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Loudoun County Board of Supervisors, Public Hearing, Wednesday, June 12, 2024

Date Wednesday, June 12, 2024
Place Board Room, First Floor, Government Center, 1 Harrison Street SE, Leesburg, Virginia
Length 7h 36m (video)

- Official meeting video (county, Granicus): <https://loudoun.granicus.com/player/clip/7698>
- Agenda (Granicus): https://loudoun.granicus.com/AgendaViewer.php?view_id=73&clip_id=7698

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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.

[00:11:47] All in your way. I'm sorry. Girl, I'm sorry. I'm sorry. Okay. Well, good evening, supervisors. Good evening, staff, and good evening, Loudon. I'd like to call to order the June 12, 2024, Loudon County Board of Supervisors Public Hearing. This room has a hearing loop.

[00:12:05] If you need a hearing aid, if you need hearing assistance, please switch your hearing aid to the telecom mode. If you need a hearing aid, we have those available as well. Please see the clerk to request one. Would everybody please join me in the Pledge of Allegiance?

[00:12:17] okay i'm gonna read the stuff i read and then i'm gonna do some talking as a reminder all members of the public if you are addressing this board this evening you have to sign up to speak and

[00:12:53] you can only speak on matters that are being advertised on the public hearing due to the broadcast delays any member of the public who who is not in the boardroom wishing to address the board on item 1 and item 6, which are on the consolidated hearing agenda, please call the number scrolling across your screen at this time. If you're a member of the public, if you signed up to speak, you'll be allotted two and a half minutes. I never change that. It's always two and a half minutes. If you're four speakers, one speaker, 100 speakers, it's always two and a half minutes.

[00:13:23] Please come to the podium nearest you. State your name for the record. And if you do not mind stating your district, that would be helpful too. The timer on the podium will indicate your remaining Any time, when your time has expired, please yield the podium to the next speaker. If you are providing comments via phone, I'm going to ask that you use your own stopwatch because you may not be able to see the timer in the room, and I don't like stopping people when they're already talking because it breaks your flow, but at the end of two and a half minutes, I'll stop you then.

[00:13:53] So if you time yourself when you're speaking, if you're on the phone, I would appreciate that. When taking public input for items, I will first ask if there's anyone in the room to speak, and then I will go to the phones. It is my practice to take elected officials first on any particular item. And also please note that there is a slight delay between the broadcast and the boardroom. There are two items for the consolidated agenda. Of course, consolidated agenda, these items are consolidated because there are no outstanding issues. Staff has recommended approval.

[00:14:30] Well, the applicant has waived their presentation, and no public speakers have registered in advance to speak. Those items are item one, the ordinance adopting the approving of voluntary settlement agreement between the town of Leesburg and the county of Loudoun pursuant to code section 15.2-3400 with amendments and recommendations by Virginia Commission on Local Government, Leesburg and Catocin, And item number three, which is LEGIE 2023-005058, Bay Dallas Industrial Park, CRTD 2022-0008, and that is in the Sterling District.

[00:15:08] Are there any members of the public wishing to speak on items one or six at this time? To the moderator, and who's our moderator right now? It's Lisa, right? Lisa, are there any members of the public on the phone wishing to speak on items one or three? Chair Randall, no one on the phone for those items.

[00:15:27] Wonderful. Then in that case, I'm going to call the consolidated hearing close. Board members, please refer to your package so you can read the consolidated items.

[00:15:48] Item 1 is the Leesburg and Catocin District. Item 6 is the Sterling District. Before I do that, though, I'm also going to go through, supervisors, the meeting order tonight. I know that somebody just asked about that, and I'm going to go through the meeting order, and I'm going to explain why I'm taking the meeting in this order.

[00:16:08] Just give me one second, please. So last time, when we were here, I took the Primack Sorrel item last. People were here at 2 in the morning, maybe 2.30, and I appreciated that very much.

[00:16:24] I do that normally because I'm trying to clear the room out of lots of speakers all at once people can. But I did it last time because I thought it was going to take so long that I didn't want everybody else, every other item to wait. I'm not going to do that this time.

[00:16:41] This time I'm actually going to take the three-dog farm, the special exception, which is item number seven first. I'm taking the prime egg and close to subdivision item, which is item number eight, second. And then I would go back and I would do items two, three, four, and five.

[00:16:59] I do realize if you have items two, three, four, and five, that means you are going to be sitting here through a lot of the speakers on the other two items. I apologize for that. I just didn't think it was fair to make the people for those two items sit again until, I don't know, to midnight or later.

[00:17:16] And so no matter what I do, somebody's going to be in the boardroom late, so I'm just trying to kind of not do the same thing to the same people the second time. So I'm going to do it in that order this time. So for item number one, Mr. Kirshner or Ms. Umstead, would either of you like to read a motion?

[00:17:37] Thank you, Madam Chair. This is an ordinance adopting and approving the voluntary settlement agreement between the Town of Leesburg and the County of Loudoun pursuant to Virginia Code, Section 15.2-3400, with amendments as recommended by the Virginia Commission on Local Government.

[00:17:58] I move that the Board of Supervisors approve motion 2B for adoption of the proposed ordinance as provided in the June 12, 2024 public hearing item number one, staff report. Second.

[00:18:14] Motion has been made. Second, Mr. Kirshner, discussion on the item. Supervisor, I'm staff. No discussion. We've all been working on this for years now, and I think we've come up with a good resolution. Thank you.

[00:18:29] Thank you. Mr. Kirshner, any discussion? The only thing I would say, Madam Chair, is Supervisor Umstead and myself had an opportunity to work on this, along with our tremendous county staff. We got this done and accomplished. I'm very proud to see that happen, and I'm happy to support it.

[00:18:45] Thank you, Madam Chair. Thank you. I would add that Supervisor Turner's yes other people just just to make sure we understand that everyone was everyone who had a hand in this momentous occasion all right miss um so check a closing no madam chair thank you all in people say aye any opposed that motion will pass nine to zero item number six is in mr. Sains is district would you like to make a motion mr. Sains sure I

[00:19:18] I move that the Board of Supervisors approve motion 2B for approval of the zoning conversion within the Route 28 tax district as provided in the June 12, 2024, public hearing item number 6 staff report. Thank you. Is there a second to that motion? Second. The motion is made and second with Supervisor Umstead.

[00:19:35] Discussion on that motion. Mr. Sains? No, ma'am. Discussion on that motion. Anybody else? All the people who say aye. Opposed? That motion will pass 801 with Supervisor Brixman opposing the motion.

[00:19:51] Okay. Now that those are done, would staff please come to the table for item number seven, which is the three-dog, I almost said three-dog night. I'm already, this is already happening.

[00:20:10] Thank you. Three-dog farm item. Good evening.

[00:20:26] Good evening. Have there been any major or substantive changes to this item since the last time we were here? There have not. There have not been any major changes or substantive changes. Okay. Do you have any report to give us? Staff have prepared a presentation, but like you identified, there are no substantive changes.

[00:20:45] No changes, the same one we've had before. Are there any questions for staff on this item? Seeing none. I do, I do. You do have a question? Yes, ma'am. Can staff tell us, has there been any animal control violations or any police or sheriff's department reports at this property?

[00:21:06] There have been two zoning violations, complaints at this property. and one animal services complaint as well. And what year were those? The two zoning violation complaints were in September of

2021, and the animal services was in 22.

[00:21:31] 22. And do you know with that complaint for the animal services, was that like a resident, you know, a dog being dropped off there for the services, Or was that a dog of the owner or a dog of the employee that works at the facility?

[00:21:49] Or you don't know those details? I do not know. All right, thank you. Mr. Letourneau. Yeah, regarding the acoustical treatment, the ceiling baffles and the training structure, is staff confident that that is an appropriate technology to bring the noise down below the zoning ordinance requirements?

[00:22:13] Do we have any experience with this type of product? Staff are confident. These are typically used in open spaces such as gymnasiums. So for the agility area of the dog training center, it was found to be appropriate.

[00:22:29] And if for some reason the noise level was not below the zoning ordinance requirements, then the process would be a member of the public or anyone could file a zoning violation and then we would come out and investigate?

[00:22:46] Correct. Okay. Under the application with this technology, well, technology, with the product being installed, the expectation is they would have to comply with that?

[00:23:02] Correct. All right. Ms. Brooksmen. Thank you, Madam Chair. Has the fence already been built higher around the property? I would have to defer to the applicant to the current fence. Okay. All right.

[00:23:18] and then uh what how long has this business been been around how long have they been in business do you know i would have to defer the applicant on that too okay and lastly well you may not be able to answer this question either um what happens um if the specs is denied will they go out of business a kennel would not be permitted to operate would not be permitted to operate and did i read correctly in the item that part of i don't know if you want to call it an agreement or

[00:23:52] proffers to the specs. Is it true that the dogs would have to be on a lead even if they're out in the play yard? The conditions of approval require a leash during pickup and drop-off areas when outside of the fenced area. Oh, okay, but they would be allowed to play freely inside the fenced area. Correct. Okay, then I misread that. Okay, all right, thank you very much. Mr. Kirshner, I've already called on Ms. Briggsman, so I'm not... I realize that, but there was a question that she asked that I would like clarity on. I'm not going to do that, but you're going to ask it in the

[00:24:25] motion. Okay, we have 11 members of the public would like to speak. I'm going to call your name in advance, and so when I call your name, please come to the podium closest to you. Rebecca Redman, followed by Anthony Price, followed by Mary Hill. Good evening.

[00:24:50] Good evening. As you know, my name is Rebecca Redman, since you just called me up here. I'm speaking against the special exception as I'm concerned about the traffic on the roads that lead to the proposed property. Edgemoor is a lane and a half-wide road with a steep blind hill within about 300 feet of a bus stop that meets at the corner of Edgemoor and Shenandoah Roads.

[00:25:13] The current bus times mirror the times for drop-off and pickup of the dogs. I have a feeling of fear when I think of 17 cars heading in and out every Monday through Friday as the bus is trying to navigate that hill. One wrong move and somebody's in the ditch.

[00:25:30] or there's a head-on collision. It's that blind of a curve. My youngest daughter no longer walks the road as she's been traumatized by the dogs that bark and rush the fence. I shudder to think what's going to happen when I take her to the bus, which is only 0.2 miles from my house.

[00:25:47] Other residents are bringing their children. The bus is coming down to a stop. The stop sign comes out, and cars are coming in to drop off dogs. Oftentimes, people try to beat the bus as the sign comes out. And I shudder to think what's going to happen when kids are starting to jump out of cars to get on the bus and this traffic is incoming. And I am not imagining this. I actually saw one day when a young lady that takes care of the dogs pulled up and tried to beat the bus as we were waiting for it. Shannondale Road, the road leading to the property, is a single lane

[00:26:21] dead-end road. We cannot avoid the traffic. We cannot avoid the dogs. There are no sidewalks to ease our safety concerns. If we meet a car on Shannondale Road, we have to back up to a driveway or back up to Edgegrove Road so the other car can pass. Adding 17 cars would be a nightmare, not only for the residents, not only for the kids, not only for the bus drivers, but for the clients that are coming and going. Facts. Two employees, Gina said that there would be two employees supervising dogs in groups of three to four. She's requested 15. That means there are seven to nine

[00:26:57] dogs somewhere on the property unattended. Fact, six-foot no-climb fences are ineffective if you open a gate and leave it open for people to come and go, or you open that gate to allow them to an area in which the fencing is not permanent or that it is in disrepair. That's currently what's being done when the dogs go to the pond on a regular basis. Training, screening, and interviewing did not prevent the Belgian Malinois on property from menacing our neighborhood. A woman was walking with her baby, and the dog jumped the fence, and the owner had to retrieve it. Another

[00:27:33] Malinois dog is currently on the property. We implore you to deny this special exception that puts the safety and welfare of the area residents at risk. Thank you, ma'am. Thank you. Anthony Price, followed by Mary Hill, followed by Robert Hill. Good evening, sir.

[00:27:52] Good evening. I'm Anthony Price, 57-year-old resident of a farm at 15302 Edgegrove Road, Hillsboro. Three Dog Farm has twice applied for a kennel license at the Shenandale location. For five dogs in May of 2009, on the night of the Board of Supervisors' meeting, she withdrew her application. And now, today, June 24th, she's applying for 15 dogs. That's 15 years of operation. She's been running the

[00:28:31] operation. In that time, there have been casualties caused by Three Dog Farm. One, walkers and joggers have to carry pepper spray. Two, Freddie Adams will have lasting consequences from being attacked from behind and civil court case of 25 March 2025. And my sister, Marie Price, she is mentally challenged and has limited capacities. But her one job, 20-year job,

[00:29:08] was to collect the mail. So from 10.30 to 1 o'clock, she would go outside every 30 minutes until the mail was collected. But not now. For over two years, she will not go outside to the mailbox because of dogs rushing the fence on Edgegrove Road, period. This battle between saving the rural atmosphere and the quest for commercial enterprise will be settled tonight by your vote.

[00:29:44] I hope the board will deny this application and save the peace and tranquility of Edgegrove and shannondale road thank you for your time and best wishes to all thank you mr price mary hill followed by robert hill followed by uh kelly schreffler good evening ma'am good evening um i'm mary hill and i my property shares a fence line with three dog farm across from the pond i'm here once again to voice my

opposition to this special exception and ask you to please follow the recommendation of the planning commission to deny this application a factor for consideration by the

[00:30:23] board is whether or not the proposed usage is compatible with the existing use of the surrounding properties. This request for the special exception is not. Adjacent properties and others in this community are engaged in farming operations, and many work from home. The majority of land use in the community is farming or livestock. A kennel operation is not compatible. Dogs that are not raised around animals classified under animal husbandry or livestock often exhibit behaviors that are not complementary and can actually be at times antagonistic towards livestock. Instincts of herding and hunting, fear or anxiety, leave them

[00:30:58] prone to barking and chasing from behind the fence. Should they escape, the ability to control them worsens. I have seen this firsthand with dogs from Three Dog Farm charging my fence line, barking at my horses, and clamoring to get through the fence. On more than one occasion, they have succeeded in breaching this fence line. I understand there's an interior fence line that is supposed to contain the dogs. However, the dogs are frequently outside this fence line down around the pond. They are unleashed. They are loose. They then have access to all the perimeter fencing on the property,

[00:31:33] which is largely in disrepair. I'm an animal lover. I love dogs, horses, cats, all of them. This is not the place for a kennel. We are a small community in numbers, but you see tonight and have gotten numerous supporting documentation that 100% of the neighboring property owners are against the approval of this application. There was one mention of the number of complaints which has come up consistently in all these hearings. We complained in the beginning from 2021. We were told by the county, you can't complain right now, this is pending. You need to wait and see what

[00:32:09] happens. That is the only reason for the low number of complaints. Again, I ask you to please uphold the Planning Commission's recommendation of denial. As one of the Planning Commissioners stated at the time of the vote, this proposal on this property at this location by this applicant is not worthy of a special exception. I'm asking one final time, please deny the application. Thank you. Thank you, ma'am. Robert Hill, followed by Kelly Schreffler, followed by Scott Schreffler.

[00:32:44] Good evening. Good evening. How are you? My name is Doug Hill, or Robert Hill. Our Edgegrove Road Property Borders Three Dog Farm, and I am here to voice opposition to this special exception. One of the criteria under consideration for the board in deciding on this for a special exception is whether the level and impact of noise, light, glare, odor, or other emissions generated by the proposed use will negatively impact surrounding uses. It is highly questionable, in my opinion, whether Three Dog Farm can adequately address concerns about noise in particular. The historic

[00:33:21] practice of the applicant casts significant doubt as to her commitment and ability to do this if granted the special exception. And it's important to note that the applicant is generally not home during the hours of her dog business to oversee and tend to its operation. It is run by staff that have not proven to be particularly concerned about the noise impact on the community. I know this personally because I work from home many days and have heard the activity yelling and barking while working indoors in my office the applicant stated on april 10th that dogs would be divided

[00:33:56] into groups of three to four to keep them in manageable groupings and as already pointed out it is not possible for two people to manage 15 dogs and split them into groups of three to four again please also note this is a secondary endeavor to the applicant who cannot monitor this operation as her primary

business conversely during the hours of the proposed kennels operation the adjacent neighbors many of whom are here tonight in their are engaged in their full-time primary professions which are detrimentally impacted by 15 barking dogs at any level even with the remediation efforts

[00:34:34] noise is a legitimate and real concern for the community that is engaged in their primary business during the working hours of this proposed kennel i ask you to consider the people who your decision will impact the most as you cast your vote tonight thank you very much thank you sir Kelly Shreffler followed by Scott Shreffler followed by Rowan Shreffler.

[00:35:02] Good evening. Good evening. I am Kelly Shreffler. We are one property between Three Dog Farm and the applicant. Also to clarify, it is from our farm that the individual who was attacked from a dog off of her property lives, so we were firsthand responders to that incident. It is not an allegation. I'm going to be very direct and attempt to be comprehensive.

[00:35:18] Our request for denial is based objectively on the Loudoun County Comprehensive Plan and the special exception issues for consideration in the zoning ordinance. This special exception has been presented as consistent, in quotes, with the 2019 general plan. Conversations with staff have clarified that they defined consistent in a limited sense based on policy.

[00:35:38] Most of us would understand consistent more broadly as to whether something is compatible or in agreement with something, as well as context. We submit to the board that this special exception is inconsistent with the comprehensive plan and zoning and ask you to consider the following.

[00:35:55] It is not consistent with 500 plus acres of agricultural land surrounding it that remain in active operation with livestock. It is not consistent with allowing its residents and especially our children to live, work, and move around our community without concern for safety from dogs or from non-local traffic competing with buses on 14 to 16 foot roads.

[00:36:17] It is not consistent within a historic pocket of Loudon that includes three homes from the mid-1700s and 1800s, including a century farm that is still farming. It is not consistent with honoring the remains of a historic cemetery that dates to 1747. It is not consistent with protecting the unique micro-ecosystem that exists here, one where you find bear, turkey, rattlesnakes, bald eagles, countless birds, even an occasional beaver.

[00:36:42] We've seen it. Dogs drive these things away. It is not consistent with the multiple livestock horse properties that are unable to ride near this facility. Runners cannot run securely, and parents have to carefully consider their children's safety. It is not consistent with the culture of a community that seeks to live quietly and peaceably with its neighbors, helping each other out and resolving things in a neighborly manner and taking responsibility for our actions.

[00:37:08] This applicant instead consistently chooses to hide behind process and the legal system, not demonstrating care for neighbors consideration and responsibility and finally i would suggest it is inconsistent to buy a property assuming that you can change the rules for one resident to the detriment of the larger community's welfare one of the reasons many of us chose to live where we live is exactly because it is zoned in the way that protects and preserves the diminishing rural nature of this county thank you very much thank you next speaker is scott scheffler followed by by Ron Shuffler, public by Harry Redmond.

[00:37:44] Good evening, sir. Good evening. I want to take a minute to underscore that we understand we are a small community that is highly localized. This is a highly localized issue and that many of you don't have an active stake in what's going on here.

[00:38:00] I also understand that your constituency may even want and support this special exception, but I would ask you for just a moment to step outside of the specifics of the application and the analysis presented by the staff. Instead, take a broader look at this from the perspective of Loudoun's comprehensive plan.

[00:38:18] I hope you have each reviewed the community letter of opposition that we submitted on Friday. I am providing you with an updated map that shows the extent of the community opposition. I want to underscore that there is not a single voice speaking in support that actually lives here, or I would bet even lives within many miles.

[00:38:36] The notes of support you have received are essentially that of individuals who do not live here. Some may not even be residents of Loudoun County. In contrast, if you would look at the provided map, you will see the applicant is surrounded by community members that oppose this.

[00:38:51] We urge you to follow the lead of the planning committee that unanimously denied this request. Our request for denial is both objective and admittedly subjective. I am going to address the subjective. To sum it up, we have had a bad experience. We've had a bad experience with the applicant not controlling or containing dogs.

[00:39:09] Mr. Adams has had a bad experience being violently attacked by a dog. The Hills and Redmonds have had a bad experience trying to work from home while dogs are barking. The Hills and Mary have had a bad experience with dogs chasing or barking at their horses. Our children have had a bad experience being fearful to walk to the bus, ride their bikes, or run past.

[00:39:28] Mr. Ashby has had a bad experience trying to farm next door and won't allow his wife to open gates for him out of concern for her safety. Mr. Price has had years of bad experience with her dogs preventing his handicapped sister from being willing to walk to the mailbox. Mr. Potts has had a bad experience with the county's concern for enforcement, I'm sorry, with taking care of the Pott Cemetery.

[00:39:50] And as a community, we've had a bad experience with the county's concern for enforcement and compliance. We have to assume, based on experience, if this is approved, we will have little to no recourse. We have also have to assume that the applicant and her clients will not take any effort to do anything recommended by the staff or out of concern for this community. This special exception needs to be denied. It represents significant safety, welfare, and nuisance realities we have all experienced from this applicant for many years. Thank you. Thank you, sir. Rowan Scheffler

[00:40:25] followed by Harry Redmond followed by Meryl Redmond. Good evening. Good evening. My name is Rowan Scheffler. I ride my bike over to Mary Hill's house in order to take care of her horses and I'm always concerned about my safety when passing Three Dog Farm. My parents have just began to allow me to ride my bike before they had always driven me to her house. I think that it is ridiculous that I have to be concerned about my safety on my own road. While a car or bike, or especially a runner, passes by, dogs will run up and down the fence barking. I'm especially concerned because my close friend and neighbor, Freddie Adams, was bit by a dog on their property

[00:41:05] that jumped the fence. Now, every time that I pass the farm on my bike, I can't help but think the same thing could happen to me. A dog could jump the fence and attack me. Why should I even have to consider this situation or have to plan for it if it does happen. It doesn't only affect my transportation method to Mary Hills, but it also ruins my enjoyment too. My dad used to take me and my two brothers to the top of Shannondale on our bikes, but ever since Freddie got attacked, we haven't set foot on the lane when we haven't been in a car. In our community, there are farms with cows, horses, sheep, and goats. Dogs do not fit into our community unless they're working dogs

[00:41:40] or fit for the environment. Animals that don't fit into our community or are a potential threat to people do not have a place in the farming community. This is true whether it is a dog, cow, pig, or even a goat that's a bully. My neighbor Mr. Potts once had a cow that we called American Psycho. When we moved her to our field, all she did was cause problems.

[00:42:02] She chased my mom, charged fences, and we had to be careful on our lane to watch out for her. When we would ride our bikes up and down the lane, we had to make sure that she wasn't there. Mr. Potts was quick to get rid of her. The same thing is happening in this circumstance. The dogs at Three Dog Farm simply do not belong in this neighborhood or environment.

[00:42:20] They are a threat and concern to me and my family as well as the rest of the community. Just as we could not ride our bikes up and down the lane because of the threat of American Psycho, I cannot ride my bike to my neighbor's house without feeling the same fear. It's not about the animals or just in this case the dogs at Three Dog Farm.

[00:42:37] it's not all about the dogs. It's first about the people who live here and caring for them well. Good job. Thank you. American Cycle was a cow. Okay. Okay. Just want to make sure. Harry Redmond, followed by Meryl Redmond, followed by Marty Potts. Good evening, sir.

[00:42:58] Good evening. Kind of hard to follow that, but I'll try. I'm Harry Redmond. I'm Gina's immediate neighbor to the West. And I'd like to clarify a couple of topics that came up at the last meeting. The applicant was last asked how far the closest kennel building was to a building on a neighbor's property, and her team replied 225 to 300 feet, and that is not correct. We have a 20 by 40 foot out building that our girls use for recreation, which is only 15 feet from our adjoining property line, which makes the total distance between our building and the closest kennel building about 140 feet, roughly half the distance that you were given. On the other topic,

[00:43:38] we want to ensure you that the Belgian Malinois spoken about last time is very real and not mythical. Here's some texts between us and Three Dog Farm from February 2022. This is Becky to Gina. Hey neighbor, beautiful shepherd looking dog is vaulting your fence like it's nothing. He's back in right now, but thought you might want to know. Let Sean know, but I thought I'd give you a heads up too. Gina replies, ugh, thank you. February 20th, another text, Becky, hey, your beautiful German shepherd-looking pup was heading down the road towards our house. He turned into our yard.

[00:44:14] He just jumped back in. Gina's reply, grr, thank you, darn Belgian Malinois. We didn't even know what kind of dog it was until Gina replied. Continuing on, Becky, I didn't think he was a shepherd, but wasn't sure of the exact breed. He's beautiful and leaps like a gazelle. And then finally, February 22nd. Good morning. Your pup is out. Our boys introduced themselves. We have three dogs of our own, and luckily it was peaceful. He looks like he's on his way home now. Gina's reply, ugh, thank you. In addition, Becky was traveling home on Shenandoah one day, and the

[00:44:53] Malinois jumped the fence and ran alongside her minivan. She could have run the dog over, or she could have wrecked as well. Becky stopped and rolled down her window, but the Malinois snarled and jumped back over the fence into the yard. And all of this indicates that a dangerous dog was given free reign to engage the public in an aggressive way.

[00:45:14] You know, we taught our children what to do in case of an aggressive dog. And how would you feel as a parent and as a spouse leaving your home in the morning and hoping your family would be safe and not being able to do anything about it?

[00:45:30] I ask that you deny the special exception. Thank you. Thank you, sir. Meryl Redman, followed by Marty Potts and Eddie Potts. Good evening. Good evening. My name is Meryl Redman. I'm the daughter of Harry and Rebecca Redman, and I live on the property bordering Three Dog Farm to the west.

[00:45:48] I don't just ask you to deny this application. I urge you. This business does not take into concern the safety of the surrounding community. Shenandoah Road has become less traveled and enjoyed by the residents living there. Conversations about what to do if an escaped dog were to enter our yard, Insistence that I bring my dogs with me outside at all times, even if I'm just trying to work out or play basketball, and reminders to drive slow and be on the watch for increased traffic have become frequent occurrences in my home.

[00:46:17] Those residing in the community surrounding this business have repeatedly expressed concern about the threat toward our safety and quality of life. The only support that this business has received has been from people that do not reside anywhere near it. It goes without saying, a special exception should enhance the surrounding area or at least fit into the community.

[00:46:35] This business does neither of these things, and that is why I urge you to deny this application. Thank you. Thank you. Our last two speakers are Marty Potts and Eddie Potts. Good evening. I'm Marty Potts. Good evening. Three Dog Farm is located directly across from the historic Potts Graveyard.

[00:46:55] The site for the graveyard was chosen by our forefathers, David Potts, in 1746. It was not an arbitrary choice. It was selected for its beauty, providing a perfect resting place for over 175 people from the surrounding community.

[00:47:13] Babies, young mothers, and fathers, including veterans of five wars, rest here. There are, in addition, eight Revolutionary War patriots, John Campbell, Samuel, and Thomas Purcell, of whom Percival was named after, Peter Gideon, Nathan Ezekiel Potts, and John Conard and David Williams.

[00:47:35] In the past 10 years, the sons and daughters of the American Revolution have been coming to the cemetery on an annual basis to have a marking of the grave ceremony. They and ancestors of the interred visit many times a year to reflect and honor the deceased.

[00:47:54] The cemetery is a tangible link to our past. It's an open book for our nation's history, genealogy, anthropology. David Potts, eighth-generation grandson, is its current caretaker. On a personal level, the cemetery provides a link to our past and present while allowing families to pay homage to those that have shaped our history.

[00:48:18] It is a custodian of stories of individuals who have enriched our nation and contributed to our liberties. I urge you all to deny the application. Thank you, ma'am. So we did get more speakers on this, so Mr. Potts, you won't be our last speaker, but you are definitely our next speaker.

[00:48:37] And after you, sir, will be Diane Eldridge, followed by Miranda Graham. Good evening, sir. Good evening. My name is Eddie Potts. I'm the caretaker of the cemetery right across the entrance from Three Dog Farm. Thank you all for hearing us yet again.

[00:48:54] For me, the best part of every day is the early morning. It's really quiet. You can hear the birds sing. The cardinal starts the morning off. He's usually the first bird to sing. And if you listen carefully, you can hear the soft whirring of a hummingbird's wings and the majestic gobble of a wild turkey.

[00:49:15] But then it starts, the barking. Sometimes it's enough to make your coffee taste bad. And actually, sometimes I really look forward to the wailing of sirens as Round Hill rushes to Route 9 to cover another crash.

[00:49:31] At least it drowns out the barking for a little bit. but I wanted to say a few words about Rowan and Meryl. Rowan and her family helped me do the vet work on my cows. Rowan's in charge of getting the vaccines ready. She rehydrates the vaccines, reads the labels, knows the dosages, administers it to the cows when they come through the catch shoot. And this year she was able to identify the vein and draw blood so that I could send it off

[00:50:04] for testing. She really enjoys being a veterinarian, and she wants to do more and learn more about other animals and go down and take care of Doug and Mary Hill's horses. They only live about a mile down the road. She could ride her bicycle down there, but there's a problem because the only way to get there is right by Three Dog Farm, and nobody wants to see her return the way Freddie did. Freddie was my neighbor. I think you've already heard all about this, but he was my neighbor that went jogging one morning, and as he was running by a three-dog farm, the dog jumped the

[00:50:40] fence and took him down, messed him up really bad. God forbid that happened to Rowan. And Merrill, she only lives about 100 yards from a cemetery. I'd really like to have her there to help me. When I can't get down there to mow the grass, she could be my substitute, but it's not going to happen. She's scared. You know, sometimes a bad idea is a bad idea. It doesn't matter how much money you throw at it or how much lipstick you put on it, it's still a bad idea. Other jurisdictions

[00:51:15] have considered this application and said no. I hope you will also return our safe, quiet community to us where the priority is family and children. Thank you, sir. Thank you very much. Diane Eldridge, followed by Miranda Graham, followed by David Stevens. Good evening. Good evening. My name is Diane Eldridge and I'm here to speak on behalf of Three Dog Farm. I'd like to focus my comments on two topics: the services that Three Dog provides to me and my husband and the accommodations and changes that Three Dog has already implemented and further proposes to implement to satisfy the request of

[00:51:55] their neighbors. While this is an application for doggy daycare, the service itself is provided to me and my husband. We're aging citizens of Loudoun County who desperately need a safe place for our dog to exercise and socialize with other dogs. This type of service, a daycare with large spaces where the dogs to run, is in really short supply in western Loudoun County. I routinely travel back and forth to the West Coast to take care of my elderly mother. My husband has had a series of health issues which limits his ability to exercise our dog. Three Dog Farm has been a saving grace for us. I just returned yesterday from another long trip. We took the dog to the farm for three

[00:52:33] different days so that she could get the exercise as she needs. So every client in has their own unique and personal reason for utilizing the services of Three Dog Farm. But to each client, these services are essential to our lives, and they're enhancing the lives of our dogs.

[00:52:50] Secondly, I would like to comment on the changes that Three Dog has implemented in response to a request from their neighbors. Three Dog Farm is restricting their hours of operation from 8 a.m. to 5 p.m., Monday through Friday. That's just 26% of the week. Restricting the doggy day code to these hours, hours when most are either at work or school, preserves the mornings, the evenings, the weekends, so 74% of the week they're not going to be operating their business. They're just operating 26% of the week. Most businesses could not operate with these limited number of hours because it just wouldn't be financially viable, but they're doing that to try to live in harmony with their neighbors. The additional fencing proposed by

[00:53:29] Three Dog Farm, as requested by the neighbors, will further assure that the visiting dogs remain safely within the property boundaries during the day. I love my dog. There's absolutely no way I let him be on the property if I thought he was in danger or if I thought he could escape. Do dogs mock? Sure they do, but like with the noise ordinance that they're trying to put into place, I think some of that will be minimized. Three Dog is requesting the right to care for over 15 dogs a day for five days a week, but that's going to take time. They don't have like 75 clients all of a sudden waiting, you know, that tomorrow they would have a full slate of clients. It takes time to build up a business and as that business continues to grow, they can

[00:54:07] and continue to work with the neighbors to provide additional enhancements as needed to assure that everybody's safety, both the dogs and the neighbors. Ma'am, ma'am, your time is up. Thank you. Miranda Graham, followed by David Stevens, followed by Harley Van Briggles.

[00:54:25] Good evening. Good evening. I do have a whole lot to say, so I hope my six-page email was read by some. But my name is Miranda Graham. I'm a facilities coordinator and manager with Three Dog Farm, LC. I've worked here for over three years.

[00:54:41] I've been assisting Gina with Three Dog Farm in a special exception process for over two years now, and I'm physically present on-site at Hillsborough Farm every day. I have listened to the neighbors' same complaints for over two years and was present at the community meeting that we held with neighbors, which they disclosed that nothing Gina, Three Dog Farm, or any of us did, they would accept this because their property value was going to diminish.

[00:55:04] Research demonstrates that Doggy Day Camp in the neighborhood has perceived as a benefit to the community. There have been unsubstantiated contentions that is noisy or chaotic at the farm. In response to these allegations, we provided video footage throughout the day, multiple times, to the Planning Commission, where they could have witnessed how calm, quiet, and peaceful this is.

[00:55:26] We have cameras that cover the farm and the drive. We know exactly what's going on at times. To address concerns about barking, we move to the insulated, climate-controlled building for drop-off and weight pickup. While engaged in play, these dogs are monitored 100% of the time, and they will be inside two, not one, but two six-foot fences, with two canine caregivers at all times.

[00:55:48] The math may not add up in some people's head, but sometimes there is a thing called rotation. We also do work with dogs, and we do train dogs to not bark on a consistent basis. This is a very

false allegation. The only thing we are trying to do is provide a safe, caring, and protected environment for people to leave their dogs and let them exercise.

[00:56:08] This is from Monday to Friday, 8 a.m. to 5 p.m. Socializing in a safe environment is crucial for dogs and should not be taken away due to false allegations and misrepresentation of information. I would also like to note that within a 12-mile radius of a three-dog farm, there's a multitude of different rescues, daycare, boarding, and training facilities that also have not had any mishaps.

[00:56:32] Gina's Farm is the only farm that is actually secured by fence to contain dogs to prevent animals. The Redmonds have an invisible fence, and other neighbors either have three-board or four-form fence with no wire to contain the dogs. The POTS have cattle that I actually went out and watched for two hours while he decided he'd come actually get his cow back inside the facility.

[00:56:53] The remnants claim that dogs have gotten out and attacked their dogs. This didn't happen within the last three years. The alleged dog that they are talking about was a 14-year-old. Ma'am? I'm sorry, your time is up, ma'am. David Stevens, followed by Harley Hendrick Van Briggles, followed by Matt Favaranti.

[00:57:16] Good evening. Good evening, ma'am. I am David Stevens. I am not a resident of Loudoun County, as it's been pointed out. I am the property manager, however, at Martinsburg. I can speak to that location, as well as the location here at Hillsborough. Again, I have a kennel operation there at Martinsburg.

[00:57:32] Gene has been blessed, or has blessed me to operate that kennel for the last two and a half years. I've been also a trainer at Hillsborough location. I've trained multiple dogs at locations there. I've also witnessed the comings and goings of the vehicle traffic.

[00:57:48] If there's a concern here, it's the vehicle traffic on that narrow road. Not the fact that we have dogs in the community. Dogs and animals, whether it be horses, cows, or pigs, or chickens, do coexist. Again, we've trained multiple dogs at this location, not just to, you know, be a pet, but also to be a companion dog.

[00:58:07] I've trained personally a support dog for Children's Home at Neonkers New York. My passion is with that process. My passion is here in the community, working with dogs that are troubled. Taking those dogs that are troubled dogs, whether it be attacking people or whatever the case may be, and assisting them to find a better means within their own little world.

[00:58:32] I'm being very successful at that. Again, I typically have the troubled dogs at Martinsburg, and I've come down multiple times to assist here in Hillsborough. I ask that you support this motion. Again, there's a lot of arguments and opposing factors to this, but this is needed in this community.

[00:58:49] Like Miranda said, there are other facilities, but there's nothing like this three-dog operation, whether it be here or at Martinsburg. I thank you for your time. I thank you for your patience in this matter. Thank you. Harley Hendrick Van Briggles, followed by Matt Feveronti, followed by Marcy Schaefer.

[00:59:14] Good evening. Good evening. I'm here in support of Three Dog Farm. I am one of their canine caregivers, specifically at our Hillsboro location. For over two years, I've spent my time nurturing and caring for this pack.

[00:59:29] I have witnessed firsthand the dog's gentle nature, their obedience, and their boundless joy in company of humans and fellow canines alike. The outside claims of our pack being, and I quote, loud, chaotic, out of control, and even aggressive, could not be further from the truth. Every dog under our care is under strict verbal control, personally supervised by myself and other experienced handlers at all times.

[00:59:50] Not a single one of them exhibits excessive barking, and even with the play barking, it is kept to a minimum through our oversight each and every dog there is well adjusted friendly both towards people and other animals this is a testament to the care and attention they receive at three dog farm where fostering positive interactions is a priority that we take very seriously furthermore i do want to emphasize that the drop-offs and the pickups are conducted within the confines of our property lines while the dogs are on leash ensuring the safety and security of both our clients and our community in addition our dogs socialize with under the guidance of

[01:00:28] trained professionals avoiding any chance of meeting aggressive or unvaccinated animals that may be present in other places like dog parks. We also provide a less stressful option for our clients and pets compared to local indoor daycare centers as our secure fenced yards allow dogs to roam and play freely indoors and outdoors in a natural environment. In conclusion I urge the board to recognize the invaluable contribution the three dog farm makes to our community. These dogs are beloved by their families and me, and they deserve a safe place to fulfill their exercise

[01:01:02] and enrichment needs. Thank you. Thank you. Matt Fiverranti, followed by Marcy Schaefer, followed by Debbie Spring. Good evening. Good evening. My name is Matthew Firavani. I've been a trainer for over 10 years. I'm a master trainer also for American Man Trailing Police Work Dog Association, so I deal with lots of dogs. I've ran kennels that had over 200 dogs with 100 some acres. It's a lot of work, and we do the best we can with what we have. Speaking of which, of all the concerns that I'm hearing being addressed are being taken care of and are in the works and being

[01:01:42] taken care of. As far as the dangerous dog, that can be any dog, not just specifically a Malinois. With that being said, that dog is also no longer on grounds. Just as the young lady talked about her cow, American Psycho, Mr. Paz wound up getting rid of that cow due to that situation. Is it sad?

[01:02:02] yes, but do we give it a try in order to help animals? Yes, we do. Our facilities are some of the best in the area. It's something that we offer that nobody else has been able to offer. We take all these dogs, we work with these dogs every day, they're monitored 100% of the time.

[01:02:23] They get breaks, they get water, food, everything and everything needed for care of the animal, especially for the other owners to feel at ease. I do understand the addressments of the roads, Also, there's staggered drop-off times, which also helps address with that time, especially for buses and other aspects of that time.

[01:02:42] The FedEx truck runs there more than any other vehicle on that road. As far as narrow roads, well, you know, it's a growing community. It's a growing nation that winds up being brought upon Department of Highways.

[01:03:00] With that being said as well, like I said, it's a great facility. We take our time. We do what's needed. And as far as sound goes, we work with those dogs every day in order to try to work with that. It doesn't happen overnight, but we are well on our way to keeping it a nice, quiet facility the best that we possibly can.

[01:03:20] As far as that goes as well, as another address, another concern, we can also look at adding trees or anything to help block that sound. No different than putting a development in with concerns of surrounding neighbors and adding trees or fence. Thank you.

[01:03:36] Thank you. Marcy Schaefer, followed by Debbie Spring, followed by, I know you are the applicant, and I know your first name is Gina, but I think it's Challenger, but I will let you say it when you come up. Good evening.

[01:03:53] Good evening. My name is Marcy Schaefer, and I'm not a public speaker, so bear with me. I live two houses down from Three Dog Farm on Shandondale Road. I have a 110-pound rescue dog named Abby. She is a canary mastiff. I have to walk past Three Dog Farm to walk Abby onto Edgegrove quite a few times a week.

[01:04:15] I'm against the exception for many reasons, but my primary concern is the safety of Abby and I. The increased traffic and the belief that the Three Dog Farm will comply with any of the recommended fencing and stated business hours. The first Belgian Malinois, I guess Sean's, jumped the fence when Abby and I were walking.

[01:04:35] I was absolutely terrified. Luckily, the owner was in the property, and the dog jumped back and was fine. But it was a scary situation. This past Sunday, I was walking Abby about 6.15 in the morning, and I heard Clover, which is one of the dogs there, bark, and I thought, okay.

[01:04:56] On my way back, which was about 7.20, this is again on Sunday, there were five dogs visible not including the owner's dogs flower and ellie and i'm not sure if she claims any of the others as hers there was a handler in the yard however some of the dogs still charged the fence two brown white black mid-sized dogs a black and white shepherd looking dog and a belgian malinois was in in the area this is on a sunday and based on how early i venture to say they were likely boarded. My neighbor Becky Redman has summed up perfectly exactly the details why not to approve this exemption. Thank you for your time. Thank you,

[01:05:35] ma'am. And our last two speakers, right? The last two speakers. We have one more. Oh, we have one online. Okay. Debbie Spring, followed by Gina Challenger, followed by the speaker online whose name I will get very shortly. Ready, ma'am? Thank you. Hi, I'm Debbie Spring. I'm in favor of approving the application.

[01:05:57] The dogs who go to his farm are family pets. They like sleep in our beds. They are gentle dogs. There is nothing vicious about any of them. I wouldn't mind socializing there if there were. The daycare is absolutely over by five o'clock. We pick up ours up at four o'clock.

[01:06:14] There is no boarding there. If you see dogs on Sunday, they're Gina's. I don't know who they are. They are not Three Dog Farm customers on a Sunday. They're not there if you're walking past the farm at six o'clock at night, those are not customers. She has her own dogs who are allowed to run free, unsupervised, on her own fenced property anytime she wants. My dogs can run in my fenced yard anytime they want. My dogs are not barkish, by the way, but if they saw a bird or something, they might bark for a little bit. The neighbors are bringing up things from like two

[01:06:50] years ago and constantly mentioning a dog that is no longer there. So please keep in mind all the fear that you're hearing is from the past. There's hardly any, the dog, there's only been four dogs a day allowed at the farm for the past, I don't know, as long as I can remember. And I'm kind of offended that

people said the clients are unconcerned about safety on the roads and for children. I'm a retired teacher. I will always be concerned for children. I've dropped the dogs off every Thursday, and I have never passed a bus. I know the roads are narrow. I drive slowly. But

[01:07:29] again, I have never passed a bus, and I would proceed with caution. We are not messing with the cemetery. We don't drive on the cemetery lawn. We don't go over there. We take a right. We drop off our dogs. We take them on a leash. They go into a gated area. Then I leave.

[01:07:49] Gina has 23 acres in Western Loudoun. If that's not enough for a doggy daycare, how much would you need? How far away would people have to be for you to be allowed to have a doggy daycare? Please approve this. Thank you.

[01:08:05] Thank you. And then we have Gina, and you will be followed by the two. I have two people online. Janet, you guys, I have two. I have Brian Taylor and Laura Spiro-Wantour. Is that right? Okay, wonderful.

[01:08:20] We're ready for you, ma'am. Thank you very much. I'm Gina Shekher. I am the owner of Three Dog Farm, which is the applicant. I just want to address a couple of the questions that were posed so that we can get those answered, and then I want to clarify some facts. Three Dog Farm's been in business since 2006 without incident.

[01:08:39] Prior to beginning our operations in Martinsburg, which was in 2016, we held charitable events and other special events for rescue organizations on our farm because we didn't have a kennel license at that time.

[01:08:57] We've been in operation in Martinsburg since 2016 without incident, and we've been asking for this special exception and complying with everything that's been requested of us over the last two years without incident. With respect to the incident that third parties without knowledge that weren't there, that don't know, are talking about this alleged incident with the Belgian Malinois, I'm here to say I was there and I don't know what happened to this person on the road, but what they're saying did not happen because I was there and I can tell you it didn't happen.

[01:09:31] No dog from my, none of my dogs under my possession or control jumped the fence. None of my dogs bit anybody. We were not cited by animal control. There has not been a violation. So this is an incident that was orchestrated during this process and has had nothing to do with me or any dog on my farm.

[01:09:56] We have specifically tried to do whatever we could possibly do to address any concerns. We are now putting up additional six-foot fence around our perimeter so that there can be no issue and no breach. Not that we're required to do so, but we're doing so voluntarily as an additional safety measure.

[01:10:13] So we're trying to do everything that we can to be good neighbors, but the facts of the circumstances are that we've not had an incident, and we'll make sure that that continues in that regard. Thank you so much. - Thank you, and then our two speakers on line, will we please go to those, on the phone, will we please go to those please?

[01:10:32] - Chair Randall, excuse me, Brian Taylor is not on the line, however, Laura Spiratori is. - Can we take her please? - Yes. - Ms. Spiratori, we're ready when you are. members of the board, I'd like to letter and a record. My name is Laura Sparator. I enthusiastically support the application of Three Dog Farm for

a zoning exception to conduct a day camp to a 23-acre Hillsborough farm. I sought a boarding facility for my dog while I cared for my elderly parents.

[01:11:08] They're worried about my hyper young dog and how she would be. I was surprised to arrive at Three Dog Farm in Martinsburg and find multiple yards with dogs separated into each with one to two care staff, obstacles, and toys to keep them active. This was clearly not a kennel situation where the dogs are left to bark incessantly all day. At home in Pennsylvania, I live next door to a breeder who typically has up to 11 dogs. I also live a half a mile from a gun range and a BMX

[01:11:41] racetrack. I can say that I almost never hear the dogs except the UPS driver. To speak to the opinions expressed by those who neighbors this large property, I think if neighbors started off by being kind and neighborly and finding solutions instead of fostering negativity, it would go a long way toward relationships of mutual respect.

[01:12:03] In my case, we worked to have those at the BMX racetracks install low-noise mufflers and the government worked to have silent hours. We found solutions. Perhaps along Edgegrove Road, Three Dog Farm could plant a tree line. Most of the issues discussed had solutions. I can attest that Three Dog Collies at Martinsburg are clean, the yards are well-maintained, the staff are well-trained and engage with the care of the animals.

[01:12:27] A large development was approved at the last meeting, and surely many of those new homeowners will see a benefit to having local dog care. What a boon for the county. I know I could not handle the travel I have to do without their team. I hope you will approve the application for special relief.

[01:12:43] I would not take issue if this farm was placed near my rural West Virginia property. Approve this for me and for all responsible pet owners who depend on quality animal care service. I thank you for your time. - And thank you, and that is our last speaker.

[01:12:59] Mr. Kirshner, this motion, this item is in your district. Would you like to make a motion? - Thank you, Madam Chair. - Actually, I'm sorry, is it? Yeah, no, it's in your district. Would you like to make a motion? - Yeah, thank you. I move that the Board of Supervisors deny LEGY 20230044 Three Dog Farms, specs 2022-0039 based on the following findings.

[01:13:27] The proposal does not contain dogs in a manner that adequately ensures public safety and welfare along adjacent public right-of-ways and to the proposed number of dogs to be cared for and the hours of operation are a scale and duration that is incompatible with the character of the surrounding agricultural residential community.

[01:13:43] Second. Discussion on the motion, Mr. Kirshner. Thank you, Madam Chair. This is really hard for me because I really, as a general rule, and I think my board members here can attest to that, that I really want to encourage small business in Western Loudoun, But there's a reason that this comes to us as a special exception, because it really does, when you have this kind of intensity of a use, requires a review by this particular, by this board or any board.

[01:14:06] And really, it is the intensity of the use that is why I put forward this motion. I want to kind of talk about three things in large part. First of all, the traffic on the road, I think, is definitely an issue, although I think the least of the three issues that I want to talk about. You have 15 trips going in, 15 trips going out, potentially perhaps more if you include also the employees and whatnot.

[01:14:28] This is a small, bucolic, rural kind of road. It's dirt. I went out there and I visited. I really want to, first of all, thank the community. My staff met with the applicant. I walked around and drove around the surrounding area, wanted to get a real feel for what was going on here. So, you know, I just think that, quite frankly, the additional traffic that this special exception would bring is somewhat problematic, given the nature of the area.

[01:14:55] It doesn't sound like a lot, but if you drove out there and you saw it, it would definitely be an issue. I think the second thing, and probably the most critical thing for me in my decision-making here, is the large number of dogs that this is going to allow this applicant to bring in.

[01:15:10] It is, um, this is an agrarian area. It, um, is not really compatible with, I mean, dogs, this number of dogs is not compatible with livestock, chickens, sheep, cattle, the surrounding areas. And you say, well, they're going to be kept in, but there's no guarantee you're ever going to keep any of these dogs. And it's always going to happen. Something's going to get out. I have raised livestock my whole entire life. And I have seen a little cocker spaniel kill a whole herd of sheep. You say, well, how's that happen? They just chase them to death. Seen it happen on a number of occasions. And so when you have this kind of number of dogs and this intensity, it is just not a compatible place when you have surrounding livestock, people who have chickens.

[01:15:49] That's really what Western Loudoun is largely about. Now, we do have the special exception. There may be places in the Western Loudoun that is appropriate, but this is just not one of those. And then I think the third is really the potential noise that this brings. I'll give you a brief example.

[01:16:08] I live next to a farm in Western Loudoun, and they had one dog. Now, it was a sheep dog. It lived with the sheep. It is certainly consistent with what's going on. But that dog would bark all night long. And I will tell you, you know, I wasn't always happy with that.

[01:16:25] I can only imagine you have three or four or five dogs out there in the morning, as Mr. Potts mentioned, and potentially the noise that it brings. Again, not compatible with the way this area is really made up. And like I said, there's a reason we have this special exception, and I really appreciate the applicant coming forward.

[01:16:42] I am sorry I cannot support it because, quite frankly, I want to encourage this small business. I just cannot get there after visiting the area and looking at this. Thank you, Madam Chair. Mr. Kirsten, when you do your closing, don't forget you had a question that you wanted to ask. If you wanted me to ask it, we'll ask.

[01:16:58] Okay. All right. Ms. Umstead. Thank you, Madam Chair. Although I recognize the need for more safe places for dogs to spend the day, I unfortunately will have to oppose this.

[01:17:20] A six-foot fence is not adequate to contain a Malinois, which can jump 16 feet. A six-foot fence is not adequate to contain a Doberman, which could jump that fence.

[01:17:39] German Shepherds can jump 10 feet. We would need a much, much higher fence to fully contain some of the dogs. And I love Malinois. They are amazing athletes.

[01:17:58] But I just think that combined with the fact that there is no noise mitigation outdoors where the dogs will be frequently only indoors is just it's going to be too much of a burden on the community so I will be voting no Mr. Saints thank you Madam Chair a question for staff out of curiosity if this is voted down

does the applicant have to shut down their business altogether a kennel is defined as five or more dogs at which for a fee they're boarded trained

[01:18:35] or otherwise handled on the site that would not be permitted on site so so answer the question so they do or they do not they can still operate under with five or under or four under correct they can operate we go all right thank you Ms. Brooksman thank you madam chair if I might ask staff a question the Planning Commission voted against this but they they wanted certain things to happen such as a 400 foot would be permitted on site to be 400 feet from

[01:19:14] the northern property boundary line outside of a major floodplain limits added fencing on exterior, a proposed kennel operation, and then a hundred foot tree conservation area surrounding the property. Has the applicant agreed to those concerns from the planning commission? The applicant has agreed to limit the special exception limits to the distance from the rear property line identified. They also committed to a perimeter fence surrounding the special exception use. But not to the tree conservation area surrounding? Generally that's

[01:19:49] determined at the time of site plan and not part of the oh okay okay but those were the concerns from planning commission and basically the applicant agreed to address them is my understanding correct okay so the planning commission had those been in there may have voted to recommend approval and staff supports the application correct correct okay yeah this is this is a really tough one for me because as one of the speakers said if it's 23 or 24 acres what if that's not

[01:20:23] big enough for someone to have this type of operation what what is big enough and who has the you know capacity to run an operation like this which is serving a number of customers and a specs means that it is a permitted use you just have to come through with legislative action on it so it's not as if it's not considered in the general plan correct correct okay yeah this is a tough one for me as well because i i um i really do want um us to be supporting rural

[01:20:59] businesses thank you so this is not that tough for me to be honest because one i associate myself everything mr kirschner said but two when we're up here we do not have to suspend our common sense and my common sense tells me that a whole community is not going to come together for multiple years to say that they don't want to have a business in their area unless they felt that that business was a threat to them in some way. There is no reason for people who live in

[01:21:33] the rural west, who love animals, who have dogs themselves to come as a community and say we feel threatened and then have examples of why they feel threatened and for someone to say to me well it happened two years ago well listen if the effects of what happened two years ago are still impacting my family then something has to change so that my family can feel safe again in your in their own homes so denying this application is not hard for me this is easy this is this is this is one of the easiest places i've ever seen in my life to be honest i've been up here people do not feel safe

[01:22:11] on their own in their own homes don't want to go to the mailbox they don't want to walk down the fence line, they don't feel safe. And hearing those texts was really helpful because those texts were not neighbors that were antagonistic. They were saying, hey neighbor, this dog is out again.

[01:22:34] So when the neighbors came last time, what they said was they tried. They tried talking. They tried having the discussions. They tried having the neighbor meetings. They tried. The first thing they did wasn't to come here. They did everything else first. This is the last stop, not the first stop. And I don't

imagine it's what they wanted to see happen. Whenever I have an issue where I do have a hard time, and this is not one of those, but if I ever have an issue where I do have a hard

[01:23:06] time, I always go to one place. What is the safety issue? This for the neighbors is a safety issue. And I don't believe it's just a perceived safety issue. I believe it's a safety issue. And somebody not wanting to go outside on their own property, that's an issue for me.

[01:23:26] That's an issue for me. So yes, I want to support rural businesses, but I want to support the people who live in the West as well. And so I'm going to deny this application, and it's actually not a hard call for me. And I'm going to associate myself with everything Mr. Kirshner said.

[01:23:42] Would you like to have a closing, Mr. Kirshner? No, Madam Chair. We have a long night. We do. All right. Mr. Kirsten, make the motions. I second it. The motion is for denial. So when you vote, you're going to vote in favor of denial. All in favor say aye. Aye. Opposed? That motion will pass. That motion will pass 7-1-1 with Mr. Sainz voting no and Ms. Rixman abstaining on the motion. Thank you very much.

[01:24:12] Okay. Can you guys, can the staff bring me all the, everything for all the speakers on this item right now, so I know what we're doing?

[01:24:28] I might have a better idea. Okay. That's all the, that's all the remote, except for the ones we have here, and then these two, and these two. Okay. All right. Thank you. Sounds good.

[01:25:05] Well, good evening. Good evening. How are you? Good. Thank you. So let me ask the same question. How much has changed since our last meeting on this item? So there has been a small update to the draft text, and that was due to the motion that was made at the April 10th public hearing with regard to the administrative reduction, and that was to clarify the administrative reduction with regard to the percentage.

[01:25:37] And so that's been the update since the last public hearing. Mr. Glenda, do you think that there is benefit in doing the presentation in the package, knowing that some of the charts and tables change based on Class A, Class I, Class II, that type of thing?

[01:26:06] So our presentation is oriented towards the amendment that's in the packet, not to any of the conversations that we've had about motions and different things. Not to any of the motions on the table, okay. There's no information related to that that's in the presentation. So then that hasn't changed. Okay. So I don't know that I believe that the presentation would be helpful given that information, but if somebody would like to see it, I will always do that. Okay. Having said that, does anyone have questions for staff on this item? Mr. Kirshner.

[01:26:38] Thank you, Madam Chair. A couple questions for staff. One of the things as I dug back through the Planning Commission report that was brought forward during the Planning Commission and a question I think it was asked and answered by staff at that time was, will these cluster lots, when this Prime Ag Soil Initiative is put into place, is there any guarantee that the HOAs will allow for farming within the HOA itself?

[01:27:09] And my recollection, and correct me if I'm wrong, is we could not have any guarantee. Is that correct? So, in other words, we're going through a process here to preserve primate soils within a cluster division. And do we know how many HOAs in the West right now in cluster divisions allow or don't allow agricultural use?

[01:27:31] And can we do anything about it? As far as your last question there about the number of HOAs and whether they permit those types of activities, I cannot answer that. I don't have that information. You are correct in the conversation regarding the HOAs in that we as the county cannot regulate or force the HOA to regulate a certain way. So I think that was made clear in previous conversations. Can you say the last part? That the county cannot

[01:28:03] enforce or make HOAs enforce a certain way. So but we have no idea what HOAs allow right now don't allow is that correct that is correct all right well it's my understanding from the realtors association that most of HOA documents basically prohibit certain agricultural use simply because of the liabilities that are there so um obviously that's something that is an ongoing concern for me so we we can't make any guarantee that any of this land that we're working to try to preserve within a within a development will ever ever be actually farmed is that correct we cannot make

[01:28:38] that guarantee. We just, you know, this amendment is to have that possibility. We can't make that guarantee. So we don't know if it'll be allowed and we can't guarantee it'll be farmed. Is that fair? It's fair, yes. Okay. Any other questions? Mr. Crony. Thank you, Chair Randall. So I have a question about the table that's in the item on the non-contiguous and contiguous prime.

[01:29:10] What page are you on? Farmland soils. Well, I printed out. That's okay. That's okay. Don't once. It looks like the numbers have changed, so I'm just wondering if you can explain. I got an updated table, so I'm just wondering if you can explain the difference in the numbers from the table in the item and the updated table. So the numbers that are in the table in the item are based on information that was correct as of January of this year. Whenever we went to try to evaluate some of the concepts that were in alternative motions that the board

[01:29:50] was seeking the information that the county uses was updated so essentially we could not create an apples-to-apples comparison with the exact numbers in the item with what we have access to now so in the in the table that was shared as part of some of the board communications about alternate motions the changes are the cause of what would happen if we removed three of the soils from the prime soils definition from any from any properties and parcels that had easements placed on them in the time since

[01:30:26] we last ran the data would no longer show here because they have been removed and were removed previously as well as well as at least the potential for any subdivisions or boundary line adjustments of lot changes to remove or even potentially add some lots in and out of these different categories. So those are the three main things that would be driving any differences between the table and the item and the information that was provided more recently. Okay, yeah, and just so you know, Chair Randall, this is in your motion packet, with your motion. So the new chart shows that we could potentially lose 14, 50 acres of prime ag soils going from

[01:31:05] five non-contiguous to ten non-contiguous. Am I correct? Like, that's the new data. I'm sorry, could you say the number again? 1,450 acres. Approximately, yes. Okay, thank you. Mr. Turner?

[01:31:25] Thank you, Madam Chair. Mr. Stolz, I'd like to just kind of review for everyone's edification and discussion that we had on the phone briefly today. And it deals with a change of the word from may to must in the savings clause. As I understand, and correct me if I'm wrong, as I understand it, an applicant will come to you who wants to, for whatever reason, either develop or put the land in conservation easement.

[01:31:50] You make an assessment of what they say they could develop on the land. You are going to make that assessment. Your team is going to make that assessment, whether it says may or must, correct? Correct. You're going to go through the process to evaluate each individual case, whether or not those parcels are reasonable, and you're going to make a determination, and if the applicant's not happy with your determination, then they'll go to the Board of Zoning Appeals for an appeal.

[01:32:16] That is correct. Okay. Is it fair to characterize this, and I might open this up to Mr. Rogers if you're interested in answering this. My goal in this from the very outset has been protect prime ag soils, but don't hurt the conservation easement program.

[01:32:33] And the corollary to that is you don't hurt the conservation easement program by, if possible, in every case, preserving the value of the land. The saving clause, in my judgment, basically guarantees 30% of the developable land will be available to be developed.

[01:32:48] So by definition, the may or the must is sort of irrelevant from a functioning standpoint, but I think it might be relevant in terms of the IRS determination of the value of the land. I think because it says must, then you need to evaluate this process to verify the value of the land.

[01:33:08] That's why I did it. Is that all, is that correct, what I just said? Yes, I think that's accurate. Okay, that's all I wanted. Thank you very much. Mr. Letourneau? Thank you. So as it relates to the appraisal process on conservation easements, let me try to ask this in a way that makes sense.

[01:33:31] Is there a difference between properties that are under conservation for farming, for agricultural purposes, versus those that are simply open space easements? From a valuation standpoint?

[01:33:47] From every standpoint. I mean, the terms of each easement. Is that a thing? Is that a differential that we make? So the terms of every easement are unique, although they are, depending on who's holding the easement, relatively consistent for each holder of those easements. Typically, there's a template you're working from.

[01:34:03] So an individual easement may place limitations on the type of farming, potentially, depending on certain characteristics, or could be broadly open. In many cases, easements that are for open space are not purely, do not completely prohibit all uses.

[01:34:22] There are usually still some limited number of uses that could take place, and oftentimes agriculture is allowed in that. But again, it depends case by case. Okay. On the savings clause, at this point, I'm gathering that staff is satisfied that, at least as presented, there wouldn't be a potential lot yield lost.

[01:34:46] So, yes. The one thing that we should probably clarify compared to what Mr. Turner said was that the goal here has been there are numerous things that can limit that lot yield. Floodplain overlay district, downside, et cetera, et cetera.

[01:35:04] If a property would lose density, it would lose lots for any of those reasons, this administrative reduction would not apply. It's just looking at if this is the thing that pushes that over the edge to make that would otherwise cause a reduction, this allows us to pull it back and maintain it for the property owner.

[01:35:22] Okay, thank you. Ms. Bricksman. Thank you, Madam Chair. So I initially was a little bit concerned by the change of the definition of Primag to use the USDA Prime Ag 1 and 2.

[01:35:39] I was worried that we were going to lose a lot by using that definition rather than the one we've been working with. But it looks to me from the charts that it's really only, it's about 1,000 acres less by

using the USDA definition. Is that assessment correct? Yes.

[01:35:56] The difference in the chart is not purely because of the soils, but yes, it's encapsulated in that. Okay, okay, great. And then the other thing I had a question on was on the five, non-contiguous versus the 10 non-contiguous i'm pretty sure we're going to have a discussion about that but um just confirming the total parcels if we were to use five the trigger of five non-contiguous would be 685. if we were to use the 10 non-contiguous it would be 495. 491. 91 sorry 491 so so to me that's a little bit more significant than the change in the definition of

[01:36:35] prime ag the the number of of lots that could be preserved so the change in the definition is part of what makes that split because it's this that table is taking all of these potential motions and calculating yeah yeah but yes the the only caveat which we mentioned in april is that this is looking at existing parcels existing sizes it would this does not take into account the potential for neighboring parcels to be joined that could trigger this as well because we just don't know those will happen in the future. Okay. All right. Okay. Thank you. So I've been a little concerned

[01:37:12] with some of the emails that I have received that have said things like, you're about to take 70% of my farm or 70% of my soil. And I've gotten those quite a bit. And I just want to help you to help me clarify that the 70% that we are talking about would apply to, at this moment, based on the motions that I plan on making, not all soil, but primax soil classes one and two, for the most part, that are identified by the U.S. Department of Agriculture. Is that correct?

[01:37:50] Yes. So if a parcel of land has 100 acres, and on that 100 acres, only 20 of those acres were primax soil, literally primax soil it would be 70 percent of those 20 acres is that correct correct and the 30 percent of those 20 acres would be saved and none of the other so this didn't even apply to all the rest of the of the say of their property correct correct so when people are saying you're going to take 70 percent of my property or my soil that is just a misreading of what's happening here correct

[01:38:25] yes okay i have received those emails and i was and and i you know listen we've been doing this for a long time, so I definitely understand there's been a lot of stuff that's gone back and forth, so I definitely understand that confusion, but I did want to put that out because that's such a very big difference, and so without any other questions being asked, I will go to public comments. To the public, we have a lot of people speaking today, and thank you all for coming. You can all speak if you want to. You've signed up, you're certainly allowed to you don't have to if you don't want to if somebody else has said what

[01:39:05] what you would have said when you stand up you can associate associate associate yourself with someone's comments if you want to or not or speak if you want to either any of it is fine um to remind you we do not allow cheering or jeering either way because of the board rules don't allow that just because we want to keep the room in order i will call your name three names in advance when your name is called please come to the podium closest to you um give your name and if you'd like to where you live and um here we go all right the first name is chris van flag i'm sorry i'm sorry oh i'm sorry that's right we do have one other i'm sorry we do have one elected official who

[01:39:44] is here um usma rasheed is our elected official i'm going to have her come first by practice i i do this with all elected officials on all issues she will be followed by chris van flag followed by robert wilbur followed by linda colbert come up come for it ma'am good evening good evening Chair Randall, Supervisors, I appreciate you to give the time to speak.

[01:40:09] And while the sun is still up. So as you mentioned, my name is Ozma Rashid. I am one of the directors of the Loudoun Soil and Water Conservation Board. And I'm here to ask that you pass the PRIMAX Soils, as I am.

[01:40:25] This has been a long process, four years. I think that we've been working on these changes to allow the zoning audience to help preserve the prime soils for when residential clusters are built in West Loudoun to help protect our future agricultural opportunities. I didn't want to take too much of the time because we have so many more intelligent people that are gonna speak after me that know a lot about this.

[01:40:48] I've been learning a lot from the staff and as the staff has explained, this is one of the things that I would highly recommend that I urge the board to approve, thank you. - Thank you, every speech should be that length. All right, Chris Van Black, followed by Robert Wilbur, Followed by Linda Colbert.

[01:41:10] Thank you. Good evening. After four years of compromises, concessions, and hard work from farmers, conservationists, and community members, it's time to pass the Prime Ag Soil Zoam. Tonight, you'll hear from working farmers, producer members of Farm Bureau, board members and staff from the Soil and Water Conservation District, Piedmont Environmental Council, Safero Loudon, Loudon Equine Alliance, and others who care about the environment and the continuation of our amazing agricultural economy.

[01:41:38] Prior to tonight, groups like Friends of the Blue Ridge, Loudon Wildlife Conservancy, Hillsborough Preservation Foundation, Loudon Wine Growers, and your chosen representatives on the Loudon Rural Economic Development Council have also written you urging passage of this ZOAM. Our friends to the East, the Loudon Invasive Removal Alliance, representing dozens of HOAs with over 200,000 residents, wrote and their chair Mike Littman spoke at 2 a.m. to you in April urging passage of this ZOAM because they value the protection of our critical natural resources and continued access to some great local food that you might see later. Notably, the Land Trust of Virginia, based in

[01:42:16] Middleburg, which runs the largest non-profit conservation easement program in the Commonwealth, is also written to urge passage of this ZOAM. So if protecting easements is a concern, that should hopefully put your mind at ease. That's quite a collection of folks that are all asking you to do the same thing. Specific to tonight's motions, I would ask that you keep the trigger for protection of prime ag soils at five acres of non-contiguous prime ag soil on an originating parcel. Increasing that acreage to 10 acres would reduce the amount of prime soils protected by over 1,000 acres. I would also ask that any process for a safety or savings clause

[01:42:51] have a clear, well-defined administrative process that garners input and review of subject matter experts within the county government before any waiver is granted. Farming is hard enough. My experience standing in the pouring rain Monday evening with a broken baler and a field full of hay getting soaked attests to that.

[01:43:10] Let's make sure we don't make it harder than it needs to be. Let's protect our prime soils and give Loudon's current and future farmers the best chance at success. After four long years, let's pass the Prime Ag Soils OAM. Thank you, guys.

[01:43:26] Thank you. Thank you very much. Robert Wilber, followed by Linda Colbert, followed by Donald Middleton. Good evening. Good evening. I'm a conservation specialist at the Loudoun Soil and

Water Conservation District, and I would like to concur with Chris Van Vlack to encourage you tonight to take action on the important issue that is the preservation of prime agricultural soils.

[01:43:49] I would encourage you to pass the ZOAM tonight with a focus on the three kind of major areas that have been talked about already. Firstly, I'd like to address the first two, which is the 70% preservation and the five acres of non-contiguous prime agricultural soils. As addressed previously, the losses by increasing this quantity from 5 to 10 acres is significant, and it's the reason why we need to keep it at 5.

[01:44:14] Doing this would allow more potential locations for high productivity agriculture for future generations. Additionally, I'd like to bring the third issue, which is the potential for the savings clause. We all agree that it is important to have recourse to not lose the property values, And I'd also like to concur with Chris's assessment to use subject matter experts throughout the county's departments and other associates in order to help determine when the savings clause is appropriate.

[01:44:43] This can help. I'd also like to advise. Actually, I already said that. In conclusion, to keep it brief, I support the Prime Ag Soils OM and its passing, especially with the preservation ideals already stated.

[01:45:00] I'd also like to quote the Comprehensive Plan, how it delves into these soils and how they're important natural resources to support the rural economy and its overall economic health. It states, quote, once this land resource is lost, however, it cannot be reclaimed.

[01:45:16] And so that is why I'm urging you all to pass the Prime Ag Soils OAM to preserve high-quality agriculture and fresh local food for generations to come. Thank you. Thank you, sir. Linda Colbert, followed by Donald Middleton, followed by Dennis Virts.

[01:45:35] Good evening. My name is Linda Colbert, and I'm here on behalf of the Dulles Area Association of Realtors. The Government Affairs Committee of DAR opposes the prime soil zoning change due to the impact to have on the value of the farmland.

[01:45:51] Many local landowners have farmed these properties for generations. We're speaking out to protect from devaluing their investment. We have determined that these changes will present a decrease in number, and more importantly, the quality of the lots while increasing the engineering costs.

[01:46:09] Homeowners' association and existing cluster communities do not usually allow for farming due to the liability. Prime soil should be a voluntary program similar to conservation easements with a clear benefit in putting property in this program.

[01:46:24] It should not be a zoning ordinance requirement forced on property owners. We strongly urge you to vote against the prime soil zoning change. The risk and cost to property owners greatly outweighs the questionable benefits. And I got an email yesterday from an agent who reached out to her board of supervisors and got a response back saying that Dar was giving wrong information.

[01:46:50] So she went ahead and was doing her own research and sent me an email saying, I printed a 188-page document on this matter. I just don't understand how Loudon can add 188 pages of requirements to an owner and say they are not limiting the property owner's use by doing so.

[01:47:09] I thought it was a good question. Thank you for hearing me. Thank you, Ms. Colbert. Donald Middleton, followed by Dennis Virts, followed by Sarah Brown. Good evening, sir. Good evening, Chair Randall, member of the board. My name is Brooke Middleton. I'm a certified public accountant.

[01:47:26] My specialty is assisting landowners with conservation easements. Loudoun Board of Supervisors should and can pass any ordinance they choose to protect Western Loudoun, but it should be based on correct information. This ordinance is based on a false narrative. And what is that false narrative? That tens of thousands of acres of land has been lost in Western Loudoun. I'm a curious person by nature, so I looked at the data. I contacted the Commissioner of Revenue, and I asked them how many acres of farmland have been taken

[01:48:03] out since 2015 in ar1 and they gave me the very detailed information in 2015 it was 89 438 acres and at the end of 2023 it was 88 215 acres that is very accurate data why because every landowner has to file a report saying what they're doing what the acreage is their tax return and then the county verifies it that showed a 1200 acre loss in ar1 over that period the county staff

[01:48:35] report dated november 14 2022 also says 1120 acres have been removed of prime soils so so the reality is one percent of the land in western loudon county has been removed from farming during that time more than 20 times that amount of land has been permanently protected so if you pass this ordinance what you're doing is uprooting a very successful program that has preserved tens of thousands of acres and replacing it with a vague complicated ordinance respectfully

[01:49:12] to the board and staff the savings clause is incredibly confusing i'm not sure anyone knows what it means and i don't know anyone who wants to risk their life savings by sending something into the IRS based on this and have it disallowed and have their tax credits disallowed and have the federal tax deduction the program's working very well please don't pass this thank you very much thank you sir uh dennis first followed by sarah brown followed by avis rinshaw good evening good

[01:49:50] Good evening, Madam Chair and fellow Board of Supervisors members. My name is Dennis Furtz. I'm here to speak to you tonight because I need a big favor. I need you to keep an open mind and allow me a chance to persuade you just a little bit.

[01:50:06] Yes, I'm a farmer. I own lots and lots of land, way too much land, especially in this day and age. But I'm not here to speak to you tonight about my personal losses as a result of this initiative. I have been given the distinct honor to represent the Albright family in the sale of their late mother, Madam Secretary of State, Madam Madeleine Albright.

[01:50:35] I, upon getting this listing, I prayed that I would find a conservation buyer for this property. I have worked this listing hard for six months, and about 60 days ago, two offers came in.

[01:50:51] One from a well-known developer who was willing to pay a very attractive price. And about the same time, I got lucky and I found a conservation buyer for this farm. But their offer was significantly less. The Albright sisters agreed to take the conservation buyer.

[01:51:13] I currently have the farm under contract. The gentleman who's buying it has evidently emailed you. He told me he has. But he's also told me that based upon what happens tonight, while he's in his study period, will affect whether or not he goes through with the purchase of this, because he's been doing his own preliminary studies, and he's found that this will result in a significant loss of conservation value, which he desperately needs to make this deal work.

[01:51:42] And I've got a developer sitting in the wings waiting to come in when he backs out. I need you to keep an open mind. We all want to save soils. We all want to save farms. I'll tell you what, you can walk out on any farm and you can't tell the difference between prime soils and any other soils.

[01:52:03] All of my soils on my farms are good to me. The cattle are not in prime soils right now eating their grass. They're down in the meadow where the grass is growing. All soils are prime to me. And if you vote no, I can conserve 362 acres and the Albright farm, this historic, fabulous 362-acre farm, will be preserved.

[01:52:27] Thank you, sir. Thank you very much. Thank you very much. Sarah Brown, followed by Avis Renfau, followed by Sage Devlin. Good evening. Good evening, Chair and Board. My name is Sarah Brown. I am a ninth-generation Loudoner.

[01:52:43] I have a beef cattle farm south of Leesburg near Lincoln and also run a small B&B. I've been involved in the rural economy for quite some time. One of the best examples of community engagement that we've seen in Loudoun County was the 2019 Comprehensive Plan process.

[01:52:59] many members of our community, both new and longstanding, came together, gave input on the future of our county. From this input, with modern planning practices, we eventually arrived at a strong general plan with the guidance for this issue. I'll read from Chapter 2, page 92, a vision statement for the RPA. The Rural Policy Area RPA is an enduring rural landscape that is characterized by a unique composite of natural and man-made environments, rural economy uses, working agricultural lands, open space, and a limited residential base. Last time we came before you, we detailed the ineffective nature of the current ordinance and how woefully inefficient it is at

[01:53:37] preserving working ag lands, how it fails to create and protect lots capable of supporting the desired rural economic uses, and how it invariably aims to maximize the residential base at a steep cost to all other concerns. This directly contradicts our common goals, and the ordinances proposed by staff moves to correct that contradiction.

[01:53:59] We are concerned, however, about the last-minute amendments proposed tonight. The item is currently proposed by staff with five non-contiguous acres triggering the ordinance, and a change now to ten non-contiguous acres amounts to the loss of our ability to save farms from 168 potential originating tracts.

[01:54:17] We know the product we get from today's ordinance in reviewing the eight cluster subdivisions awaiting approval in Landmark. We can see for ourselves it's not improving. The ordinance as staff has proposed gets us on track with the vision of Western Loudon and all we've worked for in the comprehensive plan.

[01:54:33] We ask you to support this ZOAM and pass it tonight as staff has proposed with a trigger of five non-contiguous acres preserving at least 70% prime soils and uphold rather than undermine those ideals we all set out for our county.

[01:54:49] Thank you very much for all of your hard work on this issue. Thank you, Ms. Brown. Avis Renshaw, followed by Sage Devlin, followed by Kimberly Fry. Good evening. Good evening, board. I'm Avis Renshaw of Lost Corner Farm in the Catoctin area. It's been a long four years of working on this prime soils zoam to get to tonight, and I hope you will all vote yes to Loudoun's brighter future by preserving at least 70% of her rare and socially beneficial prime soils.

[01:55:16] From Loudoun's general plan to the national and global imperative for reliable local food production, the need to preserve prime soils is clear. They are an undeniable asset to the future of

Loudners. This OM is a good piece of legislation that manages to thread the needle of unmet and future ag land needs while retaining commercial enterprise.

[01:55:38] Yes, the farming community, we all want more, if not all prime soils saved. Yes, you're hearing from certain conservation easement applicants and developers who want no restrictions on its use. Yes, the savings clause is dicey. Its use must be spare and only when necessary, But it can work.

[01:55:57] After four years in the making, it's as balanced as it's probably going to be. And there is an entire Western Zord yet to be tackled. Your vote tonight to preserve prime soils sends the message that Loudoun, one of the wealthiest counties in the country, has its head screwed on right.

[01:56:15] That it takes global warming and environmental uncertainty seriously enough to begin safeguarding its highest and most productive lands to ensure that the people's basic future food needs can be addressed locally. Those claiming conservation intent yet balking at the requirement to save the best of the world's best soils clearly have their own ROI confused with the HBU of society.

[01:56:41] But make no mistake, this amendment takes care of both easement placers and developers. It allows them to access their maximum number of lots for either tax credits or development profit while still protecting some prime soils. This is a win-win-win.

[01:56:58] It's a win for agriculture, a win for business, and a win for you. The hardest part of this bill will come in the judicial use of the safety clause. Everyone will need to do their part to honor the intent of this amendment, and it's truly a small price to pay for a better future.

[01:57:14] Please vote to pass this amendment. Thank you very much. Thank you, Ms. Rinshaw. Sage Devlin, followed by Kimberly Fry, followed by Christopher Hatch. Good evening. Hi, I'm Sage Devlin, and I grow cut flowers at Far Bungalow Farm, which is right down the road in Lockett's.

[01:57:35] Over the past four years working on this ordinance, the farmers of Loudoun have made many compromises. The proposed ordinance in front of you tonight is very different from our original ideal vision. We began with an ask of 80 to 85 percent of prime soils to be preserved when development happens.

[01:57:51] we accepted the staff assessment that 70% was readily achievable, given 70% open space requirement, which is moving forward with the new ordinance, and we agreed it was a workable compromise. During the board established work sessions last year, we agreed to reduce the numbers of houses per cluster from 25 to 5, reduce the distance between clusters within a development and the required setbacks for those houses from roadways. We further agreed to the opposition's request to allow cluster lot sizes to increase from two to four acres maximum, and for clustered lots to be non-contiguous with one another overall. We agreed to many non-farming uses on rural economy

[01:58:29] lots, despite staff advising the opposite, and most notably, we agreed to allow septic fields to continue to be sited on open space parcels away from the houses they serve. All of these compromises and many more were agreed on in good faith to reach the goal of 70 percent over a year ago. And in careful review of 12 hours of recordings, we are unable to find a single issue the opposing side compromised on. And I'm not exaggerating or overstating, there is simply not one point they have budged on towards the middle ground, despite all of the ground that we have given. In this 11th hour amendment to change the ordinance from a trigger of five

[01:59:09] non-contiguous acres to the 10 non-contiguous is not a middle ground. The middle ground between a side which never gave an inch to a side that compromised in good faith from the beginning is no longer a middle it is just further concession by the only group that is compromised at all we ask that you support the passage of this updated ordinance tonight as staff has drafted it and as compromises were made long ago and then this item is ready so let's pass it thank you thank you Kimberly Fry followed by Christopher Hatch followed by Tia Ehrman

[01:59:41] hello my name is Kimberly Fry I am here speaking to you this evening as a follow-up to the email that I sent to the board several weeks ago after the last public hearing on prime soils.

[02:00:02] I appreciate those of you on the board who stayed to listen to all of us at two in the morning. It was a haul, but we appreciate that time. I would like to reiterate that I do come from a real estate background, and I currently work in the insurance industry, which is focused on real estate development. So it seems ironic that I would be here to talk about prime soils and in favor of those. However, I was personally harmed by the existing rules surrounding cluster developments and the rural economy lots. It took me over five years to be able to buy my farm because every rural

[02:00:37] economy lot that I looked at was rocky and uneven terrain and not suitable for farming. To put it in layman's terms, you can build a house on rocky ground. You cannot plant crops. You cannot raise livestock. You cannot grow grapes on that kind of ground. Once these prime soils are developed, these natural resources will be lost forever. This seems like fairly simple science. The preservation of prime soils and updating the cluster zoning is not a downzoning, but really it's a reallocation of lots to strategically place the total number of developed lots in a way to preserve the prime ag soils. I have struggled with the fact that one member of

[02:01:16] this esteemed body has intentionally been spreading misinformation regarding downzoning, which has created a lot of unnecessary fear-mongering among our residents at recent public events and turning people away from saving prime soils. I would like to ask the board to reflect on the fact that if you vote no tonight, you are voting directly against Loudoun County's comprehensive plan, Loudoun's rural economy, Loudoun's rural businesses that most supervisors spoke on the last item that they really want to support, and Loudoun's farms in general. You know, this basket is a perfect representation of the rural businesses that will be lost or potentially lost with voting

[02:01:54] know tonight. This is the board's last chance to preserve one of Loudoun's strongest and most productive natural resources for us to leave to our next generation. In closing, I ask each of you to support the original prime soils motion at the five non-contiguous acres so that we may be able to feed and clothe our families in the future. Thank you. Thank you. Christopher Hatch followed by Tia Ehrman followed by Emily Houston. Mr. Hatch, good evening. Good evening. Good evening to you all.

[02:02:28] In 2019, the general plan on Chapter 2, page 100, the Rural Policy Area Strategies 3.3 states promote and expand agricultural enterprises and the rural economy and attract rural entrepreneurs to locate in Loudoun.

[02:02:49] As recently released, updated census of agriculture shows we have a vibrant population of young, innovative, and enthusiastic rural entrepreneurs in Loudoun County today. And we have more newer and beginning farmers than ever, than any other county in the Commonwealth, and ranked fourth for the young farmers.

[02:03:16] The new generation of farmers are embracing regenerative agriculture practices and ag-census. And the ag-census also shows a dramatic increase in the number of farmers practicing no-till for their crops, showing their desire to preserve soil health with no chemical additives and to grow healthiest food for Loudoun consumers.

[02:03:40] We need to make sure there's a place for these farmers to grow in our county, pun intended. The census also shows a sharp rise in farms utilizing rotational grazing, a process of moving animals to new fields by a strict schedule to spread nutrients and control parasites naturally without the aid of medications.

[02:04:02] Loudoun's farmers are interested in the entire ecosystem, and they live and work within that, including maintaining healthy soils with a sequester carbon and promote whole community wealth.

[02:04:18] Protecting prime soil means making sure the land available to our innovative farmers is the land best suited to the environmental conscious farming by protecting our best soils. We also get the full water quality, health, soil health, and climate benefits of our agricultural land.

[02:04:39] Please support the rural entrepreneurs and pass the prime soils with a 70% presentation. Also working well with the conservation easements. This is just another tool.

[02:04:56] Thank you, sir. Tia Ehrman, followed by Emily Houston, followed by Christelle Michael. Good evening. Good evening, everyone. My name is Tia Ehrman. I'm the president of Loudoun County Farm Bureau. I have a sheep farm in Round Hill. My daughters and I also breed and sell chickens, goats, and geese. My own family moved to Loudoun to farm for many of the same reasons other young farming families are coming here. I could find excellent soils to build a farm within 45 minutes of a stable job market for my now ex-husband, a rare find both then and now. While a recent master student and a vet tech could

[02:05:31] never have afforded 100 acres in Loudoun County, we could afford 13-acre property in a base density subdivision surrounded by other small farming properties who enjoy an ag-friendly HOA. My neighbors grow cut flowers, raise fiber goats and alpacas, finish cattle, and run equine operations. All of us are able to build our small farms because of a development pattern that no longer exists. No one is building base density subdivisions like mine anymore. Now it's all clusters this is why it's so vital we get this ordinance right tonight speaking to the new motions we anticipate coming forward we support motion one concerning nutrient banking and although it was

[02:06:09] just introduced we've had numerous conversations with supervisors on this topic and this issues specific direct impacts on the loss of farmland in western loudon we also support motions four six seven and while we prefer the language and supervisor turner's original motion after conversations with staff today we understand the reasonings and legalities behind the adjustments and can support motion three motions two and five we adamantly oppose changing the trigger point to ten non-contiguous acres and support staffs proposed ordinance from the packet released to the public ahead of this meeting for clarity on page 13 you will find a proposed trigger of five

[02:06:46] non-contiguous acres of prime farmland soils on the originating track which we fervently support. Changing course on this now reduces the number of lots we could impact from 705 to 537, amounting to a 23.82% reduction in the impact of this ordinance. I did the math, and I hate math. That is 168 fewer parcels producing small farms, even as the larger farm is lost, 168 less opportunities to create

smaller, high-quality acreages for more accessible for young and new farmers. I believe passionately you should not need to be a millionaire to farm,

[02:07:24] not in Loudoun, not anywhere. We urge the board to stick with the staff proposal tonight and pass this ordinance without further delays. Thank you so much for your time. Thank you, Ms. Ehrman. Next we will have Emily Houston followed by Christelle Michael followed by Stephen Rose. Hello, I'm Emily Houston and I'm speaking on behalf of the Loudoun County Equine Alliance and I'm going to make my remarks, very brief and very non-technical. There's a lot of talk about the ability of prime soils to produce food for all of us, but they also produce food for our horses. They make for

[02:08:02] the best pasture land, they make the best hay. And so on behalf of the 14,000 hungry horses of Loudoun County, I urge you to pass this. Thank you. Thank you very much, Ms. Houston. You will be followed by Christelle Michael, then Stephen Rose, and then James Christian.

[02:08:24] Hi, good evening. My name is Christelle Michael. I live in the Loudoun Heights, Nearsville area, and we have a long stretch, if you're familiar with the area, of farms, and many of them are multi-generation. We had one of our community lunches today, and, you know, just talking to some of the farmers that live in our area that have, you know, been there for, you know, been there for three generations. I ask that you vote yes to protecting 70% of our prime soils in Western Loudoun. Our community has extensive farmlands like that I was mentioning. And

[02:09:01] protecting prime soils is nothing new. The federal government has a specific agency dedicated to protecting prime soils. And our representative, his name is Nathan Louder. He's from NRCS, Soil Health Division, and he works with farmers and developers to preserve soil. Why is that?

[02:09:23] Because of the environmental impact, the carbon sequestration. There's so many different benefits, and that's why the federal government has made this a priority, you know, to preserve these prime soils and help people to farm them correctly and develop them correctly.

[02:09:43] So, again, I just ask that you vote yes to the 70% prime soils. Thank you. Thank you. Stephen Rose, followed by James Christian, followed by Mark Nielus. Good evening.

[02:10:02] Thank you. I want to begin tonight by expressing gratitude. I feel like this process has been truly inspiring to witness, and I speak to all of the hard work of the Farm Bureau, specifically Chris Van Black and Tia Ehrman, and also gratitude for the interactions that I've been able to have with the entire board through this process and the amount of time and space and care and sincerity you guys have all offered.

[02:10:32] And I feel that gratitude because I know how important this is. I have lived the possibility that this provision intends to create. I grew up on a 20-acre farm in Fairfax County that my grandparents started, and they were able to support their family growing vegetables in Fairfax County and eventually take out a loan to buy 180 acres in Loudoun County, where I now live.

[02:11:03] And of those 180 acres, we farm about 30 of them because that's the actual prime ag soil. The rest of it can be grazed, But really, if this plot were developed, that's where the houses would go on the heart of the farming land.

[02:11:25] And the farm in Fairfax County managed to implement something like what this would create. My parents built a co-housing community of 19 houses and deliberately put it on unfarmable forested

area.

[02:11:41] And by using all the development rights, they were able to preserve the rest of the farmland and continue to farm in Fairfax County. And that's what I've seen as possible in Loudoun County. Our neighbors, the Planks, implemented a cluster division in which they deliberately preserved land that continues to be farmed profitably because they built a hamlet in such a way that respected that land.

[02:12:04] So I really want to speak with all sincerity a deep gratitude that everybody has earned with their sincere attention to this process that I know is incredibly important and has a capacity to really preserve something that is truly special in Loudoun County. Thank you. Thank you, Mr. Rose.

[02:12:24] James Christian, followed by Mark Nielis, followed by Charles Yudd. Good evening, sir. Good evening. Chair Randall, members of the board, thank you for allowing me to speak this evening. My name is James Christian, and I currently serve as chairman of the board of directors of the Loudoun Soil and Water Conservation District. The entire Board of Directors supports the Loudoun Agricultural Community and we ask that you help support the passage of

[02:12:58] the Prime Ag Zoyan. I had this beautiful essay that I was going to present that I'm sure would have just wowed everybody and you would have supported us unanimously but I'm going to cede my time to other people who are more articulate at expressing the desires of the agricultural community and I thank you for your time question is it possible permissible to ask a question you can ask it we probably won't answer it what one of them one of the members

[02:13:37] of the board asked a question earlier if the HOA's would be required to allow agricultural usage of the lots in their subdivisions. And I'm not sure what the answer was, but I believe that they're not required and would not be required.

[02:13:56] I, in my experience in living in Loudoun, Western Loudoun, people who come from urban areas and move to the country are very upset when farmers are mean to their cattle, weaning the calves from the cows. When that odor comes floating over the hill from the barnyard, they get very upset. I'm wondering if homeowners associations are allowed to refuse

[02:14:36] to allow agriculture in their properties, how that's going to work. I will quit there. Thank you. I understand the question. Thank you. Thank you very much. Mark Neelis, followed by Charles Judd, followed by Joseph Dane. Mr. Neelis? Mark Neelis? Mr. Neelis going once, going twice.

[02:14:59] Okay, if Mr. Neelis comes in, please let me know. Charles Judd, followed by Joseph Dane, followed by Glenn Elliott. Good evening, Mr. Judd. Good evening, Madam Chair, members of the board.

[02:15:17] Thank you for all your hard work. Thank you to Mark and Jacob and to Dan as well. I am Charles Judd from JK Land Holdings. We do support the protection of prime ag soils, but feel that the conservation easement route is the best method to do that.

[02:15:33] We very much support the concept of preserving land for local food production. We believe the need for doing so will likely be heightened in the future. We do not support the ZOAM because of the disincentives that it delivers to property owners. As of 2022, approximately 72,000 acres have been placed into conservation easement in the AR1 and AR2 district.

[02:15:57] Of that, 20,000 acres were PRIMAG soils. That can be contrasted with cluster subdivisions consisting of about 3,600 acres, of which 1,100 were PRIMAG soils. That's the 20 to 1 ratio that you've been

hearing about.

[02:16:16] conservation easements are probably more effective. For JK Land Holdings, we placed over 22,000 acres into conservation easement in multiple states. Almost half of that has been in the Commonwealth. More than 6,000 acres of that have been in Loudoun County.

[02:16:34] Given the concerns that have been expressed for an individual entity to commit to that much acreage to go into conservation easement we do know what we're doing and we have to look at the potential development yield before a property can go into conservation easement. That's why issues such as the savings clause are important but food production is also important and we also are proud to represent the JK community farm 150 acres in a conservation easement and in February of this

[02:17:09] year, we reached the 1 millionth pound of donated food to food pantries for those that are food insecure. So we hear a lot about parcel size, and particularly 10 or 15 acres are smaller tracks, not the larger tracks that might be available for protection under these regulations. The truth is these regulations only apply to residential clusters in the AR1 and AR2. That's a minimum 20 acres to start with an AR 1 and 40 in AR 2. Please don't support this if you have any concerns about the impact on conservation easement and please make

[02:17:48] the savings clause as clear as it possibly can be. Thank you. Thank you, Mr. Yudd. Thank you. Joseph Dane followed by Glenn Elliott followed by Kevin Murray and Nathan Dansky. Good evening, Madam Chair and members of the board. My name is joe bain not dane and i would like to speak in opposition to the prime soils ordinance i am a farmer a producing farmer and have along with my family and partners previously placed over 2 000 acres in western loudon county in conservationism in years past to add to what my buddy dennis

[02:18:27] just said i currently own at least 500 more acres that i was going to place in conservation easement i can tell you while this issue works its way through the courts i'm not going to place in conservation easement. I don't know how many other landowners are doing the same thing, but I can tell you it's a bunch. The proposed ordinance along with the savings clause, it's confusing to anyone and I consider myself to be a decently well-informed person and who knows what the IRS or Virginia Tax is going to say about it on any appraisal that only a couple appraisers do.

[02:19:03] It's just not worth the risk right now pending the actions of this board. Whatever the board of supervisors ultimately decides to do, you must follow the Code of Virginia like every locality in Virginia. The Code of Virginia, Section 15.2-2286.1, requires every county to have a cluster option. The ordinance states, and I quote, the locality shall not impose more stringent land use requirements for such cluster development. Take it any way you want it. The other side will

[02:19:38] even agree. This is more stringent. It's going to fail at the first opportunity in court, and I can personally guarantee there will be court action. The Loudoun, again, the Code of Virginia's Code Section 15.2-2204 regarding down zoning. Again, I quote, written notice shall be given by the local planning commission or its representative at least five days before the hearing to the owner of each parcel of land involved. No such notice ever given to my knowledge. We currently own about a thousand in Loudoun County. The prime soils ordinance is a bad idea, and I'll tell you why. I'm a certified

[02:20:16] nutrient management planner. There's only 200 or so of us in the state currently qualified by the Department of Conservation and Recreation. Again, 880 types of soils. You guys have been given a

heck of a burden to try to understand 880 types of soils, and it's even more varied than that.

[02:20:35] So the prime soils thing, on its face, is a really bad idea. It's downzoning, disguised. I'm sorry. Your time is up, Mr. Bain. Bain. Thank you. All right. Glenn Elliott, followed by Kevin Murray and Nathan Dansky. Good evening, sir.

[02:20:54] Good evening. My name is Glenn Elliott. I've been a real farmer in Western Loudoun for about 30 years. Farming is long days, long hours, sometimes 24-7. I first heard about prime soils maybe last week.

[02:21:12] The county is not helping farmers who are hurting us. My entire savings is in the farm I work. You are damaging landowners' properties' rights. You are stealing them. Prime soils will damage our property values. That's a stealing from my bank account.

[02:21:27] The whole process by the county is definitely sneaky and underhanded. It's a facade. You guys are going to steal our land values. You're going to steal our land values. Do they all own farms in Loudoun County?

[02:21:54] I don't think so. This is not Russia, China, or Cuba. The government isn't allowed to take our land. This is so un-American. Why hasn't the county educated the farmers about what is going on? There's only one way to vote, and that's vote no.

[02:22:11] Thank you, sir. Kevin Murray followed by Nathan Dansky followed by um uh i i think the last name is Ascalon good evening sir good evening Kevin Murray um i'm probably going to make a couple comments here that don't appear to be uh in keeping with some of my friends in the farm bureau but i believe that this zoom is an attempt to solve a problem that simply doesn't exist

[02:22:48] Do we see new rooftops popping up in Western Loudoun County? Yes. Do we see that 20 times as much land is being placed in conservation easement than is being lost by subdivision? No, we don't see that. We have a vision problem. We don't have a preservation problem. We drive through the county. Every new house that we see in Western Loudoun, people get upset. But at the same time that house is being built, 20 times as much land is being placed in conservation easement

[02:23:27] that we drive by and appreciate and enjoy and don't even realize that it's been protected forever and ever. So I would beg the board consider a few simple practical preservation modifications to the ordinance. The trigger for prime soil preservation is way too low. Let it apply to originating tracts that have at least 10 acres of prime soils, preferably, in my opinion, that they be contiguous

[02:24:04] acres so that we're not picking a half an acre here, an acre over here, 3,000 feet away, another acre. To be practical, let's have it all consolidated together. Associated with that, isolated small areas of prime soil should not be required to be preserved in this ordinance.

[02:24:27] Again, the half acre, the one acre here and there scattered all about, they're not practically usable land for larger farming operations. And the last thing I would suggest, and I think that the preservation clause is a great idea to try to kind of hold this thing all together, but you've got to work really hard and make it clear, predictable, and defensible, and avoid any hint of doubt in the future interpretation of that clause.

[02:25:02] Thank you. Thank you, Mr. Murray, and thank you for your emails today. I appreciate them. Nathan Dansky, followed by, I'm so sorry, I can't read the first, but I think the last name is Ascalond, and

you'll be followed by Carol Lester. Good evening.

[02:25:18] Good evening. Thank you for your time. My name is Nathan Dansky, and I'm here to speak about the connection between our ag soils, our soils, our forests, and the climate crisis, and being a really undervalued resource that we have as a part of a solution to address this problem.

[02:25:37] So I'm also speaking in support of protecting our primary soils, but also that we need to do more. And when our top scientists in 1988 testified for the Senate, 100 years of voluntary, moderate solutions were needed.

[02:25:55] In 2015, we had 10 years to bend the curve. Now we have four months to avoid the worst outcomes. So as you may imagine, we're blowing past all of that. And so I will ask something unfair, and that is to not take a balanced approach, but we must do everything we can.

[02:26:18] We must put our thumb on the scale. We must step on the scale because we have mortgaged our futures, our children's future. And we have done that to such an extent that we have foreclosed on our very own future. Some of these houses that will be built on a four-acre single-family home may end up being those families that move into them.

[02:26:41] A malarial zone, a dengue fever zone that can happen here. The dangerous hail that has destroyed houses and were insurers that pulled out of Texas and other states that could come here in Loudoun. There will be one billion climate refugees in 15 years.

[02:26:58] Some of those people will move to Loudoun County. And so a single-family home on four acres is incompatible with a livable future. We've surpassed the point of a sustainable future, and now we have to talk about a livable one.

[02:27:15] So we must pass this, but we must do so much more. And that's unfair to ask. That's an individual, county, state, national, international challenge. It's unimaginably hard.

[02:27:31] It will only become harder. I don't know what we can do. You know, leave it in the ground. Leave our oils in the ground and don't allow any more data centers that aren't powered by renewable resources. Leave our trees in the ground and our forests, which sequester carbon.

[02:27:50] Leave our soils intact as much as possible. Sir, thank you so much. Your time is up. Thank you. Last name for, I think it's Askelon, A-S-K-L-O-N-D, followed by Carol Lester, followed by John Adams.

[02:28:07] Good evening, sir. Good evening, good evening. Sir, can you tell me your first name? Errol. Errol. Thank you, sir. My name is Errol and farm in western Loudoun County. I get up every morning at 5.30 to go to work on the farm.

[02:28:25] I've been doing this for over 25 years because I love what I'm doing. I am a real farmer. I maintain a herd of cattle, cut hay, and repair fencing all day long. Farm work is hard, and nobody wants to do real farming anymore.

[02:28:47] We hire young people, and most of them leave within a month or two. Until Monday, I knew nothing about what you are calling prime soils. The county is not helping farmers. It is hurting us. What you are doing will devalue the farm and hurt me financially.

[02:29:10] Now I may not be able to retire. This is so very wrong. Please vote no. Thank you. Thank you, sir. Carol Lester, you will be followed by John Adams, followed by Charlie Van Plack.

[02:29:29] Good evening. Good evening. I moved to Loudoun County about 15 years ago, and I became a census representative for Loudoun County. And during that time, I interviewed many people across the entire county.

[02:29:47] When I moved here, driving west on Route 7, I mean going east on Route 7, I saw farmland. Now I drive north on 15 from Leesburg or south or going west, and I see farmland.

[02:30:07] And I want farmland to be here. I moved on to 800 acres of farmland when I moved here. Now it is development. Out of my, I had to move because the house I lived in, which was built around the turn of the century, was torn down.

[02:30:30] And no house has been built on it yet, but probably a new house will be built. Out of the window of where I reside now, I look toward Hillsboro, and I see no house roofs in my view.

[02:30:49] all the way, I'm on Catoctin Mountain, all the way to Hillsboro. I don't see, I know under the trees there's some residents, but most of them are farms. And some of those farmers don't know about this going on, this preserving.

[02:31:11] I have one man, Marty McKimmy of Western Loudoun County, and I was given that he, his family, has five generations farming on 400 acres. He doesn't know what is happening here until just recently, and he found out that it's going to affect his land value, and that may affect how his children, who are adult now farming, may want to retain that land in farming on.

[02:31:49] Other families that I know have to have other outside income to be able to maintain the farming that they do. You talk about conservation. Ms. Lester, I'm sorry.

[02:32:05] Your time is up, ma'am. John Adams will be followed by Charlie Van Flack, will be followed by John Ellis. Good evening, sir. Madam Chair, honorable members of the board, my name is John Adams. I'm here tonight representing Rockcroft Farm, Farm Bureau, and the Ag Working Group of the Loudoun County Preservation and Conservation Coalition.

[02:32:29] The Ag Working Group sent you all a letter from approximately 20 farmers in western Loudoun. You should have received that earlier in the week. And these are farmers that endorse the Farm Bureau position. they endorse the idea of preserving our most at-risk natural resource in Loudoun County and in the Commonwealth. And in addition to the 20-some farmers that signed this letter, there are at least 10 major conservation groups, which represent hundreds of citizens in Loudoun

[02:33:05] County, plus two of the most prominent land trust organizations doing business here in Loudoun County. That should send a message to you all. Now, I'm not going to repeat all of the excellent comments that have been made by my farming community compatriots. I want to endorse the comments that Chris Van Flack and Tia Ehrman, the president of the Farm Bureau, they represent the farming community and why we're so concerned. And let me just say this, Farmers in the county that are paying attention to what's going on and understand what's going on,

[02:33:44] they have observed these clusters. None of these farmers, including myself, are against conservation easements. We're all for conservation easements. But when we see 1,100 potential tracts of land in western Loudoun that can be cluster subdivided, we want to know what's going to happen within those partials.

[02:34:04] And I'll tell you, the previous boards that put this cluster ordinance in effect, they probably thought they were going to get something back. Well, let me tell you what you've got back. You've gotten back a lot of McMansions built on the best soil on the East Coast, and what's left is junk in the form of the small economic lots.

[02:34:29] You couldn't farm those if you tried. And if you had access to a lot of these places, you can't even get access because of HOA restrictions. So the farmers have seen what's going on. It's not about doing anything to affect the conservation easements.

[02:34:46] What we're trying to do is protect at least 70% of the ag soil, the prime soil, in these partials that are going to be subdivided. Sir, thank you very much. Thank you very much. Charlie Van Flack, followed by John Ellis, followed by John Lovegrove.

[02:35:07] Good evening, sir. Good evening, Madam Chair. I'm here to support the ZOAM. I think an incredible amount of good discussion has taken place, and the people who support it have made very strong arguments.

[02:35:25] So I'm here to lend my voice to that, but I'm also just here to point at a couple of the things that are essential if this is going to work and achieve what it's set out to do. And that's number one, to keep the trigger for prime soils preservation at five acres of non-contiguous, and that's very important, prime ag soils on the originating parcel.

[02:35:48] And number two, please make sure that any savings or safety clauses have a well-delineated process for review, that requests for waivers are not granted without staff review, and referrals to subject matter experts within the county.

[02:36:04] So that process has to be tight. So I just think having attended quite a few of these board meetings and discussions, I don't think it's going to get better by further dragging it forward.

[02:36:21] I think what you have is a good proposal that represents a lot of compromises on the part of the farm community. And I think the time to act is now. Thank you very much. Thank you, sir. John Ellis. You will be followed by John Legro, followed by Cricket Bedford. Good evening, Ellis.

[02:36:43] I'm John Ellis. I'm representing Savera Loudon. Let's be clear where we stand here. Over the past couple of decades, the county lost up close to 100 square miles of farmland. That's USDA statistics. It's not cherry-picked by year, and that included tens of thousands of acres of prime soils. The opponents of this ZOAM want to maintain that status quo. That's what they want. Do nothing.

[02:37:14] They tell you that if we just continue what we've been doing all along, we can expect a miraculously different outcome, and that is the definition of insanity. Continue to do what you've been doing all along and expecting a different result. Private voluntary easements are wonderful, and I sure hope Mr. Virts is able to convince his buyer that the Albright property is a great deal for conservation.

[02:37:42] And I would also comment to Mr. Bain that if he really wants to put his land under easement, now is the time to do it. If he does it right now, he doesn't have to worry about this, though. And he can do that instead of pursuing the subdivision that he's been working on. But easements only preserve the soils that are within the eased land.

[02:38:04] They did not prevent the destruction of prime soils on all the subdivisions zoned A3, which the opponents of this zone completely ignore. They are not preventing the destruction of all the prime soils on

the 30-plus cluster subdivisions that are currently under development.

[02:38:21] And easements will not preserve soils on all the future clusters up divisions that we can expect to be coming in in the coming years. That ongoing destruction of prime soils under the current policy and regulatory regime is what we're being asked to maintain.

[02:38:41] We've been talking about this for actually decades, not just the past four years. Let's not just keep repeating over and over how much we want to preserve prime sores. Let's actually do it now. Thanks. Thank you. Thank you. John Lovegrove, you'll be followed by Cricket Bedford, and you'll be followed by Casey Gustaro.

[02:39:06] Good evening. Hi, I'm John Lovegrove. I represent Loudoun's Future. I was on the committee or the work group that worked on trying to seek a compromise. There were four of us, two on each side. We did give an awful lot from the farming side.

[02:39:24] We didn't get anything from the conservation easement side. But here we are, and we've got a great ZOAM in front of you. I think it's a testament to all the hard work that's gone into this, that we are still sitting here.

[02:39:40] Somehow the impression has been given that conservation easements stop if we approve this. That's not the truth. I'm sorry. Conservation easements are still a great tool. They will continue to be here. I live on a conserved farm. I'm so glad that someone did that.

[02:39:55] They didn't worry about lot yield and maximizing lot yield. They just knew putting it in conservation easement was the right thing to do, and that's what they did. And I have my horses, and I have my farm, and thank God that I have that. You know, and it's not a farm. I mean, I'm sorry, it's not a subdivision. there's also some talk about, oh, conservation uses are going to stop.

[02:40:17] I've looked at the statistics. The last four years, the number of conservation acres that have been put in easement have actually increased since this zoam has been on the books. So, you know, these dark threats about, you know, your land values are going to go away and, you know, this whole thing is going to stop, they're just made up.

[02:40:38] They're not true. The numbers say it's not true. So, you know, it's darkly hinting about, you know, getting sued because the Virginia Constitution says this. The Virginia Constitution says we can have cluster subdivisions, which we do.

[02:40:53] And we're not making it more restrictive. We have one of the most generous cluster subdivision ordinances in the entire state. So I'm sorry. Zoning is allowed. It's always been allowed. It's a part of what makes America great.

[02:41:09] We compromise. We don't try to take, take, take, as the development community is here to do tonight. And they don't like it when they don't get their way. And that's what you're seeing tonight. You're seeing a community coming together saying, enough is enough.

[02:41:28] Let's preserve the farmlands that's left. And let's stop giving money to people that have way too much of it. Thanks very much. Thank you, Mr. Lovegrove. Excuse me. Thank you, Mr. Lovegrove. Janet, if we have any that are down there, will you bring them up now?

[02:41:44] If we have any more, thank you. Cricket Bedford, you'll be followed by Casey Gustaro, I believe, and you'll be followed by Jennifer Dunn. Good evening. Good evening. Thank you, Board of Supervisors

and Madam Chair.

[02:42:00] Thank you for letting me speak tonight. I feel as though I'm not very qualified. I'm just a huge cheerleader for farmland. My name is Cricket Bedford, and I was born and raised on a 378 cattle farm in western Loudoun County. My late father, Erskine Bedford, bought the farm in the early 1960s, specifically for the prime soils.

[02:42:20] A fresh young farmer from Maryland and a recent graduate of Cornell's Ag School, his passion was to build a thriving Angus cattle operation, and he chose Loudoun County. Why? Because of the amazing soils where he could raise livestock and grow crops. With his love of the land, he made it one of his top priorities to preserve the farmland he so loved in Loudoun County.

[02:42:41] He was a longtime member of the Planners Club, and in 1998, he received the Loudoun County Farmer of the Year Award and was honored by the Loudoun and Fairfax City, County, sorry, Farm Service Agency for his 30 years of service. He instilled in me this same priority for preserving the land.

[02:42:59] In fact, after my late father's untimely death, I put his entire farm in a conservation easement. While I am a local real estate agent, I greatly appreciate the delicate balance between preservation and growth. my points are if you would please appreciate that our prime soils are a vital issue not a complicated one please preserve the county's most fertile soils for future generations of farmers to farm please adopt this amendment to keep houses from being built on prime ag soils leaving the most undesirable portions of a parcel in the so-called royal economy lots which have

[02:43:35] sadly been for the most part land which can't be farmed in conclusion i stress that the proposed ZOAM will preserve one of our most at-risk natural resources in Virginia, and it will allow the prime ag soils to be farmed in the future by our growing young number of farmers. Like the bumper sticker says, farmland lost is farmland lost forever. Thank you. Thank you. Thank you very much. Casey Gustaro, followed by Jennifer Dunn, followed by Jack Hansen. Good evening. Good evening. My name

[02:44:14] is Casey Gustavaro and my wife Stacey Carlberg and I own Fireside Farm based in Percival. I urge you to pass the Prime Ag Soils OAM tonight. We started our business in Loudoun County four years ago but we have over 15 years of farm experience growing a wide variety of vegetables and grain.

[02:44:33] We decided to establish our farm business in Loudoun County due to its proximity to a customer base, the presence of a vibrant community of young farmers, and most importantly the opportunity to grow good food in good soil. These good or primag soils make a huge difference to our bottom line and also to the nutrition of the food we grow and feed our customers. When I give tours on our farm, I often use the saying healthy soil, healthy plants, healthy people. Loudoun County is blessed to have some of the best soils in the region and therefore the capacity to feed its

[02:45:09] residents and those in the surrounding area. We grow food on five acres in two separate areas currently, and feed thousands of Loudoun County residents, both from eastern and western Loudoun County, through two farmers markets and multiple local farm stores and community-supported agricultural programs. We grow a lot of food on five acres, and it's beautiful and healthy and wonderful. I envision more farm businesses being established in Loudoun County and continuing to build a vibrant rural economy with healthy food grown in good soil as a cornerstone of that system.

[02:45:47] Passing this Prime Ag Soil Zoem will help preserve soil so that can actually happen in the future. Getting to the place where this zoem is has taken many years and lots of stakeholder input. There

has been compromise, and at this point we should move forward and preserve as much Prime Ag Soil as possible.

[02:46:05] Thank you. Thank you, sir. Jennifer Dunn, followed by Jack Hanson, I think that's Hanson, followed by Eric Walter. Good evening. Good evening, esteemed members of the Board of Supervisors.

[02:46:21] My name is Jennifer Dunn, and I am an AP environmental science teacher in Ashburn. This year, my students and I learned about the importance of soil conservation, not just for agriculture, but also to help us fight the impending climate crisis. As part of our class's studies, we had the opportunity to visit Willowsford Farm, an agrihood, a small agrihood in Ashburn.

[02:46:42] My suburbanite students helped plant broccoli, learned how crops were irrigated just like they saw in our textbook, and some even got to hold a chicken. I had to drag them back to the bus at the end of our trip, and several decided that they wanted to become farmers because of their experience. It is incredibly important that we are able to maintain the agricultural heritage of Loudoun County within our communities as our landscape is increasingly urbanized because of our population growth.

[02:47:08] We need more robust local farming operations, like the one my class visited, that seek to improve our environment and provide our communities with nutritious, fresh meat and produce. I encourage you to support the ZOAM with 70% conservation of prime ag soils when there are five or more non-continuous acres of prime soil.

[02:47:27] This will help ensure that we promote the agricultural legacy of Loudoun County and prevent the development of soil ideal for agriculture into someone's suburban backyard. By protecting our agricultural soils in the new ZOAM, we will be able to develop more agri-hoods and encourage more children to explore the natural world.

[02:47:46] Thank you. Thank you, Ms. Dunn. Jack Hanson, followed by Eric Walter, followed by Marty McKimmy. Good evening. Chair Randall, other members of the board, thank you for the time to speak today.

[02:48:04] I'm sorry I'm using broken glasses. I stepped on them on the way in. I appreciate the work that has been done on the savings clause since I last spoke here. I think it's 2 o'clock. I'm surprised you guys must have been listening. But I appreciate the work on changing the May to a must.

[02:48:20] I think it's very important from an IRS appraisal process standpoint. I think that is good. The intent being to preserve the value of these conservation easements, because that's extremely important. We don't want to kill it. What I'm hearing from everyone else, and the people I work with when I do these conservation easements, again, I've worked on 130 of these, the appraisers, the engineers, everything, they're still concerned about the value, the value of the lots that are going to be forced.

[02:48:52] there's situations where you might have to cross a stream now because your developable land even savings classes across a stream or across steep slopes or something that makes it inaccessible or hard to get to without expensive roads longer roads and so we still have a potential significant impact on the value of these lots which devalues conservation easement and makes it less practical and we're competing against developers to preserve this land and usually it is lower offer that are made on this land because we're just going to preserve it um so we have to get as close as we can to developers and and if we don't have that that value in the conservationism it's not going

[02:49:30] to get get preserved so i i think i i proposed i know in the last couple days some changes to it that might address some of those concerns i hope the board will give due consideration to those concerns because otherwise we still have a problem and i and if if everyone i'm talking to who do Participates in these conservation easements is concerned about it. I'm afraid there's gonna be unintended consequences I'll be very careful about taking a step on this without knowing exactly what those would be and Sounds to me like it's gonna have a chilling effect. I have had

[02:50:11] Two clients here. I've already spoken about their concerns about it So I hope that the board will pay attention to that concern. Thank you very much. Thank you. Thank you, sir Erin Walter, followed by Marty McKimmy, followed by Derek Clark.

[02:50:30] Good evening. Hi, good evening. Erin Walter here. A farm in Loudoun County, I have one of the newer farmers. It's hard, and we need to try to preserve as much farming potential for future generations as possible.

[02:50:48] And that doesn't mean just big plots of land. That's small plots of land because we see small farmers growing in this county, which is amazing. We're the only one in the state that does, and that's pretty amazing, actually.

[02:51:05] And one of the reasons why we have a vibrant economy that helps support our farmers. So, look, to me, this is a win-win. I mean, developers will always want to develop more farmers, and will always want to preserve as much prime soils as possible.

[02:51:22] This, to me, is a win-win situation where the developers still get to develop as they want to. And there's a balance there. And we get to preserve prime soils. I think there's very few opportunities where you see this kind of win-win situation.

[02:51:41] And so I am in support of this prime soils, and I hope you support it. Thank you. Thank you very much. Marty McKimmy, followed by Derek Clark, followed by Jim Bingle. Good evening, sir. How are you all doing?

[02:51:57] Doing well. My name is Marty McKimmy. I live in western Loudoun County. My family has lived on our 400-acre farm for four generations. My adult children make fifth-generation farming. We grow crops, raise cattle, corn, do hay, and the only thing I can say, you all need to vote no.

[02:52:21] Thanks. Thank you, sir. Derek Clark, followed by Jim Bingle, followed by Norman Myers. Good evening, Mr. Clark. Greetings, Chair Randall. Greetings to the Board of Supervisors. Greetings, community. So I am very happy to be here.

[02:52:40] My name is Derek Clark. I've been in Loudoun County since 1995, and I did not think I would be here as involved as I am. I'm on the Heritage Commission. I'm a member of Save Rural Loudoun.

[02:52:55] I've started a nonprofit called AgriCare, and all of it's because of you all. I've seen you all in the community. I've seen folks out here in the community, and the soil is where we all come from. It's one thing to save our soil.

[02:53:12] It's another thing to understand that it's a precious resource that we have, including water. So imagine us protecting our soil and water, right? Big deal, big deal. I was so inspired, I ran for office. I ran for the Office of Soil and Water. I did not win, but I did win.

[02:53:29] I'm an associate soil and water director now, and I'm running with the board as well. So I'm here on behalf of saving our soil, saving our water resources. I support, and I like hearing both sides of this because I'm an independent, so I like to hear both sides.

[02:53:47] So I'm all here to learn. I'm looking to learn a lot from this, but I think we want to save our precious resources as we go along. And carbon sequestration is a wonderful word that I know, and I understand how it can benefit us because the Commonwealth of Virginia has a mandate by 2050, I think, or 2040 to reduce greenhouse gases.

[02:54:11] So if we don't have enough soil to do that, how are we going to get there? So let's preserve our soils. Thank you. Thank you, Mr. Clark. Jim Bingle will be followed by Norman Myers, will be followed by Stacey Carberry.

[02:54:26] Good evening, Ms. Bingle. Good evening, Chair Randall. I'm Jen Bingle speaking for the Piedmont Environmental Council. PEC continues to support this zoning ordinance amendment as proposed by staff, and after reviewing recent adjustments and talking with staff, we support the anticipated motions with the exception of two and five. We really encourage you to stick with five non-contiguous acres on the originating tract as your trigger work is being done at the state level to address HOA

[02:55:01] issues and we urge the county to develop a template an HOA document to offer developers for Western Loudoun as a land trust that helps landowners put their land in easement. We don't see the updated ordinance affecting the vast majority of landowners who are interested in donating a charitable gift of an easement and that they are using the IRS's preferred method of valuation based on sales comparisons of comparable parties.

[02:55:36] properties excuse me not subdivision. This ZOAM does not change zoning densities so land values will be preserved for those interested in donating an easement or otherwise selling their land. Having worked with landowners for decades PEC can certainly attest to the fact that in the past when dire predictions were made about the end of conservation easements because of zoning changes back in the 2007 time frame it did not come to pass. In fact, land and easements from that day to this have nearly doubled as a county blessed with prime soils as a major rural asset. This ordinance appropriately

[02:56:14] puts soil protection first. The 70% prime soil protection on properties with a minimum of five-acre non-contiguous acres does it without any density reduction that might cause a hardship for property owners. And this, combined with the provision that requires a conservation easement on the property, farmland preservation lots will preserve these soils for farming in perpetuity.

[02:56:41] An NPR story that I heard on May 29th last month attested to the fact that there are more young people interested in farming than ever in recent years, but finding the land to farm is their major issue. So please go ahead and support this ZOAM.

[02:57:00] Thank you. Thank you very much. Norman Myers, followed by Stacey Carberry, followed by David Telton. Good evening, Mr. Myers. Good evening. The last time I saw you all, it was about 2 o'clock in the morning, so I don't expect you to remember what I said then.

[02:57:19] First of all, I do support prime soils and all soils, fragile soils, and it's kind of sad. I mean, I work with conservation organizations only. I mean, I work with, I won't even tell you who they are, but conservation organizations.

[02:57:35] And it's kind of sad hearing my friends and people on that organization that I've worked with for so much, for so long, not realize that we are trying to protect soils. By we, I mean as an appraiser of 20,000 acres.

[02:57:52] I've signed off on 20,000 acres worth of conservation easement appraisals in Loudoun County for over 100 different clients, different clients, and probably eliminating about 3,000 rooftops from Loudoun County.

[02:58:09] You know, we want to preserve. But I'm telling you, this ordinance, even with the savings clause, does not answer the problems. It's going with the easements, with doing easements. I mean, I'm sure that we're going to be doing half.

[02:58:28] I've done 2,000 acres a year for the past 10 years, and I can see that number dropping off to below 1,000 acres a year, including Mr. Vertz's discussion about the Albright property.

[02:58:44] That's a property we could lose if it doesn't work out for us. And the savings clause is not sufficient because it doesn't take into account the extra expenses of going over fragile soils and other soils and extending roads beyond where you wouldn't have to.

[02:59:02] And now you've got impermeable surfaces in areas where you have increased runoff. So you're really not saving much. You're saving more, as the other speakers have said, on conservation easement. You're saving more by encouraging and taking advantage of the very generous Virginia Conservation Easement Program of rebates for losses.

[02:59:24] And I'm sorry to hear people talk about appraisals the way they are, but I'm the one that does them, and I'm the one that puts my name on them, and the way this is set up right now with the savings clause, it doesn't work. So, thank you. I hope you'll take that into consideration.

[02:59:41] Thank you, Mr. Myers. Stacey Carlberry, followed by David Talton, followed by our speaker on who is remote, Scott Brainard. Good evening, members of the board. I'm Stacey Carlberg, and I'm asking you to pass the Prime Ag Soils ZOAM tonight.

[03:00:02] We moved back to the county four years ago to launch our farm, Fireside Farm, on 1.5 acres of uneased land. Unfortunately, our initial lease fell through quickly and we were scrambling to look for a new farm home. We reached out to several landowners in Loudoun County, including landowners with multiple parcels and conservation easement.

[03:00:22] We did not get a response. We have hustled to find land and build our business. Our farm is profitable and it is growing. We currently lease four gears of land from Potomac Vegetable Farms. All of their land is uneased. We just signed another lease for 20 acres on uneased land up the road.

[03:00:39] We have a rich network of friends here in Loudoun County who grow vegetables and raise animals for meat and dairy and grow flowers. Most of our peers farm on land that is not in conservation easement. Conservation easements do not necessarily mean more food farms and more farmers supporting themselves.

[03:00:56] At our previous job, we farmed 15 acres that were under conservation easement. When we left, the landowner decreased food production to one acre. In an easement, the landowner must allow for farming on the land in order for these prime soils to be used in conservation easement.

[03:01:14] I used to work at the Piedmont Environmental Council, and I understand the value in conservation easements and the benefits that landowners receive. They are working to protect open space. However, I believe Loudon needs more tools to preserve some of the best soils in the region for farming today and for future farmers sitting here in this room tonight.

[03:01:32] Please pass this ZOAM to do so. Thank you. Thank you, ma'am. David Talton, you will be followed by our remote speakers, Scott Brainard, Donora Eques, and Peter Weeks.

[03:01:51] Good evening, Mr. Talton. It's good to see you. Thank you, Board, and thank you, Chair Randall and Supervisor Turner, for creating the safety clause. We have 1,500 acres, and we're willing to place it in conservation easement. Although the safety clause will help, my family will still lose many of their property rights, and that's clearly a taking.

[03:02:10] It's unfortunate, but it's a taking. And for that reason, it violates the United States Constitution. As you know, I have also been advised today by the Virginia's largest law firms. This legislation clearly violates the Virginia Code with respect to notices and cluster subdivision.

[03:02:31] I also got three phone calls from law firms before 12 o'clock this morning wanting to represent us. While I'll be the first to say I don't want to destroy rural appearance of western Loudoun County, the loss of property rights and the increase in development costs will destroy Conservation Easement Program.

[03:02:50] It may not completely destroy it, but it's going to hurt it. The Conservation Easement Program is doing more to save the rural appearance of western Loudoun County than anything else. Everyone needs to understand it is imperative that the land have a very high value and the potential, just the potential for development for conservation easements to work.

[03:03:12] Please hear me when I say diminishing the value of the land will destroy the conservation easements as we know them and actually result in more rooftops, the very thing we're trying to avoid. Unfortunately, that safety clause will not restore the land's previous value.

[03:03:30] It's downright idiotic if anyone believes that the board can go back and reverse this later because people are going to lose their farms. And how are we going to protect that? And when they lose their farms, there's going to be a developer there to buy them.

[03:03:46] That's not good. In addition to the destruction of the conservation easements, you'll be destroying the lives of numerous farmers, families that have poured their life savings, real blood, real sweat, and real tears into their farms. These farmers are the real farmers.

[03:04:02] They have maintained rural western Loudoun County for all of us to enjoy for many years. But they're surviving by a thread. Some farmers most definitely lose their farm as a result of this legislation. Well, anyway, that's enough.

[03:04:19] Thank you. Thank you, Mr. Tarleton. Denora Enriquez followed by, I'm sorry, I'm sorry, Scott Brainard followed by Denora Enriquez followed by Peter Weeks. Hi, my name is Scott Brainerd. I live in Lubbockville, and my partner and I grow fruit and net on East HOA land in Western Loudoun.

[03:04:42] I'm here to speak in favor of the ZOAM, and my reason for supporting the ZOAM is pretty simple. Just to provide some framing, I want to acknowledge an issue that's been brought up a bunch of

times tonight, and that's that there is, in the limit, a conflict between building subdivisions all over the AR-1 and farms.

[03:05:01] And the board is going to have some really hard, difficult decisions to make in the future about how to weigh between these two incompatible uses, you know, whether that's through density reduction or fully funding a PDR program or creating new incentives for conservation easements.

[03:05:18] I think Supervisor Kirshner's comment at the top about HOAs reflects there's going to be work to be done even once this ZOAM, I hope, is passed. And that's really the reason I want to encourage you to pass the ZOAM because this is not one of our decisions. This is an easy decision because it has been painstakingly crafted to allow for a really rare win-win.

[03:05:42] What we know from the Kimley-Horn study is that all of the subdivision plans that are currently before the county can be brought into accord with the ZOAM without reducing lot yield. And despite we have now added the savings clause, which is very well and clearly designed to be a backstop so that there is a parcel that comes along in the future that is negatively impacted, the ZOAM has a mechanism to preserve lot yield, not primag soils, in those limiting cases.

[03:06:12] So this ZOAM gives you the opportunity to protect massive primag soils without having to deal with this really challenging tradeoff in terms of development rights. I can really understand why large landowners might be concerned, especially if they've just heard about this ZOAM and they've heard about it in the context of the misinformation that Supervisor Randall mentioned at the beginning.

[03:06:35] And that's why I think most of the years that you've heard tonight and at previous meetings are expressed in this kind of amorphous, nonspecific way that aren't really supported by any clear reasoning. Because if you drill down and look at the SOAM, you'll see that this long and detailed amendment is long and detailed for a reason.

[03:06:51] Because it's been designed to protect soils without impinging on lot yield. And therefore, it affects the primary factor that determines the conservation easement value. So I believe that's the outcome that county staff has worked four years to achieve. And that's why I encourage you to pass this amendment as written.

[03:07:08] Thank you. Thank you, sir. We have two more speakers. Donora Enriquez, followed by Peter Weeks. Hello, this is Donora Enriquez. The Board of Supervisors' premise for the Prime Soils Initiative seems to be to preserve the soil for small farms.

[03:07:32] However, is that realistic? Is it the Board's intent to attempt to force land to start farming on their land if most of it is designated as prime soil? Is it reasonable to think that the Prime Soils Initiative is going to merge additional working farms, or is the board just devaluing our land?

[03:07:55] Does anybody on the board truly know the extent of the impact of the initiative on family-owned land? It is our understanding that the county hired engineers and land surveyors to investigate the impact of this initiative on landowners, but that they only reviewed four land parcels.

[03:08:14] How can this be appropriate or fair? More importantly, does this initiative even consider the terrain of the land and whether it is farmable in the way the initiative assumes? Our land may have a significant percentage of prime soils.

[03:08:32] It sits on a rocky hillside. Who do you envision farming this land? We believe that this will completely devalue our property. After having an additional engineer review a map of our land, the prime soils appear to make up the majority of our 127 acres of land.

[03:08:52] This initiative devalues our land and attempts to force us into a small box in terms of what we may use the land for. Regardless of whether we want to place it in the conservation easement or not, the value will be impacted.

[03:09:09] Because the lot yield is the basis of value, This renders the majority of our land worthless by cutting the lot yield by more than 50%. This is not the right way to preserve land. Please do not pass this amendment.

[03:09:26] Thank you. Thank you. And our last speaker will be Peter Weeks. Can you hear me? We can hear you, sir. Okay, good. Good evening, everyone. My name is Peter Weeks.

[03:09:42] I live in Bluemont, Virginia. I'm president of Friends of the Blue Ridge Mountains. And we join our conservation partners like Land Trust of Virginia, the Farm Bureau, and many others in support of the Prime Ag Soils SOAM.

[03:09:58] To me, it speaks volumes that two large organizations that promote conservation are in support of the Prime Soil Initiative. The Land Trust of Virginia is solely based on preserving land to support the SOAM.

[03:10:19] We need Loudoun County to step up now and save our precious soils for farmers today and for future generations. Your vote today will have immediate and lasting significance in keeping Western Loudoun rural and economically vital for our future farmers.

[03:10:40] Thank you. Thank you. Okay, that was our last speaker. Thank you, everyone who came out to speak today. Thank you, everyone who's come out to speak before, who stayed with us at 2 in the morning. Thank you everyone who has sent us emails, who has called us, who has wrote us, who has texted us, who has stopped me in the grocery store.

[03:10:58] Thank you to everyone. And before we make my first motion, I also want to thank staff, all of you, all the staff. I want to most especially thank Dan Glendo, who has been here.

[03:11:14] We've been on the phone. He has not been eating. you've worked so hard on this and I really, really appreciate it. We have quite a few motions on the dais. I know we have alternate motions, two motions on the dais. I will let you all know right now that there will be a change to motion number seven when I get there. I will let you know why that change is coming. It's a change in the date from September 12th. We'll get there when we get there. But this getting through these process and getting through these motions could take a whole

[03:11:50] other hours. So let's try to get through it with as much clarity and calmness as possible. I will make the first motion. I move the Board of Supervisors add a policy statement to Loudoun County state and federal legislative programs to support legislation that furthers the prohibition of allowing nutrient credits to be sold on property that was placed under conservation easement for the purpose of protecting farmland. Motions made and seconded. Okay. Over four years ago, Tony Buffington walked into my office and he said, would you like to join me on

[03:12:27] a prime agricultural soil zoeum or initiative? And I said, what is that? And we started talking about it. If I could do this again, if I could start again, a couple of things. One, I changed the name. I would call it Prime Agriculture and Farmland Soils because that's the better name for it. And before I said yes to Mr. Buffington, I would have just dove into the amount of research that has been required to get to the place where I am today. But the one thing that

[03:13:03] would not change for me is the fact that one of my main goals was to protect farmable soil in Loudoun County. Farmable soil. If someone wants to put a nutrient credit on their land, they can do that. You can just go do a nutrient credit overlay on your land. You do not have to put a conservation easement on your land and then put a nutrient credit on top of it. You can just put a nutrient credit on it. A conservation easement does not mean you have to farm your land. You can if you want to, but you don't have to. Putting a nutrient credit on top of it means where that

[03:13:41] nutrient credit is, you cannot farm your land. So if my goal was to, and it was, to create to protect farmable soil, the nutrient credit on the top of the conservation easement takes that away, takes that possibility away. I do not see the logic in putting something in conservation easement and then putting a nutrient credit on top of that. And where that nutrient credit is, you cannot farm anymore. Put a nutrient credit on it. Just do that. But don't put it in conservation

[03:14:15] easement and then put a nutrient credit on it because you take away the ability to farm it at all so that is why i have this first motion here discussion on the motion um miss umstead thank you madam chair i am going to oppose this motion uh for the following reasons one we need we need lands that are preventing nutrients from going into our water courses

[03:14:52] Because when you allow nutrients to go into your watercourses, and many of those nutrients do come from farming, you begin to pollute your streams, eventually the Potomac, eventually the Chesapeake Bay. A conservation easement, whether it is for farming, whether it is just to prevent development, or whether it is to clean up our water, is a good thing.

[03:15:19] i don't think that we should limit the ability of people to benefit the environment by putting nutrient by having a nutrient bank on their property thank you mr turner thank you madam chair i got a call today from a gentleman who has extensive experience with placing land in on their nutrient credits i'll support this but the reason i'll support this is because basically we're supporting, we're advocating in Richmond for laws that deal with the proper

[03:15:56] management of the nutrient credit program. I think I would, I might be opposed to it if we were trying to impose this right now, but we're not. We're simply making a recommendation to our legislation, legislators in Richmond to lobby against the, basically, this double dipping.

[03:16:22] Although the gentleman on the phone did he make a very good case why there are benefits to doing it that way. So the verdict is still out on me whether this is the right thing. But for now, I'm sufficiently concerned as I'll align myself with Chair Randall to say we really let's take a look at legislation that can limit this practice.

[03:16:43] But let's keep doing our homework to find out what the unintended consequences of this are. So I'll support this because it's a first step in what I think will probably be a fairly long process. Thank you. Thank you. Excuse me. Thank you. Mr. Letourneau. Thank you, Madam Chair. I actually found this motion

out of all of them to be probably the most difficult for me to pass judgment on. And then I realized the beauty is I really don't have to pass judgment on it tonight because it is June.

[03:17:12] The legislative session starts in January. We don't, we normally, the board starts discussing the legislative program in September. So I'm not there tonight to be able to make a determination. The concern that I would have, that I do have, is in a way this is almost putting open space up against farmland. Because the nutrient credit is a clear incentive to preserve open space.

[03:17:41] But it is also absolutely true that once it is harvested for the nutrient credit, it can't be farmed. What is the bigger risk, losing open space or losing farmland? My concern is if we did this and you couldn't incentivize essentially the conservation easements through the nutrient credit, you would see fewer and fewer of the open space easements ultimately and actually get more development in the long run. Even while you may be preserving those properties for farming, but I kind of think if they were going to be farmed, they probably would be farmed. So that said, I take the

[03:18:18] point of the chair which is what the ultimate goal of this initiative was so I I can't make a decision on this yet I think that means for tonight I'll probably vote no on the motion which is not to mean if it does come back I wouldn't support it down the road but I'm not ready to decide whether we should put this in our legislative program or not at this at this moment I hadn't spent a lot of time on this issue until this motion came today as opposed to some of these other issues so that's where I am. Thank you. I'm sorry, I think it was Mr. Crony was next. I think you were next.

[03:18:53] Yeah, thank you, Chair Randall. So I will be supporting this. I think this is something that the legislature or General Assembly needs to look at. Nutrient banking involves a permanent land conversion to uses that generate a lower amount of nutrient runoff, such as the conversion of farmland to forest. So in 2022, a report by DEQ showed there were nine approved nutrient banks in Loudoun that removed 633 acres of agricultural land. So it is having a significant

[03:19:30] impact behind the loss of farmland. And I do think that when land is put into conservation easement that's farmable, and then it's put into a nutrient bank, you know, it is not being used, it's not being used in ag anymore. So it takes that land out of farmable use. And we know, you know, that statistic was from 2022. So we probably have more nutrient banks now. And I think other jurisdictions have even more like in Clark and Fauquier County. So I think it's worth

[03:20:08] really looking at and determining um you know what's the balance um you know between nutrient banking conservation easements and farmland so i'll be supporting this thank you mr kirschner thank you madam chair i'm not i'm kind of in the camp of mr letourneau um i i have some concerns with this i'll just be really frank with you i haven't studied it um enough but if i could ask staff a brief question sure do we know how many acres of nutrient credits we even have in the county? I do not, although we do have a staff representative from building development who's familiar with those that may be able to answer that question. Okay. Do we know, I'm assuming we

[03:20:48] don't know the answer to how many conservation easements also have nutrient credits on top of them in the county? No. Okay. Do not. So to me, we may, again, once again, be looking at a motion that may not even have a problem. I don't know if that's the case or not. I want clearly more information before I would support something like this. I also kind of find it interesting if, You know, Mr. Letourneau makes a really good point.

[03:21:09] If you have a conservation easement, and if you prohibit putting nutrient credits, then you have to have additional land for nutrient credits. Maybe that's a good thing because you have more open space, but maybe it's a bad thing because now you're doubling up the land, and it's less incentive to do one or the other. I don't know.

[03:21:25] And so there's just too many unknowns for me in this situation. The other thing is we can kind of put it in our legislative program. We don't really have any control over this whatsoever. Maybe when we get there and I'm able to look at it more, I can support it. Maybe I'm going to be more opposed to it. But at this point, I'm just going to vote no. Thank you. Okay.

[03:21:41] So for closing, I would say that if that's the case, if the issue is we won't have any control over what happens in Richmond or the Congress, we wouldn't have much of the program at all because we never have control. We have the ability to put it in our package and then go talk about it and then go lobby for it.

[03:22:00] But we have no control over what legislators would do in Richmond. If we did, I think we would have a very different Commonwealth, to be quite honest, in many ways are in Washington, D.C. And if the nine of us could control Washington, D.C., I think we'd be running a whole lot better to be quite honest. So we don't have any control over that anyway. So that's not a reason to not fight for what we want. Let me say this again. You can just put your land, put a nutrient credit, put your land in a nutrient bank. You can just do that. You do not have to stop by conservation easement. It's not like a train station that

[03:22:35] have to go through first. But once you do that, the land is not farmable. And I'm going to go back to this again. When Mr. Buffington and I started this process, the goal was to protect farmable land. That's still my main goal, not my only goal anymore, but that's my main goal. And the nutrient credits takes away the ability to farm land that's been put in conservation easement, But you can absolutely still put some land in a nutrient bank if you choose to.

[03:23:11] This is going to our LEDGE program. Between now and then, we will do lots of studying, lots of research, have staff look at it, all those things that we do. I will also take my last minute and 20 seconds to say to people who say they just heard about this.

[03:23:28] Are we even doing this behind closed doors? This has been going on for over four years. It's been in the paper. It's been on the website. It's been the Farm Bureau, Sabrell Loudon, has had it on their agenda multiple times.

[03:23:47] With due respect, nothing has been done behind closed doors. We have had hundreds of emails around this because we've been talking about it for such a long time. So I just wanted to put that out there because a couple of people did indicate that we just sprung this on them.

[03:24:07] It's been four years. All right. I made the motion. And did you second the motion? Mr. Crowley second the motion. All people say aye. Opposed? Okay. This will go to, this will be, that will pass. You say aye.

[03:24:24] That would be 6-3. Mr. Kirshner, Mr. Letourneau, and Ms. Umstead opposing the motion. All right. Motion number two. I move the Board of Supervisors revise Section 2. 04-01-K. 6. A and 2. 04-02-K. 6. A of ZOAM 2020-2022 Prime Agricultural Soil and Cluster Subdivisions provided in Attachment 1 to the June 12, 2024 Board of Supervisors Public Hearing Staff report to read as follows.

[03:24:58] prime farmland soils. Each originating tract that contains 10 acres or more of prime farmland soils must provide one or more preservation farm lot that contains a minimum of 70% of each prime farmland soil. Originating tracts containing less than 10 acres of prime farmland soils must contain a preservation farm lots. That is the motion. Sir, second. Motion is made and seconded.

[03:25:28] To open the discussion on this motion. So we've had a lot of discussions of where the trigger should be. And I won't say the name of the person that I met with, but it's somebody who's in the room right now who's sitting in a green shirt that said to me that it's hard to farm on small lots.

[03:25:57] That's what somebody in the green shirt said to me. It's hard to farm on small lots. It's hard to farm on one-acre lots or two-acre lots. It's hard to farm. Now, I've done some research, and I found that, you know, there is absolutely farming on smaller lots. There's meat birds, chickens, pigs, you know, obviously flowers and vegetation.

[03:26:20] You can farm on small lots. But if we're going to have a trigger, I want the trigger to be more. And by the way, this would be the 10 non-contiguous. I want the trigger to be higher than 5. I have gone back and forth on this because I have really, really, really tried to hear the voices of everyone talking to me.

[03:26:41] And by the way, at no time during this process have I said, what's a happy median? I want to kind of go down the middle because I didn't believe that's the way I should approach this. I've done so much studying and I know so much about dirt that I didn't know four years ago.

[03:27:00] But I made decisions based on what I thought was the right thing to do, not what I thought was the happy and median thing to do. And again, it was someone who was sitting in a green shirt that said to me, you know, no one farms on three acres, Chair Randall.

[03:27:16] I don't know that that's still what they would say today, but that was said to me then, and so we're talking about a trigger point. So that's why I landed on this number. Having said that, I do believe Mr. Crony would like to do a friendly.

[03:27:34] Okay, ask for a friendly. Can I make a friendly amendment? Well, I would have to hear the friendly amendment first. Okay, so it's, okay. It would be changing A from 10 acres to 5 acres or more, non-contiguous.

[03:27:55] You're offering to me that, you're offering me that as a friendly? i am going to say no to the friendly would you might like to do something else like make an amendment to the motion drop the word friendly yeah you want to make a substitute motion substitute you want me to substitute motion yes make a substitute motion mr crony okay so i move that the board of supervisors approve sections 2.0401 k6a and 2.0402 k6a of zoam 2022 to zero zero two prime agricultural soils and cluster subdivision.

[03:28:31] Provide an attachment one to the June 12, 2024 Board of Supervisors public hearing staff report to read as follows. A, prime farmland soils. Each originating track that contains five acres or more non-contiguous, five non-continuous acres or more of prime farmland soils must provide one or more preservation farm lots that contain a minimum of 70% of such prime farmland soils.

[03:28:56] Originating tracks containing less than five acres of prime farmland soils may contain a preservation farmland. - Second. - Okay, the motion's been made. I'm seconded by Mr. Buzzer-Turner. Let me just do, just give me a sec.

[03:29:12] Didn't you second my motion? - No, Julie didn't. - Oh, Ms. Fisk will second my motion. Okay, all right, all right. Cool. I'm seconded by Mr. Buzzer-Turner. All right. Yeah, I was like, did you second my motion? All right, this is a motion made by Mr. Crony.

[03:29:30] And Mr. Crony, just to be clear, you're saying five non-contiguous acres? Okay, you can have an opening. Okay, thank you. So I want to thank Jacob for all the work that you've done. That was the staff recommendation, and it's actually in the draft zoning ordinance amendment, in the draft text, the five non-contiguous acres.

[03:29:54] And the reason why is because it provides the greatest impact to meet the objective of the ZOAM. So our objective is to preserve prime agricultural soils. And it meets the 2019 Comprehensive Plan objective to preserve and protect farmland and agricultural soils.

[03:30:14] I want to repeat that. That is in our comprehensive plan. So what we are doing tonight is meeting our comprehensive plan policy. We are drafting regulation to meet the policy. And the reason why I think we should start with the trigger at five non-contiguous acres is because we save more prime land, prime soils, than we do with 10 non-contiguous acres.

[03:30:40] We save an additional 194 parcels and an additional 1,450 acres of prime agricultural soils. Our success story in Loudoun are our small farmers, our vegetable farmers, our flower farmers, the farmers that do honey.

[03:31:04] You know, these are our small, successful farmers. And going with the five non-contiguous acres will allow us to have the most benefit. We do have a way where people are not gonna, you know, see a reduction in their lot yield.

[03:31:23] We do have the reduction, or the savings clause, and we also have a way you can change the design. We gave flexibility to change the design of the cluster subdivision.

[03:31:39] So, like Chair Randall said, we've been doing this for four years. We have been out to everybody, all the stakeholders, all the residents, all the different groups. In fact, the Land Trust of Virginia and the Northern Virginia Conservation Trust, both land trusts, they support this amendment.

[03:32:00] They support this ZOAM. I attended a gala for the Northern Virginia Conservation Trust. I am a big conservationist. I believe in conservation easements. I wouldn't support this if I thought it was actually going to hurt conservation easements.

[03:32:17] I think we can do the balance. I think we can have the balance of preserving our prime soils and doing easements in western Loudoun County. So I hope people will support my motion. Okay, so, okay, yeah, exactly. So this is about this motion.

[03:32:34] Yes, I had to make my other points. Okay. Mr. Kirshner. So this motion essentially is basically, if one thing we heard tonight, there's a big division between your smaller farmers, some who live in the county, some who don't, some who don't own land, some who do. And then the people who are doing conservation, again, many of them who do own land in western Loudoun County. If one thing I heard is there was difficulty compromise, this is not a compromise. This is literally as much restriction as you can put on every single

[03:33:08] parcel that ever wants to cluster in western Loudoun five non-contiguous acres you're pretty much wrapping up every single parcel that could possibly cluster so that is no compromise that is not you

can say it's consistent with the general plan but so is chair randall's motion and so is my motion was 10 non-contiguous because that makes a lot more sense when you have your larger parcels etc so basically every single landowner and what that ultimately will do if what has been said throughout the night you're going to hurt the property values people in london county if

[03:33:44] the savings clause is not sufficient you're basically taking value from many small landowners it's a huge mistake and for us to for us to come and say oh this is consistent this is not a compromise this board needs to come somewhere in the middle if we're going to get some of this right i i i vehemently oppose five non-contiguous acre i think you are literally just beating those who are the smaller landholder value of their land.

[03:34:18] A larger landholder may be able to absorb it, but this is the smaller landholder. And, you know, if you have not five noncontained, if you got, first of all, you have to have 20 acres to even do a cluster in the county. If you got one acre over here, one acre over here, one acre over here, one acre over here, on that 20 acres, you know what you've effectively done?

[03:34:34] You've effectively made it non-developable. And I don't think anybody, I think most people here don't even understand how this goes. I think a lot of our, some of our supervisors do, but that's effectively what we're doing. So if you have a piece of acreage that's worth 20 acres and you've got it all divided up, we've just basically stolen, by passing this potentially, four lots.

[03:34:56] Now, maybe the savings clause saves them. That's another discussion we'll have in a minute, but thank you. Thank you. Mr. Letourneau. Yeah, so I think I am an inherently more cautious person when making significant ordinance changes on items that the exact outcome, I think, is rather unforeseen.

[03:35:22] In this particular case, you have two extremely different visions of what the impact of the overall ordinance and package is going to do. And if one side is right or the other, I don't know. I really don't. And I've determined if there's one thing, I've determined it's really impossible to tell exactly who's right in this.

[03:35:42] and I think both sides are probably a little exaggerated on various individual points. So the other thing about the law and the ordinance is that it is a living in a breathing document, which is to say it can be changed, it can be repealed, which I would say to my friends who later on may not be happy with me if I vote for this, but it can be further amended.

[03:36:08] We can take stock, we can go X far and then see, and if we feel the need to go further at that point, we can. so for that reason i think i prefer the approach that the chair took in the original motion which is a little bit more cautious than what the substitute amendment is um and it still accomplishes you look at the chart you look at the numbers quite a bit i mean let's not minimize it um but it provides a little bit more protection in case things don't go exactly as we intend thank you

[03:36:44] um miss um step thank you madam chair uh chair i i will be opposing supervisor to crony's substitute motion um in general i i do believe those folks who spoke about the prime ag soils approach destroying the conservation easement program i believe they are accurate and i think they've presented convincing evidence of the same i worry very much about property rights being taken

[03:37:19] um especially as as mr kirschner said from our smaller uh farm owners um the chair's motion has the advantage of going from the five acres that is in the staff uh appendix to 10 acres which i think is a

move in the right direction. So I will oppose Mr. Crony's motion. I will support the chairs. Thank you. Thank you. Mr. Turner. Thank you, Madam Chair. The chair and I debated this

[03:37:55] a fair amount today. I talked to multiple people about this. The bottom line here is the five non-contiguous or the 10 non-contiguous is simply a trigger to implement this zoning ordinance change. If we want to implement the zoning ordinance change, then we ought to implement the zoning ordinance changed at the lowest threshold that we can implement it.

[03:38:15] I mean, let's do what we are intending to do if we pass this ZOAMP tonight. The difference between the 5 and the 10 is about 1,000 acres of prime soils and about 150, 160 lots.

[03:38:37] It's not earth-shattering either way. It's simply you set your trigger in a different place. I simply do not buy the argument with the savings clause that we've implemented right now that there's going to be an appreciable difference in the value of the land. So then let's trigger the new ZOAM and protect as much as we can as a default position.

[03:38:58] And to Supervisor LeTourneau's point, if we find that there are unintended consequences, we can come back and we can change it. If we're going to change it, we'll change it. But to start second-guessing ourselves and backing away from what we want to protect at the outset simply says well we really want the zone but we're not really enthusiastic about it that's crazy we want it or we don't i personally want it and so let's set the threshold as low as we can thank you thank you miss um brixman thank you madam chair so i seconded the chair's motion

[03:39:34] because i thought it would be a friendly so i could accept the friend but anyway i do support Um, I do support Laura's, um, supervisor to cronies, uh, um, alternate motion. Um, I was on the fence when we started talking about this, I was literally on the fence and I wasn't sure.

[03:39:55] And, um, I've talked to a lot of people and, you know, did, did a lot of research, probably not as much as the chair did. But one of the things that really sold me on this idea was the number of acres we're actually talking about. The RPA, I believe, is about 200,000 acres. If this were to be triggered and every parcel was taken advantage of, it could be 11,000 acres. To me, I just don't get the sense that that's a lot out of what we have out there that could be used for a number of other things.

[03:40:34] And when I looked at the difference between the five non-contiguous and the 10 non-contiguous, And after talking to many of our friends in the audience, non-contiguous does work. I didn't think, I didn't really think or imagine that it could work, but they tell me it does.

[03:40:52] So if we're looking at being able to have 685 parcels versus 491 parcels, I'm going to go for the 685 parcels because that just gives us more opportunity to have the small farms.

[03:41:09] One of my favorite days in Loudoun County, what has grown to be one of my favorite days, is going out to Segra Field when we have Loudoun grown and the farmers are out there sharing their wares and showing me what they've produced and the work that they do.

[03:41:28] And I've learned so much there as well. So I appreciate everyone that helped me come to this point to being a yes on the Primag soils initiative and especially a yes on the five non-contiguous. I hope this motion passes. Thank you. So I'm going to, and I don't really make you statements a lot, but I'm going to repeat the words of Mr. Kirshner based on what Ms. Brixman just said and make a little bit of a you statement.

[03:41:54] It's possible there is some not quite understanding what this is. Doing 10 non-contiguous acres doesn't mean that the five non-contiguous acres is not included in 10. It's a trigger number. It's a trigger number. So it's not like if we do 10, if they have 10 or less, they can't farm anymore, they can. So to say like, well, I want to support small farmers, doing 10 doesn't not support small farmers. It still does. It's a trigger number. So with respect, that statement is confusing to me

[03:42:31] just a bit. So secondly, everyone's guessing at these numbers. We have a table. We have a table. So the table's there. So the difference is 1,452 acres, that's actually the number.

[03:42:48] I'm not a mathematician, but that's not hard math. The numbers are actually here. And so, again, I was never trying to do a compromise, because I don't think in these moments you try to think of what's a compromised place.

[03:43:03] I was trying to do what I thought was right and logical and reasonable and would allow for a higher trigger number, but still allow for all the farming to be available to small farmers. And 10 non-contiguous acres met all those goals for me.

[03:43:20] That's why I landed on this number. I didn't come to any of these things kind of willy-nilly. I've given a lot of research and a lot of thought to what this trigger number should be. So that's why I landed on this one. Okay, would you like a closing?

[03:43:38] Thank you, Chair Randall. Sure. So I am going to associate myself with Supervisor Briskman. I do believe having the trigger at five non-contiguous acres will allow us to save more prime ag soils.

[03:43:54] Again, the table says we'll be saving an additional 194 parcels and 1,450 acres of prime agricultural soils. And we've been waiting for this for a long time. So I think if we can save more soils for our farmers, I'd like to do that.

[03:44:15] So hopefully you'll support me. Thank you, ma'am. All right, that motion was made by Supervisor DeCroni and seconded by Supervisor Turner. All the people say aye. Aye. Opposed? No. I think that was a 5-4, because I think that if I hit that, you said no, right?

[03:44:32] You were aye? You were aye. That was a 5-4, so that motion passes. And if I heard everyone, I want to make sure I get you guys' votes correct. If I heard it right, it was Ms. Umstead, Mr. Letourneau, Mr. Kirshner, and myself that were a no.

[03:44:48] Is that correct? Ms. Glass, you were a yes? That is correct? Okay, that motion passes. With that motion passing, it automatically changes motion five, just so you all know when we get there. Mr. Turner, I'm going to go to you to read what we're calling the savings clause.

[03:45:09] And then I do believe that Mr. Kirshner will have a statement on the Savings Clause as well. Okay, Mr. Turner. Thank you, Madam Chair. I've actually incorporated Supervisor Kirshner's language into this motion, so however that goes.

[03:45:27] I move that the Board of Supervisors revise Sections 2.04.01.k.6.b and 2.04.02.k.6.b of ZOAM 2020-0002, Prime Agricultural Soils and Cluster Subdivision, provided in Attachment 1 to the June 12, 2024 Board of Supervisors public hearing.

[03:45:48] staff report to read as follows. One, revise sections 2.04.01.k.6.b and 2.04.02.k.6.b to read as follows. Administrative reduction. The zoning administrator pursuant to section 10.02 must 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 a develop a land from the originating track remains available for placement of residential cluster lots if one of the following site characteristics can be

[03:46:27] demonstrated by the applicant one we're preserving 70 percent of the prime farmland soils on an originating track and complying with all other applicable regulations results in less than 30 percent of developable land from the originating track remaining available and accessible without further disturbance of any floodplain or environmental overlay district for the placement of residential cluster lots or two where the total amount of prime farmland soils is less than 15% of the originating track and where the prime farmland soils are distributed sporadically throughout the originating track such that preserving 70% of the prime farmland soils in one or more

[03:47:05] preservation farm lots results in less than 30% of developable land from the originating track remaining available and accessible without further disturbance of any floodplain or environmental overlay district for the placement of residential cluster lots. Notwithstanding the foregoing, in no event may the zoning administrator reduce the required percentage of prime farmland soils to be preserved within the preservation farm lots to less than 30 percent. Motion is made, and seconded Mr. Kirshner.

[03:47:37] Want to second the motion, Mr. Kirshner? Yes. Okay, and I'm saying that because they work together on the verbiage. That's why I said that. Mr. Turner, would you like an opening? Hi, Madam Chair. I'll keep it brief. I made my comments earlier. First of all, I do want to commend staff. This has been an unbelievable effort, four years, and Mr. Glendo, for sure, you, but the whole staff in DPZ has done phenomenal work on this.

[03:48:05] It's been a long road. I think we've come in a very good outcome. When we started this for a couple of years, I thought there is no way you can preserve 70 percent prime farmland and preserve the value of the land. And I think that's exactly what this clause does.

[03:48:23] Despite the many protestations that the sky is falling and Earth as we know it will come to an end, I believe that this savings clause specifically speaks to saving the value of the land for the purposes of conservation easement.

[03:48:39] I think the must, it doesn't change the internal process, but I think it firms it up for the IRS to make that proper determination of the value of the land for conservation easement. So I think staff has done what I would consider to be several years ago impossible and really threaded the needle in a really nice way that we can both preserve farmland and preserve the value of the land.

[03:48:58] So I'm very pleased to make this motion. Thank you. Thank you. Mr. Kershner. Yes. Thank you, Madam Chair. And thank you, Supervisor Turner and staff for all your hard work on this. Again, I don't think this is perfect. I'm going to support it. But I do appreciate Mr. Turner and incorporating the little bit of language I had, which I think will really help further kind of limit the those kind of non accessible pieces of property that are crossed environment and things we want to protect anyway, which are those environmentally floodplain environmental overlays, etc.

[03:49:28] and trying to cross those with bridges, et cetera. So I think this is language that really does help, I think, those seeking to do conservation easements. I don't think this is going to be a panacea. I hope I'm wrong. I really do. I really, really hope I'm wrong that this fixes it. I mean, I just want to point out

that there were a lot of statistics that were pointed out today, and I don't think any of us oppose preserving prime ag soils.

[03:49:52] I was elected by 60% of the people in my district, and I opposed this whole process during my election period. And so I think as far as many of the people in the western part of the county, they would not support a lot of what we're doing tonight.

[03:50:08] But I do think they would support trying to do everything we can. If you're going to do a preservation of primatics, well, certainly supporting a savings clause like we have here. I know the chair and Mr. Turner have done a lot of work on this. I hope you are right. I think there are still ongoing concerns by the conservation easement community, especially as to how this will be scrutinized by the IRS.

[03:50:31] I don't think any of us here are IRS agents. If you've ever been audited, they're not someone you want to see knocking on your door. And if you're moving to put a piece of property into a conservation easement and you lose on that front, you lose the value of that land because now you've removed all the value of that.

[03:50:48] And that's what a lot of people who don't do this don't understand. Now, I hope Supervisor Turner, you're right. Maybe some folks are going to be willing to step out and take some risk on this. maybe they won't get burned but the problem with that of course is every single piece of property is so unique and so different that i do think that ultimately there is going to be some loss and some risk and we're going to see a significant diminishment um even with the savings clause um mr hansen i think um said it best when um or was it mr it was it was one of the speakers that said you know you're going to see a you're not going to see the kind of easements that you've

[03:51:24] been seeing going in maybe we're only going to see a thousand just because of all these changes the additional the additional requirements and um i'm concerned about it but i do appreciate the savings clause i'm going to support it um as as written i could i could make other motions maybe to try to make it better but i think we've made it as good as we can and try to remove as much risk as we can obviously there's no ultimate guarantee language in it thank you miss um glass thank you Thank you, Madam Chair, and I have a question for staff.

[03:51:52] Sure. So is there a concern that this takes away the ability of the zoning administrator to provide oversight and approval? I think there was a concern that was raised about the process and how it would work, but it is the intent that the zoning administrator would consult with other expertise in reviewing these reductions that come into the county, if that answers your question.

[03:52:25] To tack on that, we think that this still gives the zoning administrator oversight to verify what's put in front of us is valid. That's why it's for asking for the site characteristics to be demonstrated by the applicant. The zoning administrator in consultation with other staff would look at that, agree that it's valid, issue these via the must.

[03:52:46] If it's not valid for some reason, it's very poorly designed basically to try to get around these kinds of new rules. We'll have the ability to state that as well. Thank you. So I would say that this is probably the motion that we have worked on the most over the past two weeks.

[03:53:05] We've been deep into this motion. Mr. Myers, I would say that I believe that the language that was added tonight addresses the issues of what if a piece of land crosses a stream. I believe that the

language that was put in addresses that.

[03:53:23] You know, when we started with this, I think we've changed this language five times, and every time we've changed it is because we have gotten an email from people who are talking about conservation easements and saying, you should do this, you should do this, you should do this, and we've incorporated every bit of that language we've incorporated.

[03:53:42] it. There is nothing that we haven't incorporated at this point in the Savings Clause. So I would associate myself with Mr. Turner's comments that I think that what we're accomplishing here is to save the, and we'll get in a couple of other motions from here, we'll get into a discussion where there's really prime soil by the U.S. Department of Ag, saving prime soil and saving um the value of the land um you know we have not done anything without all of our attorneys and looking at this every step of the way and so it's not as if my supervisors two of

[03:54:20] whom are attorneys but don't do this work haven't been looking at this and and taking into account some of the things that were raised when we received the emails and again going back and incorporating all the things that were said into this motion so i will be supporting this motion Mr. Turner, would you like to have a closing?

[03:54:38] No close. You're good. Okay. Motion was made by the Turner, seconded by Supervisor Kirshner. All people say aye. Any opposed? That motion will pass 9-0. All right. Motion number four. I move that the Board of Supervisors revise Section 2.0401.k.6.d and 2.0402.k.6.d of ZOM 2020-0002 Prime Magical Soils and Cluster Subdivision Provided Attachment 1 to the June 12, 2024, Busted by the Public Hearing Staff report to read as follows.

[03:55:16] Permanent open space easements, all area of a preservation farm lot, must be subject to a permanent open space easement. I want to say must be. It says must be to a permanent open space easement rented to the county in a form reviewed and approved by the zoning administrator for consistency with the applicable requirements of this owning ordinance.

[03:55:35] Motion made in second. I don't think this one actually needs discussion. I mean, I think it's pretty obvious, to be honest. And the language of must is in this one. So is there any discussion on this? All right. All people say aye. Any opposed? That motion passed 9-0. That's a nay? Okay, 8-1.

[03:55:56] Ms. Tiproni, would you like to make a motion? Thank you. I move that the Board of Supervisors revise sections 2.0401K7 and 2.04.02K7 of ZOAM 2020-0002, Prime Agricultural Soils and Cluster Subdivision, providing attachment one to the June 12, 2024, Board of Supervisors Public Hearing Staff Report to read as follows.

[03:56:23] rural economy cluster lots, each originating track that contains less than five acres of prime farmland soils must provide a minimum of one rural economy cluster lot. Motion made, sir, second. Motion seconded by Supervisor Glass. Would you like to open?

[03:56:45] Sure. So this is similar to motion two regarding the five acres of non-continuous prime soils, that's the trigger. In this case, if the originating track contains less than five non-contiguous acres of prime ag soils, you must provide a minimum of one rural economy cluster lot.

[03:57:12] That's my understanding of it. And then the rural economy lot, just so everyone knows, only required when a preservation farm lot is not required. Otherwise, the rural economy lot is optional. Thank

you. Any other discussion on the motion? I will say that I had Mr. Crony make this motion because we, since two changed, it's only logical that the motion on five changes, and I don't support five non-contiguous acres. I support 10 non-contiguous acres, and so I didn't want to

[03:57:49] make a motion although this this motion sheet is my is the motion sheet that I put forward this motion changed for me when motion to change for me so I will not be supporting this motion just as if I just as I did not support motion number two for the same reason the five versus the ten so that's why I didn't support that's why I didn't make it all right would you like to have a closing no okay on people say aye aye opposed nay I think that's five four again with Mr. Kirshner, Ms. Umstead, Ms. O'Turner, and Chair Randall opposing the motion.

[03:58:25] I will make the next two motions, but there will be a fairly significant change in Motion 7, everyone, so just know that's coming. Motion 6, I move the Board of Supervisors to revise the definition of prime farmland soils in Chapter 12 of Zoem 2020-0002, Prime Agricultural Soils and Cluster Subdivisions, provided in Attachment 1 to the June 12, 2024 Board of Supervisors Public Hearing Staff Report to include only prime farmland soils for land capability classification of Class 1 or Class 2,

[03:59:05] and therefore it reads as follows. Prime farmland soils, for the purpose of the zoning ordinance, the following soils mapping units are considered as prime farmland soils within Loudoun County and are shown on the Loudoun County Geographical Information System, also called Weblogis.

[03:59:22] 3A, 13B, 17B, 23B, 28B, 31B, 43B, 45B, 55B, 71B, 76B, 90B, 93B, 94B, and 95B.

[03:59:41] That is the motion, so a second. Motion is made in a second. Okay, so when I say that I have done more research on dirt than I've ever thought I would do in my life, this is what I'm talking about. So when we started this discussion, I did have questions.

[04:00:01] Well, no, that's not a true statement. When we started this discussion, I keep saying, when Mr. Buffington came and talked to me, I didn't know, and I'm going to say, I didn't know, I should have known four years ago, and I know now what I didn't know four years ago because I've done research.

[04:00:21] And there are people in this room on both sides of this discussion who have helped me really understand the different soils on both sides of this room, on both sides of this issue, I should say. So we have a soil specialist on the board, but I made the decision that if we ever had to defend this, ever, then I needed to use a defensible mechanism all the way across this item.

[04:00:51] And in my head, the one defensible mechanism that we use nationwide across this item is the U.S. Department of Ag. So when I looked at what we when we talked about how much farming, how much prime soil was lost, that number came from the U.S. Department of Ag.

[04:01:11] When I looked at what is what is considered prime agricultural soil versus farmable soil, class one and class two comes from the U.S. Department of Ag. And so again, this stuff is not I didn't like pull these things out of nowhere. I did research because I wanted to make sure that we were one, being able to defend what we were doing. And I wanted to make sure that it was normed. And the only way to norm this is to use the national the national definition.

[04:01:42] And so when I asked staff to go look at this in Weblogis, it was based on what the U.S. Department of Ag classifies as prime ag soil in class one and class, which is class one and class two.

[04:02:00] Now, we also realized that we don't have a lot of, if not a lot of all, at all, of class one farmland soil. and, I'm sorry, of class one prime soil. And to the person who was on the phone, if your soil is on a steep, rocky slope, that is not prime soil.

[04:02:19] This I know for a fact at this point, that is not prime soil. The steep and the rocky takes away the possibility of it being prime soil. So I am using for this, with the U.S. Department of Ag classifies as prime soil, just as I am using the U.S. Department of Ag numbers for how much soils, how much farm soil we have lost in Loudoun County.

[04:02:43] That is why this motion is so specific. Discussion, other discussion on the motion. Wow. All right. All in favor, please say aye. Any opposed? That motion would pass 90.

[04:02:59] I didn't have to do all that talking. I could have talked less. Okay, this is the one that changes, and I'm going to read the change. You all don't have this change. I'm going to read the change, and then I will explain why I made the change after I read the change in the motion.

[04:03:19] I move the Board of Supervisors approve ZOAM 2020-0002 Prime Agricultural Soil and Cluster Subdivision as providing an attachment 1 to the June 12, 2024 Board of Supervisors Public Hearing Staff Report to become effective March 12, 2025, subject to the amendments made at tonight's meeting.

[04:03:41] I further move the Board of Supervisors, direct staff to publish the final approved amendment, correcting the typographical or screener errors, Scrivener errors, making such other non-substantive edits or corrections necessary to ensure internal consistency, including the text, tables, appendices, and or figures.

[04:04:03] That is the motion. Motion by second, motion by second by Supervisor Kirshner. All right, the reason I gave this, instead of three months, I'm now giving this nine months. The reason I moved from three months to nine months is this.

[04:04:19] Now, I have asked this question many times for everyone who has said, I would have put my land in conservation easement, but, you know, and I've heard that many times, but all the buts, you know, but because of this.

[04:04:35] Well, we've been doing this for four years alone. So any time in the past four years, you could have put your land in conservation easement. Anytime in the past 20 years you could land the conservation easement. But I did go look at what it takes to start the process and even put land the conservation easement.

[04:04:55] And everyone has said to me that somewhere between three and six months will get you into the process. So I'm actually giving it nine months. So for Madeleine Albright's land and any other land discussed tonight where people are saying I would have, but you now have nine months from today to put land in conservation easement and nothing we would do tonight one way or the other will affect that.

[04:05:23] So in nine months, if that has not happened, then that's a different issue. So I changed it from three months, and I'm sorry for not telling you all, staff, because I did this tonight when I was getting numbers, when I asked how long it takes.

[04:05:39] Three months is the minimal amount of time it could take. Six months, nine months, is what I'm told is what it probably will take, even six months to start a process or to grandfather you in. I went beyond six months and did three more months, which moves us to March 12, 2025.

[04:05:58] i say this almost never i say this almost never in all the work i've done on this item i'm going to say these words right now i hope my colleagues support me on this item because i believe it takes away the discussion of i would have done conservation easement but discussion on the motion miss uh um stop um thank you madam chair um i will be opposing the motion even even though I think the chair's idea of giving nine months is a good idea.

[04:06:33] The devaluation of the properties will start as soon as the board passes this. So the loss of tax benefits starts tonight, and therefore I think the nine months period of time to allow people to put their land in conservation easement, they're not going to get the tax benefits starting tonight.

[04:06:59] so I will be opposing this. Thank you. Thank you, Mr. Turner. Thank you, Madam Chair. I pretty strongly oppose this. I only just saw it. That's probably my fault. Anybody who wanted to put their land in conservation easement has had four years to do that. I mean, this has not been a speedboat.

[04:07:27] We have been a tugboat with no engine adrift in the Hudson River for four years. Yeah, and so all, I think the unintended consequence of delaying at nine months is that we will have a run on the bank to develop clusters before this takes effect.

[04:07:45] And I just don't agree at all that we should delay this beyond what we were originally intending, which is September. Thank you. Thank you. Mr. Kirshner? Madam Chair, I have a point of clarification. Sure. This is, is this the final vote for the whole, it's not, correct? It's just, I just want to make sure we understand.

[04:08:03] I have no other motion tonight. Okay, I had a motion. Okay. So, is this the final vote? Oh, no, no, no, no, no, no, no. If you have a motion, we can take your motion. If it's not contradictory and all the other motions that we've already done. Two of them are, which I'm not offering, but one was not, and I think.

[04:08:19] Then no, I mean, no, no. If I said that, I apologize. This is my last motion that I'm leading, but no. Madam Chair? Yeah, who's Madam Chairing me? Yes, sir. The motion actually is approving this. Oh, okay, so I should take out, I can adjust the motion to take out the further move for right now.

[04:08:40] No, no, no, the beginning of the motion is to approve, and then you're setting the effect. Oh, okay, I see what you're saying. All right, then you know what, I see what you're saying. Okay, this is what I'm going to do. I'm going to table my motion, and the second on the motion, and to anybody else who wants to make motions, makes motions, and then we'll go back to this motion.

[04:09:00] How's that sound? So I'm going to table that motion until everybody else makes their motions. I will go right now to Mr. Kirshen to make a motion. So, Madam Chair, there were several motions I had on the table. The only, because of the conflicting motions, the only motion that I have that I don't believe conflicts is my motion number two, which is revised to exclude small isolated areas of prime farmland soils from the minimum percentage of farmland soils to be preserved in preservation farm lots.

[04:09:27] I move the Board of Supervisors revise Section 20401K6A and 204026A of ZOAM 2020-0002 Prime Agricultural Soils and Cluster Subdivision provided in Attachment 1 to the June 12, 2024 Board of Supervisors Public Hearing Report to add the following sentence to the end of those sections.

[04:09:50] Areas of prime land soils that are less than two contiguous acres on an ongoing track can be excluded from calculating the minimum percentage of prime farmland soils to be preserved in a

preservation lot. Okay, I'm going to allow this motion to go forward right now because I want to understand what you're doing because I've not seen this motion before right now.

[04:10:15] So I'm trying to understand what you're doing. This is really what I'm calling the practical farming amendment to the ZOAM. And I've talked to a number of different landowners, both farmers or developers as well as those doing conservation easements and how this impacts basically under the current system that we that we have are about ready to adopt as a board um you have you have to um count um keep preserve 70 percent of every single prime ag soil unit on there and and sometimes you have to build your cluster or your farm around perhaps

[04:10:53] these very isolated pieces of um prime ag that are really not usable or farmable so the concept is and if you can just think for me with me for a moment of a piece of property that may be 35 acres and you have um you have five acres here 10 acres here um and maybe one or two acres over in the corner um the idea really is that you will avoid those kind of snake-like um amoeba type shape prime ag soil parcels with on it and that you don't ultimately have to count it in your final 70

[04:11:32] percent because really they're not that reasonably usable. And so I call it the practical and I think will ultimately assist significantly in how both these get put together. Because if you're doing a development and you have to kind of build a conservation lot around some of these and it's strange, you're going to have a very odd looking. It gives less flexibility, quite frankly, to the developer. And so that's why I've, and I've talked to a number of folks about this, that this would be very helpful in how we actually calculate it, so. Mr. Kirshner, help me understand how this is

[04:12:09] not in conflict with what we've already passed. I didn't vote on, you didn't vote on, but help me understand how we're not. So that's the trigger. This is the actual total calculation. So if you have something two acres or less kind of sitting over in the corner, you don't count that in your total preservation because it's not really a piece of, it's perhaps not, usually when it's that small. I chose two acres because that seems to make the most sense. I mean, that's really why that is there and why that ultimately works. Because what you're, I mean, you're ultimately going to have, and this is why I really feel like our planning commission failed us, because they

[04:12:47] didn't really think through a lot of this. And we're trying to have to fix some of this on the fly here on the board. But these kind of silly, isolated, odd-shaped sections that are less than acres really are not that helpful in farming and really should not be considered when creating your preservation farm lot. Mr. Kirschner, it would have been real helpful to see your motions to the motion before I walked in with the dais, but that's okay. I did talk to you earlier about the email that came, but again. Okay. That's okay. I'm going to, you're good? So that was an opening.

[04:13:22] Ms. LeCrony? So I have clarifying questions for staff. You can ask them staff or the Mr. Well, no, I'm going to ask staff. Okay. Does this reduce the 70% that we're trying to preserve, potentially? You know, the trigger is five.

[04:13:37] So the way it is worded is that if you have property that has five non-contiguous acres and none of those acres of soil meet this threshold, then they would all be excluded from the calculation of what the minimum percentage is.

[04:13:58] So it could impact the 70%? Yes. Okay, so I will not be supporting this, because we just voted to preserve 70%, with five as the trigger, and this would potentially reduce our 70%. Thank you. Potentially.

Okay, Mr. Sainz.

[04:14:19] Thank you. Either Mr. Kushner or the staff, who would determine the isolation and what defines it? I'm sorry, what defines isolation? Yeah, the isolation. What consists of isolation, like in his motion where it says small isolated areas?

[04:14:37] what's defined as isolated and then who would determine that? So the, I believe what's in front of you may be color-coded or not, but the text, the sentence that would be added to the end of the sections mentioned is defining the isolated areas. So it's defining them essentially as any areas that are less than two contiguous acres of prime soil. Okay. Oh, the section that's in red.

[04:15:00] Well, on paper, it's red. So areas of prime farmland soils that are less than two contiguous acres on and orienting track can be excluded when cutland that's the isolated part that you're saying yes that's defining what the isolation is okay thank you madam chair yes the one thing I was just gonna add is I think one of the savings clauses that was was put into the to the draft amendment was to address situations where you do have smaller pockets scattered throughout where you can get a reduction based on that situation so that was one of the things

[04:15:37] we did to try to address that yeah yeah yeah mr that was what i was yeah i was gonna ask two things number one for for mr galindo to explain a little bit more of the why to the answer he gave to supervisor to crony but i was also going to say didn't we cover this elsewhere so can you just elaborate a little bit more mr stealth yeah so this came about through some of the analysis the consultant did and they they proposed a second savings clause to address situations where i think it's 15 acres so if you have less than 15 acres of soils and those soils are

[04:16:13] scattered throughout your parcel that you could ask for a reduction in the percentage of prime farmland soils with the thought that if your soils that you're trying to preserve are scattered throughout the parcel and in smaller pockets it may be more difficult to get a 70% preservation farm lot in that situation so that's another administrative reduction that could be asked for if you had that situation okay and then mr galeno so your example was if you have a five acre parcel let me let me make a i'll use a bigger example yeah and this is off on the fly but if you

[04:16:50] if you have a property that has 100 acres of prime soil but 30 of those acres fall into this category of being less than two acres contiguous so they are to how could 30 fall into that category though It would be isolated then if it's 30 acres.

[04:17:08] Because there are non-prime soils that are still farmable that can be interspersed. So you can have pockets of prime surrounded by soils that can still be farmed relatively well. They're just not prime. So if you have a two-acre pocket here that's disconnected from, or one-and-a-half-acre pocket.

[04:17:26] So you'd have to have 15 pockets like that. Right, but they would have to be, in order to be included, they'd have to meet this threshold. So if you had 30 acres that were not contiguous at this two-acre threshold, you would have to save 70% of the remaining 70 acres, as this is worded.

[04:17:46] Okay. Mr. Turner? Thank you, Madam Chair. So essentially, any piece of prime ag soil on a parcel that is less than two acres becomes invisible.

[04:18:07] It doesn't exist for these calculations. It could be numerous soils combined to hit the two acres, so not a single soil. But yes, anything that is not contiguous up to two acres would not be counted.

[04:18:22] So if you had 15 parcels of 1.9 acres of prime soil for a total of just under, what did I say, 15, 30, just under 30 acres, you'd have just under 30 acres of prime soil, but all of it would be invisible because it's broken up into 15 parcels of 1.9 prime soil acres.

[04:18:43] Yes. under this, they'd be invisible. Yes. Okay. I'm going to vote no. Thank you. Okay. Tell me, tell me how, because I, I was with whoever said, I thought the savings clause kind of caught this already. Do you all believe that, that, that it does? I mean, I think that, that was the intent of the, that savings, that, um, that part of the savings clause where it talked about 15% of the originating track. Right. If the prime soils were less than that, then, because I think we're taking into account that example of you know sporadic pockets of those

[04:19:22] prime farmland soils and so and that was in consultation with with Kim Lee Horn represented that that was something that they had that was one of the recommendations as well to put forward an additional administrative reduction clause there and so I think that was the intent was to reduce those pockets of isolated farmland soil that are smaller. Prime soil. Class one or two. Mr. Kirshner, in my time,

[04:19:59] because I did second this for the purpose of discussion, tell me why you don't think that this issue is being addressed in the savings clause. Well, I'm not super confident the savings clause is going to do everything. I mean, we call it a savings clause, but some people get saved, some people don't get saved either that matter but why do you think some land's going to get saved and some's not going to get saved we don't want to have that discussion why do you think this doesn't work in the savings clause um i'm you know it seems to me that staff is not entirely i mean i don't think if i asked them the

[04:20:35] question are you sure all this this is going to make sense within the savings clause the real the real concept is what's practical to farm and that's all i'm trying to do here is two two acres saving 70 percent of two acres and trying to manipulate and configure your your cluster law in a way to put that into your preservation lot is is really not the concept that we're having here we want five ten fifteen type acre sections that we can farm um and if it's less than two acres and it's sitting over there and it's it just doesn't make sense to include it within your 70 and it makes it much more difficult i think it would be um it would it would make better

[04:21:15] developments too, if indeed these developments are going to happen. I mean, you're going to have strange shaped pieces of prop, lots, you're going to have elongated lots. You have this little elongated property that doesn't even fit. Sorry. That's okay. That's okay. I understand what you're trying to do and why, but I actually think we've addressed this in the savings clause.

[04:21:36] And so it's not that whether I oppose it or don't oppose it, I don't think it's necessary because I think we've addressed it in the savings clause. And, listen, what I know about farming can fit in a thimble, but I am told by people who know better than me that you can absolutely farm on small, strange pieces of land.

[04:21:59] Somebody else can farm on small, strange pieces of land. So I'm going to oppose that because I just don't think it's needed. I'll go back to you for a closing, though, sir. Okay. We've talked. Mr. Kirsten made the motion, and for the purpose of the discussion, I second the motion. All in favor of the motion, please say aye.

[04:22:16] Aye. Opposed? Okay, so that motion will fail to seven with Mr. Kirshner and Ms. Umstead supporting the motion. Okay. Are there any other motions on this dais?

[04:22:33] Because I don't think, I think that's it. All right, then I'm going to go back to the motion number seven. I don't think, I've read it already, and I've already given my opening, so I won't do it again. And I think that I was, I think Mr. Kirshner stopped me to make the point that he had a motion.

[04:22:54] But Mr. Kirshner, did you want to speak to motion number seven before I go on? I just want to make sure this is the final motion for the acceptance of it all, correct? It's the final motion, and the difference on the motion is September 12, 2024, was moved to March 12, 2025.

[04:23:15] So Madam Chair, just kind of in my closing remarks, I certainly support giving some extra time. I have had a number of folks, as a matter of fact, I had one, I had two or three people come to me and said, I can probably get 5,000 more acres in conservation easement, and it was 12 months, but this nine months will hopefully at least get it done that are either in progress or have been slightly in progress, so I appreciate the change to that, and I think that's really ultimately what we're trying to accomplish in the West. You're not going to get any rush on your development.

[04:23:50] There's just not enough time to do it, but those who are in the process or have been thinking about easements and are concerned about maybe any risks that are involved here, quite frankly, I think that the date is kind of a compromise here and makes a lot of sense, so I appreciate you doing that. In terms of accepting all of this overall, I have ongoing concerns. I think a lot of the speakers spoke tonight address that. And just let me, you know, I hope I'm wrong. I hope this savings clause does everything that it's supposed to do. But I have my doubts. As a matter of fact, I'm pretty confident for those of you who have been doing it and those who have spoken, we're going to see a significant reduction in conservation easements. You can say, oh, well,

[04:24:29] we're going to call their bluff and we're going to do that. I've heard those words kind of thrown out. But the truth of the matter is we run a significant risk of impacting the value of people's properties and actually what we're trying to accomplish in western Loudoun and west and that is fewer rooftops because I think ultimately what's going to happen is what we saw happen if I'm wrong great but if I'm right what we saw happen in Prince William County back a year and a half ago in December we saw a board it's not going to be this board but the next board or the

[04:25:01] board after that open up their western policy area to development and so the best thing we have going for us in Western Loudoun is those doing conservation easements. Three, two, three, and 4,000 acres a year we're seeing. And we've heard Mr. Norman say he's done it for over 100 people in this county, different clients. And so many of them have come forward and they've said, hey, listen, we're not going to want to do this. The risk is too high. We're not sure about the savings clause. We should listen to them. We should hear them. And I feel like we've kind of

[04:25:40] push this to the point where we're not listening to them and we're going to lose one of the most valuable things we have in western land because another board in the future is going to say because I think we're in about a 10-year race we're going to see western we're going to see way because of this I'm concerned if easements slow down we're probably going to see thousands of more rooftops than we saw because if the easement folks go away the only people left are the development folks and people who try want to cash out on the land they're going to sell the developers and yeah we'll have a few lots here and there conservation lots within these developments but we're going to have hundreds and hundreds and hundreds of more rooftops and that's the risk we run by moving forward on this so I certainly oppose the overall but I would support

[04:26:18] the the the date to give a little extra time thank you thank you sir miss glass thank you madam chair I just want to thank everyone for coming out to speak tonight emailing and having meetings with me I will support the zoning ordinance amendment as I feel it does preserve prime soils for farming while still allowing property owners the ability to develop their lots if they so choose.

[04:26:43] There is no food without farms, and we should be encouraging farming in Western Loudoun, but doing it in a way that does not take away from someone to develop their parcel by right. I feel this draft ordinance amendment accomplishes that, and I will support its approval.

[04:27:00] Thank you, Madam Chair. Ms. Tocroni. Thank you, Chair Randall. Can I ask a question to staff? May I ask a question to staff? sure um jacob do you know how long it takes to do a conservation easement i'm just wondering um given that there are tax credits associated with it if it would be better to have the deadline be the end of the year because you have to file with your tax credits by the end of the year i couldn't give you a time frame on how long it takes to do a conservation easement

[04:27:36] i mean for for certain okay do you know i do uh there's an attorney in my office who used to do just this and I consulted with her today truly the quickest possible would be three to six months to get a conservation and easement in place and that's if you're you're starting and you're ready to go so nine months should allow somebody to get a conservation easement done okay I'm just wondering if um Chair Randall if you'd be willing to accept a friend I will not no no guys I'm sorry

[04:28:09] no I'm done okay well I want to tell everybody thank you thank you for coming out everybody I appreciate your input this has been a long long process I believe this OAM creates the flexibility and balance between conservation and the preservation of our prime ag soils more prime soils and rural land are better protected by a combination of easements and zoning protections than by either a loan.

[04:28:42] And I will remind everybody up here, the current cluster design with a rural economy lot, the land that's put in that rural economy lot is not farmable. So we have not been following our own comprehensive plan.

[04:28:59] And this provides the opportunity to have regulation that follows the comp plan. and we have done our due diligence regarding the savings clause and regarding cluster design we've provided more flexibility for cluster design so I'm really happy to support this item and I thank you so much for coming out and for giving us your input thank you thank you mr. Sains thank you madam chair quickly want to say thank you to everybody

[04:29:34] that's emailed called came out and spoke tonight and the night before on the on this subject matter thank you to chair Randall to miss miss Laura Carney mr. Kayla Kushner for their work and their efforts on some of these motions and discussions thank you to the staff as well for for doing the heavy lifting on this I think we've come to a good conclusion on this on this subject but I I do feel that I think going to March is a little bit of a stretch,

[04:30:09] so I'll make the substitute motion to do January 1st.

[04:30:22] Okay, there's a substitute motion to go to January 1st. For no reason whatsoever, and no research done by it, just a motion out of clear blue sky, but cool, fine, no problem.

[04:30:42] Is there a second on that motion? Second. Discussion on the motion. All right, thank you. Mr. Sains. We just heard from Mr. Rogers, the county attorney. That said, somebody in his office says it can

take anywhere from three to six months to do it.

[04:31:01] So January 1st, that fits in that timeline. We've just heard somebody else say earlier up here a second ago that, yes, let's move forward a little bit faster. So let's get it done faster. That's why I'm bringing that motion to January. And, again, thank you. Thank you.

[04:31:18] Mr. Connell, we're discussing the substitute motion. I know you didn't get discussed the first motion first, and so I apologize. I didn't know he was going to make a substitute motion. Guys, if you're going to do that, tell me so I can actually call on the people for the motion we have on the table, just so we can keep it clear.

[04:31:34] All right, Mr. Kirshner. Guys, we're talking about people's property rights here. And if people have enough concern, and quite frankly, I represent most of the area that is affected by this. And I told you, if we go to the nine months, we'll probably get an additional 5,000 acres in conservation easement.

[04:31:50] Can you just, I mean, I'm making a personal appeal to every single person up on this dais. Can you grant that? I mean, I've got pretty much rolled on most stuff tonight, and stuff that primarily impacts my district. That's fine. Supervisor, please, give us, we've got, I've got multiple people that are working on easements, and you don't understand every single parcel is very different.

[04:32:13] It takes longer to do something. We think it's just something you roll the dice on, and it's real easy to do. It's not. It's complicated. The IRS is involved. You've got, and the county attorney is correct. like the soonest you could do it and so again you know we can make argument that the saving clause does it all but but these people have concerns and they'd like to try to get it done before the actual um ordinance goes into effect so please please let i was requesting um 12 months the chairman made a motion for nine months i think that's fair given the circumstances i would

[04:32:50] appreciate your support on that it's not gonna it's not gonna make a hill of beans when it comes to how this actually gets played out. And quite frankly, it'll give people a little more notice. So that's my request. Yeah, thank you. Mr. Letourneau?

[04:33:06] I have not spoken on the underlying motion either, so just reserving my right to do that after this. But I am not going to support the substitute motion. I think we should err on the side of caution. Again, we've had several of these situations now where we've put into effect major changes.

[04:33:23] And I believe the nine months that the chair put in the motion is very consistent with what we have done in other circumstances like the zoning ordinance amendment and like the changes to the fiscal impact and so on. Because we've given people enough time. When somebody tells me it can be done in six months, well, look, we all live in the real world.

[04:33:42] I mean, we know things don't always go exactly as planned. So let's not preclude ourselves from getting some of those properties under conservation easement from those folks who are out there who really don't want to do it and are really concerned about it. and let's let that process play out and then move forward.

[04:34:00] So I will not support the substitute. Thank you. Mr. Crony? Thank you, Chair Randall. So I'm happy to support the substitute. I think we also need to think that we could have more cluster developments during this time, not just more easements.

[04:34:17] And, you know, Supervisor Kirshner, I represent Western Loudoun as well. So I have lots of land in AR2, and a large majority of it is in conservation. easement. AR2 is one home on 40 acres. The density isn't a factor when they're putting their land in a conservation easement. They care about their land. And we have been doing this for four years.

[04:34:43] I associate myself with Supervisor Turner. If people wanted to put their land into easement, they have four years to do it. And the end of the year will allow people, January 1 will allow people to get their tax credits, because by the end of the year, you know, they can file for 2024.

[04:35:01] Thank you. Mr. Rogers, can you give me a yes or no, and Dan and anybody else, is it likely that somebody can get a subdivision application through to the point of being accepted in nine months? It could get accepted, but you mean approved. Approved, I mean, I'm sorry, in nine months?

[04:35:23] If they had the plat ready to go and were submitting it tomorrow, yes. But if they were someone who just heard about this, to do all the surveying, engineering, finding areas for septic systems, all of that, no. They could not do that within nine months.

[04:35:38] This is not going to give just more subdivisions. It's just not. I wouldn't have made that motion if I didn't do my research. And with due respect, I'm sorry, three more months, what it does is allow anyone who wants to do a conservation easement to get one. anyone who says they would have done it but to do it i'm you know listen i i don't say this very often but i'm not i'm just going to say that i've done more research on this than most people sitting up on this day is right now now i don't know as much about farming as everybody sitting in this day is right now i don't but on this item i have been at the deep end of the pool on this item for

[04:36:15] four daggone years so just to throw out let's do january with no research at all and no reason and no rationale at all when the difference is three months. And when Mr. Rogers is saying they can do it in three to six months, a lot of things can happen. What if somebody has to take a break because they have a family emergency or something happens in their lives and they need to stop doing it for a second? Giving people three more months does not hurt anything. It hurts nothing at all to give them three more months. It just gives more people the chance to put their land in conservation easement. And it takes away the argument of

[04:36:50] I would have done it, but there's no reason to take away that argument from people, none whatsoever. Would you like a closing, Mr. Sains? Yes, thank you. What if, what if about, what if about, what if about? You could say that for anything. Nine months, six months, nine months in March, oh, what if they got a death in the family, just to your point?

[04:37:10] You can say that the exact same way. Staff can clarify for me again, when we made changes to the comp plan and the grandfathering clause, what was the time frame that we did for all those? for grandfathering it was acceptance so staff acknowledges a complete application by the date of adoption however the board had had basically put that out there months ahead of time when we started working through work sessions for the comprehensive plan it was effective when it was done but that's all policy it's not it's not affecting people's direct land rights but my

[04:37:46] point is people were this was in the news people knew we were doing the process same thing with this we've been doing this for how long four years people know we've been having this conversation we had a conversation a couple months ago knew this was coming in today as well to finish up and wrap

up hopefully today so it's not a secret we've been doing this so to me starting fresh in the new year makes sense uh you might seem like it's oh it's thrown out the out the window again i could say the same argument for in the back in the packet of september you came today throwing it out didn't say anything to anybody else so i can use your words the exact same way for your

[04:38:19] examples, but, you know, it's an idea. It doesn't hurt. I think starting the beginning of the year makes sense, and it's still a good time frame to give people a heads up of the change of process. So that's why I made the suggestion. Thank you. Motion made by Supervisor Crony. On the paper, please say aye. Oppose. That motion will fail, 2 to 7. We'll go back to the original motion. With Supervisor Crony and Supervisor Crony voting for the motion, we'll go back to the original motion.

[04:38:49] I know that Mr. Turner had not spoken the original motion, nor had Mr. Letourneau spoken the original motion. So I will go to Mr. Turner on the original motion, please. Thank you, Madam Chair. I've learned a lot between when I really opposed this motion and right now.

[04:39:07] So I am happy to say that I wholeheartedly endorsed the motion with the nine months in it. And if any of you want to ask me why afterwards, I'd be more than happy to tell you. Basically, the Chair just alluded to it. So I'm comfortable, and I agree.

[04:39:22] Let's give the conservation easement opportunities to develop. So thank you. Mr. Letourneau. Thank you. So first of all, I'd like to thank everybody for showing up tonight wearing green in support of the Boston Celtics and the NBA finals.

[04:39:40] That's very important to me. They're up. They're up. Cross your fingers. But I am going to support the underlying motion. As I said earlier, the law is moving. If there are massive unattended consequences, it can be adjusted.

[04:39:58] I am much more comfortable with the timeline that's in place now as a result of this motion. But I know that many have done a lot of work on this. Staff has done a lot of work on this. Advocates on both sides of this issue have given up a lot of time.

[04:40:13] So thank you for your citizen involvement. We are always a stronger county when we have an informed citizenry who is choosing to be actively, civically engaged. And it's a great thing about this county that we do. So I'm appreciative no matter where you come down on this.

[04:40:31] Appreciative also to my colleagues who have spent more time than I have, quite frankly. I can safely say, Chair Randall, that I do get stopped in the grocery store in the Dulles District quite a bit. I have never once gotten stopped about this. No one has ever brought it up to me in South Riding about this. So it's a little different.

[04:40:47] It's a little different, but I've enjoyed listening to the discussion. I appreciate the work of the board. I will vote yes tonight. Thank you. Ms. Bricksman. Thank you, Madam Chair. I'm really happy and proud to be supporting this final motion for Primax Oils, and I definitely want to thank staff for all of your work on this and the stakeholders for all of your work on this.

[04:41:13] I want to have a small farms tour one of these days, Not just a big farms tour, but a small farms tour. So you all let me know when we're ready to do that. And, yeah, just thank you.

[04:41:29] And, you know, hey, we're getting you out of here at 1030. So happy to support. Thanks. Well, I've done, first of all, I do want to thank everyone who's come out. I think, you know, like all things, some

people will be happy about this, and others will be happy about other parts.

[04:41:47] Not everyone's happy, not everyone's sad. I think we came to the best place possible, and I was trying to do, I was, I think everyone is trying to do the right thing. I think somebody said that, Mr. Christian, I think, said that everyone's trying to do the right thing.

[04:42:03] Everyone who's come to talk to us, this board, everyone. I have, I do not support people's land value going down, but I don't think that would happen, both with the savings clause and for other reasons, I don't think that's going to happen. I'm going to ask for my colleagues to give me just a second to tell a funny story.

[04:42:21] It's going to tell you how much I know about farming. So I know I've been talking to lots and lots of farmers, and I was talking to a farmer. They are meat bird farmers, and they were talking about that. Yeah, I know what a meat bird farmer is, and that's something that's ridiculous.

[04:42:39] Meat, meat, meat bird farmers. I know what that is. So we were talking, and one of the things we were talking about is how many, like, you know, how meat birds, the eggs are not made, and how his other farm and all the chickens that have all the eggs. So I said, well, how many roosters do you have? If you have all those eggs, how many roosters do you have? And he said, I only have one rooster. And I said, you only have one rooster? That's a really busy rooster for all the eggs that are being made. Now, I have a degree in biology. Let me just

[04:43:13] say that right and he looked at me and he said chair randall every female makes eggs and i was like oh my god that's right so for anyone who wants to know where i started to where i am now i can tell you you don't need roosters to make eggs that is how far i've come from knowing whether or not you meet roosters to knowing what meat birds are i have come that far i have done

[04:43:45] tons of research and been deep into the U.S. Ag page and believe that we should do 10 non-contiguous acres, but sometimes you get voted down. I got voted down on that. Mr. Turner was right. We'll see how this goes in the future. I do thank everybody who's come out and helped with this item, no matter where you fell on the line. Okay, I made the motion. Mr. Kirsten actually seconded this motion 20 minutes ago all in favor please say I oppose that you second the

[04:44:20] motion this mo that motion that motion will pass eight seven to two and thank you everybody the motion passed seven to thank you staff thank you let's take a

[04:44:37] 15 no let's take a 20 minute break and eat some food thank you okay

[05:12:23] we are back hello everyone how are you doing Mr. Hart I'd like your tie okay I know we are doing the Atlantic Boulevard Atlantic Boulevard application right now staff we are ready when you are ready and we're going to do the presentation thank you I'm Allison Britton with the Department of Planning and Zoning and I'm here today to present the Atlantic Boulevard residential rezoning application this application was processed as a grandfathered application and reviewed under the revised 1993 Loudoun County Zoning Ordinance pursuant to the Board's

[05:12:59] grandfathering resolution. The subject property is 3.12 acres located east of Route 28 in the WNOD Trail on the northwest side of Atlantic Boulevard in the Sterling Election District. This property is zoned planned development housing 6, PDH 6, administered office park, and located in the suburban policy area in the suburban mixed-use place type. This property is currently the site of three VDOT-owned

stormwater management facilities. The applicants proposing to rezone the property from PDH 6 to the R24 ADU legacy zoning district to support up to 80 multifamily

[05:13:35] attached residential dwelling units to be provided as affordable housing serving up to 80 percent of the Washington Metropolitan Statistical Area Median Income or AMI. The applicants additionally proposing to reduce the rear buffer yard by 10 feet, increase building height by 10 feet without additional setbacks, eliminate a portion of the road corridor buffer along the property's frontage on Atlantic Boulevard and reduce parking to 1.3 spaces per unit regardless of bedroom type.

[05:14:02] Of note, the zoning modification to reduce parking was previously removed and then re-added to the application as outlined in the supplemental item. Here's the general layout of the proposal with the proposed multifamily building in gray. The Loudoun County 2019 general plan supports 100% residential on this site.

[05:14:28] The suburban mixed-use place type anticipates a certain use mix. However, projects that meet the criteria to be evaluated as infill development are not evaluated based on this strict use mix. Instead, infill developments are based on compatibility and integration within the context of the surrounding development patterns, whether the proposal furthers the anticipated use mix in this place type within a half mile. This area of the suburban mixed use place types in deficit of residential use, and as a result, this 100% residential proposal would further the use mix anticipated within this area and consistent with the 2019 general plan. The applicant has committed all 80 units to serve up to 80% AMI, resulting in

[05:15:06] 100% affordability. This commitment is consistent with the 2019 general plan, which supports the provision of affordable housing to serve a range of incomes below the AMI. The applicant has proposed to modify the required parking to provide 1.3 spaces per unit regardless of bedroom count.

[05:15:25] In general, parking is determined and reviewed formally at the time of site plan, but a parking modification may be supported if specific circumstances to justify a reduction in parking are provided. The applicant has provided two forms of justification. The primary justification provided the parking demand study, staff questioned the validity of this study. In addition, the applicant provided secondary justification in the form of optional development scenarios showing a parking calculation under the current zoning ordinance. Concluding the current zoning ordinance as opposed to the revised 1993 zoning ordinance would require less parking. As mentioned, this application was processed as a grandfathered application and reviewed under the revised 1993

[05:16:03] zoning ordinance and staff find while the applicant's potential scenario may be accurate as one option for development, it is unverified and does not reflect the maximum development that may be possible as the proffer statement is written. The proffer statement does not commit to a specific unit mix, rather it commits minimums and maximums. As a result, staff are looking or asking the board whether absent a specific unit mix commitment, the board finds 1.3 parking spaces per unit adequate to serve the proposal. The Planning Commission forwarded the application to the board with a recommendation of approval and staff support approval of the rezoning as

[05:16:41] that's found to be consistent with the 2019 general plan, and staff are happy to answer any questions. - Okay, thank you very much. Supervisors, questions for staff. Mr. Sands, since your district, I'll go to you first. - Yes, thank you. Thank you for the presentation.

[05:16:57] So explain what happened from the Planning Commission approving it, staff supporting it with no issues, and then when we got our packet, and correct me if I'm wrong, staff was 100% supportive of it, but then I guess there was some change update and then we got the supplemental late Friday saying staff could not support in regards to the parking issue so can we can you walk us through what happened there and why did the applicant feel or you know if you know that they

[05:17:32] had to make that change then now make the change back so the application originally included the request to modify parking and at the Planning Commission public hearing staff raised it as an issue following the Planning Commission public hearing the applicant elected to remove the request to decide it during site plan when there's more finality to the proposal.

[05:17:56] Subsequent to that, there was review by the county attorney's office with questions about how that might be administered. And as a result, the applicant decided to add it back into the request for which the staff analysis following what was presented at the Planning Commission public hearing reflected the same outstanding issue.

[05:18:19] Okay. And I'll just go to the attorney's office. So from my understanding, they made the switch from an update from your office saying they couldn't do a half or something. Can you go into that a little bit further? Yes.

[05:18:36] What happened is this is grandfathered under the old ordinance for the rezoning purposes. When they come in for their site plan, it's under the new ordinance. so what the problem with that was is under the new ordinance you have to have rezoning under that chapter to be eligible for the parking reduction so they need the zoning modification under the 93 ordinance because that's what they're proceeding under does that make sense that makes sense so other than that this is uh staff feels this is a good application the

[05:19:16] justification provided um pursuant to the revised 1993 zoning ordinance was a parking study and staff question the validity of that study and therefore cannot support the zoning modification. Okay. But besides that, everything else is in order? Correct. Okay. All right. And I believe this is part of our new pilot that Supervisor Turner and T-Luck kind of ushered in with kind of a, I guess, a fast track. Is that accurate? Correct. Okay. Dan, you want to talk about that real quickly? I was just going to say that there's no, this isn't formal. This was an attempt to see how quickly we could do things before formalizing it.

[05:19:53] So we've brought the item forward that sought board direction, and Jackie will be bringing an item back in the next few months that gives a proposal for the board to consider about how we might achieve that overall more frequently. Thank you.

[05:20:09] Mr. Letourneau. All right, so the bigger question for me is, under the new ordinance, does the applicant meet the parking requirement or not? And what I seem to be getting from the staff report it is maybe not that is correct um part of part of it is that it's unverified being reviewed under the grandfathered um old zoning ordinance as opposed to the new zoning ordinance uh staff were not able to verify all the elements to determine whether they would meet the eligibility for parking reductions in the news is that a timing issue or is that a is that an evidence

[05:20:45] issue or what what what would lead staff to be able my clock's not running by the way What would lead staff to be able to verify it? It would need to be reviewed more holistically under the new zoning ordinance. Is that something that could be done?

[05:21:01] It could be. What happened is since the application was reviewed under the revised on A3 all along, there was never a reason to look at it under the new ordinance until this conflict came up at the end. If this was forwarded to a business meeting at some point, staff could potentially get an answer on that.

[05:21:23] Potentially. Potentially, yes. Okay. Because it's, I mean, it's one thing if it doesn't, you know, they're trying to get under the new zoning. I feel like a little bit of deja vu, because we had these discussions and we had, we looked at a lot of the research that was provided as justification when we were setting our zoning ordinance. I didn't believe all of it either at the time, which is why we did what we did. So if they're meeting the letter of what the new zoning ordinance is, I think that's a very different thing than if they're not. Miss, so Jackie, The other one clock.

[05:21:55] Okay, gotcha. Mr. Turner. Thank you, Madam Chair. First, before I start, I want to commend the applicant and staff. This is phenomenal efforts. Either six or seven months from start to finish is, I think, a record for as long as I've been in Loudoun County.

[05:22:14] I want to congratulate Mr. Sujith Maram for the discounted sale to get this whole thing going and Ms. Crown for working with Sujith to get this whole thing going. So good on you guys. As I understand the issue, they were going to come in for parking under the current ordinance.

[05:22:35] Legal said you can't do that, which flipped them back to the revised 93. With the revised 93, they needed the Z mod to get to 1.3 parking ratio. I'm comfortable the applicant can meet the conditions where a bus stop, car share, and the bedroom mix, and I think there's one other that I'm not remembering.

[05:22:58] Bikes, right. Right now, we added up your 16 bike slots short of what you need under the current ordinance for bike parking. And you haven't proffered the bedroom mix, and I understand why you haven't, because you've given a best-case and worst-case scenario in the bedrooms.

[05:23:19] My only point, and this isn't going to affect how I vote. I'm strongly in support of this application. I would have liked to have seen a proffer proffering the conditions under the current ordinance rather than we can do that, here's the way we can do that, and therefore give us 1.3 with the ZMOD.

[05:23:38] I would have liked and said, we'll give you the ZMOD, but show me a profit that says you're going to do the things that equate to the conditions in the current ordinance. I'm going to take it on faith, which is unusual, but this is a really unusual application. And I don't want to slow this down at the last minute over something where I think in good faith you can do that to get to a 1.3 parking.

[05:24:02] so the 1.3 parking is low but it's in compliance with the new ordinance if you meet the discount factors in the new ordinance you've given us verbiage about that but they haven't been proffered and that gives me just some discomfiture but that's that's all it is um again kudos to everybody involved this has been a real showcase piece i hope we all took really good notes so that we can do this again soon um and i will note that the staff made a comment um to me they said it is a truism that some applications had to get sidelined for a little longer than they would

[05:24:37] have been in order to make room for this expedited review. So there was a cost for that. To me, that just adds to the incentive package to the people to say, if you get your ducks in a row, then you won't be on the sidelines next time. You'll be the main show. But it was very, very interesting, and I commend you all, and I'd love to see the after-action stuff. Thank you.

[05:24:58] Thank you, Madam Chair, and thank you for this application. And I wanted to know if the applicant is willing to install a crosswalk signage on the Atlantic Boulevard approaches for the existing crosswalk at the Magnolia Road intersection.

[05:25:24] Yep, they're not the applicant, that's the staff. I'm sorry. How about you hold that question until we get to the applicant? I'm sorry. You're right, Madam Chair. So very recently at two events I've been to, there's been discussions about parking and about how, in general, we feel like we're under-parked, but we're actually not.

[05:25:55] And if you really want to be able to build attainable homes, then you're going to have to envision parking differently, especially if you have your community is near mass transit, be that mass transit, a bus system or metro. You have to envision this differently.

[05:26:12] And even a discussion of maybe we want to be what someone might consider in the past under parked to try to encourage people to take mass transit. And so I do believe we're going to have to start thinking about parking differently, and especially if it's parking that is for an attainable unit.

[05:26:32] And I'll just say that. And secondly, I will also say this is the perfect example of when I believe the staff should be able to give us a number instead of saying, you know, we support or not support this application. You can say, this application on a scale of 1 to 10 falls at a 3, because the staff has to do this kind of funny talk that they really want to say, good application overall, except for this one small thing.

[05:26:57] But they're kind of forced to say that they don't support it because of one small thing. So we kind of put the staff in a little bit of a corner when we make them do that. And then finally, I would say, I sent all of you today the housing survey from COG.

[05:27:13] And if you look at the housing survey from COG, and we'll talk about that in another day, we'll talk about that on Tuesday, but we're not doing very well, Loudoun. We're not doing very well on approving homes across the board, not just attainable homes, but across the board.

[05:27:29] We'll talk about that later. And so this accelerated review, which is what this is, an accelerated review, is really something that as a concept that we're going to try for one time, we want to try to work out the the kinks and the bugs but but we really want to try to figure out if this is something that can happen more often so we can get these applications that do not have a lot of pushback through okay so I will go to the applicant for a presentation how are you all doing

[05:28:01] you have 10 minutes you can stay there you can stand up whatever you want to it's fine good evening and thank you very much for hanging in there this evening we're very excited to be here At the table with me tonight is, of course, Sujith Muram.

[05:28:23] He is the owner of the property with his partners, Mr. Kim Hart, who is the developer for this project, and Matt Leslie and myself are with Bowman Consulting, and we've been working on this project from the beginning and are very excited that we've been able to be a part of a pilot project.

[05:28:47] that we could bring a 100% affordable housing project to Loudoun County. We have a short presentation. We're not going to go through the entire presentation unless you like us to, but certainly I'm going to hand it off to Mr. Hart, and we can address the parking issue and discussion tonight.

[05:29:14] That was something that came up at the last minute for us as well. So we jointly with the staff have been trying to figure it out. And I'm going to blame it on the grandfathering because we're all

learning how to deal with grandfathering under the ordinance as well.

[05:29:34] So I will turn this over to Mr. Hart and then take it back from him to go through the rest. Madam Chair. Yes, sir. I like your suspenders. thank you very much can I tell you that they were actually my father's very spenders in time was actually my father's very cool and members of the board good evening before I start my comments I would like to recognize Sujeef Muram it is he was the owner of the property and it's his commitment and the commitment is family that has made possible the first hundred percent

[05:30:10] affordable attainable I should say housing property in Loudoun County by my count in the last 25 years this that's how unique this is Paki's put up my first slide after three full years of trying to meet the we now have clear data that business as usual is not going to provide the attainable units we need to meet the goals of the unmet housing needs strategic plan we're not even close we're at a triple a minus the zoning ordinance rewrite will not solve the problem either increasing this percentage of adus required is just making the stick bigger there's

[05:30:45] still no carrot. And so what incentive really works? And that, my friends, you know, is expedited review. Look what it did for data centers. That expedited review was only through the administrative process. What happens site plan through building permits? But for attainable housing, what if we were to provide expedited review through the legislative process? That's the idea I pitched to Supervisor Turner, who got the commitment of Tim Hempstreet to try a pilot project. You want to switch the next slide? So here we are. We are poised to potentially approve

[05:31:24] either tonight or next month in Loudoun County a rezoning six months after it was accepted for review. How is that possible? And I'm going to summarize it very quickly. These are the four top notes that Supervisor Turner has asked me to keep track of. First, it's a clear, a clean application. It's 100% attainable housing. There's no, there are no complications with master developer for either for sale residential or commercial and there are really very few site

[05:31:56] problems. Second, I think it's critical that there is mutual respect. The staff who volunteered for this pilot project are just simply the best. I've known Marchant Snyder for almost 20 years now. As the planning and zoning administrator in Middleburg in 2006, it was Marchant who saved my very first tax credit project. As a veteran and as the son of a veteran, Marchant knows how to fight and fight fair. I get no favors from Marchant and he doesn't get any from me either.

[05:32:26] But based on our mutual respect, the application you have tonight, in my world, is without outstanding issues. We'll talk to parking in just a second. Thirdly, it's open communications. Once again, staff gets all the credit here.

[05:32:41] Alice in Britain organized and held a team's call with all referral agencies after every round of referrals. Issues were presented, discussed, and over time, resolved. And last is the respect and meeting of all deadlines. We and the staff agreed to the expedited review schedule up front.

[05:33:00] We all met our deadlines. I know that our team worked on weekends. Staff had to put, as Supervisor Turner already said, staff had to put other referrals of head of ours, set aside others for ours, and that is where you, the board, are telling the staff that they must give this critical issue, attainable housing, a priority.

[05:33:19] And so, board members, you are about to do what I don't think any other Northern Virginia jurisdiction has ever done. Give expedited review through the legislative process to attainable housing. That's worthy of a lot of attention from this whole region, which it will receive.

[05:33:35] And now lastly, I just want to touch on parking very, very quickly. You and we were all here when Mr. Letourneau, say again? No, he was laughing. Just laugh. Oh. Supervisor Letourneau and I were here in front of all of you, and in December we settled the parking issue.

[05:33:59] I don't want to relive that again. that's a settled issue i want to be very clear that we are going to meet that that formula with this project the problem is and that was the intention and that's why we said we're just going to park under the new ordinance i understand what leo's office said that we can't do it that way so we had to go back and and put in the old z mod and we just didn't have time to write the proffer that supervisor turner wants if you want to put this off until next month we can write that proffer and all it will do is take the formula out of the 23 ordinance and we'll write a proffer

[05:34:36] that puts it under under our z mod and we will enforce it or you can take my word for it and do it tonight it's that simple um and i think madam chair to your point about parking at 1.3 we're still over parked i don't need more than 1.0 and so if anybody says we're squeezing the parking i'm going to have 20 or 30 empty parking spaces at this property just because we're already over parked at 1.3 but we settled that parking ratio we don't want to go through that again the formula works for all the reasons we agreed to and we're going to we're going to make this we're going to

[05:35:11] bring this in at 1.3 under under the new rules it's just we haven't papered it properly yet that's the point and to supervise the glasses question we have to deal with VDOT we're happy to put signage on the crosswalk as long as we can work with VDOT in some way that'll make that possible. That's not a problem. Happy to do it. Okay. I will continue through our presentation. As Allison said, this property is a little over three acres,

[05:35:48] and we are proposing to build 80 units of affordable housing. For those of you that are on the Finance Committee, you saw an application last night at Finance committee for this project to go forward for housing trust fund as well and that in the conditions of approval on the Finance Committee action there was a breakdown of bedroom mix that one mirrors one of the the scenarios that we

[05:36:22] actually gave in our parking so we gave a worst case in a best case but but the one that you actually approved last night in the the housing trust fund application is is the one that was our preferred and the only thing that we need and as we move forward in with Virginia housing is flexibility and the reason that we haven't been able to really pinpoint exactly are you gonna have 42 two-bedroom units or 41 bedroom units that could change but it will be

[05:36:59] within the parameters that were approved last night and as we go forward. So it makes it a little bit complicated, but I'm making that point to you because what we have all learned in this process is a lot more about the Virginia Housing Program and how it works and when certain things have to happen in the process.

[05:37:23] But this project is a four-story, will be a four-story affordable housing project, up to 80 percent AMI we have proffered one two and three bedroom limits in this application we've proffered the square footage for the units as well from 650 square feet to 1225 square feet green building design universal

building design among others we worked with the Planning Commission on open space on active recreation you will you know from working on the zoning ordinance that

[05:38:00] actually attainable housing projects are not required to provide recreation active recreation on site but we work with Planning Commission and we had already proposed active recreation on this site and and this site benefits from being adjacent to the WOD trail thank you all right get your time thank - I'll answer questions.

[05:38:23] - You will, well, first before, yes, let's do that first and let's take questions and I will go first to Mr. Sains. - Thank you, Madam Chair, and thank you to the applicant. If you wanna go to your slide that actually shows the building so people can see what it looks like.

[05:38:39] I don't think we saw that in your presentation. No, the actual building itself. - Oh, the building itself, sure. - You got some pretty pictures, let's see it. - There it is. - There you go. - There it is. - All right, within my time, so this is 100% attainable housing.

[05:38:54] uh you're proffering to go up to 80 amis that will include 60 40 and 30 ami which i think we all can agree is definitely a market that we need to to tap into a little bit more especially at the 30 ami so i appreciate that appreciate that this is 100 um you've talked about being uh having green certifications you've gone above and beyond like you just mentioned a second ago you don't don't even need to do a recreation but you're doing that so so we appreciate that um in regards

[05:39:28] to remind me again for this application you'll have you're proffering to do a bus shelter that's correct and um bike storage yes long-term bike storage and short-term short and then access to the wnd trail because that's correct for folks who are not familiar with this or this backs up right next to the wnd trail in sterling uh area and then you're going to build and extend sidewalk on both sides. Is that correct? That's correct. Up to the entrance into Northrop Grumman on the north side of the, sorry, of the entrance. And you've had a few community meetings with

[05:40:05] your neighbors? Yes, sir. We've had three. Three meetings. Okay. So I met with them, answered their questions, answered their concerns. Yes, sir. And did we, I believe, and correct me if I'm wrong, that you proffered that you will do parking, like a virtual parking hang tag or something if if you need to we haven't proffered that we would do that actually we learned about that and Dominion station uses that and mr.

[05:40:35] Hart got very excited about that and you want to answer that very interesting situation because Dominion station is of course concerned about parking what they discovered was that a lot of people were driving and parking in their public parking spaces and then taking a cheap uber to Dulles and so what they instituted was an electronic tag system where all residents and all guests had to be recorded and if you weren't recorded they told you away they said in the first three weeks they implemented that program they were sometimes towing six to eight cars a day until work got out you better not do

[05:41:12] that now they don't have a parking problem but your intention is to possibly do do that if if we run into the same issue yes if there arises uh an issue yeah and that's part of the reason i made the point that even at 1.3 we are already over parked we will have as I said 20 to 30 empty spaces at any given time because we really only need about 1.0 okay very good all right well thank you Mr. Littorio all right since I think I'm going to be forced into a decision tonight on this one I just want to make sure I understand where where we are so the mix of unit types wasn't proffered

[05:41:50] Can you walk me through what you're thinking on it, why you couldn't proffer it or commit to it? Is it a financing thing or what? We have to, excuse me, as part of our application to Virginia Housing, we have to submit a market study to them.

[05:42:08] And in light of that market study, then we have to negotiate with them what our actual unit mix is going to be. And so I need to have a little bit of wiggle room that I can't give you the exact what the mix is going to be. What we did present to you was that the, what we, and what you saw as, as Peggy referred to in our application for our loan, we gave you our ideal mix, and that's what we can easily park.

[05:42:34] We also gave you the minimum number of ones, the maximum number of threes, and in the absolute worst case scenario, we'll have to add, as Mr. Turner pointed, Supervisor Turner pointed out, we'll have to add 18 long-term bike spaces without shared parking, without shared cars, because staff really isn't sure how that's going to work, and we aren't either.

[05:42:56] So we can hit the worst-case scenario at a 1.3 parking ratio with 18 more long-term bike parking spaces, which we'll do if we have to. I never liked that anyway, as you know, because I don't buy that a bike is going to replace somebody's car, especially when you're next to Route 28.

[05:43:15] I sure hope it doesn't, because that would not be good. That said, yeah, I mean, the nexus was between the number of bedrooms and the parking spaces. That's why I'm kind of focused on this, because my concern, as you recall, was if we had a whole bunch of three-bedroom units, you're obviously going to have a greater parking impact.

[05:43:31] And that's why we proffer the upper limit of our three-bedroom spaces. And I think the cleanest way to understand this is we were so confident that we could meet the 2023 zoning ordinance requirements for parking that we were going to subject ourselves to that requirement.

[05:43:47] We wanted to until we found out that due to a legal technicality, we couldn't. And so we had to go back to the CMOD. But otherwise, I mean, I think that should really speak to the validity of how confident we were in the formulas working to get us to where we need to be at site plan to be parked.

[05:44:06] I probably would have, like Mr. Turner, preferred it buttoned up. I will say, I don't know, if it was anybody but Mr. Hart, I might really want that. But I know you're good for your word. Thank you. Ms. Brixman.

[05:44:24] Thank you, Madam Chair. Do you know how long it'll take for this to get built? Well, it'll take us about a year to get it through the funding process, and then it'll take about 14 months to build it. Okay, all right. A couple years, a little over a couple years to get done.

[05:44:41] Okay, so that's pretty quick. So we're not committing, though, to certain AMI bans being served, like 30% or 60% below? Well, no, we actually have to be, to get our loan approved last night, we had to commit to certain things and we have committed to eight units at 30%.

[05:45:02] Okay. Okay. And we have committed to everything at 60%, unless we're able to do income averaging, which we have to settle with Virginia housing when we get there. If we can do that, then we get to do some 80s and 40s. Okay. Okay. Great. I just want to make sure we're doing some at the, at the lower band.

[05:45:18] We are for sure. Can you guys proffer a multi-use court instead of bocce ball? That would be permitted under the definition for active recreation. So the way that we have proffered, that will allow us

to do something like that.

[05:45:39] Okay. And, Mr. Hart, I remember being at Heron View with you and you showing us all those empty parking spots, and we had a conversation about how those spots might be used. do you think there would ever be an opportunity where you could line the parking spots for like basketball and and and put the hoops up and then you can't play if there's cars there but if there are no cars there you could play because you're saying you're gonna have 20 or 30 lots that are empty and i believe you spaces i mean you're gonna have 20 30 spaces that are empty i i don't not

[05:46:16] sure it works that way it can't be they can't be dual use you can do both like that i really But I'll look into that. Okay, all right, all right. I'll take that, I'll take that. I'll think about that.

[05:46:31] I'm fully supportive. You guys know that I'm fully supportive of this application. I am a little frustrated with how you have to access the W&OD. I don't love, you know, I ride there a lot, and I don't love that dirt path that goes under that bridge.

[05:46:47] I just don't know if there's maybe some way to make that feel a little safer. but i understand your constraints um and i'll save uh i guess that the rest of my comments for um emotion unless you want to respond to that i just i mean i was just i think we talked about this when we met with you but the the alternative uh access point that we are providing for the wd is exactly that it's an alternative access point there are two existing uh ways to get to the Demio Dee Trail from our property that are fully paved ADA accessible that are within an

[05:47:27] eighth of a mile of the trail access point that our alternative access point gives us the same access to so there's already two ways to get there that are you know and you know what do you want to call it a few hundred feet longer than the alternative access that we're providing so there'll be three ways instead of two ways and so I think we'll be okay okay thank you yeah you are giving us a beautiful 100% attainable building that would meet all EMIs up to 80%.

[05:47:55] I'm not going to ask you to proffer a new thing at all. I'm just going to say thank you very much for doing this because, you know, what people want is a house to live in. And if you look at our numbers right now in Loudoun, we're not doing very well. So all the, can you proffer this, can you proffer that? No. Thank you very much. My only question is the question I ask every applicant no matter what which which is what are the school generation numbers I just put them on

[05:48:26] the record just want them on the record 12 students for elementary school 7 for middle school and 10 for high school so we're not going to overwhelm any school correct very good okay we have one speaker for this item it is Tony I did not know you stayed up this late Howard

[05:49:03] I'm going to make a jerk by saying good morning, Madam Chair and members of the Loudoun County Board of Supervisors.

[05:49:23] Yes, my name is Tony Howard, and I'm president of the Loudoun County Chamber of Commerce. On behalf of the 1,100 Loudoun employees who are Loudoun Chamber members, I'm very pleased to express our thoughts on this Atlantic Boulevard residential rezoning application. Now, typically, and I think you know this, Loudoun Chamber does not generally take positions on land use applications.

[05:49:42] Our public statements in mind tonight are really tailored to address the specific aspects of an application that align with the Chamber's priorities, such as the issue of affordable or attainable housing,

workforce housing, as I like to use the term. Now, for more than a decade, this really has become the Chamber's top priority, top public policy priority, it should be.

[05:50:01] The chamber has advocated for the structural and policy changes, many of which this board of supervisors has adopted, so thank you for that, that will provide greater affordability and diversity of housing options for our workforce at all income levels. Regarding this application, I'm happy to convey our appreciation for the applicant's commitment to significantly increasing Lowndes' affordable housing inventory for that workforce.

[05:50:23] This Atlantic Boulevard application and its 80 new units presents an opportunity to significantly impact an area of critical need here in Lowndes County. As proposed, this application promises to deliver innovative housing solutions to address the county's unmet housing needs by providing a range of unit costs, sizes, types for all types of residents.

[05:50:44] With 100% of these total units being affordable, this project goes well and above beyond the ambitious milestones of the land's unmet housing needs strategic plan. And I'm grateful that you left that slide up, too, as well, because I also want to say that, once again, I want to give credit to Mr. Hart, the applicant, for once again designing a gorgeous building.

[05:51:00] I mean, a building that's very attractive from the outside and from the inside and really is just a great thing to take a look at. And I just want to take credit. I've had an opportunity to cut the ribbon on a number of your projects, Kim, and they're always fantastic. And I'd be proud to live in there, and I'm sure the folks that will live there will be proud to do so, too, as well. So, again, I wanted to also say thank you to the board and to the county.

[05:51:19] We'd like to recognize your commitment to fast-check these 100% affordable housing projects beginning with this application. I believe that is going to be a game-changer. I don't think it's a game-changer this evening. So I want to say thank you to all for that. I want to say thank you all for your service to your community and for allowing me to stay up late tonight to address it.

[05:51:36] Thank you, Mr. Howard. Thank you very much. We actually have another speaker that signed up. It's Sreen Agareti. Would you come forward, please? Good evening. Good evening, Madam Chair and Board of Supervisors.

[05:51:51] I thought like this is the second item, 630, but anyway, as usual, I think you gave the priority for the most speakers, so thank you. uh i think uh the county is in good hands um in 2019 i was in the transit advisory board as well as census commissioner in 2020 so as our county population doubled almost in 10 years comparing with fairfax and virginia which is like a 26 percent in winchester like prince william and i think 8.9 percent growth in fairfax so our county is greatly like um on the population growth and

[05:52:31] And recently, the addition to metro, I think most people are moving here. And there was an article in DC, WTOP, there was, I think, 300,000 units shortage in DC. So where those people are going to end up directly with metro in Loudoun.

[05:52:48] So we have a lot of new residents are going to come up. And during 2019, my campaign, the number one issue is affordable housing. From '19 to now, I think we didn't make much affordable or attainable housing. So I think this was the unique kind of project.

[05:53:06] I'm at least seeing a path. I think with like six months our application process used to be I think almost one and a half years to two years I think it is a great trail or like no opportunity you're working out.

[05:53:21] And I'm proud of with the staff and developers as well as the county. So we want to see much more of these kind of projects and I fully support these as like the first responders and teachers and low-income people, they cannot live.

[05:53:38] They're staying out. We want to keep our community together and we want to improve the quality of life as well. So I thank you all for being supportive of this effort and I just want to make sure many more projects are going to be in this path and probably will attain keep our people's quality of life. Thank you very much. Thank you. Thank you, Mr. Nagarani.

[05:54:01] Supervisor Sainz, would you like to make a motion? Yes, Madam Chair, I would love to make a motion. Okay. I move that the Board of Supervisors suspend the rules. Motion's made and taken by Supervisor Brixman to suspend the rules. Discussion on suspension?

[05:54:17] Yes. Normally, I would not be suspending the rules when we first get a housing or a project, Housing development in front of us for the first night, but this is one of those times where I think it makes sense to do So we have a hundred percent attainable housing being brought in front of us Staff work with the applicant and work with Supervisor Turner and appreciate that work To bring forward. I'll call it a pilot even though it's unofficial to do a fast-track Application where it's a hundred percent attainable housing and as it's been mentioned earlier this if it is passed

[05:54:55] allowed to suspend the rules uh this will be six months application um so i i think it warrants us to to to do this tonight um everything is in order minus the the legal legality regarding the the parking situation where they are fine for planning commission then late friday whatever happened they had to make a change and they're making the change back we know this applicant we we trust them i at least i trust them and i'll take them on their word that they'll do the right thing um so i i believe we should go ahead and suspend the rules and vote for this uh this this evening you want to speak of this suspension motion the motion on suspension your lights on

[05:55:34] no no okay um i would just say that there is there is something to be said about um an applicant who is so trustworthy and has done so much that we are willing to suspend the rules even with a minor thing being undone so thank you all right supervisor sayings made the motion to suspend vice chair briggsman um seconded all in favor say aye any opposed that motion will pass 801 mr kirschner wasn't feeling well and had to leave um mr sandra like to make a motion thank you and thank you to my colleagues for approving the suspension i move that the board of supervisors

[05:56:11] approve ledge 2023-0101 atlantic boulevard residential rezoning zmap 2023-0013 special exception 23 2023-0041 zmod 2023-0070 zmod 2024-0001 and zmod 2023-0069 subject to the proffer statement dated may 31st 2024 and the conditions of approval dated june 5th 2024 and based on the filings for approval provides as attachment one two three to the june 12 2024

[05:56:47] board of supervisors public hearing supplemental staff report check motions mainstream with supervisor turner discussion on the motion supervisors saying yes thank you madam chair as i was mentioning earlier we know this uh the the applicant very well uh good works they've done numerous uh developments in in our county over these years and if you've been and visited any of their their their

developments they are top-notch uh designed well planned well and we're seeing that with this application here as well.

[05:57:21] Heron View is one of the latest ones. Then we have Stone Springs, another recent development, Ashburn Chase, another one, and the list can go on and on and on. This developer has done a good job. They came to us with 100% attainable housing, which is something that we desperately need in this county to not just for our employees that work in this building, our LCPS employees, our Sheriff's Department firefighters, but those who are working in various restaurants, service industry, and other jobs within the county that might be traveling near and far to get here every single day to provide services to us and our families.

[05:58:00] So I believe this is a step in the right direction. We're gonna get a multitude of units from single bedroom, two bedroom, to three bedroom at different AMIs, meaning especially at 30%, 40%, 50%, 60%, and up to 80%.

[05:58:17] So we're hitting a good number of folks that really do need an opportunity of housing here in Loudoun County. This is a very good product that's being presented in front of us. And I want all those who are paying attention, developers, you know, the land use attorneys that are representing these developers, take notice of what we're doing tonight.

[05:58:41] This is unprecedented. You ask anybody how long does it normally take to do a housing development, It's going to take two years or even longer, 18 months, whatever the number might be. We're doing this tonight at six months, six months.

[05:58:56] So jazz hands to that, take notice. If you can present to Loudoun County, our staff, and to the board of supervisors within whichever district it might be in 100% attainable housing, you possibly can get fast-tracked and get your application done within six months.

[05:59:12] So I'll say that again, six months. But again, 100% attainable housing, the county will work with you and get it done. So I look forward to seeing more projects like this.

[05:59:28] I know I was half joking, half serious when I met with the applicant about a week or two ago, and the property owner was on the call, and I joked, well, do you have any other properties? And he said, actually, we do. And the funny thing is Mr. Hart didn't even ask that question to him. So hopefully you guys have had some communications after that meeting, and hopefully we'll be working on some more projects down the road. But again, property owners, developers, land use attorney folks, pay attention. 100% attainable housing in Loudoun County. You can get it done in six months' time. Let's get it done. Thank you. Thank you, sir. Mr. Turner. Thank you, Madam Chair.

[06:00:04] At end game year, our last at bat, I guess you'd call it, it's kind of interesting, the process, because there was just a little hiccup, not a substance of hiccup, but a little hiccup, And I've heard the word trust several times mentioned up here on the dais. The collaborative team has worked well together.

[06:00:21] And so when there's a hiccup like that, the benefit of the doubt is extended and with real confidence. So that's the process. That's a collaborative back-and-forth process. So I think that's a real example, I think, in many ways.

[06:00:36] So congratulations. I'm very happy to support this. Thank you. Mr. Letourneau. Oh, I'm sorry. I don't know why I was looking beyond you. Thank you, Madam Chair. I like the point that Supervisor Sains

made about 100% attainable, affordable housing, and it can be done in six months.

[06:01:03] And Mr. Hart is a superb affordable housing developer. In fact, he is so good that another developer wants to take that title away from him by accomplishing the same things that Mr. Hart has accomplished.

[06:01:24] So you have a good team. Ms. Crown is superb. Mr. Leslie is superb. I remain concerned about the impact on the schools, And unfortunately, Potomac Falls High School, which is over capacity right now, will become even more over capacity in the 2029 to 30 projected enrollment.

[06:01:51] And Riverbend Middle School, which is approaching capacity now, is going to be over capacity in 2029 and 30. Sterling Elementary does remain under capacity in both the 2023 enrollment period and the 2029 to 30.

[06:02:13] This development will add an additional annual operating cost burden of \$573,000 and a requirement for an estimated capital cost of \$2.3 million.

[06:02:28] And for those reasons, I cannot support it. But it will be, I think, a very attractive project for the folks who live there. Thank you. Ms. DeCrooney. Thank you, Chair Randall.

[06:02:43] And I just want to thank Kim Hart and Sujith, who actually lives in my district. Thank you so much for partnering to create needed affordable housing in the suburban policy area. I'm happy to support this application that provides 100% attainable housing in the right location next to employment centers, amenities, bus service, and recreation, including the W&OD Trail.

[06:03:12] So I think this is a fabulous project, very attractive. I like the architecture, and I think this is going to have a real impact on people who need housing. And I like that you're doing 30% and up.

[06:03:29] So thank you so much. And thank you, Ms. Vice-Chair Brooksman. Thank you, Madam Chair. I have zero concerns about the parking. If you don't believe Mr. Hart when he says there's going to be 20 or 30 empty spaces, go to Heron View with him. There are like 20 or 30 spaces empty there on a regular basis, and that's where this basketball court conversation started when we were touring Heron View.

[06:03:55] like, well, let's do something there so people can have some active rec. I do have a little bit of commentary about the bike storage. You know, Supervisor Letourneau, I agree with you on the bike storage to a certain extent, but not for the same reasons. I don't know that the bike storage is going to do us much good if we don't build the bike lanes. If we don't have a safe way for our residents to get around on their bikes then they can never replace the cars and they can never

[06:04:31] and nobody no one expects them to fully replace a car but they can replace some car trips and i know it's very difficult to um retrofit a jurisdiction that's been built to be car centric i know it's very difficult to retrofit such a jurisdiction we're trying really really hard But I did bring something, a motion during our last transit summit that would allow VDOT to line roads for bike lanes if bike lanes are called for in our countywide transportation plan.

[06:05:05] That idea was rejected because supervisors wanted to have a say in whether the bike lanes get built. And the idea is that VDOT and or DTCI would come and tell us when they're repaving roads and there might be an opportunity for a bike lane.

[06:05:22] Well, Atlantic Boulevard is getting paved right now. Right now. I drive on it quite regularly to go take my bike in the W&OD. And I called Mr. Sains to ask him about the bike lanes. And his office was not

notified. And so we had no opportunity to ask for the bike lanes that are going to go right in front of this building that could go right in front of this building and serve folks that might want to store their bike and replace some of their car trips with their bicycle. But if we keep having

[06:05:58] hiccups in this process whereby we could actually have VDOT doing this for us for free, if we keep having these hiccups, it's very, very frustrating because people are not going to be able to do their errands and whatnot go out to breakfast go to the you know the human being and get some coffee with their with their spouse or whatever on the weekend because there's really no safe way because there's no bike lane and the reason i asked you about when the building's going to get built is i'm wondering if it would be fat slow enough to get the next repaving but it's not it's going to

[06:06:34] be built within two years and that road won't get paid for another 10 thank you i am not worried about bike lanes. I am not worried about parking. I am not worried about, because we know we're going to have new schools and boundary line change adjustments probably 10 times of the schools between now and 2030. I'm not worried about any of that. I'm worried about people having homes that they can live in. I'm worried about our firefighters and our teachers and our nursing staff and others being able to live in our county. I'm worried about our homeless rate going up

[06:07:09] faster than anywhere else in the jurisdiction I'm worried about being a county that does not welcome all people because they can't afford to be here and I am very grateful for what you're doing sir what you're doing Mr. Hart for the population that Austin feels unseen unheard and underrepresented I have nothing but gratitude right now no ask no concerns just gratitude so thank you very much. Mr. Sainz, would you like to have a closing? I'll just simply say, you know, Mr. Turner is in joking good spirits. I mean, it's the good way. Mr. Turner normally would

[06:07:49] famously say, this is the new gold standard, but I'm going to go even better and say, this is the new platinum standard, because platinum is better than gold. But no, in all seriousness, again, thank you to the applicant. Thank you, Mr. Hart, good works. Ms. Packy Crown, Matt Leslie, the property owner, thank you to the staff. I appreciate all your efforts on this as well. And actually me. I want to put it on the record. Ms. Allison, thank you so much again for your help on this and everybody else. And thank you to my colleagues

[06:08:26] as well for voting to suspend the rules and voting for this to, again, make this new platinum standard. Again, 100% attainable housing allowed in County. We can get it done in six months. Let's get these applications in. Thank you. Thank you. Okay.

[06:08:42] Motion was made by Supervisor Sainz, Supervisor Turner. All the people say aye. Aye. Opposed? Nay. That motion will pass 7-1-1 with Ms. Umstad opposing and Mr. Kirshner being off the dais. Thank you very much. Okay. Go to the next item which is the Marge substation item.

[06:09:03] Staff, please come to the table.

[06:09:05] okay I do know that hey how's it going doing well you have seven slides and

[06:10:21] we're ready when you are and I don't think we have anyone speaking on this item we do not but we're ready good evening my name is Darby Metcalf with the Department of Planning and Zoning I'm here tonight to present the application Mars substation legy 2023-0073 the subject property spans two parcels totaling 17.54 acres located east of carter school road north of dulles airport and southeast of old ox road

in the Dulles election district the property is zoned general industry under the Loudoun County zoning ordinance as are all adjacent properties the property is located

[06:11:00] in the suburban policy area and the suburban industrial mineral extraction place type the site is currently undeveloped the applicant is requesting a special exception to permit a transmission substation in the GI zoning district minor special exception to modify the north east and south buffer yards to eliminate the evergreen tree planting requirements additionally a commission permit to permit a utility major use currently on the screen is the special exception plat for the

[06:11:35] application the north east and south buffer yards are subject to the minor specs request the suburban and the suburban industrial mineral extraction place type. Dan, what's this young man's name? This is Darby. Is this Darby's first time on campus? This is my second time. The second time, are you nervous? No, I just, I've had a cough.

[06:12:01] You're not nervous? I've had a cough for about a month. You should be nervous, Darby. It's kicking my butt. Keep going. Thank you. The suburban industrial mineral extraction place type supports warehouse, data center, contractor, or large manufacturing uses at a recommended FAR, up to 0.6 the application is compatible with existing and planned development in the area conditions have been recommended by staff to mitigate visual and natural resource impacts of the development the location character and extent of the Commission permit application is in accord with the 2019

[06:12:40] general plan at the May Planning Commission public hearing the Commission approved the Commission permit and forwarded the specs and minor specs applications to the board with a recommendation of approval staff supports board ratification of the commercial permit application. Additionally, staff supports board approval of the specs and minor specs applications subject to the conditions of approval, and staff are available for questions. Thank you very much. I believe this is in the Dulles District. Mr. Letourne, do you have any questions? I do not. You do not. Does anyone else

[06:13:14] have any questions? Wow. Okay. Well, okay. All right. How are you doing? Sorry about the late hour. Good morning, actually. Somebody was going to be late. I'm sorry with you all. You guys have 10 minutes. We're ready whenever you are. Sounds good. Just waiting for the presentation to be brought up. And there are no speakers on this item. So good evening. Thank you, Chair Randall, members of the board. My name is Sherry Akin. I'm a senior land use planner with the law firm

[06:13:50] of McGuire Woods, and it is a pleasure to be here this evening on behalf of Dominion, this morning on behalf of Dominion. With me tonight I have Brady Johnson, Dominion's project manager, as well as Dave Boeing with Dewberry, Dominion's project engineer. Let me begin by first talking about the need for the Mars substation. It is part of a project that is designated as immediate need to meet grid loading and reliability criteria by the summer of 2025. Oops, that's my bad. It's part of the Wishing Star to Mars transmission line project that you see there in yellow,

[06:14:29] that was approved by the State Corporation Commission in April of 2023. Two transmission substations are required at each end. We first went through the legislative process for the Wishing Star substation.

[06:14:47] We went through that first, which was approved by this board this past February. And during that process, we explained that the Wishing Star to Mars project is a critical component of Dominion's

Northern Virginia Reliability Plan that is going to provide power reinforcement to the region necessary to alleviate infrastructure constraints and provide for future load growth.

[06:15:14] And we are with you this morning now for the Mars substation, which is located at the eastern end of the line. And I really wanted, I'm going to try to go through these slides as fast as we can, given the hour, but we really can't find a better location for this substation.

[06:15:36] The property outlined in yellow, yes, it is undeveloped, but it is going through a buy-write site plan now for a data center. You mean that's really not a better location versus we really can't find a better location? This is actually a really good location. Yeah, so you really, this is a, yeah. And it is going to be developed with a future data center.

[06:15:58] The area, the rectangle in blue, is where the MARS substation is proposed. Surrounding area is, a majority of it is Dulles Airport, which I have highlighted in pink. Other users right there along Carter School Road are industrial in nature and compatible with, the substation is completely compatible with these uses.

[06:16:23] Also, Carter School Road, which this is located on, it ends in a cul-de-sac, so there's no through traffic, and the site really is only used by the few industrial property owners that access the site.

[06:16:40] So this is very advantageous in that it is located in a secluded area of the county and will blend in well with those surrounding uses. And then here's a snapshot of the substation site. Dominion was provided this rectangular land area from the developer specific for the substation.

[06:17:03] Again, it is very straightforward substation project. It's on a low travel roadway with lake users in the area. So there's not a lot of concerns that we encountered during this process. The biggest thing I can talk to you about are the buffer modification requests that you could see in green.

[06:17:26] These are internal to the site. We are providing the full 25-foot width, but because these areas are going to be underneath different lines, we do have issues with height. So we are requesting a modification to be able to meet the plant unit requirement through shrubs, ornamental grasses, and perennial plant material.

[06:17:51] Views from these boundaries are interior to the site, again, surrounded by data centers and airports. So we don't think there's gonna be much visual problem with this, but Dominion did wanna do as much mitigation as they could along Carter School Road, along the property frontage.

[06:18:11] So we are providing the full 15-foot road buffer that you see in blue, but we're also providing a supplemental planting area that you can see in pink. So combined, the widest point of those buffers are going to reach about 38 feet and then taper down to about 25 feet where they're adjacent to each other.

[06:18:34] And then in the area around the stormwater management pond, it's going to be the 15-foot required by the ordinance. And then Dominion is also providing a 20-foot precast concrete wall around the entirety of the substation. You can see a picture of that to the right.

[06:18:51] And then around the stormwater management pond in purple, you can see we're providing almost about two acres of meadow pollinator plantings. And so other than that, there's really not much more to say about this project.

[06:19:09] We meet other zoning ordinance requirements. We meet the biggies. We're meeting tree canopy, and we exceed open space. requirements. Give us back four and a half minutes. There are a

couple more slides. You can look at some pictures.

[06:19:25] Here's a view from Carter School Road. You can see the wall. That's a popular wall design that Dominion has found to be most pleasing. And then we have another one just overall for the site. Site access is going to actually be from the sides of the substation on Carter School Road.

[06:19:50] And so with that, we really do. This is a great site for a substation. Overall, it's going to provide needed infrastructure for the county with minimal impact to the community. We are pleased to be here with the recommendation of approval from the Planning Commission as well as staff.

[06:20:08] So we'd be happy to answer any questions. Thank you very much. Mr. Letourneau. One quick question. My understanding is that this substation could also potentially support the solar energy project at Dulles Airport. Is that correct? No, sir, not this one. There's a separate substation.

[06:20:23] Oh, there's another one. And that's a completely different application. That will actually be on MWA property, just slightly southwest of this station. This one is just for the transmission infrastructure itself. Okay, glad I asked. Okay, that makes sense.

[06:20:39] Okay, is there anyone who would like to speak on this item? Seeing none, Mr. Latourna, would you like to make a motion? Yeah, I move the board to suspend the rules. I will second that. Discussion on suspension? None? All right. All of the people say aye.

[06:20:58] Aye. Opposed? That motion will pass with Mr. Letourne and Mr. Kirshner being off the date. I mean, sorry, Mr. Sains and Mr. Kirshner being off the date. Mr. Sains and Mr. Letourne look just alike, so it's hard to know some time. It's all 15 we do.

[06:21:14] We do. I can say the magic words, but yes, Mr. Letourne, would you like him to make another motion? I would. I move that the Board of Supervisors ratify the planning commissions. Do I have to make, do I have two separate motions here? Okay.

[06:21:30] Move the Board of Superbodies to ratify the Planning Commission's approval of Leji 2023-0073-Mars-Substation Commission Permit 2023-0005-subject to the Commission Permit Platt, dated March 21st, 2024, and based on the findings for approval, providers attachment one and three of the June 12th, 2024 Board of Superbodies Public Hearing Staff Report.

[06:21:48] You can't do it. I further move? I think I have to run the rules separately on the second one. You do. Okay. All right. All right. Second. Motion is made and seconded by Mr. Turner. Discussion on the motion. The only interesting thing I can say here is because it happened before anybody else was on the board was Mr. Reed and I actually renamed this road to Carter School Road after a historic elementary school that, well, historic schoolhouse that one time was here.

[06:22:11] It was previously named something else. I don't remember what. It happened like 12 years ago. But anyway, as was said, this literally abuts against Dulles Airport. The other reason why Carter School Road is relevant in my district is because some individuals have drag races down it, which is something we've dealt with with the sheriff's office, so maybe all the construction will stop them.

[06:22:29] That's all I got. Mr. Turner. Thank you, Madam Chair. Just a little side note, and I will talk about this at my TLOC data center presentation next week. If you noted the data center that is being built around this, to give you an understanding, can we put that slide back up, the data center complex?

[06:22:52] I met with the builder of this data center, the owner of this data center the other day. This is a Byright data center to give you an understanding, just a glimpse, of exactly how much power is increasing for data centers. Belmont Innovation Campus was 4.9 million square feet and 600 megawatts.

[06:23:12] This data center, which is Byright, is 800,000 square feet, and they are putting an electricity service agreement request for one gigawatt of electricity. One data center, one gigawatt. I have nothing else. Thank you. I don't know what that means.

[06:23:28] A lot of, a lot of, a lot of. I mean, no kidding. What is one gigawatt is equal to? Thank you. Okay. Okay. Because otherwise I'm like, I mean, yeah, but I mean, if you're going to say something impactful and go like, drop a mic, we need to know what he's talking about.

[06:23:46] But okay, that's helpful. Would you like to close? All right. The motion was made by Supervisor LeTurneau, seconded by Supervisor Turner. All the people say aye. Aye. any oppose that motion will pass 702 i move the board of supervisors suspend the rules that motion was seconded by supervisor glass discussion on that motion no seeing none all in favor say aye aye any oppose that motion will pass 702 as well mr letourneau i move the board of supervisors approve legy 2023 0073 mars substation special exception 2023 0017 and

[06:24:23] spmi 2023 0011 subject to the conditions of approval dated june 10 2024 and based on the findings for approval provided attachments three and four to the June 12, 2024 Board of Supervisors Public Hearing Staff Report. Second. Motion made in second with Supervisor Tocroni. Discussion on the motion, Mr. Letourneau? Nope. I would simply say that I think you're right. I think you're correct. If there's to be a substation and we have lots of concerns about, we have lots of concerns

[06:24:57] about substations and data centers and all that, but this is an appropriate location. Most of our concerns around, well, let me change that. Most of my concerns around data centers and substations and all that is around land use and location. It's not around the industry itself and whether we need them. It's around land use. There is no concerns around the land use on this. You'd be hard-pressed to find a better site for this substation. And

[06:25:29] so happy to support it. Okay. Want to close in? All in people say aye. Aye. Any opposed? That motion will pass 7-02 as well, and thank you so much. Okay, let's go to the Fleetwood application.

[06:25:57] Okay, well, hello, hi.

[06:26:20] Do you guys have a critical action date on this application? It's too early in the morning to ask that question. I don't remember. Okay, all right. I just knew it was going to be early in the morning when we got to you, and I was trying earlier to get you guys out of this moment, to be quite honest.

[06:26:36] I gave it my all. I did die. I did die. Okay. We have 15 slides on this application. Mr. Crony would like to see them since she has lots of questions, so we're ready when you are, Steph. Okay. I will go ahead and get started.

[06:26:53] Good evening, Board. Marshall Brown with the Department of Planning and Zoning to present the applications for Fleetwood North. Subject property is 70.92 acres. It is located southwest of Evergreen Mills Road and immediately adjacent to the Howland-Bernie-Hanson Regional Park. It is located in the Little River Election District and in the Transition Policy Area.

[06:27:13] The applicant is proposing to rezone the subject property from Transitional Residential 3, Upper Broad Run, and Upper Foley, or TR3-UBF, to Single-Family Residential R4 for the development of 244 single-family detached residential units at a density of 3.44 dwellings per acre.

[06:27:31] The applicant is proposing several zoning modifications, including reducing frontside and rear yards lot width while requesting to increase lot coverage. The applicant is also requesting modifications to allow private roadway access and to reduce by half the parking requirements for public assembly areas.

[06:27:48] This is a view of the CDP, just to give you a brief orientation. The different colors of the lots indicate lot widths, so the light yellow color are 44-foot wide lots and the darker brown or orange color are 36-foot wide lots.

[06:28:04] The pool and clubhouse area and civic space are colored in magenta. Staff has identified outstanding issues with the applications, including compatibility with the transition policy area phasing and transportation proffers and credit requests. As I stated previously, the subject property is within the transition policy area, or the TPA.

[06:28:24] The TPA has a three-phase approach for certain sub-areas that are meant to allow for gradual increases in density within those sub-areas when the infrastructure and public services are in place to handle increased density. The subject property is within the Upper Broad Run Policy sub-area, which is listed under Phase 2 in the General Plan.

[06:28:43] While the subject property is shown on the map as Transition Small Lot Neighborhood, under the Phasing Plan, areas outside of Phase 1, including this area, should develop using the Large Lot Neighborhood Standards until a second phase has been initiated by a CPAM or a Community Planning Exercise.

[06:28:59] At this time, that has not been initiated, so the subject property must develop using the Large Lot Place Type Standards. Just to give you a brief view over what large lot and small lot neighborhood means, the difference is primarily is with density.

[06:29:15] Under large lot standards, densities range from one dwelling unit per three acres to a maximum of one dwelling unit per acre. For small lot, that is one dwelling unit per acre, up to four dwelling units an acre. The applicant's proposal represents densities that are not yet envisioned for the upper broad run policy sub-area.

[06:29:33] Prior to initiation of any CPAM, that would bring the subject property fully into the small lot neighborhood place type staff recommends that the board evaluate whether the proposed density is appropriate and if potential impacts to existing infrastructure and public facilities including roads parks and schools on and public services are adequately provided with these applications notwithstanding the above we have identified other outstanding issues for the board's consideration the applicant is proposing to abandon a portion of sleeping woods court which is shown in the top of the property in red which will be realigned through the subject property and is proffering to extend sleeping woods court to the intersection of heartland drive and everfield

[06:30:12] drive staff is recommending that the applicant provide a sidewalk on the north side of sleeping woods court with the road extension consistent with the 2019 county-wide transportation plan so the area that i'm talking about on the screen is highlighted in the yellow dashed line that is the section of sidewalk

that we are requesting the app can also provide there are two intersections that I will go over on the next few slides that I just want to briefly provide an orientation to.

[06:30:41] The first is to the north of the site at Evergreen Mills Road and Heartland Drive, Creighton Road. The other one is the Heartland Drive and Everfield Drive intersection improvements. For the intersection of Heartland Drive and Creighton Road, the applicant is proffering several improvements, including constructions of left turn lane on Heartland Drive, restriving of Creighton Road, and to create a left turn lane and shared right through lane and any necessary modifications to the existing traffic signal.

[06:31:11] The applicant is requesting a 90% credit against the regional roads contributions in the event that the amount of the credit exceeds the proffered contribution for regional roads credit will then be applied to capital facilities contributions. The TIS indicates that this intersection operates at a failing condition under the proposed development parameters without mitigation.

[06:31:30] Staff does not support credit being applied for these improvements, which are shown as needed to accommodate the additional density that this development proposes. Where the intersection of Heartland Drive and Everfield Drive, the applicant is proffering a signal warrant study, which includes the provision of credit against regional roads for costs above \$2 million for any signal control other than a signal or roundabout if it is shown as warranted by VDOT.

[06:31:53] The TIS shows that this intersection, too, presently fails and that mitigation is required to accommodate the additional impacts of this development. As with the previous issue, the proffers do state that if the amount of credit requested exceeds the per-market rate regional roads contributions, that credit will then be applied to the capital facilities contributions.

[06:32:11] Staff does not support credit being applied for these improvements which are shown as needed to accommodate the development. So I find that with the amount of infrastructure that will be required to accommodate this development, the site clearly demonstrates the upper broad run policy sub area is not yet prepared to handle the denser development under small neighborhood standards.

[06:32:30] Staff reiterates that credits against regional roads and capital facilities contribution remain inappropriate as the improvements are shown as needed in order to absorb the impact of the development as proposed. the infrastructure improvements should be provided by the applicant at cost with that the planning commission did recommend approval to the board at the april 11th commission work session and for the reasons stated in the presentation tonight staff cannot support board approval of the applications i'm happy to take any questions thank you very much this is in the um little river district i'll

[06:33:03] go to mr crony first yeah thank you chair randall and thank you um marshall so um what does a uh community planning exercise look like to implement phase two potentially for the tpa it was specifically undefined partly so that the board could give direction if they wanted to bite off smaller chunks or if they wanted to to do more than one sub area whenever looking at things so there's not really something that's laid out in the general plan that states what that is we'd be happy to work with the board at such time that they want to start talking about those things

[06:33:43] and kind of define one generally. I'll also note that at some point we will have to make a decision about what policy area to look at broadly on the sort of rolling review that we've been talking about. So it could be the TPA first. It doesn't have to be, but that would be another option to take a look at this as well.

[06:34:00] Okay, and do you know what the current traffic counts are on Fleetwood Road? I do have DTCI staff who may be able to answer that question. I'm a supervisor to current EMREFAM with DTCI.

[06:34:17] The current ADT per VDOT counts is 360 vehicles a day. 360 vehicles, okay. And Fleetwood Road was paved as a rural rustic road in 2016, and it's classified as a minor collector, but, you know, there are no shoulders.

[06:34:36] It really is just a rural rustic road. Given that, what are the plans to get it to its ultimate condition? There's nothing right now on the CIP or budget to fund that. Do we have right-of-way on Fleetwood Road?

[06:34:52] I wouldn't need to do more research on that. Okay. And then also Fleetwood South did some frontage improvements on Fleetwood Road. There were some, I think, some sidewalks and trails in front of Fleetwood South.

[06:35:10] Does that continue to Evergreen Mills Road, do you know, or is it just going to stop at Fleetwood South? I'll need to look into the Fleetwood. Oh, I think Marshall might, remember I mentioned that, that they made some frontage improvements for that application, but I'm wondering if the trails will continue to Evergreen or if they just kind of end at their frontage.

[06:35:32] I believe, I will have to verify, I believe they ended their frontage. I don't think there are any improvements that are on the east side of what would be Heartland up to Evergreen Mills. There is a trail on the north side, I believe. - Okay, and the schools, so I know everybody's counting on HS14.

[06:35:55] I see that Bev Tate's here. I don't know if you could go through kind of the school capacity issues. Thanks, Bev, I saw you here. - Happy to be here.

[06:36:10] Bev Tate, Loudon Schools. So we will, as it's been referred to the Panacea, with HS14, Watson Mountain opens in the fall, And so that will address secondary school attendance issues, capacity issues, until the school board embarks on the attendance zone process for the HS14 opening.

[06:36:32] That will be spring of 27. Right now, staff is part of our annual attendance review process. We're looking at some options with respect to elementary capacity that we will be bringing forth to the board. The school board? The school board, yes.

[06:36:48] And so we are looking at ways to address that. Right now, the Fleetwood North property is bisected by two elementary school zones, so we're looking at some resolution there. Oh, okay. Elaine Thompson. Your time's up, ma'am? Yeah. Okay. Really, did you just say you're happy to be here?

[06:37:06] Yes. Really? Mr. Letourneau. So Fleetwood South looks like it's sort of behind Fleetwood North. There was a graphic we had that showed, I think.

[06:37:26] That's correct. Yeah. So essentially they're going to be accessing the same road connections, well, the one up to Evergreen anyway. Yes, and there are three interparcel connections that are shown here into Fleetwood South as well.

[06:37:41] Do you know how much of Fleetwood South has been built so far? I know we had proffer language in there that phased it, right, which is not present in this application. Yes, there is a proffer that restricts up to, I believe, 70 building permits until December 2025.

[06:37:57] So barely anything has actually been built yet, which means none of the Fleetwood South traffic is actually using Fleetwood Road yet, correct? That's correct. I think it's getting a little confusing on this because Heartland Drive intersects there with that. The whole thing used to be called Fleetwood Road. And then there was a realignment.

[06:38:14] The section north of Everfield was improved, but everything south of it is not. It looks like staff is projecting, hard to tell exactly what, but 25% are going that direction from this development?

[06:38:33] Yes, the traffic impact study showed that this was the rough trip distribution. 30%, I guess. So about 30% of the 2,000 trips. And then that would also be, if we're just looking at the current average daily, you also have to add on to that whatever it was with Fleetwood South, right?

[06:38:55] Right. using the rural rustic robe with no shoulders and no improvements because none were proffered in the last application thank you mr mr turner thank you madam chair do we know if evergreen mills road is built out to capacity now or is it not i would have to defer that one to ddc as well okay um yeah yeah and the other question we had there's a pond along evergreen mills road is that going to prevent build out but we can if you can just take that and then let me know if we can get

[06:39:30] back on that. Okay, I can do that. That's all I have. Thank you. So, staff, I'm a little concerned, and maybe I could be checking with the wrong staff, that we keep getting these applications, well, that's not, that's an overstatement. We, at times, get applications. This is a perfect example, where the Planning Commission unanimously supports the application, at least the Planning Commission that's there. And at this point, even Mr. Crony's Planning Commissioner supported this application, they send it on to us, and staff doesn't have an issue or two, again, on a scale of one to ten, this would not be a two or three.

[06:40:06] This would have a much higher number that the staff is concerned with. So maybe we should try to find out what's going on, that the planning commission is kind of signing off on stuff and saying yes, when it has not one or two minor fixable issues, but when the And when the staff has significant concerns, and the planning commission is unanimously sending this forward, that seems to be a little bit of a disconnect.

[06:40:36] It's happened the other direction, too, to be honest, but that seems to be a little bit of a disconnect, and I'm just wondering what do you think is going on. And maybe not now, and maybe you have to talk to the staff that serves planning commission, and we can talk to our planning commissioners, but with the exception, well, all of them that were there voted in favor of this application.

[06:40:59] So I think we should do some talking amongst ourselves and between the two staffs and the two bodies, the elected and the appointed body. So, okay? All right, thanks so much. All right, we are ready when you all are ready. You have 10 minutes.

[06:41:16] Excellent. Good morning. My name is Colleen Gillis. I am an attorney with Curata Partners. Pleased to be here before you tonight on behalf of Fleetwood North. I'm going to start, I think, and respond to your question, Chair Randall.

[06:41:32] I hope that at the end of this presentation you understand why the Planning Commission did support it, because I think there are really important details consistent with what we heard earlier this evening about this board's attention to affordable housing and some other things. They were very thorough in their review.

[06:41:47] So Marshall's already told you where the property is located. We think of this as Fleetwood South 2.0. We heard you last time when, you know, some folks on this board were actually quite positive. When we did Fleetwood South and that was approved, it actually was sent to the board with a recommendation of denial and the board ultimately approved it.

[06:42:06] And now we are here in Fleetwood North and we hope that it's not that this board does the opposite of whatever the planning commission recommends and we end up with a denial. This is surrounded on so many sides with such, with development. You know, we've got Willisford and Heartland, big by-right communities, creating some of the challenges that I think you all are facing in terms of, you know, the school capacity, roads, et cetera.

[06:42:32] But truly, in terms of a housing community to be adjacent to the spectacular Hanson Park, right across the street from Brambleton Middle School, Independence High School, and down the street from HS14, MS14, and the soon-to-come, or eventually-to-come elementary school, we think it makes a lot of sense.

[06:42:49] Um, this is the, uh, you, this is the similar place type as our cola farms, which we spoke with you about last month, uh, transition small lot neighborhood. And that calls for all single family detached houses up to four dwelling units, the acre substantial open space. And this is for, um, just by way of reminding you, this was what the Fleetwood South application was.

[06:43:11] And I remember being here in front of you about two years ago, two and a half years ago, and you all being very excited about the fact that it proffered to 32 attainable single-family detached houses, 31 ADUs and one unmet housing need unit. And we've carried that forward with Fleetwood North. So another 32 single-family detached ADUs that will sell for between \$225,000 and \$270-ish thousand dollars to get a single family detached house in Loudoun County is pretty spectacular. And the UNU will be somewhere in that range a little bit more expensive.

[06:43:50] We provided for two additional lot sizes, two additional product types in Fleetwood North over what's provided in Fleetwood South. And I do want to point out that big hot pink box that's there. When we got out of the board two and a half years ago, I heard from both Vice Chair Briskman and from Supervisor Sains, where are these people going to go to the pool?

[06:44:13] Where's the closest pool? And this application brings on a pool and a rec center in addition to other rec facilities for the folks that live here to create, to offer that amenity to the residents of both neighborhoods. So this is what the two communities will look like together.

[06:44:30] There will be a single HOA operated here. What you see here in red are the trails and sidewalks being provided by Fleetwood North. And what you can see in blue are the trails and sidewalks that were proffered with Fleetwood South. The question was, what happens with trails and sidewalks in Fleetwood South and all the way out to Evergreen Mills Road?

[06:44:52] You can see that there are trail connections with these applications that will lead a trail all the way out to Evergreen Mills Road. of particular importance i think is the trail that will run on the west side of evergreen mills road there is no trail connection from our northern boundary to the southern boundary of our property that would connect people from the north to hansen park or to the light that would get them across evergreen mills road to independence high school without this no trail was constructed on

the independence high school property and so there's no way to to walk along in evergreen mills road in this vicinity without this. So in the transition policy area, obviously environmental

[06:45:30] and sustainable design is important. I won't go through all of these. I'll hit on a couple of them. Seven acres of tree conservation area, use of native plantings, the buildings will achieve green building standards, and then site and building design. Integrated design with Fleetwood South, one HOA to share all of the amenities, and in total we'll have almost 10 miles of trails and sidewalks between these two projects. We're also offering a substantial setback from Evergreen Mills Road, which we thought would be important. This is some of that architecture that's consistent with what's being built right now at Fleetwood South. To answer a question, how many homes have

[06:46:06] been delivered at Fleetwood South? The answer is today, none, in part because we have a requirement not to get too far ahead of ourselves before December of 2025. Open space is important, and so we've designed our open space. This is the entrance off of Evergreen Mills Road, a right in, right out here. DTCI staff, when we initiated this application, was clear that they wanted the access to Evergreen Mills Road to not be a full intersection with left in, left outs. And so what you have in here is a right in, right out. The Pond Supervisor Turner that you asked about, this doesn't constrain

[06:46:43] development, doesn't constrain anything on Evergreen Mills Road, and that's well outside of the right-of-way. Half-sport court, we did work with Commissioner Jasper on this, Supervisor Tricroni, who asked for us not to necessarily say it was going to be a basketball court. It could be some sort of other sport court. Open space here. This is the pool and the rec center here. This is a pool and a rec center that Toll has implemented in other communities in Loudoun County for much larger homes, communities with much greater number of homes here. But we're putting it in here. We're excited about this. And this is located, we think,

[06:47:22] in a premium location backing up to open space, tot lot, dog park. In total, between the two communities, it's a very robust number of amenities here. Lots of outdoor living space that can be shared with neighbors. We already talked about pedestrian connectivity. I do want to respond to staff's comment about doing the trail connection where the yellow star is noted here. That trail connection is on a side of Sleeping Woods Court that doesn't front or would not access homes. You would have to cross from one of our homes to get to the trail on that side of the street. But most importantly, that land is owned by Willis for Conservancy, and they don't

[06:48:01] want a trail on that side. It also doesn't lead to a trail along Heartland. And so we think it's better not to put people across the street just to have to have them cross yet again requested zoning modifications i'll keep keep going through these but essentially the modifications that we've asked for are consistent with what um with what you all recently adopted in the zor for this place type we were asked questions about sufficient amount of parking each one of these homes has a two-car garage and two parking spaces on lot in addition to what we estimate to be 190 on street

[06:48:37] parking spaces this means that there is plenty of parking for for everybody who will live in this community the off-site intersection improvements heartland drive and evergreen mills road at full build out of our project we will contribute 5.2 percent of the total volume at this intersection consistent with what we've done in other applications we're proposing to pay for double what our impact is and ask for regional transportation credit for the balance of those improvements this is all off-site to our project and

the intersection fails today and that's why we're asking for that for that credit against regional transportation contributions something

[06:49:15] we are not asking for for uh regional transportation credit for is the construction of a roundabout how often am i in front of you and say you can't possibly ask me to to pay or my client to pay for the full cost of a roundabout i feel like i say that quite a bit in this case we are 100 paying for the cost of the roundabout. We are only asking for a credit in the event that VDOT doesn't recommend a signal, doesn't recommend a roundabout, and recommends some other innovative intersection control. In that case, to the extent that it costs more than \$2 million, we'd like credit for that

[06:49:51] because that's clearly beyond the scope of what our pro forma would call for. I will just mention because Fleetwood North has, excuse me, Fleetwood Road has been discussed quite a bit, and we understand the concerns. Supervisor Chacroni, we had lots of conversation about Fleetwood Road, and we shared this slide with you. This slide demonstrates the benefit that Fleetwood Road will experience at the time that North Star is open. North Star is planned to open in winter of 2025, so roughly 18 months from now, well in advance of any of these homes being delivered, and right about the time that we're getting to that 70-home mark at Fleetwood South.

[06:50:31] When that road opens, and these are assumptions that are verified with DTCL, 40% of the traffic from Fleetwood Road is anticipated to use North Star Boulevard. Obviously, it's going to take a month or two for ways to catch up.

[06:50:46] I appreciate that. But that will be the more direct route north and south, And it's part of the reason why we feel that this issue and this concern will go away. Finally, I will also mention one of the things that in addition to the 32 single-family detached ADUs that the Planning Commission was particularly excited about, they also asked us to reduce the size of a handful of homes to 2,250 square feet.

[06:51:14] So in addition to the ADUs, the UNUs, there will be 14 homes that are 2,250 square feet or less in a single-family detached capacity. And that's it. Thank you, ma'am. Mr. Crony. Well, no, no, no.

[06:51:30] I'm sorry. Well, yes, Mr. Crony, do you have any questions? Because this applicant is in your district. Yeah, thank you. Thank you. I do. So just to clarify, the \$2 million to construct the roundabout at Heartland Drive and Everfield Drive is 100% on our pocket.

[06:51:51] It's out of our pocket. We're not taking any credit in any way, shape, or form for that construction of that roundabout. Okay. Yep. The 90% credit against regional roads for Evergreen Mills Road and Heartland Drive. So if it's above the 1.272, you would like credit for it because that's what you would be paying for the regional contribution.

[06:52:19] So, yeah, so what we're going to do is we are going to pay for 10% of it, and then whatever that 90% is, we'll take credit first against our regional transportation contributions. We think that that improvement will cost us about \$900,000 with all the off-site work that needs to happen.

[06:52:35] And then if for some reason there's a wild utility relocation or there's some other thing that has a utility pole that has to be moved that blows that budget, only in those circumstances would we then dip into a cap facilities credit for the balance of that. That's how that would work.

[06:52:51] Okay, so I wouldn't want you to dip into that, but I don't know if that can be stated in the proper statement. In other words, it could go up to 1.272, but you wouldn't dip in, because I think that's not

appropriate. would you be willing to phase the project um so i did talk to kevin kevin um lewis and there it will be open 28 um hs 14 because park view is opening 27 so they don't want to open two high schools the same year that makes sense um so i would look into phasing um this when that high

[06:53:28] school's open yeah so um when we looked back at the reason for the phasing under fleetwood south It was because of all of the overcrowding at the middle school. That'll be relieved when the middle school is open. So what we did was we looked here, and I've got the charts straight from the LCPS referral.

[06:53:46] As you can see, the middle school crowding issue is really resolved by the opening of Watson Mountain. If you look at the high school situation, Independence High School, you've got plenty of capacity for the foreseeable future.

[06:54:06] Next year, it's at 92%. The year after that, it's at 69%, 68%, 72%, 78%, 80%. and that's and so when we talked about it the reason we we phased it was to account for any delays in the opening of watson mountain middle and to make sure that we weren't exacerbating that issue should watson mountain middle be delayed that was why we included that proffer in this scenario we look at it and go we don't have that concern um with regard to the schools but we'd be happy to discuss but yeah but there are a lot of other you can't you can't keep talking

[06:54:45] cover your time, ma'am. Sorry. We're happy to talk further. Mr. Laterno. Yeah, but isn't that because they're moving the ninth grade down to Watson Mountain? Great question for above my pay grade. Well, this is important, though, because that means these numbers really aren't. It does. So next year, Watson Mountain will serve grade six only. Beginning in the fall of 25, Watson Mountain will serve grade six and seven. Brambleton will then serve only eighth graders and serve as an annex for ninth graders until the opening of HS.

[06:55:23] It is, it's a convoluted confusion. It is, so I think that's... So, independents will have three and a half grades. Right, and there's nobody real happy about that in that area, as I'm sure Mr. Crowley can. So, I think when we talk about the school capacity, we should have an additional conversation because adding to the existing crush, which is so bad that you just heard the extreme measures almost unprecedented that they're taking to split schools a bunch of different ways within the same

[06:55:56] attendance district. It's not a situation you want to be adding to, so phasing would be a good idea. I don't have any other questions. I have comments. Mr. Turner. Thank you, Madam Chair. We did some research on the Fleetwood South, and in the discussion, we actually found the questions that I believe you said you were going to deliver 15% when Fleetwood North came online of affordable units.

[06:56:28] And I think you're at 12.5%. 12.5% plus the UNU, right? So I think what it works out to be is roughly 13%. You can't do less than 12.5%. It works out to be roughly 13% of ADUs plus another UNU on top of that.

[06:56:43] Is there a reason that we're not going to hit the 15% that we talked about during Fleetwood South? I'm doing the math in my head. Fleetwood South was 32 affordable units in 246 total, and Fleetwood North is 244 units total and an identical number of affordables.

[06:57:10] So I think we're actually fractionally more than what we did in Fleetwood South. Yeah, it's just what we were told in Fleetwood South, because I think we queried you on you're a little low on affordables in Fleetwood South. And the answer was, yeah, but when we build Fleetwood North, we'll make up the difference and we'll come in for an aggregate of 15%.

[06:57:30] I don't remember that, but we can look at that. Okay, yeah. Our team thinks she's just a little shy on the affordable units. Okay, we'll look at that. That's all I have. Thanks. Ms. Brooksman. Thank you, Madam Chair.

[06:57:47] Could you go to the slide that shows Hanson Park and, you know, how we were talking about not being able to walk into Hanson Park? Yes. Sorry, I'm sorry.

[06:58:09] There we go. Yes. So I think you told me originally there was going to be a way. I'm not fine. There we go. Originally, you had a way to go here. So originally, here, I'll use, let's see.

[06:58:27] Okay. So originally, we had proposed a connection from our development end of one of these trails into Hanson Park here, approximately. And we heard in the referral from Parks and Rec that they did not want that connection to be made.

[06:58:43] and that's why it's not showing a connection um when we were talking with you we said okay you know that's obviously a possibility there's also a possibility of making this connection here there is a retaining wall along this section so access pedestrian access here doesn't make sense um i i just want to be clear we'd be happy to make that connection but yeah but in this these are trails right yes all of those red lines are trails okay the ones adjacent to the streets or their sidewalks. Okay. I did speak to Mr. Torpy about that and he said generally they are concerned

[06:59:17] about residents not being happy with people parking in their cul-de-sac so they can go into the park. Got it. But I don't know that somebody would do that all the way over here. You know what I mean? They have to kind of go past the entrance anyway. Yeah. So anyway, I'd like to see us work that out because i don't know why we're forcing people to get drive all the way you know all the way around and then back down to get in to get into hansen um excuse me um can you tell me why

[06:59:54] you didn't do like duplexes or something like that here the place type does not permit it place type is 100 single family detached and that's that's what it calls for okay but these small lot um they're pretty close to each other anyway aren't they they they are they have they are consistent with what the new zoning ordinance recommends which is five foot side yards so five foot five feet on either so between a sidewall of one house and sidewall of another house will be ten feet okay minimum there could be more but but minimum it's ten feet okay all right thank you thank you is there anybody who would like to speak on this issue seeing none mr cramish like to make a motion

[07:00:34] i move that the board of supers the board of supervisors forward legy 2023-0012 fleetwood North ZMAP 2020-0008, ZMOD 2023-0009, ZMOD 2023-0010, ZMOD 2023-0048, ZMOD 2023-0049, and ZMOD 2023-0050 to the July 16th, 2024 Board of Supervisors business meeting for action.

[07:01:14] Motions made and seconded. Mr. Rogers, so we do know that by July, we can do these in business meetings again.

[07:01:34] But I just want to make sure that since it's not yet July, we can make the motion to send it to a business meeting right now. That is correct. Okay. This will make sure. All right. Thank you. Madam Chair and Mr. Rogers, I believe you need to suspend the rules because you're not under your new rules of order yet.

[07:01:53] Okay, I don't have that. You are supposed to be doing that. I thought I was getting to the right places. Okay. I was trying. I was trying to get us there. Thank you, Dan. Attorney Dan Galindo Esquire.

Appreciate you.

[07:02:09] It's too late. Okay, want to try that again, Mr. Crony? Okay. I move that the Board of Supervisors suspend the rules. Second. Discussion on that motion. Seeing none, all people say aye. Aye. Any opposed?

[07:02:25] A motion passed unanimously with Mr. Kirsten and Mr. Sains being up to date as Ms. Crony. Okay. I move that the Board of Supervisors for Leji 2023-0012, Fleetwood North, ZMAP 2020-0008, ZMOD 2023-0009, ZMOD 2023-0010, ZMOD 2023-0048, ZMOD 2023-0049, and ZMOD 2023-0050 to the July 16th, 2024 Board of Supervisors business meeting for action.

[07:03:01] Okay, motion is made. And again, seconded by Ms. Brickspin. Discussion on the motion. Mr. Crony. Thank you for this application. I do have concerns with Fleetwood Road. It is a paved-in-place road, and I do think it needs to be brought up to a minor collector road before we add additional density.

[07:03:22] I also have concerns about the schools and, you know, the nontraditional approach that Loudoun County Public Schools is taking is because of the overcrowding. And yeah, my residents are not in favor of, you know, people moving around, having sixth grade at one school, seventh and eighth at another, and, you know, 10th and 11th and 12th, you know, ninth graders are going to have to go to a middle school.

[07:03:52] So there are school issues, and we keep, this board keeps approving residential developments, and it's cumulative, you know, and everybody's going to HS14. So I do have big concerns, and I do think this should be phased. I am also concerned about the affordability.

[07:04:11] Just like with our cola farms, I think we need to include basements and lofts and habitable areas, you know, up in the attic. to the square footage so that units aren't a million dollars like they are in Fleetwood South.

[07:04:28] I don't consider that attainable housing, and a lot of the Z mods are to enhance affordability, so I want to make sure we're actually getting that level of affordability with the smaller square footage, but I think we can work together on some of these issues, and that's it. Thank you.

[07:04:50] Supervisor Letourneau. Thank you. Yeah, so Fleetwood South was a four to three vote against the objections of myself and Mr. Buffington. And I'm sure that it was the 32 affordable units that pushed it over the top. But to wax sort of philosophically for a moment, we wonder sometimes why we get opposition to housing.

[07:05:07] And I think it's a mistake to put it all in the same category because there are people who are against all housing. And I think the board blows through that. But there are legitimate concerns sometimes in parts of the county that lack adequate infrastructure and what I what I worry about with our board sometimes is that by blowing through those concerns like we did with Fleetwood South we make it harder and harder and we create worse and worse conversations because we have

[07:05:38] failed to fix the problems that are causing the opposition it is not a a theoretical issue that we have a significant serious problem on Fleetwood Road now I understand about North Star Boulevard I was the biggest champion there was on North Star Boulevard. But if you look at the sheer amount of new housing that's getting built, that empties directly on Heartland Drive and Fleetwood Road, it goes way beyond this. You go to the west with Heartland and with Willisford, lot after lot after

[07:06:11] lot, it will more than make up for that diversion. So we have a real rustic road. We have a road that was just as it gets into Route 50 was in a completely degraded condition. I'm sure Supervisor Coney's office probably was bothering them. My office was they finally fixed it. It's already showing cracks again after like two months with these steep grade gradation issues. My point with all this is there is no way I'm going to vote to put more cars on Fleetwood Road until we fix it.

[07:06:43] It's just not safe. And at some point, we have to just deal with safety issues. And this is one of them. And not only is it not safe, it's wildly congested. And it's increasingly worse almost by the day as these units come online. And we've just begun with Fleetwood South. So that's my issue.

[07:07:02] This is a perfectly fine application. If it wasn't going to be driving traffic to a place that isn't perfectly fine. I don't know if there's a way to overcome that. I'm certainly open to it if there was. But I know that that was a conversation my offices had. It doesn't sound like there's a willingness to do that i understand it's expensive but we shouldn't be adding to a rural rustic road with this kind of density all over this area without fixing it first and that's why people get frustrated with us and i don't blame them so that's why i wouldn't be supporting this as it is today bricksman thank you uh just a quick question for the applicant

[07:07:41] didn't you say that you haven't built anything yet in fleetwood south are they pre-selling for more than a million? So I think what Supervisor Crony is talking about is that there's information about the homes that are being sold. They have not yet conveyed. Nothing has conveyed over to an individual homeowner yet. Okay. And what are the price points? Yeah. So they range, I think they start in the high nines. Is that right? I'd have to go look and go back, get back to you. But roughly they are 900 to a million. Consistent with, yeah, the other homes in this

[07:08:18] area that are. But the attainable homes in there are being sold for? The attainable homes, the ADUs are subject to the ADU program and the ADU pricing. So three bedrooms, three bedroom single family detached houses are going for roughly \$225,000. That's set by the county. Four bedrooms go for about \$273,000 for those homes. But can you make a home, can you make the homes less expensive without increasing density? I think that's part of the challenge. I mean, honestly,

[07:08:57] I think that part of the challenge is, is that it's a place that calls for all single family detached houses. And obviously there's increased land costs with that increased development costs when you talk about, you know, utilities and things like that. And so, you know, it depends on what, where you're looking. I can appreciate that the house price here feels expensive compared to a home that's 20-25 years old in another part of the county. But the average price of a home in Loudoun County right now, I think we learned recently, is \$770 or \$800. Do you recall? I think

[07:09:32] in Dulles it's a million, but the county, the whole county is like eight something. So anyway, I'm happy to support moving this to July, and I will probably support the application in the end. Thank you. I will be honest, my whole life has been about Primax Oral, so I really haven't done lot of research on this application i haven't called you haven't we haven't talked we haven't chatted i have no one still works after i have no idea where i'm going to go in this application to like dive into it and do a little research and so i'll be talking to staff i'll probably be

[07:10:07] calling you all and that's great mr crony because i don't know i do think mr letourneau has a point to some degree but i i you know i think that i think we do turn down applications that are just flawed and shouldn't be there because of safety and other reasons but i also think that there are people who are

just going to vote against or speak against anything that involves a door no matter what if it's a house so i think those are two different things but if it's a if it's a safety issue especially our school overcrowding issue um i i've seen us say no and i think we do listen to the public and i think we should but i i haven't we appreciate that i don't i don't know

[07:10:44] what's going on here i don't but i will by the time we get to june 16th i promise that i will july 16th you got it i promise because i just it's all this has been all primex world check to have a closing uh yeah i just want to say i i think um we should also look into you know where we are with that community planning exercise you know as far as phase one and phase two um because uh it would be nice to to just find out when something like that can be done for this

[07:11:18] area of the tpa or or if it's in the next year or two um there are road and school infrastructure concerns um in this area for sure you know evergreen mills road i know supervisor turner asked is two lanes um and i'm not a big fan of right in right out because i know people cheat and they and they make a left um i see that down down in my district or down in other parts of my district um so i just feel like you know there are challenges um in this area and for sure fleet Wood Road is one of them, and the schools are another of my concern, but I will work

[07:11:54] with you and see if we can come to some decisions on some of this. That would be great. Thank you. Thank you. Okay. Motion was made by Supervisor Tocroni and second by Supervisor Bricksman. Second by Supervisor Bricksman. Okay.

[07:12:10] We're going to go with that. Okay. All in favor, please say aye. Aye. Opposed? That motion will pass, 702, and thank you very much. And we, at 107, have one more application, the Fender Drive.

[07:12:28] And what district is this one in? This is in Dulles as well. There are 15 slides. You want the presentation? Say it again.

[07:12:45] So do you want the presentation?

[07:13:05] So just give me a second. Mr. Letourneau, what do you believe the motion is going to be? The motion is going to be to move it to July 2nd. So business meeting or public? Okay, well, then we need the presentation because it's going to go to a business meeting. So we need the presentation.

[07:13:21] Yeah, we're sorry. We do. We're ready. Okay. All right. Yeah, yeah, yeah, yeah, exactly. Subject property is 13.8 acres in size, located south of Route 15, east of South Redding Boulevard, and it is in the Dulles Selection District.

[07:13:37] The applicant proposes to resend the site from PDH-4, which is administered as PDOP to end the CR-1 zoning districts to the R-16 zoning district to develop 161 single-family attached dwelling units. This is a general view of the CDP.

[07:13:53] Just to give you a brief orientation, the yellow blocks are where the single-family attached units are, purple areas are active rec, and the green areas are tree conservation. The subject property is located in two place types, the suburban commercial, which is represented in purple, and the suburban neighborhood, which is represented in yellow.

[07:14:11] Majority of the site is in suburban commercial, which anticipates only commercial development such as retail and services, office R&D, and entertainment in a walkable main street style development. This place type does not anticipate any residential development of any kind. A small portion

of the subject property is in the suburban neighborhood place type which anticipates predominantly residential development on medium to large lots. The most common housing styles envisioned for this place type are single family detached and attached at densities of four dwelling units to six dwelling units an acre for infill parcels. While the 2019 general plan does acknowledge that properties under 20 acres may not be strictly held to the underlying place type use mix.

[07:14:51] The plan specifies that deviation from the underlying place type policy is only permissible if the overall effect is to move the place type as a whole closer to the preferred use mix in the place type. This policy is not intended to justify development of land uses that deviate as significantly as this one does from the base place type policy guidance.

[07:15:13] It is due to this that the application's deviation from the plan guidance that staff has identified the incompatibility with the general plan as an outstanding issue. Staff has also identified open space as an outstanding issue. As shown on the table from the staff report below, the applicant is providing approximately 2.6 acres of land that qualifies as open space under general plan policy.

[07:15:35] The suburban commercial place type recommends 10% open space and does not require civic space, while suburban neighborhood recommends 30% open space and 10% civic space. This is illustrated by the table on the screen. As the proposal is for 100% residential use, staff finds that a greater percentage of open space should be provided since this applicant is proposing densities well above suburban neighborhood policy recommendation, but providing just over half of the open space that is recommended for the play stack. Staff has also identified a number of outstanding issues regarding transportation. Again, we have two intersections that I'll be talking about. The first is the intersection at Route 50 and South Riding

[07:16:12] Boulevard, the second being South Riding and Defender Drive. The first is the intersection with Route 50 and South Riding Boulevard. This was constructed under the original development of South Riding, and the countywide transportation plan calls for an interchange at the ultimate condition as Route 50 is designated as a limited-access highway.

[07:16:32] At the present time, there is no funding allocated to this improvement in the CIP. The existing proffers that are approved with South Riding, which are still in effect, require a \$10 million contribution towards the construction of the interchange after a non-residential development threshold has been met. Part of the subject property is part of Parcel H, which is included in that rezoning and bound to those proffers.

[07:16:52] The subject property represents approximately 26.5% of the development potential in the Land Bay H, which is associated with the interchange contribution proffer. Should the current proposal be approved and the current entitlements replaced, the existing cash commitment will be rendered void, and the original monies intended to fund construction of the interchange will be foregone by the county.

[07:17:14] The applicant is proposing to address the issue by proffering approximately \$8,000 contribution per market rate unit, which equals an 11% fair share of the total cost. Staff reiterates that a fair share contribution is equal to 26.5%, which is roughly \$2.7 million.

[07:17:30] The applicant is also proffering to cover only \$25,000 of the cost for a traffic signal or innovative signal control for the intersection at Defender Drive, even if found warranted by VDOT, and is requesting a credit against regional roads contributions for any cost above \$25,000.

[07:17:49] Analysis shows that this intersection fails without mitigation. So staff is recommending that that be provided without credit. And lastly, staff is recommending the applicant proffer adequate soil volume for large canopy trees, which ensure long-term viability for the canopy, reduced heat island effect, and will reduce future infrastructure conflicts.

[07:18:11] This recommendation is consistent with natural resources policies of the general plan. due to the nature of the identified outstanding issues uh staff cannot support approval the planning commission did forward this with a recommendation of approval but again staff cannot support the application due to all the reasons that i have stated in the presentation and are on the slide happy to take any questions all right thank you um mr latourno i'm gonna ask the one question that's probably going to be the money maker up here which is if absent this application and the applicant has a site plan filed for a data center which would

[07:18:49] be permitted in this location correct that is correct okay that's the money maker all right yes okay I didn't mean that impactful question I understand what you know I just did okay um yes you have ten minutes I did to cringe a little bit when you called it the moneymaker I was like oh gosh take it back. My name is Colleen Gillis. I'm an attorney with Curata Partners. I'm here tonight, this morning, on behalf of Northfield Construction and Development for this application. So the site is

[07:19:29] located. Let me tell you a little bit about why we're in for residential. This is the site. It's surrounded on three sides by residential. 14 acres at the end of a cul-de-sac. The cul-de-sac, for reasons that I think I've explained in a number of the conversations I've had with you and your staffs, will likely exist in that current configuration, in a cul-de-sac configuration for a very, very long period of time. It will not go away until such time as the county closes the intersection of Poland Road and Route 50. And so because of this, because it's located at the end of a cul-de-sac surrounded on three sides for residential, we respectfully think that the implementation of the plan policy for suburban commercial, meaning Main Street retail, things

[07:20:08] like that, is just not viable in this location. Supervisor Letourneau has already mentioned The property today is zoned PDH-4, administered as PDOP, with all of the uses that are available to that, under that zoning district.

[07:20:25] This is the view from Route 50. So even if you're like, ah, you know, it's at the end of a cul-de-sac, maybe if somebody could see it, that fitness equation, that three-story fitness equation is at the end of a cul-de-sac. you at least get to see it from Route 50. For that reason, it's very hard to envision that anything other than either the by-right use of data center or what we think is more appropriate, residential, would be appropriate. When we first went to the Planning Commission, we presented this plan to them, 208 residential units, a mix of single-family attached, and two over two units. Working with Supervisor Letourneau and his district commissioner,

[07:21:02] commissioner moderate we were we were informed that this was not consistent with what the density of residential that they'd like to see in this location and so what we came back with is the plan that you see here a reduced residential density plan we lost almost 50 units went from 208 to 161 and actually increased the number of adus being provided on the property from 18 to 21 three different product unit sizes 16 foot 20 and 22 that are arranged in this configuration Comparing what we originally requested to what we ultimately are presenting to you this evening,

[07:21:37] we reduced the density from 14.2 dwelling units of the acre to 11.7, eliminated two over two units, increased the number of ADUs from 18 to 21, and for those of you on the board that are concerned about the adequacy of parking, especially in the Dulles District, I'm pretty much talking to Supervisor Letourneau, we increased the amount of parking here by one full space. For each and every townhome that exists on the property, there is one full off-lot parking space. And I know in working with Supervisor Turner in his district, that's one of those, to borrow a phrase from Supervisor Singings earlier this evening, it's a gold standard in my experience working with him.

[07:22:16] In terms of open space, we can appreciate staff's concern that, look, we are planned today for suburban commercial. That has a designation for open space that is not consistent with the plan we're asking for that's calling for open space in a commercial pattern we're doing residential what we have calculated on this slide is that 33 of the project area is in open space in one form or another we've got three i would call programmed open space areas we've also got active and passive tree conservation areas buffers landscape areas but fully 33 of the project is in open space these are those programmatic open space areas i want to mention two

[07:22:55] things. Well, when we met with Supervisor Briskman, we have a bocce court here. She said, who plays bocce? Who cares about bocce? Would you be willing to put in a sport court, like a half basketball court? We are willing to make that change and change that bocce court into a half basketball court. We have also been asked the question, usually at this point in the conversation, have you discussed annexing with one of the surrounding HOAs? We have not made that decision yet, although we are certainly open to that. We're trying to figure out when we get a builder on board, assuming that the board approves this, what their interests are. I don't know what

[07:23:32] you guys are looking at on that image, but it's clearly one in the morning. Okay. Proposed parking. This is an illustrative of where our parking is. Every single one of these townhomes has a garage. The two larger units, the 20 and 22 foot wide townhomes have two car garages. The 16 foot wide townhome has a one car garage. And virtually every single one of these units, except for a small number of them have also a driveway that is that is adequate to support parking. If you've got a two-car garage, it'll support two cars parking there. If you've got a one-car garage, it'll

[07:24:05] support one car parking in the driveway. And so you can also see that the parking, the off-lot parking, which is shown in blue here, that it's well distributed throughout the plan. So it's not like we've just put parking in one area and if you have to use that or your guests have to use that, they're going to walk a long way. It's well distributed. Really proud of that. These are the proposed design aesthetic, very consistent. If you were to drive out there and see what our neighbors' homes look like, proposed traffic signal. If there's one thing that we've heard, a traffic signal is needed yesterday at the intersection of South Riding Boulevard and Defender Drive. With an application that the board approved last fall, there is already a

[07:24:42] proffer in place to build a signal, and we believe that they are well underway in installing that signal. Nevertheless, we have also included a proffer to install a signal should something happen with that project and not go forward, we will do a signal in this location. Because we are 4% of the impact here, the impact is more generated by the kids that are going to Chick-fil-A and Taco Bell at that corner, and the McDonald's on the other side of the street, we're asking for 95% credit against our regional transportation contribution. Total financial benefit of this project is pretty spectacular. Just shy of \$8 million, we've got a contribution towards affordable

[07:25:19] housing of almost a quarter million dollars five and a half million for cap facilities regional transportation and transit of almost a million the south riding boulevard interchange marshall talked about it of over 1.1 million dollars we'll talk about that in a second and fire and rescue contribution of about 25 000 fire and rescue while we're here i think that this was the first application that agreed to provide sprinklers at cost at the request of commissioner myers at the planning commission we did have a number of outreach meetings south riding with the three hoas surrounding us and then we also participated in supervisor letourneau's town hall this past

[07:25:58] monday i'm not going to belabor these issues one we've got a place type incompatibility i won't spend much time but happy to answer any questions about why we're doing residential when it's planned for suburban commercial two transportation has to do with taking credit um for that signal if and that we're taking 95 credit for the signal because we're only generating four percent of the traffic there south riding boulevard route 50 interchange contribution i will go there when we went to the planning commission this was a late breaking issue the planning commit we actually proposed a 341 000 contribution this was consistent with how the contribution towards

[07:26:37] the interchange was originally generated and calculated planning commission staff said not enough. While we can't get to the \$2.7 million staff is asking for, that would equate to a \$20,000 per unit addition to transportation. Commissioner Monterey, we worked very, very closely with him on a \$1.137, \$948 contribution, right down to the dollar if you watch the meeting. So we agreed to that. And that's another \$8,000 towards transportation. Supervisor Letourneau asked us to change the proffer to provide that that contribution can be made.

[07:27:15] If it's not applied to this interchange anywhere in the Dulles District, we're happy to make that proffer change immediately. And the natural resources, you heard Marshall talk about staff's request that each canopy tree, each large canopy tree, be planted in 1,000 cubic feet of soil. We appreciate the direction of staff, but as you probably are aware, the FSM committee is currently working with staff on a recommended standard.

[07:27:37] We would like to stay silent on this and just adopt what the FSM committee what the fsm committee recommends gets adopted in the fsm as approved by you all and so we just want to stay silent whatever whatever that standard is we'll do what what y'all what y'all approve and that's it in a nutshell happy to answer questions thank you so much mr letourno um i know it's going to come up how many adus are in the 21 21 yeah okay that's the that's the only question i have mr crony okay thank you so i just said and i noticed beb tate is gone

[07:28:13] and I don't blame her but the over the school issue and maybe Supervisor Letourneau can help with this but we approved Cedar Terrace and that will add 51 and 71 students to Mercer and John Champ and then Stone Ridge 27 and 38 and I'm just seeing that that brings Mercer up to 119 percent and John Champ to 109 percent capacity in 2029. So I don't know if you looked at those numbers, Supervisor Letourneau,

[07:28:51] the school. So it's kind of the same conversation, which is out of the CHAMP and Mercer cluster, you then have to take the Heartland numbers, I believe, out of that and put that into HS14, which of course is the same conversation we just had. But right now, all those, there are a whole significant number of students who will be going to CHAMP that's included in here that are going to live like almost adjacent to HS14 so we are making the assumption that they're going to get

[07:29:23] attendance battery changes there okay but then it brings previous issue yes HS14 the capacity there okay thank you Ms. Brooksmen at 2180s do you know the percentage on the project 13 percent 13 percent okay um and then um you said the signal is already being built it's under design i shouldn't say it's under construction it is it is underway and getting warranted and then and then the design of it and supervisor attorney you might have more of a finger on that pulse than we do

[07:29:57] but the idea is if it doesn't get built then you will build it and want the credit yes absolutely but it's be it's planned to be built yes that's just a contingency you're just a contingency we We were originally the Plan A, they leapfrogged us.

[07:30:14] They're now Plan A, we're Plan B. Got it, thanks. As far as I know, you are the second developer who has come to us and said you will build homes when you have a bi-rate data center possibility. Thank you, thank you.

[07:30:29] Well, thank you, hopefully. I'll vote for this tonight. Are you kidding me? Look, it's not a data center. Because it's the location. Once again, it is the location. It's not the data center, it's the location, and this is smack in the middle of residential communities on three sides.

[07:30:50] It's the wrong place for a data center. Thank you. So anybody in the public would like to speak on this item? Jarrett, you want to talk to anything? You're good? Okay. Did we have one? Oh, did we have one? Is he still on the line? Wow. Wow. Let's go to that gentleman.

[07:31:11] Good morning. Yes, I'm still on the phone. Thank you. Thank you all for giving me the opportunity to speak. I live right next to the proposed community, and I'm here to express my strong support for the Defender Drive application. This proposal is not just about adding more homes.

[07:31:29] It's about enhancing the quality of those of us who call Eastgate 3 home. Additionally, I believe the applicant has worked really hard, as you all can see, to address the concerns raised by Supervisor Laterno, his staff, and the Planning Commission. As you all, the potential turner to this application is to develop a data center, and the proximity of data centers to residential areas brings several concerns that I think you all have.

[07:31:55] Data operates 24-7, generating significant noise and light pollution. The constant hum of machinery and bright lights can disrupt the peace and transparency of my neighborhood, affecting our daily lives and well-being. In contrast, the proposed community would integrate seamlessly into our existing community, enhancing the residential character of the area without introducing disruptions. So like I said, I got the feeling that we're concerned about a data center potentially coming here. The applicant has really done a great job

[07:32:31] and looks like they've designed a community that's going to really fit well with the overall community here. So I really, really hope that you all approve their application. Thank you all very much. We really, really appreciate you staying in line with us for, I don't know, 11 hours or something.

[07:32:47] Thank you very much. Thank you. Ms. Letourne, would you like to make a motion? I would, Madam Chair. I would move that the Board of Supervisors forward Leji 2023-0025, Defender Drives, EMAP 2021-0023 to the July 2, 2024 Board of Supervisors meeting for action.

[07:33:04] I think you, is business meeting? I think you moved to suspend the rules. I'm sorry, I moved the Board of Supervisors to suspend the rules. Second. I'll second that discussion on the motion. No. All

the people say aye. Aye. Any opposed? That motion will pass 702. And then I'll move the forward.

[07:33:20] Leji 2023-0025, defenders eye, ZMAP 2021-0023 to the July 2, 2024 Board of Supervisors move this meeting for action. Second. Discussion on the motion? Yeah. So believe it or not, actually, this has been a long, long road on this one, several years.

[07:33:38] We did have a very dense application initially that was, I think, inappropriate for the context of the neighborhood, the point where it really didn't even have driveways, but we got there. And so I really want to thank the applicant for working with us on this.

[07:33:57] I think what you see will be a good place to live, in addition to not just being a data center. I mean, I understand the temptation here is, oh my gosh, it's a data center, so we're just going to let anything happen that's not that. but I really needed to make sure that we were gonna have a community that was still livable and compatible with the surrounding neighborhood.

[07:34:17] I do wanna note, because I told them I would, that there is a community to the southeast that is opposed to this application and would prefer the data center. They have concerns about traffic, they have concerns about schools, the kind of issues that we hear, but I think the speaker we had tonight is more representative of the feelings of the residents who are in Eastgate in the immediate adjacent area.

[07:34:45] Those community directly to the east has a significant parking problem. So if you're wondering why parking was such an emphasis, they are way under parked for their issues. We've gotten all sorts of complaints a long period of time. So we needed to make sure that this neighborhood wasn't going to have that and really alleviate those concerns.

[07:35:05] so i'm sending this to july 2nd meeting for quick action i don't know um miss gillis if that proffer change has fully been made and accepted by staff yet it it has not but ben and i just looked at each other and i said i guess we're sending proffers in tomorrow that's fine yeah if you could do that that'd be great because i'd like to get you done yeah absolutely we would july 2nd absolutely staff can turn that around quickly i do appreciate having some flexibility on that

[07:35:30] If you're wondering where that number came from, it was actually a very specific formula from the previous Defender Drive application where we determined what we thought the fair share of the amount being developed was to that South Riding Boulevard intersection.

[07:35:47] So it was a very precise calculation, and the applicant ultimately agreed to that. What they're contributing is as a percentage consistent with what the previous applicant on the other Defender Drive project was as well. That's all I have. Anybody else? All right.

[07:36:04] Motion was made by Supposed of the Turner, our second motion. I want people to say aye. Aye. Any opposed? That motion will pass 7-0-2. Thank you very much. Thank you very much. Thank you, and sweet dreams. And we are adjourned.



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