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Loudoun County Board of Supervisors, Transportation and Land Use Committee, Wednesday, July 17, 2024

Date Wednesday, July 17, 2024
Place Board Room, First Floor, Government Center, 1 Harrison Street SE, Leesburg, Virginia
Length 3h 3m (video)

- Official meeting video (county, Granicus): <https://loudoun.granicus.com/player/clip/7714>
- Agenda (Granicus): https://loudoun.granicus.com/AgendaViewer.php?view_id=73&clip_id=7714

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Speech-to-text: whisper.cpp, model large-v3-turbo. Produced 2026-10-21. Each paragraph starts with its time [HH:MM:SS] in the meeting video.

[00:10:43] Good afternoon, Supervisor Turner. Can you try your audio and video, please?

[00:10:58] I see you. Maybe you're mute. We cannot hear you. Supervisor Turner, I'm clear. Can you hear me now?

[00:11:27] Yes, we can hear you now. Man, I can barely hear you guys at all. Can you boost your volume up from your end? My computer is at max. Hey, Mike, can you hear us?

[00:11:52] Yeah, barely. Can you hear me? Yes, yeah, we can hear you.

[00:12:17] Mr. Turner, can you hear me? It's Chair Randall. Is it still barely you can hear me? I can barely hear you guys. Your volume is at max volume.

[00:12:35] Your volume is at max volume. Would you like to go out and come in again? Sure. Because you've got to be able to hear us and vice versa. Well, I can hear you. We can hear you just fine, sir. Uh-huh? We can hear you just fine.

[00:12:51] All right. Well, I don't know what to do here. Are your ears plugged up? Well, I guess I'll have to do.

[00:13:07] I don't know what else to do for volume.

[00:13:37] Can someone speak so I can try another audio? Testing, one, two, three. Hang on, try it again. Testing, one, two, three. Okay, very good. That's much better. Thank you. All right. Okay.

[00:13:54] Oh, thank you. Oh. All right. I would like to call to order the July 17th, 2024, Transportation and Land Use Committee meeting. This is my first time doing this, so please have some patience.

[00:14:11] This room has a hearing loop. If you need hearing assistance, switch your hearing aids to telecoil mode. If you have a headset, we have those available as well. Please see the clerk to request one. Pursuant to Virginia Code Section 2.23708.3 and the Board's Rules of Order, Supervisor Turner requested to participate in this meeting by electronic communication.

[00:14:35] A physical quorum of TLUC is present in the boardroom, and the committee has made arrangements for the voice of Supervisor Turner to be heard by all persons in the boardroom. Supervisor Turner made this request within the required time frame, and the county attorney determined that Supervisor Turner's request meets the qualifications to participate remotely.

[00:14:58] The committee will record that Supervisor Turner participated remotely from a private location in his residence in Loudoun County due to illness. And we wish you well, Mike. So in the spirit of Supervisor Turner, I have a fun fact.

[00:15:16] Bears do love honey and are attracted to beehives. But unlike in Winnie the Pooh, the bears eat more than just honey. They will also consume the bees and the larvae inside the beehive, which are a good source of protein. Bears endure stings to get the prized larvae and eggs in the brood comb of a hive.

[00:15:37] Protective, adult bees sting bears' faces and ears but have a hard time penetrating the fur on the rest of the body. After bears get the brood comb and perhaps some honey, they hurry away and shake bees out of their fur like they shake water.

[00:15:53] So I didn't know that. I thought bears just ate the honey. But I did talk to somebody who does bees, you know, manages bees, and he said that bears are terrible to the beehive. So that is a fun fact. All right, let's do the Pledge of Allegiance.

[00:16:11] To the flag of the United States of America and to the republic for which it stands, one nation, under God, indivisible, with liberty and justice for all. Okay, so the proposed consent agenda is the following.

[00:16:34] Environment and energy work plan quarterly update. I move the adoption of the consent agenda. Is there a second? Second, Chair Randall. Okay. I move the motion and it's seconded by Chair Randall. Is there any discussion on the consent agenda? Seeing none. All those in favor? Aye. Aye. All those opposed? The motion passed

[00:17:04] five to zero. We will now move to the information items. So our first item tonight is the Environmental Commission 2024 Annual Report and Bylaws Amendment. Would Kira Moore and Mark Aveni from General Services, please come forward. And also Vincent, thank you. And Jim from the Environmental Commission. Good evening, Committee Chair Dracone and members of the Transportation and Land Use Committee. Mark Avaney, Assistant Director of General Services, very happy to be

[00:17:43] here this evening to introduce the 2014 Annual Report and Bylaws Amendment for your Environmental Commission. I'm going to do something a little different. I'm going to turn it over to Kiera

Moore, who is actually our environmental program manager and the liaison with the Environmental Commission. And she is going to talk about the bylaws amendment and then introduce our chair, Jim Bingle, for the annual report. Kira? Thanks, Mark. So as he said, my name is Kira Moore, and I'm the staff liaison for the Environmental Commission. And with me is Jim Bingle. She's the chair for the Environmental Commission and has been the chair since the commission started in 2021.

[00:18:22] We have two pieces for our agenda tonight. First, I'll talk about the bylaws. And second, Jim will be presenting the annual report for the commission. So for the bylaws, last month the EC voted to amend the bylaws to allow standing committees to have members who are not also on the full commission. And this is not a new provision. It was in the EC's original bylaws in 2021 when they started. And when they updated the bylaws in 2023 to match the template, it didn't get transferred over. So this would be just adding the provision as it was originally written into

[00:18:59] the new bylaws. The process would be that every two years, when the EC starts a new term, they could nominate new committee members to be approved by the board. So this is only at the start of a term. So this year, it wouldn't affect anything. And then next year, when the commission comes back to the board, they could nominate new committee members if they wanted to. So that's it on the bylaws. I don't know if you want to ask questions on that or if I should hand it over to Chair Bingle first I think you can hand it over to okay Jim thanks so Jim Bingle chair of the environmental commission will give you the annual report from the commission good evening chair to Crony and

[00:19:39] board members um tonight I want to let you know that we have also Kathleen Leonard who is a member of the commission with us this evening so we had another busy and productive year with 12 full Commission meetings and each of our standing committees, natural resources, sustainable energy, and public engagement met nine times for a total of 39 meetings. So now I'm going to cover our accomplishments, then our goals for the next year, and last our recommendations for your consideration. Our two biggest accomplishments over the past year are the natural resources strategy and the

[00:20:18] district energy concepts. They exemplify the value of the structure that you put in place. Both ideas came from the commission, have been supported by staff, and you have endorsed for action. The county natural resources strategy, like the county energy strategy, would provide a comprehensive framework and steps to realize the vision outlined in the 2019 general plan.

[00:20:42] The commission elevated the district energy concept to utilize waste heat as a valuable resource, particularly as the need to reduce energy consumption is a top-level concern. We also worked with staff on two watershed initiatives. We initiated a public outreach program to reduce runoff and water pollution by involving the Loudoun community based on existing watershed plan ideas. Staff in the Soil and Water Conservation District then implemented a well-received

[00:21:15] and successful tree planting and pet waste station funding program for homeowners and HOAs. We also gave input on a staff-initiated grant request for a new watershed management plan in the Bull Run watershed, which is experiencing significant erosion.

[00:21:34] This grant will fund development of a model which can also be used in future watershed plans. And you know about the white paper on community and commercial-scale solar produced under Vice Chair William Marsh's leadership. It includes steps the county should take to protect natural resources and agriculture when permitting such projects.

[00:21:55] It supports and provides grounding for the policy and zoning decisions that the county should consider in advancing the energy strategy's goal of clean energy development. Our two major public engagement activities were also successful.

[00:22:10] We had nominations in every category for the Environmental Excellence Awards and the Environment and Energy Forum exit surveys discussing our format and content were positive. Based on public input, we had a new format that included more than 20 information tables, six breakout sessions on multiple topics, a career forum, and a listening session.

[00:22:33] Moving on to our goals, in the coming year, as staff implements the updated work plan, the Environmental Commission has one general goal and several committee goals. We have noted that the county has had no environmental or energy goals in its legislative program.

[00:22:50] And our general goal is to explore and offer recommendations that the board might consider to help accomplish county policies on environment and energy. In addition, the Sustainable Energy Committee will continue to support development of a data center partnership to balance energy demand with clean energy supply.

[00:23:09] They will explore emerging clean energy trends and recommend topics for further consideration and development and provide guidance on sustainable energy issues. The Natural Resources Committee will provide guidance for the ongoing tree canopy study and application of its results with public engagement, tree planting, and conservation activities.

[00:23:31] We'll provide guidance on the Bull Run Watershed Management Plan, encourage public input, and support staff on existing and future watershed plans. And we'll provide input on the next steps of the natural resource strategy. Last but not least, we'll stay engaged and offer direction on the invasive species initiatives.

[00:23:52] Our public engagement committee will again encourage public involvement in the Environmental Excellence Awards and the Energy and Environment Forum. We will support increased access to local data through the environment and energy hubs on the county website.

[00:24:08] and will facilitate more engagement with energy and environmental stakeholders through direct involvement. Moving on to our recommendations for your consideration. I've already mentioned the white paper on community and commercial scale solar generation, and you know about our recommendations to beef up county sustainability policies and initiate the sustainability plan mentioned in the comp plan.

[00:24:36] Moving on to the environmental management structure. You've already heard a little bit about it at your retreat, but I'll go into more details. To start, we reviewed how other jurisdictions manage their environmental work, how the county has structured its environmental management in the past, and how environmental responsibilities are distributed within and across departments.

[00:24:58] We also looked at the comp plan, the policy strategies and actions in Chapter 3, and the relevant implementation steps in Chapter 7. We determined that Loudoun is missing an essential component for success, an entity responsible for guiding and coordinating activities to meet the non-regulatory aspects of our environmental vision.

[00:25:19] Therefore, we recommend that the board establish a focused, organized body, such as an environmental department, to continue building on its strategy. But we're not experts on organizational management, so we chose to highlight what we see that's missing or needs improvement, regardless of the management approach.

[00:25:39] We note six areas for improvement with recommendations for each. The comprehensive plan includes broad environmental programs, but there's limited guidance on how they fit together in the many county departments that have a piece of the pie, particularly for the non-regulatory actions.

[00:25:55] We think the energy strategy and the natural resources management strategy can provide critical guidance to build on the foundation in the comp plan. We see them as components of the future sustainability plan, along with enhanced sustainability policies to provide unified guidance for environmental work across departments.

[00:26:16] As far as regulations governing county environmental goals, they're pretty straightforward, but today non-regulatory activities are not keeping up with the staff's mandated regulatory work. Undoubtedly, staff in multiple departments, building and development and general services, for example, have the subject matter expertise to address regulatory and non-regulatory goals, and there's a lot of overlap in the goals.

[00:26:43] So in addition to the guiding documents, staff subject matter experts need direction to prioritize, coordinate, and work to best accomplish both sets of goals. We all know that communication is essential for optimum effectiveness in any organization within and across departments to support coordination and collaboration.

[00:27:04] With environmental responsibilities spread across departments, interdepartmental working groups of managers and of subject matter experts could foster creative solutions and greater potential for success. I'll use the Environmental Commission as an example of the current challenge.

[00:27:22] We get regular updates from our staff on what they are doing and to some extent what happens in general services outside of their purview. But we're out of the loop, for the most part, on environmental activities managed by other departments. This effectively limits what we might accomplish together with greater awareness and interaction.

[00:27:43] Working groups can provide that kind of guidance and expertise to each other to integrate and coordinate multiple departmental goals and also help resolve situations where goals and values might conflict. Adequate staffing has been an issue for the county over the past few years and has created gaps in subject matter expertise and reduces the capacity for new programs in the work plan or additional responsibilities.

[00:28:11] Consultants have helped fill the need, but the roster of staff subject matter experts should provide energy and climate expertise, wildlife habitat, invasive species, water resources, and other natural resource expertise, as well as experience in sustainability and resilience planning.

[00:28:31] There may still be specific consultant needs, but staff's breadth of experience and institutional knowledge is essential. There's an abundance of funding and technical support available now that the county isn't leveraging to achieve its energy, natural resources, and sustainability goals.

[00:28:53] Environmental experts on staff could work with grant staff to identify and apply for funding and help from outside technical advisors available through federal programs. And last, it's important to evaluate progress and demonstrate success.

[00:29:08] The environmental dashboards initiated by the Commission and implemented by staff provide local information, and as they are expanded, they can demonstrate progress. Regular updates can show how staff are accomplishing county, regional, and state goals, and these updates can be used to engage and encourage public involvement as well, resulting in even greater success.

[00:29:32] So that concludes our report, and I'm glad to answer any questions you might have. Thank you. All right. Thank you so much, Jim, and thank you so much, the Environmental Commission. As always, this is excellent, and I know that your commission is doing great work.

[00:29:49] I mean, you guys are, you know, kind of the role model of commissions and advisory boards just because of all the input you give us, so it's really helpful. I took this off consent because I wanted to hear your annual report because I know we did discuss this at the strategic retreat, the need for a focused department on energy and the environment, so I wanted to talk about that.

[00:30:14] But what I'll do is allow everybody to have three minutes if you have comments, and then we'll come back to me. We'll start with Supervisor Turner. Can you hear us? I can, Madam Chair.

[00:30:29] Okay. Thank you very much. Ms. Bingle, have you consulted with staff because the recommendation, I'm sure you have, But the recommendation to create a separate environmental department seems predicated on a deficiency in our existing processes.

[00:30:50] And I think you've highlighted what you think those deficiencies are. What caught my attention is regulatory and non-regulatory. Can anyone answer this, staff or you, Ms. Bingley, if you've talked to staff? Is the county even empowered to establish a non-regulatory department?

[00:31:10] Chair Tagroni. So, yes. So right now, non-regulatory functions are handled through the Department of General Services primarily. So non-regulatory just means proprietary or operational work.

[00:31:27] So the work that General Services does, whether it's in the Stormwater Division or through any of the other efforts that they have that they report on regularly to the Environmental Commission, would be an example of a non-regulatory or operational function. Regulatory functions are those that are managed within the Building and Development Department or perhaps within one of the sections of the Department of Planning and Zoning.

[00:31:53] So that's just an example. I have advised the board that we should not mix regulatory and non-regulatory functions under the same leadership. That, in my opinion, would be inappropriate. We have had discussions, or I have had discussions with the Director of General Services, around the concerns that have been raised and how to better manage the non-regulatory or operational functions.

[00:32:22] And my understanding is that Mr. Avini is prepared to speak to those tonight if there's questions from the board. Mr. Crony, before that happens, may I have a point of, I guess, clarification? I don't know if Mr. Hemstreet, if Mr. Crony, if you do not mind, can we ask Mr. Hemstreet before, this is, I'm not in my time, a point of clarification. Before Mr. Abini answers, can Mr. Hemstreet detail, explain,

[00:32:57] talk through what he means when he says regulatory and non-regulatory and why those two things would not normally be under the same department? Because I don't know that just saying those

words, everyone has the same understanding of what's being said. And I think we have to kind of all be level set before we can go forward in this conversation. So can I ask that clarification from Mr. Hemstreet thank you yeah so regulatory function is something that requires just in a very simple manner is something that requires a permit so if there's a construction

[00:33:31] project that the board that the county is engaged in such as stream restoration or the stormwater project or you know building a building we have to go through planning and zoning, and we also have to go through building development to submit engineering drawings and pull permits that demonstrate that we are, or a project that we're prosecuting is in compliance with the applicable regulations from Loudoun County, from the Commonwealth of Virginia, and from the federal government.

[00:34:08] So within the county, that function is managed by what we refer to as the regulatory agencies, which in this case would be B&D or building development and planning and zoning, respectively. What I mean by a non-regulatory department would be an operating department such as General Services that would manage the project, that would be the one that hires the contractor, hires the consultants, and actually goes out, prepares the construction documents that then are submitted to the regulatory agency for the permits to be pulled.

[00:34:44] And so the reason why I advise the board not to mix those functions under the same leadership is because one has control or authority over the other. And I would, my preference, you know, my recommendation would be that we not confuse those things.

[00:35:06] We did go through an exercise, and I think which was in response to a question that Vice Chair Tacroni raised a couple maybe last month or a few weeks ago around an effort that we went through on the staff level back in 2014 where we separated regulatory and non-regulatory functions.

[00:35:26] We intentionally did that because staff within the organization, as well as the public, were becoming confused when they met with folks as to whether or not they were talking in their regulatory capacity or a non-regulatory capacity. And that's a critical differentiation because, by its nature, a regulatory function has authority over something, whatever it is that they're administering.

[00:35:52] And so from my perspective, it is critical that those operations in a county the size of Loudoun be separate and under separate leadership. Okay, so Mr. Vinny, do you want to go through what Mr. Hemstreet was talking about that you have?

[00:36:15] So I would just add, in addition to the things that Mr. Hemstreet mentioned, Many of the items on the work plan for the Environmental Commission, such as watershed management planning, a tree survey, wildlife corridors, energy sustainability, those are not necessarily regulatory matters.

[00:36:31] Those are things that the county can do if they desire to. So those would be other examples of non-regulatory that the commission and general services is working on for clarification, in addition to the items that Mr. Hemstreet mentioned. Okay.

[00:36:48] Anybody else want to comment? Okay. So, Chair Randall? I mean, on the item overall, just questions, period? Yeah, sure, I do. First of all, I want to say thank you to the Environmental Commission. And Ms. Bingle, I talked about this a couple of months ago, but you have been so involved in county government for such a long time.

[00:37:12] And what I love about you, Jim, is that you often come with, this is what's going well, this is what's not going well, this is how we can address some of the things that's not going well. So it's never just like a complaint. It's always, that's a balance, and then let's think about it.

[00:37:30] And I just think that that doesn't happen all the time. I just want to say how much I appreciate that. I have three questions. First of all, when you talked about the bylaws, does the commission feel like that you have the positions that you need now that you've done this for a while on the commission?

[00:37:47] Is there something you think you have that's repetitive, that you don't need? Is there something you think that you actually need more of? I'd like to add certain industry areas of positions there to fulfill your mission. So how do you think that's going overall?

[00:38:03] I would like to see the commission be really lean into the invasive species issue. I'm now really fully understanding that issue. I am very concerned about it to the point of being a little bit panicked because it's really devastating some of our rural businesses, especially our wineries and other things.

[00:38:26] And so it will never be a time we can completely remove all the evasive bugs. But evasive bugs come from evasive tree life and trees and plants. And so in any ways that these two organizations could come together and really work on that, I think I would really appreciate that.

[00:38:48] And then thirdly, you did say that you did do a, I think you said that you did a bit of a survey of Loudoun counties, what we're already offering in our departments before you talked about whether to have a Department of Environment and Energy Department.

[00:39:11] Setting up a new department is hard and fairly costly in a time where we know that we are looking to try to reduce costs to taxpayers and things like that. Is it possible that another idea could be to add positions to the departments that are already doing this, especially and maybe even rename the departments, like the general service department, find out what's going on, cooperative extension, figure out if something could be folded into one another, versus starting a new department, which is a whole, that's a whole big thing,

[00:39:49] including finding office space and, you know, the whole nine. And it can be at a time that we're not quite sure what financially we're going to be looking like. We might do fine, but we also might not. So is there another way to achieve the same goal, understanding what the goal is and appreciate it while you're saying it, is there another way to achieve that same goal?

[00:40:13] And, again, thank you all for your amazing service. Thank you, Chair Randall. So as far as expertise that we may be missing, what we would like to see is, at least initially, there are additional folks potentially with the utility, NOVEC, or Loudoun Soil and Water Conservation District.

[00:40:41] They are very involved in the same things that we are working on. And not to be commission members, but as committee members, they could add to our body of knowledge. And also, to your point on invasive species, certainly there are organizations out there that deal with that and might be able to help us, to help support us as members of the committee.

[00:41:06] I don't know if your second point was a question. Well, the second point was about invasive species. Oh, okay, okay. So I did answer it. All right. You've answered my first two questions. Okay, great. And then the last question is the, what structure could be.

[00:41:24] So, yeah, absolutely. We, I think that as a starting place, having interdepartmental work to happen with the managers, with the staff, there are people that I don't, I think our staff is wonderful, first of all.

[00:41:44] This is not to disparage anybody. However, we could use more communication between experts within the different departments, and that kind of different perspectives adds depth and breadth of opportunities, brainstorming, and all of that that can benefit us as a community.

[00:42:11] So that would be an initial way or the way. Certainly the county has done different things in the past to manage our environmental resources effectively.

[00:42:28] And, you know, over time things change. And so we don't have those methods in place today, but we could potentially start with an idea like working groups between departments.

[00:42:45] I won't go further than that to say, oh, this should be this way or that way. But I think that managers talking to each other about the environment, if it's something that you want to promote, then it needs to be given the kind of recognition that it needs and managed.

[00:43:06] Right now, that piece is missing. So I'll just piggyback off of what Chair Randall said. I believe we, oh, Supervisor Kirscher.

[00:43:24] I want to give you the last word. So the only thing I would add, I want to echo a lot of what Chair Randall had to say. have a lot of some of the same concerns but thoughts and rather than repeating that I just wanted to piggyback on a lot of what she had the only other thing that I would and first of all thanks for the good work thanks for the report very thorough and and also Jim thank you for all the work that you do and coming forward the only thing I wanted to reiterate in here I know that some of these recommendations that we're talking community and commercial solar scale type generations and whatnot obviously I and the three of the three of the four supervisors who are

[00:43:59] sitting up here tonight represent Western Loudoun and I continue to reiterate we do not want any major solar scale of any size in Western Loudoun just because of the economic aspects of that as well as you know the protecting our ridgelines and in our view sheds and our and whatnot so tall facilities I think of our of any artificial nature would be an ongoing concern of mine so I just wanted to reiterate that as a representative of the west but thank you for all your good work. I appreciate it. Thank you. Back to me. So to piggyback off it, I think at some

[00:44:39] point we had a multidisciplinary team that handled the environment at one point. Mark, maybe you can talk about Mr. Venny. Yes, Supervisor. Before I came here, there was a group that met under Alan Brewer, I believe, to coordinate environmental activities. And so as EC Chair Bingell suggests it could be possible to look in reinstating that and meeting with all the different departments and groups that are involved in both environment and energy and report that to the board on a regular basis much like we come to do quarterly updates and we

[00:45:15] could you know make it a little more official and and have those conversations that gets at the recommendations that i think the environmental commission is looking at i think that would be a good first step, perhaps. Absolutely. At no cost. Yeah, at no cost. You're right. And I guess I would love to see what other counties do, other jurisdictions. I don't know if that could be in your scope of work, like Arlington and D.C., you know, kind of how they handle the environment and energy, what kind of expertise they have, because I liked what Jim said. It's really, we need a base

[00:45:50] knowledge in the county i know we hire consultants but it's good to have that base knowledge and then have consultants you know dig in deeper but um i'd love to know what other counties are are doing that's why i proposed a study was to kind of understand how our um how our region um handles the environment and energy so i don't know if that's something we could look at we certainly can okay great um and then i i noticed that you had oh vincent thank you sure thank you madam chair i just wanted to say following up on your strategic initiatives retreat the sorts of issues

[00:46:28] you all are discussing now are the exact sort of issues that we as staff will be working on to bring back to you so you all can sort of understand where we are providing these services across department what communications looks like across our county departments and dgs is the coordinating body for us to take a look at those things so we certainly intend to to bring back all these issues to you for further consideration so you can provide us with some policy direction or even so far as to consider a name change to make sure we're addressing all the environmental and energy

[00:47:02] issues that you all have identified. Okay, great. So I love the idea of looking at grants and I understand NREL put in an unsolicited proposal from the Department of Energy so I just wanted to follow up on that to see um yes ma'am we actually have two proposals from NREL so the first proposal that the Environmental Commission has been involved in along with COG is looking at greenhouse gas emissions from our data centers here and their use of renewable energy and that's a contract that we're trying to set up with with NREL National Renewable Energy Lab part of the

[00:47:39] Department of Energy right now there is a second proposal that I'm going to let um uh Deputy County administrator, Mr. Krobath, talk about as well. Yeah. Thank you, Mr. Avini. So the proposal that he is speaking to is from NREL. NREL is the National Renewal Energy Laboratory. And they have given an unsolicited proposal for us to work with them to evaluate the impacts of data center power

[00:48:11] needs and those types of things so following your strategic retreat director Brown sent that scope to super to Mr. Hemstreet and I we have forwarded that to our electrical engineering consultant that we have on board helping us with transmission lines and those aspects and ask them to review that scope revise it as as they feel necessary and then we will be meeting

[00:48:42] setting up a meeting with mr. Morgan Stein correct from from NREL to to refine that proposal and seek of seek a fee proposal there there their document is simply the scope right we need to understand what is the fee associated with that. So we're, that's in the works. Okay. Wonderful. Thank you. Yeah. Let's do a second round. Chair Turner, do you have any, any comments you want to make second round? Yeah, I'm very

[00:49:18] excited by the NREL project. I can't think of a more appropriate focus for a study by NREL than on our data center energy consumption. And to Chair Bengel's comments earlier, I'm still a little fuzzy on regulatory versus non-regulatory, but Loudoun County has really, really unique energy needs that are unlike anywhere else in the world.

[00:49:48] And crime a facie calls for something different. I don't know what something different is. I don't know what the structure would be. I'm a little intrigued by the work group concept, but some entity in Loudoun County that is focused entirely on our really unique energy needs that no one else faces.

[00:50:10] And I don't know what that would look like. I mean, other than the framework of we ought to have something like that, I can't go much further. And I keep running up against this sort of philosophical

barrier between regulatory and non-regulatory. And it's an absolute fact that we have an energy environment in Loudoun County unique in the world, and therefore we ought to be focused on that in a way that is reflective of the unique nature of that demand and of that energy environment.

[00:50:40] so i'm tickled by the enroll study i think that's fantastic and i i could really see making a case for some entity and and uh that's about as far as i can i'm kind of running on here but that's i i think there's a case for that and if there's a case for that then that might be also the vehicle for the environmental issues as well thank you um chair randall thank you um thank chair to crony i you know listen i i'm i'm all for doing the study and but i i think my question

[00:51:14] would be to what end what will we do with it can i don't what i've been so so sad and frustrated about is that the county board just doesn't have that much control over some of these things um we we so much so many of where the data centers are sitting were decisions that were made 20 years ago the million has said that they have to power data centers i mean we do we can speak to things like um you know the lines or where where transmission lines will be placed i love the ideal of the study but i would also ask when the study is done to what are we using

[00:51:52] it for how how are we going to use it to inform decisions that we make because information just for having it is great if you're going to go in jeopardy, but if it can't be used, what is the point of having the information? So I kind of like to know. It sounds like a great idea, but I'm not sure why it's a great idea because I don't know how we're going to use that information. That's the first thing. The second thing gets back to the discussion we were having before. I do think, and I'll agree with you, Mark, I do think that we have more services and more experts even than we

[00:52:27] realize on in the energy and environment discussions I think they're disjointed so I think some sit in general services that probably should be renamed I think some sit in cooperative extension which is actually a state agency but here in Loudoun and so I you know it's not so much for me that I'm opposed to creating a new department I want to find out what we really have here that we can tap into how we can gather that that information under one umbrella or in one

[00:53:02] place before we say we need something totally new we might but i but but i've actually you know it's you know i'm going to brag on him a little bit a little bit if you've ever sat down with ernie brown um ernie's a geologist by by that's by trade he is a i'm glad he's not in the room He's a really smart man.

[00:53:24] He's a really brilliant man with a lot of information. And I think we haven't always tapped into what we have. And sometimes it's natural to go, let's go do something different. But I think let's see what we have first before we can make some of those decisions. I do think General Service's name is way outdated.

[00:53:41] It sounds like you're fixing cars and you're doing a whole lot more. They're doing very different things right now. So I think we should focus on some of that. I do want to just roll back just a second to the invasive species question. Let me, maybe not a question, maybe a statement.

[00:53:58] You know, when our fund balance discussion comes up this year, one of the discussions we're going to have is should that, can we give that entity, the invasive species, any funds to help figure out how to remove some of the invasive species? And so I want to have that discussion with you all too.

[00:54:15] I am a little bit panicked now that I really understand this issue a lot better. And I really think you all, your commission is going to be so helpful on that. So thank you. Thank you, Acting Chair

DeCarone. Okay, anybody else? Okay. So I liked what Chair Randall said, and I know you're hiring an Energy and Environment Division Manager.

[00:54:37] It's currently advertised, yes. Okay. Any other managers you're hiring, any other positions that are in FY25 that you're hiring for? Well, there is. Supervisor Chacrani, this is Ernie Brown.

[00:54:54] Can you hear me? I'm speaking from above. I didn't know you were on. Ernie, we didn't know you were on. We see Supervisor Chair Turner, but that's it. There you are. You could have warned me. Tim Hempstreet, you knew he was on. You could have warned me. I wanted to hear him say how brilliant he is.

[00:55:17] I was stunned. I almost dropped my phone. And I apologize. I'm still in travel back from Coast Guard Union. Hence the no beard. And if I may, is it acceptable that I provide some input into the conversation?

[00:55:37] Yes. Thank you. And I think I can turn my video off so that it doesn't, I think it's getting a lot. All right.

[00:55:56] So first, I'd like to thank the Environmental Commission for doing some in-depth. I would say that a lot of work they could have gone behind the scenes with staff. Between General Services, Building and Development, the Health Department, Virginia Cooperative Extension, and so forth, the collaboration.

[00:56:21] What I think that collaboration, because we've got information back. Ernie, we can't hear you. think i think he's he's breaking up can you i don't know if you can fix that on his end better

[00:56:47] now good you will try it again all right so that's the problem using you okay i'll start over and tell me if this isn't working he could um there's a call in oh yeah you could call in do you want

[00:57:17] to try that how do we do that i certainly will i'll uh okay no that doesn't work yes that would actually work, actually. It's literally that easy. Yeah. Can we just tell him we're going to call him and put him on the mic? Is that possible? Literally. I would prefer to see if I can get him through the system. Okay. And if that doesn't work, then we can try something else. But these are on the record

[00:57:57] proceedings, so let me try to get him in first. Madam Chair, could I make a comment while we're waiting for Mr. Hinton? Yes, please. So I'd like just to briefly respond to Supervisor Turner and others questioned who were asking for an explanation around separation of regulatory versus non-regulatory.

[00:58:23] And in the most simplistic terms, it's a general practice that those who are responsible for operations and managing a project are not also empowered to issue the permits that allow the project to be built.

[00:58:41] And an example would be if you're a project manager and you're late getting your project and you're also responsible for issuing the permits, it could come into question whether you're approving those permits that maybe have flawed data or flawed submittals.

[00:58:59] So in addition to that, there are already departments like planning and zoning and building and development who are charged with the responsibility to conduct those reviews, to authorize those types of projects, such as the comp plan, reviewing environmental policy within the comp plan, as well as approving permits for work in a floodplain or something like that.

[00:59:22] So at its most basic level, it is to separate permit issuance authority from leading the project. Thank you for that. Were we able to get Mr. Brown? If not, we can... Mr. Benning, you have comments?

[00:59:43] Well, I was just going to say to your question, Supervisor Draconi, about positions. If you recall, in the FY24 budget, there was a reorganization for general services that had a number of new positions, including the division manager that you just mentioned, as well as a deputy director for environment and energy.

[01:00:00] So there are new positions that have been proposed that I think get you pretty far along the way of what you're looking for without having to necessarily go to a new department. So the manager we've posted for, but we don't have a deputy director yet, and that was approved in FY24.

[01:00:17] I don't know if Mr. Hemstreet could respond. I don't know if we can't get Mr. Brown. What was the question? I'm trying to get him on. Okay, so we have, Mr. Benny said we have a manager coming, a division manager, but there's also a deputy director that the board approved for funding in FY24.

[01:00:43] So that position is open. So that would be a, the department would need to answer that question. It's open for recruitment or hiring or whatever their status is. I don't know the answer to that. We can get back to you on that. Yeah, thank you. Yeah, I'm just trying, because it seems like, you know, based on your report, that we do need a little more expertise, more staffing, and I think Chair Turner said it very well, you know, we're the leader in data centers in the world, and we should be leading the on sustainability sustainability and energy policies and also I think natural

[01:01:21] resources I'm glad that you're doing a strategy is that going to be something we hire a consultant for yes that is our plan okay in this fiscal year okay wonderful and then I see district energy is another thing in the work plan has that been bid out yet for a consultant we're just starting discussions with DTCI about a future capital project that could employ district energy.

[01:01:45] So those conversations are beginning and are productive. Okay, wonderful. Okay, if we can't get Mr. Brown, maybe we'll move on. I don't know if anybody else has comments. Chair Turner, do you have any comments that you wanted to make before we move on to the next item?

[01:02:01] No, I'm good, thank you. Okay, I think we'll move on. But thank you so much and thank you for the information and thank you for all your work. So it is an action item? Oh, that's right. I have to make a motion. And that is me. Thank you for that.

[01:02:18] Remember, I'm half chair. That's right. I call myself half chair because Chair Turner's on the line here. Okay. So I move that the Transportation and Land Use Committee recommend that the Board of Supervisors endorse the 2024 Environmental Commission Annual Report and approve the amended Environmental Commission bylaws included in attachments one and two to July 17, 2024, Transportation and Land Use Committee action item.

[01:02:48] Second. Okay, great. Thank you. Any comments? Okay, so we'll take a vote. All those in favor? Aye. Aye. Okay, wonderful. We heard from Chair Turner.

[01:03:04] All those opposed? Okay, the motion passed. or four to one with Chair Randolph absent. So we're gonna move on to the next information item.

[01:03:21] Thank you so much. Stuff around. Okay, so we're gonna move on to item number three, CPAM 2024-0002 and ZOAM 2024-0002, Project Plan for Western Loudon Rural Uses and Standards.

[01:04:01] Okay, thank you, staff. I don't know if you have a presentation you want to make or just give us an update of where we are before we start. We do have a presentation. Wonderful. Yeah, let's do that presentation. Would you like me to wait for Chair Randall to return? Here she comes.

[01:04:18] Yeah, thank you. Waiting for you. We're going to move on. We're moving on to the next one. You know, it did.

[01:04:36] Yeah, you missed it. What was the vote? What was the vote, exactly? To send it to the board with a recommendation of approval for the annual report. Yes, except you weren't here, but that's okay. Okay.

[01:04:58] That's cool. Okay. All right, you can start. Thank you. Thank you, Madam Chair, members of TLUC committee. Tonight we're here to continue our discussion regarding the Western Loud and Rural Uses and Standards Project Plan.

[01:05:14] This was originally considered by the board at their March 5th business meeting. It went to TLUC for the June 20th TLUC meeting, We had a very engaging and lengthy discussion at that meeting, which was extremely helpful in nailing down some of the constraints and specifics of the project plan and the scope.

[01:05:43] For tonight, we need to continue that discussion to further hash out some of the details regarding the stakeholder representative membership and the stakeholder selection process. Also, if you'll recall, at the last meeting, both Supervisor Kirshner and Supervisor Ducroni indicated that there were other additional items that they would like to have considered as part of the scope of work.

[01:06:10] Under significant time constraints, both Supervisor Kirshner and Supervisor Ducroni's staff was able to get staff the additional items, And we were able to include that in the report that is identified as attachment three.

[01:06:27] So that will also need to be discussed by TLUC tonight to determine which items, if all or if any, would be additionally included in that scope. But as far as the first item goes regarding stakeholder selection, we agreed at the last meeting regarding coordinating leads.

[01:06:51] as the primary method to selecting stakeholders for each TLUC meeting that we would hold. However, we left that meeting not knowing who those coordinating leads would be. We discussed potentially TLUC members bringing some ideas regarding that to this meeting.

[01:07:14] Also, at the June 20th meeting, we discussed not having a coordinating lead for the resident portion of the stakeholders. allowing the Western Loudoun supervisors to select those stakeholders.

[01:07:32] And there's general agreement that that would be appropriate. So what that leaves us with is the business and tourism representatives. We need a coordinating lead for that item. And the agricultural and conservation stakeholders.

[01:07:50] So we need two coordinating leads for that item. The other item that we would like to throw out there is that if there are any other conditions or requirements for the selection process that TLUC thinks would be appropriate, now would be a good time to discuss that. We would note that, if you recall at the last meeting, we did have a motion that was approved to exclude members of the Zoning Ordinance Committee from participating in the stakeholder input sessions with TLUC, primarily because they will have another bite at the apple later in the process.

[01:08:25] In addition, there was also a motion to approve requiring that the planning commissioners that will be participating with TLUC be from the Western Loudoun districts. Now, regarding the scope, you'll note here the original scope is identified in some very broad and general categories.

[01:08:45] We had discussions at the last meeting about adding additional items. We were able to discuss those items with Supervisor Ticroni and Supervisor Kirshner. Those items are up for discussion tonight, as I originally indicated in Attachment 3.

[01:09:06] We would like to note, though, that regarding Supervisor Kirshner's list, if you'll note that the definition section that he has listed in there, we fully accept that as part of the scope as was originally proposed.

[01:09:22] We are going to be talking about that anyway, so we don't feel that that needs to be discussed or considered for inclusion simply because it's already in the scope of work as it currently sits. In addition, in Supervisor Kirchner's list, in the overlay district section number four, there is an item regarding Mountainside Overlay District.

[01:09:46] We would also consider that already part of the scope, so that would not need to be included. That is already covered as part of the project plan. Again, regarding the stakeholder process, we've got three TLUC meetings and a fourth if necessary.

[01:10:06] We do need those coordinating leads to select the three invitees for each one of those meetings. Again, business tourism coordinating lead and agricultural conservation coordinating lead. This is the current timeline.

[01:10:22] We're at two years right now. Again, when discussing the scope, keep in mind that once this is forwarded to the board, staff will have to probably and most likely revise the timeline if there are substantive additions to the scope regarding the list and attachment three that you would be considering tonight.

[01:10:44] So with that, staff is recommending that TLUC forward the project plan to the board for approval. We would note that the stakeholder representatives and project scope and attachments one and two are also included as part of that recommendation.

[01:11:01] And then we would also indicate that if you would like to include additional items as outlined in attachment three to please ensure that you include that in your motion. Staff is here and available for any questions if you have any. And I will turn it back over to you, Madam Chair.

[01:11:17] Thank you. Thank you, Brian. And thank you, Judy, and everybody. for all of the hard work. This was just hard. And Teresa, and I don't think I know your name. I'm David. Yeah, nice to meet you, David.

[01:11:33] Nice to meet you. So yeah, this was hard work. And we did go through, thank goodness, with staff. So I think we're down to a few to discuss regarding the scope of work. But I thought we'd start with the coordinating leads because I think that's kind of an easier discussion.

[01:11:50] And so we need one for business and tourism and agricultural and conservation, and we'll start with Chair Turner, if you have any recommendations for both those coordinating leads. Recommendations are, I had a couple of discussions regarding this.

[01:12:11] I would like to nominate Beth Erickson, Visit Loudoun, to be the coordinating lead for the um agricultural business um business tourism coordinator and i'd like to nominate chris van flack who's currently on soil and water to be the agricultural conservation lead i've spoken both of them they're willing to serve in that capacity excellent thank you any discussion on the two nominees i think those are excellent um nominees um i need to uh when would this

[01:12:50] when would this group first meet because as of right now we have the first tluck meeting scheduled well anticipated scheduling for october okay so we have time we don't have to do suspension under rules of any of that okay wonderful no i think those are great nominees i do have some thoughts about the the um selections that the that the supervisors the three of us no disrespect, from the Western Loudoun County, because I don't think we really discussed those in any further detail.

[01:13:26] Are we making an agreement amongst us that those individuals should be either residents? Now, I would say residents are landowners, but truthfully, I think residents are business owners of Western Loudoun County, to be honest.

[01:13:46] I am a little less, you know, landowners. You could be a landowner and be, you know, sitting in Australia and just own a big plot of land. So it is real important to me that the citizens, the citizen reps are actually residents of Loudoun County.

[01:14:04] And I don't know that we specifically spelled that out. Did we? We did not. We did not. I would like that to be included in that motion. that they are residents of or business owners in, not just landowners, but business owners in what we consider the rural part of our county.

[01:14:33] Okay, excellent. Supervisor Kirshner, do you have any comments on that? I just want to clarify where we are right now. All I can see is Supervisor Turner. If we can turn it back. Poor thing. So we're just looking at business and tourism, correct? But there was also a motion for the agricultural conservation, I guess, lead.

[01:14:51] That's not one of the invitees. He said it was Chris Cramp-Black. I understand that. Okay. But we haven't gotten to the residential yet. I just want to make sure. Okay. So are we in a motion right now, or is that just suggestion for discussion? Just to clarify, the resident, the stakeholders will be selected by the Western Loudoun supervisors, and you've got time for that.

[01:15:16] You don't have to do that tonight. So we're just looking at the specific coordinating lead for business tourism and agricultural conservation. And Chair Randall is, I think, asking across the board even for any stakeholder that they are.

[01:15:31] No, I'm just putting, no, no. I'm putting the residents in the head for you two to talk about when we get ready. I'm just putting that out there right now so I don't have to put my light on this talk again. Yeah, so when we talk about the lead versus the actual stakeholders themselves, can you differentiate? I just want to make sure I understand how you see each of the roles playing out in this process.

[01:15:50] The lead is simply nominating the participants in the meeting with you as TLOC and will be the experts that are providing you with the information. Oh, I see. But the stakeholders themselves will be three separate, so they will not be presenting the information.

[01:16:08] The stakeholders will be presenting it. They're the ones nominated by the coordinating lead. Yes, you did. Because what he's saying and what you're saying are two different things. Okay, so is your understanding that once we nominate a lead, they will nominate the three stakeholders?

[01:16:34] They will nominate the three stakeholders. Now, yes, select. And as Supervisor Turner indicated last month, and then it wasn't formally decided, but he would like them to submit their selections one month in advance to the TLAC chair.

[01:16:53] So we'll still have oversight on that. The lead will nominate three folks or whatnot. We'll say A-OK or perhaps vote on an additional person for the state. Correct. Got it. Okay. And that's fine. In terms of, I guess we're not an emotion, we're just discussing.

[01:17:10] I had a thought process, but this on the residential, which I think is probably the more problematic one. How do we come to that? One of the processes that did occur to me is kind of how we handled the is to have each of those of us who represent the West to be able to nominate one person to the stakeholders if the other two committee members would allow us to do that.

[01:17:35] That way, because there's three residential, just like we did with our planning commission members. For the planning commission position, two of them will be sitting in each of the stakeholder process. I'm not understanding what you're saying.

[01:17:51] Okay, so we need, I just want to make sure, the residential, we need three invitees, right? Three apiece. No, for the residential, three total per meeting. I do, I do. So for each topic, for each topic, it'll probably be more than three because we're going to have more than three meetings.

[01:18:11] We're going to have probably, right? Madam Chair, if I could maybe, I think I can clarify this a little bit. Mr. Kirshner, you are correct. It would be three per meeting, per meeting. Right. But we'll do three apiece. They may not all be, you can choose one person to be in all three meetings, or we can each choose three people, one at each meeting.

[01:18:32] But in any one meeting, there will only be three. Are we going to be seeking a coordinator? Is the thought process to seek a coordinator for the residential vote? That was not the thought process. In fact, we did this like this for just the opposite reason. So the supervisors can have some, a little bit more of a free hand.

[01:18:50] So we will select those for the residential portion differently than when you're doing the business tourism? That is correct. Okay. I just want to make sure that's clarified. Thank you, Madam Chair. Is that staff's understanding as well? Yes. Okay. And we'll probably have more than three meetings, Supervisor Kirshner, because we're adding scope.

[01:19:09] We're increasing the scope. So, Chair Randall, I just wanted to comment on your point. So because we have a business and tourism coordinating lead, I would say the residential should be residents of Western Loudoun County.

[01:19:25] I don't know about businesses. I would just say at least residents of Western Loudoun County to be in that stakeholder category for us. Okay, thank you. Thank you. Okay, so we're going to have residents of Western Loudoun County for our picks.

[01:19:43] Okay. I think we can move on to the next topic, right? I think we have the coordinating leads. So that's great. So the next topic is scope. And I have three items that I know we have to talk about because

we've had meetings with staff.

[01:20:06] So I'll start with the first one, which is one Supervisor Kirshner recommended, which is to reinstate guest farm and ranch use up to 20 guest rooms. So, I think I'm going to start with you, Supervisor Kirshner, so you can tell us what you're proposing here.

[01:20:26] Thank you, Chair Tocroni, and thank you, staff. We had a discussion on this just for kind of catch up some of the other TELUC members who didn't have an opportunity to be in that meeting, myself and my staff. I think there was some other. I was on the phone call, so I couldn't tell everybody that was on there.

[01:20:43] But I spoke with our staff who gave us some thought process of why this particular permitted use was dropped out of the last zoning ordinance. It was my understanding that it had never actually been utilized was one reason.

[01:20:59] And two, the staff thought it could be addressed perhaps under the, I think, the B&B, if I recollect, or provisions of the same use definition could be used or approved in another way.

[01:21:16] Now, I hear what you say, and I would like, because I've now talked to a couple folks in Western Loudoun who actually were seeking to come in under this permitted use because they were watching it and who were surprised it was dropped out. So if we were to, I would like to make sure that this particular permitted use be put back in in some way, unless you feel 100% that there's another way that this permitted use is used under the current and the new zoning.

[01:21:46] Could staff please help me understand that? So yes, that's correct. We have several different types of lodging uses that are permitted uses within the rural policy area, AR1, AR2 to be specific. Those include B&B Homestay, B&B Inn, Country Inn, and Rural Resort, and so those are scaled depending on size and intensity of things such as rooms, structures that they can be associated with, and the number of events that these facilities can offer.

[01:22:20] The guest farm and ranch use was just a definition, and it said up to 20 rooms. there were no use limitations on the size of structures there was no allowance for any types of events so you could have a b&b in a b&b homestay you don't have to have the events because the principal use of those uses is the lodging that's the definition of those uses is

[01:22:51] they are accommodations that may have events associated with them so yes from a staff perspective, if somebody wants to come in with one, two, five, six guest rooms, they could do so establishing one of the principal uses that we already have listed. The component of being on an active agricultural site would be up to the property owner as to how much agriculture, what types they offer. So it would essentially be two principal uses, agriculture and then the

[01:23:26] accommodation. Okay so how does by dropping this out what changes if anything? It's consolidation of uses. It it doesn't really change any aspect of it. Again we have the four different levels of lodging. So it's really just a lodging question is the what? Correct. Is what I'm understanding staff to say. So we this definition fell under what sort of use? It fell under the accommodations with the use categories in AR1 and AR2 under the revised 93.

[01:24:01] Okay. Is there harm in putting it back in? Do you think it's confusing if we were to put it back in? I don't think there would be harm in putting it back if we want to make sure that we have a use where,

you know, this is the type of use they're looking to establish. I think from our perspective, we would like some parameters placed on it more than just the definition, you know, such as sizes of structures, making sure if there's any additional need for setbacks other than the regular district setback that you would have, things of that nature.

[01:24:35] So if that's possible, I'd like to include that in the scope. And if you feel like there is some refining of it that needs to be done, then we can look at that through that process. I don't know if anybody else on this committee would feel the same way about that.

[01:24:53] But I just think that right now, it's true that the B&B homestay and B&B N are permitted uses, correct? Yes. And so is this, but you're saying this is just a definition or was this also a permitted use?

[01:25:09] Under the revised 93, it was a permitted use and the only regulation was the definition. There were no performance standards or use standards such as size of structure, number of structures, just up to 20 rooms. So if we were to include this definition back in, how would you recommend we do it?

[01:25:29] I think I would recommend to remove the number of rooms from the definition and add it to the other lodging categories with an appropriate scale. And it seems if this is the use they want to establish, then there wouldn't necessarily be any events accompanying it because this is simply a working agricultural farm with the ability to offer accommodations for people who would like to come work on those farms, yeah.

[01:25:56] And I think that's what we're making sure we try to accomplish and make it that easier for us. Okay. If we could include that as part of the scope of the work, I think that would be helpful. Okay. And any comments on that, Chair Turner?

[01:26:21] Chair Turner, are you still there? Uh-oh. Did we lose him? Is he on? He's on. I don't... Oh, is he muted? So there's a problem with the system. Louise is walking back to check it.

[01:26:36] Okay. Well, we'll go to Chair Randall. Sure. Mr. Kirshner, I think you asked a logical question when you said, when you asked, is there any harm putting it back in? Let me ask to you the other direction. What is the point of putting it back in?

[01:26:52] Do you not think it's covered? Well, it's a little, and again, we're not really making the decision to put it back in today other than to first have to look at it as a scope. I'm not sure if it's fully covered. I'm not sure. Because I, listen, again, this is an aggregate.

[01:27:08] I'm not arguing. I just need to understand your rationale. Because from how it's described to me, it sounds like it's covered. I guess, am I missing something? Because it sounds like, what do you not think is being, what's not being covered?

[01:27:23] What do you not think is being met? In my time, it's fine. Sure. You should be running my time, by the way. Well, this particular definition has been totally removed. Okay. So I think what staff is trying to. You don't think it's hot in some of the other. I'm not sure if it's fully encompassed the way I would like to see it.

[01:27:40] And that's why I would like to see if we can add it back to the person. So you don't know if it's caught or not. Okay, so it's basically to see if, we're not saying add it back. You want to go scoping to see if what they have put in there has caught it or not.

[01:27:56] Correct. Okay, I'm fine with that. I'm fine with that. Chair Turner, are you back? If not, I have some questions for Supervisor Kirshner. So I have gone out to Colorado to ranches, you know, where, you know, you live in dormitories.

[01:28:18] Is that what you're thinking of? Like where you get to do like an agricultural event or ride horses, you know, western? Is that what you're thinking of? Yeah, I mean, I'll read the definition.

[01:28:35] Okay. It says a farm which offers transient accommodations associated with an active agricultural use to paying guests and so yes with meals and participatory recreational and or work experience working on a farm so i want to make that as easy as possible um with the necessary parameters for um our i think it's somebody should be something that should be encouraged okay and i think staff believes it's kind it may be encompassed already but i'd like us to take another look at that and make sure that we are fully um making that available and it made me nice to put the

[01:29:10] definition back in so that it would be encouraged as well. And I think I see it less for events and more for just the experience of being out on a farm and riding Western potentially, right? And doing some trail riding. And I mean, that's what I did in Colorado, but we lived in dorms. So I don't know if that's something you look at. Like we just kind of stayed in a dorm. We did. Okay.

[01:29:32] All right. So I would support that, Supervisor Kirshner. Okay. Chair Turner, do you have any comments on adding or at least looking at guest farm and ranch use can anybody hear me oh oh we missed it we missed your comments i'm sorry now we can now we can hear you but we missed your if you made earlier comments yeah i've i've been off for about 10 minutes now so i've missed a lot i can hear and see you guys fine you just can't hear and see me um i'm i'm very conscious of the

[01:30:08] length of this project. Right now, the way it's proposed, even before we took Supervisor Crony and Supervisor Kirchner's additions, it was a two-year project. I have no objection to adding stuff back in, but I think we need an ongoing tote of how much time we're adding to this project and whether this is really necessary for the core value of writing the rural CPAM and ZOEF.

[01:30:35] And I think one of the things we need to do with this exercise is say, is this really necessary? Not nice to have, but is this really necessary? Or can we strip out things that are nice to have and do them in a phase two process and focus on the core elements that we have to have for this initial go at a rural CPA resort?

[01:30:56] Thank you for that. So I don't know if staff has any comments on where we are in the length, given the scope that we added in over the last few days. It would be challenging until we hear the decisions that you're going to make this evening until motions are made, but everything that you add is going to add time.

[01:31:21] I mean, we would be looking at a minimum of three to six months just to add some of these core topics that we've been talking about, and we would anticipate needing to have two to four, even six more stakeholder meetings just to hash out the issues.

[01:31:43] A lot of the issues that are on the attachment three require us to engage the state, and we'll be working with the health department, a lot of interaction with the county attorney's office. There's going to be a lot of collaboration, and that contributes to the extra time as well.

[01:32:00] Go ahead, Supervisor. so my my general kind of answer to that is and i appreciate what staff says i appreciate what supervisor turner said if we don't address these things now and a lot of the things that my office has brought forward are ongoing nagging things that have been consistent problems issues controversies that have that it was i mean miss carrie's been in my office long before i was and so that's why we we said okay we're looking at the rural policy area these are ongoing issues

[01:32:36] some of them are one-offs but many of them are ongoing issues and that's why we've asked that they be added to the scope of work simply and if we don't address them now it's going to be multiple years if not 10 20 more years i mean we're going to continue to have the same problems i think they should all i understand it may prolong the project a little bit more and i appreciate that but i also you have to appreciate what we're trying to do in the rural policy district and i think some of the issues that we're going to talk about and try to add to the scope tonight really do need some level of addressing i'm trying to actually narrow it i don't want it to be broadened but these are just while we're at it we might as well address these specific issues

[01:33:14] thank you so i guess my point is that you know we didn't look at the rpa and the 2019 comp plan so it's it's i think we do need a comprehensive review um chair turner i'm okay doing three years i just would want to get it done before this term ends so um really you know three years is probably what we're looking at but I understand some of these things maybe could be a phase two but I think I wouldn't want it to go into another term so I'm okay doing three years I don't know what the thoughts are from are you okay with three

[01:33:53] years supervisor Kirshner yeah I think after we're done tonight if staff can probably could come back to us and say this is what the length and scope of works going what we estimate I'm assuming you don't know until we're finished? We don't know, and we would like to come back to the board in September with a revised project scope and timeline. Thank you. Yeah, thank you for that. All right, so that one, I think we agreed, we'll add in, you know, with the lodging and see how that fits, if it's different from what we currently have. It sounds like it is, based on how Supervisor Kirshner described it.

[01:34:31] So the next one that I have on my green list is zoning administrator flexibility to respond to inconsistencies in overlaid districts. So that was proposed by Supervisor Kirshner, so I'm going to let him describe that and give his comments on it.

[01:34:50] Thank you, Chair. So this is really an attempt to really cover some what I would call egregious issues that have arisen in the rural policy area that we just could not find solutions to.

[01:35:09] And this is not an easy one to really get the head around. I have some thought processes to it. I don't even know if they're legal. This is probably something that's going to have to go through legal. And I know the zoning administrator likes black and white, and I know staff likes black and white, but there have been several issues that have come up that I think we've had a parking issue within the floodplain that our enforcement had to go out.

[01:35:36] You're allowed carnivals and whatnot in these minor floodplains, but they said, well, parking isn't allowed in this minor floodplain at this particular event at the center. That was one of those issues that I think really could potentially have been addressed by a zoning administrator if he had the power to give some, what I'm calling, some sort of variance.

[01:35:53] We had an issue with some elderly sisters, and the steep slopes map had been changed, which changed a very small, I think it was like 100 feet or 150 feet of a roadway, which basically they had had this land for years and years and years.

[01:36:11] they were going to turn it in their their end of life they were going to subdivide it and sell it off they were unable to because of the remapping that occurred and and consequently there was I mean we worked with Charles yeah there was nothing we could do short of changing the overlay districts which obviously was not going to happen and that could have been something that potentially could have been granted a variance from the zoning administrator obviously we can't do it under our current laws but if we had some sort of flexibility something that then had a review by the board and then we've had I had a give another perfect example we had a barn where their subdivision provision said that because there was a subdivision a road went by he couldn't even

[01:36:51] replace that barn I think staff said that maybe we are already addressing that perhaps with agricultural buildings I'm not sure but that those are just three examples that our office has gone through where these rural areas because of changes that quite frankly are made throughout the process over the years and you have a lot of farmers and a lot of folks out there doing various things they could a small little variance or a recommendation to make a change perhaps that even came to the board um i don't know if that's possibly legal if there's something

[01:37:28] new but i would like to see if there is a way in in kind of odd one-off instances for a variance process to be allowed that even if there's a review by the board um to occur and those are just three really egregious examples that occurred. Thank you. This is just simply, we can look into it. It's just a matter of do you want to commit the time. Obviously, this is specific to overlay districts, so we would have to essentially look at it, look at what the issues are, and develop a set of criteria that the zoning

[01:38:08] administrator could use to essentially review the case to determine if it's reasonable to give a grant of variance. So it's just a matter of going through that exercise. And I think probably the first would be obviously to bring legal into that process.

[01:38:25] Absolutely. Point of order, Madam Chair. Point of order, he said. Okay, yeah. So point of order. Can we clarify, are we in three-minute rounds? Are we in a committee of the whole? I think it's completely inappropriate to use a CPAM process to deal with individual circumstances.

[01:38:45] Completely inappropriate. And if we go down that rabbit hole, we're going to be here for months. So my point of order is, can we get to three-minute rounds or come to some sort of resolution here? Because I think this is way more granular than it needs to be. Okay, yeah, we're doing three-minute rounds.

[01:39:04] So thank you, Chair Turner, for bringing that up. Anybody else? Three minutes? Chair Randall? So I, first of all, I do believe that if we're going to be doing this in TLUC, we have to figure out how we're going to do this in TLUC, if they're repeated three-minute rounds, if we go to a committee as a whole, whatever we might do.

[01:39:30] And in my opinion, if we go to a committee as a whole, you can put a lot more things on the table and talk about them. But when you're in a three-minute round, it kind of needs to be a little bit more narrowly focused. So I would say that. I would also ask staff, so I hear and respect, and don't totally disagree with what Mr. Kirshner is saying.

[01:39:52] He's basically saying, if you're going to do it, do it right. But I also know that we have said to our residents who live in western slash rural Loudoun County, that we're going to try to get done. And so if we stretch this out into, you know, if we keep adding things to ads six months or nine months, you know, we will be until the end of this term.

[01:40:14] We already only have less than three and a half years in this term. So how are we categorizing some of these issues? Are we seeing things that can be done within two years and then things that can be done a little further out within, I don't know, how many more years out?

[01:40:33] because everything cannot have equal weight if we're trying to get some things done by the end. We have to figure out how to categorize this a little bit more, and that doesn't mean that I don't disagree with the examples Mr. Kirshner just gave, and I'm sure Mr. Crony has some of those same examples, But I do know that for our constituents who live in rural Loudoun County, we have been saying to them for about six years, you're next, you're next, you're next, you're next.

[01:41:13] Next can only take so long to get there. So what do you think about how to categorize? Well, I think if you look at attachment three, one of the overarching themes between both Supervisor Tacroni and Supervisor Kirshner's list is food service.

[01:41:29] So at least from my perspective, it seems as though that's something that both supervisors think need to be addressed and I think would require quite a bit of debate and time in looking at those issues regarding food trucks and rural restaurants and everything that goes with that issue.

[01:41:50] So that in itself is going to take up quite a bit of additional staff time and probably require additional meetings. So I think, you know, as a priority, I would, if I were prioritizing, I would say that's probably, of all of the issues in attachment three, that's probably the main one that we would want to include if we were going to include additional items.

[01:42:14] Okay, I would do a second round when you're ready. Okay, so my question about number two, what Supervisor Kirshner mentioned, is it seems like it's not just specific to Western Loudoun, the overlay districts. So I'm just wondering if that could be dealt with in another process, the zoning administrator flexibility to respond to inconsistencies in overlay districts.

[01:42:38] I'm wondering if that could be like a BMI or another process. That's my only thing is it might not be specific just to Western Loudoun, to the RPA. Sorry. That was my next question.

[01:42:56] It's a good point. It could be a separate process. The next time we look at the work plan, if that's something that you would want to add, I will remind you that for the floodplain issue, there is a separate effort that we're looking at the floodplain overlay district.

[01:43:11] And I know the instance that you're talking about was a temporary use in the floodplain, and that was the issue there. So that's the question. Do you want to revise the floodplain overlay district, which requires FEMA review?

[01:43:29] I mean, that's a bigger process to allow temporary uses in the floodplain. So I hear you. That's excellent, and I think this might be addressed in another process, just because the floodplain's everywhere, and FEMA would be involved, so you're talking about federal input.

[01:43:51] Okay, so Chair Turner, do you have any comments? Yeah, can you hear me okay, Madam Chair? Yes. I apologize to all of you in the thrash today. I don't know that I got this to you. If you can check your

emails, I just forwarded to you a proposed motion by Ms. Burkitt's staff that picks the scope issues submitted by Supervisor Crony and Supervisor Kersler that, and I'll open it up to Ms. Burkitt's team, that I think can get added to the proposed

[01:44:29] scope and still get the project done within three years. Ms. Burkitt, can you address that? Is this proposed motion with these lists from Supervisor Kersler and Supervisor to Crony. What's the time frame if we include these items in the existing proposed scope?

[01:44:50] Just to add, that is the motion on the blue sheet of paper that you have in front of you. Oh, thank you. So that is on the dais. And when we looked at that earlier today, if we just stick to the items on that motion, we believe that would definitely be able to be done within three years. It would add probably three to six months to the two-year project plan.

[01:45:14] Okay, then my inclination is to accept that motion on the blue sheet that you have in front of you and then open and accept any, if Supervisor Kirshner and Supervisor Crony are not comfortable with that motion, we can fine tune and tweak what that motion is.

[01:45:34] But that motion seems to be to capture the items that Supervisor Crony and Kirshner submitted that we can fit into the existing scope and get done in a reasonable amount of time that isn't otherwise addressed elsewhere. Okay, yeah, thank you, Chair Turner.

[01:45:52] So we're just going through the three that we had that we were going to debate, and I think I agree you've got this great motion here. I think we're going to vote on reinstating guest farm and ranch use up to 20 guests, and we're talking about the zoning administrator flexibility, which I think we were saying might be best addressed outside of this process and maybe another process.

[01:46:17] Okay, Supervisor Kirsch. Sure, and I don't mind moving that through another process. That's fine if this is going to take too long, but I would like staff to come back and recommend what that process is, perhaps the land development process, perhaps our scope of work process that we've been working through.

[01:46:33] But I do think that some sort of process that allows the zoning administrators to go through a process to provide a waiver I think would be a valuable undertaking. We don't have to do it through this process. I wish we could, but I get what everyone's saying.

[01:46:49] I think the sentiment of this committee is perhaps to not do that, but I would like to see that looked at someplace. So can we put that on someone sticky to perhaps figure out where we could maybe plug that in at some process? Yes.

[01:47:04] Okay. We have a note of it. And just so Supervisor Turner knows, I'm not trying to fix individual problems specifically. We have these individual problems that come up that really need a more comprehensive ability of the zoning administrator say yay or nay on these, and they're usually one-offs. It's going to be, I think they'll be rare, but there have been some pretty egregious things that I have thrown my hands up in just disbelief that we can't solve a couple of these issues over the last, short of an act of God.

[01:47:35] Anyway, so that was my, the other question I have for staff, I got this motion from Supervisor Turner kind of last minute, so I was working off a little bit of a different process. I just want to make sure, does this encompass, and it does seem to appear to encompass all the, what we were working on between

yourself and Supervisor Coney's office and my office, on those viable additions, does this include all of the viable additions? Does this work? Yes, that's correct. Okay, so really the three that we're talking about, it sounds like we've excluded the zoning administrator flexibility, we're going to vote or perhaps include reinstate guest farms, and then we have one other to discuss to add to this. That's correct, you would add it to that. Okay, thank you. So we're all

[01:48:15] the same page yeah thank you thank you supervisor kershner okay so we're going to the third one which is one that i proposed which is to review use specific standards to maintain consistency across uses identified in the project plan as well as any inconsistencies that may be identified So I have examples that I'm happy that staff provided just on the lodging regarding outdoor music, hours of operation, and exterior lighting.

[01:48:49] It's all different for bed and breakfast homestay, bed and breakfast inn, country inn, and rural resorts. And I think since this is under the lodging category, it's all under that. they should be consistent regarding outdoor music, hours of operation, and exterior lighting.

[01:49:09] So that, and, you know, I said rural resorts. So that's what I would like to add in. I think it could just be part of our recommended zoning ordinance language that has to be revised, looking at requirements such as hours of operation for outdoor music, landscape, lighting, signage, and buffering of certain rural areas.

[01:49:30] So I know that was part of the original scope in the attachment that's in our item. So I don't really see this as being too much outside of what we were going to do anyway, just making sure things are consistent. Residents have expressed confusion about different uses in rural Loudoun and how different uses have different standards.

[01:49:56] So it would be nice to have some consistency. this is just to bring in some consistency between uses that we're looking at in our in our project so with that I will open it up to questions or comments so a chair Turner thank you supervisor Kirshner so I just want to make sure I understand the supervisor to crony the the so your your request is to use review use specific standards to maintain consistent across these

[01:50:30] particular viable which had been breakfast um been breakfast a homestay bed breakfast in a country and in rural resorts is that correct yes and then um i know that we're going to be looking at event and banquet facility performance standards which will have those same same us look at those same uses exactly and i and i know actually with the wineries and breweries we're going to look at that too right yes so it will be beyond this but this was just an example of inconsistencies just so you you know? Okay. I just don't want to, I guess my concern is opening up too much because there are obviously inconsistencies for certain reasons, depending on the type of use you are. I don't

[01:51:09] mind looking at consistencies as a general rule. Does it make sense that they're consistent or not consistent? I mean, for example, you know, rural resorts are much larger, so maybe they could stay open longer. Maybe they're on larger pieces of land and that sort of thing, but I don't have an, I don't necessarily have an issue with giving a review of this. What does interest me in this list is that we're allowed in some of these to have music as late as 11, but then you have to turn the lights off at 10.

[01:51:36] So maybe we have real dark music going on. I don't know. So more than just inconsistencies, maybe just sensical. Insistencies, right? We would be looking for irrational inconsistencies.

[01:51:55] Certainly there's going to be inconsistencies based on size of the lots and things like that, But those have a rational, reasonable reason for those to be in the ordinance. So anything that doesn't make sense, we certainly would want to clear that up. Yeah, and I guess my only last parting thought is, obviously, going too far afield of what we currently have here, I think, is always a kind of a dangerous game we play.

[01:52:20] A lot of these businesses depend on certain hours they've gotten used to and whatnot, unless there's some real egregious reason to change it with any significance, would seem to stay very consistent with what we had. And whether we go up a little bit or down a little bit, it should not be dramatic.

[01:52:38] Okay, thank you. And I would agree, and our stakeholders will look at all that, right? That will be part of the process. So we'll have some experts taking a look at it. And, yeah, it has to make sense. Some of the things don't make sense because we haven't looked at it since, I don't even know.

[01:52:54] I mean, we didn't look at it in 2019, so it's been a while, right, that we've looked at these standards, these use standards. Okay, so I... Sorry, Chair Randall. That's okay. Thank you. Thank you, Madam Chair, Dr. Crony. I think I'm really...

[01:53:10] Give me an example of what a rural resort is. Tell me what a rural resort is. I'm going to the definition.

[01:53:27] No, no, I mean, do we... Not the definition. Do we actually... Give me, like, what is honestly a rural resort in Loudoun County? Do we have one? Like examples? Of ones that exist right now. Potentially. I would have to look and see, I think, Salamander in the Middleburg area.

[01:53:45] I was thinking, and of course that falls under Middleburg zoning and not us, but I was thinking that too. And to actually look at a Salamander and say, going to Mr. Kirshner's point, and say that music has to go off at a certain time, 11 or 12 o'clock, at a resort that would be fully enclosed, huge, and couldn't possibly be something that is, that wouldn't be logical.

[01:54:14] Outdoor music. Pardon? Outdoor music is what the regulations speak to. So if there's an event indoor. Okay. Well, Mr. Crony, I don't mind looking at these standards. However, I would, there are some things, a bed and breakfast is probably a lot closer to other residences than a large rural resort.

[01:54:42] And so I do want us to have standards. I also want us to use common sense. Is that right? I want to be able to do both those things. Absolutely, we agree. Okay, all right.

[01:54:57] Absolutely. And would all that be complaint-based anyway? Yes. It would all be complaint-based. It would be complaint-based. Okay, all right. All right, thank you. Yeah, and I think the, you know, we'll be looking at buffering and setbacks.

[01:55:13] You're right. I mean, if it's close to residence, it has a part. Yeah, I think that's the difference. I mean, because, you know, a bed and breakfast inn or a bed and breakfast homestay may be fairly close. I mean, like very close to things that are right next door. Whereas a country inn may have a little bit more room around it, but a resort is probably, you know, could have a lot of room around that.

[01:55:36] Now, it does help that it's outside, but even with that, I think I would consider how we're, you know, what we're doing. So, yeah, yeah. I want to look at it, but I also want us to just use an eye for common sense a little bit.

[01:55:55] That's all. I understand completely. Okay, Supervisor Kirshner, you had a question? Yeah, there was one question I had, and I just want to thank staff. I know that you've worked close with our offices. Thank you so much for the work that you've put in and the patience that you've had. There were a number of different issues that I think staff, after we met with them, had decided was outside the purview of this zoning ordinance look.

[01:56:19] But they might perhaps fall under the land development process or the review process that we're going through. So my question was for Mr. Hemstreet. I'd like to send a list of some of those things that were outside of this for perhaps to be considered in the land development process review that the county is going through right now.

[01:56:39] I think it might be really helpful. You could say, hey, that doesn't really fall. But I think a number of them would, including how farm plans are done, compile and review required studies associated with the cost of rural policy area, reduce costly cumbersome grading permit, et cetera.

[01:56:55] These are just some things that we've run into. So I may email you about those to include. I just wanted to make sure I spoke about those on the record. Yes, please include me on that email as I'm meeting that effort, and we'll talk with the consultant. Thank you. Okay, so I think we've gone through the items that needed to be discussed.

[01:57:15] Chair Turner, I think you're going to make the motion with all the scope additions. So we've agreed to add number one, which is the guest farm and ranch use, and then number three, which is the specific standards to look at them to maintain consistency while using some common sense across different uses.

[01:57:40] so um chair uh turner do you want to add those two and then um make a motion madam chair i i was not able to capture those so if you could have someone there and the dais do those i don't have access to those okay so you if you can just have someone else make the motion you want me to make this motion and then you have another motion about uh the zoc right so we'll that's a separate motion okay that's a separate motion a separate discussion okay so i will i will make the motion

[01:58:14] on the scope editions and please keep me honest on this one okay so i move that the transportation and land use committee recommend the board of supervisors approve the draft project plan for cpm 2024 0002 and zoe am 2024 0002 western land rural uses and standards provided as attachment one with the following additional proposed amendments provided in attachment three.

[01:58:43] Tenant housing, farm worker housing, seasonal labor dormitory, food service and farm to table restaurants, food trucks, event and banquet facility performance standards to include noise, lighting, traffic, parking and signage.

[01:59:00] Lodging uses require establishment of proposed lodging use prior to operating events. review regulations to maintain consistency across all rural uses, refine this to limit the uses to those identified in the project plan, adequate food service at wineries, breweries, distilleries, allow food trucks to operate without having to move every night, allow a rural use restaurant more than a coffee house, less than a commercial restaurant, food uses are VDAX, FDA approved

[01:59:37] facilities that have the right from the commonwealth to serve vdax compliant food sawmill use revise revise this to consider changing from special exception to minor special exception rural restaurant as a permitted use reinstate guest farm and ranch use wave a buffer for private road access easement in

order for an agricultural structure to be rebuilt in the same footprint Second. Unless you want to second that, Mr. Kirsten, you want to second?

[02:00:11] I'll third it. Okay. You can have a second. It's fine with me. I don't care. I'll second. Okay. Any discussion on the motion? It was his motion. Yeah. Mr. Turner, this is your motion. I'm sorry. It's okay?

[02:00:27] Yeah. This is your motion, Mr. Turner, right? Correct? Yes, it is. Okay. Do you want to do an opening? I can second it. I'm sorry. Okay. You can have a second. Do you want to... No, I'll defer to one of the rules. I'll defer to Supervisor Kirshner or Tara Randall.

[02:00:45] You're both rules. Okay. All I would say is to my three colleagues, all three of you, really good job on these items. This is hard. This is, I think one reason it's so hard is because it's past due, it's overdue, and so it's a lot to do at one time.

[02:01:03] You guys have done a great job, and staff has as well. So we're not quite finished, but we're getting there. Madam Chair, you did not include in your number seven review regulations to maintain consistency the, yes.

[02:01:23] Would you like that? I'm sorry. Can you just say? I further move to add the following uses in item number, the item about consistency, bed and breakfast homestay, bed and breakfast inn, country inn, and rural resorts.

[02:01:42] Perfect. Okay. Any comment? Okay. So I just want to say, I think it worked out really well. Madam Chair, I'm sorry. Oh, go ahead, Chair Turner. I wasn't sure if I had my comment yet. I would like to make a brief comment. I really do want to commend staff.

[02:01:59] This has been a really difficult process, and they've worked with Supervisor McCrone and Supervisor Kirshner. I especially want to commend Supervisor McCrone and Supervisor Kirshner. These are really thoughtful inputs, and it's painful sometimes to try and whittle these down so we still have an executable plan, and you guys are flexible, and we're able to compromise.

[02:02:22] I think with these additions, it's a bigger project, but I think we've reached a pretty effective compromise on the slope of the project. I'm very pleased that we got to where we are, so thank you all very much. Okay, and I echo what Chair Turner said.

[02:02:39] It was a pleasure working with the staff to refine this. We had a long list, and we came down to a few of the key issues that needed to be addressed, and I think we had some of the same issues, especially with food uses and food trucks.

[02:02:56] So I look forward to getting started on this process, and thank you very much, staff, for your help. Madam Chair, may I ask one question? Yes. I have one question. I just want to clarify something. I meant to ask it earlier, so thank you, and I apologize. When I ask, is this a complaint-based process, can a person make a complaint that they want to have the zoning administrator or department look at, even if they do not want to say that they will go to the court and be a witness about that complaint?

[02:03:27] Can the person make that complaint without making that, without saying that they are- Yes, the person can elect to be anonymous on the form, but I believe that if it does go to court I think they still have to testify that would they would be a witness in it we've had applicants who are not comfortable with that and they have they have the ability to contact their board representative and the board can bring the

complaint forward without the complainant filling the form out and I can get back to you and verify that but the form does have a place for them

[02:04:05] to check to be anonymous but I think if it does go through the process where it ends up in court then that person could be called important to me that if a complainant didn't was not comfortable with that court item that they are understanding that they understand what other ways they can have their voice heard and you're right they have representatives on this board at least everyone has at least two but for them to know that in the process will be really important okay thank you very much thank you okay thank you so I made the motion and it was seconded by uh chair turner um all those in favor i all those opposed okay the

[02:04:43] motion passed four to one with um a four zero one with uh supervisor glass off the dais all right thank you so much so now we'll move on to soup okay well we're gonna take a break thank you excuse me was supervisor turner going to make a motion oh yeah why don't we do that because they're here and then we'll take a break okay chair turner has a motion thank you madam chair we can i'll make the motion we can talk and it's pretty straightforward i move that the

[02:05:21] transportation and land use committee recommend the board of supervisors amend the zoning ordinance committee bylaws article three membership as follows one amend section a1b to read quote ZOP members may serve as voting members on only one other Loudoun County advisory body, unquote.

[02:05:41] Number two, replace one at-large seat with a seat designated for visit Loudoun, leaving only one at-large seat. And number three, add an agribusiness seat and update the number of voting members on ZOP 17. Second. Discussion on the motion.

[02:06:02] Sorry. Thank you, Madam Chair. This came about in our discussions about the coordinating leads. I was speaking to some agribusiness representatives, and it was in the discussion about ZOC members not being permitted to also serve as stakeholders in this process.

[02:06:23] And what they said was that the preservation group is quite a few seats on ZOC. We have basically no seats. And so I went and looked at the membership, and the current membership is on the preservation group, which is what I call that group.

[02:06:42] There's a cult seat, a Farm Bureau seat, the Loudoun County Preservation and Conservation Coalition, an environmental seat, and I believe one of the outland seats right now is occupied by a Western representative. The only representation for agribusiness in the West that I believe is on there now is the chamber.

[02:07:02] I consider the Rural Economic Development Council as sort of a player on both sides, depending on the subject. So what this does is it adds an agribusiness seat, and it adds a visit loudness seat, and also adds a pretty good oversight and overview of agribusiness at Western Loudoun.

[02:07:22] And I think it balances those interests. I think the Rural CPAM process we've been through has really highlighted that there are two fairly large, definable stakeholder groups in rural Loudoun, and I want to try and have the ZOC have fair representation for both those groups.

[02:07:41] Okay. Anyone? Oh, Supervisor Kirshner? I want to say thank you to Supervisor Turner. I think really considering the agribusiness groups to make sure that the ZOC is well-balanced is greatly

appreciated.

[02:07:56] Obviously, that's in foresight to us kind of looking at this rural policy rewrite. And our agribusiness is so critical and crucial and center to everything that we're doing in Western Loudoun that it makes total sense to replace both of these.

[02:08:13] I would assume this would go into if this would come to the board. I'm not sure the motion says in September full board for consideration. Yes, it would. I probably would put it on consent. Okay, unless I have some people pushing back. All right. Thank you. No, I appreciate it, Chair Randall. Thank you a couple things. One, I do appreciate number one that it says like members may serve as voting members on. Only one other advisory board meaning that they can be there as an ad hoc member. Other people can be there as ad hoc members. They can listen, they can put their input in. They're not voting members, which is a which is

[02:08:48] an important designation. I will say that I've struggled with this a little bit because I think I'm so appreciate the work of ZOC and so many of our other advisory bodies and groups. I'm always trying to get more people or different people to volunteer for all of our commissions and committees and boards. We have a county of 436,000 people and we seem to kind of lean into. We're almost lean on the same 30 all the time.

[02:09:18] And so part of what my concern is, is that, you know, by having ZOC members or other members be able to serve on three, four, five boards, and some have been on as many as that before, then you really do kind of, after a while, people start just putting, meaning us, we start putting up names that we know, names that we're familiar with, and that's who gets approved.

[02:09:42] And I do want to make sure that other voices in the county are heard. So I appreciate it being done this way. I have never had a ZOC member who wants to say something to me, not be able to say something to me when they want to, get a hold of me, talk to me in various different ways, emails, stop me in the grocery store, text me.

[02:10:04] Everybody got my number. Everybody texts me. Hit me up on social media. Please don't do that. Please stop doing that. Please everybody stop doing that. But I do have a concerted effort to try to get more voices and people in the room in these discussions.

[02:10:21] So I just want to say that. But I do appreciate the fact that it is voting member and not anyone who can come listen, talk, speak, and those types of things. That's a really important distinction. Thank you, Madam Chair. Okay, thank you. So I know Visit Loudon is a non-voting member of other boards.

[02:10:43] and I would support them being a non-voting member of ZOC. I think to go above 16 members is bringing that committee pretty heavy as far as the number. I do support the agribusiness seat.

[02:10:59] I think that's an excellent idea, and as Chair Randall said, it brings new people into the discussion. It adds variety. I think that's a great point that she just made. But I don't know if you'd accept a friendly, Chair Turner, to have Visit Loudon participate, but be a non-voting member of ZOC.

[02:11:22] No, ma'am, I wouldn't. I really think it's important for the agribusiness sector to have another voting voice on ZOC, so I won't accept that as a friendly. Okay. One thing I would say is I don't consider coal really a preservation. I think of them more as towns, looking out for town business, so I don't really consider them under the preservation.

[02:11:42] category because we also have Leesburg so anyway I don't know that I'll be supporting it because I do think we should try and keep it to 16 and I think visit loud and should be a non-voting member and you know the agribusiness of course could be an at-large member so anybody else want to speak or do you have close um chair turner i have no close okay so um chair turner made the motion and um supervisor

[02:12:16] krishner seconded it um all those in favor all those opposed nay so the motion passed 3-1-1 3-1-1 okay thank you so now we're on our last item but i think we're going to take a 10-minute break Chair Randall reminded me of that.

[02:12:46] Thank you.

[02:25:24] I might have gone.

[02:38:11] Jane said she didn't support Jane Covington. And I have a list of things that, some tweaks, yeah, just based on what Cheryl noticed, Cheryl Hutchison.

[02:38:36] Mike, are you still there? Maybe he's getting something. Turner, are you still there? I am. Oh, yay, okay. Are we on yet? Are we broadcasting yet? I don't want to. Pardon me. Are we? We are.

[02:38:52] Have we gotten Ernie yet? Have we gotten Ernie yet? I think Ernie's long gone. Oh, that is so messed up. I know. That was funny.

[02:39:09] He did do that. Okay, so we're going to go on to the last item, which is the unpaved roads program. So with that, I thought we'd start. Do you guys have an updated presentation? And Mr. Moserak is getting that loaded.

[02:39:28] And I'm going to turn this over to Ms. Glass to get us started. Okay. Thanks, Susan. Okay. All right. Well, hello. I'm Susan Glass, Program Manager in the Department of Transportation and Capital Infrastructure. And I'm here joined with Lou Moserak and Nancy Boyd.

[02:39:48] Hang on just a second. All right. We're here to present the proposed unpaved roads program. All right.

[02:40:14] Well, I'm going to go ahead and get started while we're waiting for the presentation to come up. Loudoun County has over 200 miles of state-maintained unpaved roads, and most of those are located in the Catoctin and Little River districts. The Virginia Department of Transportation does its best to maintain those unpaved roads.

[02:40:35] They typically grade each road four times a year and add stone when it's needed and apply dust control also as needed. However, as soon as a gravel road receives its maintenance treatment, it begins to deteriorate due to the natural processes and traffic volume.

[02:40:54] We've gone through that. Go to the next slide, please. Sorry. Each year, we present the Secondary Road Six-Year Plan, which is the state's annual budget that allocates funding to each jurisdiction from its Highway Construction District Improvement Program based on the mileage of unpaid roads within that jurisdiction.

[02:41:22] The annual allocation for Loudoun is typically \$1.9 million. The budget is presented to the board at a public hearing for the secondary road six-year plan and construction improvement budget

priority list. During those meetings, the board provides direction to VDOT on which unpaved roads should be improved.

[02:41:43] In the past years, hard surfacing was the only improvement that could be performed, which usually entailed using the rural rustic road program to pave designated unpaved roads. With the adoption of legislation that was passed in 2024, the allowable options to improve unpaved roads have been expanded to include improved materials, drainage upgrades, and enhanced design.

[02:42:11] We will be bringing the FY 2025 through FY 2030 Secondary Road Six-Year Plan to the Board at the September 11th public hearing. So the decision to pave or not to pave is often a controversial because there's very strong opinions on both sides of the options there.

[02:42:39] The slide that's shown there, the top photo is a paved road that was recently done through the Rural Rustic Road Program, that is Nixon Road. And it did not, the Rural Rustic Road Program does not alter the alignment of the road, and it strives to not alter any trees, disturb any trees.

[02:43:03] The photo on the bottom is Piggott Bottom Road, which is currently an unpaid road. Several factors should be considered when a road is recommended for hard surfacing, which would include maintenance costs, traffic volume, and safety concerns.

[02:43:21] So what we are here tonight to present to you is an unpaved roads program that would help to inform the Secondary Roads Six-Year Plan. It would develop a data-driven approach.

[02:43:37] The scope of the effort would start off by creating an inventory of all the unpaved roads in the county, And then we would use data from various sources, such as traffic volumes and crashes, and add those attributes to our table.

[02:43:54] The program proposes to include public involvement, which would include meetings with what we call partner agencies, such as VDOT, the Sheriff's Office, Fire and Rescue, Loudoun County Public Schools, and other stakeholders, such as the Rural Roads Committee.

[02:44:11] The scope of the proposed work plan would include two in-person community meetings, one in the Catoctin District and the other in the Little River District. And we would be, at the end of this process, present the recommendations to the board for endorsement.

[02:44:33] So the price tag on this unpaid road program is \$401,000. Assuming we get approval from the board, we could start this in September of this year. It would be, you know, one year duration to complete it.

[02:44:50] It would be done in time to inform the secondary road six-year plan that would be presented next year, which would be the FY26 to FY31. And we are pointing out two issues to you.

[02:45:08] One is that we're awaiting guidance from VDOT's central office on how the state is planning to administer the recent legislative changes that took effect on July 1st of this year. They should be providing guidance on the enhanced maintenance and alternative treatments that would be made to unpaid roads, and we followed up with them as recently as this afternoon that has not been published.

[02:45:40] Additionally, the Virginia Transportation Research Council is developing a statewide unpaid road condition rating system that will help VDOT prioritize its maintenance efforts. That work is going to conclude in late 2025 or early 2026 calendar years.

[02:46:03] So with that in mind, we are recommending that TELUC recommend to the board that they approve establishing their unpaid roads program and authorize a budget adjustment in the amount of \$401,000 to fund it. We believe the program will dovetail into both VDOT's program administrative changes and the Research Council's study.

[02:46:27] We have recently communicated with Nancy Boyd, the director here, has recently contacted the Transportation Research Council Director Mike Fitch to confirm that his work that their group is doing is going to be complementary, not duplicative of what we are proposing in this planning process.

[02:46:51] And I would like to add an update to the item that's in the TELUC packet. We did, staff recently met last week, July 10th, with both the Catoctin and Little River District Supervisors and their aides.

[02:47:08] A representative from the Rural Roads Committee was also in attendance at that meeting. We reviewed the proposed unpaved roads program during that meeting. And as a follow-up to the discussion, a minor change was made to the executive summary for consultant services, which has provided in attachment one of this item.

[02:47:29] It basically reordered the number of the categories. So with that, we'll open the floor to any questions you may have. Thank you. Thanks for the thorough presentation. Supervisor Kirshner, do you want to do a motion?

[02:47:44] then we'll have a discussion within the motion? Certainly. I would move to, do we want to call it defer or just move this item to the September TLAC Transportation Land Use Committee.

[02:48:01] You would forward. I would forward. Thank you, Madam Chair. I would move this item for unpaved roads. I would forward this item, unpaved roads, to the September 24th Transportation Land Use Committee meeting. Second. Okay, discussion on the motion.

[02:48:16] Sure. So I just want to say I think we're almost complete this item, and I'm sorry to move it. I really was hoping to have a vote on this tonight. I do think with a few more tweaks, we will be there in September, and it will be a pretty quick process. The biggest reason that I'm asking to move this is I've received some word from our Rural Rose Committee about some ongoing concerns, some of it a little bit last minute, and really were unable to fully address those before getting this to a vote tonight.

[02:48:47] But I think those will be able to be worked out over the break, and I anticipate that, and I know Supervisor Dracroni also got a few calls as well with some concerns, and her staff and I have identified a few minor concerns. The other reason is there, I'm hoping, maybe, will there be any chance that VDOT's guidance will come out, will be here before September?

[02:49:08] Do we think that's a possibility? We've not had any indication that it's forthcoming in the near future. Okay. Well, in the remote chance that it may actually happen, of course, I know that's far more instructive and it's complementary to what we're trying to do here. I really appreciate the process.

[02:49:25] The one thing I would say about the item, and I know that we've made some tweaks in the executive and whatnot, and staff has made a lot of changes. One of my goals in all of this, and I think as was explained in our meeting, the thought process here is we've got roads that are definitely going to end up getting paved just because of the nature of them.

[02:49:45] We've got those that should never get paid. We want to identify, though, and it's those kind of roads in the middle that what are the criteria? And I want to make sure we have a real strong focus on

using the extra capital funds, hopefully, once we get that guidance on how we can do that, to continue to maintain those roads.

[02:50:00] Obviously, hopefully, that will be instructed as well by the Research Council and alternative uses of gravel, et cetera, perhaps toppings. I was very fascinated, and I would ask everyone to look at that picture. When you look at those two roads, the paved and the unpaved one, the paved one, I think was actually a paved road, but it's a form of a tar and chip on top.

[02:50:21] Is that correct? So obviously those roads, I think, that we do end up paving, that either fall into that first category or fall under the criteria, I think we're going to want to make sure they continue to maintain as much of that rural character as possible and look much like this road if there's not other materials that come forward, such as a, shoot, I forget the name of it um CR is it CRT concrete I can't remember it all these names are you trying to are you thinking of like the like the chip seal type yeah yeah yeah yeah so um that's the reason I'm moving

[02:50:57] this forward um I really appreciate the work I think we're about 95 percent of the way there I just before we jump into it and send it to the full board I don't think we need to hurry this honestly it's just a few tweaks and I think we will have all parties on board by the time we get in September. Thank you. Thank you, Supervisor Kirshner. Chair Turner, do you have any comments on this item and on this motion? All right, a couple of questions to staff. What is the cost of deferring this to September? Is there some part of the process that is necessarily delayed,

[02:51:34] or what's the cost if we defer to September? I don't have a cost for you. Our major goal is to complete this plan so what we're talking about essentially is a planning process to create a planning process because we want a thoughtful data-driven planning process to support this effort and so to do that we want to make sure we have enough time for public involvement that will occur over this next you know approximate year and so our target is to be able to complete this planning work so that it can inform next year's secondary road six-year program a year from this

[02:52:10] fall. And so we would just want to be mindful that as we kick that off, that we just kick it off and are mindful of that schedule so that we don't delay it another year so we can implement it next year. So my main concern, we'll just want to watch the schedule as we proceed through that planning process. Okay. And the other question I had was, some of the concerns that Supervisor Kirshner identified appear to me to be pretty granular and could be incorporated in this

[02:52:42] plan if we approved it tonight. I don't know that, I'm trying to ascertain if we're gaining anything with the delay. I think Supervisor Kirshner is worried that they're close to fine-tuning and tweaking. I'm just questioning whether or not those tweaks can't be done if we approve the plan today and then tweak it within the construct of the plan especially if we've got a year of public public notice and and that's not a comment i'm actually asking staff how would you characterize that is there could you incorporate uh supervisor christian's concerns into the plan

[02:53:22] as you're proposing it now so not um being not sure if i'm if i am aware of all of the discussion that's gone on probably in the last week or so um but but i i feel confident that um you know if the board were to give us the direction to do that today, that we would be able to accommodate those into the process.

[02:53:42] But we will make either scenario work. Okay. I'm kind of the answer I expected. Thank you, Madam Chair. I think I've got a good idea. Thank you. Okay, thank you.

[02:53:57] Chair Randall? You guys do such a good job, like, walking that line. You really, really, really do. You really do. You know, for some reason, I just feel like I'm in a place so I want to get things done, get things done. I don't know why. It feels like we've just been having these discussions for so long that I want to get them done.

[02:54:16] If the two Western Loudoun County supervisors do not feel that they're going to have a whole lot of heartbreak for another two months and staff doesn't feel like it, I will support this motion. However, I said to Supervisor Kirsten walking in here, I support this motion now, but in September, we've got to go.

[02:54:36] I mean, like we can't send it anywhere else. We have to forward it on to the board. And so I'll support this kind of a one-time moment because I do want to get this done. So I feel like we've been talking about rural roads for the past eight years, and I like to see them.

[02:54:52] So on page four, these two roads are really interesting because when I think of a paved road, I think of asphalt, I think. So this is interesting because most people, when they hear the word paved, they don't think of what I'm looking at, you call it the tar and chip.

[02:55:09] That's not what they think of. they think of asphalt so this is a a different um and i one that does match the character of western loudoun county and rural loudoun county in any rural area much more than an asphalt road how often would that have to be repaved and and a road like this i'm just yeah what's the maintenance on the on the paved road i'm just i'm just curious do you know or you don't know

[02:55:36] So, so it depends on traffic and the type of traffic, you know, typically roads are paved, you know, the most durable surface is, is like white concrete, right? And then the asphalt, the dark, dark asphalt has to be repaved more frequently. And, and the, and the, and the cycle of that paving depends on how much heavy traffic is on it.

[02:55:58] So this gets repaved less often than asphalt? So in the case up there, from VDOT's perspective, it would be cheaper. The maintenance of that paved surface is cheaper than maintaining on an equivalent traffic road, the unpaved surface, because they have to go out there four times a year to maintain the unpaved surface.

[02:56:28] And so there's kind of a life cycle benefit cost that kind of could be weighed. That's interesting. Tell me why the price tag is so large. To pay? The \$400,000. Oh, it's a significant effort to establish a planning process with some level of public involvement.

[02:56:52] I don't know that it's a typical, and I don't think it's an unusual cost for a consultant to come in and manage a planning process like this. That sounds like a really large price tag. I thought, you know, in Loudoun, we have a lot of unpaved roads. You know, we have a lot of roads, and so I thought that might be. But that just seems like a really large price tag for that consultant.

[02:57:12] So just a thought. Thank you. Okay, thank you, Chair Randall. So the Virginia Transportation Research Council, do you think there's any way they could put Loudoun as a priority because we have so many rural roads so that we could get the results sooner?

[02:57:29] So I can talk about their effort a little bit from what my understanding is in talking with Director, Dr. Mike Fitch. You know, what they are trying to do in kind of just layman's terms is put together

a way of putting together different factors on road surfaces for Virginia to be able to say, if these are the conditions out here, this is the most cost-effective way to treat the road surface that is unpaved.

[02:58:00] So, you know, if you have this kind of traffic, this kind of truck traffic, these kind of environmental conditions, it's this wet, these sorts, this kind of local aggregate, here's the best way that you can maintain that road for cost-effective, you know, the cost-effective life cycle management.

[02:58:16] So they're going to put together some recommendations based on research. So they're doing kind of, you know, mathematical and engineering research and labs, but also in place in situ. We have already had preliminary conversations to say, hey, if you want to try out some of these things as part of this new research effort that they're having, we said, you know, let us know if you want some test sites for some of these unpaved road treatments, because we have a lot of them, and we have an interest in, you know, helping them figure out ways that don't require hard surface paving.

[02:58:50] So we've had some of those conversations. They're not at a point yet where they're looking for sites yet. Their effort is, from talking to Dr. Fitch, is going to be a couple of years, and they just kicked it off about six months ago. And we've now, I've had several conversations with him.

[02:59:05] He actually, at our invitation, came, brought a couple of key members of his research team down, and met with DTCI staff, and went through in detail. We just had a really good conversation, because my initial concern was really wanting to make sure that our efforts were complementary, as Ms. Glass mentioned, and that we were going to be able to use what he has, and he could use us as well.

[02:59:25] Okay, great. Just real quick, since I'm almost out of time. As far as the partner agencies, I would make sure we include the Rural Roads Committee, make sure that's part of it, because I think we talked about Loudoun County Public Schools and the Sheriff and Fire and Rescue, and they're going to be more like, let's pave it, because they have large vehicles.

[02:59:48] But I want to make sure that we have balance and that we're including the Rural Roads Committee. And then also, when you do the ballots to provide input, as far as the landowners, I would make sure that their address is on the road and not like a subdivision.

[03:00:05] And then I think we need to define what percentage of homeowners we need with that ballot to, you know, get the right amount of input. So I didn't see any of that. So I'd like to see a little more detail in this. And definitely, as Supervisor Kirshner said, put a focus on maintenance versus paving, which I know we talked about at the July 10th meeting.

[03:00:29] So thank you. So Supervisor Kirshner made the motion, and I seconded it. I think we're ready for a vote. Can I just do a closing report? Yes, you may. So I want to say thank you. Just a little bit more delay, and I think we're going to have it right where we want it with a little bit of a tweaking in this particular matter.

[03:00:52] I will state that our Rural Roads Committee is a very vital part. And so when I get a call from them that they have some concerns that we probably should address, maybe expand or narrow the scope in a certain place or change some wording here and there, I think it's very viable that we do that.

[03:01:08] These are people on the committee who live in Western Loudoun who have the ears of those folks who drive these roads and want to keep these roads. Maybe we could get those tweaks done, but I

would prefer to have, get those done now rather than, I think we could probably put this on consent once it goes to a business meeting. So if we deal with those in the TLUC committee meeting here.

[03:01:27] So that would be my thoughts, and I appreciate everyone's support for this. Okay, thank you. Again, Supervisor Kirshen made the motion. I second it. All those in favor? Aye. Aye. All those opposed? The motion passed, 4-0-1, with Supervisor Glass off the dais.

[03:01:49] So that is our last item. And with no other business, I call the July 17, 2024, Transportation and Land Use Committee. Acting Chair Teproni, you did a really good job tonight.

[03:02:04] Oh, thank you. You did a really good job tonight. You may not have a chair. Can I make an answer, Madam Chair? You did a really good half chair. You don't like half chair. You're acting chair, but you did a really good job. I'm half chair. Okay, half chair. If you want to be called half chair, that's fine with me. That's great. You did a really good job tonight, though.

[03:02:20] I move we replace Supervisor Turner. I'm going to move to Madam Chair. Madam Chair, I have one brief announcement, if I could. Yes, you may make your announcement, yes.

[03:02:40] Thank you. I'd like to point out to everybody in the room that Mr. Ernie Brown is going to be promoted to captain in the Coast Guard on 1 August. And that is a very, very big deal. Wow.

[03:02:56] Maybe that's why we couldn't get him. He was celebrating. And we couldn't get him on the line. Congratulations to Ernie Brown. That's amazing. All right.

[03:03:13] So now I can call the July 17, 2024 Transportation and Land Use Committee adjourned. Thank you.



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