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Loudoun County Board of Supervisors, Committee of the Whole Work Session, Monday, October 30, 2023

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- Official meeting video (county, Granicus): <https://loudoun.granicus.com/player/clip/7451>
- Agenda (Granicus): https://loudoun.granicus.com/AgendaViewer.php?view_id=73&clip_id=7451

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[00:08:35] Well, good evening, supervisors, good evening, staff, good evening, Loudon. I'd like to call to order the October 30th, 2023 Board of Supervisors Donning Ordinance Rewrite Work Session. This room has a hearing loop. If you need hearing assistance, please put your hearing aid to the telecom mode.

[00:08:52] If you need a headset, we have those available as well. Please see the clerk to request one. Would everyone please join me in the Pledge of Allegiance? I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all.

[00:09:15] So loud in which you don't know is every time we do the pledge, Supervisors say, and Supervisor Kirshner have like a Pledge of Allegiance contest over there. They're just screaming, don't know what that's about, but every time.

[00:09:32] Okay, Supervisors, we've got a couple different things going on tonight to just set the stage for this meeting. I think will help us get through the meeting a little faster, and just things you need to know. First of all, if you remember during, I guess it was the last meeting, or two meetings ago, when we talked about ADUs on end units, remember that discussion, and how it would be 22 feet or 24 feet, remember that whole discussion, we had that vote.

[00:10:04] As it turns out, we were discussing the wrong thing. And so I'm going to turn it over to Mr. Kroboth to talk about those two items, which would be motions two and three. And after he explains it, I will probably move motions two and three to the motions for the combined motions to be passed because I think this will clear things up quite a bit.

[00:10:29] Mr. Kroboth. Thank you, Madam Chair. As you indicated, draw the board members' attention to... motions two and three in the packet for this evening's meeting. And these two motions are basically bringing back what was motion one and two for the October 23rd work session just last week.

[00:10:50] And although it may not have appeared obvious to us at the time, but afterwards, we started to piece together the discussion and the questions that the board members were asking and realize that it may be that the board members were thinking unit width when the staff was actually referring to the lot width.

[00:11:13] So you'll see in the last week's motion, it was to modify the dimension from 24 feet down to 19. And then tonight you'll see we're proposing in motion two to go from 24 to 22 feet.

[00:11:31] And then in motion three to state a 22-foot minimum lot width. And essentially that 22-foot distance allows for an 8-foot side yard setback requirement that leaves you a 14-foot unit width, which is consistent with the units that are in the middle of the row.

[00:11:55] I hope that explains it. Does anyone have any questions about that? So it's not the actual unit, it's the lot. And we were all talking unit. Okay, with that understanding from motions two and three, does anyone have any issues with those two motions being moved to the combined motions?

[00:12:16] Okay, wonderful. Now I'm going to go to Ms. Sidnor, who's going to talk about the motion 74. It's a grandfathering motion on your package 74. This is just for her to give an explanation.

[00:12:31] So when we get to the motion 74, you will already have this explanation. So, Ms. Fittner. Thank you, Chair Randall. So attachment nine in your supplemental packet is the proposed grandfathering resolution that implements the direction that we receive from the board.

[00:12:51] I think it was back on September 7th. Just to clarify, we're not asking you to adopt that motion tonight. That is set up to be adopted the same night when you take final action on the zoning ordinance rewrite. We just wanted you all to have that in advance so that you could see it and ask questions as needed.

[00:13:09] The topic that I want to discuss now is paragraph 7 of the resolution, which identifies what it takes to be diligently pursued. Just for context, the resolution says that applications that are officially accepted before the zoning ordinance rewrite is adopted may continue to be processed under the revised 93 ordinance as long as they are diligently pursued and so we've set out what that criteria is for diligent pursuit 7a is the criteria for legislative applications and 7b

[00:13:45] is the criteria for administrative applications 7a as it's in the packet says an application will not be diligently pursued if the applicant fails to submit materials requested by the project planner I'm paraphrasing, within three months of a written request, that is actually a mistake.

[00:14:04] It should say six months, which would make it the same as the similar criteria in 7B for an administrative application. So I apologize for that. That just didn't get caught before the packet went out. So in 7A little i and little i2, I think it is, instead of three months, it would say six months so that it would

be the same for both legislative and administrative applications, and we'll make sure that is corrected before your anticipated action on December 13th.

[00:14:39] Happy to answer any questions if you have any. Does anyone have any questions to Ms. Signora regarding that motion, which is again motion 74? Does anyone have any issues with Ms. Umstead? Thank you, Madam Chair. Courtney, do we do we have input from the community on on this particular wording not that not that I'm aware of I mean this was went out in the packet to implement what the

[00:15:13] board gave us guidance to do on the back in September as I said so unless we hear something tonight I'm not aware that anybody has said anything about let me let me help you with so this was the wording that should have been there anyway after we had our meeting in September, and literally the next morning, Mr. Turner and I had a meeting with the stakeholders, and there was no disagreement.

[00:15:39] Basically, she's fixing language that was mistakenly put in the package, but what we decided on was actually already discussed with the stakeholders. So having said that, does anyone have any issues at all moving item number, motion number 74 to the combined motions.

[00:16:01] Madam Chair? Yes, sir. Have we voted on this motion before, and this is just a language fix? Is that what I'm understanding? I'm going to miss it in the direction. So what you all voted on was the general framework of the grandfathering, basically, to allow applications submitted before the adoption of the zoning ordinance rewrite that are officially accepted to be grandfathered.

[00:16:22] And as part of that guidance, there was a direction to staff to come back and specifically define the term diligently pursued which is what we've done here in this motion so this was so that everybody could see the final i'll call final resolution before you actually vote on it on december 13th the language fix that i'm talking about changing three months to six months was just it had been my intention for those two to be the same for them both to be six months it just got in the packet incorrectly but so this is the resolution is out there for everybody to see for

[00:16:56] board members to see it with the idea that you will vote on it at on december 13th as part of the full package correct yes but we we have had a vote on it prior do we know what that vote was i don't think it was yeah we actually we actually had a close decision yeah it was a unanimous vote okay well no i'm sorry it was a unanimous vote with the exception i believe in some staff but i can go look that up yeah the vote was for the general framework just for staff to come back with the resolution for you all the full resolution well okay i don't have to move it to any i can it can just stay right there tonight we can discuss it on that if you want to yeah i mean

[00:17:34] i don't i don't mind i i think that that motion as well as number 19 madam chair was the two that i was going to request me but that one was never on that one was actually not on the combined so far i was well it is in mine or at least in my notes it says it was going to be so but but so you're saying you do not want it on the combined that's that's correct i just want to you that yes Yes, okay, okay, that's fine.

[00:17:56] You do not want it there. I understand. Chair Randall, for clarification, that motion did pass 9-0. Okay, 9-0, that motion passed 9-0. Mr. Kirshner, I'm going to do me a favor.

[00:18:13] I'm going to ask that you go actually read motion 74 for me and then make sure you don't want it on the combined. Well, and that's fine, and I don't have a problem with that. A fortunate thing is I got through to, like, motion 65 since these got dumped on us. And I was trying to scramble at the last minute

to figure out each of these motions and whether I would support it. And the only two I'd come up with I might have issues with are motion number 74 and motion number 19. So I need to, I agree.

[00:18:39] But unfortunately, I do not have a supplemental in front of me. It's not in my packet for some reason. The supplemental didn't download in your package? For some reason, I just, I didn't know it was there, so I didn't get it. Oh, oh, oh gosh. We got to figure. You need time to read that. We got to figure that one out. Then I will take it off for now and let's, okay.

[00:18:56] Supervisors, the last thing I'll do before we go to the staff presentation is this. There was a meeting today between your staffs and your staffs, and this is what I received back as motions that will come off tonight, be withdrawn altogether. I will read the number of motion and whose motion it is. If, for whatever reason, you don't want this off, don't want this withdrawn, whether a staff person got it wrong or I transcribed what they said wrong, whatever. Let's just listen real

[00:19:32] closely so you know, okay? Number five, Sylvester Turner. Number six, Turner and Randall. Number 16, Turner. Number 21, Turner. Number 22, Turner. Number 28, Glass. Number 33, Randall. Number 36, Randall, Turner, and Bricksman. Number 39, Bricksman. Number 41, Turner. Number 42, I don't have a person. I apologize. I have to go look and see who that is. Number 45, Turner. Number 49, Bricksman. Number 60, Randall. Number 65, Turner. So 5, 6, 16, 21, 22, 28, 33, 36, 39, 41, 42, 45, 49,

[00:20:12] and 60, and 65 would be withdrawn. If you have an issue with that, if your staff did not tell me that, or I got that wrong, or whatever. Tell me before we get to that spot. I don't need to know now, but tell me before we get, because we're not withdrawing them yet. I'm telling you this in advance to give you time to go look at it. Reread them after 21, because I don't have the 30 in slower, please. Thank you, because I don't have those numbers in my list. Okay, I'll just start all over. Number five, Turner. Number six, Turner and Randall. Number 16, Turner. Number 21,

[00:20:47] Turner. Number 22, Turner. Number 28, Glass. Number 33, Randall. Number 36, Randall, Turner, Bricksman. Number 39, Bricksman. Number 41, Turner. Number 42, I don't have that one. I have to go look it up. Number 45, Turner. Number 49, Bricksman. Number 60, Randall. Number 65, Turner.

[00:21:06] Again, I don't need to know right now, but we're going to get to a place where I'm going to ask you, is that correct? So I'm just asking, just keep that, keep that in your hands for right now. All right. Having said all that, we're now going to go to the staff presentation.

[00:21:23] Good evening, everyone. It's time to adjourn the meeting now, right, after all that? Good evening. We are ready when you are. Thank you. Good evening. My name is Kate McConnell, and I will be presenting this evening on Chapter 9, Attainable Housing.

[00:21:42] We also have with us this evening John Hall, the Director of the Department of Housing and Community Development, Brian Regan, the Assistant Director of the Department of Housing and Community Development, and Rebecca King. senior housing planner with the community or community planning in the Department of Planning and Zoning. So Chapter 9 is divided into three sections. These regulations will implement the attainable housing regulations of the zoning ordinance. They're the ADU program, the Unmet Housing Needs or UNU program, and the Affordable Housing Unit or AHU program. The intent of these

[00:22:22] programs is to provide housing that is attainable for the full spectrum of incomes from 0 to 100% of area median income or ami the adu program is intended to address housing for households with

incomes between 30 and 50 ami for rent and households between 30 and 70 ami for purchase the unu program is intended to address attainable housing for households with incomes between zero and 30 ami for rent and 70 and 100 ami for purchase and the aid hu program are regulations

[00:22:58] for units that are provided as substitutes for adus and or unus you may use one of the funding sources listed in the definition of ahu and those funding sources have their own affordability requirements so the affordability requirements for the ahus would be based on those funding sources we worked closely with the department of housing and community development to draft this chapter that uh so that's why they're here to answer any questions as well as having me here the first key change to the ADU program is the removal of the requirement that projects subject to the ADU program must have a density of greater than one dwelling unit per 40,000 square feet. This is

[00:23:38] consistent with a general plan housing policy. The ADU program does apply to residential developments that contain 24 or more dwelling units and are served by public water and sewer. The only units that would be exempt from the program are multifamily attached buildings that are eight or more stories and served by an elevator. This was increased from four buildings with four or more stories and served by a common elevator, and that is at the direction of the board from their business meeting on March 21st, 2023. Since all new residential development, not just

[00:24:14] development that exceeds one dwelling unit per 40,000 square feet, are required to meet the ADU programs, this also means that there are four zoning districts that are no longer exempt. They are expressly exempt from the adu program those are the single family residential one transitional residential one or tr1 r1 is the first district i mentioned countryside residential one and joint land management area or jlma1 resuming this removing this exemption will generate more adus this is because when these districts were exempt they were allowed to voluntarily provide adus and

[00:24:53] when they voluntarily provided ADUs, they were only required to provide ADUs on the density increase. So if you had a project that was 100 units, you got a 20% density increase. So you got 20 more units, you were only calculating the ADUs on those 20 units, as opposed to the ADUs being calculated on the total units in the development. Another change with the ADU program is the increase in percentage of ADUs required. Again, implementing 2019 general plan housing policy that recommend strengthening the ADU programs to the greatest extent the Code of Virginia allows. We're increasing the single-family detached and attached

[00:25:32] requirement from 12.5% to 15%, and the multifamily attached from 6.25% to 10%, except for those exempt multifamily attached buildings that are eight or more stories. The biggest change you'll see is the increase from multifamily stacked from six and a quarter percent to 15 percent of the units in a development this is because multifamily stacked units function more like a single family attached unit than a multifamily attached unit when the adu requirements were established we did not have a multifamily stacked

[00:26:07] unit type and once that unit type was introduced it was sort of consolidated into the just general multifamily ADU requirement. But upon further analysis, these units are more, like I said, more like a single-family attached unit. They're for sale units typically. They have their own entrance or share their entrance with one unit, and they have attached garages. And this would also presumably or likely increase the amount of for sale ADUs. We've also attempted to simplify

[00:26:43] the language. It's still a complex section of the ordinance, but it was very difficult to use before. We provide some directions and examples for how to calculate ADUs, so that's codified as part of the regulations. We increase the optional density increase for multifamily projects from 10% to 20%. We've had some projects that had a combination density increase, so some of the project had a 10% increase and some had 20%. That was what single families allowed and still allowed to have, and that was really difficult to calculate, so we tried to simplify that by allowing all unit

[00:27:18] types to have a 20% increase when they provide ADUs. And then we have a requirement to provide ADUs by the market rate unit types in the development. In the current ordinance, we have regulations that apply simply to single family or to multifamily. So if you have a project that provides single family detached and attached, those units are going to generate the ADUs, but all the ADUs are allowed to be in the single family attached units. And similarly, multifamily. You may have multifamily stacked and multifamily attached that are generating ADUs,

[00:27:54] but all the units are allowed to be in multifamily attached. This new requirement allow or requires the ADUs to be proportionate to the dwelling unit types in the project. So if you have 25% of the units are single-family detached, 25% of your ADUs would have to be single-family detached.

[00:28:14] And similarly for single-family attached, multifamily stacked, and multifamily attached. This is meeting plan policy to increase the amount and diversity of housing that is available in terms of unit type, size, and price. You would be allowed to modify this requirement, and we also did include a provision to allow single-family detached ADUs to count as one and a quarter ADUs.

[00:28:38] This is because it does cost the development community more to provide the single-family detached ADUs, so this allows a decrease in the number of single-family detached and overall ADU requirement. You are going to see, well, I think it's maybe on the list to consolidate now, but there is a motion in the supplemental to increase that single-family ADU equivalency to one-and-a-half ADUs, and SAF does support that.

[00:29:06] I do think that is, yeah. We also included regulations that memorialize current methods for determining compatibility and interspersion with market rate units. The current language in the ordinance is vague, And so we tried to codify some methods to use to determine whether ADUs are interspersed among and compatible with the market rate units.

[00:29:32] And we did provide some options to achieve these requirements. This then clarifies to both staff and the development community how to meet these requirements. We also included an alternative ADU design option. This is an administrative review of alternative proposals.

[00:29:49] And we have criteria that we would use to determine whether these proposals are still compatible with the market rate units. And you are going to see in your packet, your supplemental packet, that there are some revised compatibility and aspersion requirements. Staff does support those as well.

[00:30:06] They're really simplifying the regulations and making some minor adjustments. In the ADU program, there are certain sections that are allowed to be modified. In the current ordinance and in the draft, the number of ADUs required is allowed to be modified, provided it does not go less than 5% of the units in the project.

[00:30:30] You can request a modification to pay cash in lieu of ADUs for single-family detached only developments, and you can request a modification for the timing of ADU construction. So as the market

rate project builds out, there's a requirement of ADUs to be constructed at the same time, so they're interspersed throughout the development.

[00:30:50] we did add the ability to modify that ratio of ADUs to market rate units required as well. For the UNU program, we really are one of the primary functions of adding this section is to essentially establish and provide consistent regulations for the UNU program.

[00:31:13] There's a couple places in the current ordinance where they're mentioned, and then the board also accepts voluntary proffered UNUs where we've been using the ADU program to regulate those. We are setting up some UNU program regulations so that they're consistent and to decrease confusion, provide clarity.

[00:31:33] You can provide UNUs voluntarily in return for an FAR increase in the transit-related center transit-designed supportive area, which is the most out or furthest away from the metro center ring of the transit-related center zoning district.

[00:31:50] You can provide UNUs as adaptive reuse or as part of a rezoning request. And then also PD MOB has a requirement to provide UNUs when more than 30 units per acre are provided in that district.

[00:32:07] Again, this establishes affordability requirements to provide that unmet housing need that's outside of the ADU program. That's the 30% to 70%, so it's addressing the 0% to 30% for rent units and then 70% to 100% AMI for purchase. And you can also substitute AHUs for UNUs.

[00:32:29] We have compatibility and interspersion requirements that are similar to the ADU program. You'll see a motion in the supplemental packet to align the compatibility and interspersion revisions to the ADU program to the UNU program.

[00:32:45] We have timing and construction of construction and availability requirements that are similar to the ADU program. Then we have those PD-MUB, UNU regulations. We're retaining those for the legacy zoning districts in case or when people exceed 30 dwelling units per acre.

[00:33:02] That affordability is different. You would see that in the regulations, but it only applies to the PD-MUB. And then you are permitted to request a modification of the timing requirements for unmet housing needs units. For the ADU program, we created a section outside of, I'm sorry, AHU program, Affordable Housing Unit.

[00:33:27] We created a section outside of the ADU program because now the AHUs can be applied to the ADUs or UNUs, so you can substitute both for AHUs. One of the major changes that we made in response to public comment was the timing requirement for AHUs.

[00:33:51] Typically, you'll see AHUs in one building, a multifamily-attached building, and the sort of three thresholds of the timing requirements that are for the ADU program really weren't working for that type of unit that comes online at one time. So we proposed a timing requirement that allowed the market rate development to exceed 50% of the occupancy permits when the multifamily attached building was permitted to be closed in.

[00:34:21] That would mean that they had inspections of the electrical and plumbing systems and were allowed to start installing the insulation and drywall. You'll see in your packet that there is a new timing requirement proposed, which is the closing of all of the funding programs that would be used to provide the AHU program.

[00:34:43] It's earlier in the process. It allows the market rate project to continue building out. But while that AHU funding project is sort of being set up, but once an AHU project goes to closing, it's essentially a done deal.

[00:34:58] there's a lot of assurances financial assurances that that project is is going to come to fruition so we're comfortable with supporting that revision and then we also that would that would actually apply to we kind of shifted the way we talk about how they apply so this would be for all the projects that are providing all of the affordable units as ahus if you're not going to provide all of your affordable units as ahus so you're doing a combination of some ahus and some adus or maybe some UNUs, then the ADU program timing will kick in, which is the three thresholds.

[00:35:36] You can also request a different trigger accepted by the board as part of the CDP, as part of a rezoning, as another way to propose a timing of construction for those AHUs. We also developed some more specific compatibility requirements for the AHU program, where there's a variety of ways that you can achieve compatibility with the AHUs, but we made some exceptions.

[00:36:06] And this is also a revision that's revised in your, the exception is also revised in your motions. So I'm just going to go over what we're proposing now, which is any LIHTC project or project that's funded with a low-income housing tax credit. We're proposing to remove the USDA-funded programs and then retain the county's affordable multifamily loan program.

[00:36:31] And then you are allowed to modify those compatibility requirements if the regulations are, you can't find one of the options that works for the building, essentially, that you're proposing. We added six new funding sources to the AHU program definition.

[00:36:49] They may be used to provide AHUs. This is in addition to the low-income housing tax credit, which is really the most common one that we see. We also allowed an option that's any other similar program, provided it's approved by the zoning administrator in consultation with the Department of Housing and Community Development.

[00:37:06] And you'll also see in your packet that staff is proposing to add HUD 221D4 affordable back to the list. That was inadvertently removed, but we are supportive of adding that back. So I'm just going to essentially summarize now the ways that Chapter 9 has incorporated flexibility and modifiability.

[00:37:29] As I mentioned earlier, AHUs can be substituted for ADUs. In the ADU program, since we added the requirement for single-family detached ADUs, they're going to be allowed to count more than one AADU to sort of reduce the ADU requirement for single-family detached and overall requirements.

[00:37:51] We've integrated flexible options for the compatibility and interspersions requirements. And similarly with the UNU program, the AHUs may be substituted for UNUs, and we added the flexibility for the compatibility and interspersions requirements.

[00:38:14] And we revised the AHU construction timing and delivery for primarily multifamily attached, but any actually AHU, full AHU project. provided options for the compatibility requirements and then the ADU program retains its ability to modify the number of ADUs required that cash in lieu for single-family detached only developments the construction timing and delivery of ADUs and then we added some new modification options in the ADU program you can modify the ADU to market rate unit type proportionality

[00:38:53] proportionality requirement. In the UNU program, you can modify the construction timing and delivery of UNU requirement. And then in the AHU program, the compatibility requirements. And that concludes my presentation, and I'd be happy to answer any questions. Yes, Professor, I know we have this and we have definitions tonight, but I think I will. We're going to have a very long night. We just are. So I think I want to pause here and do questions if anyone has questions on this chapter first. So if you have questions for staff, please put your lights on.

[00:39:26] Ms. Umstead. Thank you, Madam Chair. On the multi-family attached, we're going from what, 6.25 to 10 percent? That's correct. Yeah. And our premise, though, is that it costs more for single-family detached units to be designated as ADUs. The developers at more of a financial disadvantage with single-family detached.

[00:39:59] And I wonder if the developer is also at more of a disadvantage with single-family attached, but yet we're going with a 15% on the single-family attached.

[00:40:16] So why are we only at 10% for the multifamily attached? I think we were looking at the original requirements and outside of the multifamily stacked, sort of increasing them to really what this sort of the standard is for inclusionary zoning ordinances or zoning ordinances that require affordable units.

[00:40:42] But there is an acknowledgment there, too, that multifamily attached are more expensive to build, and that's why we also have the exemption for eight or more stories. Yeah. All right. And is the industry comfortable with having us define in the zoning ordinance the appropriate types of financing? With the addition of the HUD 221D4 for AHUs, yes. We have

[00:41:18] not had any additional comment about that. All right. Thank you. Supervisor Bricksman. Thank you, Madam Chair. I tried to get to this in my questions that I submitted to staff, but I'm having a little bit of angst over allowing UNUs and AHUs to replace the ADU requirement in developments.

[00:41:49] And also, and I know we had long discussions about the eight stories being exempted from ADUs, But intuitively, it tells me that we are going to have more affordables that are just rentals and or LIHTC buildings and not as many ADUs.

[00:42:12] So could staff tell me the reasoning behind allowing AHUs and UNUs, which most likely the bulk of them will be rentals, to replace what would be for purchase attainable housing?

[00:42:35] So first, the AHU program has been in place with the adoption of ZOAM 2016-9. So that was adopted in October of 2016. so we have been doing this since 2016 and it does result in AHUs being consolidated into one building or one area of a project it does result in probably more rentals than for sale units I would say that the bulk of the time it also results in more affordable units because the AHU

[00:43:10] building is going to provide typically more units than the ADUs that are required in the project I don't have an exact number on that but most of the time with a multi-family attached building you're going to see more units than the uh than the uh adu requirement but for rent only right that's correct but this is a you know essentially this is a decision that was made by the board in 2016 this is but now we're adding but now we're adding unus to that as well and unus by definition almost sound like they will be they will be for rent and they will mostly be compacted into one

[00:43:47] building. So I just, I feel like we're going to have a slide toward most of our lower income AMI folks being only have the option of renting. That's what's giving me heartburn because if now we're letting

the industry replace ADUs with two different types of rental options. Well, the PD MUB program already did allow this and that was really the only time in the zoning ordinance where

[00:44:24] but that's a board decision a pd mob program was is pd mob is a zoning district it has a regulation for adus when a but i'm saying that would come for approval i'm sorry i'm out of time yeah well it would it would come it's it's it's included in the ordinance that you can use another funding source to provide unus for pd mob and then you can provide affordability in the manner that that funding source allows. So it's essentially similar to the AHU program. We sort of just

[00:44:58] applied that to the UNUs in general. And I mean, while we do have the UNU program, I mean, it is all voluntary. So we're not going to see as many UNUs as we would see ADUs, generally speaking.

[00:45:15] Thank you. Thank you. Mr. Turner. Thank you, Madam Chair. Do I have this correct, that the revised 93 ordinance counts a single-family detached ADU as 1.0 ADUs or does it count them as 1.25 ADUs? The current zoning ordinance, it would count it as one, but typically what happens is there's all the single-family units attached and detached. You would take that number and multiply that by 12.5%, and then we allow all of the ADUs to be in single-family attached. So typically we don't see any or we

[00:45:54] might see an applicant voluntarily provide one or two but we don't see very many single family detached ADUs at all right now. Okay so the the the proposal and is it currently in the ZOR draft to count a single family detached ADU as 1.25 ADUs? That's correct. That's in the ZOR draft language right now and the motion we're going to consider tonight is whether we should increase that to 1.5. That's correct. Which would be a 20% decrease in the number of ADUs provided if we accepted that increase. For single-family detached only. Correct, for single-family detached only.

[00:46:32] Okay, just want to make sure I got that. Thank you. If we go back to page seven in the, yep. So when we talk about interspersion, which I think is fantastic, does that have any implications for financing? It would if someone uses the AHU program and that's why we sort of specify it as a different program because in that case there is no interspersion requirement. We just have the compatibility requirement because the funding sources are typically functioning in a way where they want to fund a singular

[00:47:12] area or a singular project. Is that and maybe this is a question for John Freeman. That might be a discussion we have put in our legislative program to have that discussion so that we can do something different because I want as much interspersion as possible.

[00:47:28] And if it has finance implications, then it would be hard to get there. So that might be a legislative program question. My second question is, first of all, the whole idea that we're doing cash in lieu is fantastic because just more options, more options, more options.

[00:47:44] Can the cash in lieu, can cash be used for the closing costs and down payment programs as well? Yes. Okay. Thank you, John. John says yes. Very good. Very good. That's the answer I wanted. And then lastly, can you go back and talk about, I think you said, I think you were talking about the adaptive reuse discussion as it pertains to the urban policy area. Was that right?

[00:48:17] No, those were two different things. Oh, okay. We have, oops, some wrong way. In the urban policy area, in the outer ring of the TRC zoning district, there's a maximum FAR. You can increase that FAR through a couple of voluntary things.

[00:48:37] You could provide more units, UNUs. You could provide some other maybe community amenities, things like that. So you can increase your maximum FAR. The adaptive reuse is directly related to the ability to adaptively reuse historic buildings.

[00:48:59] Okay, well, this is a discussion I've been having now, I don't know, since I came on the board. And so that was my confusion because you kind of said both at one time. And Mr. Buffington has, in one of the motions, I think it's part of the combined motion, but I totally agree with him, a whole discussion on, a whole CPAM on, a discussion on repurposing.

[00:49:26] Yes. And so that's, so instead of using the word adaptive reuse, we're using the word repurposing, and that will be a CPAM to come later, and that's one of his motions that's in the combined motion, but he's 1,000% correct. All right, thank you. Okay, thank you. All right, let's do the second part, which is definitions.

[00:49:49] Yeah, just leave it here. It doesn't matter. Somebody fall?

[00:50:05] Just my water bottle. Oh, okay. Good evening. Good evening, members of the Board of Supervisors. My name is Teresa Miller, and I will be presenting part of Zoning Ordinance to Rewrite ZOAM 2020-0001, information on Chapter 12 definitions.

[00:50:29] Chapter 12 includes over 700 defined terms for the purposes of providing clarity and consistency in the interpretation and implementation of the zoning regulations. Commonly used terms are often used in a special or unfamiliar way in a zoning ordinance.

[00:50:47] Therefore, providing clear definitions for uses in terms helps to avoid confusion and misunderstandings about how these terms are used and regulated by a zoning ordinance. Chapter 12 also provides a central location for all definitions, with the exception of the floodplain overlay district, which are provided in Chapter 5.

[00:51:09] In the draft zoning ordinance, many existing definitions from the revised 1993 zoning ordinance have been carried forward, revised, and simplified where appropriate. As definitions cannot be modified through the land development process, in the cases where use standards were included in those definitions, they have been relocated to Chapter 4, where the other use standards are found.

[00:51:37] Several definitions in the revised 1993 zoning ordinance have been deemed outdated or redundant, such as aviary and seller, and are not included in the draft zoning ordinance. Numerous new definitions have been formulated to define terms not contemplated or considered in the revised 1993 zoning ordinance, such as historic resource and vehicular access.

[00:52:03] While all permitted uses are not defined in the revised 1993 zoning ordinance, all have now been defined in the draft zoning ordinance. There are a few outstanding issues received through public comment that staff seeks the board's direction, which are related to Chapter 12.

[00:52:24] First, the board staff is seeking direction on whether to include a definition of farm in the new zoning ordinance. The public comment theme is for the term farm to be defined. Farm which is not defined in the revised 1993 zoning ordinance is not a land use found in Chapter 3, nor is the term farm used in the draft zoning ordinance in a regulatory sense.

[00:52:50] The term agriculture is defined and captures the land uses occurring on a farm. Including a one-size-fits-all blanket definition for farm could create potential conflicts with the Code of Virginia, plus

potential interpretation issues and other unintended consequences.

[00:53:09] The Planning Commission recommended that a comprehensive plan amendment and zoning ordinance amendment address rural economy uses, which would address whether or not the need is to define the term farm. Staff concurs with this recommendation.

[00:53:25] The second issue staff is seeking board direction on is whether to revise or retain the existing definition for Virginia Farm Winery. The definition within the draft zoning was carried over from the revised 1993 zoning ordinance.

[00:53:42] Public comment calls for the definition to be revised to be less restrictive and to be consistent with the state code. The Planning Commission recommended that the draft zoning ordinance includes no change to the use-specific standards or definition for Virginia Farm Winery at this time, and that the matter be addressed in a future Comprehensive Plan Amendment and Zoning Ordinance Amendment.

[00:54:06] Staff concurs with the Commission's recommendation, as staff will need time to analyze the 2023 Virginia Code amendments that have changed how farm wineries are classified. Since the draft zoning ordinance was published on July 6, 2023, staff has continued to review the draft text for errors and inconsistencies, as well as other quality control matters such as formatting.

[00:54:35] These changes strengthen enforceability, clarify the regulations, and ensure draft text is consistent with the current zoning ordinance where appropriate. These further quality control changes are identified in attachment to. The draft motions provided at the end of this item include consideration of the staff recommended revisions.

[00:54:57] This concludes my presentation, and we are happy to answer any questions you may have. Thank you. Thank you very much. Supervisors, if you have questions, take your lights on. 21's going twice. Okay, I have a couple. So you said that, you know, during the land use process, we're not going to revise definitions.

[00:55:16] At any point, can definitions be added to this definitions that aren't there right now? How does that happen? What's that process look like? A zoning ordinance amendment. Would it be necessary to add a definition?

[00:55:33] This might be a program for the head of the zoning department, because I haven't went back and checked again. And literally our very first discussion, our very first meeting on the ZOAM, I asked the question, why was the term co-housing taken out?

[00:55:51] And I was told to go look at other places where they thought that the term co-housing was, where that idea was captured. I did go look at all those places. And for me, what I think about, when I think about co-housing, that it wasn't captured.

[00:56:07] I think of a dormitory. If we ever have a college, that's co-housing. Although what's happening in Janelia, that's Janelia's property, but Janelia, that is co-housing. And so when I looked at all the other definitions, nothing captured co-housing.

[00:56:22] And I was asking for that to be captured and put back in. That hasn't happened. I should have gone back again and checked on that, and I was remiss in doing that. But I need that answer as to why it was taken out and how in the future, if we need to do a zoning ordinance amendment, we can put that co-housing back in with that idea, at least the ideal of what I'm trying to reach.

[00:56:47] Unless I missed it and you did put it back in. Did you put it back in and I missed it? We did not put the exact term co-housing back in the zoning ordinance because, again, that, as it was defined under the revised 93, was specific to rural. Actually, as it was defined in the revised 93, it was completely convoluted and didn't mean anything, which is why we've had so many issues and which is why I wanted to be clarified with due respect.

[00:57:10] But what do you think we have in there right now that even gets to that, what I just discussed? So a dormitory or that type of thing, what do we have? Because it can't just be about rural policy area.

[00:57:28] In fact, it probably wouldn't be about rural policy area. So we do have several uses under the group living category, and one of them is rooming and boarding. Will you read that? Yes. Let me find that definition for you.

[00:57:45] Because I think, wasn't that temporary? Can you stop my time while she finds it, please?

[00:57:55] Rooming and boarding is defined as a group living use for five or more occupants that do not meet the definition of family, where sanitary facilities may be shared, a common cooking facility must be provided, and individual cooking facilities are prohibited.

[00:58:35] Tennessee is provided on at least a month-to-month basis. Examples include single-room and or shared occupancy units, rooming and boarding houses, off-site student, faculty, and or employee housing. Okay, that gets there. That gets me close. Dormitories and or fraternities and boarding houses.

[00:58:53] Dormitories and fraternities. That gets me close enough. I'll take that. I won't have to do a ZOM or anything, but that gets me close enough. Supervisors. Okay. So we're now going to go to stakeholder comments. And first of all, I would first say the stakeholders have been amazing and phenomenal.

[00:59:22] And thank you for everything and all the discussions and all that we've done over the past, gosh, I guess, I don't know how many months now. The stakeholders speaking today are, in this order, Matt Leslie, Jenny Moore, Eric Dykeman, Kim Hart, Marwas Copeland, and Jim Bingle. Our first stakeholder is from the Chamber of Commerce, Data Center Industry, Mr. Leslie, who I know is here.

[00:59:39] I saw him a little while ago. There he is. You guys are all up. We're moving fast. Yes, we are. Good evening, Chair Randall, members of the board.

[00:59:56] Thank you for the opportunity to speak before you tonight. For the benefit of the record, my name is Matt Leslie. I am the great-grandson of a generation of farmers. I am the grandson of mechanics and factory workers, and I am the proud son of a stay-at-home mother and a computer scientist who worked for both NASA and the Department of Defense as a contractor.

[01:00:16] Standing before you on what is the day representing my 36th year on this planet, 24 of which have been spent as a resident of Loudoun County, I am feeling perhaps a bit hyperbolic, along with a mix of emotions. I am so grateful for this place we call home. So many things had to go right for not only Loudoun County to exist as it does today, but for me to have found my way here, to be a graduate of Loudoun County Public Schools, to have gone to college and found my way back to Loudoun marrying a Loudoun County Public Schools teacher. Those things are both so much more than planning and zoning, and yet planning and zoning have played an undeniable role. Zoning in particular plays a role in everyone's day-to-day life that is vastly unknown and underappreciated by the

[01:00:56] general public. As someone who works and interacts with our zoning ordinance on a daily basis, However, I am fully aware that these regulations have an impact on all of us. Tonight, I am being asked to opine on where do we stand. After years of working towards adopting a new ordinance, we stand but weeks away from adopting a completely new ordinance for the first time in over 20 years.

[01:01:15] I am deeply appreciative of the engagement the board has provided on diving headfirst into the zoning ordinance and for working with all of industry to stop and really listen to our concerns. I am hopeful, if not apprehensively so, that tonight can mark a successful conclusion in a collaborative process towards making the zoning ordinance a document we can all be proud of.

[01:01:32] Good communities don't happen by accident. Strong towns don't happen by accident. Affordable housing does not happen by accident. The economic progress of my family's history did not happen by accident. It is a story of both personal triumph and one of immense privilege. Its story has also been guided, although for much of my family's history, certainly unknowingly, by planning and zoning.

[01:01:52] A good zoning ordinance requires intentionality. It requires legislators, stakeholders, and everyday citizens making their voices heard. As we approach the end of a very long process, I hope that this board will view all of the progress we have made to date as essential towards the long-term success of our county, and I hope that tonight's votes will continue in following a general theme of this board's push towards ensuring that the next 24 years of my life in Loudoun look just as bright as the last 24. Thank you.

[01:02:20] Oh, my gosh, Mr. Leslie, that was just amazing and gorgeous, and happy birthday. And by the way, it's also Matt Rogers' birthday tonight, too, my chief of staff. Yeah, that's a good day people were born on. Thank you for that. Great people are born in October. Evidently, Mr. Kirshen was born in October.

[01:02:39] Or his wife. Our next speaker will be Jenny Moore, followed by Eric, what is wrong? Eric, is Ms. Moore here? Oh, yeah, you're not.

[01:02:55] I am not. Jimmy Moore, I know you. And I know Jenny Moore, you are not her. I'm a last-minute replacement for Jenny Moore. Okay. Thank you. My name is Bill Junda, for the record. I'm a civil engineer with Gordon, and tonight I'm representing the Commercial Development Industry Stakeholder Group. Wanted to say thank you for many of the motions that are in there tonight that look like they're going to be on the combined package.

[01:03:14] Motion number one is very important as it continues to advance the casualty reconstruction. concerns that we had that were solved way back on work session number one, so thank you. Do have some concerns with open space motions 19 and 20. It appears that that might also be on the combined motion. Those are unwinding some of the things that we just got approved with the motions last week on open space, and that we worked for months with staff on. Really hope that you reconsider 19 and 20, and I'm happy to get into the specifics of those if you need to. Motion 29

[01:03:51] to remove the bus stop proximity reductions. This was part of the calculus of the affordable housing parking ratios that were discussed last week as well. These are really important. I think some of the concerns that I've heard may be that bus stops can move and maybe no longer would be next to a housing project, for instance.

[01:04:12] All the bus stops that we're building today are part of proffered rezonings. They're proffered to be there. They're in an easement that's dedicated to the county. They are not going anywhere. So those

reductions, we believe, should stay. Motion 23, we appreciate your consideration for allowing garages to be counted towards full spaces.

[01:04:31] This motion, though, is proposing maybe some sizes that are a little too big and do not reflect current construction standards, so we do ask that you reconsider the sizes of those. We fully support motion number nine. Thank you, Supervisor Bristman, for proposing that for battery storage.

[01:04:49] That is a really important motion that makes energy storage viable via special exception or minor special exception in many districts as it's an appropriate for a critical utilities tool for integrating variable electricity green energy sources like wind and solar into our grid.

[01:05:06] And lastly, motion number eight, I understand that maybe RDP isn't the right place in every instance for a data center. It was removed as a by-right use already and is now just a special exception use. I don't represent Genelia Farms, but I can imagine that there could come a time where they need to build a data center for computing, AI, whatever it is that they do, their research on their site, and they would have no option to do that.

[01:05:32] So I hope you reconsider that option. Thank you. Thank you. And based on what you said, I'll go on and remove 19 and 20. Now, that doesn't mean I know how that's going to go with a vote, because I don't know how that's going to go with a vote, but I will remove them so we can have further discussion. Thank you. Eric Dykeman, followed by Kim Hart.

[01:05:51] Good evening, Mr. Dykeman. How are you all doing? We are well. Chair Randall, members of the board, thank you for the opportunity to speak to you this evening. For the record, my name is Eric Dickman.

[01:06:08] I work for the Timber Ridge Management, a residential land development company based in Ashburn, Virginia. I'm here tonight to speak about housing attainability, and more specifically, Chapter 9 of the Draft Zoning Ordinance. I would like to begin by saying that we have appreciated the collaborative process that both the board and staff have implemented for the Zoning Ordinance Rewrite.

[01:06:30] Housing affordability is a major challenge, not just here in Loudoun County, but in other jurisdictions throughout the U.S. The primary roadblock to providing attainable housing is regulation. Other jurisdictions, Hawaii, for example, are eliminating zoning regulations to promote delivery of attainable housing.

[01:06:48] I mentioned Hawaii example as a reminder that the greatest tool at the Board's disposal to address the delivery of more attainable housing units is land use policy. Simply raising the percentages of required ADUs and unmet housing needs units in new developments without any cost offset is neither fair nor sustainable.

[01:07:08] New home construction represents only 15 to 20 percent of the total home sales in Loudoun County. And as a result, the solution to the attainable housing challenge cannot be borne by the new home building industry alone. Focusing on land use policy to increase the overall supply of housing, while not always popular, is the best way to solve the attainable housing challenge.

[01:07:28] With respect to Chapter 9 specifically, I would like to focus on the arbitrary increase in required ADUs for multifamily stack products from 6.25% to 15%. The multifamily stack product may live like a townhouse, but it does not cost like a townhouse.

[01:07:48] Multifamily stack product is built according to the commercial building code, not the residential building code that townhouses are built under, and therefore the stacked units cost significantly more to produce than a traditional townhouse product. Increasing the percentage of required ADUs for multifamily stack product to 15% would put a significant additional cost burden on a product type that ironically was created to make housing prices more attainable.

[01:08:13] Secondly, I'd like to address Motion 45, which I thought I heard was getting removed. This is critical for providing an equivalency factor for single-family detached ADUs as the costs related to producing single-family detached product, particularly in the transition area, creates a burden on the developer.

[01:08:39] My time is up. Your time is up, and you're right. 45 is being withdrawn. Okay. Yes. Thank you. Thank you. Mr. Hart, you will be followed by Ms. Copeland, Ms. Walsh-Copeland.

[01:08:55] Good evening. Hi, again. I'm Kim Hart. I build attainable housing. I'm speaking on behalf of the attainable housing industry. Out of 75 motions, I think now down to 35, I only have four to talk about tonight. So three months ago, I thought that was impossible. Hats off to you, Madam Chair and Supervisor Turner for all those sessions we've had. Hats off to the board for the work sessions, but really hats off to staff for getting down to business and really making some negotiations to get where we are tonight, that there's so few left on the agenda. First, just a little context. Mid-December

[01:09:35] I'll open Wax Bowl Apartments with 52 units. Last month we put up a three by five sign that said now leasing. We put up a web page. We've had no advertising whatsoever. In those six weeks we now have 284 on the waiting list. That's what it is in Loudoun County right now. Every unit matters.

[01:09:56] So if I'm grumpy tonight about taking units off the table, that's because every unit matters. First of all, issue number one, last work session, you got it right. I'm talking about motions 25 and 26 now.

[01:10:12] 15% reduction for ADUs, great, down to 1.2 parking spaces for dwelling unit, great. But then you backtracked and took a chunk of that back by the following motion. So we're now back to adding empty parking spaces, and we'd lose seven attainable units in a typical project.

[01:10:30] So please, tonight, would you go back at least for attainable units, AHUs, back to the 35% limit? Taking out the parking reduction for bus stops, really, I mean, really, we have to fix transit.

[01:10:46] Don't cut affordable units. Every unit matters. I'm sorry about the size of the signs. That's taken off the agenda. I thought 33 and 36 ought to be talked about and lastly the exemption for the HUD 221 d4 program I admire the staff's effort to come up with design guidelines that they can try and put into the code I don't think it's there yet but to me that really doesn't matter I have to follow the design guidelines of the programs that fund me we're set that a light tech unit should be exempt from

[01:11:21] that county program and that's correct I think it's a mistake to have left HUD off that list the HUD 221 D4 program. That's a big program. We need that money. It needs to also be exempt. And remember, every unit matters. Thank you. Thank you, Mr. Hart. Ms. Walsh-Copeland, and you will be followed by Ms. Bingle. Good evening. He is tall. Mr. Hart is tall.

[01:11:48] I'm Mara Walsh-Copeland for Group 5. With my ZOR nickname of Chief Explanation Officer, I will explain our motions that address the top three priorities in the Kimley-Horn Report. First motions 12 and 13 are not about rural uses. They are about equal application of Chapter 7 countywide noise

regulations for all residents, consistency with codified noise regulations to address years of confusion, and equitability for all businesses that must comply, 109 uses in the SPA, 77 in TPA, 69 in the RPA, except two ABC uses.

[01:12:27] Correcting noise in Chapter 4 is authorized by Code of Virginia, Section 15.4. Two, you voted on 16 motions to address noise near data centers. We ask you to approve two more for noise issues to address Kimley-Horn and Zohr input.

[01:12:44] We support Ag Processing Motion 14 along with REDC to provide flexibility for farming operations to comply with zoning in nine districts. For farms with multiple parcels, the derived on-site accessory regulation requires a processing facility on each parcel instead of a farm sharing one.

[01:13:06] This is cost prohibitive for small operations because we don't have a definition of multi-parcel farm, which leads to motions 64 and 65. Definition of farm requested by staff since 2014 was approved by the board in November 2019.

[01:13:24] In July, Mr. Yud, in front of 40 people, requested additional information without a procurement contract. We ask you not ignore the 15 reasons given to Mr. Yud, Crowboth, and Rogers in August that confirm procedural issues for the county, state agencies, and business operations and legal noncompliance with Code of Virginia and Building Code forms.

[01:13:47] Staff Motion 64 asks you to decide whether a definition will be addressed in the future. Our motion 65 asks you to acknowledge the issues and confirm when they will be addressed. Staff's reasons for delay are due to non-conformities of a handful of existing businesses.

[01:14:06] Continuing to delay will only create more of these, not less. I hope these explanations are helpful. If 65 is withdrawn, then 64 needs to indicate it will be addressing these in a future ZOM. Thank you. Thank you. Actually, that actually is exactly what's happening, Ms. Copeland.

[01:14:31] Like, literally, what you just said is exactly what's happening. Because 64th, Mr. Buffington, that's exactly what's happening. Good evening, Ms. Bingle. Good evening, Chair Randall and board members. I'm Jem Bingle, speaking for Stakeholder Group 6. We want to acknowledge and thank staff for their willingness to meet with us and answer questions that we've had about Chapters 2 and 7 motions.

[01:14:54] The finish line for the marathon that they've been running, with all the rest of us running along, jumping in and out, is almost visible in the distance. Staff's answers have, whoops, whoa, have hit the wrong thing and it disappeared, have helped us determine the motions we support and we appreciate the many comprehensive plan improvements that have been implemented in the draft ordinance.

[01:15:23] We are disappointed about the removal of motions 5 and 16, but please note that staff have no opposition to the rest of the open space related motions. Though motions 19 and 20 are coming off the consolidated list, we think that they are important to ensure that landscaped areas have functional value as habitat, not just turf grass.

[01:15:43] For motion 20, we strongly believe that the 50% factors should not be allowed to combine for more than 50% of the open space requirements, so we have quality open space. In addition, we hope you will support Motion 4 to ensure that open space in the TC district is not reduced beyond the sliding scale adjustment that's been approved, and 17 to ensure that redevelopment will include open space if the existing development does not have any required open space.

[01:16:14] We ask you to support the motions regarding noise, and along with Stakeholder Group 5, we have outstanding concerns about potential impacts to farmers on ag processing and the definition of farm. We know that there are many issues that will not be resolved with passage of the ordinance, but do hope that you will agree to support the motions that limit noise intrusion on residents.

[01:16:40] Hopefully tonight you will also be discussing process questions on any straggling motions and expectations from here through the public hearing and next steps. Thank you all for devoting your time and energy to complete the rewrite during this term, even as your schedules are also filled with your campaigns for the upcoming election and many other personal and professional responsibilities.

[01:17:02] Thank you. Well, thank you. And I want to just pause and thank the stakeholders and all the stakeholder industries. This past many months that we've had the zoning ordinance, we have met two to three times a week.

[01:17:19] And you all have been so involved from the chamber. Theo, you have been just fantastic. We have talked, we talk all the time, and you've just been amazing. So everyone, I appreciate you, and I really do thank you for, you've thanked us and the staff for them being collaborative.

[01:17:37] but you've been very collaborative as well, and I've come with not just kind of issues, but fixes to problems. And as I said early on, it doesn't mean we're going to agree on everything, because we're not, but I hope everyone feels heard and that we incorporate it.

[01:17:52] I'm also going to take a point of personal privilege and really thank Supervisor Turner. You have been phenomenal in this process. Every meeting I've been at, you've been at, and some meetings that I couldn't be at, you've been at. So we would not have gotten through this process without your just expert leadership.

[01:18:12] And I don't want to talk to you every single day, five times a day anymore. That's going to be okay with me. That's over now. But you have been absolutely phenomenal. And we just would not have gotten through this without you. Thank you so much.

[01:18:27] Okay, Supervisor Turner, on that first motion, we are going to remove items, motions 19 and 20, and we're going to add motion 74. So if you would note that in your first motion, if you'd like to make that motion, I'm happy to make that motion, or you can make that motion.

[01:18:48] It's the one... Madam Chair, I think you have an updated list. I'm a little suspicious. Mine's not quite updated. Okay, I'm going to actually make the motion that I have, please. I move the Board of Supervisors to approve the following motions for approval as written on the motion sheet as combined.

[01:19:06] motions 1 2 3 18 32 38 46 47 48 50 51 52 53 54 55 56 58 63 64 67 71 73 72 and sorry 71 72 73 and 74.

[01:19:42] Motion's been made and seconded. So these motions are, for the most part, motions that staff has found no issues with. For the most part, and that's why I went on and removed 19 and 20, motions that the stakeholder group and staff worked together on.

[01:20:02] The stakeholder group and staff had a meeting that lasted for many hours on the attainable housing chapter alone. Some of them are cleanup motions because it was, you know, this period should be over there or that type of thing. But there were no, with the exception of the ones I removed, there were no outstanding issues from the stakeholders or from staff or from supervisors that I have received.

[01:20:29] So to go through each of those individually just didn't really make a whole lot of sense to us. And so that is why that motion has been made. Discussion on that motion. I did remove 20, that's not the motions that are being withdrawn, Ms. Glass.

[01:20:46] So that's why you didn't hear 28, because that's not the motions that have been withdrawn. And none of these are the rural ZOAM motions either. These are just the combined motions that we're talking about right now. So, discussion on the motion, Ms. Bricksman. Thank you, Madam Chair.

[01:21:04] Was motion 57 in that list? It was not. Okay, okay, good. And then I might, I don't know if it would be for staff or for Supervisor Turner, I'm a little bit uncomfortable with motions 46, 50, and 51, and maybe somebody could explain to me the justification because it seems to me that we are allowing attainable units to basically be different, be smaller, have smaller garages,

[01:21:42] and not to be up to the same standard as for sale units um so i just want someone to explain that that the reasoning behind allowing those changes and i don't know if it would i don't know who worked on it for mr turner or or staff worked on it so we all worked on it and and mr hart i might ask you to come back at some point stakeholders in general i stop stop her time if we get to a place where we've had these discussions and you all were part of them i I might ask you to come back to the podium to answer some of the questions.

[01:22:18] And that's because not every supervisor was involved in every discussion. And so just for everyone's level set knowledge, I might do that. So if staff would like to answer those questions, so we can do that and start for time again, please.

[01:22:34] So the revisions that were made for the ADU compatibility and interspersions, primarily the changes in the percentage and the reduction of size are directly out of the Affordable Dwelling Unit design book.

[01:22:55] There's a set of design guidelines that the board adopted. I'm sorry, I don't have the date. But they have some ability to reduce the ADU units based on the units on either side.

[01:23:10] So we use those percentages out of the ADU design book. That's the minimum or the maximum they can be reduced. They don't necessarily have to be reduced that much. They could be the same size as the market rate units, but there is the option to reduce them by a certain percentage.

[01:23:27] And similarly with the garage, that is the same in the ADU design book, that as long as there is a garage, it doesn't necessarily have to be the same size. Okay, sorry. I think I understand. if i might i'm sorry i'm gonna run out of time um but what's the justifi because i assume that the planning commission said you know 75 percent for the average width or uh you know we're reducing what came through from the planning commission even more so i was wondering if i could hear maybe from mr turner what the justification is for doing that for the chair yeah that's fine mr turner

[01:24:09] I'm, which motion I'm on, I'm sorry, Madam Chair, I didn't plan to discuss these. I'm just going to be on or off the consolidated list. We want them off and discuss them. When they come up, we can discuss them, just pull them off the list. But I'm not prepared to discuss this particular motion. I don't know whether I introduced it or I introduced it on behalf of the stakeholder group.

[01:24:28] Which motion are we talking about? She's talking about? 50, 51, and 46. Architectural treatments don't have to be the same in 50. Okay, Ms. Bricksman, would you like to pull them off? Because

Mr. Turner's right, we're not, we can't.

[01:24:45] Yes, Madam Chair. I'd like to pull them off, okay. Yeah, Madam Chair, these are all industry motions. I know, I know, the industry, and yeah, Ms. Bricksman, you are aware of that, right? The industry motions the staff agreed on, you're aware of this, right? Yes, ma'am. Okay, so 50, 50, 50. No, 46, 50, and 51.

[01:25:01] Let's pull those off. All right, so we've now pulled off 19, 20, 46, 50, and 51. Supervisors are two in the morning, I don't want to hear it. Do not want to hear it. Mr. Chair, I would like to pull, I'm sorry bear with me I would like to pull 45 off the consolidated list if it's on there the combined list combined it's not on there okay thank you I want to talk 45 well we're not that's not on there and so it's not yeah it's not on

[01:25:37] there it's yeah but that's not that's got we're not discussing that motion right now it's not on this it's not on there mr. Turner okay all right miss I'm up thank you madam chair could you read the current number of the combined motion number one number two number three number 18 number 32 38 47 48 52 53 54

[01:26:12] 55 56 58 63 64 67 71 72 73 and 74 ma'am ma'am you are that was very speedy and I appreciate it, but I lost you at 32. Okay, number one, number two, number three, number 18, number 32, 38, 47, 48, 52, 53, 54, 55, 56, 58, 63, 64, 67, 71, 72, 73, and 74.

[01:26:49] Thank you. Ms. Glass.

[01:27:06] Thank you, Madam Chair. I thought Motion 11 was supposed to be on consent. Okay, it's not a consent. It's a combined, but I never had that one. That was never. Madam Chair. Madam Chair.

[01:27:22] Yes. We noticed in our quality control looking just coming into the meeting that Motion 11 did not appear on any of your groupings that we talked about. Actually, no, Motion 11 was on it. Ms. Glass is right. Ms. Glass, yeah, it was on it. I missed that one.

[01:27:37] i missed it i missed it on my on my it never landed on my sheet when i transposed the numbers i missed 11 on my sheet thank you miss glass so we're at 11 to that anything else all right supervisor so what i just read twice with in addition to miss to number 11 is what we are voting on right now all in people who say aye any opposed nay that number will that motion will pass 8-1 with Ms. Umstead voting against the motion. Mr. Turner, the next discussion we were having

[01:28:16] was the discussion on the rural zoams and numbers 12 and 13 on that discussion. You wanted to pull off. I don't agree with that, but I'll go on and let you make that motion if you want to, because that would be motions 14, 30, 31, 62, and 66, which will move it to a Rural ZOAM.

[01:28:50] I'll leave 12 and 13 off, but I won't support that. I believe 12 and 13 belong in the Rural ZOAM, and I want to have a discussion, Mr. Brown, about that too. And I would like to discuss those two. I know. That's why they're going to stay off. Okay. So we'd just like to make the motion on the other ones, Mr. Buckingham or anybody, I don't care.

[01:29:10] I'm happy to make the motion, but... Why don't you make it? Okay, let me make the motion. To make the motion to move motions 14, 30, 31, 62, and 66 to a rural ZOAM. Second. I'm going to give that second to Mr. Kirshner for obvious reasons.

[01:29:31] So this has been... We've had a lot of discussions amongst ourselves, amongst staff, and amongst stakeholders around what belongs in a rural zone WAM and what doesn't belong in a rural zone

WAM. What I've actually decided in my own head is if there's an issue that is particular just to what we would call the RPA, or even like 90% particular what we call the RPA, I will move it to a rural zone WAM.

[01:30:01] And this is why. We said to rural Loudoun County, western Loudoun County, we're not going to discuss these things right now. And so it's not whether I agree with something or don't agree with something. I might agree with everything somebody puts in front of me or not.

[01:30:17] It is when we tell somebody that we're not going to discuss them now, people disengage, which is reasonable. And so I'm not going to then turn around and go back and say, well, but we are going to discuss some of these things, and everyone should be happy with it.

[01:30:35] I don't know if anyone else will have a different opinion on some of these items. Maybe they won't at all, but I know that on our very first public hearing, and it was back in, when was that, June, July?

[01:30:51] When was that, the very first public hearing? We had quite a few people from the RPA who came in and did express opinions about some of these things that people are now saying we should go on and pass. And we said to them, disengage, we'll see you all when we do the rules OM. So I am not going to now decide that we should vote on things that everyone who might have an opinion is not paying attention to.

[01:31:17] So I'm going to support this motion, and that is actually why I support moving those other two items to the rules as well, and we'll have that discussion when we get there. But that's my rationale. It's not I agree or disagree. It's that we've told people one thing, and I don't think it's right to change it.

[01:31:35] So I said 66. Okay. Discussion? Mr. Letourneau. Yeah. The only concern I may have about what the chair just said is the reality is the zoning ordinance does actually have new things in it as it relates to the rural policy area.

[01:31:56] So I just wanted to make sure if there was anything that was substantive that got changed and was concerning that we did address it. And the one motion of that group that I had questions about was 62, which is the staff definition of agriculture.

[01:32:12] Are there negative implications to the agricultural industry if we don't pass this motion? In other words, if the zoning ordinance passes as is and there's not this clarification that's provided by staff in it, could that have a negative consequence?

[01:32:28] If so, I don't think this motion should be taken out, but I wanted to know what staff's motivation was for offering this. We haven't heard any negative feedback from the community, no. It is just the process of clarifying when we were discussing the agricultural processing changes and definition.

[01:32:52] So this was a way of clarifying what is counted within the agricultural use itself and not part of an agricultural processing use. What is the implication of not having that language for the period of time by which the new zoning ordinance would be in place and we haven't taken up the rules, Zoe?

[01:33:12] I don't foresee any negative implication. And that's also true for 66, which is the definitions on farm wineries. So what that motion does is say we're not taking up farm winery in the zoning ordinance rewrite.

[01:33:31] Correct. So what does taking it out of this for this evening imply? That we are taking up the definition of farm winery in the ZOAM? You do want to, if I may, through the chair to Supervisor Kirshner?

[01:33:49] Yes. I think it could be addressed at that time for sure if we decided that made sense. Okay. So you don't want it completely off the table, which is what this motion would have done. Well, I think you could always bring it up. It doesn't sort of ZOAM.

[01:34:06] It doesn't mean it's completely off the table forever and ever. This motion was saying not to be part of the ZOAM. If you do want a part of the ZOAM, then we should take this out of that package. Okay. Let me just go to Mr. Buffington. The motion says that we send the idea of possibly changing the definition of farm winery to a future ZOAM so they can address whether the definition should be revised during that future process.

[01:34:34] Right. Right. And get a lot of public input at that time. And that's what we want to do. Okay. Yes. That's fine. Okay. I'm just getting clear if I can figure it out. Okay. Thank you. No, I understand. Yep. I understand. All these questions, I understand. I've asked them like five times to make sure I had clarity, too.

[01:34:50] Ms. Umstead. Thank you, Madam Chair. On motion number 14, which is proposed to be sent to a rural ZOM, I have a similar question to Supervisor Letourneau's. My understanding is that what will be in place with the passage of the zoning ordinance rewrite is that the current staff language will be in place unless it is amended under a rural ZOM.

[01:35:22] That is problematic because, and I'm going to read the very, very eloquent statements given by members of the conservation community, allowing 51% of products derived from Loudoun County provides improved business opportunities for farming operations in all districts that allow ag processing as an accessory use, and it will enable a farming operation, also known is a farm that has multiple parcels to share an ag processing facility instead of requiring each

[01:35:59] parcel to have its own processing facility. And lastly, this is not only a stakeholder five and six request. The change has been requested consistently by the full REDC throughout the ZOR input, which discussed last week, and we have received a letter from the REDC ZOR ad hoc committee. I think the current language is highly problematic. I know that staff does not agree, and I respect that, but I think what you're doing by allowing the staff definition to

[01:36:38] continue indefinitely, even for a period of months, is to put farmers who have a production facility at a significant disadvantage, and if they have bad weather on the parcel where the processing unit is, then they are shut down completely. So I would request that we not send motion number 14 to a rural's OM, but vote for it tonight.

[01:37:13] Thank you. Thank you. Mr. Buckingham. On that particular motion, the reason that I could not support it tonight, just passing the motion number 14 in the packet as is, is because of what I've heard from staff, that you're concerned of the unintended consequences and you would rather wait until the future rural economy uses ZOAM so that we could get all the input and you could have a lot of time to look into that and make sure that all of those potential unintended consequences that you all foresee are addressed.

[01:37:47] is that accurate with stating your concern yes that's exactly true okay so that's would be my reasoning for not being able to support that motion tonight but i do support uh supervisor turner's motion i think it's already in the motion right you made the motion and 14 is included yeah that's what we're considering now so i do support it as the motion that you made to move it to the rules that's right yes thank

you madam chair mr i'm sorry mr kirchner thank you madam Chair, as to motion number 14 in the comments by Supervisor Umstead and Supervisor Bovni, I want to piggyback off that just briefly.

[01:38:25] I would probably generally support this motion as it's written, but I do think we owe it to the folks that we have talked about, and I agree with Chair Randall on this particular matter, that we should probably bump it back. But I probably will support this motion when it comes back to the zone.

[01:38:41] But the question I have, are we aware, I mean, is this so dire or critical that, I mean, i understand the hypothetical um which says hey if if we have a drought or something's going on i mean i but are we aware of any particular circumstances that this motion is going to put a current farming operation in jeopardy or difficulty at all if we wait till i guess next spring or whenever this comes up that would have that answer would have to come from the farming community itself have we have we heard that have we gotten any feedback on that at all i have not so i just

[01:39:18] I'm curious. We hear hypotheticals, yes. What I would also say is that this is in kind of in conflict with the motion that was passed at the last meeting, which is to create performance standards for agricultural processing as a by right use. Right. If we remove the 51% being on the same property, it's no longer an accessory use. It is a principal use, but it will go forward without the use-specific standards that were just passed at the last meeting.

[01:39:49] So we did pass, if I recollect, the standalone principal use in our last meeting. Yes, with performance standards, yes. So you could still hold yourself out as that absent this and still use product elsewhere, correct?

[01:40:06] It doesn't have to be ancillary to the property. Correct. Okay, all right, then I'm fine with this. Thank you. Okay, Mr. Sains. So I thought I was straight on this one, but now I'm confused because I know last week the motion was 51% on site for processing the motion written as it says 51% product use and accessory and agriculture and all of Loudoun County so the motion if I'm reading this right would go to the ZOAM but which would be in the books until we do the ZOAM what's currently in the draft ordinance is that agricultural processing is an accessory use as

[01:40:43] long as 51% of the product comes from on the same parcel as the agriculture. This motion is proposing to change that to say that that 51% can come from anywhere in Loudoun. What was voted on at the last meeting was to establish agricultural processing as a principal use with performance standards, which included 51% of the product coming from Loudoun County. So this would essentially negate the performance standards that were just voted upon at the last meeting so then

[01:41:20] what's written here would be the rules until we do this om what's written here would be changed to allow 51 percent to come from anywhere in loudon without performance so what's written here 51 percent loudon county this will be the rules until we do this om and then make our final if you pass this yes so i think that the the the the confusion up here is the exact reason we should do the, put this to our rules OM.

[01:41:50] That's why we should push it to our rules OM. And again, I don't know where I'm going to, I mean, I actually do know where I'll come down on most of these discussions. And I would say, and I have, you know, huge amounts of respect for RADC and the work they do, but I don't know if RADC speaks for everybody.

[01:42:08] And I think that RADC has been, there has been some reaching out to RADC during this process to get the letter that we receive from them, and that's great. But that doesn't mean that every other concerned industry in rural Loudoun County had had that same reach out to them, and we literally said, you can disengage until next year.

[01:42:31] And so I am not going to pass something, especially with this level of confusion on this dais, when we've told people that they can disengage. And so that is why we're doing this. This is not, I just think we shouldn't, I think this, I think if we make these decisions right now, not being transparent enough to the people that we said can disengage that's really my only issue not the issue itself but how we went about this and it's important to keep our word on that in that way so that is why all right I made the motion I think it was seconded by you Mr. Kirschner

[01:43:05] correct all right all in favor please say aye aye opposed that motion will pass 8-1 okay the next motion I have the motions that are the motions for items that are being withdrawn I read that earlier and I read the person that is going whose motion was made so that you knew I have since heard that Miss Glass does not want item 28 withdrawn and I have heard that somebody has asked to item 22 be added to the lesson I think I meant to put that there already so so okay tonight I just

[01:43:41] did I just not say it so I did say it okay so then the I'm sorry no 22 is on the list I know I think I said it the first time I didn't see it the second time that's why I think I missed that and then Mr. Sains and that's his set as okay so these would be the motions for withdrawal motions 5 6 21 22 33 36

[01:44:17] 36, 39, 41, 42, 49, 60, 65, and we have inserted motion 34.

[01:44:39] Motion 42, I am sorry, I have not checked who made that motion. It might be my motion. And Ms. Glass will make a review, so I just left 28 off. So it doesn't matter what she does, it's left off. Chair Randall, previously you said 16 and 45. Okay. Did I miss 16 and 45?

[01:44:58] Mike wants to discuss 16 and 45. He wanted to stay on. And somebody else had to take 16. I think somebody said 16 to remain on. Turn on motion. Okay, so let's do it again.

[01:45:12] 5 6 21 22 33 34 36 39 41 42 49 60 65 16 did I miss one okay 16 and 34 okay anyone who made who has any of these motions on this sheet do you have any if the motion is on the sheet you have put the

[01:45:52] motion on the sheet. So let's just be real clear. And I'm assuming if you put the motion on the sheet, you talk to staff about the motion that's on the sheet, and you talk to the stakeholders about the motion that's on the sheet. So I'd be pretty surprised if we have objections to the motions that you all put in the sheets yourselves. But I do see a light on Mr. Turner.

[01:46:13] Madam Chair, I just want to clarify. I made a number of motions on behalf of stakeholders groups. So I was ambivalent whether I was going to support them or not support them. So for example, motion number 16 is one of those motions I made that motion on behalf of stakeholders group five and six so someone else would like to make that motion and we have a list now motions that are being withdrawn if somebody would like to discuss that then they need to ask to have that not withdrawn and keep on the list if we don't hear anything then obviously it's withdrawn yes thank

[01:46:46] you that's right that's why I mentioned who made the motions okay all right who seconded this okay I'm going to give it to Mr. Buffington. All right. All in favor, please say aye.

[01:47:04] Opposed. That motion will pass unanimously. Okay, supervisors, that motion will pass 8-1. Supervisor Umstead voting against the motion. Supervisors, we're going to now start walking through the remaining motions, although I do have a, Mr. Turner, can we talk about your little thing when we take a break?

[01:47:28] Okay, thank you. All right, so supervisors, let's start with the top of the list for the motions that we have. And I'm going to, if it's a staff motion, I will make it. I may not support it, but I will make it. And if it's a motion from a supervisor, I will go to you to make that motion.

[01:47:46] The first motion to be made tonight is number four, Supervisor Turner. Mr. Turner, would you like to make a motion? Thank you, Madam Chair. I move motion number four, table 2.02.03-3, minimum size requirements for community open space in the town center zoning district.

[01:48:05] Motion's made, and I will second the motion. Mr. Turner. Madam Chair, I made this motion on behalf of, I believe I made this on behalf of stakeholders five and six, so I really have no discussion unless someone else.

[01:48:27] Does staff have any? Oh, I'm sorry, Madam Chair. I looked for the key phrase. This motion was a result of the modifiability discussions in which extensive discussion between industry and staff. This was a compromise language, and that's why I'm making this motion. I understand.

[01:48:43] i understand i remember that thank you um miss brixman thank you madam chair so if i might ask staff a question is this then removing modifiability for open space in a town center district yes it would move the motion before allowed the open space in the town center to be modified by up to 25 and this is making it not modifiable at all that is what the result would be if this

[01:49:18] motion passed. Yes. Okay. I'm not going to support this motion. Um, I mean, I have an application in front of us right now that, um, they're arguing to remove, uh, certain public space and open space because of the, um, juxtaposition of the parcels next to open space and public space. And so I think, excuse me, in certain situations, this should be modifiable. I'm really surprised that industry would have asked for it not to be modified, not to be modifiable in the modifiability

[01:49:56] discussions. Is that? No, they did ask for it to, the development industry asked for it to be modifiable. That's what I thought. I think it was other stakeholders that requested that that ability to modify be removed. And if something's modifiable, we still have to, the board still has legislative authority over whether we let them modify it or not right yes right so we still have discretion if an application comes to us and wants to modify um their open space and then we can say as a board

[01:50:34] yes or no we agree with it or we don't agree with it so i would like it to remain modifiable and so i will be voting against the motion thank you thank you mr letourneau yeah i agree with supervisor brisbane so what this motion does actually is undo the the negotiation that occurred as part of the work the extensive work session um and it says you know the original motion is a result of the ordinance rewrite working group discussions this scales back what was agreed to so i don't want to

[01:51:10] move in that direction at this point i think we came to a pretty good resolution there and And as Supervisor Briskman said, we can always reject this as part of a rezoning. But I think this should be something that is modifiable in the town center zoning district specifically, where I think we need that type of modifiability or flexibility to make some of these things work.

[01:51:32] Ms. Umstead. Thank you, Madam Chair. I agree with Supervisors Briskman and Letourneau, and we'll be voting no on this. So before I go back to, oh, yes, did you want to say? I was just going to say I agree with Supervisor Turner, Briskman, and Umstead.

[01:51:51] And I would just say, before I go back to Mr. Turner, to remind everyone that some of these motions that are being made, it is at the behest of one of the industries. And so, you know, Mr. Turner, to his credit, has taken kind of on his chin to make a lot of the motions just because an industry has asked him to.

[01:52:14] And so just to remember that. And so it's for the purposes of, and as I said to the industries when we started, we want to hear everybody and have the discussions. It doesn't mean everything is going to be agreed upon, but it was for the purpose of having the discussions. And this actually came from Industries 5 and 6, if I remember correctly.

[01:52:34] Yes? I don't know that that's true. Okay. When I see the language in the notes from the staff that it came about as a result of the modifiability discussions, then I'm assuming there was consensus out of the modifiability discussions. But when I look at the specific note from the staff, it says these changes address development industry concerns about the modification process and allow broader flexibility for previously approved projects with existing approved modifications, and yet the motion restricts modifiability.

[01:53:08] So now I'm very confused about where in the modifiability process this came from. If there was contention within the modifiability discussions, then that has not been communicated in the staff notes to this motion. So there were more pieces to this motion than just this ability to modify.

[01:53:28] There was also in the motion the ability, we were, the board directed staff to reduce the minimum size for the open space requirement because we reduced the minimum size for the TC district, the initial size.

[01:53:47] So we were going to look at what would be an appropriate size for that open space and then also create a scalable requirement. So as the district got bigger, the open space requirement would also increase.

[01:54:03] And then there was another piece that said, even though we're going to do all of that, you can also add the ability to modify up to 25% of the size. That was the motion that was related to the modifiability discussion. We received from you a request to reconsider that entire motion, but strike the ability to modify.

[01:54:29] But that was an awkward way to write it, so we just said we're striking the modifiability portion because the other part was still supported. So that's why we're just talking about the modifiability part only. I'm thoroughly confused, Benchur. Ms. Bingle, would you like to give Ms. Bingle one minute to make a statement?

[01:54:49] So what staff just said is actually what we were concerned about. There is a sliding scale, so the open space can be reduced. The issue is that if you put those two things together, you're cutting in half the amount of open space potentially.

[01:55:06] And so, yes, have the ability to make the town center zoning district smaller, but don't layer those two things together. That was the reason that we asked for this. Okay, that makes sense.

[01:55:23] Okay, well then maybe we can do something different with this motion. So, staff, you believe that these, as Ms. Bingo just said, there are two things that are layered together? Is there some, do you understand what she was just saying?

[01:55:41] Because we do not want the possibility of open space cut in half either. I think she was talking about the fact that you're, A, reducing the amount of open space because the district size was reduced. And then that was, so that was part of the reduction.

[01:55:57] And then the second part of the reduction would be that you could then further reduce that by the modifiability. So then you agree with her then? We're not, I mean, we're not opposed to it, but we're not. I don't mean that. I mean, you believe her assessment is correct. It could be, but the overall size is reduced.

[01:56:14] So by allowing the sliding scale, the presumption was that there was essentially one acre that was required for 30 acres of a development. When you allow the development to be 20 acres, I think, that's two-thirds of an acre as that baseline amount. So the whole area is smaller, so the open space could be smaller as well as the fundamental baseline.

[01:56:34] And then it can be 25% off, whether it's 20 acres or 200 acres, 25% off those required. I understand. I understand. I got it. All right. Mr. Turner. Oh, you had to close in already. Yeah. So Mr. Turner made the motion. I second the motion for the purpose of the discussion.

[01:56:51] All in favor of the motion, please say aye. All opposed, please say nay. Okay. That motion will fail with a zero-nine vote. All right. Next motion up is motion number nine, I do believe. I'm sorry. Motion number seven.

[01:57:07] Number seven, Chief Kyger is in the room. In case you have anything you want to add, I'll call on you when you, if you, just like give me a something, something you want to say. This is, okay, okay. It's good to see you again. This is also a motion that Mr. Turner has put forward for the purpose of having a discussion.

[01:57:28] Mr. Turner, would you like to make that motion? I'm sorry, Madam Chair, which one are we on? Number seven. Yes, I move the board direct staff to add utility major as a special exception in the transit-related center outer core, and add clarifying language to Section 4.07.04 and or Section 4.07.09, indicating that the permission is only for utility sub-stations.

[01:57:50] It's been a motion made. Is there a second on that motion? No. Okay. Thank you. Mr. Turner, would you like to say anything about that motion? I have no opening comment. Okay. Would anyone else like to discuss this motion at all?

[01:58:08] Yes, Mr. Turner. So this just essentially, this is consistent with the comprehensive plan? Yes, it is. It is consistent. Okay. If we don't add utility major as a specs and transit-related core, then what is it in that NTRC?

[01:58:32] Is it allowable? It's just not permitted, not allowed. Okay. So this allows utility substation to be permitted as a special exception and transit-related outer core, which it currently would not be?

[01:58:50] What are the implications of it not being permitted in that district? Is there a need for utility stations in that zoning district? Do we have any idea? We really don't.

[01:59:08] We haven't seen any assessments that would indicate we do need them there. This would just allow for the possibility through the legislative process. And I will say we do have data centers in some of our transit-related areas, probably as somewhat of an interim use, although interim being a few decades.

[01:59:27] Do they not have utility stations, or are they not in the TRC outer core? Data center's not permitted in the TRC outer core. Do we have any now? Not that we're aware of, no.

[01:59:43] Or that we're not necessarily as part of this district as it exists now, but previously in what would be this district? I know. We don't think so? No, none today. Okay. Well, I'm not sure. Yeah, I was going to follow up on that.

[02:00:00] Mr. Turner, I'll come back to you since you made the motion. So is the reason that this is here is because if we don't approve this, then the zoning ordinance and comp plan are out of alignment? Well, they would be out of alignment slightly.

[02:00:19] They would be because the general plan allows this use as a complementary use. Is that, okay, but at some point in the future, if we don't approve this, can we then adjust the general plan so that they're not out of alignment?

[02:00:37] Yes, you could do that. Okay, because I guess if the comp plan and the zoning ordinance being out of alignment is the main reason staff would propose this, I don't know that I want that use there. And so, and with due respect, you all don't seem too hard over having this motion pass.

[02:01:00] No, we did not propose it. Okay, yeah, it's just because, okay, then I understand, then I probably won't support this motion. So it was just to bring the two in alignment, and we can actually adjust the comp plan when we need to. Yes, that's right. Okay, wonderful, wonderful. Mr. Turner? Yeah, just very briefly, when I see a use added with a special exception attached to it, generally speaking, I'm going to favor it.

[02:01:21] It means we're going to get a chance to look at every case before it goes forward. We can vote it up or we can vote it down. And it does bring in alignment with the comprehensive plan. So this seems like a fairly straightforward change. Okay. All right. Anybody else? All right. All in favor to say aye.

[02:01:39] Opposed? Nay. I don't want this in this area. All right. So that motion will pass 8-1. All right. So the next motion we have is number 8. I'm sorry, Madam Chair. I think Mr. Buffington was not here.

[02:01:56] Oh, I'm sorry. Yeah, 7-1-1. Ms. Buckley's not here. You're right. Thank you. Number 8, and that's Ms. Bricksman. Thank you, Madam Chair. I move motion number 8, Chapter 3, Uses Table 3.02.02-1, Data Centers in the PDRDP.

[02:02:17] I'm going to ask you to go in and read what that is because it's a pretty huge motion right here. I move that the Board of Supervisors direct staff to remove data centers as special exception use in the planned development research and development park zoning district. No, that's nine.

[02:02:36] She's on eight. And I'm going to allow her to discuss it, and so I'll second it for that purpose. Ms. Brixman. Thank you, Madam Chair. I, as my colleagues know, I have probably, I know I have the most, actually, PDRDP area zoning district in my, in Algonquian, almost the entirety of GW, and probably some of Janelia, and also some, there's some over in Sterling District, kind of like right by the Target and Ridgetop Circle area.

[02:03:12] So it is now a special exception because of our last straw poll on this. It would be a special exception if the draft zoning ordinance rewrite passes. This would make it prohibited, and we had a similar motion passed last week, I believe, for, was it CLI or OP?

[02:03:34] I can't remember, but that gave me the idea to go a step further in this one. Thank you, Madam Chair. Thank you. Anybody else? Mr. Latour. Yeah, we'll just note, if you're thinking of the CLI one, I started with not allow, but we actually passed special exception, which I kind of think is probably where I would be here, too.

[02:03:57] Ms. Umpstead? I would tend to agree with Supervisor Letourneau's point. I'll be voting against this motion. Okay, thank you. He said that we actually have moved that last motion to special exception versus not allow.

[02:04:15] And so he's going to be consistent in that area. Did I capture that, Mr. Letourneau, what you said? Right. Okay. He said special exception. So, Ms. Brixman, I get what you're saying. I get your thrust here. You know, it's interesting. I'm kind of maybe looking back to what Mr. Letourneau said in this last one.

[02:04:34] So are you saying this is like the campus at George Washington University and that type of stuff? That's the research park area? Okay. And you don't want it even to be, you don't want it to come to the board at all, just not allowed.

[02:04:56] Chair Randall, if I may, the GW campus is under the 1972 zoning ordinance. And so changes to the data center permissions would not affect that property as it's regulated under the 72 ordinance.

[02:05:12] How many ordinances are we going to have in place, for gracious sake, when we finish? There's like five or something. Two, if this passes, two. Two. Oh, because that one has to be, yeah, and then this one, okay, okay, that's not bad. Kind of lots of years apart, but okay.

[02:05:34] Oh, this one's tough, because I do get where you're trying to go, but it's a special exception. And so, you know, because we're talking about a research and development park, it's very possible that in a research and development park, a fairly small data center that is interior to a research and development park might be needed to serve that area.

[02:06:02] And so I'm a little nervous about just saying no to that altogether. I feel a little better about it being a special exception. So I think I probably won't support this, although I do appreciate what you're trying to do here. All right, I'll go back to you for a closing. Thank you, Madam Chair.

[02:06:19] I don't really have a closing. Okay. Mr. Bixman made the motion and I second it. I'll be able to say aye. Opposed? All right, so that motion will be failed to 9 with Ms. Bricksman and, I'm sorry, 2-7, Ms. Bricksman and Mr. Sainz voting for the motion.

[02:06:37] Next motion is chapter 9. I mean, I'm sorry, motion, not chapter 9, number 9. Ms. Bricksman, you penned it out. You did. Is that, are you? Madam Chair, I am just taking out some of the uses that were included in the original motion because we already made those uses special exception.

[02:06:58] Staff pointed it out to us. Okay, so you're just clear. I just delete it. It's more of a clarifying. Right. All right, all right. So the motion you're making is the motion on the seat, not the motion in the... Yes, and there's just some zoning districts that are not included that were included in the packet. Okay, we're ready then.

[02:07:15] Okay, thank you, Madam Chair. I move that the principal use tables 3.02.01-1, 3.02.02-1, 3.02.04-4 and 3.02.05-1 be revised to allow energy storage utility scale as a special exception use subject to the use

[02:07:52] specific standards in 4.07.02 in the following zoning districts cc-nc cc-cc cc.sc pd.cc pd.sa pd.mub gb tr3 tr1 tsn tcn tcc ar1 ar2 tr2 a10 cr1 cr2 cr3 cr4 rc and

[02:08:22] pdrv con okay that's it all right oh i do need a further move she has a further move on there that's already in the package on the bottom sorry about that hang on miss bricksman i know i know it's on page four got it i further move that the principal use table 3.02.05-1 be revised to allow energy storage utility scales a minor special exception subject to the use specific standards in

[02:09:01] 4.07.02 in the following zoning districts, IPGI and MRHI. All right. Motion's made by Supervisor Brixman. Is there a second on this motion? All right.

[02:09:17] Motion's made and seconded by Supervisor Glass. Discussion on the motion, Ms. Brixman. Well, I have a feeling I know where this is going. So anyway, this was a request from industry, and I thought about it long and hard.

[02:09:34] And I think that, you know, a couple of things could result from this, and that is helping with our goals on green energy and getting us off of fossil fuels, having energy storage, more flexible zoning on energy storage in the county.

[02:09:52] It is a special exception. The board can turn down applications for this. We can absolutely turn down applications for this if we decide it's not in an area that is conducive to our county or to the general plan. I believe it could reduce potentially, you know, high voltage power lines being above ground because we will be storing energy that is not fossil fuel energy.

[02:10:15] And lastly, it opens us up to hopefully being friendly to a new industry in a time when we are really trying hard to diversify our economy. Thank you, Madam Chair. Thank you. I'm going to go to Mr. Chief Kiger, who may want to speak on this item before we go to anybody else because, you know.

[02:10:33] Good evening, Board. Good evening. Any specific questions before I speak on the water supply piece of our concerns? If your lights are on right now, I'm assuming your lights are on for a specific question to the chief.

[02:10:52] Okay. Mr. Sains. Thank you. Do you still have concerns with this as you did before on October 12th when this motion was made twice and failed? Those concerns still exist.

[02:11:08] The bigger concerns at present is the ability to have sustainable water supplies if there is an issue in one of these storage facilities. As previously recommended, NFPA 855 would be a recommended document for us to follow locally in Loudoun County, which is one of the more up-to-date standards for this evolving technology.

[02:11:36] One of the major concerns with it is thermal runaway is after heat, just like charging a cell phone battery, is any time you move electrons and move electricity, there is heat as a byproduct, so to speak, of that.

[02:11:54] Thermal runaway occurs when that heat is gathered faster than what it can be dissipated, which can create a reaction that once it's in motion, you cannot stop it. - All right, and before my time is out.

[02:12:10] - I'm sorry. - And I know it's being proposed as a special exception, but. - Your time hasn't started yet. That was just, that wasn't your time. - Oh, I'll tell you the clock rings. That's my time, sorry. - Yeah, no, no. - Okay, and one other thing real quickly. Even with a special exception, you still would have an issue with water being available.

[02:12:27] You know, heaven forbid it was something drastic was to happen because, in your opinion, How can we even fix the water issue with a special exception? So go back probably six months ago when we first became aware of these concerns within the county is when LCFR and the fire marshal's office became involved with discussions.

[02:12:48] Please don't quote me on the actual date and times on it, but to say that we were kind of late to the table is nobody's fault. But we inserted ourselves due to those concerns to go before the board and with the planning commission. and zoning so with that is those concerns still remain valid today as we continue to get these types of structures or requests within the county special exception would be my opinion the least amount for us to have our inclusion on again jumping the time machine back six ish months ago

[02:13:29] is the concern was related to the two terms by right coming in where these would be passed kind of unchecked within the county without our inclusion. Thank you. Yes, sir. All right. Mr.

[02:13:46] Buffington. Thank you, Madam Chair. So basically, one thing that you're saying is that these types of fires are harder to fight than other types of fires and require more water. Is that accurate? More sustainable water, yes, because once this reaction starts, generally you have to protect other components around it, regardless of the amount of water that is there.

[02:14:12] Our focus at that point is not necessarily putting out the actual fire as much as it is to contain it from where it is from getting there. Yes, sir. And given in Western Loudoun, in other words, AR1 and AR2 mainly, we don't have Loudoun County water, public water out in that area.

[02:14:29] You have real concerns about this type of use in that area? Is that accurate? That is accurate. Okay. Whenever the time is appropriate, Madam Chair, I would offer a friendly to remove AR-1 and AR-2. This may not pass at all.

[02:14:47] Okay. So, let's see how the discussion goes. Ms. Upsett. Thank you, Madam Chair. Chief Tiger, the amended motion would remove uh eight different land areas from the the original motion um in in those removed land

[02:15:17] areas are jlma1 jlma2 jlma3 and jlma20 now i believe one two and three are near the town of Leesburg. Loudon Water is, as I understand it, very quickly moving to send in centralized water into the JLMA around Leesburg. Are you concerned about lack of water in the JLMA around Leesburg?

[02:15:50] So I'll speak to what I can provide or what I can prove, okay? NFPA 55 has specific sections regarding energy storage or non-mechanical storage, such as battery systems. And with that, it speaks to water supply. And I'll read you verbatim what it says to that, which will be my position as well. Where

required elsewhere in this standard, sites where non-mechanical ESS are installed shall be provided with a permanent source of water for fire protection. That is very

[02:16:25] clear to me that there needs to be adequate water, either on-site and available, meeting yet another standard above and beyond 855 or it goes exactly with what these recommendations are okay thank you yes ma'am so kirschner kind of follow up on a couple of the questions if that standard was met in a particular area and i don't know how many of these areas in this motion actually meet that standard but if they were met would you have fewer concerns um than you have

[02:16:59] at this moment or would you have any concerns if water supply was available and that we followed what the current standard is or recommendations locally, I would probably be comfortable with that. Okay, so it really seems to me, and I'm making more of a statement here, that that really is what our focus should be here unless the area is, honestly.

[02:17:22] I mean, I agree with Supervisor Buffington's assessment, the AR1, AR2. We just don't have that capacity for sure out there. But in the other land areas that are mentioned here, it would make a lot of sense to potentially include them as a special exception if indeed they meet those standards.

[02:17:41] So I probably would support it with moving AR-1 and AR-2, but again, I think with those specific performance standards as well. Madam Chair, I had a question. You made the motion.

[02:17:57] I get to ask a question, don't I? Yeah, but you have a closing. Oh, we're not in the motion yet. I'm sorry. Yes, we're asking questions to Mr. Kiker. I'm sorry, you're correct. Ms. Bricksman, and then I'll come to you. Thank you. two questions um does the fire marshal have an opportunity to um give give comments give comments during a planning commission and or a board of supervisors during the process during a specs process do you mean like being present in front of the board for that no when like applications go

[02:18:37] through a review process where all these departments make comments and say what their concerns might be for an application the fire marshal has an opportunity to do that during his specs as a referral agency a referral agency thank you for correcting me on the exact term mr and then the the the policies or restrictions that you were just talking about like 8 55 and those sorts of things if a site doesn't meet those requirements wouldn't they not get permitted i don't know how to answer that because it's not really i have yeah that's not really his purview

[02:19:15] okay okay all right thank you so did you have an answer john mr mr galena would you like that i was just going to add that by making a special exception it would give the board the the authority to allow it even if the water is not there true so what i i messed this one up because really i was hoping you would just be asking small questions so you can answer because i want to do all this again to be quite honest but mr mr turner do you have a question for you don't okay supervisors are Are there anyone else who has any other statements that they need to say that they haven't just actually said already in this time?

[02:19:56] Staff, do you have any statements that you'd like to say? Because, guys, we're on motion number nine. I just want us to keep us remembering what we're doing here tonight. Any thoughts? And I want it to be – let me ask you this.

[02:20:13] When the original motion staff did not support, with this revised motion that Ms. Bricksman's made, do you still not support this motion? We do not. You do not. And you still have concerns? Yes, ma'am. Okay, I'm pretty well done. Nope, nope, nope, nope, nope, nope, nope. Ms. Brinkman, would you like a closer?

[02:20:30] Madam Chair, are we back in the motion? Guys, I just said, does anyone have any other questions? And no one said, oh, did I miss your light being on? Okay. Very quickly, special exception gives us the right to say no to any application for any reason. Presumably, the board is going to say, are there any fire hazards?

[02:20:48] Do we have enough water for every application? We don't know where this technology is going to go, and I think we ought to have as broad an aperture as possible. I introduced a motion like this last time, and it failed. I still believe the board should cast a wide net and then look at every application.

[02:21:07] Thank you. Mr. Brixton, would you like it? Friendly. You have a friendly? Yeah. Okay. Madam. Who seconded this motion? Oh, so it was a glass. Okay, yes. Madam Chair, based on what I've heard, it sounds like this might pass.

[02:21:23] And so because of that, I would like to make a friendly to remove AR1 and AR2. Ms. Bricksman? That's fine. Thank you. Thank you, Madam. Ms. Glass? All right. Ms. Bricksman, would you like to have a closing? Thank you very much. I think that, listen, industry really wanted AR1 and AR2 in there because, you know, it's more affordable for them to put the storage facilities there.

[02:21:48] But I understand the concern about the water and my colleagues' concern about the water and lack of water in those areas. So that's why I accepted the friendly. I also agree with Supervisor Turner that, you know, this is an opportunity for the county to once again be at the forefront of an industry that's up and coming.

[02:22:06] And so I would ask my colleagues to support the amended motion. Thank you. Sorry. Thank you. All in favor, please say aye. Opposed? Nay. Okay. With the ayes, please raise your hand.

[02:22:23] All right. That motion will fail, 4 to 5, with Mr. Letourneau, Bricksman, I'm sorry, not Letourneau, Turner, Bricksman, Glass, and Kirshner voting for the motion. Politics does make strange bedfellows, doesn't it?

[02:22:41] All right, supervisors, we're on motion number 10, which is a motion from Mr. Letourneau. Mr. Letourneau. Yeah, I am actually not going to make the motion. However, what I would like to ask Madam Chair and Mr. Turner is, I think this topic is worthy of exploration in the data center ZOAM, specifically the topic of how potentially to make berms and buffers work effectively instead of just setbacks.

[02:23:16] But I think based on the feedback we received today, I don't think there's support for this motion tonight. I think it probably needs to be fleshed out. So if I could just maybe get some kind of commitment, we'll have a second. Yeah, we will have that discussion before we leave about the data centers OM, and I think that's, I would concur and support that.

[02:23:32] Okay, so I won't make the motion. Okay, so motion number 12 is to be made, I'm sorry, 10, to be made by Supervisor Glass. Oh, I'm sorry. No, I was right, it's 12.

[02:23:50] It's 12. It's 12. No. Okay, guys, let me just have, let me say, do not help me unless you're helping me, right? don't help me mess up I can mess up on my own thank you very much all right it is number 12 and it is mr. Turner my chair I move motion 12 section 4.8 farm winery motions made and seconded farm winery by the two Eastern Loudoun County supervisors wonderful mr. chair for both motion 12 and 13 this opening comment will apply we've distilled down all the stakeholders five and six

[02:24:30] motions, and every time I encountered resistance, I think I started with six. Every time I encountered resistance that I thought was credible resistance from some stakeholder, we pushed it off to the rural zone. The two that have survived are these two, and the reason these have survived is because one of the top priorities I've heard from stakeholders five and six is we have to bring the noise ordinance into play on these categories of uses. These two motions, 12 and 13, do precisely that they list these two uses in chapter four which brings chapter seven noise ordinance into play that's the only reason these are here it's not intended to be a long discussion about the

[02:25:09] rural use it's simply intended to list them in chapter four so they invoke chapter seven noise ordinance for these two uses that's it that's all i have to say on both of these thank you mr buffington thank you madam chair i understand the motion uh this number 12 motion i understand the next motion, number 13. I understand what you're saying, Supervisor Turner, but I got to go back to what I've said previously and what Chair Randall just reiterated 15 minutes ago,

[02:25:40] which is that early on in this exercise, we told the rural economy uses folks that we were going to consider that stuff in the future. And so basically they tuned out and they're not here anymore. And so, yeah, you're not hearing from them. And I want to make sure that whenever this is discussed, we're hearing from all sides and not just one side or two sides of a three or four-sided topic. And so my concern that I share with Chair Randall and I think others, I think

[02:26:18] hopefully a majority on the board here, is that some of the main people that would be impacted are not really paying attention right now and are not here to give their input. And so I do think this needs to be discussed, but I think it should be discussed as part of the future rural economy uses, ZOAM, that we've all talked about having. Thank you. Thank you. Mr. Kirshner. Thank you, Madam Chair.

[02:26:42] I think I agree pretty wholeheartedly with Supervisor Buffington, but I do have a question for staff on this. If we don't pass this, does anything really change in terms of how we regulate our wineries and our distilleries in terms of the noise ordinance?

[02:27:00] No, nothing will change. From what we're doing right now, is that correct? What we're doing right now, because the planning commission wanted to maintain the different hours of operation for different types of noises and different uses in western Loudoun. So it's not like we're going to have all of a sudden everything out of control if this does not get passed.

[02:27:18] We will still have regulatory options available to staff, to our zoning enforcement folks. Yes, that's correct. All right, then I definitely will not support these two motions because of that. Ms. Umstead? Thank you, Madam Chair. A question for staff.

[02:27:34] In your opinion, do these two motions protect residents in the rural areas from excessive noise from nearby event centers of any sort?

[02:27:53] I think it would help. It definitely would. My short answer would have to be yes, but then the long answer would have to be exactly what Supervisor Buffington said. They're not aware that you're contemplating changes to the noise.

[02:28:12] Thank you. Last weekend, Mr. Kirshner and I attended the Loudoun Wine Awards, and I was asked to give what's called the Grand Award. And during that time, I said to the vast majority of our winemakers, our wineries that were there, that I made a request of them that next year when we did the Rural Zone, that they really engaged in this process.

[02:28:45] I was really surprised at the number of people who came to me afterwards and said, thank you, we look forward to that discussion, we look forward to engaging with you next year. So, you know, it wasn't one or two, it was quite a few people.

[02:29:02] They are not engaged. So to say that we're not hearing any opposition, it's because, you know, If you tell somebody nothing's happening, we're not going to hear opposition. If you reach out to people who agree with you, you're going to hear people who agree with you.

[02:29:18] And so it may be that I absolutely support this if I'm lucky enough to be back on this day as next year, but it is not something that I believe. I believe it breaks a promise if we support this today. So I will not be supporting this motion. Mr. Turner, no close.

[02:29:37] All right. All in favor of this motion, please say aye. Oppose? That motion will fail two to seven with Ms. Glass and Mr. Turner voting for the motion. Madam Chair, I'll withdraw motion 13. You withdraw motion 13.

[02:29:52] Wonderful. Okay. We're at motion 15, which is the airport overlay district. We're not anywhere near a break yet. We're not anywhere near a break, everybody.

[02:30:09] All right. So we have an airport overlay district, and Mr. Turner? Thank you, Madam Chair. No, no, Mr. Turner. Thank you, Madam Chair. I move motion 15, Section 5.02, Airport Impact Overlay District.

[02:30:28] Second, for purposes of a friendly amendment. Well, but since this is not in the package, you're going to have to read this. It is in the package. So the green sheet's not the motion he just moved. The friendly amendment is.

[02:30:44] So I will read the friendly amendment. Oh, okay. I see what you're saying. All right. I see what you're saying. So then, Mr. Turner, you made the motion. I made the motion. In just a second, would you like to... I have no opening, and I'll accept the friendly amendment. Okay. Would you like to say the friendly amendment? Yeah. The friendly amendment is the green sheet, motion 15.

[02:31:01] It's moving the Board of Supervisors, direct staff to revise Chapter 5, Section 502C, disclosure statement required to change the airport impact overlay district disclosure statement process as follows. I'll just note the changes, if that's okay. C, we're changing the words disclosure statement to notification.

[02:31:18] So everywhere that appears, taking out notification and also taking out the words sales contracts specifically. The purpose of this, this was a good discussion between my staff and Supervisor Turner and his staff and DAR and some other stakeholders around just some workability around the disclosure statement.

[02:31:46] that we were requiring in the AIOD, which you all know that I'm supportive of that concept in the AIOD. So this is not gutting it. But we did learn that sales contracts, we really can't do this, require this in sales contracts because of the way that those sales contracts are amended and customized.

[02:32:11] And then in the real estate industry, the term disclosure has a very specific meaning and is limited to state-level approved and required disclosures. So there were concerns about using the term disclosure versus a term like notification because disclosure has a very, very, it's a term of art in that industry that means something very specific.

[02:32:33] So what we're doing is actually reverting to the existing language of the AOD before we changed it in the last go-round, which was that we were intending to be more prescriptive, to be helpful,

but we actually may have gotten ourselves a little further than we intended and removed references to sales contract, but it would still require notification and brochures and promotional documents, visa conveyance, and site plans.

[02:32:56] We also return HOA notifications to state that they may include in their resale disclosure packet, which is, again, for legal reasons. Ultimately, property owners should be responsible for ensuring buyer receives notification. That's the bottom line out of all this. So, again, we had a good process discussing this with staff and with Dahr and others and Supervisor Turner's office, and this is what we agreed upon for changes.

[02:33:22] Staff, with this friendly, do you all still oppose this motion? Can I get a point of clarification on that? Sure. Is the friendly just to add notification to the existing motion or to replace the existing motion with the language on the green sheet?

[02:33:37] See, sorry, the friendly amendment is to replace the motion that's in the package, number 15, with the friendly amendment that I provided. So none of 15 would be there if it's being replaced by this amendment. Then we, staff, would support the revised amendment.

[02:33:56] Wonderful. Can I make one comment on that, though? Absolutely. I agree with everything Supervisor Turner just said. One thing that came out of the meeting is that I think if we do want to be more proactive about this, this could be something else we go to the state to ask about because we need to have a disclosure statement created that could be used for this purpose, and there's already one existing for essentially Air Force bases that would need very minor changes to work for us with a standard airport.

[02:34:22] Okay. I don't think John Freeman's here, but I'll make some of these notes since Mr. Sains and I are the ledge team. Do I need to say something specific that this is a substitute for this language, or is that understood by... Well, I think that was just clarified. Yeah. Mr. Turner. No?

[02:34:37] This moves the ball in the direction I think that we all would like to move it. I don't think it's entirely what DARA wants, but it's a significant step forward, and I'm happy to support that. Okay. Do you have anything? Because he's the clerk. Just to ask to either Turner or Letourneau if the HOAs have seen this, if they have any input on it, the impacted HOAs.

[02:34:58] They have not seen this, but this is consistent with what their concerns would have been about requiring them to do that. Okay. Absolutely. Thanks. Yep. Okay. All right. The motion's made by Supervisor Turner and seconded by Supervisor Letourneau.

[02:35:14] All people say aye. Any opposed? That motion will pass 8-1 with Supervisor Brixman opposing the motion. All right. Number 16 is the next motion, and it is the open space motion. And it, I think, is being made by Mr. Turner.

[02:35:34] Oh, that one came off? 16 came off. Okay. I'm sorry. Number 17, Mr. Turner. Thank you, Madam Chair. I move Section 7.02.b.4, open space amount. Motion 17.

[02:35:51] For the purpose of discussion, I'll second that motion. Mr. Turner? I really have no opening discussion. This was a stakeholder 5 and 6 input, and I'm bringing it up forward for discussion. All right. And staff does not oppose this motion. Anybody else, Ms. Brixman, on this motion?

[02:36:10] Yeah, I read this a couple times, and I'm just not quite sure I understand what's being accomplished here. Staff might explain. So as I understand this proposed motion, it would essentially set a

floor.

[02:36:26] So at the previous meeting, what was approved as part of some of the amendments that staff recommended was modifiability of the amount of open space required in a unique circumstances of a redevelopment where less than what the new requirement is so if you know previously only would have gotten you like eight percent under current rules and the zoning district said you had to do twenty percent you could modify that to less than the twenty percent this proposed

[02:37:00] motion kind of sets a floor of that at 10 percent so they would have to under any circumstance provide at least 10 percent open space okay thank you like that that's good that's good mr turner i have no clothes okay all right um mr turner make the motion i second the motion all people say aye any opposed that motion will pass unanimously i thought you should jazz hands one of these, boy. All right. Number 22. And that motion is coming from Mr. Turner.

[02:37:36] Madam Chair. No, I'm sorry. I'm sorry. I thought we were on 19. I don't have. 19 and 20. Oh, we added those back in. That's right. I'm sorry. Okay. I'm sorry. We did add those back in. So yeah, Mr. Turner. See, Mr. Buffington just helped me. That was helpful, right?

[02:37:55] That was helpful. We did add those back in. I didn't miss that. Thank you very much for the help. Mr. Turner for 19 and 20. Thank you, Madam Chair. I move motion 19 table 7.02-2, open space eligibility, limited landscaping.

[02:38:16] I will say that this was a stakeholder five and six input, and I got fairly significant pushback from industry today by email. So I bring it up for purposes of discussion. Do you mind saying from what industry did you get fairly significant?

[02:38:33] It was from Bill Junda. Whichever industry. You are an entire industry. I think commercial development is Bill. Okay, so he's like, wow. Okay, motion's been made.

[02:38:52] Is there a second to the motion? Motion will die for lack of a second. Would you like to do number 20? Yes, Madam Chair, I move Motion 20, Table 7.02-2, Open Space Eligibility. It's virtually a carbon copy, slightly different issue than the previous motion.

[02:39:11] All right. Did you get pushed back on that one, too? I did. Was it from Bill Junder again? It was. There's troublemaking out there. You know what? Yeah, okay, I'm not going to.

[02:39:30] Okay. Is there a second on this motion? This motion will die for lack of a second. Motion number 22. I'm sorry? Okay, so 23.

[02:39:51] Thank you, Madam Chair. 23, which is ma'am, Ms. Bricksman. So, similarly, we had discussions with industry on the motion that we tried to do last week. We thought we would, I'm sorry, I'll just make the motion and then I'll discuss it.

[02:40:06] Yeah, how about that? I move motion 23, table 7.06.02-1, parking ratios by land use and zoning district category and 7.06.11.c.2, residential parking, garage, and driveway spaces.

[02:40:23] For the purpose of discussion, I'll second your motion. Thank you. I'm going to, I want to change, though, the parameters back to what we discussed last. So then you're not making this motion, then?

[02:40:39] you're right uh let me read it i i because i'm changing the the pr i'm changing the what's the term i'm looking for the specifications for the garage size back to what because because back to what do you for a single garage would be 11 by 18 and for a double would be 20 by 18 for them to get the credit for a full space are you doing this in on behalf of the industry well i'm doing it on behalf of the industry and also because i believe one garage is a garage space i'm only asking because this is the package that went out to the public.

[02:41:15] And if we make changes kind of like on the fly like that, and it's not just taking something out, but it's actually a whole different thing, the public has not seen that motion yet. And I am not real comfortable doing that. That's my issue.

[02:41:39] So right now there's a motion on the table with no second. But there's a motion on the table with no second because we don't actually know what the motion is. I know. I'm sorry, Madam Chair. I didn't realize that you wouldn't let me change the garage size.

[02:41:57] Well, it's more like a package goes out to the public, so the public can see the package, and that's literally the issue. So right now there's no... Madam Chair, I can make a friendly amendment. Well, there's no... Yeah, I'll just move motion 23, and he can make that. Okay, whoa, whoa. There is no second to a motion that has not been made yet, and I'm not sure what the motion actually is.

[02:42:18] I move motion 23 in our packet. Second. Okay. Motion 23 has been moved and seconded. Ms. Bricksman. Thank you, Madam Chair. On motion 23, would you like to tell us what you're trying to do here? Yes, Madam Chair. Thank you for your patience. I still believe that a garage is a parking space and that it should be counted as a full parking space.

[02:42:43] We got some pushback from that when we were discussing it before, so we tried to add some parameters that this garage space has to be a minimum size. This motion expands the size of the garage space so that we actually get what might be used as a garage space.

[02:43:02] But honestly, I would make this motion without those parameters, to be honest, because we shouldn't be legislating to people what they do with their garages. So I guess that's all I'll say. Thank you, Madam Chair. Thank you. Mr. Turner. Thank you, Madam Chair. So the friendly would read, I move that the board directs staff to revise note number one of table 7.06.02-1 as follows.

[02:43:28] Note one, residential garage spaces may be calculated as .5 spaces pursuant to section 7.06.11.C.2. I further move that the board directs staff to revise section 7.06.11.C.2 as follows.

[02:43:48] Garage spaces that are fully enclosed for individual dwelling units are calculated as 0.5 spaces. Exemption, garages with dimensions equal to or greater than 11 feet by 18 feet for single-car garages and 20 feet by 18 feet for two-car garages may be counted as a full space.

[02:44:08] Point of clarification, is this a motion that's already come up and we voted on? Are you... Is that... I mean, did we not... What were... It wasn't voted on. It wasn't voted on. Okay. okay all right mister you accept that so you accept that as a friendly okay manager I missed a part I'm sorry the last sentence I would like to also include all site plans subdivision plots and or zoning permits must have a note that sets forth minimum garage dimensions all right motion has been made

[02:44:45] and seconded and with a friendly that's been accepted and the by the motion maker and the friendly was made by the seconder of the motion do you have anything else, Mr. Turner? All I want to say

is we're trying to decide between a half space and full space. I think half space really creates concrete instead of more houses, which is wrong.

[02:45:11] I think a full space is also wrong because we've notoriously designed our garages to be too small for a full car. The dimensions that I just described are a compromise that I think is reasonable i actually went out in the parking lot tonight and measured cars with my tape measure and i continue to say 11 by 18 for a single and 20 by 18 for a two-car garage is more than enough space supervisor briskman's car would have two feet no two and a half feet all the way around with those

[02:45:39] dimensions so she drives a large suv it's an suv that's all i have mr letourneau yeah so she does not drive a honda odyssey which is one of the most which is like one of the most 10 most common cars in the county and that is my issue you got a ton of families with a lot of minivans you should go to any elementary school drop off and look at the 205 foot minivans the new siennas are all hybrids by the way so they're not all gas guzzlers point is and chrysler makes a phev that i have

[02:46:15] briefly point is my concern with this is still that that people with those type of vehicles are not using their garages with two for two cars certainly and so the Planning Commission just accepts the reality and the existing zoning ordinance accepts the reality of how they're being used and so the you know if you have a two-car garage at the standard size then you get credit for one space plus your driveway spaces so it's not as if we're gutting the parking you know here there it's still pretty reasonable it just addresses the issue that everybody knows exists whether or not we want to acknowledge it or not.

[02:46:55] Okay. Mr. Buffington? Thank you, Madam Chair. My question is for staff, would this make garages larger than the current standard or smaller? Because I honestly don't know. That's a good question. I honestly don't know either. So it would set a size for the garage, and then that would have a standard we could measure against.

[02:47:17] But at this point, without looking at every building permit that came in for a home, I wouldn't be able to tell you. Okay. I'm going to abstain because apparently you guys talked about this in one of the meetings that I missed, so I will abstain from this vote.

[02:47:33] Mr. Kirshner. I'm just going to say, we took a poll in this room. I bet you very few people use their garages for their cars. I think it's a mistake to start, yeah, well, you're an exception to the rule in a lot of ways. So I just think by making sure we include garages is a big mistake.

[02:47:58] People just need more parking. So, Ms. Signer, are your lights on? Yes. Yes, ma'am. I was just going to offer in response to Supervisor Buffington's question, the FSM, which is the Facility Standards Manual for the county, while it doesn't specify that it is for garages, the standard parking stall space is 9 by 18.

[02:48:23] So this is basically two feet larger than that. That's actually very helpful. That's actually very helpful. Listen, you know, I'm a mom, and when my kids were little, we had a minivan, and all those things happened.

[02:48:42] I understand what you're saying, but we build garages to be garages, and to not use them as garages is not my, that's not my issue. It really is not, and it creates more impervious surface area and more concrete area, and eventually less, depending on the type of building we're talking about, it could also create less actual living spaces.

[02:49:08] So, you know, I don't think we should dictate, I agree, how people should use their garage, nor do I think we should make accommodations if people don't use their garage as a garage. That is just not my issue. We have lots and lots of storage facilities in Loudoun County.

[02:49:25] They're everywhere. They're just everywhere. And so if you choose not to use your garage as a garage, there are storage facilities if you want to have them, but the garage is for that purpose. It is for that purpose. And so I'm not going to be creating more impervious surface runoff becomes an issue and all those things because people want to use their garage for another purpose.

[02:49:49] So check to have a closing. Thank you, Madam Chair. I completely agree. We shouldn't be dictating how people use their garages. a garage is a garage it's a parking space and actually 18 feet of a parking space in a parking lot i have a lot of space behind my car when i pull into that space appropriately even though you call my car an suv um so again what we're doing here is if we if we say it's only half a space then the developers are going to have to go create more parking lot more impervious space and sometimes it's not going to be used.

[02:50:26] I was actually driving through an area this weekend where there were so many parking spaces not being used. I was appalled. I should take you over there, Supervisor Letourneau. Anyway, thank you, Madam Chair. I hope that my colleagues can support this motion. Thank you. Okay. The motion was made by Supervisor Bricksman with the friendly by Supervisor Turner and seconded by Supervisor Turner.

[02:50:51] All in favor, please say aye. Aye. Opposed. All right. I don't know what just happened here. If you said aye, raise your hand. If there's any confusion, Madam Chair, I supported it. If you say if you oppose, raise your hand.

[02:51:08] And then we have two abstains. So now you're changing it to oppose? Are you abstaining? So that's a 4-4-1 vote. So a 4-4-1 vote basically fails a motion. So thank you. It's a failed motion.

[02:51:25] So it's not a pass or it's nothing. Nothing happened. Well, hmm, hmm. Was it? No, it's a 4-4-1 vote. Yeah, it fails a motion because nothing happens with the motion.

[02:51:40] Technically, it doesn't fail it or not fail it, but in realistic terms, it fails the motion. All right, number 24 is also a Ms. Bricksman motion. We're about three motions from taking a break.

[02:51:56] Everybody just hold on. Ms. Bricksman. Motion number 24. This is very, very similar. um i move motion 24 table 7.06.02-1 uh parking ratios by land use and zoning district category and 7.06.11.c.2 residential parking garage and driveway spaces would you like me to read it madam chair no nothing's changed from what's in the item right nothing's changed okay then you'll have to read it sir second on this motion i'll second the motion for purpose of discussion

[02:52:27] ms brixman so what this does is it um it allows full parking spaces to be counted in more dense housing basically for multi-family attached um sorry spaces in the garage for multi-family attached dwellings so they could be counted as a full space reason being that you know you're not necessarily assigning or not assigning spaces and it's usually going to be larger parking lots or parking garages. So it doesn't make sense to count them only as a half space.

[02:53:05] Thank you. Thank you. Discussion on the motion, Mr. Letourneau. Yeah, I have even more concerns about this one for two reasons. Number one, these are the communities that we have the most parking problems in. And I know maybe this is just the difference between a district supervisor or not, but

we are dealing with virtually every community that has these type of dwellings has a huge parking problem under our existing parking standard that's just the fact we can say whatever we want about it that's a fact number two typically these are smaller garages so it would make less sense to count these as as a full space because a lot of vehicles would not fit into these these i

[02:53:44] mean they're pretty tight i mean you can maybe get the car in but you couldn't get the door open type of thing so i would definitely not support this motion okay anybody miss miss glass thank you Madam Chair, I think Supervisor Letourneau had stated what is going on in my district as well, especially with the multifamily.

[02:54:06] We have neighborhoods where the cars are parking on and say my neighborhood in Ashburn Village Boulevard where there's no parking in the neighborhood, so they have to go out on the street to park.

[02:54:22] Thank you, Madam Chair. Thank you. Ms. Glass, You know, I lived in Aspen Village Boulevard for 10 years, and I live only across the street from it now, and I'm over there all the time, and that's not my experience when I'm over there.

[02:54:38] But more than whether or not there's parking in the neighborhood, are there parking in people's driveways? Are there parking in people's, I mean, the point I think we're making here is that there are garages. There are garages and driveways and things.

[02:54:57] It's the same thing. And in my opinion, it almost comes down to this for me. More impervious parking spaces often will result in less homes. It's really that simple to me.

[02:55:15] And I don't know how you go. We want homes, we want homes, we want homes, and then vote for more parking spaces. Because it's kind of that black and white to me. It's not very hard to me. So, anyway, Ms. Brixman? Thank you, Madam Chair. And it doesn't only result in fewer homes.

[02:55:32] In a specific application I'm looking at right now, the parking requirements are preventing us from meeting the open space that we would like to have. And it's an area that I am near and in and out of all the time, and the parking is not used. And if we could take that row of parking and add it to the park, we would have a lot more open space.

[02:55:54] And additionally, it takes away open space, and it could take away active space as well. For example, I notoriously went to tour one of Kim Hart's buildings, and I said, none of those spaces are being used.

[02:56:12] What is going on over there? Can you put a basketball court over there? Like, clearly, those spaces are never being used. He's like, I'm not allowed because we have to have the parking by parking requirement. The last thing I'll say is, and I meant to say this in my opening, these apartments that are for rent will most often have a management company.

[02:56:31] And if there's a management company, they have more authority to require the renters to use the garages and not use them for storage. So in other words, in these particular buildings, there is more control than you would have, like with an HOA, which might not have that kind of authority to require someone to use their garage for their car.

[02:56:56] But in these cases, they absolutely can. It's a management company, and they're there a lot more often. And then I'll just echo what Madam Chair said about more asphalt. We don't need more

asphalt. We don't need more heat islands. We need more homes. We need more open space. And we need more parks and facilities.

[02:57:13] I guess that's where I will leave it. Thank you, Madam Chair. Thank you. Motion was made by Supervisor Bricksman. I second the motion. All in favor, say aye. Aye. Opposed? I almost said disgust. And you're abstaining again? Okay, that motion will fail. 3, I think that was 3-5-1, with Mr. Sains abstaining.

[02:57:36] All right, motion number 25, Mr. Turner. Thank you, Madam Chair. I move motion 25, Section 7.06.02.C, reduced parking ratios. Purpose of discussion, I will second that motion. Mr. Turner? Thank you, Madam Chair. Let me explain what I'm trying to do with motions 25 and 26.

[02:57:53] We passed a maximum with adjustments of a 25% parking reduction at the last meeting. I'm only bringing forward this motion to return it to 35% because we didn't have the full board then, and I want the full board to make sure we all agree or vote on do we really intend to make the maximum combination of reductions for parking 25%, or would we prefer to keep it at its current 35%?

[02:58:19] The next motion, if we keep it at 25%, the next motion establishes an exception for multifamily attached housing to stay at 35%. as just a single exception. Okay, so I need a point of clarification. Can we stop his time?

[02:58:36] Can I stick in it? I need a point of clarification just to stop his time. So are we saying that we're bringing motions back because everybody wasn't here for the motion?

[02:58:52] Because that's really not how it works. I mean, if you're not here for the motion, you're not here for the motion. And, yeah, there are straw poll votes, so you can't do that. But normally, if a motion's made, whether if it's five people on that dais, You don't bring the motion back because there are people who missed the meeting. That's just, no, that's not how that works, unless the person who missed the meeting wants to bring it back.

[02:59:13] So I get that these are straw poll motions, and okay, I mean, obviously I'll allow it, but it kind of feels like I want a second bite at the apple is what that kind of feels like. Is that what you just said to me? Well, yes and no. I made the motion to reduce it to 25%, I believe, at the last meeting, and I got multiple stakeholder inputs that said, not everybody's here.

[02:59:34] can we reconsider this and look at it at 35% rather than reducing it again? That's all the purpose of this. If you don't want to allow it, that's fine. I'm just trying to get everybody to make sure that we all want to reduce the parking to 25%. Yeah, I'll allow it, but I'll allow it because these are straw poll votes.

[02:59:53] Were it not a straw poll vote, I absolutely would not. So, okay. Would somebody second the motion? Second. Okay, it's been moved and seconded. Discussion on the motion? I think I said everything I need to say. Okay. Mr. Letourneau? Yeah, I may engage the President Letourneau a little bit. So I actually, you made the motion for 35, and then we had a friendly discussion and a friendly that I made down to 25.

[03:00:13] I'm willing to reconsider that. But is it your intent to make 26 if it does get moved to 35? Because I could live with 35 with the 1.2 minimum, and I like, I think it's your motion on the transit issue.

[03:00:32] I think it's your 29 maybe. so you're still intending to make those motions right yeah it depends if we hold the maximum reduction at 25 percent i want to make the next motion to give an exception to multifamily okay i think it's i think it may be a better approach to to go to 35 with those changes so for that

reason i think i can support this one but i would be supporting i want to make sure those other ones actually end up passing because that would change how i view this one and i know it's sequential but But do you understand what I'm saying?

[03:01:03] Can I just, well, I think I do. So you're saying you're willing to go back to 35 if we also include, but never less than 1.2. 1.2, and if we do, I think it's your 29. It's basically two different ways to get at this, and I think that's a better way than the way of just having a blank at 25.

[03:01:20] So, okay. Okay. It's still his time to talk. I think I will support, although is 25, how is 25 different than 26?

[03:01:38] 26 is only about? 26 is only about multifamily attached. That's well. So I can amend 25 to include the 1.2 ratio. How about I make that as a friendly? That's fine. So, by the way, through the chair.

[03:01:57] So would you like to make a friendly? I would. Let's do that. Okay, can you actually make the friendly? Let's add in, provided no less than an average of 1.2 parking spaces per MFA dwelling unit are provided. And I'll accept that.

[03:02:15] Who is the seconder of this motion? Did I pick in this motion? Yes, we did. Yes, I think I seconded it. I did, sorry. Do you accept it? Yeah, she did. Do you accept this friendly? No. Okay, all right. Then I may vote against this one and then vote 426 then.

[03:02:37] Okay. For the discussion, Ms. Bricksman. Oh. Your light is on. I know. And now that I've heard all this back and forth, I think I forgot what I was going to say or ask. Just a point of clarification.

[03:02:53] So what Supervisor Letourneau, through the chair, Madam Chair, was asking was you can have a parking reduction up to 35%, but you can't go below 1.2 parking spaces per multifamily attached unit.

[03:03:13] Okay, but what if the multifamily attached unit is just one bedroom? Why would you have to have 1.2 spots for a one-bedroom multifamily attached unit? This is why I didn't accept the friendly. I think a space is a space is a space.

[03:03:30] I'm sure. Wait, no, no, wait, wait. So that's why I didn't accept the friendly. If you want to have an example. I can clarify that. I wouldn't mind if you did. Mr. Turner. Thank you. The 1.2 ratio is the aggregate number of parking spaces divided by the total units.

[03:03:47] So it's not 1.2 parking spaces for every unit. It means you can't go less than a ratio. When you add up all the units and all the parking spaces, your ratio can't go below 1.2. But that doesn't have anything to do with the individual units. I'll accept the friendly.

[03:04:04] But this is not, but the friendly wasn't 1.2, it was 1.5, correct? there's one point two okay I'm sorry I'll accept the friendly thank you miss Brixman is accepting the friendly mr. Turner can you can you state what just happened because I'm not sure I'm sure anymore yes I believe this is correct staff correct me if I'm wrong so the motion is to amend section 7.06 point oh two point C as follows in accordance with section 7.0 602 point C the parking

[03:04:43] ratios provided in table 7.06.02-1 may be reduced. The reductions of section 7.06.02.C are not subject to section 7.06.08 except to exceed the specified limits or to exceed a cumulative reduction of 35%. Additional parking reductions may be provided pursuant to section 7.06.08 except multifamily attached dwelling units in a, I'm sorry, which may provide it.

[03:05:16] So after I just finished saying reductions may be provided pursuant to Section 7.06.08, provided no less than an average of 1.2 parking spaces per dwelling unit are provided. But only in multifamily?

[03:05:34] No, we don't need that motion. He is right, though. We don't need that. We don't need that motion. What we're saying is the maximum reductions is 35%, and you can't ever go below a 1.2 parking ratio. I may have said MFA, though, but I wouldn't mind that. And that meets the needs of the MFA building.

[03:05:51] Okay, thank you. Thank you. I'm saying thank you because we're still in my time. Saf, do you have any thoughts about any of this? And then let me just say yes or no. I have no additional thoughts.

[03:06:06] Are there any stakeholders who want to speak on this at all? Yeah, I'm going to ask one if they want to. Mr. Hart.

[03:06:22] Mr. Hart, I totally support where this is gone right now. The problem last time is that we had three separate motions, and they never had a chance to all work with each other together. And I'm sorry for the confusion, but now it's worked out. Okay, thank you. Thirty-five percent, no more than 1.2, and that all works.

[03:06:40] Okay, wonderful. All right, would you like to have a closing? No, ma'am. Okay. All in favor, please say aye. Any opposed? That motion will pass 8-1. Mr. Umstead, opposing.

[03:06:56] Number 26. I'm withdrawing that motion, Madam Chair. You're withdrawing that motion for obvious reasons. Number 27 is Mr. Turner. Thank you, Madam Chair. I move Motion 27, Section 7.06.02-C.4, Parking Ratios, Reduced Parking Ratios, Alternative Transportation, and Section 7.06.08, Parking Adjustments.

[03:07:22] Motion is made and seconded by Mr. Letourneau. Mr. Turner, looks like you have an opening on that motion. Yeah, Madam Chair, all this does is really establish carpooling and vanpooling and a shuttle service as a parking reduction opportunity. Amen.

[03:07:39] Anybody else? Transit, transit, transit. Anybody else? Okay. In my time, I'm going to just make a quick observation. So when I moved here, I had never heard about slug lines.

[03:07:56] It was not a thing in Colorado where I'm from. And in my entire life, you're told not to get in cars with strangers. And then you get to Virginia, and you pull up and get in the car. Any old Joe that pulls up and says, get in the car with me, it was just a completely freaky moment when I found out what slug lines are.

[03:08:12] And that's all I'm going to say on this motion. Mr. Jordan, do you have anything to add? I have no clue. All right. All in paper, please say aye. Any opposed? That motion will pass 9-0. Ms. Glass, motion number 28, you are making, you are amending your motion number 28.

[03:08:33] Now, Ms. Glass, your amendment is not in the package, and so tell me what you're trying to do, because I don't like amendments that are not in packages, but go on and go for it. So I'm looking to adopt staff suggestion now. Hold on a second. She didn't withdraw it.

[03:08:49] She added it back with the motion on this sheet right here. I'm good, Ms. Brooksman, but thank you. Ms., can you want to make a motion? Yes, Madam Chair. Okay. I move that the board directs staff to relocate potential reduction for bus stops from Section 7.06.02.C to Section 7.06.08.

[03:09:12] So the motion is, what you're actually making is the amended motion on the sheet, not the motion in the package at all. Which, again, I'm not real comfortable about that, but why don't you make the case for it, Ms. Glass? Thank you. Mr. Steyn seconded it. Thank you, Madam Chair.

[03:09:27] I'm looking to adopt staff's suggestion that was listed, which requires the motion amendment. After talking with Supervisor Turner's office, we decided it would be easier to amend Motion 29 as Supervisor Turner did not want to adjust the reduction percentage.

[03:09:47] This amended motion moves parking reduction requests based on bus stops from an administrative approval to a legislative approval that would come before the board. Okay, so that's the crux of the motion is moving it from admin to legislative approval.

[03:10:07] That's the crux of this motion? Yes, Madam Chair. Do you all have any, with the amended motion, does staff have any conflicts with this motion? I'm sorry. I'm sorry.

[03:10:22] I'm sorry, I was discussing. That's okay, I understand. Was it with the amended motion, the staff have, because you all do not, you did not support the original motion. With the amended motion, do you have, do you have an opinion on the motion? We're fine with this. I mean, if it's, we want to make sure that the opportunity for these parking reductions exist.

[03:10:43] It's less than ideal for us. We think the administrative way of doing it automatically is good, but we can certainly live with this. At least it's still an option. Do you still believe that this motion conflicts with Motion 29? It would, but if that's withdrawn, it seems like they're trying to do the same thing.

[03:11:02] Okay, all right. All right, Ms. Bricksman. I'm sorry, you were finished at your opening, right, Ms. Glass? Yes, Madam Chair. Ms. Bricksman. Okay, thank you, Madam Chair. So if we were to leave this with, I guess, an administrative approval, the application still can never go above a 35% reduction.

[03:11:24] I think we settled this last week. So we have 35% appearing twice. So this motion piggybacks on the previous approval that had the automatic reductions limited to 35%.

[03:11:44] Okay. So this no longer would be part of those automatic reductions. Instead, it would have to be a legislative approval, which also has a maximum amount of 35%, I believe. Well, they can't add them together.

[03:12:00] They can only do 35% overall. Are you saying they're going to have to choose between? So that's the difference between having this being an automatic reduction and a legislative reduction where it could be, but it depends. The approval body would have to approve that reduction.

[03:12:20] And then if they approve the reduction, could it be more than 35% on any application? If the board approves this reduction? If the board approved it. It could be more than 35%. There isn't a cap on how much the board can approve in reduction, in parking reduction.

[03:12:38] Okay, so if this was not a legislative option, okay, if we did not approve this motion, it's not a legislative option, then administration or administrators would have to say you can only do a maximum of 35% if you're combining bus stops with something else.

[03:12:58] That's what the administrator would do. Correct, but you can, even with that 35%, you can still apply for additional parking reductions with the legislative parking. You can already do that? Yes. Okay, so I don't know why we would want to complicate things further and make this a legislative action when it

can be an administrative action because that just complicates things for the applicant and probably costs more money for the applicant.

[03:13:28] We're already, if we don't pass this motion, we are at 35% no matter what or if they ask for a special exception or whatever in their application. But administratively, they can never go over 35% if we vote against this motion.

[03:13:45] That is correct. Okay, I won't be supporting the motion. Thank you, Madam Chair. Mr. Letourneau. I'm trying to understand sort of where we're going because I think I just heard Supervisor Turner say he's not going to make 29. If this passes. But 28, it no longer has a table in it.

[03:14:01] It's just requiring a spec. So does that mean then there's no motion that addresses the amount of reduction on bus stop? I think that he is saying he wouldn't make 29.

[03:14:17] But they're not the same. Well, I may make 29 then if he's not, because what I wanted to get at was just the fact that the bus stop reduction doesn't make sense. Like, if you live within a half a mile of a bus stop, a half a mile, you're not going to have a car because you're half a mile from a bus stop.

[03:14:39] That just doesn't make sense. So I don't see why you'd have a reduction there. And then it makes the reductions a little bit less aggressive because there's just, if you look at reality, we already have bus service going in a lot of these places and we're not seeing this happening.

[03:14:56] The rail makes much more sense. I think we are seeing some of that and there's a lot more data around that. So I supported the new table. I don't think I have an objection to making it a special exception, but I'm not understanding. I don't think these two would be in conflict with each other, would they?

[03:15:12] So could somebody help me with that? If 28 passes, what would be the problem with 29? So the issue is that 28 removes the bus stop reductions from 70602C and moves it to 70608, which is a discretionary action.

[03:15:35] It's not automatic. It's discretionary. Right. But 29 essentially has those, albeit lesser, reductions back in the automatic. That's the conflict. But how would staff evaluate a special exception with these reductions?

[03:15:54] Don't we need some sort of guidance somewhere that tells you what we think an appropriate reduction would be in order to evaluate it? Right. So in the application requirements for a parking adjustment, there are a variety of things, including your parking studies, to give evidence.

[03:16:12] But there's no sort of standard. Well, the revised motion would no longer make those deletions from the table. It would just move that information over. I know. That's my point. That's why I'm not sure how I want to vote on it because I liked, well, I probably didn't like the ones that Supervisor Glass, but I liked Supervisor Turner's reductions.

[03:16:27] But you're saying it's no longer needed because it all goes away. It would just move sections. It would become legislative, not administrative. So the guidance is still there. It's just in a different section. But the guidance would be now with the 5% reduction on the half mile and the 10%.

[03:16:46] Yes. So how would I amend that guidance? With 29? You could do that with 29. The other thing I would say is that for legislative, it would be an up to. Right. The legislative, there are discretionary approvals. There can always be conditions.

[03:17:02] It depends. Whereas the automatic is, that would be the reduction. Can we try to pick up on what Mr. Letourneau is saying? Because I'm a little confused now, too. So what she's really saying in Ms. Glass is to move her from administrative to a legislative.

[03:17:20] And you're saying if this happens, it conflicts with motion 29. Is that true? Because right now they're both referencing the same table. Her revised motion would not, so they would not conflict. Okay. But the numbers, so the deleted column there, the 5, 10, and 20, would get moved over.

[03:17:40] The opposite, wouldn't it be that if we, so then if we approve this, we wouldn't need 29? Is that what you're saying? So the revised motion would move this to legislative discretion.

[03:17:59] It would take the column that's deleted, no longer delete it, and just move that guidance over in some fashion. So Supervisor Turner's point, if the board disagrees with those numbers, the 5, 10, and 20%, that would need either an amendment or a second motion to revise that guidance.

[03:18:16] I'm sorry. Excuse me. I mean, clearly everybody else in this room is understanding this, but me right now? I don't understand how approving this conflicts with 29. Can you tell me again, please?

[03:18:32] The original motion's conflicted. The revised motion no longer conflicted. I'm talking about the original motion. The original motion? The original motion conflicted just because they were trying to do two separate things to the same table. Okay. I understand.

[03:18:54] Okay. And then, so, if we did, if this motion fails, it remains an administrative item? Yes. Okay. And then I'll make 29. And then you'll make 29.

[03:19:09] Yeah, I understand. Yes. Is there any, well, I've seen jazz hands. Is there anyone from the industry that wants to speak on this item or has any thoughts, ideas, before I go back to a closing? I keep saying anyone, and for some reason I just look at Mr. Hart and everybody else does too.

[03:19:31] I say anybody, and we all look straight at Kim Hart. He's not, but... Mr. Hart speaking. I'm fine with Mr. Letourneau's proposal for the table. I think that makes sense. And it's nice to leave it as an administrative item to save the money, as Ms. Burskman suggests.

[03:19:50] Okay. All right. That's what the jazz hands were about. All right. So, Ms. Glass, I'll go back to you for a closing. Who seconded this? Oh, you did. Go back to you for a closing. No closing, Madam Chair. No closing. All right. Motion was made by Supervisor Glass, seconded by Supervisor Sainz. All in favor, please say aye. Aye.

[03:20:23] nay okay I think that motion will fail and I and I think I think the motion fails with one with supervisor glass being I and supervisor the turn on being I ish and then and then that's it I think that all right so now so that's a failed motion so so then mr. mr. Turner before we take a break would you like to makes motion number 29. I move motion 29 table 7.06.02-2 reduced parking for

[03:20:56] proximity to transit. Okay motions made and seconded. Mr. Turner would you like to speak on the motion? Just a brief recap this leaves transit proximity as an administrative reduction but it reduces the size of the reduction to nothing for a half mile five percent for a quarter and ten percent for an eighth of a mile.

[03:21:16] Okay. All right. Anyone else want to speak on this motion? No? Okay. Mr. Attorney, would you like a closing? No. All the people who say aye. Any opposed?

[03:21:42] That motion will pass 7-1-1 with Supervisor Bricksman voting against the motion. Supervisor Umstead having, I believe, left the dais? Left the dais. Okay. I think the, I think the, oh, there's a couple of mural motions. Okay. How about this is a great time for a break? We will pick up at, we will pick, yeah, because we're going to change topics. We'll pick up at motion number 34.

[03:21:59] And we are rolling, people. We are. We are doing okay. We are doing okay. Let's take a 15-minute break. We are.

[03:52:59] Okay, we are back. On motions 12 and 13, we actually need to, they did not pass here.

[03:53:18] They need to actually be sent to the rural ZOAM because they're rural motions, and we need to put them somewhere. So, Mr. Turner, would you like to make a motion for those two motions to be sent to the rural ZOAM? Yes, Madam Chair. I move that motions 12 and 13, which did not pass, and I be deferred to the rural ZOAM discussion.

[03:53:39] I will second that. Do you have discussion on that? I have no comment. Okay. All in favor, please say aye. Any opposed? That motion will pass. um 801 i believe miss miss um seth has left today is for the evening um motion number 35 is where we're at now and it is i'm sorry it's it's a motion from miss brixman on murals miss brixman thank you um madam chair i move motion 35 table 8.09.01-1 murals

[03:54:15] I move that the Board of Supervisors direct staff to revise table 8.09.01-1 to remove the maximum size for murals in the commercial employment, industrial, suburban mixed use, and urban sign groups as follows.

[03:54:32] And you can see the chart there. So you want to have no maximum? Yes, ma'am. Okay. I will second that motion. Discussion? Thank you. So this is in specific areas, first of all. Secondly, I think it would be almost laughable to have only 35% of a wall have a mural on it, especially in our town centers and those sorts of things.

[03:54:55] And I have an example already in Cascades Marketplace where we know they want to use the whole wall for a mural, and they wouldn't be able to do what they want to do if it's only 35%. So that's sort of like a real-life case.

[03:55:11] Also, I wanted to point out, I left something at everyone's seat, which is the definition of murals in the draft ordinance. And basically, it lays out the standards that the county will apply, or that the administrators would apply to an application for a mural.

[03:55:29] And it does say that an artist has to be engaged, and they have to be qualified, like they've done murals before, and they show their work and those sorts of things. And the last thing is some of my colleagues were concerned about obscenities, and we had a little bit of a discussion about that last week.

[03:55:48] I just confirmed with Judy that state law prohibits obscenities on murals, so we don't have to have that restriction in our ordinance because the state law restricts it so that it could be taken care of that way.

[03:56:04] I think that's all I have. Thank you, Madam Chair. Well, actually, you know what? I'm going to say something else. If we want to encourage artwork in our county, we shouldn't restrict the artist to a postage stamp space on a wall.

[03:56:20] If we really want to promote it and make our communities more beautiful, I don't think that we should be restricting, at least in these specific areas. I know we're going to talk about the rural policy area

later, but I just think that it could make our community look better in many ways, and it could...

[03:56:40] bring the community together. Thank you. Thank you. I will associate myself with Supervisor Bricksman's comments. Anybody else? You want to close him? I think I'm good, Madam Chair. All the people who say aye. Any opposed? That motion will pass 7-1-1. Mr. Turner voting no, and Ms. Amstabrino of the day is number 38. Mr. Turner or Ms. Bricksman, would you like to make that motion? I'm sorry, 36. 36. Did we withdraw that? We withdrew that. Okay. I got to find my

[03:57:18] Tony helped again. Mr. Buffington helped. Mr. Buffington is being helpful. Yes, now you can't leave. I lost my sheet, actually. Are we 37? That's okay.

[03:57:34] So, 37. 37. Okay, so I will make this motion. I move the Board of Supervisors endorse Chapter 8, Signs of Zoem, Chapter 8. Signs of Zoem 2020-0001 Zoning ordinance rewrite as presented in Detachment 4 in the October 30th, 2023 work session supplemental action item subject to our revisions. We'd like to end the motions approved by the board of supervisors during this October 23rd and 30th, 2023 work session. I further move the board of supervisors direct staff to make the additional staff recommended revisions of chapter

[03:58:09] 8 as presented in chapter 5 to the October 30th, 2023 work session supplemental action item. Motions made. Second by Supervisor Sains. Discussion motion. I have none. It's an obvious motion. It was just an endorsement of a chapter. Anybody? All the people say aye.

[03:58:26] Any opposed? That motion passed, huh? Am I supposed to pass 801? I think maybe a few more than that, but not too many more. I might have been or so. Number 40. Oh, number 40.

[03:58:46] Ms. Bricksman, would you like to make a motion? Thank you, Madam Chair. I move motion 40 section 11.02 point nothing planning commission membership planning commission membership that's it that's it well I can read it if you'd like no that's fine I think we had it last week so um would anyone like to second this motion this motion would I for lack of a second number 43 not even

[03:59:17] letting me discuss it 43 mr. Turner thank you my chair I move section 9.0 one point c required number of adus and optional density increase um for the purpose of discussion i will second this motion i wasn't second your motion ms brickman i just think you're wonderful but i wasn't second in that motion mr turner thank you madam chair um the i i really believe

[03:59:55] this this motion which jumps multifamily stacked adu requirements from six and a quarter to 15 percent is egregious ten percent I think it's certainly reasonable and I just think the jump is is it just isn't justified we say in the unmet housing needs strategic plan that repeatedly that we're not going to meet our affordable housing goals by putting it entirely on the backs of new development and and we're pretty consistent with that across the board in every other category except for this one where we jump from six and a quarter requirement to 15% requirement for ADUs.

[04:00:33] And it's our most prevalent housing type right now in the county. I just, I think a reasonable increase is from six and a quarter to 10%. And that's why I made this motion. Thank you. Anybody else? So I, you know, I would put my wanting attainable housing bona fides up against anybody on this board any day of the week.

[04:00:57] But I do think that's a very big jump to have not, I think it's a very big jump. And one of the things I've talked about over the past four years is the importance of having an all-in discussion on

attainable housing. All-in means the faith community, the business community, the nonprofit community, and obviously the development community as well.

[04:01:18] I think that this motion actually tries to lean into the all-in discussion, and of course the county government, and we are doing that already with the dedicated source of revenue that we are putting toward attainable homes.

[04:01:34] but as much as I really do want the whole spectrum of attainable homes, if you move too far too fast, you may shoot yourself in the foot and not get anything because if developers feel like that they're going to, I won't say lose money because that's probably unlikely, but not make a profit that's worth it, they may actually not build at all.

[04:02:00] And what we know is some of these parcels can be homes, but they can also be data centers, really. And we've had a couple of times that that's happened. It's when today's hands are set, which we definitely don't want. And so I'd rather, you know, if we're going to increase this incrementally over time, let's increase it incrementally over time.

[04:02:18] But more than double is a very big jump to do right now. And I think that it may have undesired consequences in the long run. And really, I really do want to see more attainable homes. And I fear what this could do.

[04:02:34] So I'm going to support your motion, Mr. Turner. Would you like to have a closing? No closing. Okay. All in favor, please say aye. Aye. Opposed? So that motion will pass 6-2-1 with Mr. Sains and Ms. Brickspin voting against and Ms.

[04:02:58] St. Bamsa-Dais. 44, Ms. Brickspin. Thank you, Madam Chair. I move motion number 44, Section 9.01.D, required ADUs by dwelling unit type.

[04:03:15] I move the Board of Supervisors, direct staff, to revise Section 9.01.D.1 as follows. Required ADUs by dwelling unit required ADUs must be provided in amounts proportionate to the same dwelling unit types provided for market rate dwelling units in the development.

[04:03:33] Okay. I know. Okay. motions made for Supervisor Brixman. Is there a discussion? I'm sorry, is there a second to the motion? I'm going to second you for the purpose of discussion. I am. Ms. Brixman. Thank you, Madam Chair. I mean, simply put, I don't think that we should be giving more than one credit per dwelling unit in ADUs. Can you expand on why you think that? Yes. I mean, one dwelling unit is

[04:04:10] one dwelling unit i don't know why we would um say that just because it's you know single family detached you should get a 1.5 credit one dwelling unit is one dwelling unit okay um this is eternal so would would the change incentivize or not sfd dwelling units we believe it would incentivize additional sfd dwelling units well i'm sorry not the change of the motion that's a draft right now The draft right now would incentivize SFD.

[04:04:47] Yes, the motion would disincentivize it. ADU, dwelling units. And the concern would be that the motion may disincentivize because the credit's less. Yes. Although it is one for one. I mean, I get what Supervisor Brisbane's logical in what she's saying.

[04:05:05] I just wonder if the way that the industry works is pretty much going to ensure no one's going to do any. Which, again, would have the opposite as intended. yeah my fear as well um miss glass thank you madam chair and I was just wondering um what does the industry have any comments regarding this

you want somebody from the industry to speak on this yes madam sure I'm happy to let that happen would anyone in the industry like to speak on this oh we all didn't stare at mr. Hart this time so cool that's cool

[04:05:42] To this particular motion and going to one to one, this is a massive cost difference when you're producing a single family detached house, particularly now that the ordinance is going to apply to buy right areas like the transition policy area.

[04:06:06] Housing in the transition policy area can cost \$450,000 just to produce the house, not even to include the \$125,000 to develop the lot. So at that point, you're into a property for almost \$600,000.

[04:06:25] The ADU payment is approximately \$250,000. So for every unit of single-family detached, the developer and builder are losing a significant amount of money. The only way that they can offset that is by charging more for the other houses in the community.

[04:06:47] Therefore, there is a benefit to everybody within the communities that these are being developed in to provide this offset credit. It will work as an incentive, to be frank, between Supervisor Briskin's motion and Motion 45.

[04:07:06] Industry had actually talked about trying to move the number to 1.5 as a credit instead of 1.25. So that would address the difference between Motion 44 and 45. I know I'm a little bit ahead. Are you making an alternate motion?

[04:07:25] Just trying to explain the differences. Thank you. all right we're good thank you very much thank you all right um see this these are tough motions because on their face they actually make sense but there's a fine line between what will what what incentivizes versus what will disincentivize attainable homes which is really what we're trying to do here and you know when you when you just when you say like you know one-to-one that makes

[04:08:00] sense but but if it disincentivizes and and again you know i no one is saying that that the beltman community is going to lose money because that's just not going to happen but the reason they're not going to lose money is because they're going to pass that cost onto um the market price homes uh and truthfully we need we need market price homes too we need everything here so i do get what you're trying to do miss briggsman i appreciate it but i i think in the end it would be a disincentive to have an attainable homes so I'm not going to support this motion so would you like to have a closing thank you madam chair if I might

[04:08:37] ask staff a question the as the draft ordinance is written with the straw poles do we not have a minimum requirement of ADUs in this type of a development percentage bless you we do have a minimum but then they are allowed to reduce it with the single family detached so yes there would be a minimum percentage requirement but if you have single family detached you're going to be able to reduce that number because

[04:09:10] of the 1.5 credit 2 5 1.25 credit um but i guess if we have a minimum then there's really not a discussion about incentivizing or not incentivizing if we have a minimum that's required we have a minimum that's required. Except that we're just applying this to single family detached. Right, I know. Acknowledging, it's not really an incentive, it's an acknowledgement that single family detached ADUs are going to cost the project or the developer more money, so we're acknowledging

[04:09:47] that it's a new requirement that costs more money, so we are providing an equivalency to reduce that number and reduce the cost. Okay, alright. Thank you, Madam Chair. Thank you, ma'am. Alright, This motion was made by Supervisor Bricksman.

[04:10:04] I seconded the motion for the purpose of discussion. All people say aye. I'll oppose. That motion will fail. We're just Ms. Bricksman voting for the motion. Supervisor Armstead not being on the dais. We will go to motion 45, which is a motion from Supervisor Turner.

[04:10:20] Thank you, Madam Chair. I move motion 45, Section 9.01.D, required ADUs by dwelling unit type. I propose this motion. It's an industry motion. Let's second that motion. Oh, I'm sorry. I'll second that motion. Thank you. I propose this motion.

[04:10:36] It's an industry motion. I agreed with it when I first read it. Then I did the math. The current zoning ordinance draft specifies ADUs for single-family detached at 1.25, and then this motion proposes an increase ending at 1.5.

[04:10:53] That's a 20% reduction in the number of ADUs required by single-family detached. The draft ordinance and the Unmet Housing Needs Strategic Plan increases the ADU requirement for single-family detached from 12.5 to 15. That's a 20% increase in the number of ADUs.

[04:11:11] Therefore, this change would exactly offset the Unmet Housing Needs Strategic Plan single-family detached increase. However, it's actually even worse than that. The current 93 revised ordinance has ADUs for single-family detached at 1, so to increase it to 1.5 would be a 50% reduction in ADUs from the single-family detached and only a 20% increase, so we would actually have a net decrease in number of ADUs for single-family detached if this passed.

[04:11:42] So I will not support it. Thank you, Mensah. Did you say you would not support it? I'm not supporting it. Because he's making it for the purpose of... Because I wanted to explain why I changed my mind about supporting the motion.

[04:11:59] Mr. Turner. Okay. All in favor of the motion, please say aye. All opposed. All in favor of going to beat Mr. Turner about the head, please say aye. I think that motion would have passed if I had not said anything. Thank you, Mr. Turner. Motion number 57. Mr. Turner, you going to support the motion that's actually in your name here? Yes, Madam Chair. I'm

[04:12:34] sorry, what? 46 is one of the motions that was pulled from the. Oh, 46 was pulled. Okay. all right number number 46 who is that it's mr. Turner Turner thank you madam chair I'm I move I move I move motion 46 section 9.01 point f.1 80 you compatibility and interspersions oh yeah that's what's the one I had the

[04:13:07] questions about I will second this mr. Turner thank you madam chair anytime I see the words group discussions and modifiability I'm not digging into the details. I tabled this on behalf of industry. I really have no opening, and I have no proposal to change any of the language that's proposed here. Thank you. So this is Mr. Turner's motion, but it came from the industry. Staff, do you have a thought on this motion? Yes, ma'am. There are two primary things that are being changed here. Originally, under the headings of width, depth,

[04:13:47] height, and size, there were two options provided. One that's related to the percentage that you see, and then another, which I can touch on in a moment. The first portion, the percentages are from both

the original percentage and the one being proposed now, are both from the ADU.

[04:14:07] Yes, yes, yes, that's right. Yes. So in that document, there are different percentages for different types of units. Since we are aggregating those units into one line, Originally, we had picked the, I guess you could say, stricter number, and now it's the one that's a little bit looser.

[04:14:23] They're both in line with the design book, and in working with industry, this was one of the areas that we thought we could compromise that was still defensible from a staff standpoint. Yeah, I remember this. We had a long discussion on this issue at, I think, the October 13th meeting, or one of the meetings we had with industry here, and this was the compromise that we came to on this one.

[04:14:46] Yes. And the second part of what's changing is that the provision that was taken out of all those subheadings is now captured solely under size, so little d. If a unit type complies within those ranges that are provided above, it's fine.

[04:15:04] The second option is that they can also provide something that is even smaller if they provide a market rate unit of the same size at a one-to-one ratio. Right. Industry, give me a nod back there. Okay, we're good. All right. Ms. Bricksman?

[04:15:22] Never mind. All right. Mr. Turner, would you like to make a closing? All right. All in favor, please say aye. Any opposed? That motion will pass, 801. Mr. Number 57, Mr. Turner? No?

[04:15:40] 46, 50, and 51 were all pulled at the same time. Which one was pulled? So 50 is next? Hold on, hold on. We're going to 50, which is Ms. Bricksman's who pulled that?

[04:16:02] I pulled it. Well, you pulled it, Mr. Turner. You pulled it because you don't want it? Which one are we talking about, Madam Chair? Number 50. Number 50? Mm-hmm. I had that included as one of the...

[04:16:19] Ms. Bricksman asked it to come off. Oh, okay. Actually, I don't remember it coming off, though. Did that come off? I move motion 50, section 9.02.E.1, UNU, compatibility and interspersions.

[04:16:35] This is a modifiability discussion based on industry discussions, very complex, and I'm not going to speak to it. Okay, I'll second that. I'll second that, and you don't want any other opening, Mr. Turner?

[04:16:52] I have nothing else. Okay. Ms. Bricksman? Thank you, Madam Chair. I might ask staff a question. So my concern when I was reading this motion is that we are allowing UNUs to be smaller, have smaller garages, have less architectural design and materials and those sorts of things with these motions.

[04:17:15] Could staff explain the justification for doing that? So this language actually mirrors the language that was just passed in 46, except it's for UNUs instead of ADUs. Yeah. It's still percentages that are in the ADU design book.

[04:17:33] It's, I think, literally word for word the same, except replace ADU with UNU. Same philosophy supports the motion. And the philosophy is to allow them to be slightly smaller so that they're more affordable to build? Yes. And does staff think that there's going to be any visual aspects to this that, you know, you're walking in a community and people are going to notice which ones are the, who knows and ADUs and which ones are the.

[04:18:01] We have tried very intently to ensure that that does not happen. And the percentages here were already in the design book. There was discussion about going beyond that. We are at this point because we think this is a reasonable balance. Okay, thank you. Yeah. Again, I remember this is one of the discussions we had on the 13th as well.

[04:18:19] And we had a, I mean, a very, I thought you were there for that discussion, Ms. Brooksman. I apologize, Madam Chair. I don't think I was there, so that's why I wanted to get a little more clarification. Okay, yeah, we had a very long discussion. Or I left early that time. Yeah, for the very reasons that we talked about, and we talked about the fact that it would be, any difference would be in the back of it, and I mean, we had a really long discussion about this one.

[04:18:42] So I'm going to support the motion. I'm going to support the motion. So, okay, anybody else? All right, Mr. Termichek, a closing. All in favor say aye. Any opposed?

[04:18:59] That motion will pass, 801, because she wanted to. Ms. Bricksman, number 51. I'd rather, not Ms. Bricksman, but. Madam Chair, I move motion 51, section 9.02.8.1, sub E, UNU, compatibility and interspersed architectural treatment.

[04:19:20] I have no opening. Okay, there's no opening. I will second this. Ms. Bricksman, it's the same thing. that you put it for the same reason do you have would you like have a discussion I did I wanted a discussion about it but I think the last two motions clarify things for me and I just had not been at that at that I think you might have to leave early you were there for most of our meeting thanks okay then then it's been made in motion has been made and seconded it all in favor please say Aye. Any opposed? That motion passed 801. Now we have motion 57, which is Mr. Turner.

[04:20:04] Thank you, Madam Chair. This is an important one. I move motion 57, section 9.03.C.4, AHU compatibility. I'm going to read it, if you don't mind. I move that the Board of Supervisors direct staff to include, quote, HUD 221, sub D, sub 4, affordable, unquote, to the list of AHU funding programs in section 9.03.C.4, sub-E, sub-2, sub-B that are exempt from the AHU compatibility requirements of section 9.03.C.4 Okay, motion is made and second by Supervisor Glass. Do you like to discuss the motion, sir? Yeah, just very briefly I've talked extensively with Mr. Hart about this. He feels very strongly that this

[04:20:44] needs to be included within these sections and the discussion as I understand it and Madam Chair feel free to obviously invite him up for further comment But the concern from staff was that the standards applied by HUD did not meet the Virginia or the county standards.

[04:21:06] I hope I'm not misstating this. Mr. Hart, after extension of discussions, assures them that the HUD standards are certainly as rigorous, if not more so. And so I was convinced, and I think it's important, that this HUD program be back into the AHU program.

[04:21:24] Okay. Anybody else? Mr. Hartwich like to come up? I'm sorry, Mr. Glenn, I'll say, yeah, okay, sir. Very quickly, staff is trying very hard to create a way to legislate good design, and we support that.

[04:21:46] It's hard to do. I don't think it's really done yet. But what happens is in the programs that I use, which are the AHU programs, we have to play by the rules provided by the funding agency. We've been through that many times before. Virginia Housing has a very rigorous design review process, which they do in-house, and they support green building standards, which lead to very good buildings, as you see me build them.

[04:22:13] Staff understood that very quickly, and Virginia Housing does a good job of documenting that. The HUD program, they use third-party. They don't do it in-house. They use third-party folks, and I can tell you from having been through that, it's just as rigorous.

[04:22:31] It's just done by third parties, and it's harder to justify that documentation. So we're still having a discussion with staff about why it is just as rigorous and you get just as good buildings. I think they're almost there, but, you know, I hope they'll get there soon.

[04:22:48] But the real thing that matters is that at the end of the day, if we want the money, I have to use the rules of the program I get it from. And that means I get it now from Virginia Housing. If I don't get this exemption, it will be very hard to get it from HUD because those two review processes will conflict.

[04:23:06] So I would ask that this review process for HUD also be exempt, and you'll still get good buildings. Thank you. Mr. Galena, you wanted to say something? Yes, ma'am. I was just going to add that Mr. Hart and the industry have been very good about providing different types of documentation to us, trying to prove their point.

[04:23:26] The reason the staff is not supporting the motion at this point is that the the documentation has been provided there's a focus sort of as he said and alluded to about the code and green building it's not about the appearance of the building from what we can see objectively and that's why we just couldn't good conscience support it at this point from what we've seen but they have the experience so we don't want to to you know make light of that it's just that the different things that we've seen there's nothing that has been as explicit about the review of the exterior appearance the building well I would say they have the experience and you don't want to make light of that and I appreciate that, but you all also are consummate professionals in your fields, and I don't want to make a lot of that either.

[04:24:05] So I appreciate both of the thoughts. I think that I am going to support this motion, and I do really respect staff and what you all are saying, but I think I want to support this motion because if I, and I have talked to Mr. Hart about this, if I understand what Mr. Hart is saying, then what HUD is doing could be complementary to what is required by the state and other places.

[04:24:44] And even as I talked to staff about this, if the issue is that the documents are not as clear, that doesn't sound like that's a...

[04:25:01] It's not a compelling issue that I think... It's not a compelling enough issue for me to vote against this. So, yeah, with due respect to staff. All right. Mr. Turner, would you... Like a closing? Okay. All right. So motion was made by Supervisor Turner, seconded by Supervisor Glass.

[04:25:19] On people who say aye. Any opposed? That motion will pass 801. We are on 59. Thank you, Madam Chair. I move Chapter 9 generally. I'm going to read this motion. I move that the Board of Supervisors direct staff to return to the board with an item to update the county's policy regarding proffer contributions for attainable housing units.

[04:25:43] The item should establish an interim policy for the county to absorb the impacts of new attainable housing units on capital facilities, regional roads, and transit services by crediting the developer the cost for each unit's impacts. The item should further direct staff to update the Loudoun County 2019 General Plan and Loudoun County 2019 Countywide Transportation Plan to formally incorporate the interim policy guidance during the 2024 review of both documents.

[04:26:08] All right, motion's been made and seconded. Mr. Turner, would you like to do a motion? Thank you, Madam Chair. This makes what we've been doing de facto du jour. Basically, we have been, as part of the county's skin in the ADU game, we have been essentially waiving requirements to contribute capital intensity factor, regional transportation, and transit fees per unit for affordable units.

[04:26:35] We've talked about that in the Fiscal Impact Committee, and we agree with that. All this does is ask staff to come up with a formal policy and come back to us with that formal policy so we at least have a policy in place regarding this. My only question is does this belong in the zoning ordinance I don't have any issue with it but does it belong in the zoning ordinance is it a policy statement to belong someplace else because the zoning ordinance is a book I mean we're passing law here and this is not really that so is this appropriate to be someplace else again I don't have any issue with it but is this a should this be a policy statement that's like an appendix to the zoning ordinance or I mean how

[04:27:13] should we handle this so this motion wouldn't actually address the zoning ordinance at all it's It's giving direction to us to bring back the policy guidance that you're referring to. This is really not part of the zoning ordinance. Right. It's just a whole. It's a consideration of all the Chapter 9 stuff we've talked about, but it will go in a separate document.

[04:27:28] Okay. That's all I care about. All right. Fine. Anybody else? All right. Ms. Brixman? Yeah. Thank you. I appreciate Supervisor Turner bringing this. We had been talking in my office about possibly doing a BMI on this, so I'm happy that we're accomplishing it this way, and staff will bring back the interim policy proposal.

[04:27:48] Thank you. Thank you. Mr. Turner, do you want to close on anything? No, it's okay. All in favor, please say aye. Any opposed? That motion passed 801. All right, number 61, it's a staff motion. I will move it, and yay. I move the Board of Supervisors to endorse Chapter 9, Attainable Housing of Zoem 2020-0001, zoning ordinance rewrite as presented in the Taskpoint 1 to the October 30th, 2023.

[04:28:15] Board of Supervisors, Committee as a Whole Work Session, Supplemental Action Item, Subject to all revisions reflected in the motion approved by the Board of Supervisors during the October 30th, 2023 work session. I further move the Board of Supervisors' direct staff to make additional staff recommended revisions for Chapter 9 presented to the attachment to the October 30th, 2023 work session supplemental action item.

[04:28:39] Motions made and seconded. So I will say that with the exception of motion number 75 in the package tonight that I'm going to be thrilled to make, I think this may be one of the most important motions I have made since we've been doing the zoning ordinance. The discussion on attainable housing in Loudoun County has been a very tough one to have over the past eight years for a lot of reasons.

[04:29:05] I literally remember my very first town hall after becoming chair, and I talked about, at the time I was saying affordable housing, And one of our constituents stopped us, stopped me and said, if we're going to have attainable housing near me, I want everyone in there to have a background check and a drug test.

[04:29:26] And it just caught my breath. And what I realized is that the whole discussion of affordable, attainable housing was one that we had to kind of weave our way through, talk to our constituents about what that meant, who that was for, why it was important.

[04:29:44] Joined with Buddy Reiser to talk about how housing and our economy work hand in hand. And in the past eight years, the Chamber has really leaned into this issue. So have our nonprofits, like, I mean, the Community Foundation under the direction of Amy Owen and Nicole Acosta have leaned into this issue.

[04:30:03] We have come so far in talking about attainable housing in Loudoun County that, you know, now it's actually kind of a faux pas not to talk about it. And so I'm really proud of how much work we've done. I do want to say, and I know we've talked about him a lot tonight, that Kimball Hart has been building attainable housing in Loudoun County for decades before it was cool to do.

[04:30:28] And if you really understand the Windy Hill residents and understand that people who were living over there were living in squalor for the most part before he came along and started doing something different, then, you know, we cannot overstate, I cannot overstate Mr. Hart's, really, kind of his commitment to this population who has been on scene for a long time.

[04:30:59] And even during my term, what's happened in Howardsville and Willisford has been astonishing, and really so much of it has been because of Mr. Hart. But I am so happy that the county has now embraced the ideal of why we need attainable housing, who needs it, and that the issue doesn't just belong in the Department of Social Services.

[04:31:25] We actually, it belongs in economic development. We have a housing department now. It's just come so far in the past 12 years. I am so proud to make this motion and so proud of my county and our staff and all that we've done toward this goal.

[04:31:41] So, that was a lot, but I'm really happy about this. So, anybody else? Well, you haven't agreed with that at all. All in favor, please say aye.

[04:31:59] Aye. Any opposed? That motion will joyfully pass, 801. All right, number 68. 68 is Ms. Bricksman. Thank you, Madam Chair.

[04:32:15] Are you all leaving? You're not waiting for that last motion? You're done, huh? I think you're done. Thank you. Look at the wall. Look at the wall. I know, rude. Lots of high-fiving and jazz hands going on back there, though. Okay, 68, Ms. Bricksman.

[04:32:32] Thank you, Madam Chair. I move motion number 68, Chapter 12, definitions, office medical. You want to read that one real quick? Sure. I move that the Board of Supervisors, direct staff, to revise the definition of office medical to specifically incorporate reproductive health care services as follows.

[04:32:53] Office medical, an establishment including any room, studio, clinic, suite, or building where individuals licensed in the state practice medicine, osteopathy, dentistry, chiropractic, podiatry, physical therapy, psychiatry, clinical psychology, reproductive health care services, or other health-related professions on an outpatient basis this does not include a hospital veterinary service or animal hospital all right motions made um motions made mr turner gotcha gotcha you first most of the motions made seconded by mr turner discussion on the motion thank you madam chair um in this political climate

[04:33:32] and with the reversal of roe um by the supreme court i want us to be very explicit in our zoning ordinance to make sure that if such facilities want to locate in Loudoun County, that they will not be restricted. Localities can often use their zoning ordinance as a way to form trap laws, as a way to stop

pregnant people from accessing reproductive health care. And that's not just abortion services. It also is often STD services, birth control, all kinds of testing. So I just

[04:34:11] want us to be very explicit that we will not restrict this use in our county. Trap laws are pretty heinous. And I know we keep talking about Virginia as being the last southern state to allow abortion.

[04:34:30] But in fact, we have trap laws still in our code where that if someone is in their second trimester, they have to be in a hospital should they need abortion care. And in their third trimester, should they need abortion care, they have to get signatures from three doctors.

[04:34:47] So I want to fight these types of ordinances and laws at every level. Thank you, Madam Chair. Thank you, Ms. Brixman. Mr. Kirchner? Thank you, Madam Chair. I'm not going to support this motion, obviously, I think largely because I think it's duplicative.

[04:35:06] It's incredibly, it says on the other healthcare-related professions on outpatient basis, et cetera. So I think this is just a way to score some form of political point when we don't really need to. Once again, Ms. Brisbane has brought to the forefront more social issues.

[04:35:22] I didn't join this board to get into, dig into the social issues, simply want to deal with, and obviously if it's legal under Virginia law, because we're Dillon Rule State. You don't need to include this in here as a health-related profession. If it isn't, it isn't. So by putting this in here, I think you're just bringing forward motions that potentially divide the board and make a political statement.

[04:35:44] I'm not here to do that, so I'm not going to support this motion. Thank you. Ms. Glass? Thank you, Madam Chair. I will be supporting this motion. I appreciate Supervisor Briskman including reproductive health care services, as she said before. I think services regarding women are at times not looked at as well as health care for men.

[04:36:13] So I appreciate you adding that into the definition. Thank you. Thank you. I'm just looking at 69.

[04:36:31] Is that not the same thing? It's not? Okay. All right. Would you like a closing, Ms. Bricksman? Thank you, Madam Chair. I think I said everything. Okay. All in favor, Supervisor Brixman made the motion.

[04:36:47] Supervisor Turner second the motion. All in favor, please say aye. Opposed. And we have one abstaining. So that is a 5-211 with Supervisors Buffington and Kirshner voting against the motion.

[04:37:11] Supervisor LeTorno abstaining. Supervisor Umpstead being off the dais. Supervisor Brixman's number 69. Thank you, Madam Chair. This is just a different space where the definition is. I'll move motion 69, Chapter 12, definitions, medical care facility.

[04:37:30] Motion's made and seconded. Can you tell me the differences on these two? It's just two different definitions in the definitions chapter that relate to medical services.

[04:37:46] So I wanted to make sure that where we were listing such services, we explicitly mentioned these. Why is it two different definitions? Why don't we let staff answer? I was asking staff. One of the biggest changes is that the office medical is defined as licensed to practice by the state, whereas the medical care facility may or may not be licensed by the state.

[04:38:13] Hmm. Who are they licensed by? Well, because, no, seriously, because depending on what's going on, we may not want to do this. Who are they licensed by? The use is currently in the ordinance and defined this way.

[04:38:33] I don't know what that means. Who are they? I don't know what that means. Who are they licensed by? It is outpatient. It could be diagnostic imaging facility, radiation therapy facility, dialysis facility, medical, physical rehabilitation.

[04:38:51] It's not an office. It's an outpatient care facility. Receiving medical, surgical, nursing, or acute chronic convalescent aged or physically disabled.

[04:39:09] okay okay yeah no I don't want to withdraw that okay I can explain in my opening maybe a little sure sure sure so I think since staff can correct me if I'm wrong this might be something that doesn't have an office attached to it but it might have physicians and and nurses and those sorts of folks working there in the medical care facility I mean we have birthing facility listed

[04:39:44] here as well. So, obviously, they can do birthing. They can also do reproductive health care services. So, it's two different definitions. One's an office definition, and one's a medical care facility definition. I think you might be talking, we might think of an urgent care like this. Would that, would that be a good example? Because there's often not like a doctor's office in an urgent care. So, for all the same reasons, as I said before in the last motion, I want to be

[04:40:23] explicit about it in these types of facilities as well because often you know like the non-profits and the organizations that provide reproductive health care services need a different type of facility than is described in the office medical facility obviously i i know your your goal and support the goal i just don't know if this is a okay all right did you guys want to say one more thing no i i mean i think i would clarify it by you know if you think about you go to your go to your doctors you go to the you go to their office their doctor's office but this is where you would

[04:41:01] go for some sort of treatment like on a maybe i think the when i was thinking of it like the dialysis or some sort of um or the mri place or something where you're going for a specific service as opposed to going to your office of your doctor yeah and reproductive health care is a specific service and we were comparing definitions i think your your example of urgent care is is right on because we were debating whether it be hospital until we pulled it up hospital requires and patient beds which you wouldn't have in urgent care so an urgent care would fall under this definition yeah it's like um mr turner i'll withdraw my comment okay anybody

[04:41:38] else all right all in favor say aye any opposed any abstentions okay so that's the same thing uh five two one one okay rocking and rolling no almost but almost number 70 is a motion by supervisor to staff motion okay okay okay okay um i move the board supervisors endorse chapter 12

[04:42:11] definitions of zoem 2020-0001 zoning ordinance rewrite as presented in attachment one to the october 30 of 2023 board supervisors committee as a whole work session supplemental action item subject to all revisions reflected in the motions approved by the board supervisors during october 16, 2023, and October 30, 2023, work session.

[04:42:33] I further move the board of supervisors, direct staff, to make the additional staff-recommended revisions that are presented in attachment to the October 30, 2022 Board Supervisors

Committee of the Whole Work Session Supplemental Action Item. Motion made, seconded by supervisor's sayings.

[04:42:52] I won't wax poetically on the chapter on definitions. I'll just say thank you when this is good. Anybody else on this chapter? Seeing none, all will be able to say aye. Aye. Any opposed? That motion will pause, 801.

[04:43:09] Mr. Turner, before you make the very last motion, let me go to you, because you, sir, had a reconsideration that you wanted to do. Yes, you did. Well, you want to really kind of explain what you're trying to do very quickly before you make a reconsideration motion?

[04:43:31] Happy to. So I made the motion that passed, I think, easily last session to designate data centers in all OP parcels as special exceptions.

[04:43:48] The industry has reached out to me to express their singular displeasure at this motion, and I completely understand that. My logic behind introducing a motion is that for reasons that go back 20 years, our zoning ordinance is not in line with our comprehensive plan.

[04:44:08] Okay, whoa, whoa, whoa, whoa, whoa. How about you make the motion now? The motion, I make the motion to reconsider the motion that passed in the last session to designate data centers in an office parcel as special exceptions. I move to reconsider.

[04:44:27] No. So can I... The motion can re... Do I need to second it before asking a question? If it's a point of clarification, you don't. It's a point of clarification. Sure. Remind us what it was before we pass the motion, make it a special exception.

[04:44:46] Before, a data center was a permitted use in OPE. All right, then I'll second the motion. Okay, motion made and seconded it. Mr. Turner. Thank you, Madam Chair. And so for various reasons that go back 20 years, the comprehensive plan and zoning ordinance are out of alignment.

[04:45:02] We have been struggling for this entire term to try and reassert some managerial control over the explosive growth of data centers. It's nobody's fault. They are a major business sector in our county. They have been wonderful community partners for a very long time, but we are now starting to see data centers in areas that we all, I think the majority of the board feels are not appropriate for data centers, but we have no legislative oversight over that process.

[04:45:28] So this motion was intended to create a legislative oversight. However, in deference and professional courtesy to the industry, which have pushed back very hard on this, along with the chamber, I agree to bring this back for reconsideration, and I do so now. Okay.

[04:45:44] Mr. Kirshner? Sorry, no. I didn't have any more. Mr. Letourneau? I just wanted to get clarity on one specific question related to this. My understanding is if, with the motion that the board passed that makes this a special exception use in OP, existing data centers in OP would be a legal non-conforming use, right?

[04:46:08] Yes. Not a non-conforming use. Yes, legal non-conforming use. Okay. So that does mean if there's going to be modifications to existing ones that would go through a special exception process. Yes. But it does not mean that they will be non-conforming. Well, the zoning administrator answer that.

[04:46:26] or at least they'll be allowable non-conforming, essentially. Yeah, so technically when a buy-right use becomes a special exception use, the ordinance has language that says that it's deemed to have

special exception. So it's not really considered non-conforming.

[04:46:42] Not considered non-conforming. Okay, I think that's important. There were some misconceptions about that that I was hearing over the last week. I'm not saying it's going to change industry's point of view, but that was one of the issues. So that's why I asked the question. I'm not going to support reconsideration, though. There's just some OP parcels out there that I would really like to have a special exception on in my district in particular, and I don't want to lose that control.

[04:47:08] Mr. Sainz? Yeah, I will not be supporting the reconsideration that was brought up. I think we made a good motion. Stick to it. We just, in your commentary from last week and then even now, we just highlight again there's reasons why we've decided to go this route, And I think this is the right decision.

[04:47:29] I know for a fact that there's been data centers have reached out, said, oh, we're thinking about going over here. We've said no. Buddy Reiser has told them no. And then they still go and do things against what our wishes are. So I think this is a good form to have that check and balance.

[04:47:46] So I will not be supporting. Mr. Buffington. Thank you, Madam Chair. I don't believe I was here for the initial motion. And since this is a reconsideration, I will abstain. Okay. So all I would say is, Mr. Turner, I understand, first of all, Mr. Turner, you've done a lot of lifting for the industries today, even though, you know, whether you support them or not, it's a way to make sure the industries have a voice and we have the discussion.

[04:48:11] And, you know, through this whole process, you know, we've said to industries, we may not always agree with you, we want to make sure you feel heard, and I think you're doing this right now. You know, I agree, Mr. Letourneau, and I think, you know, to some degree you do too, is that we want to have some control and that we don't want the as soon as going.

[04:48:27] Well, we don't want the as soon as going. But I do understand that, you know, why you made the motion. The fact that the industries feel comfortable reaching out to us and saying we didn't like that, I'd like to see you change it and have a talk, I think it's a good thing, and it shows good faith in all of our parts.

[04:48:42] So I won't support reconsidering the motion, but I do understand that you were making it on behalf of the industry, I do appreciate that. Anybody else? Would you like to close? I would. Thank you. Just two quick points. First, to reinforce what Steph just said, requiring aspects on OP does not make it non-conforming. That's a very important point because I got a letter from the chamber saying it made it non-conforming, and I checked immediately at the beginning of this meeting with legal counsel, and Ms. Sidner said no, it does not.

[04:49:10] The second is there will be a motion at the November discussion of the Department of Planning and Zoning work plan to include a CPAM-ZOAM for the data center strategy in the county at the November meeting. They'll be introduced at the November meeting.

[04:49:28] So that will introduce a strategic discussion about data centers that I think is appropriate and the proper way to do it. Okay, wonderful. So then you're not supporting this motion yourself? I brought it, so I will move to affirm the reconsideration.

[04:49:46] I don't think it's going to pass. All in favor of the reconsideration, please say aye. Opposed? Okay. So that motion will not pass. It's a 2511 with Mr. Kirshner and Mr. Turner.

[04:50:05] Sorry about that. Making the motion, confirming, and then Mr. Buffington abstaining and Ms. Umstead not being here. All right. Motion number 75. Okay, everybody, everybody do jazz hands with me. Motion number 75.

[04:50:24] I'm with the board of direct staff to prepare a final draft zoning ordinance reflecting all the motions approved by the board during its eight zoning ordinance rewrite committee of the whole work sessions and to advertise the final draft zoning ordinance for public hearing and action by the board on December 13, 2023.

[04:50:44] I'm going to give the second to the vice chair because I think that's where it actually belongs. Actually, do you mind if he didn't say, Mr. Turney, one second this motion? Yeah, thank you, Mr. Vice Chair. I defer to you, but I appreciate it.

[04:51:00] No, okay. Wow, we got here. So, so many people to say thank you to, and first and obvious is staff. And really, Mr. Galeno, Mr. Kroboth, you guys have been fantastic.

[04:51:19] Joe, you have moved this calendar around three or four times. You've been like Houdini with this calendar, figuring out how to get us there. I didn't even know you that well, Kate, before this process. You've been fantastic, and you're very, very, you're funny and pleasant and kind and just great.

[04:51:35] Dan, working with you has been a kick. And that face you make when you know you're right is just fantastic. Otherwise, you're a poker face, but that face you make when you know you're right is just fantastic. Rachel Mai, there are not enough things I can say about you.

[04:51:54] You are brilliant, and I appreciate you, Rachel Mai, so much, so much. Matt Rogers, you made me talk about zoning. Well, I didn't want to talk about zoning, and you kept saying, That's my job, Chair Randall. I said, I've got to do it. Madam Chair, I've got to diss my job, and I really appreciate that.

[04:52:13] Mr. Hemstreet and Courtney, the information we've needed to have on just how to keep this on straight and narrow and, Courtney, how to do this legally has been a very big lift. Otherwise, we would have been doing things we probably shouldn't have been doing all alone.

[04:52:31] So thank you to the administration staff. Thank you to everybody who's been just so, so deeply involved. Judy, I love working with you. You always have such a good kind of attitude, and you just have almost like a, we're going to be okay.

[04:52:47] We're going to keep going. We're going to be fine. We're going to smile. Things are falling down, but we're going to pick it up. You've been great. To the stakeholders, fantastic. You know, I give her kind of a jabber. I give her a hard time for kicks and giggles, But Mara Walsh-Copeland is one of the smartest people I've ever met when it comes to this stuff.

[04:53:08] And she's done this almost full time. Theo, thank you for all the long talks every four or five, all the time, all the time. Thank you. And to supervisors, we said we were going to get here. And we worked really, really hard to get here with lots of meetings and lots of days and lots of, I mean, through this process, we had a baby be born.

[04:53:31] Right, right, right. I almost named him that for a section. It's just amazing. Births have happened through the process. But we've got here, and this is amazing.

[04:53:47] And I'm so proud of all of us. And we will have, you know, I'm so proud of all of us. So thank you to everyone. Thank you to everyone in this process. Anybody else? Mr. Sains. Yeah, I'll just real quickly

say thank you to Christy Maple for helping me during this OR process.

[04:54:06] Thank you, Mr. Buffington for allowing our arrangement during this process. For those that don't know, I was down one staff member during this whole time. So Christy helped me out a lot. Thank you to our staff. Thank you to the stakeholders as well for giving us all the information, your suggestions, as we said earlier, even though we might not like it or you walked us through and answering questions so we appreciate all your your commentary and um and thank you to our families that put up put up with us for these extra extra meetings that they're watching at home well i hope yeah they're still they're

[04:54:41] still up watching but uh but thank you to the families so anyway and uh thank you to mr turner as well for for uh coming up with some some good ideas to kind of uh push us along and make them a make the process go a little bit smoother.

[04:54:57] So thank you. Mr. Turner, you've been a rock star. A rock star after the whole process. You know how you say at the end of the Super Bowl, it's like, you know, Logan County, you just complete your zoning ordinance. Now what's going to happen? We should all just like, we're going to Disney World.

[04:55:14] All of us together, we're just going to Disney World. So thank you to everybody. Thank you. Motion was made by me, seconded by the TILA chair. All in favor to say aye. and opposed that motion will pass 8-0-1 jazz hands lastly I want to say supervisors we will not be back on the dais again before before our election and so is the last time we know that we will be together as everybody for this

[04:55:49] current board this is the last time we'd be on this dais and I'll have more to say about Mr. Buffington later, but everyone, you are just a pleasure and a joy, and I wish everyone all the best next Tuesday. Thank you, and we are adjourned.



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