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Loudoun County Board of Supervisors, Public Hearing, Wednesday, April 10, 2024

Date Wednesday, April 10, 2024
Place Board Room, First Floor, Government Center, 1 Harrison Street SE, Leesburg, Virginia
Length 8h 49m (video)

- Official meeting video (county, Granicus): <https://loudoun.granicus.com/player/clip/7647>
- Agenda (Granicus): https://loudoun.granicus.com/AgendaViewer.php?view_id=73&clip_id=7647

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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.

[00:01:42] Oh, we're on.

[00:01:56] Well, good evening, supervisors. Good evening, staff. Good evening, Loudon. I'd like to call to order the Loudon County Board of Supervisors Public Hearing.

[00:02:12] This room has a hearing loop. If you need hearing assistance, please switch your hearing aid to the telecom mode. If you need a headset, we have those available as well. Please see the clerk to request one. Would everybody please join me in the Pledge of Allegiance? Pledge of Allegiance of the United States of America to the republic for which it stands, one nation, under God, indivisible, liberty and justice for all.

[00:02:43] Thank you. As a reminder to all members of the public addressing the board this evening, you may only sign up to speak on items that have been advertised for this public hearing. Due to the broadcast delay, any member of the public who is not in the boardroom wishing to address the board on items 1, 2, 3, 4, and 5, which are on the consolidated hearing agenda, please call the number that is scrolling across your screen at this time.

[00:03:11] If you signed up to speak and you're in the room, we are going to be allotted two and a half minutes. I actually, the board doesn't change the time frame people can speak based on the number. It's

always two and a half minutes in this boardroom. When your name is called, please come to the podium closest to you.

[00:03:27] State your name for the record. If you'd like to say if you live in Loudoun and where, with district, you may say that too. The timer on the podium will indicate your remaining time. When your time is up, please yield the floor to the next speaker. If you're providing your comments by phone, I'm going to ask that you time yourself because you may not be able to see the timer in the room, and I don't like interrupting people because they lose their flow, but it will stop you when you get to the two and a half minutes.

[00:03:52] When taking public input for items, I will first ask for people in the boardroom wishing to speak. Then I will go to the moderator and ask if there are any speakers online. Please note that there is a slight delay between the broadcast and the boardroom. Our moderator this evening is Jacqueline. Jacqueline, can you hear me?

[00:04:10] Yes, Madam Chair, I can hear you. Wonderful. All right. Pursuant to Virginia Code Section 2.2-3708.3 and the Board of Supervisors rules of order, Supervisor Glass has requested to participate in this meeting by electronic communication.

[00:04:28] A physical quorum of the board is present in the boardroom and the board has made arrangements for the voices of Supervisor Glass to be heard to all persons in the boardroom. Supervisor Glass made this request within the allotted time frame, and the county attorney determined that Supervisor Glass's request meets the qualifications to participate remotely.

[00:04:47] The board will record in its minutes that Supervisor Glass participated remotely because she is home due to an illness. Supervisor Glass, can you hear me? Yes, Madam Chair. Wonderful. All right, Supervisors and Loudon, when we have an agenda that is this full, and this is a really full agenda, We are likely to be on this day at least to after midnight, if not longer.

[00:05:10] It's always hard to know what to put first and second and how to do the agenda because, you know, on the one hand, I want to get people out of the room as fast as possible. On the other hand, I don't want to, you know, everyone waiting as we do just one item and the whole room is full because we're all waiting for just one item.

[00:05:27] So I have to decide how to do the agenda. I made the decision tonight to put the Primax soil item last, which means we're probably not going to hear it for a long time. If anyone would like to leave, come back, go eat, no kidding, that's fine.

[00:05:44] If you came back at 9, it would be plenty of time. So I just want to make sure people know that so that when you don't see us getting to that issue right away, you know, you're not upset because it will be one of the – actually not one of the last issues, the last issue. And I did that because it's going to take a really long time to go through these issues, to go through that issue.

[00:06:03] And we can do almost the entire agenda in the time that we would do the FIMAC soil item. So if you want to leave and come back, we would understand that. The board will hear the following items as a consolidated hearing. As a reminder, these items are being consolidated because there are no outstanding issues.

[00:06:23] Staff has recommended approval. The applicant has waived their presentation time, and no public speaker is registered in advance to speak on the item. So those items are the following. Item 1, the 25 Annual Action Plan. That's a county-wide item. I will make that motion.

[00:06:38] Item 2, the Revised Housing Choice Voucher Program Administrative Plan and Streamlined Public Housing Agency Annual Plan. That's also county-wide, and I will make that motion. Item three, the proposed conveyance of county property, conveyance of easement near Route 15 and Luckett's Road to Kew Loop, LLC, and that's Catoclin District, with Supervisor Kirchner, will make that motion.

[00:07:00] Item four, proposed conveyance of county property, conveyance of easement near Belmont Ridge Road to Verizon, that is in the Little River District, that's Supervisor Tocroni. And item five, proposed easement of temporary polling place, and that is in the Leesburg District, Supervisor Armstead.

[00:07:15] Are there any members of the public who wish to speak on any of those items in the boardroom today? Jacqueline, do you have anybody online who wants to speak on any of those items? I do not, Madam Chair. Wonderful. So we're going to close the consolidated. Yes, sir.

[00:07:31] I believe the speaker that you were handed a few seconds ago is for item one. They are. So then I need to pull this off consolidated then. No, I need to pull this off. Yes, I do.

[00:07:51] Madam Chair, you could still keep it unconsolidated and call the speaker at this time. Without any staff presentation or anything for the speaker to speak to? That is entirely up to you. Well, okay, whether we want to let's do it or not is not really the point.

[00:08:12] The point is I want to make sure if anyone's speaking, they've had some. So let me call the speaker up, who is Greg Masuki, to make sure that he feels like he or he feels like that he's received the information he needs to receive before he speaks on the item. Are you here, sir?

[00:08:28] Can you come to the podium, please, sir? Would you like to speak now? Wonderful. There you are. Oh, oh, it's Greg. We're all like, oh, it's Greg.

[00:08:45] So you feel like this, you know this item just fine and can speak on the item? Yes, sir. Okay, sure. Is this mic not on?

[00:09:08] Thank you. Is this mic not on? Just one second. Can we start this time over? One second. It's good to see you, by the way. Oh, thank you. Okay, want to try it again? Okay, try it again. Testing.

[00:09:24] Yeah, there you go. I just wanted to come in support of the proposed recommendations for the Community Development Block Grants. We were one of the recipients, and that money will go to serve as a program that will help us keep people employed over winter. And I just came personally to thank the board for that, and I hope you'll approve that recommendation.

[00:09:43] Thank you. Short and sweet. We personally thank you for what you're doing. You're doing amazing work, sir. All right. Any other speaker on item one? Because I'm going to read this motion. Jacqueline, is there anybody online for this item? No, Madam Chair. Wonderful. All right.

[00:09:59] I move the Board of Supervisors approve motion 2B for approval of the annual action plan as provided on March 13, 2024. This is item one, actually. Public hearing staff report. Motion is made and seconded. Discussion on the motion. A second for Ms. Brick's been all ready.

[00:10:21] Ms. Glass, you're good? Yes, Madam Chair. All in favor say aye. Aye. All in favor say aye. All in favor, that motion will pass 9-0. Item number two is the revised housing choice voucher program. It's a county-wide item as well.

[00:10:37] I move the board of supervisors to approve motion 2B for adoption of the housing choice voucher program administrative plan and streamline annual public hearing housing agency plan as provided in the March 13, 2024 public hearing staff report.

[00:10:56] Is that date right?

[00:11:06] Yes, that's the right date? Yes, it's a returning item. Okay, wonderful. All right. Motion is made and seconded by Ms. Bricksman. Discussion on the motion.

[00:11:24] Ms. Glass, you're good? Yes. Seeing none, on purpose, say aye. Aye. Any opposed? That motion will pass 9-0. The next item is in the Catocin District. Mr. Kirshner. Thank you, Madam Chair. I move that the Board of Supervisors approve motion 2B for approval of the proposed conveyance as provided in the March 13th, 2024, public hearing item number three, staff report.

[00:11:44] Second. Ms. Brickson seconded that item. Discussion on the motion? No discussion, Madam Chair. All right. Anybody? All right. All please say aye. Aye. Any opposed? Aye. The motion will pass 9-0. The next item is in the Little River District.

[00:11:59] Mr. Crony. Thank you, Chair Randall. I move that the Board of Supervisors approve motion 2B for approval of the proposed conveyance as provided in the March 13, 2024, public hearing item number four, staff report. Second. Discussion on the motion?

[00:12:16] No. We're good. I want people to say aye. Aye. Any opposed? That motion will pass. Ms. Glass, you got an aye for me? Yes, Madam Chair, aye. Okay. That motion will pass 9-0. And item five is the Leesburg District. This is the proposed establishment of temporary polling place in Leesburg.

[00:12:37] I move that the Board of Supervisors approve motion 2B for approval of the temporary polling place as provided in the March 13, 2024, public hearing item number 5 staff report. Motion is made seconded by Supervisor Kirsch. No discussion on the motion.

[00:12:53] Just that this will temporarily move the dry mill polling place from Loudoun County High School to Catocin Elementary. Thank you. Wonderful. Anybody else? All in favor, please say aye. Aye.

[00:13:09] Any opposed? That motion will pass 9-0. Supervisors, we're going to do item number 9 right now. It's a Clear Springs item. We're doing number 9 right now because at the last public hearing when we thought we were going to have a really full agenda, Clear Springs offered to come off the agenda so that we weren't here at the 3 in the morning as long as they could go first this time.

[00:13:30] And I said yes because at the time, that was a good idea. Maybe not as much right now. Yes, sir. I'm sorry you were correct I was correct the dates are wrong all the motions are wrong so they should all be amended to be April 10th that's what I thought okay supervisors all the dates should be amended to be April 10th that was my thought so so just if you could just move to yeah I would just move supervisor I would just move for every four items one two three four and five

[00:14:03] to change the date to April 10th without objection. Any issues with that? Without objection? Without objection? Without objection. All right. Thank you.

[00:14:20] Good evening. We have updates to this item, correct? Yes, ma'am. A supplemental was issued for this agenda item. Okay. We're ready when you are. Okay. Good evening, Madam Chair.

[00:14:40] Board members, as mentioned, this is a returning item from the January 10th, 2024, board public hearing. Supplemental memo that was provided to you last week noted several amendments to the application regarding airport notice and mitigation, unit size, resident access to the tennis facility, residential parking, and capital facilities credit for existing lots. We've also, I believe, the board has received directly comments from Leesburg Executive Airport.

[00:15:06] We also received 11 online comments in support of the application. The proffers and conditions have been approved a legal form, and the board is, or the item is ready for board action this evening. Thank you. Thank you. So, Roger, do you have any questions for staff? Because the applicant will not be making a presentation. So, do you have any questions for staff? Mr. Letourneau.

[00:15:27] Just regarding the comments from Leesburg Executive Airport, the town of Leesburg and the county do have an airport overlay district that applies to the area around Leesburg Airport, correct? Correct. This property is not within the 65 LDN airport noise impact area. My understanding is it's in the one mile buffer is that is that correct yes sir and in the county's one mile buffer we do allow residential development in the one mile buffer correct okay while supervisors are getting the question can you bring up page 114 of the supplemental action item please for

[00:16:06] the supplemental item page 114 yes please is that from the cdp mr crony can i ask a question of the applicant or is it just you can ask a question of the applicant okay um so uh i believe that eventually this property will go to heritage high school because it's adjacent to heritage high school even though it's not currently in the boundary would you be willing to verbally agree to change the proper statement to include a trail to heritage high school so that the kids can walk there we are connecting our shared use path along evergreen mills road we can't bind the county or

[00:16:45] the school board to allow us to do an interparcel connection and my understanding is that generally they don't love to have those just for school security purposes but we are intending to connect to allow folks to walk to heritage high school yes okay but along evergreen yes maybe the evergreen trail the 10 the 10 foot yes ma'am okay okay and then um i noticed that you um put some reduction like the non-profit units will be a minimum of 1200 square feet and you said that

[00:17:22] there'd be a minimum of 15% of the SFA units will have a maximum of 16 feet. Do any of the active adult units have those reductions like the width or the square footage so that they're more affordable they do not but only because we are offering either a first floor master or an elevator in all of those units and that additional width is needed to accommodate those features as part of the the development plan do you know what the square footage would be for them have you guys

[00:17:57] outlined any of the square footage for the units we we haven't reached that point of our planning yet okay so i i apologize i just don't have that information okay but 1200 square feet is for the non-profit units, right, is the one? Yes, that is the minimum size. Yes. Okay, so yeah, I'm just wondering, and then regarding the tennis center, do you guys have a signed deal or contract for that tennis center? With USTA, yes. Okay, so do they have, do you know if the fundraising is complete

[00:18:32] with that? I know they were starting the fundraising. So at the last public hearing, you heard from the uh one of the tennis officials um so they are continuing to fundraise um and believe that a zoning

entitlement would be very beneficial in getting them over that finish line but they have raised a significant portion of the um the sum that would be needed to develop the property they've currently raised about a third and of course they can't get beyond that until the action on this is happens before they can get beyond that they'll be here tonight and you can possibly ask

[00:19:08] them as well. Okay. Okay. And then I noticed in the proffer statement, ask it best. Okay. I noticed in the proffer statement, um, you had a disclosure, but, um, I think the state actually is now not permitting disclosures. So, um, I just, they're, they're not permitting the County to require it.

[00:19:30] We are still legally permitted to proffer it. Um, and that's part of the reason we kept it in because we wanted to show that we were good partners to the airport and intended to keep that, um, that promise that we had made at the beginning. Okay. Thank you. Mr. Turner. Thank you, Madam Chair. Um, I just want to drive that point home and there's a lot of people in the audience. Um, the proffer is an offer by an applicant that's legally binding and becomes part of the application. So you heard the phrase from staff, the proffer has been approved legal form.

[00:19:58] That means our County attorneys reviewed it and it's a legal proffer. And, um, correct me if I'm wrong. Does the proffer for notification that you're within the one mile area from the airport carry with the land, meaning you'll tell current move-ins to this development. Is there an obligation from somebody to tell subsequent move-ins if homes are sold that they're within the one-mile buffer? Yes, Supervisor Turner. It must be disclosed in any of the closing documents for the property. It runs with the land, as you say. Okay. Thank you very much.

[00:20:33] Can you turn your light off, please? Mr. Saines? Thank you, Madam Chair. Yes, actually, let me make sure to clarify for Mr. Corny's question, because the governor just signed a bill. I don't know if that's going to hold up or not, but for what we're trying to do with MWA for notices, but you're saying you're proffering to give notices to potential buyers that they're within or close proximity to the Leesburg Airport.

[00:21:03] So depending on whatever the governor does or does not do, that is holding. Is that correct? Correct. As I understand, the bill supervisor says it does not permit the county to require such a disclosure, but we are permitted to voluntarily proffer to it, which we have done as part of the application. Okay, very good. And then the residents who potentially be part of this community will have access to the tennis facility as anybody else within Loudoun County and their surrounding areas once they become a member.

[00:21:31] yes sir that is that is true okay and then school-wise the schools have said there is capacity and if i remember correctly as of right now this neighborhood is not programmed to go to heritage and go possibly somewhere else down the road uh yes um but uh supervisor traconi's point is well taken that there may be some line drawing that happens just because they're right next door and then there was reductions of units the last up you've made update to reduction of units can you dive into that a little bit further oh sure so in

[00:22:10] discussing the offset with staff they correctly pointed out that two of the units that we were claiming were staying as part of the property and we did not feel that it was fair for us to ask for that offset for those which is why we've reduced the offset that came to the board so we appreciate staff pointing that out to us okay and then real quickly we're having obviously some for sale units we're going to have 55 and better community units habitat for humanity units and market sale units is that yes so there will be

[00:22:47] affordable for rent affordable for purchase through habitat for humanity 55 and better all of those are offered for sale and then what we would call like true market rate housing unage restricted on price restricted housing so we're getting a little bit of everything in here yes sir and we're about 18 percent affordable about 20 percent 25 percent of the overall is 55 or better and you're proffering to expand the roads nearby is that correct yes four lanes with median divide and the turn lanes all along the properties frontage all right

[00:23:24] very good thank you miss glass do you have anything no madam chair okay thank you so I just want to kind of button up the airport discussion people who move into these homes will have to sign something that says they know they're moving by an airport correct and they will have noise mitigation in their homes correct yes we have proffered because we're outside of the noise contours, as Supervisor Lutroneau noted, we added a proffer that said we would study noise and then attenuate to that same interior decibel rating that is included in the county's AIOD standards at 45. So if somebody moves there, they

[00:24:01] know they can see the airport, they have to sign something that says they know there's an airport, and they're going to do a noise attenuation in their homes for any air possible airport noise. That's all correct? Yes ma'am. Okay, if I'm not mistaken the only homes that the that that are the multi-family are the light tech home so this those homes right there right and that's the that's the attainable affordable homes right yes ma'am that is true this is the staff actually staff this these are the only homes that that are that are given staff pause correct correct because they are the they are the multi-family stacked homes right yes ma'am and those are the that that is our attainable housing right

[00:24:40] there everything else in here is is what the comp plan calls forth for the transition policy area except those homes right those homes in the tenants facility yes ma'am intense facility but as far as homes those are the only homes that that yes ma'am the multifamily product in the in the TCN is in the multifamily product is our attainable home product yes ma'am okay so okay all right thank you very much supervisors we have some speakers on this item I'm going to call your names in advance. Our first speaker is an elected official. It's the mayor of Leesburg, Neil Steinberg, followed by John Ellis, followed by Theo Stamatis. And I will call

[00:25:20] your names like three in advance so you know you're coming up next. Mayor, Vice Mayor, you here? No? Going once, going twice. All right. John Ellis, followed by Theo Stamatis, followed by Caroline McCulley. Good evening. Good evening, everybody. I'm John Ellis. I'm speaking on behalf of Saver rural Loudon. For a number of reasons, we urge the board to deny the application to upzone this property by nearly 1,000 units, 80% of which will not be attainable to the median income household.

[00:25:55] A vote in favor of this traffic is a vote for more traffic congestion. A vote in favor is for more overcrowded schools and longer bus routes. Because of the increased congestion and crowding in the schools, it's also a vote to increase county spending, which is a vote to increase county taxes. As staff have pointed out, the application is inconsistent with the intent of the comprehensive plan, which is to maintain a transition area that is visually distinct from the suburban area. And it would probably force the county to revise its capital investment

[00:26:31] plan, which could take away resources from other priorities. On the cost to taxpayers, On page 19 of the item, it says that the additional student population would increase county operating expenses by

\$7 to \$10 million annually and \$38 to \$42 million in one-time capital costs, which amounts to an increase of \$108 to \$142 million over 10 years.

[00:26:56] That doesn't include other operating costs such as sheriff's services, fire and rescue, et cetera. Based on the county's current spending per household, the total cost to the existing taxpayers could be more than \$200 million over 10 years. The board should consider the cumulative costs to Loudon taxpayers, particularly when future data center revenues are uncertain, and when supervisors would also like to provide tax relief.

[00:27:22] By the way, for future applications, we'd encourage you to instruct the staff to include in its fiscal analysis the impacts on all operating costs, not just the schools. With respect to the capital investment plan, on page 17, the item says currently there is no plan to widen Evergreen Mills Road.

[00:27:44] This subdivision will add 8,000 vehicle trips per day to that road. Together with the Greenfield Farm and at least two other subdivisions that are currently in the pipeline, the traffic volume on Evergreen Mills Road would double. This would obviously require a wider road, not just in front of this property, but for the entire 10 miles from Leesburg to Brambleton.

[00:28:06] Based on FIC data, the cost per lane mile, the cost to the county tax derayers could be about \$150 million. Mr. Ellis, your time is up. Oh, I'm sorry. That's okay. Thank you so much. Thank you. Our next speaker is Theo Stamatis, and I do believe that the vice mayor has joined us, so after Mr. Stamatis, the vice mayor will be called.

[00:28:24] Good evening. Good evening, Madam Chair, members of the board. My name is Theo Stamatis, Government Relations Manager for the Loudoun Chamber of Commerce. On behalf of nearly 1,100 Loudoun employers that are Loudoun Chamber members, I'd like to share our thoughts on the Village at Clear Springs application that is subject for a final vote by this board.

[00:28:45] For more than a decade, the Loudoun Chamber has made the issue of attainable workforce housing our top public policy priority. The Chamber has successfully advocated for structural and policy changes, many of those adopted by this board. That will provide greater affordability and diversity of housing options for our workforce at all income levels.

[00:29:04] The Village of Clear Springs presents an opportunity to have a significant impact on this area of critical need here in Loudoun County. As proposed, this application promises to deliver what the Loudoun Chamber has previously advocated for, innovative housing solutions to address the county's unmet housing needs by providing a range of unit costs, sizes, types, both rental and for sale, with 18% of the total units in this project meeting the county's affordability needs.

[00:29:35] This exceeds the ambitious milestones or close to the goals and milestones of the Unmanned Housing Needs Strategic Plan. In addition, the plan also allocates 12 single-family attached homes for development for Loudon Habitat for Humanity.

[00:29:52] This will allow families who occupy these units to both secure safe and affordable housing while building generational wealth in a way that would not otherwise be available to them. As Loudoun's Chief Private Sector Advocate for our community's economic diversity, this project's proposal to locate the USTA Mid-Atlantic Region's state-of-the-art training center and campus here in Loudoun will certainly advance this board's goal to diversify our economy.

[00:30:20] In addition to the USTA facility, it will create jobs, economic activity, and \$8.5 million annually to the county. Madam Chair, thank you for allowing us to speak on this application, and thank you for your service. Thank you, sir. Mr. Steinberg, Vice-Chair Steinberg, and you will be followed by Carolyn McCulley and Tom Littner.

[00:30:42] Thank you, Chairwoman Randall. I apologize for being late. So, Madam Chair and Vice-Chair members of the Board of Supervisors, so in 1962, Dulles Airport opened to a great fanfare. It was, to use a vernacular, in the middle of nowhere.

[00:31:00] Since that time, there's been a steady encroachment of residential development entirely too close to several of the runways, and we've seen the negative results of that. Some 25 years ago, the town of Leesburg approved residential development called Evergreen Meadows directly across the Greenway from Leesburg Executive Airport.

[00:31:26] And today, the airport is receiving noise complaints on a regular basis, even though the homeowners knew they were buying in next to a very active aviation operation. I appreciate the applicant proffering a variety of things, including navigation easements, attenuation, construction, and disclosure causes.

[00:31:49] These are very positive steps, but in the end, they'll make no difference. At Leesbury Executive Airport, call letters JYO, because of the proximity to Dulles, the airspace is very tight and very limited. It's the FAA that dictates the control of our landing and takeoff patterns and much of the structure of the operations as they apply to the flight schools and other business practices on the field.

[00:32:21] Many of the decisions are quite literally out of our hands, but as I'm sure you all are aware, this is not something residents like to hear. Sound insulation will do nothing to attenuate outdoor activities.

[00:32:38] Supervisor Umstadt, I'm sure, can testify to the fact that when we hold events for 9-11 or other things at Freedom Park, there are often times when the speakers cannot be heard over taking off and departing aircraft.

[00:32:56] And that's just up the road from this proposed development. I believe she would concur with some of my comments. I fully sympathize with the residents in the Greenway development across from the airport. But the airport was in place before the homes.

[00:33:12] This application will raise a number of residences under the flight path from 50 to over 1,000, and your own staff. Mr. Steinberg, your time's up, sir. I appreciate it. Thank you. Thank you much for your time. Thank you, sir. Thank you. I'm Carolyn McCauley, followed by Tom, I'm sorry, Lintner, followed by Cheryl Harper.

[00:33:32] Good evening. Good evening. I'm Carolyn McCauley. I'm the chair of the Loudoun Aircraft Noise Mitigation Committee. It's good to see you all again. And the host of the Noisy Skies podcast. What the developer plans for the village at Clear Springs is impressive and would be a great addition to the county.

[00:33:51] But I'm here tonight to concur with the valid concerns raised by Leesburg Airport and also to offer some solutions. First, aviation noise is a real public health harm. The latest medical research shows there are significant impacts on cardiovascular health, dementia, and sleep.

[00:34:11] While annoyance is the way the FAA measures the impact of noise, medical research shows cardiovascular harm happens even when you're not annoyed by it. You can learn more about this in Episode 3 of Noisy Skies. Second, the DNL noise metric is outdated.

[00:34:29] That's why the FAA is currently reviewing its noise policy and the metrics it uses. The FAA's latest studies show that people are annoyed at DNL 50, much lower than the LDN 60 contour that Loudoun uses. You can learn more about noise metrics in Episode 4 of Noisy Skies.

[00:34:48] Third, the Cessna Caravan engine failure and crash earlier this year highlights the fact that every airport noise map is a potential debris field. Fourth, some general aviation aircraft still use low lead fuel decades after the EPA banned leaded gas in automobiles.

[00:35:07] Residents living near other general aviation airports have found harmful levels of lead in their blood. I appreciate the need for workforce and attainable housing in Loudoun County. If you must approve this development, I urge the board to be proactive about these concerns.

[00:35:25] Three suggestions to consider. One, require the developer to build at a higher noise mitigation standard because the current 45 LDN DBA construction standard is insufficient to protect sleep. I can personally attest to that.

[00:35:41] Two, help Leesburg Airport fully transition to unleaded fuel. The busiest general aviation airport in the nation just did this, and Episode 5 of Noisy Skies tells that story. Three, work with the flight schools at Leesburg Airport to transition to quieter aircraft for training, including electric aircraft.

[00:36:02] My colleagues at the Aloft Group and I are already researching these ideas, and we would be happy to present possible solutions to the board at a future time. Thank you, Ms. McCullough. Thank you very much. Thank you. Tom Littner, followed by Cheryl Harper, followed by, it just says, the chair of the, oh, Hugh Forsyth.

[00:36:22] Good evening, sir. Good evening, ma'am. Board, my name is Tom Littner. I'm the president and CEO of the Aloft Group, 30 years in FAA, 50 years in aviation total. So I just wanted to bring a little bit of background to this.

[00:36:38] I agree with the letter from the airport manager, except he missed a couple of points that are important, four specifically. One deals with airspace. Leesburg lies within a unique high-security airspace that was created after 9-11 that creates a box over the airport with little room for pilots to maneuver.

[00:36:57] You can picture or imagine driving into a car wash in one end, out the other with no place to go. That's the airspace over Leesburg. In other words, there's no maneuvering place to alter the patterns and the tracks that go directly over that community.

[00:37:15] noise the proposal states that the community is within one mile of the 60 dnl noise line but what we forget is that while people may be a mile horizontally in distance from the airport they're going to be 800 feet below the center of the noise okay um airport noise contour maps historically are not 100 accurate and we shouldn't focus on that entirely as a line on a chart separating noise and no noise area. And while the volume may not be as loud as, say, jets out of Dulles,

[00:37:50] the pitch and tone of propeller-driven aircraft, the majority of those aircraft at Leesburg, are worse. Imagine leaf blowers and weed whackers over your head during a barbecue or playing a tennis match. And I have yet to hear a quiet helicopter. The proposed federal contract tower at Leesburg with the

FAA funding is based on cost-benefit, which is a function of flight operations, and the change to those operations might affect that funding. And finally, Carolyn mentioned the issue about lead. There have been cases in California of lead particles being

[00:38:26] discovered on property adjacent airports. So the recommendation is to defer the decision on the matter and establish a roundtable to identify issues before any final determination. Families cannot be surprised by noise pollution, nor the county surprised by funding changes or legal entanglements. What's needed is a collaborative approach from the beginning to avoid confrontational issues later, and a roundtable to explore options, manage expectation, and minimize unwelcome surprises that would benefit no one. Thank you. Thank you, sir. Thank you. Cheryl Harper,

[00:39:01] followed by Hugh Forsyth, followed by Jaron Fish. Good evening. Good evening, dear board and Chair Randall. My name is Cheryl Harper, and I live in Red Cedar off Evergreen Mills, in Leesburg, so this directly impacts me and my family and my son, who attends Loudoun County High School. I'm concerned about the high density of the Clear Springs Village proposal. I don't agree that 1,077 units fit in the transition policy area. This kind of density is way too intense, and it doesn't fit in with the TPA or the rural line, which is right across the street

[00:39:38] off of Evergreen Mills Road. This kind of development belongs more in a suburban policy area. I moved to Red Cedar 12 years ago because of the appeal of the unique rural and transition aspects of open space and character. I was also at the 2019 comp plan when the owners of the land wanted to rezone and sell to the new owner or developer. This land is beautiful. It is much more than a Google Zoom of land between two highways. I saw this when the planning commissioners were looking at the land. It's rural rolling meadows with horses, goats, and yards with pretty fences and ponds. I am sad along with neighbors in my neighborhood to say goodbye to this beauty

[00:40:18] as we drive by it each day. But I do understand that there will be development here and it will change forevermore. But I want you to really think about this. We don't have to accept this proposal as it is. Let's try to leave more green space that is characteristic of this area. I don't think it's right and I'm asking you to please deny it as it is and ask for revisions to make it less dense. Thanks for your time. Thank you. Thank you. I'm sorry. Hugh Forsyth, followed by

[00:40:48] Jaron O'Keefe, followed by John Ebersole. Good evening, sir. Good afternoon, Chair. How are you doing? I'm back. Board of Supervisors, good to see you all again. Just real quick, I was here last week to talk to you all. I won't repeat myself. I want to mention a couple of highlights, just so we're all in the same sheet of music. The applicant at his very first one a couple months ago said that runway 17 and runway 35 would have no noise complaints at all onto the development.

[00:41:22] That's a true statement. It's kind of like saying that Hindenburg arrived on time. It did. It blew up and killed 36 people, and that's kind of what we need to talk about. What's the thing? This development's right under the traffic pattern for 1735. I mean, dead solid underneath it. And what was initially planned for 50 units has been expanded to 1,000 units.

[00:41:42] I'm not a math major, but that's a pretty high number. It's 20 times the number. I guarantee you there's going to be lots of noise complaints. We sent a paper out two weeks. I sent it to you all that a standard day, a normal day, was sometimes up to 500 operations aircraft. One of the board members here went out and watched.

[00:41:58] He said he sat there for one hour, and only one airplane flew, so that was a misrepresentation. Well, I live right underneath the traffic pattern. Some days it's very light, and other days it's very, very heavy. Just two days ago, we had over 700 aircraft operations. So we do have a lot of traffic right there.

[00:42:15] We have five flight schools flying. Real quick, two questions I have is how will the applicant disclose to residents that they are in the proximity of an airport? What means of a mechanism will they use to transfer this information? And the other one is how will the applicant conduct a noise study?

[00:42:32] Will they be willing to fund an FAA Part 150 study in conjunction with the town and the FAA? The noise complaints are already there, but if we put 1,000 more homes, I know they're going to increase. Thank you very much for your time. I appreciate it. Thank you, Mr. Forsyth. And our last two speakers are Juryn Tish and John Ebersole.

[00:42:52] Good evening. Good evening, Madam Chair and Board of Supervisors. I appreciate the time and consideration of this board and the complex factors this body has to weigh in improving or denying applicants. I hope we can all agree that this application stands out in its positive solutions in building this development.

[00:43:09] With 18% dedicated affordable housing, transitional single-family homes, and a plethora of green space, including trails, the widening of the dangerous road that is Evergreen Mills, and the state-of-the-art sportsplex that the U.S. team at Atlantic has committed to build, there isn't much downside to this application from my standpoint as a nine-year resident of Loudoun County.

[00:43:28] My husband is a business owner in Loudoun County as well and is excited about the proximity of this development to his dealership. With employees coming as far as Frederick, Maryland, West Virginia, and Burke, affordable housing that is so well integrated into a beautiful development and close by is ideal. Our church, St. Gabriel's Episcopal Church located in Leesburg, was so excited to hear about the Habitat for Humanity homes, and we would love to be first in line to help volunteer to build them.

[00:43:53] We have lived in Loudoun County for nine years, and not only are we in favor of this development for the affordable housing, we are also in favor because we would love to live across the street from all these amazing amenities and new families and easy access to 267. We are hoping to buy a home in the Granada Preserve development right across the street from the proposed village at Clear Springs.

[00:44:11] We have spoken with many homeowners there, and they are not affected by air traffic noise. We haven't spoken to a single person. The vibrant growth in this community is ideal for us. Now, perhaps you remember that I love tennis. Let's talk the USDA Mid-Atlantic facility.

[00:44:30] \$8.5 million in yearly revenue for Loudoun County. I'm sure that that can offset some costs somewhere. Education costs something, right? This can attract the best tennis teaching professionals. Studies show racket sports are one of the healthiest activity for longevity and youth brain development, the potential to expand year-long junior tennis programming that the indoor tennis courts at the SportsPlex will provide will greatly elevate the opportunities for our youth in Loudoun County.

[00:44:59] With non-for-profit programs like Girls Rule the Court, there is no better organization than the USTA Mid-Atlantic to lead tennis programming for Loudoun County. I run the Loudoun County Tennis Page with over 200 members, and we are all so excited for this plethora of year-round playing opportunities this facility will provide.

[00:45:17] i have a few seconds here i live in um broadlands and we hear dullest airport knows all the time was not a deterrent to buying home there just saying thank you thank you um john ebersole and then we have two speakers who are remote and then i just got a hand of the big stack of more speakers on this item so mr ebersole and then we're going to go to the two remote speakers who with Mavis Tainter and Jorge Chalico.

[00:45:44] - Good evening, Supervisors. My name's John Ebersole, lifelong resident of Leesburg. Just forgive me, I'm just walking in, so I haven't really had a moment to gather my thoughts on this. I've sent you all emails regarding the Clear Springs applications, my concerns with it, with the aircraft noise, traffic that it's going to add to Evergreen Mills Road, ongoing cost to taxpayers. While the 8.5 million revenue is great, that is not nearly what it's

[00:46:18] going to be ongoing cost to taxpayers for schools. And I know the developers proposing road improvements, but it doesn't nearly touch anything that's going to be required for the amount of vehicle trips that this is going to generate. And also, too, most importantly, I would like to note that it's primarily going to impact the residents of Leesburg and the Leesburg Town Council does not support this application to the best of my knowledge, the last I heard, at its current density.

[00:46:54] So I, once again, think we need to kind of get away from just approving special exception applications all the time because it's in the name, special exception, where we're going from, I think, 250 homes by right to nearly quadrupling that.

[00:47:13] So, you know, what good is the zoning ordinance when we frequently come in here and approve double, triple, quadruple what is by right? So, thank you. Thank you, sir. Can we go to the line, to the web for our two speakers who are, Ms. Tainter is the first one, please?

[00:47:33] And then you can go right on to the second one. Can you hear me, Jacqueline? Can you hear me? Yes, we can, ma'am. Great. So it's Mavis Tainter, and I have something to say, which, first off, I would like to respectfully ask the board to vote no on the Clear Springs development issue.

[00:47:58] I am a great person who wants to see more affordable housing in Loudoun County, but this development is highly dense. We are seeing several more of these developments that are coming along for this same area.

[00:48:19] The transition policy area is supposed to have 50% open space, and yet we're looking at an upzoning, a very large upzoning of a development here. So I'm also asking the board to please consider what we want the transition policy area to look like and to preserve the open spaces that are there so that we can continue to enjoy them.

[00:48:46] Thank you very much. Thank you very much. Can we go to the next speaker, please, the next remote speaker? Yes. Good evening. I'm out of County Gord. My name is Jorge Tirico. I'm speaking on behalf of the Berk Tennis Club, a non-profit charity tennis organization based in Fairfax.

[00:49:08] I want to ask the board to vote yes on behalf on multiple levels. On the first level, obviously, the opportunity for housing to be provided at all, obviously including the affordable homes. I do also want to note any opposition to this based on costs.

[00:49:27] So it really does not take into account that the more rural, the more spread out and sprawled an environment is, the more expensive it is.

[00:49:43] The denser and more compact it is, ultimately over the long run, it's more economically sustainable. I do also want to fully support the USTA and Atlantic National Campus that is attempted to be built there. I believe in what tennis is able to provide to youth, to adults, and to communities in terms of growth and development.

[00:50:05] And I believe that the facility here, with Loudoun County having a GDP of \$33 billion, Jefferson County having a \$136 billion, we are not in any way providing and supporting tennis like, for example, a nation like Serbia, who has only \$63 billion.

[00:50:24] So our area is greatly behind in terms of supporting the youth sport and the passion of tennis. I really believe that this development is going to raise the opportunities for kids. It's going to make it so that kids who are developing their competitive opportunities do not have to travel all the way down to Virginia Beach.

[00:50:47] They have to just go to other sites and spend a lot more money. It's going to make tennis more accessible. And that's one of the core missions of our nonprofit. It. We make it affordable and accessible and I look forward to being able to go to that location and I look forward to potentially being able to purchase a home in that area as well just because I would love to be an area with those amenities in that community. Thank you so much. Appreciate your time and again vote yes for this. Appreciate it. Thank you sir. We have some more speakers who have signed up. Al Storm, that is a cool name, Al Storm, followed by James Russell, followed

[00:51:26] by Mike Wilkins. Good evening, sir. Good evening, everybody. Thank you for being here tonight.

[00:51:42] I'm Al Storm. I live at 10760 Harper's Ferry Road. I've been a resident here in the county for 40 years. I was asked to join the Loudoun Habitat for County Project Development Committee because it's very hard to find sites these days. I've come to the committee with quite bit of expertise here in the county, both architectural and working with the county officials. I'm speaking on behalf of the board and as the local community at large. As a business owner running a firm in Reston, as a president of an architectural firm for 50 years that does

[00:52:19] all kinds of architectural planning, and as past president of the state of Virginia, AIA, I'm here to speak about a major need, and that's affordable housing. The key point in my talk tonight is to thank Kobe Mitchell for the developer of the village of Clear Springs for having the vision for providing Loudoun Habitat of Humanity with the donation of 12 potential sites for housing for the residents of this community. He's doing this because he cares about affordable housing, both the rental and the housing for ownership. Habitat is an organization that

[00:52:57] provides opportunity for families of moderate means that seek the American dream. Our clients of persons that the community relies on every day and that want a permanent housing solution. Habitat has young families that have shown the ability to be good working citizens, have an excellent financial renting history, and need to live closer to where they work.

[00:53:21] These people are workers at Dulles Airport. They're county teachers, policemen, emergency responders, nurses, service providers, and construction workers. On behalf of Loudoun Habitat and its clients, I cannot thank the owners of Clear Springs enough for this wonderful gift.

[00:53:43] It will provide our community with greatly needed home ownership opportunities for 12 working families, hopefully in the next five years, assuming all goes well tonight. Thanks to everybody for their time and concerns. Thank you, Mr. Storm. James Russo, followed by Mike Wilkins, followed by Jim Sisley.

[00:54:05] Good evening, sir. Good evening, Madam Chair. Good evening, supervisors. I am James Russell. I live here in Leesburg. I am the chair of the Virginia Statewide Community Land Trust, of which I'm speaking on behalf. And I'm also chair of the Loudoun Habitat for Humanity. And I wanted to take some time to articulate the, you know, the unique situation here with these community land trust homes via the donated land from Hobie Mitchell. Now, they're very different from the homeownership opportunities that we have

[00:54:43] via Loudoun County for attainable homeownership in that, you know, it's one family or one resident or one homeownership opportunity. And once they sell that home, it goes to market and is lost as an attainable house. What's different with the community land trust is it's in the community in perpetuity. So there's a 99-year lease for the land, for the homeowner, and after 99 years, it automatically renews. And so you can think of it as kind of like turns it on attainable housing

[00:55:22] on its head. So instead of one family, one home, it's one home, many families over and over and over again. So a family could sell and 80% of community land trust homeowner graduate to market rate housing homeownership. And so they move up, they create a space for, say, renters, maybe it's an attainable renting opportunity, and they become homeowners. And then when they move, they graduate

[00:55:56] to market rate homeownership, and that opens up another opportunity. And so when we're looking at this scarce resource, and we're running out of land where we even have rezoning opportunities, where we're going to get this kind of attainable housing via the county, the community land trust situation is even more critical because it is something that will outlast these units that will come with these developments that are asking for rezoning.

[00:56:29] And so this is a particularly unique situation and really a testament to Hobie Mitchell to donate this land, which makes this all possible. And lastly, I'd like to note all the other Loud Habitat for Humanity folks here and I'm sorry your time is up I'm sorry thank you very much Mike Wilkins followed by Jim Sicily followed by Tara Navarro I think mr. Wilkins good evening sir good evening how are you I'm well madam chair and honorable supervisors thank you for allowing us the opportunity to speak for this application and for allowing us to go first thank you this evening speaking as

[00:57:08] a pilot I want to respond to issues concerning Leesburg Airport first please let me assure the board that everyone connected to this application is a supporter of the airport. In fact, we view the airport and the proposed USTA facility to be complementary with USTA visitors potentially flying into the Leesburg airport. Recently, the airport commission sent a letter to the board that has useful data to evaluate the potential effects of a development west of the airport. The letter states that on March 14th, 576 flights were recorded in 10 hours.

[00:57:39] That amounts to about one per minute, not the 30 seconds mentioned in the letter. A closer look at the flight path map shows that approximately half of the flights were on the eastern side of the airport and did not fly over our property, further reducing the timing between flights.

[00:57:55] Since our property is under the downwind leg of the flight pattern, the aircraft are 800 feet above the ground, which is stated in the letter and by some other folks. Not stated is that the engines are throttled back in the downwind leg, thus reducing the noticeable noise from overflights.

[00:58:10] the letter divided complaints into four quadrants around the airport examination of the quadrants in the letter shows that the northwest quadrant which is within the town limits has by far the largest number of citizens who have complained about noise to the airport commission this quadrant experiences most of the takeoff traffic when engines are at their loudest tavistock farms which is located under the eastern downwind leg and has approximately the same density as our application at only five complaints. Using history as a guide, we can expect similar low levels of concern from the

[00:58:46] residents of a new community under the downwind leg on the west side of the airport. Even so, to protect the airport, this application is proffering an navigation easement and a noise study to see if new homes need additional protection from overflight noise. For these reasons, we believe the airport will continue to operate and grow in Loudoun after new residents move in. We respectfully ask that you approve this application. Thank you. Thank you, Mr. Wilkins.

[00:59:12] The next speaker is Jim Sisley. I should say that I know Mr. Sisley personally, and in my first term, he was my planning commissioner. And you'll be followed by Tara, I think it's Navarro. Good evening, Jim. Good evening, Madam Chair and members of the board and staff. It's nice to see you. I'm here to ask you to approve the Village of Clear Springs application this evening on the back of one central issue. When I was the chair's planning commissioner, we had a shortage of 20,000 housing units. Four years later, today, Loudoun County has a housing shortage of 50,000 units, and that

[00:59:49] shortage is going to continue to grow. Every single jurisdiction in Northern Virginia has a responsibility to help deliver additional housing. In this particular case, we have 25% of that housing that's proposed, which is affordable. I never saw an application that had that much affordable housing in it. Very difficult to imagine that you're going to see another one. This is one of those situations where the negative comments about this application are where perfect is the enemy of good. This is a great application. As a matter of fact, i think it's a five on the turner scale and should be approved this evening i'm going to leave it

[01:00:29] with you at that thank you so let me just say the turner scale was first the randall scale so let's just clear that right up but thank you jill he was my planning commissioner really all right and he's leaving quickly tara navajo you'll be followed by barbara clark thank you good evening ma'am. Good evening. Tara Navarro, CEO for USTA Mid-Atlantic Foundation. Happy to be here for the third time. They say third time's the charm, so I'll be as charming as possible. Your approval of

[01:01:05] the Village at Clear Springs with its innovative plan for housing, green space, and amenities, such as our USTA tennis campus that will be publicly available, will have a powerful and much-needed impact. I've stood up here and given you lots of information about tennis, like how tennis can increase your lifespan by 10 years.

[01:01:25] But I want tonight to share a much more personal story about tennis in Loudoun County. I want to talk about Ari, who's a fifth grade student at Shirkland Elementary who participates in a USTA Mid-Atlantic program. She is in our Girls Rule the Court program, which is a free after-school tennis program to help marginalized youth, particularly girls, gain access to the healthy benefits of tennis.

[01:01:48] we promote health wellness teamwork and we build self-esteem through tennis we teach the basics of tennis in a fun and rewarding environment and it's all led by female mentors and female coaches we have witnessed girls just like Ari blossom acquire new skills and build their confidence and comfort on court she has been with the program since its inception in 2022 the eight-week program she has taken now five times because she loves it so much. She enjoys the connection

[01:02:23] she's made with the other girls in her school and the women coaches and mentors who are leading her. She's not only been introduced and created a love of tennis, it has helped Ari get active in a new way, and it has given her inspirational and impactful experiences. On two separate occasions, She has had the experience of meeting inspirational professional tennis players, escorting them onto the stadium at the D.C. Open, including two of the most exciting American tennis players, Coco Gauff and Frances Tiafoe.

[01:02:55] And most recently, she gathered up the poise and confidence she's gained from the program, representing all young girls on Capitol Hill, speaking with legislators and giving a voice to the need for more opportunities for girls in sport and met Kalio McClay, a three-time Peri-Olympian.

[01:03:14] Her mom shared with us this, Girls Rule the Court has given Ari wonderful opportunities that I couldn't afford. I've seen this program give her confidence and become a responsible role model to her friends. We hope that you will give us more opportunities like this for other girls and youth in Loudoun.

[01:03:30] Thank you. Thank you very much. Barbara Clark, you will be followed by Tia Ehrman, followed by Trinity Mills. Good evening. Good evening, Madam Chair and Honorable Members of the Board. Thank you for granting me the opportunity to address you this evening.

[01:03:47] My name is Barbara Clark, and I am a small business owner in Loudoun County with offices located in the town of Leesburg, as well as Sterling. In 2015, we established our mental health practice with a clear purpose to provide essential services to our community. While we accept commercial insurance, our commitment extends much further than many practices in Loudoun County. We accept Medicare and Medicaid clients, with the majority of our clientele falling in this category. Offering both telehealth and in-person clinical sessions, we've observed a preference among Medicare and Medicaid clients for in-person sessions. So you're

[01:04:26] wondering, why am I bringing this up, right? This application before you addresses a fundamental need for attainable housing. This need is paramount for our clinicians who serve these clients, driven by our vision of community-focused practice. However, financial constraints have increasingly influenced decisions, often diverging from our clinicians' clinical aspirations.

[01:04:49] We've witnessed a troubling trend, clinicians departing due to the unaffordability of living in this area. They seek employment in locales like Alexandria, Arlington, McLean, where clients pay hefty out-of-pocket rates ranging from \$200 to \$300 a session. Naturally, this places such services out of reach for a significant portion of our clientele, exacerbating their already challenging situations. Just this week, we lost a valued clinician to such a practice, and regrettably, many of those clients cannot follow them due to financial considerations. Our practice

[01:05:26] lacks the capacity to absorb these clients, and options for Medicaid and Medicare services are distressingly scarce. This dilemma underscores a pressing issue within the mental health field. Clinicians

must weigh the choice between providing vital services while residing far from their workplaces or prioritizing financial stability by remaining close.

[01:05:49] Opting for the latter creates profound void in available clinicians, leaving those in dire need of mental health services, really health services, without recourse. I wish to emphasize the critical importance of accessible housing, attainable housing.

[01:06:07] I firmly believe that this project holds immense potential to address this person's need, particularly as we anticipate the opening of the new Loudoun County Crisis Center. Thank you, ma'am. Thank you very much. Before Ms. Ehrman speaks, supervisors, just so you know, you all know that I had fairly extensive dental surgery last week.

[01:06:29] Because I had so much Novocaine put in my mouth, it went into the back of my throat, hit my vocal cords to some degree, so the cough is, I'm not sick, I haven't, there's no COVID. They've done the COVID, all that stuff's done. So just so you know, it's just that it's a result of the dental surgery I had.

[01:06:46] So if it starts to get out of hand or bothers me too much, I may have to, for an item or two, give Ms. Bricksman the gavel or step off the dais. But that is why I am coughing. So thank you. I see Mr. Crony just keeps moving further and further away from me.

[01:07:06] Tia Ehrman, you'll be followed by Trinity Mills, followed by Mike Water. Thank you. Good evening, Supervisor. Good evening. My name is Tia Ehrman, speaking on behalf of the Piedmont Environmental Council, please ignore the green, where I work as a land use planner.

[01:07:23] I got my master's from Virginia Tech in urban planning and regional development two years ago next month, and it is with my planning hat on I have comments for you this evening. The American Planning Association's Sustainable Places Initiative speaks eloquently to the power of a countywide comprehensive plan to address the sustainability challenge all localities face in their community building efforts. Abbreviated for time, quote, planning for sustainability is the defining challenge of the 21st century. Overcoming deeply ingrained economic and cultural patterns that result in resource depletion, climate instability, and economic and social stress

[01:07:59] requires holistic problem solving that blends the best scientific understanding of existing conditions and available technologies with the public resolve to act the comprehensive plan has the legal authority to act as the vehicle for guiding community development end quote godshock and anderson 2012. it is through our county-wide comprehensive plan we combine knowledge of our resources extensive public input and modern planning practices into an actionable vision for our county our county spent extensive time money and effort in 2019 to craft a well-written document which has the capabilities to achieve a sustainable future and meet all of our goals

[01:08:39] but it is impossible to realize this vision without the intent and fortitude to execute the plan here we sit on the verge of approving a very large dense intense development which stands in stark contradiction to our county-wide comprehensive plan goals strategies and guidelines for the policy area it occupies.

[01:08:59] The transition policy area is our most vulnerable policy area and its developments like the village at Clear Springs that dramatically undermine its integrity and purpose. The staff have carefully outlined all of the ways this development is wholly inappropriate for this location and we support their analysis.

[01:09:16] I've offered input on three occasions from PEC on steps necessary to approve and bring this application into alignment with a sustainable vision for the county, such as changing the attainable housing to a compliant product type and finding a more appropriate location for a large professional lit tennis facility.

[01:09:33] Excellent economic development opportunity. It is a shame I cannot be more excited about it because it is in a wholly wrong location. We encourage you to support the staff and deny this application until the outstanding issues are resolved and it is at a scale appropriate for the TPA. Thank you, Ms. Ehrman.

[01:09:50] Trinity Mills, you'll be followed by Mike Water, And you will be followed by Stephen Rolda. Good evening. Good evening. I'm Trinity Mills, speaking for Loudon Wildlife Conservancy, regarding the village at Clear Springs application.

[01:10:08] We are in agreement with staff's recommendation for denial of this application. The sheer magnitude of legislative approvals required to bring this application in compliance with county policy should serve as evidence of its inappropriate nature for this location. We understand that this development includes affordable housing that surpasses the minimum requirement.

[01:10:28] While this is commendable and we agree that affordable housing is a need in the county, the number of affordable dwelling units is a small proportion of the overall project, and this inclusion should not carry enough weight to allow the issues inherent in this project to be overruled. Our most serious qualms within this application have to do with the excessive nighttime lighting and impervious surface area from the tennis facility, which are aggravated as a result of the intensive density.

[01:10:53] These issues, in combination with the decrease in habitat from the large footprint of the application, will negatively impact both aquatic and terrestrial wildlife. Unfortunately, if approved, this application would represent another instance of excessive and inappropriate lighting allowances in the county.

[01:11:09] The requested special exception is entirely inappropriate for the character of this location, and its approval would serve to contradict the board's stated goals to protect dark skies. As a growing issue in the county, the effect of excessive lighting on migrating birds, breeding amphibians, and other wildlife should not be taken lightly, no pun intended.

[01:11:30] A decision should not be made which is not in alignment with dark sky protection objectives as were laid out by the board in the zoning ordinance and other county policy, especially not immediately following International Dark Skies Week, which was designated and adopted by this board. We at Loudon Wildlife have serious concerns about the density of this project and believe that its benefits, tennis facility and ADUs, could be better implemented elsewhere.

[01:11:55] The rezoning special exceptions and zoning modifications being asked for come after previous rezoning efforts recently to change parcels within this area from agricultural zoning to that of the transition policy area. We believe that further rezoning that surpasses even the scope of the TPA is entirely inappropriate.

[01:12:12] Thank you. Thank you, Ms. Mills. Next, we have Mark Warder, followed by Stephen Rinaldi, I think, followed by Dennis Boykin. Good evening. So I have a prepared statement, but then as I listen to people talk, I've changed what I want to say.

[01:12:33] I originally wanted to talk about the civic process. I'm one of the landowners that assembled our land, and boy, it's been over five years ago that we said, we're not rural anymore. What do we do? they said, well, they're developing the comprehensive plan. So we sat down at tables at elementary schools. We talked with the county. We met with supervisors, and eventually the comprehensive plan was passed, and everybody agreed we weren't rural. They moved us into TPA.

[01:13:01] And then we began interviewing developers. We hooked up with Hobie. I was part of a small group that met routinely over these past years. And I can tell you from a personal basis, these guys have tremendous integrity enthusiasm every time we'd sit down we had to tell hobie to be quiet because all he wanted to talk about was all these cool things he's going to put in this community we met with neighbors we asked what was important we tried to work that in we developed the roads several people have commented on how pretty our land is and they like to drive by it i would say

[01:13:37] the same thing about their land before their developments were built and i'd also say that you can't see my land from the road i'm dead center on that green platform there and you can only see a small portion along evergreen mills you can't see my place and most of the others behind it but then we came to the county we developed this plan we went through the planning commission they beat us up pretty good we went through multiple revisions but that's the county process right we hung in there we did all the things they suggested they eventually voted 7-2 to move us to you guys. And here we are. Another thing that, you know, I appreciate the opportunity that

[01:14:16] everybody's allowed to speak, but I don't get the plane thing. You know, I live densetter on that property and I can tell you in 20 years, the blue jays are more annoying than planes. They're puddle jumpers that come through the middle of the property. They're not jets. And after a little while, you don't even notice them anymore. You know, we have 4th of July parties. We have multiple picnics and nobody once has ever said to us, what's with all these planes? It's just kind of a non-issue for somebody who practically lives there and then finally I walk that property almost every day and that green open space you see in the middle 99% of the wildlife lives right

[01:14:54] there because I know exactly where they move and what they do and I'm grateful to Hobie for saving that area. Thank you Mr. Water. Next we have I think I butchered the last name Stephen Rapaldi perhaps and then after Mr. Rapaldi we have Dennis Boykin and then after Dennis Boykin we have Sridhar Nagareti. People say Rapalde all the time. It's Rapalde, but it's okay.

[01:15:19] Rapalde, okay. Good evening, Board of Supervisors. I'm grateful for the opportunity to address you today. As a longtime Loudoun County resident, I'm proud to voice my support for the village at Clear Springs rezoning application. The proposed road improvements, which include an additional two lanes on Evergreen Mills Road, address the congestion issue that is all too common for commuters in the area. The new lanes will significantly alleviate traffic flow, especially for those accessing the SportsPlex or the future USTA Center.

[01:15:48] Without this new development, it would be a long time before transportation improvements make their way to this region. The project will bring over five miles of linear trails that will be integrated into Loudoun County's trail system. Additionally, the development of new neighborhood park and the USTA Center with tennis, pickleball, and a fitness center will benefit not only the residents of the community, but in the entire county and surrounding neighborhoods.

[01:16:11] In conclusion, I strongly suggest that the board moves ahead with the approval of resounding application. Thank you for your thoughtful consideration. Thank you, Mr. Ropaldo. Next up, we have Dennis Boykin, followed by Sridhar Nagareti, followed by Robert Gordon.

[01:16:28] Thank you, Madam Vice Chair, Madam Chair, members of the board. I think you stacked this deliberately, so I had to follow Jim Sisley, so that's a tough act to follow. And I'm going to actually stand up here, and don't everybody fall off your chair. going to agree with mayor kelly burke of leesburg um with the issue almost gagged on your drink there i apologize manager uh three years ago i met with mr mitchell and his outstanding attorney and in fairness i have to say that all of the issues that the airport director and i laid out to them they've addressed all of them except some details they've gotten after the navigation easement which some people didn't even know what that was when i brought it up in the meeting so they did

[01:17:08] do that air traffic is going to be an issue over this property i know some folks who actually live there say no i don't even notice them trust me when there's a thousand people living there they will it's a great development brings great things kids get to play tennis it's just in the wrong spot but what i would ask you to do if you do vote for that i would ask you to consider a detail the detail is the governor on monday signed a law and if you don't think that law wasn't pointed at the nine of you you weren't paying attention the virginia realtors association took away your right to require disclosures this application puts it in the proffer for the first purchase

[01:17:46] here's the issue second and subsequent purchases they don't have to get notified that they're right on the other side of the greenway from an airport if there's a way for you to look at that and perhaps mr rogers can bring you some insight into that if there's some way to look at that and add that into the proffer that takes away really the last complaint thank you very much for your time and your service to the county thank you sir next up we have mr nagaretti followed by robert gordon good evening madam chair and board of supervisors um thank you i want to thank you all doing a

[01:18:23] wonderful job and recent budget you made it cut like a cent on the property taxes that makes more people to live in loudon thank you matt i'm doing that as a finance chair so more people are moving to Loudoun. Why? The best schools, safe communities, and tax deduction not only makes Loudoun County more affordable for families, but also reinforce our commitment to fostering on inclusiveness and

[01:18:58] vibrant community for all. With top-notch schools and dedication to public safety, Loudoun County continues to be a desirable place to call home. So I just want to bring something up. From 2022, the population has grown 37% in London.

[01:19:16] Right now, it's almost 450,000 from 315 in 2010, comparing with 7.7% Virginia population growth and 8.2% during that period in the U.S. So it's been increasing the population, and more people are migrating.

[01:19:37] So how are we going to address this issue, right? So one is affordable housing, and other things are the process. It's taking two years, any application. So all these, like whoever is coming up and speaking today, opposing, they should be part of the process when the application is started.

[01:19:53] So not to create decisive communities. Include them at the early so they don't come here and fight in front of the board. So basically include at the Planning Commission. Planning Commission approved these applications 7-2. Right now, why so many people are coming up and talking?

[01:20:10] And nice pollution you're talking about. I live next to the IAD, but we still feel that the big flights are going to land comparing with the lease work. So you need to have a plan how much density needs to be there.

[01:20:26] But 1,000 homes, it's pretty good right now. I ask the board to approve the overall development and where else you are going to put this population. People are going to move in, and the buyers are waiting. So please consider approving this and make sure inclusiveness and shorter timelines to help the builders, developers, as well as the buyers.

[01:20:52] Thank you very much. Thank you, Mr. Nagareti. And our last speaker is Robert Gordon. I'd like to ask every member of the assemblages here tonight to stand and be recognized. Madam Chair, members of the board, I hadn't planned on speaking this evening because I strained my back doing stoop labor in my garden, But I was moved to do so by the number of new speakers talking about issues, and particularly the young people here who I think are, that were sitting in front of me, I think they're here primarily for ag soils, or who are probably thinking, how can the board possibly be considering approving this while all of these negative impacts?

[01:21:26] And I wanted to remind them and everyone in all the discussion of density, traffic, airport noise, that all of these issues were extensively discussed during a multi-year comprehensive planning process where the board appointed a stakeholders group that met for a year and a half.

[01:21:43] Then it had extensive planning commission and board review. A number of the board members who are here tonight were on that. And the plan designated this area, the area of this rezoning, as appropriate for development up to five units per acre if 50% open space was preserved and various amenities were provided.

[01:22:05] And since that time, my partner Kate and I have represented these landowners since 2019. This application has been under detailed review for almost four years with, I think, six sets of referrals and responses by staff extensive planning commission review a 72 vote of approval and i know from the board questions this evening that the board members are very aware of the pros and the cons of this application i think given the amount of review that this has had what i saw today was a lot of new faces but not a lot of new information and i would say to those

[01:22:43] people who say that this is not consistent with the comprehensive plan they're wrong or they're ignoring the plan or they're misstating the plan i don't think staff anymore is recommending denial i think they said they can't recommend approval but that level of relative enthusiasm is meaningful to us okay because it reflects a lot of work by the applicant so that for all the landowners most of whom have lived here 20 or 30 years and who farm this land they need to move on with their lives and consequently we request we suggest there's no need for

[01:23:20] this additional study we ask that the board move this ahead with a favorable vote this evening thank you thank you sir and thank you vice-chair Bricksman supervisor Kirschner would you like to make a motion I would thank you I move The Board of Supervisors approved.

[01:23:37] LEGI 2023-0017, Village at Clear Springs, ZMAP 2021-008, Specs 2021-0028, Specs 2021-0029, Specs 2021-0030, Specs 2022-0044, ZMOD 2021-0035, ZMOD 2021-0036, ZMOD 2021-0091, ZMOD 2022-0036.

[01:24:11] I'm only halfway done, guys. And ZMOD 2022-0037, subject to the proffer statement dated April 4th, 2024. Condition of approval dated April 4th, 2024.

[01:24:27] And based on the Planning Commission's findings for approval, provided as attached at one, two, and four to the April 10th, 2024 Supplement Board of Supervisors Public Hearing Staff Report. Motion made by Supervisor Kirshner, seconded by Vice Chair Bricks. When discussion on the motion, Supervisor Kirshner.

[01:24:44] Thank you, Madam Chair. I only have three minutes, but first, and there's a lot I could say. I'm going to try to get as much in as I can. First, I want to thank everyone who came and spoke on both sides of this issue. These are very hard applications. The only thing I would say is if anyone remembers the application for True North prior to that was a data center that was in the ended up in the tpa prior to that there was a very nice housing development that was proposed there which was rejected by the board so anytime you have to look at every single application very differently um and based upon that application itself and wonder okay are we going to get something worse potentially in the future and there were a lot of concerns i had going to this especially on the density and although the

[01:25:22] transition policy area has been changed with the last comprehensive plan there are still there were still issues of compatibility were some of my initial concerns. But I do think something that's highlighted here is how much pressure there is for housing. And for those of you who live in Western Loudoun, how important it is to do everything we can to preserve our conservation easements, bring a PDR program so that we get permanent preservation of land. I think that's really important as you see an application like this, because this is the kind of pressure that we will see in Western Loudoun in the next four or five, 10 years. But at this point, this particular application, I think the compatibility issues and environmental issues have largely been

[01:26:01] resolved. The capital facility contributions and credits, I think, honestly, are adequate. I think the highlight of this application is the tennis courts, 19-acre tennis campus with 6 to 20 lighted outdoor courts, 1,607 square foot sports facility contains 16 tennis or pickleball courts with the United States Tennis Association. We heard a little bit about that tonight. And I'm not really concerned about the lighting i know they say this doesn't belong to you but if you look at the location that the applicant has put it it's up against the greenway it's up against heritage where they have lights already it really does fit specifically where the area works even though it is in the tpa

[01:26:38] and that's what land planning is it's looking at every aspect of a development the big thing for me in this application is the widening of evergreen mill i used to live on evergreen mill it was an absolute nightmare that's why i moved away from evergreen mill this is going to widen it to four lanes. So for the most part, I think the applicant comports with the transition policy area, as was mentioned earlier. But there were three major concerns from the Granada Preserve, and I want to thank the applicant and those folks from Granada who met. We were really unable to resolve much, but there were three major concerns that I plan on resolving or working on in the future with VDOT. That was first, the optimization of the traffic

[01:27:16] lights on either side of Granada Preserve community entrance. The second was the Evergreen Mills Road widening, pushing towards the new development, and I want to make sure that hopefully the right-of-way that isn't needed will be given to the HOA by VDOT so they can increase their plantings, landscaping, buffers, et cetera.

[01:27:33] And third, VDOT, I want to work with VDOT within the community to update their third-party agreement for the media and interior to the community, and I'll be sending a letter to my fellow board

members and to VDOT concerning this. So thank you, Madam Chair. Those are my comments. Thank you, and remember, you will have a closing. Okay.

[01:27:50] Okay. All right. That's fine. Okay, that's fine. Ms. Umstead. Thank you, Madam Chair. First, I want to say I will not be supporting this for some of the reasons Mr. Ebersole, Ms. Yearman, and members of the Leesburg Airport Commission and Vice Mayor relayed.

[01:28:12] Before I get into more specific details, I want to personally thank Ms. Erin Swishelm, for her outreach and her making certain that all members of the board knew exactly what had changed in the proffers i found that very very helpful and i appreciate mr mitchell you're taking seriously a number of concerns that the airport commission had raised

[01:28:48] and i thank you for your dedication to the county you've been doing a lot for the county for a long long time now and you are creative and a very worth worthwhile developer i cannot support this because i do believe it is way too much density in the transition policy area and i think it is the beginning of a change in attitude towards the transition policy area that will result in denser

[01:29:19] and denser development in the tpa i also remain concerned about the impacts um both on the roads with almost 8 000 additional daily weekday trips put on to the road system and i am as always very concerned about the impact on the school budget with an additional cost of over seven million dollars a year in school operational costs and almost thirty eight

[01:29:57] million dollars in capital project needs for the school system the costs of this project will outweigh the tax revenue benefits of it and for those reasons I cannot support it somewhat reluctantly because I have a lot of respect for the team that put this together thank you mr. crony thank you chair Randall and I want to thank everybody who came out tonight I really appreciate all your comments and like supervisor um said I'm sorry I can't support this application

[01:30:34] tonight but I do want to thank Hobie I love that you're donating land for habitat for humanity I think that's how we should be looking at reaching our affordable housing deficit in the future you know that's a really creative and very generous part of this application that I really like along with the tennis center but my reason for not supporting it is the multifamily units in the transition policy area it's not envisioned within the transition compact

[01:31:12] neighborhood we did go through a very long process during 2019 and multi-family is not envisioned and there would be two buildings with 90 units in the buildings at a height of 45 to 55 feet I do think a better solution would have putting quads and tries in that area in that land bay instead of multifamily I do think we need diversity in our affordable housing not all type of one not all one type of unit which is

[01:31:50] multifamily I'd love to see more single friendly attached quads and tries in the county I think that's a product type that people are really looking for. So that's the kind of creativity I'm looking for, and I really cannot support that type of unit in the transition policy area.

[01:32:14] I do like the Tennis Center and like Supervisor Kirshner. I mean, I do have concerns about the intensity of it. However, it being near the Dulles Greenway, I think it's an okay location. 110 light polls are concerning, but I understand you're going to use certain types of lighting to make sure it doesn't trespass onto residents. And the other two issues that I'm concerned about are the overcrowded schools, especially

at the high school level. I am concerned about Heritage High School. I do think eventually this neighborhood will go there, and I'm concerned

[01:32:50] about high school overcrowding and the traffic. So I do have Red Cedar Estates in the Little River District, and they have said that they're concerned about the traffic of 8,000 more weekday total trips. It's wonderful that you're doing the improvement in the front of the neighborhood, but east on Evergreen Mills Road, I do think we'll have some traffic concerns, especially around Red Cedar Estates. So I want to thank you, and thank you.

[01:33:25] Your time is up, ma'am. Thanks so much. Mr. Letourneau. Thank you, Madam Chair. Appreciate everybody being here tonight. I'm not going to speak on every item tonight, but this is a consequential vote, and this is our final vote, unlike some of our items. I want to start by addressing the concerns about the airport noise, which is an issue that I have spent a great deal of time on as the Dulles District Supervisor.

[01:33:49] Very familiar with the contours and the issues there, and I really think it's kind of a black-and-white issue. We have an airport impact overlay district, and within that AIOD, we have an area in which residential development is not permitted, and the other areas, it is permitted.

[01:34:07] And so when we look at land use cases, we talk, we use, the phrase that we use is arbitrary and capricious, because the Board of Supervisors cannot make an arbitrary and capricious decision. I believe that if we were to reject this development based on airport noise, it would be arbitrary and capricious because we have a policy specific to this that says where where you can reject an application because of airport noise and when you can't and this is very clearly in the area that does allow residential development so I have to put that issue aside however valid some of the

[01:34:42] concerns may be I think that's that's just the law and that's our practice here and we need to be consistent with how we enforce that moving on I do agree with some of the concerns with the speakers and with some of my colleagues about the overall density of the project particularly the multi-family which is not ideal for this location so I have to weigh that against the other unique feature that deviates from a normal residential development in this which is the USTA facility and there are times when as a county I think we're striving to be more than I'll call it

[01:35:18] and I don't even mean it as a derogatory way but I'll call it a bedroom community and I think we have already left past that and achieved that but we're looking for those things that help make our place so to speak that help make this a unique place to be and this is one of those type of facilities that will draw people from all over the region that will provide a tremendous benefit to residents within the county having something like that so close by I don't personally play tennis who knows maybe I'll start someday I spent all my time here but um but it doesn't matter I mean And it's the same as I didn't play soccer, you know, and I was in favor of that facility.

[01:35:56] It's one of those unique things that we can have that is coming with this application. And quite frankly, if you really dive deep into the economics of a project like this, you have to have a lot of density that is going to be profitable elsewhere in order to be able to afford to do something like this. Yes, I know USTA has to buy it, but the land costs are involved and all those sorts of things that went into this equation.

[01:36:15] So when I kind of net all of that out, I come out in favor of the application. I will vote for it. I do also want to say that I appreciate the work of the applicant to work with me on unit size. Specifically, we

were able to get some commitments on smaller units, market rate units, which I think is important for housing diversity.

[01:36:33] Thank you, Mr. Letourneau. Ms. Glass, do you have anything? Yes. Yes, Madam Chair. First, I want to thank everyone for coming out to speak tonight. and also those who've reached out to me via email.

[01:36:52] You know, your voices are very important to us during this process. I will be supporting the approval of this application and of the rezoning. I think the housing that's offered is attractive and appropriate for this area, and I just wanted to give Mr. Russell a shout-out.

[01:37:13] I've met him at one of the Habitat for Humanity events and his passion for housing for folks that live in Loudoun County. I just commend him for that and appreciate the work that he's doing.

[01:37:29] I also especially think the tennis facility will be a great asset to the county as a whole. We are looking to diversify our economy in Loudoun and provide more housing to address the housing crisis, and this application does both. Thank you, Madam Chair. Thank you.

[01:37:45] Ms. Brixman. Thank you, Madam Chair. If I might ask Mr. Rogers a question for the chair really quick. Mr. Rogers, just because the governor signed that bill into law that says the board cannot create an ordinance requiring the disclosure, that does not preclude an applicant from proffering, voluntarily proffering, to provide that notification, correct?

[01:38:10] Vice Chair, that is absolutely correct. Okay, thank you. That's what I thought. I just wanted to clarify that point. If I could vote for this application twice, I would. This application just knocks it out of the park, in my opinion. We have such a unique opportunity in Loudoun County to bring the USTA headquarters to Loudoun County.

[01:38:30] And we talk all the time about diversifying our economy. And this is it. This is one of the ways that we are working on diversifying our economy. And you almost had me at Girls Rule the Court. Ms. Fitzpatrick Navarro. I actually toured Sugar Land Elementary just a couple weeks ago with my counterpart on the school board, and they talked about Girls Rule the Court and what a great program it is. And I believe you. Like, I believe this story. I coached girls on the run for several years at my daughter's elementary school, and I see what that can do for girls, especially girls

[01:39:08] that are disadvantaged, those sorts of programs. So truly, truly appreciate you. And when they were telling me about that at Sugar Land, I just kept thinking, the USDA is coming here. We're going to have more of those programs, hopefully, in our schools to help some of our less advantaged youth. So thank you for that. I really, really appreciate it. The housing, I think we do have a nice diversity of housing in this application, because although we have the LIHTC, which I assume is probably going to be attainable rentals, we have 12, right? 12 Habitat for Humanity, Single-family homes for purchase, I believe?

[01:39:50] Attached. Okay, single-family attached, right? So it's a home for purchase, 12. And so that is vastly different from a LIHTC building in the same project. And we have housing for 55 and better. I like that you say 55 and better. Since I'm over 55, I'm better.

[01:40:07] So 55 and older. Yeah, exactly. So if we want attainable housing in our county, we have to vote for attainable housing. And if we want to diversify our economy, we have to vote for projects like this. If we

want to, you know, get a hold on some of the other industries that are overrunning our economy, we have to vote for something like this.

[01:40:28] So thank you very much, and thank you, Hobie Mitchell, and thank you to the applicant and the families for sticking in there. I know it's been a long road, but like I said, if I could vote for this twice, I would. I'm very, very happy to support. Thank you, Supervisor Kirchner, for all your work on this and for your motion to pass this.

[01:40:45] Thank you. Thank you, Ms. Bixman. So I moved to Loudoun County in 1993, a long time ago. I don't know what the population was then, but it's a whole lot more now. And truthfully, I mean, my kids came, well, I had them when I got here.

[01:41:03] And I am quite sure that there are probably people who opposed my home being there and probably people who opposed my, you know, taxpayers' money going from my kid to be in school. This is what we do. this is just how this works this is to pay it forward we're talking about we spend taxpayer money to educate children I've never understood why that is that isn't I don't think there's anyone up here who doesn't have children most of us in the Loudoun County Public School that went to the Loudoun County Public School system so the the the boiling a child down to a amount of money is always

[01:41:40] kind of confusing to me I just don't really understand that Mr. Crony with respect, I also want more diversity in our attainable housing, but that's an issue of how the General Assembly allows us to finance LIHTC properties and how much harder it is to finance different types of attainable housing within one development. We did put some legislation in the General Assembly to fix that, and it didn't pass. And so there's nothing we can do about that but keep asking the generous committee to allow us to do it.

[01:42:16] So what you want, I want, but that didn't pass. In fact, it didn't even get out of the committee, to be quite honest. So we all do want that. I want to remind everyone of something. I'm going to just keep saying this. The Council of Government has regional housing goals.

[01:42:33] The regional housing goals for homes has been reached at market rate homes is now at 85% of our regional housing goals for market rate homes. The regional housing goals for affordable, attainable homes is 20%.

[01:42:49] So whenever anyone says, I would like to see affordable homes, but that means you don't want to see affordable homes. And we know that by the fact that in the region, not Loudoun, but in the region, we've only reached 20% of our attainable housing goals.

[01:43:05] We even want to have people to live in this county who are our teachers, who are our firefighters, who are our waitstaff, who are our nurses, or we don't. Or we don't. And the way you have that is by approving attainable homes.

[01:43:23] I don't know any other way to do it. I want to see more attainable homes for purchase because that is what builds generational wealth. Attainable homes for rent is a home, but I want to see them for purchase. And all that we have, and tell me if I'm wrong, says that the Evergreen Mills Road will be improved by this development.

[01:43:50] So, thank you. Mr. Kirshen, would you like a closing? Very briefly, Madam Chair, and again, I want to thank everybody. I just want to agree with a lot of what my colleagues say, especially Mr.

Letourneau. He should take up tennis. Tennis balls are much softer than baseballs. oh and uh that is not okay that is not enough so um but thank you mr attorney got hit in the head with baseball what's that joke they don't need the whole joke um sorry i needed a little levity there it's a long night but i i do seriously everyone on both

[01:44:30] sides of this issue these are very hard votes but the but those who said this is a very long process a very deliberate process a very comprehensive process to get to this point we're dead on and I just want to reiterate that no app all these kind of large applications none of them are going to be perfect quite frankly they're not going to be the densities quite frankly that we want they're not going to have everything's not going to fall in line and that's why we work really closely with the developers with the landowners with everybody involved with the neighbors as much as possible no but not everybody is always happy usually people give and take in the whole process.

[01:45:07] So there's no utopia in land development, quite frankly. But I will remind those who are perhaps disappointed by this vote that I've seen applications in the TPA that got rejected that were actually really good housing developments, and then we got something worse later. So as Supervisor Brisbane said, in terms of an actual housing development, this is a very well-laid-out pro-economic development, so to speak, largely because of the of the USTA aspect.

[01:45:39] And I appreciate my colleagues' support on this matter after all this hard work, thank you. - Thank you. Supervisor Kirshner made the motion to Buzzer-Brixman seconded the motion. All in favor please say aye. - Aye. - All opposed? - Nay.

[01:45:54] - That motion will pass 7-2 with Ms. DeCrony and Ms. Umstadt voting against the motion. Thank you very much. Jazz hands, jazz hands are going on back there. There's no clapping, there's just jazz hands. Thank you. All right, we're going to go on to the, well, just wait one second, get some of the room cleared out a little bit.

[01:46:15] The next item will be the Dog Farm Special Exception, which is also in the Catoctin District.

[01:46:28] You did move away from me. Like, what's going on over there? No, they put so much novocaine, it went down my local courts. I've had a really hard time.

[01:46:48] We're going to try to move on.

[01:47:16] We have a really long night. Thanks, everybody. appreciate it. We have the dog farm application. Good evening. I'm sorry. No, it's dog, it's dog farm. Thank you. Listen, you guys are going to help me, help me. Ready when you are. My name is Allison Britton. I'm with the Department of Planning and Zoning and I'm here today to present the application for three dog farm. The subject property is 23.02 acres and is located north of Shanondale Road and west of Edgegrove Road in the Catoctin-Electron District. The site is

[01:47:54] accessed from Shanondale Road. This property is zoned Agricultural Rural 1, AR1. It's located in the rural policy area in the rural north place type. The applicant is requesting a special exception to permit a kennel with up to 15 dogs on site. The kennel operation would be limited in hours of operation and would be primarily for daytime training, daycare services, and no overnight boarding would be permitted. A kennel is defined under the revised 1993 zoning ordinance as any place at which for a fee five or more dogs, cats, or other household pets over the age of six

[01:48:33] months are trained, boarded, including daycare services, or handled. The kennel operation would consist of both an indoor and outdoor component. The kennel building and training structure shown here are both currently existing structures. The kennel building is a climate-controlled and insulated building to be used primarily as a pickup and drop-off location, and the training structure would be primarily utilized for indoor agility training. As enclosed, you can see here

[01:49:05] a six-foot fence highlighting the outdoor portion of the kennel proposed. At the Planning Commission public hearing, the commission expressed concern for containment of the animals on the rear side of the property, and in response, the applicant revised the limits of the special exception to be outside of the major floodplain area with a perimeter fence to completely contain kennel operations. On the left side is the plot the commission saw and on the right side is what's proposed tonight. The Loudoun County 2019 general plan supports business uses consistent with the

[01:49:42] rural and natural character of the area. In general a kennel is considered consistent with rural businesses anticipated in the rural north place type provided certain performance criteria are met. To ensure compatibility, staff recommend conditions limiting the hours of operation, number of dogs, staff, and area. Staff also recommend conditions relating to handling, noise, lighting, fencing, animal waste, and landscaping. Staff support approval of this application subject to the conditions of approval, and as condition, this application is generally consistent with the rural north place type. With that said, I'm happy to answer any questions.

[01:50:21] Thank you. Supervisor, do you have questions for staff? Mr. Kirsten, this is in your district. I'll go to you first, sir. I think half the stuff tonight's in my district. It's a lot in your district. Thank you. I appreciate staff coming forward. So my understanding is this was not approved. Staff is recommending approval at this point. Were you recommending approval at the time was the Planning Commission or have things changed since then? And can you talk to me very briefly about what those are? Staff did recommend approval at the Planning Commission based off of the use being consistent with the place type. Okay, but there was, it was a vote of

[01:50:53] 9-0 to deny or to recommend denial is that correct correct okay okay and I'm not asking you the heads of all the planning commissioners but can you talk to me a little bit about what some of their thinking was what some of their comments were major themes the primary concern was containment of the animals you can see here on the graphic on the left side the blue limits indicate the limits of the special exception and at the time there was conversation about adhering to the 100 foot kennel sat back and containing the dogs through that pond area noting a fence couldn't locate in a pond have those been addressed at all since they have on the right side is the graphic with

[01:51:33] the revised limits where the applicant's showing they've pulled it in about 400 feet from that rear property line and they are now proposing a six foot fence in purple outlining the entire area to entirely contain the operation are there any restrictions in this application in terms of Because, I mean, obviously right now I think they're asking to not exceed 15 dogs, which potentially, you know, if they're outside.

[01:51:58] Are there any limitations on whether they can be outside, how many can be outside at a time, how large is it? Because it sounds like there's a fairly large facility for them to be inside because I think one of the things is noise concerns and escape concerns. Can you speak to that at all? That's not something addressed in the conditions, but I'll let the applicant speak to any shifts or scheduling.

[01:52:17] When we get to them, we'll touch on it. Now, I did notice from the Planning Commission to now coming before the board, there have been some changes on the screening. So originally they had proffered the screening, but now that's been removed. But could you help me understand how that's going to work?

[01:52:34] Yes. I believe you may be referring to the tree conservation area that was proposed. Yes. Part of the requirements for tree conservation area, if you're intending to retain existing vegetation on site, have a steep requirement for sufficiency of the vegetation.

[01:52:53] So in order to maintain flexibility, the applicant's opting to determine at the time of site plan the sufficiency of the tree stock available to put in a tree conservation area. Okay. What has also been brought to my attention, and one of the reasons we're here on this is that perhaps there have been prior violations, and I know that doesn't really have anything to do with this because they're trying to come into compliance and whatnot.

[01:53:20] one if this is approved at some point when if this is approved will there be what is the general process for ensuring compliance with the items that they have agreed to will the zoning minister visit regularly is only complaint driven can you speak to me about that uh it is complaint driven okay thank you i have no thank you sir mr crony yeah just real quick um to follow up on what supervisor kirchner said um i guess they've been operating um illegally since 2021 you know as far far as not in compliance since that time and how many complaints have they

[01:53:56] received? Sure. Back in 2021 there was a complaint and zoning enforcement conducted an investigation and issued a notice of violation. Since that time the applicant came in to request the special exception to come in conformance. I believe there have only been a total of two complaints to zoning enforcement throughout this time. Thank you. Just point of information from Mr. Rogers. For a land application, can we base a land application on past complaints? Can we take that

[01:54:31] into consideration? The land use decisions that you make are based on the land use criteria, but no, we're really not supposed to look at past complaints, but some of those past complaints I think may be what generated this application in the first place. Correct. Well, I don't know what to do with that answer.

[01:54:51] The answer is that there was a complaint, so that this is to bring them into conformance with the code. I understand. Okay, thank you. But the answer is still no. Okay, I just wanted to make sure. Ms. Glass, do you have anything on this item? No, Madam Chair.

[01:55:07] Okay, Mr. Sainz. Thank you, Madam Chair. How far is the kennel building from the nearest adjacent property? I believe the closest property is around 129 feet, and it is located to the south on the other side of Edgegrove Road.

[01:55:24] would you say that's a good distance or that and that distance i should clarify is the special exception limit not necessarily taking into account the additional 100 foot setback on the property for the kennel operation so that's probably about 229 feet all right and with the training building is that the same as the kennel building is that a different building two different buildings the training structure is on the south part of the property and the kennel building is kind of on the southwest side of the property okay and how far is the training building

[01:56:02] from the nearest adjoining property or adjacent property excuse me I'd have to follow up for that the training structure is located just a couple less than 100 feet away from that previous noted boundary so somewhere between 250 and 300 feet I would anticipate all right then I have a question for the applicant when that time comes.

[01:56:27] Yeah, when the time comes, sure. Thank you. Ms. Bricksman? Thank you. Can you go back to the aerial shot, please? Right, so that's the kennel, or sorry, that's the training, that is the training building.

[01:56:43] That's the kennel. Correct. And that's the house, yeah. So the next closest, is that a house? That is a house. The one I was seriously quoting was the one to the south on the other side of Edgegrove Road being the closest. Here? Nope, just, I don't see a house over here.

[01:57:01] Oh, here. this one here. Oh, I see. Okay. Okay. All right. Um, but there's a bunch of trees here and then there's a pond here with the, with the restrictions. Um, I don't know if they were proffered or, or, or, or if they're by code, but they can't have the animals overnight.

[01:57:17] That's correct. That's by code or by proffer by the conditions, conditions. Okay. So basically they've agreed to do that. Correct. Okay. Will the dogs be permitted outside of the fencing area? Like, well, can they go to the pond, like, during the day and do stuff?

[01:57:36] Or they have to stay within the fence? Kennel operations are not permitted as part of the major floodplain. But walking a dog's not a kennel operation, is it? No, I would say the kennel is five or more dogs. Okay, okay, all right.

[01:57:55] So I think you're saying no. And they only do indoor training? Indoor and outdoor are both part of this proposal. Indoor and outdoor, okay, okay. All right, I think that's all I have. Thank you. Thank you. So one more time, because I'm sorry, with respect, I don't know what that answer was to Ms. Bricksman's question.

[01:58:13] Would the dogs be permitted outside the area, like to go to the pond? This application, you can see the limits in the yellow restricted outside of the pond. So this application would approve the five or more dogs as part of a kennel operation to be in this site location.

[01:58:29] So that's a no, so the answer is no? Correct. Okay, all right, thank you. All right, good evening, how are you? All right, you guys have 10 minutes. You can sit there or stand at the table, either one. It's fine with us. We have a presentation. Okay, they're going to bring it up.

[01:58:45] Thank you. Good evening, Madam Chair and members of the board. Thank you so much for your consideration this evening. I know you have a very full agenda. We will try to be thorough but brief this evening and, of course, invite any questions that board members have for us tonight.

[01:59:10] This is an aerial of our property. The pond that you see is, as you've determined, not part of the area where the proposed kennel is. You can see that it's a heavily wooded area. Edgegrove Road would be off to your left.

[01:59:30] Shenandale Road would be further above in the photo. And we've now, in response to concerns by the neighbors, as also from the Planning Commission, move the proposed use kennel boundaries to the interior of the property so it would just be in the center portion away from any roads and any adjoining landowners and not in the pond area.

[01:59:53] This gives you another view. That would be Edge Grove Road. And the pond that you see off to the left, or that area off to the left, is approximately near where Shenandale Road is.

[02:00:10] So you'd be turning right to head up Shenandale Road toward the entrance of our property. These photos were taken in July, so you can understand what the tree cover is that time of year. When we originally filed for our application, we did include the pond area.

[02:00:29] We have since removed that out of concern for the use of that area, but also because the neighbors had concerns about dogs leaving property or being able to have access to the creek. So we have eliminated that from our plan.

[02:00:44] Let me show you the next slide because we can zoom in a little bit on the actual proposed area itself. We pulled everything off. There is hard perimeter fencing that goes around this property all around the entire area.

[02:01:04] We are proposing to put six-foot fence where you see the blue perimeters of the kennel use. So there will be perimeter fencing and then fencing to contain the kennel, the proposed kennel uses as well.

[02:01:21] We have also added here a breakdown to make the kennel yards smaller so that we can limit the number of dogs in any particular area at any particular time. We had made some revisions to the plan.

[02:01:37] Originally, we had had clients dropping off and picking up at the training building, which is in the lower portion of the plat that you see, because of concerns for noise and because of concerns about the road. We have moved that.

[02:01:54] Now that is all being conducted on Shannondale Road on our property. So clients will actually enter from Shannondale Road. There's a circular drive, so all drop-off and pick-up is actually on the property itself, so we've removed everything from the road.

[02:02:10] So there's no dogs on the road at any time. When clients are dropping off and picking up, they are met by staff members, the dogs are leashed, and then they are taken to a fenced yard. This is the training building that was in the lower right-hand quadrant of the plat that you saw before.

[02:02:31] You can see the next slide. That's the interior of the training building that has some agility equipment there to keep the dogs busy. We use it when the weather is inclement or the conditions are such that dogs can't be outside.

[02:02:48] This is the building where we have proposed to install the acoustical baffling so that to also attenuate any kind of sound from any kind of dog's barking. This is the kennel building where the dogs are dropped off and picked up.

[02:03:08] If you want to go ahead to the next slide, you can see that the interior is climate controlled. It's insulated in a finished space, so that does also contain any kind of barking noises. I just want to reiterate that the dogs are never left unattended also on the property, whether they're inside or outside.

[02:03:30] So we don't allow stress barking, and we're thoughtful about that. I don't like that kind of barking myself, so we do everything within our power to keep dogs from barking. We have the next slide. I just want to remind everybody this is what it's all about.

[02:03:46] This is one of our longtime local clients. We can show the next few pictures. These are folks that have no place else to go. These dogs have been with us for a number of years. I'm going to need to.

[02:04:03] Can you do it for me? Okay. There's been talk about concerns about safety. I included these video clips so you can just see that it's a pretty benign process. This is someone entering our property from the road to the circular drive.

[02:04:21] The next is we have the circular drive. You can see dogs' heads coming out of the windows. Those dogs then would be met by a staff member. Those dogs are leashed and then taken to a fenced yard. And then the departure from the property, again, stopping before they enter the road.

[02:04:44] We can see the next slide, please. Again, that's our crew that's been with us for quite a while. I know the Planning Commission at one point had asked us about our current operations at our Martinsburg farm. Martinsburg farm is very much the same size.

[02:05:00] It's a little over 23 acres. On Martinsburg, we have over 20 fenced yards. We do provide full service there, overnight boarding, training, day camp, events, and we've been in business there successfully since 2016.

[02:05:17] We've outgrown our space because of our operations. We don't add more dogs, so we are always looking for more space, and that's part of the reason why we wanted to be able to operate at our Loudoun County farm. That's just an aerial view of our agility yard.

[02:05:34] This gives you a view from the creek. We're nestled in a little elbow of the Opekin Creek over at the Martinsburg facility. Again, this shows you the type of fencing that we are proposing. It's all six-foot fence, no-climb fence with wood posts. I just wanted to let the board know that we do serve a greater purpose.

[02:05:55] The operations help us fund the type of activities like you'll see here. We graduated our first class of therapy dogs last year, and you can show one of our graduates on the next slide. Ella Jane and Dr. Michael Spensley are actually in hospice helping folks toward their end of life, provide them comfort.

[02:06:16] We did train two dogs that ended up on the Altoona Police Force. They're drug-sniffing dogs. They've had major drug busts, but the operations from our business have allowed us to do this special project, which we're very proud of those dogs. Next slide.

[02:06:32] This is Jack Jack. Again, he was another project where the dog was donated. We trained him. Jack is now at the Andreas home helping kids that are processing severe trauma events. Our training was provided at no cost.

[02:06:51] And so Jack-Jack is helping a lot of kids through their issues. And that's part of what our mission funds. And the next slide. Most recently, a couple that were experiencing homelessness, unable to secure housing because they had a pregnant dog.

[02:07:09] And other issues, we took in the pregnant mom, we whelped the puppies, if you can show the next slides. We worked in conjunction with Harper's Ferry Brewing, as well as the next slide would be bro vineyards to find homes for all the puppies.

[02:07:25] This is mom and dog. We spayed her, brought her vaccines up to date, and she's now in foster until her people can achieve pet-friendly permanent housing. So we're still working with that young couple as well. I just wanted to provide that slide because that's what it's all about, is providing a safe, humane area for dogs to run and to be dogs, and so that people can know that they're well cared for and safe during the time at the farm.

[02:07:56] We're here today asking for your support. And our last slide is just to please remember that it is all about the dogs and the wonderful humans that care for them. So thank you. Okay, supervisors, listen, we cannot make decisions based on the adorable dog pictures.

[02:08:20] Can I ask the county attorney that? I mean, you just cannot. All I keep hearing is, aw, aw, listen, this is a land use application, folks. Just make sure we remember that, okay? Gee whiz. Do we have any questions for the applicant on the land use item, Mr. Kirshner?

[02:08:42] Thank you, Madam Chair, and thank you for coming and presenting. Obviously, for a special exception like this, and correct me if I'm wrong, Mr. County Attorney over there, but one of the issues is the safety and welfare of the community is in part making these.

[02:08:59] And so I would assume, and I wasn't there at the Planning Commission, I planned on going back and looking at it. Obviously, I'm going to move this forward, but I want to hear everybody out. I want to have an opportunity to look at the location. But I would assume that the 9-0 vote, which is very unusual, so I think you have a little bit of an uphill battle to climb here, hill to climb, is kind of unusual for that to come to us.

[02:09:24] So there's obviously some ongoing concerns. I think we're going to hear from some folks here today. Let me ask you a couple of things. And first of all, I want to ask you, why 15 dogs? Is it because this facility you believe appropriately fits that? You think you can manage 15 correctly?

[02:09:40] You're obviously well-versed in how to manage dogs because of your other facility. Can you talk to me about that? Yes, given the space that we have and the staff that we have access to, we think that's a reasonable number. We can break them down into small groups of three or four in those yards.

[02:09:56] That's a very manageable group. The dogs that come in the test runs that we've been doing, just so I can clarify, and we have not, we've tried to bring our project during the interim of these proceedings into compliance yeah so i only have a few i only have a very limited time so go ahead yes so so we do think that that is a manageable number i was going to say the dogs that come to this facility have to be social and get along with one another so everybody's tested so you have multiple different locations you will have the dogs there during a given day there's four different there's four quadrants yes yes aside from the buildings so i'm going

[02:10:34] to call this doggy daycare because that sounds like what it is that's exactly okay because it can be overnight. Correct. Are these are largely your clients, folks that need someone to wash their dog during the day? Because you said you're doing some training and stuff like that. I'm assuming it's your other facility. These are not over dog nights. Oh, three dog nights. It's not over dog nights. It's overnight dog. I'm assuming these are people dropping them off and then going to work and coming up and picking them in the evening is a large part. The only training that goes on there is socialization because the dogs do have to abide by rules. So the traffic is about 15 to 20 cars a day twice a day many of our clients carpool so we have combined uh trips

[02:11:14] so we're we're doing everything that we can to reduce those so that we have less of an impact we're also had talked about we do have a van so we could actually meet and pick up dogs as well so we're about ready to hear from some folks i'm sure in the in the public comment um you heard the concerns that were addressed during the planning commission and they'll probably address or probably talked about now talk to me about what you feel like you've done since the planning Commission to now to help

address some of those concerns? I think there was concerns about dogs being loose because of the pond area, because it has access to the creek. It's very hard to fence the creek. We couldn't put a permanent fencing down there, so we moved that off the pond in the

[02:11:51] creek area. So now everything that you see is permanent six-foot fencing, and that's in addition to the perimeter fencing. So any kind of security concerns or dogs getting loose, I would say we've done everything we possibly could to address that, plus the fact that they're never unattended as well.

[02:12:10] I think the other concerns there were noise concerns, barking. So I think that dividing the yards so we don't have 12 dogs all in one area ever at one time helps to reduce that tremendously as well. Thank you.

[02:12:25] Mr. Crony? Yeah, thank you. Thank you for the presentation. Is all the fencing installed? Is all the fencing up? It is not, but it's ready to go. We have a contractor ready and waiting. We just wanted to make sure that our plan was approved or if there was any revisions to it.

[02:12:44] So we are committed, and we use the same contractor for all of our fencing at this property as well as our other. It's pro-fence, and they're wonderful. So we're ready to go with that. Okay, and at your other location, do the dogs jump over the fence, or are they pretty contained in the fence?

[02:12:59] No, we've never had anybody climb over or be able to jump over. I think the concern, in all honesty, is digging. So dogs are not left unattended. So we have also reinforced the base with chicken wire to avoid that kind of thing as well.

[02:13:17] And how many employees do you have taking care of the dogs at your location in Loudoun? So the proposal would be for two employees to be there. Yes. Okay, thank you. Thank you. Ms. Glass, do you have anything? No, Madam Chair, I don't have any questions.

[02:13:34] Thank you. Okay, we have, I think, nine speakers on this item. I'll call your names in advance. Robert Hill, followed by Anthony Price, followed by Harry Redman. Good evening, sir.

[02:13:55] Good evening, how are you? Thank you for your time. My name is Doug Hill. I live on the northeast side of the property overlooking the pond. And I'm voicing my opposition for the special exception here before you today.

[02:14:12] And I know I must be some sort of monster or dog hater to ask you to oppose all those cute puppies. I wish I had brought some pictures of my own dogs to compete with that. But for the last two and a half years, my wife and I and our neighbors have lived with what's been going on in the property adjacent to our house.

[02:14:40] And I don't have to project what it would be like because we've lived it, 12 dogs on and off throughout over the years. And depending on who you ask, I just tell you it's just different degrees of terrible noise violations.

[02:14:58] The traffic that it causes, 60, you know, if you have 15 dogs back and forth on a very narrow road, a dirt road, only opens up the opportunity for traffic incidents not to mention school bus they're picking up and dropping off during school school buses dropping off kids and the very real safety issues of escape which has happened over the years I've been privy to it personally as well as others that will be speaking here

[02:15:32] this evening so I think for all those reasons is why we got the 9-0 Commission planning commission vote in addition all six members of the neighborhood that surround that property have spoke out against it and I think it's important that or I'd ask that you consider the perspective of those 15 individuals that either have to live with it or have voted against

[02:16:05] it and contrast that to the support that you're likely to get in support of this of this change but I assure you that none of those people in support live in this community we do they come from other communities which is great for the dogs but for the people who have to live with it it's terrible so please vote against thank you thank you sir Anthony Price followed by Harry

[02:16:36] Redman followed by Rebecca Redman good evening sir good evening I'm Anthony Price and I own the farm on Edge Grove Road right across from Three Dog Farm where the training facility is. And here are some facts. One, all four neighbors of Three Dog Farm strongly oppose this kennel application.

[02:17:05] The Redmonds, which you'll hear tonight, Mr. Hill, which you just did, myself, owner of 111 acres, and my brother-in-law, Alan Potts, who owns 70 acres. Two, on the 25th of February of last year, a dog from Three Dog Farm jumped the fence onto Shenandale Road and attacked a jogger.

[02:17:28] Civil trial date is set for the 25th of March 2025. Three, on the 5th of January of last year, Three Dog Farm's employee and the owner of the dog spent 40 minutes in my backfield a good half mile from the entrance to Three Dog Farm trying to catch a loose dog, which was common practice.

[02:17:53] Four, of course, is the daily trips. You have to understand, Shannondale comes onto Edge Grove, which is a gravel road. 15 cars up, 15 cars down during school time through a school bus stop. So 60 added trips on a one and a half lane gravel road. That's quite dusty. Five, of course, is the Planning Commission voted 9-0, which is unheard. I mean, just that's, we thought we had

[02:18:25] won but no we didn't so that's my prepared statement and that's as far as i can go today but if we have another meeting i'll have more info get to you and i do thank you for your time thank you have a nice evening thank you next is the it's harry redmond rebecca redmond and merrill redmond good evening sir hi i'm harry redmond uh next door neighbor to three dog farm to the left there. My property is 100 feet from the six-foot fence that they're proposing,

[02:19:02] and I'm here to oppose the special exception. Every year in the U.S., dogs kill between 30 and 50 people with thousands more injured, and several of the breeds responsible for the killings are capable of jumping over six-foot fencing. So the six-foot fencing proposed in the exception will not keep dangerous dogs from escaping containment, and my family's in the crosshairs. Dogs have a history of escaping the property, oftentimes coming into our yard and resulting into a fight with one of our dogs. It was a Belgian Malinois on Three Dog Farm that jumped the fence and ran

[02:19:38] alongside our minivan once. My wife stopped the van and started to get out to let the dog back into the yard, but the dog snarled and ran and jumped the fence back into the yard. That same dog was standing at the end of our driveway one morning when I left the house to head to work.

[02:19:55] The Belgian Malinois is one of the breeds responsible for killings in the U.S., and I shudder to think what would have happened if my 13-year-old daughter, who loves to ride her bike up and down our driveway, would have rode down the driveway and met the Belgian Malinois.

[02:20:13] Despite all of this, Three Dog Farm has a laissez-faire attitude towards dogs escaping. In fact, in their initial proposal for the kennel, there was no mention of changing the height of the fencing, which is currently less than six feet. Because of all this, if the kennel were to be approved, we feel we would have no choice but to supervise our children outside during kennel hours, limit guests, and wear protection as a precaution.

[02:20:38] And that is certainly a negative impact to our quality of life. And frankly, I don't understand why we're considering Three Dog Farms' application in the first place. Gina has legally set up and run a business with paying customers, and she knows better. You don't do that. You don't. She never told any of her neighbors about it.

[02:20:55] The proposed entry gate to the farm is on a single-lane gravel road where up to 17 three-dog farm cars want to go one way in the morning and 15-plus neighborhood cars want to go the other way. Perhaps I've had a recent lobotomy, but tell me how that's not a traffic issue.

[02:21:12] The reason for a special exemption is that also something may not be zoned for a particular use. It just fits in perfectly like it was supposed to be there. It's just special. This project is not special for the reasons I just cited. And so I ask you please to deny the special exception. Thank you. Thank you, sir Rebecca Redman felt by Meryl Redman felt by Eddie Potts. Hello, my name is Rebecca Redman as you might guess I am related to the guy that just spoke And I am here speaking against the special exception My very wise 13 year old when I was trying to figure out what to say said mom

[02:21:51] You should just tell them how you feel and so I'm going to tell you how I feel I'm concerned as mentioned We live off gravel roads that are narrow potholed lots of turns that are blind and at the corner of shanandale and edgegrove There is a bus stop where you get elementary middle school and high school buses coming to pick up kids Those times coincide with when the proposed drop-off times and pickup times are for three dog farms Proposed daycare. I'm also concerned because I have a 13 year old daughter who should walk down to get the bus She won't do that. She had a panic attack the other day when she was walking

[02:22:30] in front of the farm because of the fact the dogs rush the fence barking. She no longer will walk by herself. I'm puzzled. One of the first things Gina said was she wanted this doggy daycare because of the fact she wanted to share her property. My husband and I, over the 13 years we've lived on Shannondale Road, have hosted countless numbers of two-legged and four-legged guests.

[02:22:52] We've never felt the need to have somebody pay us to visit and enjoy the nature. We've never felt the need to install a six-foot fence to keep our neighbors safe. I'm sad because I have a huge belief that relationships matter. And I believe that you should talk to people, especially if plans impact you.

[02:23:11] Gina has broken relationships, and she sowed some distrust. When she decided to go forth with these daycare plans, she tried to do it very quietly without us knowing what was going on. Dogs just started appearing, and there were different dogs. She paints a very rosy picture of how the dogs are handled and what's going on.

[02:23:30] But if you do the math, she wants 15 dogs, two handlers. That's not groups of three or four. She also has repeatedly told half-truths at these commissions. She denied knowing about the dog that could jump the fence. She also said that she did not charge clients when she started this business, and she had clients that actually told us that they had been paying all along.

[02:23:52] I'm disappointed because of the fact that we're back here again, despite all of the things that we've said and the concerns we've expressed and the fact that the planning committee voted 9-0. I'm disappointed because even though this has not yet been approved, her three-dog website has been updated to include the Hillsboro property, and that thing states that they include overnight property.

[02:24:16] Ma'am, your time is up. Thank you very much. Thank you so much. Meryl Redmond, who I have a feeling is related to the other Redmonds, Followed by Annie Potts, Isabella Media, and Isabella Media, good evening.

[02:24:32] Hi, I'm Meryl Redmond, and those are my parents. I live with them, and I'm speaking against the special exception. The first reason I'm speaking against it is because this proposition is not special.

[02:24:49] It endangers neighbors living beside the property and those that want to walk the road. The plan no longer uses the pond, which was a major, like, special aspect when it was initially proposed. With the submission, I wonder how special the property will now be. Online services listed for this location include overnight boarding, which is not included in the plan presented here.

[02:25:11] The kennel building, if it is 100 feet from the fence slash boundary bordering my property, then it is 100 feet from my property because the fence is right against it. You advertise a six-foot-tall fence 100 feet from the road, but there are unsupervised dogs barking at the fence bordering my yard.

[02:25:35] You've shown adorable pictures of dogs, which I have to admit they're so cute, and I have three of my own. At the very least, I have to force my dogs inside, cutting their exercise time short because of the unattended dogs on three-dog farm property. I admire the work you do, but this is not the place for it.

[02:25:52] When we drive or walk by on the road, dogs run the fence barking and yelling at us. The employees, when they are outside with the dogs, simply stare at us as we pass and make no effort to call them away from the fence line. A business with the intention of respecting and valuing a customer's loyalty and money would hire help that is eager to train and control the dogs.

[02:26:14] This is not what I have personally witnessed. Unfortunately, this proposed business fails over and over again to put their best foot forward and earn the trust of their neighbors. Additionally, with the removed pond, you addressed that that was one of the biggest safety concerns, but that's, from my understanding, not where the dog that attacked the jogger actually escaped from.

[02:26:39] And the building on the other side that's like 30 feet from the fence line is where I work out like five or six nights of the week. So I am nervous sometimes walking back to my house.

[02:26:55] That's all I have to say, thank you. - Mayor, how old are you? 17. Good job. Very good job. Thank you. Eddie Potts, followed by Isabella Almedia, followed by Carol Houston. Good evening, sir.

[02:27:12] Good evening. My name is Eddie Potts. I'm the caretaker of the Old Potts Cemetery. They're right on the south side of the Three Dog Farm property, just across the Shenandale Road. And I live down Edgegrove Road there just a little bit.

[02:27:30] My farm is just a little south of their property. I'm opposed to the application, of course. Our quiet and safe neighborhood there needs some help, and we're coming to ask y'all to help us.

[02:27:50] I've been a lifelong resident. I can never remember a time when it was a danger to walk on our country dirt roads. But since the three-dog farm operation has started, things have changed. It's not uncommon for them to have 10 to 15 dogs there at the same time, and they're allowed to run free. They're

not restrained. And whenever a pedestrian or a car goes by, the dogs charge the fence, and they bark, and they bark, and then they bark some more.

[02:28:30] Sometimes they escape. Last year, one jumped the fence and attacked my neighbor, Freddy, while he was jogging past our cemetery. He was taken down from behind. The dog ripped a gash in his buttocks. The fall onto the gravel road severely broke his wrist and injured his shoulder.

[02:29:00] It took many stitches to close the gash, plates and screws to put his wrists back together. Follow-up visits to doctors and surgeons and therapy are still continuing. Needless to say, it had quite an impact on his job as he works for a restoration and repairs company. Through all of this. No help has come his way from Three Dog Farm. Instead, he's encountered roadblocks,

[02:29:30] denials, and a game of catch me if you can. And now he's had to hire a lawyer and file a lawsuit in order to cover, to get money to cover his bills. Not a really good way to treat our neighbors.

[02:29:51] We ask that you follow the recommendations of the Planning Commission and deny this application. and help us to get back our quiet and safe neighborhood. Thank you, sir. Thank you all very much. Thank you. Oh, could I submit a letter from... You could absolutely give it to the clerk that's right there.

[02:30:09] Thank you so much. Isabella Almedia, and followed by Carol Houston, followed by Deborah Spring. Good evening. Good evening. I am Isabella. I live here in Lisburg, Lansdowne.

[02:30:26] And I'm here in favor for Tree Dog Farm, Hillsboro. to stay. I would like to speak as a client. I've been a client with a three-dog farm since my dog was one years old. He's six. And I have been in both locations. And since I live in Linsdale, so Hillsborough is just perfect for my dog to come for a day camp, a dog day camp.

[02:30:56] And I've been there many times, many different times. And I was actually... refer to Tree Dog Farm because I have a working dog, but he's unemployed. He's a pet. So that's why he needs to burn off energy. And Hillsboro area, it's just the perfect place. And what I can tell is every time I come to Tree Dog Farm is at least once a week. I've never seen more

[02:31:33] than two cars during other drop-off or pickup. I've never seen traffic, chaos. It is a very serene place. Every time I come, there's someone that comes and talks to me and get my dog. My dog is leashed. And the dogs are in a confined place where there's a fenced area. And really, I've never witnessed any chaos there of course i don't live there i'm not there 24 7 but as a client and

[02:32:12] i know they are like safety is first for comes first for them otherwise i wouldn't bring my dog there because you know my dog is fast he runs a lot he's a border collie and i totally trust them with my dog either the location i know many of the staff they employ many kids there they train their staff and yes i'm in favor i would be very sad for them to to shut up to shut off because

[02:32:48] it's there's no place like three dog farm around here that the dogs can play and run and uh thank Thank you. Your time is up. Thank you very much. Carol Halston, followed by Deborah Spring.

[02:33:07] Good evening. Good evening. Thank you for having me. I have emailed a letter. I don't know if you've had a chance to see it. But this is Nigel. He will be 11 months at the end of this month.

[02:33:24] He's training as a service dog. I had a service dog that passed, so I am training him. With the help of Three Dog Farm, the training that I have tentatively in mind is to take him into facilities such as

this hospitals, long-term care patients, senior centers, and things like that. He is also going to be a balance for my husband and I. He will be trained for that.

[02:33:59] That particular service will probably be about two years. My concern was that I would lose the pup in my dog through the training because he has to be so focused on his job. Three Dog Farm showed me there was a different way.

[02:34:16] And he's been at both the training facilities and daycare. And the difference that I have seen, we started with Three Dog Farm right about March. And the difference that I have seen in his manners, in his approach with people, in his approach with other dogs, has been life-changing.

[02:34:40] We've been in hospitals, we've been in care facilities, we've been in office buildings. And so I think there should be a three-dog farm in every county. So I'm asking you to approve their application.

[02:34:59] This is going to be needed, and especially as Loudoun County expands, you're going to need someone to help with the care as people go to work. Affordable housing, they're going to need to be working in and need a place for their dogs to run and be a dog.

[02:35:18] And also the agility training is amazing. So, but thank you for your consideration. thank you so much thank you um two speakers um carol houston and then debra spring is our last speaker h-o-u-s-d-e-n are you here carol oh that i'm sorry that was carol i'm sorry debra spring is our last speaker hi i'm debbie spring i'm a client of three dog farm they provide a service

[02:35:53] like no other that you can't get anywhere else my dogs are two of the cute cattle dogs you've seen there. They love going there. All the dogs you see there are household pets. There are no dangerous animals there. The Malinois that's been mentioned to get everybody against this is not part of Three Dog Farm, isn't on the property, won't be on the property ever. He's not part of it.

[02:36:17] That's the only place the dogs can socialize, run, formally swim, and expend energy. Sure, we could go to a dog park, but that's risky. You don't know if they're vaccinated, unneutered, unsocialized. They just roll up on you, and that's when stuff happens. That's why we love Three Dog Farm, because we know they're all vaccinated, spayed and neutered, and have good temperaments. They all get along. They're just playing and running around and being dogs. We can go on leashed walks places. We go on adventures all the time, but that's the only place that you

[02:36:54] can legally be off leash running around expending energy and two young cattle dogs that's what they need um hillsborough is only for daycare maybe there's a mistake on the website if they had overnight boarding i would board there but i drive to martinsburg because that's the only place they have boarding this is eight to five we pick up at four a because we thought four was the time and b we want to get our dogs back we miss them when they're gone so we pick up at four Apparently, the neighbors haven't noticed any of the changes that Gina made.

[02:37:29] I don't know if they've noticed on Thursdays, only one car goes up that road. And that's because from Lovettsville, we carpool. I stop, I pick up a lab, I go to another house, I pick up an Australian Shepherd. It's one car. They've only been having five dogs max for the past, I don't know how many months.

[02:37:48] That's why our friend Ginger can't come play with us. So I think they're just talking from what's been in the past and not giving her any credit for any of the changes she's making. I rarely pass another

car. I drop off at 8 a.m. on the dot.

[02:38:05] I hardly ever pass a car. I've never seen a kid waiting for a bus or a kid outside at that time. So I don't know where they are, but I'm not passing them, coming or going. We don't pick up and drop off on Edge Grove. We know that was a problem.

[02:38:21] we're clients we're neighbors to other people as well so we're concerned as well thank you good time is up thank you very much i appreciate it mr kirschner would you like to make a motion thank you madam chair i'll make a motion to move this to the january 12th the motion is i move the board of supervisors excuse me it's only 8 39 p.m wait till it's a.m no um i move that the board Board of Supervisors, Ford, Leji, 2023-0044, Three Dog Farms, Specs, 22-0039 to the June 12, 2024, Board of Supervisors, public hearing for action.

[02:38:58] Second. I will give that second to Mr. Crony. Discussion on the motion. Mr. Kirshner. Thank you, Madam Chair. So just for those folks that are talking, it doesn't necessarily mean that I support this. I feel like there's more due diligence that I need to do, people I need to talk to, review of the application more thoroughly.

[02:39:17] There are a lot of things that are very interesting. I think, obviously, doggy daycare is one of those things that is a special exception within this policy area. But obviously, the health and the safety of the residents is also a very critical thing.

[02:39:33] And so I feel like before I can actually make a decision on this, I need to follow up with some things, some of the folks that spoke, the applicant themselves. I know my staff has been speaking with some of some of you guys and they have had some thoughts on it.

[02:39:49] But obviously we have public hearings for a reason. Those public hearings are to determine which way we are going. I'm simply one vote, but I am going to move it forward to the June 12th meeting for some sort of for final resolution. And we'll see where we are there. So thank you. Thank you, Mr. Turner.

[02:40:07] Thank you, Madam Chair. May I ask the applicant a question? You may. Can you give me your version of the Belgian Malinois incident? Yeah, thank you for allowing us to speak to that. I've lived and loved this property for over 20 years without incident. I've been operating a business over and across the border since 2016 without incident.

[02:40:27] This is an allegation that did not happen on my property, had nothing to do with a dog that was in my custody, care, or control, or was on my property at the time. Something allegedly happened to somebody on the road somewhere on Edge Grove Road. not my dog. Animal control, when these allegations came out, animal control investigated. We were never cited. My dogs don't fit the description of what happened. And that was the end of it.

[02:40:56] There is a civil lawsuit, which we are vigorously defending. But I was actually on property at the time when this allegedly happened. I saw the jogger go by. And I can tell you that I don't know what happened to him but what he is claiming or what has been said here did not happen it did not happen from our property so i i think it's unfair for folks to bring that up i understand what they've been told but i was there and i can speak to it from personal knowledge so thank you for that opportunity thank you miss glass do you have anything no madam chair okay thank you

[02:41:35] mr rogers um i think the information i will want later is i'm i think i'd like to have a discussion with you of you know I've said this many times I am I am loathe to interfere with somebody's property or what they do on their property I just don't think it's really my right but I also don't believe that one person's one person can interfere with the enjoyment of property of their neighbors and so I just want to have a little discussion with you later to find out what kind of leeway

[02:42:13] do we have here? Because if we cannot consider, and I think that's what you said before, what was said by the neighbors, and I'm not going to go into who's right, who's wrong, and what story's correct, then I don't know what we are considering here. If it's just land use, I'm not sure what we're considering here. And so I want to understand better what you're saying to me, because I don't know how I wouldn't consider that, to be honest. So, okay? All right. Thank you. Mr. Kirshner, would you like to close and no close madam what's madam chairs closing okay so

[02:42:49] the motion was made by mr. Kirschner and seconded by mr. Crony just move this to the meeting to the business meeting in June on people say aye any opposed that motion will pass 9-0 you or I write miss glass that's men chair okay that question passed 9-0 supervisors I know we're tired but I'm gonna get through two more items I'm gonna do the Bay the Bay's Dulles Industrial Park and the Philomont before we take a break so just by just if I just hold on

[02:43:20] because we're gonna we're gonna get through those two before you take a break can staff please come

[02:43:31] down for the for the Bay's Dulles Industrial Park we're gonna do this one then we're gonna do Phil

[02:44:10] about and then we will take a break but we're gonna try to get two more done I know I know it's pushing but we got a long night so all right folks good evening all right this application is in the Sterling District, and we are ready when you are, staff.

[02:44:34] All right. Good evening. My name is Darby Metcalf with the Department of Planning and Zoning. I'm here to present Bay's Dulles Industrial Park. Since the Planning Commission public hearing, there are no updates, and staff has no outstanding issues. Planning Commission forward the application with a recommendation of approval.

[02:44:52] I'm happy to provide a staff presentation or to defer to the applicant presentation. Mr. Sains, do you need a presentation? Does anyone else need this presentation? Does anyone have any questions for staff? Okay.

[02:45:08] Does anyone have any questions for staff? Ms. Glass, do you have any questions for staff? No, Madam Chair. Ms. Brooksman. Thank you. If this ZRTD is approved, will they be able to build data centers here by right?

[02:45:24] In the IP zoning district, data centers are a by right use. Okay. And this application will be grandfathered and not subject to the new zoning ordinance? Correct. This application is not a grandfathered application due to it being a standalone ZRTD application.

[02:45:41] Okay, and how many acres? This is 1.5 acres. Okay, and there's no map, but... Pull one up real quick. What is this?

[02:45:59] That is a telecommunications monopole. Okay, and what is this? That is a flex industrial warehouse. That's a flex, and how many, do you know how many acres that lot is? I do not have that off right now in front of me. Okay, all right, we'll check.

[02:46:15] I'm curious who owns it and how many acres it is. It is not currently owned by the applicant. Yeah, I know. I do have that in front of me. That is Gabrielle Enterprises, LLC. Gabrielle Enterprises, LLC? Correct. All right. Thank you. Thank you.

[02:46:32] You all have 10 minutes, and you can sit there or stand at the podium. We're ready when you are. Thank you. Good evening, Chair Randall and members of the board. Thank you.

[02:46:48] Thank you for the opportunity to present before you this evening. My name is Morgan Hadlock. I'm an attorney with Walsh-Galucci, and I have the honor of representing the Applicant Superior Investments LLC this evening. With me are Aaron Swishelm and Randy Minshew with Walsh Gallucci, Joe Hamilton with Superior Investments, and Aaron Bartley with Trittech Engineering.

[02:47:09] The affidavit for mailing and posting has been submitted. Next slide, please. I'll keep this presentation brief as I don't have any cute dog photos to show you this evening. The subject property, which is outlined in yellow and labeled as site on this slide, is a one-and-a-half-acre vacant parcel located in the Sterling Election District.

[02:47:31] The property is located south of Moran Road between Powers Court to the west and Pacific Boulevard to the east, and Route 28 lies further east of the property. The property is currently zoned to the Grand Development Industrial Park Zoning District as governed by the 1972 ordinance. It is surrounded by properties that are zoned at the PDIP, IP, and OP zoning districts as governed by the 72 ordinance and the current zoning ordinance.

[02:47:55] The property is designated as the suburban employment place type within the suburban policy area by the 2019 Comprehensive Plan. Next slide, please. As noted, the property is zoned PDIP, and the industrial character of the surrounding area is reflective of that zoning.

[02:48:11] Flex warehouse uses are located to the properties east, south, and west, and vacant parcels in a data center use are located to the north across Moran Road. The applicant owns the one-acre parcel immediately west of the property, which, as Darby mentioned, is improved by telecommunications monopole.

[02:48:29] Next slide, please. The applicant is proposing to rezone the property from the PDIP zoning district as governed by the 1972 ordinance to the IP zoning district as governed by the zoning ordinance, as may be amended or recodified from time to time. The applicant isn't proposing any new development with this application, but is seeking to convert the property in order to have access to the expanded use list and more modern use standards that are available in the IP district under the new ordinance.

[02:48:57] Next slide, please. As Darby mentioned, this application received a recommendation of approval from the Planning Commission at its October 2023 public hearing. Since then, of course, the zoning ordinance was adopted, and we've worked with Darby and staff reviewers to update the application accordingly.

[02:49:14] Regarding consistency with the place type, the applicant has agreed to proffer out certain permitted IP uses that staff has identified as inconsistent with the plan's recommendation for the

suburban employment place type. These include uses that could pose a risk of excessive noise or air pollution or require outdoor storage.

[02:49:32] Next slide, please. As proposed, the application is consistent with the plan policies that encourage property owners to convert properties within the Route 28 tax district to the current zoning ordinance. We've worked with staff to ensure that the proposal complies with the vision of the plan and that there are no outstanding issues. Thank you for your time and your consideration of this application and we're happy to answer any questions that you might have. Holy smokes you actually said you're gonna be brief and then you were. I meant it. Wow thank you. Yeah really. Does anyone

[02:50:06] have any questions for the applicant mr saints yes thank you madam chair um can you go to the picture that shows the overall uh area and while they pull it up um how many properties does the applicant own in the vicinity um so they own the subject property and the um the property immediately west so that uh one acre parcel um abutting uh powers court so they own this here they own this here and they also own uh the adjacent or the property on the other side of

[02:50:45] powers court as well here yep so they own this property in the blue this property here that you says is the telephone or monopole and then this property here correct that is correct okay so they own all this right here um what sparked the applicant to bring this forward absolutely do they have a use in mind um so originally when this application was filed um the applicant wanted to use this parcel as service parking for their pest control business which is located on

[02:51:19] the opposite side of powers court um so that third property that that that they own this one here that that use was not permitted under the 72 and so they sought to convert to the revised 1993 in order to allow for that use since then they've discovered that they no longer need that use but we were well underway the review process at that time and really just want access to the expanded use list under the current zoning ordinance and i think it was stated by staff that they say that this lot is too small for a data center would you agree with that i would yes so would the

[02:51:58] applicant be willing to proffer that out um given the industrial nature of the surrounding area that is a use that we wanted to keep in coming into this public hearing um but that is certainly something we can discuss with the applicant and continue to work with your office um on yes that would be greatly appreciated because if you're everybody's saying it's too small then why not let's just strike it off the list of potentials um no on the list and i have another question um

[02:52:32] And what's changed if the applicant went through all this trouble to file for the parking for this business here? And then what changed to say, okay, we don't need the parking anymore for this business? The business model changed, and they decided that they no longer needed the parking.

[02:52:52] They were, supervisors are saying, they were storing or they were anticipating that they would need to store vehicles for individual drivers that were using company vehicles. And they just don't have that need anymore. So what changed?

[02:53:08] The business model for the business. Thank you. Ms. Glass, do you have anything? No, Madam Chair, I don't. Thank you. Ms. Bricksman. Thank you, Madam Chair. So I might have missed what you got this rezoned to something?

[02:53:30] No, we did not entitle that property for them. That is a flex industrial building that houses a pest control. Okay. Yeah. Okay. and then um so both of those are pdip uh that well they're ip now because

they've been remapped as part of the the zoning ordinance there are no proffers associated with uh those those parcels okay okay um and then the the monopole is is there like a lease on that property for that monopole

[02:54:02] there is yes for how long um i i'm not sure i could ask the applicant that okay and uh it has several i assume service providers on it correct so if there is like a 50-year lease on that you couldn't you couldn't take the monopole down right and combine the properties it's my understanding that that's correct okay okay i'd like to know how long the lease is absolutely on that um if you could if you could provide that information um and are you planning to sell the property after it's

[02:54:34] rezoned um the applicant isn't sure what they'd want to do at this point um there are no immediate plans. There's no immediate plans to put something on the property? No. Okay, okay. So you said that you've proffered out quite a few things, and you said you've proffered it out because of noise, air pollution, or outdoor storage uses that might be annoying or incompatible, I suppose.

[02:55:07] But isn't a data center noisy and cause air pollution? So with that definition, you would want to proffer out data centers as well? We were seeking to proffer out uses that were deemed incompatible with the place type, and data centers are listed as a conditional use under this place type. Oh, the data center is a conditional use? Correct. So you would have to come back if you wanted to put a data center on there? It's by right development, but the plan lists it as a conditional use. We are rezone, or we're seeking a conversion to the current zoning ordinance,

[02:55:46] And so this property would be subject to the same, to all of the further restrictions that the board is considering for data centers as part of it, CPAM, ZOAM. We are not grandfathered for this application.

[02:56:04] So we are rezoning or seeking a rezoning to the 2023 zoning ordinance with all of the development standards that go along with that. So I just wanted to be clear because I think there may have been a little bit of miscommunication about that earlier in the presentation.

[02:56:21] Okay. All right. I agree with the supervisor from the district that I'd like to see data centers proffered out. Thank you. Thank you. That was very helpful, that explanation, and that's very helpful. Thank you so much. So I don't see that we have any speakers who have signed up for this item.

[02:56:38] Let me just check, is there anybody who'd like to speak on item number eight, the Bays-Dulles Industrial Park? Seeing none, Mr. Sains, would you like to make a motion? Yes, ma'am. I move that the Board of Supervisors Ford Ledge 2023-0058, Bays-Dulles Industrial Park, ZRTD-2022-0008 to the June 12, 2024, Board of Supervisors Public Hearing for action.

[02:57:05] I second that. Second. Is that a motion on the motion? i said i was no i said i'll second that but i'll give it to miss glass i don't really care she did oh for gracious sake right thank you set the motion with glass seconded the motion thank you all right um yes thank you for for the presentation uh from the applicants and answering our questions uh obviously you hear some from my colleagues we would like to see it the data to use profit out possibly we'll continue to have conversations uh i believe miss brixman asked a question in regards to the monopole what is the lease agreement for that the

[02:57:44] the the you know the length because and correct me if i'm wrong if you can find this out also technically you probably could take the pole down and just move the equipment on to say they're going to build a new building and put the equipment on the building i don't know if that's part of the lease

agreement or not but i have seen that happen in other places so if you can answer that question as well uh for us and whatever other questions that were provided um and i would like to get clarity a little bit more information on what changed for the business use because if the business is still there does that mean you're letting the employees drive their trucks home or are they parking them somewhere else or are they parking their personal vehicles somewhere else or

[02:58:21] whatever so if we can get more clarity on that so look forward to continuing the conversation with you, and we'll see you back in June. Thank you. All right. Motion. Oh, Mr. Letourneau. Yeah, just going to point out that the application is consistent with what we ask applicants to do on our own comprehensive plan, so I understand where everybody's going, but not sure how appropriate all these questions are. Yep, yep, right, and I think it should be said that not everyone asks those questions. That's what Mr. Turner is saying over here. Ms. Glass, you didn't have

[02:58:57] anything right correct okay all right so mr saints make the motion miss glass second to motion supervisors our june 12th meeting is good and obviously full just want to make you sure you understand that all right all in favor say aye aye any opposed that motion will pass 9-0 thank you and we'll see you back in june all right supervisors i did say philamont not belmont the philamont fire and rescue is what we are doing next and then we will take our break we're doing I'm pretty good on time, actually.

[02:59:34] No, we are. Okay. Okay, okay. I can't say it. Geesh. The Philomont Fire Station is in the Kontocton District.

[02:59:57] Do we have speakers? Do you have this one? Yes, we do. How are you? We have a staff presentation on Philomont. We have eight slides, and this is the first time we've had a staff presentation on Philomont.

[03:00:17] So, Mr. Kirshner, I'd like to see the presentation because it's the first time. Okay, good. Wonderful. This is a returning item, Madam Chair. But you didn't do a presentation last time, did you? I did, Jane, for the commission permit. With the updates on all the, how?

[03:00:33] The applicant did not present. The applicant did not present, okay. Okay. And the last time, we didn't have the updates on all the new sites that were presented, though, right? That was outside the evaluation of the land you sent. Okay, that's what I thought, okay.

[03:00:48] So you did vote on the commission permit. Right, yeah, yeah. This is the special exception. Yep, yep. Came back to you. Wonderful. We're ready when you are, sir. Okay, just a recap of the application. This is the site within Philomont.

[03:01:06] Special exception to allow an 18,000-square-foot fire and rescue facility in the Countryside Residential Zoning District. General layout of the facility on the property adjacent to Snickersville Turnpike. Some elevations and views from Snickersville.

[03:01:23] We had recommended design conditions for the facility. We had also recommended environmental conditions specific to the development of the facility as listed here And then recommendations by the Planning Commission supporting approval you did ratify the Commission permit in January We do support board approval of the application subject to the conditions and with these conditions We found the application to be consistent with the general plan. Thank you I do want to just make one small point is when you look at the package and you're on the second page

[03:02:04] It is actually, it says the Blue Ridge District because it's the map from before we rezoned. This is actually now the Catoctin District after that rezoning. My apologies, thank you. No, no, that's fine. I just want to make sure people know that after the, not rezoning, but after, yeah, so it's the Catoctin District now.

[03:02:23] Okay. And it's ready for action this evening. It's ready for action this evening? Yes, ma'am. Wonderful. Do we have any questions for staff? Mr. Kirsten, this is your district. I will go to you first. So, Madam Chair, I'm not sure if staff's prepared, but I know that since our last hearing, we obviously moved it to this meeting, and there were a number of additional sites that were brought forward and reviewed.

[03:02:56] Are you prepared or able to talk about the issues that occurred that may not be compatible? Is that something that staff is prepared to speak about? Because I know it wasn't really part of the... Our evaluation was of the appropriateness of the use on this site.

[03:03:11] The other discussions, the applicant, who is also the county, is here and can answer those questions. Yesterday, you had reviewed some of those alternative sites. I wasn't able to meet that meeting, but I did have a separate briefing, so I'm very familiar with it, I think. And I can have them answer that if that's appropriate, Madam Chair.

[03:03:30] Well, I'll wait till I get there. Okay. I'll wait till I get there. So I don't have any questions of staff, Madam Chair. Okay. Ms. Glass, do you have anything for staff? No, Madam Chair. I had a meeting with staff, and they had answered my questions, so I don't have any questions right now.

[03:03:49] Thank you. Thank you. My only question is, if we went with this site, can you tell us what that would cost the county? Madam Chair, that analysis is not part of our assessment, but, again, the applicants here can answer those questions.

[03:04:07] Okay, I thought you knew that. We've got to do better, Michelle. No, just, you don't want me handling the dollars. Okay. Fair enough, fair enough. Okay, then no other questions. I will go to the applicant.

[03:04:27] What are we doing? Presentation as well? Yes, ma'am. Presentation as well, yes. Apologize. Early 9 o'clock. I'm sorry. Take your time.

[03:04:43] It's good. A lot of pressure with everyone behind you. I know we're staring at you. Hurry up, Mr. Schroeder.

[03:05:00] Apologies. Ready to go. Thank you. And good evening. Thank you for the opportunity to discuss this project and application. My name is Scott Warris, Deputy Director for DTCL.

[03:05:17] With me tonight are Logan Baird with DTCL, Paul Erickson, Principal of FGMA Architects, and Chief Johnson. Next slide, please. Our presentation tonight is structured around several key aspects. One, the goal of the project, community outreach efforts, a review of the architectural site plan, exterior design, and aesthetics of the design, and the conditions of approval for the special exception.

[03:05:44] Our primary objective is to design and construct a new fire and rescue station that will serve as a replacement for the current Philomont Volunteer Fire and Rescue Company No. 8 station. The new station will be built on a seven-acre site located along Snickersville Turnpike.

[03:06:02] The property is currently owned by the Philomont Volunteer Fire Company and will be donated to the county at no cost. Another objective was to ensure that the new station is appropriately

integrated into the rural setting of Philomont. And Paul will later discuss some of the site features in a little further detail.

[03:06:23] Next slide, please. To orient the project site, this map shows the location of the existing station shown there at the crossroads of Philomont Road and Snickersville Turnpike. And about a quarter mile, a little over a quarter mile to the south is the proposed fire station on that seven-acre training ground site.

[03:06:45] Next slide, please. Through the years, we've had several community outreach efforts and public information meetings, as well as community input meetings about the project, as well as other discussions regarding the existing fire station property.

[03:07:01] As it relates to this application in December of 2022, we presented a concept plan to the community, received their input, and have incorporated their feedback and preferences on various exterior building elements, as well as the color schemes of the facility, to ensure that the new fire and rescue station reflects the preferences of the community members who contributed to that effort.

[03:07:24] With that, I would like to allow Paul Erickson to delve into the project design a little deeper. Paul?

[03:07:41] Next please. One of the things that we did was survey the community and try to take an inventory of the aesthetics of the structures throughout the community, the materials, the forms, the scale of the buildings, and to develop a thorough understanding of the architecture of the immediate area in order to incorporate that in the character of the new building design.

[03:08:09] Next, please. The building itself is located in a central location in the site, trying to be as far from the property lines as possible in all directions. It also reuses the existing site entrances on Snickersville Turnpike. Next, please. That building orientation responds to the existing topography in order to make as delicate and light an impact on the site, as little grading as possible, and with the canted orientation, both protecting that topography and creating oblique views so that the building is viewed at angles in an unobtrusive manner.

[03:09:08] Next, please. The building itself is organized with the residential wing shown there in the red rectangular area so that that's the scale that's pulled forward. It screens the operations portions of the building from public view. The crew parking and the service areas are located to the back, again, being screened from the public view by the building itself.

[03:09:36] Next, please. We've retained the existing vegetation around the perimeter of the property and also provided some enhancements and oil grit separators being used to control the water runoff and any of the fluids that are being processed before going into the stormwater management system. Next, please. The view looking in sort of the southeast direction from Snickersville by Snickersville Turnpike, you can see the building to the left using a aesthetic that breaks the scale of the building down, employs dormers, gables and materials that are sympathetic with the surrounding community architecture.

[03:10:03] Next, please. And the view in the other direction, looking back towards the town of Philomont, again, the building set back from the road, canted, and using a rustic rural barn sort of aesthetic for the structures.

[03:10:20] Next, please. A little closer view. The materials consisting of a stone base, vertical wood siding, standing seam, metal green roof, all of which are sympathetic with the surrounding community.

[03:10:37] and next please working with the specs conditions as well we have agreed to all of the conditions that have been suggested recommended by staff so the oil and water separators at the fuel stations the site lighting being downward oriented and cut off control tree conservations around the perimeter invasive species pollinator gardens and additional vegetative screening to soften the impact of the building next please and that that concludes our

[03:11:14] presentation. Thank you. Thank you so much. Supervisors, I'll go to Mr. Kirshner first for questions because it's his district. Thank you. So I know, are you able to speak on the proposed three properties that were reviewed? Because I know a lot of the community is interested in that.

[03:11:31] I mean, I can speak about some of the general issues, but if the applicant, because I know the applicant was actively involved in that process and there were three properties that were reviewed that were proffered up as possible alternative locations so the first thing can you speak to those a little bit and maybe some of the issues that arose on them um if we were to go with one of those how much time would that add to this project since we are so late in the game how much cost would be added and um if you could just briefly give a comparison of those properties to the current property that's being proffered here i think that's going to be helpful for all of us to have a discussion.

[03:12:10] Yeah, sure. I can go over those properties. I will. Yes. Excuse the interruption, but we'll say that I know this item's coming before the board on your meeting on the 16th. Right. The real issue here today is the land use decision on the special exception for this site.

[03:12:29] So it's really not like the economics of the other sites as much as will be discussed on the 16th. The only question here is whether or not the board should be granting a special exception for this use and whether the conditions really mitigate the impacts of the proposed use.

[03:12:49] So are you saying we can't comment on any of that or the applicant shouldn't be required to read this? I would say that that's outside the scope of what we ought to be considering in the special exception case before you tonight. I understand. I really don't have any questions, quite frankly, about this particular site.

[03:13:13] I think I could ask the question, if we were to delay this, can you talk to me about how much time? If we had the perfect other piece of property, let's assume that, and we wanted to delay this, how much would that set us back on the clock?

[03:13:28] With the land acquisition process, starting with that and going through a potentially new special exception or at least a commission permit process, the legislative application process, and then restarting the design with survey of that new property, all the civil engineering that goes with that, and then getting back to the 35 percent, going through the legislative process, getting back to the 35 percent stage of the design development documents where we're at, we're looking at approximately two, if not up to three years, at least two years, up to three.

[03:14:00] uh, with that to include some, uh, um, procurement of the land, uh, designer potentially and, and going through that process. Okay. I'm just curious if the county attorney, I mean, we talked a lot about, I think there was a lot of discussion last time about the current building and the retrofit of that. So I, I'm not sure why that was allowed in a discussion of the properties warden, but maybe we just didn't pick up on that last time. So thank you, Madam chair.

[03:14:28] If I could offer to the board as well So the special exception, unlike a rezoning That's changing the zoning designation of the property This is allowing a use type on the property Should special exception be approved Does not preclude you from Does not preclude the property owner From going after a different use Would not preclude the board from going to another site It would be your election whether to move On that special exception This would simply entitle you to do it Thank you Mr. Crony Thank you, Chair Randall and thank you for the presentation.

[03:15:03] So, Chief Johnson, I think I sent a question to you a ways back from a resident. Is there an opportunity to use this site as a dual-use facility, you know, with a potential passive park? I mean, we hear from the community that the horse show grounds has a lot of meaning.

[03:15:22] So I'm just wondering if that is a possibility. So we have answered that question previously, and it's not our desire to have a shared use with the community on a public safety property. Obviously, when a call comes in, we're out of the station within sometimes 30 to 50 seconds.

[03:15:38] To have residents on the property would cause us some of the same concern we have with the current site, which is sharing that with a community center and a daycare, and that is one of the major factors that I have and our staff has. Luckily, we haven't had any issues there at the current site, but that is in our concern.

[03:15:57] We wouldn't be allowed to let people into the building or use inside the building without a separate facility or something like that because when we go on a call, we all go on a call. We can't leave people unattended in our facility. There's been questions about animals, animals and firetruck sirens and things of that nature don't mix, obviously, and not that we're an extremely loud neighbor.

[03:16:18] I don't think we are. We do our best to keep the noise down, but we do, once we get onto the roadway, use our sirens, obviously, and we're required by law to do that, to use our sirens. lights and sirens when responding so for those reasons we do not advocate for a shared use okay thank you and then also i know this is like the highest point in philemon i've heard that from residents you know as far as this site do you think there's adequate buffering um you know you know with the design um for the community so if that if that question was to me i think that

[03:16:55] the building is integrated very carefully and tactfully into the site. We've preserved the existing landscape, and we've provided supplemental landscape as well to try to soften the impact. So the answer would be yes. Okay. Okay. And then I know in the packet tonight, there is the site suitability desktop review for a potential fire station in Philemon, and there were seven sites that were viewed. Can you let the public know was this ever released? Nope. You're in the area that

[03:17:32] we shouldn't be in right now. But it was in the packets for tonight. It's pretty much the same comment. The board's going to be considering that at your meeting on the 16th. The real question here today is whether or not this should be a permissible use with the conditions applied.

[03:17:51] Okay. Ms. Glass, do you have anything? No, Madam Chair. Ms. Bricksman. Thank you, Madam Chair. I just want to comment for a moment, because there's some people here who might, I didn't understand this at first, why the county would be applying to itself for a special use exception or anything like that.

[03:18:11] And it's kind of a quick lesson in local government and transparency that we have a county administrator who's not elected that administers the policy that the board sets forth. it creates more

transparency. It also creates a better environment to fight against corruption because somebody else is meeting out the policy. Same thing here. You don't want the people who approve, whether they're in compliance with the zoning, to be the same people that are doing the design and all that. So that's why we have the county applying to itself here, because the guys who are looking at the zoning have to be completely objective

[03:18:50] as to whether we're following our own law. So I just wanted to explain that to the audience because it was confusing to me the first time. And there's lots of people here that could take a lesson in local government. Also, we may already understand it. But Chief Johnson, just a question for you.

[03:19:06] And that is, how urgent is it to have a new fire station in Philomont? Thank you, Supervisor Brissman. You know, the current facility does not meet our needs. It started in 2015. I've been part of this project since the beginning of it.

[03:19:23] And we started this process in 2015. The current facility does not meet our needs. We've clearly articulated over the past meetings with staff and before you all, that the current facility does not meet our needs. It's inadequate size.

[03:19:39] It doesn't have the proper facilities, offices, bunk rooms. It has no locker rooms. It has inadequate shower facilities. Again, we mentioned about the shared use. Really, the current site meets our needs, and we have a desire. Obviously, we're at 35% design construction on that.

[03:19:57] We've been full steam ahead on that project, going hand-in-hand with this project. Our folks need the adequate facilities to do their job and to be able to protect the public. As I've said numerous times, my priority is, one, providing efficient service to the citizens of Loudoun County, to include Philomont, and then the health and safety of our members, both career and volunteer.

[03:20:18] there will be there would be another um ambulance or medical vehicle it is our desire when this when the new station opens to put an ems unit ems unit and um listen i toured the fire station and and i don't know how i don't know how they're still you guys are still operating out of there like it is so cramped the facilities for for the folks that need to spend a lot of time there just are not adequate especially when you have you know multiple genders for example in there it wasn't built for multiple genders and so you're trying to you know reconfigure it it's just it needs to be you need

[03:20:53] a new fire station i completely agree thank you thank you um well first chief johnson as always thank you for what you do and please thank the entire combined um fire rescue system um we know how valuable you are to us and we appreciate you so i have been trying to follow some of the conversations on the different pages and online.

[03:21:18] And one of the questions I keep seeing come up is this question. The community does not want it. Why do we have to have it? And so can you just talk about why, as the professional in this field, what goes into your decision-making when you know or when you decide that there needs to be a new fire station or a fire station? How do you make that decision? What do you use to come to that conclusion?

[03:21:51] So a couple things. One, it's all based on response times, right? Whether we build a library or park or something like that, it's based on population. And often we have to explain this to our own budget staff in the county, right? Our needs are based on response times, getting to the scene of a fire, getting to the scene of a medical emergency in the shortest amount of time. It also means having the appropriate units. We just mentioned we do not have an EMS unit there. I'm reluctant to put in more staff in a facility

that quite frankly can't handle the staff they have now there. So it's really about response times. And if I can, I can give you a perfect example. On March 20th, we had a fire. President Young allowed

[03:22:26] me to use his name. \$1.1 million, his house burned to the ground in unison. And the closest units were not there. They were on another call. It was one of those red flag days that we had, high winds, dry conditions, and the folks from Philemont were on another call. And folks from Percival had to come. The closest EMS unit was coming from Round Hill. Thankfully, there was no injuries to tend to. But Mr. Young, the president of Philemont, lost his entire \$1.1 million home and all his belongings. That's what I try to avoid every day we run calls. And not that if that company was there, we would have saved his \$1.1 million. I can't promise that, but we have

[03:23:05] a better chance of having the appropriate unit. God forbid if somebody was hurt there, we would have had to wait for a unit to come from a further distance to provide critical aid to that person. So again, we have a design manual that we follow, just like you have policies. We have policies. Our design manual is our guide to building fire stations. It tells us how many square foot bunk rooms, locker rooms, and all that kind of things we need. And I think it's already been said in this presentation that this land would be donated, correct? That's actually in the presentation, that this land would be donated, correct? Lamont Volunteer Fire Company has agreed to donate that land, this land to the county. And then my last question is, what is the due area for

[03:23:43] this station? I don't have the square footage in front of me. I know Chief Pearsall is here. It's in my book. I don't have it totally in front of me. Chief Pearsall might be able to answer that. Okay, well, at some point. Okay, thanks. Thank you. Well, do you know the population that it would serve? Not off the top of my head. Okay. All right. I usually send those questions in advance. I didn't do that. Okay. So we do have quite a few speakers on this item. And so I will call you in the order we have them. Our first speaker will be Paul Roxenberg, followed by

[03:24:18] Thomas Sullivan, followed by Aaron Gable. Good evening, sir. Good evening, Madam Chair and the board. Paul Roxenberg, live in Percival, life member with Philemon Fire. With all due respect, it's the time has come to make the right decision on building a new fire station for the Philemon community at the old horse show grounds and training grounds. The Board of Supervisors has received information and recommendations to build the new station from county committees, engineers, architects, doctors, professional firefighters, both paid and volunteer, the fire chief of Loudoun

[03:24:54] County and the citizens of the community. These are people that understand what's at stake, how fire operations work, the requirements necessary to provide optimum service to the community, the safety standards required for those operations, and the engineering needed to build the new station at the vetted site in Philemon. The Philemon Volunteer Fire Department owns the property both at the old horse show and training grounds and the existing fire station. The organization is giving the training grounds to the county. The organization is going to support the county, possibly in turning the existing station into a community

[03:25:34] asset such as a gathering place. It just doesn't get any better than that for you all. I want you to know, I personally, I'm not giving you permission to spend additional tax dollars on vetting and purchasing a different piece of property after all the work and expense that's gone into the site that the volunteers are giving you.

[03:25:53] Please understand that. There have been a number of statements presented to the board through this process that have misrepresented the Philemon volunteers. Speakers have said that there were no operational members. There are. They've said that the volunteer organization purged their life members.

[03:26:10] It did not. I'm one of them. They said that in the last few years, a new group of people have taken over the department and have no connection with the community. Nothing could be further from the truth. Talk to the members that have gotten out of bed for the last 20 years to go run calls in the Philemon area.

[03:26:29] Almost everyone in the Philemon area has open space around their house consisting of anywhere from 1 to 20 acres. If you deny the building due to concern about open space, the property could be sold to a developer. The Philemon volunteers have the right to do that. And then they can build whatever they want there by right.

[03:26:47] So please, stop making this so hard on the volunteer firefighters and the other people involved. Please approve this at this point. That's what we're looking for. Thank you. Thank you, sir. Thomas Sullivan, followed by Aaron Gable, followed by John Benedict. Thank you, Chairman and Supervisors, for this opportunity to state my views. I've resided in Philemon for more than 28 years. I hope you will collectively approve the fire department proposal for a new, more capable fire station on the fire department

[03:27:25] training grounds. I urge you to do that tonight. In addition, I urge you to expedite every step, every future step of this endeavor. In the proposal and follow-on deliberations, our county experts have demonstrated the need for the proposed Philmont fire station and its enhanced emergency response capabilities. Voters overwhelmingly agreed to provide the

[03:27:59] funds. The need is much more compelling now because the probabilities of various emergencies have escalated at the same time that emergency response times have grown. For example, collision emergency risks and EMT emergency response times have both grown concurrently, and these and other factors warrant prompt action. Solution of the growing problem has

[03:28:38] been delayed by constituent proposals to consider alternative sites for the new fire station. This has been counterproductive, and such delays are not in the public interest. I do not understand how any alternate site could significantly reduce the cost of the project, or eliminate opposition, or improve safety, or make any net improvement at all. I'll just stop there. Thank you for

[03:29:15] this opportunity to state my views. Thank you, sir. Erin Gable, followed by John Benedict, followed by Peter Reineck. Good evening. Hi, I'm Erin Gable. I'm a resident of Philemon and a neighboring property owner to the horse show grounds. I would like to remind the board that the whole reason we are here today is for you to consider granting a special exception for this project. Why is that? Because this type of project is not meant for this area. That's why you have zoning, it's why you have a comprehensive plan, and if you choose to move forward today, you are

[03:29:54] ignoring your own guidance. The community of Philmont has repeatedly told you of the numerous problems with this project, including potential impacts to a pond that flows into other tributaries, well water use that could impact the adjacent shallow wells of neighboring property owners, and a use that conflicts with the Comprehensive Plan, Zoning Overlay Districts, and Philmont's National Historic Register designation.

[03:30:20] The plain fact of the matter is that this property was not selected after an exhaustive review that led county officials to this site as the best option. It was selected because a private group, some of whom don't even reside in Philomont, decided to give this property to the county and refused to allow the county to renovate our existing firehouse which they own. Even if you don't consider the cultural and historic resources that would be destroyed by building here, including the historic horse show grounds and the scenic byway of Snickersville Turnpike, anyone who has driven these roads can tell you

[03:30:58] that this is not a good location for a firehouse from a safety perspective. Snickersville Turnpike is a narrow, hilly road with poor visibility where drivers often exceed the posted 35-mile-per-hour speed limit. By contrast, there are available properties on Silcott Springs Road, a wider, flatter road with greater visibility that are already zoned for this type of project.

[03:31:23] If the county allows this project to move forward, you will be putting the health and safety of our residents at risk, not to mention permanently destroying our historic and cultural resources. I urge you to listen to our community and vote no on the exception. As an adjacent property owner, I would also like to comment that the community outreach has been inadequate.

[03:31:43] I bought my house in 2015. I never heard of this proposal until 2020, and I have yet to have folks sit around the table with me and discuss how they're going to limit impacts to my property. Thank you. Thank you. Excuse me.

[03:32:00] John Benedict, followed by Peter Reinach, followed by Stephen Price. Good evening, and thank you. I'm Jeb Benedict, live in Little River, and I think all of you should appreciate that Philomont is really a special gem for Loudoun County.

[03:32:20] Everyone should try to find a quiet day to visit the village, enjoy the countryside, and stop in the old Philomont store. I appreciate and I admire the people who do so much to preserve the character of that community and its traditions. One of those traditions central to the village is the horse show grounds and training.

[03:32:38] From my own community's experience in Middleburg, I can understand people are sensitive to traditions and to county agencies sometime in difference to them. One of Loudoun County's greatest mistakes, eventually to be among its greatest regrets, is its pursuit of development and ostensible progress while doing too little to preserve those local traditions and heritage.

[03:33:02] Losing the horse show grounds and the substitution of a gold-plated fire station on the site is one example, and it's also needless. There are other sites, and if the sites reviewed by the Finance Committee last night are unsatisfactory, others will likely become available. In cases like this, the Board should bear in mind the larger picture and resist the usual short-term rush to build.

[03:33:25] And although we all appreciate the work of county emergency personnel and want them to be appropriately equipped, The county should be listening to residents' voices, not chiefly catering to a county agency's preferences. Local residents, understandably, don't want the horseshoe grounds developed.

[03:33:42] They see a site the local community paid for and contributed for community use. They believe other sites would be more appropriate. They see the application as contrary to local zoning, the comprehensive plan, and the village conservation overlay district. The board and the community deserve a better alternative.

[03:34:01] The application shouldn't be approved. Thank you. Thank you, sir. You will be followed by Peter Reinick, and then Stephen Price, and then Peter West. Hello, sir. Good evening, Madam Chairman, members of the board.

[03:34:18] My name is Peter Reinick, and I've lived in the Philomont area for over 30 years. I have raised my family here, and I'm here to give my support for the new fire station at the rescue and fire training grounds.

[03:34:35] I have worked as a land planner for 40 years, and I evaluate sites every day. This site is a good site for this fire station. The architecture that Paul Erickson did is probably one of the best I've seen of blending in to a community.

[03:34:59] It looks like a horse facility, and, you know, I don't think I've seen another one that's similar to that. So I'm just here to give my support. I think it's a great facility.

[03:35:15] Is it perfect? I personally would have pushed the facility further back on the site and further away from the houses, but it's still a great design. So please approve this facility at this location.

[03:35:32] Thanks. Thank you. Stephen Price, followed by Peter West, followed by Madeline Skinner. Good evening. Good evening, Madam Chair. ladies and gentlemen of the Board of Supervisors. My name is Stephen Price. I'm here tonight as the chair of the Virginia Piedmont Heritage Area to speak in opposition to the granting of the special exception. And as an aside, I live in Philomont, so I have personal knowledge of a lot of the circumstances that have led to us being here tonight. As you all probably know, the village

[03:36:08] of philemont was first added to the virginia register of historic places and then within the past year to the national register of historic places and you have a list of properties that continue to that contribute to that designation among the contributing properties was the historic horse show grounds which had loudon county's oldest longest running horse show from 1957 until 2019 when COVID resulted in the last show, and then afterwards, the fire department took steps

[03:36:42] to terminate the show. As the county attorney has suggested to you, this is a land use decision, and so among the circumstances that you are supposed to consider are the Zoning Ordinance 6-1309-4, excuse me, where it says whether the proposed special exception or minor special exception adequately protects and mitigates impacts on the historic features. And then the staff says in the report they find no outstanding environmental heritage resource issues with the

[03:37:18] application. Now, how can that be if it's going to result in the loss of the horse show grounds? It did note in the report that the village is setting in a National Register of Historic places, and I'm quoting the report, the staff report at page 7, and refers to the county's historic preservation plan, which determines anything on the National Register, quote, is a priority site for preservation.

[03:37:50] So that is one consideration. Now, we've heard from advocates for the new facility. The residents of Philomont do not dispute the need for a facility, but it's up to you to weigh public policy, public safety, along with preservation of the historic resources.

[03:38:09] So I'd ask you to weigh that and determining whether or not this facility needs to be built or whether there could be an alternative. Thank you very much, sir. Peter West followed by Madeline Skinner, and then we have a Kathy Watts, who's, I think, remote.

[03:38:30] Good evening, Madam Chairman, Chairwoman, and board members. My name is Peter West. I'm a Philmont Volunteer Fire Department Assistant Chief. I have served Loudoun County and Fairfax County Fire Service for over 50 years, 25 years as a Chief Officer.

[03:38:47] I support the construction of the new station on the fire training grounds. The new station meets all of the county physical requirements for a new fire station. Septic, water, dry hydrant, acreage, soil, drainage, and all those have been vetted by a professional engineering firm.

[03:39:07] The historical designation appears to be devised to block this station. It is not a historical property that must be saved despite efforts to do so. An analogy would be if you used your own backfield to do a family reunion and have a softball there every year, and now you want to declare it as a historic site because you've been doing that for 20 years, that doesn't make sense.

[03:39:40] The site is available now. It needs no further evaluation of its physical attributes. It is the right geographical location. The property is the right price. That is, it's free. It's the right size, 7.7 acres, and the Planning Commission has recommended the special exception zoning.

[03:40:02] The adoption of the fire training grounds tonight as a new station location will end the cost escalations, resulting from further delays. We have all the site qualification answers here before us tonight. Now is the time to approve the station at the fire training grounds.

[03:40:22] Thank you for your support. Thank you, Mr. West. Madeline Skinner, followed by Kathy Watts, who's remote, followed by Richard Parasol. Good evening. Good evening, Chair Randall and supervisors. I had a bunch of stuff written up, but based on some of the stuff that I've heard so far, one of the things I want to point out is that Mr. West who just spoke used to own the property adjacent to the horseshoe grounds and he sold that property um last year a couple years ago and moved over towards Round Hill so obviously he was somebody who did not want that fire station

[03:40:56] in his backyard um I also want to point out a couple of things there's been an ambulance parked at the firehouse for the last three years I looked at the budget and it looks like that Loudoun County Fire Rescue is not asking for the two full-time employees until 2026. With 75% of the 911 calls being medical, I would think that we could figure something out in the interim to house two more people, which would make six, and a total of 6,000 square feet of living space in that firehouse. The community center that they are offering up to use the firehouse for,

[03:41:33] just remember, that's something you all are going to have to pay for. Philmont doesn't have the money to do anything with that with that building so put that in the budget part as well what will it be two million three million to adapt a firehouse to a community center ADA compliant and everything else that so please keep that in mind as well also speaking about the national register there were Pete West was one of three people along with Rick Pearsall and Doug Frost who tried to block our national register application and at the VdHR meeting in Richmond

[03:42:08] They tried to block it, and thank God the board of EDHR knew that there was something else going on there, and they decided to do their job and approve us. And the horse show grounds were considered historic properties.

[03:42:24] Horse show has been there since 1961 when it was moved there from another farm. All I can say is you are completely going against the comprehensive plan. In what universe does an 18,500-square-

foot eyesore and two acres of asphalt belong next to a half a dozen historic homes that will be dwarfed by a structure six times their size?

[03:42:47] At this point, just say no to the special exception. I really don't have anything else to say. Thank you. Kathy Watts, and you'll be followed by Richard Parasol. Ms. Watts is on virtual, remote.

[03:43:04] Yes. Good evening. Hi. Thank you for letting me speak. I live about half a mile at the proposed site in Philemon. I had prepared notes, and boy, I'm sorry, my blood's a little boiling. What Ms. Skinner said about Pete West was just, you know, unkind, and she shouldn't be saying stuff like that in a public setting.

[03:43:23] she has no business in his business but aside from that um this is a permissible use with conditions of hearing as i understand of it as i understand it um if the board of supervisors votes no to this filament location the station will be built elsewhere at a higher cost and at a farther out time frame the whole feasibility process starts over and as a taxpayer that thought to me is ludicrous and then on top of that sadly this seven-year history of Fire and rescue in Philemon will end.

[03:43:56] The future of the vacant seven-acre lot will be uncertain, but it's private property, so it can be sold for housing development. And this whole open space fight will be for naught. It's not going to, you know, they're not going to get the land for a horse show. It doesn't belong to them.

[03:44:12] The Philemon village found will have succeeded in chasing away a fire station, and they will have to search elsewhere for whatever it is that they want to do. Life in Philemon will go on, but without a fire station and some new, okay, that's what I see happening. I think that's a sad outcome.

[03:44:28] But as the Board of Supervisors approves the new station, we move forward. The dry hydrant that is there will remain in place and continue to be our emergency will apply for fires. The Philomont Foundation will shift their focus to hopefully more noble efforts than this one. The locals will rally around them and help with their horse shows and other facing events.

[03:44:47] The old station will somehow be repurposed. We'll figure that out. Life will go on. Approval of the station will be good for all of us, and the village will thrive around it. As one of the board members last night at the commission meeting, in time, given time, future generations will appreciate that we are able to provide a safe environment for professional fire and for the public.

[03:45:08] That is the goal, a safe environment for future generations. Please vote yes, and let's move forward with this new station so we can stop talking about it. Thank you so much for giving me time. Thank you. Richard Pearsall, and the last speaker will be Jim Bingo.

[03:45:25] Good evening. Good evening, Chair Randall and the Board of Supervisors. My name is Rick Pearsall. I am Chief of the Philomont Volunteer Fire Department, 27-year member, last 10 years as Chief. I have 10 points I'd like to bring forward to you.

[03:45:40] You've received this through an email thread to your office, but I want to reiterate many of the points. Training grounds is the best location for the site of the new Philomont Volunteer Fire Rescue Station. the following reasons. Renovation of the current station as a fire rescue station is not an option as stated by the fire department. Continued fire rescue operations at the current site is unsustainable, not meeting our standards for service to the community and for the safety of our first responders. Number

three, the Philomont Volunteer Fire Department training grounds is owned by the fire department and is being offered for free to Loudoun County for the construction of a

[03:46:16] new fire rescue station. Number four, training grounds has been thoroughly vetted, assessed at all levels by Loudoun County professionals, and meets or exceeds DTCI and Loudoun County fire and rescue requirements. Any delay will not uncover or discover any new information or details.

[03:46:33] Five, further delay for further additional study and assessments simply do not, is not acceptable in damaging and risking the lives of the life, safety, and health of our first responders and the community. Respectfully, the loss of a firefighter and the total loss of several properties due to house fires in the two months highlights the critical importance and challenges of our first responder. As quoted by a newspaper, we need to serve those that serve us. Number six, further delay increasing costs will only increase costs. A 20-year-old estimated

[03:47:08] \$30 million Aldi fire station project highlights the dangerous and costly action of continued delays. DTCI has estimated any delay will set the project back possibly up to three years at an additional cost of three and a half million dollars. The selection of the training grounds is a location for the new station fully complies with a comprehensive plan as determined by the Department of Planning and Zoning. The 220,000 gallon dry hydrant is a primary water source for over 610 homes, secondary water source for over 1,300 homes, 24 by 7 by 365 accessibility because

[03:47:46] of its location. The training grounds has little historical significance as determined by the Loudoun County contract regarding the training grounds. So in summary, the training grounds is the best location for a new Philomont Volunteer Fire Association.

[03:48:05] Chief, thank you. So did you want me to answer any questions that were asked? No, thank you. No, thank you. Okay. Thank you. And our last speaker will be Jim Bingle. Good evening. Good evening, Chair Randall and board members.

[03:48:22] I'm Jim Bingle speaking on behalf of the Piedmont Environmental Council. We continue to support the community in objecting to the approval of the special exception for the fire station. Each of Loudoun's historic villages are unique and special places where people who value their history and strong sense of place and community have chosen to live.

[03:48:41] The county comprehensive plan recognizes the residents' perspectives and reflects it in Chapter 2, page 105, Rural Historic Village Policy No. 1, that states that development and uses in rural historic villages must be compatible with the historic development pattern, community character, visual identity, intensity, and scale of the individual villages.

[03:49:03] You're well aware that village residents wanted their original firehouse to be remodeled And expanded to provide the firefighters with safe, modern facilities and also preserve the horse showgrounds as a publicly accessible park and touchstone, linking the past to the future as an important part of what gives Philomont residents their sense of place.

[03:49:27] The vast majority of Philomont community residents have consistently raised objections on the project at each opportunity from the start. That the community is here protesting again and again demonstrates the need to revamp the county process for finding appropriate locations for county facilities.

[03:49:45] It can clearly take a long time to find the right place to situate facilities where they best suit their surroundings, provide services, and meet the needs of the communities they serve. Loudoun is an amazing place to call home because of the great variety of communities where residents can choose to live within a single county.

[03:50:05] Not all places in the county are the same. Not all communities are identical. It would be more than a shame for the county to obliterate the horse show grounds and ignore the desires of the community. Thank you. Thank you, Ms. Bingle. Okay, that is all the speakers we have.

[03:50:23] And so this is in the Catoctin District. Mr. Kirshner, I will go to you for a motion. Thank you, Madam Chair. I move the Board of Supervisors approve Leji 20230069, Philomont Fire Rescue Station, Specs 2023-0014, subject to the conditions approval dated January 8th, 2024, and based on the findings for approval provided as attachments 1 and 2 to the April 10th, 2024, Board of Supervisors Public Staff Report.

[03:50:53] Excuse me. I think I heard... Mr. Sainz, did you say second? Okay, I'm going to give that second to Mr. Sainz. Mr. Kirshner, would you like an opening? I would. Thank you, Madam Chair, and I really appreciate everybody coming out. There's nothing, I mean, let me start by I inherited this.

[03:51:10] This was not in the Docton District until four months ago, and I know Supervisor Buffington was a big supporter of the current application and where it would go, and so I followed his lead.

[03:51:26] Since I've been, I've done as much due diligence. I think we've worked really hard. As we discussed, we'll talk about alternative land sites at the business meeting, and I can discuss those more now. But my staff has worked very closely with Mrs. Skinner and with other people who had alternative pieces of land, et cetera.

[03:51:44] I will tell you that for me personally, public safety is one of the most important things. Firefighter Brown is a perfect example of that and why we need to make sure that our public safety gets top priority. And so this is a real balancing act for me.

[03:52:01] I grew up in a small little town, and one of the sayings always was the fire department there had never lost a foundation. And that's not what we want Loudoun to be known for. We want to be able to respond quickly. This is obviously within a very important service area.

[03:52:18] I think a lot of what is a lot of the angst, and I understand it. I believe in our heritage, our history, preserving those aspects of our villages. That is really important to me. And so that's why this motion I'm making really, really pains me.

[03:52:35] Don't want to make this motion. But public safety is so important that continued delay when we really, quite frankly, have a site that really meets all the necessary requirements that we're looking for. I just list a few of them.

[03:52:51] The land works really well in this location. It's not far from the current fire station. Quite frankly, it's free. The design is very context-sensitive. It's got the holding pond. No other piece of property that we've looked at and looked at alternatives in the short couple months that I've had this.

[03:53:12] We could really make a lot of these things work. It's got a holding pond, an emergency supply. It's within the response time. It has all the water needs. Obviously, the big problem is that it's within the village, the current fire station is too, and it's on, I think, very sentimental grounds, and that a lot of people have a lot of memories.

[03:53:33] It reminds me a little bit about, I was born, my dad was a pastor, and the parsonage in this little town in Appleton, Maine, and I drove back a few years ago, and they'd torn the parsonage down, and it made me really sad because it was part of my history, my heritage, but obviously it was what it was, and thankfully we're not tearing anything down, but perhaps we're losing.

[03:53:55] So one of the things I hope to do as going through this, if the village is interested in doing, is trying to find some alternative grounds to perhaps start back up the tradition that ended in 2019. Thank you, Madam Chair. Thank you, Mr. Kirsten. Mr. Crony? Yeah, thank you, Chair Randall, and I'd like to begin by thanking our combined fire and rescue system.

[03:54:15] You guys are amazing, and Loudoun has dedicated first responders ready to respond to emergencies throughout the county, and the rural area of the county comes with additional challenges, as you know, with response time challenges, long distances, and water supply challenges.

[03:54:38] But I think the health and safety of our first responders has to be the first priority. I also want to thank the community who spent countless hours fighting for what they believe in. Your passion and dedication to the community is admirable, and I would encourage everyone to be actively engaged.

[03:54:58] It's amazing that the village of Philemon is now on the National Register, and I think that's something to be proud of. I believe the county does need to rethink how we decide where facilities go in the rural areas.

[03:55:17] There really is no reason to create controversy in the community over what we need for public safety. We should look at recommendations from the Heritage Commission, such as, you know, is it on the historic designation? You know, is it a historic site?

[03:55:33] and we also need to ensure that the community is actively involved from the beginning when alternative sites are first being considered and not kind of at the end of the process I know supervisor Buffington this was this was his since 2020 and I know he tried to actively get the community engaged but I think the process could have been a little more transparent.

[03:56:04] I think the sites, there could have been some sharing of the sites from that site study that was done in 2020, and there could have been more of a conversation. So I do think that we really need to improve the process for the community.

[03:56:22] It's also demonstrated to me the need for small area plans for Loudoun's historic villages. We really need to complete those sooner rather than later, and, you know, I'd like to have a hand or participation in any kind of improvement in the process that we do, because as I said, you know, this should be a unifying event and not a dividing event.

[03:56:49] It's, as Supervisor Kirshner said, it's kind of, it's hard because there is a lack of consensus in the community regarding the Philomont Fire Station. And in my view, it would be better if everybody could come together on such an important asset to the community.

[03:57:12] Thank you, Mr. Crony. Yep, thank you. Ms. Umster. Thank you, Madam Chair. I will be happy to support this application tonight.

[03:57:30] I want to thank the neighbors on both sides of this issue for taking the time to come out and speak. The horse show grounds have a pond which provides water. They have adequate well pressure.

[03:57:48] They are well located closer to the center of the service area, and I really commend both our volunteer firefighters and our career firefighters for their constant desire to make sure that all our firefighters are safe and have decent conditions in the stations where they serve.

[03:58:21] I personally think this is an extraordinarily attractive building and I think it's something that the county will be proud of when it is built. Thank you, Mr. Sanes. Thank you, Madam Chair. Um, yeah, I will be supporting this motion as well to support moving forward to the special exception. Um, you know, understand the issues that some people are raising regarding the property. Um, I feel you know just supervisor Umsa just mentioned the if you look at the design I think it meets

[03:58:57] the criteria that one of the speakers just mentioned earlier about historical, um, you know, attributes and and feeling and meeting the feel of the community and I think looking at this for the architectural design it meets the feel of the town but when I look at it looks of a horse, you know, barn or you know, barn it has that feel to it so I think once it's built I think everybody will be pleased with the fire station that the town will be getting.

[03:59:28] You know, I know people have sentimental values for the property where the horseshoe grounds where this activity took place. But it's been five years. So maybe I can offline so I can inform you about you were so moved by the show.

[03:59:46] Why did it stop? And why has it not continued? I'd love to hear more about that. But you know we have a vacant lot that's not being used it's right down the street from the current station that you know staff has done studies and I can speak to this from you know having uh just got a new fire station in Sterling we had a older building similar to yours where it gave the use to the community to the firefighters but it served its time and it was going to cost the county and taxpayers more money to do the renovation uh of the current building the building

[04:00:24] that they're in and to build build new so it's kind of the same situation here so we have a vacant land that's being donated to the county it's in a good location that's going to serve the community for many more years to come so this is a the right decision and we kind of went through this exercise with a similar situation with Aldi where we did due diligence and it delayed the process by I think two boards before we were able to settle on a location but we went from property to property to property property and bought land and kept on buying

[04:01:02] land but each time you did the due diligence that land turned out to not to be the right the right property for a fire station so now the county owns a few pieces of land that we're we don't know what to do with and to be honest with you we were starting to go on this path here with Philmont. I know some of the locations that were proposed, staff did some due diligence on that.

[04:01:22] Those sites were not good sites. Even one of them had come to find out a historical building apparently on that site. So, you know, if you're saying you want to keep your historical buildings, people will be saying, oh, nope, that property is not the right property also. So I think this is the right decision. I'll be voting for it. So thank you. Thank you, Mr. Staines. Ms. Glass?

[04:01:42] Yes. Thank you, Madam Chair. I'll be supporting this special exception to build a fire station on this site. I just want to thank everyone who came out to speak and for your passion for the village of Philmont, and I believe this fire station will serve your community well. I also want to thank staff for your

extensive work on this project as we examined every option. Thank you. Mr. Letourneau. Thank you, Madam Chair.

[04:02:15] I'm going to push back a little bit on the notion that there's something wrong with the process because the process has gone on for years. It was transparent. There was community engagement for years, multiple meetings, lots of discussion. The district supervisor at the time detailed for me all the lengths that he went to at that time. The reality is there are no perfect sites. Every single site that would be evaluated would have somebody who wouldn't like it for some reason or other. There are no perfect sites. We can debate degrees of perfect sites or not. But we have to look at the big picture up here and what our goals are. And first and foremost,

[04:02:54] obviously, it's having a functional fire station. You know, we talk about Aldi up here sometimes, and we talk about it as if it was a good outcome because it ended up in a place that folks like. But what we forget about is for literally years, we've had firefighters in a completely unacceptable situation over two boards terms dragging on. And we act as though there's not a cost to that. We act as though that doesn't matter because we ended up with a good outcome.

[04:03:26] No, we didn't. That wasn't a good outcome. There's nothing good about how that turned out. We had people in a bad situation for years. So yeah, we don't want to repeat that. We don't, because there's a human cost to that and there's a functional cost to that. And it's just not acceptable. And I'm a little bit tired of hearing other people tell us how the fire department should be run instead of the fire department so at some point you have to listen to your experts and that's where we are with this and enough is enough so i'm pleased that it sounds like we're going to have a unanimous vote to move forward and do what needs to be done thank you

[04:04:02] mr mr brixman thank you madam chair and and thank you for your patience um to the combined fire and rescue um we really do appreciate you um listen the planning commission recommended approval staff recommended approval. Um, the grounds are being donated. It has water. It allows for a large setback from the road. And actually when I walked the grounds, I was like, you're going to go that far back. Like I was afraid it was going to add response time. That's how far back it is, uh, from the road. But I would assume it wouldn't be designed that way if it was going to hurt response time. Um, and the building that's proposed is, is beautiful. I mean, I don't think

[04:04:39] I've ever seen a fire station that beautiful. I mean, it's just, it's, it's incredible and it is desperately, desperately needed. I mean, just walking through that fire station and seeing the conditions that our heroes are dealing with on a daily basis really, really cut to the heart for me. I mean, I just, I don't want any county employees or firefighters, especially our heroes, in that kind of situation. It's unacceptable, as Supervisor Letourneau said. And my gosh, The president of the Volunteer Firefighters Association had his house burned down.

[04:05:19] And if there had been a medical emergency, there would not have been an EMS unit close enough. Think about that. Our job up here is to make sure our community has the services it needs, that our community is safe, and that our employees and our firefighters and our sheriff's deputies are safe and can do their jobs to the best of their ability.

[04:05:47] And that's why I'm very happy to support this. Lastly, the combined community center, of course, Philomont will be involved in what happens, but to have a community center across the parking

lot and then the ability to put something in a building, a historical building on the other side, I don't know why the community would not want that opportunity to have a say in what goes in the old fire station.

[04:06:17] I mean, that's like a dream. There will be community engagement. You will get to talk and decide about what goes in there and what might service the community the best. So, yes, I'm very happy, and I'm kind of glad I wasn't here during the Aldi thing, or maybe I was a little bit last term.

[04:06:33] But anyway, I'm really glad that we're voting on this tonight. Thank you. Thank you, Ms. Brixman. I think the one and only thing that actually matters keeps getting missed. The volunteers are not going to give up that horse show grounds no matter what anyway.

[04:06:51] It's not as if it's the horse show grounds or something else. The horse show grounds is not actually available. They're not, they've said repeatedly, I mean, no, the horse show grounds. The horse show grounds, which is owned by the volunteer station, is not going to be available.

[04:07:15] They have said they're not going to allow it to be available. They have said that. Can I get a head shake or something? I mean, I don't even know why we're having... It's an interesting conversation, but it's not even an option, to be quite honest.

[04:07:33] And the truth is, it was late 2018, early 2019, when the last horse show happened. No, no, no. The last... No, no, no, you should have a seat. The last horse... You should have a seat right now. You're good. The last horse show happened, which means it was well a year before COVID.

[04:07:53] So COVID is not why it stopped, because it was a year before COVID. We cannot continue to say that we really, really, really, really value our first responders. And we really, really, really value our volunteers. But we're going to keep them in a building that's not conducive to their best work, not safe, does not have the option to even have female firefighters in there.

[04:08:22] Sometimes when we say we value somebody, we have to show them by not just saying it. We have to show them by what we do. We have to show them by paying them what they deserve. We have to show them by giving them the right benefits. We have to show them by supporting cancer reductions.

[04:08:39] We have to support them by a lot of things. But the very least we do is support them by giving them a facility that they can work out of. And by the way, they're firefighters. We're not putting a landfill there.

[04:08:57] They're firefighters. They're literally trying to save people's lives. That is what they're doing. So history does matter. And no one would say, no one up here believes history doesn't matter.

[04:09:15] But everything for me is eclipsed by health and safety. Everything. And what they're doing is saying, we want to have a county where we can provide health and safety options.

[04:09:31] That is what they're doing. So we're going to support this tonight. And it looks like it's going to be supported unanimously, which is not normal for us. Mr. Kirshner, would you like to have a closing?

[04:09:51] No, Madam Chair, I'll just say that I think pretty much everything I could follow up on has been said, so thank you. All right, the motion was made by Mr. Kirshner and seconded by Mr. Sames. All in favor, please say aye. Any opposed?

[04:10:07] Aye. Oh, okay. That was an aye for support, right, Ms. Glass? Absolutely, Madam Chair.

[04:10:22] Okay, that is 9-0. Thank you very much. Supervisors, let's take a 15-minute recess.

[04:10:29] thank you okay round two we are back we have two more items little small items

[04:47:08] not nothing big first item we're gonna do is Belmont innovation which is returning we will as they're already here the applicant can be at the table but that we will not do a presentation and you're just here to answer questions if asked and remember as you're asking answering questions you may be answering those questions you are going to within people's three minutes so just keep that stay aware of that please all right we're ready when you are i'm back as well madam sheriff you're back as well um no update since the packet has been distributed to the to the board i do have one administrative

[04:47:44] update i did receive correspondence from the legal counsel of the belmont association's board of directors wanting me to clarify a statement about their support for the project they wanted to clarify that their position, this is the Board of Directors, does not oppose the application.

[04:48:00] They did not make a statement saying they supported the application. They asked that I make that for the record. The Goose Creek Association has also asked that that was made for the record. I sent that to all of you already. To all of you already, you have that.

[04:48:17] Do you have nothing else? No, ma'am. The proffers and conditions are approved illegal for and the application is ready for your decision. All right, okay, then I will first ask for questions. And I will go first to Mr. Turner. Thank you, Madam Chair.

[04:48:33] Can I ask to have this, do you have a slide of the location? Yes, sir. With the parcel boundaries on it? Okay, good. So, I just, can you, just to clarify for everybody, there's eight parcels.

[04:48:51] This one, this one, this one, this one. These are all PIP. Staff, correct me if I'm wrong. That one's PDIP, and that one's AR3, and that one's GI. Do I have that right? There is a swath of A3 that crosses all those lots that border the views.

[04:49:08] It goes right down here. It's 1,000 feet wide. Correct. Can you provide me, if they went by right with this site, can you just highlight some of the key constraints that would come in? Because as soon as they go by right, they come under the current zoning ordinance.

[04:49:24] Correct. So they would be limited in terms of the encroachments with uses that could go into A3, and right now A3 averages about 900 to 1,000 feet off the Goose. So they would be constrained with the remainder of the IP and GI land that borders Belmont Ridge Road.

[04:49:40] And they would have to set back 200 feet under the current ordinance from the east side of Belmont Ridge Road? So they would, being next to a PDH district allowing residential uses, would be up as far as, almost as set back as 400 feet.

[04:49:56] but that would be measured from the Belmont side of the road. Okay. And do they need to be set back 200 feet from the AR strip? From a common property bond? Potentially, yes, sir. Okay. All right. Let's see.

[04:50:15] I think that's all I have for staff. Okay. Thank you. Thank you, Madam Chair. Okay. Well, so the applicant is not doing a presentation, so if you have any questions for the applicant, ask those now as well. Okay. We'll do that.

[04:50:30] Can the applicant provide me with a list of the salient proffers that you guys are offering with the application? You don't have to list them all because I know there's a list. If Marshawn has our presentation, it would be slide two. No, no, no, no, no, no, no, no.

[04:50:46] Can you just read all of them? I can read them, sure. Stop his time. Stop his time. There will be not going, the applicant has done a presentation. There will be no slides. You can ask questions and answer questions, but we're not going to have slides from the applicant because you're not going to do a presentation a second time.

[04:51:00] There, yeah, there are quite a few items. So I'll just hit the most salient one. So the items that are in our application that are proffered that are not in the zoning ordinance include the 19-acre park, the 500-foot transitional open space buffer, including the 13 acres of native habitat-supportive plantings that would not be required in a by-right application, the reforestation of the areas that are unforested in the 300-foot Goose Creek buffer that will become the park, the planting of the transmission lines that Dominion will run as part of the Route 7 project that doesn't specifically serve our project, five years of invasive species treatments i know it's been a priority for this board wetlands credit specifically in loudon uh water quality treatments that treat the creek like a reservoir

[04:51:38] and uh use natural channel techniques and stream restoration to help limit runoff and pollution into the creek not just from our uses but from other uses including the road thank you and madam chair i'd like to ask staff one more question no sir your time's up oh okay thank Thank you.

[04:51:57] Mr. Letourneau. So asking staff, the buy-write amount of data center that can be built on the site is? 1.3 million, 200.

[04:52:14] So the applicant with this is proffering to build 1.3 million? They've self-limited to 1.3 million. Self-limited to the exact amount? Correct. Okay, so we're getting these kind of sort of conspiratorial emails that, like, somehow the applicant is still increasing the footprint or things like that.

[04:52:38] Can you kind of explain what that is? So if you look at how floor area ratio is calculated, it's building square footage over acreage. So what that would allow them to do is spread the campus out more, would allow them to move buildings farther back from Belmont Ridge Road, move more elements around the site to be more conducive.

[04:52:58] With the constraints once you take out rights-of-way once you do building setbacks parking lots And you're left with the residual the smaller property you would have to go up There's one way to look at the buildings would have to go higher to be able to achieve that so from the applicants perspective if I may Is one of the reasons you're doing this to actually improve the overall site plan both from the neighborhood impact and the Goose Creek impact?

[04:53:21] It would certainly allow us to yes Yes. I would say yes. And I would also say that the buy-write portion of the site is 2.4 million square feet of land and 1.3 million square feet of data center. So let's do the math. It's really simple. It's very easy to fit 1.3 million and 2.4 million single story, much less two stories. So the idea that we can't fit the data center in the buy-write footprint is frankly just mathematically ridiculous. Okay. And then staff at this point has no outstanding concerns with this.

[04:53:52] Of course, you didn't with the first one either. But everything is approved to form and all that. Yes, sir, it's ready to go. Okay, thank you. Thank you. Mr. Crony. Thank you, Chair Randall. So I have a question for staff and then the applicant. This is a rezoning, though.

[04:54:10] So A3 land, which I think is 56 acres, becomes PDIP. The entirety of the site would be IP, yes, ma'am. And then GI land that is at 0.4 of a maximum FAR becomes 0.6.

[04:54:29] Correct. Okay. Up to 0.6 and up to 1.0 by special exception. Right. So my question for the applicant is why do you need the special exception to increase the FAR from 0.6 to 1.0 when you have self-imposed an overall maximum of 1.3 million square feet?

[04:54:50] I think it's a great question. It's a very technical question. When these buildings are subdivided in the future, usually for financing purposes with banks, parcels can be relatively small, meaning that you could have a parcel that just encompasses the sort of building and the immediate around it.

[04:55:07] And so that could technically be above a 0.6 FAR, but we're still limited on the site to 1.3 million square feet. and so it's really a highly technical reason it's nothing beyond that as you all know special exceptions expire after five years so it's not like it necessarily sets us up for anything in the future either it's just really to have that flexibility for how we draw lot lines in the future okay so you mentioned subdivide in the future um would you be willing to include in the proffer statement that you won't come back to the board for a zpca a proffer amendment or or a SPAC, special exception, for more square feet?

[04:55:45] I'm not sure that we, I don't think that's something we're allowed to proffer, and that's not something that we're prepared to speak to tonight. You want to ask Mr. Rogers that question? Yeah, Mr. Rogers. Whether or not they could proffer it or not, one board cannot bind another, so it would be the same process whether they proffered it or not.

[04:56:07] So the answer is it would not be binding on a future board. Ms. Glass, do you have any questions? Yes, thank you, Madam Chair. Staff, did the applicant give a reason why they removed the noise mitigation cooling systems?

[04:56:28] Ms. Glass, we lost you a little bit right there. Do that one more time, please. Did the applicant give a reason for why they removed the noise mitigation cooling systems? Did the applicant give a reason as to why they removed the noise mitigation and coolant systems?

[04:56:48] Cooling systems. Coolant systems? That's the question. Okay. the explanation, correct me if I'm wrong, by reducing the amount of developable area, it was a cost-saving measure to make up for the difference in reducing the development of the site. I think the applicant can answer that if you'd like to. Marchant's answer is very accurate. I will say above the zoning ordinance, we're still doing compressor and oil separator wraps, which limits the high hum. That was not in the zoning ordinance rewrite. It's something that we'd recommend for the ZOAM in the future, but that does do a lot. We did remove the noise attenuating fans, which have not been done in Loudoun that we're aware of.

[04:57:26] Ms. Glass, do you have anything else? No, that's it. Thank you. Thank you. Ms. Brexman. Thank you, Madam Chair. With the changes in the application that are being proposed now, would those changes in the application make this comply with the new zoning ordinance?

[04:57:51] There would be some variation on the distance from Belmont. I don't think it would be significant, but there would probably be some impact on how the building would be set back from the road. So there would probably have to be more setback? Potentially, yes, ma'am.

[04:58:07] Potentially, okay. And would they be in compliance with buffers? Yes, ma'am. Their current proffer would exceed the evergreen plantings of the new ordinance. Okay. And what about the design guidelines and the primary facades as we change those?

[04:58:26] They do meet the standards of the new ordinance. Okay. They removed, as Supervisor Glass said, the noise emission fans as part of the air-cooled chiller cooling systems for the data center use.

[04:58:42] They removed the solar panel offer. They removed the proffer to construct a park pavilion within Profford Goose Creek Park. And they removed a proffer cash contribution to build the canoe launch. Is that correct? Yes, ma'am. Okay. now on the new um uh application or the changes it what's going on with gloucester parkway so they have reintroduced the alignment and so they have an alternative with gloucester parkway and an alternative without gloucester parkway and that would be subject to any future action

[04:59:18] by the board regarding a cpam okay so so they can do the project with or without gloucester parkway there correct if you if you approve the cpam they would be allowed to do both options okay okay and then to the applicant um i'm still trying to figure out why you still want this special exception when you could just come in and do this by right i don't know what the i'm not able to put my finger on what the benefit is for you and i have doubts that it's just the time so approved this evening

[04:59:55] also in our cdp is a substation and so dominion would have to come back and get a commission permit separately that would delay us another six months we'd have to redo our site plan and introduce those which would delay us some time and so there are definitely real time considerations our current site plan that uh for our substation i'm going to pause you for just a moment please because i'm going to run out of time but um did you just say that the that the substation approval is included in this so if we don't approve this then there's no substation there right like like dominion is getting their substation because of this application is that what you're saying

[05:00:32] dominion would have to come back under yeah they would have to come back for the commission permit if this wasn't approved thank you okay um we have speakers on this item um when i call your name please come to the podium closest to you i'll call you in advance um natalie pn followed by John Benedict, followed by Chris Tandy.

[05:01:01] Good evening. Hello. My name is Natalie Pian, a 40-year resident of Loudoun County in the Little River District. Thank you for the opportunity to share my thoughts.

[05:01:18] This application, re-hearing and vote, is ill-advised despite the attractive environmental proffers. More data centers will mean more local negative environmental and human health impacts, more climate change and greenhouse gas emissions, failure to transition off dirty fossil fuels to clean renewables as legally mandated by the Virginia Clean Economy Act, VCEA, more negative economic impacts for both Loudoun businesses and residents.

[05:01:45] I am certain that you, the Board of Supervisors, know that our nation is in an energy crisis. As reported this March in the Washington Post, America is running out of power due to data centers' enormous energy demand. In Virginia, the demand is stratospheric, greatly surpassing residential government and industrial demand.

[05:02:05] You know that Dominion Energy's plan to meet this demand is to delay retirement of coal-fired power plants and build a previously shelved gas-fired power plant. Both will increase greenhouse gas emissions, breaking the VCEA law. Moreover, the New York Times reports that the energy demand from the Virginia's breakneck data center approvals threatens U.S. climate goals.

[05:02:29] I hope you know that 2023 was the hottest calendar year on record, and that March 2024 was the hottest March on record. Climate chaos is happening, and the data center industry contributes to it. While Governor Youngkin and some local politicians tout small modular reactors, SMRs, this technology cannot be deployed in time to mitigate climate change.

[05:02:52] You know that because Dominion Energy could not provide electricity to all data centers, Last spring, the Virginia Department of Environmental Quality targeted Loudoun County to relax air pollution permits. It allowed data centers to operate 24-7 over 4,000 diesel backup generators.

[05:03:12] You know that Dominion must provide electricity to any customer, including data centers. So the only way to curtail skyrocketing data centers on energy demand is to choose a different path from approval, approval, approval. You did that on March 18th. You need to do that again and deny this revised application because you are serious about climate change and will not knowingly exacerbate it.

[05:03:33] Loudoun County needs you to put people and planet ahead of data center profit. Thank you. Thank you. John Benedict, followed by Chris Tandy. Good evening. Thank you. At the prior hearing, the board voted to deny the supersized version of the Belmont Innovation Data Center application.

[05:03:57] The community clearly opposed the oversized application, and we applaud the board's vote. The applicant now seeks a rushed reconsideration with conditions presumably meant to construct its data center complex at 1.3 million square feet.

[05:04:13] However, the applicant still seeks rezoning to double the area where data centers could be built and may seek an increase in FAR. It's unclear precisely what the application is providing and what it's receiving. Could this action result in larger data center than allowed by Wright?

[05:04:29] Could it leave a door open to future expansion beyond ostensible 1.3 million square feet? You know, how does it affect other proffers or expectations? And frankly, let's be clear that 1.3 million square feet remains huge, both in size and in impacts.

[05:04:48] Those impacts include energy and infrastructure, costs to electric consumers, environmental and aesthetic issues, notwithstanding the proffers or conditions even as diminished. But the public and the board really need more transparency. Given the magnitude of this proposal and the intensity of public concern, as well as the precedent it could create, the reconsideration shouldn't be rushed.

[05:05:11] So I suggest that it should be deferred until an independent analysis can compare the original rezoning request, the original application, with a potential by-write application that follows the current zoning limits, and as well as the FAR, on the new data center proposal and the standards adopted last December.

[05:05:33] The delay needn't be lengthy to conduct an appropriate review. We realize the Board appreciates the applicant's environmental and aesthetic proffers included in the original application, although there's less now. But it may be that review promptly confirms that the revised project would be, in fact, better than a buy-write alternative.

[05:05:54] But we don't know. Such review would allow greater confidence for the Board and the public, something the applicant should welcome. And bear in mind, the property can change hands in the future. A short delay for review can ensure that the board and the public are clear and confident about what the revised application actually entails.

[05:06:14] Thank you. Thank you. Chris Tandy, followed by Morris Meyer, followed by Mark Lando. Mr. Tandy, are you here? Chris Tandy, going once, going twice. Okay.

[05:06:31] Morris Meyer, followed by Mark Lando, followed by John Lovegrove. Mr. Meyer, you're here. Going once, going twice for him as well. Thank you, ma'am. All right. Mark Lando, followed by John Lovegrove, followed by John Elbersole.

[05:06:52] Thank you very much. Sure. Good evening. I'm Mark Lando. I'll be brief. We're here again. I have to reinforce what was said just previously, that why be in a hurry?

[05:07:09] This is a very big application. We should have the consideration and the evaluation of what a buy-right development in accordance with the new rules looks like. Right now, I don't think we have that.

[05:07:27] would urge the board to reconsider and to shelve the vote on this process until there's further study of what that looks like as a buy right under the current rules so that everybody can be satisfied that the board has made the correct decision thank you thank you um John Legro followed by John Albert Ebersole followed by I can't quite read this handwriting last name is Richardson I I believe.

[05:08:07] Good evening. I feel like this is the greatest hits night, so I'll be speaking about this and also about the prime soils. I just heard that we can't build a 1.3 million square foot data center on the existing footprint that we're allowed to build data centers on.

[05:08:28] Therefore, we need to do a huge zoning amendment, and we need to change the floor area ratio to 1.0. I really don't understand that. Are we here to allow data center people to build one-story data centers, or can they go up? I think they can go up.

[05:08:44] I think that's certainly possible. If we're here to make life easier for data center builders, then let's just say that, okay? I think that when we previously talked about this thing, we had 60 people in the room who expressed how much of a bad idea this was.

[05:09:01] Now we come back a month later with the same proposal, except there's a statement in the proffer, which, by the way, apparently can't bind a new board, according to what we just heard from the county attorney. And it says any use beyond the existing density, which requires a special exception, will only be permitted following the approval of an application for such special exception.

[05:09:28] Well, you're giving them the right to build 4.8 million square feet of data center with this tonight. There's no special exception needed in the future. So I don't understand if this is really bad language or if this is really brilliant language. I'm an engineer.

[05:09:45] I've designed data centers. I don't know why you need a 1.0 floor area ratio. There's no technical reason that I know of, and I've built these things. So I don't understand that answer. Frankly, I think that, you know, I've heard that we wanted to get the environmental protections that the candidate or the applicant is offering.

[05:10:06] I think they should offer them anyway because they're going to build an enormous data center which we don't have power for on the banks of Goose Creek. But, you know, let's assume that that is the reason why we have this in front of us again tonight.

[05:10:22] You know, you're going to give them a 4.8 million square foot data center. And there's a very small fig leaf that's going to prevent them from getting there. But thanks very much. Thank you. John Ebersole, followed by, I'm sorry, again, it might be Sarah Richardson.

[05:10:43] And you'll be followed by Trinity Mills. Good evening. Good evening again, board. John Ebersole, Leesburg resident. So I want to say, you know, I haven't gone over the packet for this. I was kind of operating off the quotes from Loudoun Times article from Supervisor Turner that we were bringing this back just to kind of expedite the process so they don't need to go through the six-month by-right review.

[05:11:12] So it's kind of under the assumption that, you know, everybody's back here operating on good faith, and I hope that's still the case. So I just want to say that, you know, I think your constituents have made a pretty clear point on where we stand with data centers we want to support the ones that we do have here that's great but we're kind of getting to a point where we've reached critical mass so you know i just want to say that we as constituents are watching so you know to miss briskman's point in the article

[05:11:47] it is not going to reflect well on this board if we backtrack and end up having something you know that we voted to deny the first time. So thank you. Thank you. I think it might be.

[05:12:02] I'm not sure if it's Sarah Richardson or not. It might be Sarah Richardson. Is that right? Okay. Followed by Trinity Mills and Jim Bingle. Good evening. Good evening, board, madam chair, and supervisors. I will be brief. I don't have any technical expertise whatsoever, but I am a committed opponent of data centers based on what their impact on the climate.

[05:12:27] And so I'm going to take this opportunity to put into the public record for you what I'm reading in today's Wall Street Journal, April 10th. And this is in regard to the energy demand. So we're building data centers for an industry that is booming and accelerating so fast.

[05:12:43] Here's what they say. Without greater efficiency, and this is a chip designer CEO of a chip designer company, without greater efficiency, by the end of the decade, AI data centers could consume as much as 20% to 25% of U.S. power requirements.

[05:13:02] Today, that's probably 4% or less. That's hardly very sustainable. It goes on further to say, in a January report, the International Energy Agency said a request to chat GBT requires 2.9 watt hours of electricity on average, equivalent to turning on a 60 watt light bulb for just under three minutes.

[05:13:22] That is nearly 10 times as much as the average Google search. The agency said power demand by the AI industry is expected to grow by at least 10 times between 2023 and 2026. I don't see how anyone morally can support the expansion of data centers, given what the impact on our way of life, sustainability, and the climate.

[05:13:46] Thank you. Thank you. Trinity Mills, I'm pretty sure it's next. Trinity Mills, followed by Jim Bingo, followed by Ben Nguyen. Good evening.

[05:14:02] Good evening. Trinity Mills, again speaking on behalf of Latin Wildlife Conservancy. Regarding this reconsideration of the Belmont Innovation Center, we retain our position of opposition to this application despite the newly proffered changes. In maintaining that this application serves to worsen the issue of continued legislative approvals of data centers and their subsequent impacts on the county and power grid, we pose several considerations to the board.

[05:14:28] Scrutinizing the motivations of the applicant to persist in their request to double the area on which the data center campus could be built, despite reducing FAR to buy-write levels, suggests that approving the application will still result in a larger and more intensive data center than would denying it. This is especially the case considering that a resubmission of any application to this location would be

required to fall under the zoning requirements of the 2023 ordinance with standards that will better protect residents and wildlife, including larger setbacks, noise protections, and stronger height restrictions.

[05:15:00] We question future implications of this approval and what the physically achievable FAR is on these parcels in their current zoning when considering substation requirements, height, and other restrictions from residential zoning nearby. We ask the board to consider this query when evaluating the state and concessions of the applicant.

[05:15:17] We posit that approving this application still serves to make the construction of a larger data center more favorable. This directly contradicts the sentiments of the public as were expressed at the March 13th public hearing when this application was denied, in which several supervisors voting for that denial cited those exact citizen concerns.

[05:15:36] We at Loudon Wildlife commend the board for previously making the decision which displayed that public unrest about approving larger data centers, even those with environmental concessions, were heard. We urge you to not disregard those still valid concerns now. It is still the case that a reassertment of denial on this legislative application will result in a data center but maintaining current zoning will keep a larger buffer in place to protect goose creep and have a larger effect on residents or lesser effect on residents and wildlife thank you thank you jim bingo followed by ben um when followed by tia ermine good evening good

[05:16:15] evening chair randall and board members i'm jim bingo speaking on behalf of the piedmont environmental council we supported your original vote and urge you to say no to the revised belmont innovation campus application that adds more land for data center development with more energy demand. You've said that we have enough data centers and you want to limit further data center development, but approving this application expands the area where data centers can be put on the site now or in the future despite the current space limitation. This feels like giving

[05:16:51] Loudon residents, if you vote for this, a mixed message about where you really stand on data centers and the industry headlines, and the magazine said the board's reversed its position. So I don't know. If you think the proffer tradeoff is better than what may happen by right, remember that zoning is the most reliable tool you have to limit data centers. It's the 56 acres of A3 zoning that don't allow data centers that ultimately limit how much data center space can ultimately be built on site, even if the proffers currently match the square footage permitted by

[05:17:30] Wright. In addition to limiting land to data center development, the A3 zoning results in an average building setback from the creek of 996 feet. This effectively doubles the distance that data center buildings must be placed from Goose Creeks and protects the archaeological features on site.

[05:17:50] It's hard to imagine what 1.3 million square feet of development looks like. So picture the Leesburg Coles, Target, and Costco buildings. Combined, they are 343,000 square feet. Now imagine four times those combined buildings to understand what's already permitted here.

[05:18:15] In the area where data centers can be built, a denial would limit the FAR or intensity of development to less than what's proffered, would require future developments to conform to the new restrictions for setbacks, height restrictions, et cetera, design standards, perimeter parking setbacks, and new standards for noise.

[05:18:37] So if you choose to support this application and you think it's a better choice, remember they can always come back in a year with a new request. Thank you. Thank you, Ms. Bingle. Ben Nguyen, followed by Tia Ehrman.

[05:18:56] Good evening, sir. Good evening. For the Goose Creek Seneca River Advisory Committee, once again, I'm speaking here on an environmental issue. We are environmentalists.

[05:19:12] Many of you are, too. with this application, there are great environmental benefits. First, we know that there will be a data center on this site. Two, we know that power will cross this site. What we want, if you approve this application, is we get an extra 200 feet of buffer guaranteed. And we know that this application will approve a data center that will draw the power lines away from the

[05:19:49] Creek so that they won't violate the 300-foot buffer because Dominion Power doesn't have to respect that when they put the power through. So we know also we have, we know what a by-right center looks like. It's right to the north of this property. They have a 300-foot buffer. It is paltry. I mean, they have annihilated everything down to the 300 feet. We really want the extra

[05:20:22] 200 feet that Belmont is going to give the creek. That's, in summary, what my committee would really like you to do. Give us this green space. It's vital. Thank you very much. Thank you. Okay, Mr. Turner. Thank you, Madam Chair. Make a motion. Chair Randall. Chair Randall. Oh, I'm sorry, Ms. Erman, I am so sorry. My apologies. Chair Randall. You also have one remote speaker as

[05:20:55] Will? Yes. All righty. Good evening. Good evening again, supervisors. My name is Tia Ehrman and I'm once again speaking on behalf of the Piedmont Environmental Council. This application has come before the board at a critical moment for Loudoun. Loudoun's relationship with data centers is changing. The public sentiment and awareness of the issues associated with the industry has changed and the knowledge we now have of both the economic and energy impacts of this industry only continues to grow. Loudoun County simply can no longer operate as we have. All of these changes

[05:21:30] and all of this new knowledge must be taken into account. First, the unfortunate reality that our county has become economically chained to a single industry. In this case, it is an industry based in a rapidly changing sector of technology where current standards will be wholly obsolete before we've even built out the by right parcels open to them. Next, the critical strain these energy giants are placing on the energy grid for not just Loudoun but the entire region is leading to a reversal of the progress our state has made towards its climate goals and threatens to set our entire nation back as well. PEC continues to advocate strongly for Loudoun County to stop

[05:22:08] approving rezonings and special exceptions to expand the size and scope of these facilities until we have better understanding of their full impacts. Pause these legislatively approved expansions of their footprints and associated negative impacts until at least the JLARC study concludes and our own ZOAM has been completed. In this particular case, as Jim outlined before me, the buy-write option is much better for the sensitive watershed of the Goose Creek. A thousand foot setback, twice the proffered amount, and may in the end be a better option for nearby neighborhoods.

[05:22:44] I will leave you with a series of common sense questions vital to answer prior to approving this massive rezoning. Do you feel the Goose Creek is better protected with the 500-foot setback or the 996-foot setback by right? Do you feel the neighborhoods immediately adjacent to this facility are better served by proffers, which don't offer the protections our new by-right zoning does? Do you feel this particular

applicant will not just immediately return to the Board of Supervisors asking to add square footage to their newly rezoned property, greatly increasing their already phenomenal power demands. Thank you. Thank you. And we have a remote speaker, Ms. Tainter.

[05:23:26] Hi, this is Mavis Tainter. I'm speaking for Save Rural Loudon Foundation. As I read this application, which I think is somewhat confusing, I read it that this is a rezoning that increases hugely the footprint of the data center beyond by right. And there is some confusion in this application, And I would concur that we need to regroup and get a thorough review and a proposal from staff and any experts that are needed.

[05:23:57] I also think that the voters spoke very clearly on this issue at the last Board of Supervisors meeting. And I keep wondering why we're having to have the same meeting again. Application is back. And so I'm once again going to try to be crystal clear on what I'm saying.

[05:24:16] I would like the board to vote no to any data center that comes for an application in Loudoun County that is larger than what is allowed by the right. Thank you very much.

[05:24:33] Thank you, Ms. Tainter. And once again, my apologies, Ms. Ehrman and Ms. Tainter. We've been on the dais for a while now. Mr. Turner. Good God.

[05:24:53] Thank you, Madam Chair. Yes, sir. so I can make a motion. I move that the board approve LEGY 2023-0048, Belmont Innovation Campus, ZMAT 2022-0021, SPECS 2022-0042, SPMI 2023-0013, and ZMOD 2022-0077, subject to the proffer statement dated March 28, 2024, the conditions of approval dated March 28, 2024, and the findings for approval provided as attachments one, two, and three to the April 10, 2024 Board of Supervisors public hearing staff report. Motion made and seconded by Supervisor Eternal. Discussion on

[05:25:30] the motion, Mr. Turner. Thank you, Madam Chair. I have enormous respect for the Piedmont Environmental Council. Enormous respect for them. Unfortunately, in this case, they have disseminated emails and social media that have major factual errors in them, and I heard them all presented back in the public comments tonight. I've never been in a public comment session since I've been a supervisor where 100% of the speakers stated factually incorrect statements.

[05:25:59] So let me clarify exactly what the facts are. There is going to be a 1.32 million square foot data center on this piece of land, no matter how we vote tonight. That has always been the case. Yes, they are asking to rezone those eight parcels to PDIP.

[05:26:16] It is illegal for them, after they proffer a cap of 1.32 million square feet, to build any more than 1.32 million square feet. Can they come back and ask this board or our next board to expand, just like any other data center in Loudoun County?

[05:26:33] Of course they can. They can always make a legislative application to apply. Will the 900 feet be better for the creek than the 500 feet? Here's a radical answer. No. You know why? Because the proffers include two low-intensity development features that purify the storm runoff before it goes into the creek, a creek which is already impaired because the stormwater runoff has not been improved and this one of the proffers improves it is it going to be better for the neighbors in belmont well my chief of staff and i spent an hour today looking at that map and working in web logis and we discovered

[05:27:09] that with the 200 foot setback in the new zoning ordinance and the 900 foot ar3 it will cram the 1.3 million square feet into a narrow strip a half a mile long right fronting belmont ridge road that that will be 100 feet high. We don't know what we will get if we ask for a buy-write application.

[05:27:26] We have no idea. What I have right now is the same 1.329 million square feet with a substantial environmental package that can never legally be increased without coming back to this board and asking for permission. And PEC has done a singular disservice to this community by putting out factually incorrect information.

[05:27:47] And I personally had to answer 300 emails over the last three days that repeated that factually incorrect information. They said in a social media, the applicant can come back anytime without coming to the board for approval and expand the size of this data center. That is false.

[05:28:03] That is patently false. This is the best deal. And I have led the charge to limit data center growth and stop data center by right growth in Loudoun County for the last six months. I have led that charge. I trust, trust me on this.

[05:28:19] I would not say yes to a data center if this was not the best deal that we can get in a lousy deal that's going to get us a \$1.32 million data center. This is a better deal than a buy-write, which is a complete unknown and a roll of the dice. Thank you, Madam Chair.

[05:28:34] Thank you. Ms. Umstead? Thank you, Madam Chair. For all of the reasons that Supervisor Turner just laid out, I will be supporting this. This is a much, much better application than we could get by right.

[05:28:53] I commend the applicant for the environmentally friendly proffers that they have consistently offered. One of the things we have to realize is that data centers are not the problem.

[05:29:10] The problem is our usage of online services. the fact that we have smartphones, the fact that we have iPads. I have a smartphone up here with me. I've got an iPad. I've got a laptop upstairs.

[05:29:25] I've got a laptop at home. I've got a desktop. All of that requires data centers to store the infinite number of bytes that we all are imposing through the lives we lead every day.

[05:29:45] and artificial intelligence is going to make it much much worse but we are the ones who want these services and data centers are the only place where these services can be provided and to blame data centers for any of our woes I think is is is a bit misguided because data centers in Virginia, and especially in Northern Virginia and Loudoun County, have pressured

[05:30:21] Dominion Energy more than any other consumer base to make the energy they rely on green energy. And if you talk to Dominion representatives, that is what you will hear.

[05:30:36] Data centers are pushing for green energy. It is our desire to have all these online services to telecommute instead of driving gas-guzzling cars or electric vehicles that rely on the same sources of energy that data centers rely on.

[05:30:56] It is that that creates the need for data centers because we have to store this data somewhere. The cloud is a data center. It's thousands of data centers.

[05:31:14] And that we have created this economy, and to suddenly say no more data centers, besides being illegal, means that we want to go back to a previous lifestyle, maybe the 1960s, 70s, maybe the 80s,

but not the kind of modern lifestyle we all seem to want to live.

[05:31:36] Thank you. Ms. Glass? Thank you, Madam Chair. I will support the approval of this application now that the applicant has reduced the buy right square foot. Under the updated application, we will be getting a data center that is the same size with architectural, environmental, community amenity proffers. Although the applicant removed some of the additional proffers,

[05:32:17] It is still providing enough that I think approval of the application is approved. Thank you, Madam Chair. Thank you. Mr. Crony. Thank you, Chair Randall. So thank you to everybody who spoke. The application did not get approved in March because I believe the Board of Supervisors listened to the residents throughout the county who are concerned about their quality of life and about the environmental impacts of data centers.

[05:32:47] Power infrastructure is still a concern for me. I am not supporting this reconsideration because the proposed scale of the development would contribute to the need for additional high-voltage transmission lines, which would have adverse impacts on existing and proposed development in the county and immediate impacts on surrounding properties.

[05:33:09] The development and any additional developments are not being addressed by the new transmission lines and substations coming to the county. the infrastructure is to handle what has already been approved and not what will be needed with new applications. With the NITSI application from NextEra and the approval of this application and others, we are at risk of not having a choice about the transmission line coming through Western Loudoun. I am also concerned about A3 zoning, which is zoned agricultural residential that is

[05:33:44] located next to the Goose Creek switching to PDIP to allow for the development of data centers. The 56 acres of A3 zone land should not be zoned industrial, and I believe this application does expand the potential land that could be data centers in the future. I commend the developer for reducing the square footage of the data center, and I do think it is a forward-thinking application regarding environmental benefits, but every application sets the standard since the last application. I look forward to working on the data centers CPAM and ZOAM so that we can

[05:34:23] ensure environmental and community standards are met by every application and not just offered as tokens to get votes from supervisors. Thank you. Thank you. Mr. Letourneau. Thank you, Madam Chair.

[05:34:39] The reality is the scale of the data center, the pull on the power grid, is exactly the same if the board approves this application tonight or if the board does not approve the application. There seems to be somehow a sudden belief out there, at least among the speakers tonight, that a massive vertical data center is less intense for the public than something on a little bit more land.

[05:35:06] I don't know where that's coming from. I think if you ask most people, react to how data centers are built, they wouldn't agree with that. But that's apparently what the argument is. It really feels like to me there's just folks that are just throwing stuff out there and seeing what sticks.

[05:35:24] And it's become this just political, just hot button issue that let's just go ahead and make a point. And I get the desire to make a point. I mean, making a point sometimes is what we should do. Diversifying our economy, finding uses other than data centers, absolutely.

[05:35:44] Data centers OEM, yes, but throwing out the type of protections in this data center application to make a point, who's really winning? Not the citizens, not the wildlife, not the Goose Creek, not the residents who actually live near there.

[05:36:04] So I happen to think that should be our first consideration. I felt that way last time because the package was even greater than this. But honestly, I think we're fortunate that we're even here having this conversation. And I was surprised that we were. It is what it is, but the reality is the footprint is going to be, in terms of square footage, the same.

[05:36:27] The impact is going to be the same. All of that is true. Now, there's been the argument that we should stop and do more analysis. Well, we've had several weeks with this. Our staff has done the analysis. I'm going to ask everybody in here, do you really think Supervisor Turner hasn't looked at this in his area for the amount of involvement he's had?

[05:36:46] Do you think he hasn't done that analysis? Now, I understand for the public it can be difficult to see these massive applications and understand them. But that's our job, and that's why we have a staff. We have our own staff, and we have the county staff. And they're pretty good at what they do. So I think the board is pretty well informed about this application at this point and what we're getting and what we're not getting.

[05:37:05] We also happen to be the ones who wrote the zoning ordinance. So we also know what's in that. So I think if there's any group of people that's qualified to make that determination, it's us. So the answer to the last speaker is absolutely yes. This is a better deal than what would be by writing the zoning ordinance. And it's not close.

[05:37:23] Ms. Brooksman? Thank you, Mr. Letourne. Thank you, Madam Chair. I will not be voting for this based on the findings for denial that we had the last time this was in front of us. And the last time this was in front of us is when we made the point that we should be making.

[05:37:41] I was so proud of us to finally say no. Other things can be built on this property. It doesn't have to be a data center just because it's by right data center.

[05:37:57] It doesn't have to be a data center just because that's the way some certain person might make more money. There's lots of other things that this property could be used for. Part of the property is zoned for residential. And the zoning that they're getting tonight, you can use it for a bunch of other stuff, too.

[05:38:15] It doesn't have to be a data center. And the fact that we all are online and take pictures and need the cloud doesn't mean that every data center has to be in Loudoun County.

[05:38:31] They don't all have to be in Loudoun County. They just don't. To Ms. Tainter and, you know, just say no, I don't think, and I'm pretty sure, I have not voted for rezoning on a data center for data center use since at least 2020.

[05:38:54] We could be out of this mess if we had adopted the maps that were brought forth during the general plan and then revived in a project that I started with economic development and brought to this board in 2021.

[05:39:10] Now it's finally coming in a ZOAM, and hopefully we'll resolve some of these issues. But I will definitely not be voting for this tonight. Thank you. Thank you.

[05:39:27] So I need to explain what I'm doing and why, because none of this is as easy as some people are making it sound. I'm voting no, but my vote tonight is a message vote, because quite frankly, this is a good application for a data center if we have to have a data center here.

[05:39:46] So, to some degree, I know this is going to pass, and I'm going to make a message vote tonight. And this is my message to the data center community with large. We have not met with the data center coalition over two years. Two years. And I'm going to take some responsibility for that because phone calls can be made both ways.

[05:40:06] The discussions we used to have with them all the time just stopped cold. Discussions about where data centers are supposed to be, that they're not supposed to be in certain neighborhoods. and what we want from them. They just kind of stopped. And now what we get often, and again, I'm not doing this, what we get often is both for this data center or we're going to build it by right and it's going to be crappy.

[05:40:29] That is not how that's supposed to happen. It's just not. And so at this moment, we need to come back to the table and start having these discussions again. And again, I'm taking responsibility for that myself. Some data centers are doing a really good job at it.

[05:40:47] You know, Equinix, QTS, Digital Realty, Raging Wire, still going strong, still having the conversations with us, still talking. But there's a lot of data centers who just kind of, they kind of come out of nowhere, and it's like you better, it's almost like a threat. Do it, and we're going to put something up there that's going to be terrible.

[05:41:04] It is true. It is true that, you know, we, you know, three of the people who came up here and spoke against this application today, Ms. Pien, Ms. Bingo, and Ms. Ehrman, did it while reading from their laptops. right? Did it while reading from their laptops. So it is absolutely true that we are all kind of hooked on these things. And it's also true that AI is coming and coming strong. But that doesn't mean that every bit of green space has to be taken up by a data center. There has to be some kind of

[05:41:39] balance. There has to be a discussion. There has to be a meeting of the minds. There has to be something that we do differently because if we do nothing but but concrete over everything because we because we do have electronics what are we doing what are we telling the next generation what are we leaving the next generation so this is very much a message vote this is not I know it's going to pass and sometimes a vote needs to be a message and my message is I'll take the responsibility for what I haven't done but I need the data center community to come back to the

[05:42:14] table with us and let's try to have some reasonable discussions about where we go from here because we cannot keep doing it like this. Thank you. Mr. Turner. Thank you, Madam Chair. When we started this process, in fact, when I started talking with the applicant 18 months ago, and if you remember the original discussion when this first came before us, it was a 4.9 million square foot application and it's now at a 1.3 million square foot application. I did the math and I think that's a 72% reduction in the power requirement and in the footprint.

[05:42:53] So this board has fought valiantly to get it to where it was. And the application that we turned down at the last meeting was a 2.9 million square foot application. And we're now at 1.3 million square feet. And we're at the bottom where they can build a 1.3 million square foot data center no matter what we do here tonight.

[05:43:14] Now, I'm going to disassociate myself with Supervisor Umstadt's comments to this extent. I don't mean this in any way pejoratively. I think the problem in Loudoun County is data centers. And let me clarify that because that's going to end up in the paper and it's going to get me in a lot of trouble. I do not mean that they're evil.

[05:43:30] I do not mean that they're out to destroy the community. On the contrary, I found everybody in the data centers to be very caring, very aware of the impact they're having on the environment. They are stuck in a massive explosive demand for their product in this worldwide market. And they have to respond to that market the best that they can.

[05:43:47] That's what they're trying to do. But for Loudoun County, the largest data center density on the planet Earth, for Loudoun County, the problem is the data centers. It's the fossil fuel they consume. It's the overhead transmission lines that they're putting over our schools and our neighborhoods.

[05:44:03] It's that growth. And we have an obligation or a citizen to do everything we can to get our arms around that growth from this point forward. From six months ago, from a year ago, when we had those three TLUC meetings and Dominion found out that they were grossly underplanned for their infrastructure by a factor of tenfold. And PJM called them up and said, no, no, you don't need \$67 million worth of infrastructure. You need \$627 million worth of infrastructure. And that's not enough. That's only going to power what we have. And we've got 10 million square feet more of data centers in this county that have already

[05:44:40] been permitted, most of by right, which we will never see on this board. And we are trying valiantly to try and get our arms around that. So believe me, this is a terrific applicant. They really are. They have worked with us. They have bent over backwards to accommodate us. They put together a world-class package. I've never seen a data center package this good. But they're up against the hard stop where we are in taking care of our constituents that enough is enough on data centers. If I could say no to this data center, I would. I said no to 4.9 million. I said no to 2.9 million. But I can't

[05:45:16] say no to 1.3 million because they have a right to build this data center, and they are going to build it to the highest standard that I've ever seen in Loudoun County. And that's to their credit. We are going to get a data center. Let's carry on the fight, but this one should pass. Thank you, Madam Chair. Motion was made by Supervisor Turner, seconded by Supervisor Letourneau.

[05:45:37] All in favor, please say aye. Aye. Opposed? Aye. That motion will pass 6-3 with Supervisors to Crony, Brixman, and Randall. Chair Randall voting against the motion. Thank you.

[05:46:03] Okay. All right. Yesterday, Mr. Letourneau reminded me that this is the first time that we've done primax sorrows at the public hearing.

[05:46:30] We've been doing this for so long, I honestly forgot that. I honestly did, because I've been, you know, talking about this since high school or something. So I literally forgot that we hadn't seen it in a public hearing. It is, and I'm saying this in advance so you all know, it is not common that the first time we hear something in a public hearing, we suspend the rules and vote on it.

[05:46:57] That is not normally what we do, and it's not going to be what we do tonight. What you're going to hear tonight is some motions, motion or motions being made, and a lot of questions and directions given to staff. So you're going to have a good idea of where we're going to go when this hits us on June 10th.

[05:47:18] You're going to have a good idea of where we're going to go. And so it had been indicated that we might suspend the rules before, but this is the first time there's been a public hearing. And so we don't suspend the rules the first time for public hearing.

[05:47:35] It's very rare we do that, but you will get to, but some of what we've been discussing will be discussed through tonight, and so you're kind of going to know which track we're on for when it comes back. So I hope that helps, okay? All right, good evening, and we are ready when you are.

[05:47:55] Good evening, Madam Chair. My name is Jacob Pambrick. I'm a senior planner with Zoning Administration within the Department of Planning and Zoning, and I am the project manager for ZOAM 2020-0002, Prime Agricultural Soils and Cluster Subdivisions.

[05:48:10] This evening, I will briefly touch upon the purpose and the background of the ZOAM, as well as the public outreach efforts and proposed draft text changes and key issues for the discussion. The purpose of the ZOAM is to amend the Loudoun County Zoning Warrants in order to preserve prime agricultural soils, soils, improve cluster development design, and ensure the continued success of rural economy uses in the Agricultural Rural 1 and Agricultural Rural 2 zoning

[05:48:43] districts in the rural policy area. On June 16, 2020, a board member initiative was brought forward and approved seeking to amend the zoning ordinance regulations pertaining to cluster development design, preservation of prime agricultural soils, and to ensure the success of rural economy uses in the AR1 and AR2 zoning districts the amendments are intended to improve the design of cluster residential development by incorporating natural features protecting and conserving agriculturally productive prime agricultural soils align allowing for equine and rural economy uses and further implementing the clustered or

[05:49:22] residential development policies of the 2019 general plan to guide all future clustered subdivisions applications in the AR1 and AR2 zoning district Following approval of the BMI, staff presented an updated ZOAM work plan to the board.

[05:49:39] The board approved the updated ZOAM work plan that directed staff to develop amendments to the cluster subdivision regulations in the AR1 and AR2 zoning districts as a separate standalone ZOAM independent of the zoning ordinance rewrite effort. At the July 21st, 2021 TLUC meeting, staff presented an information item that reported out the comments received from the initial outreach sessions.

[05:50:05] TELUC directed staff to hold additional outreach sessions with those familiar with conservation easements in order to identify potential impacts of the ZOAM to include a decrease in development potential and an increase in the development costs that could result in a reduction in the amount of land being placed in conservation easements.

[05:50:23] At the June 21st, 2022 board business meeting, the board adopted the resolution of intent to amend to formally initiate ZOAM 2020-0002. As part of the vote to adopt the resolution of intent to amend, staff was directed to prepare an analysis that evaluated whether the proposed amendments may create a disincentive for property owners to place parcels and conservation easements.

[05:50:49] And the analysis include, but not be limited to, consultation with private conservation easement appraisers. the Commissioner of Revenue, and other experts in the conservation easement field. Prior to drafting the text of the ZOAM, Zoning Administration staff conducted 12 outreach sessions between February 2021 and August 2021, which generated over 350 comments from over 150 participants.

[05:51:18] Based on the comments received from all 12 outreach groups, staff prepared the initial draft text as well as other subsequent draft texts. Although there were 12 individual stakeholder groups, as well as the county agencies and the Zoning Ordinance Committee, providing comments to the ZOAM, there were several key topics that were echoed throughout the different groups.

[05:51:41] Some of the main topics include the characteristics of the rural economy lot, design characteristics of the cluster subdivision, the protection of prime farmland soils, and the amount that should be preserved, uses that are appropriate on prime farmland soils and lot types within cluster subdivisions, as well as potential impacts the ZOAM could have on conservation easements going forward.

[05:52:01] The key issues guided much of the draft text as provided with the staff report as attachment one. Following the input and review by the Zoning Wardens Committee, staff presented the ZOAM draft text to the Planning Commission at their November 14, 2022 public hearing.

[05:52:20] The public hearing was followed by four Planning Commission work sessions from January 2023 to December 2023, three of which were public work sessions, which allowed public comment due to a change in the Virginia State Code. During the time between the four work sessions, a work group was appointed by the board to work through the key issues identified through the previous stakeholder outreach efforts and formulate revisions to the proposed ZOAM text.

[05:52:46] As a result of the work group, several changes to the ZOAM text were incorporated into the current draft text. In addition to the work group, at the September 14, 2023 Commission work session, staff presented the consultant analysis completed by Kim Lee Horn, which analyzed potential impacts of the draft ZOAM text on future AR1 and AR2 cluster subdivisions and future conservation easement efforts. Based on the analysis, recommendations were provided by the consultant that could lessen the potential impact of the draft ZOAM text on future cluster subdivisions,

[05:53:22] particularly the preservation of prime farming soils. These recommendations can be found within the staff report. The draft ZOAM text reviewed and forwarded by the Planning Commission was under the format and organizational style of the revised 1993 Loudoun County Zoning Ordinance.

[05:53:41] As part of the approved commission motion, staff was directed to reformat the draft text language to be consistent with the zoning ordinance format approved by the board at the December 13, 2023 board public hearing. The new zoning ordinance was substantially reorganized and rewritten to facilitate structure and flow. Therefore, in the process of reformatting the draft zoan text revisions have been made to the applicable sections of the zoning ordinance for consistency clarity ease of use and to remove redundancy although the draft text requirements now appear within several chapters and sections of the zoning ordinance the requirements remain the

[05:54:18] same as recommended by the commission a crosswalk document is provided as attachment nine of the staff report which references where proposed requirements are located within the zoning ordinance in relation to where they were located in the revised 1993 Loudoun County Zoning Ordinance.

[05:54:35] With that being said, the proposed amendments to Chapter 2, specifically the cluster option within the AR1 and AR2 zoning districts, included changes to the cluster option's dimensional standards, such as setbacks and building requirements, as well as new requirements for the new preservation farm lot type. Updates to Chapter 3 uses include changes to the use permissions for each cluster subdivision lot

type. The proposed draft text lists out the different lot types of the cluster subdivision with each lot type having specific uses listed as either

[05:55:10] permitted by right or by minor special exception or special exception. Table 3.02.03-1 of the zoning ordinance lists all of the uses in the zoning ordinance and specifies which uses are permitted by right or by special exception within the AR1 and AR2 zoning districts. Some of the The changes included the limitations of uses on the new preservation farm lots to those that are associated with agriculture or benefit from the prime farmland soils, given the main purpose of the preservation farm lot is to preserve prime agricultural soils.

[05:55:45] Use permissions changes were also updated for the rural economy cluster lot type, which included removing higher intense uses, which typically generate increased traffic and noise that may adversely impact residents within a cluster subdivision. The use-specific standards of Chapter 4 were amended to specify the use permissions for the various lot types in the cluster subdivision option.

[05:56:08] For each use listed in the use table of Chapter 3, a reference to the use-specific standard is listed if applicable. Updates to Chapter 7, development standards included a minor change to Section 7.02 open space, indicating that the open space requirements are not required for cluster subdivision option, and a note added referencing back to the cluster subdivision option requirements of Chapter 2.

[05:56:35] As part of Chapter 12, the applicable current definitions were revised and or deleted, as well as new definitions established, such as common open space lot, preservation farm lot, prime farmland soils, residential cluster lot, and rural economy cluster lot.

[05:56:56] Specific uses related to the drafts OM text were identified during the interagency referral process, meetings with ZOC, and community outreach sessions with specific stakeholder groups. These topics were also extensively discussed throughout the planning commission process. Those key issues included amount of prime farmland soils present on an originating track to require a preservation farm lot, percentages of prime farmland soils to be preserved, permitted, and special exception uses on specific lot types.

[05:57:25] Regarding the amount of prime farmland soils present on an originating track to require a preservation farm lot, Table 1 on page 14 of the staff report shows the various amounts of contiguous and non-contiguous prime farmland soils and the possible total preserved prime farmland soils acreage based on different required preservation percentages.

[05:57:46] Staff has also evaluated the numbers based on a 10-acre non-contiguous option that was not included in the staff report. Staff notes that the current draft text reflects the requirement of five acres non-contiguous as to when a preservation farm lot is required.

[05:58:04] The updated table will be shown on the following slide. For the percentage of farmland soils to be preserved within preservation farm lots, the current draft text reflects a 70% preservation. The proposed uses on the specific cluster subdivision lot types forwarded by the Planning Commissioner are unchanged.

[05:58:23] However, given the reformatting of the draft text to the format of the current zoning ordinance, some uses were renamed or were combined into another use. For example, ecotourism under the revised 1993 Loudoun County Zoning Ordinance now under the cultural tourism use as provided in the current zoning ordinance another example would be cross-country skiing which is now part of the

recreation outdoor major use under the current zoning ordinance also to further clarify the proposed uses only apply to those proposed

[05:58:55] lot types within the cluster subdivision option of the ar1 and ar2 zoning district for reference here's the table updated table one which now includes the total for a 10 acre non-contiguous option. This option lists a total of 537 parcels with a total acreage of 48,547 with 17,116 acres being prime farmland soils. The Planning Commission recommended the the two saving clauses proposed by

[05:59:30] staff and the consultant to be to be part of the draft text. The proposed draft savings clauses are provided to help ensure that 30 percent of the originating tract will be available for placement of residential cluster lots, which help address concerns that requiring 70% preservation of prime farmland soils within an originating tract will have an impact on reducing the amount of land that will be placed in conservation easements due to a possible reduction in the number of residential cluster lots. This approach allows for flexibility on sites that have several regulatory constraints and or sporadic pockets of prime farmland soils that could limit the

[06:00:10] development potential of the originating tract. Additionally, staff notes that the 30% of the originating tract is for those residential cluster lots and those uses that are permitted by right or by special exception within those residential cluster lots. To further explain the savings clauses, an applicant can request an administrative reduction if it can be demonstrated that the originating tract, either one, has less than 30% available for the development of residential cluster lots due to the requirement to preserve 70 percent prime farmland soils on site with other

[06:00:46] regulatory impacts and physical site constraints or two the amount of prime farmland soils are less than 15 percent of the originating tract and are distributed in smaller isolated pockets throughout the site that would result in the preservation of 70 percent of the prime farmland soils on a preservation farm lot which could have an impact on the ability to reach the development potential for the residential cluster lots.

[06:01:11] If an administrative reduction is received, it would be processed as a zoning determination in accordance with Section 10.2 of the zoning ordinance. The request must contain an engineered or non-engineered plat showing the location of all prime farmland soils and those areas to be preserved, the size and location of all prime farmland soils and those areas to be preserved, the size and location area of the proposed development area and all other applicable site features that may preclude development. A narrative must also be included summarizing the request

[06:01:47] and the justification for the reduced preservation percentage. Once received it is determined that and it is determined that all the required information is provided. The zoning administrator will consult with appropriate county subject matter experts to assist in determining whether a reduction in the present in the percentage of the required prime farm land soils is warranted based on the submitted documentation of facts and the justification provided by the applicant. If it is deemed necessary, then an outside consultant is needed to assist in evaluating the request. The zoning administrator would seek an engineering professional

[06:02:24] or firm not currently providing the same or similar engineering design or services for the Loudon-based parcels. Staff notes that as part of the administrative reduction request, the zoning administrator cannot reduce the required preservation percentage of the prime farmland soils to less than 30 percent. Once the zoning determination is issued, the applicant or agreed party will have the

opportunity to appeal the zoning determination to the Board of Zoning Appeals if so inclined. As pointed out in the staff report, two items were identified as points of discussion. First, general open space maintenance. While open space lots are not a requirement

[06:03:01] of the cluster subdivision option within the zoning ordinance, section 7.02G lists requirements pertaining to the maintenance of open space areas. Staff believes this requirement would be beneficial if applied to any common open space lot created within a cluster subdivision. Staff brings this to the attention of the board for direction as maintenance requirements for open space lots within the cluster subdivision option was not part of the ZOAM draft text reviewed and forwarded to the board at the commission's December 14, 2023 public hearing. Secondly, short-term residential commercial whole house use within the cluster subdivision option.

[06:03:38] The board adopted ZOAM 2018-0001 short-term residential rentals at the April 4th, 2023 board business meeting to allow short-term residential and commercial whole house rentals within certain zoning districts to include the AR1 and AR2 zoning districts.

[06:03:57] Within the current AR1 and AR2 zoning districts, the uses are permitted by right. Although the board approved ZOAM 2018-001, these uses were not included within the draft text use tables for the ZOAM. which were reviewed and forwarded by the commission at the December 14, 2023 commission work session.

[06:04:19] Therefore, staff seeks guidance from the board as to whether these uses should be permitted within the cluster subdivision option. The planning commission forwarded ZOAM 2020-002 to the board with a recommendation of approval that language be added to provide two administrative reduction saving clauses, options for the amount of prime farmland soils to be preserved within the preservation farm lots, and that the proposed draft text be consistent with the zoning ordinance format.

[06:04:48] The draft text as forwarded by the Planning Commission is provided for within Attachment 1 of the staff report. And finally, staff supports board approval of the draft text for ZOAM 2020-0002 as provided in Attachment 1.

[06:05:04] This concludes staff's presentation. At this time, we'd be happy to answer any questions the board may have regarding the ZOAM. I would like to note this evening that in the audience, Paul with Kimley-Horn is with us if there are any questions regarding the Kimley-Horn analysis.

[06:05:22] Also, additional staff is present to help answer any specific questions. Sir, would you introduce yourself, please? Say again? Would you introduce yourself, please? Yes. I'm Jacob Ambrick with Planning and Zoning. I am the project manager for this ZOAM.

[06:05:38] That was an excellent presentation. Thank you so much. Thank you very much. I appreciate that. Madam Chair. Mr. Wirtz, do you mind coming to the table? I didn't mean to wake you up. Do you mind coming to the table? Thank you. Supervisors, this is the lot. That was a lot.

[06:05:56] And I actually, what I think I'm going to do is we're going to move you guys to four minutes instead of three for questions and answers. Yeah, I'll move you to four minutes instead of three.

[06:06:14] And at the end of the four minutes, let's see where everybody thinks they are, because we really have, I really want you to get as many questions answered as you possibly can get answered right now, okay? So, having said that, if you have questions, supervisors, please put your lights on.

[06:06:32] Mr. Wirtz, thank you for being here. I know that you received the question in advance that you, okay, let's make sure. Yeah, okay. Glad to be here. Okay, wonderful. All right, I'm stuck. Thank you, Madam Chair. This is probably for Mr. Wirtz. I've been briefed by interested citizens on both sides of this issue.

[06:06:55] Those who have financial concerns about the impact of this believe that it could kill the conservation easement program going forward because to impose the PRIMAG soils overlay construct on land that could go into conservation easement will lower the value of the land.

[06:07:28] and therefore decrease the tax benefits to going into a conservation easement. Do you have the expertise to address that question? I'll provide some basic comments relative to the issue at hand, but I did bring Jim White here, my deputy of residential real estate assessment, this evening, who could answer some specific questions.

[06:07:54] I did want to first mention that we're doing mass appraisal in my office. So we're not doing a one-by-one appraisal of real property. Also, the reason for valuation for my purposes is different. So for purposes of tax credit sales, oftentimes the appraiser is valuing a hypothetical project based on a maximum lot yield that would be obtained.

[06:08:28] for my purposes, for tax assessment purposes, it's based on actual market sales. We don't try to predict what the market's reaction is going to be to various regulatory requirements. We look to see what the market tells us is happening based on sales prices. So I'm not going to predict what the result of a change to our zoning ordinance might do to property that might be affected by this but I will say that any additional regulations which restrict the use of a

[06:09:04] property or increase development costs can reduce its value and that's what I think the board should be aware of as they have this discussion tonight so thank you thank you very much um mr. Crony thank you chair Randall so thanks Jacob. I know you guys worked really hard on this project. You mentioned that one outstanding point of discussion was the general open space maintenance. What exactly does that mean? Because

[06:09:39] I didn't know that that was an issue. It's not necessarily an issue. It's a point of discussion that staff wanted further guidance from the board, given that this update in the draft text was not included with the revisions that the Planning Commission put forward.

[06:09:59] Generally speaking, Chapter 7.02 deals with open space maintenance, and looking at those maintenance, specifically 7.02G, I believe, which deals with the maintenance of open space, we saw that some of those maintenance requirements, such as maintaining, cutting the grass, things of that nature, um, would, were pertinent or could, could aid in, in the design of the cluster development.

[06:10:34] Um, so, uh, that was generally, that was the, the point trying to be made here was, you know, we're looking for guidance from, from the board if that maintenance provision, uh, specifically 7.02G would be something that the board would want as part of the draft text for those open space lots. Okay, and the open space is where we allow the drain fields, right? There is that possibility to allow drain fields. I believe it's 70%, I believe, of the drain fields could be

[06:11:09] residential cluster lot drain fields could be located within open space. That was a provision that was carried forward from the original text for the cluster subdivisions in AR1 and AR2. Okay. And the short-term residential commercial whole house, that's just adding that into the use table as either permitted, so the board has to decide if we want to make it permitted.

[06:11:36] Correct. So, you know, with the commercial short-term residential as like an accessory, I believe that, and correct me if I'm wrong, Mark, that is a permitted use within the AR1 and AR2. Commercial whole house, Mark, do you recall whether that was?

[06:11:59] Yeah, I don't think that was included. That's kind of why we raised the issue is that while the accessory component would be permitted, the short-term rental commercial whole house was not addressed. So we were looking for guidance as to what you all thought maybe to allow that in some of these cluster options or not.

[06:12:21] So that's the essence of that issue. Okay. Thank you. And then Kim Lee Horn just did one analysis, right, of the ordinance, right, to show, you know, that a savings clause could offer the flexibility regarding the lot yield, right?

[06:12:42] Correct. Kim Lee Horn just did their overall analysis of the ZOAM draft text pertaining to impacts that the ZOAM may have on the cluster subdivisions. So there was just that one. Just the one. Just the one report that was provided by them.

[06:13:00] Thank you. You're welcome. Thank you. Mr. Kirshner. Thank you, Madam Chair. I'm going to fire a few questions. So obviously one of my big concerns in the whole process is the value to our conservation easement program. And you had some things in the slide as well.

[06:13:16] I just want to get this out for the public. We've preserved how many acres? You can answer yes or no. It's probably easier to do that. We've preserved 72,806 acres according to the report. Is that correct? under the conservation easements in Loudoun County. That sounds correct, Supervisor Kirshner.

[06:13:32] That number may be different. That was in 2022. It's obviously higher at this point. I know that for a fact. Of that, your report also says that we've preserved 20,209 prime farm soils as a result of those conservation easements.

[06:13:49] I believe that is correct. I believe those figures were contained within the Planting Commission staff or memo. And we've only lost 1,120 prime farm ag soils through the cluster development.

[06:14:04] Is that right? 11,000. That was also in the report. Yes, if I recall correctly, that does sound. So if my math is correct, that's a ratio of 20 to 1 farmable, prime farmable soils that we are preserving through conservation easement and very few that we're losing through the cluster.

[06:14:22] You would agree that's a 20 to 1 ratio, right? Not great at math, but yes. All right. So let me ask this question because this was the analysis staff was supposed to do. Kimberly Horne helped with it. It's fair to say that conservation easements and their value are largely based on the land and the number of developable units, the value of the land and specifically the developable units.

[06:14:44] Is that correct? Yes, I would believe that would be accurate. Mark, did you? Yeah, I was just going to say I think my understanding of the value, it is primarily based on the number of units or the development potential of the land. So if we do an analysis and look at how this is going to impact conservation, If it impacts, if it has an impact on the number of developable units, we actually have land that is less valuable and therefore less valuable to put in conservation easement.

[06:15:11] Am I correct about that? Well, we, I mean, we're not, it's difficult for us to answer the question about that. Of course, because you're not looking at each individual property. But I think it's safe to say that land is going to lose value if we follow this current scenario.

[06:15:27] Conservation easements will be less and they will not sell as well. I would just add that the way we designed the draft text was to avoid any negative impacts to land value or development potential. That was one of the reasons we included the savings clauses in the ordinance.

[06:15:45] Okay, so let's pop over then to the Kimley Horn. Under the Kimley Horn, they looked at a variety of things. They didn't look at development impacts and all those sorts of things. They just simply looked at cluster lots. And when they did their initial analysis, every single one of their pieces of property actually lost, had a reduction in lots.

[06:16:06] As a matter of fact, one of them had 17, one had 15, one had 5, one had 7, depending on the size of the lot. I'm correct? I believe so. Paul Vernon, Emily Horn, is here that could speak to that. I'm looking at the analysis. So I'm looking at the report here.

[06:16:22] But one thing to realize about that report is that, of course, the lots are not laid out to preserve prime farmland soils because that wasn't a requirement then. No, no. That's what this report does. That's exactly what it does. It's looking at original subdivisions on the ground that didn't have to take that into consideration.

[06:16:39] So as part of this, do we even take into consideration how these subdivisions are now going to look, how close they are to scenic byways just so that we can fit them on the right place in order to preserve prime soils? Was that any part of the analysis at all? We did build in flexibility in the cluster regulations to allow greater flexibility for an applicant to adjust their lots on the site to preserve prime farmland soils.

[06:17:08] So we made a number of changes to the regulations in terms of reducing distances between clusters, setbacks from adjacent parcels, things of that nature that would allow more flexibility. So that was definitely a goal of ours in doing the amendment, because we were definitely throughout trying to strike a balance between preserving prime farmland soils and also retaining development potential.

[06:17:32] Now, Kimberly Horne, I'm sorry, I'm out of time. My apologies. That's okay. That's okay. Ms. Glass, do you have anything? Madam Chair, I had a couple of questions and they haven't been answered already. Your questions have been answered already?

[06:17:50] Yes, Madam Chair. Wonderful, wonderful. Mr. Letourneau. Thank you, Madam Chair. All right, I'm going to back up a little bit. I'm still more in an understanding phase, we'll say. So just so I understand this part. So determining the value of a property when a property owner is pursuing a conservation easement, is the credit that they get based on the actual potential yield under a cluster subdivision or just on the base zoning density?

[06:18:21] It's my understanding, of course, they're trying to get the greatest value in doing the easement. So, of course, the greatest development potential is through the cluster option. It's through the cluster. The density, yes. And that's what they can get. Okay.

[06:18:37] Yes. So is it possible then that the safety clause may not be entirely sufficient to actually make every property whole? Or is it even intended to be? Is that the intent of the safety clause?

[06:18:54] The intent of the safety clause was to provide flexibility that it could be demonstrated that 30% of the parcel would not be available for residential cluster lots. Because right now the current regulations require 30% residential lots, 70% open space, rural economy lot, and so forth.

[06:19:10] So we wanted to make sure that the ordinance moving forward with the prime farmland soils, they would still be able to have 30% of their lot. But that's not the same as necessarily being made whole for any potential loss of value. Not potentially. I mean, potentially there could not be, I mean, there could be an impact.

[06:19:28] But even today with the current regulations, you know, it's density max is not guaranteed on any. So what would happen if we adjusted it to remove the floor to ensure that everybody got the same number of lots on their property? When you say reduce the floor, you mean the.

[06:19:46] The number of lots that can be developed, the percentage. The 30 percent? If you reduce the floor so that the lots can, you can get the same amount of yield out of it, you would just lose soil, essentially.

[06:20:03] Just lose soil. And would that just make it sort of not worthwhile to even pursue the policy, potentially? It's going to be very specific to what the actual light, which is that's in there. I mean, the biggest problem with this whole process and trying to explain this both to the public and to the decision makers is that it's complicated and is literally site by site.

[06:20:21] It is complicated, and quite frankly, I think, to echo something that Reza Rebson said, I think we're hearing from both sides of it, and both sides are saying it's either the most important thing we could ever do or it's completely catastrophic. So the answer may be somewhere in the middle, but it's hard to kind of discern.

[06:20:41] It's also the question is, is it possible to potentially adjust further to find somewhere in the middle? And I don't know the answer to that question yet. I know that some of my colleagues have been deeply engaged in and trying to find that. But I may not make it through all the public comments, Madam Chair, because I have a very early meeting, Metro meeting in Washington.

[06:21:02] I will watch them if I don't. So I'm going to try to hang in here a little bit longer, but just to let you know. Thank you. All right. Thank you for letting us know. Mr. Turner. Thank you, Madam Chair. Can someone explain nutrient credits to me? Dan.

[06:21:21] I mean, like what it is or what happens when you put them on? In the context of conservation easement, because Supervisor Kirshner brought up the comment of how much land we've saved with conservation easements. The point I'm driving to is if you put land in a conservation easement, which I believe allows farming, correct?

[06:21:41] If it's in a conservation easement, even if it's county open space or third-party conservation easement, generally it allows farming. Yes. But then if you then, what, sell the land with the conservation easement on it to someone who wants the nutrient credit for that land, then that means they can't farm it because the nutrient credit, by definition, prevents you from farming it.

[06:22:03] But you don't have to sell the land. You can actually just put the nutrient credits on it yourself. That's my question. So you own the land, and it's in conservation easement, and it's got, well, let's say it's farmland, and you're going to let it go fallow and start growing trees and whatever for the nutrient credits.

[06:22:22] You've now lost that as farmland. So that's going to go on the books as a conservation easement, which sounds like a great thing. But in fact, if you turn around and sell nutrient credits on that

same land, you just took that off the farming market, and that's loss of farmland. Am I correct in that, that I've worked that out right?

[06:22:38] That's my understanding. So the numbers are deceptive because, you see, we put all this land into conservation easement. Yeah, but that doesn't tell me anything until you tell me what the end use of that conservation easement is going to be. Because as I understand it, I read the economic development report that Mr. Reiser put out, and I believe we placed 633 acres into nutrient credits, which has also removed farmland.

[06:23:00] And in that same report, it says the principal loss of the 12,000 homes since 2017 has because of housing development. So in this long roundabout, 1230 at night kind of way that I'm trying to explain it here, the simple fact is, if we have a motivation to protect farmland in Loudoun County, then by definition, you're not going to be able to build as many houses.

[06:23:29] That's just kind of the way it is. And so if the argument becomes, oh, I don't want to do this because you're going to reduce the development value of the land. Yes, we are. Now, we're going to bend over backwards to make that impact as little as possible with the savings clause, we're going to guarantee that 30% of the originating track can be cluster development if you want to do it. And in each unique situation, if you've got 100 acres and you could put at one house per five acres, 20 houses on that piece of land, and we now say you can only have 30% of the originating track and you can fit those same 20 houses in that 30% of land, by definition, the land is equally valuable, whether you've got the cluster on it or you've

[06:24:09] got the farmland preservation lot. So again, it comes down to situation by situation. So I guess my point I'm trying to make, and correct me if I'm wrong, but the point I'm trying to make is this is so complex that there are no, when you hear both sides yelling, the sky's falling, it's not that easy. Yeah, the land may go down in value, but it may not, depending on your unique situation of that individual piece of land. I think we've taken a really, really good shot, you have to try and thread the needle. Preserve what we can without doing undue

[06:24:45] damage to the development community. Is that a fair characterization? Yes, that was the goal. Mr. Brooksman. Thank you Madam Chair and thank you for the presentation and all your hard work. I know it's been a long road. Did you say in your presentation that the consultant said that 60 to 65 percent preservation was a better number? That was that was a recommendation and their Their report was to reduce the 70% preservation requirement to 60 or 65.

[06:25:18] Okay. All right. But we decided 70. Yes, we continued to put forward 70% given that we had the addition of the savings clauses as well. Right. Okay. That 65% didn't include, however, the changes in dimensional standards, the lot changes, the setback differences that created a greater level of flexibility.

[06:25:41] Okay, I think I might be getting to that point in a second. Would a cluster developer, someone who wanted to do a cluster development, automatically qualify for the savings clause simply by the fact that they can't fit as many units on the lot that they would get buy right without doing the cluster development in Prime Ag?

[06:26:13] Does that make sense? Yes, I think that generally is the intent. And it's not based on the number of units necessarily, but it's based on the land area that's available for dwelling units. So the 30% is what is under the current regulations that you have 30% of land that you can build residential cluster lots on.

[06:26:32] What we understood with the savings clause, there might be if you add the preservation farm layer of regulation along with other things like floodplain, mountainside, you may end up having less than 30% of your lot area available. So the savings clause was to say you can submit justification documentation that shows you can't meet that 30%.

[06:26:53] Okay, okay, all right. And are there required lot sizes? Like when we say AR-2 and AR-1, does that mean that they have to build one house per acre? Yes. So, for example, AR-1, in order to do a cluster subdivision, AR-1, you have to have a minimum of 20 acres in order to do a cluster subdivision.

[06:27:15] Okay. And that the lot yield is one per five acres. There are requirements within the standards. For example, the residential cluster lot, the maximum size could be no more than four acres.

[06:27:34] And the preservation farm lot and the rural economy cluster lot, there are requirements there as well, with the minimums being 10 acres and then 15 acres. I guess my question is, could they come in and say, I want to build houses on half an acre in order to get the number of units that they would want?

[06:28:00] Is that what you were saying? That they could build maybe on half acre lots instead of full acre lots so they can get the yield? Correct. There are requirements that I think the smallest with a drain field and well is 40,000 square feet.

[06:28:16] Okay. Okay. I'm going to run out of time. So let me get to the chart. So one of the things I was trying to get my head around is like, how much land are we really talking about? And it seems like this, this chart might answer my question. Page 14? Huh? The supplemental, the supplemental chart. Yeah. So if I'm understanding this correctly, if we do a 70%, um, you know, preservation at five five acre non-contiguous lots the most acreage that would go into primax soils

[06:28:49] would be 12 256 acres out of the entire rpa now and then it would be 11 000 and then 11 11 9 7 7 so these numbers are based on the those lots that are able to be subdivided as part of a cluster subdivision okay so those numbers are just based on that it doesn't include any any parcels that that are less than 20 acres, given that they could combine to meet that 20 acres.

[06:29:21] This chart just deals with those parcels that are at 20 acres or 40 acres for the AR. And I believe also, Jacob, if I'm wrong, but it excludes those land areas that are already under conservation easement and can't be subdivided, so it excludes those areas.

[06:29:39] So this is just the land that's available to be subdivided based on the current lot sizes. Of at least 20. Yes. Thank you, Mr. Brixman. Thank you. So this item is called the prime ag soil, but throughout the item, you all are using the word prime farmland soil.

[06:29:57] Are you using those two terms interchangeably? Yes, we are. So the prime farmland soils, those are the soils that we're looking to protect within the preservation farm. So when you say prime ag and you say prime farmland, you mean the exact same thing?

[06:30:16] Yes. I'm asking that because I said before I've done more research on dirt than I've ever thought I would do in my entire life. And from what I understood, there was only somewhere around four to six types of prime ag soil.

[06:30:33] And there are 18 types of prime farmland soil. And if you look at page 134 of the package, you all have 18 different soil types. Correct. and that came from Weblogis from USGS, correct?

[06:30:49] That is correct. So you're saying all those 18 types of prime farmland soil is actually prime ag soil? Yes, and Ryan, is that correct? Is that correct? That is correct. Somebody can speak to. That is correct. So all those 18 types of soils can grow anything equally?

[06:31:13] That's probably overstating it, but they're good. Well, the reason I'm asking is because when we talk about soil that will be saved, and that's why I had done so much research on it, because I'm really, because of this. I have two goals. One, it is not my right nor my intention to do anything that interrupts anyone's land or land value.

[06:31:38] Two, I want to save farmable soil in Loudoun County. Those are my two goals. Everything else is noise to me. Everything else is noise to me. So I need to know when we talk about prime farmland soil, what are we talking about? Because you're using these two terms and you never kind of gave definition of when you started using them interchangeably.

[06:31:59] So are you saying all these 18 types of soils are all equally growable soils for whatever somebody might grow on it? I think it's very dangerous to broad brush stroke and say they're all equally going to be productive with the same types of crops.

[06:32:19] But what it is is a combination of the characteristics and the landscape and the ability to farm these soils. And these have all been recognized by the USDA Natural Resources Conservation Service. Okay. All right. To Mr. Turner's nutrient credit question, it will be my intention at the next when we do this to make a motion that says if somebody has an open space easement, not a conservation easement, but an open space easement, which we do, They cannot then overlay a nutrient credit on it.

[06:32:53] That would be my intention. That would be my intention. It would also be my intention to say if someone has a conservation easement, I'd like the staff to look at incentives, because we can't do that for conservation easements, because that's a third party, to look at incentives so that people might not want to do nutrient credits if the goal is to maintain farmland, which is my goal.

[06:33:17] I also, when I looked at the census, from what the census has said to us, there are 109 farms in Loudoun County that are between 1 and 10 acres. There are 805 farms, is that right, that are between 10 and 49 acres.

[06:33:38] Do you all have those numbers or more? Do you all have those numbers? Are those numbers correct? So people are farming on smaller acreage, yes? Yes. Okay. I'm darn it out of time. Darn it, darn it, darn it.

[06:33:56] I know, darn it. Okay, we're going to go on and go to public comments, comments. And then I know there's at least one motion on the dais. I won't make the motions I have, but I will let you know where I'm aiming for next time.

[06:34:18] It is my practice, and I'm going to do it today as well, to just kind of extend the professional courtesy and call on elected officials first if they are in the room. We have two elected officials in the room. I'm going to call on them first.

[06:34:33] The first is Uzma Rashid. She is the chair of the Loudoun County Soil and Water. And then she will be followed by Gary Higgins, who is a delegate, but did recently say that the board was better when he was on it.

[06:34:51] And then he will be followed by James Christian. Yeah, that is a good point. Mr. Christian's like someone I'm with because you weren't there. That's a good point. Hello, ma'am.

[06:35:07] Good morning. Good morning. Thank you, Chair Merrill and board. I appreciate you giving the time to talk about this. I, myself, am starting to learn, just like you, about soil and the importance of this and the primary soil zoning ordinance. You know, I think it's been shown over again that the staff has been reviewing this for four years, and it's ready to be approved by the board.

[06:35:28] And I've been learning so much about how this is important to the Loudoun County to move forward. And I'm a little incoherent at the nighttime, but I really wanted to say this much. I had been reading a lot about it, and one person, I hope I don't steal from them, they sent this to me. They said, by requiring that prime ag soils are preserved during the development process, the proposed prime agriculture soils and cluster subdivision ordinance will protect future farming opportunities in the county while maintaining existing property values, since it won't limit subdivision or impede conservation potential.

[06:36:00] I do not want to take my entire time, but thank you for letting me speak. And as the Loudoun County Soil and Water Conservation Board Director, this is really something that we should take into account but i don't want to continue it any further for you there's a lot of time and i think we're ready to kind of put this to bed so thank you thank you and you were actually i'm sorry i was just told you the executive director james christian who is the speaker after mr higgins is the chair so we have mr higgins and then james christian and robert wilbur mr higgins james christian robert good good hi mr higgins

[06:36:39] how are you thank you madam chair i'm fine it's good to be with you tonight and thank you for the courtesy um first i want to make it clear that um one of my goals when i was on the board of supervisors and one of my goals continues to be to conserve and preserve western loudons agricultural its history and its beauty and i think my eight years on the board shows that um in fact many of the folks that are here tonight working on this uh initiative i worked with in the past on other initiatives and so i respect their um feelings and what they

[06:37:18] were trying to do i would say that this is well-intentioned but ill-advised and uh i will explain why that is now um i am a new delegate in richmond but i'm also an old supervisor and i've been around a while to have lived through some of these initiatives and have some experience In 2006, the initiative that gave us the cluster zoning that we have basically downzoned the properties by 39%, and that created a huge run on land.

[06:37:46] In fact, some of the developments out west now are still those old A3 developments. And what happens with a farmer that owns land is when you start to devalue his land, you're messing with his pension, you're messing with his line of credit, you're messing with his business. So he is interested in being very concerned about his business and his family, and they cash out.

[06:38:09] I'll give you a personal example. The gentleman that lived next to me, Charlie Light, he owned 350 acres. Charlie Light got scared in 2006 because of all the talk about the down zoning, and he sold his property. We now have 78 houses on that property that have all been built in the last three years, the old A3 zoning.

[06:38:28] And on top of the 78 houses, we've got about 150 people that want to pave Old Wheatland Road because of that. And we will have the same outcome with the prime ag soils. When you start messing

around with the value of people's land, they will cash out of it because you're messing around with their ability to farm.

[06:38:46] You're messing around with their business. And if you want to preserve western Loudoun County, find a way that the landowners can monetize their land in a best use that is not houses. because of how is this the best use that's what you're going to get and when you start down zoning the property value or changing the property value through down zoning that's what you're going to get and this initiative will do exactly the same thing thank you thank you mr. Higgins thank you James Christian followed by Robert Wilbur followed by Tia Ehrman morning

[06:39:20] sir good morning thank you chair Randall members of the board I'm glad we clarified that I am the chairman of the Loan Soil and Water Conservation District And as chairman, I want to, on the behalf of our entire board, ask you to verify or pass the Primag Soils ZOAM.

[06:39:43] The need for this ZOAM became obvious to the district, the conservation district, when our staff was contacted by new homeowners asking for assistance after purchasing rural economy lots in cluster subdivisions under the impression that they were farm lots.

[06:40:05] When our staff would visit the properties and examine the soil maps, it was evident that the lots had been created for rural economy and farming were not able to support most agricultural uses because they were poorly sighted on mountainsides or steep slopes or were lower classes of ag soil.

[06:40:27] Our staff has worked diligently with staff from Chair Randall's office and then Supervisor Buffington's office to provide input on crafting an ordinance that would make sure that lots created for farming in new subdivisions would actually support farming.

[06:40:45] With our board of directors' support, staff participated in a county workgroup to craft an ordinance that protected property values and easement potential, while slowing the accelerating loss of some of the best soils on the East Coast for agriculture.

[06:41:02] We made every effort to reach consensus, and while the proposal before you is not totally what we would have designed with solely environmental and agricultural goals in mind, it is a vast improvement over the current status.

[06:41:17] We have seen the loss of thousands of acres of farmland over the past five years. The Loudoun Soil and Water Conservation District exists to help our farmers, landowners, and residents protect our natural resources and help Loudoun County meet its required TMDL goals.

[06:41:39] Having a zoning ordinance that works towards these goals rather than at odds with it is critical. I ask you to help us achieve the stated goals of our general plan and the requirements under the Chesapeake Bay TMDL and pass the Prime Ag Soil ZOAM.

[06:41:55] Thank you. Thank you, sir. Robert Wilber, followed by Tia Ehrman, followed by Avis Rinshaw. Hello, sir. Hi. Good evening. My name is Robert Wilber. You've heard from Jim Christian and Uzma, who are two directors for Loudoun County Soil and Water Conservation District.

[06:42:16] I am a conservation specialist there. So hopefully I can reinforce some of the ideas that they've said as well as provide my perspective as someone going out on a lot of these field appointments. I'm also a soil scientist by education. So naturally the preservation of soils, especially those that are vital for agriculture and have the best ability to produce agriculture is very important to me.

[06:42:40] So as was mentioned by Jim, we regularly get called out on visits to either current or new landowners who own these rural economy lots. And a lot of times they're asking us, what can I do on these lots? And you see a wide range of things.

[06:42:57] Some of these lots have really good soils, and some of them don't. Some of them seem to be cobbled together of whatever was left after all the beautiful houses were put in, and they just crammed everything else into that rural economy lot.

[06:43:12] And from our perspective as conservationists, in good conscience, we can't recommend a lot of agricultural activities on these lots. They may have environmentally sensitive areas like wetlands, creeks, or just be on steep slopes where the best thing to be there truly is forest.

[06:43:30] Undergoing agricultural activities like livestock or traditional cropping may create resource concerns, erosion, as well as pollution to our streams and waterways. Additionally, preserving these prime agricultural soils, allowing these local rural economy lots to continue, allows other districts, I personally live in Leesburg, would allow someone like me to source my food more locally because there are more of these small local farms that are able to more effectively stay in business and produce the agriculture that they want to produce.

[06:44:10] So with all of these things in mind, I'd like to encourage you all to consider passing the prime ag soils, ZOAM, with a special emphasis on the 70% conservation of these prime ag soils. Thank you. Thank you.

[06:44:27] Thank you very much. Tia Ehrman, followed by Avis Rinshaw, followed by Sarah Brown. Good evening. One more time. My name is Tia Ehrman. I'm the current president of the Loudoun County Farm Bureau. I own a 13-acre farm in Round Hill and breed polled Dorset sheep.

[06:44:43] For meat, fiber, and breeding stock, my daughter breeds laying hens and geese. I am the first of many speakers before you this evening from our board of directors and membership, asking you to support this vital amendment. Zoning is the most powerful tool we have in this Dillon Rule state to directly impact the future of our agricultural lands and establish a path to preserve farmable properties for purchase by more of Loudoun's residents, not just millionaires or those of us lucky enough to inherit land. The phase of agriculture in Loudoun has changed. It is often no longer 300-acre cattle operations, but smaller, more intensive, environmentally sustainable,

[06:45:23] direct market production. At a time when most counties, our state, and our nation are losing farms overall, Loudoun is adding them. Of our 1,332 farms, more than 75 percent are smaller than 50 acres with 805 in the 9 to 49 acre range and another 176 in the 1 to 9 acre range. How much agriculture can you accomplish on small acreage? A lot. Loudoun is leading the Commonwealth in 11 distinct agricultural sectors such as equine, goats, laying hens, hogs, vegetable production,

[06:46:01] and the number of farms growing grapes. For perspective on the power of small-scale farming, the average of all of Loudoun's 98 farms growing grapes combined total only 1,098 acres under vine. That's just 1,098 acres sustaining D.C.'s wine region and the sector of ag we are best known for. Why are smaller intensive agricultural operations proving to be so successful in Loudoun? A number of factors combine in a unique way to make this possible and much of it is due to the geography of our region. Loudoun is a unique region perfectly positioned to sustain

[06:46:39] a vibrant direct market economy. The first and most vital piece of this puzzle is our soils. We have some of the best, most high-quality soils in the entire state, and really the nation. Soils capable of supporting any variety of agriculture. The four soil classifications, which are all considered prime by the USDA, are a precious and finite resource, and unfortunately, one we are rapidly losing to residential development.

[06:47:03] My fellow board member, Avis, will continue. Thank you. I'm Avis Renshaw, followed by Sarah Brown, followed by Sierra Principe. Good morning, board. I'm Avis Renshaw. My family placed our 400-acre Lockett's Farm in Easement in 2008.

[06:47:20] We grow 40 acres of berries and veggies, seven acres of eight chains North vineyards, and we lease 250 acres for commodity crops. Continuing with Tia's puzzle analogy, the second vital piece of the economic puzzle in Loudoun is our proximity to stable marketplace of consumers with both the desire and resources to purchase food grown locally with a low-carbon footprint and minimal processing.

[06:47:45] Our farmers connect with these consumers via farmers' markets, storefronts, CSAs, and agritourism businesses. It's through these direct market connections that we see the third puzzle piece clicked into place. Loudoun's small farm operators can realize a greater return on their labor by eliminating the middleman.

[06:48:04] Processing a cow for direct market sales versus selling cows wholesale garners more income for a small farmer, as does selling value-added products like honey, wine, and pie. The final piece of this puzzle again relates to Loudoun's unique geography. Loudoun County is home to more beginning farmers than any other county in Virginia, and we're fourth in the state for young farmers.

[06:48:26] is because many young families come to Loudoun and specifically so one member can work in the non-ag sector on our eastern side while another family member can run a successful farming operation in the still rural western districts several of our board members chose to settle in Loudoun for precisely this reason and have stayed here to raise their families while farming the continuing trend of young families choosing to raise their children on a farm close to the food they eat has only increased since the pandemic these puzzle pieces combine to create an environment naturally supportive to a robust, diverse, young, and innovative rural farming economy. All that

[06:49:03] remains for this equation to continue working is for us to protect prime soil acreage on which successful farming depends, which this ordinance can do. While gaining 73 farms over the past five years, Loudoun simultaneously lost 12,000 acres of farmland and nearly 11,000 acres in the previous five years. We can't continue these land losses and expect a future for Loudoun's historically robust agriculture economy. Thank you. I've got mine. I'm here for these guys. This is the future. These are your young constituents that make up farming for the future. Thank

[06:49:42] you, Ms. Renjau. I'm Sarah Brown, followed by Sierra Principe, followed by Linda Colbert.

[06:50:00] Good morning. Good morning. So as Tia and Avis began in the face of massive loss of acreage and without downzoning, this ordinance is the number one tool that we have as a county to positively impact the future of farming in Loudoun. And I believe it's a necessary step that we should take. Richmond passed the legislation mandating cluster subdivisions in 2006 and Loudoun implemented it shortly thereafter. Rather than allow clusters on just 40% of our ag lands, as is still the mandate, we have

always allowed it on 100% of our ag lands. No one is asking to change this. This is not a down zoning and will not have

[06:50:37] an impact on achievable density. When the previous Board of Supervisors set this ZOAM in motion in 2020, the direction given to staff was clear. Protect the prime soils, but preserve the development potential and property values of our farms, period. Staff worked diligently to accomplish both of these goals, and we thank them for their efforts. The current ordinance, which has been in place without significant adjustment since the enabling legislation was passed, requires 70% of open space preservation, and offers a significant bonus density in exchange for the creation of one or more so-called rural economy lots. Having been called rural economy lots is somewhat of an

[06:51:16] inaccurate name, as they are nearly always incapable of participating in the rural economy for reasons that have been noted before this evening. The execution of this ordinance on the ground has resulted in cluster subdivision plats specifically designed with the clustered houses occupying the prime agricultural soils, as exemplified by the Miller's Reserve on Route 9.

[06:51:37] Because we know this is what developers design without oversight, any savings clause to be added to this ordinance cannot be an all-or-nothing situation and must require savings of the highest percentage of prime soils achievable given site-specific constraints. Savings clauses must also have strict guidelines to avoid building in a loophole. Utilizing these clauses should be a rare exception and not a rule. Thank you for your time this morning, and I hope you'll support the amendment. Thank you. Thank you. Thank you, Ms. Brown. Sierra Principe, followed by Linda

[06:52:13] Colbert, followed by Sage Devlin. Good morning. Howdy. My name is Sierra. I live and farm in Percival at Potomac Vegetable Farms where we grow eco-ganic vegetables, some fruits, herbs, and flowers. All right, so let's get into it. As Sarah explained, with the clustered lots occupying the prime soils, the so-called rural economy lots routinely occupy the floodplain and consist of rocky lands, wooded areas, and steep slopes. In the few instances where the rural economy lots are

[06:52:49] sighted on flat terrain with decent soils, their acres are still not preserved for farming activities or rural business, but instead dug up to hold drain fields for all the surrounding cluster houses, as exemplified by Black Oak Ridge subdivision in Percival. There are numerous examples of clusters developed in this manner all over Western Loudoun from the past, including Caskey Farm, the grub property on Percival Road, Kena Farm, and so many others. Numerous cluster subdivisions are in the process of gaining their approvals right now, including the showing

[06:53:25] property in Levittsville and four in just the Between the Hills region alone. In the years since this zone began, many more have moved through the approval process and are now under construction, like the Huntwick subdivision near Hamilton and the Barrel Oak development in Levittsville.

[06:53:43] To be clear, there is a constant stream of cluster subdivisions being developed, all following the standard playbook that trades non-functional rural economy lots for bonus density and forever destroys our most valuable soils. Our current ordinance is in practice only preserving a viewshed, and we are far more interested in preserving working farms. The members of the Loudoun County Farm Bureau asked this board to update the ordinance at last and follow through on the goals and strategy of our own comprehensive plan explicitly stated in

[06:54:19] strategy 3.2, preserve and protect prime farmland and agricultural soils, recognizing their importance to the overall economic health of the rural economy. This ordinance will support a new generation of farmers with parcels of a size and quality. We have proven work for our economy as demonstrated by the census of agricultural numbers Tia cited earlier. Thank you so much.

[06:54:46] Thank you. Thank you. Linda Colbert, followed by Sage Devlin, followed by Christopher Hatch. Good evening. Hi, Ms. Colbert. I'm Linda Colbert, and I'm here to represent the Dulles Association, the Dulles Area Association of Realtors.

[06:55:02] I am the chairman of the Government Affairs Committee at DAR. I was sent here by the committee to voice our objection to the Prime Soil Initiative, And the main reason being our concern for the property values of the homeowner, of the landowners.

[06:55:23] I think even the experts have said that, and we've seen in all the meetings, that the prime soils is going to impact the density that somebody can get on their property, which is going to impact the value, the equity they have in their property.

[06:55:41] The other question is, when I'm a realtor, I do a lot of raw land. I'm thinking of the finished lots, and when we look at the prime soils, the major lots, I looked through the 170 pages.

[06:56:00] I couldn't figure out, if I was there with the buyer, what they could and couldn't do with their lot. Can they put a playset on it? Can they take down the trees? Can they plant trees? it was very difficult to figure out what somebody could do if they were not farmers and wanted to get one of the prime soil lots, the larger lots.

[06:56:24] So if there's a lot of restrictions, that's going to also bring down the value of the larger lots. Buyers are not going to pay the same price for a lot of a similar size that they can do whatever they want on it versus a lot that has a lot of restrictions.

[06:56:45] So our major concern is just the value for the landowner who has held this land for a lot of times decades. So the conservation easements, I think, are a treasure to Loudoun County. It's wonderful. I admire anybody that can put their land in conservation easement.

[06:57:03] It's wonderful. If we had a program like that that supported prime soils and people could have incentives and initiatives to put their property in prime soils, that would be great. It's a choice.

[06:57:19] It's just like when somebody does a conservation easement. It's a choice. To take somebody's land and change the zoning that's going to impact their equity is not fair. Thank you, Ms. Colbert. Thank you. Thank you. Sage Devlin followed by Christopher Hatch followed by Chris Van Black.

[06:57:40] Morning. Okay. Farm Bureau's back. She got in in the middle. My name is Sage Devlin, and I own and operate Far Bungalow Farm in Lockett's. I sit on the Loudoun County Farm Bureau Board representing the cut flower sector. I do not own the land I farm, though I may stand to inherit it. My mother and her siblings own it, and I pay a reduced family rate rent. The land I have in production is just over an acre and a quarter, and all I can say is that I grow a lot of flowers on that little

[06:58:13] bit of land. County staff have projected 1,100 parcels in the rural policy area, which meet the basic acreage qualifications for cluster subdivisions. That number continues to rise as lot recombinations occur. Clusters are now the standard method of development in Western Loudoun.

[06:58:34] As my fellow board member Ciara detailed, we know what we get from the current cluster subdivision product. We know what the result is of doing nothing. The update to this ordinance could not be more urgently needed. The irreplaceable prime soils and farmable lands contained within these parcels will be lost forever to residential development if we do not act now. But if we update this ordinance, we can continue to support our regional need for additional housing and maintain our soils. If done correctly, this ordinance does not just impact a dozen or so parcels which might be placed in an easement by an individual, but 1,100 parcels to be

[06:59:13] stewarded by 1,100 plus current and future farmers. This is not an either or situation. Staff has structured the new ordinance to do both, as the Kinleyhorn study has demonstrated. We are asking this board to follow the staff recommendations and preserve no less than 70% of the prime agricultural soils with the ordinance triggered by five acres of prime soils on the originating tract from the staff from the staff table one in your packet this would enable the ordinance to impact 705 parcels that um that is possibly for that leaves possibility for 705

[06:59:51] small viable farms saved while continuing to support housing demands and respect the property values of subdivisions and subdivision rights of our large farm 705 possibilities for small farms and for young families where otherwise there would be zero.

[07:00:11] Thank you. Christopher Hatch, followed by Chris Van Black, followed by Donald Middleton. Again, good morning. Good morning. Christopher Hatch, I'm in the Catoctin District. Our family runs Mill Road Farm.

[07:00:28] We've raised Angus cattle, sheep, and I'm representing the Loudoun County Farm Bureau. Mill Road Farm is owned by the Hatches in combination with my land. We farm about 300 acres, and typically we have 26 calves that we process and directly sell, plus 30 plus lambs that we use that are processed under USDA inspection and sold directly to the consumer.

[07:00:58] For several years now, this ordinance has been frozen due to the confusion that there is a conflict between prime ag soil preservation in cluster subdivisions and conservation easements. This ordinance does not impact residential density and does not impact the density calculations necessary to do when evaluating a property for either resale or conservation easements and therefore will not impact conservation easements.

[07:01:29] As some here may have remembered back in 2006 when the current ordinance took effect, the rural north and the rural south were established by different densities. Many spoke out with passionate assertions that we were witnessing the end of conservation easements in Loudoun.

[07:01:52] To many, the sky was falling. Reality, however, proved to be opposite. We have nearly doubled the number of acres conserved to this day, including thousands of acres in less dense AR2 district.

[07:02:11] The sky did not fall. Things just changed a bit. Conservation easements are a charitable donation with tax credits towards the easement holders based on the value of their property for extinguishing the development rights.

[07:02:28] By sacrificing the development rights, the land is preserved, which is what the state gets in exchange for tax credits, for the tax credits lost. Conservation easements are not intended to make money.

[07:02:45] The vast majority to preserve land and resell the tax credits on the Virginia marketplace in order. My time is out. Thank you very much. Thank you, Mr. Hatch. Thank you. Chris Van Vlack, followed by Donald Middleton, followed by John Adams.

[07:03:03] Lost a few up here. As most of you remember, I'm Chris Van Vlack. I operate Hanging Rock, Hay, and Grain, and farm hay, wheat, oats on eight leased parcels in Hillsborough and Lovettsville, and I sell flour, rolled oats, and square bales here in Loudoun. You've just heard from six of my fellow Farm Bureau board members who have laid out the reasons why the Prime Ag Soil Zoam is necessary, how it's been crafted to avoid impacting easements and land values, and how it fulfills the goals laid out in our general plan, which specifically called for the protection of prime agricultural soil. When I started farming, and then also began

[07:03:40] my career almost two decades ago with the Loudon Soil and Water Conservation District, the one issue that I was always most committed to and passionate about was preserving farmland and our environment for the next generation of Loudners. It's the reason I got involved with Farm Bureau. It's why I love my job with soil and water. If I thought this ZOAM would negatively impact the goal of keeping land available and growing food for our neighbors here in Loudoun, I would never, ever, ever ask you to support it. Through my experience on REDC, the Metropolitan Washington Council of Governments Farm Committee, my work as a certified conservation planner, serving on our Soil and

[07:04:20] Water State Employees Association, being elected to the Center for Rural Virginia Board, Mid-Atlantic Common Grains Alliance, and of course my Farm Bureau membership and board membership and my own farming, all my professional training and experience tells me this ZOAM is the right thing to do for rural Loudoun and our eastern neighbors who love our locally grown food, fiber, horses, and beverages.

[07:04:43] Over the past week and tonight, you'll have heard and will be hearing from a diverse coalition of groups and individuals who support this ZOAM. From LIRA, the Loudon Invasive Species Removal Alliance with over 30 HOA members representing over 200,000 Loudoners centered in the east, to local businesses in downtown Leesburg selling local products, to the Global Save Soil Movement, to the Lovettsville Cooperative Market with its over 1,500 member owners, Piedmont Environmental Council, and Loudon Soil and Water Conservation District Board and Staff. Farm Bureau represents nearly 300 producer members, various ag industry members from cattle and sheep farmers, vineyard

[07:05:20] growers, cut flowers, veggie producers, hey, commodity grain farmers. Rarely do you have an issue that brings so many disparate groups to the table saying, please do this for us. So with that, I ask you, after four years of work, please save some of the best of what's left and pass the prime egg soil zone. Thank you. I never do this in the middle of public comments, but I need like a five minute break, if you guys don't mind, because I need, we're going to take five, I need five minutes, so we're going to take five minutes. I'll come back to you when we get back. Thanks.

[07:09:53] We're back. Okay, we're back. Thank you, everyone. I appreciate it. What you all should know about

[07:12:40] me is when I get tired, I get really, really giddy, so I'm just trying to keep it together now at this point. Don't, I don't get cranky at all. I get giddy, so thank you for holding. I appreciate that very much. So after you will be John Adams and Keith Troxell. We're ready when you are. Thank you. Good morning, Chair Randall, members of the board. My name is Brooke Middleton.

[07:13:07] I wish to speak in opposition to the Prime Agricultural Soils Ordinance. Western Loudoun is worth saving. My wife and I were born and raised in Loudoun County. We were actually raised on, I was actually raised on Evergreen Mill Road, just past the landfill, a very prestigious address.

[07:13:27] That was to be the transition zone. That was to be the beltway between east and west. That was to be the green zone. That was to be one house per 10 acres or one house per 15 acres. As we know, even tonight, that land has been rezoned for high-density houses.

[07:13:46] Zoning's temporary. There have been three zoning ordinances in my short life in Western Loudoun. There is a solution, and it's conservation easements, and they're working very, very well. Last year, over 2,400 acres were permanently protected. The year before that, 1,800 acres. I wanted to highlight the STAS report. As of February 2022, 20,000 acres of

[07:14:17] prime soils have been preserved permanently by conservation easements. Only 1,120 acres have been disturbed by cluster subdivisions. That's a ratio of 20 to 1. Another way of saying this is if this ordinance had been in effect, only 1,120 acres of prime soils would have been saved.

[07:14:44] That's a very ineffective ordinance. What does this ordinance do? It lowers the value on conservation easements. And as a certified public accountant, I've worked on hundreds of easements, many in western Loudoun. In my practice this year, four people that were going to donate easements have stopped the process. And that's the future for Loudoun if you pass this. It will lower values and they will not be sufficient to preserve land and easement. This is a bad idea brought forth by good people. I think if you spend the time and look at the data, particularly the Stassport

[07:15:21] report you will see that this makes absolutely no sense thank you very much thank you sir um john adams followed by um keith troxel good evening madam chair good evening members of the board my name is john adams and if i make it to august of this year i will have been on the same property farming in luekett's for 50 years so i'm not one of your younger farmers i want to speak to

[07:15:54] you as a farmer who is very concerned about the situation with regard to climate and its impact on agriculture worldwide in this country and even locally. The one poison of agriculture is drought and drought is having a major impact on agriculture in this country and we can no longer rely on the Chino Valley or the San Joaquin Valley to supply us with fruits and vegetables. Last year, the

[07:16:28] tremendous culling of herds in the Midwest due to drought has decimated the national herd to the lowest level since Eisenhower's times. During the pandemic, our major supply chains were completely disrupted, and the bird flu that's going around the country, if that were to become zoonotic, that would be a major impact on the food supply. So every community in this country now needs to be concerned about food security. And I've not heard one person yet come up to this podium

[07:17:07] and ask the question, why should we be very concerned about destroying the most valuable natural resource that's been given to us in Loudoun County? And we've been doing a really good job of destroying it with this cluster ordinance. Most of the good soil in the cluster ordinance has been put under houses. What you've heard from the Soil and Water Conservation Service is that the less valuable land for agriculture purposes has been saved in what's been called the

[07:17:44] farm economy lots. We can't continue to lose the amount of farmland that we're losing. We've lost over 100,000 acres of farmland in Loudoun County in the last 20 years. We're going to be in a situation

where we're going to be very insecure from a food supply standpoint if we don't save a very natural resource. Thank you. Thank you, sir. Keith Troxell will be followed by J.C. Kahlberg.

[07:18:21] Good morning, Supervisors. Keith Trotts. I'm a resident of Loudoun County, been here 35 years, practiced law in Leesburg for many, many years. I'm here tonight on behalf of signatories to an email that was sent to you all earlier this week.

[07:18:39] There were 66 signatories to this email. They are all conservation easement donors. Collectively, they've donated 94 conservation easements and have collectively protected over 17,300 acres in western Loudoun.

[07:18:57] I'll read this quickly. We each have significant concerns that the proposed ordinance changes will negatively impact the successful conservation easement program in Loudoun County. More specifically, that the proposed ordinance modifications will lower potential development density, reducing the financial benefits, the charitable deduction, and associated tax credits, allowed the future landowners for the placement of conservation easements on their properties.

[07:19:23] Moreover, past and future conservation easements offer permanent protections in addition to the preservation of prime soils that include conservation of natural habitat, endangered species, viewshed protection from loud and scenic byways, historic resource preservation, enhanced buffers for streams and wetlands above zoning requirements, and maintenance and forests.

[07:19:49] We request that the board revise the proposed ordinance so that it encourages and supports rather than negatively impacts voluntary conservation easements. That's the end of the letter. I have a couple things, you know, based on what's been said here tonight that I'd like to point out.

[07:20:06] First, people need to understand conservation easements by DCR requirements are required to have no more than 1% impervious surface. Impervious surface includes buildings, structures, roads, et cetera, patios, pools, running sheds, all that.

[07:20:24] So 99% of the remaining parcel is protected. So everyone needs to understand conservation easements protect a lot more than just prime soils, but they do offer protection for prime soils. Second, one of the supervisors said something here tonight.

[07:20:40] Neither a conservation easement or prime soils require somebody to farm. It doesn't matter either way. So one of the supervisors said, well, they can put an easement on it and not farm it. You can pass this ordinance. It doesn't require people to farm their land. Amazingly, we're all here to protect soils.

[07:20:56] It's just a good question of what's the best policy to do it. Yeah. Yeah. Thank you. Stacey Carlberg, followed by Derek Clark, followed by Bill Hatch. Good morning.

[07:21:13] Good morning. My name is Stacey Carlberg. I own and operate Fireside Farm with my husband, Casey. We're also known as the ACs. 2024 marks our 17th year as farmers. I started barely knowing anything, not even that a green pepper always ripens to another color.

[07:21:32] Did you know that? I did not. We spent a decade running successful organic vegetable farms before starting Fireside Farm. When I say successful, I mean grossing \$50,000 to \$80,000 per acre, making a profit, paying ourselves through farming, paying our workers decently, and putting money into retirement.

[07:21:53] It is hard, but it is possible to make a living farming in this area. During the pandemic, we decided it was time to start our own farm business, and we knew we wanted to return to Loudoun County because of its thriving farming community, proximity to customers who want to purchase locally grown food, and its amazing soils. We started on one and a half acres in 2021 and have grown to 4.5 acres on two sites that we lease in Percival and Lovettsville this year with four full-time employees. In the last 14 years, we have trained over 60 employees, 16 of which are still farming today. I want our story to be possible for other

[07:22:31] young farmers here in Loudoun County if they choose it. You learn from successful farmers, you work hard, and you can build a farm. However, I have spent the past three years pouring over the Loudoun County mapping system looking for a site that could be the permanent home for our farm, Fireside Farm. I am looking for specific soil types and a certain topography. I have been deeply dismayed to learn that so many open fields with prime soils that look like they could be an amazing farm have already been parceled out for development. Good soil is imperative to our success as vegetable farmers. We avoid the fields with the worst soils in our crop rotation until we really

[07:23:11] need them. So today I'm urging the board to please support the Prime Ag Soils Zoning Amendment to save what's left of this precious resource in the county for farming today and for the farmers that will want to be here in the future. Thank you. Thank you. Derek Clark followed by, I saw Mr.

[07:23:30] Clark a little earlier. I don't see him right now. He had to go home. Okay. Bill Hatch, followed by Charles Judd, followed by Libby Devlin. Good morning, Mr. Hatch. How are you? I'm Bill Hatch.

[07:23:47] My family farms. We've been farming here for the last 74 years. I want to thank supervisors to Crony and Glass for partaking in the scrape for the grape last weekend. Thank you. We successfully scraped over 700,000 invasive spotted lanternfly eggs, protecting agriculture, local agriculture. Today, I speak in favor of the protection of local prime soils, of all prime soils. The latest ag census in Loudoun County revealed that Loudoun lost 11,000 acres of

[07:24:20] farmland between 2017-2022. Our food distribution system faces challenges. Global climate change, an accident in the port of Baltimore, and pandemics for just examples. These are examples of interruptions that could severely cut into our food supply. No one knows exactly what the future holds for us. This is a tipping point. Loudoun is a great place to live. Let's do the right thing, not squander the resource of prime soils. Kimley Horn study confirmed there is no reduction in

[07:24:58] number of homes that can be built on a farm and still save the prime soils. Conservation easements are great, but the demand for homes is greater. This is a tipping point. Protect lands from prime soils. Thanks. Thank you, Mr. Hatch. Charles Judd, followed by Libby Devlin, followed by Mark Wash Copeland. Good morning. Good morning. Thank you for your patience. I am here as the Director of Land Planning and Development for JK Land Holdings.

[07:25:32] I'm also incredibly proud to be asked to speak on behalf of JK Community Farm. Thank you to Mr. Stoltz and Mr. Hambrick for their stick-to-it-tiveness and being with this project for so long. We really appreciate it.

[07:25:49] Amazing comments and amazing how close the group that would support the amendments being adopted and those that are expressing concerns about conservation easements, how closely aligned the goals are.

[07:26:05] On behalf of JK Land Holdings, we put thousands of acres into conservation easement. The goal to protect environmental features, including prime ag soils, is the same goal.

[07:26:20] To be able to see young farmers want to have productive crop yield on smaller pieces of property and maybe to finally be able to incorporate that into residential clusters would be fantastic. But first, let me get to a couple problems with the amendment package.

[07:26:39] Early on, there was a request for analysis to understand how the appraisal process might work. Would it be a disincentive if we applied an ordinance like that? And really, right now, you're getting a little bit of that conversation, and Commissioner Wirtz was able to start that.

[07:26:56] I think you need a little bit more of that. When it comes time to the comp plan, there's many policies in the staff report about protecting prime ag. There's also policies that you need to be mindful of that call for the conservation easement process to continue.

[07:27:14] That has been based on generations of policy documents that really encourage conservation easements. The real rub is the calculation of density. No one's really advocating for more residential clusters, but you need to calculate the density based on the possibility of a residential cluster.

[07:27:35] So I think we're getting close. Just a couple comments on JPA Community Farm. The food donates its yield in partnership with Loudon Hunger Relief, Food for Others, Arlington Food Assistance Center, and the D.C. Central Kitchen. That is a farm, 150 acres, located in a property that was conserved.

[07:27:53] So please do the right thing and give this the attention that it needs, and we'll be glad to help work with you in the future. Thank you, Mr. Yed. Thank you. Libby Devlin, followed by Mara Waskoplin, followed by Donnie Walker. Hi.

[07:28:11] Hi. Thank you all for being here tonight and this morning. I'm Libby Devlin, owner of Rockland Farm, located north of Leesburg, in the Limestone Overlay District. I know that I am late to the party here, but I only just recently realized the impact that the Prime Ag Soils and Cluster Zoning Ordinance will have on landowners who are within the limestone overlay district.

[07:28:40] I would like the board to consider exempting properties located within the LOD from the Prime Ag Regulations. Because the buffer requirements around limestone features, limits to wastewater systems and communal wells, and geotechnical engineering regulations, cluster development in the limestone overlay district is already limited.

[07:29:05] Adding the requirement that 70% of prime ag soils be saved for farming reduces the yield so much so that landowners in the limestone overlay district will not even consider clustering. More importantly, conservation easements will become much less attractive.

[07:29:24] Though the intent of the Prime Ag Soils Ordinance is good for protecting farming activities, those of us who are in the limestone overlay district, it is a recipe for sprawl. The only options that landowners within the limestone overlay district will have with the Prime Ag requirements will be the one per 10-acre principal subordinate lot plan with no easements and no farm lots.

[07:29:54] What will be left is McMansions on 10-acre lawns. Please consider exempting those restrictions, those restricted by the Limestone Overlay District, from the regulations of the Prime Ag Ordinance. Thanks.

[07:30:10] Thank you, Ms. Devlin. Mara Walsh-Copeland, followed by Donnie Walker, followed by David Talton. Good morning. Good morning. I'm Mara Walsh-Copeland. policies to retain farmland were established in the 2001 general plan and carried forward to the 2019 comp plan. This SOAM must move forward to implement those policies. I'll give four reasons.

[07:30:39] If you know all four, I have chocolate to boost your energy tonight, this morning. First, my August 2019 consulting report prompted this SOAM. My report proved the policies to protect farmland soils were never implemented 20 years ago. So staff cannot enforce policies due to lack of cluster zoning regulations. Second, I'm a conservation easement holder with LTV and NVCT, an NVCT advisory council member. A Zocor letter revealed a request proposing the use of conservation easement

[07:31:15] acreage in the calculation of density of a cluster subdivision. This violates the intent of the easement contract and is contrary to the Code of Virginia Section 15.2, Clustering to Preserve Open Space. This was raised at two RADC and ZOC meetings, but is not in your staff report. Research shows easements contracts after 2015 have language that precludes this. However, easements from 1968 through 2014 are not protected, a total of 64,000 acres. Staff can protect 23,000 acres

[07:31:51] in development easements, but there is nothing in the current cluster ordinance to protect the 38,000 acres in private conservation easements. Third is the confusion between theoretical easement valuation versus fair market comparable sales valuations and allowed uses. Mr. Wirtz has done some clarification on that. Fourth, doing nothing, leaving cluster zoning exactly as is, is not an option, doing nothing, would ignore implementation of comp plan policies for over 20 years, leave

[07:32:24] 38,000 acres in conservation easement at risk, impacting total build-out forecasts for the RPA. Last point. Does anybody get chocolate? Thank you, Ms. Copeland.

[07:32:44] Donnie Walker, followed by David Talton, followed by Michael Lester. Is Mr. Walker still here? He left? Okay. David Talton, is he here? And then followed by Michael Lester. Hello, sir.

[07:33:02] My name is David Talton. My family and I have lived in Loudoun County now for 47 years. We purchased our current farm of 2,000 acres. It's known as Waterford Downs Farm. This is the way the farm looks right now, and this is the Virginia Scenic Byway as it runs through the farm.

[07:33:19] I didn't know that I couldn't put up slides. All right. Owning a farm is an all-consuming task, and even if you work really hard in long hours, you can still not squeeze out a living for your family. At least we can. Certainly, every real farmer with any significant lands has one or two other jobs and contributes that money to pay the bills on the farm.

[07:33:43] That's what we do. The proposed ordinance is unfortunately flawed, but I do appreciate all the work that has been done on it. And so I spent about \$20,000 of my own money going to Kimley Horn and another consultant to analyze what happens to our farm if we accept this ordinance.

[07:34:05] And I'm all for saving farmland. I'm all for saving prime soils. But you can't do it when it diminishes the value of the farm and people like me are going to lose everything. So I remember all the meetings where I was told that, okay, this is not going to reduce density.

[07:34:23] No property rights would be lost. Development costs shouldn't increase. And I also remember hearing again and again that this is not about eliminating cluster development. We can't do that. But this should put cluster development further from the road.

[07:34:40] So here is a picture of what Kimmeling Horn produced for our farm, your same engineers for the county. There are five cluster developments smack up against Loyalty Road, a Virginia scenic highway.

[07:34:57] Our situation is not unique. We will lose a vast number of property rights, and the development costs will go through the roof. The property value will be devastated, and as far as the clusters moving further away from the roads, that's not even true.

[07:35:16] And Kimberly Horne, great. I mean, they did their job. They did what they were supposed to do, paper the lots, give me the best example you can of what it's going to look like. Okay, so I'm running out of time here. If this ordinance is passed, every promise that will have been broken, we lose more than half of our property rights, we'll decrease the value of our farms by one half, and it will be sold to developers.

[07:35:41] Thank you. And our retirement will be lost. Your time is up, but I actually would like to give you a call this week sometime. yes please okay all right thank you thank you very much Michael Lester followed by Natalie PN followed by Joe Bain good morning good morning it was Michael Lester 15 years ago I came to Waterford Downs and lived in a small farmhouse on what would become Waterford Manor I worked for the cattle farm helping working up cattle and with the hay operations at the time I met David Talton and he told me about how the development of Waterford Manor was a planned and necessary

[07:36:20] trade-off to enable the remaining farm to remain the jewel of Loudoun County. In the decade-plus years since his vision has remained steadfast, and he has maintained the balance of the farm as planned, open and farming. As time has gone on, I've also had the chance to sit beside him as he has worked diligently to formulate plans and work towards the ongoing protection and preservation of the farm. Conservation easement is one leading approach that would permanently protect the land beyond his time here on earth and would support the farm's ongoing operations for a very long time as well with a significant reduction in net development potential however as a consequence

[07:36:58] of zoom 2020-02 how the conservation easement approach to protect the property in perpetuity becomes illogical versus eventually ultimately developing the property please vote no on this measure and allow the hard-working responsible land owners of Loudoun County like Waterford Downs that continued choice for the best use of their land to meet their needs, vision, and legacy.

[07:37:23] Will you, in your time, go back to what you said, go back to the word putting land in perpetuity and say that part again? I think I missed something. Absolutely. So to protect the property in perpetuity, it becomes illogical versus following through and actually developing the land into homes.

[07:37:43] Okay. I'm restating it for you. Okay. Yes, I got that. All right. Thank you. All right. Thank you. Thank you for your time. Natalie Pien followed by Joe Bain followed by Steven Rose. Did Ms. Pien leave? Is she still here? She left. She's left. Okay. Joe Bain followed by Steven Rose followed by Scott Brainard. Joe Bain going once, going twice. Okay. Steven Rose followed by Scott Brainard

[07:38:16] followed by Eliza Greenman. Good morning, sir. Yeah, my name is Steven Rose. I'm here on behalf of the board of the Farm Bureau. I'm also a representative of the Agricultural district advisory committed with with Mr. Kirshner and I'm also a third generation family farmer here in Loudoun County Potomac Vegetable Farms. I grew up farming in Loudoun County actually and I got to witness an incredible transformation of that county in my lifetime. I got to see every last remaining profitable farm sold and the only reason we were able to sustain ourselves one

[07:38:56] is that my parents were able to do exactly what we're trying to support right now which is they were able to develop a co-housing community on an unfarmable part of our land that preserved the development rights for the rest of the farm so we still have 20 acres that we're growing profitably on in Fairfax County and the other thing that kept our farm alive was the fact that in 1973 with the money that they had earned farming they were able to buy 180 acres in Wheatland and have formed part of a self-sustaining, mutually supporting farm community of young, sustainably-minded farmers.

[07:39:29] We sell over a million dollars of vegetables every year. Most of that goes to our workers. We have an incredibly talented young group of workers, over a dozen every year, that come through, get trained. would love to farm in Loudoun County, but honestly, with the constant need to protect land value, it has become impossible for farmers, even the most talented, successful farmers, to pay a mortgage based on what they are able to earn farming, even though they are making more profit than conventional farmers ever had on that acreage. I want to say that this process for me

[07:40:08] has actually been an inspiring one. I've become very jaded to politics since getting a bachelor's degree in politics, going on to study peace and conflict transformation, which brought me back to Loudoun County, knowing that one of the most impactful ways we can bring about meaningful lasting change is through tending to agricultural land in careful, life-sustaining ways.

[07:40:32] This process right now feels like an incredibly important, impactful, And deeply brave initiative that has come before. I appreciate all the work from staff in carefully balancing all these interests. And I'm really grateful for the work that you're doing balancing all these interests.

[07:40:52] Thank you. Thank you. Thank you very much. I'm Scott Brainerd, followed by Eliza Greenman, followed by Brian Omar. Morning, sir. Morning. My name is Scott Brainerd.

[07:41:11] I'm a chestnut breeder. and I live in Lovettsville, and I'm here to speak in favor of the Prime Ag ZOAM at the 70% level negotiated by the working groups. And I want to speak about a fear that's been expressed tonight.

[07:41:26] It was certainly expressed during the Planning Commission hearings that there will be this unintended consequence of the ZOAM, that it will disincentivize conservation easements. I think that that's a reasonable question to ask. It's a reasonable fear to have.

[07:41:43] that a ZOAM will have an unintended consequence. And the Planning Commission asked that question. The answer was provided in the Kimley-Horn study. They evaluated subdivision applications before building and development. And every single one of the subdivision applications that they looked at could be redesigned to comply with this ZOAM without reducing lot yield.

[07:42:07] So there was no impact on the actual value of any of the parcels that they evaluated. Nevertheless, they recommended and the Planning Commission recommended that there be a savings clause added just in case some parcel came along in the future that was unique and there was an unintended consequence.

[07:42:27] So I think, you know, in summary, this OM is not about reducing housing density, and it doesn't appear to the best of our knowledge, you know, all of the information that we have right now, that it will reduce housing density. It's about preventing the unnecessary destruction of Prime Mag soils in the development process.

[07:42:46] And I want to just close by saying that I think conservation easements are obviously a really critical tool in protecting the agricultural future of Loudoun County. And I think, you know, there's a number of voluntary programs that would be really important.

[07:43:03] Fully funding PDR would be a great approach. But I think it's important to note that we have a conservation easement program right now and a crisis facing the future of PRIMAG soils. So we can't just say that we'll do nothing to prop up a broken status quo.

[07:43:19] We have to use all the tools at our disposal, including legislative tools, that are specifically and carefully designed to help address this crisis. So I thank you for your really careful consideration of this topic. Thank you very much.

[07:43:35] Eliza Greenman, followed by Brian Omar. Good morning, ma'am. Good morning. My name is Eliza Greenman, and I am a farmer in the Catoctin District. My farm business is called Hogtree.

[07:43:50] And the reason I'm here in Loudoun County and not elsewhere is because of the 250-year-old horticultural history of this area, which is due to the incredible primag soils and the climate. I've been here for nine years, and what I'm about to say has nothing to do with the affordability of land, which we all know is a problem, and it's a huge barrier for farmers.

[07:44:20] But this zoning ag amendment has a lot to do with access for young farmers. I just want to paint a little picture of that. So I've been here nine years, and over the course of those years, I'm an organic grower of fruit and nut trees.

[07:44:37] And I've had various people, well-meaning from various subdivisions, come and say, hey, we have all this land that's held in our open space. We'd love for you to come lease it.

[07:44:52] We'd love for organic orchards to be grown. It would be great. And I learned over the years that the first question I then have to ask is, well, where are your septic systems and where are your drain fields? because those are unfarmable obstructions to these areas.

[07:45:11] And unfortunately, are the vast majority of open spaces today. So if you're just considering the idea of access for young farmers, this zone is a huge benefit to protecting the prime soils from being taken away by septic systems at the bare minimum, like just talking completely practical aspects.

[07:45:36] and so if you want to provide a future for farmers to just have bare access to land like not ownership but leasing this is a very important aspect of of the future so thank you very much thank you thank you ma'am brian omara followed by charles de chrisco good morning so i'm probably like the only person in the room that came in with not a set opinion. Not a what? I didn't have

[07:46:12] a set opinion on this, but I'm a landowner. I own, I bought a piece of land from Bobby Brown in Stone Eden. And it's important to me. And I knew this was a critical issue. I love what Mr. Kirshner said. This is the biggest thing to some people. So you have to talk to us. The biggest thing to some people. And it's a catastrophe to others. And I've been listening. And to me, after listening to both sides and really thinking about it, I go back to 2000 when I bought the land. And I bought it cash. And they gave me the title. It was like the only thing in my life I ever bought cash.

[07:46:50] We saved everything we had, my wife and I, to buy this land. And we saw it was from Bobby Brown, who bought it from Lord Fat Facts, who bought it from King George. And I'm like, this is amazing.

And I was so excited about the four lots that we were going to have. And then with a stroke of the pen, I watched how you guys down-zoned, and I lost half my lots.

[07:47:12] Now, I'm just a little guy, but I heard this gentleman talk about here, he's massive farm. It really does impact people. And I'm one of the 800 smaller farms here that are being impacted. And I saw how I lost two of those lots. I have four kids. I was counting on that for retirement.

[07:47:29] So I've now looked at this, and I believe, I really applaud the young people. I think it's wonderful what they're doing. And part of me, I don't want to lose this soil. I think it's critical, but I've decided it's the wrong mechanism. This prime soil feels like a Trojan horse because it is going to impact the value of the people.

[07:47:50] At the end of the day, I worked so hard for this land. It's my land. I want to follow it by the rules, by the zoning. But I think the best mechanisms you guys have is what you can do with this easement, conservation easement. Use that and motivate young people to somehow be able to farm on it.

[07:48:07] But don't do these prime soils. I think it's the wrong way to go. Thank you for your time. Thank you. I'm going to hand the list over to Ms. Bricksburg. I'll take it back when we get ready to do a motion.

[07:48:24] Thank you, Madam Chair. Next up, we have Charles DiCriscio and then Evgenia Strutz and then Norman Myers. Thank you. Go ahead. Good evening.

[07:48:39] I'm Charlie DiCriscio. I've been a resident of Loudoun County for over 30 years. I live at 39640 Eagle Rock Lane, Lovettsville. The farm is 30 acres. I live in a permanent conservation easement. I wish to speak against the prime soils ordinance.

[07:48:59] As of February 2022, per county staff, a data total of 72,806 acres have been placed in conversation easement. 20,209 are prime farmland soils.

[07:49:16] As of February 2022, only 1,200 acres of prime soils have been impacted by cluster subdivisions. This is a ratio of almost 20 to one. Conservation easements are the preferred method of preserving Western Loudoun.

[07:49:34] Prime soil ordinance reduces density and negatively impacts conservation easements. I respectfully ask that no one vote no, ask that you vote no on this ordinance. And I've been here for six or seven hours.

[07:49:51] I haven't heard one person say anything about the wildlife in Loudoun County. the land that's getting consumed by homes and stuff like that. Nobody cares about the wildlife anymore. Thank you, sir.

[07:50:08] Evigenia Strutz, please tell me if I said that wrong, then followed by Norman Myers and then Ethan Smith. Good morning, everyone. First, I want to say how impressed I am with your patience and attention to all the details and people who are speaking today.

[07:50:30] My name is Evgenia Strutz. I'm a constituent of Ashburn District and a volunteer of a non-profit global organization called Conscious Planet Save Soil. My original intention today was to talk about the importance of keeping our soil, agricultural soils, in healthy condition.

[07:50:57] Many people have mentioned that. I'm glad. But I also wanted to mention that why I personally care about soil. This is because after hearing predictions from the top scientists of the world that we may

run out of soils just within 45 to 60 years, I became very concerned about the possible future of my three children and other children in the country as well.

[07:51:31] As soil not only provides food security, but also impacts the condition and quality of our life because of its connection to ecological situation.

[07:51:50] And we are losing one acre of fertile soil every second globally, which means that in the near future, agriculture will not be able to provide enough food for the human population.

[07:52:07] The good news is that the soil crisis is still reversible if we act now with a certain urgency to increase organic content in the top layer of agricultural soils.

[07:52:24] Loudoun County has a rich agricultural history and if we improve the quality of soil and it will help to increase the crop yields and have a security that we have enough food for our people and also to support financial well-being for farmers.

[07:52:51] So I would like to ask... Yeah, ma'am, your time is up. Yes, thank you so much. Thank you very much. Please keep in mind this larger perspective. Thank you. Norman Myers, followed by Ethan Smith, and then Kevin Murray. My name is Norman Myers, and I'm glad to see everybody still here.

[07:53:12] And I think I should put you guys in for a raise, really. This is incredible. Okay. So even though I'm not wearing a green shirt, I do support prime soils. In fact, I support all soils, fragile soils, woodland, soils that support an environment that support wildlife that the man just said, steep slopes, riparian buffers, all soils, open space, historic properties.

[07:53:42] My opposition to this ZOAM is not based on is based on encouraging conservation, not opposing it. And I did want to mention, too, we talk about the small farmer. You realize that a property in AR1 or AR2 cannot be subdivided if it's less than 20 acres.

[07:54:01] So there's still 20-acre lots out there that the small farmer can buy and farm and not worry about being subdivided at all. Last year, and I'm sure you've all heard this, we've averaged about 2,000 acres of voluntary easements every year, including last year over the last 10 years. Those include non-profit organizations, Camp High Road, for example, Lovettsville Game Preserve, Isaac Walton, Morven Park,

[07:54:37] and donations such as the 900-acre Sweet Run State Park and the Cattail Regional Park resulted from easements because the owners were able to put them into easement and transfer or sell them at a reasonable price to the state or the county. So what does that have to do with prime soil ZOAM?

[07:54:58] The Virginia easement program benefits landowners, including nonprofits, by giving up development rights. The value of an easement, and I'm really interested to hear all these people say that this ZOAM will not affect adversely conservation easements. I've done about 16,000 acres in elton county and and sign that many uh easements and that has gone to richmond and been approved uh so i know that based on this process you do the value of the land before the easement

[07:55:33] that is at the highest and best use as as and as if subdivided and we need some certainty with that with this even thank you mr myers you're out of time right now yes thank you sir next up we have ethan smith followed by kevin murray and then mark nellis hi i'm kevin murray ethan had to leave earlier his uh wife is taking care of a four-month-old and he was worried about

[07:56:01] his marriage he's a good friend so anyway uh my name is kevin murray um i live in the catoctin District. My wife, Reese, and I have a small farm south side of Hamilton. I attended, and Chair Randall, you'll have to help me with the wording, back in 2022, you held a Western Loudoun, it wasn't

[07:56:36] a round table, whatever, we met in a town hall in Round Hill. I was the leukemia guy that stood up and said, there's two things that scare me right now. One was my leukemia diagnosis, which I'm so, so fortunate is in remission and the second thing was a prime soils initiative that was being worked on since that time i had the opportunity to serve at your appointment on the work group and i told everybody along the way that i think i'm there's only one other person here tonight

[07:57:13] that's mentioned that they had put their family farm in a conservation easement decades ago i just did that, recording the easement in December, and I'd be happy to chat, meet with any of you if you want to hear what it's like to go through that process and the decision making. It is not an easy process. My goal when we bought our small farm was for my kids to have an opportunity to grow up in that environment, raise their animals, and hopefully it would be a long-term investment for

[07:57:51] my family. Obviously, a leukemia diagnosis compressed that perspective quite a bit. I wound up rushing the process because I was deathly afraid of this ordinance that is before you tonight, that it was going to chop the value from my family's farm if I wasn't there.

[07:58:15] And we were able to get this easement done. It took about almost 10 months, a lot of money, And I'm glad we did it, but if this ordinance had been adopted, we would not have done it under this ordinance.

[07:58:31] Next up, we have Mark Nellis, followed by John Lovegrove, and then Cody Francis. I think so. Mark Nellis, Mark Nellis, going once, going twice.

[07:58:47] All right, John Lovegrove, followed by Cody Francis, followed by Nan McCary. Okay, ninth inning. Thank you for letting me speak again.

[07:59:04] I was on the committee that worked on trying to make the ag soil ZOAM acceptable to the folks that were saying it was going to destroy conservation easements. And there's a few things we did there, and one of the biggest ones was to change the requirement to have 25 houses in a single cluster before you could start a second cluster.

[07:59:29] We changed that to five houses a cluster. You've heard the staff tonight say that the lot yield is the same before and after this ZOAM. The lot yield is everything in a conservation easement. It's the number of houses you can build.

[07:59:46] Staff is saying, and as I heard tonight from someone up there, we have the experts here. Let's listen to them. The experts say the lot yield hasn't changed. So I'm going to believe them. I'm going to also say that there's a few people in the room that have large farms that have been developers their whole career.

[08:00:07] I know one of them who came up here and spoke today. Our children went to school together, and he's been developing farms into subdivisions for the 30 years I've known him. So I think speaking about how the family is going to be poor after this horrible thing goes through is a bit of sophistry at best.

[08:00:28] we worked hard to make this ag soil work. We all want ag soil. We all want conservation easements. I think all the farmers over there would like to know when they can rent small lots from all the

folks over here that have put conservation easements on their giant farms, and they're looking forward to that discussion because it sounds to me like all of those giant farms and conservation easements are now happily supporting the new farmers in Loudoun County.

[08:01:01] And I say that because I'm being sarcastic and it's late at night, but I think that the goal of conservation easements has become perverse. It's become a way to make money, not a way to preserve the family farm. And there's a lot of different ways to make money with conservation easements that do not support the next generation of farmers in Loudoun County.

[08:01:24] So I think prime soils, you heard it tonight, it's the best way to keep people in the farm business. And I think you should move forward with this. Thank you. Thank you. Next up is Cody Francis, followed by Nan McCary, and then John Ebersole.

[08:01:41] No, Cody. All righty. Nan McCary. Hi, I live in Lockett's, where my family has had a farm for over 75 years, and we also have a, our family has a farm in Western Loudoun as well, and that one's in conservation easement.

[08:02:05] Actually, it was interesting. He was just talking, and yeah, I never really thought of conservation easements as a way to make money until now. So anyway, our family didn't do it for that reason. We did it because we are passionate about conservation, and I hope we put the other farm and conservation easement one of these days as well.

[08:02:30] I'm just here because I think that soil is our most valuable resource, as John Adams was saying, And I really echo what has been said about the long-term food security. And it takes hundreds of years.

[08:02:46] It takes centuries to build an inch of topsoil. And then to just scrape it away, you know, in a heartbeat, like, it's really, I think, important to keep it around because we just never know what we're going to need. And I also like what John Adams said about, you know, with drought and changes, you don't know what areas you're going to need to farm. I think it's really just such an important resource that we can't just lightly get rid of our prime soils that are so good for agriculture.

[08:03:18] And also, of course, the ecosystem services that soil provides us, such as carbon sequestration and water filtration, are also very important. So thanks very much. I would just like to support Loudoun Soil and Water Conservation District and the Farm Bureau in supporting the ZOAM for the prime soils at the 70 percent level. Thank you. Thank you. We have John Ebersole followed by Trent Tebbly and then we have three remote speakers and we'll go to them next.

[08:03:52] The first remote speaker is Christelle Michael. Hello good morning John Ebersole again speaking on behalf of Save Royal Loudoun and board member treasurer Save Royal Loudoun. I just wanted to echo a lot of the things. I know Scott Brainerd made some really good points and John Adams regarding farming in the west. I don't know if you all are aware but there's a pretty big water crisis in the west so relying on farming of deserts is going to become increasingly

[08:04:24] you know, not feasible. So it's something to consider local access to food that we grow here is important. I think all Loudoners should enjoy that. I don't know if you guys go to the farm markets, but they're great. Love it. So I just wanted to kind of echo on that. This legislation was carefully crafted over numerous work groups. And, you know, somebody mentioned threading the needle, and I think that's what that does here. There's no meaningful loss of lots, so I think

[08:05:00] it's kind of a win-win. It's going to save our best soil, so thank you. Thank you. Trent Tebby, followed by Christelle Michael and Mavis Tainter after that. Is Tebby, is that the right way to say it? Yes, good job. Thank you. It's rare. Hello, my name is Trent Tebby. I launched Three Monkeys Farm in 2013 on leased land at Morven Park. I launched Three Monkeys Farm. It's late, but that's the name. Three Monkeys Farm at Morven Park in 2013. As a new farmer in this area, one of the

[08:05:40] biggest impediments I had was finding access to good farmland. And I was very fortunate to find a partner in Morven Park who had an eye towards conservation and also had the stomach for the long game because farming is a long game. You can't let a single bad crop or situation ruin your career. You have to plan for that and you have to fight through that. Preservation of land and conservation in general also require the stomach for the long game. And so one of the things that is paramount today is maintaining our prime farm soils. Development has to be balanced with our agricultural needs if we are to be successful. And so it makes a lot of sense to

[08:06:19] look for these situations where we can do these things together and not push all the farming out further and further away from where we all live and work. I think the small-scale farmers here in Loudoun, as many of them have talked tonight, have proven that that is a viable business model and something that our non-farming citizens are interested in. The preservation of farm soils is more than just the, I'm sorry, the vote to preserve farm soils is more than just about agriculture, where it's more than about just open space. It's about the preservation of a way of

[08:06:54] life or agricultural roots and the production of food and fiber, which is important to us all. Supporting preservation of the soils goes beyond the agriculture itself. Our slogan at Three Monkeys is raising grains for the local community. We grow certified organic grains that are sold to only local and regional partners. If they want my product, they come to me or I go to them.

[08:07:19] And our flour becomes, our grains become flour or malt, which will then go on to be bread, pastries, pizza, beer, and whiskey, some of our favorite things, especially at 2 in the morning. So I would encourage you all to vote to save our soils.

[08:07:35] And I know there's been debate about how to do it, but if that's our goal, we will come to the right solution. And it's about more than just agriculture. It is really about our open space. It's about our agriculture and our local food economy. Thank you. Thank you very much. Let's see if we have our remote speakers on. I'm looking for Christelle Michael. Christelle did not join the line, but I do have Mavis and Mike Littman. Great. Hi, I'm Mavis Tainter, and I'll be speaking for Sarah Loudon. I'm asking the board to please vote yes

[08:08:13] for this prime soil zoning amendment with 70% preservation of prime farming soil. We've been hearing tonight, we need to continue to grow local food. It benefits all of us and protects all of us in the future. This zoning amendment means farmers will have access to such needed farmland. And I'm not sure you're aware of this, but in Loudoun County, we just don't have enough good farmland to meet the needs of our farmers, particularly those who are looking for small lots, including one of my good friends and next door neighbors. So I ask all of you to please help

[08:08:52] our farmers, ourselves, and the beautiful soil of Virginia and vote yes for this item. Thank you very much. Thank you, Ms. Tainter. Do we have Mike Lippman on the line? I am here. Go ahead. Hi, Chair Randall, supervisors. I believe I am the last public speaker. I think I picked the wrong I joined a work call with London at 4.30 yesterday morning.

[08:09:20] My name is Mike Littman. I live in the east where my family has enjoyed the safety, schools, jobs, and beauty that Loudoun County has offered us for nearly decades and counting. I was recently named president of an organization known as the Loudoun Invasive Removal Alliance, or LERA for short.

[08:09:36] LERA is a consortium of 37 Loudoun HOA, representing nearly 200,000 residents, with a focus on addressing the issue of invasives throughout Loudoun County. Just this past weekend, hundreds of LERA volunteers descended on nine locations throughout Central and Western Loudoun.

[08:09:52] As part of an initiative dubbed Skate Scrape for the Grape that Bill Hatch mentioned, it actually resulted in over a million spotted lanternflies being available from Loudoun County. LERA volunteers representing all eight districts of Loudoun descended on Percival, Leesburg, and Blumont. We came together for a common cause, to protect the farms, vineyards, and land of Loudoun, particularly the West, from an invasive species that threatens their livelihood and the industry that generates the local food and drink that we all enjoy.

[08:10:22] Lira feels that the Primack soil is well aligned with our objective to provide a more thoughtful and impactful approach by our government, businesses, and residents alike towards better stewardship and protection of the amazing and beautiful Lansdowne County that we all call home.

[08:10:37] I'm not going to pretend that this is an easy topic. Watching you, the supervisors, unpack the report by the consultants during your Q&A earlier demonstrated what a flex topic this is. But what I do know is this. Loudoun County residents value the beauty and uniqueness of Western Loudoun and the heritage of farming it represents, and we don't want to go away due to development that doesn't effectively preserve the land.

[08:11:02] The latest version of the Prime Ag Soil Zone appears to, as I interpreted Supervisor Turner suggesting earlier, is questioning. It appears to better preserve our Prime Ag Soil while allowing for thoughtful and responsible zoning of properties for cluster development.

[08:11:18] On behalf of the LIRA board who voted in favor of this amendment, I ask that you support the Primag Soil Zone, which ensures that some of the nation's finest agricultural land available remains protected for future generation and appears to fairly maintain property values for landowners.

[08:11:36] Thank you. Thank you, Mr. Lippman. You were not the last speaker. We have a few more. i will say that if you feel like someone else has already said that what you want to express you can you can associate yourself with their comments which we frequently do on the board but we will keep going i have john to say then i have kaylee powell and sarah richardson did you sign up on the With the blue card?

[08:12:09] Oh. Well, board, Chairman Randall, Chairperson Randall, sorry. Thank you.

[08:12:25] Good morning. I'm John Desai, Chair of the Lovettsville Co-op. I think most of you know me. Before I do anything else, I should thank you for the nice grant that helped us get going. The Lovettsville Co-op opened on November 1, 2023, to serve Lovettsville and the surrounding communities.

[08:12:47] Our goal is to bring good, healthy food, sourced locally whenever possible, to a community that did not have a convenient place to shop. I didn't say it. The co-op's byline, locally grown, community owned, however, is what really captures the spirit of the co-op.

[08:13:11] For us, locally grown means supporting producers in Loudoun County by giving them a convenient venue to sell their products at a fair price and by making their contribution to the county more

visible to our customers.

[08:13:33] This helps maintain western Loudoun, county's rural nature, and benefits our customers by providing high-quality fresh produce. Community-owned reflects the fact that the co-op is owned by 1,500 member owners, now over 1,500 member owners, most of whom live in Loudoun County.

[08:13:55] This is a sizable constituent of Loudoun County residents that have demonstrated that they value quality local products by joining the co-op and also by raising over \$1.8 million.

[08:14:10] The co-op takes Loudoun local mantras seriously, but you can't have local products if you don't have local farmers. Protecting Prague prime ag soils in western Loudoun is essential to ensuring that the farmers have access to produce acreage for farming without having to compete with developers.

[08:14:37] The co-op is asking the board to approve the proposal to set aside at least 70% of prime ag anchorage in new developments for agricultural use. Thank you, Mr. Desay.

[08:14:53] Are you speaking, are you formally speaking on behalf of the co-op? Yes, I am. Okay, thank you. Yes, the board voted on this. Okay, thank you. Want me to keep going? Okay. Kay Powell, followed by Sarah Richardson. Kay Powell and Sarah Richardson went home.

[08:15:17] Thank you so much. Jack Housen Hanson will be followed by Jem Bingle, who will be followed by Casey Chapman. Casey Chapman, not Tracy.

[08:15:34] Just kidding. Go ahead. Sorry. It's late. I hope anything I say is worth keeping even a minute later. But my name is Jack Hanson. I'm with the law firm Moise Hanson Overson. I've worked with David Moise for 20 years.

[08:15:52] I've worked with him and worked preserving 125 easements, over 25,000 acres, most of that in Loudoun County. So I've kind of worked in the trenches, and I hear about this, and I kind of come out of the trench to come just say my two cents.

[08:16:08] So thank you for giving me the time at this late hour. And I think Supervisor Briskman had a very insightful question and a very good question was, does this administrative reduction preserve a density by right and I mean it's an administrative process so is inherently a discretion and that's that creates the problem if there's one problem with this it is that is that there's a discretionary measure to preserve the density which is what is crucial for the value of the conservation easement and it what makes

[08:16:45] takes the Norman Myers appraisal or any appraiser who has to opine that an administrative agency is going to approve that increase in density back to the level that they would otherwise have by right without this ordinance. So that creates the problem where if it's speculative, he can't put it in an appraisal. It's going to be disallowed by the IRS. He's not going to get a deduction.

[08:17:11] You're going to lose the value of that conservation easement. That is the problem. That is the one problem with this ordinance and I appreciate all the work has been done on it but if you have that speculative thing it's going to ruin the whole the whole deal as far as conservation easement so that is that is the one real real rub and and it can't be I've heard some some talk of well what if you said well I'm gonna do a conservation easement can you give me this density you can't do that because you can't have an agreement to give a conservation easement in it because it vitiates the charitable intent that is necessary to do

[08:17:45] conservation easement so um again uh i i think that needs to be really thought through before it goes forward because otherwise you are going to kind of kill the conservation easement goose thank you thank you yes uh jem bingle will be followed by casey chapman who will be followed by ryan geller good evening good evening again good morning um i'm jem bingle speaking on behalf of the Piedmont Environmental Council in support of the Prime Soil Zoam, and I'm personally a soil

[08:18:21] geek. Loudon has always been generous to development interests, even as we've worked to preserve our rural lands and farmland. When cluster subdivisions were mandated in 2006, the state only required 40% of ag lands to be available for clustering, but Loudon's offered clustered subdivision rights on 100% of our ag lands, allowing for more residential development.

[08:18:46] Loudon has also required 70% of subdivision tracts to be preserved as open space for our natural resources, including prime soils. But in practice, prime soils haven't really been preserved because they've been good for housing, for their ability to drain water, just like it's good for farming, it's good for septic fields.

[08:19:12] The ZOAM will address the problem by requiring 70% of prime soils to also be protected in the open space. You've heard that the ordinance is going to hurt the incentive to donate conservation easements. As an accredited land trust, PEC just hasn't seen evidence that this will be the case.

[08:19:32] We've heard that there are studies showing that the ordinance will drastically hurt developments and easements. But four years and numerous requests later, nothing has been shared to support these assertions. What is available is the Kimley-Horn study that contradicts that notion.

[08:19:49] A conservation easement is voluntary and intended first and foremost to be a charitable gift that reduces property value, not a business venture. It's designed to protect natural resources and preserve farmland in perpetuity for a public benefit consistent with the county's comprehensive plan.

[08:20:09] As the plan states, to manage growth, to carry forward growth management approach for the RPA established in the revised general plan, which seeks to limit residential growth, retain farmland, and sustain the rural economy.

[08:20:25] Please support the ordinance, retain the provision to protect 70% of prime soils, and adjust the savings clause, if that's what you're going to do, with a more specific evaluation criteria to eliminate an all-or-nothing approach.

[08:20:42] Thank you, Ms. Bingle. We have Casey Chapman, followed by Ryan Geller, and then John Ellis. Hi, I'm Casey Chapman. I live outside of Percival, Virginia, and I've been a resident of Loudoun County for over 30 years. As noted by previous speakers for ProPrimeAg, specifically the small farm operators, they clearly and in great detail made the very important point of how the modern farm, utilizing technology and innovative techniques, are able to produce a tremendous yield on a limited amount of land. This is highly impressive, and I applaud their

[08:21:19] commitment to continue the great heritage of farming in our community. However, to me, this would indicate the way we non-farmers, I'll speak for myself, I as a non-farmer within our society traditionally think of a farm being a vast field taking up hundreds, if not thousands of acres.

[08:21:41] If a higher farm yield can be achieved on a smaller portion of land by utilizing the best practices and innovation, innovative modern methods. In my opinion, it seems that the 70-30 ratio, if

required at all, at best should be flipped. But honestly, this ZOAM should not be passed in its current form, and this board should proceed with extreme caution as it comes to a final decision regarding this proposed change. Furthermore, I would state, if passed, that this overlay could be argued as being discriminatory. We already have a housing diversification issue

[08:22:19] in Western Loudoun. This would make it harder than it already is to solve this very important and critical issue. The density of development has already been drastically reduced in Western Loudoun County with the objective to protect Western Loudoun's heritage amongst other critical attributes.

However, by doing so, the supply of available land to live on was reduced, but the demand continued to grow year over year. This resulted in values increasing to levels never anticipated by placing an additional overlay would further limit viable home site locations reduce supply again and demand competition thus values will jump again and again the fact that

[08:22:54] western loudon is one of the most desirable areas to live in in the entire country will not change this area has already been portrayed by pro-prime ag speakers as only affordable for millionaires or heirs of family estates by passing this overlay the gap of this affordability affordability portrayal would only get more skewed to those with higher incomes or targeted by individuals or organizations with the means to partake in land banking.

[08:23:20] I believe the intentions behind this were well-meaning. However, the result, if passed, will negatively impact the highly successful operation program. Thank you, Mr. Chapman. Thank you very much. I should say that Mr. Chapman and his family are close acquaintances of mine.

[08:23:36] We had lunch a couple days ago, and his brother, Sam, was my appointee on the SOC committee. So I just want to put that out there. Thanks. All right, Mr. Geller, and then our last-minute sign-up and last speaker is John Ellis.

[08:23:57] Yes, good morning. This is Ryan Geller. I've been in Loudoun for most of my life. This comes down to, I think, a property rights issue. You know, when a family goes out to buy a piece of land or a house or a farm, you know, they're expecting certain things out of that land, whether it's a certain amount of development lots, certain property rights, whether it's uses on the property, whether they're doing a farm or any other use.

[08:24:30] Taking away density rights, potentially, is no different than taking any other property rights away. Whether you're starting a business or running a farm, you know, when I bought my farm in Loudoun, I bought it very specifically for specific reasons.

[08:24:47] One, it was surrounded by land that has conservation easements on it. That could be in jeopardy. Two, it has a certain number of lots. I've got four kids. Those lots get taken away from me. That's significant. So, to me, it comes down to a property rights issue.

[08:25:06] I just wanted to oppose this amendment. and ask you to reconsider. Thank you. Thank you. Mr. Ellis. Thanks, and sorry for dropping and jumping in at the last minute. There's a lot that's been said, and I don't want to repeat it, but what I do want to get back to is that we all agree that we want to preserve prime soils, and we all love conservation easements. The question is, those who are opposing this zoning amendment are asserting that we don't have to worry about preserving prime soils because we have

[08:25:44] conservation easements as if it were some sort of county program where you could say we're going to save this amount of acreage and so forth. Easements are done individual property by individual

property, individual landowner by individual landowner. We can't predict what's going to happen. We don't know that those 705, I believe, properties that have prime soils on them that are still undeveloped. We don't know whether they will be protected by easements. We do know that some landowners, we've just been told, have decided not to do easements. Why they would not do

[08:26:22] that when they currently have all the benefits of the status quo is unclear when another gentleman said he just did his easement because he had that opportunity now. We just do not know what's going to happen with individual landowners. We do a zoning amendment, we will know what's going to happen in cluster subdivisions.

[08:26:41] This is, you know, this is a tough choice. We obviously do not want to affect easements. This, you know, lots of studies have been done. This is not going to affect easements to the extent that the opponents have suggested.

[08:26:58] And actually preserving the prime soils through the zoning amendment will protect those 705 properties, which are really, really critically important to the future of farming in Loudoun County. Thanks very much. Thank you, Mr. Ellis. I'm going to take the gamble back. Thank you, Ms. Brooksman. I was getting a little punchy there, so I appreciate you doing the questions.

[08:27:21] We have two motions on the dais right now. One is to send it to the meeting in June, but one is the motion that Mr. Turner is going to make. I actually think that probably it makes sense for him to make his motion and then we send before I send it to the meeting in June because then we send it to the meeting in June with his motion in place already so I'm going to go to you first Mr. Mr. Turner for your motion thank you madam chair I move that the Board of Supervisors direct staff to revise paragraphs 2.0 4.0 1

[08:27:56] points K point 6 point B and 2.0 4.0 2 points K point 6 point B other proposed draft to read as follows while keeping the respective subparagraphs one and two quote subparagraph b administrative reduction the zoning administrator pursuant to section 10.02 may reduce the required percentage of prime farmland soils to be preserved within preservation farm lots from 70 percent to no less than the percentage required to ensure at least 30 percent of the originating tract is available for the placement of residential cluster lots if one of the following

[08:28:34] site characteristics can be demonstrated, unquote, and then it has the two subparagraphs for those site characteristics. Second. Mr. Turner? Thank you. This is a relatively simple change just to tighten up the language. I've already mentioned it with staff.

[08:28:51] I suspected this was their intent, and I think they confirmed that. But basically, right now, the way the language reads is if those two conditions, either of those two conditions are satisfied, then that namely that the cluster, there is not 30% of the originating tract available for cluster, then the zoning administration can reduce the prime soil protection from 70% to 30%. Well, theoretically, that gives the zoning administrator the authority to say if only 29% of the originating tract is available for a cluster, then okay, I'm going to reduce the protection for soil from 30 to 30%.

[08:29:30] All this language does is say, no, you can only come down off the 70% sufficiently to ensure that 30% of the originating tract is available for a cluster. So it sets a more objective measure and metric as to how much the zoning administrator can bring down, come down off the 70%.

[08:29:49] That's all it's intended to do is be more precise language. So you can dig into the 70%, but only so far as you need to create 30% that's sacrosanct for clusters. Thank you. Thank you. Mr. Kirshner? So this

seems to, once again, give the administrator less flexibility.

[08:30:07] We heard Mr. Hansen speak a little bit ago, and he expressed that this is one of the big problems with this. I think it gives him less flexibility, as I understand it. Now, maybe I don't understand the motion, because I was just reading it earlier when it was at my desk.

[08:30:23] but it seems to give the administrator less flexibility, as Supervisor Turner said, we're going to tighten this up. So I think maybe there's some interpretation, but it's not clear to me, so I'm not going to support the motion until I'm absolutely clear. I could abstain, but I think I'm opposed to it for that reason.

[08:30:41] Would you like to ask the zoning administrator how he interprets it? Yes, Mr. Zoning Administrator, how do you interpret it? So I think Mr. Turner was correct, and the intention of the reduction was to be able to reduce the preservation of farmland soils to the amount needed to obtain 30% of the site for residential.

[08:31:01] It was also put in there that the most I could reduce to prime soil preservation was from 70 down to 30. But it didn't necessarily mean I was going to automatically go to 30 if they didn't need that big of a reduction to come up with the 30% of the originating track for the residential lot.

[08:31:24] So I don't think it really, it just clarifies things to me, what the intent was of the regulation. So it clarifies what you thought was already there? Yes, sir. All right. Well, I guess for that purpose, for now, I can support it, but that's fine.

[08:31:40] Okay. Ms. Glass, are you still there? Yes, Madam Chair. Oh, hi. Would you like to speak on this issue? I don't. I don't have any questions.

[08:31:58] Okay. Okay. I think this is just, if Mr. Turner and I have talked about this already, I think it's just clearer language is what I think this is actually. Mr. Turner, any closing? Okay. All in favor, say aye. Aye.

[08:32:15] Any opposed? That motion will pass 702. Mr. Saines and Mr. Letourneau, having left a dais. All right. I move the Board of Supervisors for ZOM 2020-0002 to the June 12, 2024 Board of Supervisors public hearing for action.

[08:32:36] Okay. So I think the magic words in that one was for action, not to go to another anything, but for action. All right. So, so much, this was such good public comment. I mean, it's interesting that in the end, everyone does kind of have the same goals.

[08:32:56] It's just how are we going to get to the goals? I do have a question for Kimley Horne, but I do think that the last speaker said something that I have been thinking of the entire time. If someone wanted to put their land in conservation easement right now, you're still under the rules we've been following all this time.

[08:33:14] Why haven't you done it yet? That, I think, actually was a valid question. And we did hear someone say he rushed and put his house in conservation easement before anything's changed. So people saying to me, you know, I'm scared to put my land in conservation easement because this might pass doesn't make much sense.

[08:33:33] The opposite thing is I went on and did it because this might pass. So that part I didn't really get. I do have a question, though, because in the report, and let me know if I've just gotten this completely wrong, when there was a discussion of if this passed, if this passed in the form it was in now, it would not impact people's lots right now, people's property right now to a great degree.

[08:34:02] However, did Kim Lee Horn also do Mr. David Toten's land? Because he said that what he was shown was it would greatly devalue his land. So how can both those things be true?

[08:34:18] Well, I'm not sure, because the exhibits that were shown here, I am seeing those for the first time. Those were done by other Kim Lee Horn staff. I have dedicated my time to this effort, and in other places where people have asked Kim Lee Horn to do work that is impacted by this ordinance, I've stayed separated from that to stay true to this effort so as to not have any kind of conflict.

[08:34:48] Is it reasonable to you from which you have learned and understand and have reported out that his land, and obviously I believe what he's saying, his land could be so negatively impacted? I would have to look at it and see it and do a review of it.

[08:35:09] But I know that, at least in my and our opinion, with the clauses, with the changes in lot sizes, in spacing, and all those other things, that we feel there's a level of flexibility that should allow a great number of properties to comply.

[08:35:33] All right. So my last question before I do in closing is, it's almost an assumption that we have to build on, they have to build on formable soil. Can homes be built on built and septic be dropped on other types of soil, but the formable soil? That question has come up before. The answer is yes, drain fields can be placed on other marginal soils. I wish someone from the health

[08:36:08] Department was here to answer this. However, you know, it is possible for those drain fields to be on those marginal soils. It just, it's hard. It don't work as well, okay? But it's still possible to have those drain fields on those soils. Okay, I'm going to follow up that question when I come back to you. I'm going to come back and follow up on that question. Ms. Umstead. Thank you, Madam Madam Chair, so I'm struggling with whether to vote against this now or vote against it in June.

[08:36:42] And since I'd prefer not to be a hypocrite, I do believe this is going to dangerously imperil the conservation easement program, so I'm going to vote against this now. Thank you. Thank you. Mr. Kirshner.

[08:36:58] Thank you, Madam Chair. I have three minutes. I'm going to try to be fast. I just want to remind everybody here, everyone on both sides of this boat, I have far more farming experience up here than anybody here, but probably about 90% of the soils that we're talking about are in my district. I've probably grown more sheep, milked more cows, and far more land in the years I was growing up than most people in this room.

[08:37:20] Few might have me on a couple of those, but I've done thousands and thousands of acres, and I've done a lot. So I have a pretty good idea about soils. I have a pretty good idea about farming. I understand a lot of it. In December of 2022, Prince William did something that shocked me to my core about what could happen in Loudoun County, and that is they opened up their western policy area.

[08:37:37] Why did they do it? Because there's huge demand for development all across northern Virginia, and Loudoun County is no different. It's just a matter of time before they open up western Loudoun. Any sort of zoning ordinance that tries to protect here or there is not going to help it. What we're fighting for is permanently preserving land versus rooftops.

[08:37:56] So what is the best way to do it? And I appreciate everybody here who wants to preserve prime angst soils. I think it's a great thing. I think we all have the same objective. But we have kind of this fight

going back and forth in a lot of these conversations. And if we proceed, I'm very confident, if we proceed with this, we are going to lose the thousands and thousands of acres that are putting conservation easements on an annual basis.

[08:38:20] And what are we going to have as a result? We're going to have one person standing out there to buy land, and those are developers. We're going to have far, far more rooftops in western Loudoun County if we do it the way that we're doing it right here in this zoning ordinance. So this zoning ordinance needs significant work if we're going to get there.

[08:38:37] A future board's going to open up the west. They're just going to do it. It's going to happen, guys. There's too much pressure to build. This board's not going to, maybe not even the next board, but it's going to happen. So we have to find permanent way. We have 54,000 acres more to preserve in western Loudoun. And then no board can ever open it up.

[08:38:52] No will of the board can do it. And that's the race that we're in right now. That's why I'm supporting, you know, making sure we don't hurt conservation easements like I'm concerned this program does. Make sure that we have other land preservation programs that we haven't been able to successfully pass with this board, but we're working through that.

[08:39:12] This is a taking. There's no ands, ifs, or buts about it. And people can say, oh, this isn't a taking. It's not going to affect, ladies and gentlemen, it's going to affect some people. We already heard a couple. I had one gentleman that spoke today, Mr. Salton, and his story, I heard from him today.

[08:39:29] I also heard from another gentleman who owns 123 acres. He has it subdivided right now. He was going to leave it to his kids. He called me up today. He says, I'm going to register this now, and I'm going to develop. You know why? Because I'm going to lose thousands of dollars as a result of this. This is the unintended consequences when we're not careful about what we do.

[08:39:47] The other reason I know this is a taking, and it's going to develop land, is my opponent during my election said the very thing. He said, this, we're just going to have to accept that devaluation of land is the cost of doing this. Thank you, Mr. Kirsten.

[08:40:03] No one else has disagreed with that. Thank you. Thank you. Ms. Tacroni. Thank you, Chair Randall, and thank you to all the speakers who stayed late. It's very late. I remember back in 2020 when I was working for Chair Randall and I wrote the BMI for Chair Randall to look at preserving prime ag soils.

[08:40:29] And the reason we did it with Supervisor Buffington's office, Robin Bartok, the reason we did it was to match what it states, what's in the comprehensive plan with our zoning ordinance. You know, in our comp plan we say we want to preserve prime agricultural soils, but yet our zoning ordinance didn't have any regulation to preserve it.

[08:40:52] I think this ZOAM achieves the balance to preserve the PRIMAG soils that we've had in our comp plan for years, and it gives the flexibility to make sure we have the lot yield for conservation easements.

[08:41:12] I do think we can achieve both. Conservation easements are an important tool in our toolbox. I'm hoping we can get PDR as well. But we also need to realize that we've lost 11,000 acres of farmland in the last five years.

[08:41:28] And we have a lot of young and new farmers that want the opportunity to get on the land. And this is one opportunity. You know, these are going to be small farms, you know, for I have the list of what we're the best at.

[08:41:47] You know, we've got cut flower farms, equine farms, honey production. um you know horse farmers um veggie farmers you know this this gives the opportunity for these young farmers to get on the land and to produce and to give us some food security um a lot of speakers spoke about that so i do think that we've we've figured out how to achieve the balance get the 70 percent preserve the 70 percent leave the 30 percent for the cluster and then if there is an

[08:42:22] issue, Kim Lee Horn did an analysis that showed how we can get the lot yield by redesigning the cluster subdivision so that you get the lots. You can go below. We have an administrative savings clause that the zoning administrator will execute to go below the primag soils if needed so that you get the lot yield. So we do have a process, and I think it's going to work, and I think I believe that we can do this, and I believe that preserving our best soils is something we have to

[08:43:00] do for future generations. Thank you. Thank you. Mr. Turner. Thank you, Madam Chair. This is a quick question. One of the speakers said you can't farm on top of a septic field. If we protect 30 percent for the cluster, is the presumption that the entire septic field will be in that 30 percent, or can they extend the septic outside that 30% and further encroach on the 70%?

[08:43:24] So the provision that's being carried forward does allow for drain fields to be placed within open space lots, which would be part of the 70%. That number is 70% of those residential cluster drain fields can be provided for 70% of them.

[08:43:49] So technically it's 30% plus septic. Correct. So if you're, the drain builds. It doesn't have to be, but it could be. But the 70% you're referencing is the prime soils, not the 70% of the acreage, correct? The prime soils is what you're asking. Right. But you build your, what I'm saying is you take a 30% of your originating track, prime or not, you build your cluster.

[08:44:11] And then for whatever reason, the cluster is designed so that the septic encroaches on the 70% protected prime farmland. That's a further encroachment on the prime farmland. It's probably not a big one, but it is an encroachment. The off-site drain fields are only allowed in an open space, not allowed on the preservation farm lot.

[08:44:33] So it depends on how much farmland preservation you have as to whether you have land available for open space to put off-site drain fields on. Okay. Thank you. Ms. Glass? Thank you, Madam Chair.

[08:44:48] I want to thank everyone for coming out to speak, emailing, and having meetings with me. I will support sending this ordinance amendment to June, and we'll continue to have discussions for the next two months before deciding where I fall on this issue.

[08:45:06] I understand this perspective from both sides and want to make sure that I'm voting in a way that will best protect property rights and our vitally important rule west. Thank you, Madam Chair. Thank you.

[08:45:22] You're good? You're good? Okay. So let me go back to that question. So are you saying that if wells are sunk, if septic is sunk, and it's not on prime farmland, and we've got to get that together, by the

way, but wells are sunk, are you saying that it's harder to do it, or that the yield is more dangerous, or what are you actually saying?

[08:45:54] So my understanding is that those drain fields that are placed on those marginal soils, generally those drain field areas need to be larger in order to percolate or to accept that water from the soil.

[08:46:11] So it's harder. It's harder. And it could be more expensive, probably. Yes, but also... But is it a health issue? I don't know that it's a health issue. Can I get that question answered before June? Sure, sure, we can do that. But I will say that, you know, oftentimes when you see some drain fields on marginal soils, you see the alternative systems, which are not your conventional drain fields, which take up smaller areas, but may provide for further costs.

[08:46:43] Thank you. If Mr. Talton agrees for us to take a look at his assessment, would you be willing to look at his assessment? Because I'm surprised that Kim Lee Horn can have a very widely different view of one piece of land or a couple pieces of land as the report you gave us.

[08:47:08] Would you be willing to do that? Sure. Okay. I think it goes to the statement that's been made many times is that each of these sites are just so incredibly unique. Yeah, well, but then that goes to the fact that you cannot say that it's a taking for every piece of land.

[08:47:28] That just makes no sense. I didn't say you said that. You can't say that. But it's also true that there's a potential for a taking for land. And that in itself is a problem for me because we shouldn't, I don't want to even potentially harm someone's land value.

[08:47:46] So it's not absolute, but it's possible. Supervisors, let me also say one thing. For everyone who is thrashing over this issue but is not voting for the PDR program, get a grip, people. If you want to save Weston Loudoun County, every tool in the toolbox works.

[08:48:06] I have been trying to get the PDR program here since 2018, and it was pushed down by first a Republican board and then a Democratic board. So it's not even an issue of that side.

[08:48:23] PDR programs need to be put in because they work. They work. I have so much more to say and so much more to ask, but I have to limit myself. I was going to say that, but I have to limit myself. If I could quickly say thank you for everybody to come.

[08:48:39] Thank you to everybody. I know that, girl. I'm tired. I'm tired. All right. All in favor, please say aye. Aye. Opposed. Okay, so that motion will pass 5-2-2 with Mr. Kirshner and with those two voting against it and two people not being here.

[08:49:07] Thank you very much. have a nice day Bob Wurtz can I talk to you for a sec



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