershoots or overshoots okay all right and then you feel in 28 second part the multifamily attached a hu that would be covered in what's being offered in 29. The original 29, and I may need Supervisor Turner to restate his motion because I'm not sure we captured all of it. I think the point was that's 1.2 cap at this point not focusing on the 1.5, or am I incorrect? I think so because you didn't mention 1.5.

[04:44:24] So Turner, was it 1.2 or 1.5? 1.2. 1.5 I didn't mention at all. It's 1.2. Okay, so you're doing math right now. So do you believe, are you still believing that this motion will require more parking?

[04:44:46] Not if we're looking at aggregate project-based. Yeah. So if we're looking at only a one-bedroom, it would, but looking at aggregate over one, two, three bedrooms, it would not. If we look at it unit by unit, it could for some.

[04:45:02] It could for some, but in aggregate it would not. If you're looking at the whole thing in aggregate project-wide, then the answer would be no. Okay. Well, then I will support this motion. All right. Mr. Turner, we should like a closing. Just briefly, Madam Chair, and it's sort of related to this.

[04:45:18] I'm a little concerned with what Mr. Hart said about the 25%. So I want to just entertain that notion that a subsequent work session, if we determine the 25% is not correct, we can entertain another motion and put it back at 35%. And I think that's acceptable, but I appreciate everybody's indulgence on this I know this was really complicated. We've all been working quite a while on it. Thank you. Right

motion was made by Supervisor Turner and second by Supervisor Brooks men All in favor to say aye aye
Opposed that motion will pass 603. So just as an FYI, we have one more work session

[04:45:56] I am not trying to put another work session on this schedule So if I take a big deep breath and let's get through the night because we're not going to add anything else in the schedule I'm a no on that one, sorry. Okay, so that's 513 would be that one, but Ms. Brickspin being a no. Okay, number 30.

[04:46:13] Mr. Turner, that's also you. Thank you, Madam Chair. I move section, I move that the board direct staff to revise section 7.0602C.C.4 as follows, a transit, a reduction up to 25% of required parking is granted based on proximity to transit in accordance with Table 7.06.02-2.

[04:46:44] Further move to revise Table 7.06.02-2. Note 2 as follows. Note 2, distance is measured from the outer edge of the Metrorail Station, including associated parking areas, and in accordance with Section 7.06.11.D. Second.

[04:47:00] Would you like to speak on the motion? Thank you, Madam Chair. This is really just to clarify the language in these applicable paragraphs. It's just more precise language. That's really all we're trying to do here. Okay. You have no issue with this motion, correct? No issue.

[04:47:16] Okay. Mr. Letourneau. So I'm confused. I was confused on this overall topic, and I think the way this was written was very, very unclear what we would actually reduce it by and all that stuff. But as I understand this topic, the reduction could be either for Metro Rail, but it could also be for bus stops, right?

[04:47:35] Correct. So how close do you have to be to a bus stop? And then my follow-up question is, we change our bus routes fairly regularly, or at least generally look at it every one to three years or so.

[04:47:51] So are we really going to base a reduction on the present time where a route's operating, but what happens if the route changes? That's a good point. Rail isn't going to change, but the bus...

[04:48:07] Right. No, I understand. I see where you're coming from on that. So this was part of the parking section that was provided in consultation with some transportation consultants that we had. And it's, anyway, they've got studies that show that there's a certain amount of trip reduction when you're close to transit, right?

[04:48:29] So there's different distances. So a half mile, quarter mile, eighth mile, you get a different, you are eligible for increased reductions the closer you get. Is that how we were going to calculate this prior to, or even with his language about up to 25%?

[04:48:45] Correct. Up to, not 25. So does that mean we would vary it based on how approximate it is to a bus stop? So the motion actually doesn't change any of the substance of what is currently in the draft regulations. It just provides consistent language with the other sections.

[04:49:05] So we already had 25% everywhere. So we already had a max of 25%. Okay, in this little excerpt we have here, there was no number. His addition was adding up to 25%. Right, the table's not there because there wasn't any change to the table. Okay, all right. So back to my question, which I suppose is probably a little immaterial for this motion, but nevertheless, what do we do on the bus stops if we change the bus route?

[04:49:29] So this would be when the development comes in, if they're close to, and then they get... All right, well, that's a different issue. I'll support this motion, but that's just something to think about. I mean, the closer that the county gets to build up, the less likely they will need to keep revising bus routes.

[04:49:49] On the other hand, though, we just started, like, our very first tranche of really metro-related bus routes is underway now, and I do think there are going to be significant changes. You know, we agreed to a point in time to let COVID recover and all that stuff, but in talking to our transit staff, I think there will be some significant changes, And I just wonder how much that will continue to evolve.

[04:50:10] Maybe it's an unsolvable problem. But it makes it a lot more sense to do this for rail than it does bus. Well, I think maybe two things that we could, as a staff, make note of these that are given and ensure that's at least considered when they're revising things partly.

[04:50:25] That's what I was going to ask. And I forgot what my second one was. I know. I know. We're almost done. We really are there. We're getting there. All right. Ms. Brixman. Thank you. so that was my next question i was going to ask would there be a mechanism by which we could know when we have our transit summit that the uh development around a certain bus stop or bus route was granted parking reductions it would be something that staff would have to track internally and for all i know dtc i may already do that i'm not sure okay yeah that's true it would be dtci um

[04:51:04] My other question is, I agree it should be around bus stops, and hopefully we can figure out a way to know if a parking reduction was provided. My concern is we just said in another motion that the reduction cannot be more than 25%.

[04:51:27] So say that it's 30% AMI, a building that is a quarter mile from a bus stop or a quarter mile from the metro station, so it qualifies for the full 25% parking reduction.

[04:51:43] Does that mean they can't add on the 30% AMI reduction? Right. Or the 15%? So essentially there's a max of 25%. Okay, so maybe that's the reason why we were going for 35% before, so there was an opportunity to get more parking reductions.

[04:52:07] Yes. Okay. So that might have to be a reconsideration because I could see that somebody would apply for more. Is that modifiable? Could they come in and say, hey, we've got both of these factors working in our favor.

[04:52:25] Could we get a 30% parking reduction? You would have to get a parking adjustment. So you could get an administrative parking adjustment up to 35% or beyond that would be a special exception. Okay. All right. I'm sorry. I think I probably asked about the modifiability.

[04:52:42] at the 25 question and i've already forgotten it but thank you very much i'm happy to support the motion thank you mr turner you have a closing thank you madame chair well two things first if you look at the other associated materials there's rings eighth of mile quarter mile half mile so you can have up to a 25 reduction but you could also get an eight percent reduction for transit so it that's when the 25 comes into play to supervisor letourna's point we actually had that discussion about bus being pretty flexible and that the consensus was let's lock this in right now with the fuzzy word transit and keep looking at it and see if we can't come up with another motion specifically addressing bus

[04:53:18] transit or not so that's all I have thank you all right motions made by Supervisor Turner I think Mr. Brixman do you second this motion all right all people say aye opposed that motion will pass 603 number 31 really really are very close everyone we don't have too many more to go at all depending on how much we keep talking. Number 31 Ms. Materno. Alright I move section 7-06-08 parking adjustments the board amend 7-06-08 parking adjustments in any

[04:53:54] applicable section. I don't know I guess I'm not gonna read the whole motion basically this. Wait wait wait is there a second there a second on this motion, Mr. Turner has seconded the motion. Would you like to do an opening now?

[04:54:12] Okay. So this changes the parking reductions from an administrative process to a board process up to 10%. So basically, if you want to go more than 10%, then it goes to the board versus an administrative process, an administrative parking adjustment, and we're talking about nonresidential uses. So this kind of does two things. On the nonresidential uses, it makes the

[04:54:44] administrative process up to 10%, and then on residential uses, it provides the board with the ability to do it, but not administrative. I think I have that right. I'm sure I have a friendly.

[04:55:01] You do have a friendly, and I was going to ask you, do you still plan on making motion number 33? No, that depends on the result of this conversation. Okay, if you have a friendly, go on. The friendly motion is I further move that the board directs staff to remove Section 7.06.08A to 8.A.2.B, which is basically this motion would remove the Board of Zoning Appeals as an option.

[04:55:26] I will accept that. Thank you. As will I. Okay. Are you finished your opening, sir? Anyway, the idea here is basically to take some of this, there's like massive amounts of administrative flexibility that was built into this, which I understand, but kind of to the extreme.

[04:55:47] So it gives it back to the board, and especially on the non-residential stuff, it's pretty problematic for reasons that Mr. Sains and I have both experienced in our districts related to commercial uses. Okay. Mr. Turner, you asked for a friendly. Anything else? He accepted the friendly. You're good?

[04:56:05] I want you to light off then, Mr., Ms., Ms., okay, we're good. Anybody else? All people who say aye. Opposed? So that takes away number 33. And number 32. Mr., and 32?

[04:56:23] Well, it takes away 32. It doesn't take away 33. Well, okay, well, but the problem is, what we just passed, the conflict is with motion 33. But with the friendly you just made, that takes to the conflict. I think that's a misprint. It's a typo. It's a typo, okay. It conflicts with 32.

[04:56:40] that's a 32 okay so then you're still doing 33 correct all right we make like to make that motion then I will I move the borders the board direct staff to revise section 7.06 point one one to add a requirement that all single family attached single family detached and multifamily stacked dwellings must provide at least 50% of all required parking either on lot or dedicated to the dwelling unit off lot I further move that section 7.06 point one zero point D be revised to clarify that residential parking location and design are also subject to the requirements of section 7.06.11 motions Manson was supposed to

[04:57:17] turn all discussion the motion mr. mr. Turner we've run into a lot of problems with our constituents that off-lot parking is provided and there's no designation for who owns that off-lot spot all this does is clarify a requirement that if you're gonna have off-lot parking at least half it's got to be dedicated. Okay. Anybody else? Question? Yes, sir. When he says off lot, what does he mean?

[04:57:42] What do you mean by off lot? Is that directed to Mr. Turner? Outside the driveway. So on the street. Herbside parking, street parking, extra parking. Okay. Anybody else? All right. All people say aye. Aye. Any opposed? That motion passed 6-0. Mr. Turner, we are, we've taken away 34, correct? We have. Yeah. Yeah. Yep. And then 35. That's still, that's still a motion. I can't

[04:58:15] believe you did either. I move the board direct staff to revise section 7. 06. 11. E as follows.

[04:58:36] E. On-street parking. Available on-street parking spaces along the site's frontage count towards the minimum required spaces for residential dwelling units as follows. One, on-street parking may account for up to one required parking spot if located within 500 feet of the principal entrance of the dwelling unit being served. Two, streets must be designed pursuant to Virginia Department of Transportation, VDOT, County, and Fire Apparatus access standards to accommodate on-street parking.

[04:59:01] And three, on-street parking on minor collector, major collector, minor arterial, or major arterial roads is ineligible for residential parking requirements. And number four is a new part exemption. Section 7.06.11.E does not apply within 0.5 miles of a high school, college, or university, transit facility, or metro rail station.

[04:59:21] Second. Essentially, this motion. Essentially, this establishes a restriction so that what we're having is that people are meeting their off-site requirements for parking near one of those establishments, like a metro stop. People from the metro are parking in the open spots, and so we're not allowing them in this motion to count those as open toward your open space requirement, because we know they're going to be taken up by metro.

[04:59:47] Okay, or somebody else. Okay, all right, all right, gotcha, gotcha, gotcha, gotcha. Mr. Letourneau? I have a question on this, though. What about a residential parking district that's in effect already? Not necessarily near Metro or anything, just one that's already in effect. Exactly.

[05:00:02] Does this exemption include that? I believe it does. I thought it was supposed to, but I don't see that. The language here doesn't say that. That was my thought, yep. Mr. Hancock, you got a clarification?

[05:00:18] So you mean for projects for existing parking districts now? Yeah. So the new parking section only applies to new development that's coming in the future, right? So if it's already existing approved bill, those approvals still exist.

[05:00:40] Okay. In order to be eligible for a residential parking permit, do you have to have one of these criteria anyway? That was my understanding. Okay. That you need to be within the half mile. That may have been why I covered it anyway.

[05:00:56] Although his point is, of course, correct, that it's only going to apply to new development anyway. But, yeah, I know there's certain criteria around where you can do a residential parking district. I've done a couple, but I don't remember if all of them meet all these, but maybe they do. Okay, well, anyway, I'll support the motion.

[05:01:13] Okay. Yeah, thank you for asking that question. I have no other questions. Mr. Turner, do you have any questions? All right. All in favor, please say aye. Aye. Opposed? That motion passed 6-0-3. That motion was seconded by Supervisor Turner.

[05:01:28] I mean, Supervisor LeTurneau. There is a motion number 36 before we do the endorsement of this chapter. I move the board direct staff to revise Section 7.08 to make the staff recommend that revisions as presented in Testament 22 of the October 23rd, 2023.

[05:01:45] Board of Supervisors can meet the whole work session. Supplemental action item. Okay. Maiden second. You guys want to talk about this motion a little bit? It's a staff motion. No? You don't want to? If you want to.

[05:02:01] I mean, it endorses Chapter 7. It includes some additional items that we identified. Oh, I'm sorry. It doesn't endorse Chapter 7. I'm so excited that we're moving forward. So we did need to make a number of changes to the utility section after it was approved by the Planning Commission, and there just wasn't time to do that.

[05:02:25] We've incorporated, we've talked to other departments in the county and also corresponded with Loudoun Water to make sure that it matches up and meets county policy. As you know, the county policy has changed for the provision of water in the Leesburg JLMA, for example, and so that's why we recommend these changes.

[05:02:46] Okay. All right. A lot of this is just bringing things back in line where it should be with the new, so yeah, that makes perfect sense. Anybody else? All right. All in favor, please say aye. I'm sorry. Who seconded this motion? Seconded by Ms. Brickspin.

[05:03:02] All in favor, please say aye. Any opposed? All right. We are going to now. Now. It's here. Now. I move the Board of Supervisors endorse Chapter 7, Development Standards of ZOAM 2020-0001, Zoning Ordinance Rewrite, as presented in the Attachment 16 to the October 23, 2023, Board of Supervisors Committee of the Whole Work Session, Supplemental Memo, Subjected to All Revisions Reflected in the Motions Approved by the Board of Supervisors during its October 23rd, 2023 Board of Supervisors Committee as a whole work session and during previous work sessions.

[05:03:36] I further move the Board of Supervisors direct staff to make the additional staff-recommended revisions for Chapter 7 as presented in Attachment 17 and Attachment 19 edit drafts to Section 7.06.02, Parking ratios, section 7.06.04, electric vehicles, parking to the October 23rd, 2023, board supervisors come in as a whole work session, supplemental action item.

[05:04:09] Motion made, second board supervisor, Sains. Okay, I'll talk about how wonderful all this is on Monday because it's 10.59 at night. So just, I would just be really happy and tell you guys all about it on Monday, okay?

[05:04:29] But right now, we're going to move on. Good job, everybody. Anybody else on this motion? All in favor, say aye. That motion passed 603. Okay, motion number 10, I'm sorry, chapter 10, number 38.

[05:04:46] I am told Mr. Buffington will be back on Monday. I'm going to hold his motion. He's at one motion. I'm going to hold his motion until Monday. That is Mr. Buffington's jam right there.

[05:05:05] We're going to hold that until Monday because I think he is back on that day. So we're going to skip that motion and go to, I believe, the last motion for the night. Wait a minute. Wait, wait, wait, wait. Oh, I'm sorry, 39.

[05:05:24] We've done 45. Those signs. We've done the signs motions. we just didn't endorse it because yeah exactly wait no this is our last motion for the night wait a minute wait a minute wait a minute wait a minute oh we yeah actually i i am and i actually need to talk to you dan about one of our definitions that hasn't been changed yet the adapter for use

[05:06:03] thing and just talk about that a little bit so this is our last motion for the night um madam chair i'd like to reserve this motion for monday when everybody's here no i think everyone should have a chance to weigh in on it i think i think it's not going to get a second it may not but i'd I'd like to wait.

[05:06:21] No, I'm just going to wait until Monday so the other supervisors can weigh in on it. Because this directly affects every supervisor. Well, I haven't made that decision yet, though. I'm missing the package right now.

[05:06:40] And I'm allowed to say no to them, too. That's fine. I think that's it, then. You guys good?

[05:06:56] You're good? Yes, ma'am. Stan, you're good? We're good. All right. Our next meeting is the next, is the 30th? Our next meeting is the 30th. Yes, we have a whole week to the next meeting.

[05:07:12] Thank you. We are adjourned.



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