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Loudoun County Board of Supervisors, Public Hearing, Wednesday, December 13, 2023

Date Wednesday, December 13, 2023
Place Board Room, First Floor, Government Center, 1 Harrison Street SE, Leesburg, Virginia
Length 4h 3m (video)

- Official meeting video (county, Granicus): <https://loudoun.granicus.com/player/clip/7520>
- Agenda (Granicus): https://loudoun.granicus.com/AgendaViewer.php?view_id=73&clip_id=7520

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Speech-to-text: whisper.cpp, model large-v3-turbo. Produced 2026-10-19. Each paragraph starts with its time [HH:MM:SS] in the meeting video.

[00:07:22] you want my on okay we are on so we're going to start again okay you guys hear me can anybody hear me am i hearable yes okay all right good evening supervisors good evening staff and good evening loud and i'd like to call to order the december 13th 2023 loudon county board of supervisors public hearing as a reminder all members of the public addressing the board this evening You may sign up to speak on matters that are on the agenda and advertise for the public hearing.

[00:07:58] You may speak on one item. Due to the broadcast delay, any member of the public who are not in the room wishing to address the boards on items 2, 3, 4, 5, 6, 7, 9, and 10, which are on the consolidated agenda, please call the number that is scrolling across your screen at this time.

[00:08:16] If you sign up to speak, you will be allotted two and a half minutes. If you're in the boardroom, we ask that when your name is called, you come to the podium that's closest to you. and state your name for the record. The timer on the podium will indicate your remaining time. When your timer's expired, please yield the floor to the next speaker.

[00:08:32] If you're providing comments via telephone, I'm going to ask that you start your own stopwatch if you're at home because you're not going to be able to see our board's clock, and I don't like stopping people in the middle of their comments, and so keep your watch, and when you get to 2 minutes and 30 seconds, I will stop you, but I won't stop you before that.

[00:08:53] And when we're taking public input, I will first ask the people in the boardroom, and then I'll go to the people who are online. The moderator is Lisa Kennes. Lisa, can you hear me? Good evening, Chair Randall. Yes, I can hear you. Good evening. I want everyone to remember that there is a slight delay between the broadcast and the boardroom.

[00:09:13] Before I go on and say other stuff, would everyone please join me in the Pledge of Allegiance? Pledge of 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.

[00:09:34] So, Loudon, I don't know why this happens, but Supervisor Sains and Kirshner seem to have a Pledge of Allegiance contest, and so they both like to out Pledge of Allegiance each other this time, and I think Mr. Kirshner won this time.

[00:09:52] I think Mr. Kirshner won that this time. so this a couple things I want to say before we start I believe the vast majority of you are here to to speak on the zoning ordinance rewrite which this is incredible to have all of you here and first of all thank you most of the emails in fact the vast majority of the emails we have received are people sending us emails encouraging us to pass the zoning ordinance rewrite tonight I will tell you I don't think that there's any any possibility that the

[00:10:26] zoning ordinance rewrite won't pass tonight. We have been working on this for four years. Much of the input has come from the people who are sitting here. The staff has worked really hard on it. I don't know what the exact vote will be, but I do know that there's five people up here who are going to vote for the zoning ordinance rewrite. We have right now 53 speakers on that item alone. If you want to speak on that item, absolutely speak on that item, but if somebody else has spoken, they've said things that you want to say and you just want to show your support you can do that if you want to stand up and show your support you can do that if I get to your name and you think that's already

[00:11:03] been done you can just say I associate myself with someone else's comments or whoever else's comments and you can do that you don't you don't you may speak on the item if you want to absolutely but you don't have to speak on the item because you're worried that it won't pass I just don't I just don't believe there's five people up here who won't vote.

[00:11:22] I think it's going to pass handily. And I really do appreciate all the support from many people in this room, and we'll talk about that a little bit more later. In the meantime, the board will hear the following items as a consolidated hearing. As a reminder, items on the consolidated agenda is because there are no outstanding issues, staff has recommended approval, the applicant has waived the presentation, and no public speakers have registered in advance to speak on the item.

[00:11:51] Supervisors, if the item is a countywide item, I will make that motion. If it is a district-specific motion, you make it. If it's a district-specific motion, the district will change next year. The person whose district it is in right now will make that motion.

[00:12:09] Any questions? Okay, so for items 2, 3, 4, 5, 6, 7, 9, and 11, I'm sorry, 9 and 10.

[00:12:24] Thank you, Ms. Brixman. Are there any members of the public who wish to speak to the board regarding any of those issues tonight? They are Verizon Cable Franchise, the Draft Legislation Program for 2024, Adoption of the Housing Choice Voucher Administrative Plan, Proposed conveyance of five acres of county-owned property, including various easements to the town of Percival.

[00:12:50] And by the way, the town of Percival's mayor is in the room tonight. Mr. Mayor, this item is unconsolidated, so I do not believe there will be any issues. But I did want to thank you and welcome you to the boardroom.

[00:13:06] Where are you? Will you stand up, please? Mr. Mayor, thank you and welcome to the boardroom. So I think this item will be fine tonight, but I do appreciate you coming. Thanks so much. Proposed conveyance of 3.16 acres of county-owned property to J.K. Land Holdings, LLC, vacation of private right-of-way, RDAP 2021-0006, proposed amendment of a section of Bonny Court and conveyance of abandonment right-of-way, That's the Algonquian District.

[00:13:37] LEGIE item 2023-0024. Broadland Sections 104, GCPA 2021-0011. Special Exception 2021-0055. Special Exception 2023-0001.

[00:13:55] That's in the Ashburn District and LEGIE. There's the Cascades Marketplace. It's ledger item 2023, that's 0040, ZMAP 2022, that's 0015, ZMOD 2022, that's 0053, ZMOD 2022, that's 0054, ZMOD 2022, that's 0054, I'm sorry, 55, and SPMI 2022, that's 0011.

[00:14:22] Is there any people who would like to speak on this item? And moderator, are there any speakers on the phone who would like to weigh in on these items? Chair Randall, no speakers are online for those items. Yeah, I'm sorry? Oh, no speakers are online for those items. Okay, supervisors, if you go to your consolidated sheet, I will do the countywide items.

[00:14:42] The first is the Verizon Cable Franchise. And will the board of supervisors approve motion 2B for approval of the agreement renewal as provided in December 13, 2023, public hearing item number 2, staff report. Motion's made and seconded by Ms. Bricksman.

[00:15:00] Discussion on that motion for item number 2. Seeing none, all in favor say aye. Any opposed? That motion will pass 801 with Ms. Glass being off the dais for the evening.

[00:15:19] Item number two is a countywide as well. I move the Board of Supervisors approve motion 2B for adoption of the plan and significant amendments as provided in the December 13th public hearing item number four staff report, and that's the adoption of the Housing Choice Voucher Program.

[00:15:38] Motion has been made. by Mr. Sainz discussion on that motion I have none to accept to profusely thank staff for all their work on this item all the people who say aye any any any opposed that motion will pass 801 I'm number three miss McClellan where is she hey there she is how are you Ms. McClellan I'm going to read the motion on

[00:16:12] item number three and then you let me know hold just a second you let me know it's it is the draft motion is I'm with the worst advisors for it to propose 20/24 legislative program to the January 10th 2024 board supervisor public hearing for action what did you want to what should we be adding to that that that what don't I know madam chair you should be removing the words emergency vehicle access to the agritourism event structure

[00:16:47] from your policy statements in attachment to. In attachment to, okay. Page 15. Yeah, yeah, I got it. Any discussions on that? All right, so with the removal of those words, the motion has been made. Is there a second on the motion? No, that's not a straw poll.

[00:17:15] It's not a straw poll. It's just the item. So discussion on the motion of the ledge item. The only discussion I will have is this, and this is more for Loudoun. Every year we do a legislative item, and it's

what we put to the General Assembly for things that we as a county are asking the General Assembly to advocate or not to advocate.

[00:17:41] This is the first in the process. the General Assembly process of adding and taking away things goes probably until the first, before crossover, and so into the first weeks of the General Assembly session. And so this is just the start of it.

[00:17:58] We will have our meeting supervisors with the General Assembly members on the 3rd. Is it the 3rd of January? Is that right? Is that right? Okay. So we'll have the meeting with the General Assembly members on the 3rd of January. I am already getting calls from General Assembly members who are saying to me that they only have so many bills that they can file this year and asking if people have bills that they really want members to keep spaces for to let them know so that they keep those spaces and so all their spaces are not filled up in what they can put in legislatively.

[00:18:31] So that's just an FYI. All right. All the people who say aye, any opposed, that motion will pass 801. Item number five is Catoctin District. Uh-huh, it's not, it's Blue Ridge right now.

[00:18:49] It's going to be Cotecton next year. Mr. Buffington went, yes, sir. Thank you, Madam Chair. I move that the Board of Supervisors approve motion 2B for approval of the proposed conveyance as provided in the December 13th, 2023, public hearing item number five, staff report.

[00:19:07] Second. I'm going to give it to you, okay. I'm going to give it to you. I'm going to give it to you, but boy, yay. Mr. Buffington, discussion on the motion, Mr. Buffington. Just that this is conveying two county-owned properties totaling about five acres to the town of Percival, and happy to be doing this.

[00:19:25] Happy to be doing this, yes. All right. Anybody else? All the people who say aye. Any opposed? That motion will pass 801. Number six is the Catoctin District right now. So, Mr. Tersner.

[00:19:41] I move the Board of Supervisors approve motion 2B for approval of the proposed conveyance as provided in the December 13th, 2023 public hearing item number 6 staff report. Motion is made and seconded by Supervisor Umstad. Discussion on that motion.

[00:20:00] Seeing none, all people say aye. Any opposed? The motion will pass. That's a nay. That motion will pass 6, no, 7, 1, 1. With one being against and Ms. Blaspin-Octedais, Ms. Bricksman being against the motion.

[00:20:20] Item number seven is the Ogonkian District. Thank you, Madam Chair. I move that the Board of Supervisors approve motion 2B for approval of the proposed abandonment and conveyance as provided in the December 13, 2023 public hearing item number seven.

[00:20:40] Motion is made, so second on this motion. Motion is made, so second by Supervisors. I think it should have ended with staff report. Oh, I'm sorry. Item number seven in the staff report. Thank you, Madam Chair. Okay, discussion on the motion. Yes, Madam Chair, just for the record, this is an item related to Dogwood Farm Station application approved at the November public hearing.

[00:21:05] It's to consider abandoning a section of Bonney Court and conveyance of the abandoned right-of-way so that that development can move forward, and staff recommends approval. Thank you. So with due respect, I'm going to vote against this because I voted against the item because I believe that the density is too heavy.

[00:21:30] Listen, we need houses and we definitely need attainable homes. But I do believe that the density in this area is beyond what I believe is appropriate for the size of land. So I voted against the item, so I'm going to vote against the convenience as well. All right.

[00:21:46] All the people say aye. Opposed? And that would be me. That motion will pass 7-1-1. Item 9, Mr. Turner. I move the Board of Supervisors approve motion 2B for approval of the zoning concept plan amendment and special exceptions as provided in the December 13, 2023 public hearing item 9, number 9, staff report.

[00:22:09] Second. Discussion on the motion. Ms. Umstead. Thank you, Madam Chair. I will be voting against this. This is a conversion of office and industrial land to residential. with 136 units planned and additional costs to the taxpayers of \$1.2 million in annual operating school costs and \$4.7 million in capital costs. Thank you.

[00:22:39] Thank you. I will be voting for this because the piece of land we're talking about has been sitting vacant and they have not been able to rent it or lease it to any office spaces. And the one thing that was on the piece of land was a bank, and that bank closed, I don't know, two years ago.

[00:22:56] And so that piece of property, although it is zoned for commercial, there's no commercial on it to the best of our ability. No matter how hard we tried to get commercial on it, not only is there no commercial on it, the commercial that was on it has closed. And so versus allowing that property to continue to sit vacant that will eventually become like a blighted piece of land, I will support putting homes there.

[00:23:22] And I think and I know that the that the piece of property can can manage the number of homes we're putting there. So I would be voting for this. Anybody else? All the people say aye. Any opposed?

[00:23:38] That motion will pass 7-1-1. Item 10, Cascades Marketplace. Thank you, Madam Chair. I move that the Board of Supervisors approve Motion 2B for approval of the zoning map amendment modifications and minor special exception as provided in the December 13th, 2023 public hearing item number 10, staff report.

[00:24:00] Second. Okay. I'll give that to Mr. Sainz. Discussion on the motion. Thank you, Madam Chair. If my colleagues might humor me for just a moment, This has been one of the biggest projects I've been working on for the last four years.

[00:24:17] And if it's not the first, it is one of the first times that the county is actually revitalizing a marketplace area that has been struggling because we're generally over-retailed in the county. Been working very closely with the folks that bought the property.

[00:24:36] I think it was in my first year in office. I was very relieved when they bought it. We've been meeting regularly, monthly, for about the last two years, to discuss upwards of 1,500 comments that they received on their website about the revitalization plans.

[00:24:54] We held two public town halls about the project. Staff was a great help as well, envisioning what we might do with Cascades Marketplace, since it was clear that the retail and dining options were struggling, and we really needed a new idea what will go there now it will be a mix of housing retail and dining options it's already being repaired and painted we had a million dollar investment from one life

fitness and we have a restaurant there called local provisions if you've never been there please do go it got a great review

[00:25:30] in the washington post and it's really it's it's delicious uh you know sort of farm-to-table food We have two other restaurants coming in, Shake Shack, and I think it's called Miko, and a third that's on the bubble.

[00:25:45] So it's really exciting the way it's going to look. We're going to have parks taking over some of the parking areas. Unfortunately, we can't get rid of all the pavement because Giant was the initial company that built the marketplace, and so they have sort of a covenant over how much parking they want and they have to have.

[00:26:07] So that was a little bit of a challenge during the application, but we are going to be able to make some more green space there. And another really interesting thing that I've been able to work on with the Heritage Commission and Visit Loudon and the applicant and with staff's help, we will be placing an interpretive sign there that will talk about the black-owned farms that occupied Sterling, the Eads, the Noakes, and the Ewings.

[00:26:33] And one of them was actually at Cascades Marketplace, so there will be an interpretive sign there that will be on our Heritage Trail tour through Visit Loudon talking about the farms that were there. They really were using the newest technology at the time, and it's a really interesting story.

[00:26:49] So with all that said, I'm very excited for the plans, and I really appreciate Planning Commission's 9-0 vote for approval, and I would appreciate my colleagues' support. Thank you. Thank you, Ms. Umstapp. Thank you, Madam Chair.

[00:27:06] This again converts what is currently commercial to mixed use with a very large residential component of 755 units, which is going to cost the taxpayers between \$4.3 million and \$4.9 million a year for school operational costs and between \$16 million and \$18 million in capital costs.

[00:27:31] Given that, I will be voting against it. Thank you. Thank you. First, I want to, on this side, I want to compliment Ms. Bricksman. Ms. Bricksman, the work you've done on this project, you and your staff, prior and current, has just been amazing. If anyone had ever gone to the Cascades Marketplace, it was going dead.

[00:27:51] I mean, like store by store by store. When the Hallmark store left, I was just heartbroken. And at some point, I think it was, you know, they have the senior center, the library, And I think Giants is maybe all that's even open over there. It is a completely dead shopping center.

[00:28:08] Now, you know, I think we have to take a look at what we're doing for our shopping centers anyway. I like the idea of adaptive reuse. I like the idea of doing something different with them, which is what we're doing here. But when you have a shopping center go dead, it is going to inevitably lower the property rates of the houses that are around the shopping center.

[00:28:28] And so versus having a dead shopping center, we did do what's called a mixed-use development, which means we're putting homes in to bring more retail back, and the homes will support the retail that's there because it was just retail.

[00:28:45] And there just wasn't enough homes there to support the retail. And so I am very happy to support this because we've gone from a shopping center that was dead and literally starting to look a little

blighted into one that's going to be completely revitalized with new restaurants new shops um and homes so it's not just homes it's it's a mixed use it's a mixed use development and so i'm thrilled to support this and and you started working on this when you first pretty much this was when you first stepped on this dais and you've been working on it ever since and so to all of your staff to ray banks to ethan to everybody who's worked on this compliments to them because this has been a very very you've turned you've

[00:29:24] turned this shopping center around and bought jobs and bought tax revenue and all those things that were not there before because it was a dead shopping center so congratulations you have a closing I do madam chair I just want to correct the record about the number of units that could potentially be built there in block C there's an option to have upwards of 435 units but also Also, there's an option to have 100 single-family attached units only, so there's no guarantee that this is going to be over 700 units.

[00:29:56] And lastly, the Block A will not be developed until about 10 to 12 years because there are some 10-year leases in that block. So that apartment building that is planned with its own parking structure could be upwards of 350 rental units, which we desperately need in the county.

[00:30:14] So we will know the market will dictate what will go in block C, and then block A will probably come in about 10 or 12 years. Lastly, Madam Chair, if I might mention, I forgot in my opening, we have been able to negotiate voluntary proffers with a developer that includes a number of amenities for the community, including two off-site bus shelters, a shared use path along Cascades Parkway.

[00:30:40] We also are building pickleball courts next to the senior center, which they've been asking for, and also a dog park behind the library. The rest of the proffer money will be dedicated, and that will be millions of dollars, will be dedicated to the much-needed renovation and expansion of the library and the senior center.

[00:30:59] So, again, I'm really looking forward to our public facilities also being improved as a result of this project. Thank you, Madam Chair. Thank you. All right. All in favor, please say aye. Opposed? That motion will pass, 7-1-1, with Ms. Umstadt voting against the motion.

[00:31:15] All right, supervisors, that is the consolidated agenda. Let's go to the ledge items. We're going to do item number one last because the other two items are pretty vast. We only have, or they have three items pretty vast, and we only have one or two speakers on each item, and there's no presentation by an applicant on the items, at least that's what I've been told.

[00:31:38] so there's no presentation by the applicant on each on any item so we should move this should move along pretty quickly um although there are lots of people leaving because i think that they know thank you all right we're ready when you are any updates my number eight number eight well

[00:32:01] number eight i meant no no i said eight one is desire it's eight warrant eight good evening good evening my name is allison britain i'm with the department of planning and zoning In light of the agenda ahead, staff has prepared a short presentation on this application

[00:32:37] but would be happy to forego the presentation tonight and answer any questions. Staff does recommend board approval subject to the conditions of approval. The applicant has deferred their presentation but is available for questions as well. Wonderful. Mr. Glenda, have we met Allison before?

[00:32:55] You have briefly. She's been with the Customer Service Center for a number of years and just moved over to Land Use Review relatively recently. Oh, well, yeah, thank you. Wonderful. Thank you.

[00:33:11] Supervisors, do you have any questions at all? Okay. I have been informed that the applicant was not, did you want to give a statement? Yeah, turn your mic on, sir.

[00:33:28] I defer to the staff application we put together. I think it's self-explanatory. All right. If there are any challenges to our application, I'll be happy to respond. Okay, so let's spend time asking questions to both the applicant and staff if we have questions at this time. No? Okay, seeing none, I'm going to call on the two people who are here to speak on this item, Georgianne Overman and Donnie Walker. You are the two people speaking on this item. Would you please come to the podium? Good evening. My name is Georgianne Overman. I'm a resident of Loudoun County. I'm completely in favor of the owners being able to continue

[00:34:08] operating their short-term rental. The staff report mentions it perhaps only briefly, but this has been in operation for a couple of years already. The report states, this is the staff report, that the property is located in a rural historic village place type and that the 2019 general plan contemplates a variety of appropriate rural business uses in this place type, including hospitality services such as bed and breakfast, country inns, and rural resorts. Short-term rentals don't appear in the general plan because they didn't exist

[00:34:43] in the zoning ordinance in 2019. I don't understand why the property should require a minor special exception. There's no new construction, no adverse impacts. The use has existed without any complaints. B&Bs allow special events and daily parties. Short-term rentals do not. If B&Bs are an appropriate use in the rural historic village place type, short-term rentals should be welcomed also without requiring the owner's expense and the county's time to obtain a special exception.

[00:35:17] Thank you. Thank you. And Mr. Walker. Good evening. I'm Donnie Walker. I don't know the applicant, but I worked on this procedure for the county for a long time, and I think this is an unintended consequence of a new regulation. I think this is an expensive, time-consuming thing for a small operation it looks like this operator has been there and complied for several years and now they have this huge expense on a very small property i move and ask the board please refund them the

[00:35:53] fees for this minor special exception they have a great staff i'm working with this staff currently i'll be in here uh several times making the same application i think that the other operators that are doing the same thing in the same type of zoning district are going to be faced with a very expensive thing that they'll have to do as well. So I think if we could take this one, refund the fees, and somewhat grandfather the applicants that have tried to do what we've all tried to do from day one. Thank you. Thank you, Mr. Walker. Thank you for everything, in fact.

[00:36:26] All right. Mr. Puffington, would you like to make a motion? Thank you, Madam Chair. I move that the Board of Supervisors suspend the rules. Second. Second. All right. Motion to suspend and second on that. Discussion on the motion to suspend. Seeing none, all the people please say aye. Aye. Any opposed? That motion will pass unanimously. Mr. Buckingham. Thank you, Madam Chair. I move that the Board of Supervisors approve Leji 2023-0087 Kloppenburg Short-Term Rental Specs 2023-0024 subject to the conditions of

[00:37:02] approval dated November 29th, 2023 and based on the findings for approval provided as Attachment 1 and 2 to the December 13th, 2023 Board of Supervisors public hearing staff report motions made in second by mr. Kirshner mr. Buffington thank you madam chair yeah I agree with the speakers in my mind at least this was an unintended consequences one of the unintended consequences of us passing

the short-term residential rental ordinance and in that this gentleman already had a short-term residential rental since

[00:37:35] 2000 or since 2021 that had been in operation. And when we started talking about short-term residential rentals, basically Airbnbs and other platforms like that, we call them short-term rentals. When we started talking about that, nobody had to register with the county or anything like that. There really wasn't any ordinance on it at the time. But eventually we asked them, if you're already doing this in Loudoun County, please register with us just to let us know you're doing it. And Mr. Kloppenberg was one of the ones who did register along with many others and let us

[00:38:13] know that they were doing it. And then when we started collecting tax on it, TOT tax, Mr. Kloppenberg paid his TOT tax. And then we passed the ordinance and all of a sudden in order to continue doing what he was already doing and in compliance with the county, he now had to spend how much money does it cost approximately staff for a minor special exception in this process? The minor special exception fee is around \$3,200 or others? All of a sudden had to spend \$3,200 to do this

[00:38:46] so he can keep doing what he was already doing in compliance with our, I guess I would say, our zoning administrators' understanding or opinion on the matter, which was that they could do it. So this isn't for every Airbnb that's in the county because in most districts it is a by right usage which means they would not have to do this but in yours which was a rural historic district I believe you had to do it because it was not a by right use and it required a minor special exception. I know others to include Donnie Walker who spoke just now. He's going to have

[00:39:23] several of these he's going to have to do just to keep doing what he's been doing and I know there others, so I don't think we can do it right now in this motion, but I hope that any member of the board that's going to continue to be here during the next term, someone will bring forward a motion that corrects this problem for the short-term rentals that were already in operation, had registered, were already paying their TOT taxes so that they don't have this really unnecessary burden of paying this fee just to continue doing what they we're already doing so sorry that took three minutes to say but I wanted to get

[00:40:01] it out there thank you mr. Poffenberg thank you sir did you want to say something yeah one other thing first of all thank you I realize we have to have rules for this sort of thing and I'm happy to abide by them in fact I'm 100 percent compliant but for the CR 1 zoning which I think staff support suggests should be by right anyway or you know that was my take from the report so I don't know if that could be amended but I'm open to that I'm open to refunds, but I don't expect them. I just hope that through this process, you've all learned something. I believe I'm the first person to go through this whole thing, and I think we've learned

[00:40:40] a lot through the process. Hopefully, the next group won't, you know, it'll be quicker and easier and maybe less onerous, but I'm satisfied with today. Thank you. Thank you. Mr. Kirshner? Thank you, Madam Chair, and thank you, Mr. Buffington, for your comments. I'm going to agree with you 100%, and I thank you, Mr. Klovenberg, for going through the process. Unfortunately, became the sacrificial lamb to demonstrate to us that sometimes there are unintended consequences to regulation.

[00:41:04] I hope we can remedy this in the CR1 district when we visit some of the rural rewrite beginning of next year and throughout the spring. I'm sure we'll be addressing this. As we all know, these B&Bs are a very integral part.

[00:41:22] These Airbnbs, as well as the B&Bs, and all the other overnight stays that are in Loudoun County are a very integral part of the rural economy and service many folks. We don't have hotels, motels in the western part of the county. We have our people go out there, and if they were going to stay the night or they're going to visit our wineries or breweries or our marketplaces, they're going to stay at one of these places.

[00:41:44] And not only are these B&Bs paying 8% in taxes, but now it appears in some of these districts they're also having to come in for special exceptions, which really, as a county, we should try to avoid because it does stymie significantly the important role that these play. So thanks for coming in and doing this, and I'm certainly supporting this special exception.

[00:42:04] Thank you, Mr. Kirshner. I will associate myself with Mr. Buffington and Mr. Kirshner's comments. Turner. Mr. Turner. Oh, are we? Okay. Yes, Mr. Turner. I'm not sure what happened here. It does sound like an unintended consequence of the short-term rental regulation.

[00:42:22] We've banged that thing around for a long time, but not surprisingly when it takes a long time, Sometimes some things unintended slip through the cracks. Madam Chair, I would be interested in taking this specific issue related to this instance, to TLUC, for more examination to see if we can come up with a recommended solution immediately in TLUC.

[00:42:48] If we wait until the rural CPAM zone is done, we're going to have a whole lot of people like this gentleman coming before us having to pay for special exceptions. when, in fact, it might be a quick fix that TELUC can recommend back to the board. Yes, so I agree.

[00:43:03] And how about this? How about for our last meeting in December, you bring that motion to send it to TELUC, and we'll do that on that motion in December. How does that sound? That sounds good. Okay, sounds good. All right, motions made by Supervisor Beckton, if you'd like a closing. I just want to thank you for doing business in Western Loudoun and being part of our rural economy.

[00:43:22] It's very important. And I looked at the packet item. It was very well written, so good job, staff. And it's clear that you are being a good neighbor and you're at the same time bringing new revenue into Loudoun County and helping us with our tourism.

[00:43:39] So thank you so much. Thank you for that. Thank you for your service. And now that I know the rules of the road, I'll make continued investments in Loudoun County. Yeah, those rules might change, though, because they should. That's good. For the better. For the better, yeah.

[00:43:54] All right. All in people who say aye, oppose. That motion will pass unanimously, and Mr. Turner, I'll look for your motion for the meeting on the 19th, and probably we could put that on consent.

[00:44:11] Unless anyone has issues, we can put that motion on consent, okay? All right, next item is item number 11, the Lansdowne Boulevard rezoning, and the applicant will come to the table, but there's no presentation.

[00:44:30] going to be doing tonight you're just going to answer questions if need give me one second miss porter not quite yet just give me you're not you're not give me one sec okay just yes ma'am just hold on just a second it's not quite yet okay because i got they have to talk to us first i'll call you i'll call you when we're ready yeah okay just because my name is no okay then talk to you at the last no no we're gonna no no go on no no no no no no no no yeah you're good she's

[00:45:03] good. My name is Mamrie Porter. I live in Lansdowne Woods. And this is a repeat of what I said last board meeting. I continue to be worried about the traffic light if it is warranted. And when there are accidents occurring, it will be warranted. And the developer is only responsible for one third of the cost. And I've been assured by Supervisor Turner that the other two thirds can be found, so I'm fine. Thank you. Thank you. Thank you very much, Ms. Porter. All right.

[00:45:44] Don't know if there's anything else we need to do right now but make a motion, to be quite honest. This is a returning item. It's ready for your action. All right. Do you guys have anything? Anybody else want to speak on this item? Does anyone have any questions? If I can make a motion, Mr. Turner.

[00:46:02] Yeah, I would, and I'm sorry. You caught me off guard. You're moving way too fast here. Hang on. Item 11. Item 11. I got it. Item 11. And Legi. I'm usually much sharper than this really.

[00:46:21] And now my iPad hangs up. Thank you. I move the Board of Supervisors approve Legi 2023-0026, Lansdowne Boulevard rezoning, ZMAP 2021-0024, Specs 2021-0060, ZMOD 2021-0093, and ZMOD 2022-0073, ZMOD 2022-0074.

[00:46:50] subject to the proper statement dated November 8, 2023. Conditions of approval dated July 27, 2023. And based on the findings for approval provided as attachments 1, 2, and 3 to the December 13, 2023 Board of Supervisors public hearing staff report.

[00:47:06] I'm going to second that one because it's in Lansdowne. Mr. Turner. Thank you, Madam Chair. We've done some research on this, and I know the community and the conservancy feel pretty strongly that you cannot build a data center on this piece of land.

[00:47:24] In fact, the situation with the land is that it is proffered, protected by a prior proffer that the Lansdowne Conservancy is involved with and can enforce. So if this got voted down and the houses were not built, what you would have is a planned development office park piece of land, but it's subject to a prior proffer.

[00:47:50] And that prior proffer says you can build a structure on this property that meets the following criteria that satisfies as an office park. My concern is even though after tonight, presumably, any office park piece of land will require a special exception, the land is subject to the prior proffer.

[00:48:13] So if a data center came in, bought the adjoining land, also subject probably to the prior proffer, combined the two pieces of land, and conformed to the prior proffer that Lansdowne Conservancy can enforce, they could, in fact, build a data center as long as it met the parameters of that proffer.

[00:48:32] Now, we have not gone into the granular details of what that proffer is, but given the premium that's on office park land in the county right now, And the fact that I got singularly burned in the property down next to Clyde's that we worked on for a year and then turned into a data center in the last month or the last week before it was approved, I am very, very, very reticent to open this land up.

[00:49:00] This is my personal feeling to turn down what I consider to be a viable housing project and open it up to the possibility that data center will go on that land. That's just my own opinion. So I just want everyone to be aware of there is a lot more at play here than just yes or no on the housing.

[00:49:16] And I want my colleagues to have that background. Thank you. Thank you. Ms. Bricksman. Thank you, Madam Chair. I'll definitely be supporting this application and this motion. I've fortunately or

unfortunately had the opportunity to spend a good amount of time over in the Inova hospital area and office spaces.

[00:49:37] and I feel like I drove past that parcel several times. There are a number of homes that surround it. I think it conforms with what's going on around it, and we need to have more housing in the county.

[00:49:53] So happy to support. Thank you. Thank you. Mr. Letourneau. So I hate to support something solely because I don't want it to be something else. I would be interested, I don't know if there's an analogous situation, But I would be interested if Mr. Rogers has that same concern.

[00:50:14] I would have thought that the OP designation in the zoning ordinance, even with a prior proffer, would supersede. But I don't know, Mr. Rogers, if you want to opine on that in this forum or you want to get back to us.

[00:50:29] Mr. Rogers? This is a fact-based investigation that you'd have to go through the proffers on to see what restrictions are there. We have generally looked at it and find that there are some restrictions. But I think as Supervisor Turner mentioned, those restrictions could possibly be overcome.

[00:50:47] Now, in terms of your question of whether you should be voting on the application for what it contains, but other by-right uses are a valid consideration? Well, that was, yeah, my question was more, does the board's designation of OP as no longer by-right following presumably this meeting, would that supersede any other action?

[00:51:10] In other words, all data centers going forward in OP would require a board legislative application, right? You are correct. Once the ZOR is in place and that special. Why would that not apply then to this? It would apply to this property.

[00:51:28] I would say that it's exempt from its application under the ZOR because this application came in first. Well, this application is not for a data center. But not for data center. So if they were to do a data center, they would have to start over. And at that point, the ZOR would be applicable, right?

[00:51:44] Yes, sir. Okay. So I'm not sure I have that same concern. That said, and I'd be interested to hear this in the closing, I think, Supervisor Turner, that you support the application anyway. I don't really personally love it, but I will defer to the district supervisor in this case.

[00:52:04] I don't feel that strongly about it. But maybe in your closing, you could just address the kind of substance of it. Thank you. Thank you, sir. Ms. Umstead. Thank you, Madam Chair. This is another example of commercial land being rezoned to residential.

[00:52:25] This is for 120 units with just under \$1 million a year in operational costs and almost \$5 million a year in capital costs. This brings the total of the additional school operational costs up to about \$7 million in the votes that are taking place tonight.

[00:52:52] For those reasons, I will oppose it. Thank you. Thank you. Mr. Turner, is this the same piece of property you were talking about before? On the consolidated was Broadlands 104, the piece of land down by Clyde.

[00:53:08] This is the one in Lansdowne? This is the one in Lansdowne. It had the bank on it. So your issues are, okay. So a lot of times, it's funny, because, no, I'll get to you, I promise. A lot of times when I'm

making decisions, I, you know, if I'm not sure which way to go, I ask myself the question, what would I do if this was my house?

[00:53:30] What would I do if this was near me? How would I, how would I, but would I just don't, well, I'm kind of on the fence. Well, this time, it's easy. This is my house. This is walking distance from my house. This is, this is like down the street. It is true, Ms. Letourneau makes a good point.

[00:53:46] I believe that I know this piece of property, it's a good place for housing anyway because, again, it's another one of these properties that are sitting undeveloped for commercial. I wish we did have all these commercial possibilities coming in that Ms. Umstead's talking about, but we don't, and they've been sitting there for years and years and years and years, and there's no commercial going in them.

[00:54:12] Even if it suspects, you know, as much as I appreciate our data center community, data centers do not belong in neighborhoods, in residential areas. They do not belong in Bucalli corridors at all. So even if it's a suspect they'd have to come back, I don't even want to give a shot of something like this in the middle of a neighborhood being a data center.

[00:54:35] I think we'd be completely. No, no. Thank you. Yeah, yeah. Just hands. Thank you. Thank you. So, so, you know, I always, I always go like, if it was my home, what would I do? And, you know, I'm telling you, this is, when I, when I, when I go, I was going to say running, but I don't run anymore. When I go walking, I pass this just like every single day.

[00:55:00] This is right. This is from, from my house walking. This is seven minutes from my house driving. It's, you know, a minute it's right at my house. And so I don't want to take a chance on this being a data center and we're not putting commercial we haven't been able to find commercial to put there if we could have we would have already and we haven't and so and so instead of leaving this on field we can put the appropriate amount of housing there and housing itself does generate revenue i mean it's not like housing only cost i mean housing generates revenue and so um i am happy

[00:55:35] to support this for a lot of reasons one of the many reasons being i do not want to take a chance of this ever being a data center mr turner thank you madam chair and to supervisor leternos specific point i i want to lead off with i thought that the more um critical information i do want to commend the applicant we've worked repeatedly with the applicant and they have made changes and worked very hard um my personal preference is i'd like the two or two's and back not down on the on the avenue um and i expressed that early on um it's a little denser than i'd probably like but overall

[00:56:10] it's a viable decent housing proposal for that piece of land and i even without the data center threat i would support this application because i think it's a reasonable application and a well well examined piece of land for exactly what you want to do for it so i have no problems at law supporting this application. The one question you asked Professor Letourneau on once we pass the ordinance tonight and an OP requires a specs, I did have a discussion with legal staff specifically about what would be the impact of that on a prior proffer. The specs

[00:56:47] doesn't negate the prior proffer. You still have to comply with the prior proffer. It gives the board oversight to what might happen on that piece of land within the confines of that prior proffer but oversight doesn't automatically mean any kind of an ability to legally deny the application if it's in compliance with the prior proffer I know that's a little fuzzy and it's a little fuzzy in my brain but there was

enough doubt in there in my mind where I had a viable application and and a real possibility that I thought was a serious risk so that's

[00:57:23] that's where I came down on this application thank you thank you I have a a point of clarification that might go to Mr. Rogers, because now I am confused. I'm obviously going to support this. And it goes to Mr. Letourneau's question. I just want to know that I know that I'm sure. So we're going to pass the zoning ordinance tonight. The motion was already passed to say that any OP property is going to require respects. Did I just hear it be said that, but maybe not? I miss what just happened there. Because if so, do we need to go back and do

[00:57:58] something else. Help me understand what just happened there. So we're talking about this property in particular, where I'd say you first would need to do a vested rights determination to see whether or not the specs requirement would apply. We have not done that vested rights determination. So without such a vested right, and I don't believe that vested right exists, it would be subject to the special exception requirement. So the special exception requirement applies in general. We'd have to look at this property in particular.

[00:58:35] And the special exception requirement will still be in place even after we pass the zoning ordinance tonight? The special exception requirement is a part of the ZOR. Okay. I'll have a longer discussion later. Thank you. All right. All in favor say aye. Opposed? That motion will pass 7-1-1.

[00:58:56] And then the, not the last, but the last thing we'll do before we do the ZOR is item number 12. This is the Aligned Energy Data Center. Would staff please come to the table? Good evening.

[00:59:22] So once again, even on this one, I do believe that the presentation from the applicant has been made, so you're here for questions. You won't have a presentation, though. Wonderful. Yeah, I know, but not from the end. There's no new presentation from the applicant. Sorry, minor technology issues.

[00:59:47] It's okay.

[00:59:56] So there are 14 slides.

[01:00:33] You guys just want to give us the highlights or changes? Correct. I'll just run through here really quick since we know. Yeah, it's not. There we go. You just have to have someone that knows how to do it. I know. It was very odd. I don't know why. All right. Thank you so much. I apologize for the delay. So I will just do a quick presentation. So again, thank you, Madam Chair and fellow supervisors. My name is Lori Radcliffe Myers with Planning and Zoning, and I'll be presenting Aligned Energy Data Center. So again, we know where this is located. You know, 10.14 acres.

[01:01:12] It's in the 2011 Broad Run Election District, 2022 Sterling Election District. So, again, the proposal is to rezone the 10.14 acres from the R1 single-family residential to the PDOP Plan Development Office Park to create a data center.

[01:01:31] There's also a SPECS, a SPIMI, and two ZMODs associated with this. Again, the background, there is already a current building on the site. They are adding an addition to the backside of the building. So following the Board of Supervisors public hearing in October, the applicant did go back and they did reduce the FAR from the 1.13 to the 1.0.

[01:01:56] They did reduce the height of the building addition from the 99.5 feet down to roughly 72 feet. And then they also revised the proffers to address the dedication of South Sterling Boulevard and the

stormwater management vault system so even with the revisions that the applicant has made staff still is unable to support the applications due to the architectural design not meeting the spa design guidelines the building height of 72 feet even though it is reduced it still is

[01:02:31] more than what is envisioned within that place type it does help with a transition between the different place types but the building height is still too high for staff to support the building and then with the with the z mod application request to allow a 99 foot tall building within the parking and building setbacks staff is unable to support the application due to those issues still and this is just the elevation so you can see that the um there's been a reduction in the addition to the to the backside of the building so that's what created the

[01:03:09] decrease in the FAR which was asked by the board previously thank you thank you thank you do we have questions for staff miss um stop thank you madam chair we have two orange sheets at our places alternative motion to approve and then findings for approval have you all seen these do you know the source of them if The source is not on these sheets.

[01:03:42] So, Chair. Yes, Mr. Hemster. Okay, so the staff recommendation is for denial. And so the main motion in your packet is the motion for denial. However, our understanding is that there may be some board members who want to move for approval.

[01:04:02] So as staff, we prepared the motion and the findings for approval should the board want to approve the item. So that is a staff, so what you have in front of you is a staff motion for approval with staff recommended findings for approval should the board want to move in that direction.

[01:04:19] So, Madam Chair, Mr. Hemstreet, are both of these, these are different, and they're both for approval, were both of these prepared by staff? Both of those were prepared by staff. If you look at those, one is a motion, and then the other item is the findings for approval, which is referred to in the motion.

[01:04:37] So those two pages go together. All right. Thank you very much. Thank you. Mr. Turner. Thank you, Madam Chair. Staff, I just I want to clarify on the transportation proffers. So the applicant is proffering the dedication of the right of way easements and then the storm water management vault system.

[01:05:00] Correct. Am I correct that without that proffer, the county would have to buy that land and install the storm water management itself? And if I am correct in that, what would that cost be? Correct. From my understanding, that is the case. I do have Marie Pham with DTCI that can answer exactly what the cost would be. Marie, are you online?

[01:05:22] I am, Lori. Can you all hear me? Yes. We can hear you. All right. Supervisor Turner, the additional cost estimated by staff to install the stormwater vault and get a permanent easement from the property owner was roughly an additional \$4.6 million.

[01:05:43] Right now, we do have an offer that's being worked out with the applicant for \$2 million. So the total cost is \$6.6, but it would be an additional \$4.6 for the county. Okay. Thank you very much. That answers my question. So I understand staff's criteria, but the main building is being built right now, correct?

[01:06:09] Correct. It's, yeah. So this is in addition to the main building? Correct. So you have essentially an incremental impact on what is essentially an industrial neighborhood. And the county is saving \$4.6

million with this application. Correct.

[01:06:24] Thank you. Ms. Brooksmen. Thank you, Madam Chair. So I was a little bit confused when you talked about the 99-foot building. So is there still going to be a 99-foot building? Is that what they already have approval for? Correct. Okay. And so that was a rezoning a while ago.

[01:06:43] Well, that was a by-right. So they're located in the Route 28 taxing district, and it was an optional overlay that allowed them to do a by-right data center within the R1 zoning district. So they built the 99-foot-high building by right, and then they came in with a legislative application to add the additional square footage to the building.

[01:07:10] And the additional building will be 72 feet now? Correct. They reduced at the previous Board of Supervisors public hearing. There was a request to bring the FAR down to 1.0, and so they reduced the height of the building down to 72 feet now, the backside of the building.

[01:07:31] And I guess I'm a little confused why they could do a 99-foot building by right, but then we have to approve a building that's 72 feet high. It's the FAR? well it was within the zoning ordinance that optional overlay district allowed them to go up to 99 feet um they they were they maxed out their far under that at 0.69 okay so to be able to get the additional they wanted to rezone to the pdop which would allow up to two far but they were

[01:08:04] requesting 1.13 okay so then remember through yeah through the meetings then um discussion was to reduce the FAR down to 1.0, which would be more in line with some of the surrounding properties. So the buy-write FAR, you said is 0.67?

[01:08:24] 0.69. 0.69, and now they want to go to 1? Yes. Okay, okay. And then I may be mistaken, but I feel like when I was reading the item that there's a sidewalk or a path that's not going to be built that was in the plan and it's not going to be built correct so on the south side of the south sterling extension there was a sidewalk planned but there's not enough room that's why they're asking for the building setback reduction and the

[01:08:59] parking reduction but dtci staff agreed that the the sidewalk could be on the north side of the south sterling boulevard extension so there's still going to be a sidewalk it's just going to be to the north side of south sterling boulevard okay okay i'm not sure i'm comfortable with going from the 0.69 to 1 but i'll think it over thank you you're welcome mr buffington thank you madam chair uh staff can you go to slide two and then question for you this property is zoned r1 for

[01:09:33] residential, right? Correct. Okay. So correct me if I'm wrong, but all of this, I mean, I don't see houses. I see industrial or office space, probably industrial, right? Correct. This is surrounded by industrial. So as Chair Randall says, and I believe her and I agree with her, there are places where data centers should go and places where data centers should not go, in my opinion. And then again, there are places where residential should go and places where residential probably should not

[01:10:09] go, in my opinion. This, in my opinion, should not be the next residential development. This is a perfect place for a data center, so I will support it. It will help our tax base. It's not going to negatively impact any of our residents and their houses, so that's all. Thank you. Thank you. Mr.

[01:10:33] I second what Supervisor Buffington said. We need to support the applications that come in places like this so that we have an outlet when we have applications for other places where data centers

don't belong. But this one is a good location.

[01:10:50] Thank you. Mr. Kirshner. I just want to say, if he seconds, I third what Mr. Buffington said. Make the motion. No, no, no. We have somebody that wants to speak. Do you have any, actually, I actually, for the second and the third happening, I have the question, do we have ample energy?

[01:11:14] Do we have ample power for this? Are there any power issues? Whoa. Guys, we have to chance that. I defer to the applicant. Hi, Amanda Williams, land use attorney with Cooley for the record.

[01:11:31] Happy to be here on behalf of Aligned. So they have bridging interim power from two nearby substations, and they already have coordinated with Dominion for the full power at another nearby substation that's already under construction. So there will be, so that's a yes, then.

[01:11:49] There will be no need for any extra power lines anywhere to support this application that they're asking for today. Yeah, my understanding is that the lines that are in process to get to those substations are underground, and it's all already in process. did you say underground yes not the not like yes they're under and excuse me i have jess here from a line that may be able to speak to the power a little bit more specifically if you've got more

[01:12:16] questions which is a wattage one moment jess okay all right good evening good evening um yeah my name is jessica baker i'm with aligned data centers and um currently what we we have a phased power solution that has already been, you know, we've been working with DEV closely on that. And like Amanda said, there are two substations, Pacific and Global, that are in the area that the bridging power is going to be coming from. And the duck banks that will feed the site are underground

[01:12:56] from those substations to the buildings, or to the building. And then Ocean Court substation, which is slated I believe to be complete in October 25 that will be the final power feed for the building so overall megawatts for the building is if I remember correctly about 72 megawatts and so that's that's IT load so there's a little bit there's a little bit more power feed that comes to the building so we have the state we have the lines right now they're already in process, they're underground, and the audit.

[01:13:34] Sorry, they're being designed. They're designed and coordinated with DEV. We already know where they're coming from, in other words. Correct. We don't have to create anything new or run lines from someplace else, and that's all done already. Yes. Okay. All right. I feel, okay, cool. Very good. Mr. Sange, we have one person to speak on this, and it is Daniel, I think it says Daniel Tejada.

[01:13:55] Are you here, sir? Good evening. Good evening, and thank you. My name is Dan Tejada. I've lived in this county for 20 years in Western Loudoun, and I would like to say that we don't have enough power.

[01:14:16] For those of you that don't know, we are, Western Loudoun will be receiving, will be having thousands of acres of land taken away from us so that we can build a huge transmission line to send 13 gigawatts of power from Western, as far away as Western Ohio, to power these data centers.

[01:14:38] We didn't get a choice in this. The data centers aren't in Western Loudoun, yet the grid will not be stable if we keep powering these things and not having local power generation. We're not the only ones. Lansdowne gets it, too.

[01:14:55] What they're talking about doing is an extension cord with 175-foot towers, a 200-foot-wide swath of clear-cutting through the most historic parts of our county that we were just talking about earlier.

Wait, for this application?

[01:15:11] This, this, this is a supersizing another data center. However, if we keep approving these things, we're, we're, well, we've already approved, the ones that we have approved are enough to require this. By 2028, the currently approved data centers are going to require this. What I'm asking you to do is pause and stop because yes, just this little data centers is one of many, but there are many more that are coming that are already zoned. And we're asking you to stop and pause or at least pause them until we can come up with a better solution for power than, you know, a big power

[01:15:47] superhighway right through Western Loudoun. That's all I have. Thank you. Thank you, sir. There we go. No, no, no, no, no. Okay. Okay. So the thing is this. Thank you, first of all, Mr. DeHada. If I allow clapping and cheering or jeering, the boardroom can get out of control really fast, which it's my job to keep the boardroom in control. And so as part of the rules of order for the entire board, not just me, we don't allow cheering and jeering, which is why we can do jazz dance, so I'm going to, even if you're clapping for me, which I really appreciate that, but I'm going to respectfully ask that we don't

[01:16:27] do that because it's just part of the board's rules of order that we don't cheer and we don't jeer. Okay? Thanks, everyone. I appreciate it. Mr. Sanchez, would you like to make a motion? Yes, ma'am. I move that the board of supervisors approve Ledge 2023-0035 Allied Energy Data Center

[01:16:45] Z-MAP 2022-008, special exception 2022-0024, SPM 2022-0014, Z-MOD 2022-0028, and Z-MOD 2022-0083, subject to the proffer statement dated November 28th, 2023, and conditions of approval dated November 2nd, 2023, provided as attachments 2 and 3 to the December 13th, 2023, Board of Supervisors public hearing staff report based on the following findings.

[01:17:18] One, the proposed data center use is core use identified in Loudoun County 2019 general plan for a suburban industrial mineral extraction place type. Number two, the proposed dedication of right-of-way and pedestrian facilities along Relocation Drive and the dedication of right-of-way and improvements along Sterling Boulevard are consistent with the Loudoun County 2019 countywide transportation plan.

[01:17:39] Number three, the applicant is committing to provide low-impact development, best management practices, which will help offset environmental impacts to the surrounding area. Motion's made and seconded by Supervisor Sainz. Supervisor Sainz, why don't you do your opening, and then I'm going to ask my colleagues to allow me to kind of explain some history that may not always be known as it pertains to data centers.

[01:18:02] Mr. Sainz, would you like to do your opening? All right. Thank you, Madam Chair. I'm supporting this data center application for a few reasons. One, there's already a substation that's being built currently right now that's literally a minute drive down the street from this location.

[01:18:23] There's another substation that this board approved that will be, again, another minute or two drive down the street that is in the works, close proximity to this data center facility. We have their main building, which was by right, as discussed by staff earlier, that's actually already built.

[01:18:41] ally came wanted to make an addition we heard them i had some reservations regarding their height and a couple of other supervisors had reservations with their height that they're proposing they listened they came down they worked with our staff and came up with the with the solution regarding the extension for south sterling boulevard as well as the the um you know the the pond which we're saving

altogether uh 6.6 million dollars for the county for items that we're you know transportation needs that we're going to that we're going to need already anyway

[01:19:17] with the already approved sterling boulevard extension this as we mentioned earlier this is in a industrial area where there's already actually right behind the site there is a data center currently in use now with buried power lines and also this data center as was just stated we have buried parallel up buried power lines from the substations that I just mentioned that are one minute and two minute drive from this facility for those reasons and those reasons alone I'm able to to vote for this for this application now if they

[01:19:51] had not I think your time is up okay well the time wasn't running so thank you keep going I do not think so so I just want to really click off quick off the clock just go through some things because I'm I I I if I'm repeating something that people know already. I apologize, but this might be new information for some people.

[01:20:21] There is a belief that this board or the last board, even the board before that, you know, has said yes to all these data centers that have come online. That is not correct. The last full zoning ordinance was done in 1993. In 1993, the word data center literally didn't exist.

[01:20:38] And so there's a determination called office park. It's an OPS office park. And that there is something called a buy-right use, and that if it's an office park piece of land, they didn't have to come to a board for legislation to allow an office park in that land.

[01:20:58] When data centers kind of came online, and that's a longer story about how we ended up being the data center capital of the world, what was determined is that data centers could go in office park areas. And so that was done many, many, many years ago.

[01:21:15] And so what you're seeing right now is data centers going in areas that were designed for Office Park, and they're going in there by right. In other words, they never have to come to us to do that. The zoning ordinance that we will pass tonight, one of the things in the zoning ordinance put forward by Mr. Turner and supported by, I think it was a 7-2 vote, I think, was that any data center that wanted to go to Office Park now has to come to the board.

[01:21:43] it's no longer by right, has to come to a board to get a special exception to be a data center in an office park area. I say that because I can absolutely understand the frustration of why they keep approving all these data centers. Well, the truth is we haven't really been approving data centers.

[01:21:59] They were a by right use in certain places, and that will change if the zoning ordinance passes tonight. But the ones that are already there and in place, there's just nothing we can do about those. And so I just want to give that, as we have these discussions going forward, just give that background and that information.

[01:22:22] All right. Ms. Umstead. Thank you, Madam Chair. I will be supporting Vice Chair Sain's motion. If you look at the photograph, you can see what is in that area.

[01:22:38] and Supervisor Letourneau said this is a logical place for a data center because it's surrounded by data centers and other industrial uses. Residential would not be a valid use in this area.

[01:22:54] Furthermore, this is one of the few rezonings we get to vote on that goes from residential to a commercial use. And as I think everybody knows, commercial properties generate a lot more tax dollars for the county than they consume in services.

[01:23:16] With residential, it is the opposite. So if we want to grow our residential base, you need to maintain and grow a strong commercial base. and we don't always have office applicants but this is a logical area to say to agree that a data center applicant should get approved. Thank you. Thank you. Mr. Turner. Thank you, Madam Chair.

[01:23:45] To the gentleman who said we don't have enough power, you are absolutely correct. I had to give a presentation to the Virginia Association Counties on November 13th and did quite a bit of research that became far more extensive than I expected it to be. Just some quick numbers.

[01:24:01] Right now, Loudoun County has 175 data centers. I heard a story on the news this morning that Prince William is in a 26-hour, are they still going publicly? No, they're finished. 27 hours. 27 hours when they ended. Over 37 data centers. I almost laughed at the radio.

[01:24:18] 37 data centers, and we have 175. We're currently using 2.64 gigawatts of energy. That's expected to double within five years. And hang on to your hats. AI uses enormous amounts of data, and they are consuming the data centers, and they use five times the amount of electricity that the current load uses.

[01:24:41] So the big answer, the strategic answer is we do not have enough power. Stay tuned. You'll hear more about that in the coming months. Thank you. Mr. Buffett. No, I'm sorry, Mr. Kirshner. I'm sorry, I'll be back. Mr. Kirshner. Thank you, Madam Chair, and thank you, Mr. Turner, for sharing your thoughts.

[01:25:00] I agree with a lot of that sentiment. I'm going to vote for this application to the, as I start dancing up here, to the, oh, was that you? To the gentleman who spoke, I appreciate you coming and sharing, and obviously there's a lot of folks in this room who are concerned with the power lines coming through Western Loudoun and where they're going to bring them.

[01:25:19] I've been on this, like, white on rice. I'm very concerned about it. There's obviously very logical places to bring power lines to right-of-ways, but not through the middle of Western Loudoun. And I will fight incredibly hard to do what we can as a Board of Supervisors, what I can in my office. We have already had several meetings already today in terms of some strategic plans on what influence we can have on that process.

[01:25:40] So, as Mr. Turner says, stay tuned. Mr. Buffington. Thank you, Madam Chair. I would associate myself with Supervisor Kirshner's comments, and I, too, am concerned about the idea of a major set of power lines coming through Western Loudoun, especially since I live in Western Loudoun.

[01:26:01] But that being said, based on the previous speaker's comments, in my opinion, he spoke as though this is going to happen and has been approved. And I just want to put on the record that it has not been approved. The application to the SEC hasn't even been made.

[01:26:17] A power company from Florida responded to a call for power proposal, and one proposal would run a line through Western Loudoun County. And that company, now their board of directors, has approved the idea of trying to move forward with it.

[01:26:35] So they will be applying to the SCC. That being said, there's a whole lot of public input opportunity to the SCC. Leo, correct me if I'm wrong, our county attorney. I believe that we are able to comment on that and provide public input as a county from the county.

[01:26:55] Mr. Rogers? We do not have the authority to approve or deny that at the SCC does, right? Mr. Rogers? Thank you. I'm sorry, Madam Chair. I should have asked through the chair. It's okay. Mr. Rogers. Supervisor Buffington, you are correct. If it's a high-voltage transmission line, its approval is through the State Corporation Commission.

[01:27:12] We get to comment on it, and in some cases, we have intervened in the case. in order to oppose or propose alternates and of course the board members will be I'm sure led by Supervisor Kirschner and Supervisor to crony on the next board will be sending you all information How to oppose this at the SEC if they actually do apply and move forward I also know that there are local power companies who know our area better and don't really want a Florida power company coming into our Area messing around and running stuff through Western Loudoun County that doesn't need to go through there

[01:27:49] So, um, I hope that clears up at least what I heard, which was that there's a power line coming and through Western Loudoun County because it's could possibly happen, but the approval, the application for that hasn't even occurred and the approval for that definitely has, is nowhere near, um, here and has not occurred. So thank you.

[01:28:26] Thank you, Mr. Buffington. So, first of all, I associate myself with everything Mr. Buffington just said. For everyone who's emailed me, my response back has been almost the same thing, that I would do all of my power, which is not that much, but all of my power to not see a power line through Western Loudoun County come to fruition. I think that is just, any of Western Northern Canaan, let alone the historic village of Waterford, I mean, that just is absolutely ridiculous, to be honest. On this application, this one's tough because, you know, it is the right place for industrial use.

[01:28:48] It absolutely is. And I feel comfortable that we have power. My biggest concern is I really would like to start seeing our economy diversifying our economy. We are over-reliant on data centers in the economy.

[01:29:04] So let me ask this question. Y'all may not jazz hand me yet. Don't jazz hand me yet because I'm not sure where you're going to like where you go. Let me ask this question. Dan, is there any possibility that anything else but a data center, not residential because we would never do that, but any other commercial or industrial use could be here other than a data center?

[01:29:27] In other words, the company that owns the land that we're trying to build on already owns the data center that is there, correct? Correct. All right, so it is up to them whether they put anything else there, and it's very unlikely they will put anything else there except the data center.

[01:29:45] Is that correct? Correct. All right. Well, then I think I'm going to very begrudgingly vote on this, and my concern is this, because I've said this before. This is actually probably the one extension of a bi-right data center that I would do.

[01:30:01] But for the most part, the problem with doing this is data center comes in and it's bi-right, and they say we want to have, you know, 6.9 FAR. Then they come in and they say we want to expand that. Well, by the time they've expanded, we have like a whole other new data center, right?

[01:30:17] I mean, like literally, we have applications that are doubling the size of the data centers. And so, yeah, they built the first one by right, but the second one is like, we have to do that. This one's a little harder because the land is owned by the data center no matter what. There's nothing else that really can realistically go there.

[01:30:36] Obviously, we're not going to put homes there. It already has power. And so it just doesn't make, I can't make the case to not do it. But I will say that, you know, going forward, I will be a no much more often than I will be a yes on extending data centers.

[01:30:56] And the argument, well, it's already there, is not just going to be enough to get me there in the future. It's just not. So, Mr. Sam, would you like to close? Yes, thank you. I'll just quickly say, you know, I've heard a lot of my colleagues speak in regards to what's being proposed out in the western part of the county.

[01:31:16] I will share my thoughts and say I do not support what's being proposed we worked very hard to get the state park up and running there from my understanding the proposals being the lines will go through the state park obviously we don't want to see that through Waterford I say use the existing lines that are in place that are coming from West Virginia just change the the lines to what you need to get to carry the power but again as I said earlier this application has no bearing on what's being proposed out west we already have the power right down the street for this um for this addition um as chair randall just said the data center already owns owns a property they've already built the the buy right use this is

[01:31:55] actually just extending uh what's being built or but it has already been built where they will knock down a wall and do the small extension it's not going to be a completely separate building this is just adding on in addition to what's already being built um so that's why again i am comfortable with this application and as chair randall just said you know if others would like to expand what's already been built years ago and been in operation, you might have some difficulties, possibly.

[01:32:24] So anyway, I support this application. Thank you. All right. Motion is made by Supervisor Sainz, seconded by Supervisor Umstead. I'll tell you, please say aye. Opposed? That motion will pass 7-1-1 with Supervisor Bricksman voting no and Supervisor Glass being off the desk.

[01:32:47] Okay. The Zor. Woo-hoo. Everybody jazz hands. Yes.

[01:33:05] Yes, you should do that. No.

[01:33:26] I'm no. I'm very, very, very sure. No, we're not doing that. We're not doing that because we're not doing that.

[01:33:43] We're not doing that. Good evening. Wow. Good evening. Good evening. Wow. Good evening. There we go. Everyone is so worn out.

[01:34:00] This item is 1,490 pages long, and you have some updates that you'd like to share with us, yes? We do. If you could just bear with us one moment while we get set up here.

[01:34:40] We're not doing that.

[01:35:07] We're ready when you are. That's not, I don't know what's going on there. I don't know what's going on with the technology today. Thank you.

[01:35:27] I think we're ready to go. We do have a brief presentation. Okay, we're ready when you are. Okay.

[01:35:42] Good evening. The purpose of this item is conduct a public hearing and to consider taking action on the zoning ordinance amendment 2021, which is the zoning ordinance rewrite. We are working

from the motions in the second supplemental staff report, and there are five parts to the motions. I will identify them just on this slide and talk to them a little more on the following slides.

[01:36:03] First, we're bringing forth a motion that if approved, you would be directing staff to revise the noise study regulations. Next, you're considering an ordinance that would approve a new zoning ordinance, as you were well aware.

[01:36:18] Third, you're considering a grandfathering resolution, also an interim technical standards resolution, and that would apply to the facility standards manual and the land subdivision and development ordinance. And lastly, you're considering a motion that would direct staff to initiate review of the codified ordinances to update any references to the new zoning ordinance.

[01:36:45] We'd like to take a moment to recognize that this evening does mark the culmination of a collaborative multi-year project to completely rewrite the zoning ordinance to implement the comprehensive plan that you adopt in 2019. Throughout the project, there has been public engagement and collaboration through focus groups, stakeholder meetings, open housing, open houses, and addressing thousands of comments that the public submitted by phone, email, and through the website.

[01:37:13] The Zoning Ordinance Committee did discuss the Zoning Ordinance rewrite during 40 meetings from the beginning of 2020 to mid-2022, and the Planning Commission developed their recommended draft zoning ordinance during 25 work sessions that were held between September 2022 and June earlier this year. And as you're aware, in September and October, the board directed staff to revise the Planning Commission's draft zoning ordinance, making over 150 motions during eight work sessions. The final draft zoning ordinance you're considering this evening does incorporate

[01:37:51] all of those board-directed motions. I would like to bring to your attention two issues that we noted in the staff report, and they're really not issues. We just want to bring to your attention a couple of revisions. No separate motion is needed for these two issues. They are already reflected in the draft final zoning ordinance or the final draft zoning ordinance. A first language clarifies that mid-block passageways are not required in all zoning districts, but only in

[01:38:25] certain zoning districts. A second, the submission requirements for open space plans have been updated. Rather than requiring an applicant to submit new studies to document off-site wildlife habitat the requirement is to show connections to any known off-site wildlife habitat a third issue that's not on the slide the noise study motion it's described in the second supplemental staff report a board submitted motion was inadvertently omitted from the motion sheets during the board's

[01:39:00] work sessions and the motion if approved would direct staff to revise the zoning ordinance to clarify the process for noise studies such as when and to whom the studies would be submitted and would also ensure that any noise abatement measures identified in those noise studies would actually take place. Turning now to the motion to actually adopt the new zoning ordinance, if you adopt the zoning ordinance today it does become effective upon adoption. It will repeal and

[01:39:34] replace the current zoning ordinance and properties under the revised 1993 and the 93 zoning ordinances would automatically become subject to the new zoning ordinance for commercially and industrially zoned property in the route 28 tax district if a property is currently subject to the 1972 zoning ordinance it would continue to be subject to the 1972 zoning ordinance unless and until the property

owner elects to submit a ZRTD, which is a zoning conversion application or a rezoning application to opt into the new zoning ordinance.

[01:40:15] The next item you'll be considering is a grandfathering resolution. And based on that draft resolution, certain legislative and administrative applications may be eligible to continue to be processed under the revised 1993 zoning ordinance after adoption of the new zoning ordinance.

[01:40:36] To be eligible for grandfathered status, an application must have been officially accepted by the county for review on or before the adoption date of the zoning ordinance. So on or before today, if you adopt the zoning ordinance this evening.

[01:40:54] It's important to note that an application could lose its grandfathering status if an applicant makes a substantial modification, such as increasing the density or adding acreage to the application, or fails to diligently pursue approval of the application.

[01:41:17] Next, you also are considering interim technical standards. It's a resolution. If approved, it would authorize the building and development director to issue interim technical standards and regulations. We commonly call these tech memos.

[01:41:32] They would be issued for the facility standards manual and the land subdivision and development ordinance until those documents could be updated to bring them in alignment with the new zoning ordinance and the process for that would be the development ordinance amendment process so in closing staff is recommending that the board direct staff to revise the noise study regulations and approve the ordinance providing and adopting the zoning ordinance approve the grandfathering resolution is drafted approve the interim technical standards resolution is

[01:42:08] drafted, and also direct staff to initiate a review of the codified ordinances. So thank you, and we have the team to answer any questions you may have. Well, thank you. Okay, supervisors, if you have questions for the team, please put your light on, Ms. Umstead.

[01:42:26] Thank you, Madam Chair. So during the process, and I want to thank you all for working so hard for so long on this, but nobody saw the final planning commission version until I think it was July of this year. So for a lot of people trying to follow progress on it, that understanding of what we'd be looking at was delayed until then. I had some concerns about this. I shared

[01:43:02] the school's concerns about how we were going to regulate floodplain use. Have the schools been satisfied that our new zoning ordinance would not negatively affect their recreational activities on existing or future school sites? Yes, we have been in communications with the schools and they saw no reason to come this evening. They're satisfied with the regulations the board has recommended. Okay.

[01:43:35] On affordable housing, early on folks like Kim Hart were concerned that their only option would be to create a planned unit development PUD. Has that concern been satisfied? Yes, it has. We've added a lot of ability to modify, a lot of flexibility. So yes, that has been addressed as well on the I think it's now a 300 foot stream carter buffer or riparian buffer that is going

[01:44:13] to I believe impact mostly people who own land in rural Loudoun is that your understanding and since they were not anticipating that this zoning ordinance would address rural Loudoun issues Have you had much or any input from property owners who have riparian land on their properties?

[01:44:37] We have not had a lot of public input, and that would apply to any stream or resource, not just Western Loudoun County. But the one thing that we did do at the board's direction was add the ability to modify the width of that buffer.

[01:44:55] All right. And finally, I thank you for your work on modifiability and grandfathering. Have you heard from our various sectors that they are fully satisfied with the grandfathering provisions?

[01:45:20] I can't say 100% that anyone is fully satisfied. we have had some comments that there's some satisfaction I think there's some concern about the route 28 tax district property owners that's really the one thing that's kind of bubbled to the top all right thank you thank you anybody else like to ask staff any other questions I don't have just briefly madam chair yes thank you everyone for all the work you've done I'll be real

[01:45:57] brief I could you give me a little more on this noise study this motion or the amendment here that you've come with tonight in the supplemental number two i was just reading through it um can you and i had and something jumped up is this a when did this come because i didn't see this till today this motion was included originally supervisor sane submitted the motion and it was included in the october 2nd work session packet okay since it was in chapter 10 and we were looking at five and six that evening we pushed it forward but we inadvertently

[01:46:36] didn't carry it forward so that's why we're bringing it forward this evening okay I think I actually now do remember it and because it was it came in after we had adopted it is that correct why are we dealing with it tonight is I guess rather we're dealing with it tonight because even though it was on the October 2nd work session a motion sheet we failed to copy and paste that over to the October 16th. So it just fell through the cracks. I got it. Okay. Thank you very much. Yep. Yep. Yep. Anybody else? Okay. So there are quite a few speakers and we, it's wonderful.

[01:47:15] We have been on the dais basically since five. And so we, if, if, if people start getting too antsy, we may take a break in the middle of the speakers and take a quick, just take a quick break and come back. But we're going to start going through the speakers right now that we, that we have. Again, if you'd like to speak, absolutely. If somebody else says something that you agree with, you can say, I associate myself with their comments or whatever and keep going. But here we go. I'm going to call you kind of in advance and so you know that you're next up. The first speaker is Susan Munch

[01:47:49] followed by David Ducharme followed by Stephanie Christensen. Good evening, ma'am. Good evening Chair Randall, Board. Just before I begin my comments, thank you for all your support for not putting 300 foot tall transmission lines through the National Historic Landmark of Waterford.

[01:48:14] So my name is Sue Manch and I'm the President of the Board of Directors of the Waterford Foundation. And first and foremost I would like to thank the Board, the Planning Commission, the staff, all the stakeholders for these four years of effort. we know how much this was needed. Of course, it wouldn't have been possible for everyone to get everything they wanted, but I would like to request that we prioritize what was not addressed or completed in the 2024 work plan, which is the issues we face in Western lab. The zoning concerns and the challenges, particularly for those of us who have historic properties, are a true issue and

[01:48:51] one that needs to be addressed and actually fall within this whole question of the transmission lines. You have a trove of great public comments that I was a part of and I know many of the people who

were here were part of and it would be great to start working with that while it's still fresh and while staff's work is still so fresh. We want to not have to do it over again, right? You don't need to have another 25 meetings. So we also hope the board will approve a comprehensive plan amendment that will identify compatible locations for data centers. You just did that tonight.

[01:49:26] Very similar issues face so many other parcels within Loudoun County, and we hope that they will include regulations about the high-voltage electric transmission quarters. It's not enough just to have enough power, it's to figure out where is that power going to be coming from, because we now know it's coming from West Virginia or it's coming from other coal-burning facilities, just as we are decommissioning our coal-burning facilities.

[01:49:53] We also hope that you will remove the by-right use of land for data centers and that preclude the localities from setting any guardrails around their approval. We all use and need data centers. I play games on my phone.

[01:50:09] You know, we've got to have them. They pay taxes that support all of us, our schools, and all of us in the county. But at the same time, we want the National Historic Landmark of Waterford and the other beautiful spaces of Western Loudoun to remain available for all to enjoy without 300-foot-tall transmission lines that would be right behind my house.

[01:50:29] So I get that same where-am-I-living thing. Thank you for everything. Thank you very much. David Ducharme, followed by Stephanie Christensen, followed by Jill Norcross. Good evening, sir.

[01:50:45] Good evening. Thank you. madam chair and the board and everybody for your work my name is david ducharme my family and i live in waterford been there since 2017 um i'm really pleased to hear the support against those power lines because i run through my neighbor's property right behind our yard my kids are there all the time uh chasing baseballs and playing with their horses and that sort of thing so that would definitely ruin the whole point of living there if that were to happen um but even with that support against those power lines which i once again i support i think there's still a little bit of a challenge and I don't know if this goes with the zoning and whatnot but I

[01:51:23] wanted to raise it just with the whole idea of data centers in general the strategy behind them so I'm not asking that we don't have data centers or don't approve more data centers I work in technology I work from home I love them but I do think that we can consider a few additional adjustments or thinking to the zoning or requirements for data centers in the future so i just wanted to list off a few of those um first of all i think there's an opportunity for us to be a leader in building requirements for data centers because we are the hub of data

[01:51:58] centers nationally and globally um in doing things like uh requiring data centers to be more energy efficient as you all know they require a ton of energy i read something today that 20 of all of the demand on dominion energy comes from data centers period that's only going to increase And so there's opportunities for us in the building codes and permits to require that.

[01:52:21] Also, as we think about data centers, from what I understand is that they don't bear the costs of any future infrastructure builds required to support them, like power lines and that sort of thing. And those are then passed down to taxpayers and normal folks like all of us who end up paying for those because of our rates.

[01:52:41] And so there could be an opportunity to think about requirements that would put some of that burden back on the data center companies. Additionally, as we think about health concerns, we'd love to see more research done around continual exposure to low electromagnetic waves.

[01:53:01] The NIH has a public-facing webpage that recommends that parents actually limit exposure to kids to those waves. Those are emitted from all this infrastructure. This is NIH right in our backyard that says this on their website. And my time's up. Stephanie Christensen is my wife.

[01:53:17] She was unable to make it because we had a babysitter fallout. So I'd like to think she might support what I say, but I won't speak. Thank you. Thank you very much. I do want to remind everyone that we are going to, next term, do a whole data center CPAM.

[01:53:34] And so many of these things that you guys are saying, we're taking notes, and we will take those up. And also the rural zone we have very early next year. So I just want to remind everybody of that. I mean, sorry, data center comprehensive plan amendment. Yes, thank you. Thank you.

[01:53:49] Well, that's what, that's what, okay. Oh, you're saying to say what a C, don't talk in acronyms. I'm sorry, you're completely right. Jill Norcross, followed by Mara Walsh-Copeland, followed by Aetna Cross. Good evening, Ms. Norcross.

[01:54:10] Good evening. Chair Randall and members of the Board of Supervisors, my name is Jill Norcross, and I'm the Executive Director of the Northern Virginia Affordable Housing Alliance, and I just wanted to thank you for the opportunity to speak tonight about the zoning ordinance rewrite and specifically about chapter nine attainable housing i am sure you will all exhausted by the process but i did want to commend you on the changes that have been made over the past year to help make the increased percentages in the adu program the unmet housing needs unit or unu program and the affordable housing unit or a hg program all more workable

[01:54:45] for your partners in addition to you as elected officials the planning commission and really the County staff, Navaja would like to recognize the hard work of the Loudon Workforce Housing Now campaign led by the Community Foundation for Loudon and Northern Fauquier Counties, the Loudon County Chamber of Commerce, especially their Housing and Public Policy Committees, and special recognition to Kim Hart of Good Works for all the combined efforts to advocate for necessary changes to Chapter 9 to make it more impactful for creating and preserving affordable housing in the county. Having worked in other jurisdictions around the region, We know that good policy comes from intentional and sometimes hard conversations

[01:55:24] from a variety of stakeholders. We feel like the improvements to chapter nine of the ZOR have been a product of these conversations, collaboration and advocacy. Of course, while good policy is important, we also need local resources to support attainable housing development and preservation.

[01:55:39] As you well know, 43% of the renters in this county are cost burdened. That means they spend 30% or more of income on housing costs. And you have set that goal to achieve 16,000 affordable, attainable homes. Your county-funded loan programs provide gap financing for new construction, acquisition, and the preservation of affordable housing, and you are seeing the results of these homes being created and preserved. Now is not the time to back away from funding this key priority. As you look toward the fiscal year 2025 budget planning process, we encourage you to find ways to continue to use

county resources to leverage other state and federal funds to bring much-needed additional affordable and workforce housing to county residents who so

[01:56:18] desperately need it. Thank you for this opportunity to speak with you for this evening, and congratulations on almost being there. Thank you. Thank you. Mara Walsh Copeland, followed by Edna Cross, followed by Michael Myers. Good evening, Ms. Walsh Copeland. Good evening. I'm Mara Walsh Copeland. Yes, the trophy and medals are for you, and staff, and stakeholder organizations, and all the residents who provided public input for ZOR over the past four years. It's time to approve

[01:56:55] the zoning ordinance. It's as ready as it can be for now. Although no stakeholder group got everything they wanted, everyone got some of what they asked for. From calls and questions, there are people who don't understand ZOR versus power line issues. Unhappy that the data center rural and other holdover issues being punted to future ZOMs. Yes, there were misunderstandings from what did leave the West alone really mean to false information that derailed planning Commission progress in April, but the good news is accurate information will be shared during the future ZOAMs. It's time now to focus on prioritization of the ZOAM items for January.

[01:57:36] A master list has been compiled to help staff identify all the issues not addressed or completed during the past 10 years, including by right uses approved without any guardrails for residential properties. Text has been drafted by staff multiple times with the Planning Commission and stakeholder input and review. It's time to fix the impacts. To do that, it will be critical to use the years of public input to expedite the timelines, not start from scratch, costing unnecessary staff time and cost. The Zohr process showed how public input through stakeholder groups

[01:58:11] can be improved. There will always be contradicting perspectives, but maintaining balanced input of voices represented, residential and business, is key. Finally, this marathon hasn't been easy for anyone, including me. I've had daggers to the back, disparaging remarks from surprising places, four attempts at removal from advisory groups, letters threatening litigation from developer attorneys, all for doing research and speaking the truth. But assisting advisory groups,

[01:58:47] over 50 organizations, and hundreds of your constituents has been gratifying. I would act to support them and you with the Futures OMs. See you next year. Would you like your medals now? Ms. Wash Copeland, medals from you is high praise indeed.

[01:59:08] So thank you very much. No, no, no, let's not do that. Thank you. I will get them on the break, though, I will. Listen, we deserve those medals. I'm going to get them on the break. Thank you very much. Etna Cross, followed by Michael Myers, followed by Trinity Mills.

[01:59:23] Ms. Cross, Aetna Cross, going once, going twice. Ms. Cross. Okay, Michael Myers, followed by Trinity Mills, followed by Steve, John Chess. Hi, my name is Michael Myers, and I'm the Executive Director of Loudoun Wildlife Conservancy.

[01:59:43] We've been a stakeholder throughout the zoning ordinance rewrite process, and we appreciate being included as a stakeholder during the Board of Supervisors review process. Loudoun Wildlife members and volunteers and partners within the Loudoun County Preservation and Conservation Coalition have provided hundreds, if not thousands of comments during this year's long process.

[01:59:59] We encourage the board to approve the current draft of the zoning ordinance, and we recognize that this is not the end, but merely the beginning of a new phase of the zoning ordinance

review. While there are many items that provide greater protections for wildlife habitat and increase the quality of life for wildlife and humans, there are many unresolved topics of concern.

[02:00:16] We appreciate the inclusion of language to require minimum percentages of native plants in new developments and requirements to remove invasive species. We also appreciate incentives to prioritize protection of open space areas of greater ecological value. Our river and stream corridor resources will benefit from updated language and the possibilities of functional wildlife corridors providing safe movement for wildlife have increased and there are better protections and setbacks for wetlands, streams, and sensitive areas in the mountainside overlay district as the board knows the and the Planning Commission and staff have recommended there's more work to do and we will provide detailed comments in January when the Department of Planning and Zoning presents their updated work plan for approval.

[02:00:52] However, we want to highlight a few items of importance to protecting a higher quality of life for residents and wildlife. There are many items of relevance to stakeholder groups regarding Western Loudoun. We use specific standards that the board deferred to a future ZOAM and the board must prioritize addressing these topics. Of equal importance is refining appropriate uses in the mountainside overlay district before it's too late.

[02:01:12] As we all know, the data center design standards and locations need further attention immediately and small area plans also deserve urgent attention. And streamlining this process would not only help the village of Lucketts, but all historic villages. We also support further improvements to source water protections in the floodplain overlay district.

[02:01:29] And solar arrays input process and policy along with community-scale solar facilities deserve near-term attention as well. We recognize that there is much work still to be done. The good news is, as I mentioned at the outset, stakeholders have been providing feedback for years. And this feedback provides staff with an enhanced starting point to begin considerations of future ZOAMs and CPAMs.

[02:01:49] We encourage the board to direct staff to utilize the feedback that has already been presented, and we look forward to continuing to be an engaged and involved stakeholder in this process. So thank you for your time and consideration, and I would also like to take a moment to thank Supervisor Buffington for his service on the board.

[02:02:06] Thank you. You know what? Thank you. I'm going to break my own rule on that one. Thank you very much. All right, Trinity Mills, followed by Steve Donchess, followed by Bill Junda.

[02:02:23] Good evening. Hello. Hi, I'm Trinity Mills, the Conservation Advocacy Specialist at Loudoun Wildlife Conservancy. As has been expressed, we are grateful for the wildlife protections that have been added to the draft of the new zoning ordinance. However, the importance of prioritizing future ZOAMs and CPAMs to address outstanding issues in accordance with the information already learned throughout the zoning ordinance rewrite process cannot be understated.

[02:02:47] The Western Loudoun Rural Uses, ZOAM, requires prioritization for multiple reasons, including setting lighting standards for rural operations and that are needed to protect loud and stark skies. The solar arrays input process and policy in community-scale solar facilities ZOAM and CPAM require further consideration to create performance standards to protect natural resources while combating climate change.

[02:03:14] The significance of establishing data center standards, and it is evident when considering recent transmission line proposals and design projects that have caused considerable discontentment by residents in the county. The continued allowance of data centers is a cascade of negative land use effects. Not only has the increase in data centers overall been directly tied to Dominion's inability to meet their carbon emission reduction requirements and targets, but in Loudoun County specifically, the transmission lines have been only encouraging further data center development.

[02:03:53] The small area planning process must be streamlined to maximize efficiency so that plans such as that for the village of Lucketts may be prioritized and coordinated effectively with adjacent ongoing projects like that of the Route 15 North Bypass, which has a direct impact on Loud and Wildlife Conservancy's JK Black Oak Wildlife Sanctuary. Alongside the recent major federal setback in wetlands protection, forever chemicals, microplastics, and other pollutants continue to compound and impact our water quality and present a constant threat to our water systems.

[02:04:16] In light of this, the Source Water Protection ZOAM and CPAM and the Floodplain Overlay District ZOAM warrant attention in order to further protect water quality that Loudoun's valuable aquatic wildlife depend on. The Zoning Ordinance Rewrite draft as it stands includes vital protections and improvements in our county.

[02:04:35] While we wish to emphasize the continued consideration of these aforementioned outstanding issues, we support the adoption of the new zoning ordinance tonight, along with all the new wildlife benefits that it will implement. Thank you so much. Well, you know what, young lady, thank you so much. That was just absolutely excellent, absolutely excellent.

[02:04:51] Steve Donchez, followed by Bill Junda, followed by Karen and Vino. Good evening. Good evening, thank you very much. My name is Steve Donchez. I'm here to just make a few comments battery energy storage I'd first like to thank the board and the Planning Commission Fire Chief Johnson Fire Marshal Kiger and and staff Joe and Judy and Dan and many others whose substantial efforts on this particular issue are going to have positive benefits for the citizens of Loudon for decades to come as we've discussed at previous meetings battery energy storage

[02:05:31] is a very useful energy tool. It integrates renewables on the grid, it advances the clean energy transition, it bolsters grid reliability, and maybe most importantly here, it alleviates the strain on the already overburdened transmission infrastructure. And battery energy storage can do that in a way that is less land use intensive, less expensive, and more environmentally sound than transmission build out. So it's a very valuable tool for the county. I think this

[02:06:06] zoning ordinance moves battery energy storage forward in a very positive way. More work remains. There are some particular issues. I hope we get to a point where battery energy storage is a by right use permission in the industrial districts. I think that's very important for a number of reasons that I can't get into in great detail right now, battery energy storage providers must comply with 4.0702 in this ordinance. Very strict provisions, as they should be. To require a second

[02:06:43] legislative process is redundant, and it's unnecessary. It will drive many of the premier battery energy storage developers to other jurisdictions throughout the United States, And it will do that because those areas have more volatile electricity market prices than PJM does here, so it's more profitable.

[02:07:04] So because it's more profitable and they have less onerous ordinances, for example, in Texas and California and other places, this would have the unintended consequences of forcing them there and not allowing us to meet our clean energy goals and the goals of the Virginia Clean Economy Act.

[02:07:22] So I think there are changes that need to be made and can be made in the coming months, but I appreciate all the efforts here. This was a substantial step forward. Thank you very much. Thank you. Bill Junda, followed by Karen Invino, followed by Thomas Donahue.

[02:07:40] Good evening. Good evening. My name is Bill Junda. I'm the president and civil engineer with Gordon. I'm speaking tonight on behalf of NAOP. And first, I don't say, man, we made it. My wife asked me this morning, is this truly the last night? And I said, God, I hope so. So thank you for your leadership on the board.

[02:07:58] We've done a lot in the last three months. What took place over the last three months was truly unprecedented and allowed in, in my opinion. Not only did you all give stakeholders an opportunity to provide comment like we've always been doing, but you really established meaningful work sessions that were actual work sessions where we talked and negotiated, not just provided comment and hoped that someone listened.

[02:08:19] That's the first time I've ever experienced that, and it was phenomenal. I really hope that this is the process moving forward. You all listened, you mediated, you helped reach compromises and consensus on most of the big issues that we had, and that all stakeholder groups had.

[02:08:35] And you empowered staff to work collaboratively with industry, staff did a great job. The last three months with staff has been phenomenal too, so thank you to everyone sitting up here as well. The ZOR is no longer the end of the world document we all envisioned this past summer.

[02:08:52] We got it back off the ledge, thank God. But it is still more prescriptive, it's more complicated, it's gonna be more difficult to implement, and it's gonna be less flexible than what we're currently experiencing with the current ordinance. And so I think everyone knows that there will certainly be unintended consequences when this version gets adopted.

[02:09:11] And there will be, things will be overlooked, there will be surprise interpretations, and with less modifiability, we'll have less recourse to work around those issues. We should all take great pride in what we accomplished while also recognizing that we still have work to do and clean up in the future.

[02:09:28] So we ask that the same great collaborative process be used for those fixes for the abbreviated ZOAMs that we've been talking about and all the other ZOAMs planned for all the other things next year. I'd also like to close by saying thank you for never holding 27 hour work sessions like our neighbors to the south, thank you.

[02:09:48] - Thank you, and thank you for all your help through the process. Karen Aivino, followed by Thomas Donahue, followed by Chris Benflock. Good evening. Hello, me again. I'm Dr. Karen Aivino. I was up here in July talking about the, and I'm going to keep using lots of phrases that were used today, the unintended consequences of the event centers and the breweries and the wineries that are popping up in rural Loudoun. I personally have one across the street for me, as you are well aware, Chair Randall and Supervisor Buffington.

[02:10:22] Some of my neighbors are here tonight, too. One of them is going to speak. Just to refresh, 2015 to 2017, we were in discussions because we were fighting a brewery in our neighborhood. That went nowhere with the Board of Supervisors, so we had to take it to the ABC, where they overturned their own liquor license for this brewery.

[02:10:42] In July of 2023, I came here and spoke about the amplified music, the traffic on a rural road, the fact that quietude has been disrupted severely, and how my real estate value and my neighbor's real estate values are going down because we own horse properties, and you can't have a wedding venue across the street from a horse property. On August 9th, a neighbor and myself met with your assistant, Chair Randall, to discuss the issues. Two other neighbors submitted

[02:11:14] letters about their issues. On September 7th, a site visit to my farm meeting with myself and my neighbors was canceled because of the zoning rewrite. I was told that it would be rescheduled in November. My emails to have that rescheduled have gone unanswered. On August 20th, I sent a video with loud music playing in the background and people screaming, sounding like they were in distress at 10 a.m. on a Sunday. Do you know how many Sundays I have off from work? Very few because

[02:11:51] I'm in the ER working. On October 14th, I sent a video of a 60 passenger Greyhound bus stuck in front of my house because it couldn't make it up the hill to the wedding venue, blocking the entire road. Need I say what would happen if a fire truck or an ambulance needed to get down that road?

[02:12:12] In the video, they were literally blocking the road for about five minutes. I called the fire marshal and had several conversations with them about this issue. They told me there is nothing in the ordinance to stop somebody from driving down the road and I asked the question of well what do we do if emergency vehicles have to come down the road and he said there is nothing we can do to stop this so I'm urging all of you Ms. Amino I'm I am sorry your time is up okay great all right thank you thank you um Thomas Donahue called followed by Chris Van Block followed by Gladys

[02:12:48] Lewis good evening good evening Tom Donahue Leesburg my support moving forward with the draft zoning ordinance, and I ask as you move forward into thinking about the comprehensive plan, that you consider how the total power capacity needs of the county impact the region as a whole, and that we have planning for that.

[02:13:11] Because if you plan for that, then when the state corporation commission comes in and says where am I gonna put this line, they will look to your comprehensive plan and say, oh, they already have a plan, we should try to at least take that into very serious consideration. What's coming at us is a \$5 billion project.

[02:13:29] It's not just the one line coming through Western Loudoun. It's actually bringing in three 500-kilovolt lines into Loudoun County from the north, from the south, and coming in from the west. This spans across four states. This is big regional stuff, and it actually gets really up into the national grid conversation.

[02:13:48] It's going to be a very big deal, but we need to be prepared. We need to be thinking about how we're going to handle this as the data center load grows. Particularly when you consider that Prince William County, I don't know about the number of data centers, but the square footage is comparable to what we have here in Loudoun County.

[02:14:06] Therefore, the power is going to be comparable to what we're asking for in Loudoun County. And guess what? They're going to be pulling on those same power lines that we're pulling on. It's all coming from the same sources across the region of power, and we don't have enough, and we don't have a plan for how to do with that. But with your support, I think that, first of all, I think it would be very helpful to help us.

[02:14:27] They're all across the county. There are all sorts of little efforts going on to try to understand what the various interest groups are that are pulling this together. It would be helpful if the county would help us organize that when the time comes, when there's actually actual applications that come to the SEC rather than having a divided effort.

[02:14:43] And I think it would be helpful if we had the data centers as part of that conversation because I think they need help in this conversation as well. It shouldn't be a divide and conquer. With your support, we might persuade the SEC to consider newer technologies that would not only remain in the existing rights-of-way, but also provide even more power to the data centers that they need as that sector grows, while actually reducing the impact on the surrounding communities.

[02:15:06] This can be done. There are answers, but the industry always goes for the lowest possible cost in the shortest possible time, because that's what the regulators demand. We have to push back. Thank you. Thank you. I want to remind everyone that we will be doing two things, well, not more than two things, but we'll be doing a ZOM, a rural ZOM, and a comprehensive plan discussion around the data centers.

[02:15:35] And with that will come a lot of discussion about power lines. The day's public comments really should be more focused on the zoning ordinance rewrite. And I am loathe to stop anybody as you're giving public comments because, you know, this is your time to do that.

[02:15:53] But it is actually part of our rules of order that public comments have to be about things that were publicly advertised. It's just, it's literally what we, we don't have an option but to do that. And so I'm going to ask that you try to craft your comments regarding the zone in ordinance rewrite.

[02:16:14] because I don't want to have to stop anybody from speaking. Thank you. Good evening, Mr. Van Flack. After you will be Gladys Lewis and then Hiba Salah, I think is the name. Good evening, sir. Good evening, Chair Randall and supervisors.

[02:16:32] I'm Chris Van Black, farmer from Lovettsville, past president of Farm Bureau, and a member of way too many local community organizations. I come to you tonight both frustrated and hopeful. I'll lead with the bad news, because that's always a good strategy.

[02:16:48] I'm frustrated because after more than three years of work on the zoning ordinance overhaul, what we thought were many of the small fixes we had in the ag community and had advocated for have still not been addressed. I can't think how many REDC ZOR ad hoc meetings, one-off Zoom meetings with county staff, Farm Bureau ZOR input sessions, and emails to you all and your staff, where we've discussed our need for small changes with big impacts, like reasonable allowances on on-farm ag processing, equine use definitions and regulations supported by the Loudon Equine Alliance, and a concise, simple definition of farm, which would help us a lot at Loudon Soil and Water.

[02:17:28] We've struggled unsuccessfully to get these low-impact changes in the ordinance. We also still await the Prime Soils Cluster Zoam, which originally was meant to be folded into this final version of the

overall ZOR. The latest delay of almost three months on the Planning Commission has not changed the fact that we can protect at least 70 percent of prime ag soils and cluster subdivisions while not harming easements or land values. So why am I hopeful? Because I think you all know these things are important items to address because they get to the things that makes Loudoun an awesome county. Our amazing local farm products from all the folks out here in the green

[02:18:05] shirts sold to our neighbors, our open spaces, trails, and our markets for everyone in the county to enjoy. So to keep those amazing things amazing, I ask that you fast track and prioritize the Western Loudoun ZOAM and complete the Prime Ag Soil ZOAM now. Because we love our community and because we're gluttons for punishment for coming to lots of meetings, I know our livestock and horse farmers, our grain producers, our grape and fruit growers, our cut flower farmers, our nursery producers, and our veggie farmers will be ready to participate in your work sessions and once again confirm the input that we've already provided.

[02:18:43] And like others have said, let's not reinvent the wheel. There's a lot already out there. So even though our priorities all seem to miss the Zor boat, we love our community too much to give up. So thank you all, and for better or worse, I'll see you for the ZOAM.

[02:19:05] Thank you. Thank you very much. Gladys Lewis, followed by, I think it's Hiba Salah. Say it again. Hiba, I'm sorry. And then that would be followed by Byron Turner. Good evening, Ms. Lewis. Chairman Randall and members of the board, my name is Gladys Lewis, and I'm here representing tonight several hundred residents of Western Loudoun who belong to one of six garden clubs whose names you have, I think, before you.

[02:19:31] We're asking you something I don't think you want to do tonight, and that is to revise the sign size allowed on our major roads from 40 square feet to 20 square feet in Chapter 8 of the ordinance. Simple change, just two numbers changed from 30 and 40 to 20.

[02:19:49] everyone breathes a sigh of relief when they come into Loudoun. It's beautiful. And this beauty alone brings people here to take part in our rural businesses. Now, Mrs. Randall has suggested that she would make this change later this spring in 2024. But in the meantime, people would be able to put up 40 square foot signs. I want you to think about the property, the road route 50 between Aldi and Middleburg. There are four wineries. There are several bed and breakfasts. I don't know. They're probably, I think there's a vet. They could all theoretically put up 40 square

[02:20:28] foot signs. So think about right in the middle of a bunch of very elegant homes. So think about that drive as you're going down. Instead of seeing homes, you're seeing 40 square foot signs in that whole short distance. Please make this tiny change tonight before please approving the zoning ordinance that's written. Thank you. Thank you. Ms. Lewis, just out of respect for you and the desire just to be very honest, I actually didn't just suggest that I put that forward in a motion. The motion did not pass. What you asked for, I put forward in a motion. The motion did not pass because people believed, and I understood that, that it would be appropriate to do it in

[02:21:07] the rural ZOM. And so we are not going to do that tonight. We would do that in the rural ZOM. Having said that, I am hearing you. We are hearing you saying, do not recreate the wheel. All the information's there. All the public comments is there.

[02:21:22] You don't have to do it all over again. We are hearing that too. But I will tell you that what you're asking for was already put in a motion and did not pass. Thank you. Thank you. You're ready. We're ready. Brian Turner.

[02:21:38] Thank you, Madam Chair and Board of Supervisors. My name is Hiba Salah. My family and I moved from Percival to Bluemont last year. We purchased our Blue Map property six years ago with a plan to move out of the Percival Gateway Kingsbridge area due to a massive development directly behind the house.

[02:21:56] When we bought our house in Percival, it overlooked what used to be Coal Farm before it turned into Percival Gateway Shopping Center. It was a very trying period in our lives as we lost the battle against development, and we had to endure noise, air pollution, and loss of privacy for about seven years.

[02:22:15] One of the reasons why my family and I were drawn to the Western Loudoun area is the scenic views and the preservation of farm, rural, historic, and agricultural areas. Now, just one year moving to Bluemont, we are facing similar issues with commercial use in a rural residential area with the operation of the wedding venue that Karen had mentioned earlier.

[02:22:38] Now, I have to say, I've only been in the Bluemont area for one year, So, and I'm just joining the conversation and seeing a lot of people that I haven't seen in a really long time. And so, you know, hearing what the board has discussed tonight about different uses, specifically with data centers and hearing the history of it, it's very positive.

[02:23:01] So just to kind of continue on, the wedding venue, since we've moved in, we're now dealing with noise from the wedding venue, which is audible inside our house. The wedding venue is right behind our property, up Ridgeside Road.

[02:23:21] We have three children. We moved out to the country so that our children can walk around all of the gravel roads without any kind of hesitation. I think that we have a problem now, and I'm looking to work with the board on the new zoning ordinance that's going to go in.

[02:23:40] It sounds like we're all on the same page, so whatever I can do to help with these efforts, but just wanted you all to know that I would really like to see Western Loudoun continue looking rural. I'm from Fairfax County. I've seen all the development happen in Fairfax County.

[02:24:00] I saw it in Percival as well, a little under 10 years. Percival is also becoming very developed. I didn't move out to Western Loudoun. I could have just stayed in Herndon if I wanted to, but I moved out here because it's beautiful, and I would like to see it continue that way.

[02:24:16] Thank you very much. Thank you very much. Appreciate it. Brian Turner, followed by Tim Teague, followed by Molly Peacock. Good evening, sir. Good evening. Madam Chair and members of the board, as many of you know, my name is Brian Turner. and I'm the general counsel to the Landstown Conservancy.

[02:24:34] You'll notice that some of the attendants are wearing green. I didn't coordinate that with the agricultural people, but they are also in support of Landstown's in support of the passage of the zoning ordinance with oversight of the data center industry. When the conservancy established a task force to investigate the proposed new transmission lines through Route 7, we were not aware of just how dire a situation our community was facing with regard to data center power consumption.

[02:25:02] These towers and high-power voltage lines are now proposed all over the county. We learned that, unfortunately, the catalyst of these new transmission towers is the driving demand of data centers. We believe that the zoning ordinance rewrite strikes a good balance that will permit data center industry to continue to thrive, but will limit unbridled construction in residential neighborhoods.

[02:25:23] While there are many benefits to be derived by having data centers in Loudoun, they don't belong everywhere. Lansdowne's covenants restrictions have deterred data center construction in Lansdowne, and we support the county's zoning amendments that will augment land status restrictions on construction there.

[02:25:39] Thank you. Thank you, Mr. Turner. Tim Teague, followed by Molly Peacock, followed by Emily Southgate. Good evening. Good evening. I am addressing the power line issue.

[02:25:56] I'm Tim Teague. I'm a marriage and family therapist. Nineteen years ago, we purchased a badly neglected horse farm in Waterford. Five and a half years ago, our only son died of an accidental opioid overdose. Not until two and a half weeks ago and I saw the proposal for these new lines that I feel anything of a great shock.

[02:26:16] The two don't really compare, and yet this proposal has caused such distress in me especially, but others around us. Can we stop Mr. Teague's time for a second? Yes. Teague, I'm sorry. With due respect, are you going to address anything on the zoning ordinance rewrite or just the power line issue?

[02:26:35] I am just going to address the power line issue as far as the health issue. Okay, so I appreciate what you're saying, and I really do appreciate that. But when we advertise something to the public for a public hearing, the comments should be, and I think must be, about the issues that we've advertised for the public hearing.

[02:26:58] And the power line issue alone is not about what we've advertised for the public hearing. We will get there. We will have multiple discussions and probably public hearings about the power line issue. But if you're not doing anything in the zoning ordinance, I'm going to ask you to yield the floor to the next person.

[02:27:18] Okay. Thank you. Molly Peacock, followed by Emily Southgate, followed by John Benedict. Good evening. Good evening, Board of Supervisors. Molly Peacock here, fellow task force member with Brian Turner, Marianne Mueller, and others, standing up for Loudoun homeowners and citizens against overpaced industrialization of our beautiful county.

[02:27:45] And let me say, as a HOA lawyer by trade, it's really, I think, very constructive. And I would join and associate with, I think it was Bill Jenda, who said having positive feedback to go along with the negative, I think is a very good way to proceed, even though it takes time.

[02:28:04] So getting right to the point. While the catalyst for our task force was the sudden proposal of massive power lines carrying at least 730 kilovolts through residential areas for eight miles, the task force's review has revealed a bigger problem.

[02:28:21] That is, of the incompatibility of Loudoun's goals of appreciating its rich history, seeking to be a prosperous, inclusive, equitable, and sustainable community versus the clash with the proliferation of a certain technology industry, which is data centers.

[02:28:40] This county's status of having double the number of data centers as Silicon Valley may make some organizations prosperous, but it does so at a cost, and more residents are waking up to those perhaps unforeseen costs.

[02:28:56] Can we stop for a time, please? Yes. Hi, how are you? Yes, getting to the point of the ZOAM. okay yes ma'am so what does this have to do i'm jumping ahead what does this have to do with the zoe am okay a primary priority for the board as recommended by the planning commission is to emplace data center environmentally environmental sustainability policies and standards and a review of this proposed zoning amendment suggests that the amendment seeks to curb the proliferation of data centers especially in residential areas as such we support same and support the Board's vote to amend the zoning ordinance accordingly.

[02:29:34] Thank you. Thank you. Thank you very much. Emily Southgate, followed by John Benedict, followed by Georgian Overman. Good evening, ma'am. Good evening. And I signed up to speak for myself, but I've since talked to the Board of the Piedmont Chapter, the Virginia Native Plant Society, of which I'm president, so I'm speaking for that society.

[02:29:58] And basically, first, I just want to thank everyone for all the work that you put into this. And as people have said, and I just, the give and take was so important in this, where some things we got we wanted and some things we didn't and so on.

[02:30:15] And to me, that's what participatory democracy is all about, is coming in and talking and giving here and giving there and coming up with something quite good, which I think you've done. And basically, I have to mention, I'm really pleased with the requirement for native plants in developing and also removal of invasives.

[02:30:37] But other than that, I don't want to go on too much. I just want to second everything Michael Myers said. So I think I can yield the rest of my time. There's no point in my going on. But I just want to thank you, and I look forward to working with you on the continued ZOAM and CPAM.

[02:30:57] Thank you, ma'am. Thank you very much. John Benedict, followed by Georgianne Overman, followed by Robert Pollard. Good evening. Good evening, and thank you for the opportunity to speak with you and for hearing everyone here.

[02:31:12] I'm John Benedict, live outside Middleburg. You know, like many people, I'm a little disappointed that the zoning rewrite wasn't more aggressive, you know, in protecting Loudoun heritage and the environment, curbing the excesses of development. But there are different views, and the most important is that we all recognize it's essential to get this done.

[02:31:35] And even if it's imperfect, it's a good effort and should be approved. So I join virtually everyone in encouraging you to adopt the measure while acknowledging more work is to be done. You know, the draft includes some good elements.

[02:31:52] It has protections for stream and major waterways, steep slopes and ridges, and sensitive areas. It should help reduce the loss of forest and environmental features to development. It increases some building setbacks in screening and includes modest improvements in design standards for data centers.

[02:32:08] And it changes by right zoning to special exception for data centers in office park areas. Also, I'm pleased that the rewrite recognizes the importance of dark skies standards for exterior lighting. The board's previously committed itself to protecting rural Loudoun's dark skies.

[02:32:26] But ironically, perhaps the worst offender against dark skies tends to be county governments themselves, at schools and athletic facilities and parking lots and government buildings. So I'd ask that as this goes forward, the board should make it a point in all decision making to limit its own impact on dark skies, especially in the rural West, where the effects of lighting are most acute.

[02:32:50] And an example of that, by the way, is Mickey Gordon, which should stay rustic. Now in the next phase, we've still got high priorities, which include, as we've heard tonight, data centers and the related power needs and transmission routes, as well as high intensity rural economy uses.

[02:33:09] And we look forward to, you know, good work on those as high priorities. I mean, Western Loudoun in particular is a special resource that needs protecting, and we look forward to working with the board to move forward on those goals. Thank you very much. - Thank you, sir.

[02:33:25] Okay, George Ann Overman, followed by Robert Pollard, followed by Kathleen Hughes. - Hello again, my name is George Ann Overman. I want to comment about a section of the Zoning Ordinance Rewrite called Adaptive Reuse. It's intended to foster historic preservation, but there's a provision in the regulation that has absolutely nothing to do with historic preservation, and in fact, it doesn't apply to historic properties.

[02:33:50] Under this provision, the use of any building that is 50 years old or older cannot be changed unless the owner proves to the zoning administrator that the building is functionally or economically obsolete. except for buildings that are in historic districts or individually listed as historically on the National Register of Historic Places, or except for properties that have been vacant for 25 years.

[02:34:19] There are required factors to prove obsolescence, past and current vacancy use, existing and previous uses, structural condition, the ability of the structure to be retrofitted to a new use, and real estate market conditions.

[02:34:36] The regulation requires owners to pay for this market analysis. It's only after overcoming the obsolete hurdle that historic preservation requirements are then imposed, and these are costly and burdensome to the owner.

[02:34:52] I submit the zoning ordinance should not be used to prohibit changes of use that are otherwise allowed simply because the building's current or former use is not obsolete and the building happens to have been built in 1974 or older.

[02:35:08] I recommend that Section 4.09 be removed from consideration for this particular vote tonight and sent to a separate ZOAM. Thank you. Thank you. Robert Pollard, followed by Kathleen Hughes, followed by Charlie Van Flack, which, unless that's just Chris by a different name.

[02:35:32] No? Okay. Good evening, Mr. Pollard. Good evening. All right, Chair Randall, members of the board, I'm Bob Pollard. I'm speaking on my own behalf in this case. First, a big thank you to the board, the staff, and the community for all the hard work you did to complete the ZOR.

[02:35:52] I hope that this board will prioritize the rural Loudoun and data center exercises next year. I do want to focus for a moment on data centers because I'm concerned that neither the ZOR nor the proposed

ZOM will address all of the many costs that this industry imposes on Loudoun.

[02:36:09] Data centers are driving up the cost of living on everything from land to electricity. Their dominance in the local economy impedes diversification. They are gigantic energy hogs, and our addiction to them for tax revenues could put our fiscal future at risk.

[02:36:28] Meanwhile, new power lines, as you know, are tearing up the landscape with no end in sight. First it was east, now they want to cut through Waterford. Soon, thousands of residents, including yourself, will find huge new electric pylons or data centers larger than Walmart super centers staring at them in their backyards.

[02:36:50] And guess what? Not only do the data centers not pay for these power lines, costing billions of dollars, but neither they nor the power companies have to compensate residents for property losses. All this seemed to happen quite suddenly with little citizen input, partly because decisions were made over time in separate policy silos.

[02:37:13] Land use zoning and standards, taxes and budget, energy and environment. Clearly what we need is an integrated approach. True, the county can't do everything, but we can push data centers to grow in place. We can restrict rezoning, set higher standards, require environmental reporting if industry won't self-regulate.

[02:37:35] We can also reserve surplus revenues in boom times toward debt reduction and infrastructure projects. And maybe it's time to think outside the box. Perhaps join other counties to lobby the state legislature and the SEC on the siting of power lines and who has to pay for it.

[02:37:54] Now, some may ask, how are we going to pay the bills if the data centers go away? Well, they're not going to go away anytime soon. If we hold county spending to sustainable levels, we can reduce our dependency so that if and when they do leave, we'll be in good shape.

[02:38:09] Thank you for listening, and happy holidays. Thank you, Mr. Pollard. Thank you very much. Kathleen Hughes, followed by Charlie Van Flack, followed by Tia Ehrman. Kathleen, Ms. Hughes, Kathleen, you here? I don't think I've seen her, actually.

[02:38:26] Going once, going twice. Okay. Charlie Van Flack, followed by Tia Ehrman, followed by Matt Binder. Good evening. Good evening, Madam Chair. I have no idea who Chris VanVleck was until I had to randomly sit down with him tonight.

[02:38:42] But I don't appear here as his father, although I am. But I come tonight as a member of Farm Bureau also for the last 15 years, a resident of the county. And I speak in support of what you've done so far.

[02:39:00] But my primary focus will be looking ahead to the amendments in the ZOAM for western Loudoun County. A lot of work remains undone. There are commitments made that we're going to move ahead. But I would encourage you to put high priority on the ag stuff and the other western Loudoun issues that are before you because most of them were left out of what you're going to approve tonight.

[02:39:29] so things like prime soils a huge issue because once they're gone they're gone and the agricultural processing issues you have a burgeoning agricultural industry around supplying local needs and if they don't have processing capacity they're not going to be able to flourish and so that whole

collection of issues which you have sort of bundled to be done in 2024 I would just urge you to put it near the top of the list.

[02:39:58] I think they could be done. A lot of work has been done. So thank you very much for what you've done. I hope your ZOAM is approved tonight or the existing one is approved, but you need to continue to move ahead. Thank you. Thank you, Mr. Benflak, and thank you for raising the only person in Loudoun County who can make mutton chops look good.

[02:40:22] You hit my mouth when you said that. You hit up my nose. Tia Ehrman, followed by Matt Binder, followed by Mary Ann Mueller. Good evening, everyone. For the record, my name is Tia Ehrman, and I'm speaking this evening on behalf of Loudoun County Farm Bureau and the hundreds of producer members we represent.

[02:40:45] I'm joined this evening by a wide variety of farmers, all in green, and want to emphasize that our board is a reflection of the farming community in Loudoun County. And I will tell you, we are the youngest, most diverse, most energized board in the entire state. um and we have all of these lovely farmers behind us to thank for it um in anticipation of how brief the window to speak this evening was going to be i emailed you all my comments this afternoon um i thought that might be preferable to me speed reading um i will second what my fellow board members fellow farmers and part organizations have already said this evening um i'll just mention a few things that haven't been covered obviously i want you to prioritize the

[02:41:25] rural zoom please and when we begin work please ensure that any work groups or committees are inclusive of the very broad array of agricultural industries operating in Western Loudoun today. And please recognize the depth of input we have basically sitting on a shelf right now, unutilized, from the last three plus years of people giving public input. It was gathered, it was vetted, it's all there. Don't start from scratch and extend what's already going to be an extremely lengthy process. I heard Supervisor Turner mention fast-tracking issues for a single western loud and non-agricultural industry tonight and i'm wondering

[02:42:03] are confused why that one why not the issues that equestrian facilities are dealing with or farms that want to hold on-site dinners or wineries that want to serve their patrons food why are farms always the last one on the list to get our issues addressed all of those businesses face major regulatory hurdles that are above and beyond what non-agricultural businesses face in Western Loudoun. We've been raising these issues for years. We would really like this to be fast tracked and addressed in a timely manner. Let's see, several minor issues from the adjustments we were able to make. I flagged and emailed the ag processing. I think a couple of them were

[02:42:42] literally just mistakes, but that would be something that if there is going to be an internal ZOAM going on to kind of correct mistakes, I'd like them to find their way onto that list to do with the terminology for who can do on-site ag processing. It kind of cuts out people leasing other people's property, which was the point of why we asked for the adjustment to start with.

[02:43:04] So I'm guessing that's not on purpose. I'll close by asking you to please complete the rules. Am I out of time? You are out of time. Sorry about that. All right. We did get your comments, though. Thank you very much. Matt Bender, followed by Mary Ann Mueller, followed by Bill Hatch.

[02:43:22] Good evening, sir. Good evening, Madam Chair, members of the board. My name is Matt Bender, and I represent the Community Foundation for Loudoun and Northern Fauquier Counties and our Workforce Housing Now campaign. I'm here this evening to express our support for Chapter 9 of the Zoning Ordinance Rewrite as it stands, and I also want to extend our gratitude for your collaborative efforts in involving stakeholders and subject matter experts to develop a balanced and thoughtful document.

[02:43:52] It is through collaboration that we can ensure voices of our diverse community are always heard and considered. We appreciate your work to strike a balance between progress and preservation, fostering a vibrant and sustainable future for Loudoun County.

[02:44:08] We also extend our gratitude to the dedicated stakeholders who invested their time, expertise, and passion to help shape Chapter 9, ensuring its positive impact. In the midst of our community's continued growth and prosperity, it's crucial to remain mindful of the ongoing need for affordable housing.

[02:44:27] Affordable housing is not just a basic necessity. It's a cornerstone for ensuring that individuals and families from all walks of life can call Loudoun County home. As we approach the holiday season, I wish you and your families well. Thank you for your time and commitment and your service to Loudoun County.

[02:44:42] Thank you, Mr. Bender. Marianne Mueller, followed by Bill Hatch, followed by Peter Weeks. Good evening. do i get his extra minute my name is marianne mueller i am part of the lansdowne woods uh neighborhood and i'm on the no towers on seven task force good evening members and madam chair i've lived in the washington metro area for 40 years when i moved to lansdowne five years ago i

[02:45:16] had no way of knowing from the county comprehensive plan or zoning ordinance that i would be moving from inside the beltway to a residence located next to what may now become an industrial corridor with data centers pressed up against Route 7, massive substations, a spider's nest of power lines, and of course the Dominion-proposed 140-foot towers and lines. Tyson's Corner's traffic by comparison suddenly doesn't seem so bad. I'd like to thank the board and the staff for the excellent work you're doing on the ZOEM, which we support.

[02:45:54] I do want to make a comment about continued work on the data center industry as well as their energy requirements. I have come to call it the data center industry because it is an industry. All you have to do is go down Crosstrail Boulevard, Cochran Mill Road, Loudoun County Parkway, and see the massive substations and power lines there that basically once scar, now scar a once, you know, picturesque countryside.

[02:46:24] The industrial infrastructure that company's data center does not belong next to scenic river easements, historic slave cemeteries, or neighborhoods. To continue to allow their unbridled expansion without an appreciation for the massive infrastructure they require would be irresponsible.

[02:46:46] Thank you very much for your work on the ZOAM tonight. I do hope that it passes. And I look forward to continued and reasonable strategic approach for data center development in Loudoun. Thank you. - Thank you.

[02:47:03] Bill Hatch followed by Peter Weeks, followed by Pamela Jones. Good evening, Mr. Hatch. - Good evening, Chair Randall and the board. Thank you very much, Bill Hatch. We've been farming here

for many decades. I think most of you know that. We grow grapes, wine, and grass-fed Angus and lamb.

[02:47:21] We're able to keep farming because of direct-to-consumer markets and agro-tourism. I am in favor of the ZOAR and look forward to the ZOAM. And I think that they promote continued economic growth in Loudoun County, which I believe in in all sectors, and keep the landscape beautiful, which we need to do.

[02:47:43] And there are alternatives to the big power lines. A lot of people have spoken about that. I just endorse it, and pause to make updates to the comprehensive plan so that we can address these big structures.

[02:48:00] I'm also in favor of prime soils, and that is the key to preserving our farms, landscape, quality of life for all Loudoun. And we've worked very hard to keep our land green, and so please help us to continue to do so. Thank you. Thank you. And Mr. Hatch, thank you for all the assistance you've been over the past couple of years, and thank you for all the information on the invasive species and all the times you've spent talking to us. I appreciate you very much. Peter Weeks, followed by Pamela Jones, followed by Avers Renshaw. Good evening. Good evening, Chair Randall, supervisors. A pleasure to be here

[02:48:34] tonight after all the hard work that's been done, seeing an end, also a beginning in other respects. My name is Peter Weeks. I'm president of Friends of the Blue Ridge Mountains, And mountains haven't been mentioned tonight, but there have been references to steep slopes and other things that are very important if we're going to keep the mountains and preserve them for not only ourselves, but future generations.

[02:49:03] first of all i want to thank uh county staff uh to me it really was remarkable how open they were to going line by line through the entire ordinance and uh showed some deep thoughts and made sure that whatever we were going to be representing would be legally defensible in other words just not pie in the sky ideals but actually practical stuff that we could do. Back when our

[02:49:42] friend Charles Rudd was active and I remember him encouraging the planning commissioners to propose precise plan amendments for more stringent policies to protect the mountains. We've gone a long way to achieve that. Not to say that significant challenges don't lie ahead.

[02:50:03] the new Board of Supervisors will be considering an importance OM regarding uses on the mountain. I can't emphasize enough to you how important uses on the mountains are going to affect the appearance, the environment, everything that we're talking about tonight to preserve, so also prioritize that OM as well.

[02:50:30] Madeline Skinner's mother needed to be taken to the hospital, so you won't see Madeline tonight. I am vice president of the Loudoun County Historic Village Alliance, and I want to give her a shout-out for Philomont becoming on the National Register of Historic Places and also encouraging the small area plans.

[02:50:56] Finally, special acknowledgement to the contributions by my retiring friend and district supervisor, Tony Buffington, and thanks to all of you, supervisors, for your service. Thank you, sir, and we wish Ms. Skinner's mom the best.

[02:51:12] Thank you, appreciate that. Pamela Jones, followed by Avis Renshaw, followed by Sarah Brown. Who's having a baby? Pam won't be here tonight. I was like, Avis is walking right up to me. I am not

having any more babies. Yeah, that would be a trick.

[02:51:34] Okay, so wait, Pamela Jones is having a baby. Yes. Okay, like literally right now having a baby. Quite possibly, yeah. That is very cool. Okay, Avis Renshaw, followed by Sarah Brown. Good evening, Ms. Renshaw. Good evening, board. I'm Avis Renshaw of Lost Corner Farm, and I'm here in support of both Farm Bureau's and RADC's itemized request changes to the current ZOR before approving, and then please approve.

[02:52:03] One of the issues that was raised is the issue of screening processing. I think there's a gap in knowledge between people who farm and people who don't farm, And what exactly processing is, I'm worried that a lot of you think that it has to do with meat and nobody wants to see big animals butchered or something.

[02:52:22] But in my case, the issue of screening processing could literally mean that I need to implement screening around my farm to preclude the possibility of someone seeing us strip corn in the fields. I know that sounds a little salacious possibly, but really it is not a problem to witness.

[02:52:40] And it could be an unintended consequence of the way the current ZOR states that, that we would need screening. To me, it's incomprehensible that you would want to screen a farm, because almost everything a farmer does is processing.

[02:53:03] It requires processing. Unless you are literally packing a truck in the field and having it leave, You are doing some kind of processing to what you raise. So that's that. I'm not going to get too emotional about farming, but I am very emotional about farms and farmers and farmland because they are under considerable salt right now all over Virginia, from Rockbridge to Albemarle to Clark to here in Loudoun, from solar installations to nutrient credit banking, which takes land out of farming forever.

[02:53:40] to data centers and their requirements. Putting some of the itemized issues in the XOR would make small farming uneconomical.

[02:53:57] It would put up barriers that prohibit farms from actually farming if they followed the letter of the law. And I just want the common sense stuff that we're asking for to be checked before you actually vote for that XOR. Thank you. I'm sorry. Thank you, Ms. Renshaw.

[02:54:15] Our next speaker is going to be Sarah Brown. Supervisors, are you all doing okay? Would you like a break? Because it looks like everybody's okay. I think people are stepping off the data as they need to. So I think I'll kind of try to power through here.

[02:54:33] All right. Sarah Brown, you'll be followed by John Cunningham, followed by Neal Larrabee. Good evening. Good evening. I'm Sarah Brown. I run a beef cattle farm and a small bed and breakfast south of Lincoln. I also sit on the board of Farm Bureau.

[02:54:50] I feel like we're taking a little bit of a deserved victory lap here tonight, so I'm going to say that I think that Maura Walsh-Copeland should also get a medal, as perhaps should Chris Van Vlack's mutton chops. I do appreciate the work from all sides here.

[02:55:07] I know it's been a lot, and a lot of work has gone into it, a lot of emotions and a lot of blood, sweat, and tears. That said, I'm eager to move beyond tonight into the next ZOAM that will be taken up next year, hopefully, with much haste.

[02:55:29] It needs to be prioritized. The damage is being done today. The unique resource that we have beneath our feet in Loudoun County is being eaten up today, tomorrow, and next week by septic fields.

[02:55:44] So I urge you to preserve the 70% threshold for prime agricultural land in cluster subdivisions as proposed by Farm Bureau and others throughout this conversation. As you get through that, as you get to the ZOAM process next year, rely on the vast public record that's already in place, the work that has already been done.

[02:56:10] I know it's very tempting to wipe the slate clean and start over, especially when you have some new faces behind those desks up there. But it's close. There are some small changes that have been outlined in details by others tonight that I support as well.

[02:56:31] I think that it's important right now to take a breath, rely on the vast resources from the diverse agricultural community in this county. and move forward with great haste next year but tonight thank you for the work that's been done and i thank all the people behind me who have done a lot of work too thank you thank you miss brown um john cunningham followed by nira larrabee followed by sharon hayes good evening sir good evening madam chairman members of the board i think my comments are going to be best served when

[02:57:08] you have the next action on the data center and the power lines so i'll defer most of that i just I just wanted to build on something Supervisor Turner mentioned specifically about AI. Make sure you have some SMEs at these centers because they're going to tell you that these data centers that are in place now are going to be required to upgrade the processing power for this AI stuff.

[02:57:32] It just sucks. You can't believe they got these trillions and trillions of gigabytes of data that they're going to pump through these AI machines. And these computers that do it are faster and faster. The NVIDIA folks will tell you about it. And the trouble with all that is, yeah, they're smaller, yeah, they're faster, but they need a lot more power, both to power them and especially to cool them.

[02:57:53] So this is an important thing on the AI side. Thank you. Thank you, sir. Neil Larrabee, followed by Sharon Hayes, followed by John Ellis. Good evening, sir. Thank you.

[02:58:08] It's a pleasure to be here, and thank you so much for all your hard work. It's so appreciated. I had a lot, like, eight minutes written out that is not appropriate for tonight. But I would like to follow up what my neighbor, John Cunningham, said in terms of planning for the massive amount of data center and AI that's forthcoming.

[02:58:38] And I want to place this in light of what happened. and I just read an article across the river from our neighbors in Frederick. They determined that they would put a moratorium on piecemeal zoning change requests until a comprehensive plan for possible data centers and their associated needs of infrastructure, power, sourcing, and water can be devised.

[02:59:07] And most importantly, with the welfare of Virginia's land, environment, And the affected citizenry under close watch. So that's what they are doing in Frederick. And I think that's a kind of follow-up to what my neighbor just said.

[02:59:22] Thank you very much. Well, I can tell that once we do the data center CPAM next year, we're going to have a lot of input. And we look forward to that when we do that. Sharon Hayes, followed by John

Ellis, followed by Richard Ramis. Good evening. Good evening. Thank you, Madam Chair and members of the Board of Supervisors.

[02:59:41] My name is Sharon Hayes, and I own and am the founder of Sweet Piedmont Flowers. We're a small flower farm in Waterford, and I'm here in support of the Zoning Ordinance Rewrite, but also want to recognize the work that still needs to be done to help small farmers in the amendments that you are still looking at.

[03:00:02] And in particular, the protection of prime soils, particularly on the subdivided lots that exist and are the kind of lot that I farm on. So you hear a lot about farmers leaving the field of agriculture, and we spend a lot of time in this county talking about how to preserve the agricultural landscape when those farms are left behind.

[03:00:25] But I want to let you know that I am an example of a farmer that moved to western Loudoun County, from eastern Loudoun County, but to western Loudoun County to start a farm. And I farm on a relatively small parcel that is or was a subdivision of the past.

[03:00:43] So these issues of prime soils on subdivided land are really, really important. And I urge you to pay attention to them as we move forward with future amendments. In short, we're small farmers. Our parcels, our acreage may be small, but our voices are really important in helping preserve the agricultural heritage of Loudoun County.

[03:01:05] Thank you. Thank you. And John Ellis, followed by Richard Ramis, followed by Kim Hart, who just walked out. But when he comes back in, I'll make sure he gets a chance to speak. Good evening, sir. Good evening, everybody. It's good to see you. Thanks for powering through. And I hope after we're done, you'll have a wonderful holiday season.

[03:01:24] Thank you. There's been a lot of talk about unintended consequences this evening, and I want to talk about that, too. So I apologize for using the same phrase. And specifically, Save Roll-Along wants to encourage you to look very carefully in the next term at all the unintended consequences of buy-right zoning.

[03:01:44] When the county zoned for rapid population growth in the early 2000s, did it intend to triple its operational spending and did it intend to increase its capital appropriations by 1,000 percent? When it tried to get off the fiscal hook by leaving in place a zoning ordinance that allowed a massive amount of buy-right data center development, did it intend to build huge new power lines through suburban neighborhoods and western historic districts?

[03:02:11] And did it intend that Dominion will have to double our electricity rates to pay for all that? When it left in place a zoning ordinance that allows for dozens of buy-right cluster subdivisions along Route 15 and Route 287, did it intend to create traffic jams in Luckett and Percival and the rest of the rural policy area?

[03:02:32] When it approved dense subdivision development around Round Hill and Waterford, did it intend that taxpayers would have to bail out the towns when their water systems failed because there were too many residences in the area? We appreciate very much that the board is now taking some steps to rein in by right data center development.

[03:02:51] Unfortunately, from our perspective, there doesn't seem to be a similar recognition about the unintended consequences of buy-right residential development. Unless something is done about this, we can look forward to one more crisis after another in the future. Please consider the burdens that citizens and taxpayers have to bear for buy-right residential development.

[03:03:15] In the coming term, so we ask you to rein in both buy-right data center development and buy-right residential development. Thanks very much. Thank you. And have a wonderful holiday. And you as well, thank you. Richard Ramis, followed by Kim Hart, followed by Matt Leslie.

[03:03:32] Matt, he's done, okay, good evening, sir. - Good evening, I'm Richard Rasmus of Hamilton. My wife and I own a 22-acre farm near Hamilton Station Road. It's been in the family nearly 40 years. Like many of the other speakers, I want to support the passage of the Zohar and also to encourage the prioritization of the ZOAM and CPAM activity, especially with respect for high intensity uses, especially those that are requiring Virginia ABC approval and of data center operations.

[03:04:10] I've spoken here before about discovering two years ago that a brewery operation will be built 1,000 feet from our front porch that'll have a capacity for 268 cars and eight buses. Quite a surprise because the parcel of land designated as having buy right status for such a brewery and applications like these have been grandfathered as part of the process there's not much that you or my neighbors can do about that but on behalf of other people in the county who may not have this yet planned in their backyards I want to encourage the

[03:04:47] prioritization of at least dealing with the the zoning issues around that more More recently, we've received more bad news that thanks to Loudoun County's unchecked growth and data centers, new transmission lines are slated for construction parallel to Hamilton Station Road, and in many cases, cutting through other farms and historic properties.

[03:05:08] We have enough farm breweries and enough data centers and enough high-intensity uses in Western Loudoun. I'm disappointed that more hasn't been done, but I appreciate the compromise and the hard work that's gone into this process. I was a little dismayed, and I'm not sure that I'm clear about this, but about an item on the agenda, to sell a property for use as a data center, I'm not well informed enough about that, if that's on the agenda.

[03:05:39] If it's to encourage another data center, I would just echo the things that other people have said about the aggregate result of more and more data centers really putting us in peril in terms of both new transmission lines, and just the capacity. And so finally, I'd like to thank the board for all the hard work.

[03:06:00] I know it's been many, many, many hours, not only the board, the staff, and all the other people who have participated, and thank you for your efforts. Thank you, sir. Kim Hart, you will be followed by Casey Gustovero, followed by Theo Stamatis.

[03:06:17] Good evening, Mr. Hart. Good evening, Madam Chair and members of the board. I'm Kim Hart, Managing Partner of Good Works, and I build attainable housing. Well, here we are. Who'd have thought? I really do want to thank county staff for just an awesome amount of work.

[03:06:38] We've done plenty of battles together, but I want to thank you for an awesome amount of work, honestly. I'd also like to thank the Planning Commission for a tremendous amount of work. They were great. But really, most importantly, I want to thank you, Madam Chair, and Supervisor Turner and Supervisor Turner and Letourneau for your personal involvement in calling together to the face-to-face

work sessions that we saw over the last three months that really facilitated the compromises that were necessary to end up with the workable document that we have tonight.

[03:07:12] I really want to support what Bill Junda said earlier. Let's build on what we learned about that process over the last three months. That was really, really something. Let's build on that. And to be clear, I support the passage of the zoning ordinance that you have in front of you tonight.

[03:07:29] And yes, Supervisor Umstead, we did get enough modifications agreed to that the PUD now has its useful place in the ordinance. So that was fixed. So thank you for bringing that up. I have three priorities to bring up as we go forward from here.

[03:07:46] When you cycle back through the amendments to the Comprehensive Plan, first, maximum densities for attainable housing just still aren't high enough. We need to go higher if we're going to make it get anywhere near the goal. Second, if you continue to focus density for attainable housing in the suburban compact neighborhoods, the quarter-mile criteria has to be fixed or done away with because it's just going to kill attainable housing.

[03:08:13] So that was rightfully set aside in this round, and when you get back to it, we really need to look carefully at that. And finally, this draft ordinance that you have in front of you has increased the size of the stick, but we still don't have any carrots. The stick got bigger, the percentages are higher, but as to carrots, bonus density hasn't ever worked and it still won't, so let's look for some real opportunities to put in some incentives.

[03:08:40] My personal favorite at the moment is let's talk about expedited review in exchange for a whole lot more attainable housing. I think that's something we could do, but for now, congratulations on completing this first step. Well done. Thank you. Mr. Hart, really, my gosh, I don't know if so many people worked with us, but you were just incredible through the whole process, so thank you so much. Okay, Casey Gustavaro, followed by Theo Stamatis, followed by Robert Wilber. Good evening. Good evening. Thank you. My name is Casey Gustavaro, and my wife and I own Fireside Farm, based in western Loudoun.

[03:09:16] We grow vegetables and grain organically and have been farming for 15 years. Three years ago, we moved back to Loudoun County from Rappahannock County near Shenandoah National Park to start our own business. We moved from a beautiful and very rural county which has zoning codes which are very protective of farmland and open space. But we came back to Loudoun because it is also beautiful and knew that we could access land with prime agricultural soils here. This was because we had connections to a vibrant community of supportive farmers within the county. We also knew that we would be closer to potential customer base located both in western and eastern Loudoun and

[03:09:53] currently a majority of the food that we grow finds its way into the homes of Loudoun residents. We lease land from Potomac vegetable farms and work in a neighborhood of wheatland which includes four other working farms. When looked at as a group, these five farms produce healthy food for hundreds of Loudoun County residents, employ dozens of people and provide many environmental and environmental and social benefits, beneficial services for the community. We are part of a fabric of a thriving rural economy that supports its residents in many ways. In my vision, there

[03:10:28] would be many more young farmers that would want to come to Western Loudoun and set up shop to access the prime agricultural soils here and feed the local population. Loudoun County is blessed

to have some of the best agricultural soils on the East Coast and once served as a breadbasket for the region. In a world where supply chains are unreliable, fuel and other costs are increasing, and there are more frequent climate catastrophes, we may not be able to rely on the current food system as we once knew it. Wouldn't it be beneficial to be forward-thinking and support zoning measures which preserve prime agricultural soils and foster a vibrant rural economy and

[03:11:05] support rather than hinder regenerative farms that can build a strong local food system? Once the board moves forward with the Western Loudoun-focused zoning ordinance amendment, I implore you to take the recommendations of the Farm Bureau and include at least 70% Prime Ag soils protection when land is subdivided in AR1 and AR2 zoning districts in rural Loudoun.

[03:11:33] Once Prime Ag farmland is bulldozed and developed, we will never get it back. I also encourage you to remove the new buffering and setback requirements. I think my time is up, but I just would like, yeah, all the Farm Bureau... You can feel free to send us, please, in fact, please email us those comments.

[03:11:52] Tell me one more time which name of your farm. Fireside Farm. Fireside Farm. All right, thank you. Please email us your comments. Okay, thank you. Representing the Loudoun County Chamber of Commerce, Theo Stamatis, followed by Robert Wilbur, followed by Sierra Principe. Good evening, sir.

[03:12:08] Good evening. Before I start, I want to associate my comments with Bill Junda, Kim Hart, and Jill Norcross, who spoke earlier this evening. Good evening, Madam Chair, members of the Board. My name is Theo Stamatis. I'm the Government Relations Manager for the Loudoun Chamber. On behalf of the Board of Directors and more than 1,000 employers and entrepreneurs of the Loudoun Chamber, I would like to express our thoughts on the final ZOR document that is now subject for approval this evening.

[03:12:34] I first want to take this opportunity to thank the Loudoun County Board Supervisors, led by Chair Phyllis Randall, for dedicating significant time to meet with the members of the Loudoun Chamber and other business organizations to work on improving the draft zoning ordinance. And as my friend Kim Hart would say, we are all exhausted throughout this process.

[03:12:54] We also want to thank Loudoun County staff for their willingness to work with the business community on these issues over the last several months. The local governing body and the business community made improvements to the draft document in areas such as affordable attainable housing, battery energy storage, grandfathering, non-conformities, and more. Another example included the desire to ensure that countless moving parts in the zoning ordinance revisions were harmonized as much as possible with the short time allowed. Going forward, our collaboration should include addressing the residual challenges with the policies that will be adopted by this board this evening and new areas the board has signaled it will address

[03:13:31] next year those include areas include the data centers oam cpam discussion policies impacting our commercial real estate sector and addressing any unintended consequences that we discovered during the implementation of the new zoning ordinance on behalf of the chamber i encourage the board to continue our collaborative approach to addressing these and other important remaining zoning issues in the future. When we work together as stakeholders, Loudoun's economy and our community as a whole will remain healthy, vibrant, and strong over the next decade. The Loudoun Chamber and the business community are steadfast and ready to roll up our sleeves and work on

[03:14:09] improving the zoning ordinance in 2024 and beyond. The Loudoun Chamber and its members who have dedicated their time and energy to review this document deeply care about this county, love this County and want to see it prosper going forward. Thank you for hearing the Loudoun Chamber's perspective on this matter. Thank you for your service to our Loudoun County community. Happy Holidays and to Supervisor Buffington, thank you so much for your service. Thank you. Thank you, Mr. Tomata. Thank you for all of your help and all of your connection to so many business entities in Loudoun County.

[03:14:41] Robert Wilbur, followed by Sierra Principe, followed by Sharon Buchanan. We're down to our last ten speakers, everyone. Good evening. Good evening. I'm here tonight to add another voice to echo what has already been said a lot about the great things that have already been done for conservation in this zoning ordinance rewrite, including native plants, protection for wetlands, and many other things.

[03:15:07] I'd also like to echo some of the points that have been brought many times already about looking forward at future zoams, especially looking into the rural west. I'd like to, in particular, echo the comments made earlier by Chris Van Vlack, especially addressing things like ag processing, problems faced on equine operations, as well as, in particular, for us at Soil and Water, the definition of farm.

[03:15:32] I'd also like to put my support forward for the prime soils ZOAM and the conservation of that 70% prime soils, especially in those small subdivided lots that I see regularly every day. I'd like to then just be able to pile on again.

[03:15:51] Thank you for all the work that's gone into this, and I look forward to what comes next. Thank you. Sierra Principe, followed by Sharon Buchanan, followed by, oh, Tina Chalm.

[03:16:07] Good evening, good evening. Howdy. I would just like to echo pretty much everything that everyone wearing a green shirt said so far. I'm not going to beat it to death because it's been said a lot of times, But the 70% of primag soils being saved for cluster subdivisions, that would be huge.

[03:16:27] I would love to see a great working definition of farm, and I would love to see farmers being consulted on that definition. And as you're thinking about these things, I just want to remind you that soil lost is soil lost forever.

[03:16:43] Thank you. Thank you. I got to say, I'm impressed with how many young farmers are in this room tonight. Sharon Buchanan, followed by Tina Chatham, followed by Sherry Shields. Sharon Buchanan, Ms. Buchanan, you're here.

[03:17:05] Going once, going twice. No? Yes? No? Good evening. It's good to see you. Good evening. Good evening, Chair Randall and supervisors. It takes a data center to get me to the Board of Supervisor meeting, you know, but I'm going to speak to what we're talking about today because I learned from others.

[03:17:25] I'm Tina Chatham. I'm from the Catoctin District. I live in Lovettsville on a gravel road, historic gravel road, at the base of the Short Hill Mountains. Beautiful country out there. And I came out today just to thank you all and speak in support of the Zoning Ordinance Rewrite.

[03:17:43] I was really encouraged. By the way, I've recently retired, so I did read your document, most of it, scanned your document tonight. And I was really encouraged to see the mountain overlay and

protection of steep slopes. I'm really encouraged to see those kinds of things and especially encouraged to see what you all are going to do to help do some smart things around data centers, right?

[03:18:07] The office park, I think, is a good start. One of the things that I think is going to happen with you all fairly soon after tonight is you're going to start getting those special exceptions to start thinking about. And when you do get those special exceptions, I really ask you to think about the electricity, Think about the things that we're going to talk about another time about wires.

[03:18:32] Electricity doesn't just come from the box on the corner. It comes from someplace. Also, please think about water, right? We're pretty blessed to live here. I'm a Texan. That's where this accent comes from. We're blessed to live here where we've got some water, but data centers take a lot of water.

[03:18:49] And I've learned today that I thought we had 115 data centers in the county. We have 175. Read the Washington Post article about water. It was in April. Data centers take about one to five million gallons of water a day.

[03:19:05] So, anyway, probably at time. Well, actually, no. You could talk forever since your time hasn't started yet. Oh, well, actually, I think I'm... No, no, no, no, no, no. But I think you're close to timing. You're kind of hearing off subject just a little bit.

[03:19:21] I'm just going to say I'm putting a flag on the field about thinking about water. Okay. Because, you know, data centers using one to five million gallons of water a day that's about equivalent to a town of 10 to 50 000 people so then think of that in terms of population okay and so now i've got 30 seconds um i we are the richest county we're the richest county in america that's awesome to much to whom much is given much is required and i know y'all know that we know that farmers know that those of us on the hobby farms know it too and so y'all

[03:19:58] keep doing the good work. We'll keep listening and keeping you all accountable. And you'll see me every time a data center comes up. Thank you, ma'am. Thank you. It's good to see you. Thank you. Sherry Shields, followed by Christelle Michael, followed by Jean Banish. Good evening.

[03:20:20] Hi, good evening. How are you? Don't know if you can hear me. I'm too short. I stand before you today as the new president of the Loudoun County Bed and Breakfast Guild. And my comments are in line with Georgianne Oberman with regards to the adaptive reuse section of the draft zoning ordinance, and that's 4.09. The adaptive reuse section, while well-intended, raises serious apprehensions regarding its impact on historical preservation and property owners. The broad definition encompasses repurposing structures meeting specific eligibility criteria, including those of at least 50 years old and deemed functionally and economically obsolete by the

[03:21:00] zoning administrator. The termination of obsolescence involving market analysis and potential financial burdens on property owners introduces an element of uncertainty. The unintended consequences, and yes, I wrote that before this meeting today, so sorry it's in there again, but it may discourage owners from pursuing adaptive reuse projects, hindering the preservation of our county's historical assets. Additionally, the exception for buildings vacant for 25 years poses concerns about unintentional promoting neglect, as seen in the potential conditions of such structures.

[03:21:36] Moreover, the historic preservation requirements outlined in Section 4.09 surpasses the National Register Standards. These stringent conditions may incentivize property owners to consider demolition over the complex and costly process outlined in the proposed section.

[03:21:53] So in conclusion, the Guild respectfully urges the Board of Supervisors to reconsider that section in the draft ordinance knowing that you said it's going to go through i don't know if you can do that with modification and move that to maybe a zone in the future for further discussion thank you all for your time and happy holidays thank you thank you very much okay down to our last five speakers um christelle michelle followed by jean banish followed by sam brown good evening good evening and um thank you all for being here and thank you for all your hard work the past four years on these zoning ordinances um my name is Christelle Michael and

[03:22:33] I live in the Between the Hills community which is um I don't know if anyone's familiar with that North Loudoun um Shore Hill Mountain but it's absolutely gorgeous and uh you know the mountain overlays which some people had addressed you know right now there's no developments there there's no cluster developments now there it's just gorgeous it's a beautiful place and there's generations of families that live in that community and we're blessed to have a community center and a sense of community in that area and when our when we heard of there's a bunch of new developments in landmark and we haven't had much activity in our in our valley in a long time so a lot of people

[03:23:11] in the community were you know very concerned and so we had a meeting a couple weeks ago and some of the things that you know just basic stuff that was coming up was you know well water you know we're all on well and I was actually talking to supervisor Kirshner about a month and a half ago and we were talking about with the drought some people in our area there their wells went dry you know so that was a big concern another concern was the roads of course you know we'd all love route 9 route 7 you know and then Branch River Road do we have the infrastructure to support all these new developments how is it going to affect the environment the environment you know we have a little piney run is one of the creeks that runs through all

[03:23:50] way down to potomac wayside there's thousands of people um spring summer and fall that enjoy that park and all the runoff from anything we do any developments made in in our area is going to flow into that and it's going to affect um their recreation um and you know i understand that um one of the planning commission's priority holdover projects to the western county use standards um you know was held over of course but we're looking forward to getting making that a priority and January 2024. We have a wonderful community in between the hills and we're happy to support you in that and you know and as we get involved in this

[03:24:29] process if there's working groups and things that we can do to be a part of this we'd love to to provide our feedback and and then I just wanted you know again just mention that you know we support your efforts in the holdover CPAMS and ZOAMS in January 2024 and also I had a great experience I went to your county office and everyone was very helpful and they even offered to host a meeting to kind of help address some of these issues with us. So we're very appreciative of the help that you have to offer. Well, thank you. We look forward to working together next year.

[03:24:57] Thank you. Jean Banish, followed by Sam Brown, followed by Jim Bingle. Good evening. Good evening. My name is Jean Banish, and I am one of your neighbors from New Baltimore and Fauquier County. And may I say this is so refreshingly different from yesterday's through today's Prince William County Board meeting. I admire the cooperative work that you've put into

[03:25:28] the huge tome of the zoning ordinance rewrite. Oh, and as an aside, somebody had mentioned that it's often better not to include conservation easement land in density figuring. I'm not sure where that

had occurred, but that's something good to keep in mind. I liked that Mr. Robert Pollard had mentioned the suggestion to restrict zoning. Please hold on to all the public comments and

[03:26:05] critiques because they'll be very valuable in providing input for use in January's commencement a review to do quick fixes to the zoning ordinance rewrite. One reason this is particularly important is with regards to data center overdevelopment. This does relate to zoning. In both Falkir County and Prince William counties, laws intended to protect communities are being bypassed or skirted in favor of facilitating data center plan applicants' desires. Loudon's zoning ordinance

[03:26:44] rewrite puts you ahead of other counties to potentially address the need for state-level legislation to ensure enforcement of zoning protections for residents. If it were my home, I would want the most professional county administrators to tackle this first.

[03:27:08] Perhaps it might take the form of something like legislation that extends neighbors' rights to have more say over rezoning, special exceptions, and boundary adjustments by easy access to binding referenda where data centers should not go if it were my home. Perhaps Virginia's fossil fuel phase-out goals could legally supersede data center approvals-related pollution.

[03:27:43] Ms. Bainish, your time is up. Thank you so much. Thank you very much. much. Our last three speakers are Sam Brown, followed by Jim Bingle, followed by Adam Stevenson. Good evening, Mr. Brown. Good evening. My name is Sam Brown. Good evening, Mr. Chairman and members of the Board of Supervisors. I ask that you put more language in the zoning ordinances to keep agriculture in Loudoun County. We have in Loudoun Valley some of the best soil for growing food in

[03:28:18] the Commonwealth of Virginia. And what are we doing to it? Building houses. How ridiculous. We need to save that wonderful soil for growing food. You could say we could get our food from somewhere else. That's not a good idea. Other food growing areas in the country could run into difficulties not be able to provide food outside of their borders. We can't depend upon them. We have to depend upon ourselves. We have to be able to grow our own food. Please add language to the zoning ordinance to provide land for agriculture in our county. Thank you very much. Thank you,

[03:28:55] sir. Jim Bingo, followed by Adam Stevenson. Good evening. Good evening, Chair Randall and board members. Thank you. Thank you, staff. Thank you, planning commissioners and everybody that's participated. There's a book called The Wisdom of Crowds. It's wonderful. I would recommend it to anybody in government regarding the public process and how valuable of diversity of opinions are for coming up with the best possible product. And you've done that. It was with some exceptions,

[03:29:31] which you've heard about already. And I will just say, yes, we still need things to be done, both regarding the rural policy area and for data centers. But you've done a lot for data center control, for standards, for natural resources, and to protect the health, safety, and welfare of residents.

[03:29:54] So is this perfect? No. But you could work another five years and not have it to be perfect. In fact, I was asked, why does PEC support passing this draft now, when more time and edits could make it better?

[03:30:14] Well, in theory, that might make sense. But, you know, having not been involved, perhaps, in this whole process, the understanding that we don't get those benefits of what's been done already unless the ordinance is actually adopted.

[03:30:30] So, yes, go. We think that there are definitely corrections that need to be made, edits that need to be made. We know that there will be mistakes that only become evident once the ordinance starts to be used. That happens all the time. So a process that's collaborative and works on addressing those things as they come up quickly to resolve them and move on, I think is really important.

[03:31:01] I encourage you to continue the collaborative approach that you really initiated with this ordinance. It's been great, and I encourage you to include more people in that process, More interest in that process going forward.

[03:31:17] Thank you, and for sticking it out for a very long night. Thank you. Thank you. And then our last speaker is Adam Stevenson, and then I will be making a motion. Mr. Stevenson? Adam Stevenson. Going once, going twice.

[03:31:37] Okay, then I will be making two motions. Supervisors, I move that the board of supervisors suspend the rules. Mr. Turner, if you're going to be in on this, you better come faster, man. Okay, you're good. Motion is made seconded by Supervisor Buffington. Discussion on suspension of the rules.

[03:31:54] Seeing none, all in favor say aye. Aye. Any opposed? That motion will pass 801. I move that the Board of Supervisors direct staff to revise Section 7.05.03G noise study of the final draft zoning ordinance as provided an Attachment 1 to December 13, 2023, Board of Supervisors Public Hearing Supplemental 2 Staff Report.

[03:32:26] I further move the Board of Supervisors to adopt a zoning ordinance approving and adopting ZOM 2020-0001 Zoning Ordinance Rewrite as provided an Attachment 3 to December 13, 2023, Board of Supervisors Public Hearing Staff Report.

[03:32:43] I further move the Board of Supervisors to adopt the resolution approving grandfathering rules for ZOAM 2020-0001 Zoning Ordinance Rewrite as provided in Attachment 1 to December 13, 2020-23 Board of Supervisors Public Hearing Supplemental 1 Staff Report.

[03:33:01] I further move the Board of Supervisors to adopt the Interim Technical Standards Resolution as provided in Attachment 6 to the December 13, 2023 Board of Supervisors Public Hearing Staff Report. And I further move the Board of Supervisors direct staff to initiate a review of the codified ordinance of Loudoun County to identify any sections that require updating due to the adoption of the new Loudoun County zoning ordinance.

[03:33:27] and return to a future Board of Supervisors business meeting with a proposed resolution initiating amendments to such sections of the codified ordinance. Second. Motion made and seconded by Supervisor Turner, who deserves to second this motion.

[03:33:49] Well, first of all, a lot of people have come up today and thanked me and thanked Mr. Turner and thanked us. And I want to truthfully thank you because there were so many, I mean, we have hundreds of comments and e-mails and phone calls.

[03:34:07] And then in the past, I guess, three to four months, so many meetings with stakeholders. I mean, we met, Mr. Sterner and I met every single Friday after our meetings on Thursday. And it was like a continuous conversation.

[03:34:24] I talk to, I think, Theo Stamatis, like, every day for, like, three months. So I absolutely want to thank all of our stakeholders. I want to thank the chamber, NBBIA, NAEP, Visit Loudoun, the Heritage and

Preservation Committee, Loudoun Wildlife, all of you all who've been so, so involved.

[03:34:48] Mostly, though, I want to thank the staff. You know, I say all the time, I will put our staff against any staff in America, to be quite honest, any day of the week and twice on Sunday. The depth of knowledge, the patience, the willingness to stick it out and talk, Joe Kroboth, wherever you are at, I don't know where Joe Kroboth is, where are you?

[03:35:12] Joe Kroboth, oh my gosh, we must have changed that schedule four or five times to meet the needs that we had to meet. Dan, I got to tell you, you're just fantastic. And I just love your face when something happens.

[03:35:31] You just are such a heartbreaker. You're so smart. You were so, so smart. So thank you. Judy, you are calm and calming all the time. I mean, when I'm like, here's on fire, you're like, uh-huh, and it'd be okay. Let's do this next.

[03:35:47] It was absolutely, absolutely incredible. Just the depth of knowledge of staff was just fantastic. We have a document that the PEC and the chamber support. Hear that, the PEC and the chamber support.

[03:36:06] I will say that I am thrilled and surprised by how many young farmers are in our room today. And I am thrilled that you all didn't just come with any complaints, really. you came with ideas for what to do when we when we hit this hit the ground running next year and we will hit the ground running next year and i did hear you and what i heard more than anything else is we'll have to reinvent the wheel because all these statements and comments that you were given to us were given to us in the last couple of years they are valid going forward so we'll have to start

[03:36:40] all over again so thank you for all of that um the only the only question i have is um miss miss Rinshaw talked about process screening. I do not understand what she just said to me.

[03:36:57] Can you guys help me understand? She talked about farm process screening. You actually can't. But I think staff probably, I mean, I'm sure you can. I'm saying you can't, but I know that you can help me. I'm saying that at this point, I have to ask staff this question.

[03:37:12] So do you all know, can you all help me with that? So in Section 408.12, we used to have a minimum screening standard, but I think the board directed us to take it out.

[03:37:28] So I'm not seeing a requirement for screening anymore in 408.12. I also wanted to note that we met with stakeholders and Buffington's office to talk about revising the definition of agriculture.

[03:37:49] To add that that use includes harvesting, cleaning, sorting, and bundling of agricultural product. So what Avis was describing with the corn, that would be a part of agriculture.

[03:38:07] It wouldn't even be considered agricultural processing. Okay. I don't know what you just said to me. I don't. Her concern. Yeah, can you help me a little bit? It's not a valid concern. You're saying the concern was already addressed in the zoning ordinance as it's written right now?

[03:38:27] Correct. Okay. There's no screening required. All right. Thank you. All right. Ms. Umstott. Thank you, Madam Chair. I listened very carefully to what everyone said, and coming in, I thought I was certainly going to vote against this for multiple reasons.

[03:38:47] But Judy Burkett reassured me that the Loudoun County Public Schools are on board with the floodplain regulations. Kim Hart reassured me that his industry is on board with the affordable housing

regulations.

[03:39:08] Mr. Junda was not 100% on board, but he seemed to advocate for passing this tonight. So that takes care of my concerns about commercial industry impacts.

[03:39:26] Theo with the chamber supported adoption tonight, so that takes care of my concerns about where the business community is. The farmers remain frustrated. That worries me, but there appeared to be hope expressed by them that their concerns will be further addressed in the future.

[03:39:54] I remain worried about a couple of things. I remain worried about the folks in the Route 28 corridor who may feel that they got the short end of the stick. I remain worried about property owners in rural Loudoun who were not engaged because they thought they didn't have to be and who are facing significant restrictions on how they can use their property if they are adjacent to any waterway.

[03:40:31] I think we'll hear a lot from them as regulations are put in place because we heard a lot of them over a decade ago when a previous board imposed a wider riparian buffer. But this imperfect document, which took up a lot of time for a lot of people, especially our staff and our citizens, I think is the best we're going to get right now.

[03:40:59] I do think we'll have to look at some significant amendments in the future, but given that the only constituents of mine who came out said to vote for it, I take that with some special significance.

[03:41:16] So, Jim, Michael, thank you. I will be voting for it. Thank you. Mr. Letourneau. Thank you, Madam Chair. I'd like to echo all of the thank yous for staff and for the stakeholders. I want to add the Planning Commission to that list as well, because I know they did quite a bit of work and got this to a point where it was easier for us to work with.

[03:41:41] We really had a great deal of good faith involvement. I don't think my time is running, just noting. And I don't want to be here all night, even myself, so listening to myself. We had a great deal of good faith involvement from a lot of people from really all sides of the debate, and that was really, really helpful.

[03:42:03] I do want to note a few things kind of in reaction to all the speakers. If everything is a priority, nothing is a priority. We heard about five or six different priorities they all can't be the first priority I think we do have kind of an established work plan for our zoams to address what the board thinks are the priorities that need to be addressed first and I think the good news is the things we're hearing about the most are at the top of that work plan list but I do you know have to note that it's always demanding on staff we're going to be rolling right into that I don't know quite what to make out of the fact that literally every single speaker tonight was basically from three

[03:42:42] districts. We had no speakers from Dulles, Sterling, Algonquian, or Broad Run, to my knowledge. I hope that that means the residents of those districts representing half the county's population are quite satisfied with the work that we did here, especially because the bulk of the zoning ordinance really actually is affecting more of them than it is a lot of the folks we did hear from who have zoams that will be getting into some of those specific issues and there are a lot of things that we did in this that won't get a lot of attention but are very important about defining

[03:43:17] the specifics of the urban policy area and really what transit oriented development means modernizing a lot of the work around how to sort of mix our uses and just modernize so much of the

zoning ordinance that had just fallen out of date. That's the kind of stuff that doesn't get a lot of attention, but it's critically important for us to have the type of county that we want to have moving forward. And we do have challenges. You know, data centers are certainly one of them.

[03:43:52] I do feel at least somewhat compelled, given all the comments tonight, to note that every single resident in the county is paying something like \$1,500 to \$2,000 less per year in taxes because we have data centers, and that is part of the balance that we have. It's easy for some folks to simply say no more data centers, I don't want them. Well, yes, but we also hear from residents who are really strained in their budgets, and the money that they're saving is what their family's using to go on vacation. So that's the balance that we have. I agree with a lot of the comments and a lot of the concerns and I've said that you know throughout the process and I've supported what's in the

[03:44:29] zoning ordinance but I just bring that up because what we do up here is is complicated and there are competing interests and we have to kind of sort through them so thank you to everybody and I look forward to voting in favor of the zoning ordinance. Thank you Ms. Brixman. Thank you Madam Chair. Well congratulations everyone we can do hard things and I also thank staff and all the partners in the community that worked with us on this. But I think someone that's not getting enough credit about on this is the chair. And Chair Randall had a plan when she came in last

[03:45:08] term to get the general plan done. And main goal this term was the zoning ordinance rewrite among all the other important work we do here. And she did it. And she led us through it. And I think that you should be commended for that, Madam Chair. Thank you. The working committees that you put together at the end were key, and the process was excellent. So I just want to put that out there and on the record that you should be commended for this. As I go to regional bodies and regional meetings, something I hear a lot about are data centers, obviously. And data centers

[03:45:48] want to come to my county, what should I do? Or we really want to get some of that revenue, what should we do? And one of the things I always tell my colleagues from other jurisdictions is have your house in order. Have your general plan updated. Have your zoning ordinance updated before you say yes to the first one. Because once you say yes to the first one, you are open for business.

[03:46:11] So you better have your house in order. We are feeling the pain of not having our house in order. And we've been doing the best we can. But now we will have our house in order. I associate myself with many of the comments from supervisor letourneau that so many things that we did in this zoning ordinance around the metro stations and parking i mean the time the time we spent talking about parking is unbelievable right and town centers and and all these things that are going to make our county great i i would have a little bit of a disagreement about what we should be prioritizing i know we have a planning and zoning work plan i really honestly think that data centers

[03:46:50] are the first thing we should be thinking about that data center cpam and zoam are critical because yes once you put a house down on farmland you can't farm it anymore but guess what once you put a data center down somewhere else you can't put a house there an apartment building flex industrial you can't put any of that there and that creates more pressure on other parts of the county to take that development so i will be advocating strongly that we work on that data center CPAM design standards mapping project really really soon and fast as we can some of the things we did do though that may have gotten lost we have

[03:47:30] now special exception in PDOP office park we now have a special exception for data centers in PD RDP research development we have more design standards buffers and setbacks and I think that's all I time I have thank you I will be supporting thank you mr. Turner well thank you madam chair I'm I want to echo Supervisor Brissman's comments.

[03:47:51] You were the captain of this ship. I personally, I wasn't here the first term, but I would be surprised if you didn't consider this your crowning achievement in your two terms. You were the one when everybody was screaming from the rafters in July, the sky is falling, the sky is falling, the end is near, we have to push this into the next term.

[03:48:14] And you just very quietly and unflappably sat there and said, no, we're going to do it this term. and then came up with a plan to do precisely that. It's an extraordinary achievement, and I would hope and pray that the press sings your praises because you deserve it.

[03:48:29] This is right on your shoulders and well-deserved praise. Judy, Brian, Rick, Kate, Dan, Mark, and Charles Yud, wherever you are, we're going to have designed now.

[03:48:46] In fact, I'll pay for it out of my own pocket because we know how sensitive that is these days, I'm going to design and pay for superhero uniforms that have a giant Z on the check. I haven't decided yet what color I'm going to make them, but there will be booties involved, maybe a little mask.

[03:49:06] And Chair Randall, we'll get you one for yourself as well. Maybe a special C on the front instead of the Z, so you can have a chair uniform. And also, thanks to my chief of staff, Rachel Mai, we had about two months there where Rachel and I basically had our phones stitched to the side of our heads because we were going through the Zora process.

[03:49:34] And we made a really good team. I'm really proud of the work that we did. But there are so many times during that process where I thought my head was literally going to explode. And all I could think of is, yeah, you think you got it bad. you should see the DPZ staff that's working on this because they've been living with this for years. Your achievement is just astounding. It is an astounding achievement. It will never be appreciated by the citizens of Loudoun County to the extent that it should be, but it was just an amazing achievement. It really is something. It's a career high. It should be, and I wish I could

[03:50:12] say it's all over, but it ain't. We're heading into the next stretch. So thank you all very much. Thank you, Madam Chair, for all your extraordinary leadership. And I couldn't have been proud of the work that we all did. Thank you. Thank you. Thank you very much. Mr. Kirshner. Thank you, Madam Chair. And one thing that was very evident to me tonight is that the folks in Western Loudoun are very alive and well and have a lot to say. So I'm honored to be able to represents you these past four years and going into the next four years and kind of tackling some of the zoam there is a lot of thanks that go out i'm not going to repeat everything everybody

[03:50:47] said i do want to start with all the staff and not just you sitting here at the table but those who you who worked under you who worked with you this is a huge undertaking partly because we haven't done a general plan for you know a long time and i was pretty skeptical off to be really honest starting the process um well before i get into that i'm going to also thank the planning commission mark miller texted me and said you better thank me so i'm thanking him and everyone that worked on it that they did a yeoman's work before it ever got up here um i want to thank this

[03:51:22] board for the work that you did um for all the public that came out for all the stakeholders and the leadership within those stakeholders uh it was it's a tremendous so enough of the emmy award that I just received in thanking everybody. I'm sure someone got forgotten through this whole process.

[03:51:40] But I was pretty skeptical when we started this process here on the board. And I was not planning to vote for this initially, as a matter of fact. But I think there were two really big turning points. Chair Randall had a lot to do with that. Supervisor Turner, Mr. Letourneau, and others here on this board.

[03:51:56] When we really met with, had those work sessions with a lot of the industry, we had some of those closed sessions on the grandfathering. We came up with some pretty good modifiability. This is, as someone mentioned, I think either here or that spoke, this is not the perfect document.

[03:52:12] But if you find the perfect document other than the Gettysburg Address, let me know. And it's, quite frankly, a good working document. It's going to need some changes. I want to mention, a lot of folks mentioned a lot of things weren't done in the rural policy area.

[03:52:28] We kind of did that intentionally, I think. and I was in favor of setting that off until next year. A couple of reasons. One, the general plan is, in large part, wants to leave rural policy area alone. But it doesn't mean it all has to be left alone, and I think there's some things that can be worked on, as was mentioned tonight.

[03:52:44] But also, you know, as was mentioned before, there are unintended consequences. And we were going through a very big change and a very big document, and if we messed anything up in the rural policy area, you're not a developer. You can't handle it. these small businesses in the western part can't handle it like some of these bigger folks who are developing or data center folks and you know those are unintended consequences so when we go through this zoom in the west we're going to be real careful because we really want to make it the right kind of document to improve our rural economy as well so i'm looking forward to also updating our general plan more regularly perhaps policy areas etc and i want to thank everyone for

[03:53:24] coming out tonight. Thank you, Mr. Kirschner. Mr. Bluffington. Thank you, Madam Chair. I, too, want to thank you for your leadership throughout this process. It's been a long process, and as we got in the last year of it, I really didn't think we were going to finish it in the last year of it, or this year. And you said we were, and I was extremely skeptical, and I told you that, and you said we'll get it done, and we did. So I think a lot of credit goes to you. So thank you for that. And as well, the full board and the planning commission. But really, county staff, you guys, what a lift that this was. We don't even realize how much work you put

[03:54:03] into it. I know that we don't realize that, but it was a ton of work and it was a ton of good work. And you deserve the praise that you're getting tonight and much more. And get ready for some more work, it sounds like. So take a little vacation and then come on back in January. Mr. Hemstreet, a lot of leadership from you all, from you in particular. Leo, a lot of leadership from you too, and I know you guys don't get thanked enough for what you do, but you're very much appreciated. My staff, before I forget to thank my staff, you guys got me through this. Thank you so

[03:54:42] much for that, and I know it's been a huge learning curve and learning process for all of us. And while it's not a perfect document, nothing ever is. I like what Jim said, why are we passing it now

when it's not a perfect document? We could keep on working on it and make it better and better. With that argument, we could never pass it. We would always be working on it.

[03:55:03] It would be a great hypothetical document that would never be in. So let's implement it and let's take advantage of those good changes that have been made. Let's realize what are the ones that are not so good, and let's work on that going forward. So I will definitely be voting in support of this, and I just appreciate all the work, and the community. I didn't think the public.

[03:55:29] We obviously could not have done this without the public. We heard from both sides, and more than just both sides you know we heard from all kinds of sides to every issue and I think this is a good balance and we'll make it better going forward so thank you thank you mr. Saints thank you madam chair yeah I'll you know sorry to piggyback on a lot of what's been said already but I'll say it myself to thank you to our staff thank you to mr. Hemstreet mr. Rogers thank you miss Sidnor and your staff for all your help our staff Christy Tiani helping us get

[03:56:06] through this and getting to this point. Thank you to the chair. Yeah, I know earlier on, you know, we had a goal of getting this done during this term and there was a little bit of wavering on some of us and you said, nope, we are doing this. And yeah, as I've known for many years now, when you set your mind to something, it happens and you ushered us through this, some of us kicking and screaming, but you made it happen. Supervisor Turner, thank you for your leadership and efforts on this as well you've done a great job as telec chair and uh and i so uh thank you to you and your

[03:56:41] staff as well for all for all your efforts but again to our staff here thank you uh so much hope you guys are after this going to go out for for some celebratory drinks at some point you deserve it so so please do so and let us know when that happens maybe some of us will join join you joining in that yeah well it doesn't have to be today but another day who knows um but real quickly you know we we covered a lot of ground in this document you know a lot of it has been mentioned and talked about for the data centers what we've done but just to highlight again some of the stuff that we've we put in here is we required soundproofing materials for the data

[03:57:20] centers we've required now screening for you know for their for the for the trash enclosures we've added in setback requirements we've added in vegetation requirements we and one of my special things that I'm very proud of here is principal facades on the look and feel of the of the buildings to make sure they look and and have a certain design and quality standards that we should have in Loudoun County here. We put in some elements of some greening materials. We've put in

[03:57:53] noise study requirements as well in here. We're making sure they're not in residential areas and making sure a lot of, we put a lot of guardrails in for the data centers as we did for what was talked about earlier with the new industry that might be coming to our land here is the battery storage. We put a lot of guardrails into that focus area and rightfully so because we don't know what's going to happen, you know, in the months and years to come with that one, but we have some good guardrails in place.

[03:58:23] And as I mentioned, this is a big endeavor, and I think having the rural zoeum coming up in the next year, as well as tackling some more of the data centers, is the right path to go, and I look forward to the rural zoeum that's going to be coming in place, and we'll be meeting with the farm folks, and it's going to be odd saying, as an Eastern Loud Supervisor, but I'm definitely interested in paying attention to what's happening out in the West. So thank you to all. All right So for clothes, I I want to say a couple things Mike Turner was Mike Turner called me every

[03:59:03] single day Multiple times a day to talk about this zoom and sometimes just to and I quote report and unquote I Could not have gotten this done without you, Mr. Turner. You were a, I mean, when I lost my aunt and when I had to go home and take care of my mother, I handed it all to you.

[03:59:28] And for about two weeks, three meetings, you did every meeting, you did all the work and kept me informed so that when I could step back in, it was flawless. You were amazing. My staff, Matt Rogers, and I have had a tough four months for reasons that are kind of, you know, we won't even talk about right now.

[03:59:52] But even in that, going through that, we stayed on this zoning ordinance. And, you know, there were times Matt walked into my office and he was like, let's discuss, you know, this land bay. And I was thinking, if this man don't stop talking to me about this thing, I'm going to scream.

[04:00:08] Because, you know, after a while, you literally start getting on each other's nerves because you just are so darn tired. Matt, I could not have done this without you. You are an incredible, incredible young man. And you are, I just, I couldn't, my office would not function without you, Matt.

[04:00:28] So thank you so much. Rachel, my, Rachel, you're brilliant. I mean, so, you're just so brilliant. And, you know, Mike is very lucky to have you in his office. We wouldn't have gotten this done without you either, Rachel, without Mr. Turner's office at all.

[04:00:45] We wouldn't have got this done. Charles Yudd, if you're listening, and I have a feeling he probably is, Charles Yudd, if you're listening, you know, the stakeholders kept saying to me these words, we want to continue the meetings that Mr. Yudd had, and that's why we kept the meetings going, because Mr. Yudd had them.

[04:01:05] I also think that, you know, we talk about our staff, but I would tell you, staff was in here on the weekends. Staff was in here late into the evening. You know, you drive into this parking lot, and I've gotten used to whose car is whose car, because they were here all the time doing the zoning ordinance.

[04:01:25] Mr. Turner asked me if this is my crowning achievement. You know what? I think that what's the crowning achievement is the relationships that was built during this process and the fact that we built this process to say how collaborative we can be with our constituents, with the staff, and with the board.

[04:01:42] So not so much the product itself, but what we did, all of us together, what all of us did to get to this space and this moment, I think is the crowning achievement not of one person, but of the entire, entire board and every single person who was part of this effort.

[04:02:02] So thank you so much. Mr. Galindo, before the year is over, I'm going to bring a cake to your office, and we're just going to sit down and eat cake together. I made the motion. The motion was seconded by my strong right arm, Mr. and the T-Luck Chair, Mr. Turner.

[04:02:22] All in favor, please say aye. Any opposed? That motion will pass. 8-0-1. Thank you, everybody. Okay, Supervisors, let's take a break before we do, Mr. Sainz will come back and read us into our last closed session.

[04:02:41] Let's take a break first though. Actually, yeah, let's take a break and then just eat closed session. Chair, do you want to go ahead and adjourn the public hearing? Well, but we can't, we can't, we're not supposed to take a break before we go in like closed session.

[04:02:57] Well, no, we. Oh, that's right, I have to adjourn this, I have to adjourn the public hearing, thank you, thank you. I adjourn the public hearing, thank you.



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